

**PINOLE CITY COUNCIL
MINUTES
October 3, 2017**

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

Mayor Long called the meeting to order in honor of the US military at 6:03 PM and led the Pledge of Allegiance.

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

A. COUNCIL MEMBERS PRESENT

Mayor Debbie Long
Mayor Pro Tem Tim Banuelos (arrived at 6:25 p.m.)
Council Member Peter Murray
Council Member Roy Swearingen
Council Member Maureen Toms

B. STAFF PRESENT

Michelle Fitzer, City Manager
Eric Casher, City Attorney
Hector De La Rosa, Assistant City Manager
Andrea Miller, Finance Director
Tamara Miller, Development Services Director
Neil Gang, Police Chief
Rosa Acosta, City Clerk

City Clerk Acosta announced the agenda was posted on September 28, 2017 at 4:00 P.M. All legally required notices were provided. The Council responded to the City's Clerk question, stating there were no conflicts with any items on the agenda.

City Clerk Acosta announced the following documents were presented subsequent to the publication of the agenda and provided at the dais for the Council and copies at the rear of the Chamber for the public.

- Item 10A – Updated staff report and power point presentation

3. CONVENE TO A CLOSED SESSION

At 6:05 p.m., Mayor Long convened to a Noticed Closed Session to discuss the following items:

- A. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Gov. Code §54597.6
City Labor Negotiators: Bruce Heid and Hector De La Rosa, Assistant City Manager
Employee Organizations: Fire Local 1230
PPEA

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8
Property: Pinole Assisted Living Community
Negotiator: City Manager Michelle Fitzer
Negotiating Parties: Pinole Assisted Living Community
Under Negotiation: Terms

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8
Property: 2337 San Pablo Avenue (APN: 401-162-002)
Negotiator: Assistant City Manager, Hector De La Rosa
Negotiating Parties: Gozzano Trust/Old Town Realtor
Under Negotiation: Terms

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

At 7:11 p.m., Mayor Long reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
- B. Presentations / Recognitions
 - a. Introduction of Melanie Fornes, Civicspark Fellow

Mayor Long stated Item 5B will be rescheduled to a future meeting.

6. CITIZENS TO BE HEARD (Public Comments)

The following speaker addressed the Council,

Mark Henner, resident of Pinole, addressed the Council and stated his concern for unfinished projects throughout the City that potentially cause unsafe and hazardous situations. Mr. Henner will email his concerns to City Manager Fitzer for future responses.

7. CONSENT CALENDAR

- A. Approved the Minutes of the Meeting of September 19, 2017
- B. Received the September 16 - 29, 2017 List of Warrants and the September 22, 2017 Payroll in the Amount of \$345,350.29
- C. Second Reading and Adoption of Ordinance Reauthorizing the City's Public, Educational, and Government (PEG) Fee on State Cable Franchisees Operating Within the City and Amending Section 13.18.620 of the Pinole Municipal Code Related to PEG Fees
[Action: Adopt Ordinance Per Staff Recommendation (E. Casher)]
- D. Approved 2017 City Hall Closure – December 26th – December 29th and the 2018 City Council Meeting Schedule
[Action: Approve by Minute Order Per Staff Recommendation (H. De La Rosa)]

- E. Approved a Resolution Authorizing the City Manager to Amend the Task Order for 4Leaf to Provide Additional Funding for Building Inspector Services in an Amount not to Exceed \$65,000
[Action: Approve Resolution Per Staff Recommendation (T. Miller)]
- F. Approved an Amendment to the Task Order for CSG for Contract Building and Fire Plan Checking Services in an Amount not to Exceed ~~\$100,000~~ \$110,000
[Action: Approve Resolution Per Staff Recommendation (T. Miller)]

ACTION: Motion by Council Members Swearingen/Toms, the Council Approved the Consent Calendar Items A-F, with a correction to Item 7F to reflect an amount not to exceed \$110,000.

Vote: Passed 5-0
 Ayes: Banuelos, Long, Murray, Swearingen, Toms
 Noes: None
 Abstain: None
 Absent: None

8. PUBLIC HEARINGS

None

9. OLD BUSINESS

- A. Resolutions Consenting to Inclusion of the City of Pinole Properties in the Golden State Finance Authority PACE Programs and Associate Membership in Golden State Finance Authority
[Action: Receive Report and Approve Resolutions (H. De La Rosa)]

Assistant City Manager De La Rosa presented the report and provided an update to Council. He stated that the City has approved two PACE programs which allow funding for solar improvements and drought resistant landscape at no cost to the City. Ygrene Energy Fund has requested approval to become the third PACE program available to community.

Eve Perez, Director of Government Affairs for Ygrene Energy Fund addressed the Council and responded to questions. Director Perez stated that Ygrene rates are currently flat rate between 6-8%. All contractors are licensed, bonded and insured; contractor’s licenses are verified via state website. In addition, all contractors are required to sign a participation agreement which requires that they abide by state and local laws. PACE programs are designed to reduce water, energy, or production of energy, seismic is an exception to the program.

Councilmember Toms inquired if residents of Pinole are currently participating in PACE programs. Assistant City Manager De La Rosa stated that the information is available on the websites and recalls that there are community members participating in the program.

Councilmember Murray inquired about the opt-out in the JPA and solicitation calls. City Attorney Casher stated that the resolution has language inclusive to the City’s right to opt out of the agreement and the City can include a clause to limit solicitation calls.

Mayor Pro Tem Banuelos stated his desire that all PACE program providers have similar restrictions on solicitation calls.

Mayor Long stated her concern for the cost of work through the PACE program. Director of Perez stated that contractors do not pay a fee to provide services through the YGreene program and the program is designed to protect consumers and provide reasonable costs.

ACTION: Motion by Council Members Murray/Toms to approve two resolutions 1. Authorize the City to join the JPA as an Associate Member and permits property owners within the incorporated areas of the City to participate in the GSFA SB 555 Community Facilities District and 2. Approve a resolution authorizes the City to join the JPA as an Associate Member and permits property owners within the incorporated areas of the City to participate in the GSFA AB 811 Authority PACE program.

Vote: **Passed:** **5-0**
 Ayes: **Banuelos, Long, Murray, Swearingen, Toms**
 Noes: **None**
 Abstain: **None**
 Absent: **None**

10. NEW BUSINESS

- A. Receive the FY 2016-17 Fourth Quarter Financial Report and Adopt a Resolution Approving the Year End Budget Adjustments
[Action: Receive Report and Approve Resolution Per Staff Recommendation (A. Miller)]

Finance Director Andrea Miller presented the FY 2016-17 fourth quarter financial report and highlighted changes and proposed budget adjustments. For the period July 1, 2016 through June 30, 2017, cash flows were sufficient to sustain normal City operations and to satisfy Enforceable Obligation payment commitments of the City's Successor Agency.

Council asked questions and received responses. Assistant City Manager De La Rosa stated that swim center fees are being tracked separately in current fiscal year FY 17-18.

ACTION: Motion by Council Members Swearingen/Banuelos to adopt a resolution modifying the City budget for Fiscal Year 2016-17 in the amount of \$1,624,040.

Vote: **Passed:** **5-0**
 Ayes: **Banuelos, Long, Murray, Swearingen, Toms**
 Noes: **None**
 Abstain: **None**
 Absent: **None**

- B. Amend the 2017-18 Budget to Incorporate a Project to be Funded by SB 1: The Road Repair and Accountability Act
[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]

Community Development Director/City Engineer Tamara Miller presented the report and provided an overview of the project.

ACTION: Motion by Council Members Toms/Murray to adopt a resolution amending the Fiscal Year 2017-18 budget to incorporate a project to be funded by SB1: the Road Repair and Accountability Act.

Vote: **Passed:** **5-0**

Ayes: Banuelos, Long, Murray, Swearingen, Toms
Noes: None
Abstain: None
Absent: None

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Long attended the West County Mayor's Breakfast and provided an update to Council. She stated that representatives of PG&E attended the breakfast and will be providing contact phone numbers for members of the community and staff. Mayor Long stated her concern on recently signed bills by Governor Brown, in specific Affordable Housing; she would like an update from Planning and the Planning Commission to determine if the bills affect local housing. City Manager Fitzer stated that there is a need to review zoning. Mayor Long requested an update on Caltrans Metering lights status. City Manager Fitzer and Community Development Director/City Engineer Miller will schedule a future presentation from Caltrans representatives.

- B. Mayoral & Council Appointments

None

- C. City Council Committee Reports & Communications

Councilmember Swearingen attended the West County Transportation Advisory Committee and the MCE Board of Directors meeting and provided an update to Council. He complimented members of the Community Services Committee, volunteers and Amelia Timbers for their efforts and work during the Dumpster Day event.

Mayor Pro Tem Banuelos also thanked volunteers and staff for their work during the Dumpster Day event, the event was a success. He met with members of the Historical Museum and assisted with review of old drawings of the Faria House and provided feedback in preparation of a Request for Proposal (RFP).

Councilmember Toms attended the Senior Transportation Forum and provided an update to Council.

- D. Council Requests For Future Agenda Items

None

- E. City Manager Report / Department Staff

None

- F. City Attorney Report

None

12. **ADJOURNMENT** to the Regular City Council Meeting of October 17, 2017 In Remembrance of Amber Swartz.

At 9:02 p.m., Mayor Long adjourned the Regular City Council Meeting of October 3, 2017, in Remembrance of Amber Swartz, Jon Nuss resident of Pinole, the victims of the Las Vegas shooting and military personnel all around the world.

Submitted by:

Rosa G. Acosta
City Clerk

Approved by City Council: October 17, 2017