

**PINOLE CITY COUNCIL  
MINUTES  
FEBRUARY 21, 2017**

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

Mayor Long called the meeting to order at 6:02 PM and introduced the Boy Scouts Troop 86. 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**

A. COUNCIL MEMBERS PRESENT

Mayor Debbie Long  
Mayor Pro Tim Banuelos (arrived at 6:04 p.m.)  
Council Member Peter Murray  
Council Member Roy Swearingen  
Council Member Maureen Toms

B. STAFF PRESENT

Michelle Fitzer, City Manager  
Benjamin T. Reyes, City Attorney  
Hector De La Rosa, Assistant City Manager  
Neil Gang, Police Chief  
Tamara Miller, Development Services Director

City Clerk Acosta announced the agenda was posted on Thursday, February 16, 2017 at 4:00 P.M. with all legally required notices.

Following an inquiry by the City Clerk, the Council Members stated there were no conflicts on any items on the agenda.

**3. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

- A. Proclamations
- B. Presentations / Recognitions
  - a. Contra Costa Fire Protection District – Chief Carman

City Manager Fitzer provided an update regarding the potential administrative contract with Con Fire and the Rodeo/Hercules Fire District. Unfortunately, Rodeo/Hercules voted against moving forward with the fire services contract. City Manager Fitzer will continue to work with Con Fire towards alternative fire services.

Chief Carman expressed his gratitude to the Council for their support in considering a joint fire services agreement between the City of Pinole, Rodeo/ Hercules Fire District and expressed his desire to continue to work collaboratively with the City of Pinole to serve members of the community.

Council thanked Chief Carman for his willingness to continue to work with the City of Pinole and expressed their support on a future agreement.

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

The following speaker addressed the City Council:

**James Tillman**, Pinole citizen, addressed Council, requested that the City Council consider a City-wide Anti-Litter Ordinance and submitted a written request via Clerk Acosta for members of the Council.

#### 5. CONSENT CALENDAR

##### **ACTION: Motion by Council Members Toms/Murray Approving the Consent Calendar Items 5A-D**

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

- A.    Approved the Minutes of the Meeting of February 7, 2017
- B.    Received the February 4 - 17, 2017 List of Warrants and the February 10, 2017 Payroll in the Amount of \$318,774.40
- C.    Received the General Plan Housing Element Annual Progress Report  
      **[Action: Approve Report Per Staff Recommendation (W. Rhodes)]**
- D.    Received and Accepted the FY 2016/17 Second Quarter Investment Report  
      **[Action: Receive Report (A. Miller)]**

#### 6. PUBLIC HEARINGS

- A.    Approved a Determination of Public Convenience or Necessity for Type 41 Alcohol Onsite Sale of Beer and Wine at Famiglia Restaurant located at 812 San Pablo Avenue, Suite 1, Pinole, CA 94564, APN: 402-230-012  
      **[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 Famiglia Restaurant is located.

At 6:21 p.m., Mayor Long opened the Public Hearing; applicants Miguel and David Guillen, via translator Waleska Haro of Kitchen 812, expressed their gratitude for the consideration and Ms. Haro expressed her support of Famiglia Restaurant. Having no additional speakers Mayor Long closed the Public Hearing at 6:25 p.m.

##### **ACTION: Motion by Council Members Swearingen/Banuelos Approving the Determination of Public Convenience or Necessity for Type 41 Alcohol Sales including Beer and Wine at 812 San Pablo Avenue, Suite 1.**

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

## 7. OLD BUSINESS

- A. Received and Reviewed Mid-Year Report of the FY 2016-17 Budget and Adopt Resolution Approving Budget Adjustments  
**[Action: Review & Adopt Resolution Per Staff Recommendation (A. Miller)]**

Finance Director Andrea Miller presented the FY 2016-17 mid-year report, citing revenues were sufficient to satisfy expenditures for the adopted Budget for FY 2016-17. Mrs. Miller also summarized the various budget adjustments (net increases/net decreases) by Department.

The City Council discussed mid-year expenditures and had questions on some budget items that were addressed by Finance Director Miller. Council questioned the allocation of the 2014 Measure S remaining funds and directed staff to research and report back to Council's approved fund allocation and expenditures.

**James Tillman**, Pinole citizen, addressed Council, expressed concerned about the sewer enterprise reserve fund not being reflected in the mid-year budget review. City Manager Fitzer stated that the reserves are reflected in the fiscal year budget and not the midyear budget review.

**ACTION: Motion by Council Members Murray/Swearingen Adopting Resolution approving Budget Adjustments per staff recommendations for the FY 2016-17 Budget.**

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

## 8. NEW BUSINESS

- A. Introduced Ordinance and Conducted First Reading to Amend Municipal Code Section 2.04.160 to Increase the City Manager's Signing Authority for Purchases and Contracts to \$45,000  
**[Action: Adopt Ordinance Per Staff Recommendation (M. Fitzer)]**

City Manager Fitzer stated that the City Manager's signing authority is currently at \$20,000 and the request is to increase the signing authority to \$45,000 to match the purchase/contract signing authority currently in place for Public Works projects.

The Council discussed their concerns and requested clarification on the process of approval. City Manager Fitzer explained that this authority will only allow the City Manager to execute contracts and purchases previously approved by Council with a budget amount up to \$45,000; it does not allow for discretionary spending or an increase in contract authority; all contract amendments will be brought to City Council for approval.

**James Tillman**, Pinole citizen, addressed Council, stated his opposition to this item due to transparency concerns.

**ACTION: Motion by Council Members Banuelos/Toms, to Introduce Ordinance and Conduct First Reading to amend Pinole Municipal Code Section 2.04.160 Regarding Expenditure Control and Purchasing Responsibility.**

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

**9.        REPORTS & COMMUNICATIONS**

**A.        Mayor Report**

**1.        Announcements**

Mayor Long attended the Public Safety Awards Recognition Dinner for the Police Officer and Firefighter of the Year and congratulated Officer Kyle Breckenridge and Captain Jim Brooks for their recognition. Mayor Long stated that police logs have shown an increase in burglary reports and suggested that Council have an in depth conversation on the impact of police services to residents and the business community.

**B.        Mayoral & Council Appointments**

Councilmember Murray and Swearingen will be interviewing two candidates for the Community Youth Services Commission and will report back to Council.

**C.        City Council Committee Reports & Communications**

Councilmember Murray attended the Integrated Waste Management Meeting and provided an update to Council.

Mayor Pro Tem Banuelos attended the WestCat Meeting and provided an update on current projects to Council.

Councilmember Swearingen attended the Public Safety Awards Recognition Dinner and the Law Enforcement Night dinner in recognition of Officer Kyle Breckenridge and thanked police staff for showing their support at the event. He attended the West County Transportation Advisory Committee (WCCTAC) and provided an update on future BART projects to the Council.

**D.        Council Requests For Future Agenda Items**

Mayor Long requested future discussion of a Business Improvement District to review current security measures in place for the local businesses.

Councilmember Murray requested follow up to Mr. Tillman's City-wide study on a possible Anti-Litter ordinance that will benefit the community. Councilmember Toms requested City Attorney Reyes to review the ordinance/code and provide input. (5-0)

Mayor Pro Tem Banuelos requested future discussion on signals at Pinole Valley Road and the metering lights at Pinole Valley Road on ramp. (5-0)

**E.        City Manager Report / Department Staff – None**

**F.        City Attorney Report – None**

**10. CONVENE TO A CLOSED SESSION at 7:57 p.m.**

- A. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Gov. Code §54597.6  
City Labor Negotiators: Hector De La Rosa, Assistant City Manager and Labor  
Negotiator Bruce Heid, IEDA  
Employee Organizations: Fire Local 1230  
Pinole Police Employees Association (PPEA)

**11. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION**

At 9:15 p.m., Mayor Long reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS.

**12. ADJOURNMENT** to the Regular City Council Meeting of March 7, 2017 In  
Remembrance of Amber Swartz.

At 9:17 p.m., Mayor Long adjourned the Regular Meeting of February 21, 2017, in  
Remembrance of Amber Swartz and our Military personnel all around the world.

**Submitted by:**

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**Rosa G. Acosta**  
City Clerk

**Approved by City Council:**