

**CITY COUNCIL MEETING
MINUTES
MARCH 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 6:02 p.m. and led the Pledge of Allegiance.

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

A. COUNCILMEMBERS PRESENT

Peter Murray, Mayor
Roy Swearingen, Mayor Pro Tem
Norma Martinez-Rubin, Councilmember
Vincent Salimi, Councilmember
Anthony Tave, Councilmember

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Heather Iopu, City Clerk
Eric Casher, City Attorney
Alex Mog, Assistant City Attorney
Winston Rhodes, Planning Manager
Tamara Miller, Development Services Director/City Engineer
Neil Gang, Police Chief

City Clerk Iopu announced the agenda was posted on March 14, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional items pertaining to Item #7G on the agenda were provided at the dais for the Council and copies were placed 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

- A. CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATION**
G.C. Section 54956.8
Address: 2279 Park Avenue, Pinole CA 94564
Negotiator: City Manager, Michelle Fitzer and Assistant City Manager, Hector De La Rosa
Negotiating Parties: Marc Grisham
Under Negotiation: Price & Terms

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

No reportable action.

5. CITIZENS TO BE HEARD (Public Comments)

At 7:00 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, spoke on U.S. House Joint Resolution 46 related to a national emergency declared by the President and requested the City Council consider passing a letter in support of veto override.

Sal Spataro, resident of Pinole, spoke regarding the outcome of a recent Code Enforcement case.

Tammy Campbell, resident of Pinole, spoke regarding budget and advertising strategy to improve participation in the process. Asked whether Pinole TV has an equipment, procurement and management plan and expressed its importance to transparency in local government. Spoke regarding school district budget deficit. Spoke regarding issues with new City website.

Carlos Toboada, resident of Pinole, spoke regarding charter schools. Expressed concern regarding charter schools sharing facilities with public schools and made comment about the possibility of closing or merging public schools.

David Ruport, resident of Pinole, commented that the website needs improvement, and expressed concern regarding the length of the Consent Calendar and large volume of agenda materials to review.

Arto Rinteela, member of Fairmede Hilltop neighborhood council, spoke regarding experience in Richmond where a zoning ordinance was adopted prohibiting charter schools in industrial and commercial areas.

John Irminger, spoke regarding the benefit of having school budgets posted online and expressed concern regarding budget accountability of VOICES charter schools in California.

Ivette Ricco, resident of Pinole, spoke against hate and racism and in support of working for a better Pinole and world. Expressed importance of accountability, transparency and participation in government.

Jeff Rubin, President of Pinole Historical Society and History Museum, reported that following a recent meeting to discuss technical details of display installations, the History Museum is waiting to receive an architect's report that should provide more information regarding cost of rehabilitation of the Faria House. Outlined upcoming events for both organizations.

Irma Ruport, resident of Pinole, read the Ralph M. Brown Act language on the cover sheet of the agenda to provide a reminder to the Council.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

a. Assistant City Attorney Stephanie Downs

Mayor Murray read and presented a Proclamation in honor of Stephanie Downs, Assistant City Attorney for her dedication and commitment to the Pinole Community.

B. Presentations / Recognitions

1. Recognition – Planning Manager Winston Rhodes

Mayor Murray read into the record a Certificate of Recognition Honoring Planning Manager Winston Rhodes for his dedication and commitment to the Pinole Community.

2. Recognition – Public Works Manager Rich Ariza

Mayor Murray read into the record a Certificate of Recognition honoring Public Works Manager Rich Ariza for his dedication and commitment to the Pinole Community, and in his retirement from the City of Pinole.

3. Administer Oath of Office to City Clerk Heather Iopu

Assistant City Manager De La Rosa administered the Oath of Office to City Clerk, Heather Iopu.

4. Administer Oath of Office to Assistant City Attorney Alex Mog

City Clerk Heather Iopu administered the Oath of Office to Assistant City Attorney Alex Mog.

5. Friends of Pinole Creek Watershed Update by Ann Moriarty

Ann Moriarty and Lisa Lackey, members of the Friends of the Pinole Creek Watershed presented on two new tools on the project website.

6. Water Pollution Control Plant Project Status Update by Mike Warriner

Mike Warriner gave an update on the Water Pollution Control Plant Project.

The following speaker addressed the City Council regarding agenda Item 6B6:

Ivette Ricco, resident of Pinole, asked questions regarding the report.

Mike Warriner responded to questions.

7. CONSENT CALENDAR

- B. Receive the March 2, 2019 – March 15, 2019 List of Warrants in the Amount of \$539,232.68 and the March 8, 2019 Payroll in the Amount of \$401,282.86

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to approve Consent Calendar Item 7B.

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

Agenda Item A was pulled by Councilmember Salimi for further discussion.

- A. Approve the Minutes of the Meeting of March 5, 2019 [Item Continued to Meeting of April 2, 2019]**

The following speaker addressed the City Council:

Tammy Campbell, resident of Pinole expressed concern regarding not being able to find minutes on the City website.

Councilmembers made comment and staff addressed questions.

ACTION: Motion by Councilmembers Tave/Salimi to approve Consent Calendar Item 7A.

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

Agenda Item C was pulled by Councilmember Salimi for further discussion.

- C. Second Reading and Adoption of Ordinance for 2019 West Contra Costa County Sub-Regional Transportation Mitigation Program (STMP) Fee Update [Action: Adopt Ordinance on 2nd Reading (T. Miller)]**

The following speakers addressed the City Council:

Tammy Campbell, resident of Pinole, expressed concerns regarding the fees being too high.

Irma Ruport, resident of Pinole, asked questions regarding the staff report and requested more information be provided to the public in advance of this type of agenda item.

Staff addressed public questions. Council gave comment and asked questions. Staff addressed Council questions. Council discussed concerns and approach.

ACTION: Motion by Council Members Salimi/Swearingen to direct our West Contra Costa Transportation Advisory (WCCTAC) representative, Council Member Swearingen to propose changes to the STMP fee structure at the next meeting of the Board.

Vote: Passed 4-1

Ayes: Murray, Swearingen, Tave, Salimi
Noes: Martinez-Rubin
Abstain: None
Absent: None

City Attorney Casher and City Manager Fitzer provided comment regarding the process for future discussion and approval of the item.

ACTION: Motion by Council Members Tave/Salimi to continue Consent Item 7C to a date uncertain.

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

Irma Ruport, resident of Pinole, asked why the second reading of the ordinance was placed on the Consent Calendar. City Attorney Casher and City Manager Fitzer responded.

Agenda Item D was pulled by Councilmember Salimi for further discussion.

- D. Conduct Second Reading of 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: Adopt Ordinance on 2nd Reading (T. Miller)]**

Councilmembers asked questions. Staff responded to questions.

ACTION: Motion by Councilmembers Tave/Salimi to approve Consent Calendar Item 7D.

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

Agenda Item E was pulled by Councilmember Salimi for further discussion.

- E. Approve the Submittal of the Growth Management Program Compliance Checklist For CYs 2016 & 2017 To the Contra Costa Transportation Authority (CCTA) To Receive Approximately \$759,000 In Measure J Return-To-Source Gas Tax Dollars For the FY 2017-18 & 2018-19 **[Action: Adopt Resolution Per Staff Recommendation (Rhodes)]**

Planning Manager Rhodes gave a brief report. Councilmembers asked questions. Staff responded to questions.

ACTION: Motion by Councilmembers Tave/Salimi to approve Consent Calendar Item 7E.

Vote: Passed 5-0

Ayes: Murray, Swearingen, Tave, Martinez-Rubin, Salimi
Noes: None
Abstain: None
Absent: None

Agenda Item F was pulled by Councilmember Salimi for further discussion.

- F. Receive and File the Housing Successor agency Annual Report For FY 2017-18
[Action: Receive & File Per Staff Recommendation (De La Rosa)]

The following speakers addressed the City Council:

Ivette Ricco, resident of Pinole, asked questions regarding the loans referenced in the staff report and whether or not Pinole has a plan or program in place for the funds specified for Homeless Prevention and Rapid Re-housing Solutions.

Tammy Campbell, resident of Pinole, expressed having the same questions as presented by Ivette Ricco.

Rafael Menis, resident of Pinole, encouraged the City to use funds specified for homeless services.

Staff responded to public comment and questions. Councilmembers asked questions. Staff responded to Council questions.

ACTION: Motion by Councilmembers Tave/Salimi to approve Consent Calendar Item 7F.

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

Agenda Item G was pulled by Councilmember Salimi for further discussion.

- G. Approve A Professional Services Agreement With Emergency Services Consulting International (ESCI) in an Amount Not to Exceed \$60,000 to Perform a Fire Service Delivery Study **[Action: Adopt Resolution Per Staff Recommendation (Fitzer)]**

The following speakers addressed the City Council:

Irma Rupert, resident of Pinole, expressed concern that this item was listed on the Consent Calendar, that the company is based in Oregon. Asked about the methods of the City to advertise the Request for Proposal (RFP) and expressed concern regarding receiving only one bid.

Rafael Menis, resident of Pinole, expressed concern that the item was listed on the Consent Calendar and made comment about the text of the agreement not being specific to Pinole.

Ivette Ricco, resident of Pinole, expressed concern that this item was listed on the Consent Calendar, and requested that an option that includes Station 74 in the cost analyses portion of the study. Encouraged an open process that includes public participation.

Vince Wells, President of IAFF Local 1230, spoke in support of ESCI, calling it a reputable company.

City Manager Fitzer addressed public comment and questions.

ACTION: Motion by Councilmembers Tave/Salimi to approve Consent Calendar Item 7G.

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

Agenda Item H was pulled by Councilmember Salimi for further discussion.

- H. Storm Water Utility Assessments for Drainage Maintenance and the National Pollutant Discharge Elimination System (NPDES) Program **[Adopt Resolution Per Staff Recommendation (T. Miller)]**

Question from Council. Staff responded.

ACTION: Motion by Councilmembers Tave/Salimi to approve Consent Calendar Item 7H.

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

Agenda Item I was pulled by Councilmember Salimi for further discussion.

- I. Award a Professional Service Agreement to Michael Baker International in an Amount Not to Exceed \$9,500 to Conduct a Nexus Study Update of Fire Inspection and Permit Fees **[Action: Adopt Resolution Per Staff Recommendation (Kouns)]**

The following speakers addressed the City Council:

Ivette Ricco, resident of Pinole, asked when the last fee study was conducted and at what cost. Requested that public be provided a detailed audit of Measure S funds.

Assistant Manager De La Rosa responded to question and provided comment.

ACTION: Motion by Councilmembers Tave/Salimi to approve Consent Calendar Item 7I.

Vote: Passed 5-0
Ayes: Murray, Swearingen, Tave, Martinez-Rubin, Salimi

Noes: None
Abstain: None
Absent: None

Agenda Item J was pulled by Councilmember Salimi for further discussion.

- J. Approve a Professional Services Agreement with Hydrosience Engineers, Inc. and Issue a Task Order In An Amount Not To Exceed \$115,300 For Improving and Modernizing the Hazel Street and San Pablo Avenue Sewer Pump Station **[Adopt Resolution Per Staff Recommendation (T. Miller)]**

Councilmembers asked questions. Staff responded.

The following speaker addressed the City Council:

Ivette Ricco, resident of Pinole, commented that the agreement was not included in the agenda packet materials. Asked that any future reference to an agreement in a staff report is included for public inspection.

Staff responded to public comment.

ACTION: Motion by Councilmembers Salimi/Tave to approve Consent Calendar Items 7J, under the condition that the consultant will provide rates, audited as per federal regulations.

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

8. PUBLIC HEARING

None.

9. OLD BUSINESS

NONE

10. NEW BUSINESS

- A. Consider a Letter of Support for SB 5, the Local-State Sustainable Investment Incentive Program **[Action: Discuss & Approve Authorization of Signature by Minute Order (Fitzer)]**

City Manager Fitzer presented a brief report and overview of the item.

Councilmember Swearingen provided comment.

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve New Business Items 10A.

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

B. Pavement Management Program Update [Action: Approve Per Staff Recommendation (T. Miller)]

Tamara Miller, Development Services Director/City Engineer presented a report and overview of the item.

Councilmembers asked questions and provided comment. Staff responded.

City Manager Fitzer provided comment and clarified the direction to staff with Council.

ACTION: Motion by Councilmembers Salimi/Tave to continue the meeting to the end of the agenda.

Vote: Passed 3-2
Ayes: Murray, Tave, Salimi
Noes: Swearingen, Martinez-Rubin
Abstain: None
Absent: None

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, highlighted certain parts of the staff report for this item.

Tammy Campbell, resident of Pinole, suggested ways to communicate details of the report to the public.

Ivette Ricco, resident of Pinole, expressed concern at the late hour in the evening that the item was being heard by Council and suggested a future workshop be held for the public to participate in discussion.

City Manager Fitzer provided comment and clarified the direction from Council to staff.

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to approve New Business Items 10A.

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

Council continued discussion of and directed staff to schedule a future public meeting on the Pavement Management Program, if needed, after the April 2nd meeting of the Council.

- C. Discussion Regarding The Potential For Fireworks On July 4th 2019 [**Action: Discuss & Provide Direction (Fitzer)**]

ACTION: Motion by Councilmembers Salimi/Tave to continue item to the next regular meeting of the Council.

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

- D. Charter City Discussion [**Action: Discuss & Provide Direction (Casher/Mog)**]

City Attorney Casher presented an introduction to the agenda item and presentation. Assistant City Attorney, Alex Mog gave a presentation regarding charter cities and the process in becoming one.

Councilmembers asked questions and made comment. Staff responded.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, encouraged Council to bring back the item to a future meeting date for discussion, and made suggestions on what to consider including in the potential charter.

Tammy Campbell, spoke in support of considering becoming a charter city and encouraged more dialogue regarding the process.

Ivette Ricco, spoke in support of further discussion regarding becoming a charter city and encouraged an open process that includes public participation.

Staff and Council addressed public comment. Council directed staff to bring item back to a future meeting for further discussion.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

None.

- B. Mayoral & Council Appointments

None.

- C. City Council Committee Reports & Communications

No reports.

D. Council Requests For Future Agenda Items

Mayor Pro-Tem Swearingen proposed adding an item to a future agenda item. City Manager Fitzer to review and clarify the request with him.

E. City Manager Report / Department Staff

No report.

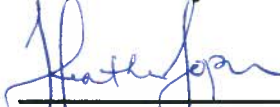
F. City Attorney Report

No report.

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

At 12:03 a.m., Mayor Murray adjourned to the City Council meeting of March 19, 2019 in Remembrance of Amber Swartz.

Submitted by:



Heather Lopp, CMC

Approved by City Council: April 2, 2019

