

# **CITY COUNCIL MEETING**

## **MINUTES**

**APRIL 16, 2019**

### **1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS**

The City Council Meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Murray called the Regular Meeting of the City Council to order at 5:32 p.m. and led the Pledge of Allegiance.

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

#### **A. COUNCILMEMBERS PRESENT**

Peter Murray, Mayor  
Roy Swearingen, Mayor Pro Tem  
Norma Martinez-Rubin, Councilmember  
Vincent Salimi, Councilmember  
Anthony Tave, Councilmember

#### **B. STAFF PRESENT**

Michelle Fitzer, City Manager  
Hector De La Rosa, Assistant City Manager  
Heather Iopu, City Clerk  
Eric Casher, City Attorney  
Scott Kouns, Fire Chief  
Andrea Miller, Finance Director  
Tamara Miller, Development Services Director/City Engineer  
Daniel Hortert, Planning Manager

City Clerk Iopu announced the agenda was posted on April 11, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional items pertaining to Agenda Items 7C, 9B and 10A on the agenda were provided at the dais for the Council and copies were placed at the rear of the Chamber for the public.

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**

#### **A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to Gov. Code § 54956.9(d)(2).  
One Matter

#### **B. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Gov. Code § 54957.6

Negotiating Parties: City Manager Michelle Fitzer, Hector De La Rosa, Asst. City Manager & Bruce Heid

Employee Organizations: All Groups

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

Mayor Murray reported action on Closed Session Item 3B. Staff was directed to approach employee organizations regarding contract negotiations.

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

At 7:07 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

**Rafael Menis**, resident of Pinole, requested that information regarding the Friends of the Library Annual Book Sale be distributed by the City and posted on City website.

**Tammy Campbell**, resident of Pinole, spoke regarding the Pinole School District budget and increase in number of charter schools. Encouraged the City Council to approach School District to address budget issues.

The Council and staff addressed questions and made comments.

**6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

**A. Proclamations**

**1. Recognizing April as Sexual Assault Awareness Month**

Mayor Murray read a Proclamation recognizing April as Sexual Assault Awareness Month and presented it to Cynthia Peterson, Executive Director of Community Violence Solutions.

Cynthia Peterson summarized services of the Community Violence Solutions agency and highlighted its active education campaigns.

The City Council thanked Ms. Peterson and made comments in support of the agency's work.

**B. Presentations / Recognitions**

**2. Fire Department Update by Fire Chief Scott Kouns**

Fire Department report presented by Fire Chief Scott Kouns.

Councilmembers asked questions and staff responded.

The following speaker addressed the City Council:

**Ivette Ricco**, resident of Pinole, asked for clarification regarding fire inspection fees. Made comment regarding need for improvements to City's landscape maintenance.

**7. CONSENT CALENDAR**

**A. Approve the Minutes of the Meeting of April 2, 2019**

- B. Receive the March 30, 2019 – April 12, 2019 List of Warrants in the Amount of \$397,958.16 and the April 5, 2019 Payroll in the Amount of \$453,323.61

**ACTION: Motion by Councilmembers Martinez-Rubin/Tave to approve Consent Calendar Items A and B.**

**Vote:            Passed            5-0**  
**Ayes:           Murray, Swearingen, Tave, Martinez-Rubin, Salimi**  
**Noes:           None**  
**Abstain:       None**  
**Absent:        None**

Item 7C was pulled by Mayor Murray for further discussion.

- C... Approve a Letter of Support for the Tri-Valley Cities Legislative Positions Letter on Priority Housing Legislation and Authorize the Mayor to Sign the Letter  
**[Action: Review Letter and Authorize the Mayor to Sign (Fitzer)]**

City Manager Fitzer introduced the item, provided context and outlined the action.

The following speaker addressed the City Council:

**Maureen Toms**, resident of Pinole, recommended that a graphic that reflects job growth vs. housing growth in metropolitan areas is shown at next City Council discussion of this item. Made comments regarding housing issues.

City Council authorized the Mayor sign a letter of support for the Tri-Valley Cities Legislative Positions Letter. Council directed staff to bring the related Contra Costa County collective report with resolution back for review at the May 7, 2019 City Council meeting.

**8. PUBLIC HEARING**

- A. Conduct Second Reading Small Cell Wireless Design Guidelines **[Action: Adopt Ordinance on 2<sup>nd</sup> Reading (Casher)]**

City Attorney Casher presented report and outlined the action.

Councilmembers asked questions. Staff responded.

**At 8:22 pm, Mayor Murray opened the Public Hearing.**

No speaker cards were received by the City Clerk.

**At 8:22 pm, Mayor Murray closed the Public Hearing.**

**ACTION: Motion by Councilmembers Martinez-Rubin/Salimi to adopt Ordinance Adding Chapter 17.77 to the Zoning Code to Regulate Small Cell Wireless Facilities and Resolution Adopting Design Requirements for Small Cell Wireless Facilities and a Related Application Fee.**

<b>Vote:</b>	<b>Passed</b>	<b>5-0</b>
	<b>Ayes:</b>	<b>Murray, Swearingen, Tave, Martinez-Rubin, Salimi</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

## 9. OLD BUSINESS

- A. Approve a Professional Services Agreement with Management Partners in an Amount Not to Exceed \$70,000 to Facilitate Council Team Building and Community Strategic Planning Processes **[[Action: Approve Resolution Per Staff Recommendation (Fitzer)]]**

City Manager Fitzer presented report and outlined the action.

Councilmembers asked questions of staff regarding the proposal. Staff responded.

Councilmembers asked questions of Management Partners representative, Christine Butterfield. Ms. Butterfield addressed questions.

The following speakers addressed the City Council:

**Ivette Ricco**, resident of Pinole, spoke in support of approving the item and the benefits to the community in the long term.

**Rafael Menis**, resident of Pinole, spoke in support of approving the item and highlighted the benefits of teambuilding and strategic planning. Asked how this process will differ from the General Plan development process.

Christine Butterfield addressed questions and spoke in detail regarding the process.

**ACTION: Motion by Councilmembers Tave/Salimi to approve Old Business Item 9A.**

<b>Vote:</b>	<b>Passed</b>	<b>5-0</b>
	<b>Ayes:</b>	<b>Murray, Swearingen, Tave, Martinez-Rubin, Salimi</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

- B. Discussion Regarding Timing of Fire Service Delivery Study, Charter City Potential Ballot Measure, and the Strategic Planning Process **[Action: Discuss & Provide Direction (Fitzer)]**

**ACTION: Motion by Councilmembers Martinez-Rubin/Tave to extend the meeting until 11:30 p.m.**

<b>Vote:</b>	<b>Passed</b>	<b>5-0</b>
	<b>Ayes:</b>	<b>Murray, Swearingen, Tave, Martinez-Rubin, Salimi</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>

City Manager Fitzer presented report and outlined the action.

Discussion by Council and staff of the options available with regard to timing of potential ballot measures.

**ACTION: Motion by Councilmembers Martinez-Rubin/Tave to extend the meeting.**

<b>Vote:</b>	<b>Passed</b>	<b>4-1</b>
	<b>Ayes:</b>	<b>Murray, Tave, Martinez-Rubin, Salimi</b>
	<b>Noes:</b>	<b>Swearingen</b>
	<b>Abstain:</b>	<b>None</b>

The following speakers addressed the City Council:

**Rafael Menis**, resident of Pinole, spoke regarding state legislation that could affect the decision and made comment regarding becoming a Charter City.

**Ivette Ricco**, resident of Pinole, commented that the City needs to move forward on the Fire Study. Spoke in support of addressing the fire study question first and then the Charter City, next.

**ACTION: Motion by Councilmembers Tave/Salimi to direct staff to prepare two ballot measures: Fire Study for March 3, 2020 Election and Charter City for November 3, 2020 Election.**

<b>Vote:</b>	<b>Passed</b>	<b>3-2</b>
	<b>Ayes:</b>	<b>Tave, Martinez-Rubin, Salimi</b>
	<b>Noes:</b>	<b>Murray, Swearingen,</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

C. East Bay Ophthalmology Center (Gateway Medical Center) Project Update  
[Action: Discuss & Provide Direction (Hortert)]

Planning Manager Hortert introduced the item.

Dr. Lee, of Pinole Medical Eye Institute, gave an update report regarding East Bay Ophthalmology Center project.

Planning Manager Hortert presented report detailing status of project.

The following speakers addressed the City Council:

**Jim Shattuck**, resident of Pinole, spoke in support of the project and encouraged the City to expedite approval of the project.

**Ivette Ricco**, resident of Pinole, spoke in support of the project and made comment regarding the color palette.

Council directed staff to move forward with recommendation of the project to the Planning Commission with a review of the color palette.

## 10. NEW BUSINESS

- A. Receive City of Pinole's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2018 [No Action Required: Informational Item Only (A. Miller)]

Andrea Miller, Finance Director, presented report.

Councilmembers asked questions. Staff responded to questions.

The following speaker addressed the City Council:

**Rafael Menis**, resident of Pinole, made comment regarding the details of the report and asked questions of staff.

Staff addressed questions.

**ACTION: Motion by Councilmembers Swearingen/Martine-Rubin to approve New Business Item 10A.**

<b>Vote:</b>	<b>Passed</b>	<b>5-0</b>
	<b>Ayes:</b>	<b>Murray, Swearingen, Tave, Martinez-Rubin, Salimi</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

- B. Discussion Regarding the Potential For Fireworks On July 4<sup>th</sup> 2019 [Action: Discuss & Provide Direction (Fitzer)]

City Manager Fitzer presented report and outlined the action.

The following speakers addressed the City Council:

**Rafael Menis**, resident of Pinole, spoke in support of having fireworks in 2020 and considering a safe location.

**Ivette Ricco**, resident of Pinole, spoke in support of community events and a 2020 fireworks show.

Council directed staff to bring back discussion item in the Fall of 2019 for a possible 2020 fireworks show.

## 11. REPORTS & COMMUNICATIONS

- A. Mayor Report  
1. Announcements

Mayor announced various community events.

B. Mayoral & Council Appointments  
1. Planning Commission

Interview subcommittee made comment regarding the recruitment process and outlined the recommendation to Council.

Councilmembers made comments.

The following speaker addressed the City Council:

**Rafael Menis**, resident of Pinole, spoke regarding the recommendation of the subcommittee.

**ACTION: Motion by Councilmembers Tave/Swearingen to Approve Appointments to the Planning Commisison:**

**Appoint David Kurrent, Ann Moriarty, Devin Murphy, & Simon Wong for a (4) year term commencing on May 1, 2019 and ending on April 30, 2023**

**Appoint Sarah Flashman and Joseph Ojeda for a (1) year term commencing on May 1, 2019 and ending on April 30, 2020.**

<b>Vote:</b>	<b>Passed</b>	<b>3-2</b>
	<b>Ayes:</b>	<b>Martinez-Rubin, Salimi, Tave</b>
	<b>Noes:</b>	<b>Murray, Swearingen</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

C. City Council Committee Reports & Communications

Councilmember Martinez-Rubin reported on board activities and community events.

Mayor Murray reported on board activities.

D. Council Requests For Future Agenda Items

Councilmember Salimi asked to bring back two discussion items; downtown revitalization and business development and a presentation from the Bay Front Chamber of Commerce. Council gave consensus.

Mayor Murray requested a discussion on Roadway Management Program and Funding. Council gave consensus.

Councilmember Martinez-Rubin requested a recognition item for photographer Earl Combs for his service to the community. Council gave consensus.

Mayor Pro Tem Swearingen requested a discussion of the use of drones by the Pinole Police Department for deterrence of crime. Council gave consensus.

E. City Manager Report / Department Staff

None.

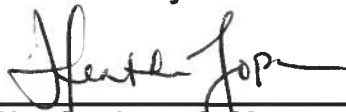
F. City Attorney Report

None.

**12. ADJOURNMENT** to the Council Meeting of May 7, 2019 and in Remembrance of the Amber Swartz.

At 12:48 a.m., Mayor Murray adjourned to the City Council meeting of May 7, 2019 in Remembrance of Amber Swartz.

**Submitted by:**

  
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Heather Iopu, CMC  
City Clerk

**Approved by City Council: May 7, 2019**

