

**PINOLE CITY COUNCIL  
MINUTES  
DECEMBER 1, 2015**

**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 Murray called the meeting to order at 6:07 PM and led the Pledge of Allegiance.

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

**A. COUNCIL MEMBERS PRESENT**

Mayor Peter Murray  
Mayor Pro Tem Roy Swearingen  
Council Member Tim Banuelos  
Council Member Debbie Long

**B. STAFF PRESENT**

Michelle Fitzer, City Manager  
Belinda Espinosa, former City Manager  
Benjamin Reyes, City Attorney  
Stephanie Downs, Assistant City Attorney  
Hector De La Rosa, Assistant City Manager  
Neil Gang, Police Chief  
Fire Chief, Rob Piper  
Patricia Athenour, City Clerk

City Clerk Athenour announced the Agenda was posted on November 25, 2015 at 4:00 P.M. All legally required notice was provided. The Council responded to the City's Clerk question, stating there were no conflicts with any items on the agenda. She advised the Council of the follow changes to the Agenda:

Item 7C – Staff requests removal of the item only to allow the Council to weigh in on the designation of the \$1,000 annual contribution by the applicant, Pacific Coast Farmers Market, to a non-profit provider. Ms. Athenour also noted that some extraneous pages were inserted into this report during the packet production and those were not part of the report and to omit.

Item 7E – Staff is requesting to table the item indefinitely and propose to return on December 15, 2015 for Council to reject the bids and readvertise the project. An email was sent to the Council prior to the meeting protesting the award. It was determined that the low bidder did not meet a statutory State requirement.

**3. CONVENE TO A CLOSED SESSION**

**4. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION**

There were no closed session items.

## 5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

### A. Proclamations

There were no proclamations.

### B. Presentations / Recognitions

#### 1. Pinole Valley High Choir Performance

The Pinole Valley High Choir, led by Director Mark Flanagan performed a song and dance routine titled *Wintertime is Here!*

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

The following citizens addressed the Council:

**Ian Richards**, Pinole librarian, addressed Council to announce the upcoming library activities.

**Irma Ruport**, Pinole citizen, read a response into the record regarding Bob Kopp's comments at November 17, 2015 Council meeting.

**Mary Horton**, Pinole citizen, read a quote on practical politics. Stated her appreciation for the role of the city manager and her admiration for the position and thanked Ms. Espinosa for her service and is confident that Ms. Fitzer will do an excellent job also.

**William Horton**, Pinole citizen, extended good wishes to City Manager Espinosa and commended her for her service to the City of Pinole. He said she was very accessible to the public. Mr. Horton also recognized Jack and Teresa Meehan for celebrating their 60<sup>th</sup> anniversary this year.

## 7. CONSENT CALENDAR

Item 7C was removed at staff's request to allow the Council to designate the community service organization recipient of the annual community contribution.

Staff requested the removal of Item 7E for a motion to table indefinitely.

**ACTION: Motion by Council Members Swearingen / Long, the Council Approved the Consent Calendar With the Exception of Items 7C and 7E.**

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

A. Approved the Minutes of the Meeting of November 17, 2015

B. Received the November 14 - 27, 2015 List of Warrants and the November 20, 2015 Payroll in the Amount of \$203,861.15.

C. Authorized the City Manager To Enter Into An Agreement with the Pacific Coast Farmers Market [**Council Report No. 2015-125; Action: Adopt Resolution Per Staff Recommendation (De La Rosa)**] **REMOVED**

Mr. De La Rosa, Assistant City Manager introduced the item and asked Council to provide input on selection of a recipient for the \$1,000 annual donation provided by Pacific Coast Farmers Market..

**Alan Moy**, Executive Director of Pacific Coast Farmers' Market (PCFM) addressed Council and introduced **Jessica Milinder**, Marketing Manager. Mr. Moy forwarded the West Contra Costa County Business Development Center as a potential recipient, but said they were open to other recommendation from Council. The Business Development Center offers a culinary course which they have supported in the past

Council discussion followed. Council Member Long suggested requiring an application process for distribution of the funds.

There was overwhelming support from the Council was to direct the funds to local non-profits supporting youth activities.

Mayor Murray suggested the Pinole Youth Foundation where the contribution could support their programs.

