

**PINOLE CITY COUNCIL
MINUTES
May 3, 2016**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

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 6:05 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
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

Deputy City Clerk De La Rosa announced the Agenda was posted on April 25, 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

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

There were no Closed Sessions matters.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

None

B. Presentations / Recognitions

1. Report on Pinole Creek Fish Passage Project by Resource Conservation District (Ben Wallace)

Ben Wallace provided an update of the Pinole Creek Watershed Fish Passage Plan and construction timeline. The project is scheduled to commence in June 2016 and be completed by October 2016.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Ian Richards provided the City Council with an update of the Pinole Library activities.

Jack Meehan spoke to the agenda item 10A on the proposed Streetlight Replacement Program as well as the need to agendaize a discussion on the Shoreline Trail.

Bob Kopp spoke on the planned Community Service Day which is scheduled for May 21st.

7. CONSENT CALENDAR

The following items were removed for discussion:

Mayor Pro Tem Long requested that item E be pulled.

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

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

- A. Approve the Action Minutes of the Meeting of April 19, 2016
- B. Receive the April 16 - 29, 2016 List of Warrants and the April 22, 2016 Payroll in the Amount of \$ 406,377.93
- C. Notice of Completion for the Senior Center Roof Repair Project **[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**
- D. Notice of Completion for the Community Playhouse Theater Seating Replacement Project **[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**
- E. 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: Approve Ordinance 2016-XX (W. Rhodes)]**

Planning Manager introduced item E and briefly addressed the intent of the Ordinance.

Mayor Pro Tem Long discussed concerns regarding the Density Bonus provisions of the Ordinance which appears to give Developers with the “right” rather than “at the discretion of the City.”

ACTION: Motion by Council Members Long/Banuelos, moved to continue Consent Calendar Item 7E to the next regular meeting with changes.

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

Mayor Swearingen reopened “Citizens to be Heard” at 7:00 pm following approval of the Consent Calendar.

The following speakers addressed the City Council:

John Hansen addressed the Council expressing concerns with the closing of the Pinole Valley Park Children’s Playground.

Moira Bielby addressed the Council expressing several concerns with the closure of the Pinole Valley Park Children’s Playground.

Kirsten Cohen addressed the Council expressing concerns with the closing of the Pinole Valley Park Children’s Playground.

Closed the “Citizens to be Heard” item at 7:15 pm.

8. PUBLIC HEARINGS

No Public Hearings

9. OLD BUSINESS

- A. Discuss Possible Participation In and Financial Contribution to the Contra Costa County Community Choice Aggregation Program Technical Study [**Verbal Report - Provide Direction to Staff (Fitzer)**]

City Manager Michelle Fitzer introduced the item and requested whether the Council wanted to participate in the County Aggregation Program Technical Study program. The cost to participate in the study is estimated at \$4,000 to \$10,000 dollars.

ACTION: Council received the report from City Manager Fitzer and provided direction to staff to wait until after the Technical Study is completed and revisit participation in the in the Contra Costa County Community Choice Aggregation Program.

10. NEW BUSINESS

- A. Accept Participation in the PG&E Streetlight Replacement Project, Converting PG&E Owned Lights to LED [**Adopt Resolution Per Staff Recommendation (T. Miller)**]

Development Services Director/City Engineer Tamara Miller introduced the item and turned the presentation over to the PG&E representative Geoff Pollard.

The Mayor opened the item to the Public. The following public member addressed the City Council.

Jack Meehan had several questions for the Council regarding the Illuminating Engineering Society (IES) standard, who is the manufacture of the lights (Cree), and how many decorative lights are in the City?

ACTION: Motion by Council Members Murray/Toms, moved to approve participation in the PG&E Streetlight Replacement Program.

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

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Swearingen stated that the State of the City luncheon is tomorrow at the Bistro at 12 pm, and reported on his attendance to various subcommittee meeting.

- B. Mayoral & Council Appointments

None

- C. City Council Committee Reports & Communications

Councilmember Murray requested the Regional Bay Trail Bridge Design be placed on the next agenda to discuss support for the trail projects.

Councilmember Toms reported on her attendance at the ABAG meeting.

Mayor Pro Tem Long attended the Fire Subcommittee meeting and will report back to the City Council following a meeting with Rodeo Hercules Fire District.

- D. Council Requests for Future Agenda Items
 - 1. Presentation on Medical Facility at Henry Ave. (Mayor Pro Tem Long) but not supported by the Council.
 - 2. Discuss the Regional Bay Trail system (Councilmember Murray) supported by the Council.

- E. City Manager Report / Department Staff
 - 1. Stated that Gateway East had requested construction outside the regular business hours which was approved by the City Manager.
 - 2. Stated that the City has yet to receive the Loan documents from the State on the State Revolving Loan.
 - 3. June 9th - a special meeting to discuss City Clerk recruitment applicants. Motion to appoint a subcommittee (Long/Swearigen) along with former City Clerk to review initial City Clerk candidates with ratification at next meeting.

- F. City Attorney Report
 - 1. Notified Council that he will be at the League of Cities Conference (Ben Reyes).

12. ADJOURNMENT to the Regular City Council Meeting of May 18, 2016.

At 9:18 p.m., Mayor Swearigen adjourned the Regular Meeting of May 3, 2016, in Remembrance of Amber Swartz, all Military personnel, and Gwendolyn Rezentos.

Submitted by:

Hector De La Rosa
Assistant City Manager/Deputy City Clerk

Approved by City Council: May 17, 2016