

**JOINT PINOLE CITY COUNCIL &
REDEVELOPMENT AGENCY
MINUTES
APRIL 5, 2011**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

The Regular Pinole City Council / Redevelopment Agency Board of Directors meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Swearingen called the meeting to order at 5:32 PM and Mayor Pro Tem Murray led the Pledge of Allegiance.

2. ROLL CALL, CITY CLERK/SECRETARY'S REPORT & STATEMENT OF CONFLICT

A. COUNCIL PRESENT

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

B. STAFF PRESENT

Belinda Espinosa, City Manager / Executive Director
Michelle Fitzer, Assistant City Manager
Benjamin Reyes, City Attorney
Inga Lintvedt, Assistant City Attorney
Stephanie Downs, Redevelopment Agency Legal Counsel
Richard Loomis, Finance Director
Dean Allison, Public Works Director
Amy Wooldridge, Recreation Director
Leslie Carbahal, Redevelopment Analyst
Francine Kuykendall, Senior Redevelopment Analyst
Patricia Athenour, City Clerk

City Clerk Patricia Athenour announced that the Agenda was posted on April 1, 2011 at 10:00 A.M. All legally required notice was provided. She asked the Council and Redevelopment Board of Directors whether there were any conflicts with any items on the agenda. None were reported. She informed the Council handouts were provided for Items 5B A and 9A and that a speaker card was received from Jo Bates to address the Council regarding Closed Session Item 3F.

Mayor Swearingen invoked a ruling that speakers addressing the Council regarding Closed Session items must again restate their testimony in the record under Citizens to be Heard. Council Member Long recommended that the City Clerk read the statement in the record if the speakers were unable to stay. There was Council concurrence.

Jo Bates, AFSCME Local 512 business agenda, addressed Council regarding the current status of their bargaining and that they were seriously negotiating in good faith, and have addressed many of the Council's goals. She asked the Council to consider their proposal during Closed Session and spoke on behalf of the member's seriousness to partner with the

City and continue to work toward agreement, and asked the Council to also continue to engage to reach an agreement.

3. CONVENE TO A CLOSED SESSION – CITY COUNCIL AND AGENCY BOARD

At 5:42 p.m., Mayor Swearingen convened the noticed Closed Session.

Pinole Redevelopment Agency Board of Directors

- A. CONFERENCED WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: 800 John Street, Pinole Grove Senior Housing
Agency Negotiator: Michelle Fitzer, Assistant City Manager
Negotiating Parties: Bridge Housing and Contra Costa County
Under Negotiation: Loan Terms

- B. CONFERENCED WITH REAL PROPERTY NEGOTIATOR-GC §54956.8
Property Location: 2071 Buena Vista Drive
Agency Negotiator: Michelle Fitzer, Assistant City Manager
Under Negotiation: Price

- C. CONFERENCED 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. CONFERENCED 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

- E. CONFERENCED WITH REAL PROPERTY NEGOTIATOR-GC §54956.8
Property Location: 2850 Estates
Agency Negotiator: Michelle Fitzer, Assistant City Manager
Negotiating Party: Westmont Living, Inc.
Under Negotiation: Contract Terms

City Council

- F. 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

CONTINUED TO THE END OF THE MEETING

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

At 7:30 p.m., Mayor Swearingen reconvened the meeting in open session. He announced there were no reportable actions from Closed Session and that the Council would reconvene Closed Session at the end of the meeting to discuss item 3F.

5. RECOGNITIONS / PRESENTATIONS

- A. Proclamations
- B. Presentations
 - 1. Pinole Middle and Pinole High School Updates

West Contra Costa Unified School District Members Charles Ramsey, and Madeline Kronenburg, Superintendent Harter, and Pinole Valley High Principal Sue Kahn and Assistant Principal Yolanda Bulls addressed the Council regarding the Ivy League Program,

Yolanda Bulls, principal introduced the following students and their Ivy League Connection schools:

Brown University

- Andrew Gonzales
- Erin Miller
- Frank She

Columbia University

- Milani Lyman

Vanderbilt University

- Julia Chang
- Aiyanna Hedeem Garrett
- Kye Duren

University of Pennsylvania

- Alex Elms

Yale University

- Matt Lee
- Wing Tung (Dyana) So

Dr. Harter thanked Council Member Long and citizen, Jeff Rubin for working on the selection panel.

Katie Von Husen and Gerald Schied, Pinole Middle School Principal and Vice Principal reported on the Pinole Middle School demographics. She reported that Pinole Middle was the most diverse middle school in the district, and the student body mixes together seamlessly. They showcased the house model, achievement rallies, and data on school discipline and safety. Ms. Von Husen asked for Council support and assistance to help promote the positive image presented this evening and invited the Council to view the programs offered.

At 8 PM, Mayor Swearingen called a brief recess and reconvened the meeting at 8:07 PM.

6. CITIZENS TO BE HEARD (Public Comments)

The following citizens addressed the Agency Board / City Council.

Cindy Trego, Pinole citizen, reminded the citizens to attend the WCCUSD board meeting on April 13th at 6:30 pm. The security camera placement at Pinole Valley High was agendaized and she noted the Police Department's favorable position for installation.

Jack Meehan, Pinole citizen, addressed Council with the following requests:

1. Reinstigate the fire department calls for service on the TV scroll;

2. A report / presentation on special taxes and their applications, asking when it would be provided;
3. Discussed whether Pinole was effectively involved in the EBRPD Bay Trail crossing EIR; stating that he had received no feedback on comments regarding diverting the trail, which he felt was misguided; and
4. Increase traffic enforcement, especially on Simas and other major streets

Mr. Meehan's did not have time to read #4 into the record, but provided the Council with a written statement with his comments.

Mayor Swearingen noted that there may not be staff resources available for some of the items, and asked staff to address Mr. Meehan's questions.

Michelle Fitzer, Assistant City Manager said she would work with the Fire Department to get the Fire service calls on the scrolls and also in the Weekly Report.

Belinda Espinosa, City Manager responded about the report on the tax measures and advised the Council there was a cost associated with providing such, and asked for Council direction.

Inga Lintvedt, Assistant City Attorney, said her office had some available documents and that it would be approximately .5 hours of staff time to gather them.

Council approved the expenditure to gather the documents.

Mayor Pro Tem Murray asked Mr. Meehan to explain his concerns about the being misguided and asked for clarity.

Ms. Espinosa said the EBRPD was the lead agency for the EIR scoping meeting and as the lead agency, EBRPD takes the concerns from the agencies/citizens and the responses will be issued in a written document.

Mayor Pro Tem Murray explained there had been negotiations with the railroad and the landowners to establish a certain number of crossings over the railroad. He said the bluff was a physical issue. He suggested dialoguing with Mr. Meehan after the meeting.

Mr. Meehan said there was five to seven million dollars to build a flyover the Union Pacific tracks to complete the trail that ends at Bay Front Park. The trail is planned to go to Hercules, but pedestrians would have to cross the railroad two additional times. Mr. Meehan suggested staying on one side of the railroad and also that he thought negotiations with Union Pacific were achievable. He said the City was being passive to allow EBRPD to expend seven million dollars to build a flyover, and should have a voice about a trail location in Pinole.

Shelia Grist, Pinole citizen, referenced a Council action from March 17, 2009 regarding undergrounding utilities around Ramona and Simas, that was projected to start in spring 2011, and requested an update. She said there was \$900,000 in the fund in September 2008 and estimated a balance in excess of \$1.7 million now.

Ms. Espinosa explained Ms. Grist was referring to Rule 20A money, which is held by PG&E on the City's behalf.

Dean Allison, Public Works Director, provided an update on Rule 20A funds, doled out by PG&E, based on population. He confirmed there was approximately one million dollars in the account and the area was identified as the next project area; however the money is only for construction, not engineering. Due to lack of staff and capacity, this project had been put on hold, and the funds will continue to grow until the project can be built.

Council Member Banuelos asked whether a design build was possible. Mr. Allison said he could not respond at this time and Ms. Espinosa noted they would look into the possibility with PG&E, who has review authority over all projects.

Allen Dorsey, Pinole citizen, commented on an editorial in the West County Times written by former City council member Mary Horton regarding the Station 74 closure. He said he disagreed with some of her statements and stated his position on the fire department sustainability and the budget.

