



## PINOLE CITY COUNCIL AGENDA

TUESDAY  
SEPTEMBER 6, 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 Deputy City Clerk via e-mail at [hdelarosah@ci.pinole.ca.us](mailto:hdelarosah@ci.pinole.ca.us)

COUNCIL MEETINGS ARE TELEVISED LIVE ON CHANNEL 26. They are retecast 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: 1

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

Property Locations: 1289 Pinole Valley Road/401-211-033  
City Negotiator: Michelle Fitzer, City Manager & Hector De La Rosa,  
Assistant City Manager  
Negotiating Parties: Scott Lee  
Under Negotiation: Price & Terms

**C. PUBLIC EMPLOYMENT**

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. Bay Day - October 1, 2016
- b. Freedom from Workplace Bullies Week October 15-22, 2016

**B. Presentations / Recognitions**

- a. Pinole Assisted Living Facility - Alzheimer's

**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 August 16, 2016
- B. Receive the August 13, 2016 – September 2, 2016 Lists of Warrants and the August 26, 2016 Payroll in the Amount of \$ 330,159.29
- C. Approve the Amendments to PERS Health Insurance Cap Effective 1/1/2017 for Local 1, AFSCME, Management and Unrepresented/Confidential Employee Groups and Elected Official Group **[Action: Adopt 5 Resolutions Per Staff Recommendation (De La Rosa)]**
- D. Accept a Donation of Two Tables at the Skateboard Park **[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]**
- E. Award a Bid for Sewer Camera Equipment in the amount of \$63,690.68 to 3T Equipment Company Inc. in Santa Rosa, CA **[Action: Adopt Resolution Per Staff Recommendation (T. Miller)]**

## 8. PUBLIC HEARINGS

## 9. OLD BUSINESS

- A. Discuss Future Uses of the Faria House Located at 2100 San Pablo Avenue **[Action: Receive Reports Provide Direction (H. De La Rosa)]**
- B. Review and Discuss Recreation Subcommittee's Conversation related to Activities and programs at the Tiny Tots, Youth Center and Senior Center Facilities **[Action: Receive and provide Staff with Direction (R. Johnson/H. De La Rosa)]**

## 10. NEW BUSINESS

- A. Receive an Update on the Development and Adoption of a Green Infrastructure Plan as part of the requirements of the Contra Costa County Municipal Stormwater Permit 2.0 **[Action: Receive Reports (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 20, 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: September 1, 2016 at 4:00 P.M.**

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