

**JOINT PINOLE CITY COUNCIL &
REDEVELOPMENT AGENCY
MINUTES
DECEMBER 15, 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 Long called the meeting to order at 6:03 PM. Girl Scout Troop 30828 led the Pledge of Allegiance and the Flag Salute.

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

A. COUNCIL MEMBERS PRESENT

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

B. STAFF PRESENT

Belinda Espinosa, City Manager / Executive Director
Benjamin Reyes, City Attorney
Inga Lintvedt, Assistant City Attorney
Michelle Fitzer, Human Resources Director/Asst to the City Manager
Dean Allison, Public Works Director
Paul Clancy, Police Chief
Jim Parrott, Fire Chief
Pete Janke, Deputy Police Chief
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, December 11, 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.

Ms. Athenour reported that Item 8A under the Public Hearings section was incorrectly identified and was actually Old Business. It was not a Public Hearing, although public testimony is allowed on any item on the agenda.

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

At 6:08 p.m., Mayor Long convened the Council in a Noticed Closed Session to discuss the following topic:

Redevelopment Agency Board

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: Pinole Vista Shopping Center 1350 Fitzgerald
Agency Negotiator: Mary Drazba, Economic Development Manager
Negotiating Parties: None at this time
Under Negotiation: Price and Terms

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

At 6:52 PM, Mayor Long reconvened the meeting in open session. She announced there were no reportable actions from Closed Session.

Mayor Long reordered the agenda to move Item 11- Reports & Communications forward on the agenda.

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
 - 1. Announcements - Mayor Long announced:
 - a. Update on the December 2nd Mayor's Conference in Lafayette; San Ramon Mayor Dave Hudson was elected to the Bay Area Management Board of Directors
 - b. She and Council Member Fujita attended the Neighborhood Watch meeting on December 8th; Pat Pava and Al Chavarria provided safety tips to the community;
 - c. Shared a poem written and presented by Waneva Ross at the Tree Lighting Event on December 5th
 - 2. Review 2010 Council Committee Assignments [**Council Report No. 2009-197**]

Patricia Athenour City Clerk presented Council Report 2009-197 into the record. Mayor Long led the discussion to reaffirm and amend the Council assignment list.

Council Member Fujita said Council Member Banuelos replaced former Council Member Horton serving as an alternate on several committees, and suggested he be appointed as a delegate, if interested.

Council Member Banuelos expressed interest in serving as the delegate to the WCCUSD Bond Oversight Committee as Council Member Murray has a conflict with the time of that meeting and PALC meeting.

Mayor Long directed staff to schedule a Finance Subcommittee meeting in January. City Clerk Athenour said that the agenda would include review of the 2008/09 audit.

The Council discussed whether there was merit to continue to list the Adhoc Safety Committee since they have never met. Council Member Murray asked that the Council review the Adhoc Safety Committee final report to see if all the items listed had been addressed and accomplished by the Police Department. Council directed staff to agendize a discussion in January or February.

The City Clerk would prepare and disseminate the 2010 Council Assignment List to reflect the delegate changes.

- B. Mayoral / Council Appointments
- C. City Council / Agency Board Committee Reports

Council Member Fujita reported that she and Council Member Murray attended the Pinole-Hercules JPA meeting. Status reports were received and the main dialogue centered on the City of Hercules and their impending decision whether to continue operations with Pinole at the existing plant or join West County. Hercules has consigned for a separate engineering study, as well as the jointly funded study for both cities to send the effluent to West County in order to determine if West County or upgrading the Pinole plant would be preferable option. The Hercules members said they would reach a decision by mid-February 2010.

Council Member Murray continued the report, stating that the JPA had discussed the regional aspect and speaking to other providers in West County (Crockett and Rodeo). He also provided an update on the WCCIWMA Board meeting regarding negotiations for green waste. Although he voted in opposition to the contract with RSS, there was approval which would result in an increase of \$48.50 per ton, and if food scraps were included it would be \$60 per ton. It was a significant increase, but it had been over ten years since the last contract negotiation.

Council Member Banuelos reported on the Bond Oversight Committee meeting which he attended on behalf of Council Member Murray. The board discussed construction projects coming to a close, and noted that construction at DeAnza was about to start. Pinole Valley High renovation was the next large project on the horizon; once a bond measure is passed.

Mayor Pro Tem Swearingen attended Chamber Board meeting last week and reviewed their budget, showing a profit attributable to the Business Expo. The Chamber was planning a second event next year. He also reported on the Chamber Mixer at Mechanics Bank, attended by approximately thirty members.

- D. Council Requests For Future Agenda Items

The following items were forwarded for future discussion. There was Council concurrence to direct staff to prepare a report and agendize for Council discussion.

1. Ban or plastic bags and Styrofoam (Murray)
2. Update on the County project in an unincorporated portion of Appian Way – project is in conflict with the proposed Pinole Specific Plan (Long)

Planning Manager Rhodes advised Council that the City did not initially receive the required notice, but became aware when the hearing was continued. He reported that he has scheduled a meeting with the County project planner, and was hopeful the project would be revised to address Pinole's concerns. The project is scheduled before the County Planning Commission

on January 26th and the required rezoning action must be approved by the County Board of Supervisors. He said he would keep the Council advised with updates.

Council Member Murray asked staff to investigate whether the County had approved a storage container/building on a residential property outside the City limits at the intersection of Pinole Valley Road and Galbraith. He also said that any letters directed to County staff, should also be copied to the Board of Supervisors.

The agenda resumed the regular order.

5. RECOGNITIONS / PRESENTATIONS

A. Proclamations

1. Retirement Proclamation Honoring Fire Chief James Parrott

Mayor Long read and presented a proclamation to Chief Parrott, summarizing his twenty year career with the City of Pinole; first as Assistant Chief, and then Chief. Chief Parrott accepted the proclamation and thanked the Council for the opportunity to live and work in such a great place.

The Council each individually addressed Chief Parrott and extended thanks and appreciation for his service to the community. It was noted that he would be very difficult to replace.

2. Retirement Proclamation Honoring Deputy Police Chief Peter Janke

Mayor Long read and presented a proclamation to Deputy Chief Pete Janke. Deputy Chief Janke was hired in 1976, and he has served thirty-three years with the City, starting as a patrol officer with successive promotions to Deputy Chief in 2009. He was also voted 1998 Officer of the Year.

The Council each individually commended Deputy Chief Janke for his very long tenure over thirty-three years in Pinole and discussed his many adventures and his experience leading and teaching new officers. Deputy Chief Janke accepted the proclamation and thanked the Council for the opportunity to serve Pinole.

B. Presentations

There were no presentations.

6. CITIZENS TO BE HEARD (Public Comments)

Jack Meehan, Pinole resident, congratulated Chief Parrott and Deputy Chief Janke on their retirements and raised the following three points to Council:

1. At a recent meeting he raised the issue regarding speaking to a closed session item on the agenda. The City Clerk responded correctly citing the Brown Act and said that a speaker can address Council on any item on the agenda. City Attorney Reyes added that it was at the discretion of the Mayor, and he felt that was in conflict with the Brown Act and asked that the City Attorney to issue a written opinion.

2. Asked the City to join with all agencies in West County to provide a white paper to address all their fees/costs, and referenced a recent article in the West County Times regarding the variation in wastewater rates between Pinole, Hercules and West County Sanitation District.
3. Request for a status report on the Praxair Pipeline project.

Inga Lintvedt, Assistant City Attorney addressed Mr. Meehan's comment on the Brown Act question and said while she cannot speak for City Attorney Reyes, the Council has does the right to set their own procedures and policies as long as they are not contradictory to the Brown Act. She said the office would be glad to prepare a memo.

Mayor Long directed the City Attorney's office to prepare a memo to provide clarification. She also directed staff to provide a PraxAir Project Update in February.

7. CONSENT CALENDAR

Council Member Fujita removed 7F.

ACTIONS: Motion by Board / Council Members Swearingen/ Fujita, the City Council / Agency Board of Directors Approved the Consent Calendar, With the Exception of Item 7F.

Vote: Passed 5-0.

Redevelopment Agency Items

- A. By **Minute Order** the Council Approved A Commercial Tenant Lease For Matilde Guadalupe Salon In The Fernandez Corner Building At 2401-C San Pablo Avenue [**Agency Report No. 2009-75; Action: Approve Per Staff Recommendation (Drazba)**]

Joint Agency Board / City Council Items

- B. Adopted **Joint Council Resolution 2009- 126 & Agency Resolution 76-2009**, Accepting The Completion Of The Annual Residential Streets Overlay Project 2008-09, Direct Staff To File A Notice of Completion, and Authorize the Release Of Payment And Performance Bonds, and Retention Monies [**Joint Agency/Council Report No. 2009-189; Action: Adopt Joint Resolution (Allison)**]
- C. Adopted **Joint Council Resolution 2009- 127 & Agency Resolution 77-2009**, In Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 [**Joint Agency/Council Report No. 2009-190; Action: Adopt Joint Resolution (Fitzer)**]

City Council Items

- D. Approved the Minutes of the December 1, 2009 Meeting
- E. Received the November 28-December 4 and December 5-11, 2009 Lists of Warrants and Received the December 11, 2009 Payroll in the Amount of \$458,571.92.

- F. Received and Accepted Report From City Attorney Regarding Staffing Changes [**Council Report No. 2009-191; Action: Accept Report (Reyes)**] **REMOVED FOR DISCUSSION**
- G. Waived Second Reading & Adopted **Ordinance 2009-11**, Amending Title 15 of the Pinole Municipal Code – Building & Construction – By Adding Chapter 15.54, Water Efficient Landscaping [**Council Report 2009-192; Action: Adopt and Waive Second Reading (Hersch)**]
- H. Adopted **Council Resolution 2009-128** Authorized The Director Of Public Works To Submit An Application To The California Energy Commission For An Energy Efficiency And Conservation Block Grant For Street Lighting [**Council Report No. 2009-193; Action: Adopt Resolution Per Staff Recommendation (Allison)**]
- I. Adopted **Council Resolution 2009-129** Amend the Formation (Bylaws) Resolution of the TAPS Committee [**Council Report No. 2009-194; Action: Adopt Resolution Per Staff Recommendation (Athenour)**]

Items Removed From the Consent Agenda

- 7F. Received and Accepted Report From City Attorney Regarding Staffing Changes [**Council Report No. 2009-191; Action: Accept Report (Reyes)**] **REMOVED FOR DISCUSSION**

Council Member Fujita commended Ms. Lintvedt on her service to the City and wished her well on her endeavors.

Assistant City Attorney Lintvedt clarified that she was not leaving Pinole; she would be on a short sabbatical to perform volunteer work in Cambodia.

ACTIONS: Motion by Board / Council Members Fujita/Swearingen, the City Council Accepted the Report Regarding City Attorney Staffing Changes.

Vote: Passed 5-0.

8. PUBLIC HEARINGS

- A. Review Report Regarding 2010 Increase to the Residential and Commercial Waste Collection Rates [**Council Report No. 2009-195; Action: Accept Report (Allison)**]

Mayor Long announced that this Item was Old Business as stated by the City Clerk.

Dean Allison, Public Works Director, presented Council Report 2009-195 into the record. The report provided notice to the Council and the community regarding the increase rate for garbage collection, effective January 1, 2009. The Collection Service rate structure was approved under the revised franchise agreement with Richmond Sanitary, approved by the City Council in December 2008. The increase included the annual CPI index, the franchise fee and enhanced service programs. At the time the report was disseminated, the IRRF surcharge had not been approved by the West Contra Costa Integrated Management Authority. WCCIWMA Board

Resolution 2009-04 was approved on December 10, 2009, adopting the budget and increasing the IRRF surcharge approximately \$.42 per month per ratepayer. Mr. Allison said the overall increase was approximately 2.7 percent.

Council discussion followed.

Council Member Fujita questioned El Cerrito's lower rates.

Council Member Swearingen responded that El Cerrito has a separate recycling program, but their disposal rate is the same as Pinole's.

Mayor Long asked the required age for a ratepayer to qualify for the senior rate. Mr. Allison said he would research and report out in the Weekly Administrative Report.

The City Council accepted the report.

9. OLD BUSINESS

10. NEW BUSINESS

Joint Agency Board / City Council

- A. Authorize The City Manager / Executive Director To Execute A License Agreement With The County Flood Control And Water Conservation District To Construct and Maintain The Pinole Creek Demonstration Project [**Joint Agency/Council Report No. 2009-196; Action: Adopt Joint Resolution (Allison/Lintvedt)**]

Inga Lintvedt, Assistant City Attorney presented Agency / Council Report 2009-196 into the record, with a recommendation that the Council /Agency Board authorize the City Manager to execute a License Agreement with the Contra Costa County Flood Control District to allow the City to construct improvements and provide maintenance on Flood Control District property.

