



PINOLE CITY COUNCIL AGENDA

TUESDAY
MARCH 19, 2019

6:00 P.M.

2131 Pear Street, Pinole, California

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. You may also contact the City Clerk via e-mail at cityclerk@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 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.

- A. CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATION
G.C. Section 54956.8
Address: 2279 Park Avenue, Pinole CA 94564
Negotiator: City Manager, Michelle Fitzer and Assistant City Manager, Hector De La Rosa
Negotiating Parties: Marc Grisham
Under Negotiation: Price & Terms

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
 - 1. Assistant City Attorney Stephanie Downs
- B. Presentations / Recognitions
 - 1. Recognition – Planning Manager Winston Rhodes
 - 2. Recognition – Public Works Manager Rich Ariza
 - 3. Administer Oath of Office to City Clerk Heather Iopu
 - 4. Administer Oath of Office to Assistant City Attorney Alex Mog
 - 5. [Friends of Pinole Creek Watershed Update by Ann Moriarty](#)
 - 6. [Water Pollution Control Plant Project Status Update by Mike Warriner](#)

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 March 5, 2019 [**Item Continued to Meeting of April 2, 2019**]
- B. Receive the [March 2, 2019 – March 15, 2019 List of Warrants](#) in the Amount of \$539,232.68 and the March 8, 2019 Payroll in the Amount of \$401,282.86

- C. Second Reading and [Adoption of Ordinance for 2019 West Contra Costa County Sub-Regional Transportation Mitigation Program \(STMP\) Fee Update](#) **[Action: Adopt Ordinance on 2nd Reading (T. Miller)]**
- D. Conduct Second [Reading of an Ordinance Amending Chapters 3.34.010 Through 3.34.040 of the Pinole Municipal Code to Revise the Uniform Construction Cost Accounting Act Procedures](#) **[Action: Adopt Ordinance on 2nd Reading (T. Miller)]**
- E. Approve the Submittal of the [Growth Management Program Compliance Checklist For CYs 2016 & 2017 To the Contra Costa Transportation Authority \(CCTA\) To Receive Approximately \\$759,000 In Measure J Return-To-Source Gas Tax Dollars For the FY 2017-18 & 2018-19](#) **[Action: Adopt Resolution Per Staff Recommendation (Rhodes)]**
- F. Receive and File [the Housing Successor agency Annual Report For FY 2017-18](#) **[Action: Receive & File Per Staff Recommendation (De La Rosa)]**
- G. Approve A [Professional Services Agreement With Emergency Services Consulting International \(ESCI\) in an Amount Not to Exceed \\$60,000 to Perform a Fire Service Delivery Study](#) **[Action: Adopt Resolution Per Staff Recommendation (Fitzer)]**
- H. [Storm Water Utility Assessments for Drainage Maintenance and the National Pollutant Discharge Elimination System \(NPDES\) Program](#) **[Adopt Resolution Per Staff Recommendation (T. Miller)]**
- I. Award a [Professional Service Agreement to Michael Baker International](#) in an Amount Not to Exceed \$9,500 to Conduct a Nexus Study Update of Fire Inspection and Permit Fees **[Action: Adopt Resolution Per Staff Recommendation (Kouns)]**
- J. Approve a [Professional Services Agreement with Hydrosience Engineers, Inc.](#) and Issue a Task Order In An Amount Not To Exceed \$115,300 For Improving and Modernizing the Hazel Street and San Pablo Avenue Sewer Pump Station **[Adopt Resolution Per Staff Recommendation (T. Miller)]**

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. Consider a [Letter of Support for SB 5](#), the Local-State Sustainable Investment Incentive Program [Action: Discuss & Approve Authorization of Signature by Minute Order (Fitzer)]
- B. [Pavement Management Program Update](#) [Action: Approve Per Staff Recommendation (T. Miller)]
- C. Discussion Regarding The [Potential For Fireworks On July 4th 2019](#) [Action: Discuss & Provide Direction (Fitzer)]
- D. [Charter City Discussion](#) [Action: Discuss & Provide Direction (Casher/Mog)]

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. ADJOURNMENT to the Regular City Council Meeting of April 2, 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: March 14, 2019 at 4:00 P.M.

Patricia Athenour, MMC
Interim City Clerk