

**PINOLE CITY COUNCIL  
PINOLE REDEVELOPMENT AGENCY  
MINUTES  
November 17, 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 5:35 PM. Girl Scout Troop 32824 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  
Benjamin Reyes, City Attorney  
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, November 13, 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.

She advised Council of the following changes to the agenda:

Item 7E – The Agenda reflected a not to exceed amount of \$14,800, however the staff report reflected the revised, correct amount of \$24,397.

Item 8A – Revised staff reports have been provided to the Council on the dais and available for the public to reflect a “substantive” typographical error on Page 2. The correct price was \$601,128.

City Clerk Athenour announced that the December 1 meeting would convene at 5:30 PM with a brief closed session; at 6 PM the Council would conduct their annual Reorganization followed by a brief Reception for the new officers. At 7 PM the business meeting will reconvene.

### **3. CONVENE TO A CLOSED SESSION: 5:30-7:00 P.M.**

At 5:40 p.m., Mayor Fujita convened the Noticed Closed Session to discuss the following:

- A. Pursuant To Government Code §54956.8, The Pinole Redevelopment Agency Board Of Directors Conferred With Property Negotiator, Mary Drazba, Economic Development Manager Regarding Pinole Vista Shopping Center, 1200-1417 Fitzgerald
- B. Pursuant To Government Code §54597, The Pinole City Council Met To Conduct A Public Employee Performance Evaluation of the City Manager

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

At 7:10 p.m., Mayor Fujita reconvened the meeting in open session. She announced there were no reportable actions.

### **5. RECOGNITIONS**

- A. Proclamations / Certificates
  - 1. Certificate of Appreciation to the Pinole Historical Society for Pinole History Presentations

Mayor Fujita presented a Certificate of Appreciation to Marcia Kalapus, Pinole Historical Society President for the Pinole History Week presentations, which included the Flag Retirement Ceremony, Downer Mansion Tours, and presentations to Pinole elementary schools.

Marcia Kalapus thanked Council and said it was an exciting week.

- B. Presentations
  - 1. Public Works Department Recognition by Pinole Assisted Living Community Board Member McDonough

Tim McDonough, Pinole Assisted Living Board Member, addressed Council to publicly thank the Public Works employees for their quick response during the water break at the Pinole Assisted Living Community last month. He recognized Dean Allison, Rich Ariza, Patrick Bowie, Ken Coppo, Brian Denis, Steve Lightfoot, Rob Ouellette, and Steve Hudson.

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

The following citizens addressed the Agency Board / City Council:

Jack Meehan, Pinole citizen, expressed concern with the vagueness of items of the Closed Session Agenda descriptions. He asked Council whether they would consider whether his suggestion to add a note regarding public addressing the Council prior to the Closed Session

items. He asked that they be more informative about the matters to be discussed. He asked legal counsel whether the Civil Grand Jury has unrestricted access to the closed sessions and asked that the question be sent in writing to the District Attorney for a written reply.

City Attorney Reyes responded that the Grand Jury does not have unrestricted access to the unless there had been a change to the Brown Act, and that he was not inclined to allow the City Council to disclose anything without a subpoena.

**Susan Fernandez**, Pinole citizen, granddaughter of Bernardo Fernandez and addressed Council requesting that the City erect a plaque at the entrance to Fernandez Park, recognizing that the land was gifted by her grandfather Manuel, in memory of his son and others killed in World War II.

Mayor Fujita referred the matter to staff.

## 7. CONSENT CALENDAR

Mayor Pro Tem Long removed Item 7C for separate vote and Item 7D for discussion.

