

**PINOLE CITY COUNCIL
MINUTES
April 17, 2018**

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 Banuelos called the Regular Meeting of the City Council to order at 6:01 p.m. and led the Pledge of Allegiance.

2. ROLL CALL, CITY CLERK'S REPORT & STATEMENT OF CONFLICT

A. COUNCIL MEMBERS PRESENT

Mayor Timothy Banuelos
Mayor Pro Tem Pete Murray
Council Member Debbie Long
Councilmember Roy Swearingen (excused at 8:20 p.m.)
Council Member Maureen Toms

B. STAFF PRESENT

Michelle Fitzer, City Manager
Eric Casher, City Attorney
Neil Gang, Chief of Police
Scott Kouns, Fire Chief
Tamara Miller, Community Development Director/City Engineer
Rosa Acosta, City Clerk

City Clerk Acosta announced the agenda was posted on April 12, 2018 at 4:00 p.m. All legally required notices were provided. Clerk Acosta announced the following documents submitted into the record, Item 8A – Municipal Code Amendment: Sidewalk Maintenance Ordinance power point presentation. Following an inquiry to the Council, the Council reported there were no conflicts with any items on the agenda.

3. CONVENE TO A CLOSED SESSION

At 6:02 p.m., Mayor Banuelos 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, Gregory Ramirez, and Hector De La Rosa,
Assistant City Manager
Employee Organizations: Local 1 & AFSCME

***OPEN SESSION WILL COMMENCE UPON COMPLETION OF CLOSED
SESSION DISCUSSIONS, WHICH MAY OCCUR BEFORE 7:00 PM***

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

At 7:09 p.m., Mayor Banuelos reconvened the meeting in open session and announced there were NO REPORTABLE ACTIONS.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamation
- B. Presentations / Recognitions
 - A. Presentation by Matthew Duffy, WCCUSD Superintendent

Superintendent Mathew Duffy provided an overview of the District's five year roadmap and Pinole schools. The district is stabilizing and seeing a small increase in student enrolment. He discussed charter expansion and stated that the district must provide site(s) to a charter school (under Proposition 39) upon their request, with a one year facilities agreement. The District considers the school sites that are under capacity as potential facilities. Mr. Duffy informed the community of the upcoming public hearing in San Pablo to discuss redistricting of the District and that it will be an item for voter approval. Council asked questions and received responses.

The following speaker addressed the City Council:

Anthony Gutierrez, resident of Pinole, inquired on student acceptance rates, recruitment of STEM teachers throughout the District and state funding appropriation for future facility repairs. Mr. Duffy provided a response to the questions presented.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Jack Meehan, resident of Pinole, stated his appreciation to the Fire Service personnel, whose motto should be "on my honor I will do my best".

Bob Kopp, resident of Pinole, invited Council and the community to attend the Community Service Day on Saturday, June 2, 2018 at 8:00 a.m., continental style breakfast and lunch at 11:00 a.m. The Pinole Car Show is scheduled for Saturday, June 24, 2018.

Franke Martinez, resident of Pinole, thanked Council for their time and commitment to the community and stated his opposition to Measure P and his concern with the cost associated to place the measure on the ballot.

Jeff Rubin, resident of Pinole, stated his support of Measure P to repeal Term Limits.

David Ruport, resident of Pinole, stated his opposition to Measure P and provided an update on the efforts done opposing the measure.

James Tillman, resident of Pinole, inquired about the City's representation on ABAG and funding opportunities.

William Horton, resident of Pinole, stated his support of Measure P.

Mary Horton, resident of Pinole, stated her support of Measure P.

Anthony Gutierrez, resident of Pinole, stated his opposition to Measure P and provided clarification to comments made at a previous Council meeting.

7. CONSENT CALENDAR

Councilmember Long requested to pull item 7C for clarification of site use. City Manager Fitzer stated that the location will be used as an auxiliary location and if site is used, there will be appropriate fencing for the duration of the project.

- A. Approve the Minutes of the Meeting of April 3, 2018
- B. Receive the March 31, 2018 – April 13, 2018 List of Warrants in the Amount of \$288,962.09 and the April 6, 2018 Payroll in the Amount of \$383,377.76
- C. Adopt a Resolution to Authorize Execution of a Right of Entry Agreement with Thomas Properties for Use of Land located at Henry and Pinole Valley Road for Laydown Use for Construction
[Action: Approve Resolution per Staff Recommendation (H. De La Rosa)]

ACTION: Motion by Council Members Toms/Murray, to approve Consent Calendar Items A-C.

Vote:	Passed	4-0-1
	Ayes:	Banuelos, Long, Murray, Toms
	Noes:	None
	Abstain:	None
	Absent:	Swearingen

8. PUBLIC HEARINGS

- A. Introduction and First Reading of an Ordinance Adding Chapter 12.36 to the Pinole Municipal Code Regarding Responsibility of Property Owner for Maintenance of Adjacent Sidewalk
[Action: Approve First Reading per Staff Recommendation (E. Casher)]

City Attorney Eric Casher presented the report and provided a power point presentation of the proposed ordinance. Development Services Director/City Engineer Miller provided responses to some of the questions presented.

Councilmember Long inquired about the ownership and responsibility of sidewalk maintenance and damages/lifts to sidewalk caused by earth movement, trees in front yard resulting in damage to adjacent property sidewalks. She stated her concern with the proposed timeline, permit process, permit fees and the financial implications to property owners.

Mayor Pro Tem Murray inquired about assistance programs available for property owners in neighboring cities with established sidewalk ordinances and the requirements for property owners to obtain insurance coverage for future repairs. He supports a fee waiver to assist homeowners in making sidewalk repairs.

Councilmember Toms inquired about homeowner responsibility for sidewalk algae caused by water runoff/drainage. City Attorney Casher stated that this would be considered a dangerous condition and the responsibility of the property owner.

At 9:09 pm, Mayor Banuelos opened the Public Hearing, and the following speakers addressed Council:

David Rupert, resident of Pinole, inquired about potential legal repercussions against property owners and presented several questions.

James Tillman, resident of Pinole, stated his concern on the proposed ordinance and inquired about property owner responsibilities.

Brandon Cody, resident of Pinole, inquired about potential legal repercussions against property owners and requested specifications on sidewalk repairs. He presented additional questions.

Anthony Gutierrez, resident of Pinole, inquired about past practice of sidewalk repairs. He suggested the City adopt a sidewalk ordinance similar to the Sewer Lateral Replacement program, which requires inspection at point of sale, for low income and senior citizens of the community. He presented additional questions for Council review.

Bill Low, resident of Pinole, inquired about rolling curbs in certain neighborhoods and requested clarification of what constitutes a sidewalk.

Jack Meehan, resident of Pinole, requested clarification on the definition of sidewalk and the perimeters of the sidewalk within neighborhoods. He inquired as to the purpose of the ordinance and the fiscal impact to the City.

City Attorney Casher and Development Services Director/City Engineer Miller provided responses to some of the questions presented by the speakers and Council.

Topics for subcommittee's review: Notification to all property owners, waive encroachment fees, continuance of the City's grinding program (funded by the City), senior citizen financial assistance repair program, point of sale inspection, assistance in organizing neighborhood meetings to discuss issues, clear definition of parameters, sharing cost between homeowner and City; and notification of dangerous situations via certified mail. The proposed ordinance does not shift liability from the City to the homeowner; the liability already exists according to the law.

Having no additional speakers, at 9:32 pm, Mayor Banelos closed the Public Hearing.

ACTION: Motion by Council Members Toms/Murray to continue public hearing to June 5, 2018 and direct the City Municipal Code Update Subcommittee to review and provide responses to the questions presented by community members and Council.

Vote:	Passed:	4-0-1
	Ayes:	Banelos, Murray, Long, Toms
	Noes:	None
	Abstain:	None
	Absent:	Swearingen

9. OLD BUSINESS

- A. Adopt a Resolution Providing Direction for the Business Assistance Program for the Landscape and Lighting Assessment District No. 1
[Action: Approve Resolution per Staff Recommendation (T. Miller)]

Development Services Director/City Engineer Miller presented the report and provided an overview of the program. Council asked questions and received responses.

ACTION: Motion by Council Members Toms/Long, to adopt a resolution to provide the Business Assistance Program for qualifying businesses that are a part of the Landscape and Lighting Assessment District No. 1 (Pinole Valley Road) for the 2018/19 assessment period, allocate \$5,750 from the General Fund for the program and eliminate the Business Assistance Program in subsequent assessment years.

Vote: Passed: 4-0-1
 Ayes: Banuelos, Murray, Long, Toms
 Noes: None
 Abstain: None
 Absent: Swearingen

10. NEW BUSINESS

None

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Banuelos attended the WestCAT meeting, the Mayors Conference and provided an update to Council. He attended a meeting of the Museum Board and informed the community that they will have a booth at the upcoming Car Show to raise funds for the museum.

- B. Mayoral & Council Appointments

- A. Discussion of Delegate and Alternate Councilmember appointment to the Pinole/Hercules Wastewater Treatment Plant Subcommittee
[Action: Receive Report & Provide Direction (M. Fitzer)]

Mayor Banuelos stated that due to his professional responsibilities he is unable to attend the Pinole/Hercules Wastewater Treatment Plant Subcommittee and is requesting Mayor Pro Tem Murray and Councilmember Long to serve as delegates and Councilmember Toms will serve as alternate to the committee. The item will be brought back for Council approval.

- C. City Council Committee Reports & Communications

Councilmember Long acknowledged recently passed residents of Pinole that have provided a great service to the community; she thanked them for their service and the meeting was adjourned in their memories.

Mayor Pro Tem attended the WCCIWMA (Recycle More) and provided an update to Council.

Councilmember Toms will be attending the ABAG General Assembly meeting, the MCE Executive meeting and the MCE Solar One Ribbon Cutting in Richmond.

- D. Council Requests For Future Agenda Items

Future discussion of Assembly bills and impacts to City of Pinole (4-0)

- E. City Manager Report / Department Staff

None

- F. City Attorney Report

None

- 12. ADJOURNMENT** to the Regular City Council Meeting of May 1, 2018 in Remembrance of Amber Swartz.

At 10:46 p.m., Mayor Banuelos adjourned the Regular City Council Meeting of April 17, 2018, in Remembrance of Amber Swartz, Pat McDonald, Beulah Watson, Patti Butch, former First Lady Barbara Bush and our Military personnel all around the world.

Submitted by:

Rosa Acosta

Rosa G. Acosta
City Clerk

Approved by City Council: May 15, 2018

