

**PINOLE CITY COUNCIL
MINUTES
September 20, 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 Murray 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 6:10 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
Andrea Miller, Finance Director
Winston Rhodes, Planning Manager

Assistant City Manager/Deputy City Clerk De La Rosa announced the Agenda was posted on September 15, 2016 at 4:00 P.M. All legally required notices were provided. The Council stating there were no conflicts with any items on the agenda.

Mayor Swearingen requested that item #10C be continued to a future meeting.

3. CONVENE TO A CLOSED SESSION

None

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

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations

None

- B. Presentations / Recognitions
 - a. Pinole Assisted Living Facility - Alzheimer's

Mayor Swearingen deferred the item due to no speaker being present

- b. Animal Control Presentation

Mr. Steve Burdo, Community & Media Relations Coordinator for Contra Costa County Animal Services Department (CCCASD), provided an overview, via a PowerPoint, of the services which the CCCASD provides which includes shelter operations, adoptions & transfers, medical, field, volunteer and administrative services.

6. CITIZENS TO BE HEARD (Public Comments)

None

7. CONSENT CALENDAR

The following items were removed for discussion:

Mayor Pro Temp Long pulled item #7D.

ACTION: Motion by Council Members Toms/Murray Approving the Consent Calendar Items 7A-C

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

- A. Approve the Minutes of the Meeting of September 6, 2016
- B. Receive the September 3 - 16, 2016 List of Warrants and the September 9, 2016 Payroll in the Amount of \$ 319,877.55
- C. Authorize Responses to Three Grand Jury Reports on "Truancy and Chronic Absence in Contra County Schools," "Human Trafficking," and "Where Will We Live? The Affordable Housing Waiting List is Closed." **[Action: Approve by Minute Order (N. Gang/W. Rhodes)]**
- D. Supporting the City of Berkeley's Effort to Oppose Sutter Health Corporation's Plan to Cease Acute Care Hospital Operations at Alta Bates Hospital in Berkeley By 2030 **[Action: Adopt Resolution Per Staff Recommendation (H. De La Rosa)]**

Mayor Pro Temp Long expressed concerns regarding approving Item # 7D and the precedent it may set given that the matter is not specific to the City of Pinole.

Councilmembers declared that the closure of Alta Bates will have a negative impact on residents of Pinole citing this is a local and regional issue.

ACTION: Motion by Council Members Toms/Murray Approving the Consent Calendar Items 7D

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

8. PUBLIC HEARINGS

- A. Approve the FY 2016-17 through 2020-21 Five-Year Capital Improvement Plan **[Action: Adopt Resolution Per Staff Recommendation (A. Miller/T. Miller)]**

Andrea Miller, Finance Director, presented the Staff Report stating that Staff has developed a five year Capital Improvement Plan (CIP) which includes a continuation of Council approved projects funded through Measure S 2014 as well as new projects to be funded from other funds. Included in the report is a summary of the projects, funding source, estimated costs and a brief description of the proposed work as well as project description sheets for projects that exceed \$100,000.

Development Services Director/City Engineer Tamara Miller proceeded to provide the Subcommittee with details on each project outlined in the CIP.

Councilmembers inquired about the need for accessibility for the disabled when installing benches, need to include sidewalk ADA repairs at Marlesta, and the need to seek grant funding.

At 7:25 pm, Mayor Swearingen opened the Public Hearing.

At 7:25 pm, Mayor Swearingen closed the Public Hearing

ACTION: Motion by Council Members Long/Toms Adopting Resolution No. 2016-approving the Five Year Capital Improvement Plan for FY 2016-17 through FY 2020-21 with an amendment to include sidewalk ADA repairs on Marlesta.

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

9. OLD BUSINESS

10. NEW BUSINESS

- A. Discuss Debt Service Saving from 2006 WW Bond Refunding **[Action: Receive Report and Provide Direction (H. De La Rosa)]**

Assistant City Manager Hector De La Rosa presented the report stating that due to the refunding of the 2006 Wastewater Bonds the Department experienced an annual saving of \$110,000 and therefore is seeking Council's direction on where to allocate the funds. Four options were providing for use of the saving including allocating towards Reserves, Debt Service, Capital Improvement projects and/or other projects as determined by the City Council.

Councilmember Murray stated that information on the reduction of operations costs by addressing the Inflow and Infiltration (I & I) issues prior to determining where to allocate the funds would be beneficial.

Councilmembers supported the completion of an I & I analysis prior to allocating the savings.

ACTION: Motion by Council Members Murray/Long to place saving in restricted reserves until an analysis on Inflow and Infiltration is completed.

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

- B. Receive the FY 2015/16 3rd and 4th Quarter Financial Reports and Approve 2015/16 Year End Budget Adjustments **[Action: Receive Reports & Adopt Resolution Per Staff Recommendation (A. Miller)]**

Finance Director Andrea Miller presented the report citing that the adopted Budget for FY 2015-16 anticipated current year expenditures are anticipated to be fully offset by operating revenues generating a modest surplus of \$336,467.

She also summarized the various budget adjustments (net increases/net decreases) by Department.

ACTION: Motion by Council Members Long/Banuelos adopting Resolution 2016-??, approving Adjustments to the Fiscal Year 2015-16 Budget.

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

- C. Approving a Purchase and Sale Agreement Between the City of Pinole and Agape Assets LLC Relative to the Use and Development of Property **[Action: Adopt Resolution Per Staff Recommendation (H. De La Rosa)]**

Mayor Swearingen deferred this item for a future meeting.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Swearingen announced Dumpster Day on Saturday, September 24th.

B. Mayoral & Council Appointments

None

C. City Council Committee Reports & Communications

Councilmember Toms and Councilmember Banuelos met as a subcommittee to review the Pinole Municipal Code Appeal Ordinance and Council Compensation. She also announced that the Police Department will be hosting the Tip-a-Cop event on Wednesday September 21st from 5 pm to 9 pm at Applebee's.

Councilmember Murray thanked everyone who helped and supported the Coastal Clean Up event, which was successful.

Mayor Pro Tem Long attended the WestCat meeting and announced an open seat to the Community Advisory Committee related to Transportation issues. Also, contacted Lisa LeBlanc and was provided with a 3 week outlook on the work at Pinole Valley High School and noted that the community isn't utilizing the curb side clean up service provided by Richmond Sanitation.

Councilmember Banuelos met with members of the Pinole Historical Society to discuss planning of the Museum. Mayor Swearingen stated he was in communication with our Congressman on museum funding.

D. Council Requests for Future Agenda Items

Mayor Pro Tem Long requested an update on City traffic lights, number of light, maintenance schedule and contract with County.

Mayor Swearingen suggested establishing a committee of citizens and Senior Board members to discuss future uses of the fowler property.

E. City Manager Report / Department Staff

F. City Attorney Report

12. ADJOURNMENT to the regular City Council Meeting of October 4, 2016.

At 8:25 p.m., Mayor Swearingen adjourned the Regular Meeting of September 20, 2016, in Remembrance of Amber Swartz and the Armed Forces personnel who lost their lives in a foreign country.

Submitted by:

Hector De La Rosa
Assistant City Manager/Deputy City Clerk

Approved by City Council: