



**CITY OF PINOLE
SPECIAL CITY COUNCIL MEETING
AGENDA**

**TUESDAY
NOVEMBER 13, 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. 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.

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code §54956.8

Property: 811 San Pablo Avenue (APN: 402-166-030)

Negotiator: Assistant City Manager, Hector De La Rosa

Negotiating Parties: Housing Consortium of the East Bay and Habitat for Humanity

Under Negotiation: Terms

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957

Title: City Manager

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. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamation

a. Honoring Pinole Valley High School Lady Spartans Volleyball Team

b. Honoring Pinole Valley High School Spartans Football Team

B. Presentations / Recognitions

a. Building/Planning Division Verbal Update

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 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 October 16, 2018](#)

- B. Receive the [October 13, 2018 – November 9, 2018 List of Warrants](#) in the Amount of \$875,832.96 and the October 19, 2018 and November 2, 2018 Payrolls in the Amounts of \$390,114.78 and \$373,232.36 respectively
- C. Authorize the [City Manager to enter into a Three Year Contract with the Pacific Coast Farmers' Market Association](#) to continue operating a Year-Round Pinole Farmers' Market for the period of January 1, 2019 through December 31, 2021
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]
- D. Approve [Change Order #54 to the contract with Kiewit Infrastructure West](#) for the Pinole Hercules Water Pollution Control Plant Upgrade Project in the amount of \$311,200 and Authorize the City Manager to Execute Change Order #54
[Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- E. Authorize the [City Manager to Execute four year On-call service contracts](#)
[Action: Adopt Resolution per Staff Recommendation (T. Miller)]
- F. [Recommendation of the Naming Subcommittee to Place a Plaque Dedicating the Theatre Room at the Memorial Center in Honor of Dave and Patti Clark](#)
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]
- G. Review and [Discuss a Proposal from the Pinole Players to take over the City's Children's Theatre](#) and Authorize the City Manager to Commence Negotiations on a new Lease Agreement for Use of Memorial Center
[Action: Adopt Resolution per Staff Recommendation (H. De La Rosa)]
- H. Receive the [Development Impact Fee Report](#) for the Fiscal Year Ended June 30, 2018
[Action: Adopt Resolution per Staff Recommendation (A. Miller/M.Fitzer)]
- I. Approval of the [Purchase of a Command Support Vehicle](#) for use by the Battalion Chief in the amount of \$64,000 and authorize the Finance Director to Appropriate Budget
[Action: Approve Resolution per Staff Recommendation (S. Kouns)]
- J. Resolution [Approving a Fee Increase for the Pinole Senior Center Programs](#) and Amending the Master Fee Schedule
[Action: Adopt Resolution per Staff Recommendation (M. Picazo)]
- K. [Approve a Flexible Spending \(FSA\) for AFSCME Members](#) and Authorize the City Manager to Execute an Agreement with Sterling Administration to Administer the FSA Plans
[Action: Adopt Resolution per Staff Recommendation (H. 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.

None

9. OLD BUSINESS

- A. Update on the [Pinole Seals Operation of the Pinole Swim Center for the 2018 Season](#)
[Action: Receive Report & Provide Direction (H. De La Rosa)]
- B. [The potential to Fund Additional Library Hours](#)
[Action: Receive Report & Provide Direction (M. Fitzer)]

10. NEW BUSINESS

- A. Receive the [FY 2017 -18 Fourth Quarter Financial Report](#) and Provide Direction to staff
[Action: Receive Report and provide direction to staff (A. Miller/M. Fitzer)]

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements
- B. Mayoral & Council Appointments
 - 1. Traffic and Pedestrian Safety Committee – Committee Reappointment
[Action: Reappoint by Minute Order (R. Acosta)]
- 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 4, 2018 In Remembrance of Amber Swartz and Anna McCarty.

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 8, 2018 at 4:00 P.M.

Rosa G. Acosta
City Clerk