

**JOINT PINOLE CITY COUNCIL &
REDEVELOPMENT AGENCY
MINUTES
JANUARY 19, 2010**

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 5:30 PM and led the Pledge of Allegiance.

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, January 15, 2010 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 reminded the Council of the upcoming events: Senator DeSaulnier Town Hall meeting at 7 PM on January 21, 2010, the Employee Recognition Ceremony/Breakfast at 8 am at the Senior Center, the 2nd General Plan Steering Committee Workshop on Tuesday, January 26, 2010.

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

At 5:35 PM, Mayor Long convened the Council in a Noticed Closed Session to discuss the following topics:

City Council

- A. CONFERENCE WITH LABOR NEGOTIATOR – Pursuant to GC §54597.6
City Labor Negotiator: Michelle Fitzer and Bruce Heid, IEDA
Employee Organizations: LOCAL ONE, AFSCME, PPEA & FIRE LOCAL 1230
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Pursuant to GC §54597
Public Employee Performance Evaluation: City Manager

Pinole Redevelopment Agency Board of Directors

- C. CONFERENCE WITH LEGAL COUNSEL; Pursuant to GC §54956.9(b)
Anticipated Litigation (“one matter”)
Agency Counsel: Benjamin Reyes
- D. 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 6:57 PM, Mayor Long reconvened the meeting in open session. She announced there were no reportable actions from Closed Session.

5. RECOGNITIONS / PRESENTATIONS

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

Mayor Long read and presented the proclamation proclaiming January as National Blood Donor Month to Lisa Eversole with the Red Cross.

Ms. Eversole thanked the Council and the community for the recent successful blood drive and announced a future one in April at Pinole Valley High. Pinole citizens donated ninety nine units of blood in 2009. She provided her phone number and email address: 510-295-3440 her cell # and email address at eversolela@usa.redcross.org

- B. Presentations (preceded 5A)
 - 1. Pinole Youth Commission Quarterly Update

Youth Commissioners Marylynn Bui & Ezekial Starling presented a quarterly update to Council and highlighted past and upcoming projects and events. Past projects: Dash and Dine, Pinole Cinema Snack Bar, the Halloween Carnival and the Tree Lighting Festival, Senior Center partnerships waiting tables at Senior events. Upcoming activities include: Yakattack, a workshop meeting with other youth commissioners, an annual retreat, leadership activities, a documentary regarding Pinole from the youth prospective, and various fundraisers which still require a vote to confirm. They announced that the Youth Commission donated \$750 to the Youth Center.

The Council provided comments and thanked the Commission for their great work, excellent report, and the donation to the Center.

6. CITIZENS TO BE HEARD (Public Comments)

The following citizens addressed the City Council and Agency Board of Directors:

Marcia Kalapus, Pinole citizen, addressed the Agency Board regarding article in the West County Times regarding a financial dispute between TKG, and the owner of the Subway store at the Pinole Valley Shopping Center. Ms. Kalapus expressed her anger that business owners are still trying to get fees and expense information from the management company.

Long referred her to Mary Drazba and that this Agency Board is not complacent.

Marcia Kalapus, Pinole Historical Society (PHS) President addressed the City Council and reported that the PHS January meeting would be held on January 28th due to a conflict with the DeSaulnier Town Meeting on January 21, 2010. The meeting will feature a segment on Jesse Clark. Ms. Kalapus also announced that their meetings may also be relocated in March, and to watch for upcoming information. She spoke about their book sales and the online newsletter with a new format, and thanked the community for supporting the PHS last year.

Manoj Tripathi, Subway store owner and Pinole Valley Shopping center tenant, addressed the Agency Board regarding the unresponsiveness and the “closed books” from TKG at the Pinole Valley Shopping Center and the closed books and unresponsiveness from TKG. He explained he owns thirty stores in fifteen Bay Area cities and what is being done at Pinole Valley Center is wrong and cited specific examples involving security, garbage, and property tax in a written statement provided to the Agency Board of Directors and asked for Agency Board assistance.

Chair Long said the audit process on the Pinole Valley center would begin soon.

Heidi Dolamore, Pinole librarian, addressed the Council regarding reading, stating that twenty percent of Pinole elementary students scored below basic or far below basic, and at the high school level forty percent scored below. Two out of 5 high school students struggle with reading. She offered assistance at the Pinole Library and discussed the various reading programs offered. Dolamore also announced the Library Valentine Program and offered an opportunity for the Council to drop a note. All valentines will be presented to Council at the next meeting.

Mayor Long suggested that the Pinole Youth Commission may want to work with the library.

Jeff Rubin, Community Services Commission member, asked the Council conduct town meetings either on a quarterly or semi-annual quarterly town meetings, talk to the Council in an informal setting, quarterly or bi-annually and monthly coffees on Saturdays with rotating members. His requests included placement of bulletin boards throughout the City to augment the website or a website redesign which had been discussed and planned in 2008. He forwarded Walnut Creek and Pleasant Hill as good examples, and provided suggestions for updates to the Pinole site, including a separate page maintained by each Council Member with their FPPC filings and listings for the Community Service Commission, and board and committee applications. An enhanced website would encourage more participation.

Mayor Long referred the item to staff and said that someone would get back to him regarding his good suggestions.

Ivette Ricco, Pinole Chamber President, addressed Council regarding a call she received from Code Enforcement regarding issues with sign compliance on new and existing businesses. She also discussed the lack of information and the difficulty navigating the City website, noting that

the Municipal Code link should be a more prominent position. She made several suggestions to enhance the site, to include business license information and application, as well as a checklist. She designed an enhanced business license packet and provided the screen shots to Mayor Long.

Mayor Long said she would discuss the suggestions with the City Manager and said the City was reviewing the business license process and could possibly incorporate these recommendations.

Cindy Trego, Pinole citizen, addressed the newspaper article regarding TKG, and reiterated that she had asked in the past why their books were not open for review, since public money goes into the center. She asked if TKG was in breach of contract and if that is the case, why the Agency hadn't addressed the matter. She asked if there was a figure available regarding the time spent on this issue.

Chair Long said she could not comment now, and would respond when she was able.

7. CONSENT CALENDAR

Council Member Swearingen removed Item 7C.

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

Vote: Passed 5-0.

Redevelopment Agency

- A. Approved a Residential Rehabilitation Program loan for the property located at 843 East Meadow Avenue in an amount not to exceed 12,000. **[Agency Report 2010-01 Action: Approve Per Staff Recommendation (Carbahal)]**
- B. Received First Time Home Buyer Program Update. **[Agency Report 2010-02 Action: Receive Report (Carbahal)]**
- C. Approve Chipotle as a Proposed Tenant at 2702 Pinole Valley Road in the Pinole Valley Shopping Center. **[Agency Report 2010-03 Action: Adopt Resolution Per Staff Recommendation (Drazba)] REMOVED FOR DISCUSSION**

Joint Agency Board / City Council

- D. Approved the Minutes of the December 9 and December 15, 2009 Meetings
- E. Received the December 12-18, December 19-23, December 24, 2009 – January 8, 2010 January 9-15, 2010 Lists of Warrants and Received the December 23, 2009 Payroll in the Amount of \$437,453.77 and the January 8, 2010 Payroll in the Amount of \$501,550.42.

City Council

- F. Received A Report From City Attorney on Brown Act. **[Council Report No. 2010-01 Action: Receive Report (Reyes)]**

- G. Adopted City Resolution 2010-01, Amending the City Wide Records Retention Schedule. [**Council Report No. 2010-02 Action: Adopt Resolution (Athenour)**]

Item 7C

Vice Chair Swearingen applauded the new businesses, but expressed concern that the parking configuration at the Pinole Valley Shopping Center discouraged people from shopping. He recited receipt of citizen complaints regarding congestion and difficulty parking. He said that he understood that the Agency was not able to approve tenants and asked Ms. Drazba to comment.

Board Member Banuelos reminded Chair Long of the Planning Commissions past concerns regarding trucks exiting and entering the freeway into the back of the center. He said a parking problem generally means business was good; but at this site, the issue was getting into the center and he asked that TAPS committee review this issue.

Agency Chair Long said that parking and ingress/egress continues to be her greatest concern. She asked if the restaurant patio/outdoor seating was reviewed by the Planning Commission to discuss the configuration and asked if tenants pay additional CAM fees for outdoor seating as they use more of the center than the other tenants.

Board Member Murray commended on the tenants serving alcohol and asked how the premises are defined.

Ms. Drazba responded to the questions. The Planning Commission granted a parking variance as a trade off for the economic benefit. She recognized during peak periods there was parking congestion, but was pleased that the stores were visited. Staff continues to monitor the situation. The Planning Commission required installation of the bus turnout to assist in traffic mitigation. Outdoor seating was designed into the plan from inception. Chipotle must seek approval. Peet's Coffee and Happy Sashimi were approved with the original application. She would check to determine whether alcohol could be served in the exterior seating area and would check with the property managers on security costs as they relate to outdoor seating.

