



## PINOLE CITY COUNCIL AGENDA

TUESDAY  
APRIL 18, 2017

6:00 P.M.

2131 Pear Street, Pinole, California

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**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 2017-13. 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. 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: APN: 360-200-002  
Negotiator: Assistant City Manager Hector De La Rosa  
Negotiating Parties: Kevin Smith  
Under Negotiation: Price and Terms

- C. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION  
Gov. Code § 54956.9(d)(2)  
Number of Potential Cases: 1

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

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

- A. Proclamations  
a. Proclamation for the Celebration of Arbor Day to the Pinole Garden Club
- B. Presentations / Recognitions  
a. Introduction of Amelia Timbers, Sr. Project Manager  
b. Introduction of Connie Kim, Permit Technician

**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 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 April 4, 2017
- B. Receive the April 1 – 14, 2017 List of Warrants and the April 7, 2017 Payroll in the Amount of \$332,587.51
- C. Authorize the City Manager To Enter Into And Execute An Inter-Agency Agreement Between The Contra Costa County Office Of The Sheriff And The City Of Pinole For Forensic Services  
[Action: Adopt Resolution Per Staff Recommendation (N. Gang)]
- D. Adopt a Resolution to Comply with Assembly Bill 2135, the Surplus Land Act  
[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]
- E. Adopt a Resolution Approving an Amendment to the Housing Fund FY 2016/17 Budget in the Amount of \$45,000  
[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]

## 8. PUBLIC HEARINGS

None

## 9. OLD BUSINESS

- A. Review Phase 2 Priorities of the Municipal Code Update Project  
[Action: Receive Verbal Report and Provide Staff with Direction (B. Reyes)]

## 10. NEW BUSINESS

- A. Consider a Request from Pinole Valley High School for Waiver of the Rental Fee for Fernandez Park Gazebo for the Spring Music Performance on May 20, 2017  
[Action: Receive Report and Provide Staff with Direction (M. Fitzer)]
- B. Accept the 2016 Engineering and Traffic Survey and Adopt a Resolution Establishing the Recommended Speed Limits  
[Action: Adopt Resolution Per Staff Recommendation (T. Miller/N. Gang)]
- C. Provide Direction Regarding Air BNB Voluntary Compliance Agreement for Collection of Transient Occupancy Tax  
[Action: Receive Report and Provide Staff with Direction (Reyes)]

## 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 May 2, 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: April 13, 2017 at 4:00 P.M.**

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**Rosa G. Acosta**  
City Clerk