

**JOINT PINOLE CITY COUNCIL /  
REDEVELOPMENT AGENCY  
MINUTES  
SEPTEMBER 20, 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 5:30 PM and Council Member Banuelos led the Pledge of Allegiance.

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

**A. COUNCIL PRESENT**

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

**B. STAFF PRESENT**

Belinda Espinosa, City Manager / Executive Director  
Michelle Fitzer, Assistant City Manager`  
Benjamin Reyes, City Attorney  
Stephanie Downs, Assistant City Attorney  
Richard Loomis, Finance Director  
Dean Allison, Public Works Director  
John Hardester, Police Chief  
Patricia Athenour, City Clerk

City Clerk Patricia Athenour announced that the Agenda was posted on September 16, 2011 at 10 am. All legally required notice was provided. She asked the Council whether there were any conflicts with any items on the agenda. None were reported.

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

At 7:10 p.m., Mayor Swearingen convened to the noticed Closed Session to discuss the following items.

City Council

**A. CONFERENCED WITH REAL PROPERTY NEGOTIATOR - GC §54956.8**

Property Location: Pinole Vista Shopping Center, 1200-1400 Fitzgerald Drive  
2700–2830 Pinole Valley Rd., Pinole Valley Shopping Center  
Agency Negotiator: Michelle Fitzer, Assistant City Manager  
Sondra Van Metre, Shelter Bay Retail Group  
Negotiating Parties: TKG Pinole Valley, LLC & TKG Pinole Vista, LLC  
Under Negotiation: Price & Terms

- B. CONFERENCED WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6  
City Labor Negotiator: Belinda Espinosa, City Manager & Michelle Fitzer,  
Asst City Manager  
Employee Organizations: Fire Local 1230 and Pinole Police Employees  
Association (PPEA)
- C. CONDUCTED A PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant To Government Code §54957  
Position: City Manager

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

At 7:10 p.m., Mayor Swearingen reconvened to Open Session and announced there were no reportable actions from Closed Session.

**5. RECOGNITIONS / PRESENTATIONS**

- A. Proclamations
  - 1. October - Domestic Violence Awareness Month

Mayor Swearingen announced that October was proclaimed as Domestic Violence Awareness Month, and the proclamation was requested and would be mailed to the organization, *Stand Against Domestic Violence*.

- 2. Honoring 50<sup>th</sup> Anniversary of the Pinole Chamber of Commerce & Certificate of Appreciation to Pinole Chamber Board of Directors

Mayor Swearingen read and presented the proclamation honoring the 50<sup>th</sup> Anniversary of the Pinole Chamber formally celebrated at their Annual dinner a few months ago.

Pinole Chamber President Ricco, on behalf of the Chamber Board, thanked the Council for this honor and provided an update on the Business Expo and the Community Corner Project.

The Certificate of Appreciation was also presented to Chamber President Ricco on behalf of the Pinole Chamber Board for their idea and work on the Community Corner Project.

- B. Presentations
  - 1. Introduction of Police Commander Messier and Sgt. Decker

Police Chief Hardester introduced and provided a brief professional biography for the two recently promoted officers; Commander Messier and Sergeant Andrew Decker.

- 2. Presentations by Supervisors Federal Glover and John Gioia & Doctors' Hospital Update by Supervisor Gioia

Supervisors John Gioia and Federal Glover addressed Council to introduce themselves as Pinole's new supervisors, following the recent redistricting. They announced their joint October 20<sup>th</sup> – Town Hall Meeting to be held in the Pinole Council Chambers. Supervisor Gioia previously represented Pinole on the East Bay MUD Board and on the Board of Supervisors once before. Gioia said he and Supervisor Glover have worked together on projects to benefit Pinole in the past, such as the Pinole Animal Control Shelter. Supervisor Gioia said he was

open to receive calls from the Council and community regarding citywide issues, and announced he would hold a breakfast in Pinole son, as he does throughout his district.

Supervisor Glover, District 5 Supervisor, provided background biographical information and briefed Council on the new areas he serves as Supervisor, and said Pinole would be well represented. He assured the Council that his office/staff would be part of the community and would be here on all hot topic issues and provide great representation and that he was looking forward to meeting the community on October 20.

