

**PINOLE CITY COUNCIL SPECIAL MEETING
MINUTES
NOVEMBER 13, 2018**

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

The Special City Council Meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Pro Tem Murray called the Special 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 (arrived at 6:35 p.m.)
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
Scott Kouns, Fire Chief

City Clerk Acosta announced the agenda was posted on November 8, 2018 at 4:00 p.m. All legally required notice was 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

At 6:02 p.m., Mayor Pro Tem Murray convened to a Noticed Closed Session to discuss the following items:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8
Property: 811 San Pablo Avenue (APN: 402-166-030)
Negotiator: Assistant City Manager, Hector De La Rosa
Negotiating Parties: Housing Consortium of the East Bay and Habitat for Humanity
Under Negotiation: Terms

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957
Title: City Manager

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 7:27 p.m., Mayor Banuelos reconvened the meeting into open session, and indicated that the Council directed staff to commence negotiations with Housing Consortium of the East Bay regarding 811 San Pablo Avenue. In addition, he stated that the Council provided City Manager Fitzer with a yearly performance evaluation and as a result she will receive a 4% salary increase effective January 1, 2019. Council thanked her for her service and commitment to the City of Pinole.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamation

a. Honoring Pinole Valley High School Lady Spartans Volleyball Team

Pinole Valley High School principal Kibby Kleiman introduced the members of the Lady Spartans Volleyball Team. Mikayla Rudis, Co-Captain of the volleyball team expressed her appreciation to the team's efforts and their coach. Mayor Banuelos read into the record the proclamation honoring the Pinole Valley High School Lady Spartans Volleyball Team for finishing the 2018 Tri County Athletic League season undefeated.

b. Honoring Pinole Valley High School Spartans Football Team

Pinole Valley High School principal Kibby Kleiman provided an overview of the football team's record and highlights of the season. Mayor Banuelos read into the record a proclamation honoring Pinole Valley High School Spartans Football Team for finishing the 2018 Tri County Athletic League season undefeated.

B. Presentations / Recognitions

a. Building/Planning Division Verbal Update

Planning Manager Rhodes provided an update to Council on current City and staff projects. Council asked questions and received responses.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Mary Horton, resident of Pinole, addressed the Council and thanked the supporters of Measure C for their efforts in the Utility Users Tax. She congratulated the candidates.

David Rupert, resident of Pinole, addressed the Council and the community to recognize Anna and Floyd McCarty for their contributions to the City.

Rafael Menis, resident of Pinole, addressed the Council and congratulated all candidates of this election. He stated that the ballots have not been finalized and counted with additional numbers to be issued in the upcoming weeks. The election result is still premature and encourages community members to be patient until all votes are counted to determine winners of the race.

Norma Martinez-Rubin, resident of Pinole, addressed the Council and thanked the Contra Costa County Elections divisions for their outreach efforts encouraging citizens to vote. She thanked her supporters and staff for their support throughout this process.

7. CONSENT CALENDAR

- A. Approved the Minutes of the Meeting of October 16, 2018
- B. Received the October 13, 2018 – November 9, 2018 List of Warrants in the Amount of \$875,832.96 and the October 19, 2018 and November 2, 2018 Payrolls in the Amounts of \$390,114.78 and \$373,232.36 respectively
- C. Authorized the City Manager to enter into a Three Year Contract with the Pacific Coast Farmers' Market Association to continue operating a Year-Round Pinole Farmers' Market for the period of January 1, 2019 through December 31, 2021
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]
- D. Approved Change Order #54 to the contract with Kiewit Infrastructure West for the Pinole Hercules Water Pollution Control Plant Upgrade Project in the amount of \$311,200 and Authorize the City Manager to Execute Change Order #54
[Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- E. Authorized the City Manager to Execute four year On-call service contracts
[Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- F. Recommendation of the Naming Subcommittee to Place a Plaque Dedicating the Theatre Room at the Memorial Center in Honor of Dave and Patti Clark
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]
- G. Review and Discuss a Proposal from the Pinole Players to take over the City's Children's Theatre and Authorize the City Manager to Commence Negotiations on a new Lease Agreement for Use of Memorial Center
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]
- H. Received the Development Impact Fee Report for the Fiscal Year Ended June 30, 2018
[Action: Adopt Resolution per Staff Recommendation (A. Miller/M. Fitzer)]
- I. Approval of the Purchase of a Command Support Vehicle for use by the Battalion Chief in the amount of \$64,000 and authorize the Finance Director to Appropriate Budget
[Action: Approve Resolution per Staff Recommendation (S. Kouns)]
- K. Approve a Flexible Spending (FSA) for AFSCME Members and Authorize the City Manager to Execute an Agreement with Sterling Administration to Administer the FSA Plans
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]

Councilmember Long pulled Item 7H for a comment and requested that Council annually review the Development Impact Fees, in addition motioned to move item 7J to follow consent and discuss with Old Business Item 9B, consensus of the Council given to pull item 7J for separate action.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council regarding Item 7D – Change Order with Kiewit Infrastructure West for the Pinole Hercules Water Pollution Control Plant Upgrade Project to inquire about reimbursement from the City of Hercules for this change order. City Manager Fitzer stated that all agencies will pay their share of cost.

ACTION: Motion by Council Members Toms/Swearingen, to approve Consent Calendar Items 7A-7I and 7K.

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

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. Update on the Pinole Seals Operation of the Pinole Swim Center for the 2018 Season
[Action: Receive Report & Provide Direction (H. De La Rosa)]

Vice President, Phil Malgren provided an overview of the Pinole Seal's Swim Club activities and usage. City Manager Fitzer thanked the Pinole Seal's for their willingness to provide services to the community. Council asked questions, received responses and thanked the Pinole Seal's Swim Club for providing services to the community for a second year. City Manager Fitzer will meet with Mr. Malgren to continue services.

- B. The potential to Fund Additional Library Hours
[Action: Receive Report & Provide Direction (M. Fitzer)]

City Manager Fitzer presented the report and provided a follow-up report to the October 16th report regarding the potential to fund additional Library hours and an update on funding sources. Deputy County Librarian, Gaile McPartland provided an overview of Pinole Library use. She provided an overview of possible schedule options and encouraged a Monday – Friday schedule. Council expressed their concerns, asked questions and received responses.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and expressed his concern with the placement of a Senior Center Increase on the consent calendar and encourages Council debate for future discussions. He stated his support of funding additional hours and a library schedule of a Monday – Friday hours of operation.

Norma Martinez-Rubin, resident of Pinole, addressed the Council and inquired to the allocation of \$130k for future library use. City Manager Fitzer stated that funding will be taken from General Fund surplus funds.

Jack Meehan, resident of Pinole, addressed the Council and stated his support to continue to have the library branch under the ownership of the County and expressed his concern with the financial impact of possible funding.

David Rupert, resident of Pinole, addressed the Council and stated his support for funding and operation of library to offer additional resources to residents of Pinole.

Irma Ruport, resident of Pinole, addressed the Council and stated her support in forming a citizens' budget oversight committee to discuss library funding.

ACTION: Council to continue item for additional discussion at the December 18, 2018 Council meeting. (5-0)

Consent Calendar Item 7J pulled at the request of Councilmember Long for discussion with Item 9B of the agenda.

- 7J. Resolution Approving a Fee Increase for the Pinole Senior Center Programs and Amending the Master Fee Schedule
[Action: Adopt Resolution per Staff Recommendation (M. Picazo)]

Assistant City Manager De La Rosa presented the report to Council and provided an overview of the recommendations from the Senior Center Board for Council approval. Council expressed their concerns, asked questions and received responses.

The following speaker addressed the City Council:

Ivette Rico, resident of Pinole, addressed the Council and discussed Item 7J fee increase for Pinole Senior Center and noted a \$.50 and \$1.00 increase, noting no changes to non-resident membership fee increase.

Rafael Menis, resident of Pinole, addressed the Council and expressed his concern with the fee increase to Pinole Senior Center program.

ACTION: Motion by Council Members Toms/Swearingen, to approve a resolution approving the proposed changes to the City's Master Fee Schedule and fee increases for the Pinole Senior Center.

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

10. NEW BUSINESS

- A. Receive the FY 2017 -18 Fourth Quarter Financial Report and Provide Direction to staff
[Action: Receive Report and provide direction to staff (A. Miller/M. Fitzer)]

Finance Director Miller presented the FY 2017-18 fourth quarter financial report and highlighted the revenue and expenditures changes, noting that collections were at 185% of projections and \$1.1 million of additional funding. City Manager Fitzer presented three recommended actions for Council to review. Council asked questions, received responses and provided feedback for future budget items.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and expressed his concern with the estimated loss of sales tax reduction and the impacts throughout the organization. One time revenues, note page 6 of attachment 10A discussing ongoing revenue – and addressed

additional revenue surplus for the use of funding and the payment of additional loan benefit. City Manager Fitzer clarified on the projected surplus revenue.

Ivette Rico, resident of Pinole, addressed the Council and suggested funding the library services on a yearly basis. City Manager Fitzer indicated that yearly funding of the library is not an option.

ACTION: Motion by Council Members Long/Toms, to approve staff report and include Item 1, 2, 3 and add item 4 – Disaster Relief Fund for emergencies in the amount of \$100,000 to return for Council approval, residual PALC one-time funds be placed into the 115 Pension Trust fund or the OPEB Unfunded Liability, at the discretion of City Manger. Include future planning items as presented to Council listed 1-5.

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

ACTION: Motion by Council Member Swearingen/Murray, to extend the meeting past 11:00 p.m. (5-0)

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 1. Announcements

Mayor Banuelos attended the Mayors Conference and provided an update to Council.

- B. Mayoral & Council Appointments
 1. Traffic and Pedestrian Safety Committee – Committee Reappointment
 [Action: Reappoint by Minute Order (R. Acosta)]

Mayor Pro Tem Murray recommended re-appointment of Kent Moriarty to the TAPS committee. (5-0)

- C. City Council Committee Reports & Communications

Councilmember Swearingen attended the Mayors conference and WCCTAC and provided an update to Council.

Councilmember Toms attended an MCE meeting and a Recreation Subcommittee meeting and provided an update to Council.

Mayor Pro Tem Murray attended RecycleMore and WestCat meeting and provided an update to Council.

Councilmember Long attended WestCat and provided an update to Council. She invited the Community to the City’s tree lighting ceremony on Saturday, December 1, 2018.

- D. Council Requests for Future Agenda Items

Invite BART representative to future Council meeting (5-0)

E. City Manager Report / Department Staff

City Manager Fitzer thanked the community for their support of Measure C. She informed the Council and the community that she has been invited by John Bartel of Bartel Associates, to be a guest speaker at the Society for Municipal Finance Officers Annual Conference to discuss the City's employee and employer pension cost sharing formula and the City's established 115 Pension Trust fund.


F. City Attorney Report

City Attorney Casher provided an update on the State Bureau of Cannabis Control proposed changes to the delivery of marijuana throughout the state. The proposed changes will supersede the City's current ordinance which restricts delivery of marijuana throughout the City.

12. ADJOURNMENT to the Regular City Council Meeting of December 4, 2018 in Remembrance of Amber Swartz.

At 12:19 p.m., Mayor Banuelos adjourned the Special City Council Meeting of November 13, 2018, in Remembrance of Amber Swartz, our Military personnel all around the world, the victims of the Camp fire and Anna McCarty.

Submitted by:


Hector De La Rosa
Deputy City Clerk
Approved by City Council: December 4, 2018

