

**SPECIAL CITY COUNCIL WORKSHOP MEETING
TUESDAY,
January 30, 2007
6:00 P.M.**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

The Special meeting of the Pinole City Council was held in the Council Chambers located at 2131 Pear Street, Pinole, California. Mayor Alegria called the meeting to order at 6:04 p.m. and Public Works Director Allison led the Pledge of Allegiance.

2. ROLL CALL & CITY CLERK REPORT

Peter Murray, Mayor Pro Tem
Stephen S. Tilton, Council Member
Maria Alegria, Mayor

Council Members Mary Horton and David Cole were absent.

City Clerk Athenour reported that the Agenda was posted on Friday, January 26, 2006 at 10:00 a.m. All legally required notice was provided. She confirmed the Council photo session to be held at the Council Chambers at 5 PM on Tuesday, February 20th preceding the Regular Council meeting.

3. CONVENE TO A CLOSED SESSION

Closed Session was held in the Council Caucus/Community Meeting Room located at 2131 Pear Street, Pinole, California.

- A. Pursuant to Government Code Section §54597, The Pinole City Council Conferred With Its Labor Negotiator, Michelle Fitzer, Regarding the Status of the Revised Employee/Employer Labor Relations Resolution.

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

At 6:30 p.m., Mayor Alegria reconvened the meeting in open session and announced there were no reportable actions.

5. CITIZENS TO BE HEARD (Public Comments)

James Tillman addressed Council regarding the spill at Chevron a few weeks prior, and said that a shelter in place was needed in Pinole. He also cited a recent Cal Trans study regarding the health impacts to children living near freeways. He asked the Council to prepare a report to forward to the legislators.

Mayor Alegria said she would add the Community Warning System to her list.

6 SPECIAL ITEMS

- A. Remembrance. Amber Swartz is still missing. Anyone with information is urged to contact the Pinole Police Department, (510) 724-8950.

7. FROM THE OFFICE OF THE MAYOR:

A. Mayor's Report

1. Set Special Meeting to Discuss Measure S Sales Tax Implementation – Proposed Meeting Dates February 5 or February 13 (**Council: Please Bring Calendars**)

Mayor Alegria announced that a Special Meeting would be held at 6 PM on Monday, February 26th to discuss the implementation and expenditure plans for Measure S. She asked the City Clerk to advise Council Members Horton and Cole.

8. WORKSHOP ITEMS

- A. Receive Status Report on the General Plan Update (**Dunn**)

Elizabeth Dunn, City Planner, introduced Pacific Municipal Consultants (PMC), Christina Radcliffe and Andrea Nelson.

Christina Radcliffe, PMC Senior General Plan Advisor, addressed Council regarding PMC's approach to the General Plan process, and requested guidance from Council regarding the proposed process and scheduling future workshops.

Ms. Radcliffe said that an administrative draft would be submitted to staff in approximately one month. The report would be a "broad brush" stroke of Pinole now. The first workshop, an informal style meeting, is scheduled for the end of February. The draft General Plan would be drafted from the workshops with the public, Council, Planning Commission and staff, and the Final General Plan would be the culmination of the process. The goal is to insure that the community's vision is transferred into achievable goals.

Plan goals include but are not limited to:

- Decrease urban sprawl
- Protect open space
- Create strong local and regional economies
- Promote energy and resource efficiency (including energy and resource efficient buildings)

The second workshop would include the presentation of options, and a report back to the Planning Commission (steering committee for the General Plan) and then to Council. The question was raised whether the report should be oral or written.

The public was directed to submit comments and questions via email to: pinolegeneralplan.com and links would be available on the website to maps, updates, and ultimately to the Environmental Impact Report. Ms. Radcliffe concluded her report and asked for direction and/or confirmation of the proposed process.

Council comments followed.

Mayor Pro Tem Murray noted that following the last General Plan there were a great number of inconsistencies and asked if there was a warranty if there were issues following the adoption of the plan to require the consultant to return to work through the issues.

Ms. Radcliffe responded that the contract included updates to the General Plan and the zoning ordinance at the same time, which would eliminate the problems raised by Mayor Pro Tem Murray. The City would

initiate rezoning to comply with the General Plan. She said her firm implements General Plans and she would guarantee the work for up to five years.

