



## PINOLE CITY COUNCIL AGENDA

**TUESDAY  
NOVEMBER 1, 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 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. 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**

- a. **PINOLE BOY SCOUTS TROOP 86 PRESENT THE FLAG.**
- b. **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.*

There are no Closed Sessions Matters

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

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

- A. Proclamations
- B. Presentations / Recognitions

**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 October 18, 2016
- B. Receive the October 15 - 28, 2016 List of Warrants and the October 21, 2016 Payroll in the Amount of \$337,485
- C. Authorizing the Purchase of One (1) Police Vehicle for use in Patrol Operations in the amount of \$30,232.06 from the Measure S (2014) Fund **[Action: Approve Resolution Per Staff Recommendation (N. Gang)]**
- D. Appointing Rosa Acosta as City Clerk and Authorizing the Mayor to Execute the Employment Agreement **[Action: Approve Resolution Per Staff Recommendation (Fitzer)]**

- E. Placement of Liens for Delinquent Unpaid Waste Collection Charges falling Delinquent between May & August 2016, considered at an Administrative Hearing on October 6, 2016 **[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]**
- F. Rescinding Resolutions 2016-68, 69, 70, 71, & 72 and Approving Resolutions Setting the Annual Amendment to Health Insurance Cap for Management and Unrepresented/Confidential Employees, Elected Officials, AFSCME and Local 1 Employees **[Action: Approve Resolution Per Staff Recommendation (H. De La Rosa)]**

## **8. PUBLIC HEARINGS**

- A. Approving a Determination of Public Convenience or Necessity for Type 41 Alcohol Sales including Beer and Wine at a Proposed Happy Ramen Restaurant Located at 1907 San Pablo Avenue, Pinole, CA 94564, APN: 401-112-029 **[Action: Approve Resolution Per Staff Recommendation (W. Rhodes)]**
- B. Electing to Become Subject to the Uniform Construction Cost Accounting Procedures and Introduction and First Reading of an Ordinance Amending Chapter 2.04.160(D) and Adding Chapters 3.34.010 through 3.34.040 to the Pinole Municipal Code Adopting the Uniform Construction Cost Accounting Act Procedures **[Action: Approve 1<sup>st</sup> Reading Per Staff Recommendation (T. Miller)]**
- C. Introduce First Reading of Ordinance Amending Chapter 17.10 of the Pinole Municipal Code and the Zoning Code Appeals process **[Action: Continue the Public Hearing to December 6th (B. Reyes)]**
- D. Introduce Ordinance and Conduct First Reading of Amendment to Pinole Municipal Code, Title 2, Administration and Personnel, Chapter 2.08, Council Members' Salaries **[Action: Approve 1<sup>st</sup> Reading Per Staff Recommendation (B. Reyes)]**

## **9. OLD BUSINESS**

- A. Receive an Update from CalTrans on I80 Mobility Project (Metering Lights) David Man **[VERBAL - Receive Report and Provide Direction (T. Miller)]**
- B. Discussion on Appropriating \$500 from the General Fund Reserves to film the Veterans Event **[ VERBAL Report and Provide Direction (H. De La Rosa)]**

## **10. NEW BUSINESS**

- A. Review and Provide Direction on the Development of a Policy for Naming of City Facilities. Parks and/or Dedication of Plaques Honoring Individuals **[Action: Review, Discuss and Provide Staff with Direction (H. De La Rosa)]**

**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 November 15, 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: October 27, 2016 at 4:00 P.M.**

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