Vice Chair Swearingen supported the restaurant but was concerned that a restaurant with alcohol could require more security, as well as concern due to the proximity to the high school.

Ms. Drazba said the Agency review purview was to the type of use, not the lease with a specific user.

Board Member Murray instructed staff to make sure that the Planning Commission was aware of the Council's concern regarding the sale of alcohol in public areas.

Chair Long provided direction for the TAPS Committee to explore the on-sight traffic/circulation at this center and provide a report back to Council.

Board Member Fujita noted that all centers are congested when Trader Joe's was a tenant.

Marcia Kalapus, Pinole citizen, addressed the Agency Board regarding serving alcohol on an outdoor premise and referenced a prior situation at the Pear Street Bistro.

Chair Long referred her to Planning Manager Rhodes, and directed that she be notified when the item is heard before the Planning Commission.

ACTIONS: Motion by Board Members Murray / Fujita, the Agency Board of Directors Adopted Resolution 01-2010, Approving Chipotle as a Tenant at 2702 Pinole Valley Road in the Pinole Valley Shopping Center.

Vote: Passed 5-0.

8. PUBLIC HEARINGS

There were no Public Hearings.

9. OLD BUSINESS

Redevelopment Agency

- A. Authorize the Executive Director to Execute a Contract with Woldemar & Associates for Professional Services for 2300 San Pablo Avenue In An Amount Not To Exceed \$25,800. [Agency Report 2010-05 Action: Adopt Agency Resolution Per Staff Recommendation (Kuykendall)]

Francine Kuykendall, Sr. Project Manager presented Agency Report 2010-05 into the record with a recommendation to adopt an Agency resolution authorizing a design contract with Woldemar & Associates for architectural modifications to the tenant space at 2300 San Pablo Avenue. Kuykendall explained that each prospective restaurant owner found the financial commitment a greater burden than they could bear and no deals were solidified. In spring 2009, EDHAC reviewed options to secure a tenant and discussed constructing kitchen infrastructure improvements, while still leaving the restaurant owner the flexibility and choose their own equipment, design elements and furnishings. She said the leasing agent concurred that this would make the space more desirable to potential users. If approved, construction bids would be reviewed and brought to Council for approval.

A lengthy Agency Board discussion and questions followed pertaining to whether there was a fall back option if a restaurant user was not secured, leaving the agency funding the improvements, and why they could not be delayed until a tenant was secured. This question was raised by Vice Chair Swearingen, Board Member Banuelos and Board Member Fujita.

Ms. Kuykendall said the space would be versatile for other users; however a restaurant had been the desired use. Staff had experienced that some restaurant owners lacked the capacity to expend the funds and some were less experienced regarding managing construction projects.

Board Member Murray requested clarification on the closed vs. open kitchen concept and staff responded with an exhibit of both types. He commented on the loss of a good restaurant tenant and questioned whether there was the political will to move forward. He noted that the Board must have the best interest of the community to bring businesses requested in the citizen surveys forward. Board Member Murray expressed support for the design contract, and said that many times the Agency has to make the original investment to make things happen.

In response to a question by Board Member Fujita, Ms. Kuykendall said the modifications required under a recent code change would be either down now or later.

Chair Long addressed the Board, stating this was the first time this was brought to Council based upon EDHAC's recommendation, and that the Agency Board should have had a chance

to weigh in earlier. She said there was no risk by a business owner, unless a “buy-in” was required. She did not think it is practical to finish a space for one use. Design approval would also mean buying into \$350,000-\$500,000 of tenant improvements. She referenced the City’s cash flow problems and also asked how the marketing had been tracked on this property, referring that there had been a less than positive marketing presentation on this site.

Ms. Kuykendall said there was a sewer breakage on-site recently in a different tenant space, causing a leak and odor problems in this space and it had been repaired. Regarding EDHAC’s information on the costs, they were provided the information in their report prior to the meeting.

Michael Woldemar, architect, responded to comments. He explained that construction costs were considerably less than they were 2-3 years ago, and there have been code changes that must be addressed. He said that he and staff had discussed installing only necessary components to minimize cost and to allow flexibility for other uses, if necessary. The Agency was trying to make the space tenant ready, and he addressed the long delay to satisfy Health Department requirements once plans are submitted.

Further Agency Board discussion followed. Board Member Banuelos discussed the new grease trap/interceptor requirements in restaurant design causing costs to rise dramatically, while other changes would be minor. He asked who would hold the permit and the response was that it would be the Agency.

Questions were raised whether the occupant load of 49 persons included guests and staff. Mr. Woldemar said if the total occupant load exceeded fifty, two exits were required and this space had only one. Limiting to forty-nine occupants was a cost savings.

Board Member Murray asked if this space could share a grease trap with the adjacent proposed restaurant. Mr. Woldemar said it was possible per Code.

The following speakers addressed the Agency Board:

George Parsons, EDHAC member, said there were three options: 1) terminate the existing lease, pay penalties and limit agency investment; 2) abandon the current focus for a restaurant and lease for other use; and 3) hold out for a restaurant. He said the last option provided the only viable option to get part of the Agency’s investment back. Surveys indicated that residents want a restaurant and that is why the Agency undertook the long term lease with the Huen’s.

Ivette Ricco, addressing the Agency Board as a citizen, said the site is an important part of downtown and did not believe that a prospective tenant won’t want to design the space, and believed that the City would be better served to clean up the space and get a broker who will show the site. She commented that current restaurants were struggling, so Pinole should give a new one an opportunity to be part of the process and make selections regarding the space.

Cindy Trego, EDHAC member, said the project was brought to EDHAC solely for a restaurant use. She said she was concerned with the Agency making the investment but understood the Agency has an option for two five-year leases. She said that staff said if the improvements were made, the building would generate more property tax for the city.

Sean Duckworth, EDHAC Vice-Chair, explained the requested action was not for any construction costs, and EDHAC had discussed this, as well as the need for more restaurants for several months. He said that a restaurant in this prime restaurant location would give a boost to the City, and he urged approval.

Marcia Kalapus, Pinole resident, raised the following points: 1) The property owner, Huen, was smart to lease it to the Agency to fix up the site; and 2) this was taxpayers' money and the Agency should expend the least amount possible. She said she did not support spending \$500,000.

Agency Board discussion ensued again:

Board Member Banuelos supported the following scope of work: adding the two bathrooms, heating and electrical upgrades, rough plumbing, but not the grease interceptor. The \$500,000 quote was provided when the building costs were much higher. He asked if the lease could be structured so that the operator would pay the improvements over time.

Board Member Swearingen said he doubted that the Agency would get the investment back. He did not object to updating the plans to make them "tenant ready," but did object to adding equipment to upgrade the property.

Board Member Fujita did not support updating the drawings until a tenant was secured.

Board Member Murray provided the perspective regarding why the Agency invests in the community. He said to maintain the integrity of the community, the best tool available was redevelopment funding, and it takes an investment to make it happen. He supported approval of the design drawings and suggested if there was an opportunity to share the cost of the grease trap with the adjacent tenant, and asked staff to research the option further.

Chair Long said the EDHAC recommendation did include putting the project out to bid. She said if it was approved tonight with the installation, the cost could be up to \$800,000. Her comments included that in the past there were always potential or approved tenants; this was not a partnership, and no one had proven that space had been marketed effectively. She said she did support investing additional funds to improve the exterior and add plumbing and electrical (make it business friendly) but not with the kitchen, and not to put the construction out to bid with a kitchen use.

Board Member Murray said he could agree to that, if the Agency could partner with the tenant space next door for the grease trap.

Mr. Woldemar referred to the proposal dated January 12, 2010 (Attachment B) Item 1.A. stating it did not specify a restaurant.

City Manager Espinosa suggested postponing the discussion for two weeks to work with the tenant next door. She said staff would provide more clarification regarding what would be needed for a restaurant vs. other uses, and investigate the opportunity to partner on the construction of a grease trap for neighboring uses.

Action: Agency Board consensus to table further discussion to February 2, 2010

Joint Agency Board / City Council

- B. Consider Amendments to the Composition of EDHAC to a Maximum of 7 At-Large Citizen Members, 2 Council Appointees and An Alternate and Discuss Amendments to the Committee Roles and Responsibility. **[Agency/Council Report No. 2010-04 Action: Council Discretion (Mayor Long)]**

Mayor/Chair Long presented Agency/Council Report 2010-04 into the record. She reported on the meeting between Council Member Murray, EDHAC Members Trego and Kiernan and herself on January 6, 2010.

Board Member Murray spoke to the historical perspective of the former RDA Subcommittee and the subcommittee's familiarity with the Council/Agency Boards position on issues, as opposed to the situation with EDHAC and the Council's lack of information regarding the projects under their review. The Council wished to have an opportunity to express a view they (EDHAC) might want to consider. He suggested establishing a structure similar to the former RDA Subcommittee.

Agency Chair Long said former City Manager Long established EDHAC with the purpose to program ninety million dollars and the Agency/City does not have such funds. She spoke to the removal of the RDA Subcommittee as a "causality of the time". She agreed with Murray, that the addition of RDA Subcommittee structure to EDHAC would achieve the Council goals and provide EDHAC with more direction. She recommended the committee be comprised of seven EDHAC members at large and the addition of two Council members to the committee, one serving as an alternate.

Board Member Murray explained that the committee should function with open dialogue and discussion, meeting once a month. He said they would not have the same level of staff support as they had in the past.

Council Member Banuelos asked how to handle the closed session and sensitive items. Mayor Long said such items would not be discussed by this board, but would afford the Council members the opportunity to weigh in early.

Discussion followed regarding whether the members were "voting" members as this was an advisory body. Ms. Espinosa said the RDA Subcommittee never conducted formal votes; they were consensus recommendations or referrals to the Agency Board. There was further discussion regarding the EDHAC members voting and the Council being no-voting or liaison members, as forwarded by Council Member Swearingen. Mayor Long said the term "voting" was not irrelevant, and the other seven members could continue voting if they chose. She disagreed with the Council members being liaison and said they were to be part of the group to make a recommendation to Council.

Board Member Fujita agreed with Council Member Swearingen regarding the liaison status. She said the problem was that the Council was not informed, so the main purpose of adding Council members was for communication. She requested clarity on the diminishment of the membership if incumbents did not reapply and asked for that language to be omitted, and the Mayor agreed.

Council Member Murray said the body should be deemed as a consensus body to vet all the concerns and issues before coming before Council.

The meetings were to be taped and action minutes taken.

The following speakers addressed the City Council /Agency Board:

George Parsons, EDHAC member, said he was confused by the dialogue. He read a prepared statement into the record about the renewed interest in EDHAC. He said the amendments diminished EDHAC as a citizen committee with independent thoughts. He said that EDHAC was a citizen committee who values transparency and independence and should remain that way. He strongly recommended that no action be taken and the discussion continued.

Sean Duckworth, EDHAC Vice Chair, recited two quotes from Lady Bird Johnson, and read from the original EDHAC resolution, with specific attention to the third Whereas to enhance public participation. EDHAC was created to be an independent body with citizen eyes, and adding two council members blurs that line, which troubled him. He supported Council's participation at EDHAC, but not as members, simply as liaisons.

Norma Martinez Rubin, Planning Commissioner and former EDHAC member, said she was saddened by the dissatisfaction of the members who, all were excited to serve as community members and not as an "official." The satisfaction that occurred at EDHAC meetings included very jovial discussion about issues, coming away with inclusion of all different perspectives and reaching consensus. She knew it was the Council's role to make decisions, and believes this committee should remain primarily comprised of citizens. Bridging the communication issue was a matter of procedure. She asked if the problem was that the council spent too much time in the Chamber or too little time in the EDHAC discussion. She offered to do an analysis and asked them to consider looking at the way they currently do business, and perhaps a change was in order.

Cindy Trego, EDHAC member, discussed the communication issues and said EDHAC's goal was for independent voices. She said that Council can direct staff to perform their goals and visions, but EDHAC was the sounding board for and from the community. EDHAC wants to be a viable group and she does not see the Council as a personal threat but rather to provide insight and serve as a benefit to the committee. She said she did not see committee opinions being diminished, but perhaps it needs to be discussed further with the committee to provide them with a complete understanding of their roles.

Mayor Long said adding the Council component was not for importance, control or influence. It was to provide history and bring different information. She agreed with striking "voting" and with striking language regarding reducing the membership, but from her perspective the committee had not worked as well as it could and feel there is a need for improving management assets, working with the Planning Commission, as neither of those have occurred, and input from the Council would help. It will be Council input; not Council driven. She said she was a proponent of adding two Council members to EDHAC without voting rights, and without changing the number.

Mayor Pro Tem Swearingen said this is mirroring what happens to most governmental committees, and he tended to agree with EDHAC's concerns to be their own body, and thought they were open to councilmember attendance to provide guidance and information they would not otherwise have. He recommended amending the resolution to reflect the changes.

Mayor Long raised the issue of the resident requirement for seven members and the Council members would make the committee meet that requirement.

Council Member Murray said he had mentioned during the January 6th meeting that a smaller committee was more efficient and effective, and supported using attrition to reduce the number of members over time to move back to the more traditional role of RDA Subcommittee, with special tasks assigned by Council. He supported a council member to serve as a liaison and a resource to the committee.

Mayor Long suggested one council member and an alternate.

Council Member Banuelos said that EDHAC was designed to make recommendations and give direction to Council, but there was no language in the formation documents regarding how to

communicate with Council. He indicated he originally had some negative opinions about EDHAC, but it became apparent how it should be working as it did tonight with the 2300 San Pablo Avenue application. He supported one councilmember serving as a liaison with no voting status.

ACTIONS: Motion By Board / Council Members Swearingen/Fujita, The City Council / Agency Board Of Directors Adopted Joint Resolution 02-2010/2010-02, Amending The Composition Of EDHAC To A Maximum Of 7 At-Large Citizen Members, At Least 5 Pinole Residents, With One Liaison Council Member And One (1) Alternate Liaison Council Member, Appointed By The Mayor, And Further Action Included The Elimination Of The Language Regarding Reducing The Number Of Members Upon A Vacancy.

Vote: Passed 5-0.

City Council

- C. Authorize The City Manager To Apply For Local Grant Funds Under East Bay Regional Park District Measure WW To Fund Four Park Improvement Projects. **[Council Report No. 2010-03 Action: Adopt Council Resolution Per Staff Recommendation (Wooldridge)]**

Amy Wooldridge, Recreation Director presented Council Report 2010-03 into the record, authorizing the application for local grant funds under the East Bay Regional Park District (EBRPD) Measure WW funds. She referred to a revised Resolution, which was provided to the Council on the dais and copies for the public this evening, containing language regarding the CEQA provisions. Staff recommended that the grant funds be used for Pinole Valley Park West Soccer Field renovation, the Pinole Valley tennis court renovation, the Pinole Community Playhouse renovation, and the Senior Fitness Trail. Measure WW was approved by the voters in 2008 and provided funding on a per capita basis for all cities for recreational development. Pinole's allocation is \$877,216. The grant provides monthly payment, working well with the current restricted cash flow. The total cost for these projects are \$626,000, leaving a grant balance of \$351,216. Each project will be brought back to Council individually for approval of a construction contract. Ms. Wooldridge provided a report on each project. Staff reported that the total estimated cost for all projects approved by Council exceeds the available remaining grant funds of \$351,216. There are two remaining projects; the bocce ball court is estimated at (\$150,000) and the skate park at \$309,881.

Council dialogue and questions followed. Council Member Murray raised the issue of preventing reoccurrence of surface root problems on the poplar trees on the soccer field. Staff said it could be added to the scope of work.

Council Member Banuelos suggested retaining a larger contingency; fifteen percent. He asked about doing sub-base work on the tennis courts. Staff responded that it was extremely expensive and the contractors do not recommend it; stating it was better to float the membrane and get a life expectancy of approximately twelve years.

Mayor Long asked whether contractors could wait for payments until the City received the grant funds.

Ms. Wooldridge stated that it is reimbursement based and the work must be completed to receive payment. Payment is anticipated in 30 to 60 days following request.

ACTIONS: At 11 PM, Motion By Council Members Fujita / Banuelos, The Council Extended the Meeting to the Completion of the Agenda. Vote: Passed 5-0.

Ivette Ricco, Community Services Commission, addressed the Council. She supported expending the grant funds for the four projects, stating that they cover many aspects of diversity in the community.

ACTIONS: Motion by Council Members Fujita/ Swearingen, the City Council Adopted Council Resolution 2010-03, Authorizing The City Manager To Apply For Local Grant Funds Under East Bay Regional Park District Measure WW To Fund Four Park Improvement Projects: Pinole Valley Park West Soccer Field Renovation, Pinole Valley Tennis Court Renovation, Pinole Community Playhouse Renovation, and the Senior Fitness Trail.

Vote: Passed 5-0.

10. NEW BUSINESS

City Council

- A. Pinole Youth Center Annual Update [**Verbal Report; Action: Receive Report (Altman)**]

Joanna Altman, Youth Coordinator presented the Youth Center Annual Update. The update featured the successful Summer Camp 2009. An increased number of children were served from this cost recoverable program, netting almost \$52,000. .

The Youth Center currently offers PY Zone Program 2009/10, pre-school and after school programs. A new on-site, after school program is offered at Shannon Elementary. In addition, the Center has partnered with the Pinole Police Department, where officers volunteer their time at the center. The PY Zone Program is 82% cost recoverable, up from last year and attributable to increased attendance and a slight fee increase. The School Break Trips conducted during winter break were successful and trips are planned during President's Week and Spring Break.

Recreation Director Wooldridge provided a brief Youth Foundation Update. She reported that the foundation annually donates approximately \$20,000 to the Youth Center and the City uses their non –profit status to apply for grants. The annual appeal letter was sent out recently and donations were already received. She thanked everyone in the community who donated.

The Council commended the Recreation staff for their successful programs for the community.

11. REPORTS & COMMUNICATIONS

- A. Mayor / Chair Report
1. Announcements
 - a. Offered congratulations to Dr. Joe Marriotti for receipt of certificate of appreciation from Contra Costa County Landmarks Advisory Committee
 - b. Announced Senator DeSaulnier's Town Hall Meeting on State Government Reform on January 21, 2010 at 7 PM
- B. Mayoral / Council Appointments

1. Youth Commission Appointment [**Council Report No. 2010-05 Action: Council Discretion (Altman)**]

Mayor Pro Tem Swearingen opened the discussion and commented that he did not support the appointment since it was filed after the deadline. If not enforced, it sets the Council up to continuing making exceptions.

Council Member Fujita agreed, stating it would be precedent setting. Council Member Murray also concurred. Council Member Banuelos did not wish to discourage involvement and supported the appointment.

Mayor Long said this may be part of the learning process regarding deadlines. She also did not wish to discourage anyone, but encouraged being part of the whole process.

ACTIONS: Motion by Council Members Swearingen / Fujita, the City Council Declined to Appoint Jiaqi Fan to the Youth Commission.

Vote: Passed 4-1.

2. Select Pinole's Representative as the Contra Costa College 2010 Woman of the Year (Woman's History Month) [**Council Report No. 2010-06 Action: Council Discretion (Athenour)**]

Mayor Long presented Council Report 2010-06 into the record. She forwarded a nomination for Georgia Manassis. There was Council concurrence. Mayor Long directed staff to advise Ms. Manassis.

3. Council Member Appointments to the EDHAC Committee (**Council Discretion**)

Mayor Long appointed Council Member Peter Murray as the Council and she agreed to be the alternate.

Council Member Murray suggested scheduling a Council Retreat. Mayor Long said that City Manager had a facilitator and asked her to forward several dates.

C. City Council / Agency Board Committee Reports

Council Member Murray had no report.

Council Member Fujita provided a WestCat Board meeting update. She reported on the promotion on the West Cat Links bus from Hercules Transit Center to San Francisco bus depot with 511 Contra Costa bus pass offer of buy one get one free.

Mayor Pro Tem Swearingen reported attending the Kaiser Medical Office building one year anniversary last week and the Mayor's Conference in Pleasant Hill. The guest speaker was John Garamendi speaking on resources and schools.

Council Member Banuelos reported on his attendance at Youth Commission.

Mayor Long reported on the West County Mayors meeting. She requested scheduling a discussion regarding the different local hiring policies at a future meeting.

She also attended the Mayors Conference; Ed Balico was elected as Chair and Dave Trotter was elected as Vice Chair. She referenced presentation of a resolution, "I Believe in California" and said she had a lot of questions. She suggested inviting Jim Wunderman, President and CEO, Bay Area Council to make a brief presentation before Council. Mr. Wunderman addressed the Mayors Conference regarding the efforts by Repair California to develop two statewide initiatives.

Mayor Long asked Planning Manager to follow up on a statement made by Supervisor Uilkema at the Mayors Conference regarding environmental regulations. She said that Eric Figueroa requested cities to adopt resolutions supporting the Local Tax Payers Act, which Pinole had previously adopted.

Mayor Long attended the Dr. Martin Luther King event in Hercules where the key note speaker was Rev. Byron Williams. She encouraged other council members to also attend next year.

D. Council Requests For Future Agenda Items

1. Invite Jim Wunderman to make a brief presentation at a future Council meeting. (Long)
2. Refer review of traffic circulation at the Pinole Valley Shopping Center to TAPS committee. (Swearingen)
3. Consider additional lighting and pedestrian signage into the Pinole Valley Park. (Swearingen)
4. Report from the City Manager on upgrading the City website. The report should include outline all necessary changes and the cost, and address what could be done in-house. Belinda said it would take \$50,000 to revamp and cannot recommend. .
5. Schedule a town meeting in June at the Senior Center to discuss the budget. (Long)

Mayor Long said that any member interested in holding informal coffee meetings should work with her to develop a schedule.

E. City Manager / Executive Director Report / Department Staff

City Manager Espinosa reported on the LAFCO meeting last week. She attended with Interim Fire Chief Steve Mariero and Michelle Fitzer. The County decided to host a county-wide meeting on February 3 at 8:30 PM. at Martinez City Hall. She urged interested Council members to attend. She and Mayor Long planned to attend. She said the report to LAFCO was complete, but work would continue with the WC Mayors/Managers group to develop auto aid agreements and looking at different models for a consolidation between Pinole and Rodeo Hercules and/or Pinole and Con Fire.

1. 970 Appian Way "County" Project Update [Verbal Report (Rhodes)]

Winston Rhodes, Planning Manager provided an update on the proposed residential project located in Contra Costa County jurisdiction. The site is 1.75 acres comprised of four parcels on Duncan Canyon, abutting Pinole City limits, and within the sphere of influence. An application was filed for Preliminary and Final Development Plan and rezoning approval for a 17-unit apartment complex. Mr. Rhodes provided the Council with a copy of the comment letter dated December 7, 2009. The project architect, Paul Lupinsky, had been present to respond to questions but had left earlier due to the late hour. Rhodes said that the City was notified very late in the process. This was scheduled before the County Planning Commission on January 26th but a continuance has been recommended to February 23rd. The County Planning

Department has requested our follow-up letter by January 28th. There is a concern because we (City) have not received any revised plans, and the applicant is reticent to modify the design without being directed by the County. Planning Manager Rhodes gave the Council an opportunity for additional comments.

Mayor Long said this was brought to our attention by a Pinole Planning Commissioner. Pinole did not receive formal notice, and should have had a right to comment much earlier. She directed staff to request a condition requiring a covenant for crime free housing. The property is two lots from Pinole and residents would likely look to Pinole for services. Mayor Long said she intended to attend the County Planning Commission on February 23, 2010.

Council Member Murray said this development should not encroach into the canyon or on the turnaround.

In closing, Mr. Rhodes said he would prepare a letter for her signature outlining her comments and attach the Crime Free Element. City Manager Espinosa suggested she also make a presentation at the County Planning Commission meeting.

2. Simas and Appian Way Paving Projects Update **[Verbal Report (Allison)]**

Dean Allison, Public Works Director, provided a verbal update on the two paving projects underway at Simas Avenue and Appian Way. Neither project meets the specifications, with the worst deficiencies on Appian at San Pablo, in the uphill lane. Allison informed the Council that large pavement portions have washed out, and appears to be a problem related to either workmanship or material. One common element to both projects was the supplier; Syar Industries in Vallejo. Final payments have been withheld and bonds are also secured on these projects. Staff is working with the contractor to resolve the issue; however patchwork repair would be unacceptable.

Mayor Long asked if this was the same supplier used on Appian I and Fitzgerald projects. Mr. Allison said he would research and respond back to Council, as well as keep them updated on the situation.

Dean Allison, Public Works Director, reported on an opportunity for another stimulus grant, but it required that the City front the funds without assurance of reimbursement. The project must be ready to construct by May 28, 2010 and the environmental work completed in March. He recommended that the grant funding be used for paving the final segment of Appian Way-Phase III and a portion of San Pablo Avenue. The cost of the design work would be \$14,500 and he anticipated funding from Measure C funds. He asked whether there were any objections to move ahead.

City Manager Espinosa said the issue would be fronting the construction costs and said the initial funding source would be a temporary loan from the PALC funds until reimbursement was received from the federal government. She said the request could be brought before the Finance Subcommittee meeting on January 20, 2010.

F. City Attorney Report

Council Member Reyes said he would be offering an AB 1234 seminar this year and would make arrangements with the City Clerk to schedule it later in the year.

12. ADJOURNMENT

At 12:22 a.m., Mayor Long adjourned the Regular February 2, 2010 meeting to the February 16, 2010 meeting, and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Thomas Tinder, Patricia Jean Welch, Harrison Edwards, Carl E. Swenson, Jack Carl LaFontaine, Susan E. Flores, Pernell Harris, Larry D. Jackson, Patricia Ann Sanford, Elaine Steele-Percy, Laura Jo Parella Weeks, and Ned Robinson. Mayor Long extended condolences to Patricia "Pat" Sanford for her friendship and service to the community.

Submitted by:

Patricia Athenour, MMC
City Clerk

APPROVED BY AGENCY BOARD / CITY COUNCIL: