

**PLEASE NOTE MEETING WILL BEGIN AT 6:00 P.M.**



**PINOLE CITY COUNCIL  
AGENDA**

**TUESDAY  
DECEMBER 4, 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. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

- A. Proclamation – NONE
- B. Presentations / Recognitions – NONE

**4. 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.*

**5. 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 November 13, 2018](#)
- B. Receive the [November 10, 2018 – November 30, 2018 List of Warrants](#) in the Amount of \$557,008.80 and the November 16, 2018 Payroll and November 30, 2018 Payroll in the Amounts of \$388,109.33 and \$394,646.38, Respectively
- C. Approving a [Temporary Amendment to the Staffing Allocation](#) in the Police Department to Hire an Additional Police Trainee  
**[Action: Adopt Resolution (M. Fitzer)]**
- D. Resolution Authorizing the City Manager to [Execute a Contract with Avery & Associates](#) in the amount of \$43,800 for Professional Recruitment Services for the City Clerk and Public Works Manager Positions and Authorizing the Finance Director to Amend the FY 18-19 General Fund Budget  
**[Action: Adopt Resolution (H. De La Rosa)]**

**6. NEW BUSINESS**

- A. Appointment of Retired Annuitant and [Former City Clerk Patricia Athenour](#) as Interim City Clerk and Authorizing the City Manager to Execute and Appointment Agreement  
**[Action: Adopt Resolution per Staff Recommendation (M. Fitzer)]**
- B. Approve an [Amendment to City Manager Michelle Fitzer's Employment Agreement](#) to Ratify a Merit Increase Salary Adjustment  
**[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]**

**THE REMAINDER OF THIS AGENDA MAY NEED TO BE CONTINUED TO DECEMBER 11, 2018, IF THE COUNTY ELECTION CERTIFICATION HAS NOT BEEN RECEIVED**

**7. COUNCIL REORGANIZATION & ELECTION MATTERS**

- A. Accepting and [Declaring the Results of Canvass of the November 6, 2018 Municipal Election](#)  
[Action: Adopt Resolution (H. De La Rosa)]
- B. Proclamation of the City Council Expressing Appreciation for his Leadership as Mayor to Timothy J. Banuelos and for his years of Public Service as Council Member
- C. Remarks from Mayor Banuelos
- D. Proclamation of the City Council Expressing Appreciation to Councilmember Debbie Long for her years of Public Service as Council Member
- E. Remarks from Councilmember Long
- F. Proclamation of the City Council Expressing Appreciation to Councilmember Maureen Toms for her years of Public Service as Council Member
- G. Remarks from Councilmember Toms

**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.*

NONE

**9. OLD BUSINESS**

NONE

**10. NEW BUSINESS**

- A. Administer Oaths to Newly Elected Council Members  
[Action: Oaths Administered by Interim City Clerk (P. Athenour)]
- B. [Selection of Mayor and Mayor Pro Tem](#)  
[Action: Nominate Officers & Adopt a Resolution of Appointment (P. Athenour)]
- C. Administer Oaths to Mayor and Mayor Pro Tem  
[Action: Oaths Administered by Interim City Clerk (P. Athenour)]
- D. Comments by Newly Appointed Mayor

**FIFTEEN MINUTE RECESS – RECEPTION IN CITY HALL FOYER**

- E. Approve Resolution Ratifying the [Council Meeting Procedures](#) approved under Council Resolution 2017-72  
[Action: Provide Direction to City Clerk (P. Athenour)]
- F. Review, Discuss and Appoint to the [2019 Council Committee Assignments List](#)  
[Action: Council Discretion to review, discuss and appoint Councilmembers (P. Athenour)]

**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 December 18, 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: November 29, 2018 at 4:00 P.M.**

  
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Rosa G. Acosta, CPMC  
City Clerk