



PINOLE CITY COUNCIL AGENDA

TUESDAY
NOVEMBER 5, 2019

5:00 P.M. – SPECIAL MEETING – CLOSED SESSION

6:00 P.M. – SPECIAL MEETING - APPEAL HEARING

7:00 P.M. - REGULAR MEETING

2131 Pear Street, Pinole, California

Peter Murray, Mayor
Roy Swearingen, Mayor Pro Tem
Norma Martinez-Rubin, Council Member
Vincent Salimi, Council Member
Anthony Tave, 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 2019-03. 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 Item 5.

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 hiopu@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 five (5) years.

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.*

**CALL AND NOTICE OF
PINOLE CITY COUNCIL
SPECIAL MEETING
AT 5:00 PM
NOVEMBER 5, 2019**

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. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov. Code § 54956.8

Property: 811 San Pablo Avenue

Agency negotiator: City Manager Fitzner and Assistant City Manager De La Rosa

Negotiating parties: Housing Consortium of the East Bay (HCEB)

Under negotiation: Price and terms

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

5. ADJOURNMENT to the Special City Council Meeting of November 5, 2019 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: October 31 at 4:00 P.M.

Heather Iopu, CMC
City Clerk

**CALL AND NOTICE OF
PINOLE CITY COUNCIL
SPECIAL MEETING
AT 6:00 PM
NOVEMBER 5, 2019**

1. CALL TO ORDER

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. APPEAL & PUBLIC HEARING *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.** Consider An Appeal Of A Project Proposing A Personal Storage Facility
At 890 San Pablo Avenue [**Action: Consider Appeal and Provide Direction**]

4. ADJOURNMENT to the Regular City Council Meeting of November 5, 2019 In Remembrance of Amber Swartz.

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POSTED: October 31, 2019 at 4:00 P.M.

Heather Iopu, CMC
City Clerk

**CALL AND NOTICE OF
PINOLE CITY COUNCIL
REGULAR MEETING
AT 7:00 PM
NOVEMBER 5, 2019**

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.

NO ADDITIONAL CLOSED SESSION SCHEDULED

See 5:00 p.m. Special Meeting Closed Session Agenda

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/Recognitions

1. Shelter in Place Day – November 6, 2019

B. Presentations/Recognitions

1. Certificate of Recognition for Dina Rosales, City Treasurer
2. Wastewater Pollution Control Plant Update by Mike Warriner and Tamara Miller
3. Fire Department Update by Chief Kouns and Battalion Chief Wynkoop
4. Quarterly Code Enforcement Update by Tamara Miller

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 Meetings of October 22 and October 26, 2019
- B. Receive the October 12, 2019 – November 1, 2019 List of Warrants in the Amount of \$959,246.36; the October 18, 2019 Payroll in the Amount of \$419,936.98; and the November 1, 2019 Payroll in the Amount of \$434,028.69.
- C. Authorizing An Application For SB 2 Planning Grant Program Funds **[Action: Adopt Resolution per Staff Recommendation (T.Miller)]**
- D. Authoring Submittal Of An Application For Per Capita Grant Funds **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**
- E. Approve An Amendment To The Contract And Issue A Task Order For 4Leaf For Staff Augmentation For An Amount Not To Exceed \$211,285 **[Action: Adopt Resolution per Staff Recommendation (T.Miller)]**
- F. Approve An Amendment To The Contract For A Task Order For M Group For Staff Augmentation For An Amount Not To Exceed \$87,000 **[Action: Adopt Resolution per Staff Recommendation (T. Miller)]**
- G. Placement Of Liens For Delinquent Unpaid Waste Collection Charges Falling Delinquent Between May & August 2019, Considered At An Administrative Hearing On October 3, 2019 **[Action: Adopt Resolution Per Staff Recommendation (Iopu)]**
- H. Update To The Measure S 2014 Five-Year Funding Plan **[Action: Adopt Resolution Per Staff Recommendation (Fitzer)]**
- I. Approve An Amendment To The Professional Services Agreement With Emergency Services Consulting International (ESCI) In An Amount Not To Exceed \$10,500 To Perform Additional Analysis In The Fire Service Delivery Study **[Action: Adopt resolution per Staff Recommendation (Fitzer)]**

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. Ordinance Adding Chapter 10.78 to the Pinole Municipal Code Restricting Oversized Vehicle Parking on City Streets **[Action: Conduct Public Hearing and Approve First Reading (Casher)]**

9. OLD BUSINESS

- A. Provide Direction On Process And Activities Related To Becoming A Charter City **[Action: Discuss and Provide Direction (Mog)]**

10. NEW BUSINESS

None.

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 19, 2019 In Remembrance of Amber Swartz.

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