



PINOLE CITY COUNCIL AGENDA

**TUESDAY
JUNE 6, 2017**

5:30 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 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 Item 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 REAL PROPERTY NEGOTIATORS – Pursuant to Gov. Code §54956.8

Property: Pinole Shores Business Park Phase II / APN: 402-230-020, 402-230-018, 402-230-017, 402-230-016, 402-230-015, 402-230-022

Negotiator: Assistant City Manager Hector De La Rosa

Negotiating Parties: Jordan Lim and Pro2 Solutions

Under Negotiation: Terms

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Pursuant to Gov. Code §54956.8

Property: Pinole Assisted Living Community

Negotiator: City Manager Michelle Fitzer

Negotiating Parties: Pinole Assisted Living Community

Under Negotiation: Terms

C. PUBLIC EMPLOYMENT

Gov. Code § 54957

Title: CITY ATTORNEY

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

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

B. Presentations / Recognitions

a. Update on San Pablo Avenue Bridge Replacement over BNSF Railroad – Complete Street from Tamara Miller, Development Services Director/City Engineer

b. Presentation on the Status of the Water Pollution Control Plant Upgrade Project

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 May 16, 2017
- B. Receive the May 13, 2017 – June 2, 2017 Lists of Warrants and the May 19, 2017 and June 2, 2017 Payrolls in the Amounts of \$327,324.75 and \$372,992.93, respectively
- C. Approve an Adjustment to the Housing Fund FY 2016/17 Budget to Increase Professional Services by \$15,000 for the Evaluation of Possible Uses of Housing Funds and Attendance at a Council Workshop by RSG, Inc.
[Action: Adopt Resolution Per Staff Recommendation (H. De La Rosa)]
- D. Approve a Professional Services Agreement with Michael Baker International to Conduct Three Fee Study Updates of City of Pinole Impact and User Fees in an Amount Not to Exceed \$60,000
[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]
- E. Review and Approve Updated Fiscal Policies
[Action: Adopt Resolutions Per Staff Recommendation (A. Miller)]
- F. Approve a Professional Services Agreement with Gray-Bowen-Scott for Project Management Services During the Design Phase for San Pablo Avenue Bridge Replacement Over BNSF Railroad - Complete Street In An Amount Not To Exceed \$45,000
[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]
- G. Approve an Amendment to the Professional Services Agreement with Avery & Associates to add the Battalion Chief Recruitment Fees and to Increase the Expenses for the New Fire Chief Recruitment – Total Additional Fees and Expenses Not to Exceed \$17,000
[Action: Adopt Resolution Per Staff Recommendation (M. Fitzer)]

8. PUBLIC HEARINGS

- A. Join the Marin Clean Energy Joint Powers Authority and Implement a Community Choice Aggregation Program in the City of Pinole
[Action: Adopt Resolution Per Staff Recommendation (B. Reyes)]

9. OLD BUSINESS

- A. Continued Second Reading and Adoption of Ordinance Amending Chapter 8.30 and Adding Chapter 8.36 to the Pinole Municipal Code to Require Balcony Inspections in the City [**Action: Approve Ordinance 2017-XX (B. Reyes)**]

10. NEW BUSINESS

- A. Adopt a Resolution to Initiate Proceedings, Approve the Annual Engineer's Report, Announce Intention to Levy and Collect Assessments for The Pinole Valley Road Landscape and Lighting Assessment District for 2017/2018, and Setting The Public Hearing for June 20, 2017
[Action: Accept Draft Engineers Report and Adopt Resolution Setting Public Hearing (T. Miller)]
- B. Discussion of Swim Center Operations
[Action: Discuss and Provide Direction to Staff (M. Fitzer/H. De La Rosa)]

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements
- B. Mayoral & Council Appointments
 - 1. Appoint a Voting Delegate to the League of California Cities Annual Conference September 13 – 15 in Sacramento
- 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 June 20, 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: June 1, 2017 at 4:00 P.M.

Rosa G. Acosta
City Clerk