



## PINOLE CITY COUNCIL AGENDA

TUESDAY  
NOVEMBER 7, 2017

6:00 P.M.

2131 Pear Street, Pinole, California

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**Debbie Long, Mayor**  
**Tim Banuelos, Mayor Pro Tem**  
**Peter Murray, Council Member**  
**Maureen Toms, Council Member**  
**Roy Swearingen, Council Member**

**Public Comment:** The public is encouraged to address the City Council on any matter listed on the agenda or on any other matter within its jurisdiction subject to the rules of decorum described in Council Resolution 2017-13. If you wish to address the City Council, please complete the gold card that is provided at the rear entrance to the Council Chambers and hand the card to the City Clerk. City Council will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council will hear public comment on matters **not** listed on the agenda during Citizens to be Heard, Agenda Items 6.

**Americans With Disabilities Act:** In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. Assisted listening devices are available at this meeting. Ask the City Clerk if you desire to use this device.

**Note:** Staff reports are available for inspection at the Office of the City Clerk, City Hall, 2131 Pear Street during regular business hours, 8:00 a.m. to 4:30 p.m. Monday – Thursday, and on the City Website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). You may also contact the City Clerk via e-mail at [racosta@ci.pinole.ca.us](mailto:racosta@ci.pinole.ca.us)

COUNCIL MEETINGS ARE TELEVISED LIVE ON CHANNEL 26. They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). City Council meetings are video-streamed live on the City's website, and remain archived on the site for six months.

**Ralph M. Brown Act. Gov. Code § 54950.** *In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

**1. CALL TO ORDER**

- a. **PINOLE BOY SCOUTS TROOP 86 PRESENT THE FLAG.**
- b. **PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS**

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

*An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87105.*

**3. CONVENE TO A CLOSED SESSION**

***Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.***

*Closed Sessions are held in the Council Caucus/Community Meeting Room located at 2131 Pear Street, Pinole, California. Topics at Closed Session may include, but are not limited to License Permit Determinations, Conference with Real Property Negotiators, Conference With Legal Counsel (Existing & Anticipated Litigation), Liability Claims, Threat to Public Service/Facilities, Labor Negotiation, Public Employee Appointment, Evaluation or Discipline or Release, and Case Review/Planning, Report Involving Trade Secret, Hearings, and Charge Involving Information Protected By Federal Law.*

**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: 600 Tennent Avenue (APN: 401-142-010)

Negotiator: City Manager, Michelle Fitzer and Assistant City Manager, Hector De La Rosa

Negotiating Parties: Marc Grisham and Jim Riley

Under Negotiation: Terms

***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**

**5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

A. Proclamations

B. Presentations / Recognitions

a. Introduction of Recreation Manager, Maria Picazo

b. Introduction of Recreation Coordinator, Cristina Ahlstrand

c. Verbal update on Code Enforcement efforts by Tamara Miller

**6. CITIZENS TO BE HEARD (Public Comments)**

*Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes for City Council items, and is subject to modification by the Mayor. A speaker's time may be extended only once, by one person yielding their time. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future meeting.*

## 7. CONSENT CALENDAR

*All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.*

- A. Approve the Minutes of the Meeting of October 17, 2017
- B. Receive the October 14, 2017 – November 3, 2017 Lists of Warrants and the October 20, 2017 and November 3, 2017 Payrolls in the Amounts of \$386,712.02 and \$358,670.37, respectively
- C. Second Reading and Adoption of Two Ordinances Amending Chapters 5.64, 8.33, 8.44, 17.20 and 17.90 of the Pinole Municipal Code Regarding Marijuana Dispensaries, Personal and Commercial Marijuana Cultivation, and Other Marijuana uses.  
**[Action: Adopt Ordinances Per Staff Recommendation (E. Casher)]**
- D. Authorize One Time Expenditures From Measure S 2006 Fiscal Year 2016/17 Savings in an Amount Not To Exceed \$340,000 For Police Vehicles and Equipment  
**[Action: Approve Resolution Per Staff Recommendation (N. Gang)]**
- E. Approve a Second Amendment to the Reciprocal Easement Agreement and Declaration of Covenants, Conditions and Restrictions Running with the Land for Certain Properties known as Pinole Gateway East  
**Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]**
- F. Approve the Recreation Subcommittee's Recommendation to Exclude the Skate Park from Rental Use  
**[Action: Approve Resolution Per Subcommittee Recommendation (H. De La Rosa)]**

## 8. PUBLIC HEARINGS

- A. Introduction and First Reading of an Ordinance amending Chapter 8.20 of the Pinole Municipal Code Regarding Stormwater Management and Discharge Control, and Imposing New Pollutant Discharge Requirements  
**[Action: Approve First Reading Per Staff Recommendation (Casher)]**
- B. Introduction and First Reading of an Ordinance Amending Chapters 17.20 and 17.59 of the Zoning Code regarding Alcohol Sales as a Conditionally Permitted Use Within the Regional Commercial (RC) Zoning District and Allowing Alcohol Sales at Gas Stations as a Conditionally Permitted Use  
**[Action: Approve First Reading Per Staff Recommendation (W. Rhodes)]**

## 9. OLD BUSINESS

- A. Approve a Policy For the Naming and Dedication of City Facilities and Acceptance of Donated Equipment or Materials  
**[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]**

**10. NEW BUSINESS**

- A. Discussion of Utility Users Tax Renewal  
[Action: Receive Report & Provide Direction (M. Fitzer)]

**11. REPORTS & COMMUNICATIONS**

- A. Mayor Report
  - 1. Announcements
- B. Mayoral & Council Appointments
  - 1. Traffic & Pedestrian Safety Committee Appointment  
[Action: Council Discretion (Interview Subcommittee)]
- C. City Council Committee Reports & Communications
- D. Council Requests For Future Agenda Items
- E. City Manager Report / Department Staff
- F. City Attorney Report

- 12. ADJOURNMENT** to the Regular City Council Meeting of November 21, 2017 In Remembrance of Amber Swartz.

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 24 hours prior to the meeting set forth on this agenda.

**POSTED: November 2, 2017 at 4:00 P.M.**

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**Rosa G. Acosta**  
City Clerk