

**PINOLE CITY COUNCIL
MINUTES
OCTOBER 2, 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
Andrea Miller, Finance Director

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 6:04 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: Celia Lam

Under Negotiation: Terms

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8

Property: 612 Tennent Avenue (APN: 401-142-011)

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

Negotiating Parties: Celia Lam

Under Negotiation: Terms

C. 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

Under Negotiation: Terms

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8

Property: 612 Tennent Avenue (APN: 401-142-011)

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

Negotiating Parties: Marc Grisham

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 7:07 p.m., Mayor Banuelos reconvened the meeting into open session, with no reportable actions. The Council provided staff with direction to continue with further negotiations of the items listed above.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamation

a. Fire Prevention Week (October 7 - 13) "Look, Listen, Learn"

Mayor Banuelos read into the record a proclamation declaring October 7 – October 13, 2018, as Fire Prevention Week. Chief Kouns accepted on behalf of the Fire Department and thanked Council.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and provided input to Fire Prevention tips such as changing the battery for Carbon Monoxide Alarms.

B. Presentations / Recognitions

a. Water Pollution Control Plant (WPCP) Project Quarterly Update by Mike Warriner

Project Manager Mike Warriner provided an update to Council on the status of the Pinole-Hercules Water Pollution Control Plant Upgrade Project. He informed Council of contract time impacts and costs; new estimated final completion date is June 4, 2019. Council asked questions and received responses from Mr. Warriner and Development Services Director Miller.

b. Contra Costa County Animal Services presentation by Steve Burdo

Steve Burdo, Community and Media Relations Manager, provided an overview of services and programs available to the community. Council asked questions and received responses.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and inquired about items on the presentation. Mr. Burdo responded to his inquiries.

c. Fire Department Verbal Update by Chief Kouns

Chief Kouns provided an update on department efforts. He encouraged community members to be proactive in the maintenance of their properties by cutting and trimming weeds on their properties. He discussed six important elements of the department such as Personnel, Operations, Fire Prevention, Facilities, Battalion 7 and Administration (software). He introduced and welcomed Lisa Diangson, Management Analyst. Council asked questions and received responses.

d. Code Enforcement Process and 1st Quarter 18/19 Update by Tamara Miller

Development Services Director/City Engineer Miller presented the report and provided an update on Code enforcement activities and Code Enforcement process. Residents are encouraged to submit complaints via the website. Council asked questions and provided comments to the City's effort in addressing code enforcement calls and cases. City Attorney Casher provided input on the Code Enforcement process currently being reviewed by the Municipal Code Subcommittee. City Manager Fitzer provided an update on the City's process and will bring back options for Council to review.

The following speaker addressed the City Council:

Norma Martinez-Rubin, resident of Pinole, addressed the Council and inquired about the confidentiality of code enforcement reporting and communication with residents. City Attorney Casher stated that the complaint is not confidential. The name of complainant and contact information is Confidential.

e. Utility Users Tax (UUT) Measure C Presentation by City Manager Michelle Fitzer

City Manager Fitzer presented the report and provided an overview of Measure C - Utility Users Tax (UUT) that has been placed on the November 2018 ballot for voter approval. Councilmember Toms provided an overview of the property tax split for the City of Pinole.

The following speakers addressed the City Council:

Jack Meehan, resident of Pinole, addressed the Council and stated his support for Measure C and provided background information about the Utility Users Tax.

Frank Martinez, resident of Pinole and member of Pinole 4 Fair Government, addressed the Council and stated his opposition to Measure C.

William Horton, resident of Pinole, addressed the Council and stated his support for Measure C.

Mary Horton, resident of Pinole, addressed the Council and stated her support for Measure C.

Allen Dorsey, resident of Pinole, addressed the Council and stated his opposition to Measure C.

City Manager Fitzer clarified to the community that Measure C will maintain existing funding.

Rafael Menis, resident of Pinole and Council Candidate, addressed the Council and stated his support for Measure C.

Vincent Wells, President of Firefighters Local 1230 and representative of City of Pinole Firefighters, addressed the Council and stated that the Firefighters of the City were not invited to participate in process and do not support the measure. Councilmember Toms stated that the Utility Users Tax (UUT) is set to expire December 2020 and the FY 2020-2021 budget will need to be adopted without the UUT revenue and will have organizational impacts. She extended an invitation to meet and discuss with members of the Fire Department.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Jack Meehan, resident of Pinole, addressed the Council and stated his desire to restore the scroll of Fire Department service calls for public viewing.

Norma Martinez-Rubin, resident of Pinole, addressed the Council and provided the community with educational voter resources such as VotersEdge; in addition, she stated that Candidate Forums were conducted by the Contra Costa Elections Division and the League of Women Voters with the video available online.

Jeff Rubin, President of the Pinole Historical Society, invited Council and the community to attend the "Inaugural Fundraiser and Dinner" on Saturday, October 13, 2018 from 5 pm to 8 pm at St. Joseph School auditorium. Tickets are \$25 and can be purchased by mailing a check payable to *Pinole History Museum c/o Pinole History Museum*, P.O. Box 285, Pinole, CA. Mr. Rubin encouraged community members to purchase tickets that will be donated to students throughout the District.

Rafael Menis, resident of Pinole, addressed the Council and thanked Dave Snell and staff for their time and assistance recording his candidate statement. He also discussed the City's revenue and stated his support of Measure C.

David Rupert, Pinole 4 Fair Government, addressed the Council and provided an overview of the committee's efforts and those of their endorsed candidates.

Debbie Long, resident of Pinole, addressed the Council and informed the community that the recent debate hosted by the County will be re-broadcasted on Channel 26 on Wednesday, October 3rd 12 p.m., 4 p.m., and 9 p.m. The City has provided the Council Chambers and PCTV for the Council Debate that will be held on Tuesday, October 9th by moderator, Don Gosney.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meeting of September 18, 2018
- B. Receive the September 15, 2018 – September 28, 2018 List of Warrants in the Amount of \$518,752.36 and September 21, 2018 Payroll in the Amount of \$413,634.96
- C. Amended Resolutions – Annual Amendment to Health Insurance Cap for Management and Unrepresented/Confidential Employees

[Action: Approve Resolutions per Staff Recommendation (H. De La Rosa)]

- D. Approval of the 2018 City Hall Closure – December 24th through December 31, 2018 and the 2019 City Council Meeting Schedule
[Action: Approve by Minute Order (H. De La Rosa)]
- E. Approve a Task Order with 4Leaf for Contract Fire Inspector Services in an amount not to exceed \$55,000 and Approve a Budget Amendment of \$30,000
[Action: Approve Resolution per Staff Recommendation (S. Kouns)]
- F. Approve an Amendment to the Professional Services Agreement with Carollo Engineers for the Pinole Hercules Water Pollution Control Plant Upgrade Project in an Amount Not to Exceed \$504,980
[Action: Approve Resolution per Staff Recommendation (T. Miller)]
- G. Approve Amendments to the On Call Contract to Extend the Term and the Task Order for 4 Leaf for Contract Building Inspector/Code Enforcement Services in an Amount Not to Exceed \$130,000, and Authorize a Funding Appropriation of \$130,000
[Action: Approve Resolution per Staff Recommendation (T. Miller)]

City Manager Fitzer provided clarification to the title of Agenda Item 7C – Amended Resolutions – Annual Amendment to Health Insurance Cap for Management and Unrepresented/Confidential Employees. The action items are accurate only a correction to title to state, “*Management, Unrepresented/Confidential Employees, AFSCME, Local 1, IAFF, PPEA and Elected*”.

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

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

8. PUBLIC HEARINGS

- A. Ordinance Amending Chapter 6.04 of the Pinole Municipal Code Adopting Contra Costa County’s Animal Control Ordinance and Related Penalties by Reference
[Action: Conduct Public Hearing Introduce Ordinance and Waive First Reading (E. Casher)]

City Attorney Casher presented the report and provided background information pertaining to the ordinance. He stated that the ordinance was drafted to incorporate future updates made by the County. Mayor Banuelos asked questions and received a response from City Attorney Casher.

At 10:31 p.m., Mayor Banuelos opened the Public Hearing, and having no speakers, at 10:31 p.m., Mayor Banuelos closed the Public Hearing.

ACTION: Motion by Councilmembers Toms/Swearingen to introduce and waive the full reading of the Proposed Ordinance to amend Chapter 6.04 of the Pinole Municipal Code

regarding adoption of 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

None

10. NEW BUSINESS

- A. Discussion Regarding City Council November 2018 Meeting Schedule
[Action: Discuss and Possibly Take Action by Minute Order (M. Fitzer)]

City Manager Fitzer presented the report and stated that the meeting scheduled for November 6th conflicts with Election Day and November 20th conflicts with the week of Thanksgiving. The item is brought forward for Council discussion to keep dates or consolidate to November 13th. City Council meeting of November 6th will be rescheduled to November 13th (5-0).

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and stated his support for rescheduling the November 6th meeting.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Banuelos had nothing to report at this meeting.

- B. Mayoral & Council Appointments
1. Fowler House Re-Use Committee

City Manager Fitzer presented the request from Margo Jorgensen and Georgia Manassis, representatives of the Pinole Senior Center, and Laurelle Martin, representative of the Community Services Commission, to serve on the Fowler House Re-Use Committee.

ACTION: Motion by Councilmembers Swearingen/Long to appoint Georgia Manassis, Margo Jorgensen and Laurelle Martin to the Fowler House Re-Use Committee.

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

- C. City Council Committee Reports & Communications

Councilmember Long provided an update on community requests. She requested that businesses be reminded of the Styrofoam Ordinance to ensure compliance.

Mayor Pro Tem Murray attended the West County Mayor's Association and Recycle More meeting and provided an update to Council.

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

Councilmember Toms provided an update on community requests and the MCE Annual retreat. She complimented members of the Police Department for their fundraising efforts and informed the community that the department will be selling Breast Cancer Awareness Month patches.

Councilmember Swearingen provided an update to Sub Regional Transportation Management Plan. He inquired about property boundaries for Pinole Valley Park and East Bay Regional Park property due to homeless encampment.

D. Council Requests for Future Agenda Items

Councilmember Long suggested that staff address community concerns during presentations and Council consider a proactive approach to vacant store fronts throughout the City. She requested a follow-up presentation by City Manager Fitzer and Assistant City Manager De La Rosa to discussion with Pinole Community Players. Mayor Banuelos requested an ETA on completion of the City's website.

E. City Manager Report / Department Staff

None

F. City Attorney Report

City Attorney Casher stated that the Municipal Code Subcommittee will be reviewing the Wireless Communication Ordinance to ensure it complies with federal law and to maintain local control to regulate these types of facilities. Federal Communication Commission (FCC) new order issued is a federal mandate that they are imposing on local agencies which impacts the way cities can regulate aesthetics of small cell sites undergrounding.

12. ADJOURNMENT to the Regular City Council Meeting of October 16, 2018 In Remembrance of Amber Swartz.

At 11:20 p.m., Mayor Banuelos adjourned the Regular City Council Meeting of October 2, 2018, in Remembrance of Pinole resident Floyd Bernard McCarty, Amber Swartz and our Military personnel all around the world.

Submitted by:


Rosa G. Acosta, CPMC
City Clerk

Approved by City Council ~~October 16, 2018~~

