

**PINOLE CITY COUNCIL
MINUTES
DECEMBER 4, 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 Banuelos called the Regular Meeting of the City Council to order at 6:01 p.m. and led the Pledge of Allegiance.

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

A. COUNCIL MEMBERS PRESENT

Mayor Banuelos
Mayor Pro Tem Pete Murray
Council Member Debbie Long
Councilmember Roy Swearingen
Council Member Maureen Toms

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

Deputy City Clerk De La Rosa announced the agenda was posted on November 29, 2018 at 4:00 p.m. All legally required notice was provided.

Deputy City Clerk De La Rosa announced the following documents 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 7A: Contra Costa County Elections Certified Election Results*

Following an inquiry to the Council, the Council reported there were no conflicts with any items on the agenda.

3. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamation - **NONE**
B. Presentations / Recognitions - **NONE**

4. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Jeff Rubin, president of Pinole History Museum and resident of Pinole, addressed Council and provided an update on their fundraising efforts. He suggested that the Council consider hiring a part-time Public Information Officer to get information out to the public.

Irma Rupert, resident of Pinole, thanked the community members for voting. Encouraged citizens to become members of the Pinole Senior Center.

Ivette Ricco, chair for Pinole 4 Fair Government, encouraged the Council to work together to address solutions for future challenges.

Sal Spataro, resident of Pinole, spoke on the prior meetings discussion of funding additional library hours. Inquired about the Policy as to why there was not cost for appealing a code enforcement issue?

Rafael Menis, resident of Pinole, thanked former City Clerk Acosta for her service to the City and her professionalism.

Ann Moriarty, resident of Pinole, thanked Councilmember Toms, Banuelos and Long for their service to the community.

5. CONSENT CALENDAR

- A. Approve the Minutes of the Meeting of November 13, 2018
- B. Receive the November 10, 2018 – November 30, 2018 List of Warrants in the Amount of \$557,008.80 and the November 16, 2018 Payroll and November 30, 2018 Payroll in the Amounts of \$388,109.33 and \$394,646.38, Respectively
- C. Approving a Temporary Amendment to the Staffing Allocation in the Police Department to Hire an Additional Police Trainee
[Action: Adopt Resolution (M. Fitzer)]
- D. Resolution Authorizing the City Manager to Execute a Contract with Avery & Associates in the amount of \$43,800 for Professional Recruitment Services for the City Clerk and Public Works Manager Positions and Authorizing the Finance Director to Amend the FY 18-19 General Fund Budget
[Action: Adopt Resolution (H. De La Rosa)]

The following speaker addressed the City Council:

Irma Rupert, resident of Pinole, addressed the Council and stated that use of consultants for recruitment is costly. Suggested City should hire a part-time employee to assist in recruitment efforts.

ACTION: Motion by Councilmembers Long/Toms to approve Consent Calendar Items 5A – 5D.

Vote:	Passed	5-0
	Ayes:	Banuelos, Long, Murray, Swearingen, Toms
	Noes:	None
	Abstain:	None
	Absent:	None

Councilmember Toms, Long, Banuelos and Swearingen, supported and discussed the benefits of using a consultant for these recruitments which are limited in scope and time.

6. NEW BUSINESS

- A. Appointment of Retired Annuitant and Former City Clerk Patricia Athenour as Interim City Clerk and Authorizing the City Manager to Execute and Appointment Agreement
[Action: Adopt Resolution per Staff Recommendation (M. Fitzer)]

City Manager Michelle Fitzer stated that with the recent resignation of the City Clerk, the City would like to hire former City Clerk Athenour to address the City Clerk duties on part-time basis.

ACTION: Motion by Councilmembers Swearingen/Toms to adopt a resolution approving appointment of Retired Annuitant and Former City Clerk Patricia Athenour as Interim City Clerk.

Vote:

Passed	5-0
Ayes:	Banuelos, Long, Murray, Swearingen, Toms
Noes:	None
Abstain:	None
Absent:	None

- B. Approve an Amendment to City Manager Michelle Fitzer's Employment Agreement to Ratify a Merit Increase Salary Adjustment
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]

Assistant City Manager Hector De La Rosa presented the report and provided an overview of the report. Mr. De La Rosa stated that similar to all employees, management employees are also entitled to increases in their compensation following a performance evaluation.

The following speaker addressed the City Council:

Irma Rupert, resident of Pinole, addressed the Council and asked the Council to defer action on this matter. Raised concerns that other employees are not being compensated.

Assistant City Manager reiterated that all employees are entitled to consideration for an increase in compensation following a performance evaluation, and further stated that established salary ranges for non-management employees have 5 steps in 5% increments.

ACTION: Motion by Councilmembers Long/Swearingen to adopt a resolution approving an Amendment to City Manager Michelle Fitzer's Employment Agreement to Ratify a Merit Increase Salary Adjustment.

Vote:

Passed	5-0
Ayes:	Banuelos, Long, Murray, Swearingen, Toms
Noes:	None
Abstain:	None
Absent:	None

7. COUNCIL REORGANIZATION & ELECTION MATTERS

- A. Accepting and Declaring the Results of Canvass of the November 6, 2018 Municipal Election
[Action: Adopt Resolution (H. De La Rosa)]

Assistant City Manager/Deputy City Clerk De La Rosa presented the Report and read the election results and percentage of the total votes for the top three Pinole Council candidates.

ACTION: Motion by Councilmembers Toms/Banuelos to adopt a resolution Accepting and Declaring the Results of Canvass of the November 6, 2018 Municipal Election.

Vote:	Passed	5-0
	Ayes:	Banuelos, Long, Murray, Swearingen, Toms
	Noes:	None
	Abstain:	None
	Absent:	None

- B. Proclamation of the City Council Expressing Appreciation for his Leadership as Mayor to Timothy J. Banuelos and for his years of Public Service as Council Member

Mayor Pro Tem Murray thanked Mayor Banuelos for his service and leadership as Mayor, presented a gift of appreciation to Mayor Banuelos for his years of service and a gift of appreciation to his wife, Kim. Mayor Pro Tem Murray also presented Mayor Banuelos with a Proclamation from Senator Skinner and Supervisor Glover.

Cora Young, Congressman Thompson's aide presented and read a Proclamation which was read into the Congressional record.

- C. Remarks from Mayor Banuelos

Mayor Banuelos spoke to his service on the Council, the history of the organization during his tenure, the good and bad times and the actions that the Council has taken to move the organization forward. He also thanked staff, former staff and family for their support.

- D. Proclamation of the City Council Expressing Appreciation to Councilmember Debbie Long for her years of Public Service as Council Member

Mayor Banuelos thanked Councilmember Long for her service, leadership and dedication to the residents of Pinole as well as throughout the County. Mayor Banuelos read the Proclamation from the City and presented Councilmember Long with Proclamations from Senator Skinner and Supervisor Glover.

Cora Young, Congressman Thompson's aide presented and read a Proclamation which was read into the Congressional record.

E. Remarks from Councilmember Long

Councilmember Long congratulated the new Councilmember's, her husband, Larry, her supporters, former Mayors, current Councilmembers and spoke to the Council's accomplishments during her tenure as a Councilmember.

F. Proclamation of the City Council Expressing Appreciation to Councilmember Maureen Toms for her years of Public Service as Council Member

Mayor Banuelos thanked Councilmember Toms for her service to the residents of Pinole. Mayor Banuelos read the Proclamation from the City and presented Councilmember Toms with Proclamations from Senator Skinner and Supervisor Glover.

Cora Young, Congressman Thompson's aide presented and read a Proclamation which was read into the Congressional record.

G. Remarks from Councilmember Toms

Councilmember Toms thanked City staff, her family members, community organizations, and recognized the citizens of Pinole. Ms. Toms also listed projects she worked on during her tenure and encouraged citizens to participate in the City.

At 7:40 pm, Mayor Pro Tem Murray called a five (5) minute recess.

At 8:00 pm, Mayor Pro Tem Murray reconvened the Council Meeting.

8. PUBLIC HEARINGS

Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk.

NONE

9. OLD BUSINESS

NONE

10. NEW BUSINESS

- A. Administer Oaths to Newly Elected Council Members
[Action: Oaths Administered by Interim City Clerk (P. Athenour)]

Judge Ben Reyes administered the Oath of Office to Councilmember Norma Martinez-Rubin.

Interim City Clerk Athenour administered the Oath of Office to Councilmembers Salimi and Tave.

The following speaker addressed the City Council:

Mary Horton, resident of Pinole, on behalf of her husband, congratulated the new Councilmembers and recognized the outgoing members.

- B. Selection of Mayor and Mayor Pro Tem
[Action: Nominate Officers & Adopt a Resolution of Appointment (P. Athenour)]

Interim City Clerk Athenour provided a brief report on how the Mayor and Mayor Pro Tem is selected, and stated it is done similarly in other cities.

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve Resolution appointing Pete Murray as the Mayor of Pinole.

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

ACTION: Motion by Councilmembers Murray/Martinez-Rubin to approve Resolution appointing Roy Swearingen as the Mayor Pro Tem of Pinole.

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

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve the Rotation Resolution for appointment of the Mayor and Mayor Pro Tem by minute order.

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

- C. Administer Oaths to Mayor and Mayor Pro Tem
[Action: Oaths Administered by Interim City Clerk (P. Athenour)]

Interim City Clerk Athenour administered the Oath of Office to Mayor Murray and Mayor Pro Tem Swearingen.

- D. Comments by Newly Appointed Mayor

Mayor Murray addressed the importance of the revenues and budget process and congratulated new members. Mayor Murray asked the newly sworn in Councilmembers if they would like to say a few words.

Councilmember Tave thanked the citizens of Pinole, his wife, Pinole organizations and stated he looks forward to addressing the issues.

Councilmember Salimi thanked the outgoing Councilmembers, his wife, other family members, his supporters and committee organizations.

Councilmember Martinez-Rubin stated that it is important for the public to have information to make choices on how to get involved. Thanked citizens for their vote.

At 8:34 PM, Mayor Murray called for a fifteen (15) minutes recess for a brief reception.

At 8:56 PM, Mayor Murray reconvened the City Council meeting.

- E. Approve Resolution Ratifying the Council Meeting Procedures approved under Council Resolution 2017-72
[Action: Provide Direction to City Clerk (P. Athenour)]

Mayor Pro Tem Swearingen requested that the agenda numbering system should remain the same even if there is nothing under that item.

Councilmember Martinez-Rubin requested a modification to item # 6, Citizens to be Heard, to be moved up in the agenda as item # 5 (prior to Recognitions/Presentations/Community Events).

The following speaker addressed the City Council:

Rafael Menis, spoke stating he agreed with Councilmember Martinez-Rubin's suggested change.

Irma Rupert, inquired if citizens must speak to staff prior to speaking on an agenda item and if public safety could make presentations once a month at Council meetings?

City Manager and Mayor Murray responded to Mrs. Rupert's questions.

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to adopt a resolution ratifying the Council Meeting Procedures approved under Council Resolution 2017-72 with an amendment noting a change in the order of the agenda, Item #6 "Citizens to be Heard" be moved prior to Item #5 "Recognitions".

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

- F. Review, Discuss and Appoint to the 2019 Council Committee Assignments List [Action: Council Discretion to review, discuss and appoint Councilmembers (P. Athenour)]

Mayor Murray stated that there are open assignments which he would like to get filled by the new Councilmembers. Mayor Murray stated that Councilmembers already assigned to Boards, be retained for historical knowledge purposes.

The following appointments were approved:

West Contra Costa Integrated Waste Mgmt Authority – Alternate: Council member Salimi
West Contra Costa Transportation Advisory Committee – Alternate: Council member Salimi
East Bay Division, League of California Cities – Alternate: Council member Martinez-Rubin
WestCat – Delegate: Tave/Martinez-Rubin Alternate: Salimi
ABAG – Delegate: Martinez-Rubin Alternate: Salimi
MCE – Delegate: Salimi Alternate: Tave
Pinole/Hercules WWTP Subcommittee: Murray/Swearingen
PALC – 2nd Council Delegate: Salimi
2018 Fowler House Re-Use Committee - Swearingen/Murray
2018 WCCUSD - Murray/Martinez-Rubin
2018 Recreation Ad-Hoc Programming Committee – Murray/Salimi
2018 Honoring/Plaque Committee – Swearingen/Tave
2018 Municipal Code Committee – Murray/Martinez-Rubin

City Manager Fitzer stated the appointments to the various committees, with the exception of WestCat and the Pinole/Hercules Subcommittee, will be at the next meeting.

ACTION: Motion by Councilmembers Swearingen/Tave to approve Councilmember Tave/Martinez-Rubin as Delegates to WestCat and Mayor Pro Tem Swearingen to the Pinole/Hercules Subcommittee by minute motion.

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

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Murray thanked all who supported, performed, and attended the City’s Tree Lighting Ceremony including Sequoia Real Estate, Pinole High School Concert Choir, Pinole Senior Choir, Tiny Tots kids, All Star Talent Academy, Mechanics Bank, City of Pinole, Sprouts, Trader Joes, Safeway, Bear Claw Bakery, Target and Starbucks.

- B. Mayoral & Council Appointments

NONE

C. City Council Committee Reports & Communications

Mayor Pro Tem Swearingen reported on a traffic accident at Ramona and Pinole Valley Road. He also commended the Public Safety staff for responding very quickly.

D. Council Requests For Future Agenda Items

Councilmember Martinez-Rubin requested review of the smoking ordinance, status on emergency preparedness plan, street light concerns, fire services study, and “Adopt a Drain” program. Development Services Director Tamara Miller was able to address a few items, and some items are already scheduled for an upcoming agenda.

Councilmember Salimi requested that the library funding be scheduled for the next meeting and requested input from labor organization committee to discuss this issue. City Manager Fitzer stated the Library funding is scheduled for the December 18th meeting, and indicated that she will provide the staff report to the bargaining unit representatives so they can come to the meeting and provide any input.

E. City Manager Report / Department Staff

City Manager Fitzer welcomed the new Council members.

Chief Gang informed the public of a community event – Shop with a Cop Toy Drive on December 4th from 3:00 pm – 9:00 pm at Target to benefit Children’s Hospital in Oakland.

F. City Attorney Report

City Attorney Casher welcomed the new Council and informed them that he would be reaching out to them to schedule the new Councilmember orientation.

12. ADJOURNMENT to the Regular City Council Meeting of December 18, 2018 in Remembrance of Amber Swartz.

At 10:16 p.m., Mayor Murray adjourned the Regular City Council Meeting of December 4, 2018, in Remembrance of Amber Swartz.

Submitted by:

Hector De La Rosa
Deputy City Clerk

Approved by City Council: January 15, 2019