

PINOLE CITY COUNCIL MINUTES

JULY 18, 2017

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

Mayor Long called the meeting to order at 6:00 p.m. 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 6:40 p.m.)
Council Member Peter Murray
Council Member Roy Swearingen
Council Member Maureen Toms

B. STAFF PRESENT

Michelle Fitzer, City Manager
Eric Casher, City Attorney
Hector De La Rosa, Assistant City Manager
Neil Gang, Police Chief
Tamara Miller, Development Services Director
Andrea Miller, Finance Director

City Clerk Acosta announced the Agenda was posted on July 13, 2017 at 4:00 P.M. All legally required notices were provided. The Council responded to the City's Clerk question, stating there were no conflicts with any items 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 – Public Hearing Public Convenience or Necessity East Bay Coffee Company Staff Report Page 4
- Item 8A – Letter of opposition from Mr. Donald & Carma DeBernardi pertaining to Determination of Public Convenience or Necessity for East Bay Coffee Company.
- Item 8B – Power point presentation for the Proposed FY 2017-2018 through 2021-22 Five Year Capital Improvement Plan.
- Item 8B – Pavement Maintenance and Rehabilitation Program

At the request of City Manager Fitzer, item 5Ba was moved out of order to accommodate Ms. Potts commitment.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- ### B. Presentations / Recognitions
- a. Introduction of Valerie Potts, Senior Center Coordinator

Assistant City Manager De La Rosa introduced Valerie Potts, Senior Center Coordinator and longtime resident of Pinole. Council thanked her for her continuous involvement in the community and welcomed her to the City of Pinole.

3. CONVENE TO A CLOSED SESSION

At 6:07 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: Bruce Heid and Hector De La Rosa, Assistant City Manager
Employee Organizations: Fire Local 1230
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to Gov. Code §54957
Employee: CITY MANAGER

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 John Madigan

Mayor Long acknowledged Mr. John Madigan's years of service with the City of Pinole as Fire Battalion Chief with the Pinole Fire Department.

- B. Presentations / Recognitions
 - a. Introduction of Valerie Potts, Senior Center Coordinator
 - b. Introduction of WCCUSD Summer Interns Jordan Dungo, Melina Hernandez and Terri Waller, Employer Partnership Coordinator

Mayor Long announced item 5Bb - WCCUSD Summer Interns has been rescheduled to the August 15th Council meeting.

- c. Introduction of MTC Intern Nick Seto

Community Development Director/City Engineer Tamara Miller provided Council with an overview of the Metropolitan Transportation Commission Internship Mentorship program. She stated that the City of Pinole applied for a scholarship and was successful in receiving an intern. The program is a paid mentorship program that encourages students to pursue careers in local government. Mr. Seto is student from Doherty High School in San Ramon pursuing a career as a Civil Engineer.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the Council,

Bob Kopp, resident of Pinole, addressed the City Council to continue to express his concern about blighted properties in the community and provided additional locations to Council.

Irma Ruport, resident of Pinole, stated her opposition in placing the elimination of term limits as a future ballot measure, and suggested sending a survey to community members to inquire about their lack of volunteerism in city events. Ms. Ruport invited members of the public to attend her neighborhood National Night Out event on Tuesday, August 1st at 1131 Marionola Way, or contact her at (510) 724-1815.

Sal Spataro, resident of Pinole, stated his opposition to eliminating term limits and placing the item as a future ballot measure. He stated his discontent with the retention of City employees and suggested that Council explore enhancing retention of employees in order to serve members of the community.

David Ruport, a resident of Pinole, stated his concern with the lack of public comment by members of the Council pertaining to SB649 Cell towers, he suggested that Council review and provide feedback to the League of Cities. Mr. Ruport also stated his opposition to eliminating term limits and placing the item as a future ballot measure.

7. CONSENT CALENDAR

- A. Approved the Minutes of the Meeting of June 13, 2017 and June 20, 2017
- B. Received the June 17, 2017 – July 14, 2017 Lists of Warrants and the June 16, 2017 and June 30, 2017 Payrolls in the Amounts of \$373,245.80 and \$328,668.58 respectively
- C. Adopted a resolution authorizing the filing of an application for funding assigned to MTC, committing any necessary matching funds, and stating assurance to complete the project
[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]
- D. Received the City of Pinole's Single Audit Report for the Fiscal Year Ending June 30, 2015
[Action: Adopt Report Per Staff Recommendation (A. Miller)]

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

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

8. PUBLIC HEARINGS

- A. Continue Public Hearing regarding the adoption of a resolution approving a Determination of Public Convenience or Necessity (PCN) for East Bay Coffee Company at 2529 San Pablo Avenue (CUP 17-03)
[Action: Approve Resolution Per Staff Recommendation (W. Rhodes)]

Planning Manager Winston Rhodes presented the report and provided an update to Council. He stated that the City received a letter of opposition from Mr. Donald & Carma DeBernardi and that copies were provided to Council and members of the public. City Manager Fitzer stated that a petition from the Johnson neighborhood was also received during the meeting and signed by 27 residents stating their opposition. Planning Manager Rhodes stated that East Bay Coffee Company withdrew its CUP request for outdoor dining and outdoor consumption; it is requesting approval for on-site indoor alcohol sales. He stated that there are two parcels that have been

combined to one APN for tax purposes, the County Assessor's office has not provided additional details, staff will continue to research.

