

**PINOLE CITY COUNCIL
MINUTES
September 4, 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 6:48 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, 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

At 6:04 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

***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 6:47 p.m., Mayor Pro Tem Murray reconvened the meeting in open session. City Attorney Casher announced that there were no reportable actions. The Council provided staff with direction on pursuing further negotiations with negotiation parties Housing Consortium of the East Bay and Habitat for Humanity.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamation – None
- B. Presentations / Recognitions

b. Bob Kopp donation to Joanna Lennon of Civic Assets

Community member Bob Kopp introduced Chief Executive Officer, Joanna Lennon of Civic Assets. Ms. Lennon provided an overview of Civic Assets and its comprehensive reintegration program for Veterans and Active Duty Service Members focusing on physical and Mental Health, Cognitive Restraining, Environmental Field Work, and Internship-to-Job placements. Council asked questions, received responses and thanked Ms. Lennon for her efforts in providing much needed resources to our Veterans. Mr. Kopp presented Ms. Lennon with a donation check in the amount of \$3,900. He thanked Councilmembers, supporters and volunteers for their support and help with the Car Show.

a. Public Works Department verbal update

Development Services Director/City Engineer Tamara Miller presented the report and provided an update on Public Works Department efforts and staffing. She reminded the public that placement of political sign on the public right of way is not allowed and staff will remove and discard signs that are placed. She provided an update on staff's efforts addressing building permit inspections, encroachment permits, energy renewable programs, trash reduction efforts, Citywide pavement maintenance and Pinole Valley High School construction efforts. She informed the community that Dumpster Day will be held on Saturday, October 6, 2018. Council asked questions and received responses.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and thanked Development Services Director/City Engineer Miller for her presentation and Council for their increased focus on maintenance funding. He suggested that city employees consider a partial lane closure when working in the field, instead of parking on the sidewalk due to pedestrian inconvenience; if contractors are required to make a balancing act, then the City should also consider it.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Stephanie Hernandez-Jarvis, school board candidate for the West County School Board, introduced herself to Council and the community. She stated her goals and vision for the District and welcomed an opportunity to meet with Council.

Norma Martinez-Rubin, resident of Pinole and City Council candidate, introduced herself to Council and the community. She provided an update on her campaign efforts and welcomed the opportunity to meet with Council and community members.

Bob Kopp, resident of Pinole, addressed the Council and invited the community to attend the upcoming Coastal Cleanup event that will be held on Saturday, September 15th at 8:00 a.m., breakfast and lunch will be provided. Mayor Pro Tem Murray stated that this year's event will be co-hosted with the City of Hercules.

Jeff Rubin, President of the Pinole Historical Society, addressed the Council to provide an update on the organization's community engagement programs and funding efforts. He invited Council and the community to two upcoming events:

- The "Make History Happen", a quarterly program, to be held on Friday, September 7, 2018 at 6:00 p.m. at Kaiser Permanente. This is an opportunity to meet board members of the Historical Society, Pinole History Museum and consultants. Everyone welcomed.
- The Pinole History Museum will host its "Inaugural Fundraiser and Dinner" at the St. Joseph School auditorium on Saturday, October 13, 2018 from 5:00 p.m. to 8:00 p.m. Students of Pinole Valley High School Interact Club will be volunteering for this event. Tickets are on sale and can be obtained by mail: Pinole History Museum, P.O. Box 285, Pinole, CA, check payable to *Pinole History Museum in the amount of \$25*; contact Jeff Rubin at (510) 724-9507 or email info@pinolehistoricalsociety.org for more information.

7. CONSENT CALENDAR

- A. Approved the Minutes of the Special City Council Meeting and Minutes of the Council Meeting of August 21, 2018
- B. Received the August 18, 2018 – August 31, 2018 List of Warrants in the Amount of \$327,986.58 and August 24, 2018 Payroll in the Amount of \$390,456.61
- C. Authorized Responses to Grand Jury Report No. 1808, "Joint Powers Authorities"
[Action: Authorize Response per Staff Recommendation (M. Fitzer/H. De La Rosa)]
- D. Approved a Side Letter of Agreement to the Memorandum of Understanding (MOU) Between the City of Pinole and Local 1 to Reinstate the Classification of Accounting Technician to the List of Classifications Represented by the Union
[Action: Approve Resolution per Staff Recommendation (H. De La Rosa)]
- E. Received the Quarterly Investment Report for the Quarter Ending June 30, 2018
[Action: Receive Report per Staff Recommendation (A. Miller)]
- F. Adopted a Resolution Authorizing a Request for Proposal for Engineering, Environmental, and Design Services for the San Pablo Avenue over BNSF Bridge Replacement Project
[Action: Adopt Resolution per Staff Recommendation (T. Miller)]

The following speakers addressed the City Council:

David Ruppert, resident of Pinole, addressed the Council and stated his concern with the placement of this item under Consent Calendar and the public's inability to provide comment and input prior to approval. He also stated that Page 5 of the Staff Report incorrectly states Attachment A as Grand Jury Report: "Homelessness in Cities" instead of Grand Jury Report No. 1808 – Joint Powers Authorities.

City Manager Fitzer stated that the issue addressed by the Grand Jury was for Joint Powers Authority and Oversight, in specific Circular JPA's, single entities such as City Council, internal staff or department, that serve as controlling board or body. The City has one Circular JPA, the Financing Authority, between the City of Pinole and Former Redevelopment Agency. The primary interest was in financing and the ability to issue bonds without public oversight. The City has not issued bonds without public oversight. She clarified that the Water Pollution Control Plant is not a Joint Powers Authority, as described in the agreement; it is a Joint Powers Agreement with Hercules. City Manager Fitzer informed Council and the community that Waste Water Bonds were refinanced in 2016. Council provided comments, asked questions and received responses.

Rafael Menis, resident of Pinole, addressed the Council and inquired about Item 7C – Joint Powers Authority, a separate layer as Successor Agency. He inquired as to the benefit the City gains in having a JPA to control the Successor Agency; he stated that the City Council is the controller of both authorities. Council provided a response to the inquiry. City Manager Fitzer clarified that the Successor Agency is not a JPA; the JPA that the City has within the definition of the Grand Jury Report is the Financing Authority, an Authority between the City of Pinole and Redevelopment Agency. Assistant City Manager De La Rosa stated that the last time the City utilized the Finance Authority was in 2006; it has not been utilized since then. The City Council has the ability to issue debt currently and does not need the Finance Authority, the duplicity of finance debt can be folded, if Council desires. City Manager Fitzer stated that action cannot be taken until the bonds issued by Finance Authority have been exhausted. On Item 7E – Quarterly Investment Report, Mr. Menis inquired about the rate of return percentage between funds. City Manager Fitzer provided a response.

Councilmember Swearingen requested clarification on Item 7F – Fiscal Impact; the total approximate project cost is \$16,800,000 with 88.53% project contribution for a total of \$14,873,040. City Manager Fitzer provided a response and noted the correction.

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

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

8. PUBLIC HEARINGS

NONE

9. OLD BUSINESS

NONE

At 8:26 p.m., Mayor Banuelos called for a recess, and at 8:36 p.m. Mayor Banuelos reconvened the Public meeting.

10. NEW BUSINESS

- A. Review and discuss Regional Transportation STMP Fee WCCTAC Presentation and Consider STMP Fee Structure
[Action: Receive Report and Provide Direction (T. Miller)]

Development Services Director/City Engineer Miller presented the STMP fee process presentation and stated that WCCTAC seeks input from regional agency members. She provided an overview of TAC recommended West County STMP projects and fair-share percentages. WCCTAC calculated max fee based on the nexus that 19% of the impacts need to be borne by new development within the region. The City of Pinole has several projects on the list valued at \$28,800,000 with about \$5,000,000 eligible to benefit by receiving STMP funds collected throughout the region. Council asked questions, provided comments and received responses.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and stated his concern with the 2005 inaccurate calculation and the current project selection process. He encouraged Council to request additional information. Councilmember Swearingen provided a response to his inquiries.

Norma Martinez-Rubin, resident of Pinole, addressed the Council and encouraged Council to solicit additional information from WCCTAC in order to make a well informed decision. Councilmember Swearingen provided a response.

Councilmember Swearingen will bring questions back to the WCCTAC Board and City Manager Fitzer stated that staff will contact WCCTAC staff to get responses to the inquiries presented. This item will be brought to the WCCTAC Board in October for a vote.

ACTION: Council requested clarification on the current project list and possible ramification of the City's projects due to the adoption of low and maximum fees, ensuring the City's projects remain on the list. They also requested an explanation of how regional projects are classified vs the City's list of projects.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

None

- B. Mayoral & Council Appointments

None

- C. City Council Committee Reports & Communications

Councilmember Long stated that Council has received several code enforcement calls and requests; she informed the community that staff continues to work in addressing these cases. She received a complaint about a graphic picture on the hill and requested that staff address the issue ASAP. Councilmember Long also requested that staff inspect and clear the debris near the dog park area around the Care Taker's cottage. Community members are encouraged to

call the Public Works division to report lights out with a pole number. She read into the record a response from Chief Gang to an anonymous post on social media Next Door, clarifying police staffing and retention, crime rates, and National Night Out.

Mayor Pro Tem Murray requested that staff review the current process for Code Enforcement complaints and acknowledge resident complaints. He also requested that staff answer calls and check the system to ensure calls are going through during work hours. He stated his concern for overgrown weeds and encouraged residents to clear their yards to avoid neighborhood blight.

Councilmember Toms informed the Council that she will be attending a Recreation Subcommittee meeting with County librarian staff. She informed the Council that MCE has not had a meeting, but she will be attending an upcoming board meeting and board retreat. She invited members of the community to attend the "Tip a Cop" fundraising event on Thursday, September 27th at 5:00 p.m. at Applebee's. The event raises funds for Special Olympics athletes.

Councilmember Swearingen complimented the Police Department staff for hosting the National Night Out and praised the community for their involvement.

D. Council Requests For Future Agenda Items
None

E. City Manager Report / Department Staff
None

F. City Attorney Report

City Attorney Casher stated that the City received interest from members of the community and City Council to host a City Council Member Debate. He expressed his concern whether the use of the City's Council Chamber and future airing on Pinole TV would be considered as the use of public resources for campaign related activities. The City Attorney's office submitted a formal request to the FPPC to request advice and is expecting to receive a response within the next few weeks. Once a response is received he will bring the item back for Council discussion.

He informed the Council that he will be attending the League of California Cities Conference next week and stated that he has been appointed to serve as the East Bay Division City Attorney representative on the Legal Advocacy Committee.

12. ADJOURNMENT to the Regular City Council Meeting of September 18, 2018 In Remembrance of Amber Swartz.

At 10:00 p.m., Mayor Banuelos adjourned the Regular City Council Meeting of September 4, 2018, in Remembrance of Pinole resident Stephen Hicks, Amber Swartz and our Military personnel all around the world.

Submitted by:


Rosa G. Acosta
City Clerk

Approved by City Council: September 18, 2018

