



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

**TUESDAY,  
November 1, 2011  
5:30 P.M.**

**2131 Pear Street, Pinole, California**

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**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](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 LEGAL COUNSEL--POTENTIAL LITIGATION -  
Government Code Section 54956.9(b)(1)  
Legal Counsel: Redevelopment Agency Counsel Claudia Hutner  
Number of Cases: One Matter
  
- B. CONFERENCE WITH LEGAL COUNSEL  
EXISTING FILED LITIGATION – Gov. Code §54956.9(a)  
City of Pinole v. Bruce Carone Grading & Paving, Inc. et.al  
Contra Costa County Superior Court Case No. C 10-02168
  
- C. CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION – Exposure to litigation -GC §54956.9(b)(1)  
One Matter
  
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8  
Property Location: Pinole Vista Shopping Center, 1200-1400 Fitzgerald Drive  
Pinole Valley Shopping Center, 2700–2830 Pinole Valley Rd.  
Agency Negotiator: Michelle Fitzer, Assistant City Manager  
Negotiating Parties: TKG Pinole Valley, LLC & TKG Pinole Vista, LLC  
Under Negotiation: Price & Terms

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

**5. RECOGNITIONS / PRESENTATIONS**

- A. Proclamations
  - 1. Shelter-In-Place Education Day November 2, 2011
  
- 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.*

### Joint Agency Board / City Council

- A. Approve the Minutes of the October 18, 2011 Meetings
- B. Receive the October 15 –October 28, 2011 List of Warrants and Receive the October 28, 2011 Payroll in the Amount of \$344,138.46

### City Council

- C. Authorize the City Manager To Execute A Contract With City Mechanical, Inc. In the Amount of \$122,906 for the HVAC Repairs At City Hall [**Council Report No. 2011-123; Action: Adopt Resolution Per Staff Recommendation (Allison)**]

## 8. PUBLIC HEARINGS

## 9. OLD BUSINESS

## 10. NEW BUSINESS

### City Council

#### Continued from October 18, 2011

- A. Provide Comments and Direction to WCCIWMA Delegate Murray on the Post Collection Franchise Agreement [**Action: MOTION FOR CONTINUANCE TO NOVEMBER 15, 2011 (Allison)**]
- B. Authorize The City Manger To Enter Into A Contract Totaling \$5,070 With AECOM For Engineering Services Related To The Update Of The Final Environmental Impact Report For The Pinole-Hercules Wastewater Treatment Plant [**Council Report No. 2011-124; Action: Adopt Resolution Per Staff Recommendation (Allison)**].

### Workshop /Study Session Item

- C. Surplus Property Review and Prioritization [**Attachment: Property Inventory; Action: Review and Provide Comments to Staff (Espinosa/Fitzer)**]

## 11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
  - 1. Announcements
- B. Mayoral / Council Appointments
  - 1. 2011-12 Youth Commission Appointments  
[**Request by Staff to move forward on the Agenda**]
- 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 November 15, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Raymond E. Johnson and Irene N. Flinn.

**There will be no special meeting on November 8, 2011 as announced on October 18, 2011.**

**POSTED: October 27, 2011 at 4:30 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)*