Mayor Long stated her concern with the neighborhood opposition. She inquired about the Planning Commission initial review of the plans. Planning Manager Rhodes stated that there was no initial review or concern with the adjacent lot. The use permit submitted by East Bay Coffee shows that it is a coffee house and not a restaurant.

Councilmember Murray stated his desire to have East Bay Coffee solicit access to adjacent empty lot and maintain consistency with use permits in the surrounding neighborhood.

Councilmember Toms referred to the email received by Council and suggested addressing the issues of parking in front of fire hydrant by repainting curbs as part of the CIP. She stated that street parking in front of homes is not exclusive to the property but are considered public parking spots.

Council expressed a desire to for staff to explore residential parking permits, additional signage, and provide a report on additional parking locations, with a potential letter of intent by the owner of the adjacent property lot to be submitted by the applicant.

City Attorney Casher stated that Council actions are based on five required findings as outlined in the report and provide direction to staff for review by the Planning Commission.

At 7:44 pm, Mayor Long opened the Public Hearing; the following members addressed the Council:

Bill Ancira, applicant, addressed the Council and stated his concern with the comments submitted to Council. He stated that the location has security cameras on-site and they are always willing to cooperate with Police if needed. Mr. Ancira stated his desire to be a good neighbor and is considerate of the neighborhood needs, the coffee shop closes at 9:00 p.m. and stops serving at 8:00 p.m. The location has two live events a week, with open advertisement on their website.

Lisa Ancira, applicant, addressed the Council and stated her disappointment with comments submitted by members of the surrounding neighborhood. She reiterated their desire to continue to be friendly neighbors and stated that service dogs are allowed in the business. The property has three designated parking spots behind the shop which are designated for the tenants of the coffee shop. Ms. Ancira stated that her business is in compliance and will become a full service restaurant in the near future.

Inge Lundegaard, resident of Pinole, neighbor of the East Bay Coffee Co., addressed Council and spoke on behalf of John Street neighborhood stating their opposition to the project proposal. Ms. Lundegard stated that she has addressed parking and noise concerns with the owner to no avail.

With no additional speakers, Mayor Long closed the Public Hearing at 8:17 p.m.

ACTION: Motion by Council Members Banuelos/Swearingen to continue public hearing to September 5, 2017 for further review by Council.

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

- B. Public Hearing to Consider the Proposed FY 2017/18-2021/22 Capital Improvement Program (CIP)
[Action: Review and Provide Direction to Staff (A. Miller/T. Miller)]

Finance Director Andrea Miller and Community Development Director/City Engineer Tamara Miller presented the FY 2017-18 – 2021/22 Capital Improvement Program (CIP). Council asked questions and received responses. Mayor Long requested a detailed map/report to Council on the condition of streets citywide. Provide an addendum to report to reflect Pinole Valley Road and Tennant Avenue as individual items for future funding, charging station and sharrows for inclusion in the CIP.

At 10:11 pm, Mayor Long opened the Public Hearing, and having no speakers, at 10:11 pm, Mayor Long closed the Public Hearing.

9. OLD BUSINESS

- A. Approve Air BnB voluntary compliance agreement
[Action: Adopt Resolution Per Staff Recommendation (E. Casher)]

City Attorney Casher presented the report and provided an overview to Council. The City of Pinole has several Air BnB rentals throughout the City which are subject to Transit Occupancy Tax (TOT), the estimated revenue is approximately \$11K. Either party may terminate agreement with 30 day notice. If item is approved, Air BnB will begin to collect TOT September 2017.

ACTION: Motion by Council Members Swearingen/Banuelos to authorize City Manager to enter into an agreement with AirBnB to collect Transient Occupancy Taxes on behalf of AirBnB hosts who rent their residences to others using the AirBnB application and platform.

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

10. NEW BUSINESS

- A. Authorize the City Manager to Amend the Employment Agreement for Lieutenant Matt Avery to Provide Longevity Pay
[Action: Adopt Resolution Per Staff Recommendation (M. Fitzer)]

City Manager Fitzer presented the report and provided an overview of legislation SB 1436, which requires Council approval for continual payment of longevity pay.

ACTION: Motion by Council Members Toms/Murray to authorize the City Manager to amend the employment agreement for Lieutenant Matt Avery to provide longevity pay.

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

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Long invited the community to join the City of Pinole's National Night Out event on Tuesday, August 1, 2017 in Fernandez Park at 5:00 p.m.

- B. Mayoral & Council Appointments

Councilmember Swearingen inquired as to future interview of possible Library Commission representative. Items will be added to the August 15th agenda for appointment.

- C. City Council Committee Reports & Communications

Councilmember Toms attended a Recreation Subcommittee meeting on Monday. She attended a breakfast with the District Attorney General and provided an update to Council.

Councilmember Murray attended a Special WCCIWMA workshop and provided an update to Council.

Mayor Pro Tem attended the Mayors Conference in Concord and provided an update to Council.

Councilmember Swearingen attended the Mayors Conference in Concord.

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

12. ADJOURNMENT to the Regular City Council Meeting of August 15, 2017.

At 10:52 p.m., Mayor Long adjourned the Regular City Council Meeting of July 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: August 15, 2017