



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

**TUESDAY,
September 6, 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

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

- A. CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED 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. Falls Prevention Awareness Week – September 18-24, 2011
- B. Presentations
 - 1. August 24, 2011 Police Incident Report – Mayor Swearingen

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 August 16 and August 24, 2011 Meetings
- B. Receive the August 13 - 26 and August 27 – September 2, 2011 Lists of Warrants and the August 19, 2011 Payroll in the Amount of \$362,562.62 and the September 2, 2011 Payroll in the Amount of \$378,918.29.
- C. Receive the 4th Quarter Treasurer's Investment Report [**Joint Council/Agency Report No. 2011-93jt; Action: Receive Report (Loomis)**]

- D. Approve the GASB-54 Reporting Compliance [**Agency /Council Report No. 2011-94**]; **Action: Approve Report by Minute Order (Loomis)**]

City Council

- E. Rescind the July 19, 2011 Minute Order Action to Terminate ABAG Membership in FY 2011/12 & Adopt a Resolution for Submission to ABAG to Terminate Membership in FY 2012/13 [**Council Report No. 2011-95; Action: Adopt Resolution to Discontinue (Council Discretion) (Athenour)**]
- F. Authorize The City Manager To Execute A Contract With Shelter Bay Retail Group For Consulting Services Relating To The Pinole Vista Crossings Shopping Center And The Pinole Valley Shopping Center In An Amount Not To Exceed \$54,000 [**Council Report No. 2011-96; Action: Adopt Resolution (Drazba)**]
- G. 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. 2011-97; Action: Adopt Resolution (Fitzer/Hanley)**]
- H. Authorize The City Manager To Execute A Contract With Grubb & Ellis Company For The Sale Of Parcels 401-211-032 And 401-211-034 Located At The Corner Of Pinole Valley Road And I-80 Commonly Known As The Gateway East Restaurant Pad [**Council Report No. 2011-98; Action: Adopt Resolution (Drazba)**]

8. PUBLIC HEARINGS

9. OLD BUSINESS

- A. Receive Report on the County Clean Water Program and Proposed County Wide Funding Initiative and Provide Direction To Staff Regarding The Increase the Storm Water Initiative [**Council Report No. 2011-99; Action: Receive Report and Authorize Staff to Vote in Favor of Countywide Initiative To Increase Storm Water Assessment (Allison)**]

10. NEW BUSINESS

- A. Authorize the City Manager Award A Construction Contract to MCK Services for the Roadway Repair Program FY 2011-12 in the Amount of \$70,998.60 and Authorize the Director of Development Services to Execute Change Order No. 1, A Deductive Change Order In The Amount Of \$16,998.60, Thereby Reducing The Total Contract Amount To \$54,000 [**Council Report No. 2011-100; Action: Adopt Resolution Per Staff Recommendation (Allison)**]
- B. Authorization for Recruitment of the Senior Center Coordinator and the Recreation Activity Specialist Positions [**Council Report No. 2011-102; Action: Approve Per Staff Recommendation (Wooldridge)**]

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
1. Announcements
 2. Authorize Mayor to Execute Letter to Bay Area News Group Regarding the East Bay Newspaper Consolidation (**Swearingen**)

- B. Mayoral / Council Appointments
 - 1. Community Service Commission Appointments
 - 2. Appointment of Subcommittee to Conduct Youth Commission Interviews
- C. City Council / Agency Board Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager / Executive Director Report / Department Staff
 - 1. Swim Center Update [**Council Report 2011- 101; Action: Receive Report (Wooldridge)**]
 - 2. Legislative Update AB 646 (Atkins) -- Requires Mandatory Fact Finding Prior To Declaring An Impasse During Labor Negotiations [**Verbal Report; Action: Receive Report & Authorize Mayor To Execute Letter of Opposition (Espinosa)**]
- F. City Attorney Report

12. ADJOURNMENT to the Regular Redevelopment Agency/City Council Meeting of September 20, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Eleanor Rose Hanson, Victoriana Susana Baca Paiz, Caroline "Carrie" Lagorio and Barbara (Bobbie) Lee (Rogers) Ring.

POSTED: September 2, 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)