Irma Ruport, Pinole citizen, read a statement into the record regarding the Pinole Hercules Wastewater Treatment Plan JPA. She said she had attended the JPA meetings when there was no Pinole City Attorney present, and asked her question, that she had raised at the JPA meeting, regarding whether Pinole would be responsible for the entire cost if Hercules declared bankruptcy, and that Ms. Espinosa indicated Pinole would be responsible as the permit holder. She expressed her concern since Hercules financial condition was dire. She asked the Council to direct the City Attorney to provide a response to her questions and also put the documents on the website.

Mayor Swearingen suggested that Ms. Ruport also confer with the JPA members, Council Members Long and Banuelos to stay current on the issues.

Council Member Long commented that Hercules collects sewer fees, and believes those funds would be funneled to Pinole in the event of a bankruptcy.

Ms. Espinosa cautioned that the funds would not become Pinole's, unless it was negotiated. The permit is in the name of Pinole, so Pinole is responsible to operate the plant. She said this question was posed to the regional water quality control plant, and that was the response received. She said that Pinole would have to litigate for repayment. She said that she believed Hercules Sewer Fund loaned money to the General Fund and that the Sewer Fund was very healthy, with eight years of rate increases.

7. CONSENT CALENDAR

Item 7D was removed by a citizen request. Council Members also removed Items 7B, 7E and 7F.

ACTION: Motion By Agency Board /Council Members Murray Banuelos, the City Council / Agency Board Approved Consent Calendar Items A and C.

Vote: Passed: 5-0

Agency Board

- A. Adopted **Agency Resolution 15=2011**, Approved a Management Contract with Westmont Living, Inc. For the Pinole Assisted Living Facility [**Agency Report No. 2011-06; Action: Approve Per Staff Recommendation (Downs)**]

Joint Agency Board / City Council

- B. Approved the Meeting Minutes of March 8, March 9, March 15 & March 16, 2011
REMOVED FOR DISCUSSION

Council Member Long asked to remove and table approval of the March 16, 2011 minutes until there is further clarification / discussion regarding the vote at a future meeting. Discussion ensued between the Council and the City Clerk explained that minutes should stand, and if a different action was taken in the future, it would be reflected in those future minutes. The Council concurred and the Mayor entertained a motion.

ACTION: Motion By Agency Board /Council Members Long / Murray, the City Council / Agency Board Approved the Minutes of March 8, March 9, March 15, and March 16, 2011.

Vote: Passed 5-0.

- C. Received the March 12 –25 and the March 26-April 1, 2011 Lists of Warrants and Received the March 18, 2011 Payroll in the Amount of \$404,191.13 and the April 1, 2011 Payroll in the Amount of \$396,947.21.

City Council

- D. Authorize Recruitment For The Wastewater Treatment Plant Manager [**Council Report No. 2011-41; Action: Adopt Resolution Per Staff Recommendation (Miller)**]
REMOVED FOR DISCUSSION

Irma Ruport, Pinole citizen, requested to comment on this item, stating that she attended the JPA meeting where this recruitment was discussed and the recommendation was that Pinole and Hercules work together on the selection process. She expressed the following concerns about the recruitment process:

1. Was there a policy to prevent nepotism, special interests, and do employees sign a conflict of interest document upon hire?
2. Are background checks and security clearances accomplished prior to hire?
3. Expressed concern that a person is hired based on qualifications, and that the process is open and transparent.

Council Member Long asked whether any of the existing staff were qualified, the cost of the recruitment, and whether the salary would be the same as it is currently.

Ms. Espinosa said there were two in-house candidates with a required Grade 3 license; and one has expressed interest. Ms. Fitzer said there would be no external recruiter costs and had budgeted approximately \$1,000. The salary would be advertised as DOQ, but staff did not anticipate hiring at a level higher than the current salary. She said there was no salary range as this was a contract management position, and discussed language in the personnel rules that addressed percentage differentials between a current salary and a promotion, should an in-house promotion be in order.

Ms. Espinosa discussed the process further and explained the timing and process with their partner city, Hercules, and that she would keep the Council apprised.

Mayor Swearingen asked her to address Hercules participation in the hiring process. She said one person from Hercules would sit on the interview panel, but in the end Pinole, as the permit holder, would make the decision.

Public Works Director Allison recognized Plant Manager Ken Coppo for his twenty years of service at the plant, stating that Mr. Coppo is extremely knowledgeable about the plant business and in the past 3.5 years he has served as plant manager, they have developed an excellent professional relationship. Allison wished Coppo the best of luck in retirement.

Ken Coppo, Plant Manager expressed his gratitude to work here for the past twenty years and noted that he would be available to assist after retirement.

Council Member Green raised the following questions/statement:

1. Who would sit on the interview panel?
2. The potential hire should be apprised of the budget situation and be advised that he/she could experience a salary reduction

Ms. Espinosa said the interview panel had not been selected yet; likely Alison, Coppo and a representative from Hercules and possibly a citizen would comprise the panel.

ACTIONS: Motion By Council Member Murray/Banuelos, the City Council Adopted Resolution 2011-20, Authorized Recruitment For The Wastewater Treatment Plant Manager.

Vote: Passed 5-0.

- E. Authorize the City Manager To Execute An Engineering Services Contract with Larry Walker & Associates In An Amount Not to Exceed \$22,821 for Wastewater Treatment Plant Permit [**Council Report No. 2011-42; Action: Adopt Resolution Per Staff Recommendation (Allison)**]

Council Member Green removed the item to ask why staff recommendation for a bid other than the lowest. He also asked what was negotiated in the permit process.

Ken Coppo, Plant Manager, said the contract included the completion of an application and submission to the State by December 1, 2011, and subsequent negotiations regarding the new limitations imposed recently. He spoke to the merits of Larry Walker & Associates and said the firm has provided excellent service in the past.

Ms. Espinosa discussed the complexity of the application, and the necessary negotiations to remove some major milestones from the permit. Phase 2 is about very careful negotiations and high level strategy to convince the Board not to impose more restrictions that are requested by environmental groups and negotiations to continue to use the shallow water outfall. She said that Larry Walker and Associates was the best qualified for the job.

Council Member Green asked whether staff doubted that the lower bidder could negotiate the same outcome for \$9,000 less. He also expressed discontent that this was a not to exceed bid and asked to be told in the future.

Ms. Espinosa spoke to their unfamiliarity with the plant and Larry Walker & Associates was familiar with our operations, is a known commodity to Pinole and is also known in the industry as being one of the best negotiators with the Water Board.

Mr. Coppo explained this was a two-phase contract, and Phase 1 was not a "Not to Exceed" contract.

Council Member Banuelos said the JPA shared Green's concern and their recommendation was to contract with Larry Walker for the Phase 1 of the project.

Ms. Espinosa said Phase 2 could be set for a specific amount and if insufficient, could come back to the JPA Board and the Cit for approval of additional funding. She said the JPA members would be watching closely and would also receive monthly updates.

Tom Cutino, Pinole citizen, raised the following questions:

1. Is Hercules expansion and future expansions included in their work, and has a decision been made to remove the corporation yard and the plant?
2. Have decisions been made to take on Hercules expansion?

Mayor Swearingen said this firm is not dealing with those issues, but in response to your questions, they have not been answered yet.

Ms. Espinosa said that Hercules had not asked for expansion for future growth. If it was a growth impact issue, we would ask Hercules to pay for the cost of plant expansion. The improvements in the current permit are not based on growth, but rather based on the inability to process the wet weather flow.

Council Member Green asked if there had been alternatives to the shallow water outfall, and instead of going to Rodeo, consider going the other way.

ACTION: Motion By Council Member Green To Accept The Lower Bid.
The motion died for lack of a second.

ACTION: Motion by Council Member Banuelos / Long, the Council Adopted Resolution 2011- 21, Authorized Recruitment For The Wastewater Treatment Plant Manager.

Vote: Passed 4-1; Council Member Green voted in opposition.

- F. Adopt A Resolution In Support for Contra Costa College's Capital Bond Initiative
[Action: Council Discretion to Adopt Resolution] REMOVED FOR DISCUSSION

Council Member Long removed the item for a separate vote, in order to abstain. She does not believe that it is the position of this body to influence the voters.

Mayor Swearingen commented he wished success to the District, but it is still taxpayer money, and also did not want to influence tax payer vote.

Mayor Pro Tem Murray said this was a local extension of our educational program and benefits students from Pinole.

Irma Rupert, Pinole citizen, addressed Council and recommended against passage of the resolution and said to let the citizen's vote on the matter.

ACTION: Motion by Council Members Murray / Banuelos, the City Council Adopted Resolution 2011- 22, In Support for Contra Costa College's Capital Bond Initiative.

Vote: Passed 2-1 with 2 abstentions.

