



JOINT PINOLE CITY COUNCIL & REDEVELOPMENT AGENCY AGENDA

TUESDAY,
December 1, 2009
5:30 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 7.

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

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 – 6:00 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.

City Council

- A. CONFERENCE WITH LABOR NEGOTIATOR - GC §54597.6,
City Labor Negotiator: Michelle Fitzner & Bruce Heid
Employee Organizations: LOCAL ONE, AFSCME, PPEA & FIRE LOCAL 1230

Redevelopment Agency Board

- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - GC §54597,
Public Employee Performance Evaluation: City Manager

RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

4. COUNCIL REORGANIZATION (6:00 PM)

- A. Comments From Outgoing Mayor / Chair Fujita
- B. Presentations and Comments to the Outgoing Mayor
- C. Reorganization of the City Council and of the Redevelopment Agency Board of Directors
 - 1. Nomination for Mayor/Chair and Mayor Pro Tem/ Vice-Chair
 - 2. Adoption of a Resolution of Appointment [**Action: Adopt Resolution per Council Discretion**]
- D. Administer Oath of Office to the Mayor
- E. Transfer of the Gavel and Seating of the New Mayor
 - 1. Comments From Incoming Mayor/Chair

RECESS – RECEPTION IN LOBBY

RECONVENE IN OPEN SESSION

5. RECOGNITIONS

- A. Proclamations / Recognition
- B. 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 November 17 Meeting
- B. Receive the November 14-20, and November 21-27, 2009 List of Warrants and Receive the November 25, 2009 Payroll in the Amount of \$543,442.30
- C. Review and Reaffirm the City Travel and Expense Reimbursement Policy **[Council Report No. 2009-183; Action: Reaffirm By Minute Order (Athenour)]**
- D. Second Reading & Adoption Of Ordinance 2009-10, Amending Pinole Municipal Code Chapter 15.40 – Fire Codes **[Action: Adopt and Waive Second Reading]**
- E. Adopt A Resolution Revising The Purchase And Sale Agreement With Corlin Commercial, LLC For The Property At The Southeast Corner Of Henry Avenue And Pinole Valley Road, APN 401-211-033. **[Agency Report No. 2009-74; Action: Adopt Agency Resolution Per Staff Recommendation (Drazba)]**

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.*

PUBLIC HEARING

- A. Conduct a Public Hearing and Introduce An Ordinance Amending Title 15 of the Pinole Municipal Code – Building & Construction – By Adding Chapter 15.54, Water Efficient Landscaping **[Council Report No. 2009-184: Action: Conduct Public Hearing and Introduce Ordinance By Title (Hersch)]**
- B. Conduct a Public Hearing and Consider A Council Resolution to Approve Fee Increases for Recreation Department and Amend the Master Fee Schedule to Include Said Fees **[Council Report No. 2009-185: Action: Conduct Public Hearing and Adopt Resolution Per Staff Recommendation (Wooldridge)]**

NON PUBLIC HEARING BUSINESS ITEMS

- C. General Plan Progress Report [**Council Report No. 2009-186; Action: Receive Report and Provide Direction to Staff (Rhodes)**]
- D. Consider Funding for 2010 Annual Membership Dues for the East Bay Division and the Contra Costa County Mayors' Conference [**Council Report No. 2009-187; Action: Council Discretion - Minute Order Action (Athenour)**]

9. OTHER POLICY ITEMS

- A. Consider Amendments to the Council Procedures Established Under Resolution 2008-74 [**Council Report No. 2009-188; Action: Adopt Revised Resolution - Council Discretion (Athenour)**]

10. ROUTINE REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 - 1. Announcements
 - 2. Mayor's Task Force on Education
 - 3. Council Appointments
 - a. Appointment of TAPS Committee Members & Discussion Regarding Amendments to the ByLaws
- B. City Council / Agency Board Committee Reports
- C. Council Requests For Future Agenda Items
- D. City Manager / Executive Director Report
- E. City Attorney Report

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Redevelopment Agency Board

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
 - Property Location: Pinole Vista Shopping Center, 1200-1417 Fitzgerald
 - Agency Negotiator: Mary Drazba, Economic Development Manager
 - Negotiating Parties: None At This time
 - Under Negotiation: Price and Terms / Strategy Formation

RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

12. **ADJOURNMENT** to the Special Redevelopment Agency/City Council Meeting of December 9, 2009 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Craig D. Nelson, Roger A. Heidary and Matthew Joel Long Nault.

POSTED: November 25, 2009 at 4:00 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)