



## PINOLE CITY COUNCIL AGENDA

TUESDAY  
FEBRUARY 19 2019

6:00 P.M.

2131 Pear Street, Pinole, California

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**Peter Murray, Mayor**  
**Roy Swearingen, Mayor Pro Tem**  
**Norma Martinez-Rubin, Council Member**  
**Vincent Salimi, Council Member**  
**Anthony Tave, 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 2019-03. 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 Item 5.

**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 five (5) years.

**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.

THERE ARE NO CLOSED SESSION ITEMS

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

**5. 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.*

**6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

A. Proclamations

B. Presentations

1. Presentation of \$1,500 Donation to the Pinole Youth Center from the Richmond Elks Lodge

2. FCC Order and Small [Cell Tower Presentation](#) by Legal Counsel Alex Mog

**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 [Meetings of January 28, 2019](#)

B. Receive the [February 2, 2019 – February 15, 2019 List of Warrants](#) in the Amount of \$499,245.83 and the February 8, 2019 Payroll in the Amount of \$391,217.59

C. Receive the [Second Quarter Investment Report](#) [Action: Receive Report (A. Miller)]

D. Adopt Resolution and Approve [Task Order Contract Amendment / M Group](#) [Action: Adopt Resolution Per Staff Recommendation (Rhodes)]

E. Adopt [Resolution Approving Surplus Equipment](#) [Action: Adopt Resolution Per Staff Recommendation (T. Miller)]

- F. Approve the [Housing Element Annual Report](#) CY 2018 [**Action: Receive & Accept Report (Rhodes)**]
- G. Adopt Resolution, Approve [Settlement Agreement with Henner Tank Lines](#) and Bhavani Enterprises, Inc., and Authorize the City Manager to Execute the Agreement [**Action: Adopt Resolution Per Staff Recommendation to Approve Settlement Agreement (Casher)**]

## 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. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.*

NONE

## 9. OLD BUSINESS

NONE

## 10. NEW BUSINESS

- A. Discussion Regarding [Installation of Benches on Galbreth Road](#) [**Action: Receive Report & Provide Direction (T. Miller)**]
- B. Receive [2018-19 Second Quarter Financial Report](#) And Adopt Resolution Approving Budget Adjustments [**Action: Receive Report & Adopt Resolution Per Staff Recommendation (A. Miller)**]
- C. Consider a [Letter of Support for H.R. 530](#), the Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019, and Requesting a Legislative Co-Sponsor [**Action: Review Letter and Authorize the Mayor to Sign (Fitzer)**]

## 11. REPORTS & COMMUNICATIONS

- A. Mayor Report
  - 1. Announcements
- B. Mayoral & Council Appointments
- C. City Council Committee Reports & Communications
  - 1. Discuss and Provide Direction on WCCUSD Resolution re: Request for State Moratorium on Charter Schools
- 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 March 5, 2019 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: February 14, 2019 at 4:00 P.M.**

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**Patricia Athenour, MMC**  
**Interim City Clerk**