Ayes: Banuelos, Murray

Noes: Green

Abstain: Swearingen, Long

8. PUBLIC HEARINGS

There were no Public Hearings

9. OLD BUSINESS

City Council

- A. Authorize the Issuance of Encroachments Permits for the Corridor Mobility Project [**Council Report No. 2011-43; Action: Approve Per Staff Recommendation (Allison)**]

Dean Allison, Public Words Director entered Council Report 2011-43 into the record and was available for comments and questions.

Mayor Swearingen reported as the WCCTAC delegate on the Corridor Mobility Project and the request for approval of encroachment permits for installation of traffic management devices within City streets and right-of-ways. He said the proposal involved installation of some improvements which Pinole does not have to fund, and said there were benefits to allow them to move forward with this project.

Mayor Pro Tem Murray said he was supportive until hearing about the ramp meters, which he sees as a major problem in this community, and was accepting as long as Pinole never has to pay for the improvements. He raised the following questions:

1. Will we have access to the camera information for our police department?
2. Will Pinole streets become secondary to the issues on the freeway, causing congestion in the community?

Mayor Pro Tem Murray likened it to the BART situation where Pinole had been paying for years and reiterated the empty promises made by BART. Mayor Swearingen concurred with his statement.

Public Works Director Allison said that Pinole would have access to the cameras at two intersections in Pinole via the internet and was working to integrate it with Police Department camera system. He explained when there was an incident on the freeway, cars will go automatically onto San Pablo Avenue and this program tries to make a more efficient maneuver. There was no directive to move cars onto our streets.

Mayor Pro Tem Swearingen asked whether the ramp meters belonged to us and whether there was an obligation to activate them.

Council Member Green asked the size of the signs and the amount of impact the construction would cause to Pinole.

John Hemiup, transportation engineer with Alameda County Congestion Management Agency, responded that the poles would be 15 feet high and the signs about 30-40 inches and would not be seen when they were not in use. He could not respond with a specific timeline for construction in Pinole, but thought the work was minimal and the permit would show bonding,

traffic detail and pay for any inspections. The work would be during non-peak times and the down time should be minimal; for example, at the time of switching on the new controller.

Mr. Allison explained the encroachment permit was not an easement, but only permission to install the devices.

Council Member Banuelos asked if this could have an impact on the Circulation Element of the General Plan, whether this permit was the only we are obliged to issue, and whether this would change the flows in areas that weren't anticipated.

Mr. Allison said it would not be operational unless there was an event on the freeway, and saw no material change in the General Plan. He said that conditions would be imposed on the permit to limit closures, and etc.

Council Member Long said the improvements would cause more traffic, more often, and intensifies the use as it will be detouring traffic off the freeway. She asked Mr. Hemiup to comment on the funding commitments and he responded, stating that the funding source was Prop1B, a state bond fund.

Shelia Grist, Pinole citizen, said that Council Member Long raised a good point about traffic on San Pablo Avenue, noting that all sizes and types of vehicles could come onto our streets.

Mayor Pro Tem Murray spoke with caution, regarding his concern that an agency was placing improvements on Pinole property, without expecting and Pinole to participate in later maintenance.

Council Member Long said she was not in agreement with the program last time, and even if it was packaged differently now, it was still tax dollars and she did not believe it was a good use of those dollars.

Council Member Green concurred with Long's statement and added when there was resolution on the funding issue, perhaps it could be revisited. .

Mr. Hemiup said the funding had been discussions and under negotiation with CCTA and MTC and he believed an agreement for a twenty year funding plan could be in place in May 2011 for these signs.

Mayor Swearingen said Pinole City Council had gone on record stating they would not contribute any payment for these improvements.

Council Member Long said she was fearful when CCTA provides funding, it is taking it from somewhere else, and the effect it could have on other local transportation entities, further increasing her opposition.

Mayor Swearingen commented that each entity receives a certain portion of Measure J money for our streets and that's pretty much guaranteed. He said we were all on board with Measure J money and how it must be spent, and that money it must be returned to the cities and is dedicated for street improvement and the money cannot be redirected. He isn't sure if that can be changed or if CCTA could withhold some funding for another project.

John Rudolph, WCCTAC, said that had not been contemplated. The request is to approve encroachment permits for installing project hardware. He cited Mayor Swearingen's earlier comment that WCCTAC agreed that none of the cities would pay any operation and

maintenance costs for twenty-five years and the benefits to the freeway portion will not outweigh the benefits on the city streets. He said this project would come back with an MOU in the future, and will give ability to all local agencies to have a role to make sure citizens are protected from the regional influence on the freeway.

Mayor Swearingen commented that he cannot see where there will be a cost to Pinole or where Measure J would be affected. Hate to give up any of these improvements that would be beneficial to our community.

Mayor Pro Tem Murray said his only concern was the ramp metering. He said he could support the encroachment permit at this time.

Council Member Green asked if this improvement could be removed if Pinole was not supportive. Mr. Randolph replied affirmatively.

ACTION: Motion By Council Members Murray/ Banuelos, The City Council Adopted Resolution 2011-23, authorizing the City Engineer to Issue a Conditional Encroachment Permit for Improvements Along San Pablo avenue as proposed by the Integrated Corridor Mobility Project.

Vote: 4-1; Long opposed.

Joint Agency / City Council

- B. Amendment to the Collateralized Investment Agreement Between the City of Pinole and the Redevelopment Agency of the City of Pinole [**Agency / Council Report No. 2011-44jt; Action: Adopt Resolutions (Downs)**]

Inga Lintvedt, Legal Counsel, presented joint Agency /Council Report No. 2011-44 into the record, explaining it was not a loan, and discussed the terms and interest rate of the agreement. The legal office reviewed the contract amendments defer payments for two years, until 2013-14, extend the term to the life of the Redevelopment Plan Project Area to 2025, and reduce the interest to 3.8 percent. With the amendments, the annual payment would reduce from \$274,000 to \$263,000. Ms. Lintvedt and Mr. Loomis were available for questions.

Annual payment would reduce from \$274,000 to \$263,300.

Mayor Swearingen explained that this amendment allowed additional time for the City to bring the budget into stable condition before initiating repayment.

Council Member Long asked if the agreement was transferred to the City along with the other Agency assets.

Ms. Lintvedt said this investment agreement could not be transferred.

Council Member Green asked if the term to pay would be less than fifteen years, and asked when the principal would actually be paid.

Mr. Loomis said the original contract was for a fifteen year period with a three-year delay and fixed payments over twelve years. It is proposed to be extended now for seventeen years, with a five-year deferral, and payment over twelve years. The payment is fully amortized; the only change is the interest rate reduction. Loomis said the two-year extension was permissible because the Redevelopment Project Plan area had been extended for two years, several years

back. He explained the rationale for amending this agreement was due to the potential loss of redevelopment funds as a temporary funding mechanism.

ACTION: Motion By Council Members Long/Murray, The City Council Adopted Resolution 2011-24, Approving the Amendments to the Collateralized Agreement between the City of Pinole and the Redevelopment Agency of the City of Pinole.

Vote: Passed 5-0.

ACTION: Motion by Board Members Long / Murray, the Agency Board of Directors Adopted Resolution 16-2011, Approving the Amendments to the Collateralized Agreement between the City of Pinole and the Redevelopment Agency of the City of Pinole.

Vote: Passed: 5-0

10. NEW BUSINESS

City Council

- A. Consider Granting Another Designated Period For Two Years Additional Service Credit With CalPERS, In Accordance With Section 20903 (Fire) **[Council Report No. 2011-45; Action: Receive Report & Provide Direction (Miller)]**

Jennifer Miller, Human Resource Analyst, entered Staff Report 2011-45 into the record to grant another designated period for two additional years of service credit with Cal PERS for Fire Department personnel. The incentive would a reduction in staffing through voluntary retirements by June 30, 2011. The retirement window would be open from April 2nd through June 30, 2011, and CalPERS would allow the retroactive window opening. If approved by the Council, the Mayor would sign the certification of compliance after adoption on April 19, 2011. The fiscal impact depends on the number of employees (five eligible) Ms. Miller reported that the maximum exposure was \$329,323, representing a 0.546% to the PERS employer contribution rate, over twenty years it is \$16,466 annually. The annual savings to the General Fund should all five choose to retire would be \$450,000 in the General fund.

Vincent Wells, Fire Local 1230, asked whether there were five eligible members.

Ms. Miller said there was an error in the records regarding an employee birthday, so there is actually one four eligible employees.

Mr. Wells said he did not believe any of the eligible members were interested, and that he understood that the City wants to get to a certain number. He said he heard at the last meeting the Council agreed to close Station 74 and maintain staffing at 4 personnel as a minimum at Station 73 and not lay off any firefighters, but wants to reduce down to three. He asked if there were no "takers" on the incentivized retirement, would it mean there would be some action toward changing that policy. He expressed concern from Local 1230 members who believe it is a safety issue and is requesting constant staffing at four per engine.

Mayor Swearingen asked for a staff response.

Assistant to the City Manager Fitzer responded that the City has been meeting with the bargaining unit about the impacts of the full brownout of Station 74. She said the only options for savings would be achieved through salary reductions and attrition.

Mayor Swearingen asked what would happen if there are two extra personnel.

Ms. Fitzer said there would be a significant savings to the overtime costs with extra personnel, and that they are attempting to work through the issues with impact bargaining.

Mr. Wells said there were told that closing the station would net \$1,000,000 and now are being told it was \$500,000.

Ms. Fitzer clarified that there was a million dollar exposure if they were to staff back up at both stations.

Mr. Wells said browning out one shift was over \$400,000 in savings, so he calculated that three shifts should be \$1.2 Million.

Council questions and comments followed.

Council Member Green had no questions or issues with the recommendation.

Council Member Long asked what the savings would be with Station 74 closed, presuming no one retires. It must be much less than one million but more than \$500,000.

Ms. Fitzer said it would depend on the overtime savings calculated and she could provide an analysis at a later date.

Council Member Long said when the incentive was first offered, it was a finite number of specific positions, and she said she may not have approved initially, not knowing the extent of the offers. She stated that she believed that they should approach the budget more inclusively, upfront. She said he would approve it, as it is the only fair thing to do.

Mayor Swearingen asked if there was a waiting period to reopen a window and Ms. Fitzer responded that there was no waiting period.

No action was required or taken; approval would be considered on the April 19, 2011 agenda.

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 - 1. Announcements – delay to future meeting
- B. Mayoral / Council Appointments
- C. City Council / Agency Board Committee Reports

Council Member Long reported attending the Contra Costa College Women's History Program with City Manager Espinosa and honoree, Marcia Kalapus.

Council Member Banuelos provided a report on the WCCUSD Bond Oversight Committee and said they had accepted 2010 Annual Report.

Council Member Green asked the City Manager to address the misunderstanding in the community about the Senior Center, by issuing a memo and posting it at the center that there

had been no discussions about closure. He asked the other members for consensus on that directive.

Ms. Espinosa said she did not know how that rumor got started. She said if the redevelopment agency elimination is approved, there would be changes; without the subsidies, there would be an impact to cut out \$700,000, and could result in a change of hours.

Mayor Swearingen said that the entire Council did not want to close the center; nor did not want to scare people.

Council Member Green said that he did not support reducing hours either. He said he simply wanted a letter to be written to alleviate the concern in the community, and Council Member Long concurred.

Ms. Espinosa said it would not be possible to maintain current hours if the funding was lost. She said that the elimination of the recreation subsidy that the Council approved does affect all recreation programs, and she referenced a memo she had issued to Council regarding options for program delivery without the same level of funding.

With regarding to issuing a memo to the seniors, Ms. Espinosa said she would put it in the Weekly Report.

Council directed the City Manager to issue an announcement and post and distribute flyers at the Senior Center.

- D. Council Requests For Future Agenda Items
- E. City Manager / Executive Director Report / Department Staff

City Manager Espinosa reported that the City Council directed her to begin labor negotiations with the managers, confidential and unrepresented personnel.

- F. City Attorney Report

There was no report.

At 10:42 p.m., Mayor Swearingen recessed the open meeting to the Closed Session to consider Item 3F which was continued earlier in the evening.

At 12:15 A.M., Mayor Swearingen reconvened the meeting in open session and announced there were no reportable actions from Closed Session.

12. ADJOURNMENT

At 12:16 A.M., Mayor Swearingen adjourned the Regular Meeting to the to the Regular Redevelopment Agency/City Council Meeting of April 19, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Francis Donald "Don" Dias, John R Quintero, Jr., David Edward Taliaferro, Jermaine Gibson and Sidney Samuel Weinzeimer

SUBMITTED BY:

**Patricia Athenour, MMC
City Clerk**

APPROVED BY AGENCY BOARD / CITY COUNCIL: