

**PINOLE CITY COUNCIL
MINUTES
April 4, 2017**

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 Long called the meeting to order at 6:00 PM and Councilmember Toms 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 6:15 p.m.)
Council Member Peter Murray
Council Member Roy Swearingen
Council Member Maureen Toms

B. STAFF PRESENT

Michelle Fitzer, City Manager
Ben Reyes, City Attorney
Hector De La Rosa, Assistant City Manager
Neil Gang, Police Chief
Tamara Miller, Development Services Director
Rosa Acosta, City Clerk

City Clerk Acosta announced the Agenda was posted on March 30, 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.

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 7E – Letter from the Contra Costa Tobacco Prevention Coalition

3. CONVENE TO A CLOSED SESSION

At 6:03 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: Hector De La Rosa, Assistant City Manager and Labor Negotiator Bruce Heid, IEDA
Employee Organizations: Fire Local 1230
Pinole Police Employees Association (PPEA)

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

At 6:54 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. Overview of Proposition 64 and Impacts on Local Regulation by City Attorney's Office

City Attorney Reyes stated that this item is a presentation and does not require Council action. Attorney Eric Casher presented the report and provided an overview of Proposition 64 – Marijuana Legalization. Attorney Casher stated that the City has a ban on medical marijuana dispensaries, cultivation, and delivery. He stated that the City's Municipal Code Title's 5, 8 and 17 will be impacted and will need to be amended to comply with the law. In the event that the City does not adopt an ordinance to place restriction on commercial sales by January 2018, a business with a state license would have the right to operate within a City that does not have restrictions. He also stated that the State will be generating sales tax revenue and will be offering Public Safety funding, however, if Cities have a prohibition on commercial marijuana sales in place they will be ineligible.

Council members asked several questions and were provided responses by Attorney Casher.

Council directed staff to coordinate a workshop in August or September to solicit community input and continue discussion.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the City Council:

Ivette Rico, Co-Chair of the Bay Front Chamber of Commerce, addressed Council, providing Council with an update of activities for the City of Pinole. She thanked Council for their support. She encouraged the public to visit www.bayfrontchamber.com

7. CONSENT CALENDAR

- A. Approved the Minutes of the Meeting of March 21, 2017
- B. Received the March 18 – 31, 2017 List of Warrants and the March 24, 2017 Payroll in the Amount of \$335,375.98
- D. Second Reading and Adoption of Amendments to Chapter 1.12 of the Pinole Municipal Code to Create a General Appeal Process for Violations of the Municipal Code
[Action: Waive 2nd Reading and Adopt Ordinance Per Staff Recommendation (E. Casher)]
- F. Approved a Resolution Amending the Council Meeting Procedures Approved Under Council Resolution 2016-100
[Action: Adopt Resolution Per Staff Recommendation (M. Fitzer)]

- G. Approved FY 2017/18 Annual Storm Water Utility Assessments For Drainage Maintenance And The National Pollutant Discharge Elimination System (NPDES) Program [**Action: Adopt Resolution Per Staff Recommendation (T. Miller)**]

ACTION: Motion by Council Members Banuelos/Swearingen Approving the Consent Calendar Items 7A, 7B, 7D, 7F and 7G

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

Item 7C was removed at the request of Mayor Long and Councilmember Swearingen, for the following comment:

- C. Review and approve Master Fee Schedule
[Action: Adopt Resolution Per Staff Recommendation (A. Miller)]

Mayor Long stated that the resolution will only affect Business Licenses and Development Services fees. Councilmember Swearingen requested consistency throughout the document in cost reference for photocopies/copies in the future. Finance Director Miller stated that the will be looked at.

ACTION: Motion by Council Members Murray/Toms Approving the Consent Calendar Items 7C

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

Item 7E was removed at the request of Mayor Long, for the following questions and comments:

- E. Second Reading and Adoption of Ordinance Amending Chapters 9.16, 9.28, and 9.30 of the Pinole Municipal Code to Include E-cigarettes in the Definition of Tobacco Products Throughout the Municipal Code
[Action: Waive 2nd Reading and Adopt Ordinance Per Staff Recommendation (E. Casher)]

Mayor Long requested input from City Attorney Reyes as to the suggestions received from the Contra Costa Tobacco Prevention Coalition. City Attorney Reyes stated that the current amendments take into consideration the concerns stated by the Tobacco Prevention Coalition.

ACTION: Motion by Council Members Swearingen/Toms Approving the Consent Calendar Items 7E

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

Abstain: None
Absent: None

8. PUBLIC HEARINGS – None

9. OLD BUSINESS

- A. Discussion of Possible Use of Housing Funds
[Action: Council Discussion and Direction to Staff (M. Fitzer)]

City Manager Fitzer presented the report and discussed potential use of Housing funds. Council discussed options and directed staff to come back with a future workshop to discuss and setup policy for future use of Housing funds. Workshop topics include: 1) Regional Housing Need Allocation (RHNA); 2) Sharing funding with adjacent jurisdictions for Affordable Housing projects and shared credit for restricted units; 3) Costs associated with retaining current affordability restrictions set to expire soon; and 4) Update on state level efforts/legislative actions.

10. NEW BUSINESS - None

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
1. Announcements

Mayor Long stated that the Senior Center will be hosting a fundraiser at Habit Burger on Wednesday, April 5th from 4:00 p.m. to 9:00 p.m. and invited members of the public to attend. She attended the West County Mayors and Supervisors Breakfast and provided an update to Council. She stated that West Contra Costa Unified School District students will have the opportunity to participate in a new six-week Summer Learning Program designed to help them gain and practice valuable skills to be college and career ready. They have invited cities to participate with internship opportunities. Mayor Long provided Council with an update on the questions submitted for the new transportation bill as presented by the State.

B. Mayoral & Council Appointments

Council member Toms was appointed to the Recreation Subcommittee by minute order. (5-0)

C. City Council Committee Reports & Communications

Councilmember Swearingen attended the WCCTAC meeting and provided an update to Council.

Mayor Pro Tem Banuelos attended the City Municipal Code Update Subcommittee meeting and provided an update to Council.

Councilmember Toms attended the League of California Cities Policy Committee on Environmental Quality and provided an update to Council.

D. Council Requests For Future Agenda Items

Mayor Long requested an agenda item at the next meeting to discuss possible assistance to Principal Kibby Kleiman of Pinole Valley High School for a Musical performance at Fernandez Park on May 20th. (5-0)

Council member Murray requested an update on the installation of trash capture devices in the storm drains. (5-0)

Council member Toms requested a discussion regarding the City Council term limits. (5-0)

E. City Manager Report / Department Staff – None

F. City Attorney Report – None

12. ADJOURNMENT

At 8:46 p.m., Mayor Long adjourned the Regular Meeting of April 4, 2017, in Remembrance of Amber Swartz, Al Ramos, Demarcus Doss and our Military personnel all around the world.

Submitted by:

Rosa G. Acosta
City Clerk

Approved by City Council: