



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

**TUESDAY
May 3, 2011
5:30 PM**

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 LABOR NEGOTIATOR - Pursuant to GC §54597.6
City Labor Negotiator: Bruce Heid, Chief Negotiator, Belinda Espinosa,
City Manager & Michelle Fitzer, Asst City Manager
Employee Organizations: Local 1, AFSCME, Fire Local 1230, PPEA,
Unrepresented, & Management Group

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: 1300-1400 Pinole Valley Rd., Gateway West
Agency Negotiator: Michelle Fitzer, Assistant City Manager
Negotiating Parties: None at the Time
Under Negotiation: Price and Terms

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: 2700–2830 Pinole Valley Rd., Pinole Valley Shopping Center
Agency Negotiator: Michelle Fitzer, Assistant City Manager
Negotiating Parties: TKG Pinole Valley LLC
Under Negotiation: Price and Terms

- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: 2401 San Pablo Avenue
Agency Negotiator: Michelle Fitzer, Assistant City Manager
Negotiating Parties: San Pablo Avenue Partners LLC
Under Negotiation: Price and Terms

City Council / Agency Board of Directors

- E. CONFERENCE WITH LEGAL COUNSEL
POTENTIAL LITIGATION - GC §54956.9(b)(1) - One Matter

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

5. RECOGNITIONS / PRESENTATIONS

- A. Proclamations
 - 1. National Police Week May 15-21, 2011

- B. Presentations
 - 1. Pinole Youth Commission Plaque Presentation to Graduating Members

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. Authorize Accrued Interest Forgiveness And Direct The Executive Director To Execute Updated Regulatory Agreements For The Existing Redevelopment Agency Loan To BRIDGE Housing Corporation For The Pinole Grove Senior Housing Property At 800 John Street [**Agency Report No. 2011-08; Action: Adopt Resolution Per Staff Recommendation (Carbahal)**]

Joint Agency Board / City Council

- B. Approve the Minutes of the April 19 and April 26, 2011 Meetings
- C. Receive the List of Warrants dated April 16 - 29, 2011 and the April 29, 2011 Payroll in the Amount of \$380,728.23.

City Council

- D. Second Reading and Adoption of Ordinance 2011-03, Amending Pinole Municipal Code Section 2.40.010 Governing the Planning Commission Terms of Office [**Council Report No. 2011-49; Action: Waive 2nd Reading & Adopt Ordinance (Athenour)**]
- E. Extend the Window to June 19, 2011 for the CalPERS Two Year Additional Service Credit for the Miscellaneous Employees [**Council Report No. 2011-51; Action: Adopt Resolution Per Staff Recommendation (Miller)**]

8. PUBLIC HEARINGS

CONTINUED FROM MARCH 15, 2011

- A. 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) [**Action: Motion for Continuance to May 17, 2011 (Drazba)**]

9. OLD BUSINESS

Joint City Council / Redevelopment Agency Board

- A. Update on the Beautification Project at 2301 San Pablo Avenue [Action: Receive Verbal Report (Allison)]

10. NEW BUSINESS

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 - 1. Announcements
- B. Mayoral / Council Appointments
 - 1. Reappointment of David Kurrent to the CCTA Citizens Advisory Committee [Council Report No. 2011-50; Action: Council Discretion (Athenour)]
- 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 May 9, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Mary Lou Johnson and Mary E. "Liz" Dwy.

POSTED: April 28, 2011 at 5:00 P.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)