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**CITY COUNCIL**

Roy Swearingen, Mayor  
Norma Martinez-Rubin, Mayor Pro Tem  
Peter Murray, Council Member  
Vincent Salimi, Council Member  
Anthony Tave, Council Member

**PINOLE CITY COUNCIL  
MEETING AGENDA**

**TUESDAY  
SEPTEMBER 15, 2020  
VIA ZOOM TELECONFERENCE**

**5:00 P.M.**

**Please note early start time.**

**The public portion of the agenda will be heard immediately following  
the conclusion of the Closed Session items.**

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**DUE TO THE STATE OF CALIFORNIA'S DECLARATION OF EMERGENCY – THIS  
MEETING IS BEING HELD PURSUANT TO AUTHORIZATION FROM GOVERNOR  
NEWSOM'S EXECUTIVE ORDERS – CITY COUNCIL AND COMMISSION MEETINGS ARE  
NO LONGER OPEN TO IN-PERSON ATTENDANCE.**

**SUBMIT PUBLIC COMMENTS TO CITY CLERK BEFORE OR DURING THE MEETING VIA EMAIL**

[hiopu@ci.pinole.ca.us](mailto:hiopu@ci.pinole.ca.us)

Comments received before the close of the public comment period for that item will be read into the record and limited to 3 minutes. Please include your full name, city of residence and agenda item you are commenting on. Any comments received after the close of the public comment period will be distributed to Council and relevant staff after the meeting and filed with the agenda packet.

**WAYS TO WATCH THE MEETING**

**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).

**VIDEO-STREAMED LIVE ON THE CITY'S WEBSITE,** [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us), and remain archived on the site for five (5) years.

**If none of these options are available to you, or you need assistance with public comment, please contact the City Clerk, Heather Iopu at (510) 724-8928 or [hiopu@ci.pinole.ca.us](mailto:hiopu@ci.pinole.ca.us).**

**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.

**Note:** Staff reports are available for inspection 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 [hiopu@ci.pinole.ca.us](mailto:hiopu@ci.pinole.ca.us).

**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.

**A. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Gov. Code § 54957.6

Agency designated representatives: City Manager Andrew Murray

Employee organizations: Unrepresented positions - Assistant City Manager, Development Services Director/City Engineer, Finance Director, Fire Chief, Police Chief, Fire Battalion Chief, Human Resources Specialist, Planning Manager, Police Lieutenant, Public Works Manager, Recreation Manager, & WWTP Manager

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Gov. Code § 54956.8

Property: APNs: 402-230-015, 402-230-016, 402-230-017, 402-230-018, 402-230-020 and 402-230-022

Agency negotiator: City Manager Andrew Murray, Assistant City Manager Hector De La Rosa, Legal Counsel Stephanie Downs

Negotiating parties: General Realty CE, LLC

Under negotiation: Price and terms

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

**5. 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.*

**6. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS**

**A. Proclamations**

**B. Presentations / Recognitions**

1. Proclamation Honoring Wastewater Treatment Plant Manager, Ron Tobey, on the Occasion of His Retirement

## 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 comment on an item, they may do so before action is taken on the Consent Calendar. Following comments, if a Council member wishes to discuss an item, it will be removed from the Consent Calendar and taken up in order after adoption of the Consent Calendar.*

- A. Approve the Minutes of the Meeting of July 7, 2020
- B. Receive the August 29, 2020 – September 11, 2020 List of Warrants in the Amount of \$365,499.09 and the September 4, 2020 Payroll in the Amount of \$453,402.96.
- C. Resolution Confirming Continued Local Emergency **[Action: Adopt Resolution per Staff Recommendation (Casher)]**
- D. Amendment to the City of Pinole Conflict of Interest Code **[Action: Adopt Resolution per Staff Recommendation (Iopu)]**

## 8. PUBLIC HEARINGS

*Citizens wishing to speak regarding a Public Hearing item should fill out a speaker card prior to the completion of the presentation, by first providing a speaker card to the City Clerk. An official who engaged in an ex parte communication that is the subject of a Public Hearing must disclose the communication on the record prior to the start of the Public Hearing.*

- A. Approve The City Of Pinole Fiscal Year (FY) 2020-21 Through 2024-25 Five-Year Capital Improvement Plan And Adopt The FY 2020-21 Capital Budget **[Action: Conduct Public Hearing and Adopt Resolution per Staff Recommendation (Miller)]**
- B. Amendment To Chapter 15.54 Water Efficient Landscape Ordinance (WELO) Of The Pinole Municipal Code **[Action: Conduct Public Hearing on First Reading of Ordinance per Staff Recommendation (Hanham)]**

## 9. OLD BUSINESS

- A. Direction To The City's Voting Delegate To The League Of California Cities Annual Conference Regarding The Resolution Being Considered By The League's Members **[Action: Discuss and Provide Direction (Murray)]**
- B. Urgency Ordinance Amending Ordinance No. 2020-03 Of The City Of Pinole Authorizing The Zoning Administrator To Issue Temporary Use Permits To Waive Requirements Of Title 17 Of The Pinole Municipal Code And Permit The Use Of Public Property To Facilitate Business Operations Impacted By Novel Coronavirus (Covid-19) **[Action: Adopt Urgency Ordinance per Staff Recommendation (Casher)]**

## 10. NEW BUSINESS

- A. Receive Old Town Pinole Parking And Pedestrian Safety Study **[Action: Receive and File Report (Hanham)]**
- B. Approve A Policy To Permit The Installation Of Lights On City Trees In The Old Town Business District By Business Owners **[Action: Approve Policy per Staff Recommendation (Miller)]**

- C. Receive The Fiscal Year (FY) 2019-20 Fourth Quarter Financial Report (Unaudited) And Adopt A Resolution Approving Budget Adjustments **[Action: Adopt Resolution per Staff Recommendation (G. Rocha)]**

**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 October 6, 2020 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 72 hours prior to the meeting date set forth on this agenda.

**POSTED: September 10, 2020 at 4:00 P.M.**

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**Heather Iopu, CMC**  
**City Clerk**