

**CITY COUNCIL MEETING
MINUTES
APRIL 2, 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 5:30 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

Hector De La Rosa, Assistant City Manager
Heather Iopu, City Clerk
Eric Casher, City Attorney
Alex Mog, Assistant City Attorney
Tamara Miller, Development Services Director/City Engineer
Daniel Hortert, Planning Manger
Gene Alameda, Police Lieutenant

City Clerk Iopu announced the agenda was posted on March 28, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional items pertaining to Agenda Items 8A, 9A and 10A 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 LABOR NEGOTIATORS

Pursuant to Gov. Code § 54957.6
Hector De La Rosa, Asst. City Manager & Bruce Heid and Greg Ramirez, IEDA
Employee Organizations: All Groups

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8

Properties: Bank 401-162-003; Corner Lot 401-162-001; Pinole Shores 402-230-015, 016, 017, 018, 020, 022; Gateway (Henry) 401-211-033; Blackies 401-142-010; Collins House 401-142-011

Negotiator: City Manager, Michelle Fitzer and Assistant City Manager, Hector De La Rosa

Under Negotiation: General Terms

The following members of the public addressed the City Council:

Jack Meehan, resident of Pinole, made comment regarding the properties listed for Closed Session Item 3B and asked for clarification from staff.

Staff responded.

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

Mayor Murray reported action on Closed Session Item B. Staff was directed to retain a commercial broker for the disposition of the parcels listed.

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:

Jack Meehan, resident of Pinole, expressed gratitude to the Fire service for saving his life twenty years ago.

Bob Kopp, resident of Pinole, announced car show on June 23rd at Fernandez Park. Stated that they are looking for sponsors for the event. Stated that he supports internal promotion of maintenance staff into supervisory vacancies.

Rafael Menis, resident of Pinole, expressed gratitude to City staff for repairing a pothole.

Sherry McCoy, Director of Constituent Services for CA Senator Nancy Skinner, introduced herself and provided a summary of services provided by her office.

Tammy Campbell, resident of Pinole, expressed gratitude to firefighters of Pinole, asked whether or not the Pinole School Board had reached out to the City; spoke regarding school district budget deficit, and Voices Charter School. Spoke regarding the TV station and its importance to the community.

Irma Ruport, resident of Pinole, asked for the upcoming budget and Finance Sub-committee meeting schedule. Spoke regarding the importance of a forensic audit of City finances and asked staff for details regarding past audits.

Council and staff responded to questions.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

B. Presentations / Recognitions

a. Introduction of Daniel Hortert, new Planning Manager

Daniel Hortert introduced himself to the Council and public.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meetings of March 5 and 19, 2019
- B. Receive the March 16, 2019 – March 29, 2019 List of Warrants in the Amount of \$219,555.68 and the March 22, 2019 Payroll in the Amount of \$382,932.78
- E. Resolution Approving Lease Agreement for Room at 800 Tennent Avenue [Action: Adopt Resolution Approving Lease Per Staff Recommendation (Casher)]
- F. Adopt a Resolution Approving a One Hundred and Twenty (120) Day Exclusive Negotiating Agreement with General Realty CE, LLC for the Purchase of Properties Located At 830-850 San Pablo Avenue and a Reimbursement Agreement for Reimbursement to the City for Negotiation of the ENA and Other Development Documents [Action: Adopt Resolution Per Staff Recommendation (De La Rosa)]

ACTION: Motion by Councilmembers Swearingen/Salimi to approve Consent Calendar Items 7A, 7B, 7E & 7F.

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

Councilmember Martinez-Rubin pulled items 7C & 7D for further discussion.

- C. Authorizing One Time Expenditures From Asset Forfeiture Funds In An Amount Not To Exceed \$25,000 For Public Safety Employee Wellness App [Adopt Resolution Per Staff Recommendation (Gang)]

Staff presented an overview of the item and outlined the action. Council made comments and asked questions of staff. Staff responded to questions.

ACTION: Motion by Councilmembers Swearingen/Salimi to approve Consent Calendar Item 7C

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

- D. Approve a Facility Use Agreement and an Operations Agreement with the Pinole Seals for Two Years to Use And Operate the Pinole Swim Center for the 2019 and 2020 Seasons and Authorize the City Manager to Execute the Agreements with the Seals **[Action: Adopt Resolution Per Staff Recommendation (De La Rosa)]**

Councilmember Martinez-Rubin asked questions of Pinole Seal representative, Phil Malgren answered questions. Assistant City Manager De La Rosa commented.

