



## PINOLE CITY COUNCIL AGENDA

TUESDAY  
AUGUST 16, 2016

6:00 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 Deputy City Clerk via e-mail at [hdelarosa@ci.pinole.ca.us](mailto:hdelarosa@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.*

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

Gov. Code § 54956.9(d)(2)

Number of Potential Cases: One

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Gov. Code §54956.8**

Property Locations: 2279 Park Street/APN: 401-142-010 & 1289 Pinole Valley Road/401-211-033

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

Negotiating Parties: Dale Moore and Jim Rilley & Scott Lee

Under Negotiation: Price & Terms

**C. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6**

City Labor Negotiators: Michelle Fitzner, City Manager

Employee Organizations: Fire Local 1230

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

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

A. Proclamations

B. Presentations / Recognitions

a. Pinole Valley High School Project Status Update – Luis Freese

**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 Regular and Special Meeting of July 19, 2016.
- B. Receive the July 16, 2016 – August 12, 2016 Lists of Warrants and the July 29, 2016 and August 12, 2016 Payrolls in the Amount of \$309,661.13 and \$326,585.62 respectively.
- C. Approve the Response Letter to Grand Jury Report 1605, Caring for the Victims **[Action: Approve by Minute Order (N. Gang)]**
- D. Approve an Amendment to the Employment Agreement with the City Manager to provide a Three Percent Merit Based Salary Adjustment **[Action: Approve Resolution Per Staff Recommendation (M. Fitzer)]**
- E. Receive the 4<sup>th</sup> Quarter Investment Report ending June 30, 2016 **[Action: Receive Report (A. Miller)]**
- F. Authorizing the City Manager to Execute an Amendment to the Standard Contract with Contra Costa County Emergency Medical Services Agency for the Pinole Fire Department to Provide EMS Services from July 1, 2016 to June 30, 2019 for Receipt of \$49,437.00 Annually **[Action: Approve Resolution Per Staff Recommendation (S. Akre)]**
- G. Approve an Amendment to the Consulting Services Contract with Robert Half Technology for Interim Informational Technology Services in the amount of \$162,656 **[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]**
- H. Approving the Memorandum of Understanding (MOU) with Contra Costa County and Participating Cities Regarding a Technical Study to Evaluate Alternatives for Potentially Implementing Community Choice Energy Within the Jurisdictions Included in the Study, and Authorizing the City Manager to Execute Said MOU **[Action: Approve Resolution Per Staff Recommendation (M. Fitzer)]**

## 8. PUBLIC HEARINGS

- A. Conduct the Utility User Tax Annual Review and Set the Exemption Rates for Fiscal Year 2016/2017 **[Action: Conduct Public Hearing & Adopt Resolution Per Staff Recommendation (A. Miller)]**

## 9. OLD BUSINESS

- A. Verbal Discussion and Direction on Con-Fire Administrative Service Draft Contract **[Action: Receive and provide Staff with Direction (M. Fitzer)]**
- B. Pinole Creek Enhancements Associated With The Gateway Project **[Action: Receive and provide Staff with Direction (T. Miller)]**

## 10. NEW BUSINESS

- A. Discussion and direction on Treasurer Position **[Action: Receive and provide Staff with Direction (B. Reyes)]**

- B. Approve Conversion to LS2 Street Light Format [**Action: 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 Regular City Council Meeting of September 6, 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: August 11, 2016 at 4:00 P.M.**

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**Hector De La Rosa, Assistant City Manager/  
Deputy City Clerk**