

**PINOLE CITY COUNCIL
MINUTES
November 1, 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 6:02 PM and introduced the Boy Scouts Troop 86.

- a. **PINOLE BOY SCOUTS TROOP 86 PRESENT THE FLAG.**
- b. **PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS**

The Pinole Boy Scouts Troop 86 presented the Flag 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 (**Excused Absence**)
Council Member Peter Murray
Council Member Maureen Toms

B. STAFF PRESENT

Hector De La Rosa, Assistant City Manager
Ben Reyes, City 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 October 27, 2016 at 4:00 P.M. All legally required notices were provided. Mr. De La Rosa also stated that additional information pertaining to items 8B 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

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

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
- B. Presentations / Recognitions

6. CITIZENS TO BE HEARD (Public Comments)

The following speaker addressed the City Council:

Bob Kopp, Pinole citizen, informed the Council of an upcoming free class “Refuse to be a Victim” scheduled for Saturday, November 12th from 1:00 pm to 4:00 pm at the Alex Clark room.

7. CONSENT CALENDAR

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

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

- A. Approve the Minutes of the Meeting of October 18, 2016
- B. Receive the October 15 - 28, 2016 List of Warrants and the October 21, 2016 Payroll in the Amount of \$337,485
- C. Authorizing the Purchase of One (1) Police Vehicle for use in Patrol Operations in the amount of \$30,232.06 from the Measure S (2014) Fund **[Action: Approve Resolution Per Staff Recommendation (N. Gang)]**
- D. Appointing Rosa Acosta as City Clerk and Authorizing the Mayor to Execute the Employment Agreement **[Action: Approve Resolution Per Staff Recommendation (Fitzer)]**
- E. Placement of Liens for Delinquent Unpaid Waste Collection Charges falling Delinquent between May & August 2016, considered at an Administrative Hearing on October 6, 2016 **[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]**
- F. Rescinding Resolutions 2016-68, 69, 70, 71, & 72 and Approving Resolutions Setting the Annual Amendment to Health Insurance Cap for Management and Unrepresented/Confidential Employees, Elected Officials, AFSCME and Local 1 Employees **[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]**

8. PUBLIC HEARINGS

Mayor Swearingen moved Agenda Item # 8C prior to 8A with approval by the Council.

- C. Introduce First Reading of Ordinance Amending Chapter 17.10 of the Pinole Municipal Code and the Zoning Code Appeals process **[Action: Continue the Public Hearing to December 6th (B. Reyes)]**

City Attorney Ben Reyes stated that Staff is seeing continuance of the hearing to the December 6th regular meeting. He also requested that the public hearing be opened and comments received.

At 6:11 pm, Mayor Swearingen opened the Public Hearing and having not public speakers continued the Public Hearing for the December 6th meeting.

- A. Approving a Determination of Public Convenience or Necessity for Type 41 Alcohol Sales including Beer and Wine at a Proposed Happy Ramen Restaurant Located at 1907 San Pablo Avenue, Pinole, CA 94564, APN: 401-112-029 **[Action: Approve Resolution Per Staff Recommendation (W. Rhodes)]**

Planning Manager Winston Rhodes presented the report stating that a determination of Public Convenience or Necessity is required to allow additional on-site alcohol sale licenses in the over concentrated Census Tract which is where Happy Ramen is located.

At 6:25 pm, Mayor Swearingen opened the Public Hearing and having no speakers closed the Public Hearing at 6:25 pm.

ACTION: Motion by Council Members Toms/Murray Approving the Determination of Public Convenience or Necessity for Type 41 Alcohol Sales including Beer and Wine at 1907 San Pablo Ave.

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

- B. Electing to Become Subject to the Uniform Construction Cost Accounting Procedures and Introduction and First Reading of an Ordinance Amending Chapter 2.04.160(D) and Adding Chapters 3.34.010 through 3.34.040 to the Pinole Municipal Code Adopting the Uniform Construction Cost Accounting Act Procedures **[Action: Approve 1st Reading Per Staff Recommendation (T. Miller)]**

Tamara Miller, Development Services Director/City Engineer, presented the report stating that the Contract Approval Limitations outlined in the Ordinance pertain to only Public Works Projects as defined by State Law.

Councilmembers asked questions regarding the approval process to select contractors, whether the City still had to select the low bidder, if the award limits would authorize the City Manager to approve contracts in excess of what was budgeted, and whether projects can be bid separately.

Mayor Pro Tem Long expressed concerns that contract between \$45,000 and up to \$175,000 would no longer be presented to the City Council for approval.

City Attorney Ben Reyes suggested an amendment to the Ordinance which would require all contracts between \$45,000 and \$175,000 be placed on the agenda as a consent calendar item for Council approval.

At 6:49 pm, Mayor Swearingen opened the Public Hearing and having no speakers, closed the Public Hearing at 6:49 pm.

ACTION: Motion by Council Members Long/Toms Approving the Resolution Electing to Become Subject to the Uniform Construction Cost Accounting Procedures and Introducing the first reading of the Uniform Construction Cost Accounting Ordinance with a change that all contracts between \$45,000 and \$175,000 be placed on the agenda as a consent calendar item for Council approval.

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

Mayor Swearingen moved Agenda Business Item # 9A prior to 8D with approval by the Council.

9. OLD BUSINESS

- A. Receive an Update from CalTrans on I80 Mobility Project (Metering Lights) David Man [**VERBAL - Receive Report and Provide Direction (T. Miller)**]

Tamara Miller, Development Services Director/City Engineer, introduced David Man from CalTrans who provided the City Council with an update on the metering lights.

Councilmembers raised concerns about carpool jumpers on Highway 4, metering timing on Appian, and drivers exiting the highway and using the off and on-ramp to bypass traffic. Also mentioned as possible solutions to reduce traffic was the need for Caltrans to coordinate with the City to synchronize street lights and I-80 lights as well as supporting extending Bart to Solano County.

At 7:40 pm, Mayor Swearingen opened the podium to any speakers.

Bob Kopp, Pinole citizen, spoke to his experience following the installation of the metering lights and supported keeping people on the freeway rather than queue jumping.

At 7:43 pm, Mayor Swearingen closed the podium to any speakers.

Mayor Swearingen reopened the Citizens to be Heard portion of the Agenda at 7:45 p.m.

Jeff Rubin, President of the Pinole Historical Society, invited the public to an event on November 4th from 6:30 pm – 8:00 pm at Kaiser with the topic being “Let’s Design a Museum”. He also mentioned that on Friday November 11th at 11: a.m. at Fernandez Park, there will be a Veterans Memorial event.

Mayor Swearingen closed the Citizens to be Heard portion of the Agenda and reconvened the Agenda Item # 8D at 7:48 p.m.

8. PUBLIC HEARINGS

- D. Introduce Ordinance and Conduct First Reading of Amendment to Pinole Municipal Code, Title 2, Administration and Personnel, Chapter 2.08, Council Members' Salaries [**Action: Approve 1st Reading Per Staff Recommendation (B. Reyes)**]

City Attorney Ben Reyes presented the report and requested that the public hearing be opened and comments be received prior to consideration of approval of the first reading of the Ordinance.

At 7:53 pm, Mayor Swearingen opened the Public Hearing.

Bob Kopp, Pinole citizen, supported the proposed amendment to the Ordinance increasing the City Council Compensation.

At 7:55 pm, Mayor Swearingen closed the Public Hearing

Mayor Pro Tem Long stated that she envisioned the increase in the Council's compensation occurring incrementally or over a period of years.

ACTION: Motion by Council Members Toms/Murray Approving the First Reading of the Ordinance.

Vote:	Passed:	3-1
	Ayes:	Swearingen, Murray, Toms
	Noes:	Long
	Abstain:	None
	Absent:	Banuelos

9. OLD BUSINESS

- B. Discussion on Appropriating \$500 from the General Fund Reserves to film the Veterans Event [**VERBAL Report and Provide Direction (H. De La Rosa)**]

Assistant City Manager De La Rosa presented the report stated that there had been a request to place this item on the agenda for discussion and consideration of appropriating \$500 from the General Fund to film the Veterans Event.

Mayor Pro Tem Long and Mayor Swearingen stated they felt that Veterans Day event was a community event and the City should be incurring the cost to film it and should be under the guise of the Community Services Commission.

At 8:03 pm, Mayor Swearingen opened the podium to any speakers.

Jeff Rubin, recanted the history of the filming of the Veterans Day event and stated in recent years the City has charged \$500 for the filming.

At 8:07 pm, Mayor Swearingen closed the podium to any speakers.

ACTION: Motion by Council Members Long/Toms Approving the appropriation of \$500 from the General Fund Reserves to pay for the cost of PCTV to film the Veterans Event.

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

10. NEW BUSINESS

- A. Review and Provide Direction on the Development of a Policy for Naming of City Facilities. Parks and/or Dedication of Plaques Honoring Individuals **[Action: Review, Discuss and Provide Staff with Direction (H. De La Rosa)]**

Assistant City Manager De La Rosa presented the report and provided an overview of the draft Policy. Mr. De La Rosa stated that staff is seeking direction from the City Council on the content of the Policy.

Mayor Pro Temp Long stated that she was supportive of Plaques to honor citizens rather than a Policy on Naming of City facilities. She also suggested formation of a subcommittee to propose a list of names.

Mayor Swearingen and Councilmember Murray agreed with the idea of Plaques.

Council Members agreed to form an AdHoc Committee consisting of Mayor Pro Tem Long and Councilmember Toms to develop the structure and duties of the Subcommittee tasked with developing a Policy honoring citizens through plaques.

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 1. Announcements

Mayor Swearingen attended the WCCTAC meeting and the Pinole Creek Restoration Project Event.

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

Councilmember Murray attended the Recycle More meeting and discussed the JPA agreement.

Mayor Pro Tem Long and Councilmember Toms met as the Fire Chief Subcommittee

- D. Council Requests for Future Agenda Items
E. City Manager Report / Department Staff
F. City Attorney Report

12. ADJOURNMENT to the regular City Council Meeting of November 15, 2016.

At 8:47 p.m., Mayor Swearingen adjourned the Regular Meeting of November 1, 2016, in Remembrance of Amber Swartz and our Military personnel all around the world.

Submitted by:

Hector De La Rosa
Assistant City Manager/Deputy City Clerk

Approved by City Council: