

**PINOLE CITY COUNCIL
MINUTES
April 18, 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
Rosa Acosta, City Clerk

Deputy City Clerk/Assistant City Manager De La Rosa announced the Agenda was posted on April 13, 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.

Deputy City Clerk/ Assistant City Manager De La Rosa 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 9A - Phase 2 Priorities of the Municipal Code Update Power Point
- Item 10B – Speed Enforcement Power Point presentation
- Item 10C - Air BNB Power Point

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 NEGOTIATORS – Pursuant to Gov. Code § 54956.8

Property: APN: 360-200-002

Negotiator: Assistant City Manager Hector De La Rosa

Negotiating Parties: Kevin Smith

Under Negotiation: Price and Terms

C. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(2)

Number of Potential Cases: 1

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

At 7:05 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. Proclamation for the Celebration of Arbor Day to the Pinole Garden Club

Mayor Long presented the proclamation to the Pinole Garden Club and thanked them for their service to the community.

Jo Ann Gannotti of the Garden Club thanked Council and provided an update on upcoming Pinole Garden Club events.

B. Presentations / Recognitions

- a. Introduction of Amelia Timbers, Sr. Project Manager
b. Introduction of Connie Kim, Permit Technician

Development Services Director/City Engineer Tamara Miller introduced and welcomed Sr. Project Manager, Amelia Timbers and Permit Technician, Connie Kim. Council welcomed Amelia and Connie to the City of Pinole.

6. CITIZENS TO BE HEARD (Public Comments)

The following speaker addressed the City Council:

Bob Kopp, resident of Pinole, stated his concern about the soccer fields at Pinole Park and its current use. Mr. Kopp requested that staff provide additional signage with citations to deter use of the fields as a dog park. He also stated a concern for the signage at Appian Way and Pinole Valley road.

James Tillman, resident of Pinole, stated his concern for the lack of signs at the El Toro Way cul-de-sac, stating that the neighborhood is a dead end. He expressed a concern with standing water in that area as well. He requested the City's assistance in addressing the issues. Council directed Mr. Tillman to speak to Development Services Director/City Engineer Tamara Miller for further assistance.

Ronald Anthony, resident of Pinole, stated his concern about the stability of eucalyptus trees in his neighborhood and requested that the City monitor them. He also expressed a concern about home operated business and licenses.

7. CONSENT CALENDAR

- A. Approved the Minutes of the Meeting of April 4, 2017
- B. Received the April 1 – 14, 2017 List of Warrants and the April 7, 2017 Payroll in the Amount of \$332,587.51
- C. Authorized the City Manager To Enter Into And Execute An Inter-Agency Agreement Between The Contra Costa County Office Of The Sheriff And The City Of Pinole For Forensic Services
[Action: Adopt Resolution Per Staff Recommendation (N. Gang)]
- D. Adopted a Resolution to Comply with Assembly Bill 2135, the Surplus Land Act
[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]
- E. Adopted a Resolution Approving an Amendment to the Housing Fund FY 2016/17 Budget in the Amount of \$45,000
[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]

ACTION: Motion by Council Members Toms/Swearingen Approving the Consent Calendar Items 7A- 7E

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

8. PUBLIC HEARINGS

None

9. OLD BUSINESS

- A. Review Phase 2 Priorities of the Municipal Code Update Project
[Action: Receive Verbal Report and Provide Staff with Direction (B. Reyes)]

Eric Casher from the City Attorney's office presented the report and provided background information to Council. Council members asked several questions and answers were provided by City Attorney Reyes. Council stated their support and instructed staff to move forward with the following ordinances: Proposition 64, Historical Preservation Ordinance' and Styrofoam Ban, once these projects are complete staff will return to Council with a budget update.

The following speakers addressed the City Council:

Melissa Lawton, board member of the Pinole Historical Society, requested a copy of the Historical Preservation Ordinance to use as guidance for Faria House project going forward. City Manager Fitzer will email a copy of the ordinance.

Jeff Rubin, president of the Pinole Historical Society, requested clarification from City Attorney Reyes about the Historical Preservation of older homes in Pinole. At this time, there is no update to provide the community. He also stated his support for repealing Council term limits.

James Tillman, resident of Pinole, stated his opposition to Proposition 64 and his support for Council term limits.

10. NEW BUSINESS

- A. Considered a Request from Pinole Valley High School for Waiver of the Rental Fee for Fernandez Park Gazebo for the Spring Music Performance on May 20, 2017
[Action: Receive Report and Provide Staff with Direction (M. Fitzer)]

City Manager Fitzer presented the report and discussed the request to waive \$360 the rental fee for Pinole Valley High School. She stated that all permit requirements will be met; only the rental fee will be waived. Council expressed their desire to continue to work with our local schools and provide support for their programs.

ACTION: Motion by Council Members Toms/Swearingen Approving the Waiver of the Rental Fee for Fernandez Park Gazebo

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

- B. Accept the 2016 Engineering and Traffic Survey and Adopt a Resolution Establishing the Recommended Speed Limits
[Action: Adopt Resolution Per Staff Recommendation (T. Miller/N. Gang)]

Development Services Director/City Engineer Tamara Miller presented the report. Council asked questions about the current speed limits and the impact of changes to the speed limits and received responses from Police Chief Gang. Council was concerned with the safety and wellness of citizens if speed limit is increased. Council stated their desire to keep existing speed limits and stated that drivers that are not following laws will continue to be cited without an increase in speed limit.

The following speaker addressed the City Council:

James Tillman, resident of Pinole, stated his opposition to this item.

ACTION: Motion by Council Members Murray/Toms adopting a resolution establishing current speed limits as noted on the engineering report.

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

- C. Provided Direction Regarding Air BNB Voluntary Compliance Agreement for Collection of Transient Occupancy Tax
[Action: Receive Report and Provide Staff with Direction (Reyes)]

City Attorney Reyes presented the report to Council. Council asked questions and received responses from City Attorney Reyes. Council authorized the City Attorney and City Manager to negotiate a voluntary collection agreement with Airbnb, with further review by the Municipal Code Subcommittee for possible regulations or business license requirements, if any.

ACTION: Motion by Council Members Toms/Swearingen to adopt a resolution granting authority to the City Attorney and the City Manager to negotiate a voluntary collection agreement with Airbnb subject to further review; subcommittee to review regulations and requirements as needed.

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 Facilities Subcommittee for the Pinole Valley High School and provided an update to Council. She requested information on the cost to join the Bay Front Chamber of Commerce and an update on Caltrans signs placement.

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

Councilmember Swearingen and Mayor Pro Tem Banuelos attended the grand opening of Tina’s Place expansion in Pinole.

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

Councilmember Toms attended the Gateway Dialysis Clinic Council subcommittee meeting and provided an update for Council.

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

12. ADJOURNMENT

At 9:29 p.m., Mayor Long adjourned the Regular Meeting of April 18, 2017, in Remembrance of Amber Swartz, and our Military personnel all around the world.

Submitted by:

Rosa G. Acosta
City Clerk

Approved by City Council: May 2, 2017