

**PINOLE CITY COUNCIL
MINUTES
January 17, 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 meeting to order at 6:00 PM 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
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
Tamara Miller, Development Services Director
Neil Gang, Police Chief

City Clerk Acosta announced the agenda was posted on Thursday, January 12, 2017 at 4:00 P.M. All legally required notice was provided.

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

City Clerk Acosta announced the following documents were presented subsequent to the publication of the agenda and provided at the dais for the Council and copies at the rear of the Chamber for the public.

- Item 8A – Municipal Code Update Zoning Code Appeals Process Power point

3. CONVENE TO A CLOSED SESSION

- 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

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

At 6:50 p.m., Mayor Long reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamation
 - a. Presented to Acting Fire Chief Steve Akre

Mayor Long read and presented a proclamation to Acting Fire Chief Steve Akre honoring him for his years of service with the City of Pinole. The proclamation was accepted by Mr. Akre. Each Council Member thanked Steve Akre for his service, leadership, and his straight approach. Acting Fire Chief Steve Akre thanked the Council for this award.

- B. Presentations / Recognitions
 - a. Introduction of Matthew Duffy, WCCUSD Superintendent

Superintendent Duffy introduced himself to the City Council and expressed his desire to work with the City Council. City Council members welcomed and offered their assistance in future projects.

- b. Pinole Valley High School Project Update by Luis Freese

Luis Freese, Chief Engineering Officer and Marsha Perry Taras, Roebbelen Construction Management Services provided Council with project update. She stated that a community newsletter continues to be mailed with updates on the project.

6. CITIZENS TO BE HEARD (Public Comments)

None

7. CONSENT CALENDAR

ACTION: Motion by Council Members Swearingen/Toms, the Council Approved the Consent Calendar Items.

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

- A. Approved Meeting Minutes of December 6, 2016
- B. Approved the December 3 - 16, 2016 List of Warrants and the December 16, 2016 Payroll in the Amount of \$336,318.41
- C. Approved the December 17, 2016 - January 13, 2017 Lists of Warrants and the December 30, 2016 Payroll amount in the amount of \$323,461.54 and the January 13, 2017 Payroll in the Amount of \$348,297.58
- D. Authorized the City Manager to execute a professional services agreement with Larry Walker & Associates for NPDES Permit Reissuance and Wastewater Regulatory Assistance in an amount not to exceed \$50,000 **[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]**

- E. Approved a three year contract with Precision IT Consulting for administration of the City's Information Technology System in the amount not to exceed \$450,000 [Action: Adopt Resolution Per Staff Recommendation (H. De La Rosa)]
- F. Approved amendment to the agreement with Hinderliter, de Llamas and Associates for Measure S 2014 transaction and use tax audit and information services [Action: Adopt Resolution Per Staff Recommendation (A. Miller)]

8. PUBLIC HEARINGS

- A. Introduced ordinance and conducted first reading of a Zoning Code text amendment (ZCA 16-03) to modify text in Section 17.10.070 of the City Municipal Code amending the Zoning Code Appeals process for City Council members [Action: Approve 1st Reading Per Staff Recommendation (Reyes)]

City Attorney Reyes presented the report and provided an overview of the text amendment.

Councilmember Murray expressed concern on the cost of the appeal process. City Attorney Reyes stated that staff carefully reviewed tape of the October 4th meeting to obtain clarity of process, a clear consensus was noted that the applicant/developer pay for the cost of appeal except for appeal fee paid by Council. Councilmember Toms stated that Council will be the adjudicatory body in appeal process. City Attorney Reyes stated that there are a clear process of checks and balances; appeal must identify legal basis of appeal. If appeal does not meet legal basis, staff will determine that appeal has no legal basis/merit and will be overturned/denied by staff with assistance of the City Attorney's office.

Mayor Long inquired on the process of the appeal process if complaint is submitted on the merit of lack of information. City Attorney Reyes stated that if there is sufficient information to proceed with the appeal, it will be turned back to Council/Planning for review.

Mayor Long expressed her discontent with the amendment and suggested establishing a Liaison from the Council to the Planning Commission. Councilmember Swearingen suggested that the Council Member appointed have served as a past member of the Planning Commission.

At 7:42 pm, Mayor Long opened the Public Hearing, and having no speakers, at 7:42 pm, Mayor Long closed the Public Hearing.

ACTION: Motion by Council Members Swearingen/Toms Approving First Reading of Zoning Code text amendment (ZCA 16-03) to modify text in sections 17.010.070(C) and (D) of the Zoning Code Appeal process for City Council members.

Vote:	Passed:	4-1-0
	Ayes:	Swearingen, Murray, Toms, Banuelos
	Noes:	Long
	Abstain:	None
	Absent:	None

OLD BUSINESS

- A. Update of Activities at West Contra Costa Integrated Waste Management Authority [Action: Received Report – Provide Direction (T. Miller)]

Community Development Director/City Engineer Tamara Miller presented an update of the Activities at West Contra Costa Integrated Waste Management Authority. She stated that the City of Richmond has expressed their desire to withdraw from the JPA agreement. Council members raised concerns about this action.

10. NEW BUSINESS

None

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Long stated she and Mayor Pro Tem Banuelos attended the Mayor's Conference. She stated that the Hazardous Waste Committee for Contra Costa County was accepting applications for alternates to the committee. Mayor Long recognized Virginia Fujita, former Councilmember, Human Resources Director, and City Treasurer, who passed away last month. She was a dedicated and actively involved community member. She stated that she attended the Crab feed over the weekend, praised staff for a job well done.

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

Councilmember Swearingen congratulated the Senior Center staff for a job well done with the Crab Feed and stated that he attended the Sprouts Grand Opening event. Councilmember Swearingen requested to be removed from ABAG as alternative due to location of meetings.

Mayor Pro Tem Banuelos attended the Mayors Conference and the services for Virginia Fujita.

Councilmember Murray recognized Virginia Fujita for her years of service to the City of Pinole. He stated a concern with the location and visibility of the island entering the parking lot of Sprouts. Public Works Director Miller stated that she is aware of the concerns and has been working with contractor and East Bay Mud for future remedies.

Councilmember Toms also attended the Crab Feed and the Sprouts Grand Opening. She will be attending the League of California Cities, Policy Committee on Environmental Quality; she will address the topic of rising tides in the Bay Area. She thanked Public Safety staff and Public Works staff for their work during the storm.

- D. Council Requests For Future Agenda Items

Mayor Long requested an update on future repairs of the Senior Center and the status of relocation of the fire hydrant in the sidewalk in front of Sprouts.

Councilmember Murray requested maintenance of islands between Pinole Valley Creek and I-80. Provide Council with the cost of maintenance and services provided.

Councilmember Swearingen requested a report on possible enforcement of Dogs off Field of the Pinole Valley Park Soccer Field #2 on the use of field and potential fencing. Mayor Long stated that City Manager Fitzer is in the process of reviewing possible signage.

Mayor Pro Tem Banuelos requested a presentation from Contra Costa Animal Control to Council.

E. City Manager Report / Department Staff

City Manager Fitzer thanked the Public Works employee and public safety employee for their hard work during the storms. She also thanked the community for their patience and support during the storm.

Public Works Director/City Engineer Miller provided Council with an update on the impacts of the rain on the Waste Water Treatment Plant project. She stated that the Pinole Senior Center is in need of maintenance and she will come back with a plan for future repairs.

F. City Attorney Report – None

At 8:56 p.m., Mayor Long adjourned the Regular Meeting of January 17, 2017, in Remembrance of Amber Swartz, Virginia Fujita, Vinton Brown, Verla Vincent Gilken (sister of George Vincent), Frank Banducci our Military personnel all around the world

Submitted by:

Rosa G. Acosta
City Clerk

Approved By City Council: