



JOINT PINOLE CITY COUNCIL & REDEVELOPMENT AGENCY AGENDA

TUESDAY,
February 15, 2011
6:00 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

Pinole Redevelopment Agency Board of Directors

- A. 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

- B. CONFERENCE WITH LEGAL COUNSEL--POTENTIAL LITIGATION -
Government Code Section 54956.9(b)(1)
Legal Counsel: Redevelopment Agency Counsel Stephanie Downs/Ben Reyes
Number of Cases: One Matter

City Council

- C. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6
City Labor Negotiator: Belinda Espinosa, City Manager &
Michelle Fitzer, Asst to the City Manager
Employee Organizations: Local 1, AFSCME, Fire Local 1230, PPEA, Unrepresented, &
Management Group

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

5. RECOGNITIONS / PRESENTATIONS

- A. Proclamations

- B. Presentations

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. Amend The Contract With Richard Avelar & Associates, And Enter Into Contracts With Axis Consulting And Axis Construction To Prepare A Scope Of Repair For The Property Located At 2401 San Pablo Avenue For A Total Not To Exceed \$60,200 [**Agency Report 2011-05 Action: Adopt Resolution Per Staff Recommendation (Drazba)**]

Joint Agency Board / City Council

- B. Approve the Minutes of the January 25 and February 1, 2011 Meetings
- C. Receive the January 28, 2011 and January 29 – February 4, 2011 Lists of Warrants and Receive the February 4, 2011 Payroll in the Amount of \$408,599.44.

City Council

- D. Authorize the City Manager to Execute a Contract with Rodeo-Hercules Fire Protection District for Fire Chief and Administrative Services [**Council Report No. 2011-16; Action: Adopt Resolution Per Staff Recommendation (Espinoso/Fitzer)**]
- E. Second Reading & Adoption of **Ordinance 2011-01** Authorizing An Amendment To The Contract Between The City Council Of The City Of Pinole And The Board Of Administration Of The California Public Employees Retirement System To Include Section 20903, Two Years Additional Service Credit For Safety Employees, [**Council Report No. 2011-17; Action: Waive Reading and Adopt Ordinance (Fitzer)**]

8. PUBLIC HEARINGS

- A. Continued Agency Public Hearing To Consider A Purchase And Sale Agreement Between The Agency And 2401 San Pablo Partners, LLC (The "Buyer") Pertaining To The Disposition Of Property Located At 2401 San Pablo Avenue, (APN #:401-166-060-4) [**Agency / Action: Continue Public Hearing to March 15, 2011 (Drazba)**]
- B. Conduct A Joint Public Hearing To Consider The Sale Of Real Property At The Southeast Corner Of Henry Avenue And Pinole Valley Road (APN 401-211-033) To Market Street Development, LLC Or Assigns And Approve A Reuse Report Required By Health And Safety Code Section 33433 [**Jt. Agency/Council Report No. 2011-20jt Action: Adopt Resolutions Per Staff Recommendation (Drazba)**]

9. OLD BUSINESS

10. NEW BUSINESS

City Council/Agency Board

- A. Annual Auditor's Report for FY 2009-10 Prepared by Mann, Urrutia & Nelson
[Agency/Council Report No. 2011-21jt Action: Receive Report & Provide Direction to Staff (Loomis)]
- B. Report on Project to Improve Appearance of Property Located at 2301 San Pablo Avenue **[Agency / Council Report No. 2011-22jt; Action: Provide Direction to Staff (Allison)]**

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 - 1. Announcements
 - 2. Mayors Conference Update
- B. Mayoral / Council Appointments
 - 1. Appointment of 2 Members to the TAPS Committee
- 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 February 24, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Gloria Waite, Madeleine Cochran Jungles and Georges C. Vitry and Kathy Radke.

POSTED: February 11, 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)