



**PINOLE CITY COUNCIL / PINOLE
REDEVELOPMENT AGENCY
BOARD AGENDA**

**TUESDAY,
August 16, 2011
5:30 P.M.**

2131 Pear Street, Pinole, California

**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. You may also contact the City Clerk via e-mail at 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. 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 /AGENCY SECRETARY 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

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, & Charge Involving Information Protected By Federal Law. Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: Pinole Vista Shopping Center, 1200-1400 Fitzgerald Drive
2700–2830 Pinole Valley Rd., Pinole Valley Shopping Center.
Agency Negotiator: Michelle Fitzer, Assistant City Manager
Sondra Van Metre, Shelter Bay Retail Group
Negotiating Parties: TKG Pinole Valley, LLC & TKG Pinole Vista, LLC
Under Negotiation: Price & Terms
- B. CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION – Gov. Code §54956.9(b)(1) - Two Matters
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: 2361 San Pablo Avenue
Agency Negotiator: Michelle Fitzer, Assistant City Manager
Negotiating Parties: None at This Time
Under Negotiation: Price & Terms
- D. CONFERENCE WITH LEGAL COUNSEL
EXISTING FILED LITIGATION – Gov. Code §54956.9(a)
City of Pinole v. Bruce Carone Grading & Paving, Inc. et.al
Contra Costa County Superior Court Case No. C 10-02168

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

5. RECOGNITIONS / PRESENTATIONS

- A. Proclamations
- B. Presentations
 - 1. PG&E Pipeline Maintenance & Inspection Update - John Corona, PG&E Gas Superintendent
 - 2. Storm Water Quality Funding Initiative – Contra Costa Clean Water Program

6. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes for City Council & 2 minutes for Agency items, & 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 /Agency Board may direct staff to investigate and/or schedule certain matters for consideration at a future Council/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 Council/Agency Boardmember(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 July 5, July 12, July 19 and July 26, 2011 Meetings
- B. Receive the July 16 – 29, July 30 - August 5 and August 6-12, 2011 Lists of Warrants and Receive the July 22, 2011 Payroll in the Amount of \$490,897.18 and the August 5, 2011 Payroll in the Amount of \$367,796.27.
- C. Second Reading & Adoption of Ordinance 2011-04 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. 2011-89; Action: Adopt Ordinance (Downs)**]
- D. Receive Response to the Contra Costa County Grand Jury Report 1105 Ethics & Transparency Issues in Contra Costa County [**Council Report No. 2011-90; Action: Receive Report and Direct Staff to Submit (Espinosa)**]

THE CITY COUNCIL & AGENCY BOARD WILL CONVENE IN A JOINT MEETING

8. PUBLIC HEARINGS

REDEVELOPMENT AGENCY

- A. Consider Adoption of the Pinole Redevelopment Agency Operational and Debt Service Budgets For Fiscal Year 2011/12, [**Action: MOTION FOR CONTINUANCE TO SEPTEMBER 6, 2011 (Loomis)**]

9. OLD BUSINESS

10. NEW BUSINESS

CITY COUNCIL

- A. Receive Update on Ban on Single Use Bags and Consider A Resolution To Participate with Recyclemore in Development and Implementation of a Model Ordinance Banning Single Use Bags at the City Level [**Council Report No. 2011-91; Action: Receive Report and Adopt Resolution (Allison)**]

JOINT AGENCY / CITY COUNCIL

- B. Approve the Remittance Agreement Between the Pinole Redevelopment Agency and the City of Pinole Regarding AB 27 and Associated Actions Thereto [**Joint / Agency Council Report No. 2011-92jt; Action: Adopt Resolutions Per Staff Recommendation (Downs)**]

- 1) Resolution of the Redevelopment Agency of the City of Pinole Reducing its Allocation to the Low and Moderate Income Housing Fund and Making Certain Findings Related Thereto.
- 2) Resolution of the Redevelopment Agency of the City of Pinole Approving a Remittance Agreement Between the City of Pinole and the Agency Whereby the Agency Agrees to Reimburse the City in an amount equal to Certain Remittances Made by the City to the County-Controller Under AB x1 27.
- 3) Resolution of the City of Pinole Approving a Remittance Agreement Between the City of Pinole and the Agency Whereby the Redevelopment Agency of the City of Pinole Whereby the Agency Agrees to Reimburse the City in an amount equal to Certain Remittances Made by the City to the County-Controller Under AB x1 27.

11. REPORTS & COMMUNICATIONS

- A. Mayor /Chair Report
 1. Announcements
- B. Mayoral / Council Appointments
 1. Appoint Subcommittee for Community Service Commission Interviews
- C. City Council Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager/Executive Director - Departmental Reports
- F. City Attorney Report

- 12. ADJOURNMENT** to the Regular City Council Meeting of September 6, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Geraldine McFarland and Jeannine (Martin) Cucuel.

POSTED: August 12, 2011 at 10:00 A.M.

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)