She reported there was an existing easement that predated the Pinole Creek Restoration project, but the City needs a license agreement that provides construction and access rights that addresses the duties and obligations of both agencies. She said it was likely that the current easement will be abandoned, leaving only the proposed License Agreement. Ms. Lintvedt was available for questions.

City Manager Espinosa said without the license, the City would not have the right to build the Pinole Creek Demonstration Project. This is a much more comprehensive agreement, with a twenty-five year term.

Mr. Allison summarized the City's responsibilities for the Demonstration project after completion. He defined the area within the creek as the County's, and everything from the edge of the creek back to the property line is City responsibility which includes lighting, benches, flood walls, and trash/graffiti removal.

Ms. Espinosa explained that the Flood Control District was responsible for everything within the channel.

Council Member Fujita asked if a funding source had been identified for the anticipated \$10,000 annual General Fund maintenance costs.

Mr. Alison said the funding source had not been identified, but the street lights and graffiti removal is currently budgeted at \$6,000.

No speakers addressed the Agency Board / City Council.

ACTIONS: Motion by Board / Council Members Fujita/Murray, the City Council / Agency Board of Directors Adopted Joint Council / Agency Resolutions 2009 – 130 & 78-2009, Authorizing The City Manager / Executive Director To Execute A License Agreement With The County Flood Control And Water Conservation District To Construct and Maintain The Pinole Creek Demonstration Project

Vote: Passed 5-0.

- B. Receive Report on Proposed Budget For Fabrication and Installation of Plaques at Fernandez Park and Kaiser Medical Office Building Sites [**Agency/Council Report No. 2009-199; Action: Receive Verbal Report & Provide Direction To Staff (Espinosa / Allison)**]

Belinda Espinosa, City Manager opened the discussion stating that the report was being provided at the request of Council to provide cost estimates for the installation of two plaques to honor the Fernandez and Faria family members.

Dean Allison, Public Works Director presented a slide presentation and cost information for the fabrication and installation of the two memorial plaques to honor Pinole families at Fernandez Park and the Kaiser Medical Office site. He provided visual examples of a bronze plaque and base, and other plaques currently existing in the City. He also forwarded language for the plaque and suggestions on placement.

The Redevelopment Agency City Beautification was identified as the funding source. The estimated project budget was \$2,250, including engraving, and excluding the bases which were anticipated to be \$500 and funded through a community service sponsorship (Boy Scouts, Rotary, Exchange Club project) and the \$250 pledge from the Pinole Historical Society. Mr. Allison suggested a large granite rock for the base.

Faria Homestead Plaque at Kaiser Site, Pinole Valley Road

Placement was discussed at the corner of Henry Avenue and Pinole Valley Road. Allison said that Economic Development Manager Drazba cautioned that it could interfere with the development of that parcel that had recently been sold. An alternate option was at the walkway to the Kaiser building, adjacent to Pinole Valley Road.

Fernandez Family Park - Fernandez Park

Mr. Allison said he met with Susan Fernandez, Dr. Manuel Fernandez's granddaughter who suggested locating the plaque on a rock adjacent to the sidewalk by the restrooms in Fernandez

Park. She also drafted language that was included in the slide show exhibit. Staff was in agreement with the suggestion.

Staff recommended moving forward with the installation. Staff would coordinate the project with the families. The expenditure is within city manager expenditure limit and completion was anticipated in three months.

Council comments and direction was provided:

Council Member Murray suggested a granite memorial. He expressed concern that bronze was a target for metal scrappers. He asked estimates were requested from monument companies. He also expressed concern with the proposed location of the Faria family memorial. He recommended it be closer to the building or at the property line near I-80 where it would be prominently placed. He cited the Blue Star Memorial as a good example of placement.

Council Member Banuelos concurred with Council Member Murray and suggested it be placed adjacent to the front door of the Kaiser facility. He said the plaque should include more information, and he supported the Fernandez Family plaque as presented.

Mayor Long agreed with the location in Fernandez Park but wanted assurance that it would be affixed. She supported Council Member Murray's idea for a granite stone and asked if there was a cost to that option. She suggested developing a standard prototype for memorial plaques. She did not support the location of the Faria memorial at the front door of the medical office building since it would be visible only to Kaiser patients.

Council Member Fujita suggested considering other shapes rather than just the square design.

The following speakers addressed the City Council:

Jeff Rubin, Pinole Historical Society, addressed Council regarding their donation which was \$250 specifically for the memorial plaque in Fernandez Park.

Mayor Long said there was agreement from the Council regarding the bronze material and the budget for the plaques but wanted more information on the Faria plaque. She supported the location and the verbiage on the Fernandez plaque.

City Manager Espinosa said staff sought direction from Council regarding the materials and the budget, and staff would address the logistical issues. The discussion was closed with receipt of the direction from Council.

11. REPORTS & COMMUNICATIONS (continued from earlier in the meeting)

- E. City Manager / Executive Director Report / Department Staff
 - 1. City Committee/Commission Report [**Council Report No. 2009-198; Action: Receive Report (Espinosa)**]

Belinda Espinosa, City Manager presented Council Report 2009-168 into the record. At the direction of the Council, a report was prepared to summarize the goals, directives, activities and actions of the commissions and committees. No recommendation was provided.

Council comments and questions followed.

Council Member Fujita asked how often Community Services Commission meets. Staff responded that it was once per month.

George Parsons, EDHAC committee member, addressed Council on behalf of the committee and referenced a letter previously sent to the City Council and the City Manager that EDHAC continue with a full membership composition and staff support. He said there was merit to create the committee and they are performing the duties that the RDA Subcommittee had previously done. Over past few months, with the economic conditions, EDHAC's has not had many projects to review but are interested in working on Pinole's future even though there are few Agency developments. He asked whether the Council still supported their existence. He said their meetings had been reduced to once per month.

Council Member Banuelos commented that there was no regular reporting to the Council.

Mayor Pro Tem Swearingen commented that the Council may want to consider appointing a Council liaison to the committees.

Mayor Long raised her initial comment at the time EDHAC was established, regarding budget and staffing costs for the committee and was told it would be negligible. She said the City cannot afford more staff; the meetings should be recorded and committee members transcribe. Discussion followed. Council Member Fujita requested copies of the minutes to know what subjects are under discussion. City Manager Espinosa said the minutes are prepared by volunteers and are not completed by the next meeting. Mayor Long said they are not getting them at all, and Ms. Espinosa said that could be rectified.

Mr. Parsons commented on the process and said he is the current "minute taker." Action minutes are submitted to Economic Development Manager Drazba within days following the meeting.

Council Member Murray said he felt that the Council's connection was lost when EDHAC was created and RDA Subcommittee disbanded. He was not concerned with minutes, but the Agency Board reports had contained summaries and recommendations from the RDA Subcommittee. RDA Subcommittee meetings were very robust, as Mr. Parsons noted that EDHAC also was. He does not support enlarging the committee membership, but thinks that two council members should participate on EDHAC to provide some semblance of the RDA Subcommittee.

Mayor Long said that she and Council Member Murray would schedule a meeting with three EDHAC members to discuss EDHAC's process and develop a relationship that is best for the community. She used Heritage Park as an example where the connection was lost. She said she would provide a report back to Council by the second meeting in February.

Council Member Fujita said the EDHAC bylaws said that Planning Commission would be drawn into review earlier in the process, and asked if that had occurred.

As a method to assure that is met, City Manager Espinosa suggested that a Planning Commission member attend or also be an EDHAC member. She cautioned the Council that the RDA Subcommittee forum was used to discuss highly confidential project issues, deal

structures in the Closed Session format, and this is not conducive to the current EDHAC structure.

Jeff Rubin, Community Services Commission member, provided a brief commission update. He reported they are supporting the Seals Fun Run currently. He said the committee is functioning effectively and the members work well together.

The Council asked that all committee minutes and agendas be forwarded to Council electronically via email. There were no further comments on the Community Services Commission.

No formal action was taken.

City Manager Espinosa reported that the Fire Services Technical Advisory Committee would meet the following morning and no action had taken place since the last report to Council. She also reported that City Hall would be closed on furlough between December 24th and January 4, 2010.

F. City Attorney Report

Assistant City Attorney Lindvedt thanked the Council for the opportunity to serve as the Assistant City Attorney and said she would return next year.

12. ADJOURNMENT

At 9:02 p.m., Mayor Long adjourned the Regular Meeting to the Joint City Council & Redevelopment Agency Meeting of January 19, 2010 and in memory of fallen US Armed Service Members, and Pinole citizens Amber Swartz, Beulah Brindley, Dorothy Brooks and Felix Zucker.

Submitted by:

Patricia Athenour, MMC
City Clerk

APPROVED BY AGENCY BOARD / CITY COUNCIL: