

**PINOLE CITY COUNCIL  
MINUTES  
DECEMBER 6, 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 Regular Meeting of the City Council to order at 6:00 p.m. and led the Pledge of Allegiance.

**2. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT**

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

Ben Reyes, City Attorney  
Hector De La Rosa, Assistant City Manager  
Rosa Acosta, City Clerk  
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 December 1, 2016 at 4:00 P.M. and all legally required notice was provided. Following an inquiry to the Council, the Council reported 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 ANNOUNCEMENTS**

A. Proclamations

B. Presentations / Recognitions

1. Assistant City Manager/Deputy City Clerk De La Rosa introduced and welcomed City Clerk Acosta to the City of Pinole.

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

None

**7. CONSENT CALENDAR**

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

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

- A.    Approved the Minutes of the Meetings of November 15, 2016 and November 29, 2016.
- B.    Approved the November 18, 2016 and December 2, 2016 Payrolls in the Amount of \$350,785.88 and \$421,825.42 Respectively, and the November 12, 2016 – December 2, 2016 List of Warrants in the Amount of \$640,367.78.

Mayor Pro Tem Long requested that Item 7C be removed from the Consent Calendar for discussion.

- C.    Approved Letter of Support for Grant Funding for the San Francisco Bay Trail, Pinole Shores Drive to Bayfront Park Project.

Mayor Pro Tem Long requested that Council Member Murray provide input. Councilmember Murray stated that the project deserves the City's support.

**ACTION: Motion by Council Members Murray /Long, the Council Approved Consent Calendar Item C.**

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

**8. COUNCIL REORGANIZATION & ELECTION MATTERS**

Assistant City Manager/ Deputy City Clerk De La Rosa presented the following items.

- A.    Results of the Canvass of the November 8, 2016 Municipal Election and Declaring the Results [**Council Report 2016-98 Action: Adopt Resolution (De La Rosa)**]

**Hector De La Rosa**, Assistant City Manager/ Deputy City Clerk, presented Council Report 2016-98, containing the certified results of the election provided by Contra Costa County Clerk / Recorder Joe Canciamella. He explained that this year's results contained appointed winners for the City Council and City Treasurer positions due to candidates running unopposed. He entered into the record the results, which the County released earlier in the day and stated that

copies were available for the Council and the public. De La Rosa recommended acceptance of the canvass and the certified results.

**ACTION: Motion by Council Members Long/Banuelos, the City Council Adopted Resolution 2016-98, Accepting the Certified Results of the November 8, 2016 Municipal Election**

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

B. Administer Oaths Council Members and Treasurer

City Clerk Acosta administered the oath of office to Council Members Murray and Swearingen incumbents reelected to the Council for a four year term; Council Member Toms reelected to the Council for a two year term and City Treasurer Dina Rosales elected for a four year term.

C. Presentations To Mayor Swearingen

Mayor Pro Tem Long presented a gift of appreciation to Mayor Swearingen for his year of service and dedication as the Mayor. Mayor Swearingen graciously accepted the gifts and thanked the Council, the staff and the community for working with him during the past year. Mayor Swearingen also recognized and thanked his wife, Rose Swearingen for supporting him during his term and presented her with a bouquet of flowers.

D. Reorganization of the City Council In Accordance with Council Resolution 2010-87 and Appointment of Mayor and Mayor Pro Tem [**Council Report 2016-99; Action: Nominate Officers & Adopt A Resolution of Appointment (De La Rosa)**]

Mayor Swearingen, in his last official act, requested a motion for appointment of Mayor and Mayor Pro Tem.

**ACTION: Motion By Council Member Toms / Murray, The City Council Adopted Resolution 2016-99, Appointing Debbie Long As The Mayor And Tim Banuelos As The Mayor Pro Tem For A One-Year Term.**

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

G. Administer Oath to Mayor and Mayor Pro Tem

City Clerk Acosta administered the ceremonial oath of office to Mayor Long and Mayor Pro Tem Banuelos.

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

Mayor Long addressed her plans in the coming year as the Mayor.

At 6:30 pm, [d1]Mayor Long called a recess for a brief reception in the foyer.

At 7:03 p.m., Mayor Long reconvened the Council meeting.

## 9. PUBLIC HEARINGS

- A. Enact and Conduct Second Reading of an Ordinance to Adopt, With Local Modifications, the 2016 California Building Standards Code; and Introduction and Conduct 2<sup>nd</sup> Reading of an Ordinance Streamlining Permitting Process for Small Residential Rooftop Solar Energy Systems [**Action: Approve 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 7:06 pm, Mayor Long opened the Public Hearing, and having no speakers, at 7:06 pm, Mayor Long closed the Public Hearing.

**ACTION: Motion by Council Members Murray/Toms to waive the second reading, and enacting Ordinance 2016-08 repealing and replacing portions of Title 15 of the City Municipal code adopting the 2016 California green Code, Building, Fire, Plumbing, Mechanical, Electrical, Energy, and related Construction Codes, and Property Maintenance Regulations as codes applicable to all construction within the City of Pinole, with local modifications.**

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

**ACTION: Motion by Council Members Murray/Swearingen to waive the second reading, and enact Ordinance 2016-09 which sets forth an expedited, streamlined permitting process for small residential rooftop solar energy systems.**

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

- B. Introduce and Conduct First Reading of Ordinance Amending Chapter 17.10 of the Pinole Municipal Code and the Zoning Code Appeals process [**Action: Continue Public Hearing to January 17, 2017 (B. Reyes)**]

**ACTION: Motion by Council Members Swearingen/ Banuelos to continue public hearing to January 17, 2017.**

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

## 10. OLD BUSINESS

There were no Old Business Items.

## 11. NEW BUSINESS

- A. Amend or Ratify the Council Meeting Procedures Approved Under Council Resolution 2015-109 [**Action: Provide Direction to the City Clerk (De La Rosa)**]

Assistant City Manager/Deputy City Clerk De La Rosa presented the Report into the record which contained the meeting procedures approved under Resolution 2015-109. He asked if Council had any changes or questions.

Councilmember Swearingen suggested making changes to the agenda format and number sequence. City Attorney Reyes stated that minor modifications can be made under the direction of the City Manager/Assistant City Manager.

**ACTION: Motion by Council Members Swearingen/Banuelos, the City Council Adopted Resolution 2016-100 Approving Revised Meeting Procedures as ratified / amended to reflect the current procedure when public comment period is held on Public Hearings.**

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

- B. Review and Confirm 2017 Council Committee Appointment List [**Action: Council Discretion To Amend and Confirm Appointments by Minute Order (De La Rosa)**]

Mayor Long reviewed the list and reconfirmed the current assignments, with the following exceptions:

1. Appointments reserved for Mayor / Mayor Pro Tem appointees.
2. WCCUSD Oversight Committee appointees held in abeyance, until further notice.
3. Councilmember Swearingen and Toms assigned to the Fowler Adhoc Committee.
4. Councilmember Murray and Swearingen assigned to the PCTV Adhoc Committee.
5. Mayor Long and Councilmember Swearingen assigned to the Dispatch Services Adhoc Committee.

**ACTION: By Consensus and Minute Order, the City Council Approved 2017 Council Committee Assignments.**

## 12. REPORTS & COMMUNICATIONS

- A. Mayor Report  
1. Announcements

Mayor Long announced that December 7<sup>th</sup> is Pearl Harbor Day and there is a beacon on top of Mount Diablo that begins at sunset and goes to dawn in memory and remembrance of our Veteran's. She thanked the Garden Club for decorating the plaque on Pinole Valley Road. She acknowledged the 25<sup>th</sup> Anniversary of the Senior Center and she thanked the volunteers for

their work and support. Mayor Long thanked staff for decorating the Christmas tree and in specific staff member Junior Castro for decorating the Council Chambers.

Mayor Pro Tem Banuelos stated that the Pinole Valley High band marched community members to the tree lighting event. Mayor Pro Tem Banuelos also reported on the Pinole Hercules WPCP meeting stating that the project is moving forward with minimal disruption of the workflow. The progress is positive.

Mayor Long requested that Council receive a copy of the minutes for review. There were not many changes other than changes to the revolving loan, still financially solid. A community member was present and asked questions about the project.

- B. Mayoral & Council Appointments – None
- C. City Council Committee Reports & Communications [d2]

Councilmember Swearingen attended the Mayor’s Conference in Pittsburg and stated that the meeting was well attended. The City will be hosting a Mayor’s conference in February, 2017.

- D. Council Requests For Future Agenda Items – None
- E. City Manager Report / Department Staff - None
- F. City Attorney Report – None

### **13. ADJOURNMENT**

At 7:47 p.m. Mayor Long adjourned the Regular City Council Meeting of December 6, 2016, in Remember of Amber Swartz, Travis Hough, Sarah Hoda, the victims of the warehouse fire in Oakland and our Military personnel all around the world.

**Submitted By:**

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**Rosa G. Acosta**  
**City Clerk**

**Approved By City Council: January 17, 2017**