

**JOINT PINOLE CITY COUNCIL AND SPECIAL MEETING OF
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE
CITY OF PINOLE**

**MINUTES
February 6, 2018**

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

The Joint Pinole City Council and Special Meeting of Successor Agency to the Redevelopment Agency of the City of Pinole was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Banuelos called the meeting of the City Council to order at 6:05 p.m. and led the Pledge of Allegiance.

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

A. COUNCIL MEMBERS PRESENT

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

B. STAFF PRESENT

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

City Clerk Acosta announced the agenda was posted on February 1, 2018 at 4:00 p.m. All legally required notices were provided.

City Clerk Acosta announced the following documents were presented subsequent to the publication of the agenda and provided at the dais for the Council and copies at the rear of the Chamber for the public.

- Item 7D – MOU between the City of Pinole and PPEA (Page 9)
- Item 7F – JLL Pinole Vista Restaurant Phase, Property Management Agreement Extension
- Item 9B – Rule 20A Project History power point presentation

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 6:08 p.m., Mayor Banuelos convened to a Noticed Closed Session to discuss the following items:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8

Property: 600 Tennent Avenue (APN: 401-142-010)

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

Negotiating Parties: Marc Grisham and Jim Riley

Under Negotiation: Terms

OPEN SESSION WILL COMMENCE UPON COMPLETION OF CLOSED SESSION DISCUSSIONS, WHICH MAY OCCUR BEFORE 7:00 PM

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

At 6:54 p.m., Mayor Banuelos reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

B. Presentations / Recognitions

a. Police Department Verbal Update by Chief Neil Gang

Chief Gang provided Council with a verbal update on 2018 Police Department goals, staffing and recruitment efforts, vehicle inventory updates and staff training on new law updates. He distributed materials for their most recent campaign, "Pedestrian Safety and Jay Walking". These brochures and handouts will be distributed during community outreach efforts and will be available at the Police Department. Chief Gang stated that eight officers were deployed to the North Bay fires and received high commendations from agencies involved in the effort. Chief Gang and Chief Kouns will be providing an update on the Emergency Operations Center for the City of Pinole in the near future.

Chief Gang invited Council and the Community to the following events:

February 10, 2018:

Coffee with Jim at the Grove (Assisted Living Facility) officers will spend time with residents of the facility

February 11, 2018:

2018 Public Safety Heroes of the Year award for the Fifth Congressional District recognizing Pinole Police Department, Detective Blume.

February 13, 2018:

Joint Traffic Enforcement with California Highway Patrol

February 20, 2018:

Police Department Swearing In and Promotion Ceremony

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February 21, 2018:

Elk's Club Officer of the Year event recognizing Pinole Police Department, Detective Blume

Council asked questions and received responses.

A. Proclamation

b. Proclamation Honoring Elmer McCormick's 100th Birthday Celebration

Mayor Banuelos presented a proclamation to Pinole resident Elmer William McCormick in celebration of his 100th birthday and thanked him for his community involvement.

B. Presentations / Recognitions

b. Quarterly Code Enforcement Update by Tamara Miller

Community Development Director/City Engineer Tamara Miller presented the report and provided Council with an update on Code Enforcement activities and staff resources. Council expressed their concern for non compliance Sewer Lateral replacements and inquired about enforcement efforts. Community Development Director/City Engineer Miller provided responses to Council inquiries.

6. **CITIZENS TO BE HEARD** (Public Comments)

The following speakers addressed the Council:

Thomas Lang, member of the **West County Residents' Alliance**, addressed the Council and informed Council and the community opposition of a Methadone Clinic on San Pablo Damn Road in El Sobrante.

Bob Kopp, resident of Pinole, addressed the Council and invited them to attend an event on February 28, 2018 at 5:30 p.m. with the Community Service Commission. He invited Council and the community to the Pinole Car Show that will be held on Sunday, June 24, 2018.

David Rupert, resident of Pinole, addressed the Council and stated his concern with the current condition of the Library and encouraged Council to explore possible upgrades to the facility and services for residents of the community.

Sal Spataro, resident of Pinole, addressed the Council and stated his concern on the current condition of the Public Library, hours of operation and encouraged Council to explore funding and upgrades to the site. He expressed his belief that the library is filled with opportunities for youth to enrich their education.

Anthony Gutierrez, resident of Pinole, addressed the Council and stated his desire to raise awareness of Opioid Addictions.

7. **CONSENT CALENDAR**

A. Approved the Minutes of the Meeting of January 16, 2018

- B. Received the January 13, 2018 – February 2, 2018 List of Warrants and the January 26, 2018 Payroll in the Amounts of \$497,005.25 and \$383,224.33, respectively
- C. Adopted a Resolution declaring thirteen Police Vehicles and forty-two pieces of Information Technology equipment as Surplus
[Action: Approve Resolution per Staff Recommendation (N.Gang/ H. De La Rosa)]
- D. Approved the Memorandum of Understanding Between the City of Pinole and the Pinole Police Employees Association for the Period of July 1, 2017 – June 30, 2020
[Action: Approve Resolution per Staff Recommendation (H. De La Rosa)]
- E. Approved Resolutions amending the Health Insurance Cap and the City's Contribution Toward Health Insurance Premiums for International Association of Firefighter Employees (IAFF) and Pinole Police Employees Association (PPEA)
[Action: Approve Resolutions per Staff Recommendation (H. De La Rosa)]
- F. Adopted a Resolution to Authorize the City Manager to extend the existing contract with Shelter Bay Retail Group for Property Management Services for the Pinole Vista Crossings Restaurant Phase
[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]
- G. Adopted a Joint Resolution of the City Council and Successor Agency to the Redevelopment Agency of the City of Pinole to Authorize Execution of a Loan Agreement Between the City and the Successor Agency for the Repayment of the SERAF Loan Payments to the Low- And Moderate-Income Housing Fund
[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]
- H. A Resolution approving, ratifying and authorizing the City Manager to Execute a Lease Between the City and SBE Productions US, LLC for Use of the Parking Lot Located at 2100 San Pablo Avenue
[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]

ACTION: Motion by Council Members Toms/Swearingen, the Council Approved the Consent Calendar Items A-H.

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

8. PUBLIC HEARINGS

- A. Adopt a resolution authorizing the submission to voters a measure to repeal existing councilmember Term Limits as part of the June 5, 2018 regularly scheduled statewide election
[Action: Approve Resolution Per Staff Recommendation (E. Casher)]

City Attorney Casher presented the report and provided an overview of the proposed measure and the wording that will be presented to the voters.

Councilmember Long read into the record a statement in regards to the proposed repeal of existing councilmember Term Limits and community concerns.

Mayor Pro Tem Murray stated his support for the ballot measure and stated that the community should decide whether term limits should continue or be repealed.

Councilmember Toms stated that the item of repealing term limits was presented to the Council and focused on allowing members of Council to serve on regional level committees for extended periods of time. The workshop that was held in July 2017 to discuss term limits was not well attended and community input was not received.

Councilmember Swearingen provided the community a brief history on the term limit measure approved by voters in 2008. He expressed his support in having informed and knowledgeable Council members serving on regional boards.

Mayor Banuelos provided the community with insight on the roles and responsibilities of the City Council and the benefits of having seasoned Council members serving on regional boards and representing the City of Pinole.

At 8:42 p.m., Mayor Banuelos opened the Public Hearing; the following speakers addressed the Council:

David Rupert, resident of Pinole, addressed the Council and stated his opposition to term limits, and his concern with Council repealing the established Term Limits.

Sal Spataro, resident of Pinole, addressed the Council and stated his opposition to eliminating term limits due to the financial cost of placing the item on the ballot.

Jeff Rubin, resident of Pinole, addressed the Council and provided his concern with eliminating Council term limits and the lack of qualified candidates available to serve the City of Pinole. Mr. Rubin suggested that the City host a leadership program to encourage residents of Pinole to actively participate and join boards, commissions and possibly the City Council.

Anthony Gutierrez, resident of Pinole, addressed the Council and stated his opposition to repealing term limits. He stated his observation of the new administration and complimented their success due to their professionalism and not their institutional knowledge.

William Horton, resident of Pinole, addressed the Council and stated his support to repeal term limits and allow Pinole voters to decide the outcome of the measure.

Vincent Wells, President of Local 1230 Professional Firefighters union, addressed the Council and said that everybody has term limits - he has been elected for 5 terms of 2 years each – the term limit is when the people get tired of him representing them and the same is true for Council. He stated he was not here to speak for or against Council term limits, but that a change is needed on the City Council. He went on to state that the relationship between Fire and the Council has been damaged since the recall and that this Council has done nothing to address deficiencies in the Fire service, which has deteriorated under this Council.

Mary Horton, resident of Pinole, addressed the Council and stated her opposition of term limits and noted that incumbents are not guaranteed re-election. She noted the importance of institutional knowledge and the benefits it provides community members. Mrs. Horton praised Council for their dedication to the community.

With no additional speakers, Mayor Banuelos closed the Public Hearing at 9:09 p.m.

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Council provided responses to the various comments made by speakers, in particular to the comments of Mr. Wells. Mayor Pro Tem Murray stated that the City has been trying to work on improving the relationship with the Fire Department, and that Mr. Wells' comments took us several steps backwards. Council member Long listed several things that the City has done regarding Fire service in Pinole, including spending over a year working with Con Fire and RHFD on a joint Chief services agreement, which did not move forward because of RHFD.

Council stated their continued support to serve the residents and employees of the City of Pinole.

ACTION: Motion by Council Members Murray/Swearingen to adopt a resolution authorizing the submission to voters a measure to repeal existing Councilmember term limits as part of the June 5, 2018 regularly scheduled statewide election.

Vote:	Passed:	3-1-1
	Ayes:	Banuelos, Murray, Swearingen
	Noes:	Toms
	Abstain:	Long
	Absent:	None

9. OLD BUSINESS

- A. Presentation and discussion on Styrofoam Ban Ordinance
[Action: Receive Report & Provide Direction (E. Casher)]

City Attorney Casher presented the report and provided an update on the proposed ordinance to prohibit the sale of polystyrene (Styrofoam) products within the City of Pinole, after 6 months of adoption. He stated that the City is required to comply with decreasing and eliminating trash entering waterways. Council asked questions and received responses.

At 9:45 p.m., Mayor Banuelos opened the Public Hearing, the following speakers addressed the Council:

Jon Jarvis, resident of Pinole, addressed the Council and stated his concern with trash in Pinole creek and encouraged Council to be environmental leaders in banning Styrofoam.

Ann Moriarity, resident of Pinole, addressed the Council and Pinole Creek Watershed and expressed her support in the proposed ordinance to remove trash from the water creek.

ACTION: Council directed staff to continue discussion and bring back to Council in a future date.

- B. Receive and Update on the Rule 20A Project on Pinole Valley Road
[Action: Receive Report & Provide Direction (T. Miller)]

Community Development Director/City Engineer Tamara Miller presented the report and provided an update to Council on Pinole Valley Road due to the West Contra Costa Unified School District – Pinole Valley High school project. She presented the project estimate costs and noted the budget shortfall and provided project options. Councilmember asked questions and received responses.

ACTION: Council directed staff to replace additional street light; use the existing power pole to mount the light or install a new pole, not in favor of reducing size of project limits

and exploring credits from other jurisdictions and discuss funding at a future meeting. (5-0)

10. NEW BUSINESS

- A. Consider Letter of Opposition SB 827 Regarding further Restrictions on Local Control in Housing Development
[Action: Approve Authorization of Signature by Minute Order (M. Fitzer)]

City Manger Fitzer presented the report and requested Council's support in submitting the draft letter of opposition for SB 827 regarding further restrictions on Local Control in Housing Development. Council stated their concern and support.

ACTION: Council authorized staff to submit a Letter of Opposition to SB 827 on behalf of the City of Pinole. (5-0)

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Banuelos attended a science fair, the crab feed, meeting of the Pinole Museum and provided an update to Council. He informed Council that he was recently interviewed by a local student wishing to learn more about his role on the City Council, he was pleasantly surprised to know that his student had done significant research via the web. He wished him good luck on his presentation.

- B. Mayoral & Council Appointments

None

- C. City Council Committee Reports & Communications

Councilmember Long attended the crab feed and provided an update to Council.

Mayor Pro Tem Murray attended the Mayors' Conference and WCCIWMA and provided an update to Council.

Councilmember Toms attended the League of California Cities Environmental Quality Committee and Mayors' Conference and provided an update to Council. She will be attending an MCE Board meeting and will report back at a future meeting. She informed Council and the community that MCE will begin public outreach and will have mailers sent this month.

Councilmember Swearingen attended a legislative meeting and the Bay Front Chamber of Commerce meeting and provided an update to Council.

- D. Council Requests for Future Agenda Items

Discussion with West Contra Costa Unified School District regarding changes to a school site with the addition of a new charter school (5-0)

ACTION: Motion by Council Member Swearingen, to extend the meeting to 11:15 p.m. (5-0)

E. City Manager Report / Department Staff

City Manger Fitzer attended a meeting hosted by Senator Skinner relative to new legislative items for business owners and law enforcement and provided an update to Council.

She stated that the members of the Police Department present were there to express their support for the approval of the Memorandum of Understanding with Pinole Police Employees Association (PPEA).

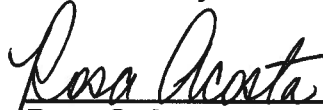
F. City Attorney Report

None

12. ADJOURNMENT to the Regular City Council Meeting of February 20, 2018 In Remembrance of Amber Swartz.

At 11:07 p.m., Mayor Banuelos adjourned the Regular City Council Meeting of February 6, 2018, in Remembrance of Amber Swartz and our Military personnel all around the world.

Submitted by:



Rosa G. Acosta
City Clerk

Approved by City Council: March 20, 2018

