

**PINOLE CITY COUNCIL
MINUTES
July 5, 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 5:45 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
Council Member Peter Murray (**Absent**)
Council Member Maureen Toms (**Arrived at 5:48 pm**)

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Ben Reyes, City Attorney
Eric Casher, Attorney
Neil Gang, Police Chief
Tamara Miller, Development Services Director/City Engineer
Winston Rhodes, Planning Manager

Assistant City Manager/Deputy City Clerk De La Rosa announced the Agenda was posted on June 30, 2016 at 4:00 P.M. All legally required notices were provided. Mr. De La Rosa also stated that additional information pertaining to items 10A & 10B were 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 5:47 p.m., Mayor Swearingen convened the Noticed Closed Session to discuss the following item(s).

A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(2)
Number of Potential Cases: One

B. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Gov. Code §54597.6

City Labor Negotiators: Michelle Fitzer, City Manager and Hector De La Rosa, Assistant City Manager
Employee Organizations: Fire Local 1230

- C. PUBLIC EMPLOYMENT
Gov. Code § 54957
Title: City Clerk

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

At 7:12 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 that the Attorney's bills be grouped to include cost and cumulative costs, evaluate wastewater capital improvement projects specifically liftstations, and requested City obtain a Public Utility Easement in Gross from East Bay Trails as part of the construction of the overpass.

Ann Tarabini, expressed concerns about the construction of the Bay Trail overpass and its impact on residents loss of viewshed and impacts to the hillside which has been prone to sliding.

John Moran, stated the overpass will directly impact his viewshed, has concerns about the stability of the cliff with the construction/piling installation of the overpass, and improvements to the emergency road which may affect the hillside and cause more sliding. He suggested that retaining wall be installed to maintain the stability of the cliff.

7. CONSENT CALENDAR

The following items were removed for discussion:

Mayor Pro Tem Long removed items 7D and 7E for further discussion.

ACTION: Motion by Council Members Banuelos/Toms, the Council Approved the Consent Calendar Items 7A – C, F, & G.

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

- A. Approve the Minutes of the Meeting of June 21, 2016
- B. Receive the June 18, 2016 – July 1, 2016 List of Warrants and the July 1, 2016 Payroll in the Amount of \$ 341,865.02

- C. Receive the 3rd Quarter Investment Report [**Action: Receive and File the Report (A. Miller)**]

- D. Authorizing the City Manager to Execute Task Order #2 to the On-Call Contract with CSG Consulting Inc and Task Order #1 to the On-Call Contract with 4leaf Consultants to provide Funding for Additional Building Department Functions in a Combined Amount Not To Exceed \$202,000 [**Action: Approve Resolution Per Staff Recommendation (T. Miller)**]

Mayor Pro Tem Long expressed concern if the City fee schedule were in parity with our consultants cost.

Development Services Director/City Engineer Tamara Miller, stated that the City fees are in parity and allow the City to charge an additional 15% for administrative costs.

ACTION: Motion by Council Members Long/Banuelos, the Council Approved the Consent Calendar Items 7D.

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

- E. Approve Waiving the City's Application and Processing fees for the Parks Trail Project [**Action: Approve Resolution Per Staff Recommendation (T. Miller)**]

The City Council expressed apprehension over the total amount of fees being waived, concerns about escalating costs, and the City absorbing consultants cost.

ACTION: Motion by Council Members Long/Banuelos, to Approve Consent Calendar Items 7E but limit the amount waived to a maximum of \$5,600.

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

- F. Approval of a Contract with the City of Hercules for Dispatch Services [**Action: Approve Resolution Per Staff Recommendation (Gang/Fitzer)**]

- G. Approval of a Purchase Order with Taser International for the Purchase of Body Cameras and Data Storage Services for the Police Department in the Amount Not To Exceed \$36,000 [**Action: Approve Resolution Per Staff recommendation (Gang/Fitzer)**]

8. PUBLIC HEARINGS

- A. Approving a Determination of Public Convenience or Necessity for Type 21 Alcohol Off Sale of Beer, Wine and Distilled Spirits at an Approved 14,806 Square Foot CVS Pharmacy Retail Store to be Located at 2617 Canyon Drive, Pinole, CA 94564, APN: 401-273-043, -044, -045, and -046 [**Action: Approve Resolution Per Staff Recommendation (W. Rhodes)**]

Planning Manager Winston Rhodes presented the report citing that CVS's business model includes the sale of beer and wine and as such the City Council is asked to approve a Determination of Public Convenience or Necessity for Type 21 Alcohol Off Sale of Beer, Wine and Distilled Spirits.

