



PINOLE CITY COUNCIL AGENDA

**TUESDAY
MARCH 21, 2017**

6:00 P.M.

2131 Pear Street, Pinole, California

**Debbie Long, Mayor
Tim Banuelos, Mayor Pro Tem
Peter Murray, Council Member
Maureen Toms, Council Member
Roy Swearingen, 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 2016-100. 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. You may also contact the City Clerk via e-mail at 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. 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. 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. Topics at Closed Session may include, but are not limited to License Permit Determinations, Conference with Real Property Negotiators, Conference With Legal Counsel (Existing & Anticipated Litigation), Liability Claims, Threat to Public Service/Facilities, Labor Negotiation, Public Employee Appointment, Evaluation or Discipline or Release, and Case Review/Planning, Report Involving Trade Secret, Hearings, and Charge Involving Information Protected By Federal Law.

- A. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Gov. Code §54597.6
City Labor Negotiators: Hector De La Rosa, Assistant City Manager and Labor Negotiator Bruce Heid, IEDA
Employee Organizations: Fire Local 1230
Pinole Police Employees Association (PPEA)
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS- Pursuant to Gov. Code §54956.8
Property: 2850 Estates Ave., Pinole, CA 94564 (APN #360-010-017-0)
Agency negotiator: City Manager Michelle Fitzer
Negotiating parties: Pinole Assisted Living Community (“PALC”)
Under negotiation: Price and Terms
- C. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Gov. Code § 54956.9(d)(2)
Number of Potential Cases: One

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

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
- B. Presentations / Recognitions
 - a. [Presentation “Let’s Get I-80 Moving” by Eric Zell and Hercules City Manager David Biggs](#)

6. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes for City Council items, and is subject to modification by the Mayor. A speaker’s time may be extended only once, by one person yielding their time. 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 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 adoption of 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 March 7, 2017
- B. Receive the March 4 – 17, 2017 List of Warrants and the March 10, 2017 Payroll in the Amount of \$323,120.63
- C. Approve a General Services Agreement with Alameda County Fire Department to Perform Service and Repairs on Pinole Fire Department Apparatus for a Term of Three Years, In an amount not to exceed \$75,000, and Authorize the City Manager to Execute the Agreement
[Action: Adopt Resolution Per Staff Recommendation (M. Fitzer)]
- D. Approve a One Year Agreement with the YMCA of the East Bay for Facility Use and Onsite Aquatic Program Coordination at the Pinole Swim Center
[Action: Adopt Resolution Per Staff Recommendation (H. De La Rosa)]

8. PUBLIC HEARINGS

- A. Introduce and Conduct First Reading of an Ordinance Amending Chapter 1.12 of the Pinole Municipal Code to Create a General Appeal Process for Violations of the Municipal Code
[Action: Adopt Ordinance Per Staff Recommendation (E. Casher)]
- B. Introduce and Conduct First Reading of an Ordinance Amending Chapters 9.16, 9.28, and 9.30 of the Pinole Municipal Code to Include E-cigarettes in the Definition of Tobacco Products Throughout the Municipal Code
[Action: Adopt Ordinance Per Staff Recommendation (E. Casher)]
- C. Consider Design Review Request 16-29 and Conditional Use Permit 17-01 and 17-02: Gateway East Medical Dialysis Clinic
[Action: Adopt Resolution and Conditions of Approval Per Staff Recommendation (W. Rhodes)]

9. OLD BUSINESS

- A. Receive an Update on the Fernandez Park Restroom Project and Provide Direction to Staff
[Action: Verbal Report, Council Discussion and Direction to Staff (T.Miller)]
- B. Discussion of Possible Use of Housing Funds
[Action: Council Discussion and Direction to Staff (M. Fitzer)]

10. NEW BUSINESS

None

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 4, 2017 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 16, 2017 at 4:00 P.M.

Rosa G. Acosta
City Clerk