Supervisor Gioia, Chair of Dr Hospital governing board, also addressed the Council to request support for Measure J – Save Our Community Hospital. He summarized the actions of the County to assist in closing the financial gap at Doctors' Hospital. The State recently changed the formula how funding was distributed for medical services. To address the financial gap, a plan was developed to raise five million dollars through Measure J, a new parcel tax, debt restructuring, internal improvements, and partnerships with other health care institutions. Measure J would be an annual tax of \$47/single family parcel and differing amounts for properties with different zoning designations. The hope is to also look at how to rebuild a smaller, state of the art hospital in the same area, because of the seismic issues in the existing structure. Gioia explained the patient mix which is ten percent insured, ten percent uninsured, and 80% are medical patients. If Doctor's Hospital closed, the main loss would be the emergency room, leaving a critical shortage in West County, with longer transport times and longer waits. In the event the hospital closed, this tax would sunset. There will be a citizen oversight board. This tax will be on top of the existing \$42 parcel tax. Pinole Chamber took a support on Measure J and Supervisor Gioia asked the Council to also support Measure J.

Mayor Swearingen received Council approval to move Item 10A forward to consider the resolution of support, requested by Supervisor Gioia. Item 10A became Item 5B-2

Resolution Supporting the Proposed Parcel Tax for Doctors' Medical Center Operations on the November, 2011 Ballot [**Action: Council Discretion**]

Supervisor Gioia entertained questions from Council, and explained the new tax was for operations and discussed the existing bond debt to extend the payment period to reduce annual payments by \$2 Million per year. Regular meetings have been conducted with other hospital providers; Kaiser, John Muir, County Hospital Association and all are working for a sustainable solution. Kaiser is supportive of their plan.

Council Member Long asked whether they would receive a good bond rating; if they defaulted there would be no collateral since there is a sunset with a hospital closure. Supervisor Gioia explained that the existing tax will be used for bonds and new parcel tax is just for operations.

Council Member Long referenced the contract with the prison system for medical services, and realized that it pays for services but not for the hospital, and asked if pressure was applied to the State to pay more.

Supervisor Gioia confirmed there is a contract with the State and it covers cost of the service and some additional revenue to the hospital. If more patients from San Quentin were seen, Doctors would receive more revenue, but believed they are getting a favorable contract from the State corrections. He referenced a bill Senator Hancock carried that received total support which would make it easier to manage the debt, and it is on the Governor's desk for signature and also his hope to renegotiate rates to receive more reimbursement from medical. It is not the same across all hospitals.

Council Member Long expressed her concern regarding the number of times you can go back to the property owners, and said she wanted to hear some other methodology to fund these services. This is a regional problem and should be a regional solution, instead of exclusively West County.

Supervisor Gioia said that even under the best circumstances this hospital will not make money. He said the question is the price that citizens are willing to pay to know care will be available a quicker and closer; that is the trade-off. In 2004, they received overwhelming support for the parcel tax.

Council Member Long referred to his use of “homeowners” vs. “voters” and noted that every hospital user is not a homeowner and that should be reevaluated to close the gap.

Council Member Banuelos asked for more detail on the Oversight Committee, and Supervisor Gioia read from the ballot documents that an “Independent oversight board would review audits and report to the public.”

Mayor Pro Tem Murray expressed Pinole’s position when Doctors Hospital was closed and there was no intervention or assistance to keep Pinole open. He said that this is the reality that there is only one facility in the entire area, and he provided his support for Measure J.

Gioia responded that Tenet was operating the hospital when it closed and the County prepared a major EMS report to support Pinole’s position to keep the hospital open but had no powers to keep it open. .

In response to a question by Council Member Green, Supervisor Gioia said just the one in Martinez and it provides the greatest amount of care to the uninsured population in this county, and Doctor’s is second. Council Member Green asked if there was any thought to the entire county sharing the costs, not just West County. Supervisor Gioia explained the measure could only be taxed to West County property owners.

Council Member Green discussed education so patients will use the emergency room services as they are designed rather than as an urgent care facility. He expressed the need for a clinic, if the hospital were to close.

