



PINOLE CITY COUNCIL AGENDA

TUESDAY
SEPTEMBER 17, 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 hiopu@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 REAL PROPERTY NEGOTIATORS

Gov. Code § 54956.8

Property: 401-162-003 (Bank), 401-162-001 (Corner), 401-142-010 (Blackies) & 401-142-011 (Collins)

Agency negotiator: City Manager Fitzer and Assistant City Manager De La Rosa

Negotiating parties: Jimmy Zhou

Under negotiation: Price and terms

B. CONFERENCE WITH LABOR NEGOTIATORS

Gov. Code § 54957.6

Agency designated representatives: City Manager Fitzer and Assistant City Manager De La Rosa

Employee Organizations: AFSCME, Local 1, IAFF, PPEA

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. 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. California Firefighters Memorial Day

B. Presentations / Recognitions

1. Recognition of Pinole Valley High School Art Students for Mural in PD Building

2. Police Department Update by Chief Gang
3. Republic Services Annual Report by Bielle Moore

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 August 20, and August 27, 2019
- B. Receive the August 31, 2019 – September 13, 2019 List of Warrants in the Amount of \$542,513.53 and the September 6, 2019 Payroll in the Amount of \$392,469.12
- C. Receive The Development Impact Fee Report For The Fiscal Year Ended June 30, 2019 [Action: Receive Report and Adopt Resolution per Staff Recommendation (A. Miller)]
- D. Authorize Council Member Salimi To Vote Yes On The League Of California Cities Annual Conference Resolutions [Action: Provide Authorization per Staff Recommendation (Fitzer)]
- E. Approve An Amendment To The Contract And Issue A Task Order For CSG For Staff Augmentation For An Interim Planning Manager And Building Inspector In An Amount Not To Exceed \$151,000 [Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- F. Ordinance Amending Chapters 9.28 & 9.30 Of The Pinole Municipal Code Regarding The Regulation Of Tobacco Products And Tobacco Retailers [Action: Conduct Second Reading and Adopt Ordinance, per staff Recommendation (Mog)]
- G. Approve An Amendment To The Contract With Interactive Resources For Preparation Of Design And Specifications For The Faria House In An Additional Amount Of \$6,017 For A Total Contract Amount Not To Exceed \$91,397, And Amend The Budget Appropriation [Action: Adopt Resolution per Staff Recommendation (De La Rosa)]

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. [Approve The City Of Pinole Fiscal Year \(FY\) 2019-20 through 2023-24 Five-Year Capital Improvement Plan And Adopt the FY 2019-20 Capital Budget \[Action: Approve CIP Plan and Adopt Budget per Staff Recommendation \(A. Miller\)\]](#)

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 October 1, 2019 In Remembrance of Amber Swartz and Stella Faria.

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: September 12, 2019 at 4:00 P.M.

Heather Iopu, CMC
City Clerk