

**PINOLE CITY COUNCIL
MINUTES
June 7, 2016**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

The Regular Pinole City Council Meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Swearingen called the meeting to order at 6:00 PM and Mayor Pro Tem Long led the Pledge of Allegiance.

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

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87105.

A. COUNCIL MEMBERS PRESENT

Mayor Roy Swearingen
Mayor Pro Tem Debbie Long
Council Member Tim Banuelos (Arrived at 6:05 pm)
Council Member Peter Murray
Council Member Maureen Toms

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Ben Reyes, City Attorney
Neil Gang, Police Chief
Fire Chief, Rob Piper
Tamara Miller, Development Services Director/City Engineer

Assistant City Manager/Deputy City Clerk De La Rosa announced the Agenda was posted on June 2, 2016 at 4:00 P.M. All legally required notices were provided. The Council stating there were no conflicts with any items on the agenda.

3. CONVENE TO A CLOSED SESSION

At 6:05 p.m., Mayor Swearingen convened the 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: Two

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

At 7:00 p.m., Mayor Swearingen reconvened the meeting in open session and announced there were no reportable actions.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
- B. Presentations / Recognitions
 - 1. PVHS Softball Team

Mayor Swearingen recognized the Pinole Valley High School Softball Team for an undefeated Season and also for winning the Tri County Athletic League title this year.

2. Presentation – East Bay Regional Park District Shoreline Park Overpass

Sean Duggan, presented a PowerPoint on the San Francisco Bay Trail – Pinole Shores to Bayfront Park pedestrian overpass design. He discussed the history of the project, the design of the project, the timeframe for construction, and the need for the City to approve two easements for continuation of the pedestrian walkway and bioswell drainage. Mr. Duggan also requested that 1) the Council take up the approval of the easements prior to the Planning Commission and 2) requested that the City waive all application and planning fees.

Councilmembers asked several questions with Councilmember Murray, Mayor Pro Tem Long and Mayor Swearingen supportive of waiving the fees.

The following speaker addressed the City Council:

Jack Meehan, asked several questions which were address by Sean Duggan.

6. CITIZENS TO BE HEARD (Public Comments)

The following speaker addressed the City Council:

Monica Shaw, publicized the upcoming “Bike to Bridges & Brew Fest” event on June 12th in Martinez.

Bob Kopp, gave a report on Community Service Day and invited the Council to the Pinole Youth Foundation Wine Tasting Event on June 25th.

7. CONSENT CALENDAR

Mayor Pro Tem Long pulled item # 7D.

ACTION: Motion by Council Members Banuelos/Murray, the Council Approved the Consent Calendar Items 7A, B, C, E & F.

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

- A. Approve the Minutes of the Meetings of May 17, 2016, May 23, 2016 and May 31, 2016.
- B. Receive the May 14, 2016 - June 3, 2016 Lists of Warrants and the May 20, 2016 and June 3, 2016 Payrolls in the Amounts of \$322,504.27 and \$407,061.20
- C. Accepting Title of Nine Governmental Use Properties (APN 401-142-013, 401-168-012, 401-166-027, 401-162-010, 401-141-014, 401-150-031, 401-200-017, 401-163-004, 402-220-021) from the Successor Agency to the Redevelopment Agency of the City of Pinole to be used for public purposes pursuant to Health and Safety Codes Section 34181(a) **[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]**
- D. Second Reading and Adoption of Zoning Ordinance Text Amendments to Modify Pinole Municipal Code Chapters 17.20, 17.22, 17.38, and 17.62. **[Action: Approve Ordinance 2016-XX (W. Rhodes)]**
- E. Declaring Certain Fire Equipment and Fire Apparatus as Surplus and Authorizing that Equipment and Apparatus to be Disposed of through Public Auction **[Action: Approve Resolution Per Staff Recommendation (R. Piper)]**
- F. Deeds from Contra Costa Flood District for the Water Pollution Control Plant **[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**

Mayor Pro Tem Long stated that she would have liked to see changes to the ordinance prior to any amendments

ACTION: Motion by Council Members Toms/Banelos, the Council Approved the Consent Calendar Items 7D.

| | | |
|--------------|-----------------|------------------------------------------|
| Vote: | Passed: | 4-1 |
| | Ayes: | Banelos, Murray, Swearingen, Toms |
| | Noes: | Long |
| | Abstain: | None |
| | Absent: | None |

8. PUBLIC HEARINGS

9. OLD BUSINESS

10. NEW BUSINESS

- A. Accept Draft LLAD Engineers Report and Set Public Hearing **[Action: Accept Draft Engineers report and set Public Hearing (T. Miller)]**

Development Services Director/City Engineer Tamara Miller presented the report. Councilmembers asked questions and requested that staff present detailed information on Business Assistance Program and that staff look at other areas to propose Landscape Lighting Assessment Districts.

ACTION: Motion by Council Members Murray/Banuelos, accepted the draft report and set the public hearing for June 21, 2016.

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

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 1. Announcements

The Mayor attended the Mayors Conference and attended a meeting in Sacramento to discuss the I-80 shooting and seeking assistance and funding.

- B. Mayoral & Council Appointments
1. Appoint two members to a Subcommittee to Interview a candidate for TAPS
 [Appoint by Minute Order]

Assistant City Manager De La Rosa presented the item requesting that a subcommittee be appointed through December 2016 to interview TAPS candidates.

Minute Motion by the City Council appointing Mayor Swearingen and Councilmember Banuelos to a Subcommittee to Interview Candidate for the TAPS Committee.

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

- C. City Council Committee Reports & Communications

Councilmembers spoke to attending ABAG meeting, providing an update on the Pinole Valley High School construction, and Wastewater Subcommittee meeting.

- D. Council Requests for Future Agenda Items
- E. City Manager Report / Department Staff

City Manager Fitzer stated that staff had asked the Pinole Valley High School about developing a communications plan which would include door hangers providing notice to residents near the High School of the pending construction activities.

- F. City Attorney Report

12. ADJOURNMENT to the Special City Council Meeting of June 9, 2016 and the regular meeting of June 21, 2016.

At 9:15 p.m., Mayor Swearingen adjourned the Regular Meeting of June 7, 2016, in Remembrance of Amber Swartz and fallen Military.

Submitted by:

Hector De La Rosa
Assistant City Manager/Deputy City Clerk

Approved by City Council: June 21, 2016