

**PINOLE CITY COUNCIL &
REDEVELOPMENT AGENCY
MINUTES
JANUARY 18, 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 led the Pledge of Allegiance.

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

A. COUNCIL PRESENT

Tim Banuelos, Council Member arrived at 5:50 pm
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 to the City Manager
Stephanie Downs, Legal Counsel
Dean Allison, Public Works Director
Richard Loomis, Finance Director
Amy Wooldridge, Recreation Director
Winston Rhodes, Planning Manager
John Hardester, Police Chief
Mary Drazba, Economic Development Manager

City Clerk Patricia Athenour announced that the Agenda was posted on Friday, January 14, 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 asked the Mayor to close the meeting this evening to the Special Meeting of January 25, 2011.

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

At 5:36 p.m., Mayor Swearingen convened to a Noticed Closed Session and discussed:

Redevelopment Agency Board

- A. CONFERENCE WITH LEGAL COUNSEL--POTENTIAL LITIGATION -
Government Code Section 54956.9(b)(1)
Legal Counsel: Redevelopment Agency Counsel Stephanie Downs
Number of Cases: One Matter

City Council

- B. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6
City Labor Negotiator: Belinda Espinosa, City Manager &
Michelle Fitzer, Asst to the City Manager
Employee Organizations: Local 1, AFSCME, Fire Local 1230, PPEA, Unrepresented, &
Management Group

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

At 7:12 p.m., Mayor Swearingen reconvened to meeting in Open Session. He announced there were no reportable actions from Closed Session.

5. RECOGNITIONS / PRESENTATIONS

- A. Proclamations
1. January 2011 - Blood Donor Month

Robyn Mondy, American Red Cross representative accepted the proclamation from Mayor Swearingen. Ms. Mondy addressed Council regarding the importance of blood donation, and provided information to those interested in making donations. In 2010, three organizations sponsored blood drives in Pinole.

- B. Presentations / Recognitions

1. Recognition of the Pinole Valley High Girls & Boys Water Polo Teams and the Varsity Football Team

Pinole Valley High Boy's Water Polo Coach Jim Ulversoy recognized assistant coaches Andrew Love and Ryan Arioli, both Pinole graduates, and introduced the Boy's Polo team members. Andrew Gonzales, team captain, addressed Council regarding the strong brotherhood bond that has grown with his team members and their participation in the NSC.

Coach Ulversoy also introduced the Girl's Water Polo team, and announced their 10-0 record winning the NSC championship this past year. He noted that Megan Duckworth was goalie and the most valuable player.

Football Coach Steve Alameda introduced the Varsity Football team who made it to the third round of NCA playoffs in their division. Mayor Swearingen and the Council congratulated the teams for their successful competition in the North Coast Section. Mayor Swearingen also mentioned Stephanie Lin, a sophomore, who placed in the NSC in tennis.

2. Recognition to the Police Officer of the Year Angela Likos and Police Employee of the Year Yvonne Cuellar; and Firefighter of the Year Mike Pendleton

Mayor Swearingen presented a proclamation to Employee of the Year Yvonne Cuellar and to Police Officer of the Year, Angela Likos. He also recognized Fire Fighter of the Year Mike Pendleton who was not present.

Mayor Swearingen called a brief recess and reconvened the meeting at 7:50 pm.

3. Pinole Valley High & Pinole Middle School Resource Officer (SRO)
Update by Commander Hardester and SRO Staff

Police Commander Hardester introduced the School Resource Officers Johantgen and Takas at Pinole Valley High school, and Mike Pistello, SRO at Pinole Middle School. Commander Hardester provided a three-year comparison for calls for service at both schools, noting that there were 68 weapon related crimes in 2010. At Pinole Middle school there were 229 calls for service. Part 1 crimes decreased at both schools. He explained that the officers serve as mentors and enforcers to provide a positive educational experience. He addressed incidents of concern at the school during the past year.

In July 2009, the Police department performed a physical security survey at the high school and recommendations were provided to the District and provided in the agenda packet presentation materials. A walk through was done today and many recommendations still remain unimplemented.

