



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

**TUESDAY,
December 15, 2009
6:00 P.M.**

2131 Pear Street, Pinole, California

**Debbie Long, Mayor/Chair
Roy Swearingen, Mayor Pro Tem / Vice Chair
Tim Banuelos, Council Member / Board Member
Virginia Fujita, Council Member/ Board Member
Peter Murray, 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 2010-124. If you wish to address the City Council or Agency Board, please complete the gold card that is 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 Item 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, and on the City Website at www.ci.pinole.ca.us. 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 – CITY COUNCIL AND AGENCY BOARD

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. Citizens may address the Council / Agency Board regarding a Closed Session item prior to the Board adjourning into the Closed Session

Redevelopment Agency Board

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: Pinole Vista Shopping Center 1350 Fitzgerald
Agency Negotiator: Mary Drazba, Economic Development Manager
Negotiating Parties: None at this time
Under Negotiation: Price and Terms

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

5. RECOGNITIONS / PRESENTATIONS

- A. Proclamations
1. Retirement Proclamation Honoring Fire Chief James Parrott
2. Retirement Proclamation Honoring Deputy Police Chief Peter Janke
- B. Presentations

6. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. The time limit is 2 minutes for Agency Board items and 3 minutes for City Council items, and is subject to modification by the Mayor/ Chair. 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 in order after the last item on the Consent Calendar.

Redevelopment Agency Items

- A. Approve A Commercial Tenant Lease For Matilde Guadalupe Salon In The Fernandez Corner Building At 2401-C San Pablo Avenue [Agency Report No. 2009-75; Action: Approve Per Staff Recommendation (Drazba)]

Joint Agency Board / City Council Items

- B. Accept The Completion Of The Annual Residential Streets Overlay Project 2008-09, Direct Staff To File A Notice of Completion, and Authorize the Release Of Payment And Performance Bonds, and Retention Monies [**Joint Agency/Council Report No. 2009-189; Action: Adopt Joint Resolution (Allison)**]
- C. Resolution in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 [**Joint Agency/Council Report No. 2009-190; Action: Adopt Joint Resolution (Fitzer)**]

City Council Items

- D. Approve the Minutes of the December 1, 2009 Meeting
- E. Receive the November 28-December 4 and December 5-11, 2009 Lists of Warrants and Receive the December 11, 2009 Payroll in the Amount of \$458,571.92.
- F. Receive Report From City Attorney Regarding Staffing Changes [**Council Report No. 2009-191; Action: Accept Report (Reyes)**]
- G. Waive Second Reading & Adopt Ordinance 2009-11, Amending Title 15 of the Pinole Municipal Code – Building & Construction – By Adding Chapter 15.54, Water Efficient Landscaping [**Council Report 2009-192; Action: Adopt and Waive Second Reading (Hersch)**]
- H. Authorize The Director Of Public Works To Submit An Application To The California Energy Commission For An Energy Efficiency And Conservation Block Grant For Street Lighting [**Council Report No. 2009-193; Action: Adopt Resolution Per Staff Recommendation (Allison)**]
- I. Amend The Formation (Bylaws) Resolution of the TAPS Committee [**Council Report No. 2009-194; Action: Adopt Resolution Per Staff Recommendation (Athenour)**]

8. PUBLIC HEARINGS

- A. Review Report Re: 2010 Increase to the Residential and Commercial Waste Collection Rates [**Council Report No. 2009-195; Action: Accept Report (Allison)**]

9. OLD BUSINESS

10. NEW BUSINESS

Joint Agency Board / City Council

- A. Authorize The City Manager / Executive Director To Execute A License Agreement With The County Flood Control And Water Conservation District To Construct and Maintain The Pinole Creek Demonstration Project [**Joint Agency/Council Report No. 2009-196; Action: Adopt Joint Resolution (Allison/Lintvedt)**]

- B. Receive Report on Proposed Budget For Fabrication and Installation of Plaques at Fernandez Park and Kaiser Medical Office Building Sites [**Agency/Council Report No. 2009-199; Action: Receive Verbal Report & Provide Direction To Staff (Espinosa / Allison)**]

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 - 1. Announcements
 - 2. Review 2010 Council Committee Assignments [**Council Report No. 2009-197; Action: Council Discretion (Athenour)**]
- B. Mayoral / Council Appointments
- C. City Council / Agency Board Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager / Executive Director Report / Department Staff
 - 1. City Committee/Commission Report [**Council Report No. 2009-198; Action: Receive Report (Espinosa)**]
- F. City Attorney Report

- 12. ADJOURNMENT** to the Special Joint City Council & Redevelopment Agency Meeting of January 19, 2010 and in memory of fallen US Armed Service Members, and Pinole citizens Amber Swartz, Beulah Brindley, Dorothy Brooks and Felix Zucker.

POSTED: December 11, 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)