Discussion by Council regarding the budget and agreement.

The following speakers addressed the City Council:

Maureen Toms, resident of Pinole and Pinole Seal parent, acknowledged the work of the Pinole Seals and expressed interest in having the pool open year-round in the future.

Rafael Menis, resident of Pinole, asked questions regarding the details of the staff report.

Staff responded to questions.

Tammy Campbell, resident of Pinole, spoke in support of the Pinole Seals.

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

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

8. PUBLIC HEARING

- A. Introduction and First Reading of the Small Cell Wireless Design Guidelines **[Action: Conduct Public Hearing & Introduce on First Reading (Casher)]**

Assistant City Attorney Mog presented report and outlined the action.

Councilmembers asked questions. Staff responded.

At 10:09 pm, Mayor Murray opened the Public Hearing.

The following speakers addressed the City Council:

David Rupert, resident of Pinole, recognized City staff for making a great presentation. Stated that 5G is new technology and commented on unknown factors that will affect the City and processes.

Jack Meehan, resident of Pinole, spoke regarding the details of the staff report. Made comments regarding pole type, metering and electricity usage.

At 10:14 pm, Mayor Murray closed the Public Hearing.

Councilmembers asked questions and made comments.

9. OLD BUSINESS

- A. Discussion of West Contra Costa County Subregional Transportation Mitigation Program (STMP) Fee Update and Possible Adoption of Ordinance [Action: Adopt Ordinance (Mog)]

Tamara Miller introduced the item and outlined the recommended action. West Contra Costa Transportation Advisory Committee (WCCTAC) representative, John Nemeth, Francisco Martin of Fehr and Peers, and Bob Spencer of Urban Economics presented report.

Councilmembers asked questions and made comments. Discussion regarding the proposed fee structure.

Staff and representatives addressed questions.

The following speakers addressed the City Council:

Irma Rupert, resident of Pinole, asked questions of the WCCTAC representatives.

Questions addressed by WCCTAC representatives and City staff.

Rafael Menis, resident of Pinole, spoke in support of approval of the item and highlighted the benefits to Pinole from the STMP program.

Maureen Toms: resident of Pinole, expressed concern regarding possible effect on projects if Council does not approve the proposed rate. Asked regarding timeline of approval and implementation of new fee structure.

Question addressed by Leah Greenblat, WCCTAC project manager.

Council asked questions and made comments. Staff addressed questions.

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve Old Business Item 9A.

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

10. NEW BUSINESS

- A. Adopt a Resolution to Adopt a List of Projects for Fiscal Year 2019/20 Funded by SB 1: The Road Repair and Accountability Act of 2017 [Adopt Resolution Per Staff Recommendation (T. Miller)]

Tamara Miller, Development Services Director/City Engineer, presented report.

ACTION: Motion by Councilmembers Tave/Swearingen to approve New Business Item 10A.

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

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 1. Announcements

Mayor Murray reported on recent events and meetings he attended: West Contra Costa Mayors meeting and the AD15 Transportation Town Hall both held on March 28, 2019. Also attended benefit Cabaret put on by the Pinole Senior Center

- B. Mayoral & Council Appointments

None.

- C. City Council Committee Reports & Communications

Mayor Pro Tem Swearingen gave update regarding details of WCCTAC project affecting San Pablo Avenue.

Councilmember Martinez-Rubin announced April 1st through 5th is National Public Health Week and spoke regarding importance of vaccines.

Councilmember Salimi recognized and thanked staff for their hard work.

- D. Council Requests For Future Agenda Items

Councilmember Tave requested update on Charter City discussion agenda item and asked for future agenda item regarding project labor agreement policy.

Councilmember Salimi requested a future item in recognition of Mayor Murray and Mayor Pro-Tem Swearingen for their many years of service on the City Council.

- E. City Manager Report / Department Staff

None.

- F. City Attorney Report

None.

12. ADJOURNMENT to the Council Meeting of April 16, 2019 and in Remembrance of the Amber Swartz.

At 10:46 p.m., Mayor Murray adjourned to the City Council meeting of April 16, 2019 in Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: April 16, 2019

