

**PINOLE CITY COUNCIL  
MINUTES  
May 17, 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 Councilmember Banuelos 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  
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 May 12, 2016 at 4:00 P.M. All legally required notices were 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**

At 6:05 p.m., Mayor Swearingen convened the Noticed Closed Session to discuss the following items.

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Gov. Code §54957- City Manager
- B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION  
Gov. Code § 54956.9(d)(2) Number of Potential Cases: One

**No Reportable Action**

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

At 6:55 p.m., Mayor Swearingen reconvened the meeting in open session and announced there were no reportable actions.

#### 5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

##### A. Proclamations

The Mayor proclaimed May 15<sup>th</sup> through May 21<sup>st</sup> as Police and National Public Works Week. The Mayor also read a proclamation honoring School Superintendent Bruce Harter for his years of service.

##### B. Presentations / Recognitions

None

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

The following speaker addressed the City Council:

Irma Ruport thanked the Council for televising the Joint Wastewater Meeting. Expressed concern that citizens were not invited to the Pinole-Hercules Wastewater Groundbreaking Ceremony.

#### 7. CONSENT CALENDAR

The City Council approval all items.

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

<b>Vote:</b>	<b>Passed:</b>	<b>5-0</b>
	<b>Ayes:</b>	<b>Banuelos, Murray, Swearingen, Long, Toms</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 May 3, 2016
- B. Receive the April 30, 2016 – May 13, 2016 List of Warrants and the May 6, 2016 Payroll in the Amount of \$ 345,183.33
- C. Authorizing the submittal of an application for Beverage Container Recycling City/County Payment Program [**Action: Approve Resolution 2016-39 Per Staff Recommendation (T. Miller)**]

## 8. PUBLIC HEARINGS

No Public Hearings

## 9. OLD BUSINESS

- A. Authorizing the Issuance of Wastewater Revenue Refunding Bonds, Approving the Execution and Delivery of a Form Of Bond Issuance Agreement in Connection Therewith and Authorizing Actions Related Thereto **[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]**

Assistant City Manager Hector De La Rosa turned the report to the City's consultant. Eric Scriven from NHA Advisors reported that the Resolution would authorize issuance of Revenue Bonds to refund the 2006 Wastewater Funds and Authorizes the City Manager or designee to execute the final Bond Agreements.

**ACTION: Motion by Council Members Murray/Toms, moved to Approve Resolution No. 2016-40.**

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

- B. 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: Continue the item to the June 7, 2016 City Council Meeting (W. Rhodes)]**

**ACTION: Motion by Council Members Banuelos/Toms, moved to continue the item to the June 7, 2016 City Council meeting.**

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

## 10. NEW BUSINESS

- A. Calling the Election for the November 8, 2016 Municipal Election for Council Candidates and City Treasurer, and Request & Consent for Consolidation with Contra Costa County of the Election and To Set the Specifications of the Election Order **[Action: Adopt Resolution Per Staff Recommendation (H. De La Rosa)]**

Assistant City Manager Hector De La Rosa introduced the item calling for the election of vacant Council Member and City Treasurer seats and authorizes Contra Costa County Registrar of Voters office to accept the Nomination papers.

City Attorney Reyes clarified that in the case there is a tie vote, a runoff elections would be necessary.

The Council discussed the possible need to increase the Voluntary Local Campaign Expenditure Limitation.

**ACTION: Motion by Council Members Banuelos/Long, moved to approve Resolution No. 2016- 41 Calling for the Elections.**

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

## 11. REPORTS & COMMUNICATIONS

- A. Mayor Report  
1. Announcements

The Mayor spoke on a program he attended on driverless vehicles and the grand opening of the Community Playhouse showcasing the seating improvements.

- B. Mayoral & Council Appointments

1. Appoint Mayor Swearingen and Councilmember Long to the Ad Hoc City Clerk Interview Committee and Councilmember Toms as an Alternate [**Appoint by Minute Order**]

**Minute Motion by Council Members Banuelos/Murray, moved to approve appoint Mayor Swearingen and Councilmember Long to the Ad Hoc City Clerk Interview Committee and appoint Councilmember Toms as the Alternate member.**

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

- C. City Council Committee Reports & Communications

Councilmember Banuelos attended the WCCIWMA meeting and the Community Playhouse opening.

Mayor Pro Tem Long attended a meeting to discuss shared administrative Fire Chief services.

Councilmember Toms attended the WestCat meeting; Wednesday will attend Kitchen @ 812 event; Thursday will attend ABAG meeting;

- D. Council Requests for Future Agenda Items

Mayor Pro Tem Long would like an agenda item to discuss use of Affordable Housing Funds. (5-0)

- E. City Manager Report / Department Staff

City Manger Fitzer stated the location for the Joint City Council/Planning Commission meeting is still being evaluated and we are scheduling a special budget workshop on May 31<sup>st</sup>.

F. City Attorney Report

None

**12. ADJOURNMENT** to the Regular City Council Meeting of June 7, 2016.

At 8:25 p.m., Mayor Swearingen adjourned the Regular Meeting of May 17, 2016, in Remembrance of Amber Swartz and Constable Arthur McDonald, Officer John M. Sellers, and Officer Floyd H. Swartz

**Submitted by:**

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

**Approved by City Council:**