

CITY COUNCIL MEETING

MINUTES

July 16, 2019

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

The City Council Meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Murray called the Regular Meeting of the City Council to order at 5:30 p.m. and led the Pledge of Allegiance.

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

A. COUNCILMEMBERS PRESENT

Peter Murray, Mayor
Roy Swearingen, Mayor Pro Tem
Norma Martinez-Rubin, Councilmember
Vincent Salimi, Councilmember
Anthony Tave, Councilmember

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Heather Iopu, City Clerk
Eric Casher, City Attorney
Neil Gang, Police Chief
Scott Kouns, Fire Chief
Tamara Miller, Development Services Director/City Engineer

City Clerk Iopu announced the agenda was posted on July 11th, 2019 at 4:00 p.m. All legally required notice was provided.

City Clerk Iopu announced that additional items pertaining to Agenda 6B1 and 8A on the agenda were provided at the dais for the Council and copies were placed at the rear of the Chamber for the public.

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

The City Council convened into closed session at 5:37 p.m.

A. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Gov. Code § 54957

Title: City Manager

The following speaker addressed the City Council:

Irma Ruport, resident of Pinole, asked for information this closed session item and expressed her opinion regarding the recruitment process.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code § 54956.8

Property: 830 - 850 San Pablo Ave (APN 402-230-15, 16, 17, 18, 20 & 22)

Agency negotiator: City Manager Michelle Fitzer, Assistant City Manager Hector De La Rosa

Negotiating parties: Hector Vinas, General Realty CE, LLC

Under negotiation: Price and terms

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code § 54956.8

Property: 811 San Pablo Avenue (APN: 402-166-030)

Negotiator: Assistant City Manager, Hector De La Rosa

Negotiating Parties: Housing Consortium of the East Bay

Under Negotiation: Terms

D. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Gov. Code § 54957.6

Agency designated representatives: City Manager Michelle Fitzer, Assistant City Manager Hector De La Rosa

Employee organization: International Association of Fire Fighters (IAFF)

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

At 7:09 p.m. Mayor Murray reconvened the meeting into open session.

City Attorney Casher reported the results of closed session items:

3A – Staff was provided with direction on use of a professional recruitment service for the City Manager position.

3B – Council received a status update on the project based on information from the developer.

3C- Council received a status update on the project based on information from the developer.

3D – Council received a status update on labor negotiations with IAFF.

5. CITIZENS TO BE HEARD (Public Comments)

At 7:11 pm, the Mayor inquired if there were any Public Comments. The following speakers addressed the City Council:

Irma Ruport, resident of Pinole, spoke regarding issue of detention center conditions that was raised at the last Council meeting, spoke regarding her own experiences and encouraged finding solutions.

Ivette Ricco, Chair of Pinole for Fair Government, announced Pinole Community Town Hall Meeting on Saturday, September 14th, 10:00 a.m to 12:00 p.m. at Christ the Lord Episcopal Church. Encouraged public to attend.

David Ruport, resident of Pinole, spoke in favor of the recommendation made by Councilmember Tave to bring forward an agenda item to discuss detention centers at the border. Encouraged the City Council to support the proposed letter of opposition of the detention center practices.

Rafael Menis, resident of Pinole, spoke regarding differences between civility and decorum, in the context of national politics, spoke against racism and discrimination against certain groups of people and that they should be equally treated with civility.

Bob Kopp, resident of Pinole, spoke regarding the Pinole Car Show. Presented two checks of proceeds to the Police Chief for the Pinole Police Explorers and Therapy Dog Programs. Announced that he will donate additional funds for TV station equipment.

Mayor Murray and Council thanked Mr. Kopp and Ricardo of Sequoia Real Estate Company for their work in planning the Car Show. Mr. Kopp thanked the Council and staff for their participation to make a successful event.

Maria Alegria, resident of Pinole, read a letter to Councilmember Martinez-Rubin asking her to reconsider the request of Councilmember Tave to send a letter of opposition of the detention center practices to government officials. Highlighted the Councilmember's past work and reasons she should reconsider the request.

Tammy Campbell, resident of Pinole, encouraged public to apply for vacancies on the Citizens Bond Oversight Committee and the Budget Committee for the School District. Announced she is the Chair of Engineering Academies of Pinole Valley and Richmond High Schools and encouraged anyone who is interested in participating to contact her.

