



**JOINT PINOLE CITY COUNCIL &
SPECIAL MEETING OF SUCCESSOR
AGENCY TO THE FORMER CITY OF
PINOLE REDEVELOPMENT AGENCY
AGENDA**

**TUESDAY
AUGUST 18, 2015**

6:00 P.M.

2131 Pear Street, Pinole, California

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**Peter Murray, Mayor
Roy Swearingen, Mayor Pro Tem
Phil Green, Council Member
Debbie Long, Council Member
Tim Banuelos, 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 2014-67. 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 pathenour@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. G.C. § 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.

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.

A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Gov. Code § 54956.9(d)(2)

Number of Potential Cases: 1 Matter

SUCCESSOR AGENCY ITEMS

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code §54956.8

Property Location: 2361 San Pablo Avenue, Pinole CA 94564

Bank of Pinole building / APN No. 401-162-003

City Negotiator: Hector De La Rosa, Assistant City Manager

Negotiating Parties: Jason Sterlino/Angelo Dalo and Orton Development

Under Negotiation: Price & Terms

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code §54956.8

Property Location: 2301 San Pablo Avenue, Pinole CA 94564

Corner Lot / APN No. 401-162-001

City Negotiator: Hector De La Rosa, Assistant City Manager

Negotiating Parties: Orton Development

Under Negotiation: Price & Terms

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

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations

B. Presentations / Recognitions

1. Introduction of Finance Director Andrea Miller

2. Introduction of WCCUSD Board Trustee Liz Block

3. Contra Costa County Animal Control Services Deputy Director Rick Golphin

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 discuss a consent item, it will be removed from the Consent Calendar and taken up in order after the last item on the Consent Calendar.

- A. Approve the Minutes of the Meeting of July 7 and July 21, 2015
- B. Receive the July 18 - August 14, 2015 Lists of Warrants and the July 31, 2015 Payroll in the Amount of \$313,860.02 and the August 14, 2015 Payroll in the Amount of \$333,493.15
- C. Authorize the City Manager to Execute Two (2) Purchase Orders To Be Funded from Measure S 2014; a Purchase Order with CDCE, Inc. for Tablet Computers and Accessories for Police Vehicles in the Amount of \$74,893.03 and a Purchase Order with Pursuit North for Antennas & Hardware Installation in the Amount of \$6,408.62 [**Council Report No. 2015-65; Action: Adopt 2 Resolutions Per Staff Recommendation (Janke)**]
- D. Receive the FY 2014/15 3rd and 4th Quarter Financial Reports And Approve 2014/15 Year End Budget Adjustments [**Council Report No. 2015-66; Action: Receive Reports & Adopt Resolution Per Staff Recommendation (Miller)**]
- E. Approve A Memorandum Of Understanding Between The City Of Pinole And Public Employees Union Local One For The Period Of July 1, 2015 – June 30, 2018 and Approve An Amendment to the PERS Health Insurance Cap , Effective 10/1/2015 for Local One Employees [**Council Report No. 2015-67; Action: Adopt 2 Resolutions Per Staff Recommendation (De La Rosa)**]
- F. Approve A Memorandum Of Understanding Between The City Of Pinole And Public Employees Union AFSCME 512 For The Period Of July 1, 2013 – June 30, 2018 and Approve An Amendment to the PERS Health Insurance Cap, Effective 10/1/2015 for AFSCME 512 Employees [**Council Report No. 2015-68; Action: Adopt 2 Resolutions Per Staff Recommendation (De La Rosa)**]
- G. Approve the Amendments to PERS Health Insurance Cap Effective 10/1/ 2015 for Management and Unrepresented / Confidential Employee Groups and Elected Official Group [**Council Report No. 2015-69; Action: Adopt 3 Resolutions Per Staff Recommendation (De La Rosa)**]
- H. Authorize Overtime and Portal-To-Portal Pay For Fire Deployments (Strike Teams) Away From Pinole [**Council Report No. 2015-70; Action: Adopt Resolution Per Staff Recommendation (Piper)**]
- I. Approve an Amended Job Description for the Administrative Fire Battalion Chief Job Description Approved on June 19, 2015, and Rescind Resolution 2015-45 [**Council Report No. 2015-71; Action: Adopt Resolution Per Staff Recommendation (Piper)**]

- J. Approve A Letter Of Support Urging The State Of California To Provide New Sustainable Funding For State And Local Transportation Infrastructure
[Council Report No. 2015-72; Action: Adopt Resolution Per Staff Recommendation (Espinosa)]
- K. Authorize the City Manager to Execute A Memorandum of Unrecorded Grant Agreement / Deed Restriction for the Pinole Creek Demonstration Project
[Council Report No. 2015-73; Action: Execute Per Staff Recommendation (Allison)]

SUCCESSOR AGENCY ITEM

- L. Termination of the Maintenance, Operation and Reciprocal Easement Agreements (MOREA's) On Property Owned by D & B Western Properties Located at 930 and 940 San Pablo Avenue **[Successor Agency Report 2015-74 Action: Adopt Resolution & Approve Per Staff Recommendation (Downs)]**

8. PUBLIC HEARINGS

- A. Conduct a Public Hearing to Conduct the Utility User Tax Annual Review and Set the Exemption Rates for Fiscal Year 2015/2016 **[Council Report No. 2015-75 Action: Conduct Public Hearing & Adopt Resolution Per Staff Recommendation (Miller)]**

9. OLD BUSINESS

- A. Report from the Fair Political Practices Commission Regarding Resolution of the Conflict of Interest Inquiry on Mayor Peter Murray **[Council Report No. 2015-77; Action: Receive Report (Reyes)]**
- B. Introduce the Project Labor Agreement between the City of Pinole and the Contra Costa County Building and Construction Trades for the Pinole-Hercules Wastewater Treatment Plant Upgrade Project **[Council Report No. 2015-76; Action: Agendize for Approval on September 1, 2015 (Espinosa)]**

10. NEW BUSINESS

- A. Conceptual Presentation of the Proposed Gateway East Surgical Eye Center – Agape, LLC
- B. Receive Report & Approve the PG&E Pathways Project Permit Process **[Council Report No.2015-78; Action: Approve Project Per Staff Recommendation (Allison)]**

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements
- B. Mayoral & Council Appointments
 - 1. Reappointment of Alternate Delegate Kathy Magann to the Contra Costa Library Commission **[Council Report No. 2015-79; Action: Council Discretion (Athenour)]**

- C. City Council Committee Reports
 - D. Council Requests For Future Agenda Items
 - E. City Manager Report / Department Staff
 - F. City Attorney Report
1. Consider the Process to Fill Vacancy in the Office of the City Treasurer Through an Appointment or Special Election [**Council Report No. 2015-80; Action: Adopt Resolution to Fill Vacancy By Appointment (Reyes)**]

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- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to GC §54957
City Manager

RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

- 13. ADJOURNMENT** to the Regular City Council Meeting of September 1, 2015 in remembrance of Amber Swartz and City Treasurer Judy Lee.

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 set forth on this Regular meeting agenda.

POSTED: August 13, 2015 at 4:00 P.M.

Patricia Athenour, MMC
City Clerk