

**PINOLE CITY COUNCIL
MINUTES
FEBRUARY 16, 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 6:00 PM and Mayor Pro Tem Long led the Pledge of Allegiance.

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

A. COUNCIL MEMBERS PRESENT

Mayor Roy Swearingen
Mayor Pro Tem Debbie Long
Council Member Tim Banuelos
Council Member Peter Murray
Council Member Maureen Toms

B. STAFF PRESENT

Michelle Fitzner, City Manager
Benjamin T. Reyes, City Attorney
Hector De La Rosa
Al Petrie, Interim Development Services Director
Neil Gang, Police Chief
Patricia Athenour, City Clerk

City Clerk Athenour announced the agenda was posted on Thursday, February 11, 2016 at 4:00 P.M. All legally required notice was provided.

Following an inquiry by the City Clerk, the Council members stated there were no conflicts on any item on the Agenda.

City Clerk Athenour announced the following documents submitted after publication of the agenda.

- Item 5B- PowerPoint Exhibit for the CCTA Presentation by Mr. Noemi
- Item 10A – Wastewater Plant Upgrade Project Update report, uploaded on the web and provided to the Council on Friday, February 12th.
- Item 19B- Exhibit Materials & Revised Financial Report – Attachment A
- Item 10C- Rule 20A PowerPoint exhibit

3. CONVENE TO A CLOSED SESSION

At 6:07 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)(2)
Number of Potential Cases: Two Matters

B. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Gov. Code §54956.9(d)(1)
United Professional Firefighters Local 1230 v. City of Pinole
Case No. SF-CE-00864M

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

At 7:10 p.m., Mayor Swearingen reconvened in open session and announced there were no reportable actions from Closed Session.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. 2015 Firefighter/Paramedic Ken Deseve
2. 2015 Police Officer of the Year – Officer Eugene Lew

Mayor Swearingen read and presented the proclamations to the 2015 Firefighter and Police Officer of the Year. Both members were present to accept their proclamations.

B. Presentations

1. Smart Corridor I-80 Update by Hisham Noeimi, Contra Costa Transportation Authority

Hisham Noemi, Contra Costa Transportation Authority addressed Council regarding the Smart Corridor Interstate Project and introduced the staff members making the presentation.

Ivy Morrison, CCTA Public Information Officer, covered project overview, project benefits, public outreach efforts and plans for the ribbon cutting ceremony. Project benefits include reduction of secondary accidents, improvement of emergency access, enhanced traffic flow at ramps, and improvements to incident recovery time. Project components including local street improvements such as trailblazer signage to guide traffic back to I-80, green light priority for transit and coordination of traffic signal timing.

Randy Durtemberger, CCTA, discussed the testing and sequenced system activation in spring 2016. CalTrans will communicate with local staff and contact list will be provided to the local agencies. There will be real time condition monitoring and incident management strategy feedback to discuss methods to make traffic flow better, so there is a process to work through those discussions.

Ms. Morrison addressed the Council again to update Council on the public outreach plans underway. As they prepare to go live, there will be more email blasts. The ribbon cutting is planned at Shoreline Park in Emeryville and Federal, State and regional elected officials will be invited.

Council questions followed.

Councilmember Toms asked whether the City could contact Cal Trans to change the timing of the signals remotely to move the traffic more efficiently if there was a backup on Pinole Valley Road, and whether the carpool on-ramps would be enforced as HOV lanes.

Mr. Durtemberger said no plans for additional staff, but enforced as the HOV lanes are today.

Council Member Murray recapped the important issues presented by the Council the last time CCTA presented the project, most specifically the potential problems for large trucks at the Pinole Valley Road on ramp.

Mr. Noemi responded that they made some adjustments, and Cal Trans committed in writing they would monitor that onramp and problems occurred would turn off the light. He also highlighted the other issues Pinole raised, as depicted in the exhibit materials.

The City would not be paying anything more for this project. CCTA has committed the remainder of the maintenance funding, two million dollars which will last ten to twelve years.

Mayor Pro Tem Long commented as follows:

1. The initial promise was there would be no payments for 20-25 years. H
2. Hwy 4, coming west bound, already backs up now and assumes it will back up more.
3. HOV lane are not monitored and enforced now.
4. Will the onramps to be repaved and repaired, and referenced the condition of Central Avenue in El Cerrito.
5. Discussed a scenario where traffic could be redirected onto Appian during school opening hours which could be a real concern.

