PINOLE CITY COUNCIL
AMENDED AGENDA
1/28/15

TUESDAY
FEBRUARY 2, 2016

6:00 P.M.

2131 Pear Street, Pinole, California

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. 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.

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 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 (separate interests)
Under Negotiation:	Price & Terms

B. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to GC §54957
City Clerk

C. **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 REGULAR BUSINESS ITEMS

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

A. Proclamations
B. Presentations / Recognitions / Community Events

1. Contra Costa College Update by Interim President Mojdeh Mehdizadeh

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. Minutes of the Meeting of January 19, 2016 **Held over to February 16, 2016**

B. Receive the January 16 – 29, 2016 List of Warrants and the January 29, 2016 Payroll in the Amount of **$344.409.75 (Revised figure)**

C. Second Reading and Adoption of Ordinance 2016-02, Establishing an Ordinance Amending Title 8, the Health and Safety Section, to Prohibit Medical Marijuana Cultivation and Delivery; and Title 5, the Licensing Section, to Prohibit Medical Marijuana Cultivation and Delivery **[Council Report No. 2016-12; Action: Waive 2nd Reading and Adopt Ordinance Per Staff Recommendation (Reyes/Casher)]**

D. Approve Issuance of the Encroachment Permit To the West Contra Costa Unified School District For Frontage Improvements Pinole Valley High School, And Authorize the City Manager to Execute The Improvement Plans and Encroachment Permit **[Council Report No. 2016-13; Action: Adopt Resolution Per Staff Recommendation (Petrie)]**

E. Approve Extension of Three General Service Agreements For Vehicle Services And Maintenance With Michael Stead Hilltop Ford Lincoln Mercury, Square Deal Garage, and Pinole Goodyear Tires And Authorize the City Manager to Execute Agreement Amendment **[Council Report No. 2016-14; Action: Adopt Resolution Per Staff Recommendation (Ariza)]**

F. Approve Amounts for Employee Service Awards **[Council Report No. 2016-15; Action: Adopt Resolution Per Staff Recommendation (De La Rosa)]**

G. Approve An Umbrella Facility Use Agreement With The West Contra Costa School District (WCCUSD) For Use of City Facilities An Educational Facilities **[Council Report No. 2016-16; Action: Adopt Resolution Per Staff Recommendation (De La Rosa)]**

8. PUBLIC HEARINGS

9. OLD BUSINESS

A. Approve An Amendment To The Lease Agreement with Thomas Properties LLC Regarding the Gateway Project **[Council Report No. 2016-17; Action: Adopt Resolution Per Staff Recommendation (Downs / De La Rosa)]**

10. NEW BUSINESS

11. REPORTS & COMMUNICATIONS

A. <u>Mayor Report</u>

1. Announcements

B. Mayoral & Council Appointments

1. Select A Subcommittee To Conduct Planning Commission Interviews And Select Date For Interviews **[Council Report No. 2016-18; Action: Receive Report – Council Discretion (Athenour)]**

C. City Council Committee Reports & Communications

D. Council Requests For Future Agenda Items

E. City Manager Report / Department Staff
1. Rule 20A Update **[Verbal Report Action: Receive Report (Fitzer)]**

F. City Attorney Report

12. **ADJOURNMENT** to the Special City Council Meeting of February 9, 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 28, 2016 at 4:00 P.M.

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Patricia Athenour, MMC
City Clerk

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NOTICE:
The Pinole City Council will convene a Special Meeting on Tuesday, February 9, 2016 at 6 PM. The Verizon Appeal Hearing will commence at 7 P.M.