



## PINOLE CITY COUNCIL AGENDA

TUESDAY  
JUNE 5, 2018

6:00 P.M.

2131 Pear Street, Pinole, California

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**Tim Banelos, Mayor**  
**Peter Murray, Mayor Pro Tem**  
**Debbie Long, Council Member**  
**Roy Swearingen, Council Member**  
**Maureen Toms, 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 2017-72. 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.

**A. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Gov. Code §54597.6

City Labor Negotiators: Bruce Heid, Gregory Ramirez, and Hector De La Rosa,  
Assistant City Manager

Employee Organizations: Local 1 & AFSCME

**B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Gov. Code § 54956.9 (d)(1)

Name of Case: Verizon Wireless

**C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Gov. Code § 54956.9 (d)(4) (Initiation of Litigation)

Number of Potential Cases: 1

***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. Proclamation**

a. Elder and Dependent Adult Abuse Awareness Month

**B. Presentations / Recognitions**

a. Presentation by Contra Costa County Supervisor Federal Glover

b. Emergency Preparedness Presentation by Chief Gang and Chief Kouns

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

*Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes, and is subject to modification by the Mayor. 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 Council 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 May 15, 2018 and the Special Meeting of May 23, 2018
- B. Receive the May 12, 2018 – June 1, 2018 List of Warrants and the May 18, 2018 and June 1, 2018 Payrolls in the Amounts of \$526,334.07, \$385,386.53 and \$459,791.71, respectively

**8. PUBLIC HEARINGS**

*Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk.*

- A. Conduct Public Hearing and Adopt a Resolution Confirming the Assessments and Ordering the Levy for the Pinole Valley Road Landscape and Lighting Assessment District for Fiscal Year 2018/2019  
**[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**
- B. FY 2017-18 Annual Review of Utility Users Tax, and Adoption of a Resolution Modifying Household Income Eligibility Thresholds for Utility Users Tax Exemptions for FY 2018-19  
**[Action: Approve Resolution Per Staff Recommendation (A. Miller)]**
- C. Sidewalk Maintenance
  - 1. Overview of the Draft Sidewalk Maintenance Program  
**[Action: Receive Verbal Report and Provide Direction (E. Casher)]**
  - 2. Continued Public Hearing for the Introduction and First Reading of an Ordinance Adding Chapter 12.36 to the Pinole Municipal Code Regarding Responsibility of Property Owner for Maintenance of Adjacent Sidewalk  
**[Action: Approve 1st Reading Per Staff Recommendation (E. Casher)]**
- D. Introduction and First Reading of an Ordinance Amending the Three Corridors Specific Plan to Allow for Residential Uses to Exceed Forty Nine (49%) of the Building Square Footage in the Commercial Mixed Use Land Use District Within the San Pablo Avenue Corridor Mixed Use Sub-Area  
**[Action: Approve 1st Reading Per Staff Recommendation (W. Rhodes)]**
- E. Approve a Determination of Public Convenience or Necessity (PCN) for the Existing Tandoor Restaurant Located at 2554 Appian Way (CUP 18-02)  
**[Action: Approve Resolution Per Staff Recommendation (W. Rhodes)]**

**9. OLD BUSINESS**

None

**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
  - 1. Approve Formation of a Subcommittee – Restaurant Tax
  - 2. Discuss LLAD Business Assistance Program Termination Phase In?
- E. City Manager Report / Department Staff
- F. City Attorney Report

**12. ADJOURNMENT** to the Regular City Council Meeting of June 19, 2018 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 72 hours prior to the meeting date set forth on this agenda.

**POSTED: May 31, 2018 at 4:00 P.M.**

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**Lorraine H. Hartnett**  
**Deputy City Clerk**