

CITY COUNCIL MEETING

**MINUTES
May 7, 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 6:00 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
Neil Gang, Police Chief
John Engle, Police Officer
Johnathan Porter, Police Officer
Jennifer Witschi, Police Officer
Scott Kouns, Fire Chief
Andrea Miller, Finance Director
Tamara Miller, Development Services Director/City Engineer
Daniel Hortert, Interim Planning Manger

City Clerk Iopu announced the agenda was posted on May 2, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that an amended agenda and a revised item pertaining to Item 7A 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

No Closed Session scheduled.

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

No Closed Session scheduled.

5. CITIZENS TO BE HEARD (Public Comments)

At 6:04 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

Kent Moriarty, resident of Pinole, spoke regarding the proposed plan for road striping on Pinole Valley Road. Suggested adjusting the traffic lanes to 10 feet in width in order to improve the safety conditions for bikers.

Janet Pygeorge, President of Rodeo Citizens Association, spoke regarding the Phillips 66 Refinery and against pollution. Gave history of involvement in fight against pollution in Rodeo.

Andres Soto, Communities For A Better Environment, spoke regarding Phillips 66 Refinery expansion and warned that this would increase Pinole's exposure to pollution.

Maureen Brennan, resident of Rodeo, spoke regarding local railway pollution caused by coal and other trains to the communities along their routes.

Rafael Menis, resident of Pinole, spoke regarding his request to change City policy. Requested a simpler process to change City's administrative policies that includes community input.

Charles Davidson, spoke regarding the shoreline shared by Hercules and Pinole and concerns regarding the Phillips 66 expansion and potential environmental threats.

Nancy Rieser, Crockett-Rodeo United to Defend the Environment, expressed concerns regarding the Phillips 66 Refinery expansion and potential safety threats.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Recognizing May 9-19 2019 as Affordable Housing Week

Mayor Murray read a Proclamation recognizing May 9-19 2019 as Affordable Housing Week and presented it to Andy Madeira, Senior Vice President of Eden Housing. Andy Madeira thanked the City and announced information on Affordable Housing Week events.

2. Recognizing May 12-19, 2019 as National Police Week

Mayor Murray read a Proclamation recognizing May 12-19, 2019 as National Police Week and presented it to Officers Porter and Engle. Mayor Murray spoke in recognition of the important work of the Pinole Police Department.

B. Presentations / Recognitions

1. Introduction of Therapy Dog Milo (Gang)

Chief Gang introduced Milo to the Council and community. Officer Witschi presented background on Milo's training to be a therapy dog and information on Milo's role in the Police Department.

2. Introduction of new Fire Department Management Analyst, Leticia Andreas (Kouns)

Item continued to May 21, 2019 meeting.

3. Fire Hazard Abatement Day Announcement (Kouns)

Chief Kouns announced details of Fire Hazard Abatement Day on Saturday, May 11, 2019.

4. Public Works/Building/Planning Update (T. Miller/Hortert)

Interim Planning Manager Hortert presented report on activities and projects of the Planning Division and Planning Commission.

Councilmembers asked questions regarding the status of projects. Staff responded to questions.

Councilmembers held discussion regarding loss of businesses and subsequent revenue loss. Council made comment and proposed ideas regarding planning to address revenue loss.

Discussion of increased online retail sales and the impact to the City share of sales tax revenue.

Discussion of vacated large retail spaces and strategies to attract new tenants.

Discussion of concern for development in neighboring municipalities and the effects it has on Pinole.

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, made comment regarding Planning project updates and the effects of state sales tax law changes on Pinole.

City Manager Fitzer indicated that a proposal from HdL has been received for Economic Development contract assistance, which was planned to be brought forward at a later date but can come sooner if the Council wants it to. Council indicated to bring it forward, after the City Manager determines the amount of staff time that would be required to work with the consultant on the project.

Development Services Director/City Engineer Miller provided an update on the Public Works Department.

Councilmembers asked questions. Staff responded to questions.

5. Quarterly Code Enforcement Update (T. Miller)

Development Services Director/City Engineer Miller presented report on Code Enforcement.

Councilmembers asked questions. Staff responded to questions.

The following speakers addressed the City Council:

Bill Low, resident of Pinole, spoke regarding his experience submitting Code Enforcement complaints on the website. Requested that updates be provided in response to complaints that are submitted.

Ivette Ricco, resident of Pinole, spoke in recognition of Tamara Miller for her hard work. Spoke regarding information provided to the Council by email with ideas related to revenue generation.

Councilmembers asked questions. Staff responded to questions and addressed the public comments.

7. CONSENT CALENDAR

Councilmember Salimi made comment regarding Item 7F. He has asked staff to bring back review of a City Debt Collection Policy. City Manager Fitzer reported that staff is addressing his request and will bring back the item for consideration by Council at a future meeting.

- A. Approve the Minutes of the Meeting of April 16, 2019
- B. Receive the April 13, 2019 – May 3, 2019 List of Warrants in the Amount of \$422,984.57 and the April 19, 2019 Payroll in the Amount of \$378,804.42 and the May 3, 2019 Payroll in the Amount of \$385,932.68.
- D. Approve An Amendment To The Contract And Issue A Task Order For 4 Leaf Inc. For A Contract Planning Manager In An Amount Not To Exceed \$100,000, And Amend The Budget Appropriation **[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**
- E. Approval Of The Resolution Supporting The Contra Costa County Jurisdictions' Housing And Policy Framework Of April 2019 **[Action: Approve Resolution Per Staff Recommendation (Fitzer)]**
- F. Review and Approve Updated Fiscal Policies **[Action: Review and Approve Policies (A. Miller)]**
- G. Approve An Amendment To The Professional Services Agreement With Carollo Engineers For The Pinole Hercules Water Pollution Control Plant Upgrade Project In An Amount Not To Exceed \$348,920 **[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]**

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve Consent Calendar Items A, B, D, E, F and G

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

The following items were pulled for further discussion:

- C. Adopt A Resolution Approving A Two Hundred And Seventy (270) Day Exclusive Negotiating Agreement With Housing Consortium Of The East Bay For The Development Of 811 San Pablo Avenue **[Action: Adopt Resolution Per Staff Recommendation (De La Rosa)]**

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, spoke in support of the item and made comment regarding low income housing standards.

- H. Receive The Quarterly Investment Report For The Quarter Ending March 31, 2019, And Authorize Staff To Invest Additional Funds In Long-Term Securities **[Action: Receive Report (A. Miller)]**

The following speaker addressed the City Council:

Rafael Menis, resident of Pinole, spoke regarding details of the report and asked questions of staff.

City Manager Fitzner and Finance Director Miller addressed the public questions.

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve Consent Calendar Items C and H.

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

8. PUBLIC HEARING

No Public Hearing scheduled.

9. OLD BUSINESS

None.

10. NEW BUSINESS

- A. Consider A Request From La Casita Bilingüe Montessori School's Fundraising Committee In Pinole For A Refund Of The Rental Fee For Fernandez Park BBQ Area On May 11, 2019 **[Action: Consider Authorization of Fee Refund and Adoption of Resolution Per Staff recommendation (De La Rosa)]**

Assistant City Manager De La Rosa presented report and outlined the action.

Discussion by Council regarding the City policy and past practice with regard to fee refund requests of this type.

The following speaker addressed the City Council:

Ivette Ricco, resident of Pinole, acknowledged the comments of the Council as a valid points. Suggested that the Council make a one-time exception for La Casita and seek out in-kind service opportunities that they might provide.

Councilmembers asked questions and staff responded.

ACTION: Motion by Councilmembers Salimi/Murray to approve the Authorization of Fee Refund and Adoption of Resolution Per Staff Recommendation with direction to staff to engage with La Casita Bilingue School to arrange in-kind donation.

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

11. REPORTS & COMMUNICATIONS

A. Mayor Report **1. Announcements**

Mayor announced community events and information:

Encouraged community to join with the Friends of the Pinole Creek Watershed in participating in Community Service Day on Saturday May 18, 2019.

Announced West County Wastewater District Board Vacancy.

Announced Pinole Car Show on June 23, 2019.

Contra Costa County Mayor's Conference report. Marin Clean Energy presentation, information regarding State housing legislation provided including SB 50 and updates made to the Housing Policy Framework created by the City Managers for the CCC Mayor's Conference.

B. Mayoral & Council Appointments

None.

C. City Council Committee Reports & Communications

Councilmember Salimi announced addition to his family with new baby boy.

Councilmember Martinez-Rubin spoke regarding the importance of immunizations.

Mayor Pro-Tem Swearingen reported on the West Contra Costa County Mayor's Meeting. Discussion regarding planning a hospital facility in West Contra Costa County.

Councilmember Tave reported that he met with WestCAT and encouraged the public to use the new buses that they have made available. Spoke regarding the increase in mosquitoes during this season and stated the importance of knowing your resources such as Contra Costa Vector Control.

D. Council Requests For Future Agenda Items

Councilmember Salimi requested bringing back a discussion item to amend the Municipal Code 10.40.220 relating to height restrictions on vehicles parked near intersections to improve visibility for pedestrians and drivers. Council gave consensus.

Councilmember Swearingen requested a report on the conditions of various fields and recreation facilities to include a cost evaluation. Councilmembers asked questions. Staff responded. Council gave consensus.

E. City Manager Report / Department Staff

City Manager Fitzer reported that the City has started its Fire Study. Announced the Community meeting on May 29th at 6:00 p.m. at the Youth Center.

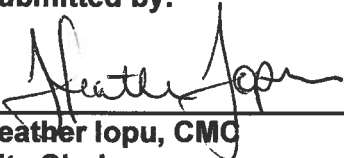
F. City Attorney Report

City Attorney Casher reported on his attendance at the CA League of Cities City Attorney Committee.

12. ADJOURNMENT to the Joint City Council and West Contra Costa Unified School District Meeting of May 13, 2019 In Remembrance of Amber Swartz.

At 9:42 p.m., Mayor Murray adjourned to the Joint City Council and West Contra Costa Unified School District Meeting of May 13, 2019 In Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: May 21, 2019

