



JOINT PINOLE CITY COUNCIL & REDEVELOPMENT AGENCY AGENDA

TUESDAY,
September 20, 2011
5:30 P.M.

2131 Pear Street, Pinole, California

Roy Swearingen, Mayor/Chair
Peter Murray, Mayor Pro Tem / Vice Chair
Tim Banuelos, Council Member / Board Member
Phil Green, Council Member/ Board Member
Debbie Long, 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 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/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 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 LABOR NEGOTIATOR - Pursuant to GC §54597.6
City Labor Negotiator: Belinda Espinosa, City Manager & Michelle Fitzer,
Asst City Manager
Employee Organizations: Fire Local 1230 and Pinole Police Employees
Association (PPEA)

- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant To Government Code §54957
Position: City Manager

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

5. RECOGNITIONS / PRESENTATIONS

- A. Proclamations
 - 1. October - Domestic Violence Awareness Month
 - 2. Honoring 50th Anniversary of the Pinole Chamber of Commerce & Certificate of Appreciation to Pinole Chamber Board of Directors

- B. Presentations
 - 1. Introduction of Police Commander Messier and Sgt. Decker
 - 2. Presentations by Supervisors Federal Glover and John Gioia & Doctors' Hospital Update by Supervisor Gioia

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.

Joint City Council / Agency Board

- A. Approve the Minutes of the August 30 and September 6, 2011 Meetings
- B. Receive the September 3-16, 2011 List of Warrants and Receive the September 16, 2011 Payroll in the Amount of \$386,994.23
- C. Receive the Initial Draft "Recognized Obligation Payment Schedule (ROPS)" **[Agency /Council Report No. 2011-103Jt; Action: Receive and File (Loomis)]**

City Council

- D. Accept The Donation/Contribution Of Funds From Wells Fargo, et al To Be Used For The Well Being And Support Needs Of The City's Injured Public Safety Employee Brian Justin Takacs **[Council Report No. 2011-104; Action: Adopt Resolution Per Staff Recommendation (Hardester)]**
- E. Authorize the Recruitment for the Water Pollution Control Plant Operator **[Council Report No. 2011-105; Action: Adopt Resolution Per Staff Recommendation (Allison/Fitzer)]**
- F. Authorize the Recruitment for the Human Resources Analyst Position **[Council Report No. 2011-106; Action: Adopt Resolution Per Staff Recommendation (Fitzer)]**

8. PUBLIC HEARINGS - CITY COUNCIL

- A. Conduct A Public Hearing And Adopt The Police Chief's Recommendations For Expenditures Of The Supplemental Law Enforcement Services Funding (SLESF) For FY 2011/12 **[Council Report No. 2011-107; Action: Conduct Public Hearing and Adopt Resolution Per Staff Recommendation (Hardester)]**
- B. Conduct A Public Hearing To Conduct the Annual Review of the Utility Users Tax and Consider A Modification to the Household Income Eligibility Thresholds For Exemptions **[Council Report No. 2011-108; Action: Conduct Public Hearing and Adopt Resolution Per Staff Recommendation (Loomis)]**
- C. Conduct A Public Hearing To Consider Adoption of the Contra Costa Hazard Mitigation Plan (CCCHMP) and the related General Plan Health and Safety Element Text Amendment GPA 2011-01 **[Council Report No. 2011-109; Action: Conduct Public Hearing & Adopt Resolution Per Staff Recommendation (Rhodes/Hanley)]**

9. OLD BUSINESS

City Council

- A. Authorize The City Manager To Execute A Contract With James Parrott For Professional Services as Pinole's Battalion Chief for the Period of October 1, 2011 - December 31, 2012, In An Amount Not To Exceed \$140,000[**Council Report No. 2011-110; Action: Adopt Resolution (Fitzer/Hanley)**]
CONTINUED FROM SEPTEMBER 6, 2011

Redevelopment Agency Board

- B. Authorize the Executive Director to Amend an Existing Contract With Kiland, Passaglia & Westphal (KPW) in the Amount of \$25,500 To Increase the Scope of the Engineering Services on the Pinole Assisted Living Community [**Agency Report No. 2011-37; Action: Adopt Resolution (Allison)**]
- C. Authorize the Executive Director to Execute a Contract With Pimentel Construction In the Amount of \$23,650 To Install a Vapor Barrier System at the Heritage Park Cottages. [**Agency Report No. 2011-38; Action: Adopt Resolution (Allison)**]

10. NEW BUSINESS

City Council

- A. Resolution Supporting the Proposed Parcel Tax for Doctors' Medical Center Operations on the November, 2011 Ballot [**Action: Council Discretion**]

Joint Agency Board / City Council

- B. Approve a Non-Binding Resolution of the City Council Declaring Intention to Participate In the Voluntary Alternative Redevelopment Program and To Enter into a Remittance Agreement By And Between the City and the Redevelopment Agency [**Joint /Agency Council Report No. 2011-111jt; Action: Adopt Resolutions Per Staff Recommendation (Loomis/Downs)**]

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
1. Announcements
- B. Mayoral / Council Appointments
- C. City Council / Agency Board Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager / Department Staff Reports
1. Construction Update on the Tiny Tots Facility [**Verbal Report; Action: Receive Report (Allison)**]
- F. City Attorney Report

12. **ADJOURNMENT** to the Regular Redevelopment Agency/City Council Meeting of October 4, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Charles "Bud" Thornton, Bruce Allen Rush and Robert Richard Van Booven.

POSTED: September 16, 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)