

Council members face more scrutiny

PINOLE: Grand jury and possibly others are asking questions about dealings with the Pear Street Bistro

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By Tom Lochner

Three Pinole City Council members who are the subject of a recall effort could face scrutiny from more than just voters over their dealings with the Pear Street Bistro: One or more also could face questions over dealings with the city's partner in two shopping centers.

A member of the Contra Costa County grand jury has asked the city for information at least three times, and the state Fair Political Practices Commission and the Contra Costa District Attorney's Office each have received a complaint.

Former Mayor Betty Boyle this week served Notices of Intention for a recall on Mayor Maria Alegria and Councilmen David Cole and Stephen Tilton. The notices, which bear 30 signatures each, blast the trio for their "suspect" personal relationship with Pear Street Bistro owner Gary Wong and for their vote not to renew the contract of former City Manager Belinda Espinosa.

Wong owes the city more than \$400,000 in redevelopment loans on which he stopped making payments 20 months ago. In January, Wong's accountant e-mailed Alegria proposing to sell the bistro building to the city for \$3 million. After a city-commissioned appraisal, the council April 24 agreed to buy the building for about half that amount, pending another appraisal from Wong. On May 14, the council voted 3-2 not to renew Espinosa's contract.

The grand jury has a mandate to look into county and local governments to ensure they act lawfully or to evaluate their efficiency; an inquiry does not mean there is or will be an investigation.

But a "Pear Street Bistro Chronology" compiled by Espinosa suggests a targeted focus by the grand jury. On Feb. 7, grand juror Larry Mundy met with Alegria, Espinosa and City Attorney Ben Reyes regarding the Pear Street Bistro loans and redevelopment agency procedures, according to the chronology.

On March 22 and April 3, Mundy asked the city for updates on Pear Street Bistro loan restructuring.

Additionally, Contra Costa County deputy district attorney Steven Bolen said he has received a complaint from "a citizen in Pinole" against the council about alleged conflicts of interest in relation to the Pear Street Bistro and The Kivelstadt Group; TKG is the Redevelopment Agency's partner in the Pinole Valley and Pinole Vista Crossing shopping centers.

And Cole is the subject of a complaint made about two or three months ago to the state Fair Political Practices Commission, spokesman Roman Porter confirmed.

Cole claimed no business activities in Pinole for three years on his annual state-mandated disclosure forms for public office-holders even though he owned Pinole Valley Landscape. Cole, who handily won re-election in November, said then that the omission was inadvertent and that he worked outside Pinole, mostly in Fairfield,

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Vacaville and Napa.

In December, however, Cole said he had worked for TKG at Pinole Vista Crossing. His amended forms for 2003, 2004 and 2005, filed Jan. 30, disclose at least \$10,000 of income each of those years from TKG Pinole LLC.

In early April, Cole apologized publicly at a City Council meeting and explained why he had not done so sooner.

"I have not wanted to take up public meeting time," Cole said, "because I think it's more of a private matter than it is a public one." He said he had since come to realize he should acknowledge his error publicly.

Cole voted more than 10 times on TKG-related matters in the three-year period, according to meeting minutes. TKG co-principal Tom Angstadt, in an e-mail in late January, said that to the best of his knowledge, Cole never voted on a TKG-related matter before the council while working for TKG.

Last month, Cole said he had not heard from the FPPC.

Residents also have questioned Cole over his relationship with Wong.

The Times obtained a copy of a May 2004 invoice for \$2,395 from Pinole Valley Landscape to Wong for washing his building. Cole has said the document was an estimate, not a bill, and that the work was never done or was done by his brother-in-law and billed by his wife as a courtesy.

The Times also obtained a copy of a \$2,395 check from Wong Family Trust to Cole's company for the work. Around mid-2003, Cole voted with the council to grant Wong the last of his six redevelopment loans, this one for \$58,000.

Cole has recused himself from recent Pear Street Bistro-related council discussions. He said he does so to avoid any perception of impropriety or bias. Reyes said in March that as far as he knew, Cole currently has no material financial interest in the bistro and therefore theoretically could take part in council votes on bistro matters.

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