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2  
3 **MINUTES OF THE REGULAR MEETING**  
4 **PINOLE PLANNING COMMISSION**

5  
6 **January 23, 2023**

7  
8 **THIS MEETING WAS HELD IN A HYBRID FORMAT**  
9 **BOTH IN-PERSON AND ZOOM TELECONFERENCE**  
10

11  
12 **A. CALL TO ORDER:** 7:02 p.m.  
13

14 **B1. PLEDGE OF ALLEGIANCE**  
15

16 **B2. LAND ACKNOWLEDGEMENT:** *Before we begin, we would like to acknowledge the*  
17 *Ohlone people, who are the traditional custodians of this land. We pay our respects to*  
18 *the Ohlone elders, past, present and future, who call this place, Ohlone Land, the land*  
19 *that Pinole sits upon, their home. We are proud to continue their tradition of coming*  
20 *together and growing as a community. We thank the Ohlone community for their*  
21 *stewardship and support, and we look forward to strengthening our ties as we continue*  
22 *our relationship of mutual respect and understanding.*  
23

24 **B3. ROLL CALL**  
25

26 Commissioners Present: Banuelos, Benzuly, Kurrent, Menis, Vice Chairperson  
27 Martinez, Chairperson Moriarty  
28

29 Commissioners Absent: None  
30

31 Staff Present: David Hanham, Planning Manager  
32 Alex Mog, Assistant City Attorney  
33 Sanjay Mishra, Public Works Director  
34 Justin Shiu, Contract Planner  
35

36 **C. CITIZENS TO BE HEARD**  
37

38 There were no citizens to be heard.  
39

40 **D. MEETING MINUTES**  
41

42 1. Planning Commission Meeting Minutes from December 12, 2022  
43

44 **MOTION** with a Roll Call vote to approve the Planning Commission Meeting Minutes from  
45 December 12, 2022, as shown.  
46

47 **MOTION: Menis**

**SECONDED: Banuelos**

**APPROVED: 5-0-1**

**ABSTAIN: Moriarty**  
48  
49

50 **E. PUBLIC HEARINGS:** None

1 **F. OLD BUSINESS:** None

2  
3 **G. NEW BUSINESS**

4  
5 **1. Appointment of a Commissioner to the Project Labor Agreement (PLA) Ad-**  
6 **Hoc Committee**

7 Selection of a Planning Commissioner to serve on the PLA Ad-Hoc Committee.

8  
9 Commissioner Benzuly advised he would recuse himself from the discussion for Item G1  
10 due to a potential economic interest. Given that he was participating remotely via Zoom,  
11 he turned off his screen at this time and did not return to the meeting.

12  
13 Planning Manager David Hanham presented the staff memorandum dated January 23,  
14 2023, and recommended the Planning Commission appoint a Planning Commissioner to  
15 serve on the Project Labor Agreement (PLA) Ad-Hoc Committee.

16  
17 Assistant City Attorney Alex Mog confirmed that an Alternate could also be appointed.

18  
19 Commissioner Banuelos understood the PLA Ad-Hoc Committee was a blanket committee  
20 and not for a specific project. He asked how they would set up costs and other parameters  
21 absent a specific project, and Mr. Hanham explained that when a project comes forward  
22 and project parameters established, the PLA Ad-Hoc Committee would identify the costs  
23 needed for the project as part of the PLA.

24  
25 Commissioner Menis understood the formation of the PLA Ad-Hoc Committee was  
26 intended to draft the overarching PLA and once it existed the PLA Ad-Hoc Committee  
27 would cease to exist.

28  
29 Mr. Hanham reiterated the PLA Ad-Hoc Committee would be for the general overarching  
30 of the project parameters but if there was the need for specific project agreements, the  
31 PLA Ad-Hoc Committee could identify what was needed in the agreement.

32  
33 Assistant City Attorney Mog stated he was uncertain of the City Council's intent when the  
34 Council had formed the PLA Ad-Hoc Committee and it was possible that it would be  
35 handled some other way in the future, project by project, but the purpose of the Ad-Hoc  
36 Committee was to come up with the overarching agreement.

37  
38 Chairperson Moriarty inquired of the time parameters for the PLA Ad-Hoc Committee, and  
39 was informed by Mr. Hanham again that the intent was to have an overarching agreement.  
40 He expected there would be at least two or three meetings, although he would check with  
41 the Public Works Director on the intended number of meetings. Given the intent to create  
42 overarching parameters, he could foresee the PLA Ad-Hoc Committee would be in  
43 existence no more than a year's time and since it was temporary in nature it would not be  
44 a standing committee.

45  
46 Commissioner Kurrent suggested the appointment to the PLA Ad-Hoc Committee should  
47 be a Planning Commissioner who planned to reapply to the Planning Commission for the  
48 next year or whose term did not end until 2024.