**ACTIONS: Motion by Board / Council Members Murray/Swearingen, the City Council / Agency Board of Directors Approved the Consent Calendar, With the Exception of Items 7C and 7D.**

**Vote: Passed 5-0.**

- A. Approved the Minutes of November 3, 2009 Meeting
- B. Received the October 31-November 6 and November 7-13, 2009 List of Warrants and Received the November 13, 2009 Payroll in the Amount of \$431,396.63.
- C. Waived Second Reading And **Adopted Ordinance 2009-09**, Rescinding Ordinance 2007-07 Levying A Special Tax And Dissolving Community Facilities District No. 2007-01 -Pinole Shores Business Park [**Council Report No. 2009-177; Action: Adopt and Waive Second Reading (Drazba)**] **REMOVED FOR SEPARATE VOTE**
- 7D. Adopt Agency Resolution, Authorizing the Executive Director To Enter Into A Satisfaction And Release Agreement With Pinole Shores LLC [**Agency Report No. 2009-69; Action: Adopt Resolution Per Staff Recommendation (Drazba)**] **REMOVED FOR DISCUSSION**
- E. Approved a Residential Rehabilitation Program Loan For The Property Located At 1880 Sarah Drive In An Amount Not To Exceed \$14,800 [**Agency Report No. 2009-70; Action: Approve Per Staff Recommendation (Carbahal)**]
- F. Adopted **Agency Resolution 71-2009**, Authorize the Executive Director to Execute a Contract with Hawley Peterson Snyder for Architectural and Design Services for the Gateway East Restaurant Parcel in an amount not to exceed \$51,950. [**Agency Report No. 2009-71; Action: Adopt Resolution (Drazba)**]

- G. Received the Quarterly Vendor Report [**Joint Agency/Council Report No. 2009-178: Action: Receive Report (Lucken)**]

**Items Removed from the Consent Calendar**

- 7C. Waive Second Reading And **Adopt Ordinance 2009-09**, Rescinding Ordinance 2007-07 Levying A Special Tax And Dissolving Community Facilities District No. 2007-01 -Pinole Shores Business Park [**Council Report No. 2009-177; Action: Adopt and Waive Second Reading (Drazba)**] **REMOVED FOR SEPARATE VOTE**

**ACTIONS: Motion by Council Members Swearingen/Banuelos, The City Council Waived Second Reading and Adopted Ordinance 2009-09, Dissolving Community Facilities District No. 2007-01 - Pinole Shores Business Park**

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

- 7D. Adopt Agency Resolution, Authorizing the Executive Director To Enter Into A Satisfaction And Release Agreement With Pinole Shores LLC [**Agency Report No. 2009-69; Action: Adopt Resolution Per Staff Recommendation (Drazba)**] **REMOVED FOR DISCUSSION**

Mayor Pro Tem Long removed the item and said that the provisions of the loan agreement that spoke to specific performance were never discussed. If the loan is released, there would be no guarantee that Panattoni would construct the second phase or commitment to complete the project. She recommended holding the item over for future discussion regarding non-monetary issues such as allowing the Agency to have some discussion about the business mix and when the project might be completed. She said they have not met all their obligations under the terms of this loan.

Ms. Drazba responded. The loan agreement was referenced under the Disposition and Development Agreement (DDA). The grant agreement Mayor Pro Tem Long was referencing was entered into when there was one DDA on both properties and this Deed of Trust was released last January based, and the original DDA was amended to separate out Phase II from Phase I.

Mayor Pro Tem Long asked what the new DDA required. Ms. Drazba responded that Panattoni has until 2011 to complete Phase II and the price would be based on residual land value.

Mayor Pro Tem Long asked if the formula was already set for the residual land value. Staff confirmed the formula was set, but the numbers to plug into the formula would not be available until the time of disposition of Phase II.

Mayor Pro Tem Long asked the City Attorney whether Panattoni was still obligated to complete Phase II, and City Attorney Reyes confirmed they were obligated.

Mayor Pro Tem Long recommended an amendment to the resolution to more correctly reflect their obligation.

City Attorney Reyes forwarded the following language to be added to the last "Whereas" on page 1 of the resolution: ***"and is required to perform its obligation pursuant to the Amended Disposition & Development Agreement for Phase II of the Project."***

**ACTION: Motion By Council Members Murray/Banuelos, The City Council Adopted Council Resolution 2009-119, Authorizing The Executive Director To Enter Into A Satisfaction And Release Agreement With Pinole Shores LLC, As Amended To Add The Following Language To The Last Whereas: "and is required to perform its obligation pursuant to the Amended Disposition & Development Agreement for Phase II of the Project".**

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

## **8. REGULAR BUSINESS**

### **PUBLIC HEARINGS**

- A. **Conduct a Public Hearing To Consider The Sale Of Real Property At The South East Corner Of Henry Avenue And Pinole Valley Road (Gateway East Project) To Corlin Commercial, LLC Or Assigns And Approving A Reuse Report Required By Health And Safety Code Section 33433 [Joint Agency/Council Report No. 2009-179; Action: Adopt City & Agency Resolutions (Drazba)]**

**Mary Drazba**, Economic Development Manager presented Joint Agency / Council Report 2009-179 into the record, including a description and parcel number, as the site has no address. Summarizing the recent project history, staff said the Agency Board entered into agreement with Colliers International to market the property. An offer was submitted at \$23 per square for, the same price Kaiser paid for their site. The terms called for an all cash offer; \$601,628 at closing, with a 120-day close of escrow, and two 30-day extensions. Ms. Drazba said the buyer would pay all closing costs. Attachment C, the summary reports explained the property disposition and the actual costs to the Agency. The net profit to the Agency would be approximately \$407,722.

Mayor Pro Tem Long asked if the real estate fees were considered in the net to the Agency and Ms. Drazba said they were to be paid by buyer.

Council Member Murray directed staff to be aware of the Council's concern that the future design must be compatible with the community and should be developed with that specific criteria in mind, and asked that this concern be passed on to the Planning Commission.

At 7:44 p.m., Mayor Fujita opened the Public Hearing; no speakers addressed Council / agency Board and the Public Hearing was closed.

**ACTIONS: Motion by Council Members Murray / Long, the Agency and City Council Adopted Council Resolution 2009-120 and Agency Resolution 72-2009, Approving the Sale Of Real Property At The South East Corner Of Henry Avenue And Pinole Valley Road (Gateway East Project) To Corlin Commercial, LLC Or Assigns And Approving A Reuse Report Required By Health And Safety Code Section 33433.**

**Vote: Passed 5-0.**

- B. Conduct a Public Hearing and Introduce An Ordinance Amending Pinole Municipal Code Chapter 15.40 – Fire Codes and Amend the Master Fee Schedule, By Resolution To Revise the Fire Inspection / Plan Check Fees [Council Report No. 2009-180; Action: Introduce Ordinance by Title Only & Adopt Resolution (Parrott)]

**Jim Parrott**, Fire Chief presented Council Report 2009-180 into the record to adopt local amendments to the California Fire Code. In 2007 the Uniform Fire Code was changed to the California Fire Code and was adopted by reference with the Building Code. At that time, some extraneous language, contained in the California Fire Code was left in the Pinole Municipal Code. The action was essentially a clean-up ordinance to repeal portions of Chapter 15. The recommendation also included acceptance of new statewide mapping under the authority of the California Department of Forestry and Fire Protection (Cal Fire). The new state maps identify a small section above Pinole Valley in the Very High Fire Hazard Severity Zone. It includes about twenty-five parcels. There would be no impact to developed parcels; only modest change to new building construction on vacant lands. Chief Parrott discussed the evidence of Sudden Oak Death on the Sobrante Ridge and because of this change to the area, the ridge has been included in the VHFHSZ. Also included was a recommendation to adopt a resolution to amend the fee schedule and include the updated fees.

Chief Parrott was available for questions and responded to questions from Council Member Swearingen regarding a description of land owned by the City and those owned by East Bay Regional Park District.

Mayor Pro Tem Long asked if the fee schedule contained a fee for false fire alarms, and Chief Parrott said it did not, but contained a fee for re-inspections and an alarm could be construed as a secondary visit.

Mayor Pro Tem Long suggested adding a fire alarm fee in the future.

Chief Parrott responded to a question from Council Member Banuelos regarding a clarification regarding an Urban Wildfire Zone and High Severity Zone.

At 7:55 p.m., Mayor Fujita opened the Public Hearing. No speakers addressed Council and the Public Hearing was closed.

**ACTIONS: Motion by Council Members Swearingen / Murray, the City Council Introduced Ordinance 2009- 10, Amending and Repealing Portions of the PMC Chapter 15.40 - Fire Codes.**

**Vote: Passed 5-0.**

**Motion by Council Members Long / Banuelos, The City Council Adopted Resolution 2009-121, Amending the Master Fee Schedule to Add Fire Inspection and Plan Check Fees.**

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

- C. Conduct a Public Hearing To Consider Establishing A Fee to File An Appeal For Business License Revocation, Massage Permits and Code Enforcement Actions And Amend The Master Fee Schedule To Include Said Fee [Council Report No. 2009-181; Action: Adopt Resolution Per Staff Recommendation (Athenour)]

Patricia Athenour, City Clerk presented Council Report 2009-181 into the record. She explained that the City had experienced several appeals in the past eighteen months, and provided Attachment C which contained analysis to justify the recommended \$575 fee. A recent case involved a high level of legal assistance, and the hearing cost over \$7,000 in staff time. Ms. Athenour also sought direction from Council whether there was Council support to amend the Code to contain a section on Appeals, and review the variety of different identified boards or staff members to act as hearing officers.

At 8:00 p.m., Mayor Fujita opened the Public Hearing. No speakers addressed Council and the Public Hearing was closed.

**ACTIONS: Motion by Council Members Murray/ Fujita, the City Council Adopted Resolution 2009-122, Establishing a Fee to File an Appeal for Business License Revocation, Massage Permits and Code Enforcement Actions And Amend The Master Fee Schedule To Include Said Fee**

Mayor Pro Tem Long questioned the cost for appealing code enforcement actions.

City Attorney Reyes said establishing a fee does not take away staff's ability to negotiate a plan with citizens, and there would also be an opportunity to add language to waive the appeal in the event that a person demonstrates hardship, should it be the pleasure of Council.

Council Member Swearingen said it appeared that this would target one type of business.

**Vote: Passed 5-0.**

There was no specific direction regarding any future actions to amend the Code sections pertaining to the actions and methods to appeal.

## REGULAR BUSINESS

- D. Consider Contracts To Effectuate The Construction Of The Heritage Park Cottages And Public Right-Of-Way Improvements
1. Award contract to Pacific Mountain Contractors; amount not to exceed \$984,716 to construct Heritage Park Phase II cottages and orchard trail.
  2. Amend existing contract with Woldemar & Associates; adding amount not to exceed \$24,100 for professional services & construction management of Heritage Park Phase II Project.  
**[Agency Report No. 2009-72; Action: Adopt Resolutions Per Staff Recommendation (Kuykendall)]**

Francine Kuykendall, Senior Project Manager presented Agency Report 2009-72 into the record. She said this was Phase II and the final stage of the Heritage Park project. Ms. Kuykendall discussed funding, potential income generation, project components and project

benefits. Ms. Kuykendall introduced Project Architect, Michael Woldemar to describe the cottages contained on the 2.5 acre parcel.

**Michael Woldemar**, Project Architect, described the site plan and design of the three small houses ranging from 1000 sq. ft. to 1,230 sq. ft , reflective of old town character. All have garages, driveways and off street parking in front of each unit. Site improvements include a new trail from San Pablo to Buena Vista and a small orchard along the trail. Woldemar provided the project history, concluding with a site plan approved by Council in June 2008.

Staff described the benefits gained through creation of the homes, which include 3 owner-occupied affordable housing, blight removal, additional community assets including the trail and orchard, storm drainage and sidewalk improvements, income production and additional property taxes.

Staff was available for questions.

Council raised questions regarding advertisement to local contractors and additional clarification regarding the receipt of Measure J funds. , and Council Member Murray asked any local contractors looking at this project.

**Anne Hersch**, Associate Planner, responded that Measure J funds were received through the County and the City must demonstrate good faith to satisfy housing obligations.

Vice Chair Long asked how much was attributed to the land value to the homes, and asked whether the Agency was paying for all permits. She asked how the contract estimate was derived; as the information was not part of the packet or the scope of work. She believed the price was high and could not understand why there were only two bidders

Ms. Kuykendall said it the land value was approximately \$35,000, and that the project estimate was just over \$900,000 for the three residences. Staff responded that the contractor was obligated to pull the permits and provide liability insurance, and the Agency would transfer the \$102,000 to the Building Department for the permit fees.

Mr. Woldemar explained that a direct invitation was mailed to twenty-five contractors and local licensed companies. A pre-qualification meeting was held in the Pinole Council Chambers and at the end, only two provided the required prequalification documents. Staff also met the legal notice requirements and published at the local plan houses. He said he felt they received good prices. The low bidder had recently built a firehouse in Pittsburg and received good references.

A lengthy discussion followed regarding local hiring policy and Vice Chair Long expressed interest in encouraging the contractor to hire local businesses and suppliers.

Board Member Swearingen said that could not be required; he explained that contractors usually have a group of subs they regularly work with and that is reflected in the bid price. He commented on Oakland's requirements to mandate hiring locally.

Board Member Banuelos cautioned against becoming too restrictive relative to hiring policies.

Board Member Murray supported Vice Chair Long's concerns on local hiring. He said he was unaware this project was out to bid. According to the state prevailing wage policy, there is an

exemption when housing funds are used, but stated that was not Pinole's policy. He said the Council should be consulted regarding deviating from established policies, and that some steps had been missed in the process.

Vice Chair Long said she asked whether the City/Agency had a prevailing wage policy. She said she thought the project was too expensive and could be done for less, unless prevailing wage was being used. Her real concern was to use local labor, which was not part of this contract, and would like more discussion in the future how that can be changed. She asked for clarification how Pinole's policy differs from state policy and asked if we are bound by state policy.

City Attorney Reyes the Council had adopted the current prevailing wage policy in 2000, which exempted projects with four or fewer residences. The policy is consistent with the law for affordable housing projects and the State code. He said the Council could set a more restrictive policy, but it would not be enforceable under the law.

Board Member Murray was under the impression that because there was Agency funding, we could require prevailing wage. He wanted assurance that this project would be built to a high quality standard, with the architectural detail specified in the plans.

Woldemar discussed the plan specifications utilizing green materials, such as water heater, the roofs, the siding,

Vice Chair Long asked if there was any language that can be added for more local hires.

City Attorney Reyes said with local preference policy, findings must be made to show that local contractors are disadvantaged by being here in Pinole. Staff could pursue if directed by Council, but he cautioned that it was an extremely elaborate process that is mandated by the Supreme Court.

The plans were in the plan houses and Swearingen said the plans are at the plan houses, and all the subcontractors can see the plans and offer a bid proposal.

Vice Chair Long said she was not proposing to stop this project now, but wished to discuss the local hiring policy in the future.

The following speakers addressed the Agency Board/ City Council.

**Sean Duckworth**, Pinole EDHAC member, reported that EDHAC originally requested a cost estimate and found the cost was less than the original estimate. EDHAC supported the project, and voted 5 and 1 abstention to recommend approval. The affordable housing market is much more stable than the regular real estate market. He thanked staff for their presentations.

**Marcia Kalapus**, Pinole Historical Society (PHS), asked how this development would impact the Faria House being used as a museum. She said that PHS and the Garden Club want to be involved in the orchard and the trail design and had concerns about location of the path, responsibility of the area, the type of fruit trees and who would own the fruit, whether there would be a hedge between the trail and the Faria House, and suggested the area be lit at night.

Staff responded stating that the City would initially be responsible for maintenance of the orchard and trail.

Mr. Woldemar said that a variety of fruit trees would be planted and he hoped that the Senior Club and/or the Garden Club would harvest the fruit. The eight foot wide trail would be illuminated with the same bollard type photo cell lights as the Faria House, and the gates at the Faria House are recommended to remain. Mr. Woldemar said that the intent for maintenance would be originally with the City which would later be divested to another entity.

City Manager Espinosa suggested not planting fruit trees that require more maintenance.

The discussion turned to Phase III which had not be addressed in several years, which proposed a carriage house, and an original intent was that a caretaker would reside on site and maintain the orchard.

Council Member Swearingen suggested addressing these maintenance issues at a future time and move forward with the issues under consideration.

**ACTION: Motion By Agency Board Members Swearingen/Banuelos , The Agency Board Adopted Agency Resolution 73-2009, To Award Contract For Construction To Pacific Mountain Contractors For Lump Sum Bid Of \$984,716.**

**Vote: Passed 5-0.**

**ACTION: Motion By Agency Board Members Murray / Long, The Agency Board Adopted Agency Resolution 74-2009, Approving A Contract With Woldemar And Associates To Provide Professional Management Services.**

Agency Board Member Murray commented that he wants assurance that the product received would be to the specifics of the plan

**Vote: 4-1 (Banuelos abstained)**

- E. Receive Report Regarding Pinole Historical Museum Feasibility Study  
[Agency Report No. 2009-73; Action: Receive Report (Kuykendall)]

**Francine Kuykendall**, Senior Project Manager presented Agency Report 2009-73 into the record and introduced Kathleen Brown to present the results of the feasibility study including an analysis of the Society's income potential, and to determine whether the Society has the capacity to earn money to maintain the museum and be self sufficient.

**Kathleen Brown**, Museum Consultant, said most museums are supported by contributed funding, not 100% self-funded. The study was designed to review the difference between the earning potential and the expenses. Workshops were conducted in February 2009 to define the purpose of the museum, and develop a mission /vision statement. Ms. Brown pointed out this was a bifurcated citizenry between an aging and young population, which determined that the museum should be designed to appeal to a wide range of interests and perspectives. She discussed the Society's current involvement in publications, presentations, tours, festivals and events and collections. She recommended avoiding being the "community attic", and plan for a very stringent collective mandate. The concept included use of the surrounding park with

vegetables and fruit trees and said the Garden Club, Youth Center attendees and the Rotary were interested in the garden project.

Ms. Brown described their vision how the Faria House would be set up as a venue for programs, exhibitions, visitors, and community space on Floor 1, and the Society's private use on the 2<sup>nd</sup> floor for collections, storage, office and workspace. With no wheelchair accessibility, the 2<sup>nd</sup> floor would be either private use, and/or possible sub-lease to a complimentary organization.

Proposed staffing needs identified a part-time program coordinator (\$25,000), and volunteer coordination was also a high priority.

Operating assumptions included:

1. All capital improvements will be accommodated and no capital debt.
2. The Society would manage the Faria House under an operating agreement with the City
3. The City would be a substantial partner in its operation and maintenance, and the grounds would be available to the Society and the Faria House would be a free access center.

Current Society Financials:

1. Income- \$6,000
2. Expenses \$2,700
3. Cash \$25,175 (as of June 2009).

Brown noted that operating a facility and an active program would dramatically increase operating expenses; projected at \$30,000 in Year 1 to \$82,000 in Year 5. The plan assumed free rent, with a partnership with the City for utilities, maintenance, and insurance.

Revenue projections comparison from Martinez was \$12,000. The Society would need \$24,600 in contributions \$24,600 in Year 1 and \$34,350 in Year 5. In conclusion Ms. Brown said that the museum could likely raise enough money to operate and asked what the City was ready to do and asked how the Society could work with the Senior/Youth Centers collaboratively? Ms. Brown was available for questions.

Council Member Swearingen asked if any other sites were looked at by the museum, other than the Faria House.

**Marcia Kalapus** responded that this site was discussed with Marc Grisham and Lois Boyles as an option in 2005. Ms. Kalapus said until the museum has a location, the Society is unable to apply for grants.

Council Member Murray commented that the historical society had been active for 35 years. When the Faria House was relocated, staff discussed a use that would generate income to sustain the house, not necessarily the museum, but it has manifested as possibly the best option.

Council Member Swearingen asked if the house adjacent to the Senior Center might be a viable option for a museum.

Council Member Murray said that site was bought with the intent to be used for additional senior center parking. The PHS has been looking for a location, this appears to be a good one, and his main concern is with maintaining the building in the pristine condition it is today.

Mayor Pro Tem Long discussed dedicating the site to the Society and asked if that would allow them to apply for grants.

Ms. Brown responded yes, if there was a formal letter of intent showing commitment that the location would be their home.

Council Member Banuelos said the only thing in the General Plan on that site is the museum.

Ms. Espinosa confirmed that the Agency had set aside money for interior renovations to bring the structure to Code and the Society would provide for the enhancements such as ambiance and wallpaper, etc. Mike Woldemar had already donated his service to inventory the interior work that need to be done.

The Council received the report. There was Council interest in an event facility or exterior events such as garden weddings to generate income. There was discussion regarding getting sponsored/donated work from contractors, or from businesses who may want to

Council Member Murray said he was supportive to dedicate the use to the Museum, especially after he understood there were funds available.

**Shelia Grist**, PHS Board Member advised the Council that the downstairs bathroom was handicap accessible.

F. Conduct Discussion Regarding A Special Recreation Tax  
[Council Report No. 2009-182; Action: Council Discussion / Provide Direction  
(Reyes / Athenour)]

**Benjamin Reyes**, City Attorney, presented Council Report 2009-182 into the record. He said the information was preliminary and was provided as a placeholder for discussion and there was no recommendation. He said that a special parcel tax question would require a 2/3's vote of the electorate to pass. He said that \$50 was discussed as the amount, and would generate approximately \$300,000. If done as a sales tax, ½ cent generates currently approximately \$1,396,000 per year, but he cautioned that a tax increase would make Pinole the highest in Contra Costa County. He said

**Patricia Athenour**, City Clerk advised the Council of the updated preliminary information received from Contra Costa County Elections Department subsequent to the dissemination of the packet. The County estimated the cost to conduct the June election would be \$2.25 per registered voter, and in November 2010, it would be \$2.00 per registered voter. Ms. Athenour cautioned that these costs were preliminary and subject to change.

Council discussion followed about the pros and cons of a June or November election, or whether there should be a question forwarded by the City.

Council Member Swearingen said he could not see our electorate supporting a tax for a small select group.

Mayor Pro Tem Long thinks the question should not be placed on the ballot by the City, if done, it should be community driven, as an initiative.

Council Member Murray favored a June election, as we would be competing against the School Board in November and possibly other entities.

The following citizens addressed the City Council:

**Marcia Kalapus**, Pinole citizen, opposed another tax measure and explained this would be a huge burden on citizens. She provided other options to raise revenue for the Swim Center such as the Seals raising their dues, or fundraising and the City could assess an out of city fee for pool use.

**Shelia Grist**, Pinole citizen, said it would be a good idea to put it on in November.

**Sean Duckworth**, Pinole citizen, agreed it should be community driven. He said he did not think there would be support for another tax in Pinole, and he did not support it. He suggested the Swim Center supporters either do fundraising or let them forward an initiative ballot measure. He asked whether the pool supporter would support a tax if it was for all recreation services.

**Jack Meehan**, Pinole citizen, said many entities were looking at increasing taxes. The current sales tax is 9.75% and that was high enough. He said the only impacted recreational group were the Seals, and since they were extremely active, they may be able to fill their own void. The City has this obligation first, to present a report regarding how much money was expended on behalf of the swim center, the Senior Center, the Youth Center and all other recreation activities, and compare that with what has been reduced during the past year, and address how a new tax would supplement or supplant the existing revenue.

Mayor Fujita said that Mr. Meehan's suggestion of a report was a good idea.

Council Member Banuelos asked how the money would be divided among the various recreational programs.

Mayor Pro Tem Long said it should be up to the community to put it on the ballot and write the language for the ballot measure. She wants it clear that it is to be community driven and does not think any report was necessary.

Ms. Espinosa responded that staff would not be involved in any community driven act, except to provide statistical information upon request. She was aware that the Seals were actively fundraising, and she was willing to meet with them to study the full operation of the pool.

The Council directed staff to work with Seals and other members regarding providing information regarding what subsidies are provided and other financial information.

## **9. OTHER POLICY ITEMS**

## 10. ROUTINE REPORTS & COMMUNICATIONS

### A. Mayor / Chair Report

#### 1. Announcements

There were no announcements.

**ACTION: At 11:00 P.M., Motion By Council Members Long / Banuelos, The Council Approved Extending The Meeting To The End Of The Agenda.**

**Vote: Passed 5-0**

#### 2. Mayor's Task Force on Education

Council Member Murray reported on the Safety Meeting attended by Ms. Espinosa, Chief Clancy, and Principal Sue Kahn. The current enrollment at Pinole Valley High (PVH) is 1,629 students. Topics of discussion included expended funds; DeAnza High's anticipated completion in 2013, future bond issue/ballot measure and how they relate to PVH, which was deemed to be a high priority for the next measure. There were no plans for the closure of Pinole Valley High, as rumors had indicated. Richmond contributed \$1.5M and San Pablo \$300,000 to keep their schools open. The District requested that Pinole consider funding \$300,000 for Shannon Elementary as they have no funding commitment at this time, funding a vice principal at PVH and funding music programs (\$60,000). Council Member Murray said he advised them that the City was in a difficult financial situation and it would be difficult to even consider. Cameras and fencing at PVH were also discussed and possibly there would be funding from other projects that have come in under budget. Council Member Murray suggested providing Dr. Harter with a list of proposed projects to fund at PVH as money is becoming available, and noted that the restrooms were definitely on the list.

City Manager Espinosa reported on the District Safety meeting held on November 14, 2009. Each city made a brief presentation regarding their safety concerns. Chief Clancy discussed the method of payment for SROs at each school. The attendees broke into small groups to discuss gang prevention, facilities, crime, and building good character. Each tabled ended up focusing on the Richmond incident and Richmond programs, and she was disappointed that they were not addressing the whole problem. Board said they would analyze the information for future meetings.

Council Member Banuelos said he was part of the facilities discussion and the first thing the group discussed was a parcel tax, Pinole Valley High renovation and the rest was related to improvements to Richmond schools.

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

Council Member Swearingen reported on the East Bay Regional Communications progress meeting. Efforts had been underway since 2005 to provide a communication system to Alameda and Contra Costa Counties. Thirty-five million dollars is still needed, after already investing thirty-five million, but will provide capability of communicating with all our neighbors. Completion is anticipated in 2013.

Mayor Fujita reported on the November CC Mayors Conference. Joan Buchanan, Assembly Member from the 15<sup>th</sup> District was the speaker and the topic was the negative impacts the

recent legislation would have on the Delta. She also reported on the WestCat Board Meeting, that the Board received a status report on the BART Feeder Bus issue; and it remains unresolved to date where the funds will come from.

Mayor Pro Tem Long said that WestCat was experiencing difficulty in sustaining the BART feeder bus program. The Board decided to conduct a meeting with West County city managers and mayors, and County representatives as a joint effort to provide political clout to in hopes to continue providing transportation to the Bart facilities.

Council Member Banuelos reported that he visited the Richmond Skate Park and asked the City Manager to have Recreation Director Wooldridge call and get information regarding the cost.

- C. Council Requests For Future Agenda Items
  - 1. Agendize Smoking Ordinance to amend distance from public facilities and to address outdoor seating areas (Long) - **Consensus to forward for consideration in February 2010**
  - 2. Bus Turnouts (Swearingen) **Consensus for staff to agendize and provide report with a cost estimate.**
  - 3. Branding (Long) **Consensus to schedule a presentation before Council with the consultant they met with previously. This is not time sensitive – low priority.**
  - 4. Pinole Valley Park Lighting (Swearingen)  
Request for further discussion for lighting and to keep the dog park lit and open after dusk. **Consensus to agendize a report back to Council with costs and options for further discussion.**
- D. City Manager / Executive Director Report
  - 1. Report Out on Follow-up Items

City Manager Espinosa forwarded a letter of support for the Mayor's signature supporting an application for stimulus grant funding for CCC Health Service. There was Council consensus for Mayor Fujita to execute the letter.

Ms. Espinosa reported that the Ad Hoc First Services Technical Committee held their first meeting and she was appointed as the chair. They will be meeting twice a month and will report back to the West County Mayors & Supervisors on December 17 and to LAFCO in January. The committee is looking at the feasibility of global county wide fire service delivery, developing a model for Pinole, Rodeo Hercules and Con Fire, reviewing the San Pablo situation, and the Battalion 7 concept, which is the highest priority.

- E. City Attorney Report - none

There was no report.

## 11. ADJOURNMENT

At 11:35 p.m., Mayor Fujita adjourned the Regular Meeting to the Regular Redevelopment Agency/City Council Meeting of December 1, 2009 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Glenn F. Bywater, Martin Matthew Mendoza and Vilma G. Brown

**Submitted by:**

---

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

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