Council Member Long said in addition to the Youth Foundation, the Boy Scouts provide programs and activities and also local troops contribute to the community. She discussed her experience when she participated in reviewing Redevelopment Agency grant applications in the past.

Mayor Murray said the funds should be earmarked for local youth and follow up with establishment of a program that the City to administer through an application process.

Mr. Moy suggested they PCFM could administer the program so the donation comes directly from their company and could take the burden off staff to implement a new program. .

There was Council concurrence as long as there was communication between the PCFM and the City, and stressed that the organizations must be Pinole based non-profits.

Council Member Long raised a question regarding the hand washing units and the portable toilets and whether organizations take advantage of the free booths offered.

Mr. De La Rosa explained that there were adding the cleansing units and additional toilets.

Ms. Millinder responded that and provided names of service organizations who benefited from the free booth use such as the Pinole Artisans, the Chamber and the Pinole Library.

**ACTION: Motion By Council Members Swearingen / Banuelos, the Council Adopted Resolution 2015-110, Approving the Two-Year Contract with Pacific Coast Farmers Market, and Further Designated Local Youth Service Organizations As the Recipient of the Annual Community Contribution.**

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

- D. Receive 2015/16 First Quarter Investment Report [**Council Report No. 2015-126; Action: Receive Report (Miller)**]
- E. Award the Bid and Authorize the City Manager to Execute a Construction Contract with Fortier Builders In An Amount Not To Exceed \$89,000 For the Pinole Community Playhouse Interior Alterations at 601 Tennent Avenue [**Council Report No. 2015-132; Action: TABLE INDEFINITELY(Petrie**

Items 7E was removed and staff requested a motion to table the item indefinitely.

Swearingen asked that the reason be stated.

Mayor Murray announced that a bid protest was filed.

City Attorney Reyes advised Council that staff would be submitting a report to reject the bids and bid the project again at the December 15, 2015 meeting.

**ACTION: Motion by Council Members Swearingen / Banuelos, the Council Tabled Item 7E – Awarding the Contract for the Pinole Theatre Interior Improvement Contract.**

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

## **8. COUNCIL REORGANIZATION**

### **A. Comments by Outgoing Mayor Murray**

Mayor Murray shared history of the Council accomplishments and his recollections of the past year. He thanked the Council and City staff for their efforts over the past six years of financial challenges, and stated that City's prospects look better each day, with the building of a sustainable reserve. The audits provide transparency for public review; there are plans in the works to upgrade City facilities, infrastructure and the addition of solar power projects. With the approval of the Long Range Property Management Plan, the City will be able to sell properties and the school district and other taxing agencies, including the City, will benefit financially. He reported that the design package for the Wastewater Treatment facility upgrade was completed and is currently out to bid, and the development of the Gateway Center and on Appian Way is moving forward. Murray extended special thanks to the Fire and Police Chiefs, noted the loss of several civic leaders, Treasurer Lee and Council Member Green, and the transition with the retirement of City Manager Espinosa. He introduced and welcomed the City's newest City Manager Michelle Fitzer, and closed extending thanks to the community for their support.

### **B. Presentations & Comments to Outgoing Mayor**

Mayor Pro Tem Swearingen highlighted Mayor Murray's long standing commitment and contributions to the City, stating that few people have out-served him, as measured in years. Mayor Murray has served Pinole for 23 years. He recognized his commitment, his ability to work with everyone and bring people together to find common ground.

Council Member Banuelos agreed and said he also thought of Mayor Murray as his role model for the mayoral position. Banuelos said his leadership is unprecedented, and complimented by his humble nature. He has always been accountable and has always touched someone in a

positive manner. Council Member Banuelos stated appreciation for the time and effort that he put into the WCCIWMA negotiations trying to retain the best possible outcome for the Pinole ratepayers.

The Council presented Mayor Murray with a traditional award for his service to the City and thanked him for serving as the Mayor and leading the Council the past year.

C. Reorganization of the City Council

Selection & Appointment of Mayor & Mayor Pro Tem in Accordance with Resolution 2010-87 [Council Report 2015-127; Action: Council Discretion to Nominate Officers and Adopt Resolution of Appointment (Athenour)]

Mayor Murray requested nominations from the Council.

**ACTION: Motion by Council Members Swearingen/Banuelos, the Council Adopted Resolution 2015-108, Appointed Council Member Long as Mayor Pro Tem; and**

**FURTHER ACTION: Motion by Council Members Long/ Banuelos, the Council Appointed Council Member Swearingen as Mayor. Both serve a one-year term.**

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

D. Oaths of Office Administered by City Clerk

City Clerk Athenour administered the oath of office to Mayor Pro Tem Long and Mayor Swearingen.

E. Comments from the Newly Seated Mayor

Mayor Long addressed her plans for 2017, and her desire to continue to rebuild the City organization and restore positions while maintaining a fiscally conservative budget. She would like to facilitate growth in community services, public safety and recreation services. She encouraged support and input from the community.

meetings run smoothly, will do her best to do that

the need to continue to rebuild the City while conservatively maintaining a fiscally responsible budget. ringen addressed his plans for 2016, and the need to look conservatively at new projects, maintain our existing facilities, and hope to start rebuilding our City staff and rebuilding projects. He encouraged support and input from the community during the transition of staff. He discussed the need to address traffic impacts and parking problems as Pinole streets are sometimes used as a “pass-through” as an alternative for commuters

At 6:36 p.m., Mayor Long called a recess for a brief reception and reconvened the meeting at 7:46 p.m.

## **9. NEW BUSINESS**

- A. Amend or Ratify the Council Meeting Procedures Approved Under Council Resolution 2014-67 [**Council Report 2015-128; Action: Council Discretion to Reconfirm or Adopt Resolution to Amend Procedures (Athenour)**]

City Clerk Athenour presented Council Report 2015-128 into the record, and referred the Council to the Attachment A containing the current meeting procedures. Staff submitted two amendments to the procedures and advised the Council that they could entertain those recommendations and hear from their colleagues to consider other changes. Athenour stated that the current procedures meet all legal requirements.

Discussion followed on the two amendments contained in the staff report. Council Member Murray stated support for the staff recommendation.

The following speakers addressed Council on the matter:

**David Ruport** Pinole citizen, echoed concerns with compliance with the requirement that a person would first have to contact staff with questions on a Consent Calendar item. He said it seems to be an unnecessary burden on City staff and could discourage community members

**Irma Ruport**, Pinole citizen, also expressed concerns on the same matter. She said there are sometimes fifteen items on the Consent Calendar, including contracts and citizens need to know the information, and that it could be hard to reach staff; the City should be a little more transparent.

The matter was brought back to the Council for discussion. Council Member Long asked if the Council members were included and must call with questions.

City Clerk Athenour said if could, if it was the will of the Council. She said staff always encourages Council to contact staff for clarification prior to the meeting.

Mayor Pro Tem Long said many times she asks questions for the benefit of the public. She felt the requirement was too limiting and had the potential to take a lot of staff time.

Council Member Banuelos said he thought the concerns expressed were not relevant. He suggested that email is more effective and sees that it offers the public one-on-one time for the public.

Mayor Swearingen suggested adding language to include either contact a Council Members or staff with their question.

Mayor Pro Tem Long favored that addition if there was support to review the practice in three months to see how was working.

**ACTION: Motion by Council Member Banuelos / Murray, the Council Adopted Resolution 2015-109. Amending the Council Meeting Procedures, Repealing All Prior Procedural Resolutions, with the Following Amendments:**

1. **Adding the following language to Section 11C of the Council Agenda – “& Communications”**
2. **Adding the following language to Item 9B – Consent Calendar & to Section 7- Consent Calendar on the Agenda**

**“A member of the public requesting to remove an item from the Consent Calendar must first have discussed the item with a Council Member or a City staff member who has knowledge on the subject material, prior to filing a speaker card with the City Clerk at the meeting.”**

**This procedure is subject to review by the City Council in three months to determine the effectiveness.**

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

- B.       Review and Confirm 2015 Council Assignments [Council Report 2015-129; Action: Council Discretion Reassign and/or Reconfirm Appointments]**

The Council continued the matter of the 2016 Council Assignment List to the January 19, 2016 meeting when there would be a full five-member Council composition.

- C.       Discussion Regarding Placement of a Plaque at the Pinole Skate Park [Council Report 2015-130; Action: Council Discretion Regarding Approval of Skate Park Plaque (Espinosa)]**

**Belinda Espinosa**, City Manager presented Council Report 2015-130 and the PowerPoint exhibit materials into the record. She first discussed the placement of the plaque, providing several options in the area of the novice skate area. Options discussed were wall mount, ground mount on a concrete base and mounting on a rock, similar to the Faria House plaque near the Kaiser Permanente Medical Offices.

Ms. Espinosa next addressed the language and design of the plaques as depicted in the PowerPoint exhibit showing the City proposal and the Skate Park Committee which contained two separate plaques, side by side, on recognizing the City and the other, the efforts of the committee and the skaters. Ms. Espinosa explained that the one standard City plaque would be paid by the City and the second plaque recognizing the Skate Park Committee members to be funded from their donations. Ms. Espinosa showed the recommended placement, but stated depending on the size, may only have room for one plaque.

Mayor Pro Tem Long questioned the proposed size.

Ms. Espinosa said it could vary in size, but assumed approximately 26" x 32

The following speakers addressed the Council"

**Mary Horton**, Pinole citizen, found either one of the plaques acceptable, but thought it was important to also acknowledge the youth such as Buck Rodrigues, Nick Tormey, and Patrick Murray who were the early proponents of a skate park.

**Sandee Glanz**, Sk8 Park Committee representative, stated that she had received many messages wishing her luck today and conveyed their support for a community plaque. She said the Council had offered to pay for the plaque subject to approval of the wording and layout. She felt this was a grassroots effort that would never have come to fruition without skateboarders and other local supporters. She said she was asking for this one sentence, and a side-by-side layout, not a vertical one. If the Council does not want to approve that one sentence on their plaque, then the compromise would be that the Skate Park Committee would purchase their

plaque and install it at the back of the park. She also asked Council to strike the words “and take care of it” from the City’s proposed plaque.

**Julie Maier**, Pinole citizen, appreciated collaborative efforts shown recently and strongly suggested the rendition the Skate Park Committee presented today. She said a memorial should honor the story of this park, and that one person made sure this would happen, Sandee Glanz. The statement regarding never giving up is very important to the committee, who has been very patient through this process and the supporters never gave up. Ms. Maier also supported removal of the sentence –“take care of it” from the City plaque. Regarding placement of the plaques, she suggested the City staff and Council work with the Skate Park Committee as they think there may be a better place to put the plaque.

**Dave Ruport**, Pinole citizen, echoed the comments of the two prior speakers. He said people are getting hung up on semantics. Ruport said the Skate Park Committee’s proposal is from the heart and soul of the committee members and removing their words was not sensible. He entered in the record an email correspondence regarding moving the process forward, sent to the City Council and City Manager Espinosa on November 10, 2015 to which he never received an answer.

**Ivette Ricco**, member of the Sk8 Park Committee, addressed the Council and said the community is the City and if the Council valued their volunteers, they should accept the committee’s recommendation which also acknowledges and recognizes the people who have worked numerous years to get this project constructed. She said side-by-side placement of the plaques seems to be the right message to send.

**Patrick Conway**, Pinole citizen, addressed Council to support the plaque presented by the Committee and the side by side format. He recommended that it is called a “dedication” plaque not a “memorial” plaque, separate Max and Sandee Glanz as they are not a couple, and remove words on City plaque – “take care of it.”

The matter was brought back to Council. Discussion among the Council ensued.

Mayor Murray led off, stating that they needed to finish this project and agreed with removal of the words “take care of it”, with a suggestion instead “this is your park, take care of it and enjoy it.” He was supportive of two side-by-side plaques if they are appropriately sized and not too large. This is not any particular group’s park; it belongs to everyone in Pinole. If that language is removed, he finds the two plaques acceptable. He considered placement at the back side of the wall in the photo contained in the PowerPoint exhibit where it would be protected from getting damaged.

Mayor Pro Tem Long said part of the delay was due to lack of a policy. She said whatever was decided tonight should not be precedent setting. Rules will provide guidance for future requests. Long said she agreed with some of the comments this evening. She felt the language was still a bit wordy, but understand why they want the language. She agreed with removal of the words that the park belongs to the skateboarders of Pinole, agreed with removing “Take care of it,” and agreed with the two side-by-side plaques and also the location recommended by Council Member Murray, and hope the rest of the Council agreed this was not precedent setting and to place a moratorium on plaques until we have a policy.

Council Member Banuelos told a story of his experience with placement of a plaque on a structure that they preserved and that later the structure received historic designation and had two plaques. He said these plaques should be mounted in a vertical wall where they won’t be damaged and should be identical size.



Mayor Swearingen was also concerned about precedent setting and said he has received calls from citizens wanting other people to be recognized with plaques. He referenced Hercules method with one designated area where all plaques are mounted. Need a policy and that is why there are varied opinions. He favored one plaque with the wording as the committee suggested, separate Max and Sandy and get rid of the language "take care of it"- on skate committee remove the words "as a safe and legal place to skate. Think there should be a meeting of the minds and get a final agreement and bring it back for approval. Rather we work together – staff, committee and Council to get wording amenable to all before we make a final decision.

Council Member Murray stated his interest to reach an agreement and asked if Ms. Glanz was agreeable to City's suggestions and stated his support for 2 plaques side-by-side, sized appropriately.

**Sandee Glanz** said she was agreeable to removing "This is your park" not of removing the language about dedication to the Skateboarders of Pinole or Special Thanks sentence. She would not want her name on it without that language. .

Discussion continued between the Council and Ms. Glanz to reach a compromise on the plaques.

Mayor Pro Tem Long initiated a suggestion to use the Skate Park Committee language, adding the opening date, and the special thanks sentence. Mayor Swearingen recommended having one plaque with the language proposed by the Skate Park committee, stating that he did not feel the Council needed to be named on every plaque.

Council Member Banuelos concurred with removal of the Council member names. There had been previous discussion to include the names of Belinda Espinosa and Dean Allison. As the discussion moved from two plaques to one, and the final language was being proposed, it was essentially the Skate Park Committee proposal with modifications to add Pinole Skate Park at the top of their plaque language, remove "This is Your Park," place the opening date at the bottom of the plaque, and change "those" volunteers now to "all" volunteers, and reference to City Council and City staff were not included in the final motion.

**ACTION: Motion By Council Members Banuelos / Murray, The City Council Approved One Plaque To Be Placed On The Back Side Of Novice Skate Area, As Cited Below:**

**PINOLE SKATE PARK IS DEDICATED TO THE  
SKATEBOARDERS OF PINOLE**

**SPECIAL THANKS TO ALL THE VOLUNTEERS WHO NEVER  
GAVE UP ON THIS PROJECT TO ESTABLISH A SAFE AND  
LEGAL PLACE TO SKATE IN PINOLE**

**PINOLE SK8 PARK COMMITTEE MEMBERS**

MAX GLANZ	JULIE MAIER
SANDEE GLANZ	IVETTO RICCO
MAUREEN TOMS	COUNCILMAN PHIL GREEN

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

**Abstain:       None**  
**Absent:       None**

**10.    OLD BUSINESS**

**11.    REPORTS & COMMUNICATIONS**

A.    Mayor Report

1.    Announcements
  - a.    Chamber Winterfest 2 PM on December 5th
  - b.    Tree Lighting at 5:30 PM.
  - c.    Mayors Conference on 12/5
  - d.    Council Interviews on December 8<sup>th</sup> at 6 PM

B.    Mayoral & Council Appointments

1.    Reappoint TAPS Committee Members Ojeda & Tave  
[Council Report 2015-131; Action: Council Discretion to Reappoint Members]

**Patricia Athenour**, City Clerk presented Council Report 2015-131 into the record.

**ACTION: Motion By Council Member Banuelos/Long, The Council Reappointed Committee Members Anthony Tave and Joe Ojeda to Two -Year Terms on the Traffic and Pedestrian Safety Committee**

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

C.    City Council Committee Reports - None  
There were no reports.

D.    Council Requests For Future Agenda Items  
There were no requests for Agenda items.

E.    City Manager Report / Department Staff  
City Manager Fitzner reported that she was glad to be in Pinole.

F.    City Attorney Report  
City Attorney Downs had no report.

**12.    ADJOURNMENT** to the Regular City Council Meeting of December 15, 2015. In memory of Amber Swartz and our military personnel

At 9:20 p.m., Mayor Swearingen adjourned the meeting to the Special Meeting of December 8, 2015.

**Submitted by:**

**Patricia Athenour, MMC  
City Clerk**

**Approved by City Council: December 15, 2015**