

**PINOLE CITY COUNCIL  
MINUTES  
December 5, 2017**

**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 Long called the Regular Meeting of the City Council to order at 5:00 p.m. 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 Tem Tim Banuelos  
Council Member Peter Murray (arrived at 5:26 p.m.)  
Council Member Roy Swearingen  
Council Member Maureen Toms

**B. STAFF PRESENT**

Hector De La Rosa, Assistant City Manager  
Eric Casher, City Attorney  
Neil Gang, Police Chief  
Scott Kouns, Fire Chief  
Rosa Acosta, City Clerk

City Clerk Acosta announced the agenda was posted on November 30, 2017 at 4:00 p.m. All legally required notices were provided. City Clerk Acosta announced that the Closed Session item 11, was postponed to the December 19<sup>th</sup> Council meeting.

Following an inquiry to the Council, the Council reported there were no conflicts with any items on the agenda.

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

- A. Proclamations
- B. Presentations / Recognitions

Mayor Long and members of the Council thanked Ricardo Velasco from Sequoia Real Estate for his partnership with the City of Pinole in sponsoring the Tree Lighting Ceremony held on Saturday, December 2, 2017. Mr. Velasco thanked Council for the opportunity to be part of the event and stated his continued support of future events. Mayor Long announced the following community events:

- Rotary Club of Pinole will hold its Annual Crab Feed Honoring Police Officer and Firefighter of the Year on Saturday, February 3<sup>rd</sup> at Pinole Senior Center. For more information contact Jamie Capernich at (510) 758-8267 email [jamie@Barryevansstudio.com](mailto:jamie@Barryevansstudio.com) or Beth Barke with the Pinole Police Department at (510) 724-8955.

- Pinole Police Department Toy Drive on December 8<sup>th</sup> from 3:00 p.m. to 9:00 p.m. at Target in Pinole to support the Children's Hospital in Oakland.

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

None

**5. CONSENT CALENDAR**

- A. Approve the Minutes of the Meeting of November 21, 2017
- B. Receive the November 18, 2017 – December 1, 2017 Lists of Warrants and December 1, 2017 Payroll in the Amount of \$458,824.72

**ACTION: Motion by Council Members Swearingen/Banuelos, the Council Approved the Consent Calendar Items A & B.**

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

**6. COUNCIL REORGANIZATION**

- A. Presentations to Mayor Long

Mayor Pro Tem Banuelos presented a gift of appreciation to Mayor Long for her year of service and dedication as Mayor and a gift of appreciation to her husband, Larry. Mayor Long graciously accepted the gifts and thanked the Council, the staff, Junior Castro and the community for working with her during the past year.

- B. Comments to Outgoing Mayor

Councilmember Swearingen expressed his appreciation for Mayor Long's advocacy on behalf of the City of Pinole.

Councilmember Toms stated her appreciation and recognized Mayor Long's commitment to the community of Pinole. She thanked her for her leadership and support throughout her term on Council.

Councilmember Murray expressed his gratitude to Mayor Long and her willingness to address difficult issues always seeking a positive outcome for the citizens' of Pinole.

- C. Reorganization of the City Council In Accordance with Council Resolution 2010-87 and Appointment of Mayor and Mayor Pro Tem **[Action: Council Discretion to Nominate Officers and Adopt A Resolution of Appointment (R. Acosta)]**

City Clerk Acosta presented the report into the record which contained the Mayor and Mayor Pro Tem appointments approved under Resolution 2010-87. Mayor Long, in her last official act, requested a motion for appointment of Mayor and Mayor Pro Tem.

**ACTION: Motion by Council Members Swearingen/Toms, to approve a resolution, appointing Tim Banuelos as the Mayor and Pete Murray as the Mayor Pro Tem for a One-Year Period.**

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

D.     Administer Oath to Mayor and Mayor Pro Tem by City Clerk

City Clerk Acosta administered the ceremonial Oath of Office to Mayor Banuelos and Mayor Pro Tem Murray.

E.     Transfer of the Gavel & Comments by the New Mayor

Mayor Banuelos thanked the Council for their support and addressed his plans for the coming year as Mayor of the City of Pinole.

