

# **CITY COUNCIL MEETING**

## **MINUTES**

**October 1, 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 6:05 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  
Police Chief Gang

---

City Clerk Iopu announced the agenda was posted on September 26, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional materials pertaining to Items 9A 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**

The City Council convened into closed session at 6:05 p.m.

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

At 6:51 p.m. Mayor Murray reconvened the meeting and announced that there was no reportable action.

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

At 6:52 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

**Mary Moore,** Spoke regarding Community Emergency Response Team safety program. Encouraged the Council to restart the program. Stated that training is provided by FEMA, there are sponsors interested and 30 people are interested in participating.

**Chris Wimmer,** resident of Pinole, thanked the Council for the work that's involved behind Council meetings. Spoke regarding the public nuisance created by marijuana smoke from his neighbors. Spoke regarding neighborhood watch groups. Suggested combining the CERT program with the neighborhood watch program. Asked City staff to look into the PG&E bills for the closed Fire Station 74.

**Rafael Menis,** resident of Pinole, spoke regarding the importance of the rule of law. Spoke regarding political protests taking place in China. Stated that Authoritarianism is what happens when there is an absence of rule of law. Stated that the US President not following laws undermines rule of law. Encouraged citizens to enforce the rule of law.

**Jeff Rubin,** resident of Pinole, stated that Historical Society held a fundraiser at Chipotle on September 26. Thanked everyone for participating. Announced November 2<sup>nd</sup> Dinner Fundraiser. Historical Society news briefs Fall edition is now available. Announced the 12<sup>th</sup> Annual Veteran's Event at Fernandez Park, Monday, November 11<sup>th</sup> at 11 a.m.

**Angelo Dalo,** stated that he intends to make an offer on a Pinole property to turn the Bank property into a restaurant. Introduced himself to the City Council.

Mayor Murray Announced Dumpster Day on October 5<sup>th</sup> at 8:00 a.m.

City Manager Fitzer made comments in response to the public comments.

---

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

### **A. Proclamations**

1. Recognizing Fire Prevention Week, October 6-12, 2019

Mayor Murray read the Proclamation and presented it to Fire Chief Kouns. Chief Kouns thanked the Mayor & Council and outlined current Fire Prevention activities in Pinole.

### **B. Presentations / Recognitions**

None.

## **7. CONSENT CALENDAR**

- A. Approve the Minutes of the Meeting of September 3 and 17, 2019

- B. Receive the September 14, 2019 – September 27, 2019 List of Warrants in the Amount of \$273,872.34 and the September 20, 2019 Payroll in the Amount of \$426,698.56.

- C. Approval Of The 2019 City Hall Closure - December 24th Through December 31st 2019 And The 2020 City Council Meeting Schedule Via Minute Motion **[Action: Approve Staff Recommendation (De La Rosa)]**
- D. Fixing The Employer's Contribution At An Equal Amount For Employees And Annuitants Under The Public Employees' Medical And Hospital Care Act With Respect To AFSCME, Local 1, Elected Officials, Management And Unrepresented/Confidential Employees **[Action: Adopt Resolutions per Staff Recommendation (De La Rosa)]**
- E. Update To The Measure S 2014 Five-Year Funding Plan **[Action: Adopt Resolution per Staff Recommendation (Fitzer)]**
- F. Adopt A Resolution Ratifying The Acceptance And Filing Of A Notice Of Completion For 2018 Pavement Slurry Seal Project/Senior Center Parking Lot Pavement Maintenance Project **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**
- G. Declare The Listed Property As Surplus And Designate A Purchasing Officer To Dispose Of The Listed Property In Accordance With The Procurement Policy **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**

**ACTION: Motion by Councilmembers Swearingen/Salimi to approve Consent Calendar Items A-G.**

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

## **8. PUBLIC HEARING**

NONE

## **9. OLD BUSINESS**

- A. Consideration And Adoption Of A Resolution Of Support For the Countywide Imposition Of One-Half Of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting The Proposed Transportation Expenditure (TEP) Conditionally Amending the Growth Management Program (GMP), Which Includes Attachment A: Principles of Agreement For Establishing the Urban Limit Line (ULL) In The Measure J TEP To Match That Found In The 2020 TEP **[Action: Adopt Resolution per Staff Recommendation (Fitzer)]**

City Manager Fitzer introduced the item and introduced Contra Costa Transportation Authority Executive Director Randy Iwasaki. Director Iwasaki presented an overview of the action and highlighted current and projected projects under the GMP.

Council members asked questions. Director Iwasaki responded to questions.

The following speakers addressed the City Council:

**Jesse Peralez**, of Carpenters Local 152, spoke in favor of the action. Stated that members of his local will benefit greatly from the plan and be able to work locally, rather than having to commute.

**Adam Alexander**, Carpenters Training Trust Fund for Northern California, training coordinator, spoke in support of action. Spoke regarding benefits of joint apprenticeship training programs.

**Jordan Nicolay**, United Brotherhood of Carpenters, resident of Pinole, spoke regarding the benefits of the apprenticeship program. Spoke regarding her own experience and spoke in favor of the action and the opportunity for employment that the TEP plan will make possible.

**Jason Gallin**, Resident of Pinole, Ironworkers, resident of Pinole, spoke in favor of the TEP expenditure plan. Highlighted the benefits of joining the Ironworkers union.

**Rafael Menis**, resident of Pinole, asked for clarifications on details of the staff report.

Randy Iwasaki responded to questions. Provided clarification in response to public comments.

**ACTION: Motion by Councilmembers Salimi/Martinez-Rubin to Adopt A Resolution Of Support For the Countywide Imposition Of One-Half Of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting The Proposed Transportation Expenditure (TEP) Conditionally Amending the Growth Management Program (GMP).**

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

## **10. NEW BUSINESS**

### **A. Potential Request To Renegotiate Property Tax Allocations [Action: Discuss & Provide Direction (Fitzer)]**

City Manager Fitzer introduced the item. Discussion by the City Council regarding the current property tax allocation for the City of Pinole and the potential outcomes of attempting to negotiate this rate with the County.

The following speakers addressed the City Council:

**Maureen Toms**, resident of Pinole, clarified the difference between East Bay MUD and Water Agency. Provided historical information regarding the tax allocations of different cities in the County.

**Rafael Menis**, resident of Pinole, spoke regarding details of the staff report, made comments regarding the tax revenue allocation amounts. Expressed that there would be resistance to trying to negotiate Pinole's allocation amount. Agreed that opening up negotiations on this would be a difficult precedent to set.

Discussion by Council members regarding potential options to address the property tax allocation amounts.

Request by Councilmember Salimi to write a letter to the County to inquire about negotiating the property tax allocation amount to Pinole.

No consensus given.

## **11. REPORTS & COMMUNICATIONS**

### **A. Mayor Report**

#### **1. Announcements**

Mayor Murray reported on the Coastal Clean-Up event. Announced that it was a very successful event held by Community Services Commission. Over 180 volunteers participated in the event. Several areas of Pinole were included in the clean-up area. Thanked all the individual and business participants.

Announced that Caltrans performed the requested clean-up along the highway entrance and exits in Pinole.

### **B. Mayoral & Council Appointments**

#### **1. Create Ad Hoc Committee for City Beautification/Recycling Projects [Action: Adopt Resolution per Staff Recommendation (Iopu)]**

City Clerk Iopu introduced the item.

Discussion by the City Council and staff regarding the potential composition of the committee.

The following speakers addressed the City Council:

**Rafael Menis**, resident of Pinole, stated that the Community Service Commission has been discussing topics related to beautification and could be involved with the efforts of the Ad Hoc Committee.

**Maureen Toms**, Resident of Pinole, suggested that members of the Community Services Commission might be more appropriate commission to include in the Ad Hoc Committee.

Council members held discussion regarding the potential composition and scope of the committee.

**ACTION: Motion by Councilmembers Martinez-Rubin/Tave to Adopt A Resolution Creating Ad Hoc Committee for City Beautification/Recycling Projects, with an Amendment to the Resolution to Include (2) Planning Commissioners**

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

**C. City Council Committee Reports & Communications**

Councilmember Tave reported that Pinole resident Terri Golding of Plumbers & Steamfitters Union, Local 342 received Labor Leader of the Year.

Announced the HdL Economic reports are now listed on the Pinole website. Encouraged local business to take a look at them.

Asked Mayor & Mayor Pro Tem for more details regarding the recent meeting with EBMUD. Mayor Murray provided review of topics from the meeting.

Councilmember Martinez Rubin reported on the East Bay Division of CA League of CA Cities meeting on September 26<sup>th</sup>. Reported on disaster planning and natural resources information that was provided. Encouraged public to review resources online.

Council member Salimi announced Dumpster Day on October 5<sup>th</sup> at Pinole Valley Park.

Announced Strategic Planning Meetings: October 7<sup>th</sup> at Noon and at 7pm.

Announced Review of Draft Fire Study Report at Special Council Meeting on October 8<sup>th</sup> at 6:00 p.m. in the Council Chambers.

**D. Council Requests For Future Agenda Items**

Mayor Murray requested item to discuss amendment of the Zoning Code giving the Design Review Board the opportunity to comment on certain projects before going to the Planning Commission for approval.

The following speaker addressed the City Council:

**Rafael Menis**, resident of Pinole, provided opinion on why this item is being presented to Council. Made comments about recent Planning Commission Meetings.

Consensus of the Council given to refer the item to the Municipal Code Subcommittee for review.

Council member Tave requested a EBMUD presentation. Council gave consensus.

Council member Martinez-Rubin requested agenda item to discuss emergency medical services options in West County. City Manager Fitzer confirmed the item is on the long range agenda item list and that once the West County Mayors group has an update, it will be placed on a future agenda item.

E. City Manager Report / Department Staff

Announced upcoming Strategic Planning meetings and Draft Fire Study Report, Special City Council Meeting.

F. City Attorney Report

No report.

12. **ADJOURNMENT** to the Regular City Council Meeting of October 1, 2019 In Remembrance of Amber Swartz and San Pablo Police Sargeant David Neece.

At 9:53 p.m., Mayor Murray adjourned to the City Council Meeting of October 1, 2019 In Remembrance of Amber Swartz.

Submitted by:



---

Heather Iogu, CMC  
City Clerk

Approved by City Council: October 22, 2019

