

**PINOLE CITY COUNCIL
MINUTES
August 15, 2017**

1. CALL TO ORDER

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

Mayor Long called the meeting to order at 6:02 PM and introduced the Boy Scouts Troop 86. The Pinole Boy Scouts Troop 86 presented the Flag 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 7:05 p.m.)
Council Member Peter Murray
Council Member Roy Swearingen
Council Member Maureen Toms

B. STAFF PRESENT

Michelle Fitzner, City Manager
Eric Casher, City Attorney
Hector De La Rosa, Assistant City Manager
Neil Gang, Police Chief
Tamara Miller, Development Services Director
Andrea Miller, Finance Director

City Clerk Acosta announced the Agenda was posted on August 10, 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.

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 8B – Email correspondence from Ms. Afsaneh Olinga regarding Accessory Dwelling Unit.
- Item 9A – Capital Improvement Plan for Fowler House Demolition project

3. CONVENE TO A CLOSED SESSION

At 6:05 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

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

At 7:05 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 - Item 5B-a will be rescheduled to future meeting.
 - b. Update on Code Enforcement activities presented by Tamara Miller

Community Development Director/City Engineer Tamara Miller presented the report and provided Council with an update on Code Enforcement activities in the City of Pinole.

Mayor Pro Tem Banuelos requested clarification on the definition of ABC; Community Development Director Miller stated that ABC is the acronym for Alcohol Beverage Control, permit activity calls due to zoning. He stated his concerns and requested clarification on the status of the “not yet” repaired and deferred laterals; Community Development Director Miller stated that the “not yet” repairs are cases that did not apply for deferral lateral. At this time the “not yet” cases will be priority compliance cases.

Councilmember Murray suggested recruiting volunteers to assist staff with property blight and code enforcement efforts. In addition, he is in favor of a ½ cent fee increase to local fast food restaurants, to help the City in cleanup efforts, and imposing fines for littering. Community Outreach efforts to community members should be considered; perhaps a postcard reminder to residents highlighting City ordinances pertaining to property blight and weed abatement.

Councilmember Toms inquired about the status of open sewer lateral replacements and suggested placing property liens on properties to ensure compliance. She suggests reaching out to future property sellers and reminding them of the Sewer Lateral Program and the compliance requirement. Community Development Director Miller stated she will be meeting with Contra Costa Association of Realtors to discuss the matter.

Mayor Long stated her concern about the non compliance of sewer lateral replacements and inquired about enforcement and process of compliance. Community Development Director Miller stated that the majority of non compliance cases have been a result of cases during the sale of properties and escrow process. She suggested imposing fines for frequent abandoned vehicle calls. The City of Pinole website has an email reporting button for residents to use and report complaints. Assistant City Manager De La Rosa stated that the new website, scheduled to be released January 2018, will allow residents to report complaints online.

The following speakers addressed the Council,

Bill Low, resident of Pinole, addressed the City Council and stated his concern about the property at 901 San Pablo Avenue; the property has significant blight with weeds obstructing pedestrian access to sidewalk. Mayor Long requested that staff follow-up with Mr. Low to address his complaint.

Bob Kopp, resident of Pinole, addressed the City Council and stated the need for the City to enforce citations for properties that are not in compliance. He encouraged residents to volunteer and assist staff with addressing blighted properties.

ACTION: Council directed staff to provide a 60 day report on Code Enforcement efforts to Council.

At 7:53 p.m. Mayor Long moved the following items for approval:

11 B. Mayoral & Council Appointments

1. Community Services Commission Appointments
[Action: Council Discretion (Interview Subcommittee)]

Councilmember Swearingen forwarded a recommendation to re-appoint Robert Kopp and Laurelle Martin to the Community Services Commission to serve two year terms.

ACTION: Motion by Council members Murray/ Swearingen, to reappoint Robert Kopp and Laurelle Martin to the Community Services Commission, for a two year term.

Vote: Passed 5-0

11 B. Mayoral & Council Appointments

2. Contra Costa Library Commission
[Action: Council Discretion (Interview Subcommittee)]

Councilmember Murray forwarded a recommendation to appoint George Pursley to the Contra Costa Library Commission to serve a two year term.

ACTION: Motion by Council members Murray/Swearingen, to appoint George Pursley to the Contra Costa Library Commission, for a two year term.

Vote: Passed 5-0

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the Council,

Bob Kopp, resident of Pinole, addressed the City Council and invited the public to attend the following events: Pinole Cinema in the Park event on August 19th featuring Beauty and the Beast and August 26th featuring Star Wars Rogue One; 2017 Coastal Cleanup on Saturday, September 16th; Dumpster Day on Saturday, September 23rd at Pinole Valley Park; and on September 24th a BBQ for Congressman Mike Thompson at Crocket Community Center between 4-6 p.m., no parking lot at the center only on street parking. Tickets should be purchased in advance.

Jack Meehan, resident of Pinole, addressed the City Council to continue to express his desire for the City of Pinole to join efforts and advocate for an extension of BART at Hilltop Mall. He provided Council with a copy of the most recent study of the extension of BART.

Najid Baradar, resident of Pinole, addressed the City Council to inform the community of a mountain lion sighting in the hills near Black Oak Court and requested assistance in notifying Collins Elementary students to be aware and cautious when using the trail. Mr. Baradar has contacted the US Fish and Wildlife with no success. Mayor Long requested that a notice be placed on the City's website informing the community; contact school District to notify of sighting so that students and parents are aware; and City staff to contact the US Fish and Wildlife to advise of sighting.

At the request of Sergeant Justin Takacs, Councilmember Toms announced 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.

7. CONSENT CALENDAR

- A. Approved the Minutes of the Meetings of July 11, 2017, July 18, 2017 and August 2, 2017
- B. Received the July 15, 2017 – August 11, 2017 List of Warrants and the July 14, 2017 and July 28, 2017 Payrolls in the Amounts of \$328,667.01 and \$324,232.33, respectively

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

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

Items 7C was removed at the request of the Mayor for further discussion. Mayor Long read the following statement into the record, "PALC is not a party to this exclusive negotiating agreement as presented to Council tonight, however, it is an indirect party given that PALC has ownership of the Pinole Assisted Living (Westmont Living) facility. Out of abundance of caution and at the direction of the City Attorney, I and Councilmember Murray will not participate in the discussion of this item and will abstain from voting". Mayor Long and Councilmember Murray left Council Chamber at 8:17 p.m. and returned at 8:19 p.m.

Mayor Pro Tem Banuelos chaired the meeting and requested staff to provide an overview of the item.

- C. Adopted a resolution approving a ninety (90) day Exclusive Negotiating Agreement with Westmont Living, Inc. for the purchase of properties located at 2850 Estates Avenue (Parcel 360-010-017)
[Action: Adopt Resolution Per Staff Recommendation (H. De La Rosa)]

ACTION: Motion by Council Members Toms/Swearingen, to approve Consent Calendar Item C.

Vote: Passed 3-2
Ayes: Banuelos, Swearingen, Toms
Noes: None

Abstain: Murray, Long
Absent: None

At 8:19 p.m., Mayor Long requested that item 9B be moved up from the agenda for discussion.

9. OLD BUSINESS

- B. Verbal Update on Pinole Swim Center Operations
[Action: Receive Report & Provide Direction (H. De La Rosa)]

Assistant City Manager De La Rosa provided an update on the status of Pinole Swim Center Operations and stated that the pool has been operating for 8 weeks. He provided a summary of expenditures, revenues and attendance for the past 7 weeks. The pool operation revenue was \$13,335 with expenditures of \$16,739 with a net deficit of \$3,404; with the City's subsidy the net deficit was \$12,904, still within the Council's authorized \$20,000 subsidy. Projected pool attendance was 1,945 with actual attendance of 2,675. The pool has been closed on two occasions (open for 2 hours and closed) due to the Seal's swimming pool operation policy to close the pool for low attendance. The City was made aware of one resident complaint, but the Seals have addressed the complaint.

The following speakers addressed the Council,

Phil Malgren, Vice President of Pinole Swim Club, addressed the City Council and stated that the program is running smoothly and he is looking forward to future discussions of program expansions for next season. Council thanked Mr. Malgren for his efforts.

8. PUBLIC HEARINGS

- A. Introduce and conduct first reading of an Ordinance and Municipal Code text amendment adding Chapter 15.58 to Title 15 of the Pinole Municipal Code to provide for an expedited, streamlined permitting process for electric vehicle charging stations.
[Action: Approve 1st Reading Per Staff Recommendation (Rhodes/Casher)]

Planning Manager Winston Rhodes presented the report and provided an update to Council.

At 8:31 pm, Mayor Long opened the Public Hearing, and having no speakers, at 8:31 pm, Mayor Long closed the Public Hearing.

ACTION: Motion by Council Members Swearingen/Toms to introduce and conduct first reading of a proposed ordinance to add Chapter 15.58 within Title 15 of the Pinole Municipal Code to provide for an expedited, streamlined, permitting process for electric vehicle charging stations.

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

- B. Continue Public Hearing to Introduce ordinance and conduct first 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 with the City of Pinole.

[Action: Approve 1st Reading Per Staff Recommendation (Rhodes/Casher)]

Planning Manager Winston Rhodes presented the report and provided an update to Council on new Accessory Dwelling Unit legislation changes. Planning Manager Rhodes responded to Council question and provided guidance.

Councilmember Toms stated her concern about ADU being used as Airbnb or short term rentals. City Attorney Casher stated that state law is not explicit in the regulation of short term rentals and suggests that the City not place restrictions on future ADU rentals, due to the ambiguity of the current law.

Councilmember Murray stated his concern about sewer lateral connections and fees. He is in favor of subdividing property to ensure fair cost and fees. Planning Manager Rhodes stated that the state requires fees to be proportionate to amount of use.

Mayor Pro Tem Banuelos discussed easements on property lines and non buildable spaces. Planning Manager Rhodes stated that residential design guidelines are in place for property designs and height allowance. He stated that attached garages have height requirements and residential design guidelines to add a top unit. Accessory dwelling units are limited to 15 feet in height.

Mayor Long proposed a maximum of 600 square foot with up to 999 square foot, with administrative review process, to include solar access for neighbors and design review findings. She requested that staff create a checklist to ensure consistency of future projects.

Planning Manager Rhodes stated that under the current Administrative Design Review process neighbors are notified and can request a hearing to provide input. The State law is proposing ministerial process with no neighbor notification and no public hearing required based on Council's max square foot allowance. Property owners/applicants are encouraged to reach out to their neighbors as a good neighborly practice.

At 9:30 p.m., Mayor Long opened the Public Hearing; the following members addressed the Council:

Afsaneh "Affy" Olinga, resident of Pinole, addressed the City Council to state her support for Accessory Dwelling Units with a minimum size of 850 square feet and 75% of existing unit.

With no additional speakers, Mayor Long closed the Public Hearing at 9:35 p.m.

ACTION: Motion by Council Members Toms/Murray to introduce and conduct a first reading of a proposed ordinance to amend Chapters 17.20, 17.22, with direction to update Chapter 17.70.040-G with maximum allowed footage and Chapter 17.98 of the Pinole Municipal Code regulating the development of accessory dwelling units (ADUs) in the City of Pinole.

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

9. OLD BUSINESS

- A. Adopt the FY 2017/18 – 2021/22 Capital Improvement Program
[Action: Adopt Resolution Per Staff Recommendation (A. Miller/T. Miller)]

Finance Director Miller provided an overview of the Capital Improvement Program with highlighted changes for proposed adoption items based on Council requests.