Supervisor Gioia referenced the new County Health Clinic being constructed two blocks from Doctor’s Hospital which can be provide urgent care at a reduced cost to emergency care, but it does not replace the need for an emergency room.

**Irma Rupert**, Pinole citizen, said that a Measure J flyer sent to the tax payers has no substance and recommended more information regarding the bankruptcy, the past, and the present. She recommended a full page ad in the newspaper.

Council provided closing comments.

Councilmember Green said the entire County should share the cost, though there should be a definitive sunset such as three or four years, and he was not in favor of the resolution.

Mayor Pro Tem Murray said this is a resolution of Council’s support to allow the public to vote. He said it is the only facility in our area. He expects it never to sunset; continual payment will be required to keep the hospital open. Mayor Pro Tem Murray supported it for the assurance to have a hospital close by.

Council Member Banelos supported the resolution, stating that the loss of the hospital would be catastrophic.

Council Member Long said she did not disagree with the substance or the hospital, but maintained her position that it was the Council's job is educate the public, not influence, and this presentation provided information to the public. She said she would abstain on this action.

Mayor Swearingen said we do not have any other hospital choices and reiterated a personal experience regarding long waits in the emergency room, which could only be compounded, at a greater distance, if Doctor's Hospital were to close. The resolution is asking the voters to vote YES on Measure J and he was supportive.

**ACTION: Motion by Council Member Murray/Banelos, the City Council Adopted Resolution 2011-62 Supporting Measure J – Save Our Community Hospital, on the November 15, 2011 Ballot.**

**Motion Passed.**

**AYES: Murray, Banelos Swearingen**

**NOES: None**

**ABSTAIN: Long, Green**

**Sheila Grist**, Pinole citizen, asked if the Gioia-Glover Town Meeting would be televised.

Council Member Long reminded Supervisor Gioia of her request to meet with him and Supervisor Glover and several citizens to discuss Pinole issues.

## **6. CITIZENS TO BE HEARD (Public Comments)**

The following citizens addressed the Agency Board / City Council:

**Anne Prescott**, Pinole citizen, brought Council's attention to saving water and money and referred to an article she distributed to Council. She said water was an important issue and thinks Pinole could be a good example on a small scale and offered her services to help the Council in any way.

Mayor Swearingen said Council would take in under advisement, and referred the matter to staff.

**James Tillman**, Pinole citizen, presented a card but had left the Chamber when called.

**Jeff Rubin**, Pinole citizen, made the following announcements:

1. Pinole Historical Society (PHS) Walking Tour has been rescheduled to October 1. George Vincent would be the speaker and the presentation would be filmed, Antler's was providing a free BBQ to the participants following the walking tour.
2. PHS, the Pinole Patch and the Pinole Library are working on a Veteran's Day exhibit and were seeking pictures and memorabilia. The Pinole Patch will interview veterans; the PHS is the contact point.
3. The City of Pinole Recreation Department Golf Tournament has been rescheduled to October 10<sup>th</sup> at Franklin Canyon. The price remains the same and encouraged interested parties to register by email or phone to Recreation Director Amy Wooldridge.

4. Raffle tickets available for \$25 for a Trip to Maui; proceeds support the Pinole Senior Center and the drawing will be held at the Tree Lighting Ceremony

**Irma Rupert**, Pinole citizen, referred to her address to Council on September 6<sup>th</sup> regarding televising meetings. She said that she accepted the Mayors offer to work on a committee to raise money, and said she would set up a Finance Oversight Board to review the budget and all expenses, analyze the budget prior to Council approve and make recommendations to the Council. She asked if this was acceptable to Council.

Mayor Swearingen responded that the Finance Subcommittee reviewed those matters at noticed, open meetings and that she had attended those meetings in the past. He asked if it was the will of the Council to agendize this for discussion at a future Council meeting. Council Member Green supported that and Council Member Long said she was willing to discuss it.

**Anthony Obinyan**, Pinole citizen, addressed Council stating his opposition to turning the Swim Center over to a non-profit entity. He said he believed that the City had an obligation to provide services such as recreation activities for the community and not everything should be profit oriented. The pool should be funded by the City. He asked the Council to reconsider they action and consider being solely responsible for the pool.

