

**PINOLE CITY COUNCIL
MINUTES
DECEMBER 18, 2018**

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

The Regular Pinole 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. COUNCIL MEMBERS PRESENT

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

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Eric Casher, City Attorney
Tamara Miller, Development Services Director/City Engineer
Neil Gang, Police Chief
Andrea Miller, Finance Director
Scott Kouns, Fire Chief

Deputy City Clerk De La Rosa announced the agenda was posted on December 13, 2018 at 4:00 p.m. All legally required notice was provided.

Deputy City Clerk De La Rosa announced the additional documents pertaining to items on the agenda were presented subsequent to the publication of the agenda and provided at the dais for the Council with copies at the rear of the Chamber for the public.

- *Item 7C, 9A, and B1*

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

At 5:34 p.m., Mayor Murray convened to a Noticed Closed Session to discuss the following items:

- A. PUBLIC EMPLOYMENT**
Pursuant to GC §54957
Title: City Clerk

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Pursuant to Gov. Code §54956.8

Property: Pinole Shores Business Park Phase II / APN: 402-230-020, 402-230-018, 402-230-017, 402-230-016, 402-230-015, 402-230-022

Negotiator: Assistant City Manager Hector De La Rosa

Negotiating Parties: Hector Vinos

Under Negotiation: Terms

C. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Gov. Code §54597.6

City Labor Negotiators: Michelle Fitzer, City Manager

Employee Organizations: IAFF Local 1230

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

At 6:43 p.m., Mayor Murray reconvened the meeting into open session. The City Attorney reported out that direction was provided to staff.

5. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

David Rupert, resident of Pinole, questioned how the City information brochure on Measure C did not violate the FPPC based on a recent court ruling.

Bob Kopp, resident of Pinole, requested that the City work with PCTV to update their equipment.

Tammy Campbell, resident of Pinole, would like to see an audit of the City's finances, and stated there is a need for a second fire station and determination on cost.

Ivette Ricco, resident of Pinole, thanked the Council for moving Public Comment up on the agenda and praised the Chief of Police.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamation – **NONE**

B. Presentations / Recognitions

a. WPCP Project Update by Mike Warriner

Deb Hart, Engineer for Corollo, presented an update on the Pinole/Hercules Wastewater Improvement project.

b. Rec/Admin/RDA Successor/Housing Successor Verbal Update by Hector De La Rosa and Andrea Miller

Assistant City Manager De La Rosa and Finance Director Andrea Miller presented this report and spoke to their duties, supervision of City Departments/Divisions and tasks/projects they and their staff are overseeing.

c. New City Website Preview

Assistant City Manager De La Rosa provided the City Council and the public with an overview of the City's new website, its functions and updated features.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, thanked the City for providing the public with a new website and accepting comments for changes.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meeting of December 4, 2018

Councilmember Tave and Salimi requested additions and corrections to the minutes. The Council deferred taking action on this item for the next meeting.

- B. Receive the December 1, 2018 – December 14, 2018 List of Warrants in the Amount of \$280,989.62 and December 14, 2018 Payroll in the Amount of \$487,589.89
- C. Approve the 2019 Council Committee Assignment List
[Action: Adopt Resolution per Staff Recommendation (M. Fitzer)]
- D. Declaration of a Shelter Crisis in Contra Costa County
[Action: Adopt Resolution per Staff Recommendation (M. Fitzer)]
- E. Receive the Quarterly Investment Report for the Quarter Ending September 30, 2018
[Action: Receive Report per Staff Recommendation (A. Miller)]
- G. Approve the Job Description, Hourly Rate and Associated Benefits for a New Classification of Fire Academy Recruit
[Action: Approve Resolution per Staff Recommendation (M. Fitzer)]

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve Consent Calendar Items 7B – 7E, and 7G.

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

Agenda Item F was pulled for further discussion

- F. Identifying the Terms and Conditions for Fire Department Response Away from their Official Duty Station and Assigned to an Emergency Incident
[Action: Approve Resolution per Staff Recommendation (S. Kouns)]

Fire Chief Kouns presented the report for item F.

The following speaker addressed the City Council:

Vince Wells, President of Local 1230, spoke on this for clarity to Council's questions.

ACTION: Motion by Councilmembers Murray/Tave to approve Consent Calendar Items 7F.

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

8. PUBLIC HEARING

NONE

10. NEW BUSINESS

- A. Receive the FY 2018-19 First Quarter Financial Report and Provide Direction to Staff
[Action: Receive Report; Provide Direction to Staff; Adopt Resolutions per Staff Recommendation (A. Miller/M. Fitzer)]

City Manager Fitzer asked if item #10A could be heard in advance of the Library discussion. There were no objections from the City Council. Finance Director Andrea Miller presented an overview of the City revenues and expenditures for the first quarter of Fiscal Year 2018-19.

Councilmembers inquired about various expenditure and revenue line items.

The following speaker addressed the City Council:

Mary Horton, resident of Pinole, stated that a parcel tax is needed to fund shortfalls and the Senior Center deficit.

Rafael Menis, resident of Pinole, applauded idea for a workshop on funding Fire Station 74.

Sal Spattaro, resident of Pinole, commented on budget outlook in relation to library.

Tammy Campbell, resident of Pinole, asked why budget adjustments are reflected in next quarters report and would like to see the trends.

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin Approving Budget Adjustments.

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

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to Establish a Disaster Relief Reserve.

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

9. OLD BUSINESS

- A. Continued Discussion Regarding the Potential to Fund Additional Library Hours
 [Action: Receive Report & Provide Direction (M. Fitzer)]

City Manager Michelle Fitzer presented the item and provided background information/documents regarding discussion with the Library on funding additional hours.

At 11:02 pm, Mayor Murray requested a motion to continue the meeting.

ACTION: Motion by Councilmembers Swearingen/Tave to continue the Council meeting.

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

The following speakers addressed the City Council supporting funding for expansion of hours at the Pinole Library; **Sal Spattaro, Irene Rodriguez, Karen Seabrook, Marybeth Falzareno, Rafael Menis, David Rupert, Ivette Ricco, George Pursley, Alison Crooks, Maureen Toms, and Mary Horton.**

County Librarian Melinda Cervantes responded to questions from the Council.

ACTION: Motion by Councilmembers Martinez-Rubin/Tave to approve Resolution to include funding in the FY 2019-20 Budget for reimbursement to the library to increase hours and collect more information on attendance.

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

10. NEW BUSINESS

- B. Consideration of Rate Review of Solid Waste Collection Fee and Direct Surplus Revenue to Rate Stabilization Fund and Solid Waste Project Fund
[Action: Receive Report per Staff Recommendation (T. Miller)]

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

ACTION: Motion by Councilmembers Swearingen/Tave Accepting the Collection Fee Rate Review, Directing the fee remain unchanged from 2018, and Directing the surplus revenue be managed in accordance with Resolution 2013-91.

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 mentioned that the Executive Director and Attorney for WCCIWMA had both retired and that they would be seeking an RFP and Recruitment agreement for replacement of the positions.

- B. Mayoral & Council Appointments
 - 1. Appoint the Citizen Member of the Fowler House Reuse Committee
[Action: Council Discretion (Interview Subcommittee)]

ACTION: Motion by Councilmembers Swearingen/Murray to appoint Maureen Toms as the Public Member to the Fowler House Reuse Committee

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

2. Re-appointment a member to the Traffic and Pedestrian Safety Committee
[Action: Council Discretion (Interview Subcommittee)]

ACTION: Motion by Councilmembers Murray/Swearingen to reappoint Faith Sims to the Traffic and Pedestrian Safety Committee.

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

3. Appoint an Ad-Hoc Interview Committee for Planning Commission Vacancies
[Action: Council Discretion to Appoint 2 Council Members]

ACTION: Motion by Councilmembers Murray/Swearingen to appoint Councilmember Tave and Martinez-Rubin to the Planning Commission Ad-Hoc Interview Committee.

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

C. City Council Committee Reports & Communications

Councilmember Tave attended the WestCat meeting and Toy Drive for the Police Department.

Councilmember Martinez-Rubin mentioned changes in pickup and drop off times for Bart and the Richmond Ferry.

Mayor Pro Tem Swearingen attended the WCCTAC meeting where the City of Pinole was awarded a \$500,000 STMP grant for engineering of the bridge between Pinole and Hercules.

D. Council Requests For Future Agenda Items

Councilmember Tave presented members with a list of future items and asked for consideration to place them on a future agenda. Mayor Murray stated he would evaluate the list and speak to the City Manager.

Councilmember Salimi requested a breakdown of the 1% sales tax and how the 19% property tax allocation to the City was determined.

E. City Manager Report / Department Staff

City Manager Fitzer inquired if the Council members are interested in a Workshop on Fire Service on January 22nd. All Councilmembers agreed to the date.

F. City Attorney Report

None

- 12. ADJOURNMENT** to the Regular City Council Meeting of January 15, 2019 in Remembrance of Amber Swartz.

At 12:05 p.m., Mayor Murray adjourned the Regular City Council Meeting of December 4, 2018, in Remembrance of Amber Swartz and the Servicemen abroad.

Submitted by:

Hector De La Rosa
Deputy City Clerk

Approved by City Council: January 15, 2019