

**PINOLE CITY COUNCIL
MINUTES
OCTOBER 6, 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 Murray called the meeting to order at 6:00 PM and led the Pledge of Allegiance.

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

A. COUNCIL MEMBERS PRESENT

Mayor Peter Murray
Mayor Pro Tem Roy Swearingen
Council Member Tim Banuelos
Council Member Phil Green was absent / excused. The voting record reflects his absence.
Council Member Debbie Long

B. STAFF PRESENT

Belinda Espinosa, City Manager
Benjamin Reyes, City Attorney
Hector De La Rosa, Assistant City Manager
Al Petrie, Interim Development Services Director
Neil Gang, Police Chief
Fire Chief, Rob Piper
Al Petrie, Interim Development Services Director
Patricia Athenour, City Clerk

City Clerk Athenour announced the Agenda was posted on September 30, 2015 at 4:00 P.M. and also at the residence of Council Member Phil Green at 2732 Henry Avenue, Pinole CA at 5:30 PM, although he did not attend the meeting. All legally required notice was provided.

The Council responded to the City's Clerk question, stating there were no conflicts with any items on the agenda.

3. CONVENE TO A CLOSED SESSION

At 6:03 p.m., Mayor Murray convened the Notice Closed Session. Council Member Green was present in the Chamber to participate in the Closed Session matters.

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to GC §54957
City Manager**

**B. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to GC §54957.6
City Designated Representative: Councilmember Debbie Long
Unrepresented Employee: City Manager Belinda Espinosa**

- C. PUBLIC EMPLOYMENT
Pursuant to GC §54957
Title: City Manager

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

At 7:07 p.m., Mayor Murray reconvened the meeting in open session. He announced there were no reportable actions from Closed Session, and that Council would reconvene to Closed Session following the open business portion of the meeting this evening to continue the discussion on Items 3B and 3C.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
1. Freedom From Workplace Bullies Week – October 18 – 24, 2015
 2. Honoring the 125th Anniversary of the Pinole United Methodist Church
 3. October - Domestic Violence Awareness Month

Mayor Murray proclaimed October 18-24, 2015 as Freedom From Workplace Bullies Week requested by California Workplace Advocates.

Mayor Murray presented a proclamation recognizing the 125th anniversary in Pinole which was received by **Pastor Elmer De Ocera**, who addressed Council thanking them for the recognition.

Mayor Murray also read and presented a proclamation recognizing October as Domestic Violence Awareness Month.

Kris Jachens, Development Officer for STAND! For Families Free of Violence accepted the proclamation and thanked the Council, and provided information about their organization.

Mayor Murray also announced October is Breast Cancer Awareness Month and encouraged citizens to get checkups for early detection.

- B. Presentations / Recognitions

1. Introduction of PVHS Student Body President by Principal Kibby Kleiman
Principal Kleiman announced it was homecoming week at Pinole Valley High and introduced two leadership students to address Council regarding Leadership and the Homecoming activities.

Xena Phomsopha Leadership member addressed Council about leadership; the tasks associated with the role, the serves the students provide and also the personal benefits derived from participation. She said the program serves as a gateway from the students to the administration.

Anastacia Illilli, Leadership membership, addressed Council regarding the Homecoming week activities which culminate with the football game, the selection of the Royalty and the Homecoming Dance on Saturday evening.

2. 2014 Pinole Police Department Annual Report by Chief Neil Gang

Neil Gang, Police Chief, presented the 2014 Annual Police Department Report into the record, provided as a power point exhibit. He referenced copies of the document were available in the Chamber and on the City website. He reported that two new officers would be joining the force and were sent to the Academy wearing Pinole uniforms and would be on the street following the academy training program. He introduced the three sergeants to present the various divisions in the Department.

Justin Tackas, Sergeant, presented the Field Operations Division, consisting of patrol, canine and school resource officers. He reported there Pinole has three beats, received 24,000 calls for service in 2014, including 495 traffic stops. .

