

CITY COUNCIL MEETING
MINUTES
May 21, 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 6:01 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
Scott Kouns, Fire Chief
Andrea Miller, Finance Director
Tamara Miller, Development Services Director/City Engineer
Joe Bingaman, Public Works Manager
Leticia Andreas, Management Analyst

City Clerk Iopu announced the agenda was posted on May 16, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional items pertaining to Items 6B3 and 7C of 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)(4)
One Matter

The following speaker addressed the City Council:

Irma Rupert, resident of Pinole, requested that a description of government codes be included

in the Closed Session agenda item descriptions.

City Attorney Casher responded.

At 6:03 p.m. the City Council convened in Closed Session.

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

Mayor Murray reconvened the City Council to Open Session at 7:03 p.m. and announced that there was no reportable action from the Closed Session.

5. CITIZENS TO BE HEARD (Public Comments)

At 7:04 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, spoke regarding the high number of recent fire service calls and in support of increasing funds to support the Fire Department. Made comments regarding the Constitution and government structure.

Bob Kopp, resident of Pinole, announced the upcoming Car Show on June 23 and detailed the organizations where the proceeds would be donated.

Kent Moriarty, resident of Pinole, spoke regarding the planned road striping on Pinole Valley Road. Encouraged amending the plan to reduce vehicle lane width to 10 feet to improve safety for bicycle riders.

Mayor Murray referred roadway design for bicycle and car transit to the TAPS committee for review. Council gave consensus.

Irma Rupert, resident of Pinole, spoke regarding the importance of attending public meetings and announced upcoming meeting dates and times. Spoke regarding the active Community Service Commission recruitment.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Recognizing May 19-25 As Public Works Week (T. Miller)

Mayor Murray read a Proclamation recognizing May 19-25 as Public Works Week and presented it to Development Services Director/City Engineer Miller and Public Works Manager Bingaman.

Development Services Director/City Engineer Miller thanked the Council and introduced Joe Bingaman, new Public Works Manager.

2. Recognizing May 19-25 As Emergency Medical Services Week (Kouns)

Mayor Murray read a Proclamation Recognizing May 19-25 as Emergency Medical Services Week and presented it to Fire Chief Kouns.

Chief Kouns thanked the Council, highlighted EMS Week activities and introduced Leticia Andreas, new Management Analyst.

B. Presentations / Recognitions

1. Introduction of new Public Works Manager Joe Bingaman (T. Miller)
2. Introduction of new Fire Department Management Analyst, Leticia Andreas (Kouns)
3. League of California Cities Update by Samantha Caygill

Samantha Caygill presented update on League of CA Cities 2019 Strategic Priorities, provided position information on pending legislation and announced upcoming events and opportunities.

Mayor Murray thanked Ms. Caygill and made comments. Councilmembers asked questions. Ms. Caygill responded to questions and provided information on the League of CA Cities website for the public.

7. CONSENT CALENDAR

Councilmember Tave asked for clarification from staff on report for Item 7E. City Manager Fitzer confirmed that all registered voters in Pinole will be contacted for participation in the EMC Research Fire Study Poll.

- A. Approve the Minutes of the Meeting of May 7, 2019
- B. Receive the May 4, 2019 – May 17, 2019 List of Warrants in the Amount of \$618,092.23 and the May 17, 2019 Payroll in the Amount of \$461,129.13.
- C. Adopt A Resolution Initiating Proceedings For The Annual Levy Of Assessments And Ordering The Preparation Of The Annual Engineer's Report For The Pinole Valley Road Landscape And Lighting Assessment District For Fiscal Year 2019/2020 [Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- D. Adopt A Resolution Authorizing The City Manager To Execute A Lease Agreement With The Pinole Community Players For Use Of 601 Tennent Avenue [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]
- E. Authorizing The City Manager To Execute An Agreement With EMC Research, Inc. To Conduct Polling For The Potential Fire Study Ballot Question In The Amount Of \$24,950 [Action: Authorize City Manager to Execute Agreement per Staff Recommendation (Fitzer)]
- F. Approving A Temporary Amendment To The Staffing Allocation In The Fire Department To Hire An Additional Fire Academy Recruit [Action: Adopt Resolution per Staff Recommendation (Kouns)]
- G. Adopt A Resolution To Approve A Task Order And Funding Allocation For 4leaf For Fire Prevention/Inspection Services Through June 30, 2022 In An Amount Not To Exceed \$160,000 Annually On A Fiscal Year Basis [Action: Adopt Resolution and per Staff Recommendation (Kouns)]

- H. Approving The Pinole Salary Schedule For All Represented And Unrepresented Employee Classifications In Conformance With California Code Of Regulations, Title 2, Section 570.5 [Action: Adopt Resolution Per Staff Recommendation (De La Rosa)]
- I. Rejection Of Apparent Low Bid As Unresponsive, Award Of Contract To MVP Construction LLC, Inc. In The Amount Of \$318,603 For Construction Of The Fernandez Park Restroom Building Replacement, And Authorizing Increasing The Funding Allocation By \$57,808 [Action: Award Contract per Staff Recommendation (T. Miller)]

The following speaker addressed the City Council regarding Item 7I.

Rafael Menis, resident of Pinole, highlighted the rejection of low bid by the City and spoke regarding the bid process for the benefit of potential future bidders.

ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve Consent Calendar Items A-I

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

8. PUBLIC HEARING

No Public Hearing scheduled.

9. OLD BUSINESS

- A. Consideration Of The Library Maintenance And Service Agreement Between The City Of Pinole And Contra Costa County [Action: Consider Agreement per Staff Recommendation (Fitzer)]

City Manager Fitzer presented report and outlined the action.

Melinda Cervantes, County Librarian, made comments regarding details of the service agreement. Spoke regarding the base hours, operations, and maintenance costs.

Councilmembers asked questions. Ms. Cervantes and Library Manager Frances Adebola-Wilson responded to questions.

Discussion regarding library funding and amount of Pinole property sales tax allocation to the County for library services.

Discussion regarding the language in the service agreement with regard to the base hours of the library.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, spoke regarding the details of the agreement.

Bob Kopp, resident of Pinole, asked when the library hours were reduced. Commented that the City of Pinole is paying an exorbitant amount of money to the County for library services in Pinole. Encouraged more review of the agreement.

Councilmembers and staff responded to public comments and questions.

County Librarian Cervantes asked to bring back more detail to the Council on the allocation of funds within the County and specific information on Pinole.

Further discussion by Councilmembers regarding approval of the agreement.

ACTION: Motion by Councilmembers Salimi/Martinez-Rubin to approve the Library Maintenance and Service Agreement between the City of Pinole and Contra Costa County and Adopt Resolution

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

10. NEW BUSINESS

- A. Receive the FY 2018-19 Third Quarter Financial Report And Adopt A Resolution Approving Budget Adjustments [Action: Receive Report and Adopt Resolution per Staff Recommendation (T.Miller)]

Finance Director Miller presented report and outlined the action.

Councilmembers asked questions. Staff addressed questions.

The following speakers addressed the City Council regarding Item 10A.

Rafael Menis, resident of Pinole, asked questions regarding the report.

Staff responded to public questions.

ACTION: Motion by Councilmembers Swearingen/Salimi to Receive the FY 2018-19 Third Quarter Financial Report And Adopt A Resolution Approving Budget Adjustments

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

B. Code Enforcement Operation [Action: Receive report. (Fitzer)]

City Manager Fitzer presented report on Code Enforcement.

Development Services Director/City Engineer Miller presented information on current status of Code Enforcement management.

Chief Gang made comments regarding the Code Enforcement model and cited opportunities for improvements that can be made if it is housed within the Police Department.

Councilmembers asked questions of staff.

Discussion regarding the appropriate department to house the Code Enforcement program. Councilmembers made comment regarding the benefits and challenges of housing the program in the Development Services or the Police Department. Concerns of the community cited.

Councilmembers asked questions regarding current use of FTE and how priority level categories are being addressed. Staff responded to questions.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, asked for clarification regarding details of the staff report. Suggested creating a new department for Code Enforcement, and made comments regarding tracking system for receiving Code complaints.

City Manager Fitzer responded to public questions.

ACTION: Motion by Councilmembers Salimi/Swearingen to extend the meeting beyond 11:00 p.m.

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

Irma Ruport, resident of Pinole, expressed need to take proactive community-based outreach method to address Code Enforcement.

Councilmembers made comments and held discussion on each of the three motions before approval with the following votes:

ACTION: Motion by Councilmembers Salimi/Martinez-Rubin to adopt a proactive service model for Code Enforcement

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

ACTION: Motion by Councilmembers Martinez-Rubin/Salimi to approve staff recommendation for code enforcement staffing Model and contract support

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

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to house the Code Enforcement in the Development Services Department

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

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor announced community events and information:

Pinole Car Show on June 23, 2019

B. Mayoral & Council Appointments

Mayor Murray requested a future agenda item regarding creating an SRO subcommittee given the discussion at the joint meeting with the School District on May ¹³, 2019. Council gave consensus.

C. City Council Committee Reports & Communications

Mayor Murray gave details of discussion with School District Superintendent regarding charter schools.

Mayor ProTem Swearingen reported on recent West Contra Costa Transportation Advisory Committee (WCCTAC) meeting. Provided update on Contra Costa Transportation Authority (CCTA) sales tax measure expected to be placed on March 2020 election ballot.

Councilmember Tave reported that WestCat announced telematics will be upgraded and improvements made to software used for camera monitoring and location tracking of its buses.

Councilmember Martinez-Rubin thanked the Community Services Commission for organizing Community Services Day. Provided highlights of the event.

D. Council Requests For Future Agenda Items

Councilmember Tave requested to bring back a discussion item to adopt resolution and fly the Pride Flag in observance of Pride Month in June. Council gave consensus.

E. City Manager Report / Department Staff

City Manager Fitzer announced upcoming special meetings: Special Budget Workshop on May 28th and Fire Study Community Meeting on May 29th.

F. City Attorney Report

None.

12. **ADJOURNMENT** to the Special City Council Meeting of May 28, 2019 In Remembrance of Amber Swartz.

At 11:31 p.m., Mayor Murray adjourned to the the Special City Council Meeting of May 28, 2019 In Remembrance of Amber Swartz.

Submitted by:


For Heather Iopu, CMC Deputy City Clerk
City Clerk

Approved by City Council: June 4, 2019

