

**PINOLE CITY COUNCIL  
MINUTES  
October 18, 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 6:02 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  
Mayor Pro Tem Debbie Long  
Council Member Tim Banuelos (**Arrived at 6:55 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  
Steve Akre, Acting Fire Chief  
Tamara Miller, Development Services Director/City Engineer

The Council stating there were no conflicts with any items on the agenda.

**3. CONVENE TO A CLOSED SESSION**

**A. PUBLIC EMPLOYMENT**

Gov. Code § 54957  
Title: City Clerk

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

At 6:50 p.m., Mayor Swearingen reconvened the meeting in open session and announced that we have concluded negotiation with the City Clerk candidate and settled a lawsuit with a former consultant.

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

- A. Proclamations
- B. Presentations / Recognitions

- a. Measure T & Proposition 55 – Education Funding Measures – Assembly Member Tony Thurmond

Mayor Swearingen announced that Assembly member Tony Thurmond apologized for not being in attendance due to an emergency.

- b. Pinole/Hercules Water Pollution Control Plant Project Status (T. Miller)

Development Services Director/City Engineer Tamara Miller provided an update on the Wastewater Plant improvement project.

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

The following speaker addressed the City Council:

**Carlos Taboada**, Urged the public to vote in support of Measure T and Proposition 55.

**Sarah Torney**, Collins Teacher, stated that she is in support of Measure T and Proposition 55.

**Alison Crooks**, Supports Measure T and Proposition 55 and urged the public to vote for the Measure/Proposition.

**Ann Moriarty**, Read a poem from Councilmember Murray on recycling and ban of plastic bags.

**Norma Martinez-Rubin**, Invited the public to an event on November 4<sup>th</sup> from 6:30 pm – 8:00 pm at Kaiser with the topic being “Let’s Design a Museum”.

## 7. CONSENT CALENDAR

Assistant City Manager announced that the October 4<sup>th</sup> meeting minutes were revised and were distributed to the Council Monday prior to the meeting. He stated that the action before the City Council is for approval of the consent calendar items would include the revised minutes.

### **ACTION: Motion by Council Members Toms/Banuelos Approving the Consent Calendar Items 7A (Revised minutes) and 7B-C**

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

- A. Approve the Minutes of the Meeting of October 4, 2016
- B. Receive the October 1 - 14, 2016 List of Warrants and the October 7, 2016 Payroll in the Amount of \$ 323,484.44
- C. Approving the Submittal of the Growth Management Program Checklist for Calendar Year 2014 & 2015 to the Contra Costa Transportation Authority (CCTA) to Receive Approximately \$625,000 in Measure J Return-to-Source Gas Tax Dollars for the Fiscal Years 2015-16 & 2016-17 **[Action: Adopt Resolution Per Staff Recommendation (T. Miller/W. Rhodes)]**

**8. PUBLIC HEARINGS**

- A. Waiving First Reading of the Pinole Municipal Code Establishing a Plastic Bag Ban [**Action: Table for future consideration after the November 8<sup>th</sup> Election**]

Mayor Swearingen stated that this item was being tabled for after the November election to determine if Proposition 67 passes.

Mayor Swearingen opened the Public Hearing at 7:42 pm. Having no speakers, Mayor Swearingen closed the Public Hearing at 7:42 pm.

**ACTION: Motion by Council Members Banuelos/Toms Tabling the matter until after the November 8<sup>th</sup> Election.**

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

**9. OLD BUSINESS**

**10. NEW BUSINESS**

**11. REPORTS & COMMUNICATIONS**

- A. Mayor Report
  - 1. Announcements

Mayor Swearingen, Mayor Pro Tem Long and City Manager Fitzer attended the Mayors Conference. He also attended the Pinole Homecoming Parade with Mayor Pro Tem Long and Councilmember Banuelos.

- B. Mayoral & Council Appointments
- C. City Council Committee Reports & Communications

Councilmember Toms attended the WestCat and Climate Forward Forum.

Council member Murray will be attending the West Contra Costa Integrated Waste Management meeting.

Mayor Pro Tem Long announced that the City of Pinole is 7th out of 20 cities as being a Green City and the City's Halloween Parade is scheduled for Saturday October 29<sup>th</sup>. The Pinole Artisans are having a fundraiser on Thursday October 20<sup>th</sup> next to Togo on Fitzgerald.

- D. Council Requests for Future Agenda Items

Mayor Swearingen requested that a Policy on Plaques Honoring Citizens. City Manager Fitzer stated the item is scheduled to be placed on the November 1<sup>st</sup> Agenda.

Councilmember Toms requested that the City consider approving a Resolution urging the Bay Area Air Quality Management District adopt Rule-12-16 "Emissions"

E. City Manager Report / Department Staff

City Manager Fitzer, Assistant City Manager De La Rosa and City Attorney attended the League of California Cities Conference. She also stated that she will be attending the CalPELRA conference and will not be in attendance at the November 1<sup>st</sup> meeting.

F. City Attorney Report

City Attorney Reyes announced that on November 7<sup>th</sup> he will be participating in a webinar on the 2016 Legislative Actions.

**12. ADJOURNMENT** to the regular City Council Meeting of November 1, 2016.

At 8:05 p.m., Mayor Swearingen adjourned the Regular Meeting of October 18, 2016, in Remembrance of Amber Swartz and our Military personnel all around the world.

**Submitted by:**

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**Hector De La Rosa**  
**Assistant City Manager/Deputy City Clerk**

**Approved by City Council: November 1, 2016**