

**PINOLE CITY COUNCIL  
MINUTES  
May 1, 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 6:04 p.m. and led the Pledge of Allegiance.

**2. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT**

**A. COUNCIL MEMBERS PRESENT**

Mayor Timothy Banuelos (arrived at 6:45 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

Eric Casher, City Attorney

Neil Gang, Chief of Police

Scott Kouns, Fire Chief

Tamara Miller, Community Development Director/City Engineer

Rosa Acosta, City Clerk

City Clerk Acosta announced the agenda was posted on April 26, 2018 at 4:00 p.m. All legally required notices were provided. Clerk Acosta announced the following documents submitted into the record, Item 5Bd – Power point presentation on the City's Website Redesign Project.

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 6:06 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: 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 LEGAL COUNSEL—ANTICIPATED LITIGATION  
Gov. Code § 54956.9(d)(2) or (d)(3)  
Number of Potential Cases: One

**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 6:51 p.m., Mayor Banuelos reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS.

**5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

- A. Proclamation – None
- B. Presentations / Recognitions
  - a. Introduction of Management Analyst, Roxane Stone by Assistant City Manager, Hector De La Rosa

Assistant City Manager De La Rosa introduced Management Analyst, Roxane Stone. Council welcomed her to the City of Pinole.

- b. Building and Planning Division update by Planning Manager, Winston Rhodes

Planning Manager Rhodes provided an update to Council on current City and staff projects. He thanked the members of the Planning Commission for their service to the community. Council asked questions and received responses.

- c. Code Enforcement Quarterly and Balcony Inspection update by Development Services Director/City Engineer, Tamara Miller

Development Services Director/City Engineer Miller provided an overview on Code Enforcement and Sewer Lateral enforcement efforts throughout the City. She informed the community and Council of the upcoming Household Hazardous Waste Collection Event scheduled on May 19, 2018 in the City of Hercules.

- d. Update on City's Website Redesign Project by Assistant City Manager De La Rosa

Assistant City Manager De La Rosa presented an update on the City's redesigned website, department subpages were slightly modified from last meeting. Council asked questions and received responses.

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

The following speakers addressed the City Council:

**Jerry Short**, Vice President Contra Costa Firefighters Local 1230, addressed the Council and stated Local 1230's opposition to Measure P.

**Frances Smith**, Contra Costa County Council on Aging, addressed the Council and provided an overview of the organization's missions. She invited Council to attend a Learning Lab designed to help elected officials plan services for seniors on May 30<sup>th</sup> in Walnut Creek. Council received flyers.

**Jim Shattuck**, resident of Pinole, addressed the Council and expressed his concern for various City processes and stated his opposition to Measure P.

**Darlene Davidson**, resident of Pinole, addressed the Council and stated her support to Measure P and inquired on the City's guidelines of Measure P signs on private property.

**David Ruport**, resident of Pinole, addressed the Council and stated his opposition to the placement of Measure P on the upcoming ballot.

**Tammy Campbell**, resident of Pinole, addressed the Council and stated her opposition to Measure P and encouraged community members to participate in this election.

**Sal Spataro**, resident of Pinole, addressed the Council and stated his opposition to Measure P.

**James Tillman**, resident of Pinole, addressed the Council and invited the community to attend the Contra Costa Elections Division's Candidate Forum on May 12, 2018 at the Pacheco Community Center. He inquired about the process of subcommittee meetings open to the public. He stated his support of term limits and stated he would like to have a progressive City.

**Mary Horton**, resident of Pinole, addressed the Council and stated her support of Measure P.

**William Horton**, resident of Pinole and chair of Pinole's Yes on P committee, addressed the Council and stated his support of Measure P. He stated the importance of transparency and the timely filing of financial forms.

**Debbie Long**, resident of Pinole, addressed the Council and stated that Measure P is an opportunity and choice for community members to run for elections and decide candidates.

**Jeff Rubin**, resident of Pinole, addressed the Council and stated his concern and provided clarification of the misinformation presented to Council and the community pertaining to police staffing and crime rates for the City of Pinole. He stated his support to Measure P.

**Ivette Rico**, resident of Pinole, addressed the Council and stated her concern with comment made towards the committee she represents, she clarified comments made. Ms. Rico stated her opposition to Measure P and her support of the local group Pinole for Fair Government.

City Manager Fitzer provided clarification of comments made during public comments; she explained the role and responsibilities of the Assistant City Manager. She also provided clarification on the City's current vehicle replacement and use of reserves. The City is currently re-evaluating the process of vehicle replacement and staff will make necessary changes. She provided background information on the City's efforts to provide equity with the Fire Department staffing needs. Planning Manager Rhodes provided a response to the delay of development projects in the City.

## **7. CONSENT CALENDAR**

- B. Received the April 14, 2018 – April 27, 2018 List of Warrants and the April 20, 2018 Payroll in the Amount of \$321,612.09 and \$369,464.91 respectively

- C. Adopted a Resolution to Adopt a List of Projects for Fiscal Year 2018/19 Funded by SB 1: The Road Repair and Accountability Act of 2017  
[Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- D. Approved an Amendment to the Professional Services Agreement with Michael Baker International to Extend the Term  
[Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- E. Reviewed and Approved the Revised 2018 Council Committee Appointment List  
[Action: Adopt Resolution per Staff Recommendation (R. Acosta)]
- F. Approved a Contract with Sunshine Floor Covering in the amount of \$4,150 for Installation of Carpet at the Senior Center and Accept a Donation for the Senior Center of 70 square yards of carpet valued at \$3,150 and amend the Measure S 2014 Fund Budget for Fiscal Year 2017-18 to Increase Expenditures in the Amount of \$5,000  
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]
- G. Authorized the Mayor to sign and submit a Letter of Support regarding State Budget Funding to Strengthen Disaster Response  
[Action: Approve Letter of Support, by Minute Order (M. Fitzer)]
- H. Approved a Resolution Opposing the Tax Fairness, Transparency and Accountability Act of 2018  
[Action: Adopt Resolution per Staff Recommendation (M. Fitzer)]

Councilmember Toms made a comment on Item 7G and stated that if this item is approved, it will help with mutual aid assistance and stated that the letter will request funding from the State to help enhance emergency response. Chief Kouns provided an overview of mutual aid protocol.

**ACTION: Motion by Council Members Toms/Swearingen, to approve Consent Calendar Items B-H.**

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

Item 7A was removed at the request of City Manager Fitzer, for a correction and will be brought back to Council for approval at the May 15<sup>th</sup> meeting.

- A. Approve the Minutes of the Meeting of April 17, 2018

**8. PUBLIC HEARINGS**

None

**9. OLD BUSINESS**

None

**10. NEW BUSINESS**

- A. Adopt a Resolution to Initiate Proceedings, Approve the Annual Engineer's Report, Announce Intention to Levy and Collect Assessments for The Pinole Valley Road Landscape and Lighting Assessment District for 2018/2019, and Setting The Public Hearing for June 05, 2018  
**[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**

Development Services Director/City Engineer Miller presented the report and provided an update to Council on the new process of adoption and the opportunity for community input.

**ACTION: Motion by Council Members Murray/Swearingen, to adopt a resolution of the City of Pinole initiating proceedings for the annual levy of assessments and ordering the preparation of annual engineer's report for the Pinole Valley Road Landscape and Lighting Assessment District for Fiscal Year 2018/2019.**

**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 two West Contra Costa School District board meetings, the Municipal Code Update Subcommittee and provided an update to Council.

- B.    Mayoral & Council Appointments  
None

- C.    City Council Committee Reports & Communications

Councilmember Swearingen provided an update to WCCTAC future agenda items.

Councilmember Toms attended the West Contra Costa School District board meeting, the MCE Solar One Ribbon Cutting in Richmond, MCE Board meeting and provided an update to council. She stated that she will be attending the Annual ABAG General Assembly meeting on May 31, 2018 in San Francisco.

Councilmember Long attended the District Attorney debate with questions presented by the local League of Women Voters and stated that she emailed comments to Board member Phillips of the West Contra Costa Unified School District, which were read at the last meeting. She read into the record an email received by Chief Gang pertaining to misleading comments posted on social media in regards to police department staffing.

- D.    Council Requests For Future Agenda Items

None

E. City Manager Report / Department Staff

Development Services Director/City Engineer Miller provided an update on the status of a grant application in the amount of \$22,000 that was submitted for funding from the Transportation Development Act Article 3 – Bike and Pedestrian. The application requested funding of a Capital project included in the City's CIP for the installation of sharrows along Pinole Valley Road and repaving funds for portions of the City's Trail system. Unfortunately, the City was not awarded the grant.

Councilmember Toms stated that the Contra Costa Transportation Authority reviews grant applications for Bike and Pedestrian items.

F. City Attorney Report

City Attorney Casher stated that the next Municipal Code Update Subcommittee will be held on Monday, May 21<sup>st</sup>. The subcommittee is a working group comprised of City Attorney Casher, Mayor Banuelos and Councilmember Toms; no decisions are made at the subcommittee and all items are brought back for Council discussion and approval. He will be attending the League of California Cities, City Attorney's conference and will provide an update on his return.

12. **ADJOURNMENT** to the Regular City Council Meeting of May 15, 2018 in Remembrance of Amber Swartz.

At 9:36 p.m., Mayor Banuelos adjourned the Regular City Council Meeting of May 1, 2018, in Remembrance of Amber Swartz and our Military personnel all around the world.

Submitted by:

  
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Rosa G. Acosta  
City Clerk

Approved by City Council: May 15, 2018

