



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

**TUESDAY,
February 16, 2010
5:30 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 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. 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

City Council

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to GC §54597
Public Employee Performance Evaluation: City Manager
- B. CONFERENCE WITH LABOR NEGOTIATOR – Pursuant to GC §54597.6
City Labor Negotiator: Michelle Fitzner and Bruce Heid, IEDA
Employee Organizations: LOCAL ONE, AFSCME, PPEA & FIRE LOCAL 1230
- C. CONFERENCE WITH LEGAL COUNSEL-- -- Pursuant to GC Section 54956.9(b)
ANTICIPATED LITIGATION- "Two Matters"
Legal Counsel: City Attorney Benjamin Reyes

Redevelopment Agency Board

- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: 920 San Pablo Avenue
Agency Negotiator: Mary Drazba, Economic Development Manager
Negotiating Parties: Charles Vermette and Joyce Vermette Trustees of the Charles R. and Joyce A. Vermette 2001 Family Trust
Under Negotiation: Lease Price & Terms
- E. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: 2401 San Pablo Avenue
Agency Negotiator: Mary Drazba, Economic Development Manager
Negotiating Parties: Downtown Pinole Partners LLC
Under Negotiation: Lease Terms
- F. 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. In Memoriam of Pinole Police Explorer Joshua Ellison
- B. Presentations
 - 1. EBMUD Water Supply Management Plan 2040 by Director Lesa McIntosh
 - 2. 2009 Annual Police Department Report [**Council Report 2010-11; Action: Receive Report (Clancy)**]

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. Authorize The Executive Director To Execute An Agreement For Services With The Community Housing Development Corporation Of North Richmond To Manage The Agency's First Time Home Buyer And Below Market Rate Housing Programs In An Amount Not To Exceed \$52,900 [**Agency Report No. 2010-13; Action: Adopt Agency Resolution (Carbahal)**]

Joint City Council/Redevelopment Agency Items

- B. Consider Authorization For the Redevelopment Agency And Acknowledgement from the City, To Borrow \$3,558,867 from the Agency's Low-Moderate Income Housing Fund to Pay the State-Mandated Supplemental Education Revenue Augmentation Fund [**Joint Agency / Council Report No. 2010-12 Jt.; Action: Adopt Agency and Council Resolutions (Loomis)**]

City Council Items

- C. Approve the Minutes of the January 26 2010 Joint General Plan Workshop Meeting and the February 2, 2010 Regular Council / Agency Board meeting
- D. Receive the January 20 - February 5, 2010 and the February 6-12, 2010 Lists of Warrants and Receive the February 5, 2010 Payroll in the Amount of \$421,185.19

- E. Approve Determination of Public Convenience and Necessity (PCN) For Alcohol Sales at 1460 Fitzgerald Avenue for Grocery Outlet [**Council Report No. 2010-14; Action: Adopt Resolution Per Staff Recommendation (Hersch)**]
- F. Approve Final Parcel Map MS- 651-08 - Heritage Park [**Council Report No. 2010-13; Action: Adopt Resolution Per Staff Recommendation (Allison)**]

8. PUBLIC HEARINGS

9. OLD BUSINESS

Redevelopment Agency

- A. Consider Approval of a New Business Development Assistance Credit In An Amount Not To Exceed \$50,000 And A Business Relocation And Job Incentive Program Loan In An Amount Not To Exceed \$430,000 With Bay City Mechanical For The Properties Located At 818 And 824 San Pablo Avenue – Pinole Shores Business Park [**Agency Report No. 2010-15; Action: Adopt Resolution (Drazba)**]

City Council

- B. Report Regarding An Amendment to the Single and Multi-Family Sewer Rate Structure [**Council Report No. 2010-15; Action: Receive Report & Provide Direction to Staff (Allison)**]

10. NEW BUSINESS

City Council

- A. Receive Report Regarding Ordinances to Implement a Ban on Plastic Bags [**Council Report No. 2010-16; Action: Receive Report (Hersch)**]
- B. Presentation and Discussion Regarding Amendments to the City's Smoking Ordinance - PMC Chapter 9.28 [**Council Report No. 2010-17; Action: Receive Report & Provide Direction to Staff (Reyes)**]

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 - 1. Announcements
- B. Mayoral / Council Appointments
 - 1. Appointment to the Contra Costa County Mosquito & Vector Control Board
- C. City Council / Agency Board Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager / Executive Director Report / Department Staff
- F. City Attorney Report

12. **ADJOURNMENT** to the Regular Redevelopment Agency/City Council Meeting of March 2, 2010 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Eva Amy Ryland, Joseph Jerome Quink and Lucien Gerard Delabriandais.

POSTED: February 12, 2010 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)