



PINOLE CITY COUNCIL AGENDA

TUESDAY,
February 7, 2012
6:00 P.M.

2131 Pear Street, Pinole, California

Peter Murray, Mayor
Debbie Long, Mayor Pro Tem
Tim Banuelos, Council Member
Phil Green, Council Member
Roy Swearingen, Council Member

Public Comment: The public is encouraged to address the City Council 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, please complete the gold card that is provided at the rear entrance to the Council Chambers and hand the card to the City Clerk. City Council will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council 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 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 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'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

Citizens may address the Council / Agency Board regarding a Closed Session item prior to the Board adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

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.

City Council

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8

Property Location: 2361 San Pablo Avenue, Pinole CA 94564

Agency Negotiator: Michelle Fitzer, Assistant City Manager

Negotiating Parties: Broker Cory Lawrence, Cushman & Wakefield.

Under Negotiation: Lease Terms

B. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6

City Labor Negotiator: Belinda Espinosa, City Manager & Michelle Fitzer,
Asst City Manager, and Bruce Heid, IEDA

Employee Organizations: Fire Local 1230 and Pinole Police Employees
Association (PPEA)

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

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY ANNOUNCEMENTS

A. Proclamations

1. Honoring Mike Pistello as Pinole 2012 Police Officer of the Year

2. Honoring Rheem Henning as the Pinole Police Department Employee of the Year

3. Honoring Steve Dorsey as Firefighter of the Year

B. Presentations / Recognitions

6. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes, and is subject to modification by the Mayor. 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 may direct staff to investigate and/or schedule certain matters for consideration at a future 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 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.

- A. Approve the Minutes of the Meeting of January 17 and January 18, 2012
- B. Receive the January 14-February 3, 2012 List of Warrants, the January 20, 2012 Payroll in the Amount of \$355,968.00 and the February 3, 2012 Payroll in the Amount of \$345,256.11.
- C. Ratify Amendments to the Council Meeting Procedures Approved on January 17, 2012 [**Council Report No. 2012-16; Action: Adopt Resolution Per Staff Recommendation (Athenour)**]
- D. Establish/Continue the Joint Powers Agreement With The Contra Costa County Abandoned Vehicle Abatement Service Authority [**Council Report No. 2012-17; Action: Adopt Resolution Per Staff Recommendation (Hardester)**]
- E. Accept Dedication of Two Parcels Located on Shea Drive and One Parcel Located on Sarah Court for Public Use (Related to Pinole Valley Shopping Center) [**Council Report No. 2012-18; Action: Adopt Resolution Per Staff Recommendation (Downs/Allison)**]
- F. Approve a Grant of Access Easement On Three Properties Located on Assessor Parcel No. 430-461-025 to the Contra Costa County Flood Control District and Water Conservation District (Related to Pinole Valley Shopping Center) [**Council Report No. 2012-19; Action: Adopt Resolution Per Staff Recommendation (Downs/Allison)**]
- G. Approve *5 Guys Burger & Fries* As a Proposed Tenant in the Pinole Valley Shopping Center [**Council Report No. 2012-20; Action: Approve Per Staff Recommendation (Fitzer)**]
- H. Approve *Panera Bread, LLC* As a Proposed Tenant in the Pinole Vista Crossings Shopping Center [**Council Report No. 2012-21; Action: Approve Per Staff Recommendation (Fitzer)**]

8. PUBLIC HEARINGS

- A. Conduct a Public Hearing and Adopt **Ordinance 2012-03**, An Ordinance of the City of Pinole Repealing and Replacing Portions of the Pinole Municipal Code Title 15, Relating to the Building Code, Fire Code and Other Related Construction Codes, and Adopt Revised Codes By Reference, With Local Modifications [**Council Report No. 2012-22; Action: Conduct Public Hearing, Adopt Ordinance and Waive Second Reading (Rhodes-Hanley)**]

9. OLD BUSINESS

- A. Provide Direction to the Pinole Hercules Water Pollution Control Plant JPA Members to Accept the Selection Committee's Recommendation to Award the Contract for Design Engineering Services to HDR [**Council Report No. 2012-25; Action: Adopt Resolution Per Staff Recommendation (Allison)**]

10. NEW BUSINESS

- A. Receive the Treasurer's Quarterly Investment Report and Amend the City's Treasury Investment Policy [**Council Report No. 2012-23; Action: Receive Report and Adopt Resolution Per Staff Recommendation (Lee/Loomis)**]
- B. Receive the Comprehensive Annual Financial Report (Audit) for Year Ending June 30, 2011 and Authorize the City Manager to Execute a Contract Extension With Mann, Urrutia and Nelson For Audit Services for FY 2011/12 [**Council Report No. 2012-24; Action: Receive Report and Adopt Resolution Per Staff Recommendation (Loomis)**]

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 - 1. Announcements
- B. Mayoral & Council Appointments
- C. City Council Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager / Department Staff
- F. City Attorney Report

- 12. ADJOURNMENT** to the Regular City Council Meeting of February 21, 2012 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Michael M. Merriman, Ken Borges, Eric R. Beitelschees, Denise Marin and "Ed" Fernando Edward Gamez.

POSTED: February 2, 2012 at 4 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)