

**PINOLE CITY COUNCIL  
MINUTES  
November 7, 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 p.m. 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 6:35 p.m.)  
Council Member Peter Murray  
Council Member Roy Swearingen  
Council Member Maureen Toms

B. STAFF PRESENT

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

City Clerk Acosta announced the agenda was posted on November 2, 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.

**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

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**

At 7:00 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 Recreation Manager, Maria Picazo
  - b. Introduction of Recreation Coordinator, Cristina Ahlstrand

Assistant City Manager De La Rosa introduced and welcomed Recreation Manager, Maria Picazo and Recreation Coordinator, Cristina Ahlstrand. Maria and Cristina thanked the City for the opportunity and stated their desire to serve the community. Council welcomed and thanked them both.

- c. Verbal update on Code Enforcement efforts 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. She stated that there is an increase in litter abatement, excessive vegetation and abandoned vehicles. Staff will receive training on Code Enforcement efforts (training and checklist) by the City Attorney's office to improve services and improve cost recovery efforts. Council asked questions and received responses.

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

The following speaker addressed the Council:

**Jeff Rubin**, President of Pinole Historical Society, invited Council and members of the community to the Veteran's Memorial event on Saturday, November 11, 2017 at Fernandez Park. He suggested that the Council consider forming neighborhood watch groups in an effort to beautify neighborhoods throughout the City.

**7. CONSENT CALENDAR**

- A. Approved the Minutes of the Meeting of October 17, 2017
- B. Received 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. Authorized 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. Approved 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. Approved the Recreation Subcommittee's Recommendation to Exclude the Skate Park from Rental Use  
[Action: Approve Resolution Per Subcommittee Recommendation (H. De La Rosa)]

**ACTION: Motion by Council Members Swearingen/Banuelos, the Council Approved the Consent Calendar Items A-F.**

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

**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 (E. Casher)]

City Attorney Casher presented the report and informed Council that in order to comply with the San Francisco Bay Region's Municipal Regional Stormwater NPDES Permit (the MRP Permit), the proposed ordinance amends the Municipal Code to require that all inlets to the storm water system located in any parking lot or certain other paved areas in the City have trash capture devices installed.

Council asked questions and Community Development Director/City Engineer Tamara Miller provided responses. She informed Council that Caltrans is actively participating with municipalities to assist with trash control efforts along the corridor. Mayor Long suggested partnering with Republic Services for litter mitigation efforts throughout the City.

At 7:58 p.m., Mayor Long opened the Public Hearing, and having no speakers, at 7:58 p.m., Mayor Long closed the Public Hearing.

**ACTION: Motion by Council Members Banuelos/Swearingen to introduce and conduct first reading of an Ordinance amending Chapter 8.20 of the Pinole Municipal code regarding storm water management and discharge control to impose new discharge control requirements.**

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

- 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)]**

Planning Manager Winston Rhodes presented the report and stated that the proposed text amendment is intended to correct the current internal Zoning Code inconsistency between Chapter 17.20 and Chapter 17.59. The zoning code changes will ensure compliance with state law regulating alcohol sales at gas stations. The Municipal Code Update Subcommittee, comprised of Councilmember Toms and Mayor Pro Tem Banuelos, reviewed and support the changes to resolve the internal zoning code inconsistency. Council asked questions and received responses.

At 8:32 pm, Mayor Long opened the Public Hearing, and having no speakers, at 8:32 pm, Mayor Long closed the Public Hearing.

**ACTION: Motion by Council Members Toms/Banuelos to introduce and conduct 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.**

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

## **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)]**

Assistant City Manager De La Rosa presented the report and provided Council with a draft Pinole Naming Policy with criteria and methods for naming of City facilities which will be reviewed by the subcommittee prior to Council. Council requested the addition of the following language:

1. II. City Property Definition - "Names of companies and/or businesses." (Page 2)
2. VII. Plaque, Memorials, and Marker Sizes – "installation, labor," and maintenance shall be borne by the individual, group, or organization. (Page 5)

The following speaker addressed the Council:

**Jack Meehan**, resident of Pinole, stated his support for memorializing City facilities in honor of community members for the City of Pinole.

**ACTION: Motion by Council Members Toms/Banuelos to approve the Policy on Plaques, Monuments, and Memorial Dedications and Acceptance of Donated Equipment or Materials, with the listed amendments.**

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

## 10. NEW BUSINESS

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

City Manager Fitzer presented the report and stated that the Utility Users Tax (UUT) is vital funding source that needs to be renewed and secured. She recommended adding UUT to the General Election ballot November 2018, asking voters to renew the UUT without any sunset. Council expressed their support.

**ACTION: Direction to to place the Utility Users Tax (UUT) ballot measure in the November 2018 general election (5-0).**

## 11. REPORTS & COMMUNICATIONS

- A. Mayor Report  
1. Announcements

Mayor Long attended the Mayors' Conference and provided an update to Council. The West Contra Costa Unified School District will be voting to eliminate funding of the Community Liaison officers at Pinole Valley High School to provide funding for a Restorative Justice program. Mayor Long encourages Council and members of the community to attend the Board meeting on Wednesday, November 15, 2017 at 6:30 p.m. at Lovonya DeJean Middle School.

The Bay Front Chamber of Commerce has requested a representative from the City of Pinole to serve on the Board; nominations are due November 11, 2017. Due to request deadline, the City is unable to appoint a representative from the City Council. Mayor Long encouraged community members to seek appointment; if interested, residents should contact the City of Pinole.

City Manager Fitzer announced that Marin Clean Energy (MCE) has sent the City a letter asking to form the Community Leader Advisory Group (CLAG). MCE is soliciting community members to apply for the committee. CLAG members advise MCE on community outreach strategies and identify venues for reaching broad section of energy consumers. Community members interested in applying should contact Amelia Timbers at [atimbers@ci.pinole.ca.us](mailto:atimbers@ci.pinole.ca.us) by or before December 1, 2017.

- B. Mayoral & Council Appointments  
1. Traffic & Pedestrian Safety Committee Appointment  
[Action: Council Discretion (Interview Subcommittee)]

Councilmember Swearingen forwarded a recommendation from the Interview Subcommittee to appoint Diana Bik Boeck to the Traffic & Pedestrian Safety committee to serve a two year term.

**ACTION: Motion by Councilmember Swearingen/Toms, to appoint Diana Bik Boeck to the Traffic & Pedestrian Safety committee.**

**Vote: Passed 5-0**

C. City Council Committee Reports & Communications

Councilmember Toms attended the MCE Board meeting, Municipal Ordinance Update Subcommittee, the Naming Committee and provided an update to Council.

Mayor Pro Tem Banuelos attended the Mayors' Conference and the Municipal Ordinance Update Subcommittee.

Councilmember Swearingen attended the funeral services of former Mayor and Councilmember of San Pablo Joe Gomes. Mr. Gomes was a recognizable member of the community and the City of San Pablo.

D. Council Requests For Future Agenda Items

E. City Manager Report / Department Staff

F. City Attorney Report

City Attorney Casher stated that he and Community Development Director/City Engineer Tamara Miller will be presenting at the American Public Works Officers conference on Thursday, November 9, 2017.

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

At 9:38 p.m., Mayor Long adjourned the Regular City Council Meeting of November 7, 2017, in Remembrance of Amber Swartz, Joe Gomes former Mayor of the City of San Pablo, the victims and families of the congregation of the Sutherland Springs church and our Military personnel all around the world.

**Submitted by:**



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**Rosa G. Acosta**  
City Clerk

**Approved by City Council: November 21, 2017**