Mayor Swearingen opened the Public Hearing at 7:48 pm. The following speaker addressed the City Council.

Julieann Martin, Representative for CVS, discussed the alcohol sales training that CVS provides to their employees and the importance CVS places on compliance with all regulatory and company policies of alcohol sales.

Mayor Swearingen closed the Public Hearing at 7:52 pm.

ACTION: Motion by Council Members Long/Toms, approving Resolution No. 2016-XX.

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

9. OLD BUSINESS

10. NEW BUSINESS

- A. Consideration and Adoption of Resolution of Support for the Countywide Imposition of One Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa and Conditionally Amend the Growth Management Program in the Measure J Transportation Expenditure Plan to Match that Found in the 2016 Proposed Transportation Expenditure Plan [**Action: Approve Resolution Per Staff Recommendation (M. Fitzer)**]

City Manager Fitzer introduced Randell H. Iwasaki, Executive Director of the Contra Costa Transportation Authority. Mr. Iwasaki presented a Powerpoint on the proposed half cents sales tax and the expenditure plan.

Mayor Swearingen opened the item for Public Comment at 8:10 pm. The following speaker addressed the City Council.

Dave Campbell, advocate for "Bike East Bay", supports the Measure stating that a portion of the Measures funds will be allocated toward bikes and pedestrian access.

Kent Moriarty, resident of Pinole, supports the Plan stating the benefits to the community this measure could fund – street repairs, bike and pedestrian accessibility.

Mayor Swearingen closed the item for Public Comment at 8:17 pm

Mayor Pro Tem Long raised asked about the formula used to arrive at the figures to be provided to cities, raised concerns over the formula used, and the make up of the Oversight Board.

Councilmember Toms expressed support for the Measure stating it projects flexibility for improvements to bike and pedestrian access, and street improvements.

ACTION: Motion by Council Members Toms/Banuelos, to Adopt Resolution No. 2016- XX, Supporting the Countywide One Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa and Conditionally Amend the Growth Management Program.

Vote: **Passed:** **3-0**
 Ayes: **Banuelos, Swearingen, Toms**
 Noes: **None**
 Abstain: **Long**
 Absent: **Murray**

- B. Review, Discuss and Provide Direction on Affordable Housing Funds and Uses
 [Action: Receive and provide Staff with Direction (H. De La Rosa)]

Assistant City Manager presented the item.

Councilmembers discussed utilizing the existing funds to retain existing housing restrictions, allocating funds for the purchase of vacant property to be used for affordable housing development.

ACTION: The City Council directed staff to locate property(ies) which could be used for construction of affordable housing.

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

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Swearingen attended the Youth Foundation Wine Tasting, Carshow and thanked Tina's Place for all their help at the events.

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

Councilmember Banuelos attended the carshow and the wine tasting.

D. Council Requests for Future Agenda Items

Mayor Pro Tem Long requested that Staff develop, no later than November, a list of projects to present to Contra Costa Transportation Agency for grant funding purposes.

Councilmember Banuelos requested that a study be performed on our permit fees.

E. City Manager Report / Department Staff

F. City Attorney Report

12. ADJOURNMENT to the regular City Council Meeting of July 19, 2016.

At 9:30 p.m., Mayor Swearingen adjourned the Regular Meeting of July 5, 2016, in Remembrance of Amber Swartz, all military and their families, Julie Harris, Gabriel Blanco, and Connie Mayhood Gozzano.

Submitted by:

Hector De La Rosa
Assistant City Manager/Deputy City Clerk

Approved by City Council: