

**PINOLE CITY COUNCIL  
MINUTES  
November 15, 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 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 6:30 pm)  
Council Member Peter Murray (Arrived at 6:15 pm)  
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, Interim 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 November 10, 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.

**3. CONVENE TO A CLOSED SESSION**

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Gov. Code §54956.8**  
Property Locations: 2279 Park Street/APN: 401-142-010 & 612 Tennent Ave./APN: 401-142-011  
City Negotiator: Michelle Fitzer, City Manager & Hector De La Rosa, Assistant City Manager  
Negotiating Parties: Dale Moore and Jim Rilley  
Under Negotiation: Price & Terms

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

At 7:00 p.m., Mayor Swearingen reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS.

## 5. COUNCIL WORKSHOP

- A. Update on the Administrative Fire Chief Services Contract Opportunity with Con-Fire **[Action: VERBAL Update and Provide Staff Direction (M. Fitzer)]**

City Manager Michelle Fitzer provided a verbal report on the status of the agreement between the agencies. She also informed the Council that should the Rodeo Hercules Fire District chooses not to participate; the County is still interested in an agreement with the City of Pinole.

Council supported a contract with 50/50/ split in cost, with Mayor Pro Tem Long requesting an evaluation of different sharing method and requested a copy of the City's and District's contracts.

## 6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
- B. Presentations / Recognitions

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

The following speaker addressed the City Council:

**Ken Moriarty**, expressed disappointment that Measure X did not pass, reiterated his support for sharrow and requested that the City place a sharrow on a small road as a test case.

## 8. CONSENT CALENDAR

### **ACTION: Motion by Council Members Banuelos/Murray Approving the Consent Calendar Items 7A-G**

<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>

- A. Approve the Minutes of the Meeting of November 1, 2016
- B. Receive the October 29, 2016 – November 11, 2015 Lists of Warrants and the November 4, 2016 Payroll in the Amount of \$335,397.46
- C. Receive the Quarterly Investment Report for the Quarter ending September 30, 2016 **[Action: Review and Receive Report (A. Miller)]**
- D. Enact an Ordinance Amending the Pinole Municipal Code, Title 2, Administration and Personnel, Chapter 2.08, Council Members' Salaries **[Action: Approve Ordinance Per Staff Recommendation (B. Reyes)]**
- E. Enact 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 Ordinance Per Staff Recommendation (T. Miller)]**

- F. Amending Resolutions 2016-86, 87, 88, 89, & 90 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)**]
- G. Authorizing the City Manager to Amend the Contract with Sungard Public Sector to Purchase eTRAKit Software [**Action: Adopt Resolution Per Staff Recommendation (T. Miller)**]

**9. PUBLIC HEARINGS**

- A. Approval of a Resolution Making Findings to Support Local Modifications to the 2016 California Green Code, Building Code, Fire Code, and Related Construction Codes; Introduction of an Ordinance to Adopt, With Local Modifications, the 2016 California Building Standards Code; and Introduction of an Ordinance Streamlining Permitting Process for Small Residential Rooftop Solar Energy Systems [**Action: Approve Resolution and Introduce and Waive 1<sup>st</sup> Reading of Two Ordinances Per Staff Recommendation (W. Rhodes/S. Akre)**]

Planning Manager Winston Rhodes and Interim Fire Chief Steve Akre presented the report and provided an overview of the amendments, to the Fire, Building and Solar Code.

At 8:04 pm, Mayor Swearingen opened the Public Hearing, and having no speakers, at 8:04 pm, Mayor Swearingen closed the Public Hearing.

**ACTION: Motion by Council Members Murray/Banuelos Approving a Resolution Support Local Modifications to the 2016 California Green Code, Building Code, Fire Code, and Related Construction Codes.**

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

**ACTION: Motion by Council Members Murray/Banuelos Approving Introduction of Ordinances related to the 2016 Building Code with Local Modifications.**

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

**ACTION: Motion by Council Members Murray/Banuelos Approving Introduction of 1<sup>st</sup> Reading of Ordinances Streamlining Permitting Process for Small Residential Rooftop Solar Energy Systems.**

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

**10. OLD BUSINESS**

**11. NEW BUSINESS**

- A. Receive and Review First Quarter of the FY 2016-17 Budget and Adopt Resolution Approving Budget Adjustments [**Action: Approve Resolution Per Staff Recommendation (A. Miller)**]

Finance Director Andrea Miller presented the report citing that the 1<sup>st</sup> quarter 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.

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

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

- B. Approving and Authorizing the City Manager or her designee to execute and submit grant applications for identified projects to the Contra Costa Transportation Authority (CCTA) [**Action: Approve Resolution Per Staff Recommendation (T. Miller)**]

Development Services Director/City Engineer Tamara Miller presented the report citing grant opportunities through Contra Costa Transportation Authority's OBAG2 and Measure J funding. The funding cycle for these funds spans the next five fiscal years and are intended to be directed toward transportation projects.

**ACTION: Motion by Council Members Long/Toms Approving Resolution Authorizing submittal of a Grant Application per staff's recommendation.**

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

**12. REPORTS & COMMUNICATIONS**

- A. Mayor Report  
1. Announcements

Mayor Swearingen reported on election night and congratulated all Pinole candidates who were elected.

- B. Mayoral & Council Appointments

C. City Council Committee Reports & Communications

Mayor Pro Tem Long congratulated Pete Murray for the plastic ban and encouraged the public to attend the Rocky Horror Show at the Community Play House.

Mayor Swearingen mentioned that Mr. Phillips was elected to the School Board.

D. Council Requests for Future Agenda Items

Councilmember Pete Murray suggested that Mr. Duffy, the Superintendent of School be invited to speak to the City Council.

E. City Manager Report / Department Staff

F. City Attorney Report

**12. ADJOURNMENT** to the regular City Council Meeting of December 6, 2016.

At 8:55 p.m., Mayor Swearingen adjourned the Regular Meeting of November 15, 2016, in Remembrance of Amber Swartz, our Military personnel all around the world, and Pebble Fern Brimley.

**Submitted by:**

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**Hector De La Rosa**  
**Assistant City Manager/Deputy City Clerk**

**Approved by City Council: December 6, 2016**