

**PINOLE CITY COUNCIL
MINUTES
July 3, 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 Pro Tem Murray called the Regular Meeting of the City Council to order at 6:00 p.m. and led the Pledge of Allegiance.

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

A. COUNCIL MEMBERS PRESENT

Mayor Banuelos (arrived at 6:25 p.m.)
Mayor Pro Tem Pete Murray
Council Member Debbie Long
Councilmember Roy Swearingen

B. COUNCIL MEMBERS ABSENT

Council Member Maureen Toms

C. STAFF PRESENT

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

City Clerk Acosta announced that the agenda was posted on June 28, 2018 at 4:00 p.m. All legally required notices were provided. 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

No Closed Session Items

***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

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamation Honoring David Clark

Mayor Pro Tem Murray read into the record a Proclamation Honoring David Clark for his dedication and commitment to the Pinole community.

B. Presentations / Recognitions

- a. Presentation of \$1,500 Donation to the Pinole Youth Center from the Richmond Elks Lodge

Melinda Robbins, Denise Barney, Mark Maltagliati addressed the City Council and updated the Council on their community efforts in the City of Pinole and neighboring cities. Assistant City Manager De La Rosa accepted the donation to the Pinole Youth Center in the amount of \$1,500.00 and thanked them for their donation.

- b. Sewer Division Verbal Update by Development Services Director/City Engineer Tamara Miller

Development Services Director/City Engineer Tamara Miller presented the report and provided an update on the Wastewater Enterprise. Council asked questions and received responses.

- c. RDA Successor/Housing Successor/Administration/Recreation Verbal Update by Assistant City Manager Hector De La Rosa, Finance Director Andrea Miller and Recreation Coordinator, Maria Picazo.

Assistant City Manager De La Rosa provided an update on RDA Successor/Housing Successor projects and staff's current efforts to dispose of properties under the agreement with the Department of Finance.

Finance Director Miller provided an overview of the Finance Department staffing, projects and newly implemented programs. The City of Pinole has received the "Certificate of Achievement for Excellent Financial Reporting" from Government Finance Officers Association (GFOA) for 20 consecutive years for the comprehensive annual financial report.

Recreation Manager Maria Picazo provided an update of Recreation division programs and activities. Assistant City Manager De La Rosa provided an update on Youth Center programs and enrollment efforts. He stated that the Senior Center's Chef Tara is revamping the menu and encourages residents to attend and enjoy a meal. Council asked questions and received responses.

6. CITIZENS TO BE HEARD (Public Comments)

The following speaker addressed the City Council:

Bob Kopp, resident of Pinole, addressed the Council and provided an update on the Car Show event. He thanked Council, event sponsors, and volunteers for their participation and support of the event. He stated that next year's Car Show will be held on June 23, 2019.

7. CONSENT CALENDAR

The following speakers addressed the City Council on Consent Calendar **Item 7E**:

Ana Avila, resident of Pinole and member of Local 1, addressed the Council and thanked them and the City's negotiating team for their support during the negotiation process. She stated that the members of Local 1 are pleased with the outcome of negotiations.

Lecia Rohrback, resident of Pinole and Member of Local 1, addressed the Council and stated that she participated in Local 1's negotiating team and enjoyed the experience. She thanked Council and the City's negotiating team for their professionalism and hard work. She is happy to be working in the City of Pinole.

Assistant City Manager De La Rosa thanked Lisa Davis of Local One and Larry Hendel of AFSCME and all employees on the negotiating team for their professionalism. He stated that historically the unrepresented employees have received the same wage, medical and retirement contributions as AFSCME. Via approval of the two consent items, the Council acknowledges that the City Manager and Mayor have authority to execute amendments to unrepresented employees contract for such benefits.

- A. Approved the Minutes of the Meeting of June 19, 2018
- B. Received the June 16, 2018 – June 29, 2018 List of Warrants and June 29, 2018 Payroll in the Amounts of \$271,836.04 and \$374,356.63, respectively
- C. Amendment to the City of Pinole Conflict of Interest Code
[Action: Adopt Resolution per Staff Recommendation (R. Acosta)]
- D. Approved Placement Of Liens For Delinquent Unpaid Waste Collection Charges Falling Delinquent Between January and April 2018, Considered At An Administrative Hearing On June 7, 2018
[Action: Adopt Resolution per Staff Recommendation (R. Acosta)]
- E. Adopted a resolution approving a Memorandum of Understanding Between the City of Pinole and Public Employees' Union Local 1 for the Period of July 1, 2018 through June 30, 2021
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]
- F. Approved a Memorandum of Understanding Between the City of Pinole and AFSCME for the Period of July 1, 2018 Through June 30, 2021
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]

ACTION: Motion by Council Members Swearingen/Murray, to approve Consent Calendar Items 7A – 7F.

Vote: Passed 4-0-1
Ayes: Banuelos, Long, Murray, Swearingen
Noes: None
Abstain: None
Absent: Toms

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

- A. Approval of Settlement Agreement with Verizon Wireless and Authorization for the City Manager to Execute Said Agreement
[Action: Adopt Resolution per Staff Recommendation (E. Casher)]

City Attorney Eric Casher presented the report and provided background information on the proposed settlement agreement with Verizon Wireless.

The following speakers addressed the City Council:

Sal Spataro, resident of Pinole, addressed the Council and stated his concern with the cost associated to the settlement of the claim and his dissatisfaction with the Verizon Project.

David Ruport, resident of Pinole, addressed the Council and stated his concern with the process of resolving this matter. He complimented City Attorney Casher for negotiating this claim to the proposed settlement amount.

Elaine Jaymot, resident of Pinole, addressed the Council to state her concern and disappointment with the current placement of the cell tower and the settlement amount. She encouraged Council to consider future placements of cell towers within the City of Pinole neighborhoods.

Susan Varela, resident of Pinole, addressed the Council and expressed her concern for settling this amount and that Verizon was able to build a cell tower in a residential area.

Council addressed the community and provided background information with a timeline of events. They expressed their concerns and apologized for Council's actions previously taken due to the lack of information from staff.

ACTION: Motion by Council Members Swearingen/Murray to approve a settlement agreement with GTE Mobilnet of California L.P., a California limited partnership d/b/a Verizon Wireless ("Verizon") in the amount of sixty-thousand dollars (\$60,000) relating to unresolved claims associated with the relocation of a wireless telecommunications facility, and authorize the City Manager to execute said agreement.

Vote: **Passed** **4-0-1**
 Ayes: **Banuelos, Long, Murray, Swearingen**
 Noes: **None**
 Abstain: **None**
 Absent: **Toms**

10. NEW BUSINESS

- A. Approve an Amendment to City Manager Michelle Fitzer's Employment Agreement Extending the Term Through November 30, 2023
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]

Assistant City Manager De La Rosa presented the report. The item has been discussed with Council in a Closed Session meeting and is presented to Council for discussion.

ACTION: Motion by Council Members Long/Swearingen, to adopt a resolution approving an amendment to City Manager Fitzer's employment agreement extending the term through November 30, 2023, and authorize the Mayor to execute the amendment.

Vote: **Passed** **4-0-1**
 Ayes: **Banuelos, Long, Murray, Swearingen**
 Noes: **None**
 Abstain: **None**
 Absent: **Toms**

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Pro Tem Banuelos attended the Car Show and provided an update to Council.

B. Mayoral & Council Appointments

1. Appointment of a Council Delegate and Alternate to the League of CA Cities Conference – September 12 – 14, 2018
[Action: Council Discretion to Appoint Delegates or Decline (M. Fitzer)]

City Manager Fitzer presented the report and requested nominations from Council. Council nominated Mayor Banuelos as Council Delegate and Councilmember Toms as Alternate Delegate. (4-0)

2. Contra Costa Transportation Authority – Citizens Advisory Committee Appointment
[Action: Council Discretion to Appoint (R. Acosta)]

City Manager Fitzer presented the report and stated that the Council subcommittee was unable to reach a consensus for recommendation of appointment and recommends Council solicit additional applicants. Council directed staff to solicit additional applicants. (4-0)

C. City Council Committee Reports & Communications

Councilmember Long attended the West Contra Costa School District board meetings and provided an update to Council.

D. Council Requests for Future Agenda Items

None

E. City Manager Report / Department Staff

None

F. City Attorney Report

City Attorney Casher informed Council that he will be convening a meeting of the Municipal Code Update Subcommittee to review animal control ordinance and tobacco ordinance.

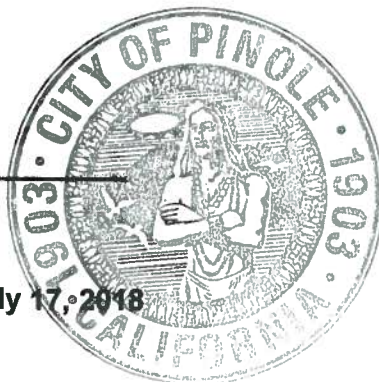
12. ADJOURNMENT to the Regular City Council Meeting of July 17, 2018 in Remembrance of Amber Swartz.

At 8:32 p.m., Mayor Banuelos adjourned the Regular City Council Meeting of July 3, 2018, in Remembrance of Amber Swartz, community member David Clark and our Military personnel all around the world.

Submitted by:



Rosa G. Acosta
City Clerk



Approved by City Council: July 17, 2018