



## PINOLE CITY COUNCIL AGENDA

TUESDAY  
JANUARY 19, 2016

5:30 P.M.

2131 Pear Street, Pinole, California

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**Roy Swearingen, Mayor**  
**Debbie Long, Mayor Pro Tem**  
**Tim Banuelos, Council Member**  
**Peter Murray, 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 2015-109. 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 [pathenour@ci.pinole.ca.us](mailto: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](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. 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.*

**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.*

**A. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

GC §54956.9(d)(4) – Anticipated Litigation  
One Matter

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Gov. Code §54956.8

Property Locations: 600 Tennent Avenue / APN: 401-142-010  
612 Tennent Ave. / APN: 401-142-011

City Negotiator: Michelle Fitzer, City Manager & Hector De La Rosa, Assistant City Manager

Negotiating Parties: Dale Moore and Jim Rilley

Under Negotiation: Price & Terms

**C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to GC §54957

City Clerk

**D. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Gov. Code §54956.9(d)(1)

United Professional Firefighters Local 1230 v. City of Pinole  
Case No. SF-CE-00864M

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

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

A. Proclamations

B. Presentations / Recognitions / Community Events

**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 member of the public requesting to remove an item from the Consent Calendar must first have discussed the item with a Council Member or a City staff member who has knowledge on the subject material, prior to filing a speaker card with the City Clerk at the meeting.*

- A. Approve the Minutes of the Meeting of December 8 and December 15, 2015
- B. Receive the December 12, 2015 – January 15, 2016 Lists of Warrants and the December 18, 2015 payroll in the amount of \$346,847.44, the December 31, 2015 payroll in the amount of \$321,612.42 and the January 15, 2016 Payroll in the Amounts of \$371,250.94
- C. Approve Escrow Agreement with Wells Fargo Bank for the Pinole-Hercules Wastewater Treatment Plant Upgrade Project [**Council Report No. 2016-01; Action: Adopt Resolution Per Staff Recommendation (Miller)**]
- D. Set the Public Hearing on February 9, 2016 On or After 7 PM to Consider An Appeal of the November 16, 2015 Planning Commission Denial of Design Review (DR 14-26) and Conditional Use Permit (CUP14-13) for a Wireless Communications Facility Located On Property Located At 2518 Pfeiffer Lane, APN: 360-131-036 [**Council Report No. 2016-02; Action: Approve By Minute Order (Athenour)**]
- E. Authorize The City Manager To Request A 30-Year Loan Term For Repayment Of The California State Water Resources Control Board Clean Water State Revolving Loan [**Council Report No. 2016-03; Action: Adopt Resolution Per Staff Recommendation (De La Rosa)**]
- F. Approve A Grant of Easement to the Contra Costa County Flood Control District For Access to APN No. 401-010-010, Related To the Pinole Waste Water Treatment Plant Project [**Council Report No. 2016-04; Action: Adopt Resolution Per Staff Recommendation (Petrie)**]
- G. Award the Bid and Authorize the City Manager to Execute a Construction Contract with Fortier Builders In An Amount Not To Exceed \$89,000 For the Pinole Community Playhouse Interior Alterations - 601 Tennent Avenue And Authorize the Finance Director to Amend the FY 2015/16 Budget to Reallocate Funding From the Senior Center Roof Project to the Community Playhouse Project [**Council Report No. 2016-05; Action: Adopt Resolution Per Staff Recommendation (Petrie)**]

## 8. PUBLIC HEARINGS

- A. Conduct a Public Hearing and Consider Three Ordinances to Prohibit Cultivation of Medical Marijuana:
  - 1. Establish an Urgency Ordinance Pursuant to Government Code Section 36937 Prohibiting Medical Marijuana Cultivation
  - 2. Establishing an Ordinance Amending Title 8, the Health and Safety Section, to Prohibit Medical Marijuana Cultivation and Delivery; and  
and Title 5, the Licensing Section, to Prohibit Medical Marijuana Cultivation and Delivery

**[Council Report No. 2016-06; Action: Conduct a Public Hearing, Introduce and Adopt Urgency Ordinance on January 19, 2016, and Introduce Ordinance Amending Title 5 & 8, and Schedule Adoption & Second Reading on February 2, 2016, Per Staff Recommendation (Reyes/Casher)]**

## 9. OLD BUSINESS

- A. Approve Amendment No. 1 To The Professional Services Agreement With Carollo Engineering For Additional Services Related To The Pinole-Hercules Water Pollution Plant Upgrade Project, In An Amount Not To Exceed \$196,876 **[Council Report No. 2016-09; Action: Adopt Resolution & Approve Per Staff Recommendations (Petrie)]**
- B. Reconsideration of the November 3, 2015 Council Approval of Participation in the State Of California Property Assessed Clean Energy (PACE) Programs And Their Respective Joint Powers Authorities (JPAs) **[Council Report No. 2016-07; Action: Council Discretion (De La Rosa)]**
- C. Accept The Provisions Of West Contra Costa Integrated Waste Management Authority Resolutions 15-03, 15-04 And 15-05 Regarding The Disbursement Of Reserve Funds, Authorize The City Manager To Execute An Indemnification Agreement To Receive Pinole's Disbursement In The Amount Of \$431,220, And Authorize The Finance Director To Amend The FY 15/16 Budget To Record The Disbursement As Revenue In Fund 213, Earmarked To Be Used For Programs Similar To Those Of WCCIWMA **[Council Report No. 2016-08; Action: Adopt Resolution and Approve Per Staff Recommendations (Fitzer)]**

## 10. NEW BUSINESS

- A. Discussion Regarding Possible Participation In A Community Choice Aggregation Program **[Council Report No. 2019-10; Action: Receive Information & Provide Direction (Fitzer)]**

## 11. REPORTS & COMMUNICATIONS

- A. Mayor Report
  - 1. Announcements

B. Mayoral & Council Appointments

Review and Confirm Council Assignments [**Council Report 2016-11; Action: Council Discretion To Amend and Confirm Appointments by Minute Order (Athenour)**]

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 February 2, 2016, 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 24 hours prior to the meeting set forth on this agenda.

**POSTED: January 14, 2016 at 4:00 P.M.**

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**Patricia Athenour, MMC**  
**City Clerk**