

**PINOLE CITY COUNCIL  
MINUTES  
May 2, 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 6:05 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 Tem Tim Banuelos (arrived at 6:30 p.m.)  
Council Member Peter Murray  
Council Member Roy Swearingen  
Council Member Maureen Toms

**B. STAFF PRESENT**

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

Deputy City Clerk/Assistant City Manager De La Rosa announced the Agenda was posted on April 27, 2017 at 4:00 P.M. All legally required notice was provided. The Council responded to the City's Clerk question, stating there were no conflicts with any items on the agenda.

**3. CONVENE TO A CLOSED SESSION**

At 6:05 p.m., Mayor Long convened to a Noticed Closed Session to discuss the following items:

- 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)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Gov. Code §54956.8  
Property Locations: 612 Tennent Ave./APN: 401-142-011  
City Negotiator: Michelle Fitzer, City Manager & Hector De La Rosa, Assistant City Manager  
Negotiating Parties: Dale Moore  
Under Negotiation: Price & Terms

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

At 7:06 p.m., Mayor Long reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS.

**5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

- A. Proclamations
  - a. Recognizing May 14 - 20, 2017 as National Police Week
  - b. Recognizing May 21 – 27, 2017 as Emergency Medical Services Week

Mayor Long presented the proclamation for the National Police Week to members of the City of Pinole Police Department and thanked them for their service to the community.

Mayor Long presented the proclamation for the Emergency Medical Services Week to Michelle Voos, Trauma Program Manager of the Contra Costa EMS

- B. Presentations / Recognitions

None

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

None

**7. CONSENT CALENDAR**

- A. Approved the Minutes of the Meeting of April 18, 2017
- B. Received the April 15 – 28, 2017 List of Warrants and the April 21, 2017 Payroll in the Amount of \$326,601.16
- C. Received the Quarterly Investment Report for the quarter ending March 31, 2017  
**[Action: Receive Report (A. Miller)]**
- D. Approved a Facilities Use Agreement with the Pinole Seals for Use of the Swimming Pool for April 17 – August 11, 2017 and Authorizing the City Manager to Execute the Agreement  
**[Action: Approve Resolution Per Staff Recommendations (M. Fitzer)]**
- E. Approved an Amendment to the Salary Schedule to Add An Hourly Rate for the Part-time Temporary Classification of Records Management Administrator  
**[Action: Approve Resolution Per Staff Recommendations (M. Fitzer)]**

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

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

## 8. PUBLIC HEARINGS

- A. Introduced and Conducted First Reading of an Ordinance Adding Chapter 8.35 to the Pinole Municipal Code to Regulate Loud, Unnecessary, or Unusual Noise In the City of Pinole  
**[Action: Approve 1st Reading Per Staff Recommendation (Reyes/Casher)]**

Eric Casher from the City Attorney's office presented the report and provided an overview of the proposed noise ordinance. The Ordinance adds Chapter 8.35 to the Pinole Municipal Code to regulate loud, unnecessary, or unusual noise in the City of Pinole. Violation of the ordinance is an infraction subject to fine, and continued violation is a nuisance subject to abatement.

At 7:36 pm, Mayor Long opened the Public Hearing. City Manager Fitzer read into the record an email comment from Kimberley Bautista in favor of the ordinance and having no additional speakers, at 7:37: pm, Mayor Long closed the Public Hearing.

**ACTION: Motion by Council Members Toms/Banuelos to introduce and conduct a first reading of a proposed ordinance to add Chapter 8.35 to the Pinole Municipal Code to regulate loud, unnecessary or unusual noise in the City of Pinole.**

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

- B. Introduced and Conducted First Reading of an Ordinance Amending Chapter 8.30 and Adding Chapter 8.36 to the Pinole Municipal Code to Require Balcony Inspections In the City of Pinole  
**[Action: Approve 1st Reading Per Staff Recommendation (Reyes/Casher)]**

Eric Casher from the City Attorney's office presented the report and provided an overview of the proposed balcony inspection ordinance. Under the ordinance amending Chapter 8.30, prior to the City's issuance of a certificate of compliance, a rental property owner must have a licensed professional inspect any existing balcony to verify balcony safety. Under the ordinance adding Chapter 8.36, prior to the City's issuance of a certificate of compliance at the time of any real property sale, the owner must have a licensed professional inspect any existing balcony to verify balcony safety.

The addition of Chapter 8.36 creates a balcony inspection requirement at the point of sale for real property in the City of Pinole prior to the City's issuance of a certificate of compliance.

Mr. Casher stated that Senate Bill 721, introduced by Senator Jerry Hill, was recently amended on April 27, 2017, and would require balcony inspection for all buildings containing 3 or more units. Inspection and repairs must be complete by January 2021 with subsequent inspections every 5 years.

Councilmember Swearingen and Mayor Pro Tem Banuelos stated their support for balcony inspections, changing from 10 years to 5 years, at point of sale.

Councilmember Murray requested that the wording for the inspection work be amended to reflect that the inspector must be licensed and bonded.

Councilmember Toms stated her support for balcony inspections to be performed every 5 years.

Mayor Long requested clarification on the definition of a balcony versus a deck. Attorney Casher stated that verbiage can be changed for a clear definition of deck and balcony. Mayor Long also stated her support for balcony inspections every 5 years. She questioned the process of sale and escrow holdings prior to purchase. City Attorney Reyes stated that the City would require a balcony inspection similar to the sewer lateral inspection.

At 8:16 pm, Mayor Long opened the Public Hearing, and having no speakers, at 8:16 pm, Mayor Long closed the Public Hearing.

**ACTION: Motion by Council Members Toms/Banuelos to introduce and conduct a first reading of a proposed ordinance to amend Chapter 8.30 and add Chapter 8.36 to the Pinole Municipal Code to require balcony inspections in the City of Pinole with a modification to Chapter 8.36.080 balcony compliance and issuance of certificate of compliance from 10 years to 5 years.**

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

## **9. OLD BUSINESS**

- A. Continue the Business Assistance Program for the Landscape and Lighting Assessment District No. 1 and Allocate \$5,200 from the General Fund for the Program  
**[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**

Community Development Director/City Engineer Tamara Miller presented the report. Council asked questions and received responses.

**ACTION: Motion by Council Members Swearingen/Murray to approve a resolution to continue providing the Business Assistance Program for qualifying businesses that are a part of the Landscape and Lighting Assessment District No. 1 (Pinole Valley Road) and allocate \$5,200 from the General Fund for the program.**

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

## **10. NEW BUSINESS**

- A. Approved a Tri-City Police Dispatch Services and CAD/RMS Agreement Between the Cities of Pinole, Hercules and San Pablo, and Authorize the City Manager to Execute the Agreement

**[Action: Approve Resolution Per Staff Recommendations (M. Fitzer)]**

City Manager Fitzer presented the report to Council and stated that the City of San Pablo will take the lead on the CAD/RMS services. This agreement will nullify the Hercules agreement for dispatch services. The City of San Pablo will be contributing 19% of the Hercules contribution; and Hercules will repay the City of San Pablo. City Manager Fitzer stated that the resolution was revised to include pertinent language. Council asked questions and received responses.

**ACTION: Motion by Council Members Murray/Banuelos to approve a Tri-City Police Dispatch Services and CAD/RMS agreement between the cities of Pinole, Hercules and San Pablo, and authorize the City Manager to execute the agreement.**

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

- B. Received the FY 2016-17 Third Quarter Financial Report and Adopt Resolution Approving Budget Adjustments  
**[Action: Approve Resolution Per Staff Recommendations (A. Miller)]**

Finance Director Andrea Miller presented the FY 2016-17 third quarter financial report. She stated that cash flows were sufficient to sustain normal City operations and satisfy Enforceable Obligation payment commitments. Council asked questions and received responses.

**ACTION: Motion by Council Members Swearingen/Banuelos to approve third quarter financial report and adopt resolution approving budget adjustments.**

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

**11. REPORTS & COMMUNICATIONS**

- A. Mayor Report  
1. Announcements

Mayor Long attended the West County Mayors Conference and provided an update to Council. She noted an increase in PG&E utilities costs at the Swim Center and requested that the lights be monitored to help reduce energy costs. She informed the public that the Pinole Garden Club will be hosting its Annual Plant Sale on Saturday, May 6<sup>th</sup> from 9:00 am – 1:00 pm at the Farmers Market in addition to the annual Library Book Sale. Mayor Long recognized and congratulated Pinole community member Marilyn da Silva for achieving Master of the Medium in metal and jewelry! Mayor Long requested a brief report on progress being made on CHP and Caltrans for camera installation along the I80 corridor. Chief Gang stated that funding has been received for Highway 4 and I80 corridors.

- B. Mayoral & Council Appointments - None

C. City Council Committee Reports & Communications

Councilmember Toms will be attending the ABAG General Assembly in June. Stated that the Draft Plan Bay Area 2040 has been released and informed the public that a public meeting is scheduled for May 10<sup>th</sup> in Walnut Creek.

Councilmember Murray attended the Gateway Dialysis Clinic Council subcommittee and attended the WCCIWMA meeting and provided an update to Council.

Councilmember Swearingen attended WCCTAC meeting and provided an update to Council. He announced a Wine Tasting event at the Senior Center from 4:00 p.m. to 7:00 p.m. on Saturday, June 10<sup>th</sup> in support of the Youth Commission.

Mayor Long stated that the Council received a packet of letters regarding a personnel issue at Pinole Valley High School and unfortunately there is nothing that Council can do to act on this item. This is under the prevue of the West Contra Costa Unified School District.

D. Council Requests For Future Agenda Items

None

E. City Manager Report / Department Staff

Community Development Director/City Engineer Tamara Miller provided an update to the Bay Park project on Appian Way, Shell Hill project and Water Pollution Control Plant construction.

F. City Attorney Report

City Attorney Reyes will be attending the League of California City Attorney's Department meeting on Thursday, May 4<sup>th</sup> and Friday, May 5<sup>th</sup>.

**12. ADJOURNMENT** to the Regular City Council Meeting of May 16, 2017 In Remembrance of Amber Swartz.

At 9:31 p.m., Mayor Long adjourned the Regular Meeting of May 2, 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: May 16, 2017**