

**PINOLE OVERSIGHT BOARD**  
**(OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE PINOLE**  
**REDEVELOPMENT AGENCY)**  
**MINUTES**  
**DECEMBER 4, 2013**

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

The Regular meeting of the Oversight Board of the Successor Agency to the Pinole Redevelopment Agency ("Oversight Board") was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Chair Long called the meeting to order at 4:06 p.m., and led the Pledge of Allegiance.

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

Board Members Present:

Mary Drazba - City of Pinole  
 Norma Martinez-Rubin – Office of the County Superintendent of Schools  
 Debbie Long, Chair - Contra Costa County  
 Maureen Toms, Vice Chair - Contra Costa County

Board Members Absent:

John Marquez - Contra Costa Community College  
 Whitney Dotson - EBRPD  
 Peter Murray - City of Pinole  
 The voting record reflects their absence.

Staff Members Present:

Hector De La Rosa, Assistant City Manager  
 Benjamin Reyes, City Attorney  
 Richard Loomis, Finance Director  
 Patricia Athenour, City Clerk / Board Secretary

City Clerk reported that the agenda was posted on November 26, 2013 at 1 PM. All legally provided notice was provided. After being asked by the City Clerk to announce any conflicts with items on the agenda, the Oversight Board members stated no conflicts with an item on the agenda.

The City Clerk also reported that copies of the Writ of Mandate filed by Meyers Nave on behalf of the City of Pinole Successor Agency were available to the Board.

**3. PUBLIC COMMENT**

No citizens addressed the Oversight Board:

**4. CONSENT CALENDAR MATTERS**

- A. Approve the Minutes of September 18, 2013

**ACTION: Motion by Board Members Martinez Rubin / Toms, the Oversight Board Approved the Consent Calendar. Vote 4-0; with three members absent.**

## 5. MATTERS FOR CONSIDERATION

- A. Authorize the Executive Director To Extend the Existing Contract with Shelter Bay for Property Management Services for the Property Known as the Pinole Vista Crossings Restaurant Phase [**OB Report No. 2013-07; Action: Adopt Resolution Per Staff Recommendation (Loomis)**]

**Richard Loomis**, Finance Director presented Oversight Board Report 2013-07, which related to the Department of Finance review of ROPS 2013/14B, Item 24, which was a consulting contract with Shelter Bay Retail Group for property management services of the Pinole Vista Crossings Center Restaurant Phase. He provided background information. Shelter Bay was first selected under a competitive bid and provided excellent property management for the Redevelopment Agency. With the dissolution of Redevelopment, the Successor Agency became responsible for that task and the contract with Shelter Bay expires on December 18, 2013. The request for funding was rejected by the DOF, based on their conclusion that the contract expired before beginning of next funding period and would not advance funding without the contract being renewed. Staff recommended renewal of the contract, as this item does not have impact on distribution of any residual to any taxing entities. It falls into a category defined as "other revenues" and the contract is paid from fees from the property owners, and will not be paid from pledged tax revenues from the Redevelopment Agency. .

Mr. Loomis said originally the contract was for a three-year extension, but when discussed with Shelter Bay, they suggested better pricing with a five-year renewal, to December 2018. Absent this contract the Successor Agency for management would be responsible and the City wants to insure that the level of management is maintained and recommended keeping the same process in place. Staff was available for questions.

Board Member Martinez-Rubin raised questions about the funding source and the cost to the City and their responsibility.

Mr. Loomis referred the Board to the schedule in Attachment A, containing a list of the property owners which fund the services. He said the cost to City is the administrative oversight.

Vice Chair Toms asked if this was rejected by the DOF, would the City be entitled to receive the revenue. She also asked if the City requested a Meet and Confer. She also asked staff to add the contract expiration date in the resolution and the date of Successor Agency review.

Mr. Loomis said that the City could receive the revenue, however there was no staff assigned to perform the function. If the DOF disallowed the Successor Agency, another consultant would have to be retained. Because this was revenue neutral to the taxing agencies, the DOF likely felt it was not our issue to deal with this. The City sees a responsibility to see that the properties are continued to be managed in a business-like manner. Mr. Loomis said they had conducted several email and phone exchanges and because it is revenue neutral, it was not a significant enough item to set a meet and confer. Staff noted the addition of the expiration date in the resolution.

Board Member Drazba commented that the Redevelopment Agency had worked successfully with Shelter Bay since 2009.

Chair Long raised questions regarding the Oversight Boards duties with respect to the contract.

Mr. Loomis said the rules under AB 1484 described duties of the Oversight Board and one of the duties is to review actions on contracts of the Successor Agency prior to submittal for DOF review.

**ACTION: Motion by Board Members Drazba / Toms, the Oversight Board Adopted Resolution 2013-04, Authorized the Executive Director To Extend the Existing Contract with Shelter Bay for Property Management Services for the Property Known as the Pinole Vista Crossings Restaurant Phase, with the following changes: Include the contract termination date and the date the Successor Agency approved the contract.**

**Vote: Passed 4-0, with three members absent.**

- B. Review the Litigation Budget for the Real Estate Transfer Dispute with the State Department of Finance and Oral Update on the Status of the Asset Transfer [OB Report No. 2013-08; Action: Receive Report (Reyes)]

**Benjamin Reyes**, City Attorney presented Oversight Board Report 2013-08 into the record. He provided an update of the litigation and noted that to date, \$18,000 has been expended. These items and the budget were approved by the DOF and appeared on ROPS 2013/14A. Reyes said the hearing was anticipated in May 2014, and he advised the Board to contact him with any questions regarding the arguments.

Vice Chair Toms asked the amount of the original budget. City Attorney Reyes said it was \$40,000, with \$18,000 spent to date.

- C. Amend the Oversight Board By-Laws Changing the Regular Meeting Schedule to Two Meetings Annually in February and August [OB Report No. 2013-09; Action: Approve Per Staff Recommendation (Athenour)]

**Patricia Athenour**, City Clerk presented Oversight Board Report 2013-08 into the record with a recommendation to amend the bylaws to recognize two regular meetings per year; February and August.

**ACTION: Motion By Board Members Toms / Martinez-Rubin, the Board Amended the Bylaws, Per Staff Recommendation.**

**Vote: Passed 4-0; with three members absent.**

- D. Appointment of a Chair & Vice-Chair [Oral Report; Action: Board Discretion to Appoint and Chair and Vice Chair (Athenour)]

City Clerk Athenour advised the Board that the bylaws also called for the annual appointment of a Chair and Vice Chair, to serve a one-year term. Staff recommended appointment of a new Chair and Vice Chair to conduct the meetings commencing in calendar year 2014.

**A motion by Board Member Long / Martinez-Rubin, the Board appointed Toms as the Chair and Drazba as Vice-Chair, passed unanimously of the members present.**

## 6. ADJOURNMENT

At 4:24 p.m., Chair Long adjourned the meeting to the Regular Meeting of February 5, 2014

**Submitted by:**

---

**Patricia Athenour, MMC  
Pinole City Clerk / Clerk to the Oversight  
Board of the Successor Agency to the  
Pinole Redevelopment Agency**

**APPROVED BY OVERSIGHT BOARD:**