Council Member Green said he understood and agreed with Mr. Obinyan and hoped that they would progress to what he is speaking about.

## **7. CONSENT CALENDAR**

Item 7F was removed by Council Member Long. She had brief questions on 7E which were addressed without removing the item from the Consent Calendar. Council Member Green had brief questions on Item 7C which were also addressed without removal from the Calendar.

**ACTION: Motion By Council / Board Members Long/Murray, the City Council/ Agency Board Approved the Consent Calendar with the Exception of Item F.**

**Vote: Passed: 5-0**

### Joint City Council / Agency Board

- A. Approved the Minutes of the August 30 and September 6, 2011 Meetings
- B. Received the September 3-16, 2011 List of Warrants and Receive the September 16, 2011 Payroll in the Amount of \$386,994.23
- C. Received the Initial Draft "*Recognized Obligation Payment Schedule (ROPS)*" **[Agency /Council Report No. 2011-103Jt; Action: Receive and File (Loomis)]**

Council Member Green asked if this meant the debt schedule would be paid and also whether this was all information received on these items.

City Manager Espinosa said these are the current contractual obligations or debt service obligations. There are contracts or legal documents to support all items, with the exception of the \$2,886,000 for the "pay to play" ordinance. She emphasized the deadline to approve this

schedule by October 1. We are moving forward as if AB 26 and 27 were not stayed, and in the event CRA loses the suit, we will have complied with everything.

Mayor Swearingen asked if Council Member Green had received copies of the contracts. Mr. Loomis responded that he had not. Loomis said all expenses were covered under existing contracts. He explained that we have an obligation under the rules to make a disclosure of the entire year to June 30, 2012, and that the Council was not approving these expenditures, it is a disclosure requirement to make them public, and that if Council approves, this would be transmitted to the State Department of Finance tomorrow.

Council Member Long asked about the landscaping, graffiti, and street sweeping contracts and Mr. Loomis responded they were suspended from RDA financing and graffiti was paid from the shopping center ground lease proceeds and street sweeping from NPDES.

#### City Council

- D. Adopted **Resolution 2011-63**, Accepting The Donation/Contribution Of Funds From Wells Fargo, et al To Be Used For The Well Being And Support Needs Of The City's Injured Public Safety Employee Brian Justin Takacs [**Council Report No. 2011-104; Action: Adopt Resolution Per Staff Recommendation (Hardester)**]
- E. Adopted **Resolution 2011-64**, Authorized the Recruitment for the Water Pollution Control Plant Operator [**Council Report No. 2011-105; Action: Adopt Resolution Per Staff Recommendation (Allison/Fitzer)**]

Council Member Long asked for clarification whether this hire was a Plant Manager or a Plant Operator. Ms. Fitzer said it was for an operator which became vacant in May, and another vacancy was anticipated.

- F. Adopt Resolution to Authorize the Recruitment for the Human Resources Analyst Position [**Council Report No. 2011-106; Action: Adopt Resolution Per Staff Recommendation (Fitzer)**] **REMOVED FOR DISCUSSION**

Assistant City Manager Fitzer clarified for Council Member Long that the salary was for a 40-hour week position.

Council Member Green suggested that this position might be handled by an administrative assistant, reducing the salary.

Ms. Fitzer reference the salary range in the staff report. Typical employment offers are at Step A and a savings would be realized from the prior analyst, who was at Step C. She explained there were some clerical functions that could be handled by an Administrative Assistant, but the primary role was employer/employee relations, interpretation of the Personnel Regulations, labor negotiations with the chief negotiator, and analytical work; all beyond the scope of an administrative assistant position. The current staff is not able to absorb the work that needs to be done by this position.

City Manager Espinosa said there were only 1.5 administrative assistants for all City Hall activities.

**Irma Rupert**, Pinole citizen, stated opposition to the position as a person with a degree in personnel. She said the organizational charts did not reflect the current structure of the City staff, and suggested reorganizing all positions and salaries. She requested that this item be

held over, and said that labor relations and negotiations should be handled by the city manager and this job should be secretarial.

Council Member Green referenced the staff for human resource activities in the past, handled by the City Manager and/or assistant and secretarial assistance. He was suggesting that method in order to save money, and asked the total cost of this position.

