



## JOINT PINOLE CITY COUNCIL & REDEVELOPMENT AGENCY AGENDA

TUESDAY,  
January 19, 2010  
5:30 P.M.

2131 Pear Street, Pinole, California

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**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 2009-124. 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 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, and on the City Website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). You may also contact the City Clerk via e-mail at [pathenour@ci.pinole.ca.us](mailto: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](http://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*

City Council

- A. CONFERENCE WITH LABOR NEGOTIATOR – Pursuant to GC §54597.6  
City Labor Negotiator: Michelle Fitzer and Bruce Heid, IEDA  
Employee Organizations: LOCAL ONE, AFSCME, PPEA & FIRE LOCAL 1230
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to GC §54597  
Public Employee Performance Evaluation: City Manager

Pinole Redevelopment Agency Board of Directors

- C. CONFERENCE WITH LEGAL COUNSEL; Pursuant to GC §54956.9(b)  
Anticipated Litigation (“one matter”)  
Agency Counsel: Benjamin Reyes
- D. 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. National Blood Donor Month
- B. Presentations
  - 1. Pinole Youth Commission Quarterly Update

**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

- A. Approve a Residential Rehabilitation Program loan for the property located at 843 East Meadow Avenue in an amount not to exceed 12,000. **[Agency Report 2010-01 Action: Approve Per Staff Recommendation (Carbahal)]**
- B. Receive First Time Home Buyer Program Update. **[Agency Report 2010-02 Action: Receive Report (Carbahal)]**
- C. Adopt a Resolution Approving Chipotle as a Proposed Tenant at 2702 Pinole Valley Road in the Pinole Valley Shopping Center. **[Agency Report 2010-03 Action: Adopt Resolution Per Staff Recommendation (Drazba)]**

### Joint Agency Board / City Council

- D. Approve the Minutes of the December 9 and December 15, 2009 Meetings
- E. Receive the December 12-18, December 19-23, December 24, 2009 – January 8, 2010 January 9-15, 2010 Lists of Warrants and Receive the December 23, 2009 Payroll in the Amount of \$437,453.77 and the January 8, 2010 Payroll in the Amount of \$501,550.42.

### City Council

- F. Receive Report From City Attorney on Brown Act. **[Council Report No. 2010-01 Action: Receive Report (Reyes)]**
- G. Approve Amendment to the City Wide Records Retention Schedule. **[Council Report No. 2010-02 Action: Receive Report (Athenour)]**

## 8. PUBLIC HEARINGS

## 9. OLD BUSINESS

### Redevelopment Agency

- A. Authorize the Executive Director to Execute a Contract with Woldemar & Associates for Professional Services for 2300 San Pablo Avenue In An Amount Not To Exceed \$25,800. **[Agency Report 2010-05 Action: Adopt Agency Resolution Per Staff Recommendation (Kuykendall)]**

### Joint Agency Board / City Council

- B. Consider Amendments to the Composition of EDHAC to a Maximum of 7 At-Large Citizen Members, 2 Council Appointees and An Alternate and Discuss Amendments to the Committee Roles and Responsibility. **[Agency/Council Report No. 2010-04 Action: Council Discretion (Mayor Long)]**

### City Council

- C. Authorize The City Manager To Apply For Local Grant Funds Under East Bay Regional Park District Measure WW To Fund Four Park Improvement Projects. **[Council Report No. 2010-03 Action: Adopt Council Resolution Per Staff Recommendation (Wooldridge)]**

## 10. NEW BUSINESS

### City Council

- A. Pinole Youth Center Annual Update. [**Verbal Report; Action: Receive Report (Altman)**]

## 11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
  - 1. Announcements
- B. Mayoral / Council Appointments
  - 1. Youth Commission Appointment [**Council Report No. 2010-05 Action: Council Discretion (Altman)**]
  - 2. Select Pinole's Representative as the Contra Costa College 2010 Woman of the Year (Woman's History Month) [**Council Report No. 2010-06 Action: Council Discretion (Athenour)**]
  - 3. Council Member Appointments to the EDHAC Committee (**Council Discretion**)
- C. City Council / Agency Board Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager / Executive Director Report / Department Staff
  - 1. 970 Appian Way "County" Project Update [**Verbal Report (Rhodes)**]
  - 2. Simas and Appian Way Paving Projects Update [**Verbal Report (Allison)**]
- F. City Attorney Report

12. **ADJOURNMENT** to the Regular Redevelopment Agency/City Council Meeting of February 2, 2010 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Thomas Tinder, Patricia Jean Welch, Harrison Edwards, Carl E. Swenson, Jack Carl LaFontaine, Susan E. Flores, Pernel Harris, Larry D. Jackson, Patricia Ann Sanford, Elaine Steele-Percy, Laura Jo Parella Weeks, and Ned Robinson.

**POSTED: January 15, 2009 at 10:00 A.M.**

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**Patricia Athenour, MMC**  
City Clerk

***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)***