

**PINOLE CITY COUNCIL
MINUTES
OCTOBER 16, 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 6:01 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
Neil Gang, Police Chief

City Clerk Acosta announced the agenda was posted on October 11, 2018 at 4:00 p.m. All legally required notice was 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 with copies at the rear of the Chamber for the public.

- *Item 5-b-a*: Power point presentation by Republic Services
- *Item 9A*: Contra Costa County Library Annual Report 2017

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 LEGAL COUNSEL – ANTICIPATED LITIGATION**
Gov. Code § 54956.9 (d)(4) (Initiation of Litigation)
Number of Potential Cases: 1

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 6:50 p.m., Mayor Banelos reconvened the meeting into open session, with no reportable actions.

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5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamation
 - a. Shelter in Place Education Day – Contra Costa County CAER Group

Mayor Banelos read into the record a proclamation proclaiming November 7, 2018 as Shelter-In-Place Education Day in support of parents, teachers, students and staff of the community that will be participating with hundreds of other schools and childcare centers in the Shelter-in Place Drill. The proclamation will be mailed to Contra Costa County CAER Group.

- B. Presentations / Recognitions
 - a. Presentation by Bielle Moore of Republic Services

Community and Government Affairs Manager Bielle Moore provided an overview of the current challenges that Republic Services is facing with recycling efforts. She encouraged community members to contact her for more information. She introduced Reagan Chung and Terry Singleton, Recycling Coordinators who provided an overview of common recycling errors and explained that mixed waste is not allowed in the recycling bins; contamination audits have been performed in the past and are intended to raise awareness. Manager Moore stated that contamination fees are not newly implemented fees or fines. Additional resources are available in English and Spanish and can be found on the website at www.richmondssanitaryservice.com in addition, they informed residents that quarterly newsletters are mailed. Council asked questions and received responses.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and discussed accessibility of information from government agencies. He stated that community members have expressed their concern regarding the placement of Measure C on the November 2018 ballot was placed with minimal community engagement.

John Irminger, employee of West Contra Costa School District, discussed the impact of Voices Charter School in Pinole and stated his concern with morning traffic impacts.

Carlos Taboada, retired school teacher, addressed the Council and discussed the impact of charter schools in the West Contra Costa Unified School District and stated his concern and opposition to tax payer dollars used to fund charter schools.

Bob Kopp, resident of Pinole, addressed the Council and stated his support of Measure C and his concern of candidates.

Jeff Rubin, president of Historical Society and Pinole History Museum, addressed Council and provided an update on their fundraising efforts. He thanked Mayor Banuelos, volunteers and board members of the Historical Society and Bob Kopp for their support.

Irma Rupert, resident of Pinole, addressed the Council and stated her support of two council candidates and encouraged community members to vote in the upcoming election. She also stated her opposition to Measure C.

David Rupert, resident of Pinole, addressed the Council and provided an update of two Council candidates and their outreach efforts. He invited the public to attend a meet and greet event for two candidates that will be hosted by Berkshire Real Estate on Thursday, October 18th at 6:00 p.m.

Alan Dorsey, resident of Pinole, addressed the Council and stated his concern to an article that was recently published in the East Bay Times. He inquired about Pinole Hercules Water Treatment Upgrade cost and awarded contracts.

Steven Dorsey, Local 1230 representative for Pinole Firefighters, addressed the Council and stated his concern with the lack of involvement and wording of Measure C.

Mary Horton, resident of Pinole, addressed the Council and thanked the PPOA for their endorsement of Measure C. She expressed her support of the Utility Users Tax and stated that the measure will not provide additional funding.

Sal Spataro, resident of Pinole, addressed the Council and expressed his gratitude to community members that did not support Measure P and he expressed his opposition to the placement of Measure C and the lack of sunset clause. He encouraged community members to vote this election. He stated his support for two Council candidates.

Roy Swearingen, resident of Pinole, addressed the Council and expressed his concern with current council candidates and their lack of participation at Council events and debates. He stated his support for Council candidates which he believes will be good leaders for the City of Pinole.

Debbie Long, resident of Pinole, addressed the Council and congratulated candidates that were recently endorsed by the East Bay Times. She expressed her disappointment with candidate's transparency during this campaign election.

Norma Martinez-Rubin, resident of Pinole, addressed the Council and provided an update on current Census information pertaining to the City of Pinole emphasizing the vulnerability of future residents of the community.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meeting of October 2, 2018
- B. Receive the September 29, 2018 – October 12, 2018 List of Warrants in the amount of \$474,862.86 and October 5, 2018 Payroll in the amount of \$400,830.12

- C. Placement of Liens for Delinquent Unpaid Waste Collection Charges Falling Delinquent between February and July 2018, Considered at an Administrative Hearing on October 4, 2018
[Action: Approve Resolution per Staff Recommendation (R. Acosta)]
- D. Authorize the City Manager to Execute an Amendment to the Agreement with Eisen Environmental Construction Services to Abate and Demolish the Fowler House, to Increase the amount to not to exceed \$57,900 and Authorize the Finance Director to Amend the FY 18/19 CIP Budget
[Action: Approve Resolution per Staff Recommendation (T. Miller)]
- E. Approve an Amendment to the contract with Michael Baker International to Extend the Term
[Action: Approve Resolution per Staff Recommendation (T. Miller)]
- F. Award the Bid of \$284,999.38 for an Elgin Sweeper Mounted on an Autocar Chassis to Owen Equipment and Authorize the Finance Director to Amend the FY 18/19 budget to provide Funding for this Equipment Purchase
[Action: Approve Resolution per Staff Recommendation (T. Miller)]
- G. Authorize the City Manager to Execute Four Year on Call Service Contracts with Kennedy & Associates and CSG Consultants
[Action: Approve Resolutions per Staff Recommendation (T. Miller)]
- H. Amend the Pay and Classification Plan to Include the Job Classification of Accountant and Establishing a Salary Range for this Classification
[Action: Approve Resolutions per Staff Recommendation (A. Miller)]

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and inquired about the cost of extending a contract. City Manager Fitzer stated that the extension of time does not incur a cost.

ACTION: Motion by Councilmembers Toms/Swearingen to approve Consent Calendar Items 7A – 7H.

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

8. PUBLIC HEARINGS

- A. Public Hearing, Second Reading and Adoption of an Ordinance Adopting Contra Costa County's Animal Control Ordinance and Related Penalties by Reference
[Action: Conduct Public Hearing Waive Second Reading and Adopt Ordinance per Staff Recommendation (Casher)]

City Attorney Casher presented the report and provided background information pertaining to the ordinance. He noted a minor change of the ordinance as presented on October 2nd (attachment B reflects track changes reflecting 2.05 change to 2.04). Councilmember Toms stated that if the item is approved it will go into effect on November 15th. Mayor Banuelos stated

inconsistencies with the number of animals and types of animals ordinance and zoning ordinance to realign with Animal Control Ordinance

At 8:25 p.m., Mayor Banuelos opened the Public Hearing, and having no speakers, at 8:25 p.m., Mayor Banuelos closed the Public Hearing.

ACTION: Motion by Councilmembers Swearingen/ Toms to adopt proposed Ordinance amending Pinole Municipal Code Chapter 6.04 to adopt Contra Costa County's animal control ordinance and related penalties.

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

9. OLD BUSINESS

- A. Receive a Report from the Council Recreation Subcommittee Regarding the Potential to Fund Additional Library Hours
[Action: Receive report and provide direction to Staff (M. Fitzer)]

As a representative of the Recreation Subcommittee, Councilmember Toms thanked the community for raising awareness of Pinole's Library hours and services to the community. The subcommittee met with County Librarians to discuss increasing library hours and contract details. She provided an overview of options available to the City and stated that she does not recommend the City take ownership of the building. Councilmember Long provided an update on the subcommittee's efforts and the current demographic use of the library emphasizing equity throughout the process. Council asked questions and received responses.

Council directed staff to contact County librarian with cost options of 2/3 or 1/3 funding, inquire about RDA funds from County Controllers office, request City of Pinole patron data, establishing a deadline of December 1, 2018 for final decision to provide six month notice to the County and the community of potential added hours during the summer with draft schedule of 35 hour operations. The item will be brought back for future discussion at the November meeting.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and encouraged the Council to adopt an option to fund library maintenance. He stated that the Library is an important obligation that the City should fund and provide to the community.

Sal Spataro, resident of Pinole, addressed the Council and stated his concern with the lack of funding for the Library. He expressed his support for funding of the library.

10. NEW BUSINESS

- A. Approve for Bidding the Plans and Specifications for the 2018 Pavement Slurry Seal Project and the Senior Center Parking Lot
[Action: Adopt Resolution per Staff Recommendation (T. Miller)]

Director of Development Services/City Engineer, Tamara Miller presented the report and provided an overview of the report. She stated that according to the procurement process Council must review and approve the release of competitive bidding, she noted that this project will be funded with SB1 funding. Council asked questions and received responses.

The following speaker addressed the City Council:

Norma Martinez-Rubin, resident of Pinole, addressed the Council and inquired about posting additional information on Pavement Management Report for public.

City Manager Fitzer stated that in the future this item will be placed on the Consent Agenda for approval.

ACTION: Motion by Councilmembers Swearingen/Long to adopt a resolution approving for bidding the plans and specifications for the 2018 Pavement Slurry Seal Project and the Senior Center parking lot to be released for competitive bidding.

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

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

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and stated his desire to allow the applicant to address the Council prior to the recommendation.

Councilmember Swearingen stated that applicant Kent Moriarty is a current member of the TAPS committee and will represent the City of Pinole at a regional level.

ACTION: Motion by Councilmember Swearingen/ Mayor Pro Tem Murray, the Council accepted the recommendation of the Interview Committee, and appointed Kent Moriarty to the Contra Costa Transportation Authority.

Vote: Passed 5-0

C. City Council Committee Reports & Communications

Councilmember Swearingen attended the Historical Museum Dinner and provided an update to Council. He invited the community to attend the Council Candidate Debate at Pinole Valley High School (multi-purpose room) at 7:00 p.m.

Councilmember Toms will be attending an MCE board meeting and will provide an update to the Council at that time.

Mayor Pro Tem Murray attended Dumpster Day and provided an update to the Council.

Councilmember Long attended the WestCat meeting and provided an update to Council. She stated her concern with the current project at Shea Drive and Sierra Ridge Avenue.

D. Council Requests For Future Agenda Items

None

E. City Manager Report / Department Staff

City Manager Fitzer informed the community that the meeting of November 6, 2018 has been cancelled with a Special Meeting on Tuesday, November 13, 2018.

F. City Attorney Report

12. ADJOURNMENT to the Special City Council Meeting of November 13, 2018 in Remembrance of Amber Swartz.

At 9:46 p.m., Mayor Banuelos adjourned the Regular City Council Meeting of October 2, 2018, in Remembrance of Amber Swartz and our Military personnel all around the world.

Submitted by:



Rosa G. Acosta, CPMC
City Clerk

Approved by City Council: November 13, 2018