Rich Jensen, Sergeant, presented the Criminal Investigations Division, which is staffed by two investigators, responsible for property crimes and crimes against persons. This division also includes the Crime Prevention Unit, the Property & Evidence Unit, and the Cold Case Unit. The Crime Prevention Unit is responsible for organizing National Night Out, the Youth Academy and a new Weekly Bulletin. Property & Evidence is staffed by one person who is responsible for all evidence. The Cold Case Unit is comprised of two retired police officer volunteers. Their emphasis is on the Amber Swartz case as well as several other cold cases.

Matt Avery, Sergeant, presented the Administrative Services Division consists of West Bay Communications, Records and Volunteers. Sgt. Avery presented the calendar year statistics and a five-year comparison. In 2014, Part 1 crimes were reduced by 13 percent from the prior year. A two-year comparison was provided for Miscellaneous Crimes, with no change from year to year. There was a nine percent reduction in traffic accidents, coupled with an increased in citations.

The Police Department conducts five special events annually, which was started eight years ago with National Night Out as the first event.

Chief Gang closed the presentation with 2014-2015 accomplishments and was available for questions.

Mayor Pro Tem Swearingen complimented the Community Service Officers for their excellent reports, reaching out to the neighborhoods through the Neighborhood Watch Program. He discussed a personal incident recently and complimented the officers on duty that day. He noted that the statistics showed the officers were busy with the contacts totaling 23,533 and also noted that the 17,000 calls for service in Hercules are dispatched through Pinole Dispatch Center.

Council Member Banuelos complimented the Police Department on their high integrity and excellent police services.

Council Member Long thanked Chief Gang for his service the last year and recognized the number of calls and reports the officers take each day.

Staff presented a short video taken at the grand opening of the Pinole Skate Park on September 25, 2015.

6. CITIZENS TO BE HEARD (Public Comments)

No citizens addressed the City Council:

7. CONSENT CALENDAR

The following items were removed from the Consent Calendar for discussions or questions: Items 7 C & D.

ACTION: Motion by Council Members Swearingen/Banuelos, the Council Approved the Consent Calendar Items A & B.

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

- A. Approved the Minutes of the Meetings of September 15 & September 22, 2015
- B. Received the September 12, 2015 – October 2, 2015 Lists of Warrants and the September 25, 2015 Payroll in the Amount of \$345,858.20
- C. Approve Amendment to the Existing Contract with Avery & Associates To Increase the Scope of Services to Add Recruitment for the City Manager and the Fire Chief In the Amount of \$36,800 [**Council Report No. 2015-97; Action: Adopt Resolution Per Staff Recommendation (De La Rosa)**]

Hector De La Rosa, Assistant City Manager, presented 2015-97 Council Report into the record. He reported that the contract was amended with an amendment to add the recruitment of the City Manager and the Fire Chief positions. Avery & Associates is willing to commence a recruitment of all three positions with the City Manager position as a priority, and would provide a discounted price of \$60,300 for all three positions. If Council chose not to move forward with the City Manager recruitment, he would offer a fee of \$41,400 for the Development Services and the Fire Chief recruitments.

City Manager Espinosa asked the Council to continue the item to the October 20, 2015 based on discussions in Closed Session.

Irma Ruport, Pinole citizen, asked if community panels could be utilized in the interview process and whether the candidate list would be provided to the City. She said if the City Manager retires, she would like to see the Mayor and Council as part of the selection process for the Fire Chief and Development Services Director. Ms. Ruport also asked whether citizens would be involved in the selection process. She mentioned stating her position on in-house promotions at a prior Council meeting.

Benjamin Reyes, City Attorney, said that the City Council had hiring authority over three positions in the City; the manager, city clerk and city attorney. He explained under a Council-Manager form of government it was not appropriate for the Council to hire department managers.

Mayor Murray announced that this matter was being held over to October 20, 2015.

- D. Authorize the City Manager to Execute a Three-Year Contract with IEDA for Professional Employer-Employee Labor Services [**Council Report No. 2015-98; Action: Adopt Resolution Per Staff Recommendation (De La Rosa)**]

Council Member Long questioned the basis for the monthly fee since most of the negotiations have been completed for this cycle.

Assistant City Manager De La Rosa explained it was an annual rate. Even though negotiations had been completed this fiscal year, staff was involved in follow up language and grievance filings. She asked about canceling the contract and re-establishing it in 2016/17 and Mr. De La Rosa said they could, but would be billed at a higher hourly rate.

Mayor Pro Tem Swearingen asked if the City could cancel the contract at any time, and was told they could with a thirty day notice.

ACTION: Motion by Council Members Murray/ Swearingen, the Council Adopted Resolution 2015-86, Authorized the City Manager to execute a three-year contract with IEDA.

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

8. PUBLIC HEARINGS

There were no Public Hearings.

9. OLD BUSINESS

- A. Consider Additional Funding for the Community Theater Seating Project [**Council Report No. 2015-99; Action: Provide Direction to Staff (Petrie)**]

Belinda Espinosa, City Manager Director entered Council Report 2015-99 into the record and summarized the background information. Council Member Banuelos volunteered his services pro bono to design the project. One 200,000 bid was received and rejected due to the cost exceeding the budgeted amount. The new project estimate is approximately \$100,000. Ms. Espinosa said the seating looks very reasonable and believe the first bidder may have over bid the project. She sought direction from Council whether there was still interest in the project and whether to find additional funding. If so, staff would provide several options at a future meeting in order for Council to select the preferred funding option.

Council Member Long asked Council Member Banuelos what his original estimate was. Council Member Banuelos said he and Mr. Allison knew the amount from WW was all that remained. The seats cost about \$200 per seat and the structure/platform was likely \$60,000 to \$80,000. He said he believed the revised estimate will cover the costs.

Council Member Long asked about maintenance of the seats and life expectancy. She asked if additional seating would be realized with the project. Staff said there would be 80 seats; no additional seating.

Patti Clark, Pinole Community Players addressed the Council. She reported that the Pinole Community Players funded amenities over the last 24 years without asking the City for a contribution. In addition the Players pay a yearly lease. She said they wished to pledge \$10,000 from their fund raiser toward the purchase of the seats. Discussing timing, she said

there are only a few windows of time when they do not have performances and the construction work could occur. Ms. Clark also noted that the sound equipment, dimmer lighting and stage curtain will require replacement in the near future.

Mayor Murray noted that the fund raiser yielded \$15,000 but they were contributing \$10,000 to the project.

Council Member Long said if Council approves the project, she suggested using the Players \$10,000 for contingency and if it was not needed, it could be returned to the Players for another use.

Julie Meier, Pinole citizen, addressed Council about Measure WW funds and spoke to the value of the theatre programs. She encouraged the Council to direct staff to find other usable funds to complete the project and also wanted to acknowledge the patience that the theatre has shown, waiting to be the last WW project, while others moved forward and the hard work performed by Patti and Dave Clark. She said that things move forward quickly when the staff, Council and citizens work collaboratively and asked Council to direct staff to do so.

Council comments followed.

Mayor Pro Tem Swearingen supported the theatre seating project using Measure S 2014

Council Member Long stated her support and also requesting that the Players pledge be slated for contingency and returned to the Pinole Players if not used.

Council Member Banuelos spoke to the merits of the theatre programming, where the youth learn confidence and poise. He said money could be found from other funds to make up the difference, and also supported Council Member Long's suggestion to return \$10,000 to the Pinole Players, if not needed.

Mayor Murray spoke to the condition of the Fernandez Park restrooms and hoped the supporters behind this project would consider the "Pay It Forward method toward funds for that project in the future. He also said there must be balance in funding projects. He agreed this was a priority but also said that the City infrastructure was a priority also, such as pothole repair.

Ms. Espinosa said, with this direction from the Council, the project bid specifications would be amended and run concurrent with developing funding options for Council consideration.

Patti Clark asked for Interim Development Services Director's contact information.

10. NEW BUSINESS

- A. Consider a Designated Window Period for Two Years Additional Service Credit With CalPERS in Accordance with Section 20903 [**Council Report No. 2015-100; Action: Consider First Reading of Resolution (De La Rosa)**]

Hector De La Rosa, Assistant City Manager, entered Council Report 2015-100 into the record and provided background information regarding a contractual renegotiation of several management employment contracts to provide a two-year service credit in exchange for the giving up the evergreen contract and establishing a term contract. There are two employees eligible for this benefit the City Manager and the City Clerk. City Manager Espinosa has

advised the Council of her intention to retire and to activate the two-year Additional Service Credit with CalPERS. The City Clerk has not filed a notice of retirement, but could opt to in period or any other time within her contract term. The first step requires the Council to open the window period in order to process the CalPERS documents. A window period cannot exceed 180 days.

Staff has prepared a calculation in accordance with GC 7507 and the cost for both positions would be \$182,000. He explained it was not an upfront cost, but is amortized over a 5-year period and is an increase in the employer rate, which would not increase until two years after the employee initiates the retirement period. If Council approves to move forward, it will require certifications and a resolution of adoption at the next meeting. Staff is proposing to freeze the commander position and would comply with the requirements set out under GC Section 20903.

Council Member Long said she thought she heard the Chief say it was a temporary freezing until someone was ready to move up to the position. Mr. De La Rosa said the most recent discussions between the City Manager and the Chief regarding organizational structure included creation of a lieutenant position.

Mayor Pro Tem Swearingen said he was concerned with taking away the commander position, if it would remove opportunity for advancement and promotion within the Police Department.

Mr. De La Rosa said these preliminary Police organizational structure discussions have considered a lieutenant position and possibly an Assistant Chief, leaving options for internal promotions. De La Rosa said in conversation with CalPERS, they said they understand that situations change over time, and it is the organization's decision how to run their jurisdiction.

Mayor Murray said he understood the process.

Mr. De La Rosa said there was no action required at this time. This was a first, initial step in the process to advise the Council of the associated costs. A resolution for adoption to open the 180 window would be brought forward for adoption on October 20, 2015.

B. Discussion Regarding the City Manager's Weekly Report [Verbal Report; Action: Council Discretion (Espinosa)]

Belinda Espinosa, City Manager presented a verbal report, seeking direction from the Council regarding the content and schedule of the City Manager's Weekly Report. She said they could consider a monthly report but the original intent was to provide Council immediate updates on activities.

Mayor Pro Tem Swearingen said he had requested this item be agendaized and said the Weekly Report is becoming more of a citizen newsletter than a City report, and does not believe we have sufficient staff to issue a community newsletter. The PCTV scroll and City webpage are also outlets for City information. He said if a significant event needs to be announced, it could be done with a one-page flyer. He said this report was not necessary.

Council discussion followed. Council Member Banuelos said he has subscribed to Richmond's Report and it is City related and does not advertising special events. He does not think we should abandon it all together, but reduce the editions to once or twice a month.

Council Member Long suggested twice a month, following a Council meeting week. She suggested that community events come from the Recreation Department, leaving the operational issues as topics in the Manager's Report.

Irma Rupert, Pinole citizen, said the Weekly Report was designed to provide information to the public without coming to the Council and to provide updates on projects. She thought it should be the Friday before the Council meeting to explain the Council Agenda items.

Mayor Murray agreed that the Weekly Report would be issued the Thursday prior to a Regular City Council meeting, with the contents reduced to City operations projects and City events.

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

- a. October 9th – Pinole Valley High Homecoming Parade Dec 5th
- b. December 5th - Chamber Winterfest / City Tree Lighting Ceremony

B. Mayoral & Council Appointments

1. Appointment of a Citizen to the WCCUSD Prioritization Committee for Facilities Master Planning [**Verbal Report; Action: Council Discretion (Espinosa)**]

Belinda Espinosa, City Manager reported at the last meeting she advised the Council of the WCCUSD's request for the appointment of representatives from each jurisdiction to the District's Prioritization Committee to review and prioritize future school projects in the District. The Council asked that any interested citizen either contact them or the City Clerk.

City Clerk Athenour said she received an email from one citizen, Ann Tarabini, expressing her interest to serve on the committee.

Mayor Murray reported that he knows Ms. Tarabini, is a teacher and would be an excellent appointee.

ACTION: Motion by Council Members Swearingen / Banuelos, the Council Appointed Ann Tarabini to Represent Pinole on the WCCUSD Prioritization Committee.

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

C. City Council Committee Reports

Council Member Long reported on her attendance at the Pinole Chamber Awards Event and noted the recognition of the honorees: Yogurtland, East Bay Coffee Company and Dr. Oliver, DDS. She also announced that she had a list of questions to address to staff later in the meeting.

Council Member Banuelos reported attending the Pinole Historical Society Book Signing which was a well attended event, and Mr. Vincent gave an excellent presentation: Mayor Pro Tem Swearingen attended the monthly WCCTAC meeting and reported that the Board discussed the survey on transportation modes. He said extending the BART tracks would not allow for increasing the passengers, and said the question was finding a way to increase the capacity of BART.

Council Member Long raised the following questions, directed to staff:

1. Report back on the painting of the murals on public property
2. Provide a list of the outstanding Public Works projects.
3. Was notified that PG&E opened a sidewalk and asked if a permit was required and who was the contact person for permits.
4. Reported a restaurant with deficiencies and provided address to the City manager.
5. Reported a proliferation of drop box for used clothing, asked if the City has regulatory authority over the placement, and said matter needs to be addressed.
6. Carpool parking on Henry in the residential area (may need to be agendized)
7. Future agenda item - Faria House and the Old Bank of Pinole to provide the community an opportunity to be heard on these matters
8. A bus stop located at the left side of the new Livelong Medical Clinic, 806 San Pablo Avenue requires patients to cross a driveway to get to clinic. She asked that that Planning Manager Rhodes be consulted and staff needs to speak with WestCAT about relocating the driveway.
9. Raised an issue with the final payment to CalTrans for the traffic signals at the exit to Appian, and the sequence of the light cycle has not been corrected.
10. Asked whether the City has analyzed water usage since the drought as the City their analyzed water usage since the drought; bills do not reflect conservation.
11. Asked whether all the Fire engines were back in service.

Mayor Pro Tem Swearingen asked whether the City could rent the Old Bank of Pinole Building for specific events. He understood that we have not rented it previously because we are waiting for the Long Range Property Management Plan to be completed.

City Manager Espinosa responded that the City cannot entertain even temporary or limited rentals. .

D. Council Requests for Future Agenda Items

1. Consider Adoption of a Plastic Bag and Styrofoam Ban (Murray)

Council Member Long said she would support his request. There was Council consensus to agendize.

E. City Manager Report / Department Staff

Ms. Espinosa had no report.

F. City Attorney Report

City Attorney Reyes reported attending the League of CA Cities Conference and participated in the City Attorney continuing education track and noted several courses he attended and will be distributing documents to the staff later this week.

At 9:55 p.m., Mayor Murray reconvened to the Closed Session to continue discussion on Items 3B and 3C.

At 10:29 p.m. Mayor Murray reconvened the meeting in Open Session. He announced there were no reportable actions from Closed Session.

12. ADJOURNMENT to the Regular City Council Meeting of October 20, 2015.

At 10:30 p.m., Mayor Murray adjourned the Regular meeting to the Regular City Council meeting of October 20, 2015.

Submitted by:

Patricia Athenour, MMC
City Clerk

Approved by City Council: