



PINOLE CITY COUNCIL AGENDA

TUESDAY
NOVEMBER 3, 2015

6:00 P.M.

2131 Pear Street, Pinole, California

Peter Murray, Mayor
Roy Swearingen, Mayor Pro Tem
Debbie Long, Council Member
Tim Banuelos, 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 2014-67. 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. You may also contact the City Clerk via e-mail at pathenour@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. 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. G.C. § 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.

A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(2)

Number of Potential Cases: 1 Matter

**B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to GC §54957
City Manager**

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

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

1. 14th Annual Shelter In Place Education Day – November 4, 2015

B. Presentations / Recognitions

1. Dumpster Day & Coastal Cleanup Video Presentation by Community Service Commissioner Ojeda

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 discuss a consent item, it will be removed from the Consent Calendar and taken up in order after the last item on the Consent Calendar.

A. Approve the Minutes of the Meeting of October 20, 2015

B. Receive the October 17 - 30, 2015 List of Warrants and the October 23, 2015 Payroll in the Amount of \$ \$323,929.53

C. Accept the Improvements, Direct Staff to Record a Notice of Completion, and Release Retention for the Pinole Skate Park Project / Project Contractor: MG Creations Construction [Council Report No. 2015-114; Action: Adopt Resolution Per Staff Recommendation (Castro)]

- D. Receive the Fiscal Year 2014/15 4th Quarter Investment Report [**Council Report No. 2015-115; Action: Receive Report (Miller)**]
- E. Authorize the City Manager to Execute A Three-Year Contract with D & H Landscaping For Landscape Maintenance Services [**Council Report No. 2015-116; Action: Adopt Resolution Approving Contract Per Staff Recommendation (Petrie)**]
- F. Review Responses to Grand Jury Report No. 1510 – Community Courts [**Council Report No. 2015-117; Action: Receive Report & Approve Response Letter (Reyes/Gang)**]
- G. Designate The City Manager As The City's Board Member To The Municipal Pooling Authority (MPA) Of Northern California ("Authority") And The Finance Director As The Alternate Board Member [**Council Report No. 2015-118; Action: Adopt Resolution Approving Contract Per Staff Recommendation (Espinosa)**]

8. PUBLIC HEARINGS

9. OLD BUSINESS

10. NEW BUSINESS

- A. Consider Adoption Of Resolutions That Allow Participation In The State Of California Property Assessed Clean Energy (PACE) Programs And Their Respective Joint Powers Authorities [**Council Report No. 2015-119; Action: Adopt 2 Resolutions Per Staff Recommendation (De La Rosa)**]
- B. Consider a Request for Waiver of Facility Use Fees from Pinole Valley High School [**Council Report No. 2015-120; Action: Council Discretion to Grant Waiver (Johnson)**]
- C. Discussion Regarding Recreation Programming [**Oral Discussion; Action: Provide Direction to Staff (Council Member Long)**]

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements
- B. Mayoral & Council Appointments
 - 1. Appoint a Council Representative To Meet with the WCCUSD and City Staff Regarding the District's Fiberoptic Proposal [**Council Discretion to Appoint (Espinosa)**]
- C. City Council Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager Report / Department Staff
- F. City Attorney Report

12. ADJOURNMENT to the Regular City Council Meeting of November 17, 2015 IN
Remembrance of Amber Swartz and Council Member Phil Green

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: October 29, 2015 at 4:00 P.M.

Patricia Athenour, MMC
City Clerk