



## PINOLE CITY COUNCIL AGENDA

**TUESDAY  
JUNE 20, 2017**

**5:45 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 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](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: Bruce Heid and Hector De La Rosa, Assistant City Manager

Employee Organizations: Fire Local 1230  
PPEA

- B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(4) (Initiation of Litigation)

Number of Potential Cases: One

- C. CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION

Gov. Code §54956.9(d)(2)

Number of Potential Cases: One

- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gov. Code § 54957

Title: City Clerk

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

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

- A. Proclamations

A. Proclamation for Tim Harless

B. Proclamation for Benjamin T. Reyes II

- B. Presentations / Recognitions

A. East Bay Regional Park District (EBRPD) Bay Trail Project Information  
Presentation by Sean Dougan

B. Community Service Day presentation by Debbie Ojeda

- C. Adopt Resolution Appointing Eric S. Casher as City Attorney

- D. Administer Oath of Office to City Attorney - Assembly Member Tony Thurmond

## **FIFTEEN MINUTE RECESS – RECEPTION IN CITY HALL FOYER**

### **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 30, 2017 and June 6, 2017
- B. Receive the June 3 – 16, 2017 List of Warrants
- C. Approve Placement Of Liens For Delinquent Unpaid Waste Collection Charges Falling Delinquent Between January & April 2017, Considered At An Administrative Hearing On June 1, 2017  
**[Action: Adopt Resolution Per Staff Recommendation (R. Acosta)]**
- D. Adopt a resolution establishing the FY 2017-18 Appropriations Limit  
**[Action: Approve Resolution Per Staff Recommendation (A. Miller)]**
- E. Adopt a resolution approving amendment to the Residential Health and Safety Rental Inspection Program Master Fee Schedule Amendments in Conjunction with Municipal Code Chapter 8.30 Balcony Inspection Text Amendment  
**[Action: Adopt Resolution Per Staff Recommendation (W. Rhodes)]**
- F. Conduct Second Reading and Adoption of Ordinance Approving the Marin Clean Energy Joint Powers Agreement and Authorizing the Implementation of a Community Choice Aggregation Program in the City of Pinole  
**[Action: Adopt Ordinance Per Staff Recommendation (E. Casher)]**
- G. Adopt resolution accepting the resignation of City Attorney Benjamin T. Reyes II  
**[Action: Adopt Resolution Per Staff Recommendation (B. Reyes)]**

### **8. PUBLIC HEARINGS**

- A. Conduct Public Hearing and Adopt a Resolution Confirming the Assessments and Ordering the Levy for the Pinole Valley Road Landscape and Lighting Assessment District for Fiscal Year 2017/18  
**[Action: Approve Resolution Per Staff Recommendation (T. Miller)]**
- B. Introduce ordinance and conduct first reading of an ordinance Amending Chapters 17.20, 17.22, 17.70, and 17.98 of the Pinole Municipal Code regulating the Development of Accessory Dwelling Units with the City of Pinole.  
**[Action: Approve 1st Reading Per Staff Recommendation (Rhodes/Casher)]**

- C. Adopt the City of Pinole Proposed FY 2017-18 Budget, Approve Cost of Living Adjustments, and Approve a New Job Description for Records Specialist  
**[Action: Approve Resolution Per Staff Recommendation (A. Miller)]**
- D. Conduct FY 2016-17 Annual Review of Utility Users Tax and Adoption of a Resolution Modifying Household Income Eligibility Thresholds for Utility Users Tax Exemptions for FY 2017-18  
**[Action: Conduct Public Hearing & Approve Resolution Per Staff Recommendation (A. Miller)]**
- E. Adopt a resolution approving a Determination of Public Convenience or Necessity (PCN) for East Bay Coffee Company at 2529 San Pablo Avenue (CUP 17-03)  
**[Action: Approve Resolution Per Staff Recommendation (W. Rhodes)]**

## 9. OLD BUSINESS

None

## 10. NEW BUSINESS

- A. Approve Work Plan for Development of a Green Infrastructure Plan for Compliance with Municipal Stormwater Permit 2.0  
**[Action: Receive Report and Approve Resolution Per Staff Recommendation (T. Miller)]**

## 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 Special City Council Meeting of July 11, 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 15, 2017 at 4:00 P.M.**

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**Rosa G. Acosta**  
**City Clerk**