



## PINOLE CITY COUNCIL AGENDA

TUESDAY  
MARCH 15, 2016

6:00 P.M.

2131 Pear Street, Pinole, California

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**Roy Swearingen, Mayor**  
**Debbie Long, Mayor Pro Tem**  
**Tim Banuelos, Council Member**  
**Peter Murray, 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 2015-109. 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 [pathenour@ci.pinole.ca.us](mailto: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](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. 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—EXISTING LITIGATION**

Gov. Code §54956.9(d)(1)

United Professional Firefighters Local 1230 v. City of Pinole

Case No. SF-CE-00864M

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

**5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

A. Proclamations

B. Presentations / Recognitions

1. Introduction of Development Services Director Tamara Miller

**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 member of the public requesting to remove an item from the Consent Calendar must first have discussed the item with a Council Member or a City staff member who has knowledge on the subject material, prior to filing a speaker card with the City Clerk at the meeting.*

A. Approve the Minutes of the Meeting of February 16, 2016

B. Receive the February 27, – March 11, 2016 List of Warrants and the March 11, 2016 Payroll in the Amount of \$331,464.51

C. Receive the 2015 Annual General Plan Housing Element Progress Report [Council Report No. 2016-33; Action: Receive Report (Rhodes)]

D. Receive The FY 2014-15 CAFR And Accept The Audited Reports [Council Report No. 2016-34; Action: Review & Accept Report Per Staff Recommendation (A. Miller)]

- E. Appropriate Funding In The Amount of \$1862.76 In the FY 2015/16 Budget From the General Fund Reserve For A Contract With Jan-Pro Cleaning Systems To Provide Janitorial Services At the Pinole Youth Center **[Council Report 2016-35; Adopt Resolution Per Staff Recommendation (Johnson)]**
- F. Rescinding Resolution No. 2015-73 And Approving a Resolution Authorizing The City Manager To Dedicate And Pledge The Net Revenues Of The City's Wastewater Utility Enterprise Fund For The Repayment Of Any And All State Revolving Fund Loan/Financing On The Pinole-Hercules Wastewater Pollution Control Improvements 2013 Project **[Council Report 2016-36; Adopt Resolution Per Staff Recommendation (De La Rosa)]**

## **8. PUBLIC HEARINGS**

- A. Conduct Public Hearing and Consider Introduction of a Zoning Text Amendment Ordinance To Modify Chapters 17.20 and Chapter 17.98 To Prohibit Medical Marijuana Cultivation And Delivery Within The City Of Pinole **[Council Report No. 2016-37; Action: Conduct Public Hearing Introduce Ordinance & Waive First Reading (Casher)]**

## **9. OLD BUSINESS**

- A. Review Sample Single Use Plastic Bag And Polystyrene Container Ban Ordinances And Consider Similar Ordinances In Pinole **[Council Report No. 2016-38; Action: Provide Direction (Fitzer)]**

## **10. NEW BUSINESS**

- A. Authorize City Manager To Award A Construction Contract For The Pinole-Hercules Water Pollution Control Plant Upgrade Project To Kiewit Infrastructure West Co. In An Amount Not To Exceed \$43,143,000 And Authorizing A 7% Contingency In The Amount Of \$3,020,010 **[Council Report No. 2016-39; Action: Adopt Resolution Per Staff Recommendation (T. Miller)]**

## **11. REPORTS & COMMUNICATIONS**

- A. Mayor Report
  - 1. Announcements
- B. Mayoral & Council Appointments
  - 1. Appointment of a Council Member for the AdHoc Committee For the PG&E Pathways Project Tree Replacement
- C. City Council Committee Reports & Communications
- D. Council Requests For Future Agenda Items

E. City Manager Report / Department Staff

1. Update On Consent Item Removal By Members Of The Public [**Verbal Report; Action: Receive Report (Athenour)**]

F. City Attorney Report

12. **ADJOURNMENT** to the Regular City Council Meeting of April 5, 2016 In Remembrance of Amber Swartz and Dean Allison.

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: March 10, 2016 at 4:00 P.M.**

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