



**JOINT PINOLE CITY COUNCIL &
SPECIAL MEETING OF SUCCESSOR
AGENCY TO THE FORMER CITY OF
PINOLE REDEVELOPMENT AGENCY
AGENDA**

**TUESDAY
APRIL 21, 2015**

5:30 P.M.

2131 Pear Street, Pinole, California

**Peter Murray, Mayor
Roy Swearingen, Mayor Pro Tem
Phil Green, Council Member
Debbie Long, Council Member
Tim Banuelos, Council Member**

Public Comment: The public is encouraged to address the City Council on any matter listed on the agenda or on any other matter within its jurisdiction subject to the rules of decorum described in Council Resolution 2014-67. If you wish to address the City Council, please complete the gold card that is provided at the rear entrance to the Council Chambers and hand the card to the City Clerk. City Council will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council will hear public comment on matters **not** listed on the agenda during Citizens to be Heard, Agenda Items 6.

Americans With Disabilities Act: In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. Assisted listening devices are available at this meeting. Ask the City Clerk if you desire to use this device.

Note: Staff reports are available for inspection at the Office of the City Clerk, City Hall, 2131 Pear Street during regular business hours, 8:00 a.m. to 4:30 p.m. Monday – Thursday, and on the City Website at www.ci.pinole.ca.us. You may also contact the City Clerk via e-mail at pathenour@ci.pinole.ca.us

COUNCIL MEETINGS ARE TELEVISED LIVE ON CHANNEL 26. They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at www.ci.pinole.ca.us. City Council meetings are video-streamed live on the City's website, and remain archived on the site for six months.

Ralph M. Brown Act. G.C. § 54950. *In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

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

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87105.

3. CONVENE TO A CLOSED SESSION

Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session, by first providing a speaker card to the City Clerk.

Closed Sessions are held in the Council Caucus/Community Meeting Room located at 2131 Pear Street, Pinole, California.

- A. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6
City Labor Negotiators: Belinda Espinosa, City Manager; Hector De La Rosa, Assistant City Manager; and Labor Negotiator Bruce Heid, IEDA
Employee Organizations: Local 1 and AFSCME

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Locations: 1. Gateway West, APN No. 401-410-017
 2. Gateway East – Pinole Valley Rd. in front of Kaiser, APN No. 401-211-032
 3. Gateway East – Corner of Pinole Valley Rd & I-80 off ramp, APN No. 401-211-034, Pinole CA 94564
City Negotiator: Belinda Espinosa, City Manager and Hector De La Rosa, Assistant City Manager
Negotiating Parties: Thomas Gateway, LLC
Under Negotiation: Price & Terms

JOINT CITY COUNCIL / SUCCESSOR AGENCY BUSINESS

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Pursuant to Government Code §54956.8
Property Location: 2361 San Pablo Avenue, Pinole CA 94564
 Bank of Pinole building / APN No. 401-162-003
City Negotiator: Belinda Espinosa, City Manager and Hector De La Rosa, Assistant City Manager
Negotiating Parties: Jason Sterlino and Angelo Dalo
Under Negotiation: Price & Terms

- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Pursuant to Government Code §54956.8
Property Location: 2361 San Pablo Avenue, Pinole CA 94564
 Bank of Pinole building / APN No. 401-162-003
City Negotiator: Belinda Espinosa, City Manager and Hector De La Rosa, Assistant City Manager
Negotiating Parties: Kris Kaiser
Under Negotiation: Price & Terms

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

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
 - 1. 2015 - National Sexual Assault Awareness Month
- B. Presentations / Recognitions
 - 1. Fire Department Introductions and Promotions
Battalion Chief Akre, Captain Brooks, Captain Torres and Fire Fighter Lopez
- C. Community Announcements and/or Events

6. CITIZENS TO BE HEARD (Public Comments)

Citizens may speak under any item not listed on the Agenda. The time limit is 3 minutes, and is subject to modification by the Mayor. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future Council meeting.

7. CONSENT CALENDAR

All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Council member(s) wishes to discuss a consent item, it will be removed from the Consent Calendar and taken up in order after the last item on the Consent Calendar.

- A. Approve the Minutes of the Meeting of April 7, 2015
- B. Receive the April 4 – 17, 2015 List of Warrants and the April 10, 2015 Payroll in the Amount of \$355,370.32
- C. Authorize the City Manager to Amend the Job Description for the Recreation Coordinator Position [**Council Report No. 2015-27; Action: Adopt Resolution Per Staff Recommendation (Johnson)**]

8. PUBLIC HEARINGS

- A. Gateway Shopping Center Project – Consider Adoption of a Mitigation Negative Declaration and Mitigation Monitoring and Reporting Program, Design Review (DR 14-11), Conditional Use Permits (CUP14-05, 14-06, 14-07, and 14- 08), a Tentative Parcel Map (TPM 651-15), and a Development Agreement (DA14-01) for a sign program, one drive through, grocery store alcohol sales (including determination of Public Convenience and Necessity), and outdoor dining and outdoor merchandise display; a tentative parcel map; and a Development Agreement to construct a commercial development with 3 retail buildings totaling approximately 40,558 +/- sq. ft.; one 4,000 sq. ft. +/- office building, a 75-foot +/- pylon sign, & related improvements, on a 5.7-acre site, consisting of three existing parcels and an approximately 0.16-acre portion of the Pinole Creek property. [**Council Report No. 2015-28; Action: Introduce an Ordinance, Waiving First Reading & Adopt 8 Resolutions Per Staff Recommendation (Rhodes / De La Rosa)**]

Due to the size of the files, attachments to Item 8A will be uploaded to the website separately.

1. Adopt Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program For the Gateway Shopping Center Project, Including a 27,014 Sq. Ft. Market and 11,328 Sq. Ft. Retail Shop Building on the Gateway West Portion of the Project Site, and a 2,216 Sq. Ft. Coffee Shop with Drive-Through, 4,000 Sq. Ft. Medical Building, and a 75-Ft. Pylon Sign on the Gateway East Portion of the Project Site.
2. Adopt Resolution Approving The Design Review Request For The Gateway Shopping Center Project (DR 14-11)
3. Adopt Resolution Approving A Conditional Use Permit For A Master Sign Program (CUP 14-08)
4. Adopt Resolution Making A Determination Of Public Convenience Or Necessity Regarding Alcohol Sales; And Approving A Conditional Use Permit To Allow Beer & Wine Sales For Off-Site Consumption, To Allow Outdoor Merchandise Sales, And To Allow Outdoor Seating In Conjunction With A 27,000 +/- Sq. Ft. Market (CUP 14-05)
5. Adopt Resolution Approving A Conditional Use Permit For A Drive-Through & Outdoor Seating In Conjunction With A 2,216 Sq. Ft. +/- Coffee Shop In The Gateway Shopping Center East Pinole Valley Road And North Of I-80, APN 401-211-032 (CUP 14-07)
6. Adopt Resolution Approving A Conditional Use Permit For Up To 1,000 Sq. Ft. Of Outdoor Seating In Conjunction With A 11,328 +/- Sq. Ft. Retail Shopping Space (CUP 14-06)
7. Adopt Resolution Approving A Tentative Parcel Map To Subdivide Approximately 4.53 Acres Into Two Parcels Of 2.513 Acres (Parcel 1) And 2.013 Acres (Parcel 2) - APN 401-410-017 (MS 651-14)
8. Adopt Resolution Approving A Lease Agreement And A Purchase & Sale Agreement, Both By And Between The City Of Pinole And Thomas Gateway LLC Relative To The Use And Development Of Property
9. Introduction of an Ordinance Approving A Development Agreement Between The City Of Pinole And Thomas Gateway LLC Relative To The Use And Development Of Property

9. OLD BUSINESS

- A. Authorize the City Manager to Execute a Construction and Professional Services Contracts for the Pinole Skate Park Project
 1. Adopt Resolution Authorizing The City Manager To Award And Execute A Construction Contract With M.G. Creations, From Santa Cruz, CA In An Amount Not To Exceed \$235,911, And Authorize Expenditures Up To \$23,591, For Possible Extra Work For A Total Authorization Of \$259,502 For The Construction Of The Pinole Skate Park

2. Adopt Resolution Authorizing The City Manager To Award And Execute A Professional Services Contract With Wormhoudt Incorporated For Inspection Services For An Amount Not To Exceed \$6,000 For Inspection Services
 3. Adopt Resolution Authorizing The City Manager To Award And Execute A Professional Services Contract With Pillar Design Studios For Design Services During Construction For An Amount Not To Exceed \$2,500
 4. Adopt Resolution Authorizing Expenditure Of Up To \$2,500 Under An Existing On-Call Contract With Cornerstone Earth Group For Geotechnical Services
 5. Adopt Resolution Modifying The City Budget To Increase The Skate Park Capital Project For Fiscal Year 2014 – 15 to \$344,202
[Council Report No. 2015-29; Action: Adopt 5 Resolutions Per Staff Recommendation (Allison)]
- B. Continue Discussion Regarding Project Labor Agreement (PLA) Deal Points
[Council Report 2015-30; Action: Provide Direction (Espinosa)]

10. NEW BUSINESS

11. REPORTS & COMMUNICATIONS

- A. Mayor Report
 1. Announcements
- B. Mayoral & Council Appointments
- C. City Council Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager Report / Department Staff
 1. Report on Traffic Enforcement Issues on Pinole Valley Road from Pinole Creek Bridge 6 to City Limits **[Council Report No. 2015-31; Action: Receive Written Report (Chief Gang)]**
- F. City Attorney Report

12. ADJOURNMENT to the Regular City Council Meeting of May 5, 2015.

I hereby certify under the laws of the State of California that the foregoing Agenda was posted on the bulletin board at the main entrance of Pinole City Hall, 2131 Pear Street Pinole, CA, and on the City's website, not less than 24 hours prior to the meeting set forth on this agenda.

POSTED: April 16, 2015 at 4:00 P.M.

Patricia Athenour, MMC, City Clerk