



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

**TUESDAY,
February 1, 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. PUBLIC EMPLOYMENT – Pursuant to GC § 54957
Title: Fire Chief
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Consider initiation of litigation pursuant to GC § 54956.9(c) (One Matter)

Redevelopment Agency Board of Directors

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: 2401 San Pablo Avenue
Agency Negotiator: Mary Drazba, Economic Development Manager
Negotiating Parties: San Pablo Avenue Partners LLC
Under Negotiation: Price and Terms

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

5. RECOGNITIONS / PRESENTATIONS

- A. Proclamations
- B. Presentations
 - 1. Youth Commission Update by Commissioners Catherine Rodriguez & Ana Paula Nascimento

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

- A. Receive the First Time Home Buyer Program Annual Report [**Agency Report No. 2011-01; Action: Receive Report (Carbahal)**]
- B. Receive the Residential Rehabilitation Program Annual Report [**Agency Board Report No. 2011-02; Action: Receive Report (Carbahal)**]
- C. Receive the Commercial Rehabilitation Program Annual Report [**Agency Report No. 2011-03; Action: Receive Report (Carbahal)**]
- D. Resetting Leasing Fees For the Pinole Valley Shopping Center [**Agency Report No. 2011-04; Action: Adopt Resolution (Drazba)**]

Joint Agency Board / City Council

- E. Approve the Minutes of the January 18, 2011 Meeting
- F. Receive the January 14-28, 2011 List of Warrants and Receive the January 21, 2011 Payroll in the Amount of \$405,842.02.
- G. Receive the Quarterly Treasurer Report for 2nd Quarter Ending December 31, 2010 [**Joint Agency/Council Report No. 2011-10jt; Action: Receive Report (Lee/Loomis)**]

City Council

- H. Oppose State Administration Proposal to Abolish Redevelopment Agencies in California [**Council Report No. 2011-13; Action: Adopt Resolution Per Staff Recommendation (Fitzer/Drazba)**]
- I. Receive the Annual Housing Element Report [**Council Report No. 2011-11; Action: Receive Report (Rhodes/Carbahal)**]
- J. Approve Amendments to the Youth Commission By-Laws [**Council Report No. 2011-12; Action: Adopt Resolution Per Staff Recommendation (Altman)**]

8. PUBLIC HEARINGS

9. OLD BUSINESS

City Council

- A. Discussion Regarding the Order of the Agenda [**Report: Resolution 2009-24-Council Procedures; Action: Provide Direction to Staff (Councilmember Green)**]

10. NEW BUSINESS

City Council

- A. Receive West Contra Costa County Integrated Waste Management Authority (WCCIWMA) Activity Report and Authorize City Participation with WCCIWMA to Explore the Feasibility of A Regional Ban on the Use of Plastic Bags. **[Council Report No. 2011-14; Action: Adopt Resolution (Allison)]**
- B. Ratify an Emergency Repair Expenditure and Authorize Future Expenses Related to a Gas Line Break at City Hall **[Council Report No. 2011-15; Action: Adopt Resolution (Allison)]**

Joint Agency Board /Council

- C. Authorize The Agency To Borrow \$732,708 From The Agency's Low-Moderate Income Housing Fund To Pay The State-Mandated Supplemental Educational Revenue Augmentation Fund And Authorize The City Manager To So Inform The County Auditor **[Joint Agency/Council Report No. 2011-09jt; Action: Adopt Joint Resolutions (Drazba/Loomis)]**

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 - 1. Announcements
 - 2. Mayor's Conference Report / Issues
 - a. Appointment of a Conference LAFCO Alternate Delegate **(Swearingen)**
- 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 Regular Redevelopment Agency/City Council Meeting of February 15, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Leona Ledford, Marjorie "Jean" Perry, Josephine Ann Edmunds, James F. Jungles, Norma Frahm, Zachary Scott ODe' and Richard Paul Todd.

POSTED: January 28, 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)