Charlene O'Rourke, President of the Friends of the Library, highlighted the activities of her organization. Announced semi-annual book sales and the Saturday sales at the Farmers' Market which raise funds for family programs, books, supplies and equipment for the library.

George Pursley, Library Commissioner for Pinole, spoke regarding very successful Pinole Library extended hours celebration that took place on June 6, 2019. Thanked the Councilmembers and public who attended the event. Encouraged public to visit the Library.

Ali Saidi, resident of Pinole, spoke regarding the City Council's decision to not discuss detention center issue at a future meeting. Encouraged the Council to send a letter addressing crisis at border and to speak out in order to send a message of support to the immigrant families in Pinole.

Stephanie Hernandez-Jarvis, School Board representative, spoke regarding her experience as an immigrant and the strong influence of her education and support in the community to her success in life. Encouraged the Council to protect its residents and declare Pinole a Sanctuary City.

Benjamin Jarvis, resident of Pinole, spoke regarding importance of speaking up against white nationalism, racism, and bigotry in politics. Discussed the effect of ICE raids on the City's residents and encouraged the Council to become a Sanctuary City.

6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

B. Presentations / Recognitions

1. Bay Front Chamber of Commerce Presentation by Sylvia Villa-Serrano

Sylvia Villa-Serrano, Executive Director and Amy Henry, Treasurer of the Bay Front Chamber of Commerce, made a presentation regarding their organization, its activities and involvement with Pinole.

Councilmembers made comments and asked questions.

Questions addressed by representatives from Bay Front Chamber of Commerce.

Staff addressed additional questions by Councilmembers.

7. CONSENT CALENDAR

The following speakers made comments on the Consent Calendar:

Irma Rupert: spoke regarding items 7D: Expressed importance of having an open and transparent recruitment process for the City Manager position in order to find the best candidate. Item 7G: Asked what services the contract with IEDA would provide. Suggested hiring a Human Resources staff person rather than use consultants for this type of work.

Rafael Menis, resident of Pinole, spoke regarding item 7H: Highlighted that there was a typo in report. Item 7I: Stated the item should not be on the Consent Calendar. Asked that in the future this item type be presented on its own for discussion. Asked for clarification regarding the details of the report.

City Manager Fitzer responded to public comments and questions.

- A. Approve the Minutes of the Meeting of June 18, 2019
- B. Receive the June 29, 2019 – July 12, 2019 List of Warrants in the Amount of \$463,567.96 and the July 12, 2019 Payroll in the Amount of \$399,725.76
- C. Authorization For The Police Chief To Execute A Contract With The State Of California For Alcohol Policing Partnership Grant Assistance Program Funding Administered Through The Department Of Alcoholic Beverage Control [Action: Adopt Resolution per Staff Recommendation (Gang)]
- D. Resolution Authorizing The City Manager To Execute A Contract With Avery & Associates In An Amount Not To Exceed \$25,400 For Professional Recruitment Services For The City Manager Position [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

- E. Adopt A Resolution Authorizing A Request For Proposal For Janitorial Services For City Occupied Facilities **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**
- F. Second Reading And Adoption Of An Ordinance Adding Chapter 15.60 To The Municipal Code For Management Of PCBs During Building Demolition Projects **[Action: Conduct Second Reading and Adopt Ordinance per Staff Recommendation (Casher)]**
- G. Approve A Three Year Contract With IEDA Inc. To Provide Labor Contract Negotiations And Human Resources Services **[Action: Adopt Resolution per Staff Recommendation (De La Rosa)]**
- H. Consider A Letter Of Support For SB 344, Local Prepaid Mobile Telephony Services Collection Act (As Amended June 27, 2019) **[Action: Authorize Mayor to Sign Letter (Fitzer)]**
- I. Consider A Letter Of Opposition For SB 266, Public Employees' Retirement System: Disallowed Compensation: Benefit Adjustments **[Action: Authorize Mayor to Sign Letter (Fitzer)]**

ACTION: Motion by Councilmembers Swearingen/Norma-Martinez to approve Consent Calendar Items A through I.

Vote:	Passed	5-0
	Ayes:	Murray, Swearingen, Tave, Martinez-Rubin, Salimi
	Noes:	None
	Abstain:	None
	Absent:	None

8. PUBLIC HEARING

- A. Ordinance Amending Chapter 8.36 Of The Pinole Municipal Code Regarding Balcony Inspections **[Action: Introduce Ordinance and Conduct Public Hearing (Casher)]**

City Attorney Casher presented a report introducing the ordinance and outlining the action.

Councilmembers asked questions. Staff responded to questions by Councilmembers.

At 8:41 p.m.. Mayor Murray opened the public hearing.

There were no public speakers.

At 8:41 p.m. Mayor Murray closed the public hearing.

Councilmembers asked questions and made comments. City Attorney Casher responded.

ACTION: Motion by Councilmembers Tave/Swearingen to Approve Ordinance Amending Chapter 8.36 Of The Pinole Municipal Code Regarding Balcony Inspections

Vote: **Passed** **5-0**
 Ayes: **Murray, Swearingen, Tave, Martinez-Rubin, Salimi**
 Noes: **None**
 Abstain: **None**
 Absent: **None**

9. OLD BUSINESS

None.

10. NEW BUSINESS

None

11. REPORTS & COMMUNICATIONS

A. Mayor Report
 1. Announcements

Councilmember Martinez-Rubin reported that she was selected to serve as Vice Chair of Western Contra Costa Transit Authority (WestCat) Board. Announced that WestCat is conducting school supply drive and encouraged donations from the public.

Mayor Murray announced that the August 6, 2019 City Council Meeting is cancelled and that the Pinole Police Department will be putting on National Night Out event being held at Fernandez Park at 5:00 p.m. Police Chief Gang provided details of the event.

B. Mayoral & Council Appointments

None.

C. City Council Committee Reports & Communications

Councilmember Swearingen reported his attendance at the Mayor's Conference. Announced updates that were discussed regarding PG&E planned power outages and provided information for public preparedness.

Provided update from West Contra Costa Transportation Advisory Committee (WCCTAC). Ferry service now running from Richmond. Gave information regarding Contra Costa Transportation Authority (CCTA) sales tax measure being proposed for March 2020 election.

Councilmembers made comments and asked questions. Staff responded to questions.

Maureen Toms, resident of Pinole, announced upcoming meetings of the CCTA to discuss the proposed sales tax and draft expenditure plans.

Community Development Services Director/City Engineer Miller provided additional information.

Councilmember Martinez-Rubin announced that she and Mayor Murray participated in the Municipal Code Subcommittee to review schedule of upcoming items coming before the Council for consideration.

Addressed the public speakers who made comments regarding the detention center issue and letter of opposition that was proposed for consideration at the prior Council meeting. Thanked the speakers and stated that she will consider their comments.

D. Council Requests For Future Agenda Items

Councilmember Tave requested reconsideration of his request to discuss a letter from Council regarding the border detention centers. Consensus given by Council.

The following speaker addressed the City Council:

Maria Alegria, resident of Pinole, thanked the Councilmember Martinez-Rubin for her leadership with regard to the Census 2020 education efforts. Expressed importance of an accurate count. Thanked the Council for addressing her questions regarding the planned PG&E power outages and providing information to the public.

Councilmember Tave requested a future agenda item for staff to bring back discussion item regarding SB54 and Sanctuary City. Consensus given by Council.

Discussion of the timing of placement of the requested future agenda items on the upcoming City Council meeting schedule.

Councilmember Swearingen wants to discuss being provided a list of future agenda items. Mayor Murray and City Manager Fitzer to review and prioritize list.

E. City Manager Report / Department Staff

No report.

F. City Attorney Report

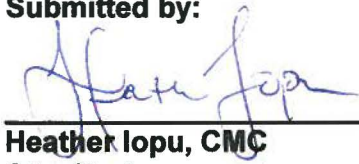
City Attorney Casher provided report from the Municipal Code Subcommittee meeting. Topics include: Tobacco/Smoking Ordinance and Street Vendor Ordinance.

Questions by Councilmembers. Staff addressed questions.

12. ADJOURNMENT to the Regular City Council Meeting of August 20, 2019 In Remembrance of Amber Swartz.

At 9:39 p.m. p.m., Mayor Murray adjourned to the City Council Meeting of July 16, 2019 In Remembrance of Amber Swartz.

Submitted by:



Heather Iopu, CMC
City Clerk

Approved by City Council: September 3, 2019