Mr. Noemi said Cal Trans appointed a Corridor Manager, assigned as the “go-to” person to address issues. A project is scheduled in 2017 to repave all ramps between Contra Costa and the bridge. He also responded to other questions raised by Mayor Pro Tem Long and Council Member Banuelos related to project signal maintenance, costs which the City must undertake or retain Cal Trans and reimbursement from CCTA as identified in the Operations and Maintenance contract.

In response to a question from Mayor Swearingen, Noemi said a study would be required to review the feasibility of adding another lane eastbound at Pinole Valley Road.

Mayor Swearingen recommended that he pursue finding a way to add another lane, or the light will be shut off. Mayor Swearingen questioned the reduction in the commitment for maintenance.

Mr. Noemi said if the \$2 Million Dollars is depleted, cities will be notified, but assured the Council a monetary solution would be found by that time. The Proposed start date will most likely be May with the Ribbon Cutting event.

6. CITIZENS TO BE HEARD (Public Comments)

Irma Rupert, Pinole citizen, addressed Council regarding the Verizon Appeal hearing and asked the Council to put a moratorium on all cell towers immediately and asked for a ballot

measure to consider placement of towers on commercial or residential properties. Ms. Rupert expressed her frustration with the appeal process and said the tax payers had no representation or inclusion in the decision; the rules were not fair and equitable.

Sal Spataro, Pinole citizen, agreed with prior speaker. He said there was only one person speaking in favor of the tower, the meeting was engineered against the residents, and two minutes was insufficient for citizen comment. He addressed the legal costs, which are never disclosed, and there are never any reporting following Closed Session discussions. Spataro recommended finding a different legal representative, and referred to language in the Settlement Agreement. On a separate topic, he advised the Council that there are no picnic tables in Pinole Valley Park.

Mayor Swearingen said installing tables are in the queue.

Elaine Jaymot, Pinole citizen, questioned the appeal rules and PMC citations regarding setbacks for free standing cell towers. She asked if they knew that the eighty ft. setback for the chimney-mounted tower approved on Pfeiffer Lane was in conflict with the ordinance, and asked the process to change the ordinance.

Mayor Swearingen advised the speaker that this was not a matter agendaized for discussion on the agenda, and her question about the chimney-mounted chimney setback was asked and answered by the Planning Manager at the hearing last week.

Julie Maier, Pinole citizen, said the Verizon cell tower appeal was a farce and the citizens were ignored. The Council, staff and Verizon knew the number of residents opposed to erecting a cell tower near residences, and they only asked to maintain a safe distance from their homes, and no one guided them to a suitable site. Pfeiffer Lane should have been held until all viable sites were reviewed. She asked when Site 7, identified by Verizon, was reviewed. Ms. Maier's time exceeded the three-minute limit and the Mayor asked that she close her remarks.

Anthony Gutierrez, Pinole citizen read from the Declaration of Independence, as a refresher course.

Susan Varela, Pinole citizen, felt the citizens were let down and not protected by the Council. She hoped for changes to the cell tower ordinance in the future and asked that the City abide by the rules requiring 100 foot setbacks.

7. CONSENT CALENDAR

Item 7D was removed at the request of Mr. Gutierrez.

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

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

A. Approved the Minutes of the Meeting of January 19, 2016 and February 2, 2016

- B. Received the January 30, 2016 – February 12, 2016 List of Warrants and the February 12, 2016 Payroll in the Amount of \$ \$329,596.80.
- C. Adopted **Resolution 2016-13**, Approved Purchase of Two New Public Works Vehicles [**Council Report No. 2016-19; Action: Adopt Resolution Per Staff Recommendation (Petrie)**]
- D. Repeal Resolution 2015-74 And Authorize The City Manager To Seek Reimbursement From The State Water Resources Control Board For Costs Related To The Wastewater Treatment Plant Upgrade Project From The State Revolving Fund For The Pinole-Hercules Wastewater Pollution Control Plant Improvements 2013 Project [**Council Report No. 2016-20; Action: Repeal Resolution 2015-74 and Adopt Resolution Per Staff Recommendations (De La Rosa)**] **REMOVED FOR DISCUSSION**

Anthony Gutierrez Pinole citizen said the cost would be \$53.8 million at completion in 2018 and was very concerned with regard to the rate increases and potential loans to be paid back to the Water Board. He requested the following information: the cost per household to fund the \$53 million and the sewer rate proposed in 2023.

