

CITY COUNCIL MEETING

MINUTES

August 20, 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 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
Neil Gang, Police Chief
Scott Kouns, Fire Chief
Tamara Miller, Development Services Director/City Engineer

City Clerk Iopu announced the agenda was posted on August 15, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional materials pertaining to Items 6B1 and 9A 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

The City Council convened into closed session at 6:05 p.m.

A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(2)

Number of Potential Cases: 1

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

At 7:01 Mayor Murray reconvened the meeting and announced that there was no reportable action.

5. CITIZENS TO BE HEARD (Public Comments)

At 7:01pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

John Irminger, expressed concerns regarding existing and proposed charter schools in Pinole: increased traffic, lack of diversity of students in violation of their petition, no public meetings held in Contra Costa, large scale of private spending in what was formerly a public domain, and absorption of invested parents and students from the public school system.

Joseph Gladzer, expressed concerns regarding the proposed Making Waves charter school. Existing charter school is disruptive of existing public school classes. Funding will be redirected to Charter schools and away from public education systems. Discouraged City Council from approving another charter school in Pinole.

Mitzi Perez-Caro, encouraged Council to consider implementing moratorium on charter schools as was done in Richmond.

Maureen Toms, resident of Pinole, spoke against proposed Making Waves charter school. Encouraged staff to evaluate the impact on public facilities and land use plan and housing element.

Mayor Murray made comments.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

B. Presentations / Recognitions

1. Update on Transportation Expenditure Plan (TEP) by Randy Iwasaki, Executive Director of the Contra Costa Transportation Authority (CCTA)

Randy Iwasaki, Executive Director of the CCTA gave a presentation on the TEP and reviewed current and completed projects. Discussed future plans and highlighted financial needs.

Council members made comments and asked questions. Director Iwasaki and staff addressed questions.

2. Pinole Valley Road, Back to School Traffic Plan by Police Lieutenant Gene Alameda

Lt. Matthew Avery introduced the item and presented a video of the Back to School Traffic Plan that the Police Department created and posted online before the start of the school year. The video highlighted the changes made in the area surrounding the high school and the best practices for student drop-off and pick-up.

Council members asked questions. Staff addressed questions.

7. CONSENT CALENDAR

The following item was continued to the September 3, 2019 meeting.

- K. Amending The Master Fee Schedule For The Recreation Department Youth Center Fee **[Action: Approve Resolution per Staff Recommendation (De La Rosa)]**

The following speaker made comment on the Consent Calendar items:

Vincent Wells, ~~resident of Pinole~~, spoke regarding items 7C, made comments regarding safety conditions of living quarters at the firehouse and requested that Council consider funding improvements to address those safety concerns.

City Manager Fitzer addressed the public comment.

- A. Approve the Minutes of the Meetings of June 29 and July 2, 2019.
- B. Receive the July 13, 2019 – August 16, 2019 List of Warrants in the Amount of \$2,184,914.00; the July 26, 2019 Payroll in the Amount of \$395,271.76; and the August 9, 2019 Payroll in the Amount of \$406,554.31
- C. Approve An Additional Funding Allocation Of \$17,500 To Complete The Remodel Project At Fire Station 73 **[Action: Approve Resolution per Staff Recommendation (Kouns)]**
- D. Declare The Listed Property As Surplus And Designate A Purchasing Officer To Dispose Of The Listed Property In Accordance With The Procurement Policy **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**
- F. Authorize Responses To Grand Jury Report No. 1907, Stormwater Trash Reduction” **[Action: Authorize Mayor to Sign Response Letter (Fitzer)]**
- G. Placement Of Liens For Delinquent Unpaid Waste Collection Charges Falling Delinquent Between January & April 2019, Considered At An Administrative Hearing On June 6, 2019 **[Action: Approve Resolution per Staff Recommendation (Iopu)]**
- H. Approve An Amendment To The Contract With Raney Planning And Management Inc. For Environmental Review For A Development Project At 2151 Appian Way In An Amount Not To Exceed \$52,025 **[Action: Approve Resolution per Staff Recommendation (T. Miller)]**
- J. Ordinance Amending Chapter 8.36 Of The Pinole Municipal Code Regarding Balcony Inspections **[Action: Second Reading and Adoption of Ordinance per Staff Recommendation (Casher)]**

ACTION: Motion by Councilmembers Martinez-Rubin/Swearingen to approve Consent Calendar Items A, B, C D, F, G H & J

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

The following Consent Calendar item was pulled for further discussion by Councilmember Salimi:

- E. Designating The Assistant City Manager As The City's Board Member To The Municipal Pooling Authority (MPA) Of Northern California ("Authority") And The Finance Director As The Alternate Board Member 2019 [Action: Adopt Resolution per Staff Recommendation (Fitzer)]

Councilmembers made comments and asked questions regarding the item.

City Manager Fitzer addressed comments and questions.

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

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

The City Council pulled the following item for discussion:

- I. Approving The Purchase Of A Seagrave Type 1 Fire Engine From Derotic Emergency Equipment In The Amount Of \$884,033, Plus \$85,500 Special Equipment For A Total Cost Of \$969,533; And Considering Approval Of The Purchase Of A Utility Terrain Vehicle (UTV) In The Amount Of \$27,000 [Action: Approve Resolutions per Staff Recommendation (Kouns)]

Vincent Wells, ~~resident of Pinole~~, spoke regarding item 7I. Raised concern that a purchase of a new vehicle is being proposed without having a "meet and confer" with the Firefighter's union.

Council members asked questions. City Manager Fitzer and Fire Chief Kouns responded to questions.

Discussion by the City Council and staff regarding the use of the UTV vehicle and implications with regard to employee responsibilities.

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to approve Consent Calendar Items I

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

8. PUBLIC HEARING

NONE

9. OLD BUSINESS

- A. Discussion Regarding Proposed FY 2019-20 Municipal Code Updates And
 Prioritization For Updating Specific Sections **[Action: Discuss and Provide
 Direction (Casher)]**

City Attorney Casher introduced the item and outlined the action.

Mayor Murray asked to add an item to the list regarding height restrictions on residences.

Council gave consensus. Council directed staff to move forward with the list as presented.

- B. Consider A Resolution Approving The Fifth Amendment And Restatement Of The
 Joint Exercise Of Powers Agreement (JEPA) Of The West Contra Costa Integrated
 Waste Management Authority **[Action: Approve Resolution per Staff
 Recommendation (Fitzer)]**

City Manager Fitzer presented the report and outlined the action. Gave the history of the JEPA agreement.

**ACTION: Motion by Councilmembers Swearingen/Salimi to Adopt Resolution Approving
The Fifth Amendment And Restatement Of The Joint Exercise Of Powers Agreement
(JEPA) Of The West Contra Costa Integrated Waste Management Authority**

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

- C. Approving The Council Norms Of Behavior Established During The City Council
 Team Building Workshop **[Action: Approve Resolution per Staff
 Recommendation (Fitzer)]**

City Manager Fitzer presented report and outlined the action. Reviewed the "Council Norms" that were generated at the recent City Council Teambuilding workshop on June 29, 2019.

Discussion by Council members and staff regarding the list of Council "Norms". Council members suggested revisions to the list.

ACTION: Motion by Councilmembers Murray/Tave to Approve The Council Norms Of Behavior Established During The City Council Team Building Workshop, as revised

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

10. NEW BUSINESS

None

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Murray announced Coastal Clean Up Day to take place on September 21st.

Mayor Murray announced Dumpster Day on October 5th. Councilmember Swearingen asked whether we will be taking electronics and requested that the Community Services Commission distribute flyers.

Assistant City Manager De La Rosa announced that the details of what types of items will be received on Dumpster Day are on the City website and that banners will be posted ahead of the event.

Mayor Murray announced the grand opening event of Pinole High School. Gave details of the program and praised the speakers and performers. Thanked all of the organizers for putting on a great event. Also thanked the voters for approving the bond measure that funded the new facility.

- B. Mayoral & Council Appointments
 - 1. Strategic Plan Sub Committee

City Manager Fitzer provided context for the need to create a Strategic Plan Sub Committee to assist staff in moving forward in the Strategic Plan process. Consensus of the Council given to appoint Mayor Murray and Councilmember Tave as the Strategic Plan Sub-Committee.

- C. City Council Committee Reports & Communications

Councilmember Salimi announced that he will be late to next Council meeting as he will attend the French General Council and French Senators in order to promote Pinole to French government.

Councilmember Martinez-Rubin reported attending the Mayor's Conference in Brentwood on August 1st and announced that the Census efforts by the County were discussed.

Councilmember Martinez-Rubin reported attending a Town Hall meeting regarding immigration issues on August 5th held by Congressional representative Mark DeSaulnier.

Councilmember Martinez-Rubin announced Mike Thompson will hold a Town Hall locally on August 26th and encouraged Pinole residents to attend.

Councilmember Swearingen attended East Bay Cities meeting. Discussed the importance of the Census 2020 outreach efforts. Announced the Townhall meeting of Congressman Mike Thompson.

Councilmember Swearingen will attend Contra Costa Transportation Authority (CCTA) meeting. Cities will receive a draft report with regard to the sales tax measure being proposed in March 2020.

Councilmember Tave attended a community event hosted by Sequoia Real Estate.

Councilmember Tave attended Fairmede Community Meeting Job Fair. Has information from the event that he would like to share with the public. Materials will be submitted to City Clerk to retain for any members of the public who are interested in viewing them.

Councilmember Tave attended John Muir Land Trust Stargazing Night. Thanked the attendees and volunteers and stated that it is a great event for children.

Councilmember Tave attended the Pinole High School opening. Announced the Congressman Mike Thompson Town Hall meeting on August 26th. Announced National Night Out was a very successful event.

Councilmember Tave submitted letter for the September 3rd City Council meeting agenda item regarding detention centers.

Councilmember Tave spoke regarding the Town Hall that will be attended by Councilmember Tave and Salimi in Pinole. Expressed that this will be an information gathering event. Outlined the intent and gave details of the meeting.

Council members asked questions and made comments regarding Councilmember Tave's report.

City Attorney Casher responded to questions from Council.

D. Council Requests For Future Agenda Items

Councilmember Martinez-Rubin asked for agenda item to discuss the representation of City Council at town hall type meetings and how to acquire information from the public. Consensus given by Council.

Councilmember Tave requested an agenda item to discuss a job fair hosted by the City. Consensus given by Council.

E. City Manager Report / Department Staff

No report.

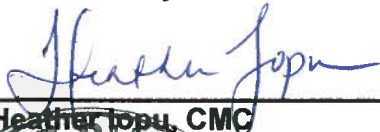
F. City Attorney Report

No report.

12. **ADJOURNMENT** to the Regular City Council Meeting of September 3, 2019 In Remembrance of Amber Swartz.

At 10:25 p.m., Mayor Murray adjourned to the City Council Meeting of September 3, 2019 In Remembrance of Amber Swartz.

Submitted by:



Heather Lopez, CMC
City Clerk

Approved by City Council: September 17, 2019