***FIFTEEN MINUTE RECESS – RECEPTION IN CITY HALL FOYER***

At 5:40 pm, Mayor Banuelos called a recess for a brief reception in the foyer.

At 6:15 p.m., Mayor Banuelos reconvened the Council meeting.

The following speaker addressed the Council,

**David Kurrant**, resident of Pinole, addressed the Council and requested that the City Council explore restoring services offered to the community.

**7.     PUBLIC HEARINGS**

None

**8.     OLD BUSINESS**

None

**9.     NEW BUSINESS**

- A.     Amend and Ratify the Council Meeting Procedures Approved Under Council Resolution 2017-13  
**[Action: Council Discretion to Reconfirm or Adopt Resolution to Amend Procedures (R. Acosta)]**

Assistant City Manager/Deputy City Clerk De La Rosa presented the Report into the record which contained the meeting procedures approved under Resolution 2017-13. Specific changes are redlined in Order of Business (Attachment A) – in specific time allotted for Applicant/Appellant, Opponent and Public Comments. Council stated their support to clarify public hearing times as listed above.

Council suggested the following changes to the agenda format: add reference to not allow conceding time in the Citizens to be Heard section, specify conceding time to the Public Hearing section; add language to Item 6 and 7 allowing Mayor to make adjustment to time limits. Deputy City Clerk/Assistant City Manager De La Rosa stated that revisions will be made and brought back for Council approval.

- B. Review and Confirm 2018 Council Committee Appointment List  
[Action: Council Discretion To reassign and/or reconfirm Appointments by Minute Order (R. Acosta)]

Mayor Banuelos reviewed the list and reconfirmed the current assignments. The item will be brought back for approval at the December 19<sup>th</sup> Council meeting.

## 10. REPORTS & COMMUNICATIONS

- A. Mayor Report
  - 1. Announcements

Mayor Banuelos stated that he attended the Tree Lighting event on December 2<sup>nd</sup> and provided an update.

- B. Mayoral & Council Appointments

Councilmember Long inquired if the Christmas tree has a light timer and asked that staff review when the tree lights shut down. She stated that a citizen inquired about the Council having representation on the Bay Front Chamber. Assistant City Manager De La Rosa/Deputy City Clerk will seek clarification from the Chamber on how to become a Boardmember and obtain a meeting schedule.

Councilmember Toms stated that she was appointed by the East Bay League of CA Cities to serve on the Environmental Quality committee; meetings are held quarterly. The Committee reviews items such as energy and sea level rise.

- C. City Council Committee Reports & Communications

None

- D. Council Requests For Future Agenda Items

Councilmember Long requested hosting a community meeting to discuss budget and future services to the community. (5-0)

- E. City Manager Report / Department Staff

Deputy City Clerk/Assistant City Manager De La Rosa stated that City Manager Fitzer is out of the office attending a conference.

- F. City Attorney Report

None

## 11. CONVENE TO A CLOSED SESSION - **Item moved to 12/19/17**

**Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.**

*Closed Sessions are held in the Council Caucus/Community Meeting Room located at 2131 Pear Street, Pinole, California. Topics at Closed Session may include, but are not limited to License Permit Determinations, Conference with Real Property Negotiators, Conference With Legal Counsel (Existing & Anticipated Litigation), Liability Claims, Threat to Public Service/Facilities, Labor Negotiation, Public Employee Appointment, Evaluation or Discipline or Release, and Case Review/Planning, Report Involving Trade Secret, Hearings, and Charge Involving Information Protected By Federal Law.*

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

City Labor Negotiators: Bruce Heid and Hector De La Rosa, Assistant City Manager

Employee Organizations: Fire Local 1230  
PPEA

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

**13. ADJOURNMENT** to the Regular City Council Meeting of December 19, 2017 In Remembrance of Amber Swartz.

At 7:10 p.m. Mayor Banuelos adjourned the Regular City Council Meeting of December 5, 2017, in Remember of Amber Swartz and our Military personnel all around the world.

**Submitted By:**



---

**Rosa G. Acosta**  
City Clerk

**Approved By City Council: December 19, 2017**