ACTION: Motion by Council Members Swearingen/Banuelos to approve the Fiscal Year (FY) 2017-18 through 2021-22 Five-Year Capital Improvement Plan and Adopt the FY 2017-18 Capital budget.

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

Councilmember Swearingen requested a revised title to the Fowler House Demolition project from Fowler House demolition to *Fowler House Demolition and Revitalization*.

Mayor Long inquired about the difference between Street Rehabilitation and Street Improvements. Community Development Director/City Engineer Miller stated that the street rehabilitation is to take existing infrastructure and extend its useful life. A Street improvement is an upgrade or enhancement to the street.

10. NEW BUSINESS

- A. Pavement Management Program Update
[Action: Receive Report & Provide Direction (T. Miller)]

Community Development Director/City Engineer Tamara Miller presented the report and provided Council with an update on the pavement condition scores throughout the City of Pinole. This report is prepared once every two years, usually done in conjunction with MTC Pavement Technical Advisory Program. The most recent report states that the pavement condition index in the City of Pinole is an average of 70, a good score. The City has updated specifications to incorporate Caltrans Standards Specifications, sought grant funding for additional road maintenance, contacted MTC to participate in next pavement condition assessment opportunity and reviewed guidelines for new road maintenance funding from SB 1. Council asked questions and received responses. Mayor Long stated her disagreement with the pavement management program report as presented to Council.

At 10:56 p.m. Councilmember Swearingen/Banuelos made a motion to extend the meeting past 11:00 p.m.; approved by Council (5-0).

- B. Complying with Trash Load Reduction Mandates
[Action: Receive Report & Provide Direction (T. Miller)]

Community Development Director/City Engineer Tamara Miller provided an overview of the City of Pinole's plan and schedule for implementation of additional trash load reduction control actions committing to the installation of trash capture devices in the City's publicly owned storm drains. The trash generation map produced as compliance effort with the Municipal Stormwater

Program identified 170 acres as high generating trash contributors - mostly commercial properties.

ACTION: Motion by Council Members Murray/Toms to direct staff to research and draft an ordinance expanding the City's clean water program activities to include requiring existing developed commercial properties to participate in abatement activities to aid the City in reaching the 70% trash diversion goal.

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

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

None

B. Mayoral & Council Appointments

3. Council appointment to MCE Clean Energy [Action: Council Discretion]

Mayor Long nominated Councilmember Swearingen to be appointed as the representative and Councilmember Toms (alternate) to sit on the MCE Board of Directors.

ACTION: Motion by Council Members Banuelos/Murray to appoint Councilmember Swearingen as representative and Councilmember Toms as Alternate Representative on the MCE Board of Directors. (5-0)

C. City Council Committee Reports & Communications

Councilmember Swearingen reminded community members about the upcoming Solar Eclipse on August 21, 2017 and the need to use protective glasses when viewing.

Councilmember Murray recognized Friends of Pinole Creek, East Bay Municipal Utility District and Contra Costa County for their cleanup efforts beginning from the upper water shed at the new bridge up to Bear Creek Road. He thanked Amelia Timbers for her work in coordinating and overseeing the event.

Councilmember Toms and Mayor Pro Tem Banuelos met to discuss Proposition 64 and will continue discussion.

D. Council Requests For Future Agenda Items

E. City Manager Report / Department Staff

City Manager Fitzer reported that the City of Pinole has begun dispatching services for the City of San Pablo. Members of the management team for the City of San Pablo are extraordinarily happy with the services they have received.

F. City Attorney Report

12. ADJOURNMENT to the Regular City Council Meeting of September 5, 2017 In Remembrance of Amber Swartz.

At 11:20 p.m., Mayor Long adjourned the Regular City Council Meeting of August 15, 2017, in Remembrance of Amber Swartz and our Military personnel all around the world.

Submitted by:

Rosa G. Acosta
City Clerk

Approved by City Council: September 5, 2017