

**PINOLE CITY COUNCIL
MINUTES
APRIL 19, 2016**

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 Swearingen called the meeting to order at 6:05 PM and 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
Council Member Tim Banuelos
Council Member Peter Murray
Council Member Maureen Toms

COUNCIL MEMBERS NOT PRESENT

Mayor Pro Tem Debbie Long, Absent / Excused

The voting record reflects her absence.

B. STAFF PRESENT

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

Deputy City Clerk De La Rosa announced the Agenda was posted on April 14, 2016 at 4:00 P.M. All legally required notice was provided. The Council responded to the City's Clerk question, stating there were no conflicts with any items on the agenda.

3. CONVENE TO A CLOSED SESSION

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

There were no Closed Sessions matters.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
 - 1. National Sexual Assault Awareness Month – No recipient at the meeting.
 - 2. Presented to Sherry Janke for her retirement
- B. Presentations / Recognitions
 - 1. Pinole Valley High Construction Update – Standing
 - 2. Mayor Swearingen thanked event organizers of the Dean Allison event, volunteers and donors. Bob Kopp announced that the net proceeds of the event would go to PCTV.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Bob Kopp: Spoke on Community Service Day set for 21 of May from 8-12. Clean up jobs throughout the City.

Ian Richards: Pinole Library Update. Senior Community Library Manager, Spoke to programs provided the by library – ex: Luck day collection, Family Program, Spring Book Sale.

7. CONSENT CALENDAR

The following items were removed for discussion:

No items were removed but Councilmember Murray stated that item 7E must be corrected to read “entering into an agreement for Construction Engineering Services rather than Construction Management Services.”

ACTION: Motion by Council Members Toms/Banuelos, the Council Approved the Consent Calendar Items 7A-E.

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

- A. Approve the Minutes of the Meetings of April 5, 2016
- B. Receive the April 2 - 15, 2016 List of Warrants and the April 8, 2016 Payroll in the Amount of \$ 343,163.04
- C. Receive and Accept the FY 2015/16 Second Quarter Investment Report [**Council Report No. 2016-49; Action: Receive Report (A. Miller)**]

- D. Ratification of April 5, 2016 Council Action To Direct Staff to Initiate Immediate Repair of A Gas Line Rupture Between City Hall and the Public Safety Building **[Action: Adopt Resolution 2016-31 Per Staff Recommendation (T. Miller)]**
- E. Authorize the City Manager to Execute A Professional Services Agreement With HDR, Inc. For the Construction Management Services for the Pinole-Hercules Wastewater Plant Upgrade Project In The Amount of \$1,309,941 **[Council Report No. 2016-50; Action: Adopt Resolution 2016- 32 Per Staff Recommendation (T. Miller)]**

8. PUBLIC HEARINGS

- A. Conduct Public Hearing To Consider A Zoning Ordinance Text Amendment To Modify Pinole Municipal Code Chapters 17.20, 17.22, 17.38, And 17.62 And To Consider a Resolution Adopting A Sewer Service Priority Allocation Policy For Affordable Housing **[Council Report No. 2016-51; Action: 1) Introduce An Ordinance By Title, Waive First Reading & Schedule Adoption on May 3, 2016; 2) Adopt a Sewer Service Priority Policy Resolution; and 3) authorize the City Manager to send a letter regarding the sewer service policy to the Wastewater Subcommittee and the West County Wastewater District (Rhodes)]**

Planning Manager Winston Rhodes presented the staff report and a PowerPoint.

Veronica Tam from Veronica Tam & Associates went over the proposed amendments to the housing ordinance.

Councilmember Tim Banuelos had some questions which were responded by Planning Manager Winston Rhodes.

ACTION: Motion by Council Members Swearingen/Murray, the Council approved the Resolutions 2016-33 on Calendar Items 8A.

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

9. OLD BUSINESS

- A. Second Reading and Adoption of Ordinance 2016-3; Approving A Zoning Text Amendment Ordinance To Modify Chapters 17.20 and Chapter 17.98 To Prohibit Medical Marijuana Cultivation And Delivery Within The City Of Pinole **[Council Report No. 2016-52; Action: Adopt By Title And Waive Second Reading (Casher)]**

Assistant City Attorney Eric Casher presented the staff report citing amendments to the Pinole Municipal Code Zoning Section 17.20 and 17.98.

