

**PINOLE CITY COUNCIL  
MINUTES  
JULY 21, 2015**

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS**

The Regular Pinole City Council Meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Pro Tem Swearingen called the meeting to order at 6:10 PM and led the Pledge of Allegiance.

**2. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT**

**A. COUNCIL MEMBERS PRESENT**

Mayor Pro Tem Roy Swearingen  
Council Member Tim Banuelos  
Council Member Debbie Long

Mayor Peter Murray and Council Member Phil Green were excused. The voting record reflects their absence.

**B. STAFF PRESENT**

Hector De La Rosa, Assistant City Manager  
Benjamin T. Reyes, City Attorney  
Dean Allison, Development Services Director  
Neil Gang, Police Chief  
Fire Chief, Rob Piper  
Sandra Sato, Interim Finance Director  
Patricia Athenour, City Clerk

City Clerk Athenour announced the agenda was posted on July 16, 2015 at 4:00 P.M. and all legally required notice was provided. Following an inquiry by the City Clerk, the Council members stated there were no conflicts on any item on the Agenda.

City Clerk Athenour said there were no documents provided subsequent to the publication of the Agenda:

**3. CONVENE TO A CLOSED SESSION**

At 6:12 p.m., Mayor Pro Tem Swearingen convened the noticed Closed Session to discuss the following matter:

- A. CONFERENCED WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6**  
City Labor Negotiators: Hector De La Rosa, Assistant City Manager and  
Labor Negotiator Bruce Heid, IEDA  
Employee Organizations: Local 1 and AFSCME

- B. **CONFERENCED WITH REAL PROPERTY NEGOTIATOR**  
Pursuant to Government Code §54956.8  
Property Location: 2361 San Pablo Avenue, Pinole CA 94564  
Bank of Pinole building / APN No. 401-162-003  
City Negotiator: Hector De La Rosa, Assistant City Manager  
Negotiating Parties: Jason Sterlino/Angelo Dalo and Orton Development  
Under Negotiation: Price & Terms
- C. **CONFERENCED WITH REAL PROPERTY NEGOTIATOR**  
Pursuant to Government Code §54956.8  
Property Location: 2301 San Pablo Avenue, Pinole CA 94564  
Corner Lot / APN No. 401-162-001  
City Negotiator: Hector De La Rosa, Assistant City Manager  
Negotiating Parties: Orton Development  
Under Negotiation: Price & Terms

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

At 6:59 p.m., Mayor Pro Tem Swearingen reconvened the meeting in open session. He announced there were no reportable actions from Closed Session.

**5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

- A. Proclamations  
B. Presentations / Recognitions

**6. CITIZENS TO BE HEARD (Public Comments)**

The following citizens addressed the Council:

**Lay Brother Steven Gerard** addressed Council publicly advocating for a new citizen overlay zone which he gave them last meeting and provide through the community. He hoped that several of the Council might allow him to provide five to ten minutes for him to make a presentation at a future meeting. Brother Gerard provided his contact information for the community.

**Jim Tillman**, Pinole citizen, said he had noted that many residents were installing sewer laterals. He asked the cost and whether people can choose to pay or defer the cost. He said in 2009, the Council had enacted an enterprise fund of \$120 per year and asked why that money could not go toward sewer laterals and asked if the subject could be agendized for discussion.

Mayor Pro Tem Swearingen directed staff to investigate and provide the costs requested by Mr. Tillman. Mr. Tillman asked that he be provided the information directly.

**Irma Ruport**, Pinole citizen, announced National Night Out is Tuesday, August 4<sup>th</sup>. Purpose is to fight crime and partner with the Police and Fire departments. Thanked council for canceling their Tuesday meeting to join the citizens. She invited them to her house. As member of Richmond Pinole Lion's Alliance announcing a fundraiser dance on August 29<sup>th</sup> from 6-10 PM at the Sportsman Club. Asked if it could be posted on the TV scroll and the Weekly Report

## 7. CONSENT CALENDAR

### **ACTION: Motion by Council Members Banuelos / Long, the City Council Approved the Consent Calendar Items B, C & D**

**Vote:**           **Passed:**       **4-0**  
                  **Ayes:**           **Banuelos, Long, Swearingen**  
                  **Noes:**           **None**  
                  **Abstain:**       **None**  
                  **Absent:**       **Green, Murray**

- A. Approve the Minutes - None Provided
- B. Received the July 4 - 17, 2015 List of Warrants and the July 17, 2015 Payroll in the Amount of \$341,298.05.
- C. Adopted **Resolution 2015-51**, Authorized the City Manager to Execute an Agreement with West Contra Costa Unified School District For Three School Resources Officers In the Amount of \$480,000 for A One-Year Period Ending June 30, 2016 [**Council Report No. 2015-60; Action: Adopt Resolution Per Staff Recommendation (Gang)**]
- D. Adopted **Resolution 2015-52**, Rejected All Bids for the Construction of a Storage Facility at 651 Pinole Shores Drive and Authorize the City Manager to Advertise a Revised Project [**Council Report No. 2015-62; Action: Adopt Resolution Per Staff Recommendation (Allison)**]

## 8. PUBLIC HEARINGS

There were no Public Hearings.

## 9. OLD BUSINESS

- A. Authorize the City Manager To Execute a General Services Agreement with CBX Technologies, Inc, in the Amount of \$30,000 for Annual Maintenance on the City's Surveillance Camera System [**Council Report No. 2015-56; Action: Adopt Resolution Per Staff Recommendation (Gang)**] **CONTINUED FROM JULY 7**

**Neil Gang**, Police Chief presented Council Report 2015-56 into the record. This item was continued from July 7, 2015 for staff to respond to questions raised at the July 7 Council meeting. Chief Gang explained the camera installation was bid and awarded to CBX in 2007 to install the system. CBX is the single source for maintaining the system and has been doing so since installation, with annual contract renewals. Chief Gang recommended approval of the contract, stating the department has good working relations and see no reason to change the service providers. Any major changes or additional cameras in new areas would require rebidding and awarding a new contract. Chief Gang was available for questions.

Council Member Long raised questions related to the contract:

1. Do the consultants come to the site weekly, monthly or on an as needed basis
2. Average number of hours per month spent on service.
3. Is there a markup on the parts; if so how much?
4. How often are reports provided?

**Terri Krieger**, Records Supervisor, responded to the questions, stating they are out early every day and they identify each operation they address on the invoice. She estimated they spend approximately 16-18 hours per month servicing the system, and said unless new equipment is purchased, the invoice does not contain cost of parts, and they do not charge over \$2,500 per month. Reports are received monthly.

Council Member Long directed a question to City Attorney Reyes, previously raised at a prior meeting, whether there should be language in all contracts specifying that the contractor will perform subject to all State and Federal labor laws.

City Attorney Reyes referred to language in the existing contract and stated that compliance is an implied obligation to meet State and Federal requirements, even if not specifically called out.

Mayor Pro Tem Swearingen said he understood there are no cameras at Pinole Valley Shopping Center, and he wished to have a discussion in the future regarding the addition of cameras in that center.

Ms. Krieger responded with a very rough estimate provided by CBX and said that twelve cameras, fiber and wiring would be in the neighborhood of \$250,000 to \$280,000.

Council Member Banuelos asked if the tenants in the center were responsible for a portion of the cost. Chief Gang responded that the tenants would have no responsibility to pay for surveillance cameras installed by the City. Council Member Long said the tenants could also choose to put up their own cameras on their spaces.

Chief Gang said if it was Council direction, the Crime Prevention Unit could initiate conversations with the tenants at the Pinole Valley Shopping Center about cameras. It is private property and the owners/tenants would be responsible for the cost.

Council Member Long asked if there are cameras at the ingress and egress of Pinole Valley Center, to which Mayor Pro Tem Swearingen said not at Pinole Valley, only at Pinole Vista.

**ACTION: Motion by Council Members Long / Banuelos, the City Council Adopted Resolution 2015-53, Authorized the City Manager To Execute a General Services Agreement with CBX Technologies, Inc, in the Amount of \$30,000 for Annual Maintenance on the City's Surveillance Camera System**

<b>Vote:</b>	<b>Passed:</b>	<b>3-0</b>
	<b>Ayes:</b>	<b>Banuelos, Long, Swearingen</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>Green, Murray</b>

**B. Award Contracts for the Rehabilitation of San Pablo Avenue, Phase II; Appian Way to Sunnyview Drive [Council Report No. 2015-63; Action: Adopt Two Resolutions Per Staff Recommendation (Allison)]**

1. Authorize the City Manager to Award and Execute a Contract in the Amount of \$575,832 with Interstate Grading and Paving for the Rehabilitation of San Pablo Avenue from Appian Way to Sunnyview Drive - And Authorize the Expenditure of up to \$57,583 for Possible Extra Work for a Total Authorization of \$633,415

2. Authorize the City Manager to Expend up to \$5,000 Under an Existing On-Call Contract with Cornerstone Earth Group for Geotechnical Engineer Services for the Rehabilitation of San Pablo Avenue from Appian Way to Sunnyview Drive

**Dean Allison**, Public Works Director entered Council Report 2015-66 into the record requesting adoption of a resolution awarding contracts related to the Rehabilitation of San Pablo Avenue – Phase II which encompasses the stretch of roadway from Appian Way to Sunnyview Drive . Staff advertised and received two bids. The lowest responsive bidder was Interstate Grading and Paving. Mr. Allison noted that no outside construction management is required on this phase and said the total construction cost is \$643,415, including the contingency. Mr. Allison said that approval of expending an additional \$5,000 is requested for geotechnical engineering services with Cornerstone Earth Group. There is an existing on-all contract open and staff was seeking authorization to \$5,000. Allison advised the Council on the construction logistics, stating that paving would be occurring during the nighttime hours. Staff recommended awarding a construction contract and the geotechnical engineering contract. Mr. Allison was available for questions.

Council Member Banuelos asked how the neighborhood would be noticed. Mr. Allison said staff would mail letters to the residents to advise them the paving would be done at night and the grinding, which causes the most noise, would be scheduled during the day. Traffic will be allowed to drive on the road an hour after the pavement is applied.

Mayor Pro Tem Swearingen discussed similar issues about what additional change orders could occur and whether it should be qualified in the base bid. Mr. Allison said he would be overseeing the requested change orders, and he said if there are funds remaining, they can be rolled over into other pothole projects. He said it is rare when the entire contingency is expended.

**ACTION: Motion by Council Members Banuelos / Long, the City Council Adopted Resolution 2015-54, Authorized the City Manager to Award and Execute a Contract in the Amount of \$575,832 with Interstate Grading and Paving for the Rehabilitation of San Pablo Avenue from Appian Way to Sunnyview Drive - And Authorize the Expenditure of up to \$57,583 for Possible Extra Work for a Total Authorization of \$633,415; and**

**FURTHER ACTION: Motion by Council Members Banuelos / Long, the City Council Adopted Resolution 2015-55, Authorize the City Manager to Expend up to \$5,000 Under an Existing On-Call Contract with Cornerstone Earth Group for Geotechnical Engineer Services**

<b>Vote:</b>	<b>Passed:</b>	<b>3-0</b>
	<b>Ayes:</b>	<b>Banuelos, Long, Swearingen</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>Green, Murray</b>

C. Continue Discussion Regarding Reinstating Membership with ABAG [Report from Mayor Murray Council Report No. 2015-64; Council Discussion/Council Discretion to Approve Membership]

Mayor Pro Tem Swearingen explained the origination of selecting an ABAG alternate delegate to represent the Mayors' Conference, and noted he was appointed to the alternate delegate position. He asked for the legal position from the Assistant City Manager and Attorney Benjamin Reyes.

Mr. De La Rosa responded and referred to the staff report and Mayor Murray's questions posed to ABAG President Julie Pierce.

Council Member Long also reported that Mayor Murray had conversed with ABAG President Julie Pierce who indicated that the City is required to be a member for Mayor Pro Tem Swearingen to serve as the Mayor Conference representative, but ABAG membership could be reinstated after Mayor Pro Tem Swearingen's appointment. She did also stated that the City would not be eligible for funding if we were not members. She confirmed that if the City rejoined our City delegate would be eligible to attend as well as Mayor Pro Tem Swearingen.

Ms. Athenour confirmed that was correct. Our delegate appointed by the City, Council Member Banuelos would still be a voting representative of the City and Mayor Pro Tem Swearingen was appointed as an Alternate delegate representing the CCC Mayors' Conference.

Council discussion followed.

Mayor Pro Tem Swearingen was concerned with ABAG President Pierce's response regarding the lack of eligibility of funding outside of membership and did not understand why the City would not be eligible.

**James Tillman**, Pinole citizen, said being a very small city, it is hard to be represented. He inquired about the cost and asked if there was an advantage to join, based on his opinion that larger cities get the funding and smaller cities are passed over.

Mayor Pro Tem Swearingen said the City has received a far greater benefit than the membership cost in past years. He said he was the biggest proponent to withdraw from ABAG during the recession, but now is concerned with missing out on future funding opportunities.

Council Member Long stated support for reinstatement, and think an annual review should be conducted to see what funding opportunities were offered during the past year, not necessarily what Pinole had received, as they may not pan out every year.

**ACTION: Motion by Council Members Long / Banuelos , the City Council By Minute Order Approved Reinstating Membership with ABAG, and Appropriating Funds for the FY 2015/15 Membership Dues, Approximately \$4,300.**

<b>Vote:</b>	<b>Passed:</b>	<b>3-0</b>
	<b>Ayes:</b>	<b>Banuelos, Long, Swearingen</b>
	<b>Noes:</b>	<b>None</b>
	<b>Abstain:</b>	<b>None</b>
	<b>Absent:</b>	<b>Green, Murray</b>

## 10. NEW BUSINESS

- A. Discussion Regarding the Possibility of an Emergency Public Safety Ordinance Prohibiting Off Road Dirt Bike Riding Due to Extreme Fire Conditions [No Report; Council Discussion]

**Rob Piper**, Fire Chief said he has inspected the open space / hillsides the last couple weeks and the grass extremely tall and dry; the hills are in catastrophic condition. He said there are numerous ways to reach the City open space, and said it comes down to citizen education, inspection and enforcement.

**Neil Gang**, Police Chief, referred to PMC Chapter 10.34 – Prohibition Of Driving Motor Vehicles Upon Any Property Which Is Not A Public Or Private Street. He said this section provides the City with the enforcement mechanism the Council was seeking. The Police officers have been educated on the Code and the direction to proceed, and he was also pricing off road bikes for patrol to cost around \$10,000 for a pair. Chief Gang said extra signage will be installed and Fire Department staff will also conduct proactive patrols, along with the Police.

Council Member Long asked if the Police Department could contact individuals they had previously spoken with to advise them there were in violation, and also asked if the Police were having discussions with the adjacent police jurisdictions. Chief Gang said they could, and also said the signage will help. Regarding working with adjacent jurisdictions, Chief Gang said the County was less enthusiastic about patrolling in the past, but he would make contact again.

Council Member Banuelos asked if this was a continuing problem. Chief Gang said there was a problem one weekend in June, where they received three calls in one day, and since then there has been not been any further calls for service.

Mayor Pro Tem Swearingen said the signs may not be visual enough and in some areas there is a bar with a sign across the dirt road, but that does not stop a motorcycle from entering. He discussed ownership of the ridgeline.

**Dean Allison**, Public Works Director discussed and displayed an exhibit of the proposed signage, with language regarding the violations and penalties, stating this only pertains to City-owned property. He said he planned to invite comments from the citizens regarding where to locate the signage.

No action taken or requested.

## 11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements
    - a. August 4<sup>th</sup> - National Night Out - Council members will be out at the various Neighborhood Watch Groups and asked for a list of the locations in the next weekly report.
    - b. September 13<sup>th</sup> – BBQ for the Troops, 11 AM to 3 PM at Fernandez Park
- B. Mayoral & Council Appointments

1. Selection Of A Voting Delegate At The Annual Conference Of The League Of Ca Cities [Council Report No. 2015-61; Action: Council Discretion (Athenour)]

City Clerk Athenour presented the report and advised the Council it was their discretion to appoint a delegate to attend the business meeting and vote on the League resolutions at the annual Conference in September.

**By Consensus, the Council Appointed Council Member Banuelos as the Delegate and Mayor Pro Tem Roy Swearingen as an Alternate.**

C. City Council Committee Reports

Council Member Banuelos had no report.

Council Member Long reported:

- Reported on the Facilities Subcommittee meeting. The Pinole Valley High School project is between seven and seventeen million over budget. She will be part of an efficiencies committee and will provide reports back to Council at the next meeting.
- Asked staff to confirm the Animal Control presentation is on August 18<sup>th</sup>
- Reported receiving complaints about garbage on Fitzgerald Drive, and in vicinity of Pinole Valley High and Burger King; requested future agenda item regarding methods to reduce and have business owners participate (i.e., more receptacles, more oversight).
- Received inquiry from citizen regarding any Measure S 2014 funding allocation for the Dog Park. Also mentioned benches and tables, pruning bayonet trees, water pooling at the entrance to the park, the condition of the restrooms, and unnecessary hot water in the restrooms, the walking trail containing potholes, and the routine closure of the restrooms around 4 PM instead of dusk, which was recommended by Council Member Long. She asked Mr. Allison to meet the citizen at the park to discuss the issues
- Citizen also reported a problem with ingress and egress at the Pinole Library due to the narrow width and suggested adding signage
- Spoke to Public Works Director regarding the missing signs on Appian Way
- Encouraged Police presence and support of the recent "Don't Be a Victim" class recently held in the Alex Clark Room and asked for another class to be provided to the seniors and the Neighborhood Watch Groups.

Mayor Pro Tem Swearingen concurred that the hot water should be turned off in the park restrooms immediately.

D. Council Requests for Future Agenda Items

1. Discussion regarding controlling litter and garbage from business establishments (Long)

E. City Manager Report / Department Staff

Have a new Finance Director – Andrea Miller, from Pleasanton currently

Mr. De La Rosa reported that that the City has selected a new Finance Director. Ms. Andrea Miller, currently an Assistant Finance Director in Pleasanton, will begin her employment on August 3.

F. City Attorney Report

## **12. ADJOURNMENT**

At 8:36 p.m., Mayor Pro Tem Swearingen adjourned the Regular Meeting of July 21, 2015 to the Regular City Council meeting of in remembrance of Amber Swartz, Joseph A. Athenour Jr., and Michael Rei.

**Submitted by:**

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**Patricia Athenour, MMC  
City Clerk**

**APPROVED BY CITY COUNCIL:**