Council discussion and comments followed.

Council Member Long asked whether incidents were being adequately reported, what the consequences were for a probation violation and for violent behavior; and said that the parents and the community should know the consequences for assurance that violence was being addressed and appropriately handled for the safety of other students.

Commander Hardester said the probation officer has discretion over probation violation and they can be taken to juvenile hall. Only one student is on probation at Pinole Middle School. Officer Johansen said they have a good relationship with the school officials and the students and that incidents were being reported.

Mayor Pro Tem Murray asked if a person on probation can return to the campus. Staff responded that it was the decision of the District or the school. He also asked if students removed by the police, could be allowed back by the District and the officers responded affirmatively.

Council Member Banuelos commented that Pinole Valley High was a closed campus and questioned the propensity for students to constantly be offsite, and whether the SRO's were on a rotational schedule. Commander Hardester explained that students are cited and returned to campus when found offsite; he said there was no rotation schedule for SRO's and favored keeping the same officers for continuity and institutional knowledge.

Mayor Pro Tem Murray asked whether the site supervisors were performing their jobs. Commander Hardester said he has heard from the officers that they were very active and communicate as best as able with the officers. Hardester said that his suggestions have been addressed at the school; zero tolerance, proactive enforcement coupled with counseling was his recommendation.

Council Member Green inquired whether volunteer citizen officers could be utilized and said it should be added to his list of recommendations. Commander Hardester they recently advertised for Level 1 reserve officers and will be conducting interviews shortly.

Council Member Long spoke to the lack of communication at the WCCUSD board level and lack of support from the administration.

Mayor Swearingen asked the SROs if they felt they had the necessary support. Officer Pistello responded that he had a very good relationship with the principal and vice principal and they were on top of their game, as were the site supervisors. Officer Johansen echoed the same opinion.

Mayor Swearingen asked Commander Hardester if he would support the use of parent volunteers. Commander Hardester recommended against civilian volunteers.

Cindy Trego, Pinole citizen, raised the following issues/questions relative to the safety committee meetings

1. Is the Council receiving feedback
2. Suggestion for someone else to chair the meeting
3. Safety meetings should be held in Pinole

City Manager Espinosa suggested raising the issue regarding moving the meetings to Pinole at the next Safety Committee meeting.

4. Report on the BART Citizens Oversight Board for Bart Police by Director Joel Keller

Board Member Keller was not in attendance; the matter was deferred.

Council Member Green asked if the agenda could be reordered in the future to move Item 11 forward on the agenda. Mayor Swearingen agendaized a discussion at the next Council meeting.

6. CITIZENS TO BE HEARD (Public Comments)

The following citizens addressed the City Council / Agency Board:

Al Kirkman, Pinole citizen, commended the SROs at the schools. He also encouraged citizens to volunteer at the schools and see what the site supervisors are doing. Kirkman also suggested there be no further layoffs; to keep the good employees by rationing the funds.

James Tillman, Pinole citizen, addressed Council with questions regarding the January 4, 2011 Pinole Hercules Wastewater JPA meeting, as follows:

1. The EIR which would not be available for 12-18 months
2. No response from the board when he asked when Hercules was expected to go to West County
3. Concern that actions are taken without public comment; no meeting procedures adopted and followed
4. Requested Council to direct the JPA members to bring this issue (#3 above) to the next JPA meeting.

Ivette Ricco, Pinole Chamber President, announced that the Pinole Chamber would celebrate its 50th annual awards dinner on June 2, 2011.

Cindy Trego, Pinole citizen, extended an invitation to the residents to attend the Special Council workshop next Tuesday, January 25, 2011 on fire service options.

Irma Rupert, Pinole citizen, read a statement in the record regarding the approval of the Heritage Park Cottages and the issuance of a Notice of Completion at the last Council meeting. She raised issues and questions regarding the negotiation of the punch list items and asked

whether the City Attorney was involved, and expressed concerns with the contract, and said the item should have been continued to a future meeting. She questioned whether there was a violation of the Brown Act and requested a full reporting on the contract with Pacific Mountain Contractors. Ruport said she agreed with Long for voting in opposition and Green abstaining.

Mayor Swearingen said the item was pulled, discussed at length, and approved with retention of \$25,000 for the remaining items on the punch list.

City Attorney Reyes said all outstanding items have been resolved; except the French drain. The contractor had fulfilled its obligation to the contract. Full release of the retention will be released at the end of the thirty-five day period and completion of the items.

Council Member Long said she was going to agendize this again for a full reporting on how each punch list item was addressed. She said Ms. Ruport sought transparency and if she has to request the record that was acceptable.

Mayor Swearingen confirmed that all the information was public record. He said Ms. Ruport should contact staff to receive a copy of the punch list and said it did not need to come back to City Council. Council Member Green said he had understood that Council would also be given the punch list.

City Attorney Reyes provided background information regarding the punch list and said the completed punch list could be provided to the Council and to any member of the public who requested it. Council Member Long said the list should have the item, whether it was completed or waived, and the date.

7. CONSENT CALENDAR

ACTIONS: Motion by Board / Council Members Banuelos/Murray, the Agency Board / City Council Approved the Consent Calendar.

Vote: Passed 5-0.

Joint Agency Board / City Council

- A. Approved the Minutes of the Meeting of December 21, 2010
- B. Received the January 3-14, 2011 List of Warrants and the December 22, 2010 Payroll In The Amount of \$423,084.69, and the January 7, 2011 Payroll in the Amount of \$468,859.89.

City Council

- C. Adopted **Council Resolution 2011-01**, Accept Improvements, and Authorize the Recordation of a Notice of- Completion for the Storm Drain Rehabilitation Project – Insituform Technologies, Inc., & Approve Release of Retention Monies [**Council Report No. 2011-01; Action: Adopt Resolution (Allison)**]

8. PUBLIC HEARINGS

City Council

Continued from October 5, 2010

- A. Conduct a Public Hearing To Introduce An Ordinance Amending Pinole Municipal Code Chapter 8.30, Related to the Rental Inspection Program and Adopt a Resolution to Amend the Administrative Regulations Implementing the Rental Inspection Program [Council Report No. 2011-02; Action: MOTION TO TABLE INDEFINITELY (Espinosa)]

ACTIONS: Motion by Council Members Murray/Banuelos/, the City Council Tabled the Public Hearing for Ninety (90) Days At Such Time Staff Would Provide an Updated Report to Council on the Rental Inspection Program.

Council Member Green asked if the program would continue as it is. City Manager Espinosa responded affirmatively, and Council Member Green said he would then be voting in opposition.

A brief discussion followed. Council Member Long said she thought the action was specifically related to the motel/hotels, a separate issue from the actual Rental Inspection Program. As far as the rest of the Rental Inspection Program, she assumed that will be discussed at a later time.

Ms. Espinosa summarized the prior actions, and said the only item held in abeyance now was the fee for hotel/motels until the City establishes a fee for the City inspectors to review the 3rd party inspection reports. She said there is a difference of opinion among the Council regarding maintaining or amending the Rental Inspection Program.

Council Member Green recommended conducting a hearing to discuss the entire program.

City Attorney Reyes clarified that the motion to table is not debatable; it must be voted up or down. In order to reconsider a debate, one member of the majority must move to reconsider.

ACTION: Council Member Long Who Voted For The Majority, Forwarded A Motion To Reconsider The Motion To Table Because Of Lack Of Clarity On The Issue. Council Member Green Seconded The Motion.

Vote: Passed: 5-0.

The item was reopened for discussion. Council Member Long asked to discuss the rental inspection program in concert with the budget.

ACTION: Motion By Council Members Long / Green, The Council Moved To Continue The Discussion Of The Rental Inspection Program In Concert With The Budget, As A Budgetary Item If The Program Is Not Self Supporting.

City Manager Espinosa said this could be discussed with the budget issues/recovery plan; likely in a workshop session sometime in February.

