

**CITY COUNCIL MEETING
MINUTES
MARCH 5, 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 6:08 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
Vincent Salimi, Council Member
Anthony Tave, Council Member
Norma Martinez-Rubin, Council Member

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Eric Casher, City Attorney
Neil Gang, Police Chief
Winston Rhodes, Planning Manager

Deputy City Clerk De La Rosa announced the agenda was posted on February 28, 2019 at 4:00 p.m. All legally required notice was provided.

Deputy City Clerk De La Rosa announced that additional items pertaining to Items # 7A & 8A 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 6:11 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

Irma Ruport, resident of Pinole, asked that the Council reinstitute responses to citizens' questions and email at the Council meeting.

Gwendolyn McShepard, member of Pinole Artisans, asked who they would speak to regarding submittal of a proposal for a future festival they plan to host.

Linda Thomas, former President of the Pinole Artisans, informed the public that they have a gallery and invited the public to visit.

Devin Murphy, resident of Pinole, introduced himself and mentioned he has applied to be on Planning Commission.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

- a. Arbor Day – March 7, 2019 – Acceptance by Joann Ganotti, Pinole Garden Club

The Mayor read and presented a Proclamation to Joann Ganotti, member of the Pinole Garden Club.

- b. American Red Cross Month

The Mayor read and presented a Proclamation to Patty Nichols, Red Cross External Relations Lead in Contra Costa.

B. Presentations / Recognitions

- a. Public Works Department Update by Development Services Director Tamara Miller

Mayor Murray noticed that Mrs. Miller was absent and that this item will be continued to a future meeting.

At 6:35 pm, the Mayor announced that the County was seeking volunteers to serve on the Grand Jury. Also, the City is hosting a Transportation Town Hall Meeting on Thursday March 28th from 6 pm - 8 pm.

At 6:38 pm, the Mayor reopened the Citizens to Be Heard section of the agenda and allowed the following citizen to speak.

Tammera Campbell, resident of Pinole, provided the Council with an update on the School District's action on Charter Schools and spoke to a future Town Hall meeting on Charter Schools.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meeting of February 5, February 9, & February 19, 2019
- B. Receive the February 16, 2019 – March 1, 2019 List of Warrants in the Amount of \$471,588.99 and the February 22, 2019 Payroll in the Amount of \$369,503.44

- C. Placement of Liens for Delinquent Unpaid Waste Collection Charges Falling Delinquent between October 2018 and January 2019, Considered at an Administrative Hearing on February 7, 2019 [Action: Adopt Resolution per Staff Recommendation (Athenour)]

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

Vote: Passed 5-0
Ayes: Murray, Swearingen, Tave, Martinez-Rubin, Salimi
Noes: None
Abstain: None
Absent: None

- D. Authorize The City Manager to Execute a Contract with Avery & Associates I the Amount of \$22,900 For Professional Recruitment Services For The Planning Manager Position and Authorize the Finance Director to Amend the FY 18/19 Planning and Building Fund Budget [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

The following speaker addressed the City Council:

Irma Ruport, resident of Pinole, thanked Winston Rhodes and expressed concerns about using consultants and suggested hiring a part-time Human Resources person for this recruitment. Inquired about cost for consultant and prior year's costs.

Council and City Manager responded to purpose for use of consultant, their experience, professional contacts and times when consultants are used.

ACTION: Motion by Councilmembers Martinez-Rubin/Swearingen to approve Consent Calendar Items 7D.

Vote: Passed 5-0
Ayes: Murray, Swearingen, Tave, Martinez-Rubin, Salimi
Noes: None
Abstain: None
Absent: None

8. PUBLIC HEARING

- A. Conduct a Public Hearing, Consider A Resolution Authorizing the Execution of the Sub-Regional Transportation Mitigation Fee Program Master Cooperative Agreement and First Reading of An Ordinance Rescinding Pinole Municipal Code (PMC) Chapter 16.30 and Adding Chapter 3.22 To Update the West Contra Costa County Sub-Regional Transportation Mitigation Program (STMP) [Action: Conduct Public Hearing & Introduce Ordinance on First Reading and Adopt Resolution (T. Miller)]

Planning Manager Winston Rhodes introduced John Nemeth, Executive Director of West Contra Costa Transportation Advisory Committee, Julie Morgan and Francisco Martin from Fehr and Peers who provided an overview of the Sub-Regional Transportation Mitigation Program (STMP) and Nexus study.

Following question from the City Council on the proposed regional fees, how the fees were determined, the projects to be funded from the fees and prioritization of the projects to be funded, the Mayor opened the Public Hearing at 8:07 pm.

The following speakers addressed the City Council:

Kent Moriarty, resident of Pinole, supports the STMP fees stating the funds would benefit the City.

Jack Meehan, resident of Pinole, explained that the STMP fees are one-time charges and applies to people who do not live in Pinole.

The Mayor closed the Public Hearing at 8:30 pm.

ACTION: Motion by Councilmembers Swearingen/Salimi to approve the Execution of the Sub-Regional Transportation Mitigation Fee Program Master Cooperative Agreement and Introduce An Ordinance To Update the West Contra Costa County Sub-Regional Transportation Mitigation Program.

Vote:	Passed	5-0
	Ayes:	Murray, Swearingen, Tave, Martinez-Rubin, Salimi
	Noes:	None
	Abstain:	None
	Absent:	None

- B. Conduct a Public Hearing and Introduce on First Reading An Ordinance Amending Chapters 3.34.010 Through 3.34.040 Of The Pinole Municipal Code To Revise the Uniform Construction Cost Accounting Act Procedures [**Action: Conduct Public Hearing & Introduce on First Reading (T. Miller)**]

City Manager Fitzer presented the item stating that the amendments are necessary to be consistent with state law which recently increased the threshold limits necessary for informal and formal bidding.

At 9:01 pm the Mayor opened the Public Hearing. With no citizens interested in speaking, the Mayor closed the Public Hearing at 9:02 pm.

ACTION: Motion by Councilmembers Tave/Swearingen to approve Amending Chapters 3.34.010 through 3.34.040 of the Pinole Municipal Code to Revise the Uniform Construction Cost Accounting Act Procedures.

Vote:	Passed	5-0
	Ayes:	Murray, Swearingen, Tave, Martinez-Rubin, Salimi
	Noes:	None
	Abstain:	None
	Absent:	None

9. OLD BUSINESS

NONE

10. NEW BUSINESS

- A. Appoint Heather Iopu as the Pinole City Clerk, effective March 18, 2019 and Authorize the Mayor To Execute an Employment Agreement [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

Assistant City Manager presented the report, introducing Heather Iopu as the new City Clerk and providing two minor corrections to her employment agreement.

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve an Employment Agreement for the City Clerk.

Vote: Passed 5-0
Ayes: Murray, Swearingen, Tave, Martinez-Rubin, Salimi
Noes: None
Abstain: None
Absent: None

- B Discussion and Direction Regarding the West Contra Costa Integrated Waste Management Authority Joint Exercise of Powers Agreement Update [Action: Receive Report & Provide Direction (Fitzer)]

City Manager Fitzer presented the report on activities of the West Contra Costa Integrated Waste Management Authority Joint Exercise of Powers Agreement (JEPA), recent issues regarding member withdrawing from the Authority, recent discussion on amendments to the Joint Powers Agreement, and sought direction from the Council on how to proceed.

Mayor Murray also provided some history on the purpose of forming the Joint Powers Authority and the recent issues regarding the JEPA.

ACTION: Consensus by the City Council authorizing the City Manger to maintain position as outlined in the January 15, 2019 letter to Stan Hakes and/or authorizing negotiated concessions on member withdrawal Fund disbursement if Richmond agrees to only having one vote and establish deadline for negotiations.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor announced that he attended the West County Mayors Meeting with the topics being the closure of Alta Bates and the Annual School District report.

B. Mayoral & Council Appointments

1. Appointment to Adhoc Committee to Select A Strategic Plan Consultant

Mayor Murray discussed the appointment and volunteered to be on the Committee along with Councilmember Tave. All of the Council agreed with these appointments.

C. City Council Committee Reports & Communications

Councilmember Salimi thanked Winston Rhodes for his service to the City of Pinole.

Councilmember Martinez-Rubin thanked Winston Rhodes for his service. She stated that she attended the Municipal Code subcommittee on small cells, will be attending a meeting on autonomous vehicles, is registered to attend the League's Legislative Action Day, met with the Leagues of California Cities East Bay Division representative Samantha Caygill, and informed/invited citizens to visit her during her office hours.

Mayor Pro Tem Swearingen attended the Fowler House Reuse Subcommittee meeting where discussions revolved around use as a parking lot or Bocce Courts.

Councilmember Tave attended the School Board meeting and expressed the Council's support for a moratorium on Charter Schools, attended a workshop on proposed Housing Legislations, and mentioned an upcoming School District Town meeting.

Mayor Murray mentioned that all of the Council attended the Elks Lodge event honoring the West Contra Costa Police Officers of the Year.

D. Council Requests For Future Agenda Items

Councilmember Tave requested a discussion on Beautification Projects and partners with the community, inquired if the City has a tree maintenance program and if not would like to discuss initiating one, and would like to see and discuss the Pavement Management Plan.

Councilmember Martinez-Rubin expressed interest in having a discussion on CASA with a follow up letter to the League with our concerns.

E. City Manager Report / Department Staff

City Manager Fitzner stated she emailed Superintendent Duffy with questions raised by the Council and is still waiting for a confirmation to speak before the Council.

F. City Attorney Report

City Attorney Casher mentioned that the Municipal Code subcommittee met to discuss small cell guidelines.

12. ADJOURNMENT to the Council Meeting of March 19, 2019 and in Remembrance of the Amber Swartz.

At 10:55 p.m., Mayor Murray adjourned to the City Council meeting of March 19, 2019 in Remembrance of Amber Swartz.

Submitted by:



Hector De La Rosa, Deputy City Clerk

Approved by City Council: April 2, 2019

