

**CORONAVIRUS ADVISORY  
INFORMATION:**

[CLICK HERE](#) for City Updates

[CLICK HERE](#) for County Updates



**CITY COUNCIL**

Devin T. Murphy, Mayor  
Maureen Toms, Mayor Pro Tem  
Cameron Sasai, Council Member  
Anthony Tave, Council Member  
Norma Martínez-Rubin, Council Member

**PINOLE CITY COUNCIL  
MEETING AGENDA**

**TUESDAY  
January 17, 2023  
5:00 P.M**

**Please note: HYBRID MEETING FORMAT**

**Attend in Person: PINOLE CITY COUNCIL CHAMBERS - 2131 PEAR STREET  
OR**

**Attend VIA ZOOM TELECONFERENCE – Details provided below**

-----

**Please note: Updated COVID-19 safety protocols will be posted outside the City Council Chambers. Please review this information before entering the Council Chambers.**

**How to Submit Public Comments:**

**In Person:** Attend meeting at the Pinole City Council Chambers, fill out a yellow public comment card and submit it to the City Clerk.

**Via Zoom:**

Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking [here](#). Zoom also allows you to join the meeting by phone.

**From a PC, Mac, iPad, iPhone or Android:**

<https://us02web.zoom.us/j/89335000272>

**Webinar ID: 893 3500 0272**

**By phone:** +1 (669) 900-6833 or +1 (253) 215-8782 or +1 (346) 248-7799

- Speakers will be asked to provide their name and city of residence, although providing this is not required for participation.
- Each speaker will be afforded up to 3 minutes to speak (subject to modification by the Mayor)
- Speakers will be muted until their opportunity to provide public comment.

When the Mayor opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press \*9 if connecting via telephone) which will alert staff that you have a comment to provide and press \*6 to unmute. **To comment with your video enabled, please let the City Clerk know you would like to turn your camera on once you are called to speak.**

**Written Comments:** All comments received **before 3:00 pm the day of the meeting** will be posted on the City's website on the agenda page ([Agenda Page Link](#)) and provided to the City Council prior to the meeting. **Written comments will not be read aloud during the meeting.** Email comments to [comment@ci.pinole.ca.us](mailto:comment@ci.pinole.ca.us) Please indicate which item on the agenda you are commenting on in the subject line of your email.

Please note: Updated COVID-19 safety protocols will be posted outside the City Council Chambers. Please review this information before entering the Council Chambers.

## OTHER 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 Bell at (510) 724-8928 or [hbell@ci.pinole.ca.us](mailto:hbell@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 [hbell@ci.pinole.ca.us](mailto:hbell@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. LAND ACKNOWLEDGMENT**

*Before we begin, we would like to acknowledge the Ohlone people, who are the traditional custodians of this land. We pay our respects to the Ohlone elders, past, present, and future, who call this place, Ohlone Land, the land that Pinole sits upon, their home. We are proud to continue their tradition of coming together and growing as a community. We thank the Ohlone community for their stewardship and support, and we look forward to strengthening our ties as we continue our relationship of mutual respect and understanding.*

**3. 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.*

**4. 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.

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Gov. Code § 54956.8

Property: 612 Tennent

**2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Gov. Code § 54956.9 (d)(1)

Name of Case: MVP Construction

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

**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. Individuals may not share or offer time to another speaker. 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. PLEASE SEE THE COVERSHEET OF THE AGENDA FOR INSTRUCTIONS ON HOW TO SUBMIT PUBLIC COMMENTS***

**7. REPORTS & COMMUNICATIONS**

**A. Mayor Report**

1. Announcements

**B. Mayor & 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

## 8. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

### A. Proclamations

1. Police Officer of the Year
2. Firefighter of the Year
3. Dr. Martin Luther King Jr. Day
4. Lunar New Year

### B. Presentations

1. WestCAT Presentation

## 9. 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 December 20, 2022 meeting.
- B. Receive the December 17, 2022 – January 17, 2023 – List of Warrants in the Amount of \$889,198.62 and the December 23, 2022 Payroll in the Amount of \$582,466.02 and the January 6, 2023 Payroll in the Amount of \$641,289.79.
- C. Resolution Continuing Authorized Remote Teleconference Meetings Pursuant to AB 361 [Action: Adopt Resolution per Staff Recommendation (Casher)]
- D. Report on the Impact of Governor Newsom's February 28, 2023 End to the California State of Emergency Related to Covid-19 [Action: Receive Report (Casher)]
- E. Adopt a Resolution Approving the Recognized Obligation Payment Schedule for July 1, 2023 – June 30, 2024 (ROPS 23-24) for the Successor Agency in the Amount of \$4,743,203 [Action: Adopt Resolution per Staff Recommendation (Guillory)]
- F. Ordinance of the City Council of the City of Pinole Adding Chapter 2.64 "Criminal Background Checks" to the Municipal Code Relating to Access to State and Federal Level Summary Criminal History Information [Action: Waive 2<sup>nd</sup> Reading and Adopt Ordinance per Staff Recommendation (Casher)]
- G. Second Reading of an Ordinance Adding Chapter 2.62 "Code of Ethics and Conduct" to the Pinole Municipal Code [Action: Waive 2<sup>nd</sup> Reading and Adopt Ordinance per Staff Recommendation (Casher)]

- H. Adoption of Resolution Authorizing the City Manager to Execute Agreements for Building Permit Plan Check Services and On-Call Building and Code Enforcement Staff Augmentation with 4leaf Inc., Interwest Consulting Group, Inc., SHUMS Coda Associates and TRB And Associates, Inc and Authorizes a Total of \$800,000 from Planning and Building Fund to Support Professional Building and Code Enforcement Services over a Four-Year Period [Action: Adopt Resolution per Staff Recommendation (Whalen)]
- I. Award a Contract to West Valley Construction Company, Inc. to Provide Engineering Design Services for Pinon-Phase 1 Sanitary Sewer Project (CIP Project #Ss2201) [Action: Adopt Resolution per Staff Recommendation (Mishra)]

## 10. 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. Adoption Of The 2023-2031 Housing Element and Approval of a Notice of Exemption Pursuant to CEQA Guidelines Section 15061(b)(3) [Action: Adopt Resolution per Staff Recommendation (Whalen)]

## 11. OLD BUSINESS

None

## 12. NEW BUSINESS

- A. Council Meeting Format [Action: Discuss and Provide Direction by Minute Order (Bell)]
- B. Receive And Accept the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year (FY) Ended June 30, 2022 [Action: Receive Report (Guillory)]

## 13. CITIZENS TO BE HEARD (Continued from Item 6) (Public Comments)

*Open only to members of the public who did not speak under the first Citizens to Be Heard, Agenda Item 6*

**Citizens may speak under any item not listed on the Agenda.** *The time limit is 3 minutes for City Council items and is subject to modification by the Mayor. Individuals may not share or offer time to another speaker. 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 meeting.*

## 14. ADJOURNMENT to the Regular City Council Meeting of February 7, 2023 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 date set forth on this agenda.

---

**Heather Bell, CMC**  
**City Clerk**

**POSTED: January 13, 2023 at 11:00 A.M.**