

**PINOLE CITY COUNCIL  
MINUTES  
June 21, 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 6:07 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 6:15 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  
Stephanie Down, Assistant City Attorney  
Neil Gang, Police Chief  
Finance Director, Andrea Miller  
Tamara Miller, Development Services Director/City Engineer

Assistant City Manager/Deputy City Clerk De La Rosa announced the Agenda was posted on June 16, 2016 at 4:00 P.M. All legally required notices were provided. Mr. De La Rosa also stated that a Powerpoint presentation handout for item 10A was provided to the Council this evening. The Council stating there were no conflicts with any items on the agenda.

**3. CONVENE TO A CLOSED SESSION**

At 6:10 p.m., Mayor Swearingen convened the Noticed Closed Session to discuss the following item(s).

Attorney Reyes reported that there is not update on item #3B and therefore would not be discussed tonight in closed session.

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Gov. Code §54956.8

Property Locations: 2279 Park Street / APN: 401-142-010  
612 Tennent Ave. / APN: 401-142-011  
2301 San Pablo Ave. / APN: 401-162-001  
2361 San Pablo Ave. / APN: 401-162-003

City Negotiator: Michelle Fitzer, City Manager & Hector De La Rosa, Assistant City Manager  
Negotiating Parties: Dale Moore and Jim Riley  
Under Negotiation: Price & Terms

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

At 7:06 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

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

The following speaker addressed the City Council:

**Jack Meehan**, requested an update on the appraisal of the Faria House and the condition of the Mural located on San Pablo Ave. at the bus stop.

City Manager Fitzer addressed his questions stating that the Council discussed all the murals and it was recommended by a representative of the Artisans that the mural not be repaired.

**Bob Kopp**, requested the status of Dumpster day and a location. He also asked whether the City would be conducting an AB1234 training at City Hall, there will be a Car show this weekend and a Bocce Ball tournament. City Attorney Reyes addressed the AB 1234 Training matter.

#### 7. CONSENT CALENDAR

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

<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 June 7, 2016 and June 9, 2016
- B. Receive the June 4 - 17, 2016 List of Warrants and the June 17, 2016 Payroll in the Amount of \$332,856.04.
- C. Receive and File Notification of Sewer Rate Increase effective July 1, 2016  
**[Action: Receive and File Notification (H. De La Rosa)]**
- D. Approval of the 2016 Gann Limitations **[Action: Approve Resolution Per Staff Recommendation (A. Miller)]**

- E. Approve Placement of Waste Collection Liens Considered at an Administrative Hearing Held on June 2, 2016 For Delinquent Accounts Assessed Between January and April 2016 [**Action: Adopt Resolution Per Staff Recommendation (De La Rosa)**]

**8. PUBLIC HEARINGS**

- A. Approve the Engineers Report, Intention of Assessment and Levy of Landscape and Lighting Assessment District [**Action: Approve Resolution Per Staff Recommendation (T. Miller)**]

Development Services Director/City Engineer Tamara Miller presented the report.

Mayor Prop Temp Long inquired about a cost for graffiti removal and beneficiary of the Business Assistance Program and submittal timelines.

Mayor Swearingen opened the Public Hearing at 7:20 pm. No citizens spoke on the item. Mayor Swearingen closed the Public Hearing at 7:20 pm.

**ACTION: Motion by Council Members Murray/Banuelos, approving the Engineers Report and Levying the Assessment for the Landscape and Lighting District.**

<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>

- B. Adoption of the City of Pinole's FY 2016-17 Budget [**Action: Approve Resolution Per Staff Recommendation (A. Miller)**]

Finance Director Andrea Miller presented the FY 2016-17 Budget revenue and expenditure and highlighted changes had been made to the Budget based on prior comments from the City Council.

The City Council discussed reprioritizing funding for the Fernandez Restroom construction, and had questions on some budget items.

Mayor Swearingen opened the Public Hearing at 7:45 pm. Following no Speakers, the Mayor closed the Public Hearing at 7:46 pm.

The Council supported Staff's recommendation to issue a Request for Proposal for website design, allocation of \$25,000 from the General Fund to demolish the Fowler House, and appropriating \$150,000 from the 2014 Measure S Reserves for construction of restrooms at Fernandez Park.

**ACTION: Motion by Council Members Murray/Toms, approving the FY 2016-17 Budget excluding the Sewer Fund and approving changes to the Budget as recommended by Staff.**

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

**9.        OLD BUSINESS**

**10.      NEW BUSINESS**

- A.        Presentation on Pinole Municipal Code Updates [**Action: Provide Staff Direction on Priorities (B. Reyes)**]

City Attorney Ben Reyes provided the Council with an overview of the sections of the Pinole Municipal Code that need updating. Eric Casher, Attorney presented a Powerpoint and requested that the City provide Staff with their priorities of the project to be completed based on the approved funding. Mr. Casher also requested that the City Council approve an Ad-Hoc Subcommittee to assist Staff in providing input on needed text amendments as required by the Pinole Municipal Code.

Councilmembers discussed evaluating the City Treasurers compensation, Councilmember compensation, possibly changing the elected Treasurer position to an appointed position, and developing a noise ordinance.

Mayor opened the item for Public Comment at 8:25 pm:

**Jack Meehan**, stated that some of the priorities are modifications to the Ordinance and stated that the Public has to decide if they want an elected versus appointed Treasurer position.

Mayor closed the item for Public Comment at 8:35 pm:

**ACTION: Motion by Council Members Toms/Long, to receive cost proposal from the City Attorney on each priority items, evaluate the City Council and Treasurer compensation and add a Noise Ordinance to the list of priority items.**

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

**11.      REPORTS & COMMUNICATIONS**

- A.        Mayor Report  
          1.        Announcements

Attended the Kitchen Aid 12 Program. Also, in attendance was Mayor pro Tem Long and Councilmember Toms.

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

Mayor Pro Temp Long, stated that trailers have been set at Pinole Valley High School. Councilmember Toms, stated she attended the Law Enforcement Torch Run.

- D. Council Requests for Future Agenda Items

Councilmember Murray, mentioned addressing as a code enforcement issue the cleanliness of residential yards.

- D. City Manager Report / Department Staff

City Manger Fitzer announced that the City and IAFF 1230 have reached a settlement agreement on the PERB charges.

- F. City Attorney Report

**12. ADJOURNMENT** to the regular City Council Meeting of July 5, 2016.

At 9:00 p.m., Mayor Swearingen adjourned the Regular Meeting of June 21, 2016, in Remembrance of Amber Swartz, the victims of the Orlando shooting and all military and their families.

**Submitted by:**

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

**Approved by City Council:**