



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

**TUESDAY,
September 1, 2009
6:00 P.M.**

2131 Pear Street, Pinole, California

**Virginia Fujita, Mayor/Chair
Debbie Long, Mayor Pro Tem / Vice Chair
Tim Banuelos, 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 – Thursday. 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 TO BE LED BY BOY SCOUT TROOP 81

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 Drazba, Regarding Property Known as Gateway East, Department of Transportation Remainder Parcel Location: East side of Pinole Valley Road, between Henry and I-80, Pinole

B. Pursuant To Government Code Government Code §54956.8, The Redevelopment Agency Board of Directors Will Meet To Confer With Real Property Negotiator, Mary Drazba, Regarding Property: Pinole Shores Business Park Developer: Panattoni Development Company Location: 806 San Pablo Avenue, Pinole

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

5. RECOGNITIONS

A. Proclamations

1. September - National Alcohol & Drug Addiction Recovery Month
2. Falls Prevention Awareness Week September 21 – 27, 2009
3. Proclamation to Former Council Member Mary Horton

B. Presentations

1. September - National Preparedness Month by Chief Jim Parrott

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 August 12, August 13 and August 18, 2009 Meetings
- B. Receive the August 15-21, 2009 and August 22-28, 2009 Lists of Warrants and Receive the August 21, 2009 Payroll in the Amount of \$458,002.15.
- C. Approve Comcast As A Tenant At the Pinole Valley Shopping Center [**Agency Report No. 2009-55; Action: Adopt Resolution Per Staff Recommendation (Drazba)**]
- D. Approve the City and Agency Appropriations Spending Limit for FY 2009/10 [**Council Report No. 2009-139; Action: Adopt Joint Resolution Per Staff Recommendation (Loomis)**]
- E. Approve A Modification to the Agency Commercial Rehabilitation Loan Policy to Include Permanent Interior Improvement Loans and Extend Eligibility to all Commercial and Mixed Use Districts Within the Redevelopment Area [**Agency Report No. 2009-56; Action: Adopt Resolution Per Staff Recommendation (Carbahal)**]
- F. Accept The Improvements and File a Notice of Completion For the Water Pollution Control Plant Digester Project with Pacific Mechanical Corporation And Approve the Release of Retention Monies [**Council Report No. 2009-140; Action: Adopt Resolution Per Staff Recommendation (Allison)**]

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.

CONTINUED PUBLIC HEARINGS:

- A. Conduct A Public Hearing. Adopt Agency Resolution Approving Entering Into A Sublease And Improvement Agreement and Loan Agreement With Surinder Pal Sroa, dba Okrah Restaurant For 2300 San Pablo [**Joint Agency / Council Report No. 2009-141; Action: Request Motion for Continuance to October 6, 2009 (Kuykendall)**]
- B. Conduct A Public Hearing And Approve the Annual Review of the Utility Users Tax [**Council Report No. 2009-142; Action: Conduct Public Hearing & Adopt Council Resolution Per Staff Recommendation (Loomis)**]

NEW PUBLIC HEARINGS:

- C. Conduct A Public Hearing And Introduce An Ordinance Amending the PMC Related to a Daytime Curfew [**Council Report No. 2009-143; Action: Conduct Public Hearing and Introduce On First Reading By Title (Clancy)**]
- D. Conduct A Public Hearing And Introduce An Ordinance Amending the PMC Chapter 16.30 - West County Subregional Transportation Mitigation Program

Related To The STMP Fee [**Council Report No. 2009-144; Action: Conduct Public Hearing & Introduce On First Reading By Title Only (Hersch)**]

- E. Conduct A Public Hearing And Adopt City and Agency Resolutions Approving Purchase and Sale Agreement Between The Agency And Judy S. Tang and Calvin King, II (The "Buyer") Pertaining To The Disposition Of Property Located At 620 Maiden Lane [**Joint Agency / Council Report No. 2009-145; Action: Adopt Per Staff Recommendation (Carbahal)**]

9. OTHER POLICY ITEMS

10. ROUTINE REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 - 1. Announcements
 - 2. Appointments
 - a. Appoint a Subcommittee & Select a Date to Conduct Planning Commission Interviews
 - b. Appoint a Subcommittee & Select a Date to Conduct Youth Commission Interviews
[Council Report No. 2009-146; Action: Council Discretion (Athenour)]
 - 3. Council Assignment List
- B. City Council / Agency Board Committee Reports
- C. Council Requests For Future Agenda Items
- D. City Manager / Executive Director Report
- E. City Attorney Report

- 11. ADJOURNMENT** to the Regular Redevelopment Agency/City Council Meeting of September 15, 2009 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Leo G. Young and Ed Alveraz.

POSTED: August 28, 2009 at 10:00 A.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)