Ms. Fitzer responded that total cost was dependent on the level of benefits selected. Step A would be \$80,000 - \$90,000 and Step E approximately \$115,000 to \$120,000.

Council Member Green agreed with the speaker's that further review of the position was warranted.

Mayor Swearingen acknowledged that this was a critical position and he was aware of the responsibilities of the position.

Mayor Pro Tem Murray said it was an existing position, someone was moved from Redevelopment to fill and have now resigned. There will be savings realized from elimination of the Agency position. He supported moving forward with the recruitment.

Council Member Green said the Council had directed whenever a position was vacated, it would be reviewed and the description and the salary would be restructured (reduced). Thus far, it had not occurred.

Staff noted the two recreation positions which had been restructured with salary reductions.

Council Member Long said she understood the complexity of the job, and every year there are new laws to adhere to. She agreed with Council Member Green that it was her understanding that we were going to take a look at the bottom range of all pay scales, and the prospective hire should start at Step A. She supported filling the position now.

**ACTION: Motion by Council Member Long / Banuelos, the City Council Adopted Resolution 2011-65, Authorized the Recruitment for the Human Resources Analyst Position.**

**Vote: Passed 4-1; Green opposed.**

## **8. PUBLIC HEARINGS - CITY COUNCIL**

- A. Conduct A Public Hearing And Adopt The Police Chief's Recommendations For Expenditures Of The Supplemental Law Enforcement Services Funding (SLESF) For FY 2011/12 [Council Report No. 2011-107; Action: Conduct Public Hearing and Adopt Resolution Per Staff Recommendation (Hardester)]

**John Hardester**, Police Chief, entered Council Report No. 2011-107 into the record seeking approval of the resolution to accept the SLESF grant. The \$100,000 grant would be used to fund 60% of an officer and 5% of a canine position. The grant must supplement and not supplant existing services. Staff recommended approval of the resolution accepting the grant.

At 9:19 p.m., Mayor Swearingen opened the Public Hearing. No citizens addressed City Council; the Public Hearing was closed and the matter returned to the Council for action.

**ACTION: Motion By Council / Board Members Long/ Murray , the City Council Adopted Resolution 2011-66, Adopting The Police Chief's Recommendations For Expenditures Of The Supplemental Law Enforcement Services Funding (SLESF) For FY 2011/12.**

**Vote: Passed: 5-0.**

Council Member Long said she was aware of how cognizant the Police Department is regarding the budget, and reported that the officers, on their own, agreed to change their shifts from twelve hours to eight hours in order to reduce overtime costs.

- B. **Conduct A Public Hearing** To Conduct the Annual Review of the Utility Users Tax and Consider A Modification to the Household Income Eligibility Thresholds For Exemptions [**Council Report No. 2011-108; Action: Conduct Public Hearing and Adopt Resolution Per Staff Recommendation (Loomis)**]

**Richard Loomis**, Finance Director presented Council Report No. 2011-108 into the record; recommending that the Council take public testimony, receive the report and modify the eligibility thresholds for exemptions. During the last fiscal year, revenues were 7.8% less than the prior fiscal year, attributable to the decline in the amount of taxes generated in the telecommunications services. The revenue dropped from \$826,000 down to \$709,000 due to significant changes in technology and the proliferation of the use of the internet as a communication device, previously provided from traditional systems. The Internet Tax Freedom Act excludes taxation for internet telecommunications and they are a number of law suits pending on taxation of telecommunications. Regarding the eligibility thresholds for exemptions, Loomis reported that the City has the opportunity to review and revise our exemptions thresholds for energy services, specifically gas and electric using the CARE program and it has been past practice as those are increased, we increase ours to match for low income households. He recommended adopting the resolution modifying the income thresholds, as stated in the report. Mr. Loomis was available for questions.

At 9:28 p.m., Mayor Swearingen opened the Public Hearing. No speakers addressed City Council: and the matter was returned to the Council for comment and action.

Mr. Reyes reported that Pinole was involved in the legal action, Sipple vs. Alameda. The Council had been briefed in Closed Session and that he would again bring an updated report in October.

Mr. Loomis responded to several questions regarding the exemptions and eligibility.

Council Member Long asked City Attorney Reyes whether there was any action that the Council should be taking on the existing ordinance, in light of the litigation.

City Attorney Reyes responded affirmatively, but an amendment requires a vote of the electorate and at the time the ordinance is up for renewal; his office will be making other recommended changes to the ordinance.

**ACTION: Motion By Council Members Long/Banuelos, the City Council Conducted the Annual Review of the Utility Users Tax; and Adopted Resolution 2011-67, Modifying the Household Income Eligibility Thresholds for Exemptions From the Tax, Using the New CARE Thresholds, As Recommended in the Staff Report.**

**Vote: Passed: 4-0-1; Green abstained.**

- C. Conduct A Public Hearing To Consider Adoption of the Contra Costa Hazard Mitigation Plan (CCCHMP) and the related General Plan Health and Safety Element Text Amendment GPA 2011-01 [**Council Report No. 2011-109; Action: Conduct Public Hearing & Adopt Resolution Per Staff Recommendation (Rhodes/Hanley)**]

**Winston Rhodes**, Planning Manager, presented Council Report No. 2011-109 into the record and introduced **Susan Roseberry**, CCC Emergency Planning Coordinator. Mr. Rhodes provided background information on the formation of a Hazard Mitigation Plan, required to be adopted to receive disaster funding. This plan results in more effective risk reduction and recovery of funds following a disaster. In 2004, ABAG developed a template for cities to follow, but Pinole did not adopt a plan at that time. The state now requires that a Hazard Mitigation Plan be adopted into the Health and Safety Element of the General Plan. Rhodes described the process to bring this plan forward, which included Planning Commission review. Fire Chief Parrott served on the task force committee and chaired the committee prior to his retirement as staff worked in close concert with the Fire Department and the County. Twelve cities in Contra Costa County have adopted this plan and El Cerrito will also be considering it in the upcoming weeks. The County has been the lead agency in the development of this plan. Volume 1 applies to all Planning Partners and Volume 2 is specific to Pinole. Mr. Rhodes explained the next steps outlined in the exhibit materials and recommended that Council conduct the public hearing and adopt the resolution.

At 9:50 p.m., Mayor Swearingen opened the Public Hearing. No speakers addressed the City Council, and the matter was referred back to the Council for discussion and action.

Council Member Banuelos asked if Chief Hanley has been involved in the plan also, and Mr. Rhodes responded affirmatively, and that he had been involved in writing the staff report.

Council Member Banuelos asked if there could be grants for our CERT programs. Mr. Rhodes said we could explore that opportunities once the plan was adopted.

Mayor Pro Tem Murray noted that the critical facilities map appeared outdated, and provided several changes to the map, including the elimination of Doctors Hospital, now closed, and the addition of Kaiser Medical Offices and the Senior Center.

Mr. Rhodes noted the corrections. Mr. Rhodes said this plan addressed only natural hazards, in response to a question from Council Member Long, who noted the exclusion of the refineries on the map. She asked there was a plan for manmade disasters and whether there was a countywide policy on refineries.

**Susan Roseberry**, CCC Office of Emergency Services, responded to the question, stating that the Department of Homeland Security is responsible for hazards related to people and terrorism. She explained in further detail the work on the Hazard Mitigation Plan and their pledge to keep this living document current, and their outreach efforts. She said the Hazard Mitigation Plan had been approved by the State and is currently awaiting FEMA approval which is backlogged due to the recent disasters. Once approved by FEMA, agencies may apply for hazard mitigation grants.

Council Member Long commented and asked if the documents should omit names and state positions and or successors.

**ACTION: Motion By Council Members Long/Green, the City Council Adopted Resolution 2011-68, Adopting Volume 1 of the City of Pinole's Annex of Volume 2 of the Contra Costa County Hazard Mitigation Plan (CCCHMP) and Approve General Plan Amendment (GPA 2011-01), Modifying the Health and Safety Element of the General Plan, with the amended language add " their successor".**

**Vote: Passed: 5-0**

## **9. OLD BUSINESS**

### City Council

- A. 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. 2011-110; Action: Adopt Resolution (Fitzer/Hanley)**]  
**CONTINUED FROM SEPTEMBER 6, 2011**

**Michelle Fitzer**, Assistant City Manager presented Council Report No. 2011-110 into the record. The item was continued from September 9, 2011. She reported that until recently the an internal staff member has performed the function of Battalion Chief, until he recently stepped down from that assignment, and former Chief Parrott has been temporarily been acting in the capacity. The staff recommendation is to approve an agreement with former Chief Parrott to serve as the Battalion 7 chief for the remainder of the term of the SAFER Grant or upon cancellation, should internal staff become available to take the position again. She said that the City had submitted for reimbursement on the SAFER grant totaling approximately \$60,000 to date. While there would be no cost increased for Parrott serve in this capacity, there would be an impact to the budget, as a salary savings reduction would be realized when an existing employee was serving in the capacity.

**Mary Horton**, Pinole citizen, said the most optimum situation was to have an employee serve as the acting battalion chief. She asked if staff was still exploring a consolidation with Rodeo Hercules and Con Fire. She said she supported partnering in some capacity, but did not support a "full fledged" move from providing local services.

City Manager Espinosa said there was currently no definitive plan, but were waiting for proposals from both Rodeo-Hercules and Con Fire. .

Ms. Horton said she preferred local service and that the utility user tax preserves local control. She supported moving forward with the model and this battalion chief concept.

Mayor Swearingen asked Mr. Ronchetto to clarify the necessity of this position.

**Nick Ronchetto**, Consolidated (Con) Fire, said Pinole, Rodeo-Hercules and Con Fire each share on third of the responsibility of a battalion chief. If Pinole does not have their position, they would be responsible to pay Rodeo Hercules or Con Fire to fill the position.

Ms. Fitzer further explained that the Battalion Chief was responsible for incident command.

Council comments followed. Mayor Pro Tem supported approval of the contract.

Council Member Green asked the projected timeline for this position and said that he did not see a provision for "additional insured" in the contract. Ms. Espinosa said Pinole was exploring other models to figure out long term solution during the 2-year term of the SAFER grant.

City Attorney Reyes said there was no requirement to take out an additional policy to cover the City, and referred to Section 16 in the draft contract. The City could get additionally insured on the automobile policy and clarified how that protected the City.

Council Members Banuelos and Long supported approval of the contract.

**ACTION: Motion By Council Members Murray/Green, the City Adopted Resolution 2011-69, Authorizing 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, with the condition to add the City as "Additionally Insured"**

**Vote: Passed: 5-0.**

#### Redevelopment Agency Board

- B. Authorize the Executive Director to Amend an Existing Contract With Kiland, Passaglia & Westphal (KPW) in the Amount of \$25,500 To Increase the Scope of the Engineering Services on the Pinole Assisted Living Community [**Agency Report No. 2011-37; Action: Adopt Resolution (Allison)**]

Staff requested continuance to October 4, 2011.

- C. Authorize the Executive Director to Execute a Contract With Pimentel Construction In the Amount of \$23,650 To Install a Vapor Barrier System at the Heritage Park Cottages. [**Agency Report No. 2011-38; Action: Adopt Resolution (Allison)**]

**Dean Allison**, Public Works Director, entered Agency Report No. 2011-38 into the record. Staff summarized that the repair would involve access to the three homes to install a liner to stop the migration of water into the homes. The repair would be paid from the Housing Fund. Only one bid was received which was within the dollar amount of the Engineer's Estimate. Staff recommended approval.

Staff responded to questions regarding disclosure to the buyers, why this was not anticipated in the soils report, location of the retaining walls and subdrains, and clarification that the basements were unfinished, not concrete.

Mayor Swearingen said likely this was a seasonal occurrence that may not have been identified in the soils report.

City Attorney Reyes said the City's obligation would end following the one-year warranty period, unless there were latent defects uncovered in the future.

