

**PINOLE CITY COUNCIL  
MINUTES  
March 6, 2018**

**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 Murray called the Regular Meeting of the City Council to order at 6:05 p.m. and led the Pledge of Allegiance.

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

**A. COUNCIL MEMBERS PRESENT**

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

**B. COUNCIL MEMBERS ABSENT**

Mayor Timothy Banuelos

**C. STAFF PRESENT**

Michelle Fitzer, City Manager  
Eric Casher, City Attorney  
Neil Gang, Police Chief  
Scott Kouns, Fire Chief  
Tamara Miller, Community Development Director/City Engineer

City Manager Fitzer announced the agenda was posted on March 1, 2018 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 6:09 p.m., Mayor Pro Tem Murray 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: Local 1 & AFSCME

**B. 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: Celia Lam  
Under Negotiation: Terms

C. 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: Celia Lam

Under Negotiation: Terms

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8

Property: 2100 San Pablo Avenue (APN: 401-120-035)

Negotiator: Assistant City Manager, Hector De La Rosa

Negotiating Parties: Pinole Historical Society Museum Board

Under Negotiation: Terms

***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 7:05 p.m., Mayor Pro Tem Murray reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS.

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

A. Proclamation

- a. Proclamation for the Celebration of Arbor Day to the Pinole Garden Club

Mayor Tem Murray presented the Proclamation to the Pinole Garden Club. Ann Heintz, Vice President of Pinole Garden Club accepted the recognition on behalf of the Pinole Garden Club. She invited Council and members of the community to a Tree Planting Ceremony on April 18<sup>th</sup> in Memory of Mary Boise for her contributions to the community. She informed the community of their Annual Plant Sale on Saturday, May 5<sup>th</sup> at the Farmers' Market in Downtown Pinole and encouraged the community to participate in the Front Garden Landscaping Contest. Flyers will be distributed with detailed information.

B. Presentations / Recognitions

- a. Public Works Department Verbal Update by Development Services Director/  
City Engineer Tamara Miller

Development Services Director/City Engineer Miller provided a verbal update on the Public Works Division activities. City Manager Fitzer stated that in regard to the NPDES notification (Notice of Violation), the City of Pinole is not alone in non compliance of the 70% diversion of trash; most cities in Contra Costa County are unable to meet the mandates. Council asked questions and received responses.

Councilmember Swearingen informed the community that the eastbound freeway on-ramp project to widen two lanes at Pinole Valley Road and I-80, westbound I-80 area near the bowling alley is planned for installation of a turn lane on the right hand side. The projects have been added to the WCCTAC project list and may take up to four years to begin.

b. Information on Selecting a Contractor by Development Services Director/City Engineer Tamara Miller

Development Services Director/City Engineer Miller presented the report and provided information to the community on the process of selecting a contractor. She suggested that community members visit California's web site: [www.cslb.ca.gov](http://www.cslb.ca.gov) for contractor's license which is full of information and click the consumers tab to get additional information. It is important for residents to define their project and obtain a quote in writing; important that residents hire only licensed contractors and obtain at least three bids in writing; check references; ensure the contractor carries workers' compensation and liability insurance; and pay no more than 10% or \$1000, whichever is less in advance.

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

The following speakers addressed the Council:

**Sandee Glanz, resident of Pinole**, addressed the Council and stated her disapproval with repealing term limits and the cost of adding the measure to the ballot. She encouraged Council to withdraw the item from the upcoming ballot.

**Bob Kopp, resident of Pinole**, addressed the Council and provided a draft flyer for the Pinole Car Show that will be held on Sunday, June 24, 2018.

**Devin Murphy, resident and business owner in Pinole**, addressed the Council and stated his support to encourage youth within the community to assume leadership positions. He encouraged Council to reconsider removing the ballot initiative from the June ballot and create a pipeline for youth that are involved in the community to be leaders of today.

**Tammy Campbell, resident of Pinole**, addressed the Council and stated her opposition to repeal term limits. She stated her concern on the cost of the election and encouraged Council to pull the ballot initiative from the special ballot.

**David Rupert, resident of Pinole**, addressed the Council and stated his opposition to the repeal of Council term limits. He distributed material to the City Council and executive staff.

**Ivette Ricco, resident of Pinole**, addressed the Council and stated her opposition to the repeal of Council term limits. She encouraged the community to participate in future elections and stated her support for district elections.

**Sal Spataro, resident of Pinole**, addressed the Council and read into the record a letter from Susan Pricco, chair of the Contra Costa Taxpayers Association West County branch, encouraging the City Council to withdraw the ballot initiative to repeal Council term limits.

**Ron Caldwell, resident of Pinole**, addressed the Council and thanked the Council for their consideration to approve an agreement for tree removals in the Eucalyptus Grove on old Pinole Valley Road. Mr. Caldwell and his neighbors appreciate Council's efforts.

**Mary Horton, resident of Pinole**, addressed the Council and stated her support to repeal term limits. Mrs. Horton encouraged voters to participate in upcoming elections and encouraged youth community members to serve on Boards and Commissions to gain leadership experience.

**William Horton, resident of Pinole**, addressed the Council and stated his support to repeal term limits.

## 7. CONSENT CALENDAR

- A. Received the February 17, 2018 – March 2, 2018 List of Warrants and the February 23, 2018 Payroll in the Amount of \$368,124.43 and \$355,905.66 respectively
- B. Received Quarterly Investment Report for the Quarter Ending December 31, 2017  
**[Action: Review and Receive Report (A. Miller)]**
- C. Ratified the Acceptance and Filing of a Notice of Completion for Three Minor Capital Projects  
**[Action: Approve Resolution per Staff Recommendation (T. Miller)]**

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

**Vote:            Passed            4-0-1**  
**Ayes:             Long, Murray, Swearingen, Toms**  
**Noes:             None**  
**Abstain:        None**  
**Absent:         Banuelos**

## 8. PUBLIC HEARINGS

- A. Introduction and First Reading of an Ordinance Adding Chapter 8.37 to the Pinole Municipal Code Prohibiting the Use and Sale of Polystyrene Products in the City of Pinole  
**[Action: Approve First Reading Per Staff Recommendation (E. Casher)]**

City Attorney Casher presented the report and provided an overview of the ordinance and stated that Polystyrene is commonly referred to as “Styrofoam” and is a significant source of trash in the City. The proposed ordinance prohibits the sale of polystyrene food service products throughout the City. The ordinance does not apply to packaging of uncooked raw meat, an exemption requested by the California Grocers Association. Council asked questions and received responses.

At 8:50 p.m., Mayor Pro Tem Murray opened the Public Hearing, and having no speakers, at 8:50 p.m., Mayor Pro Tem Murray closed the Public Hearing.

Councilmember Long stated that Council received a letter from the Director of Local Government Affairs of the California Restaurant Association, who requested that the City focus on current litter practice and promote better education and prevention for litter control. Councilmember Long requested that restaurants participate in the effort to control litter throughout the City.

Councilmember Toms stated that she and Mayor Banuelos reviewed this item at the subcommittee and support the proposed ordinance. The ordinance can be revisited for future consideration once approved.

Councilmember Swearingen stated his support for the proposed exemption as proposed by the California Grocers Association.

**ACTION: Motion by Council Members Long/Toms to adopt an ordinance adding Chapter 8.37 to the Pinole Municipal Code to prohibit the use and sale of polystyrene products within the City of Pinole.**

**Vote:            Passed:        4-0-1**  
**Ayes:            Long, Murray, Swearingen, Toms**  
**Noes:            None**  
**Abstain:        None**  
**Absent:         Banuelos**

**9.        OLD BUSINESS**

- A.        Update on Pinole Youth Center Fall/Winter 2018 Enrichment Sessions  
**[Action: Review Report and Provide Direction to Staff (M. Picazo)]**

Recreation Manager Maria Picazo presented the report and provided Council with an update on the proposed enrichment sessions. Community members received and completed surveys indicating their desire for enrichment sessions.

Councilmember Long inquired on the cost of instructor's base fee for entire session. She stated the need for City input in order to cover overhead expenses. Recreation Manager Picazo will be reviewing proposals as they are presented and will ensure that expenses are recovered.

Councilmember Toms expressed her appreciation of staff taking the committee's ideas and working them into proposals.

Mayor Pro Tem Murray suggested that staff consider supporting the Senior Center and assist them in generating revenue as they develop new classes. He inquired on the process of clearance of instructors. Recreation Manager Picazo stated that all instructors will be screened diligently and fingerprinted prior to placement.

**ACTION: Council directed staff to move forward with the Fall/Winter 2018 enrichment sessions. (4-0-1)**

- B.        Authorize the City Manager to Execute an Agreement in an Amount Not to Exceed \$380,000 to Acquire Rule 20A Credits for the Pinole Valley Road Underground District Project and Authorize the Finance Director to Amend the FY17/18 CIP Budget  
**[Action: Approve Resolution per Staff Recommendation or Provide Alternate Direction to Staff (T. Miller)]**

Development Services Director/City Engineer Miller presented the report and provided an update on the project. She stated that PG&E has provided a new estimate of \$2,446,148 with a 20% contingency; recommended seeking an acquisition of \$631,104 rule 20A credits from other municipalities. The increase is due to two issues that have surfaced such as disposition of one street light (City is working with the WCCUSD), and the expectation to patch with rubberized asphalt which caused an increase in the engineers estimate. Council asked questions and received responses.

**ACTION: Motion by Council Members Swearingen/Toms to authorize the City Manager to Execute an agreement in an amount not to exceed \$380,000 to Acquire Rule 20A credits for the Pinole Valley Road Underground District Project and authorize the Finance Director to amend the FY 17/18 CIP budget.**

**Vote:**           **Passed:**       **4-0-1**  
                  **Ayes:**           **Long, Murray, Swearingen, Toms**  
                  **Noes:**           **None**  
                  **Abstain:**       **None**  
                  **Absent:**       **Banuelos**

**10. NEW BUSINESS**

- A.     Receive and Review the FY 2017-18 Mid-Year Financial Report and Approve Budget Adjustments  
      **[Action: Approve Resolution per Staff Recommendation (A. Miller)]**

City Manager Fitzer presented the report and stated that updated copies have been provided to Council and members of the public. She provided an overview of the 2<sup>nd</sup> quarter mid-year adjustments with a breakdown of revenues and expenditures. Council asked questions and received responses.

**ACTION: Motion by Council Members Swearingen/Long approved the resolution for the FY 2017-18 mid-year financial report and approved budget adjustments.**

**Vote:**           **Passed:**       **4-0-1**  
                  **Ayes:**           **Long, Murray, Swearingen, Toms**  
                  **Noes:**           **None**  
                  **Abstain:**       **None**  
                  **Absent:**       **Banuelos**

**11. REPORTS & COMMUNICATIONS**

- A.     Mayor Report  
      1.     Announcements

**None**

- B.     Mayoral & Council Appointments

**None**

- C.     City Council Committee Reports & Communications

Councilmember Long attended the Waste Water Subcommittee and WestCAT meetings and provided an update to Council.

Councilmember Toms stated that MCE held a community outreach meeting which was well attended by community residents of Martinez, Concord and Pinole. MCE will host another meeting on March 20<sup>th</sup>; more information to be posted in the City Manager's Administrative Report.

Councilmember Swearingen attended the West Contra Costa Transportation Authority meeting and provided an update. He complimented Councilmember Toms for her report at the Mayors conference regarding the dissolution of the Successor Agency Oversight Board, effective July 1, 2018. More information will be posted on Pinole TV and the City's website.

- D.     Council Requests for Future Agenda Items

Councilmember Long requested to add an item to the March 20<sup>th</sup> agenda to discuss a Pinole Council nominee for the new countywide Successor Agency Oversight Board to be submitted at upcoming meeting of the Contra Costa County Mayors Conference. (4-0-1)

E. City Manager Report / Department Staff

City Manager Fitzer discussed the proposed ballot question of an elected vs appointed City Treasurer, which Council previously discussed placing on the November 2018 ballot. She recommended not moving forward with that ballot question and keeping only the UUT renewal measure. She stated that Council may request to place the item on a future agenda for further discussion if they wished to keep on the November 2018 ballot.

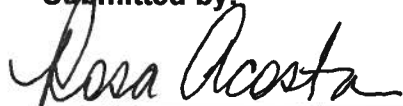
F. City Attorney Report

None

**12. ADJOURNMENT** to the Regular City Council Meeting of March 20, 2018 In Remembrance of Amber Swartz.

At 10:37 p.m., Mayor Pro Tem Murray adjourned the Regular City Council Meeting of March 6, 2018, in Remembrance of Amber Swartz and our Military personnel all around the world.

Submitted by:



Rosa G. Acosta  
City Clerk

Approved by City Council: March 20, 2018

