

**CITY COUNCIL MEETING
MINUTES
FEBRUARY 19, 2019**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

The City Council Meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Murray called the Regular Meeting of the City Council to order at 6:00 p.m. and led the Pledge of Allegiance.

2. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

A. COUNCIL MEMBERS PRESENT

Peter Murray, Mayor
Roy Swearingen, Mayor Pro Tem - **ABSENT**
Vincent Salimi, Council Member
Anthony Tave, Council Member
Norma Martinez-Rubin, Council Member

B. STAFF PRESENT

Michelle Fitzner, City Manager
Hector De La Rosa, Assistant City Manager
Eric Casher, City Attorney
Neil Gang, Police Chief
Tamara Miller, Development Services Director/City Engineer
Winston Rhodes, Planning Manager

Deputy City Clerk De La Rosa announced the agenda was posted on February 14, 2019 at 4:00 p.m. All legally required notice was provided.

Deputy City Clerk De La Rosa announced that additional items pertaining to Item # 7A, 10A & 11(C)1 on the agenda were provided at the dais for the Council with copies at the rear of the Chamber for the public.

Following an inquiry to the Council, the Council reported there were no conflicts with any items on the agenda.

3. CONVENE TO A CLOSED SESSION

THERE ARE NO CLOSED SESSION ITEMS

4. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

5. CITIZENS TO BE HEARD (Public Comments)

At 6:03 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

Alan Villezar, Secretary of the Bay Front Chamber of Commerce invited the City Council to two ribbon cutting ceremonies.

Irma Ruport, resident of Pinole, asked that the Council and Police to caravan to the community on National Night Out, have a kick off picnic in July and reinstitute the Citizens Safety Advisory Committee (CSAC) and would like the 2006 CSAC's report back on the website.

Rafael Menis, resident of Pinole, requested a future agenda item for the Council to send a letter denoting its disapproval of the violation of powers to our representative at the Federal level for the President's declaration of a national emergency.

Deirdre Davis, resident of Pinole, supported AB 626 and requested the City opt into the new law.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

B. Presentations

C. Presentations

- a. Presentation of \$1,500 Donation to the Pinole Youth Center from the Richmond Elks Lodge

Melinda Robins, Secretary for Elks Lodge, presented a \$1,000 check to the Youth Program.

- b. FCC Order and Small Cell Tower Presentation by Legal Counsel Alex Mog

Legal Counsel Alex Mog presented a report addressing the Federal Communication Commission order restricting cities ability to regulate small cell facilities. Staff will come back with changes to the City's Ordinance to establish design guidelines.

Council asked questions to obtain clarification as to the City's abilities to regulate small cell facilities, which were responded to by Mr. Mog and City Attorney Casher.

At 7:03 pm, the Mayor asked if there were any speakers. The following speakers addressed the City Council:

David Ruport, Pinole Preservation Society, stated that the League of Cities has information on small cell facilities and mentioned that the legislation is being challenged in courts.

Rafael Menis, resident of Pinole, asked what limitations the City has and if the City is allowed to establish the maximum number of cells on poles?

Sal Spataro, resident of Pinole, inquired if the City has 4G in Pinole, are conditional use permits required, and if there are any safety studies on 4G vs. 5G.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meetings of January 28, 2019

- B. Receive the February 2, 2019 – February 15, 2019 List of Warrants in the Amount of \$499,245.83 and the February 8, 2019 Payroll in the Amount of \$391,217.59
- C. Receive the Second Quarter Investment Report [Action: Receive Report (A. Miller)]
- D. Adopt Resolution and Approve Task Order Contract Amendment / M Group [Action: Adopt Resolution Per Staff Recommendation (Rhodes)]
- E. Adopt Resolution Approving Surplus Equipment [Action: Adopt Resolution Per Staff Recommendation (T. Miller)]
- F. Approve the Housing Element Annual Report CY 2018 [Action: Receive & Accept Report (Rhodes)]
- G. Adopt Resolution, Approve Settlement Agreement with Henner Tank Lines and Bhavani Enterprises, Inc., and Authorize the City Manager to Execute the Agreement [Action: Adopt Resolution Per Staff Recommendation to Approve Settlement Agreement (Casher)]

Deputy City Clerk De La Rosa addressed corrections to the minutes of January 28, 2019.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, praised City staff on its investment and returns.

ACTION: Motion by Councilmembers Martinez-Rubin/Salimi to approve Consent Calendar Items 7A – 7G.

Vote:	Passed	4-0
	Ayes:	Murray, Tave, Martinez-Rubin, Salimi
	Noes:	None
	Abstain:	None
	Absent:	Swearingen

8. PUBLIC HEARING

NONE

9. OLD BUSINESS

NONE

10. NEW BUSINESS

- A. Discussion Regarding Installation of Benches on Galbreth Road [Action: Receive Report & Provide Direction (T. Miller)]

Development Services Director/City Engineer Tamara Miller presented the report stating there has been a request from a resident in the area for the benches on Galbreth Road that were removed to be replaced. She explained that replacement of the benches may result in liability issues as well elimination of the City's open space immunities.

Council asked question regarding ADA compliance, open space immunity, and liability issues.

At 7:49 pm the Mayor asked if there were any speakers. Deputy City Clerk stated that there is a speaker and that the City received two emails from citizens who asked that their comments be read into the record.

Hanks Harris, resident of Pinole, supported replacing the benches on Galbreth.

Patricia Harris, resident of Pinole, supported replacing the benches on Galbreth.

Rafael Menis, resident of Pinole, expressed that ADA requirements serve a useful purpose.

Following questions from the City Council, two Council members (Murray and Salimi) voted to replace the benches at Galbreth, while two Council members (Martinez-Rubin and Tave) voted to not replace the benches. Further discussion followed and the options of: 1) returning the item for consideration when all five (5) Council members were present; or 2) leaving status quo, which means the benches remain removed were discussed.

ACTION: Consensus by the majority of the Council was that this item not be returned for further consideration, which leaves the matter as status quo (no benches).

- B. Receive 2018-19 Second Quarter Financial Report And Adopt Resolution Approving Budget Adjustments [**Action: Receive Report & Adopt Resolution Per Staff Recommendation (A. Miller)**]

Finance Director Andrea Miller presented the report seeking direction from the Council to receive the report and approve the Budget Amendments.

ACTION: Motion by Councilmembers Tave/Salimi to accept the Report and approve the Budget Amendments.

Vote:	Passed	4-0
	Ayes:	Murray, Tave, Martinez-Rubin, Salimi
	Noes:	None
	Abstain:	None
	Absent:	Swearingen

- C. Consider a Letter of Support for H.R. 530, the Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019, and Requesting a Legislative Co-Sponsor [**Action: Review Letter and Authorize the Mayor to Sign (Fitzer)**]

City Manager Fitzer presented the report stating that the League of Cities is requesting the City send Congressman Thompson a letter to support H.R. 530 repealing the Federal Communication Commission's legislation on small cell facilities.

Mayor Murray asked if we can get a response from Congressman Thompson's Office as to his position to H.R. 530.

The following speaker addressed the City Council:

David Rupert, resident of Pinole, concurred with sending a letter to Congressman Thompson.

ACTION: Consensus by the City Council authorizing the Mayor to sign the Letter supporting H.R. 530.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor announced that he attended the Mayors Conference and Shannon School's Science Fair.

- B. Mayoral & Council Appointments

NONE

- C. City Council Committee Reports & Communications

Councilmember Martinez-Rubin stated that the WestCat meeting was cancelled.

Councilmember Tave attended the Rotary Crab Feed where they honored Pinole and Hercules Police Officers and Firefighters of the Year. Stated on Wednesday February 27th there is an event at the Elks Lodge for Officers of the Year.

- 1. Discuss and Provide Direction on WCCUSD Resolution re: Request for State Moratorium on Charter Schools

Councilmember Tave provided a report on a discussion by the West Contra Costa Unified School District (WCCUSD) on Charter Schools, the WCCUSD Board proposed moratorium to slow down or stop Charter Schools, and asked whether the Council would like to take a position on the moratorium or become a conduit of information to the Community on this topic.

Councilmembers inquired as to the proposed Council action on the competing Resolutions.

The Mayor asked if there were any speakers. The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, spoke to the differences in the original Resolution presented by two School Board members, and the revised Resolution proposed by two different School Board members and Superintendent Duffy. Mr. Menis stated that he supports the original resolution.

Carlos Taboada, Defend Public Education Now, stated that both Resolutions have resulted in raising awareness to the issue of Charter Schools and both provide for an analysis of schools.

Arto Rinteela, Fairmede Hilltop Neighborhood Council, asked the Council to evaluate the Richmond New School Moratorium which speaks to Charter Schools and how they are built. Allowed the City of Richmond to change zoning to disallow School construction in Industrial sites.

John Irminger, Teacher at Pinole Middle School, stated that certain School Board members are the recipients of Charter School campaign funding.

Tammy Campbell, resident of Pinole, expressed her support for a moratorium of Charter Schools stating they are taking away Average Daily Attendance funds from Public Schools.

Mayor Murray and Councilmembers expressed concern that the City does not have sufficient background information on Charter Schools to support either Resolution by WCCUSD.

ACTION: Consensus by the City Council to schedule a Special City Council workshop for a Presentation by WCCUSD on: 1) The status of Charter Schools in the District; and 2) What is happening at Juan Crespi and Pinole Middle Schools in terms of the closure discussions. In addition, Council member Tave was selected to represent the City at the February 27th WCCUSD Board meeting and indicate that the City Council Supports a Moratorium on Charter Schools at this time.

D. Council Requests For Future Agenda Items

Councilmember Salimi requested an agenda item to discuss reinstating the July 4th Fireworks in Pinole. Councilmembers supported the request to also include outside financing resources and impacts to staff.

Councilmember Martinez-Rubin thanked Scout Troop 81 for putting flags along San Pablo Avenue for Presidents Day.

E. City Manager Report / Department Staff

NONE

F. City Attorney Report

NONE

12. ADJOURNMENT to the Council Meeting of March 5, 2019 and in Remembrance of the Amber Swartz.

At 9:53 p.m., Mayor Murray adjourned to the City Council meeting of February 19, 2019 in Remembrance of Amber Swartz.

Submitted by:


Hector De La Rosa, Deputy City Clerk

Approved by City Council: March 5, 2019

