

**PINOLE CITY COUNCIL  
MINUTES  
May 15, 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 6:00 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 Timothy Banuelos

**C. STAFF PRESENT**

Michelle Fitzer, City Manager  
Hector De La Rosa, Assistant City Manager  
Eric Casher, City Attorney  
Neil Gang, Chief of Police  
Scott Kouns, Fire Chief  
Tamara Miller, Community Development Director/City Engineer

Deputy City Clerk De La Rosa announced the agenda was posted on May 10, 2018 at 4:00 p.m. All legally required notices were provided.

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 6:03 p.m., Mayor Pro Tem Murray convened to a Noticed Closed Session to discuss the following items:

**A. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Gov. Code §54597.6

City Labor Negotiators: Bruce Heid, Gregory Ramirez, and Hector De La Rosa,  
Assistant City Manager

Employee Organizations: Local 1 & AFSCME

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Gov. Code §54956.8

Property: 2100 San Pablo Avenue (APN: 401-120-035)

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

Negotiating Parties: Pinole History Museum Board

Under Negotiation: Terms

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Gov. Code § 54956.9 (d)(1)  
Name of Case: Verizon Wireless

**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 7:08 p.m., Mayor Pro Tem Murray reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS.

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

- A. Proclamation  
a. Emergency Medical Services Week

Mayor Pro Tem Murray presented Fire Chief Kouns with a proclamation declaring May 20-26, 2018 as Emergency Medical Services Week.

- b. National Police Week

Mayor Pro Tem Murray presented Pinole Police Department officers with a proclamation declaring May 13-19, 2018 as National Police Week.

- c. Public Works Week

Mayor Pro Tem Murray presented Development Services Director/City Engineer Miller a proclamation declaring May 21-27, 2018 as National Public Works Week.

- B. Presentations / Recognitions  
a. Legislative Update by Samantha Caygill of the League of California Cities

Ms. Caygill provided an overview of the League of California Cities structure, strategic goals, key issues and ballot updates.

- b. Pinole Garden Club Presentation

Chair of the Pinole Garden Club, Anne Heintz, provided an overview of the club and presented the Pinole Garden Club's Front Garden contest winners with certificates and gifts. Ms. Heintz stated they had 24 participants with first, second and third place winners. Council thanked members of the Garden Club for their efforts throughout the City and congratulated the winners.

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

The following speakers addressed the City Council:

**Kent Moriarty**, resident of Pinole, addressed the Council to discuss bicycle safety in the City of Pinole and stated he has collected over 300 signature petitions from community members requesting bicycling improvements throughout the City.

**Ann Moriarty**, resident of Pinole, addressed the Council and requested that the City improve bicycle safety throughout the City.

**David Ruport**, resident of Pinole, addressed the Council and stated his opposition to Measure P and provided an update on the efforts opposing the measure.

**George Pursley**, resident of Pinole and City representative with the Contra Costa Library Commission, addressed the Council and requested that the City consider funding the public library to increase hours of operation for students and community members.

**Kristen Pursley**, resident of Pinole, addressed the Council and requested that Council consider funding the Public Library to increase hours of operation for community members.

**Tammy Campbell**, resident of Pinole, addressed the Council and expressed her support in funding services for the library and clarified that the committee "No on Measure P" has followed FPPC guidelines and encourages residents to participate and be involved.

**Julie Maier**, resident of Pinole, addressed the Council to recognize David Clark, a longtime drama teacher of Pinole Valley High School and a founding member of the Pinole Community Players, who passed away recently. She noted Mr. Clark's contributions to the youth and community of Pinole. In addition, she stated her opposition to Measure P.

**Rafael Menis**, resident of Pinole, addressed the Council and expressed his support of the Pinole Public Library and requested that the Council consider funding these services.

**Bob Kopp**, resident and member of the Community Services Commission, invited the community to attend the Community Services Day on Saturday, June 2<sup>nd</sup> at the Youth Center. Breakfast and lunch will be served. He also invited the community to attend the Pinole Car Show on Saturday, June 24<sup>th</sup>.

**Sal Spataro**, resident of Pinole, addressed the Council and stated his concern with the City's funding and budgeting process.

**Jim Shattuck**, resident of Pinole, addressed the Council and expressed his opposition to Measure P.

**Mary Horton**, resident of Pinole, addressed the Council and expressed her support of Measure P and encouraged the community to be informed.

**Tom Johnstone**, resident of Pinole, addressed the Council and expressed his opposition to Measure P and encouraged the community to be informed.

**Vincent Wells**, President of Firefighters Local 1230 and representative of the Pinole firefighters, addressed the Council and expressed his support of the "No on Measure P" campaign efforts.

**William Horton**, resident and Chairman of Pinole Citizens' Committee for Measure P 2018, stated that he is not in favor of term limits. He stated that the outcome of the measure lies on the voters of this community.

**Jeff Rubin**, resident of Pinole, addressed the Council and stated his support of Measure P.

**Debbie Long**, resident of Pinole, addressed the Council and discussed the funding of several projects and stated that the funds used for the June election were appropriated election funds with no impact on other City projects. She clarified information that was previously presented and stated that regardless of the outcome of Measure P, she will not be seeking re-election.

**7. CONSENT CALENDAR**

- A. Approved the Minutes of the Meeting of April 17, 2018 and May 1, 2018
- B. Received the April 28, 2018 – May 11, 2018 List of Warrants and the May 4, 2018 Payroll in the Amounts of \$434,200.67 and \$370,380.22, respectively
- C. Authorized the City Manager to Execute an Agreement with ECS Imaging for Implementation, Maintenance and Ongoing Support of the Records and Agenda Management System  
**[Action: Adopt Resolution per Staff Recommendation (R. Acosta)]**
- D. Received the Third Quarter Investment Report for the Quarter ending March 31, 2018  
**[Action: Receive Report (A. Miller)]**
- E. Approved Agreement for Professional Auditing Services for Fiscal Years Ending June 30, 2018 through June 30, 2020, with the Option to Extend the Contract at One-Year Intervals, not to Exceed a Total of Two Additional Fiscal Years  
**[Action: Adopt Resolution per Staff Recommendation (A. Miller)]**
- F. Adopted a Resolution Authorizing City Manager to Execute a Master Agreement and Program Supplement for the San Pablo Avenue over BNSF Bridge Replacement to Allow for Funding to be Provided by the State for Design and Environmental Phases  
**[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**
- G. Accepted a Grant Deed from the Contra Costa County Flood Control and Water Conservation District for Property Located on Henry Avenue  
**[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**

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

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

**8. PUBLIC HEARINGS**

None

**9. OLD BUSINESS**

- A. Review Draft Sewer Rates for Fiscal Years 2018/19 Through 2022/23  
**[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**

Todd Burton from Willdan Financial presented the report and provided an overview of the proposed rates that will comply with Proposition 218 requirements for FY 2018-19 through FY 2022-23. He recommended that the City consider annual rate analysis updates in order to adapt assumptions and funding requirements. Council asked questions and received responses. The following speaker addressed the City Council:

**Rafael Menis**, resident of Pinole, addressed the Council and inquired about funding for the Capital Transfer and Debt Services for FY 2019/2020 and suggested that future presentations include a percentile increase graph for public view. Development Services Director/City Engineer Miller provided a response.

**ACTION: Motion by Council Members Long/Toms, to adopt a resolution declaring its intent to analyze Sewer Rates for FY 2018/2019 through FY 2022/2023 and set a public hearing date.**

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

- B. Adopt a Resolution Declaring Intent for the Levy and Collection of Annual Assessments and Set the Public Hearing for June 5, 2018 for the Pinole Valley Road Landscape and Lighting Assessment District for FY 2018/19, and Adopt a Resolution Approving the Annual Engineer's Report  
**[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**

Development Services Director/City Engineer Miller presented the report and provided an update on the City's outreach efforts. Council asked questions and received responses.

**ACTION: Motion by Council Members Swearingen/Toms, to adopt a resolution declaring its intent to Levy and Collect assessments in the Pinole Valley Road Landscape and Lighting Assessment District, and setting the Public Hearing for June 5, 2018 and approve the Resolution approving the annual Engineer's Report for the Pinole Valley Road Landscape and Lighting Assessment District.**

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

Development Services Director/City Engineer Miller invited the community to participate in the Household Hazardous Waste Event on May 19, 2018.

**10. NEW BUSINESS**

- A. Receive the FY 2017-18 Third Quarter Financial Report and Adopt a Resolution Approving Budget Adjustments  
**[Action: Adopt Resolution per Staff Recommendation (A. Miller and M. Fitzer)]**

Finance Director Miller presented the report and provided an update to Council on current budget revenue, expenditures and third quarter budget adjustments. City Manager Fitzer discussed the Utility Users Tax Renewal and its potential placement on the November 2018 election for voter approval. Council asked questions and received responses.

The following speaker addressed the City Council:

**Rafael Menis**, resident of Pinole, addressed the Council and inquired about budget allocations and received responses from Finance Director Miller.

**ACTION: Motion by Council Members Long/Swearingen, to receive the FY 2017/18 Third Quarter Financial Report and adopt a Resolution approving budget adjustments per staff recommendation.**

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

**11.    REPORTS & COMMUNICATIONS**

- A.    Mayor Report
  - 1.    AnnouncementsNone
- B.    Mayoral & Council Appointments  
None
- C.    City Council Committee Reports & Communications

Councilmember Toms will be attending the ABAG General Assembly meeting on May 31, 2018 and the League of California Cities Environmental Quality Committee meeting on June 7, 2018.

Mayor Pro Tem Murray encouraged Councilmembers to attend the West Contra Costa Unified School District meeting.

Councilmember Long attended the WestCAT meeting and provided an update to Council.

- D.    Council Requests For Future Agenda Items

Discussion of West Contra Costa Unified School District – District Maps (4-0)  
Discussion of a potential Business District for Fitzgerald Drive (3-0)

- E.    City Manager Report / Department Staff

City Manager Fitzer invited the community to attend the City of Pinole's Budget Workshop event scheduled on May 29, 2018 at 6:00 p.m. in the Council Chambers.

- a.    Unrepresented Compensation  
      **[Action: Summary Report by Council]**

City Manager Fitzer stated that the Director of Finance will be receiving a \$250 car allowance and is publicly announcing the compensation to ensure compliance with AB 1425.

- F.    City Attorney Report  
None

**12.    ADJOURNMENT** to the Special City Council Meeting of May 23, 2018 in Remembrance of Amber Swartz.

At 10:55 p.m., Mayor Pro Tem Murray adjourned the Regular City Council Meeting of May 15, 2018, in Remembrance of Amber Swartz, community members Deloris June Johannessen, David Clark and our Military personnel all around the world.

Submitted by:

  
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Rosa G. Acosta  
City Clerk



**Approved by City Council: June 5, 2018**