**ACTION: Motion By Board Members Murray/Banuelos, the Agency Board Adopted Agency Resolution 20-2011, Authorizing The Executive Director To Execute A Contract With Pimentel Construction In the Amount of \$23,650 To Install a Vapor Barrier System at the Heritage Park Cottages.**

**Vote: Passed 5-0.**

## **10. NEW BUSINESS**

### City Council

- A. Resolution Supporting the Proposed Parcel Tax for Doctors' Medical Center Operations on the November, 2011 Ballot [**Action: Council Discretion**]

This item was addressed earlier on the agenda

### Joint Agency Board / City Council

- B. Approve a Non-Binding Resolution of the City Council Declaring Intention to Participate In the Voluntary Alternative Redevelopment Program and To Enter into a Remittance Agreement By And Between the City and the Redevelopment Agency [**Joint /Agency Council Report No. 2011-111jt; Action: Adopt Resolution Per Staff Recommendation (Loomis/Downs)**]

**Richard Loomis**, Finance Director, presented Joint /Agency Council Report No. 2011-111 into the record, recommending that the Council adopt a non-binding resolution declaring its intention to participate in the voluntary alternative redevelopment program and to enter into a Remittance Agreement in order to comply with the required Statement of Indebtedness that must be filed by October 1 with the State Auditor's Office, State Controller and the County Auditor. This "pay to play" payment would fall into the category as a new debt on our Statement of Indebtedness. This was reported as a procedural action to state the City's intent to make the payment to the State of California.

Council Member Green clarified that this document states "if" the City were to continue with a Redevelopment Agency; and if one believes that we shouldn't continue in Redevelopment, then likely one would be opposed to this action.

Mr. Looms said the purpose of the resolution was to provide an entry on the Statement of Indebtedness of the intent of the governing body.

City Manager Espinosa said if one was opposed to opting into Redevelopment, then likely they would not support this resolution.

Council Member Long clarified that her vote in favor action of this would not disallow her from voting against the adoption of the ordinance and the entire issue. Staff responded that was correct.

**ACTION: Motion By Council/ Board Members Murray/Banuelos, the City Council / Agency Board Adopted Joint Resolution 2011-70, Approving a Non-Binding Resolution of the City Council Declaring Intention to Participate In the Voluntary Alternative Redevelopment Program and To Enter into a Remittance Agreement By And Between the City and the Redevelopment Agency.**

**Vote: Passed 5-0.**

## **11. REPORTS & COMMUNICATIONS**

- A. Mayor / Chair Report
  - 1. Announcements
    - a. Chamber Board Meeting – no information to report
    - b. Attended Coastal Cleanup
    - c. Attended a Block Party two weeks ago
- B. Mayoral / Council Appointments
- C. City Council / Agency Board Committee Reports

Mayor Pro Tem Murray reported on the Coastal Cleanup event on Saturday, September 17 where approximately 148 volunteers participated.

Council Member Long and Green had no reports.

Council Member Banuelos reported he would be attending the joint meeting of the West Contra Costa School Board and the Citizens Bond Oversight Committee on September 21.

**ACTION: At 11:00 Pm, There Was Council Consensus To Extend The Meeting Until 11:15 PM To Complete The City's Business.**

- D. Council Requests For Future Agenda Items
- E. City Manager / Department Staff Reports

City Manager Espinosa updated the Council of the upcoming meetings: Pinole Hercules Water Pollution Control Plant JPA on September 28, and the City Council / West Contra Costa County School Subcommittee meeting on September 27.

- 1. Construction Update on the Tiny Tots Facility [**Verbal Report; Action: Receive Report (Allison)**]

**Dean Allison**, Public Works Director, presented a verbal update on the reparative work complete at the Tiny Tots facility. The repair encompassed work on the column bases and loose siding. During the August school closure, the siding was removed, and no evidence of water damage was found. New siding was installed. Although the columns were not repaired this season, wooden plates were installed around the base and damaged posts will be repaired next year.

Council Member Murray said also discussed ventilation in July. Alison said money was put in the CIP for next year, no action this year.

- F. City Attorney Report

City Attorney Reyes reported that he would be attending the League of California Cities meetings and would bring materials back to the City staff.

## **12. ADJOURNMENT**

At 11:10 pm, Mayor Swearingen adjourned to the Regular Redevelopment Agency/City Council Meeting of October 4, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Charles "Bud" Thornton, Bruce Allen Rush and Robert Richard Van Booven.

**Submitted by:**

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**Patricia Athenour, MMC  
City Clerk**

**Approved by Agency Board / City Council:**