

**PINOLE CITY COUNCIL  
MINUTES  
December 19, 2017**

**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 Banuelos called the Regular Meeting of the City Council to order at 5:39 p.m. and led the Pledge of Allegiance.

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

**A. COUNCIL MEMBERS PRESENT**

Mayor Timothy Banuelos  
Mayor Pro Tem Pete Murray  
Council Member Debbie Long  
Council Member Roy Swearingen  
Council Member Maureen Toms

**B. STAFF PRESENT**

Hector De La Rosa, Assistant City Manager  
Eric Casher, City Attorney  
Neil Gang, Police Chief  
Scott Kouns, Fire Chief  
Tamara Miller, Community Development Director/City Engineer  
Rosa Acosta, City Clerk

City Clerk Acosta announced the agenda was posted on December 14, 2017 at 4:00 p.m. All legally required notices were provided.

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**

At 5:46 p.m., Mayor Banuelos convened to a Noticed Closed Session to discuss the following items:

**A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Gov. Code § 54956.9(d)(4)  
Number of Potential Cases: One Matter

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS-**

Pursuant to Gov. Code §54956.8  
Property: 2850 Estates Ave., Pinole, CA 94564 (APN #360-010-017-0)  
Agency negotiator: City Manager Michelle Fitzer  
Negotiating parties: Pinole Assisted Living Community ("PALC")  
Under negotiation: Price and Terms

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8

Property: 600 Tennent Avenue (APN: 401-142-010)

Negotiator: City Manager, Michelle Fitzer and Assistant City Manager, Hector De La Rosa

Negotiating Parties: Marc Grisham and Jim Riley

Under Negotiation: Terms

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8

Property: 612 Tennent Avenue (APN: 401-142-011)

Negotiator: City Manager, Michelle Fitzer and Assistant City Manager, Hector De La Rosa

Negotiating Parties: Marc Grisham and Jim Riley

Under Negotiation: Terms

E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957

Title: City Clerk

F. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957

Title: City Manager

***OPEN SESSION WILL COMMENCE UPON COMPLETION OF CLOSED SESSION DISCUSSIONS, WHICH MAY OCCUR BEFORE 7:00 PM***

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

At 7:12 p.m., Mayor Banuelos 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 new Sr. Community Library Manager Dr. Francis Adebola-Wilson

Dr. Francis Adebola-Wilson introduced himself to the City Council and shared his background. He stated that he is looking forward to working with the City Council and with the community of Pinole.

b. Presentation by CCTA/Caltrans on Metering Lights

Caltrans District 4 representative David Man provided an update to Council on the Smart Corridor Interstate 80 Integrated Corridor Mobility. He stated that the Alameda – Contra Costa I-80 is the only corridor in the Bay Area with a Caltrans Corridor Manager for traffic operations. The I-80 Pavement Rehabilitation is scheduled to resume spring 2018, community can track updates via Caltrans website [dot.ca.gov/d4/](http://dot.ca.gov/d4/). Mr. Man provided an overview of I-80 Smart Corridor Goals for operations and safety. He explained ramp metering benefits and gave an overview of functionality and operations. Caltrans continues to look for ways to improve and alleviate the congested corridor to help alleviate congestion within the City of Pinole. Caltrans proactive plan includes monitoring the system on a daily basis, investigating complaints, and timing adjustments.

Councilmember Swearingen inquired about the ramp metering and stated his concern with metering lights timing and the congestion of city streets. He stated his preference to change metering lights to green during peak periods (5:30 p.m. – 6:00 pm.) He stated his desire for to improve signage for HOV use during traffic accident incidents.

Councilmember Toms stated her concern about traffic congestion on Pinole Valley Road due to impact of local traffic and Eastbound 80 during peak hours. She is concerned about the future impact to public safety response units and inquired if signals can be turned green remotely to alleviate congestion. She stated her concern on the impact of traffic on local streets.

Councilmember Long stated her concern with congested traffic and the impact on local streets. The current plan is not functioning and needs to be monitored to alleviate traffic. She stated her desire to turn metering lights to green. She has requested safety improvement on Pinole Valley Road Westbound and lighting for pedestrian safety due to road conditions. In addition, clear signage improvements on the on-ramp with better visibility.

Mayor Pro Tem Murray inquired about the monitoring system and the lack of enforcement. Mr. Man stated that it is Caltrans policy not to record video for enforcement.

Mayor Banuelos stated his concern about congestion during the morning commute hours of 6:45 a.m. – 7:00 a.m., westbound onramp. He requested that the City be granted control of changing metering lights to green to alleviate local traffic as promised in previous agreements with Caltrans.

The following speaker addressed the Council,

**Bob Kopp**, resident of Pinole, addressed the Council and stated his concern about commuters traveling at high speed and potential accidents due to poor signage. He requested additional enforcement near the on and off ramps to deter speeding.

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

**NONE**

## **7. CONSENT CALENDAR**

- A. Approved the Minutes of the Meeting of December 5, 2017
- B. Received the December 2 - 15, 2017 List of Warrants and December 15, 2017 Payroll in the Amount of \$374,934.89
- C. Approved an Extension of Time and Allocation of Funding for the Professional Services Agreement with James Parrott  
**[Action: Approve Resolution Per Staff Recommendation (M. Fitzer)]**
- D. Amended and Ratified the Council Meeting Procedures Approved Under Council Resolution 2017-13  
**[Action: Council Discretion to Reconfirm or Adopt Resolution to Amend Procedures (R. Acosta)]**
- E. Resolution Approving a Fee Increase for the Pinole Senior Center Salon and Amending the Pinole Master Fee Schedule  
**[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]**
- F. Approved an Amendment to the Task Order for 4Leaf for contract Building Inspector Services in an amount not to exceed \$100,000 and Authorize the Finance Director to Amend the FY 17/18 Budget  
**[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**

- G. Approved an Amendment to the Task Order for CSG for Contract Building and Fire Plan Check Services in an amount not to exceed \$160,000 and Authorize the Finance Director to Amend the FY 17/18 Budget  
[Action: Approve Resolution Per Staff Recommendation (T. Miller)]
- H. Approved an Amendment to the Task Order for MIG Professional Planning Services for Planning Services to an Amount Not to Exceed \$80,000  
[Action: Approve Resolution Per Staff Recommendation (T. Miller)]

City Clerk Acosta noted a clerical correction to Item 7D to include the following verbiage, "Individuals may not share or offer time to another speaker".

**ACTION: Motion by Council Members Swearingen/Toms, the Council Approved the Consent Calendar Items A - H**

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

**8. PUBLIC HEARINGS**

**NONE**

**9. OLD BUSINESS**

- A. Review and Approve the 2018 Council Committee Appointment List  
[Action: Adopt Resolution per Staff Recommendation (R. Acosta)]

City Clerk Acosta presented the report and stated that a change was made to Council delegate appointment to the MCE Clean Energy Board.

Councilmember Swearingen stated his concern on the conditions set forth by MCE Board requiring disclosure of personal investments and properties. Due to those requirements, he has decided to step down as Alternate Representative for the City of Pinole. MCE Board also has the option of not appointing a Councilmember as alternate and allows Council to attend meetings, without voting rights. MCE Board meetings are held on the third Thursday of the month and will begin to rotate between San Rafael and Concord. Council will leave alternate blank as presented to Council and a representative of Council will attend as needed. Council reviewed and reconfirmed the current assignments.

**ACTION: Motion by Council Members Long/Toms, to approve a resolution amending the 2018 Council Committee appointment list as presented to the Council.**

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

**10. NEW BUSINESS**

**NONE**

## **11. REPORTS & COMMUNICATIONS**

- A. Mayor Report
  - 1. Announcements

Mayor Banuelos attended the Mayors' Conference in Pleasant Hill and provided an update to Council.

- B. Mayoral & Council Appointments

### **NONE**

- C. City Council Committee Reports & Communications

Councilmember Long presented her resignation to the PALC Board effectively immediately.

Mayor Pro Tem Murray attended the WCCIWMA meeting and provided an update to Council. Mayor Banuelos requested additional information from WCCIWMA pertaining to Prop 64 dispensaries and waste removal.

Councilmember Toms attended the WestCat Board and provided an update to Council. She informed the community that MCE public outreach is scheduled to begin February 2018 with notifications allowing consumers to opt-out of the program in addition to launching a website.

Councilmember Swearingen attended the Bay Front Chamber of Commerce and East Bay Cities meeting and provided an update to Council.

- D. Council Requests For Future Agenda Items

City Attorney presentation to Council regarding redistricting (5-0)  
Discussion of Bay Front Chamber of Commerce representation (5-0)

- E. City Manager Report / Department Staff

City Manager Fitzer stated that holiday decorations in old town were not put up due to staffing challenges and recognized the importance it has in the community. She will ensure that the decorations are placed in a timely manner in upcoming years. She informed the Council that the standalone cost for a ballot measure to be published in the June ballot is estimated at \$23k to \$33k due to the cost of trilingual publications. She requested Council feedback to Council's desire to add the measure to the ballot.

- F. City Attorney Report

City Attorney Casher informed the Council that he, City Clerk Acosta, and Assistant City Manager De La Rosa attended a meeting with Contra Costa elections staff in Concord to discuss district elections and redistricting of city lines. The item will be brought to Council for further discussion. He also announced the City Attorney's office will be providing the State with a copy of the City of Pinole's Marijuana Ordinance.

He provided an update on the Municipal Code Subcommittee and informed the Council that the subcommittee will continue to discuss the Styrofoam ban and will host a business community meeting on January 18<sup>th</sup>; the item is scheduled to be brought to Council on February 6<sup>th</sup>.

## **12. RECONVENE TO CLOSED SESSION**

At 9:44 p.m., Mayor Banuelos convened to a Noticed Closed Session to discuss the following items:

G. 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

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

At 9:50 p.m., Mayor Banuelos reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS

**14. ADJOURNMENT** to the Regular City Council Meeting of January 16, 2018. The Regular Meeting of January 2, 2018 has been cancelled.

At 9:53 p.m., Mayor Banuelos adjourned the Regular City Council Meeting of December 19, 2017, in Remembrance of Ed Lee, Mayor of San Francisco, Amber Swartz, and our Military personnel all around the world.

**Submitted by:**



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Rosa G. Acosta  
City Clerk

**Approved by City Council: January 16, 2018**