



JOINT PINOLE CITY COUNCIL & REDEVELOPMENT AGENCY AGENDA

TUESDAY,
December 6, 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 CLOSED SESSION – CITY COUNCIL & AGENCY BOARD (5:30- 7PM)

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: City Attorney Benjamin Reyes and Assistant City Attorney
Stephanie Downs
Number of Cases: Two Matters

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: 3790 Pinole Valley Road
Agency Negotiator: Dean Allison, Public Works Director
Negotiating Parties: Verizon Wireless
Under Negotiation: Lease Price & Terms

C. EMPLOYEE PERFORMANCE EVALUATION: City Manager
Government Code §54597

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

5. RECOGNITIONS / PRESENTATIONS

A. Proclamations

B. Presentations

1. GFOA Award of Excellence in Financial Reporting

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 November 15, 2011 Meeting
- B. Receive the November 11- 25, 2011 List of Warrants and Receive the November 23, 2011 Payroll in the Amount of \$407,922.65.

City Council

- C. Amend Existing Contract with Larry Walker & Associates to Increase Funding for the WWTP Engineering Services [**Council Report No. 2011-132; Action: Adopt Resolution Per Staff Recommendation (Allison)**]
- D. Approve a Six Month Extension of the Contract With Grubb & Ellis Company For The Sale Of Parcels 401-211-032 & 401-211-034 Located At The Corner Of Pinole Valley Road And I-80 Commonly Known As The Gateway East Pad [**Council Report No. 2011-133; Action: Adopt Resolution Per Staff Recommendation (Drazba)**]
- E. Approve Final Parcel Map MS-650-09 – Pinole Valley Shopping Center [**Council Report No. 2011-134; Action: Adopt Resolutions Per Staff Recommendation (Downs)**]
- F. Authorize the City Manager to Accept the Firefighter's Regional Grant (AFG) Totaling \$319,686 For Purchase of P-25 Compliant Radios, with a \$35,964 City Match [**Council Report No. 2011-135; Action: Adopt Resolutions Per Staff Recommendation (Hanley)**]
- G. Receive & Approve the 2012 Council Regular Meeting Schedule [**Council Report No. 2011-136; Action: Approve By Minute Order (Athenour)**]

8. PUBLIC HEARINGS

- A. AMEND CITY OF PINOLE MASTER FEE SCHEDULE
 - 1. Conduct a Public Hearing To Consider Approval Of Fee Adjustments For The Recreation Department And Amend The Master Fee Schedule [**Council Report No. 2011-137; Action: Adopt Resolution Per Staff Recommendation (Wooldridge)**]
 - 2. Conduct a Public Hearing To Consider Approval Of Fee Adjustments For The Police Department And Amend The Master Fee Schedule [**Council Report No. 2011-138; Action: Adopt Resolution Per Staff Recommendation (Hardester)**]

9. OLD BUSINESS

10. NEW BUSINESS

City Council & Redevelopment Agency

- A. Purchase and Sale Agreements – Pinole Vista and Pinole Valley Centers
1) Approve the Purchase and Sale Agreement Between TKG Pinole Valley LLC and the City of Pinole for the Property Located at 2700-2830 Pinole Valley Road, known as the Pinole Valley Shopping Center

2) Approve the Purchase and Sale Agreement Between TKG Pinole LLC and the City of Pinole for the Property Located at 1200-1400 Fitzgerald Street, known as the Pinole Vista Crossings Shopping Center [**Joint Agency /Council Report No. 2011-139jt; Action: Adopt Joint Resolutions Per Staff Recommendation (Downs)**]

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
1. Announcements
- B. Mayoral / Council Appointments
1. Youth Commission Appointments [**Verbal Report: Baneulos/Green**]

2. Community Service Commission Vacancies / Appointment [**Council Report No. 2011-140; Action: Council Discretion to Appoint or Readvertise (Athenour)**]
- C. City Council / Agency Board Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager / Executive Director / Department Staff Reports
- F. City Attorney Report

12. **ADJOURNMENT** to the Regular Redevelopment Agency/City Council Meeting of December 20, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Christine Ellen (Strahm) Friend, Rose Marie Prado, Martina Marie Fahlgren and Julius Johnson “Bud” Tharp.

POSTED: December 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)