Mayor Swearingen had some questions which Attorney Eric Casher addressed.

The public Hearing was opened and closed with no comments from the public.

ACTION: Motion by Council Members Murray/Toms, the Council Adopted Ordinance 2016-3.

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

10. NEW BUSINESS

- A. Proposal by Contra Costa County Consolidated Fire District To Provide Administrative Services to the Pinole Fire Department [**Council Report No. 2016-53; Action: Provide Direction to Staff (Fitzer)**]

City Manager Michelle Fitzer introduced the item and turned the presentation over to Contra Costa County Fire Protection District Chief Jeff Carman.

The following speakers addressed the City Council:

Vince Wells – members of ConFire, Hercules and Pinole support this concept.

Jim Parrott – spoke about Battalion 7 and expressed concerned that if Battalion 7 doesn't evolve it could go away since Battalion 7 is only a handshake agreement.

ACTION: Council received the presentation by Contra Costa County Fire Protection District Chief Carman and provided direction to staff to further evaluate this option with the Ad Hoc Committee.

- B. Accept Participation in the PG&E Streetlight Replacement Project, Converting PG&E Owned Lights to LED [**Council Report No. 2016-54; Action: Adopt Resolution Per Staff Recommendation (T. Miller)**]

This item was continued to the May 3, 2016, Council meeting at the request of PG&E.

- C. Approve the City of Pinole Financial Policies [**Council Report No. 2016-55; Action: Adopt Resolutions Per Staff Recommendation (A. Miller)**]

Finance Director Andrea Miller presented the staff report.

ACTION: Motion by Council Members Banuelos/Murray, the Council Adopted Resolutions 2016-34 & 2016-35, Approved the City of Pinole Financial Policies.

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

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 1. Announcements

Mayor Swearingen stated that the WCCTAC meeting is coming up. Maureen Toms stated that we need the "Return to Source" money. Asked how our representative can ask for reconsideration of WCCTAC's vote shifting the money to another program?

- B. Mayoral & Council Appointments
 1. Adhoc Council Subcommittee for Dispatch Services Appointment [**Action: Appoint Swearingen & Long by Minute Order (Fitzer)**]

ACTION: Motion by Council Members Banuelos/Toms, the Council Appointed Mayor Swearingen and Mayor Pro Tem Long to the Dispatch Services Adhoc Subcommittee.

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

2. Planning Commission Appointments

The Council Interview Subcommittee recommended the appointment of Ruskin Hartley and reappointing Tom Brooks and Anthony Tave to the Planning Commission.

ACTION: Motion by Council Members Banuelos/Toms, the Council Appointed Ruskin Hartley and reappointing Tom Brooks and Anthony Tave to the Planning Commission.

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

3. Contra Costa County Advisory Council on Aging Appointment
- 4.

ACTION: Motion by Council Members Swearingen/Banuelos, the Council Recommended that the Contra Costa County Board of Supervisors Appoint Kristin Haegeland to the Contra Costa County Advisory Council on Aging.

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

C. City Council Committee Reports & Communications

Councilmember Murray - attended WCCIWMA meeting to discuss the method of voting and permitting withdrawal of membership from the JPA. Also discussed including the County as part of the JPA.

Councilmember Toms will attend the ABAG meeting on Thursday April 21st.

D. Council Requests For Future Agenda Items

Mayor Swearingen requested a future item to discuss the Planning Commission appeal process.

Council member Banuelos asked if we had items to discuss with the Planning Commission at the special meeting. All Councilmembers were requested to submit discussion items to the City Manger.

E. City Manager Report / Department Staff

City Manager Fitzer stated that the Police Department will host a town hall meeting at the library next Wednesday at 6:00. The meeting has been advertised in the Weekly Report and the Departments Facebook account.

F. City Attorney Report

None

12. ADJOURNMENT to the Regular City Council Meeting of May 3, 2016.

At 9:08 p.m., Mayor Swearingen adjourned the Regular Meeting of April 19, 2016, In Remembrance of the Military, Amber Swartz and Anita "Grammie" Noble.

Submitted by:

**Hector De La Rosa
Deputy City Clerk**

Approved by City Council: May 3, 2016