

CITY COUNCIL MEETING
MINUTES
June 4, 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 Fitzner, 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

City Clerk Iopu announced the agenda was posted on May 30, 2019 at 4:00 p.m. All legally required notice was 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

No closed session scheduled.

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

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:

Bob Kopp, resident of Pinole, announced the Pinole Car Show on June 23. Made comments on the format of the recent community fire study workshop.

David Ruport, resident of Pinole, spoke regarding fire season, the recently held community fire study workshop and potential fire hazards in Pinole. Spoke regarding the large collection of Tagalog books at the Pinole Library.

Lisa Ancira, spoke regarding the importance of beautification of Old Town Pinole and that local businesses would like to help. Requested that City evaluate how to do additional tree maintenance in the area.

Irma Ruport, resident of Pinole, spoke regarding the Community Fire Study Workshop. Stated the workshop was not well advertised and poorly attended.

Rafael Menis, resident of Pinole, clarified his comments at last City Council meeting regarding the Brown act requirement with regard to speaker cards.

Debbie Long, resident of Pinole, spoke regarding the Community Fire Study Workshop. Stated that she thought the City Council should have attended. Expressed concerns about the format of the workshop and stated that there may have been attendees from non-Pinole residents. Requested another workshop in a different format to gather better information on the topic.

Tammy Campbell, resident of Pinole, asked that the City advertise at schools for next Fire Study community workshops. Spoke regarding charter schools and announced meeting of the School District that will address loss of enrollment and funding of public schools as a result of charter schools.

Pearl Cabrera, resident of Pinole, Commissioner of Arts for Contra Costa County, introduced herself and offered to help the City of Pinole.

David Bowman, resident of Pinole, spoke regarding hills surrounding Pinole, fire hazards and concerns about access for fire trucks in the area.

Mayor Murray and Mayor Pro Tem Swearingen and Fire Chief Kouns addressed the public comments from Mr. Bowman.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. Recognizing Pinole Valley High School Spartans Baseball Team

Mayor Murray presented Proclamation to the Team. Spartans coach recognized each player individually.

B. Presentations / Recognitions

1. Recognizing Stewart McCale in his retirement from Pinole Community Television (PCTV)

Mayor Murray presented Certificate of Recognition to Stewart McCale for his service to the Pinole Community. Councilmembers made comments. Stewart McCale thanked the Council and spoke regarding the honor.

2. Community Services Day Presentation by Community Services Commissioner Debbie Ojeda

Commissioners Laurelle Martin and Debbie Ojeda presented an overview of the Community Services Day, thanked vendors and participants, and presented a slideshow of pictures from the event.

3. Finance/Recreation/Administrative/Housing Division Updates by Assistant City Manager De La Rosa and Finance Director Miller

Finance Director Miller presented an overview of the Finance Department, its structure and employees. Highlighted the accomplishments of the Department, reviewed updates recently made to the budget document and other improvements that will be proposed to Council for approval, outlined the regular practices and reports of the department. Detailed newly implemented software to improve efficiency and updated financial policies.

Assistant City Manager De La Rosa presented a brief overview of the Human Resources Department. Announced the Recreation Department's current youth and senior programs. Provided update on City's Information Technology. Presented update on Redevelopment Agency properties. Presented summary of special projects.

Councilmembers asked questions. Staff addressed questions.

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, thanked staff for the reports. Asked that slideshows be included in the agenda packet and posted to the website.

Tammy Campbell, resident of Pinole, spoke regarding needed updates to the City's computer systems and vulnerability to our City's computers until we implement changes. Encouraged City to prepare with mitigating measures.

7. CONSENT CALENDAR

- A. Approve the Minutes of the Meetings of May 13 and May 21, 2019.
- B. Receive the May 18, 2019 – May 31, 2019 List of Warrants in the Amount of \$232,782.36 and the May 31, 2019 Payroll in the Amount of \$357,562.41.
- D. Adopt A Resolution Declaring Intent For The Levy And Collection Of Annual Assessments And Set The Public Hearing For June 18, 2019 For The Pinole Valley Road Landscape And Lighting Assessment District For FY 2019/2020, And Approving The Annual Engineer's Report [Action: Adopt Resolution Per Staff Recommendation (T. Miller)]
- E. Approve An Amendment To The Contract And Issue A Task Order For 4Leaf Inc. For A Project Specific Planner In An Amount Not To Exceed \$50,000 [Action: Adopt Resolution Per Staff Recommendation (T. Miller)]

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

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

The following items were pulled for further discussion:

- C. Approve An Amendment To The Professional Services Agreement With Michael Baker International To Extend The Term [Action: Adopt Resolution Per Staff Recommendation (T. Miller)]

The following speaker addressed the City Council regarding Item 7C:

Rafael Menis, resident of Pinole, asked whether the City will have enough time for analysis or will need to request another extension.

City Manager Fitzer responded to questions.

ACTION: Motion by Councilmembers Tave/Salimi to approve Consent Calendar Item 7C.

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

- F. Adopt A Resolution Approving Side Letter Agreements To The Memorandum Of Understandings (MOUs) Between The City Of Pinole And The Represented Groups (AFSCME Local 512, Local 1, Pinole Police Employees Association, And International Association Of Firefighters) And Authorizing Amendments To Management, Unrepresented/Confidential Employees Contracts Adjusting The Retirement Sharing Formula Effective June 24, 2019 [Action: Adopt Resolution Per Staff Recommendation (De La Rosa)]

The following speaker addressed the City Council regarding Item 7F:

Rafael Menis, resident of Pinole, spoke regarding the staff report, encouraged the City of Pinole to compose a letter to LAFCO (Local Agency Formation Commission) to provide an update on measures the City is taking to address increase in pension liability.

Discussion by Councilmembers and staff regarding the 115 Trust. Clarification of the staff report details by City Manager Fitzer and Assistant City Manager De La Rosa.

Councilmembers made comments.

ACTION: Motion by Councilmembers Swearingen/Salimi to approve Consent Calendar Item 7F.

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

- G. Authorizing The City Manager To Execute A Contract With Hinderliter De Llamas & Associates (HdL) In The Amount Not To Exceed \$34,000 For Economic Development Services [Action: Adopt Resolution Per Staff Recommendation (De La Rosa)]

Discussion by Council regarding the potential benefit of hiring HdL. Discussion of the history of possible areas of development within the City.

City Manager Fitzer addressed the questions and comments of Councilmembers.

Discussion by Council regarding what direction to take and whether the City could hire a staff person to perform economic development work.

The following speakers addressed the City Council regarding Item 7G:

Tammy Campbell, resident of Pinole, spoke in support of the action, approving the consultant in order to have expert information and in order to try a new method.

Devin Murphy, resident of Pinole, asked whether there is a vacancy tax on landowners who own land but don't have an active business.

Rafael Menis, resident of Pinole, spoke regarding the potential to review the specific contract amount designations if the item is continued to a future meeting.

City Manager Fitzer and Mayor Murray responded to public comments.

Councilmembers made comments.

David Bowman, resident of Pinole, discussed the importance of highlighting the boutique quality of Pinole to attract visitors.

Irma Rupert, resident of Pinole, spoke in favor of the action and urgency of getting more information on economic development.

Bob Kopp, resident of Pinole, commented that we can wait in order to get more information before deciding on this matter.

Councilmembers made comments.

ACTION: Motion by Councilmembers Salimi/Tave to approve Consent Calendar Item 7G, with the condition that HdL provide a list of successful references

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. Consider A Resolution Creating An Ad-Hoc Committee To Work With The Fire Ballot Measure Polling Consultant **[Action: Consider Adopting Resolution, Per Staff Recommendation (Fitzer)]**

City Manager Fitzer outlined the item and action. Councilmember Tave introduced his request to discuss creation of this subcommittee.

Discussion by Council regarding inclusion of a larger group in the Fire Study process.

Discussion regarding what the role of the subcommittee would be.

The following speakers addressed the City Council:

Irma Rupert, resident of Pinole, spoke in support of the action, and asked whether or not citizens can be included in the committee.

Mayor Murray and City Attorney Casher responded to questions.

Rafael Menis, resident of Pinole, summarized the intent of the item and spoke in support of including members of the public on the ad hoc committee.

Bob Kopp, resident of Pinole, recommended that the information be gathered by the City in coordination with the public.

Further discussion by Council. City Manager Fitzer responded to Councilmember questions.

ACTION: Motion by Councilmembers to Create An Ad-Hoc Committee To Work With The Fire Ballot Measure Polling Consultant

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

Mayor Murray called for a recess at 9:10 p.m.

Mayor Murray reconvened the meeting at 9:20 p.m.

10. NEW BUSINESS

- A. Consider A Resolution Recognizing June As LGBTQ+ Month And Directing Staff To Fly The Rainbow Flag During The Month Of June 2019 [Action: Consider Adopting Resolution, Per Staff Recommendation (Fitzer)]

City Manager Fitzer introduced the item and outlined the action. Councilmember Tave made comments as to the reason for bringing the item forward for discussion.

Discussion by Council.

The following speakers addressed the City Council:

Allen Faria, spoke against the action.

David Rupert, resident of Pinole, spoke in favor of the action, and cited other cities who are flying the rainbow flag and positive reasons for doing so.

Irma Rupert, resident of Pinole, spoke in favor of the action, and encouraged the City to be inclusive.

Robyn Kushitz resident of Pinole, spoke in favor of the action, highlighted her own time served in the military, and reasons for the importance of flying the flag.

Rafael Menis, resident of Pinole, spoke in favor of the action, spoke regarding the reasons for flying the flag and importance of Pride in the community.

Devin Murphy, resident of Pinole, spoke in favor of the action and the importance of flying the flag in order to support the individuals who are not "out", and reasons for celebrating Pride and recognizing diversity.

Cesar Zepeda, resident of Pinole, spoke in favor of the action, cited other cities in the County that are flying the Pride flag. Spoke regarding gay soldier's contribution in D-Day success. Spoke regarding the importance of flying the Pride flag.

Discussion regarding the benefits of flying the flag and placement of the flag at City Hall.

ACTION: Motion by Councilmembers Tave/Martinez-Rubin to Recognize June As LGBTQ+ Month And Directing Staff To Fly The Rainbow Flag During The Month Of June 2019

Vote:	Passed	4-1
	Ayes:	Murray, Martinez-Rubin, Salimi, Tave
	Noes:	Swearingen
	Abstain:	None
	Absent:	None

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

Mayor Murray announced Car show on Saturday, June 23, 2019.

Announced his participation in recent Memorial Day Event at Fernandez Park. Announced that it was not well-attended. Suggested the City assist with advertising next year.

Reported on the West County Mayor's Meeting; EBMUD representative gave report on why rates are going up as result of infrastructure needs of district.

Councilmember Tave requested a future agenda item to discuss EBMUD updates.

B. Mayoral & Council Appointments

1. SRO Subcommittee

Councilmember Tave and Mayor Murray volunteered to serve on the SRO Subcommittee.

Councilmember Swearingen/Salimi moved to approve the appointments and motion passed unanimously by Councilmembers present.

Councilmembers made comments regarding SRO subcommittee subject matter.

C. City Council Committee Reports & Communications

Councilmember Martinez-Rubin announced the Association of Bay Area Government (ABAG) meeting on June 6, 2019. Asked for input regarding Pinole's membership in ABAG and the new membership fees being proposed. Staff and Council responded.

Councilmember Tave spoke regarding a potential new school and increased traffic concerns on San Pablo Avenue.

Announced participation at Democratic Convention; spoke with Carpenter's Union Local 152 and opportunity to work with the school district on trade training programs. Discussed possibility of reaching out to the Superintendent Duffy to discuss further.

Asked for future discussion by Council on ACA 1. Staff responded to request.

D. Council Requests For Future Agenda Items

Councilmember Salimi asked for a discussion item regarding renegotiating property tax allocation as means of increasing revenue to the City.

City Attorney Casher responded to the question, and what the process would be. Council gave consensus.

Councilmember Martinez-Rubin requested presentation of plan to address traffic concerns with installation of new traffic lights near high school before school begins in the Fall. Council gave consensus.

Councilmember Tave requested future discussion item on EBMUD. Mayor Murray responded. Staff to have a meeting with EBMUD and report back.

E. City Manager Report / Department Staff

City Manager Fitzer provided clarification on the IT update given earlier in the meeting under presentations; Office 365 updates are scheduled for 1st quarter of FY 19-20 not 4th quarter of FY 19-20.

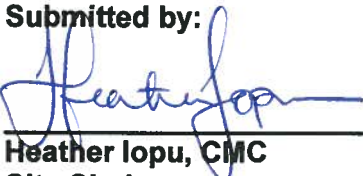
F. City Attorney Report

City Attorney Casher announced that the Muni Code subcommittee will be meeting and there will be ordinances coming forward for review by Council in the coming months.

12. ADJOURNMENT to the City Council Meeting of June 18, 2019 In Remembrance of Amber Swartz.

At 10:35 p.m., Mayor Murray adjourned to the City Council Meeting of June 18, 2019 In Remembrance of Amber Swartz and Ron Silva.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: July 2, 2019