Mayor Alegria asked Ms. Radcliffe to assess what other communities have done to restrict development in certain areas so entitlements are not granted before the vision in the plan is implemented (urgency ordinance /moratorium). Mayor Alegria raised Oakley as an example whereby a moratorium was placed on residential development in order to develop parklands.

Ms. Radcliffe deferred to the City Attorney; but responded that newly incorporated cities have different regulations. City Attorney Reyes concurred with that statement.

She estimated the General Plan should be adopted in Fall 2007 and the zoning ordinance in Spring 2008. This issue was held over for further discussion at a future meeting.

Mayor Alegria also deferred discussion of the Planning Commission being identified as the steering committee to a later point in the meeting.

B. Receive Annual Legal Update (Reyes)

City Attorney Reyes announced that due to his illness Assistant City Attorney Inga Lintvedt would provide a brief presentation on the Brown Act, and that a full AB 1234 Ethics training would be provided to the Planning Commission at a later time in order for the Commission to fulfill their requirement.

Assistant City Attorney Lintvedt presented a brief summary of the Brown Act, addressing the following:

1. Ad Hoc (less than a quorum of a legislative body) Committees
2. Definition of a meeting
3. "Church mouse" rule
4. Serial Meetings is when the body reaches a collective concurrence by direct or indirect
5. Daisy chain meeting or over use of the "reply all" button on email
6. Hub and spoke meeting - one person communicating with all the other members

Meeting must be within city boundaries (exceptions were provided) and must be accessible to disabled individuals. Agenda and noticing, and Closed Session requirements for meetings were discussed.

Ms. Lintvedt was available for questions.

Commissioner Long asked the definition of pending litigation and whether it would include potential litigation. Lintvedt responded affirmatively.

City Attorney Reyes further described significant exposure to litigation, filed litigation, and permission to initiate litigation.

James Tillman raised a question regarding a member of a legislative body stepping down due to a conflict of interest and whether they could address the body as an individual.

City Attorney Reyes said conflicts of interest were not part of the Brown Act, but said if there was a material conflict of interest, technically one must leave the room and not participate in a vote, but does allow a member to speak under public comment and act as a citizen.

Maureen Toms asked if the school district board was subject to AB 1234 training. City Attorney Reyes responded that it was drafted for local agencies, and that state and school board officials are exempted.

James Tillman asked if special meetings and workshops are required to be broadcast, and whether a non-agendized report could be given under Citizens To Be Heard, where public is not allowed to comment.

City Attorney Reyes responded that there were no requirements to televise meetings. With respect to the second question, the Mayor or Chair could elect to receive reports from other public agencies and comments could be recognized from other citizens at the pleasure of the Chair, but debates from the floor were discouraged.

Council Member Tilton said this issue was previously raised and discussed on January 8, 2007 and budget costs were part of the issue with televising additional workshop meetings.

C. Receive Planning Commission Issues From The Planning Commission Chair (10 min.)

John Chapin, Commission Chair noted that the Commission did not have sufficient advance notice of this comment session to provide formal comments approved by a board consensus, but raised the following issues:

- Request police and fire comments re: fiber optics and disaster preparation on current planning projects
- Infill lots - top priority is safety and visually attractive (Beacon station- good example/Union 76- bad)
- Neighborhood beautification
- Need for checks and balances – concern that staff can approve deviations from conditions of approval
- Concern with approving projects under current General Plan that would not be in conformance with the revised General Plan
- Planning Commission agendas posted on the website in advance of the meetings
- Post Planning Commission roster on the website.
- Advance invitations to groundbreaking events

Mayor Alegria opened dialogue for twenty minutes to address some of the issues raised above. Council concurred immediately with the request for advance notices of groundbreakings, and uploading of the Planning Commission roster and agendas.

The floor was opened to the Planning Commission to discuss the General Plan update and the checks and balances issue.

Commissioner Toms addressed “moratoriums” and said it should be balanced against economic development goals, and asked that care be taken in how it is addressed. She asked if the zoning ordinance update would include rezoning the properties that would then be non-conforming, and eliminate requiring applicants to request rezoning on a case-by-case basis.

Ms. Dunn said she supported the philosophy that the City should fix those areas. Commissioner Toms agreed and said that the Commission was still considering rezonings initiated by property owners to bring into compliance.

Commissioner Long asked at what point does the applicant have entitlements under the current general plan or zoning or whether the project must comply with the new regulations. The concern was raised that developers would have the best of both worlds, and she wanted to insure that the City was not stuck with

something that was not compatible with the community. She requested a moratorium on any zoning changes until the General Plan Update is adopted.

Ms. Dunn responded that an application filed before the adoption of a new plan would be reviewed under the current General Plan and zoning ordinance. She said it would become difficult toward the end of the process and that she would look to PMC for advice, and that this was a discussion she would have with Ms. Radcliffe.

City Attorney Reyes asked that his office be informed if issues are raised.

Council Member Tilton noted that he receives daily inquiries asking when the empty lots would be developed. He said he supported anything the Council and Commission can do to streamline the process.

Mayor Alegria said this discussion should continue at a future date and looked to Ms. Radcliffe for assistance in the future.

Commissioner Long raised the “checks and balances” issue and asked how to insure a project is built as it was approved. She suggested final sign-offs by the City Planner on conditions of approval, before final certificate of occupancies are released. The conditions of approvals should be incorporated into the building inspectors review in the field.

Mayor Pro Tem Murray supported adoption of a better procedure.

Mayor Alegria asked the Commission to bring recommended procedures to the Council for their approval.

Commissioner Brooks suggested implementing an incentive for citizens to beautify their landscape. Mayor Pro Tem Murray suggested looking at City of San Ramon’s beautification policies.

James Tillman said the City established a painting program in Old Town in 1980, and in 1989 he started a neighborhood cleanup program, which has not returned to his area since 1998.

Mayor Alegria responded, stating that the Neighborhood Cleanups are active City programs. Mayor Pro Tem Murray suggested discussing beautification at the Redevelopment Subcommittee level.

Regarding the Police and Fire project review, Chief Parrott said only recently had the Police Department and Information Services began to review projects for fiber optics. Disaster preparedness issues are not specifically reviewed, except at gas stations in order to condition for place emergency power to provide fuel. There are no codes or statute requirements to imposed conditions at this time.

Commissioner Toms asked the City Attorney if there was a nexus to require that. Mr. Reyes said care should be taken not to be capricious, but that the Council had the power to legislate and enact ordinances for these purposes.

Mayor Alegria asked the Planning Commission to put procedures together for Council to review in the next few months. Mayor Pro Tem Murray said to start on the checks and balances /conditions of approval as soon as possible as it was a critical issue.

Mayor Alegria questioned the Planning Commission assignment as the steering committee, and not also the public. City Planner Dunn responded that both options were provided to the Planning Commission and based on their familiarity with land use issues, it was determined they should guide the process.

James Harris, citizen, said citizens should be aware of the process and be encouraged to become involved.

Mayor Alegria asked Commission Chair Chapin to make future presentations to the Council, and suggested that perhaps some Planning Commission meetings involving the General Plan should be televised. Get on future Council agendas for updates.

Planning staff noted that three public workshops would be devoted to the General Plan and three to the Zoning Ordinance.

At 8 p.m., Chief Parrott requested that the order be changed to move Item E forward, as he has a guest speaker. The Mayor approved his request.

E. Receive Report On Radio Interoperability System **Action: Provide Direction to Staff (Parrott)**

Chief Parrott introduced Chris Suter, San Ramon Valley Fire District to present a report on the interoperability communications gap.

Mr. Suter addressed Council. Diagrams were presented that depicted communication abilities between agencies in Alameda and Contra Costa Counties. Homeland Security funds are available to buy equipment for the system, and West County is purchasing equipment now. An interim fix was discussed which would allow interoperability by changing radio channels so Police Departments could communicate over a wide area. The complete system is estimated to cost sixty million dollars. If a bond measure is selected as a funding mechanism, it is necessary to be certain there will be sufficient funds to complete the project. Motorola has been selected as the vendor of choice, but an independent consultant has been retained to review the proposal. He was available for questions.

Mayor Alegria said a discussion was held at the Mayors' Conference. Two issues raised were: the governance structure (no elected officials were included) and the cost to buy in with a letter of intent. She was apprehensive to make a decision without a full discussion with this Council, after the discussion at the Mayors' Conference. She questioned how the system would work geographically along I-80 and noted that she did not see any West County representation on the governance structure

Suter responded that the San Pablo City Manager is on the governance committee, and it would be presented to every board and council to sign off on prior to a full commitment. He said the committee is trying to move this quickly, as the radio system in West County is aging and needs to be replaced.

Council Member Tilton asked, short of a new system, could Pinole watch commanders have radios to communicate with the other agencies currently. Suter said it is possible, but does not think it exists now.

Mayor Pro Tem Murray suggested using existing cell sites for this new equipment.

Suter said that most sites have been identified on public infrastructure. Most of the cost was attributed to the actual radio equipment, and costs may be higher due to the terrain in Contra Costa County. There is also a proposal for a monthly maintenance fund for future costs.

Chief Parrott asked about readily available alternatives, and Suter said there were not any known at this time.

Suter closed the presentation stating that governance and getting the system correct are the two biggest issues. Chief Parrott identified ongoing maintenance as an issue also, and recommended that each city have an advocate for their interests.

D. Receive Report On Training For National Incident Management System (NIMS) Action: Provide Direction to Staff (Parrott)]

Chief Parrott introduced materials to Council and into the record. The Pinole Fire Department is working with El Cerrito Fire to present two NIMS training sessions for Council Members. One training would be held in each city and would qualify for the two-hour NIMS Elective Board training. Parrott outlined Council's responsibility in a disaster, and their role to allocate emergency funding and give direction to staff with parameters on emergency funding. Most costs are largely reimbursable through state and federal funds.

Staff introduced the concept of "Standby Officers," which is not a requirement but would allow elected officials to appoint up to three persons in the event of injury or death to act in their behalf. He recommended it was an option Council should consider. Absent that directive, it would default to the largest adjacent city or the County Board of Supervisors.

The specialized training offered at CSTI – San Luis Obispo for staff members was briefly discussed.

The Alex Clark Room was identified as the current Emergency Operations Center (EOC). Chief Parrott presented the challenge faced with the current dual role of that facility for public use. He recommended that some of the public usage should be directed to the new Youth Center or other available facilities.

Council Member Tilton supported the dedicated use of the Alex Clark Room as the EOC, as it must be ready to activate at any time.

Chief Parrott discussed CERT training, which the department has been promoting with community groups. The City will be offering classes and were looking for participation from interested citizen.

Other issues include the ability to provide food and shelter to disaster workers (our employees). The packaged food available is currently at the end of its shelf life. Adequate storage for supplies is also limited.

Chief Parrott advised Council that the approval of additional expenditures to fund this program would be scheduled at a future meeting for formal action. Disaster preparedness enhancements would also be a part of the Measure S funding plan discussion.

Mayor Alegria asked how the community warning system worked in a disaster. Chief Parrott said the "call" system worked pretty well, but Pinole did not have siren system coverage any longer.

Mayor Alegria thought that the Council might want to look into a siren again. Mayor Pro Tem Murray said Pinole is located in a depression with winds generally blowing around or away from Pinole, stating that was why the siren service was abandoned. Chief Parrott said that the siren wasn't as necessary with the internet, and the technology today.

Discussion followed regarding “911” calls that do not always register on internet-based phone systems. He recommended that citizens look into the applicability of their systems.

Commissioner Brooks asked that citizens be notified of the CERT training. Chief Parrott said that it was advertised on the TV scroll and web for open enrollment.

Commissioner Toms said there was an active email list for high school, middle school and some of the elementary schools, and that she would get the information out on those lists also.

9. ADJOURNMENT

At 9:03 p.m., Mayor Alegria adjourned the meeting to the Regular Redevelopment Agency and City Council Meetings of February 6, 2007.

Submitted by:

Patricia Athenour, CMC
City Clerk