



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

**TUESDAY  
June 2, 2009  
6:00 P.M.**

**2131 Pear Street, Pinole, California**

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**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](mailto:pathenour@ci.pinole.ca.us)

COUNCIL/REDEVELOPMENT AGENCY MEETINGS ARE TELEVISED LIVE ON CHANNEL 26. They are retecast 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/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 WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT TRANSITION SCHOOL TO WORK PROGRAM**

**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 Counsel (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 §54956.8, The Redevelopment Agency Board of Directors Will Meet To Confer With Real Property Negotiator, Mary Roberts, Regarding Property Located at: 1361 Fitzgerald Drive, Outback Steakhouse (5 minutes)
- B. Pursuant To Government Code Government Code §54956.8, Redevelopment Agency Board of Directors Will Meet To Confer With Real Property Negotiator, Mary Roberts, Regarding Property Known As & Located at: Pinole Post Office, 2101 Pear Street
- C. Pursuant To Government Code Government Code §54597.6, The Pinole City Council Will Meet To Confer With Labor Negotiator, Michelle Fitzer Regarding Labor Negotiations With Local One, AFSCME, PPEA and Fire Local 1230

**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
  - 1. Supporting the Wellness City Challenge
- C. Presentations

**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 19, 2009 Meeting
- B. Receive the May 16-22, 2009 and the May 23-29, 2009 List of Warrants and Receive the May 29, 2009 Payroll in the Amount of \$450,294.36.
- C. Second Reading and Adoption of Ordinance 2009-05, Amending Section 9.28.040 of the Pinole Municipal Code To Prohibit Smoking in Public Parks, Trails, and Open Space, Public Events And Within Twenty Feet of Public Buildings **[Action: Waive Second Reading and Adopt Ordinance]**
- D. Authorize the Executive Director To Execute A Contract Amendment With The Conley Consulting Group For Economic Advisory Assistance Relating To The Pinole Vista Crossings Shopping Center And The Pinole Valley Shopping Center In An Amount Not To Exceed \$15,000. **[Agency Report No. 2009-40; Action: Adopt Resolution Per Staff Recommendation (Drazba)]**
- E. PINOLE VALLEY LANDSCAPE & LIGHTING ASSESSMENT DISTRICT 2008-01 ("LLAD 2008-01).  
  
Initiate Proceedings for the Levy and Collection of Annual Assessments; Approve The Assessment Engineer's Annual Report for the Levy of Assessments; And Set a Public Hearing On June 16, 2009 To Consider City Council's Intention To Provide For The Levy And Collection Of Annual Assessments In The LLAD 2008-01 **[Council Report No. 2009-81; Action: Adopt Three Resolutions Per Staff Recommendations (Wadsworth)]**
- F. Adopt A Resolution Finding A Severe Fiscal Hardship Will Exist If Additional Local Property Tax Funds Are Seized And Additional Unfunded Mandates Are Adopted By The State Of California **[Council Report No. 2009-87; Action: Adopt Resolution Per Staff Recommendation (Fitzer)]**

## 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. Report Regarding The Community Preservation & Safety Unit Accomplishments **[Council Report No. 2009-82; Action: Accept Report (Clancy)]**
- B. Conduct a Public Hearing and Consider Introduction of An Ordinance, Amending Pinole Municipal Code Title 5, Adding Chapter 5.64 Security Alarm System, and Adopt A City Resolution To Amend the Pinole Master Fee Schedule To Revise Alarm Fees **[Council Report No. 2009-83; Action: Conduct Hearing, Introduce Ordinance on First Reading by Title, and Adopt Resolution (Clancy)]**

- C. Conduct a Public Hearing and Consider Revising Parking Violation Penalties and Amend the Pinole Master Fee Schedule [**Council Report No. 2009-84; Action: Adopt Resolution (Clancy)**]
- D. Presentation of A Sidewalk Liability Ordinance [**Council Report No. 2009-85; Action: Council Direction (Lintvedt)**]
- E. Authorize the City Manager To Execute An Engineering Services Agreement With EDAW Consultants, In The Amount of \$282,155 For Preparation Of A Draft Environmental Impact Report (EIR) And Authorize the Expenditure of \$20,000 with Dodson Psomas and Associates for the WPCP Upgrade [**Council Report No. 2009-86; Action: Adopt Resolution Per Staff Recommendation (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
  - 1. Update Regarding Law Enforcement Activities [**Verbal Presentation; Action: Receive report; No action (Clancy)**]
- E. City Attorney Report

- 12. ADJOURNMENT** to the Regular Redevelopment Agency/City Council Meeting of June 16, 2009 and in memory of the fallen US Armed Service members and Pinole citizens John Richard Skillman, Mary (Fernandes) Rard, Kevin Kendall, John W. Taylor and Lula B. Wesley.

**POSTED: May 29, 2009 at 10:00 A.M.**

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**Patricia Athenour, MMC**  
**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)*