



## PINOLE CITY COUNCIL AGENDA

**TUESDAY,  
July 19, 2011  
5:30 P.M.**

**2131 Pear Street, Pinole, California**

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**Roy Swearingen, Mayor  
Peter Murray, Mayor Pro Tem  
Tim Banuelos, Council Member  
Phil Green, Council Member  
Debbie Long, Council Member**

**Public Comment:** The public is encouraged to address the City Council 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, please complete the gold card that is provided at the rear entrance to the Council Chambers and hand the card to the City Clerk. City Council will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council 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 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 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'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. Citizens may address the Council Board regarding a Closed Session item prior to the Board adjourning into the Closed Session*

- A. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6  
City Labor Negotiator: Bruce Heid, Chief Negotiator, Belinda Espinosa,  
City Manager & Michelle Fitzer, Asst City Manager  
Employee Organizations: Local 1, AFSCME, Fire Local 1230, PPEA,  
Unrepresented, & Management Group
- B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION- GC§54956.9(a)  
Donald Sipple v. City of Alameda, et. al, Los Angeles Superior Court  
Case No. BC462270

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

**5. RECOGNITIONS / PRESENTATIONS**

- A. Proclamations
  - 1. National Night Out-August 2, 2011
- B. Presentations
  - 1. Doctor's Hospital Financial Update by Dawn Gideon, CEO

**6. CITIZENS TO BE HEARD (Public Comments)**

*Citizens may speak under any item not listed on the Agenda. The time limit 3 minutes for City Council items, and is subject to modification by the 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 may direct staff to investigate and/or schedule certain matters for consideration at a future 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 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.*

- A. Approve the Minutes of the June 23, June 27 and June 28, 2011 Meetings
- B. Receive the July 1-15, 2011 List of Warrants and Receive the July 8, 2011 Payroll in the Amount of \$409,997.51.

- C. Ratify City Attorney's Appointment of Stephanie Downs as Assistant City Attorney [**Action: Adopt Resolution Per Staff Recommendation (Reyes)**]
- D. Authorize The Placement Of Liens For Delinquent Unpaid Waste Collection Charges From January 1 – April 30, 2011 [**Council Report No. 2011-73; Action: Adopt Resolution Per Staff Recommendation (Athenour)**]
- E. Authorize Recordation Of The Notice Of Completion And Accept Improvements For The Pinole Senior Fitness Trail Project Funded By EBRPD Measure WW Funds. : Contractor NSP3/Playworld [**Council Report No. 2011-74; Action: Adopt Resolution Per Staff Recommendation (Wooldridge)**]
- F. Authorize the City Manager to Execute a Contract Extension with Contra Costa County Office of the Sheriff for Forensic Services [**Council Report No. 2011-75; Action: Adopt Resolution Per Staff Recommendation (Hardester)**]
- G. Ratify the Appointment of Debbie Ojeda on July 6, 2011 to the Community Services Commission [**Council Report No. 2011-76; Action: Approve by Minute Order (Athenour)**]
- H. Authorize Recordation of the Notice of Completion and Accept the Improvements of the Pinole Creek Demonstration Project Contractor: Interstate Grading and Paving [**Council Report No. 2011-77; Action: Adopt Resolution Per Staff Recommendation (Allison)**]
- I. Accept the Grant Deed for Public Right of Way for 1541 Fitzgerald (APN 426-392-007) from Trustees of the Fitzgerald Family Trust, et al [**Council Report No. 2011-78; Action: Adopt Resolution Per Staff Recommendation (Allison)**]
- J. Adopt a Resolution to Impose the City's Last, Best and Final Offer for Terms and Conditions of Employment for the Pinole Police Employees Association (PPEA) [**Council Report No. 2011-79; Action: Adopt Resolution Per Staff Recommendation (Fitzer/Miller)**]
- K. Adopt a Resolution to Impose the City's Last, Best and Final Offer for Terms and Conditions of Employment for AFSCME Local 512 [**Council Report No. 2011-80; Action: Adopt Resolution Per Staff Recommendation (Fitzer/Miller)**]

## **8. PUBLIC HEARINGS**

- A. Conduct a Public Hearing to Consider An Amendment to the Recreation Fee Master Fee Schedule [**Council Report No. 2011-81; Action: Conduct Public Hearing and Adopt Resolution Per Staff Recommendation (Wooldridge)**]

## **9. OLD BUSINESS**

- A. Solar Panel Update [**Council Report No. 2011-82; Action: Receive Report and Provide Direction (Allison)**]

## **10. NEW BUSINESS**

- A. Introduce an Ordinance of the City Council of the City of Pinole Authorizing the City to Make Certain Remittances to the County Auditor Controller in Accordance With Health and Safety Code Section 34194 and to Take All Other Actions Required in Order to Continue Redevelopment Activities in the City of Pinole. [**Council Report No. 2011-83; Action: First Reading (Downs/Espinosa)**]

Responses to Grand Jury Reports

- B. Receive Response to the Contra Costa County Grand Jury Report 1103- County And City Vehicle Maintenance And Usage [**Council Report No. 2011-84; Action: Receive Report and Direct Staff to Submit (Espinosa)**]
- C. Receive Response to the Contra Costa County Grand Jury Report 1104 Elected Board Membership [**Council Report No. 2011-85; Action: Receive Report and Direct Staff to Submit (Espinosa)**]

**11. REPORTS & COMMUNICATIONS**

- A. Mayor Report
  - 1. Announcements
- B. Mayoral / Council Appointments
  - 1. Decline or Assign Voting Delegate for the League of Cities Annual Conference [**Verbal Report; Action: Council Discretion (Athenour)**]
- C. City Council Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager / Department Staff
  - 1. Report on Status of Tiny Tots Building [**Verbal Report; Action: Receive Report (Allison)**]
- F. City Attorney Report

- 12. ADJOURNMENT** to the Regular City Council Meeting of August 2, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Walter Paul Holler, Charles "Bruce" Keim and James Malcolm Calahan, Jr.

**POSTED: July 14, 2011 at 5:00 P.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)*