



## PINOLE CITY COUNCIL AGENDA

TUESDAY  
OCTOBER 17, 2017

**PLEASE NOTE START TIME HAS BEEN SCHEDULED FOR:  
5:30 P.M.**

2131 Pear Street, Pinole, California

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**Debbie Long, Mayor**  
**Tim Banuelos, Mayor Pro Tem**  
**Peter Murray, Council Member**  
**Maureen Toms, Council Member**  
**Roy Swearingen, Council Member**

**Public Comment:** The public is encouraged to address the City Council on any matter listed on the agenda or on any other matter within its jurisdiction subject to the rules of decorum described in Council Resolution 2017-13. If you wish to address the City Council, please complete the gold card that is provided at the rear entrance to the Council Chambers and hand the card to the City Clerk. City Council will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council will hear public comment on matters **not** listed on the agenda during Citizens to be Heard, Agenda Items 6.

**Americans With Disabilities Act:** In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. Assisted listening devices are available at this meeting. Ask the City Clerk if you desire to use this device.

**Note:** Staff reports are available for inspection at the Office of the City Clerk, City Hall, 2131 Pear Street during regular business hours, 8:00 a.m. to 4:30 p.m. Monday – Thursday, and on the City Website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). You may also contact the City Clerk via e-mail at [racosta@ci.pinole.ca.us](mailto:racosta@ci.pinole.ca.us)

COUNCIL MEETINGS ARE TELEVISED LIVE ON CHANNEL 26. They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). City Council meetings are video-streamed live on the City's website, and remain archived on the site for six months.

**Ralph M. Brown Act. Gov. Code § 54950.** *In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS**

**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.*

**3. CONVENE TO A CLOSED SESSION**

**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 LEGAL COUNSEL—ANTICIPATED LITIGATION**

Gov. Code § 54956.9(d)(2)  
Number of Potential Cases: One

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Gov. Code §54956.8  
Property: 2301 San Pablo Avenue (APN: 401-162-001)  
Negotiator: City Manager, Michelle Fitzer and Assistant City Manager, Hector De La Rosa  
Negotiating Parties: Thomas Properties, Developer  
Under Negotiation: Terms

**C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS- Pursuant to Gov. Code §54956.8**

Property: 2850 Estates Ave., Pinole, CA 94564 (APN #360-010-017-0)  
Agency negotiator: City Manager Michelle Fitzer  
Negotiating parties: Pinole Assisted Living Community ("PALC")  
Under negotiation: Price and Terms

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

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

- A. Proclamations
  - a. Shelter in Place Education Day Proclamation
- B. Presentations / Recognitions
  - a. Administer Oath of Office to Fire Chief Scott Kouns
  - b. Introduction of Melanie Fornes, Civicspark Fellow
  - c. Contra Costa Animal Control presentation by Community & Media Relations Manager Steve Burdo

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

*Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes for City Council items, and is subject to modification by the Mayor. A speaker's time may be extended only once, by one person yielding their time. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City*

Council may direct staff to investigate and/or schedule certain matters for consideration at a future meeting.

## **7. CONSENT CALENDAR**

All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.

- A. Approve the Minutes of the Meeting of October 3, 2017
- B. Receive the September 30, 2017 – October 13, 2017 Lists of Warrants and the October 6, 2017 Payroll in the Amount of \$361,094.42
- C. Placement of Liens for Delinquent Unpaid Waste Collection Charges falling Delinquent between February and July 2017, considered at an Administrative Hearing on October 5, 2017  
**[Action: Approve Resolution Per Staff Recommendation (R. Acosta)]**
- D. Consider Letter of Support for Grant Application by West Contra Costa Transportation Advisory Committee (WCCTAC), WestCAT and AC Transit  
**[Action: Approve Letter of Support, by Minute Order (T. Miller)]**

## **8. PUBLIC HEARINGS**

- A. Introduction and First Reading of two Ordinances Amending Chapters 5.64, 8.33, 8.44, 17.20 and 17.90 of the Pinole Municipal Code Regarding Marijuana Dispensaries, Personal and Commercial Marijuana Cultivation, and Other Marijuana uses. The proposed ordinances address medical and nonmedical marijuana  
**[Action: Approve First Reading Per Staff Recommendation (E. Casher)]**
- B. Adopt a resolution approving a Determination of Public Convenience or Necessity (PCN) for Shell Gas Station proposed alcohol sales (off-site sales of beer and wine to be located at 1401 Fitzgerald Drive (CUP 17-09)  
**[Action: Approve Resolution Per Staff Recommendation (W. Rhodes)]**

## **9. OLD BUSINESS**

None

## **10. NEW BUSINESS**

- A. Discussion of Pinole Community Television (PCTV)  
**[Action: Council Discussion and Direction to Staff (M. Fitzer)]**

## **11. REPORTS & COMMUNICATIONS**

- A. Mayor Report
  - 1. Announcements
- B. Mayoral & Council Appointments
- C. City Council Committee Reports & Communications

D. Council Requests For Future Agenda Items

E. City Manager Report / Department Staff

F. City Attorney Report

**12. ADJOURNMENT** to the Regular City Council Meeting of November 7, 2017 In Remembrance of Amber Swartz.

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 24 hours prior to the meeting set forth on this agenda.

**POSTED: October 12, 2017 at 4:00 P.M.**



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**Rosa G. Acosta**  
City Clerk