

\*Please note – City Council will convene at 5:30 p.m. to review Closed Session matters, Open Session will commence upon the conclusion of Closed Session Discussions by or before 7:00 p.m.



## PINOLE CITY COUNCIL AGENDA

TUESDAY  
DECEMBER 19, 2017

5:30 P.M.

2131 Pear Street, Pinole, California

.....

**Tim Banelos, Mayor**  
**Peter Murray, Mayor Pro Tem**  
**Debbie Long, 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 & 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 LEGAL COUNSEL—ANTICIPATED LITIGATION**

Gov. Code § 54956.9(d)(4)

Number of Potential Cases: One Matter

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS-**

Pursuant to Gov. Code §54956.8

Property: 2850 Estates Ave., Pinole, CA 94564 (APN #360-010-017-0)

Agency negotiator: City Manager Michelle Fitzer

Negotiating parties: Pinole Assisted Living Community ("PALC")

Under negotiation: Price and Terms

**C. 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

**D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Gov. Code §54956.8

Property: 612 Tennent Avenue (APN: 401-142-011)

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

Negotiating Parties: Marc Grisham and Jim Riley

Under Negotiation: Terms

**E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Gov. Code § 54957

Title: City Clerk

**F. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Gov. Code § 54957

Title: City Manager

**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 new Sr. Community Library Manager Dr. Francis Adebola-Wilson
  - b. Presentation by CCTA/Caltrans on Metering Lights

**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 December 5, 2017
- B. Receive the December 2 - 15, 2017 List of Warrants and December 15, 2017 Payroll in the Amount of \$374,934.89
- C. Approve an Extension of Time and Allocation of Funding for the Professional Services Agreement with James Parrott  
**[Action: Approve Resolution Per Staff Recommendation (M. Fitzer)]**
- D. Amend and Ratify the Council Meeting Procedures Approved Under Council Resolution 2017-13  
**[Action: Council Discretion to Reconfirm or Adopt Resolution to Amend Procedures (R. Acosta)]**
- E. Resolution Approving a Fee Increase for the Pinole Senior Center Salon and Amending the Pinole Master Fee Schedule  
**[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]**
- F. Approve an Amendment to the Task Order for 4Leaf for contract Building Inspector Services in an amount not to exceed \$100,000 and Authorize the Finance Director to Amend the FY 17/18 Budget  
**[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**
- G. Approve an Amendment to the Task Order for CSG for Contract Building and Fire Plan Check Services in an amount not to exceed \$160,000 and Authorize the Finance Director to Amend the FY 17/18 Budget

**[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**

- H. Approve an Amendment to the Task Order for MIG Professional Planning Services for Planning Services to an Amount Not to Exceed \$80,000  
**[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**

**8. PUBLIC HEARINGS**

NONE

**9. OLD BUSINESS**

- A. Review and Approve the 2018 Council Committee Appointment List  
**[Action: Adopt Resolution per Staff Recommendation (R. Acosta)]**

**10. NEW BUSINESS**

NONE

**11. REPORTS & COMMUNICATIONS**

- A. Mayor Report  
1. Announcements
- B. Mayoral & Council Appointments
- C. City Council Committee Reports & Communications
- D. Council Requests For Future Agenda Items
- E. City Manager Report / Department Staff
- F. City Attorney Report

**12. RECONVENE TO CLOSED SESSION**

- G. 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

**13. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION**

- 14. ADJOURNMENT** to the Regular City Council Meeting of January 16, 2018 In Remembrance of Amber Swartz.

**Note: The Regular Meeting of January 2, 2018 is canceled**

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: December 14, 2017 at 4:00 P.M.**

---

**Rosa G. Acosta**  
**City Clerk**