



**JOINT PINOLE CITY COUNCIL &
REDEVELOPMENT AGENCY
AGENDA**

**TUESDAY,
May 19, 2009
6:00 P.M.**

2131 Pear Street, Pinole, California

**Virginia Fujita, Mayor/Chair
Debbie Long, Mayor Pro Tem / Vice Chair
Mary Ann Horton, Council Member / Board Member
Peter Murray, Council Member/ Board Member
Roy Swearingen, Council Member / Board Member**

Public Comment: The public is encouraged to address the City Council or Agency Board 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 2008-74. If you wish to address the City Council or Agency Board, please complete the card provided at the rear entrance to the Council Chambers and hand the card to the City Clerk/Secretary. City Council or Agency Board will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council or Agency Board 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 – Friday. You may also contact the City Clerk via e-mail at pathenour@ci.pinole.ca.us

COUNCIL/REDEVELOPMENT AGENCY 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/Redevelopment Agency meetings are video-streamed live on the City's website, and remain archived on the site for six months.

Ralph M. Brown Act. G.C. § 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

FLAG SALUTE LED BY GIRL SCOUT TROOP #30336

2. ROLL CALL, CITY CLERK/SECRETARY'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 § 87200.

3. CONVENE TO A CLOSED SESSION

Closed Sessions are held in the Council Caucus/Community Meeting Room located at 2131 Pear Street, Pinole, California. Topics at Closed Session may include, but are not limited to License Permit Determinations, Conference with Real Property Negotiators, Conference With Legal Council (Existing & Anticipated Litigation), Liability Claims, Threat to Public Service/Facilities, Labor Negotiation, Public Employee Appointment, Evaluation or Discipline or Release, and Case Review/Planning, Report Involving Trade Secret, Hearings, and Charge Involving Information Protected By Federal Law. Any matters not concluded by 7 P.M. May Be Held Over To the End of the Business Portion of This Agenda Or Continued To The Next Meeting.

- A. Pursuant To Government Code Government Code §54597.6, The Pinole City Council Will Meet To Confer With Labor Negotiator, Michelle Fitzer and Bruce Heid Regarding Labor Negotiations With Local One, AFSCME, PPEA and Fire Local 1230
- B. Pursuant To Government Code Government Code §54956.8, The Pinole Redevelopment Agency Board of Directors Will Meet To Confer With Real Property Negotiator, Mary Roberts, Regarding Property Located at: 1200-1590 Fitzgerald Drive, Pinole Vista Shopping Center
- C. Pursuant To Government Code Government Code §54956.9, The Pinole City Council Will Meet To Confer With Legal Counsel, City Attorney Benjamin Reyes Regarding Potential Exposure to Litigation ("one matter")

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

5. RECOGNITIONS

- A. Remembrance. Amber Swartz is still missing. Anyone with information is urged to contact the Pinole Police Department, (510) 724-8950.
- B. Proclamations
- C. Presentations
 - 1. Presentation of the Awards of the Pinole Garden Club Front Yard Landscaping Contest
 - 2. Pinole Historical Society Update / National Preservation Month, by Jeff Rubin
 - 3. Introduction of 5 Pinole Valley High Students Participating in the Ivy League Connection Program

4. Pinole Youth Commission Quarterly Report and Presentation of Graduation Plaques

6. CITIZENS TO BE HEARD (Public Comments – Agency Board and City Council)

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes and is subject to modification by the Chair/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 or Agency Board may direct staff to investigate and/or schedule certain matters for consideration at a future Agency 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 Board/Council member(s) wishes to discuss a consent item, it will be removed from the Consent Calendar and taken up immediately after adoption of the remainder of the Consent Calendar.

- A. Approve the Minutes of the May 5, 2009 Meeting
- B. Receive the May 1, 2009 – May 8, 2009 and May 9 – 15, 2009 List of Warrants and Receive the May 15, 2009 Payroll in the Amount of \$461,479.63.
- C. Authorize The City Manager To Award Two Purchase Order Agreements And Authorize Expenditures In FY 2008/09 And Annual Purchase Orders in 2009/10 For Purchase of Chemicals at the Water Pollution Control Plant:
Hasa, Inc. - FY 2008/09 \$40,000 & FY 2009/10 \$245,000
Basic Chemical Solutions – FY 2008/09 \$52,000 & FY 2009/10 \$248,000
[Council Report No. 2009-73; Action: Adopt 2 City Resolutions (Allison)]
- D. Adopt a Resolution to Authorize the Executive Director to Enter into an Exclusive Negotiating Agreement with Anokha Cuisine for Leasing and Rehabilitation of the Property at 2300 San Pablo Avenue **[Agency Report No. 2009-32; Action: Adopt Resolution Per Staff Recommendation (Kuykendall)]**
- E. Adopt a Resolution Amending the Commercial Rehabilitation Loan Policy to Include Interior Improvement Loans **[Agency Report No. 2009-33; Action: Adopt Resolution Per Staff Recommendation (Kuykendall)]**
- F. Rescind 1973 Personnel Rules; Rescind Personnel Policies; and Adopt New Personnel Rules **[Council Report No. 2009-74; Action: Adopt Resolution Per Staff Recommendation (Fitzer)]**
- G. Authorize The City Manager To Execute A Construction Contract With Pacific Liners In The Amount Of \$117,801.00 For The Sewer Rehabilitation Program FY08-09, And Authorize The Expenditure Of \$11,780.00 For Project Contingencies For A Total Authorization Of \$129,581.00 **[Council Report No. 2009-75; Action: Adopt Resolution Per Staff Recommendation (Castro)]**
- H. Authorize The Executive Director To Award And Execute A Construction Contract With MCK Services In The Amount Of \$661,434.58 With A Construction Contingency Of \$66,144 For The Annual Residential Streets Overlay Project

2008/2009 [Agency Report No. 2009-34; Action: Adopt Resolution Per Staff Recommendation (Demitri)]

- I. Authorize The City Manager / Executive Director, Or Designee To Apply For Technical Assistance From The California Energy Commission's Energy Partnership Program To Identify Energy Efficiency Projects. [Joint Agency /Council Report No. 2009-76; Action: Adopt Resolution Per Staff Recommendation (Wadsworth)]

8. REGULAR BUSINESS

*Includes Public Hearings (to be held on or after 7:00 PM). Matters with **high public participation and/or high level of interest** will be conducted first.*

- A. Conduct a Public Hearing and Introduce Ordinance Amending Section 9.28.040 of the Pinole Municipal Code To Prohibit Smoking in Public Parks, Trails, and Open Space And Within Twenty Feet of Public Buildings [Council Report No. 2009-77; Action: Introduce Ordinance By Title (Lintvedt)]
- B. Authorize The City Manager / Executive Director To Amend Three Existing Professional Services Agreements With Pacific Municipal Consultants (PMC) Appropriating \$35,019 And Extend Two Of The Agreements [Agency / Council Report No. 2009-78; Action: Adopt Joint Resolution Per Staff Recommendation (Rhodes)]
- C. Adopt Resolutions Authorizing Sale of the Properties Located at 609 and 620 Maiden Lane as Low- or Moderate-Income Below Market Rate Units and Authorizing the Executive Director to Execute a Listing Agreement with Home Quest Realty [Agency Report No. 2009-37; Action: Adopt Resolutions Per Staff Recommendation (Kuykendall)]
- D. Set a Public Hearing on July 21, 2009 To Consider A Sewer Rate Increase and Authorize the City Manager To Publish The Notice For Said Hearing In Compliance With Proposition 218 [Council Report No. 2009-79; Action: Provide Direction to Staff (Allison)]

9. OTHER POLICY ITEMS

10. ROUTINE REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 1. Announcements
 2. Mayor's Task Force on Education
- B. City Council / Agency Board Committee Reports
- C. Council Requests For Future Agenda Items
- D. City Manager / Executive Director Report
- E. City Attorney Report

12. **ADJOURNMENT** to the Regular Redevelopment Agency/City Council Meeting of June 2, 2009 and in memory of the fallen US Armed Service members and Pinole citizens Manuel P. Artuz, Henry B. Hiatt Jr., Shane Patrick Mahoney, Margaret "Tess" Nicoli, Richard "Dick" Skillman, Alice M. Watson and Elise 'Darlene' Grant.

PURSUANT TO GOVERNMENT CODE §54953(b), THIS MEETING WILL BE TELECONFERENCED WITH COUNCIL MEMBER PETER MURRAY, FROM 2100 WHIPPOORWILL COURT, PINOLE, CA 94564. THE TELECONFERENCE LOCATION SHALL BE ACCESSIBLE TO THE PUBLIC PURSUANT TO GOVERNMENT CODE § 54953.3.

POSTED: May 15, 2009 at 10:00 A.M.

Patricia Athenour, CMC
City Clerk

Any writings or documents provided to a majority of the City Council after distribution of the packet, regarding any item on this agenda will be made available for public inspection at the Administration Counter at City Hall located at 2131 Pear Street in a binder located outside the Council Chambers at 2131 Pear Street, available during normal business hours. (Pursuant to SB 343-effective July 1, 2008)