

PINOLE SPECIAL CITY COUNCIL MEETING MINUTES

JULY 11, 2017

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

The Pinole Special 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 REPORT & STATEMENT OF CONFLICT

A. COUNCIL MEMBERS PRESENT

Mayor Debbie Long
Mayor Pro Tem Tim Banuelos (6:30 p.m.)
Council Member Peter Murray
Council Member Roy Swearingen
Council Member Maureen Toms

B. STAFF PRESENT

Michelle Fitzer, City Manager
Hector De La Rosa, Assistant City Manager
Eric Casher, Attorney
Neil Gang, Police Chief

City Clerk Acosta announced the Agenda was posted on July 6, 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 REAL PROPERTY NEGOTIATORS – Pursuant to Gov. Code §54956.8
Property: Pinole Assisted Living Community
Negotiator: City Manager Michelle Fitzer
Negotiating Parties: Pinole Assisted Living Community
Under Negotiation: Terms

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.

4. CITIZENS TO BE HEARD (Public Comments)

The following speaker addressed the City Council:

Bob Kopp, resident of Pinole, addressed the City Council to express his concern about blighted properties in the community and asked for Council support in addressing his concern.

5. WORKSHOP ITEM

A. Discussion Of Possible Uses Of Housing Funds

[Action: Discuss and Provide Direction to Staff (M. Fitzer/H. De La Rosa)]

Tara Mathews, Principal of RSG Consultant, presented the report and provided Council with overview of housing needs, available resources, restrictions and expenditure options available to the City of Pinole. She stated that the City of Pinole has \$1.3 million in Low and Moderate Incoming Housing Asset Funds to spend on affordable housing within the community. Ms. Mathews reviewed assessment of potential programs that the City could implement to fulfill its affordable housing goals. Council asked questions and received responses.

Councilmember Toms stated her concern in providing Home Ownership or Rehabilitation Assistance programs and expressed her support for possible development of 811 San Pablo Avenue.

Councilmember Murray requested clarification on affordable senior housing units. Ms. Mathews provided clarification on the qualifications.

Mayor Pro Tem Banuelos questioned cash allocation and restrictions of cash expenditures. Assistant City Manager De La Rosa stated that Council has the discretion of allocating funds as deemed appropriate.

Councilmember Swearingen inquired about possible joint jurisdiction developments. Ms. Mathews provided clarification on possible developments.

Mayor Long inquired about land banking and senior rehabilitation home loans. Ms. Mathews stated that they are in the process of completing the SB 341 report for the City of Pinole and that will provide a better overview of the current housing of the City.

ACTION: Council directed staff to package RFP for 811 San Pablo Avenue with \$1.3 in cash assets for future development of site and target projects for Veterans and/or Special needs. Continue to look for future potential sites for senior project assistance.

B. Overview and Discussion of Proposition 64

[Action: Discuss and Provide Direction to Staff (E. Casher)]

City Attorney Eric Casher presented the report to Council and provided an overview of Proposition 64 and existing regulations. He stated that public safety funding will be given to local jurisdictions that allow for outdoor commercial cultivation and commercial sales of marijuana, however, funding amount is unknown. City Attorney Casher stated that Council may place a restriction on outdoor smoking if considered a nuisance.

Council stated their support of restricting growth and enforcing indoor growth with proper ventilation and limiting indoor personal cultivation to a total of six marijuana plants per parcel, excluding accessory dwelling units. City Attorney Casher stated that restriction of local sales tax is between 7% - 10% in addition to state sales tax. The City of Pittsburgh banned the use and passed a 10% sales tax on future sales.

The following speakers addressed the City Council:

James Tillman, resident of Pinole, inquired as to restrictions of indoor smoking and stated his opposition to Proposition 64, suggested soliciting Federal assistance to ban within the Pinole community.

Bob Kopp, resident of Pinole, stated his opposition to Proposition 64 and inquired about testing individuals under the influence. Chief Neil stated that at this time there is no legal testing for marijuana.

ACTION: Council directed staff to convene a meeting with the subcommittee and consider the adoption of language for allowance of one commercial business and indoor commercial cultivation enterprise with restrictions, in addition review regulation of personal cultivation and use. Review current tobacco restrictions and advertisements to include marijuana restrictions in the City, review private parking policies to include the restrictions on private property.

C. City Council Term Limits

[Action: Discuss and Provide Direction to Staff (E. Casher)]

City Attorney Eric Casher presented the report to Council and provided an overview of current Term Limits for the City of Pinole elected officials.

The following speakers addressed the City Council:

James Tillman, resident of Pinole, stated his opposition to eliminating term limits.

Jeff Rubin, resident of Pinole, stated his support for eliminating term limits.

Councilmember Toms stated her support for eliminating Council Term Limits due to lack of representation on regional boards and commissions. She stated that the community of Pinole will suffer a disservice if term limits continue and noted that institutional knowledge is valuable in order to represent and serve the members of the community. She noted that in December 2020, there will be three vacancies and 3/5 of Council members will be new to Council. This should be a choice of the voters as to who sits on the Council and represents the community. Council stated their support for placing the item on the June 2018 ballot for voter approval.

ACTION: Council instructed staff to prepare a resolution for approval at a subsequent City Council meeting, and work with the County to coordinate administration of the ballot measure for the June 2018 election.

D. Elected vs. Appointed Treasurer

[Action: Discuss and Provide Direction to Staff (E. Casher)]

City Attorney Eric Casher presented the report to Council and provided an overview of the elected and appointed position.

City Manager Fitzer stated that the elected Treasurer has limited duties and works with the Director of Finance to oversee finances. She stated that in other agencies the appointed Treasurer often serves as Finance Director and performs full duties. She stated that the measure will not affect the current Treasurer. If ballot measure passes, an ordinance amendment will be done and the municipal code will define appointment.

The following speakers addressed the City Council:

James Tillman, resident of Pinole, stated his support of appointing a City Treasurer. He inquired about current salary and benefits for the elected treasurer. City Manager Fitzer stated that at the time, the Treasurer receives a \$250 stipend and full medical benefits approximately \$20,000 - \$25,000.

ACTION: Council instructed staff to prepare a resolution for approval at a subsequent City Council meeting, and work with the County to coordinate administration of the ballot measure for the June 2018 election.

6. ADJOURNMENT to the Regular Council Meeting of July 18, 2017.

At 10:31 p.m., Mayor Long adjourned the Special Meeting of July 11, 2017, in Remembrance of Amber Swartz, our Military personnel all around the world, Pinole resident Robert Dutra, and Frank Nielson, brother-in-law of Pinole resident Kathy Bradshaw.

Submitted by:

Rosa G. Acosta
City Clerk

Approved by City Council: August 15, 2017