Assistant City Manager De La Rosa responded that the City has rate through 2017 and would not attempt to estimate beyond that at this time.

Council Member Toms said the cost estimates were from 2014, and more accurate costs are now available with receipt of bids.

ACTION: Motion by Council Members Murray/Toms, the Council Adopted Resolution 2016-15, Repealing Resolution 2015-74 And Authorized The City Manager To Seek Reimbursement From The State Water Resources Control Board For Costs Related To The Wastewater Treatment Plant Upgrade Project From The State Revolving Fund For The Pinole-Hercules Wastewater Pollution Control Plant Improvements 2013 Project

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

8. PUBLIC HEARINGS

There were no Public Hearings.

9. OLD BUSINESS

- A. Approve Amendment No. 2 To The Construction Management Contract with Carollo Engineering For Additional Services Related To Task 5, 6, & 7 Of The Pinole-Hercules Water Pollution Plant Upgrade Project, In An Amount Not To Exceed \$775,632.00 [**Council Report No. 2016-21; Action: Adopt Resolution & Approve Per Staff Recommendations (Petrie)**]

Al Petrie, Interim Development Services Director, entered Council Report 2016-21 and the Exhibit Materials into the record. The greatest part of the increase is attributable to the construction schedule increasing from 24 to 30 months. Shown in the Exhibit, it represents

\$586,000. Task 6 is the increase due to the Project Labor Agreement which is \$120,000 and Task 7 is the increase in cost due to coverage for the Development Services Director. The costs are broken out in six months intervals and as the new Development Services Director becomes familiar with the project, Carollo's involvement will be reduced, and commensurately the cost will also reduce.

Mike Warriner Carollo engineering, addressed Council regarding the increase in the contract term. Additional features have been added during the course of the design, and in order to maintain treatment capacity, the plant must be built in steps, which causes the construction time to be extended to thirty months. There were also additional reporting and tasks laid out in the project labor agreement. Task 7 is for handling the duties the Development Services Director was assigned until the role reverts to the new Development Services Director.

Ken Kreischer, Western Constructors, Inc. addressed Council, stating this Council was adamant there would be no additional costs attributable to the PLA. He read into the record, excerpts of Council's earlier statements made when the PLA was discussed. Kreischer said now the City was paying an additional \$119,000, when you initially said staff's estimate of \$20,000 was high.

Council discussion followed.

Council Member Toms said Task 6 covers additional meetings with the lead contractor and she understood those meetings would take place anyway to verify compliance with the pay scales.

Mike Warriner said certified payroll checks are not part of the payroll agreement. Article 7 and 10 require specific meetings with the unions and the general contractor to discuss any labor issues or concerns, not for checking certified payroll. The cost is estimated at five hours per month. It is a time and materials contract; if a meeting is not necessary, the money would not be expended. If a grievance was filed, Carollo would provide an estimate to the City to handle that matter.

Mayor Pro Tem Long said the overall costs of the Project Labor Agreement were under five percent of the total cost, and there is no way to prove if an increase occurs, whether it would be attributable to the PLA. She explained that the added insurance a PLA provides is the reason she supported a Project Labor Agreement. To Mr. Kreischer's comment, she said that his company and supervisors were very supportive of working on projects under Project Labor Agreements.

Council Member Banelos said through discussions, it appeared that the Project Labor Agreement was the best way to go forward. He also said they were not aware that the former Development Services Director would leave and as soon as the new Development Services Director is able, he/she will be taking over some of Task 7.

Mayor Swearingen said stated some skepticism with how this project was progressing and want to obtain the best possible project.

ACTION: Motion by Council Members Murray/Banelos, the Council Adopted Resolution 2016-15, Approved Amendment No. 2 To The Construction Management Contract with Carollo Engineering For Additional Services Related To Task 5, 6, & 7 Of The Pinole-Hercules Water Pollution Plant Upgrade Project, In An Amount Not To Exceed \$775,632.00

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

10. NEW BUSINESS

- A. Wastewater Pollution Control Plant Upgrade Project Update [**Council Report No. 2016-22; Action: Receive Report (Petrie)**]

Hector De La Rosa, Assistant City Manager, presented Council Report 2016-22 into the record. He said moving forward with the project and awarding the bid was predicated with receipt of the State Revolving Loan. Absent the funding, the Council was unable to award the bid this evening. The State is still reviewing five items and at best April 1, 2016 appears to be the date the City will be able to qualify for reimbursement for any costs incurred, De La Rosa said he did receive confirmation that the soft costs requested will be reimbursed. He said the Council could award the contract on March 7, 2016 or choose to award at a later meeting to allow more leeway. No action was required.

Council Member Banuelos asked when the funding was expected.

De La Rosa responded around March 18 preliminary loan documents would be submitted to the City. The state will take approximately two to three weeks to execute the final agreement; anticipating April 1, 2016. The bid is good for 120 days (April 8, 2016) and the low bidder is still interested in the project and understands the delay.

City Manager Fitzer said as the date approaches, staff would either call a special meeting or scheduled the bid award on March 15, 2016.

Council Member Toms said waiting until March 15th provides a better opportunity to know where the State is in their final review.

Council Member Banuelos asked about Hercules' position. De La Rosa said they are in the same situation and they have their resolution on their Council calendar.

Mayor Swearingen's observation was that the contractor could come back with an escalation clause if the date extends past April 1.

Mr. Warriner said not until April 8. At that time the contractor could either walk away or ask for more monies.

- B. FY 2015/16 Financial Report and Approval of Budget Adjustments
[**Council Report No. 2016-24; Action: Adopt Resolution Per Staff Recommendation (Miller)**]

Andrea Miller, Finance Director presented Council Report 2016-24 into the record and summarized the following: the status of unemployment, median home prices and Pinole's fiscal challenges. The budget overview showed 30% of revenues collected and 68% of revenues expended. Sales tax actual receipts appear to be low in comparison to last year. It was found that prior year receipts were overstated and the auditors said it was correct due to when sales tax receipts are to be recorded. The revised report shows five periods of revenue; July through

November. The overall revenue collection at midyear is \$4.5 Million, which is a 15% increase over the prior fiscal year, in the same period. She highlighted the following topics:

Measure S Revenues - 49% collections for combined Measure S 2016 and 2014.
Recreation Department - Revenue reduction proposed
Asset Seizure Fund – Request by Police to use for Taser purchase
Building Inspection – Expenditure for CSG for permit tech and plan check consultant.

Total Mid -Year Revenue adjustments are \$47,000
Total Mid-Year Expenditure adjustments are \$141,623

Ms Miller summarized the adjustments by account and was available for questions.

Mayor Pro Tem Long questioned why the CSG expenses over ran the revenues and asked for a discussion later in the meeting.

Finance Director Miller said they were on track to receive revenues of \$65,000 in Building Fund. Expenditures are 67% for the period.

Mayor Pro Tem Long questioned the reason some expenditures were moved from the Treasurer budget to the Finance budget. Ms. Miller said those expenses are dedicated Finance Department expenses and should be included in that budget.

Mayor Swearingen questioned the WCCTAC budget item.

Council Member Toms said Measure C/Measure J addresses the WCCTAC annual cost, noted on page 4 of Attachment A.

Mayor Pro Tem Long also asked why business licenses show a zero in the Building Department revenue.

Ms. Miller responded to the questions and Mayor Swearingen requested a motion.

ACTION: Motion by Council Members Murray / Banuelos, the Council Adopted Resolution 2016-16, Approved Approval of FY 2015/16 Mid-Year Budget Adjustments

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

- C. Consider Options For A Companion Rule 20A Project With the Pinole Valley High School Frontage Improvement Project [**Council Report No. 2016-23; Action: Adopt Resolution Per Staff Recommendation (Petrie)**]

Council Member Banuelos announced he was recusing himself from the discussion because his personal residence is within the proposed project area.

Al Petrie, Interim Development Services Director presented Council Report 2016-23 into the record. He said the project must be completed by April 1, 2018, to coordinate with the School District project and would require commencement of construction by August 2017. PG&E is

willing to be the trenching lead agency. By April 1, 2016, the City will have \$1,420,000 in Rule 20A credits and can borrow future funds up to \$282,500.

Staff requested direction from Council:

- 1, Is there a preference to include the cul-de-sacs in the project area? Cul-de-sacs alone do not qualify for Rule 20A money, but would if coupled with collector streets.
- 2, Will the City fund improvements on private property?

Mr. Petrie said former Director Allison always saw Pinole Valley Road as the primary target for the Rule 20A project and the goal was to reach Simas Avenue. He was also hopeful of doing all the cul-de-sacs. The reality is that Rule 20A projects are very expensive, approximately \$800 a linear foot. Mr. Petrie presented Council with two project options:

1. Option 1 - Frontage of the school on the east side of the road, including the cul-de-sacs and paying \$7,000 to underground each property.
2. Option 2 - Exclude cul-de-sacs, include only the homes that front on Pinole Valley Road (19 homes). Cost is just under the \$1,585,850 projected revenue amount

Mr. Petrie was available for questions.

Mayor Pro Tem Long raised the following questions:

1. If it were found in two years the cost exceeds the budget, where should the improvements stop.
2. Is the cost of PG&E acting as the lead agency figured in the budget?
3. Are there any expected unknowns that could be uncovered during construction?
4. Asked the number of cuts and whether the budget would include repaving.

Mr. Petrie recommended pulling back to the west side of Granada Court in order to reduce costs. He also confirmed that the lead agency costs were calculated in the proposed budget.

Mayor Pro Tem Swearingen responded, stating that PG&E has done many projects and do not think they will find anything significant.

Council and staff discussed the cuts and Petrie sad that paving was not included in the project estimate, unless Council wanted to budget additional funds.

Council Member Toms asked about working with PG&E to get broadband.

Mr. Petrie said the City has vacant conduit.

Council Member Toms asked if it was available to property owners. Petrie said that subject would be addressed under a proposed draft Fiber optics Policy at the next meeting.

Council Member Murray asked if there was any discussion over costs to extend the undergrounding to Simas, if the cul-de-sacs were omitted, and what the cost would be to extend that far.

Mr. Petrie said the allocation would take the project within 1,100 feet short of Simas. Each future annual allotment would cover seventy-two feet.

Council Member Murray supported Option 2/Exhibit D as it initiates the City's goal and the community traveling the roadway receives the benefit.

Council Member Toms agreed with Option 2 as a first phase and future phases to reach Simas Avenue. She said that staff should remind PG&E not to place meters on the front facades of homes and should be consistent with current locations.

Mayor Pro Tem Long agreed with her colleagues comments and asked to see whether a paving plan from the high school to Dolores could be included in future Capital Improvement Programs.

Mayor Swearingen asked to have a PG&E representative make a presentation at a future Council meeting to address trenching and boring.

Council Member Murray said the WCCUSD is required to repave from curb to curb, and said the District should be required to use rubberized asphalt, replacing like for like.

Mayor Swearingen supported Option 2 and wants the City to pick up the private property costs also, and revised the resolution to reflect that position.

ACTION: Motion by Council Members Long / Toms, the Council Adopted Resolution 2016-17, Approved Option 2 / Exhibit D in the Staff Report, For A Companion Rule 20A Project With the Pinole Valley High School Frontage Improvement Project As Amended To Include The City Paying For All Private Property Improvements Associated with the Rule 20 A Program

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

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements
 - a. No announcements

B. Mayoral & Council Appointments

1. Planning Commission Appointment [**Council Report No. 2016-25; Action: Council Discretion (Athenour)**]

Council Member Banuelos reported on the interviews, stating it was a difficult decision as all three candidates was qualified. Council Member Toms said this vacancy was due to her appointment to the Council and another vacancy would occur on April 30 with the expiration of a term of a current member. The Council is unable to fill that appointment as this time due to statutory requirements for advertisement of that vacancy. She encouraged the other applicants to reapply when the recruitment opens, and recommended Simon Wong to be appointed to fill the remainder of the unexpired term, ending on April 30, 2019.

Council Member Toms recommended the appointment of the Simon Wong.

ACTION: Motion by Council Member Banuelos / Toms, the Council Appointed Simon Wong to the Planning Commission for a Term Expiring April 30, 2019

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

D. City Council Committee Reports & Communications

Council Member Banuelos reported that the WestCAT board approved receipt of two double decker buses. Mayor Pro Tem Long added that WestCAT was looking for a new bus stop for the Lynx but have yet to identify any suitable sites. They are looking at a site on Tara Hills which would be attractive to Pinole and the unincorporated area.

Mayor Pro Tem Long announced she withdrew her appeal of the CVS proposal on Canyon, stating that they revised the plans to address her concerns and also contacted WestCAT regarding improvements to the existing bus stop, She reported that Pinole resident, Victor Beramen, submitted a list of questions he wanted addressed regarding the appeal process and she acknowledged publicly that his questions, were also addressed. Within a week the Planning Commission will be considering the cellular facility at the CVS site and asked that a sign advertising the hearing be placed on the site.

She also announced the following:

1. Request Public Works to follow up on the proliferation of advertisement signs along Fitzgerald from H&R Block and Jackson Hewitt.
2. A minimum of forty-eight business hours was an acceptable response time for staff to respond to email questions.
3. Request staff to place the March 7th WCCUSD meeting on the PCTV scroll.
4. She planned to attend the February 17th Neighborhood Meeting regarding the Wastewater Plant Upgrade

Council Member Murray reported that he was appointed as the Chair to the West Contra Costa Integrated Waste Management Authority at the last board meeting. The board would be reviewing the role of the JPA now that the IRFF bonds have been paid. The board discussed the Richmond High School recycling pilot program and discussed methods to use high school students to energize the student body and do outreach and survey why it is difficult for certain areas to achieve recycling numbers.

Council Member Toms attended the East Bay Leadership Council presentation from the San Francisco Bay Restoration Authority and reported on a ballot measure question for a tax to pay for wetland preservations. The Chelsea Wetlands in Hercules would be a project. Toms said she would provide information to disseminate to the other Council Members. She also reported that MTC would hold an Open House on Saturday to discuss residential displacements. She indicated that she would try to attend.

Council was interested in receiving a presentation from the SF Bay Restoration Authority.

Mayor Swearingen announced the two upcoming events, the Richmond Elks Law Enforcement Dinner and the Rotary Crab Feed, honoring public safety officers.

D. Council Requests For Future Agenda Items

1. Consider placement of a moratorium on cellular facilities and review the Wireless Facilities Ordinance. She discussed venues for conducting a review which could include a small group of citizens, and one Planning Commissioner and Council Member. (Long)

Council Member Toms said written Code interpretations and discussion regarding variances to other standards was acceptable.

Council Member Banuelos concurs with Council Members Toms and said the Code was amended with the zoning ordinance revamp in 2010 and many of the changes have not been fleshed out yet. He would like to revisit some of the Specific Plan Areas to confirm the applicability of some of the uses.

Following the discussion, the Council decision was to refer the discussion of the cellular facility ordinance and the Specific Plan uses to a joint Planning Commission / City Council meeting.

2. Research the potential use of the Fowler House property in conjunction with the 2016/17 budget (Swearingen)
3. Amend the procedure and fee schedule for filing appeals. There was a suggestion that the appeal fee, or portion thereof, to be paid by the applicant, rather than the appealant.
4. Review the revenue vs. expenditures in the Planning and Building fees with the 2016/17 budget process (Long)

City Attorney Reyes agreed the Council should review the cellular facility ordinance, but a moratorium was largely pre-empted by the Federal Wireless Communications Act. The State has also already preempts local control on timing issues, and does not believe the Council can enact a moratorium against consideration of cellular facilities.

- E. City Manager Report / Department staff
- F. City Attorney Report

There were no reports.

12. ADJOURNMENT

At 10:53 p.m., Mayor Swearingen adjourned the meeting to the Regular Meeting of March 1, 2016 in remembrance of Amber Swartz, Lovie Amos and the Military Armed Forces.

Submitted by:

Patricia Athenour, MMC
City Clerk

Approved by City Council: