

**PINOLE CITY COUNCIL &  
PINOLE REDDEVELOPMENT AGENCY  
MINUTES  
NOVEMBER 3, 2009**

**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 at the Pinole Council Chambers located at 2131 Pear Street, Pinole, California. Mayor Fujita called the meeting to order at 5:36 PM. Boy Scout Troop 81 led the Pledge of Allegiance and the Flag Salute.

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

**A. COUNCIL MEMBERS PRESENT**

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

**B. STAFF PRESENT**

Belinda Espinosa, City Manager / Executive Director  
Inga Lintvedt, Assistant City Attorney  
Stephanie Downs, Agency Legal Counsel  
Michelle Fitzer, Human Resources Director/Asst to the City Manager  
Dean Allison, Public Works Director  
Paul Clancy, Police Chief  
Richard Loomis, Finance Director  
Mary Drazba, Economic Development Manager  
Leslie Carbahal, Redevelopment Analyst  
Patricia Athenour, City Clerk/Agency Secretary

City Clerk Athenour announced that the agenda was posted on Friday, October 30, 2009 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.

City Clerk Athenour announced that Jack Meehan had filed a card to speak on the Closed Session items. Council deliberated whether he should be allowed to speak now or under Citizens To Be Heard. The Council directed staff that they wished to amend the Council procedures to draft a procedure regarding addressing speakers on Closed Session items.

**Jack Meehan**, Pinole citizen, addressed Council and read a portion of the excerpt of the Brown Act from the cover page of the agenda. He told the Council that while the agenda descriptions may be compliant with the Brown Act, it should provide more detail regarding location and purpose; specifically addressing the items that described location vs. specifically the I-80 and Pinole Road description noting it should have the quadrants.

Mayor Fujita said Council would take his comments under consideration.

### **3. CONVENE TO A CLOSED SESSION (5:30 – 7:00 PM)**

At 6:15 p.m., Mayor Fujita convened the noticed Closed Session to discuss the following:

- A. Pursuant To Government Code Government Code §54956.9, The Pinole Redevelopment Agency Board of Directors Conferred With Legal Counsel, City Attorney Benjamin Reyes Regarding Potential Exposure to Litigation (“two matters”)
- B. Pursuant To Government Code Government Code §54956.8, The Redevelopment Agency Board of Directors Will Meet To Confer With Real Property Negotiator, Mary Drazba, Regarding Property: Pinole Valley Shopping Center – 1200-1400 Fitzgerald **HELD OVER TO NOVEMBER 17**
- C. Pursuant To Government Code Government Code §54956.8, The Redevelopment Agency Board of Directors Conferred With Real Property Negotiator, Mary Drazba, Regarding Property Located At 1-80 and Pinole Valley Road
- D. Pursuant To Government Code Government Code §54956.8, The Redevelopment Agency Board of Directors Will Meet To Confer With Real Property Negotiator, Mary Drazba, Regarding Property Located At Henry Avenue and Pinole Valley Road **HELD OVER TO END OF MEETING**

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

At 7:18 p.m., Mayor Fujita reconvened the meeting in open session. She announced there were no reportable actions from Closed Session, and the Agency Board would reconvene following the Regular Business to discuss Item 3D.

### **5. RECOGNITIONS**

- A. Proclamations
  - 1. Shelter-In-Place Education Day November 4, 2009

Mayor Fujita proclaimed November 4<sup>th</sup> at Shelter-In-Place Day and the proclamation was mailed to the Contra Costa County Community Awareness Emergency Response Group, Inc, at their request.

- B. Presentations

### **6. CITIZENS TO BE HEARD (Public Comments – Agency Board and City Council)**

The following citizens addressed the Agency Board:

**Heidi Dolamore**, Pinole Senior Community Library Manager, made introductions to the Council, provided an update on current programs, and reported on their past successful year. The library sees 400 people per day, and she reported high computer use at the facility.

**Jeff Rubin**, Pinole citizen, asked for the Council to consider extending the prohibition on smoking adjacent to public facilities, parks and open spaces from 20 to 50 feet and to ban smoking outside of restaurants with outdoor seating.

**Cindy Trego**, Pinole citizen, addressed Council regarding the recent rape in Richmond and said Pinole Valley High needed improved safety provisions to include cameras also. She holds the Board and the superintendent responsible for lack of action. Ms. Trego also reported recent tagging by gang members within our community. She urged citizens to attend the monthly WCCUSD safety meetings.

**Marcia Kalapus**, Pinole Historical Society President, announced the Flag Retirement Ceremony on November 11 at Fernandez Park, and said the Downer Mansion tours were fully booked. Pinole Historical Society will be making presentations in recognition of California History Week at the local grade schools. She thanked the Public Works staff for addressing a sidewalk issue on Belden Court and Marlesta. Kalapus also supported the smoking ban approved last year, and expressed dissatisfaction with the WCCUSD response to safety issues.

## 7. CONSENT CALENDAR

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

**Vote: Passed 5-0.**

- A. Approved the Minutes of October 20, 2009 Meeting
- B. Received the October 17-23 and October 24-30, 2009 List of Warrants and Receive the October 30, 2009 Payroll in the Amount of \$418,455.31.
- C. Received the FY 2009/10 First Quarter Treasurer's / Investment Report [**Joint Agency / Council Report No. 2009-169; Action: Receive Report (Lee/Lucken)**]
- D. Received the Agency Quarterly Loan Delinquency Report [**Agency Report No. 2009-65; Action: Receive Report (Lucken)**]
- E. Adopted **City Resolution 2009-116**, Established A Premium Only Plan Pursuant To Internal Revenue Code Section 125 For Pre-Tax Designation Of Employee Contributions Toward Health Insurance Premiums [**Council Report No. 2009-170; Action: Adopt Resolution (Miller)**]
- F. Adopted **City Resolution 2009-117**, Authorized The City Manager To Extend A Professional Services Contract In The Amount Of \$30,000 With CBX Technologies, Inc. For Maintenance Of The Security Camera System To Be Funded From The Information Systems Budget [**Council Report No. 2009-171; Action: Adopt City Resolution Per Staff Recommendation (Janke)**]

## 8. REGULAR BUSINESS

### NEW PUBLIC HEARINGS

#### A. Dissolution of Community Facilities District No 2007-01 ("CFD No. 2007-01")

##### Conduct a Public Hearing To Consider:

1. Adopt a resolution rescinding the prior Resolution 2007- 117 of formation, and calling the special election;
2. Adoption of a resolution declaring results of special election;
3. Introduction and first reading of an ordinance, rescinding prior ordinance No. 2007-07, levying special tax, dissolving the Community Facilities District No. 2007-01, and directing related actions.

**[Council Report No. 2009-173; Action: Adopt Resolution and Introduce Ordinance By Title Only, Per Staff Recommendation (Drazba)]**

**Mary Drazba**, Economic Development Manager, presented Council Report 2009-173 into the record and recommended action to dissolve the Community Facilities District 2007-01.

Ms. Drazba explained how CFDs are used to finance public improvements. She summarized the deal points, explaining that the plan required Panattoni to form the district to construct improvements and the Agency invested \$2.7 in the form of a loan, to be repaid by bonds issued by the City. The bond debt would be repaid by the property owners. Due to project delays beyond the control of the developer, and the drastic change in the state of the economy, the bond market is non-existent and the City is now unable to issue bonds, leaving no proceeds available to pay back the loan. Unforeseen site conditions, contamination on site, EBMUD design and engineering issues created extra project costs and a sixteen month delay. The staff report included discussion regarding the Agency's Guiding Documents (5-Year Implementation Plan, the Economic Development Strategy Plan and the Capital Improvement Program). Staff highlighted past agency projects and compared the Pinole Shores Business Park investment to be relative to other prior Agency projects. The report included a timeline depicting that Pinole Shores Business Park site was identified for redevelopment guiding documents since 1999, and funding had been allocated for the past ten years. Staff discussed the importance of this site to redevelopment of the entire corridor area; with this project as the stimulus to spark other underutilized and blighted sites.

Panattoni's commitment to date is \$13,325,000. The Agency owns Phase II, but Panattoni has a million dollar investment in Phase II, and they are required to pay the \$2.3M loan on Phase II.

For the past six months, staff had analyzed the three options listed below and held numerous meetings to brief the Council at various closed sessions. Options included:

1. Take No Action
2. Delay CFD Assessments
3. Dissolve CFD

Staff recommended that eliminating the CFD is the business incentive to stimulate future tenants and buyers. Pinole has a retail-dominated economic base, and this type of development is necessary to diversify the balance and provide business diversification. Staff discussed how the project would eliminate blight by having occupied units, create jobs, stimulate the economy, and act as the stimulus for continued development in the area. Staff was available for questions.

At the request of Mayor Fujita, City Clerk Athenour confirmed that the following items were on file:

- a. the proof of publication of the Notice of Hearing; and
- b. the two signed Waiver and Consent forms, consenting to the shortening of the 30-day minimum time period otherwise required between setting the hearing and holding the hearing

Mayor Fujita announced the opening of the public hearing at 8:18 p.m., to consider the proposed termination of Community Facilities District No. 2007-01 (Pinole Shores Business Park) and invited any person wishing to address the Council on any aspect of this proposal to do so.

The following citizens addressed the City Council:

**Mel Souza**, Panattoni Development, addressed Council and said this project was consistent with other Agency investments in the past and the dissolution of the CFD was essential to attract tenants or buyers to the park. It would make the project more competitive, and he urged Council to support the staff recommendation.

**Ivette Ricco**, Pinole Chamber of Commerce President, read a prepared statement into the record. She provided the Council with the statement, which included a list of questions which were entered into the record.

Ms. Drazba and Special Legal Counsel Downs responded to Ms. Ricco's questions.

**Stephanie Downs**, Legal Counsel, responded to the bond questions. Specifically responding to the Build America Bonds issues raised, she said that program is a marketing program. The program does not make a bond marketable if it does not have a marketable security, as is the case with the CFD.

In regard to the question regarding equity, Ms. Drazba responded that there would be no change in the Agency's equity position if the CFD were dissolved. The Agency has no equity in Phase I, and currently owns one hundred percent of Phase II. Panattoni and Dr. Nuttle's equity in Phase I is one hundred percent.

Regarding the question whether or not there was a lien and "due on sale" clause if the CFD were dissolved, staff responded there was not. The loan agreement would be satisfied, with a satisfaction agreement. The deed and "due on sale" would have been triggered if Panattoni had not constructed the improvements. If the CFD remains in place, there would be no change except to wait for the market to change.

Staff responded that there was a common area condo association lien on the property and each pay into that assessment.

The Phase II property will be sold at the residual land value at the time of sale, agreed between the Agency and Panattoni in the Phase II DDA; and \$500,000 is a fairly conservative estimate.

Ms. Downs explained that this was entirely market driven and at this point there was no interest on the loan as it was written, and the interest rate on bonds would be set on the time of sale.

In response to whether the site could be developed for residential use, Ms. Drazba said that the site could not be developed for any residential use, daycare for children or seniors due to the “brown fields” label due to the prior contamination. When asked if reducing the sales price would affect the CFD, staff responded the CDF was an operating cost, and would not be affected by a reduction in the sales price.

**Bill Miller**, Pinole citizen & EDHAC member, addressed Council. He said that Panattoni was asking for parity to market the property at the same rate as the competition, and he said the City should address that and suggested perhaps the CFD should not be dissolved, but rather suspended for twelve to eighteen months to aggressively market this park. He suggested that it may not be just about price, why deals have not been closed.

Ms. Downs said the assessment could be reduced to zero; but it would only be a delay of the assessment and staff’s recommendation was dissolving the CFD.

**Cindy Trego**, Pinole citizen and EDHAC member, stated that leaving the buildings vacant introduced potential crime concerns, and said that skateboarders have been congregating and there had been tagging. It becomes an attractive nuisance and these issues should be taken into consideration if the buildings remain vacant.

At 9:46 p.m., Mayor Fujita closed the Public Hearing.

Council Member Banuelos asked if the developer should speak to his past marketing plans.

Council Member Murray thanked the Chamber for their questions, noting that Council had already asked many of them during the past six months studying the issue. He felt most deals had been lost because it was all about dollars and cents and prospective buyers moved down the parkway for a less expensive deal. He supported staff’s recommendation and said this was the best option for this park at this time. It was not a give-away; it is the same as prior redevelopment projects – an investment. The agency upgrades the site and delivers it to a developer. The Agency tried to recoup the investment this time and it did not work out.

Mayor Pro Tem Long raised questions regarding the loan documents, of which only the first page was provided with the report. The document called out six percent interest. She asked whether there was a copy of the loan documents and whether the City would need to rescind the provisions in a separate document and a separate motion.

Legal Counsel Downs said if council voted to dissolve the CDF, staff would forward a Satisfaction of Loan Agreement for adoption at the next Council meeting.

Mayor Pro Tem Long said it should have been made part of the presentation and included in the staff report.

Ms. Downs said for the record there was no interest due on the loan; interest would be due only if there was a default on the loan.

Mayor Pro Tem Long said she was looking for equity for both parties. If the City helped improve Phase I, the City should then share on an increased value on Phase II. .

She said she would like to see a lighting and landscape district formed if the CFD was dissolved, and believed this was an opportune time for one to fold into the other. She raised a question regarding the similarity of investment on Vintage Square and said the amount of the investment reported by staff was gross; not net, and the out of pocket outlay was less on Vintage Square, and possibly also Sunnyview.

Ms. Drazba confirmed that the figures on Vintage Square were net.

Mayor Pro Tem Long closed her comments stating that the City should receive an increased equity in Phase II, or have say in the tenant mix. She said the deal should be improved on behalf of the City. She said she did not believe enough work had been done at this time.

Council Member Swearingen said there had been a benefit to the community; the junkyard was gone and replaced with a beautiful building. He agreed with Council Member Murray. Delaying the process would mean that the building would be older, there would be security problems, attractive nuisance, which makes it less desirable for buyers and tenants. The City has an obligation to move that property and get businesses on board. He agreed Council should have been provided the entire loan document but understood that Panattoni did not have an obligation to pay the loan. He liked the idea of a lighting and landscape district, but it would encompass a larger area, and some of those property owners are operating on a shoe string. He said he supported removing the encumbrance of the CFD.

Mayor Fujita said she agreed with Council Members Swearingen and Murray. It was time to move on and fill the park.

Mayor Fujita asked the City Clerk whether any written protests have been received pertaining to any aspect of the proposed termination of the CFD. The City Clerk confirmed that no written protests have been received.

Mayor Fujita entertained a motion to adopt the resolution rescinding the prior resolution forming the district and calling the Special Election.

**ACTION: Motion By Council Member Murray / Swearingen , The City Council Adopted Resolution 2009-118, Rescinding Resolution No. 2007-117. Rescinding The Formation Of The Community Facilities District, And Calling The Special Election.**

**Vote: Passed 4-1 (Long opposed)**

City Clerk Athenour confirmed she received completed and signed ballots from the two property owners who constitute the “qualified electors” entitled to vote at the special election, and based upon such receipt, declared the election closed. City Clerk Athenour confirmed she had signed a Certificate re Election Results, declaring that the measure supporting termination of the CFD has passed.

**ACTIONS: Motion by Board / Council Members Murray / Swearingen, the City Council Adopted Council Resolution 2009-119, Declaring the Results of the Special Election.**

**Vote: Passed 4-1 (Long opposed)**

**ACTIONS: Motion by Board / Council Members Swearingen/Murray, the City Council Introduced Ordinance 2009-09 on First Reading by Title Only, Rescinding Ordinance No. 2007-07, levying a special tax and dissolving the Community Facilities District No. 2007-01.**

**Vote: Passed 4-1 (Long opposed)**

The second reading and adoption of the Ordinance would be considered on November 17, 2009.

- B. **Conduct a Public Hearing** and Introduce An Ordinance Repealing and Replacing Pinole Municipal Code Chapter 8.32 Related to Massage Services [**Council Report No. 2009-174; Action: Motion to Table Indefinitely (Hersch)**]

Staff presented Council Report 2009-174, and asked Council to table indefinitely the introduction of an Ordinance Repealing and Replacing PMC Chapter 8.32. Staff intended to study the changes further and planned to bring forward a revised ordinance at a future meeting, and re-notice the hearing.

Assistant City Attorney Lintvedt said that proposed changes were based on the new law (SB 731) involving the statewide permit. In passing off monitoring and administration to the state, staff considered adopting an ordinance based on Vacaville's ordinance but Pinole staff wanted to impose a conditional use permit requirement on massage permits, and needed to continue work on the ordinance prior to introduction. In response to a question raised by Mayor Pro Tem Long regarding imposing zoning regulations, Lintvedt said it would apply on all similar services, as well as massage permits, such as dentists, nail salons, and beauty shops.

Mayor Pro Tem Long said that might not be a negative thing.

**ACTIONS: Motion by Board / Council Members Murray / Banuelos, the City Council Moved to Table Introduction of A New Ordinance Repealing and Replacing PMC Chapter 8.32 – Massage Services.**

**Vote: Passed 5-0.**

#### NEW BUSINESS

- C. Approve An Option To Purchase Agreement With Cal Trans For The Acquisition Of Surplus Land At The Intersection Of I-80 And Pinole Valley Road In An Amount Not To Exceed \$425,000 [**Agency Report No. 2009-68; Action: Approve Resolution To Authorize (Drazba)**]

**Mary Drazba**, Economic Development Manager, presented Agency Report 2009-68 into the record, recommending adoption of an Agency resolution authorizing the Executive Director to enter into an option to purchase the property known as Cal Trans excess land at I-80 and Pinole Valley Road (adjacent to Gateway East). Agency staff negotiated a price of \$425,000 with Cal Trans. Ms. Drazba said Kaiser has a first right of refusal for the property, but they have indicated they would not exercise their option, reserved for the right to construct additional

parking for the facility, which they have elected not to move forward with at this time. If approved, staff planned to use the site for additional parking in order to allow a sit-down restaurant to be constructed on the pad previously approved for a bank use.

Next steps include acquiring the property, designing a parking lot and forward a revised site plan to the Planning Commission. Agency staff will put all the entitlements in place, prior to marketing the plan to restaurant users. Staff was available for questions.

The Agency Board Members asked if a zoning change was required, how long Kaiser had to exercise their option, and whether Kaiser could land lock the subject property.

Agency staff responded that a zoning change was not needed, likely 30 days was reasonable for Kaiser to formally reject the offer and there were reciprocal easements in place on the existing site plan and map over the driveway.

**ACTIONS: Motion by Board Members Swearingen / Murray, the Agency Board of Directors Adopted Agency Resolution 69 - 2009, Approved An Option To Purchase Agreement With Cal Trans For The Acquisition Of Surplus Land At The Intersection Of I-80 And Pinole Valley Road In An Amount Not To Exceed \$425,000, across from the bowling alley.**

**Vote: Passed 5-0.**

- D. West Contra Costa Integrated Waste Management Authority Update Regarding Contract Negotiations On the Green Waste Processing Agreement [Council Report No. 2009-175; Action: Receive Report & Provide Direction to Delegate (Athenour /C. Lehon-WCCIWMA)]

**Patricia Athenour**, City Clerk, presented Council Report 2009-175 into the record. She summarized the recent negotiation discussions between the West Contra Costa Integrated Waste Management Authority (Authority) and the hauler and contractor for composting services, Republic Sanitary Services (RSS) and West County Resource Recovery. She introduced Chris Lehon, Recyclemore - Authority Executive Director to provide an update to Council. The staff recommendation was to receive the report and for Council to provide direction to the delegate, Council Member Murray, to proceed with negotiations between RSS and the Authority.

**Chris Lehon**, Authority Executive Director addressed Council. He explained that the Authority was the regional agency to comply with AB939 and held the contracts for the contracting and disposal, while each City monitors the franchise on the collection side. The current composting price, \$27.50, was based on a 10-year old contract. RSS submitted a new proposal of \$49.50 per ton and the Authority requested a full justification of the price. Since the contract was up for renewal, the Authority requested that RSS provide a bid for full organic (food scraps) composting, on behalf of El Cerrito and Richmond who have adopted ordinances to require full organic composting by July 2010. Mr. Lehon said since there will be a cost increase for the green waste; it seemed a good time to also add the organics. Adding food waste would bring the price to \$85.00 /ton. This cost translates to an additional \$.47 per month for green waste only or \$.76 per month per rate payer for full organic composting. Other issues associated with adding organics are the public education component, and a requirement that all the materials would have to be composted. Lehon discussed the tipping fee, transportation costs and

consolidation at the Golden Bear station. He said the bids ranged from \$69 per ton to RSS's proposal at \$49.50/ ton.

In closing Mr. Lehon said that the Authority would meet on November 5<sup>th</sup> to discuss the proposal, but likely any decision would be carried over to the December meeting. Mr. Lehon was available for questions.

Council Murray questioned why transportation costs were an issue as the new facility was closer than Solano County. He took issue with the comparison bids that Orinda Moraga received from Allied Waste, stating that both companies are subsidiaries of Republic and he questioned why Central County received a proposal of \$45 per ton and West County was \$49.50. He said the additional cost was not due to transportation any longer and wants a full comparison with the Central County rate.

Council Member Swearingen asked how the compost would be used, if the landfill was fully covered, and what El Cerrito was doing with its compost.

Mr. Lehon said El Cerrito's green waste is brought to the West County landfill; the green waste needs to be marketed somewhere else because the land fill is fully covered. He said the composting could be used at Keller for daily cover.

Council Member Swearingen said Council Member Murray was on target and that he also was not agreeable to pay more than Central County. He also said that the sale of compost should offset the rate increase.

City Clerk Athenour informed Council Member Murray that if the majority of the Authority member cities supported the inclusion of the organic composting, it would include mandatory participation by all cities. Council Member Murray said he had not understood that to be the case and Mr. Lehon confirmed that Ms. Athenour's statement was correct.

No formal action was taken. Council directed Council Member Murray to participate in the negotiations and attempt to maintain equity in the contracts between Central County and West County.

E. First Quarter Budget Report FY 2009/10 [**Council Report No. 2009-176; Action: Receive Report (Loomis)**]

**Richard Loomis**, Finance Director, presented Council Report 2009-176 into the record. He stated the objectives:

1. To review the overall financial condition of the general fund
2. Review revisions to the operating funds revenue forecast
3. Review expenditure reductions

Mr. Loomis said the General Fund deficit had been resolved for the current fiscal year and there is a surplus balance totaling \$826. Loomis identified the revenue reductions which totaled \$436,000; and the amount applicable to the General Fund was \$116,000. Loomis reported there was still a continued decline in the sales tax receipts. In the quarter-to-quarter comparisons, Pinole's decline was 13.5%, compared to a statewide decline of nearly 20%. He

reported that the tax consultant believes the economic downturn was bottoming out and stabilizing.

The Measure S fund reduction was 20%; local tax roles have declined 7.2 percent or \$138,000 and the Redevelopment tax increment reduction at mid-year was a 4.5% or \$335,000 decline.

The financial impacts/savings from labor concessions totaled \$520,000 across all funds, and the General Fund savings was approximately \$345,000.

He reported that Martinez was no longer interested in contracting for Police dispatch services, but there were continuing efforts for cost reductions and revenue enhancements for the Swim Center, added revenue with the anticipated sale of two to three reserve fire trucks, revenue enhancements from a business license audit and an annual fee review, although the CPI is negative, staff would still conduct a fee review. There was no formal action requested, but Mr. Loomis was available for questions and any comments from Council

Council Member Swearingen commented on the solar savings anticipated in 2011, and the potential for grant funding. He also suggested the Willie Brown approach to buy a foreclosure property with borrowed Agency funds, auction the property and deposit the proceeds in the General Fund.

Mayor Pro Tem Long asked if the cash flow issue remained.

Mr. Loomis responded that there would be until mid-December with the receipt of the property tax payment. Staff was working with the vendors until that time.

Mayor Pro Tem Long suggested conducting a random sampling of income verification on utility user tax waivers/ exemptions.

- F. **Authorization To Apply For A Greenhouse Gas Reduction Grant From The Bay Area Air Quality Management District [Joint Agency/Council Report No. 2009-172; Action: Receive Report and Approve Per Staff Recommendation (Allison)]**

**Dean Allison**, Public Works Director presented Agency/Council Report 2009-172 into the record, recommending that the Council and Agency Board authorize staff to apply for a Greenhouse Gas Reduction Grant from the Air Quality Management District. He said that a grant writer had been retained to prepare the application for \$7,000. The City anticipates receiving \$523,303, if approved. There was \$4,000,000 available to the communities of Pinole, Hercules, Crockett or Rodeo for use only on governmental buildings. He proposed a project which included upgrades to City Hall, Senior Center, Youth Center Public Safety and Swim Center which included solar panels, new HVAC systems, lighting upgrades and other improvements depending on the particular needs at each building.

Mr. Allison discussed the financial parameters. The upfront costs are \$500,400, with a 55/45 split between the Agency and the General Fund. The Public Works Director reported an anticipated cumulative savings of \$3.5 million in five years from these projects. Notification

regarding the grant is anticipated in April 2010, and all projects must be in place by December 2011.

Council Member Swearingen commented that time was of the essence because the application was due on November 16.

Council Member Banuelos asked if photo cells could be used and Mr. Allison responded affirmatively. He asked if the funding could be used for LED replacements for streetlights, and Mr. Allison said it was limited to buildings.

**ACTIONS: Motion by Council /Board Members Swearingen/Murray, the Agency Board of Directors / City Council authorized application for the Greenhouse Gas Reduction Grant, and authorized appropriation of \$7,000 to retain a grant writer.**

**Vote: Passed 5-0,**

**9. OTHER POLICY ITEMS**

**10. ROUTINE REPORTS & COMMUNICATIONS**

- A. Mayor / Chair Report
  - 1. Announcements

Mayor Fujita announced:

- 1. Pinole History Week and PHS presentations at schools
- 2. Veteran's Day celebration on November 11<sup>th</sup> at Fernandez Park
- 3. Chamber Mixer at Kaiser Medical Office Building on November 12

- 1. Mayor's Task Force on Education

Mayor Pro Tem Long asked to agendaize a discussion regarding whether Agency funding could be used to fund cameras at the Pinole Valley High and to work with the district to install fences in exchange for our contribution. Council Member Murray said he would raise the topic at the meeting with Dr. Harter at the subcommittee meeting on November 10.

**ACTION: Motion by Council Members Long/ Murray, the City Council extended the meeting to the end of the agenda.**

**Vote: Passed 5-0.**

City Manager Espinosa said that the District had previously discussed cameras and may have some proposals.

- 3. Appoint a Subcommittee & Set A Date To Conduct TAPS Committee Interviews – 3 Vacant Positions

City Clerk Athenour announced that the filing period concluded on October 29. Five applications were received for three openings. She asked Council to appoint a subcommittee and set a date to conduct the interviews.

The Council appointed a subcommittee of Virginia Fujita and Tim Banuelos to conduct interviews and reserved November 18<sup>th</sup> at 4:30 p.m. for interviews.

Council directed City Clerk Athenour to notify the applicants and schedule the interviews.

#### B. City Council / Agency Board Committee Reports

Mayor Fujita reported that she and City Manager Espinosa attended the West County Mayors Meeting. Ms. Espinosa then provided a brief report on the subcommittee addressing fire service delivery and said that the technical advisory committee would hold their first meeting on November 17, and that she would provide an update to the West County Mayors at their December meeting.

Ms. Espinosa also reported that on November 12, the West County Mayors' were meeting with Senator Boxer's Field Representative Hilary Pearson regarding stimulus funding for the radio system. Council Member Swearingen and Chief Clancy would be attending.

Council Member Swearingen updated Council on the Street Smart Program discussed at the last WCCTAC Board meeting and provided documents to City Manager Espinosa. The grant funding is to be used to promote safety, and the target group is seniors and students. He suggested Pinole could benefit for trail safety improvements near Collins School.

City Manager Espinosa said the project was assigned to Public Works Director Allison.

Mayor Pro Tem Long reported that she was supportive of the Agency exploring the cost of installation of cameras on the Panattoni site.

#### C. Council Requests For Future Agenda Items

1. Discuss using Agency funds for security cameras at Pinole Shores (Long)

#### D. City Manager / Executive Director Report

1. Update on Fire Service Delivery Discussions

City Manager Espinosa had provided a brief verbal update earlier during the meeting.

2. Follow Up on Topics Items Raised By Council
  - a. Status Report of Branding/Marketing Pinole

City Manager Espinosa reported that \$25,000 was set aside for marketing and branding. She asked for Council direction whether to send out an RFP or continue discussions with the person former Council Member Horton and Mayor Pro Tem Long had met with earlier this year.

Mayor Pro Tem Long said she was very impressed with that person, who recommended developing a strategy for marketing and a DVD.

Ms. Drazba recommended conducting an RFP and hopefully he would respond. She said Redevelopment Analyst Leslie Carbahal would be assigned to the project and be able to begin work in January 2010.

Mayor Fujita asked staff to agenda a Council discussion before moving forward with an RFP.

b. RV Storage Site on Tennent Avenue

Agency Executive Director / City Manager Espinosa reported the subject site was in a flood zone, and the owner had been approached and was not receptive to receiving Agency assistance to upgrade or fence the site. Ms. Drazba said the use (outdoor storage) is an allowable use in that zoning district and there was a need for it in the community. Ms. Espinosa said staff could analyze the cost, but cautioned that the CIP funding was committed.

Mayor Pro Tem Long said she would advise the person who forwarded the request that it was not viable.

E. City Attorney Report

Assistant City Attorney Lintvedt had no report.

At 11:20 p.m., the Council reconvened back into the Notice Closed Session.

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

At 11:36 p.m., Mayor Fujita reconvened the meeting in open session. She announced there were no reportable actions from Closed Session.

**11. ADJOURNMENT**

At 11:37 p.m., Mayor Fujita adjourned the Regular Meeting to the Regular Redevelopment Agency/City Council Meeting of November 17, 2009 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Jay Robin Sparrow, Allen D. White, Margaret A. Hiatt, Mona Dean Lane and Aaron Scott Brown.

**Submitted by:**

---

**Patricia Athenour, MMC**  
**City Clerk**

**APPROVED BY AGENCY BOARD / CITY COUNCIL:**