

**PINOLE CITY COUNCIL
MINUTES
September 5, 2017**

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

Mayor Long called the meeting to order at 6:02 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 7:45 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

City Clerk Acosta announced the Agenda was posted on August 31, 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.

3. CONVENE TO A CLOSED SESSION

At 6:02 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
PPEA
- B. 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 7:18 p.m., Mayor Long reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
- B. Presentations / Recognitions
 - A. Introduction of Noor Singh, Management Analyst

City Manager Fitzer introduced and welcomed Management Analyst, Noor Singh. Council welcomed her to the City of Pinole.

- B. Update on PVHS progress presented by Luis Freese, West Contra Costa Unified School District

Luis Freese of the West Contra Costa Unified School District and Marsha Perry Taras, Construction Manager with Roebbelen Contracting presented the report and provided Council with an update on the progress of Pinole Valley High School. The campus project completion date has been extended to March 3, 2019 due to rain delays. The District continues to send out newsletters with updates on construction projects to members of the publication.

Council thanked them for the presentation and emphasized the need to plan for weather delays so that work continues during the rainy season. Mayor Long stated that she received a complaint about construction staff parking in residential areas and requested that Mr. Freese work with staff to restrict parking within the neighborhood. Mr. Freese suggested the City issue parking permits for residents of the area to help alleviate the impact. Mr. Freese stated that buildings have been prepped for solar energy, but at this time only the parking area will have solar energy. Councilmember Murray requested that construction staff check the faded lane markings at Pinole Valley Road near construction for visibility.

6. CITIZENS TO BE HEARD (Public Comments)

The following speaker addressed the Council,

Jeff Rubin, President of Pinole Historical Society, invited Council and members of the public to their event titled "Finding the Bay Bridge Troll" by John Robinson on Friday, September 8, 2017 from 6:30 p.m. to 8:00 p.m. at Kaiser. The event is free and open to members of the public, refreshments will be provided. Mr. Rubin stated that he will be submitting a 501c(3) certification request to the State of California on behalf of the Pinole Historical Society, certification is expected in November along with fundraising events.

Councilmember Toms reminded the community of the "Annual Tip-A-Cop" fundraiser on Wednesday, September 6th from 5 to 9 p.m. at Applebee's, 1369 Fitzgerald Drive in Pinole. Tips raised will be donated to the Special Olympics.

Councilmember Murray reminded the community of the following scheduled events:

- Annual Coastal Cleanup on Saturday, September 16th encourages volunteers of all ages.
- September 23rd City of Pinole Dumpster Day, free to residents of Pinole.

7. CONSENT CALENDAR

- A. Approved the Minutes of the Meetings of August 15, 2017

- B. Received the August 12, 2017 – September 1, 2017 List of Warrants and the August 11, 2017 and August 25, 2017 Payrolls in the Amounts of \$376,974.01 and \$338,685.48, respectively
- C. Authorized Responses to Grand Jury Report on “Homelessness in the Cities”
[Action: Authorize Response Per Staff Recommendation (H. De La Rosa)]
- D. Second Reading of an Ordinance Adding Chapter 15.58 to Title 15 of the Municipal Code to Provide for an Expedited, Streamlined Permitting Process for Electric Vehicle Charging Stations
[Action: Adopt Ordinance Per Staff Recommendation (W. Rhodes)]
- E. Second Reading of an Ordinance amending Chapters 17.20, 17.22, 17.70, and 17.98 of the Pinole Municipal Code Regulating the Development of Accessory Dwelling Units (ADUs) Within the City of Pinole
[Action: Adopt Ordinance Per Staff Recommendation (W. Rhodes)]
- F. Received the Quarterly Investment Report for the Quarter ending June 30, 2017
[Action: Receive Report Per Staff Recommendation (A. Miller)]
- G. Resolution Approving a Fee Increase for the Afterschool Program and Its Extended Care, The Youth Summer and School Break Camp Sessions and Camp Extended Care, Days Off Care and Amending the Pinole Master Fee Schedule
[Action: Adopt Resolution Per Staff Recommendation (H. De La Rosa)]
- H. Authorized the Mayor to Vote Yes on the League of California Cities Annual Conference Resolutions
[Action: Authorize the Mayor to Vote Yes, by Minute Order (M. Fitzer)]

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

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

10. NEW BUSINESS

- A. Potential Parking Demand Management and Pedestrian Safety Measures for John Street and Rafaela Street Vicinity
[Action: Receive Report & Provide Direction (W. Rhodes/T. Miller/N. Gang)]

Planning Manager Winston Rhodes presented the report and provided an update to Council on possible short-term and long-term parking demand and safety measures. Development Services Director/City Engineer Tamara Miller presented short term solutions for Council consideration such as way-finding signage, pedestrian crosswalk and signal timing improvements; signage and/or striping to discourage jaywalking with signage directing pedestrians to available crosswalks; adding on-street parking time limits; resident parking permit pilot program and improved on-street parking space striping. Long term solutions include parking meters; Rafaela one way street reconfiguration; and Rafaela Street limited shoulder improvements - about

additional 15 spaces. Pedestrian crosswalk striping should be addressed immediately due to safety concerns.

Councilmember Murray inquired about the community member's objection to parking meters in the Downtown area. Planning Manager Rhodes stated that business owners opposed parking meters due possible loss of business due to associated parking costs.

Councilmember Toms inquired about one-way street measures. Director Miller stated the need to hire a traffic engineer to assess possible one-way street of Rafaela; one-way conversion from Rafaela on Pinole Valley Road towards John Street or reverse direction; avoid thru traffic by modifying signalized intersection.

Mayor Long inquired about time limits on public parking lots in the City of Pinole. Director Miller stated that some locations have signage of 2 hours max time; other areas have no clear signage, however, Municipal Code has parking restrictions in place. She stated her support of all six short term solutions Citywide.

The following speakers addressed the Council,

Inge Lundergaard, resident of Pinole, thanked the City for allowing residents to provide input on short and long term solutions. Residents stated their opposition to Rafaela One Way Street reconfiguration due to possible thru traffic implications.

Kent Moriarty, resident of Pinole, stated his satisfaction with having East Bay Coffee in their neighborhood and expressed his support to their proposed plans. He stated his opposition for the Rafaela One Way Street reconfiguration.

City Manager Fitzer stated that a Downtown Parking study has been approved for the FY 17-18 budget and will be prepared.

ACTION: Council directed staff to move forward with five of the six short term items and further analysis of long term solutions including Neighborhood Parking Program thru TAPS, inviting members of the community to provide input.

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 at 2529 San Pablo Avenue (CUP 17-03)
[Action: Approve Resolution Per Staff Recommendation (Rhodes/Casher)]

Planning Manager Winston Rhodes presented the report and provided an update to Council. The alcohol sales request has been modified since June 20, 2017 and the applicant is no longer proposing an outdoor patio immediately east of the existing mixed use building. All alcohol sales and consumption requested will be limited to the interior of the East Bay Coffee company café.

Councilmember Swearingen and Murray requested that staff review noise and hours of operation during use permit review.

Mayor Long requested that in the event a request for outdoor dining is submitted, the Planning Commission review parking concerns at that time due to increase of capacity.

At 9:06 pm, Mayor Long opened the Public Hearing, the following speaker addressed the Council:

Inge Lundergaard, resident of Pinole, addressed the City Council and stated the neighborhood is concerned about the additional impact of traffic, noise and parking with increased volume of patrons. She will continue to work with business owners and staff to address their concerns of scheduled events at the café, currently there are no Sunday evening events.

Bill Ancira, applicant, addressed the Council and stated his concerns about community complaints; he stated the business has not incurred permit violations during its time of operations and reiterated their desire to be good neighbors.

With no additional speakers, Mayor Long closed the Public Hearing at 9:17 p.m.

ACTION: Motion by Council Members Toms/Banuelos to adopt a resolution approving a Determination of Public Convenience or Necessity (PCN) for East Bay Coffee at 2529 San Pablo Avenue (CUP 17-03) proposed on site beer and wine sales.

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

9. OLD BUSINESS

A. Proposition 64 and Municipal Code Subcommittee Update [Action: Receive Report and Provide Direction (E. Casher)]

City Attorney Eric Casher provided an update to Council on Proposition 64 and the Municipal Code Subcommittee. He stated that the League of California Cities provided a presentation on Proposition 64. Two points raised at the presentation:

- The City is no longer required to adopt an ordinance to allow for commercial sales and commercial cultivation before January 1, 2018, in order to be eligible for public safety funding. The City would still be eligible for public funding mid-year of 2018.
- The League of California Cities has taken the position that Cities must allow personal outdoor cultivation (6 plants per residence) in order to be eligible for public safety funding. The legal question has been posed, and given the ambiguity, staff recommends revising existing ordinance to make necessary cosmetic changes to put a ban in place by January 1, 2018, including restriction to medical and recreational marijuana and personal outdoor cultivation.

City Attorney Casher will apprise Council on the result of public safety funding once the League of CA cities provides a response.

City Council received an email pertaining to neighboring homes growing marijuana indoors. The Mayor stated that the City of Pinole complies with Prop 64 state law that allows for six plants, indoor personal cultivation for personal use.

Councilmember Toms inquired about potential approval of outdoor cultivation in larger parcels within the City of Pinole. The subcommittee will be meeting on September 18, 2018 to further discuss ordinance amendments.

ACTION: Council directed staff to amend ordinance to do restrictions as discussed, to comply with January 1, 2018 with potential amendment of ordinances (5-0).

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements

Mayor Long attended the Mayors conference and stated that East Bay MUD approved a 2.5 % fee (SB623 - Water Tax), in addition to 19.5% service increase fee to residents. She acknowledged receipt of an email from a resident of Granada Court regarding speeding in the neighborhood and requested staff to explore traffic calming measures. Mayor Long and Councilmember Swearingen attended the Grand Opening of Jovance Salon & Barbering, a well attended event.

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

Councilmember Toms attended the Municipal Code Subcommittee and provided an update to Council. The next meeting is scheduled on September 18, 2017.

- D. Council Requests For Future Agenda Items

Future discussion of metering lights (5-0)
Future presentation on Contra Costa Animal Control Services (5-0)
Direction to have Recreation Subcommittee review the proposed Skate Park event (5-0)

- E. City Manager Report / Department Staff

City Manager Fitzer, Assistant City Manager De La Rosa and Mayor Long will be attending the League of California Cities conference in Sacramento on September 13-15, 2017.

- F. City Attorney Report

City Attorney Casher will also be attending the League of California Cities conference in Sacramento on September 13-15, 2017.

12. ADJOURNMENT to the Regular City Council Meeting of September 19, 2017 In Remembrance of Amber Swartz.

At 10:02 p.m., Mayor Long adjourned the Regular City Council Meeting of September 5, 2017, in Remembrance of Amber Swartz, our Military personnel all around the world and communities affected by Hurricane Harvey in Texas.

Submitted by:

Rosa G. Acosta
City Clerk

Approved by City Council: September 19, 2017