1 Mr. Hanham reported at least four Planning Commissioners' terms ran through 2024, but  
2 he would verify the terms at the next Planning Commission meeting.

3  
4 Assistant City Attorney Mog advised there was no issue if a Planning Commissioner's term  
5 expired in that a Commissioner could continue to serve on the PLA Ad-Hoc Committee.

6  
7 Commissioner Banuelos expressed an interest in serving on the PLA Ad-Hoc Committee  
8 given that he had served on a similar committee for the Pinole-Hercules Wastewater  
9 Treatment Plant. He described for the Commission some of the discussions at that time.

10  
11 Commissioner Menis also expressed an interest in serving on the PLA Ad-Hoc Committee  
12 process as an Alternate.

13  
14 PUBLIC COMMENTS OPENED

15  
16 Drusilla Flores attempted to call into the meeting to provide comments but due to technical  
17 difficulties comments were not clearly audible.

18  
19 Commissioner Kurrent recommended the speaker submit comments via email so that they  
20 could be read into the record.

21  
22 Assistant City Attorney Mog understood the speaker desired representation from all  
23 contractors on the PLA Ad-Hoc Committee and not just union contractors.

24  
25 Chairperson Moriarty identified the options for members of the public to call into the  
26 meeting to register their comments, as posted on the meeting agenda.

27  
28 Matthew Estipona, Director of Government & Community Engagement, Associated  
29 Builders and Contractors of Northern California, stated he would like contractors to have  
30 a voice and seat at the table. He expressed concern that apprentices would not be able  
31 to work on these projects and he wanted assurance that apprentices would have the  
32 opportunity to have a job in the community.

33  
34 Joe Lubas, Policy Analyst, Associated Builders and Contractors of Northern California,  
35 identified himself as the first speaker, and stated he was not Drusilla Flores as shown on  
36 the Zoom feed ID and was unsure why that name had come up. He suggested that all  
37 contractors and all apprenticeship trainees should be at the table so that a fair PLA could  
38 be put into place.

39  
40 Chairperson Moriarty encouraged the speakers to have their voices heard at such point  
41 as the PLA Ad-Hoc Committee formally met.

42  
43 PUBLIC COMMENTS CLOSED

44  
45 Commissioner Kurrent suggested the speakers could also approach the City Council to  
46 raise their concerns since the Planning Commission did not control the PLA Ad-Hoc  
47 Committee membership.

1 Commissioner Banuelos asked how the PLA Ad-Hoc Committee would disseminate  
2 information to the public, and Public Works Director Sanjay Mishra identified the makeup  
3 of the PLA Ad-Hoc Committee with four Committee members to consist of two City Council  
4 members, one Planning Commissioner and one Community Services Commissioner. All  
5 unions and contractors may attend the meetings and provide comment, but they would  
6 not have representation on the PLA Ad-Hoc Committee. He reported that he would  
7 facilitate the PLA Ad-Hoc Committee meetings.  
8

9 Commissioner Menis reported he had attended the City Council meeting at the time the  
10 City Council had discussed the formation of the PLA Ad-Hoc Committee. The City Council  
11 wanted to avoid triggering Brown Act requirements, which had led to only two City Council  
12 members participating. The City Council also did not want more than one Planning or  
13 Community Services Commissioner on the Committee. He was uncertain how open the  
14 meetings would be to the public since they would not be full Brown Act meetings and he  
15 asked the Assistant City Attorney for clarification.  
16

17 Assistant City Attorney Mog advised that a committee appointed by the City Council was  
18 subject to the Brown Act if comprised of more than just City Council members. There  
19 were exceptions to the Brown Act for Ad-Hoc Committees comprised of solely less than  
20 the quorum of the City Council, but that was not the case in this situation.  
21

22 **MOTION** with a Roll Call vote to appoint Commissioner Banuelos as the Planning  
23 Commission Representative and Commissioner Menis as the Alternate to serve on the  
24 Project Labor Agreement (PLA) Ad- Hoc Committee.  
25

26 **MOTION: Kurrent**

27 **SECONDED: Moriarty**

28 **APPROVED: 5-0-1**

29 **ABSENT: Benzuly**

30 **H. CITY PLANNER'S / COMMISSIONERS' REPORT**

31 Mr. Hanham reported that staff continued to process the environmental documents for the  
32 Pinole Shores II project, which was anticipated to be presented to the Planning Commission  
33 in March. Staff continued to work on an objective design standards program with an update  
34 to be provided to the Planning Commission in late February, and staff was processing various  
35 use permits and design review applications. In addition, the Safety and Environmental  
36 Justice (EJ) Elements would be presented to the Planning Commission in April or May.  
37

38 Mr. Hanham added that the Planner's Academy would be held in March and he would provide  
39 additional information on the date and time. Interested Commissioners were asked to contact  
40 staff.  
41

42 Commissioner Kurrent reported there had been discussions on Nextdoor regarding the  
43 status of the Safeway/Pinole Square project and he asked staff to provide clarification, to  
44 which Mr. Hanham reported that the property had changed hands to a development group  
45 and staff would meet with the new owners to get the project started.  
46

47 Commissioner Kurrent commended the Public Works Department for taking care of the City  
48 during the recent winter storms, and Public Works Director Mishra thanked him for the  
49 comments and reported that the Public Works Department had done a good job during the  
50 recent storms and he would forward the comments to his staff.

1 In response to Commissioner Banuelos, Mr. Hanham explained that the existing design  
2 standards included subjective language to be changed to objective standards and staff would  
3 provide the Planning Commission with a list of proposed changes and policy decisions. The  
4 consultant would identify what needed to be done to make the design standards objective.  
5

6 Chairperson Moriarty recognized a member of the public wished to address the Planning  
7 Commission and she opened public comment at this time.  
8

#### 9 PUBLIC COMMENTS OPENED

10  
11 Anthony Vossbrink, Pinole, commented that pursuant to the Brown Act and Robert's Rules  
12 of Order, citizens may comment on different items on the meeting agenda including Item H.  
13 He asked staff of the status of projects along Pinole Valley Road, the vacant property at  
14 Ramona and Pinole Valley Road opposite the high school and the Faria House. He wanted  
15 to see the Faria House be considered as a mixed-use development, moved into the vacant  
16 caretaker's home that had been vacant for over a year and was in disrepair, which could be  
17 used by the Pinole Historical Society and the Pinole Garden Club as a joint mixed-use.  
18

19 Mr. Vossbrink also asked of the status of two large breaches; one behind the caretaker's  
20 home on the Adobe Road Trail which was to be repaired years ago, and a breach in Pinole  
21 Creek behind the Gateway Shopping Center, Sprouts and Orange Theory, where a sidewalk  
22 had gone out after the recent storms.  
23

24 Mr. Hanham responded and advised that the project located at 2801 Pinole Valley Road was  
25 working on its affordable housing agreement and building plans to be submitted to the City;  
26 there was no project associated with the vacant property at Ramona and Pinole Valley Road;  
27 he was uncertain of the status of the Faria House and would have to provide an update and  
28 he was uncertain of the status of the breaches mentioned and would have to check with the  
29 Public Works Director. The area behind Sprouts was within the Contra Costa County Flood  
30 Control District (CCCFCD) and any issues in that area should be referred to the CCCFCD.  
31

32 Chairperson Moriarty asked that the status of the Adobe Road Trail be addressed at the next  
33 Planning Commission meeting.  
34

35 Commissioner Menis understood there had been a fence failure at the vacant property at  
36 Ramona and Pinole Valley Road and that should be checked, and Mr. Hanham understood  
37 PG&E had been leasing the lot for repairs along Pinole Valley Road and he would have to  
38 check with the property owner since the fence was intended to protect materials and  
39 equipment and was to be removed when the work had been completed.  
40

#### 41 PUBLIC COMMENTS CLOSED

42  
43 Commissioner Banuelos reported that work had commenced on the former Doctors' Hospital  
44 site, the hospital had been demolished, and the senior facility on Pinole Valley Road was  
45 also progressing but the drop-off area in the front appeared smaller than he had imagined.  
46

47 Mr. Hanham explained that there was additional property to expand the drop-off area for the  
48 senior facility project along Pinole Valley Road.  
49  
50

1 Commissioner Menis reported there were moderate potholes leading to the eastbound  
2 segment along San Pablo Avenue in the far right lane, between Appian and Oak Ridge Road  
3 by a small liquor store, and while it had been partially patched, he was uncertain how long  
4 the patches would hold. There was also a gradual decay of the south side of the four-way  
5 intersection near the manhole for the Pinon/Appian/San Pablo Avenue intersection. In  
6 addition, he reported a workshop would be held on the Climate Action and Adaptation Plan  
7 on Thursday, January 26, 2023 from 6:00 to 7:30 p.m. with more information on the City  
8 website.

9  
10 Chairperson Moriarty asked for an update on the Park and Tree Master Plans, and Mr.  
11 Hanham stated he would provide an update at the next meeting.

12  
13 **I. COMMUNICATIONS:** None

14  
15 **J. NEXT MEETING**

16  
17 The next meeting of the Planning Commission to be a Regular Meeting scheduled for  
18 February 13, 2023 at 7:00 p.m.

19  
20 **K. ADJOURNMENT:** 7:59 p.m.

21  
22 Transcribed by:

23  
24  
25 Sherri D. Lewis  
26 Transcriber