

**CITY COUNCIL MEETING**  
**MINUTES**  
**November 5, 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 6:08 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  
Tamara Miller, Development Services Director/City Engineer  
Neil Gang, Police Chief  
Scott Kouns, Fire Chief

City Clerk Iopu announced the agenda was posted on October 31, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional materials pertaining to Items 6B4, 8A, 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**

*Citizens may address the Council regarding a Closed Session* item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

No closed session.

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

No closed session.

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

*Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes, and is subject to modification by the Mayor. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting.*

The following speakers addressed the City Council:

**Ivette Ricco**, resident of Pinole, expressed concern regarding a message she received regarding a survey related to Pinole and asked whether it was issued by the City.

**Jeff Rubin**, President of the Pinole History Museum, gave details of a successful fundraising dinner event; thanked attendees and supporters of the event. Announced Veteran's Memorial event at Fernandez Park on November 11<sup>th</sup>.

**Maureen Toms**, resident of Pinole, thanked Public Safety staff for their work during the Public Safety Power Shutoff events. Stated that the City staff set up a charging center and provided timely information for the public. Made comments regarding lack of air monitoring sensors in Pinole and asked the City to consider opportunities to acquire sensors in the future.

Mayor Murray responded to public comments.

**Rafael Menis**, resident of Pinole, thanked Police and Fire departments for their efforts in recent fire and power shut off events. Encouraged citizens of Pinole to take caution when leaving their cars unattended and to put personal belongings away to minimize the chance of break in. Announced community clean-up event on November 10<sup>th</sup>.

**James Tillman**, resident of Pinole, stated that there is an unfair advantage that Hercules has with regard to rates residents pay for service. Asked the Council to consider the issue at a future meeting. Asked if the Planning Commission can be staffed by an attorney.

City Attorney Casher responded to the public question.

**Alex Amenu**, resident of Pinole, thanked public safety staff for keeping residents informed regarding fire and power shut off events. Stated that there are options for privately owned air quality monitoring sensors for residents. Made statements regarding how implementing public sensors could provide assurance for residents that the data they receive from the City is accurate.

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

### **A. Proclamations/Recognitions**

#### **1. Shelter in Place Day – November 6, 2019**

Mayor Murray read the proclamation.

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

#### **1. Certificate of Recognition for Dina Rosales, City Treasurer**

Mayor Murray made comments in recognition of Dina Rosales for her service. Dina Rosales made comments thanking the Council, staff and citizens of Pinole for the experience she has had living and serving the community.

2. Wastewater Pollution Control Plant Update by Mike Warriner and Tamara Miller

Mike Warriner presented the update. Council members asked questions. Staff responded to questions.

The following speakers addressed the City Council:

**Debbie Long**, resident of Pinole, complimented staff for their good work on the project. Asked questions regarding details of the report.

Staff responded to questions.

**James Tilman**, resident of Pinole, spoke regarding the costs of the project and whether the modifications had been included in the numbers. Asked questions regarding details of the report.

Staff responded to public questions.

3. Fire Department Update by Chief Kouns and Battalion Chief Wynkoop

Battalion Chief Wynkoop and Chief Kouns presented an update regarding the Fire department.

The following speaker addressed the City Council:

**Vincent Wells**, made comments in response to the staff report. Spoke regarding the reasons for fire truck medical response in addition to ambulance services. Spoke regarding medical response times, details of mutual aid agreement and the interaction with neighboring cities.

4. Quarterly Code Enforcement Update by Tamara Miller

Development Services Director/City Engineer gave an update on the City's Code Enforcement Activities. Presented PowerPoint report of the most recent statistics.

## 7. CONSENT CALENDAR

*All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.*

- A. Approve the Minutes of the Meetings of October 22 and October 26, 2019
- B. Receive the October 12, 2019 – November 1, 2019 List of Warrants in the Amount of \$959,246.36; the October 18, 2019 Payroll in the Amount of \$419,936.98; and the November 1, 2019 Payroll in the Amount of \$434,028.69.

- C. Authorizing An Application For SB 2 Planning Grant Program Funds **[Action: Adopt Resolution per Staff Recommendation (T.Miller)]**
- D. Authoring Submittal Of An Application For Per Capita Grant Funds **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**
- E. Approve An Amendment To The Contract And Issue A Task Order For 4Leaf For Staff Augmentation For An Amount Not To Exceed \$211,285 **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**
- F. Approve An Amendment To The Contract For A Task Order For M Group For Staff Augmentation For An Amount Not To Exceed \$87,000 **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**
- G. Placement Of Liens For Delinquent Unpaid Waste Collection Charges Falling Delinquent Between May & August 2019, Considered At An Administrative Hearing On October 3, 2019 **[Action: Adopt Resolution Per Staff Recommendation (lopu)]**
- H. Update To The Measure S 2014 Five-Year Funding Plan **[Action: Adopt Resolution Per Staff Recommendation (Fitzer)]**

**ACTION: Motion by Councilmembers Swearingen/Martinez-Rubin to approve Consent Calendar Items 7A-7H.**

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

Item 7I was pulled for further discussion by Councilmember Tave.

- I. Approve An Amendment To The Professional Services Agreement With Emergency Services Consulting International (ESCI) In An Amount Not To Exceed \$10,500 To Perform Additional Analysis In The Fire Service Delivery Study **[Action: Adopt resolution per Staff Recommendation (Fitzer)]**

Council members asked questions regarding the details of the report.

City Manager Fitzer provided clarifying comments in response to the Council members questions.

The following speakers addressed the City Council:

**Rafael Menis**, spoke regarding the details of the staff report. Asked question regarding the poll questions and whether or not they included the update to assumptions.

City Manager Fitzer responded to public comment.

**Vincent Wells**, spoke regarding history of similar research that has been done in the past for the City. Asked for a careful review by Council before proceeding with a contract amendment.

**ACTION: Motion by Councilmembers Tave/Martinez-Rubin to approve Consent Calendar Items 7I**

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

**8. PUBLIC HEARINGS**

*Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.*

- A. Ordinance Adding Chapter 10.78 to the Pinole Municipal Code Restricting Oversized Vehicle Parking on City Streets [**Action: Conduct Public Hearing and Approve First Reading (Casher)**]

City Attorney Casher introduced the item and highlighted the changes in language of the ordinance.

Council members asked questions of staff.

Community Development Services Director Miller responded to questions.

The following speakers addressed the City Council:

**Henry Clemes**, asked for clarification on ordinance language with regard to Oversized Vehicles. Expressed concerns that there may be confusion based on the current citations regarding oversized vehicles.

**Pat Rei**, resident of Pinole, thanked staff for making the addition to the ordinance language since the first reading. Spoke regarding his own experience with a past code enforcement action related to oversized vehicles and expressed the need to be careful with the specifics of the ordinance.

**Lance Smith**, resident of Pinole, spoke in favor of the item and encouraged the City to continue to take action in response to Got Junk trucks that are parked in his neighborhood.

City Attorney Casher responded to questions posed during the public comment.

**ACTION: Motion by Councilmembers Salimi/Tave to approve Ordinance Adding Chapter 10.78 to the Pinole Municipal Code Restricting Oversized Vehicle Parking on City Streets**

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

## 9. OLD BUSINESS

- A. Provide Direction On Process And Activities Related To Becoming A Charter City [Action: Discuss and Provide Direction (Mog)]

Assistant City Attorney Mog gave report and outlined the options for the Council.

Council members asked questions and made comments.

**ACTION: Motion by Councilmembers Salimi/Tave to direct staff to move forward with a Council developed Charter which will be presented to the public for input.**

<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>

Rafael Menis, resident of Pinole, spoke regarding the details of the staff report. Encouraged the Council to include the community in the process of writing the charter. Stated that any public committee formed should not have restrictions placed on it by the Council.

Lance Smith, spoke in favor of the Charter going forward. Encouraged town hall meetings in order to get more support from the community for the ballot measure.

## 10. NEW BUSINESS

None.

## 11. REPORTS & COMMUNICATIONS

- A. Mayor Report  
1. Announcements

Mayor Murray announced Mayor's Conference in El Cerrito. Discussion will be regarding BART.

Mayor Murray stated that a selection has been made for the new Executive Director of the Integrated Waste Management Board and that there will be an announcement made soon.

- B. Mayoral & Council Appointments  
C. City Council Committee Reports & Communications

Council member Martinez-Rubin reported her attendance at a CalPers Workshop and shared useful points that were discussed. Highlighted the importance of giving these issues attention in order to mitigate future risks to the City.

Council member Tave reported successful local Halloween event.

- D. Council Requests For Future Agenda Items

Council member Martinez-Rubin requested future informational item employer funding programs to mitigate possibility of unfunded liabilities.

Council member Salimi requested item to reconsider benches on Galbreath road. Consensus given.

Council member Salimi requested a presentation by PG&E regarding power shut-off events. Consensus given.

Council member Salimi requested a future item to consider use of City logo by Council members. Consensus given.

E. City Manager Report / Department Staff

None.

F. City Attorney Report

None.

**12. ADJOURNMENT** to the Special City Council Meeting of November 6, 2019 in Remembrance of Amber Swartz.

At 11:48 p.m., Mayor Murray adjourned the meeting to the Regular City Council Meeting of November 19, 2019 In Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC  
City Clerk

Approved by City Council: December 17, 2019

