



JOINT PINOLE CITY COUNCIL & REDEVELOPMENT AGENCY AGENDA

TUESDAY,
June 16, 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, 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 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. 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

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, Redevelopment Agency Board of Directors Will Meet To Confer With Real Property Negotiator, Mary Roberts, Regarding Property Known As The Outback Steakhouse, Located at 1361 Fitzgerald Drive
- 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 Located at 2300 San Pablo Avenue
- 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
- C. Presentations
 - 1. City Clerk Patricia Athenour – Achievement of Master Municipal Clerk (MMC) Status from the International Institute of Municipal Clerks
 - 2. Pinole Valley High Principal Sue Kahn - 2009 Principal of the Year
 - 3. West Contra Costa Transportation Authority “Hot Lanes” Update by Carolyn Clevenger, Assistant Express Lane Project Manager

RECESS

In Celebration of Pinole's 105th Birthday, Incorporated June 25, 1903 Cake Graciously Donated by the Red Onion

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 Meetings of June 2, 2009.
- B. Receive the May 30 - June 5, and June 6 - 12, 2009 Lists of Warrants and Receive the June 12, 2009 Payroll in the Amount of \$584,922.85
- C. Authorize The Placement Of Liens For Unpaid Waste Collection Charges Between January and April 2009 [**Council Report No. 2009-89; Action: Adopt Resolution Per Staff Recommendation (Athenour)**]
- D. Approve Implementation of Internal Revenue Code 414(h)(2) For Employee Service Credit Purchases [**Council Report No. 2009-90; Action: Adopt Resolution Per Staff Recommendation (Miller)**]
- E. Authorize the Executive Director to Allow An Exception to the First Time Home Buyers Program Guidelines [**Agency Report No. 2009-44; Action: Adopt Resolution Per Staff Recommendation (Kuykendall)**]

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 To Consider City Council's Intention To Provide For The Levy And Collection Of Annual Assessments In The Lighting and Landscape Assessment District (LLAD) 2008-01 [**Council Report No. 2009-91; Action: Approve Per Staff Recommendation (Wadsworth)**]
- B. Conduct a Public Hearing To Consider Introduction of An Ordinance (Zoning Amendment 09-02), Amending Pinole Municipal Code Chapter 17.35 "Design Review & Sign Permits" [**Council Report No. 2009-92; Action: Introduce Ordinance On First Reading By Title (Hersch)**]
- C. Approve The Mock Ups For Solar Panel Installation At Four City Facilities [**Agency Report No. 2009-41; Action: Approve Per Staff Recommendation (Wadsworth)**]

- D. Support Efforts To Exclude Interstate 80 In Contra Costa County For Express Lane Consideration If Assembly Bill 744 (Torricco) Is Not Modified To Include West Contra Costa Transportation Advisory Committee Proposed Amendments **[Council Report No. 2009-93; Action: Council Discretion - Recommend Item Be Moved Forward For Discussion Following Presentation C3 (Allison)]**
- E. Approve FY 2009/10 Grants For Community Group Funding Program **[Agency Report No. 2009-42; Action: Adopt Agency Resolution (Carbahal)]**
- F. Authorize The City Manager / Executive Director To Amend Three Existing Professional Services Agreements With Pacific Municipal Consultants (PMC) And To Appropriate An Additional \$35,019 **[Agency / Council Report No. 2009-94; Action: Adopt Joint Resolution Per Staff Recommendation (Rhodes)]** CONTINUED FROM MAY 19, 2009

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 **(Council Consensus To Agendize At Future Meeting)**
 - 1. Consider Resolution To Support "Buying American" With Stimulus Package Funding **(Long)**
 - D. City Manager / Executive Director Report
 - E. City Attorney Report
- 12. ADJOURNMENT** to the Regular Redevelopment Agency/City Council Meeting of July 7, 2009 and in memory of the fallen US Armed Service members and Pinole citizen Robert Hegeman.

POSTED: June 12, 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)