

**PINOLE CITY COUNCIL
MINUTES
September 18, 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 Pro Tem Pete Murray
Council Member Debbie Long
Councilmember Roy Swearingen
Council Member Maureen Toms

B. COUNCIL MEMBERS ABSENT

Mayor Banuelos

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

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

None

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 - California Firefighters Memorial Day – September 29, 2018

Mayor Pro Tem Murray read into the record a proclamation recognizing California Firefighters Memorial Day on September 29, 2018, recognizing one of our fallen firefighters, Fire Captain Rich Voisey. Chief Kouns accepted the proclamation, and recognized the individuals that have lost their life serving and protecting our community. He thanked Council for the recognition.

B. Presentations / Recognitions

a. Pinole Community Service Day presentation by Debbie Ojeda

Commissioner Debbie Ojeda provided an overview of events along with a power point presentation to Council on Community Service Day event that was held on June 2, 2018. She informed the community that Dumpster Day will be held on October 6th at 7:30 a.m., volunteers welcomed.

b. EBMUD Presentation by Board Director Marguerite Young and Finance Director Sophia Skoda

Finance Director Skoda presented the report and provided an update on EDMUB Operational Activities and strategic plan. She presented an overview of costs and biennial budget for FY 18 and FY 19 with a breakdown of water rate increases. Director Young provided Council an update on current efforts that EBMUD has taken to deliver clean safe waters. Council asked questions, received responses and thanked them for the presentation.

c. Public Works Department Update on Cease and Desist Order by Senior Project Manager, Amelia Timbers

Senior Project Manager Timbers presented the report and provided an update on the Cease and Desist order issued to the City of Pinole and the efforts taken by the City to meet compliance needs including next steps. Council asked questions and received responses.

The following speaker addressed the City Council:

Nancy Lee Martin, resident of Pinole, addressed the Council and inquired about consequences to this action. She received a response from Senior Project Manager Timbers and City Attorney Casher.

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

The following speakers addressed the City Council:

Bob Kopp, resident of Pinole, addressed the Council and expressed his concern with the loss of tax revenue due to the closure of big box stores in Pinole. He expressed his support of Measure C.

Norma Martinez-Rubin, resident of Pinole, addressed the Council and requested an update on code enforcement efforts throughout the City. City Manager Fitzer stated that the item has been placed on the agenda for Council discussion on November 6, 2018.

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.

Sal Spataro, resident of Pinole, addressed the Council and expressed his opposition to Measure C.

Nancy Lee Martin, resident of Pinole, addressed the Council and expressed her concern with staffing issues at the Fire Department and the cost of Measure P. City Manager Fitzer provided a response to her questions and concerns.

David Ruppert, resident of Pinole and representative of Pinole 4 Fair Government, addressed the Council and provided a response to a question submitted to the Contra Costa Times.

Rafael Menis, resident of Pinole and City Council candidate, addressed the Council and stated his concern with the City's budget and projected revenue. He gave an update of his campaign efforts.

Mary Horton, former Mayor of Pinole, addressed the Council and the community expressing her support of Measure C and the benefits.

Irma Ruport, resident of Pinole, addressed the Council and encouraged voters to carefully consider past performance of the City Council before voting and endorsed candidates Anthony Tave and Vincent Salimi for City Council.

Debbie Long, resident of Pinole, addressed the Council and provided an overview of Council meetings and efforts for the City and its residents.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meeting of September 4, 2018
- B. Receive the September 1, 2018 – September 14, 2018 List of Warrants in the Amount of \$304,914.48 and September 7, 2018 Payroll in the Amount of \$380,126.96
- C. Approve a Resolution Authorizing a Motorola Contract for East Bay Regional Communications System Authority (EBRCSA) Radio Upgrade and Approving an Amendment to the FY 2018-19 General Fund Budget
[Action: Approve Resolution per Staff Recommendation (N. Gang)]
- D. Authorize Release of Request for Qualifications for On-Call Consultant Professional Services
[Action: Approve Resolution per Staff Recommendation (T. Miller)]

Item 7D was pulled for further discussion at the request of Councilmember Toms who requested a minor modification to include *an on-call contractor for real estate finance and real estate sales and marketing*. She is involved with the sale and disposition of a number of properties throughout the County and encourages the City to contract these services. City Attorney Casher provided input to her request.

ACTION: Motion by Councilmembers Toms/Swearingen to approve Consent Calendar Items 7A – 7D, with a minor modification to Item 7D to include on-call contractor for real estate finance and real estate sales and marketing.

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

8. PUBLIC HEARINGS

NONE

9. OLD BUSINESS

NONE

10. NEW BUSINESS

- A. Receive a Report Regarding our Fire Prevention Plan and Provide Direction to Staff
[Action: Receive Report and Provide Direction (S.Kouns)]

Chief Kouns presented the report and provided an update on the department efforts and Fire Prevention plan for 2018-22. Council asked questions and received responses. City Manager Fitzer thanked the Council for their feedback and stated that additional items will be brought forward at a future meeting.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and expressed his appreciation to Chief Kouns and stated his concerns.

- B. Discuss Next Phase of Municipal Code Updates and Prioritize Updating Specific Sections
[Action: Receive Report and Provide Direction (E. Casher)]

City Attorney Casher presented the report and requested direction from the City Council regarding prioritization of the proposed sections of the Pinole Municipal Code; approve budget for the 2018-19 and appointment of the ad-hoc subcommittee. Council asked questions and received responses. City Manager Fitzer ranked the projects and stated her support.

Council provided direction for projects to be addressed and the list of projects to be reviewed by the subcommittee. The Subcommittee representatives Mayor Banuelos and Councilmember Toms will remain the same for the time being with new assignments in December 2018. City Attorney Casher stated that the items will be reviewed and brought back for Council consideration and feedback.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and stated his concerns.

Norma Martinez-Rubin, resident of Pinole, addressed the Council and stated her concerns. City Attorney Casher will review and will provide a response.

- C. Consider a Resolution in Opposition to Proposition 6 on the November 2018 Ballot
[Action: Receive Report and Approve Resolution Per Staff Recommendation (M. Fitzer)]

City Manager Fitzer presented the report and provided an overview of Proposition 6. Councilmember Toms encouraged Council to join other cities and oppose Prop 6 due to the possible implications.

ACTION: Motion by Councilmembers Toms/Swearingen to approve a resolution in opposition to Proposition 6 on the November 2018 ballot.

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

Councilmember Long stated her reasoning to her opposition of this resolution. Mayor Pro Tem Murray stated his support to the possible funding opportunities.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Councilmember Swearingen attended the Mayors' conference and provided an update.

Councilmember Toms stated that the **Tip a Cop** event will be held on September 27, 2018 at Applebee's in Pinole.

Councilmember Long informed the community that the Garden Club will be hosting a multi-garage sale on Simas Avenue on Saturday, October 6th from 8:00 a.m. to 3:00 p.m.

Councilmember Swearingen informed the community that Dumpster Day will be held on Saturday, October 6, 2018.

- B. Mayoral & Council Appointments

None

- C. City Council Committee Reports & Communications

Councilmember Toms attended the League of California Cities conference and the Environmental Quality Committee and provided an update to Council.

Councilmember Long attended the Pinole/Hercules Wastewater Subcommittee meeting and provided an update to Council.

Mayor Pro Tem Murray attended the East Bay Regional Park dedication ceremony of the Bay Trail and the Coastal Cleanup event and provided an update to Council. He thanked the sponsors, volunteers, and staff for their contributions to the event.

D. Council Requests For Future Agenda Items

Councilmember Long stated her concern for garbage/recycling fines that are currently being enforced and requested staff to contact Republic Services (RSS) and ask for a future presentation on current practices for an upcoming meeting. (4-0)

Councilmember Long requested a presentation from Caltrans related to traffic impacts on Appian Way. City Manager Fitzer stated that a letter has been sent to Caltrans in regards to traffic impacts.

City Manager Fitzer announced that there will be a 2018 Shelter in Place Drill on November 7, 2018 at 11:00 a.m.

E. City Manager Report / Department Staff

City Manager Fitzer and Assistant City Manager De La Rosa attended the League of California Cities and provided an update to Council.

F. City Attorney Report

City Attorney Casher attended the League of California Cities and provided an update to Council. He informed Council and the community that the FPPC will be issuing a response to his inquiry in regards to hosting a Candidate debate. This item will be brought back for Council discussion at a future date.

The following speakers addressed the City Council:

Jeff Rubin, resident of Pinole, addressed the Council and stated that Kibby Kleinman, Principal of Pinole Valley High School is willing to host a non-televised Council Candidate Debate at the high school.

Rafael Menis, resident of Pinole, addressed the Council and stated that he is in support of attending a Council Candidate Debate.

12. ADJOURNMENT to the Regular City Council Meeting of October 2, 2018 In Remembrance of Amber Swartz.

At 10:26 p.m., Mayor Pro Tem Murray adjourned the Regular City Council Meeting of September 18, 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: October 2, 2018

