



## JOINT PINOLE CITY COUNCIL & REDEVELOPMENT AGENCY AGENDA

TUESDAY,  
January 17, 2012  
6:00 P.M.

2131 Pear Street, Pinole, California

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**Peter Murray, Mayor/Chair**  
**Debbie Long, Mayor Pro Tem / Vice Chair**  
**Tim Banuelos, Council Member / Board Member**  
**Phil Green, Council Member/ Board Member**  
**Roy Swearingen, 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: Belinda Espinosa, City Manager & Michelle Fitzer,  
Asst City Manager  
Employee Organizations: IAFF, Fire Local 1230
- B. CONFERENCE WITH LEGAL COUNSEL  
EXISTING FILED LITIGATION – Pursuant to GC §54956.9(a)  
County of Santa Clara, et al v. Ana Matosantos  
Superior Court Case No. S194861
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Pursuant to GC §54956.9(c)  
City of Brentwood v. Robert Campbell, Auditor-Controller of Contra Costa County  
Contra Costa Superior Court No.. N 11-01029

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

**5. RECOGNITIONS / PRESENTATIONS**

- A. Proclamations
- B. Presentations / Recognitions

**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 Agency Board / City Council

- A. Approve the Minutes of the Meeting of December 20, 2011
- B. Receive the December 17-31, 2011 and January 1-13, 2012 Lists of Warrants and the December 23, 2011 Payroll in the amount of \$341,952.93 and the January 6, 2012 Payroll In The Amount of \$350,159.86.

City Council

- C. Rescind **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. 2012-11; Action: Motion to Rescind the Ordinance Previously Introduced (Downs)**]
- D. Establish Speed Limits Citywide [**Council Report No. 2012-01; Action: Adopt Resolution Per Staff Recommendation (Allison)**]
- E. Authorize the City Manager to Execute a Professional Services Contract With the Lew Edwards Group in the Amount of \$32,000 for Services Related to the Utility Users Tax Ballot Measure in the November 6, 2012 Election [**Council Report No. 2012- 02; Action: Adopt Resolution Per Staff Recommendation (Fitzer)**]
- F. Amend the Composition of the Traffic and Pedestrian Safety (TAPS) Committee from a Seven Member to a Five Member Board [**Council Report No. 2012-03; Action: Adopt Resolution Per Council Direction & Staff Recommendation (Athenour)**]
- G. Designation Of Board Member And Alternative Board Member To The Contra Costa County Municipal Risk Management Insurance Authority [**Council Report No. 2012-04; Action: Adopt Resolution Per Staff Recommendation (Fitzer)**]
- H. Affirming To Serve As Successor Agency To The Redevelopment Agency Of The City Of Pinole Pursuant To Health And Safety Code Section 34177 [**Council Report No. 2012-05; Action: Adopt Resolution Per Staff Recommendation (Fitzer/Downs)**]

**8. PUBLIC HEARINGS**

**CONTINUED PUBLIC HEARINGS FROM DECEMBER 20, 2011**

Redevelopment Agency Board

- A. Conduct a Public Hearing to Consider Adoption of the Pinole Redevelopment Agency Operational and Debt Service Budgets For Fiscal Year 2011/12, [**Action: CONTINUE TO SPECIAL MEETING JANUARY 25/26, 2012 (Loomis)**]

**NEW PUBLIC HEARINGS**

City Council

- B. Conduct a Public Hearing To Consider An Urgency Ordinance Of The City Of Pinole Making Findings And Establishing A City-Wide Moratorium On The Issuance Of Home Occupation Use Permits For The Sale Of Firearms [**Council Report No. 2012-06; Action: Adopt Moratorium (Reyes/Hardester)**]

- C. Conduct a Public Hearing To Consider An Ordinance Adding Chapters 13.20 “Sewer Laterals” to the Pinole Municipal Code [**Council Report No. 2012-07; Action: Introduce Ordinance By Title, Waiving First Reading (Allison)**]

**9. OLD BUSINESS**

- A. Update on the Sustainable Communities Strategy (SCS) and Authorize the Mayor to Execute a Letter [**Council Report No. 2012-08; Action: Authorize Execution of Letter (Rhodes)**]

**10. NEW BUSINESS**

- A. Consider Introduction of an Ordinance of the City of Pinole Repealing and Replacing Portions of the Pinole Municipal Code Title 15, Relating to the Building Code, Fire Code and Other Related Construction Codes, and Adopt Revised Codes By Reference, With Local Modifications [**Council Report No. 2012-09; Action: Introduce Ordinance By Title, Waiving First Reading and Consider Adoption At A Public Hearing on February 7, 2012 (Rhodes-Hanley)**]
- B. Consider Amendments to the Council Meeting Procedures Contained in Resolution 2010-124 [**Council Report No. 2012-10; Action: Action: Council Discretion to Amend or Reaffirm (Athenour)**]

**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 / Executive Director Report / Department Staff
- F. City Attorney Report

- 12. **ADJOURNMENT** to the Special Redevelopment Agency/City Council Meeting of January 18, 2012 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Bobbie Wayne Middleton, Arlene Surges, Joseph W. Staley, George “Ray” Smith, Robert L. Webber, Joan E. Oelkers, David Ray Palazzari and Phillip Robert Seiki.

**POSTED: January 12, 2012 at 4:00 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)*