

**PINOLE CITY COUNCIL
MINUTES
June 5, 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 Pro Tem Murray called the Regular Meeting of the City Council to order at 6:05 p.m. and led the Pledge of Allegiance.

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

A. COUNCIL MEMBERS PRESENT

Mayor Banuelos (arrived at 7:05 p.m.)
Mayor Pro Tem Pete Murray
Council Member Debbie Long
Councilmember Roy Swearingen
Council Member Maureen Toms

B. STAFF PRESENT

Hector De La Rosa, Assistant City Manager
Eric Casher, City Attorney
Neil Gang, Chief of Police
Scott Kouns, Fire Chief
Tamara Miller, Community Development Director/City Engineer

City Clerk Acosta announced the agenda was posted on May 31, 2018 at 4:00 p.m. All legally required notices were provided.

Clerk Acosta announced the following documents submitted into the record, Item 8A – Pinole Valley Road Landscape and Lighting Assessment District report. 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 6:07 p.m., Mayor Pro Tem Murray 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

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gov. Code § 54956.9 (d)(1)

Name of Case: Verizon Wireless

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gov. Code § 54956.9 (d)(4) (Initiation of Litigation)

Number of Potential Cases: 1

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 6:48 p.m., Mayor Pro Tem Murray reconvened the meeting to open session and announced there were NO REPORTABLE ACTIONS.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamation
 - a. Elder and Dependent Adult Abuse Awareness Month

Mayor Pro Tem Murray read the proclamation into the record and Susan Fredericks, Vice President of the Advisory Council on Aging (ACOA) and Jonathan Botson, Social Worker with the Adult Protective Services (APS) accepted the proclamation and thanked Council for their support. Ms. Fredericks encouraged residents of Pinole to serve as representatives to the Senior Advisory Board, which has been vacant for five years.

- B. Presentations / Recognitions
 - a. Presentation by Contra Costa County Supervisor Federal Glover

Supervisor Glover's former Contra Costa Representative, Vincent Manuel introduced Dominic Aliano as the new representative for the West Contra Costa County including the City of Pinole. Mr. Aliano will be meeting with elected officials and staff to discuss needs of the community. Council welcomed Mr. Aliano and look forward to working with him.

- b. Emergency Preparedness Presentation by Chief Gang and Chief Kouns

Chief Gang and Chief Kouns provided a verbal update on the Emergency Preparedness and Emergency Operations Center (EOC). Management staff has began to evaluate needs in collaboration with other agencies that have successfully updated their facilities. The 2006 EOC plan is currently being reviewed and revised to ensure it is effective and efficient to serve the community. Chief Kouns and Chief Gang are identifying staff training needs for both departments while creating a succession plan. They have been working with Congressman Thompson's office for possible funding and researching grants for additional funding. A more comprehensive update will be brought back to Council in October. Council asked questions and received responses.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Rafael Menis, resident of Pinole, addressed the City Council and congratulated Chief Kouns and Chief Gang for their efforts in updating the Emergency Operations Center. He encouraged citizens to vote today.

James Tillman, resident of Pinole, addressed the Council to and expressed his disappointment with the placement of public hearings during election nights. He inquired about City Hall offices being closed on Friday and requested the City consider re-opening City Hall for five days a week. He inquired about Wastewater Treatment budget and its funding.

7. CONSENT CALENDAR

- A. Approved the Minutes of the Meeting of May 15, 2018 and the Special Meeting of May 23, 2018
- B. Received the May 12, 2018 – June 1, 2018 List of Warrants and the May 18, 2018 and June 1, 2018 Payrolls in the Amounts of \$526,334.07, \$385,386.53 and \$459,791.71, respectively

ACTION: Motion by Council Members Swearingen/Toms, to approve Consent Calendar Items A and B.

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

8. PUBLIC HEARINGS

- A. Conduct Public Hearing and Adopt a Resolution Confirming the Assessments and Ordering the Levy for the Pinole Valley Road Landscape and Lighting Assessment District for Fiscal Year 2018/2019
[Action: Approve Resolution Per Staff Recommendation (T. Miller)]

Development Services Director/City Engineer Tamara Miller presented the report and provided an overview of assessments within the Pinole Valley Road Landscape and Lighting Assessment District. Council asked questions and received responses.

At 7:30 p.m., Mayor Banuelos opened the Public Hearing, and having no speakers, at 7:30 p.m., Mayor Banuelos closed the Public Hearing.

ACTION: Motion by Council Members Toms/Swearingen, to adopt a resolution confirming the assessment and diagram as is described in the Annual Assessment Report, levying an assessment for the fiscal year commencing July 1, 2018 and ending June 30, 2019 and ordering the City’s consultant, Harris & Associates to prepare and submit the assessments to the Contra Costa County Assessor’s office for placement onto the Fiscal Year 2018/20189 secured property tax roll.

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

- B. FY 2017-18 Annual Review of Utility Users Tax, and Adoption of a Resolution Modifying Household Income Eligibility Thresholds for Utility Users Tax Exemptions for FY 2018-19
[Action: Approve Resolution Per Staff Recommendation (A. Miller)]

Finance Director, Andrea Miller presented the report with an annual review of the necessity of the tax, the adequacy of the rate and reported the amounts realized from the levy of the tax.

She presented the recommended change to Income Exemption Thresholds that became effective June 1, 2018. Council asked questions and received responses.

At 7:45 p.m., Mayor Banuelos opened the Public Hearing, and the following speaker addressed the Council:

James Tillman, resident of Pinole, inquired about the UUT sunset date and income guidelines.

At 7:49 p.m., Mayor Banuelos closed the Public Hearing.

ACTION: Motion by Council Members Swearingen/Long, to adopt a resolution modifying the Household Income eligibility thresholds for exemptions from the Utility Users Tax for FY 2018-19.

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

C. Sidewalk Maintenance

1. Overview of the Draft Sidewalk Maintenance Program
[Action: Receive Verbal Report and Provide Direction (E. Casher)]

Eric Casher, City Attorney presented the report and provided an overview of the sidewalk maintenance program and implementation. The program was created with feedback from the City Council and members of the public, and suggestions regarding implementation of the ordinance. The sidewalk maintenance program will enforce private property owners that have caused damage to sidewalk and complaints received by City relating to dangerous conditions of sidewalks. The program will not be placing property owners on notice of dangerous conditions or hold property owners responsible for every dangerous condition, some exceptions will apply. Council asked questions and received responses. City Attorney Casher stated that most homeowner's insurance policy will cover sidewalk repairs.

At 8:30 p.m., Mayor Banuelos opened the Public Hearing, and the following speakers addressed the Council:

James Tillman, resident of Pinole, inquired about the City's sidewalk maintenance, homeowner's insurance rate and fee assessment. He stated his desire to have the City continue to carry the cost of repairs.

Chuck Dadisman, resident of Pinole, addressed the Council and stated his concern with the potential financial impact to residents on low income residents and the implication associated with the proposed program. He provided the Council signature petitions opposing the ordinance.

Having no additional speakers at 9:01 p.m., Mayor Banuelos closed the Public Hearing.

ACTION: Council directed staff to forward this item to the Municipal Code Update Subcommittee for further review (5-0).

2. Continued Public Hearing for the 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 1st Reading Per Staff Recommendation (E. Casher)]

At 9:03 p.m., Mayor Banuelos opened the Public Hearing, and the following speakers addressed the Council:

Rafael Menis, resident of Pinole, cited reference to state sidewalk improvements and current policies.

James Tillman, resident of Pinole, thanked the Council for deferring the item to July 17th for further discussion.

ACTION: Motion by Council Members Toms/Swearingen to continue public hearing to July 17, 2018.

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

- D. Introduction and First Reading of an Ordinance Amending the Three Corridors Specific Plan to Allow for Residential Uses to Exceed Forty Nine (49%) of the Building Square Footage in the Commercial Mixed Use Land Use District Within the San Pablo Avenue Corridor Mixed Use Sub-Area
[Action: Approve 1st Reading Per Staff Recommendation (W. Rhodes)]

Planning Manager Rhodes presented the report and provided an overview of the 2010 adopted specific plan and the proposed text changes. Council asked questions and received responses.

At 9:34 p.m., Mayor Banuelos opened the Public Hearing, and the following speaker addressed the City Council:

Rafael Menis, resident of Pinole, addressed the Council and inquired about the community benefits examples, in specific requiring 20% of the units on site remain affordable to lower income households, he suggested that this item be set as a requirement and not optional.

Having no additional speakers, at 9:40 p.m., Mayor Banuelos closed the Public Hearing.

ACTION: Motion by Council Members Toms/Swearingen to introduce and conduct first reading of the proposed Ordinance amending the Three Corridors Specific Plan to allow for residential uses to exceed Forty Nine (49%) of the Building Square Footage in the Commercial Mixed Use Land Use District within the San Pablo Avenue Corridor Mixed Use Sub-area.

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

- E. Approve a Determination of Public Convenience or Necessity (PCN) for the Existing Tandoor Restaurant Located at 2554 Appian Way (CUP 18-02)
[Action: Approve Resolution Per Staff Recommendation (W. Rhodes)]

Planning Manager Rhodes presented the report and provided an overview of the business needs for alcohol sales in an already over-concentrated Census Tract.

At 9:52 p.m., Mayor Banuelos opened the Public Hearing, and the following speaker addressed the City Council:

Attit Subba, Tandoor Restaurant Manager, addressed the Council and provided an overview of the restaurants performance and its desire to continue serving the community of Pinole.

Having no additional speakers, at 9:53 p.m., Mayor Banuelos closed the Public Hearing.

ACTION: Motion by Council Members Swearingen/Long to adopt a resolution approving a determination of Public Convenience or Necessity for the existing Tandoor Restaurant proposed alcohol sales (on-site sales of beer and wine) to be located at 2554 Appian Way.

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

9. OLD BUSINESS

None

10. NEW BUSINESS

None

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Banuelos attended the Community Service Day event and Memorial Day celebration and thanked all of the volunteers and the Community Service Commission for organizing the event. He attended a meeting of Pinole History Museum and provided an update to Council

- B. Mayoral & Council Appointments

None

- C. City Council Committee Reports & Communications

Councilmember Swearingen attended the West Contra Costa Transportation Authority and Bay Front Chamber of Commerce meeting and provided an update.

Councilmember Toms attended the ABAG General Assembly Business meeting and provided an update. She attended the Community Service Day and the 30th Year Anniversary of Amber

Swartz abduction. She invited the community to participate in the Special Olympics Northern California Bike the Bridges event starting in Martinez on Sunday, June 10, 2018 and the California Law Enforcement Torch Run on Tuesday, June 19, 2018 at 1 p.m. Additional information will be provided in the City Manager's report.

Mayor Pro Tem Murray attended the Community Service Day event and thanked all the volunteers for their work. He visited a few elementary schools and rated student essays providing them with recognition for their efforts.

Councilmember Long will be attending the BayTrail Bridge Ribbon cutting event on Saturday, June 30, 2018.

D. Council Requests For Future Agenda Items

1. Approve formation of subcommittee for alternative trash capturing alternatives(pending)
2. Review the City's current landscaping contract (5-0)
3. Review the Wastewater Treatment Plant contract (pending completion).
4. Refer Library funding to the Recreation subcommittee for further review. (5-0)
5. Discuss a correction to middle name and badge number to the plaque at the Amber Swartz park (5-0)
6. Discuss naming the Pinole Playhouse in honor of Dave Clark and refer to Naming Committee (5-0)
7. Review County's Noise Ordinance modification and refer to Municipal Code Update subcommittee (5-0)

E. City Manager Report / Department Staff

F. City Attorney Report

12. **ADJOURNMENT** to the Regular City Council Meeting of June 19, 2018 in Remembrance of Amber Swartz.

At 10:34 p.m., Mayor Banuelos adjourned the Regular City Council Meeting of June 5, 2018, in Remembrance of Amber Swartz and our Military personnel all around the world.

Submitted by:



Hector De La Rosa
Deputy City Clerk

Approved by City Council: June 19, 2018