Vote: Passed 5-0

- B. Conduct A Public Hearing, Consider A Resolution Of Intention To Approve An Amendment To The Contract Between The Board Of Administration Of California Public Employees' Retirement System And The City Of Pinole, And Introduce An Ordinance Authorizing An Amendment To The Contract Between The City Council Of The City Of Pinole And The Board Of Administration Of The California Public Employees Retirement System To Include Section 20903, Two Years Additional Service Credit For Safety Employees [**Council Report No. 2011-03; Action: Introduce Ordinance by Title and Waive Full Reading (Fitzer)**]

Michelle Fitzer, Asst to the City Manager presented Council Report 2011-03 into the record and recommended introduction of an ordinance to authorize a contract amendment with the Calipers Retirement Board in order to include Section 20903 for two years of additional service credit for safety employees, and to approve the resolution of intent this evening. The 2nd reading and adoption would be considered on February 15th, and the retirement window would be open on February 17, 2011 and close on May 15, 2011 for eligible employees. The total projected fiscal impact was \$139,490, which would be amortized over twenty years. The annual savings is nearly \$191,000 realized immediately. Ms. Fitzer explained the process and was available for questions

At 9:20 p.m., Mayor Swearingen opened the Public Hearing. No speakers addressed Council and the Public Hearing was closed.

James Tillman, Pinole citizen, requested to address Council, stating that he had written the wrong item number on the card.

Mayor Swearingen said the matter was before the Council.

Council Member Green asked for clarity on Exhibit A, Sections 6-9. Ms. Espinosa explained that sections 6-9 lists the options contained in Pinole's retirement plan.

Mayor Pro Tem Murray asked if this was offered as an incentive to public safety employees. Michelle Fitzer said that it is being offered to eligible employees. Mayor Pro Tem Murray said if replacement staff was hired, the savings won't be as substantial as shown here. Ms. Fitzer responded that if we were to rehire replacements, the savings would not be as substantial, but they would outweigh the \$7,000 annual costs for the benefits

After securing Council consensus, Mayor Swearingen reopened the Public Hearing to take testimony from Mr. Tillman.

James Tillman, Pinole citizen, spoke in opposition to the proposal. He asked why Pinole was continuing to offer this retirement incentive and said the public was paying for it.

At 9:30 p.m., Mayor Swearingen closed the Public Hearing and the matter was brought back to the Council for action.

ACTIONS: Motion by Council Members Banuelos/Murray, the City Council Introduced Ordinance 2011-01, Authorizing An Amendment To The Contract Between The City Council Of The City Of Pinole And The Board Of Administration Of The California Public Employees Retirement System To Include Section 20903, Two Years Additional Service Credit For Safety Employees; and

FURTHER ACTION: Approved a Resolution 2011-02 of Intention to Approve an Amendment to the Contract between the City Council of the City of Pinole and the Board of Administration California Public Employee's Retirement System

Vote: Passed 5-0.

Redevelopment Agency

Continued from December 7, 2010

- C. Conduct A Continued Agency Public Hearing To Consider A Purchase And Sale Agreement Between The Agency And 2401 San Pablo Partners, LLC (The "Buyer") Pertaining To The Disposition Of Property Located At 2401 San Pablo Avenue, (APN #:401-166-060-4) [Action: **MOTION FOR CONTINUANCE TO FEBRUARY 1, 2011 (Drazba)**]

City Manager Espinosa asked the Council to approve continuance to February 15, 2011, instead of February 1, 2011.

ACTION: Motion by Council Members Murray/Long, The City Council Continued the Public Hearing to February 15, 2011.

Vote: Passed 5-0.

Mayor Swearingen moved Item 10A forward on the agenda.

10. NEW BUSINESS

- A. Consider Support for the WCCUSD Bond Waiver Request Submitted To CDE [Council Report No. 2011-05 / Verbal Presentation; WCCUSD Board Member Ramsey; Action: Council Discretion to Adopt Resolution (Espinosa/Athenour)]

Charles Ramsey introduced Dr. Harter and staff member Dave Olson to make the presentation.

Dave Olson, WCCUSD, summarized the issue. The Capital Improvement program is funded by General Obligation Bonds. Currently the district was prohibited from issuing bonds based on a tax base limitation. A waiver may be granted by action of the State Department of Education. It is not an uncommon procedure. Absent of a waiver, the capital program would need to be suspended and which would make it difficult for the District to address security issues. With the waiver the district could move the program ahead. The bonds could be issued and kept to the tax rate limitation approved. Mr. Olson was available for questions.

Mr. Ramsey said the final phase of Pinole Middle School and Pinole Valley High would be negatively impacted if the waiver was not granted. He stated that WCCUSD was the only district in the State that provided specific information in the ballot argument, and have stayed within the tax rate limitations. He cited the other cities and districts that have supported the waiver, as well as the bargaining units.

Cindy Trego, Pinole resident, read a portion of the staff report attachment into the record that the available bonding capacity was not sufficient for the district to issue all remaining Measure J bonds. She said she contacted the Assessor's Office and the auditor. She asked since the District had decided not to issue the remaining \$75 million at this time, would they never issue the \$75 million in bonds

Mr. Olson said the District planned to issue the remaining Measure J bonds after the issuance of the most recently approved measure.

Ms. Trego asked if that would place in jeopardy the bond project itself, and if they decided they would use Measure J funds, would the public be notified.

Board Member Ramsey said it depended on the tax rates. There is no requirement to issue the bonds, and have until 2014 to keep this program active, and there was more flexibility to reduce the cost to the taxpayer by issuing the Measure D bonds and keep ratepayers costs to the minimum.

Ms. Trego suggested that the District and/or the Council should conduct a workshop to explain the bonding process and how they function to make the residents informed.

Mayor Swearingen noted it could be a City issue if the question was bonding in general.

Dr. Bruce Harter, WCCUSD, said the underlying issue was the declining assessed valuation. The State sets an arbitrary limit and the District must seek a waiver.

James Tillman, Pinole citizen, asked if this changed the interest rate. He expressed concern that if the debt cannot be paid, it would go to the taxpayer.

Mr. Olson responded that the bonding capacity was a restriction on the amount of bonds that can be outstanding and does not affect the tax rate being assessed. Olson spoke in detail to the projected sales of several bond issuances.

Mr. Tillman continued dialoguing, stating that they would be able to sell one hundred percent more bonds and if the district does not have the money, the taxpayers must pay. He said this is an end run around the bond measure that failed last year.

Mr. Ramsey explained the voters have approved a bond issuance of \$280 Million. They approved the levy and this has to do with timing, and asking for authorization now. This would be a huge savings and they would be able to add other schools to the project list, such as Shannon School.

Council Member Long attempted to simplify and clarify with an example. She also restated for the record it would not cost the taxpayers any additional taxes and Mr. Ramsey said if there were excess funds, he went on record, to direct the funds to Shannon School.

Council Member Green raised concerns about bullying and harassment on campus and asked Board Member Ramsey to research this and also non-Pinole students being transferred into Pinole Valley High.

ACTIONS: Motion by Council Members Murray/Banuelos, the City Council Adopted Resolution 2011- 03, Supporting the WCCUSD Bond Waiver Request Submitted To CDE.

Vote: Passed 5-0.

Mayor Swearingen reverted back to the regular order of the Agenda.

9. OLD BUSINESS

- A. Status Report – Pinole-Hercules Water Pollution Control Plant Operations
[Council Report No. 2011-04; Action: Receive Report (Espinoso/Allison)]

Belinda Espinosa presented Council Report 2011-04 into the record. She said due to Hercules' staffing changes, Hercules necessity to appoint JPA members and the holiday furloughs, there had not been a JPA meeting. A meeting is scheduled in February. Espinosa summarized for the Council the steps moving forward to address the deadlines imposed by the Regional Water Quality Control Board. The most cost effective solution is for both cities to remain together at the plant and do an upgrade. However, in March 2010, Hercules announced that they would send their flows to West County, and based on that decision, Pinole staff was reviewing which options are most favorable for the Pinole ratepayers.

Dean Allison, Public Works Director, discussed the current rate and how the cost is allocated, including building a reserve fund. Mr. Allison presented a slide presentation, which included rate residential rate structures for options to take flow to West County, partner with Hercules, or remain at the Pinole plant alone, which appears to be the most economical cost to the ratepayers. Mr. Allison discussed other issues related to Hercules remaining at the plant, which means that we may not be able to meet board deadlines and impact on the permit process. Hercules must decide by January 2012, in order not to impact our permit process. If Hercules stays with our plant, we would not be able to meet the Board's deadline for construction by 2015. The permit is in the name of Pinole, not Pinole and Hercules so we are on the hook, and will be discussing this with the Water Board next week to try to convince them to grant flexibility.

Ms. Espinosa raised the issue and discussed the possibility if Hercules stays with Pinole. Pinole staff and Pinole JPA members have scheduled a meeting with the Water Quality Board to discuss the impact on meeting the board deadlines, and any impact on the timing of the new permit, and the ramifications if Hercules isn't able to pay their share of their costs. The Water Board could require looking at loan options or force a rate increase in Pinole. Ms. Espinosa said was if the City wanted to go to West County, certain the rate payers in Pinole would not support a rate increase of that size necessary, nor did the City want to issue the amount of debt required for Pinole to go to West County.

Cindy Trego, Pinole citizen, expressed concern with Hercules ability to pay.

Ivette Ricco, Pinole Chamber President, expressed concern if Water Control Board does not provide an extension since the permit is in Pinole's name. She said they needed to make the Hercules citizens aware of the situation, and asked if we could impose a drop dead dates on Hercules.

Jack Meehan, Pinole citizen, commented that Hercules was in serious trouble and is currently not a competent partner. He said that Pinole must take the initiative and disregard the condition in Hercules and not rely on their current and temporary incompetence to enter into a contract. Pinole should proceed with the "Pinole only" option and negotiate as a single agency, treating only Pinole's waste water and not speculate on Hercules' issues and rates.

Shelia Grist, Pinole citizen, asked if we could make Hercules open their financials to demonstrate that they have the resources.

Ms. Espinosa said we could request information under the Public Records Act request.

Council Member Green commented that he had listened to a Hercules Council meeting where they indicated that their sewer fund was flush.

Ms. Espinosa said that Mr. Loomis had been assisting the Hercules Finance Director and he felt there were definite problems.

Staff responded to questions from Council Member Green on the study, stating that all the numbers for the West County option were created by Hercules consultant, Carrollo Engineers.

Council Member Green said he favored the "Pinole only" option.

Mr. Allison said it was important to state that we are not stopped, nor are we currently being delayed, we are progressing. The critical deadline is January 2012. Ms. Espinosa said we cannot force Hercules from the plant. If they change their minds, we must allow it.

Mayor Pro Tem Murray commented he had always been concerned that Hercules citizens do not know what is taking place. He posed questions about the propose rate increase and issuing debt. He said in a separation agreement, Pinole should consider imposing penalties and liquidated damages. He also recalled earlier discussions about partnering with EBMUD to purchase treated water.

Ms. Espinosa responded that staff had not lost sight of discussion with EBMUD, but there was no commitment at that time from EBMUD. Regarding the rates and debt, she said it had not been projected out that far, and by then likely new debt would have to be issued.

ACTION: Motion by Council Members Long/Banuelos, the Council extended the meeting beyond 11 PM.

Vote: Passed: 5-0.

Council Member Banuelos asked the amount of lead time to meet the January 2012 milestone.

Mr. Allison said he planned to bring a report to Council in March 2011 addressing that issue.

Council Member Long originally wanted to discuss a strategy plan in closed session, but felt this was a good discussion. She said she was extremely concerned with the events unfolding in Hercules, as they affect Pinole. She reported speaking with West County representatives and read a portion of a letter from the Regional Water Board to West County pertaining to mercury levels in Pinole/Hercules flow. She requested that the Pinole liaison is in touch with West County and also receive any correspondence. She referenced her request last year for a copy of Hercules resolution approving joining West County, and announced she received a copy from their website. She stressed the need to be proactive, not reactive, and asked if it were possible to get a court action to request the necessary funds be escrowed. She urged the Council to develop a plan, addressing Pinole's legal options, and conduct a Closed Session to develop a strategy plan. She wished to address questions to Mr. Coppo regarding the mercury basin, the equalization tank, and the replacement of the emergency generators.

Mr. Allison said the mercury was a big issue and he was still evaluating it at the plant. He thinks the letter overstates the level Pinole is releasing in the bay; therefore collectively overstating what would go to West County. He asked that any issues regarding mercury be submitted to him, as he is working directly with Ron Tobey on that issue.

Council Member Long said she understood his passion, but found it necessary to independently research this issue. She felt Pinole has not received information requested over the past several years and wanted to insure Pinole's future, and not be reactive.

Mayor Swearingen said mercury was created in an industrial atmosphere and sometimes gets into the stream, but does not see anything in a residence that would create that level of mercury. He asked City Attorney Reyes whether there were grounds for litigation discussion.

City Attorney Reyes advised the Council they could agendize a Closed Session to discuss legal strategy.

Mayor Swearingen said the answers are not clear to the questions we are faced with, and the Council would take the necessary time and diligence, and will press Hercules to move forward.

- B. Select a Contra Costa College Women's History Month Honoree [**Council Report No. 2011-06; Action: Council Discretion To Select an Honoree (Athenour)**]

Council Member Murray nominated Marcia Kalapus as an excellent choice, especially considering the theme this year.

Irma Ruport addressed Council and nominated Council Member Long. Council Member Long thanked Ms. Ruport and withdrew her name.

There was Council consensus to appoint Marcia Kalapus as Pinole's 2010 honoree for Women's History Month. Council Member Long agreed to introduce her at the ceremony on March 24, 2011.

- C. Approve 2011 League of California Cities Annual Membership [**Action: Council Discretion (Requested by Council Member Green)**]

Council discussed the expenditure. Council Member Green said due to the financial situation, the monies should be spent locally and suggested skipping membership this year.

Council Member Murray said while he understood Council Member Green's position, the League was the cities voice in Sacramento, and protect cities from legislation that does not benefit of the local jurisdictions.

Council Member Long asked if the League provided their budget and expenditures.

City Attorney Reyes addressed her question and said that the League officers receive reimbursement for meetings and the League has a modest staffing level and pay employees commensurately with other non-profit organizations. He said he thought there was a lot of operating efficiencies with the League.

Mayor Swearingen said that the League membership was essential, in his opinion.

Ivette Ricco, Chamber President, addressed Council, and said she did not know if the benefits derived from membership warranted the amount of the fee, given that local groups are also in need of support and that charity begins at home.

Council Green again, recommended skipping the renewal this year.

Council Member Long said that with the new governor on board there are new challenges and unfolding of the state budget and it was a good idea to continue the membership.

ACTION: Motion By Council Member Long/Murray, The Council Approved Payment Of The 2011 League Of California Membership.

Vote: Passed 4-1 (Green opposed).

11. REPORTS & COMMUNICATIONS

A. Mayor / Chair Report

1. Announcements

a. CCC Mayors Conference Report. He reported on Board reappointments - Don Tasdin was elected to the CCTA delegate position; Balico withdrew his name. Mark Ross was reappointed to BAAQAM; the new conference chair was Dave Trotter from Moraga and the Vice Chair is from Danville.

The Council briefly discussed Conference appointments. Council Member Long suggested that Mayor Pro Tem Murray was an excellent choice for a position, specifically mentioning the LAFCO alternate position.

B. Mayoral & Council Appointments

1. Appointment to the Community Services Commission

Council Member Green reported. He said there were originally four applicants, one withdrew. He said George Parsons was the unanimous choice of the subcommittee, and asked whether a citizen can sit on more than one committee. Mr. Parsons had indicated if he had to give up one, he would relinquish the seat on EDHAC.

It was noted by staff that there was no specific prohibition to sit on more than one committee.

George Parsons, Pinole citizen and applicant, suggested that since four of the EDHAC members terms expire on June 1, and the Council is considering whether to keep EDHAC, that he would continue to serve on EDHAC for the next five months.

Council Member Long said in order to strengthen the diversity, she felt the appointment to the Community Services Commission should be filled by someone not currently serving on a committee; that is the only reason she could not support Mr. Parsons' appointment.

ACTION: Motion by Green / Banuelos, The Council Appointed George Parsons.

Vote: Passed 4-0-1 (Long abstained).

2. Appointment of a CCC Mayors Conference LAFCO Alternate (**Swearingen**)

Held over to the February 1 meeting.

3. Appoint Subcommittee for TAPS Interviews [**Council Report No. 2011-07 (Athenour)**]

There was Council consensus to appoint Council Member Banuelos and Green as the interview subcommittee for TAPS.

C. City Council / Agency Board Committee Reports

Mayor Long provided a WestCat Board update:

- The Lynx program was working well and had received an award for trans-bay bus service. They were advised that MTC wants to expand and add San Jose and San Francisco as voting members. Even though operating expenses are higher for larger operators than for the small operators, the argument in favor of the expansion is that if the larger operators take over the smaller ones and it will provide more efficient service. In addition they reviewed an environmental check-list for possible land acquisition. The mid-year budget was pretty much right on target, except for uncertain fuel costs.

Council Member Banuelos reported on the Commission meeting, stating that the commission was going to deliver flyers for the Special Council Workshop meeting on Fire Service Options on January 25.

Council Member Green was contacted by several people regarding business (A-frame) signs on the sidewalks and also by residents of Simas Avenue requesting speed humps. He asked to refer the items to staff.

Mayor Swearingen said there were also a few signs at the Pinole Valley Park. He asked staff whether they could with the Simas neighborhood on the speed bumps.

Public Works Director Allison explained the procedure for the speed hump inquiry which would be to direct the citizen to bring the request to the TAPS committee. Council Member Green said that he would represent the citizen and bring the request forward to TAPS for them.

Council Member Green also drew the Council's attention to the letter and flyers from BART Board Member Keller about seeking applicants to serve on their new police review board.

D. Council Requests For Future Agenda Items

1. Request for a plan/proposal in thirty days for Council review on 2301 San Pablo Avenue (Swearingen)

E. City Manager / Executive Director Report / Department Staff

1. Update on Governor Brown's Budget Proposal to Eliminate Redevelopment Agencies (**Espinosa**)

Ms. Espinosa provided a brief report, stating that the information is quickly changing from day to day, but the State is serious about eliminating redevelopment agencies. When you weigh the support for funding for schools vs. redevelopment, elimination would likely occur. Mr. Loomis said it would be a \$962,000 negative impact to Pinole and \$500,000 in revenue to the City from property taxes and rental income on Pinole Valley and Pinole Vista.

City Attorney Reyes said he had been following the issue closed and had thought the State would take an urgency action today to stop the cities from encumbering their funds, however, no action was taken.

Council Member Long asked if the current assets and cash held by the Agency that are encumbered would transfer to the City. City Attorney Reyes confirmed that they would.

Michelle Fitzer, Assistant to the City Manager, read a letter from the CA Redevelopment Association into the record, asking that cities send to the State under the Mayor's signature.

ACTION: There was Council consensus to send the letter with the Mayor signature.

Michelle Fitzer, Assistant to the City Manager provided a report on the LAFCO meeting held last week, where she provided an update on the status of Pinole's fire service study, stating that we were working with Rodeo/Hercules on a regional effort.

F. City Attorney Report

There was no report.

12. ADJOURNMENT

At 12:29 a.m. Wednesday morning, Mayor Swearingen adjourned the Regular Joint meeting to the Special Joint meeting of January 25, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Rosita Pardo, Al Marchitello, Margaret "Margie" Mary Burghardt-Gladen, Albert (Al) Barone and Jay Robert Sparrow

Submitted by:

Patricia Athenour, MMC
City Clerk

APPROVED BY THE CITY COUNCIL /AGENCY BOARD: