



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

**TUESDAY,
July 7, 2009
5:30 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 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 (5:30 – 7:00 PM)

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, Charlie Long, Regarding Property Known As The Pinole Vista Shopping Center, Located on 1400-1500 Fitzgerald Drive, Pinole

B. 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

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 June 10, June 16, and June 30, 2009 Meetings
- B. Receive the List of Warrants: June 13 – June 19, June 20 – 26 and June 27- June 30, 2009 and July 1 (FY 2009/10) 2009, and Receive the June 26, 2009 Payroll in the Amount of \$491,864.56.
- C. Authorize The Executive Director To Enter Into A Two-Year Contract With Pacific Coast Farmers Market Association To Continue Operating A Year-Round Pinole Farmers' Market Funded By The Redevelopment Agency Market And Promotions Fund **[Agency Report No. 2009-46; Action: Adopt Agency Resolution (Wooldridge)]**
- D. Authorize The City Manager To Execute A Contract With CSG For On-Call Construction Inspection Services In An Amount Not To Exceed \$ 35,000 **[Council/Agency Report No. 2009-107; Action: Adopt Agency Resolution Per Staff Recommendation (Wadsworth)]**
- E. Approve ABAG Application for a PDA (Priority Development Area) for the Appian Way Specific Plan Area. **[Council Report No. 2009-95; Action: Adopt Council Resolution Per Staff Recommendation (Hersch)]**
- F. Authorize the City Manager To Execute An MOU With Other Contra Costa County Cities and the County Sheriff's Office For Distribution Of Regular Byrne-JAG Grant Award Funds **[Council Report No. 2009-96; Action: Adopt Council Resolution Per Staff Recommendation (Clancy)]**
- G. Second Reading and Adoption of Ordinance 2009-6, Amending Pinole Municipal Code Chapter 17.35 "Design Review & Sign Permits" **[Council Report No. 2009-97; Action: Waive Second Reading and Adopt Ordinance (Hersch)]**
- H. Award A Three-Year Contract For Citywide Street Rehabilitation Project To Bruce Carone In The Amount of \$126,000 (\$42,000 Annually) Funded From The CIP **[Council Report No. 2009-98; Action: Adopt Council Resolution Per Staff Recommendation (Allison)]**
- I. Authorize Expenditures Of Up To \$142,990 For The City Of Pinole Share Of A Joint Wastewater Project With The City Of Hercules To Relocate A Portion Of The Land Outfall **[Council Report No. 2009-99; Action: Adopt Council Resolution Per Staff Recommendation (Allison)]**
- J. Revise The EDHAC Meeting Requirement To One Meeting Per Month and Repeal And Replace Joint Council Resolution 2007-38 / Agency Resolution 14-2007 **[Agency / Council Report No. 2009-100; Adopt Resolution Per Staff Recommendation (Drazba)]**
- K. Authorize to City Manager to Execute an Interagency Agreement With Contra Costa County For Forensic Services From July 1, 2009 to June 30, 2011 **[Council Report No. 2009-101; Adopt Resolution Per Staff Recommendation (Clancy)]**

- L. Declare Surplus Information Systems Equipment For Disposal To A Private Program That Will Supply Equipment To Pinole Residents Unable to Afford to Purchase Computer Hardware [**Council Report No. 2009-102; Action: Approve Council Resolution (Janke)**]
- M. Authorize The City Attorney/Redevelopment Agency General Counsel To Cooperate With The League Of California Cities, The California Redevelopment Association, Other Cities And Counties In Litigation Challenging The Constitutionality Of Any Seizure By State Government Of The City's Street Maintenance And Redevelopment Funds [**Agency /Council Report No. 2009-103; 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. Approve Pinole Valley Park As the Permanent Skate Park Location [**Agency Report No. 2009-49; Action: Adopt Agency Resolution Per Staff Recommendation (Wooldridge)**]
- B. Conduct a Public Hearing and Adopt A Joint Council /Agency Resolution To Enter into a Purchase & Sale Agreement with Kathy Lin And /Or Assignees Within the Lin Family, To Purchase the Outback Steakhouse Land At 1361 Fitzgerald Drive For \$1.1 Million Dollars [**Joint Agency / Council Report No. 2009-104; Action: Adopt Agency and Council Resolutions Per Staff Recommendation (Drazba)**]
- C. Authorize the Community Services Commission's Recommendation of the Park and Facility Projects To Be Funded By the East Bay Regional Parks District Measure WW, And Authorize Application For Local Grant Funds Under Measure WW [**Council Report No. 2009-105; Action: Adopt Council Resolution Per Staff Recommendation (Wooldridge)**]
- D. Review Preliminary Comments To Be Submitted to the Contra Costa County Conservation and Development Department Regarding the PraxAir Pipeline Draft Environmental Impact Report [**Council Report No. 2009-106; Action: Minute Order To Authorize Mayor To Execute Letter (Allison/Rhodes)**]

9. OTHER POLICY ITEMS

10. ROUTINE REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 - 1. Announcements
- B. City Council / Agency Board Committee Reports
 - 1. East Bluff Apartments Safety Plan Update [**Verbal Report – Action: Motion to Continue to August 4, 2009**]
- 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 July 21, 2009 and in memory of the fallen US Armed Service members and Pinole citizens Gary Arthur Rogers, Sr., Marjorie Lois Ensign Mattingly, Janie Mary Lindell, Audrey Maryann Stinar, Ursula G. Trinks, Teresa Ann Carr, David H. Palfini and Rachel Higley-Hall.

POSTED: Thursday, July 2, 2009 at 3 P.M.

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)