



City of San Pablo

1000 Gateway Avenue
San Pablo, CA 94806
(510) 215-3000
www.SanPabloCA.gov

Meeting Agenda - Final

City Council

Mayor Elizabeth Pabon-Alvarado
Vice Mayor Rita Xavier
Councilmember Abel Pineda
Councilmember Patricia Ponce
Councilmember Arturo M. Cruz

Monday, January 11, 2021

4:00 PM

Via Teleconference/Videoconference

CITY COUNCIL SPECIAL MEETING - 4:00 PM

City Council and Staff will attend via Teleconference/Videoconference

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the City Council, City staff and the public to participate and conduct a meeting by teleconference, videoconference or both.

In order to comply with public health orders the requirement to provide a physical location for members of the public to participate in the meeting has been suspended. However, the public can participate in the meeting in the following ways:

1. Members of the public can watch or listen to the meeting during Livestream Online at: <https://www.sanpabloca.gov/1400/City-CouncilLSA-Planning-CommAgendasMin>; OR <https://tinyurl.com/SPCC011121> (no password needed) OR Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join <https://tinyurl.com/SPCC011121>.

Or join by phone: Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099, or +1 301 715 8592, or +1 312 626 6799; Webinar ID:82398472352; International numbers available: <https://us02web.zoom.us/j/kbeac6uVCv>.

2. Public comments may be submitted watching the meeting via online link: <https://tinyurl.com/SPCC011121>.

- a. Via EMAIL to CityClerk@SanPabloCA.gov. Each email must contain in the subject line "PUBLIC COMMENTS NOT ON THE AGENDA" [or] "PUBLIC COMMENTS - AGENDA ITEM #__". Comments received by 12 noon on the day of the meeting will be provided in advance to the City Council and posted online with the agenda materials.
- b. Via VOICEMAIL at (510) 215-3000. The caller must start the message by stating "PUBLIC COMMENTS NOT ON THE AGENDA" [or] "PUBLIC COMMENTS - AGENDA ITEM #__" followed by their comments. Providing a name and method of follow-up if appropriate is requested but not required. Messages received by 12 noon on the day of the meeting will be transcribed or summarized to be provided in advance to the City Council and posted online with the agenda materials.
- c. During the meeting, the public may provide public comments via email to CityClerk@SanPabloCA.gov, which will be read into the record before Council consideration of the item and will be limited to three (3) minutes. Comments that do not conform to the City Council's rules of decorum may be summarized rather than read verbatim.
- d. To make a public comment on a desired item while participating in the webinar, click on the "Raise Your Hand" option within the online webinar tool, or if participating via phone – dial *9.
- e. Written comments on agenda items shall be submitted by noon on the day of the meeting to allow sufficient time for copying and consideration before Council consideration of the agenda item. Written comments exceeding one page must be submitted by 7:30 am on the day of the meeting.

As allowed by the Brown Act, the Mayor may limit the total time for public comment to facilitate the completion of business on the agenda.

The City cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the City Council receives your comments prior to taking action, you are strongly encouraged to submit your comments in writing in advance of the meeting. All comments received by the close of the meeting will be available after the meeting as supplemental materials and will become part of the official meeting record.

Please note that all information provided in public comments including phone number called with, email addresses and any other personal information written or stated is subject to disclosure on the broadcast of the video- or tele-conferenced meeting. Comments posted online will not include personal information.

In accordance with the Americans with Disabilities Act, persons requiring assistance or auxiliary aids in order to participate should contact the City Clerk's Office at City Hall, 1000 Gateway Avenue, San Pablo, or by calling (510) 215-3000, as soon as possible prior to the meeting. The City will give such requests primary consideration, taking into account undue financial and administrative burdens or fundamental alterations in the city service, program or activity.

The full agenda packet may also be viewed on the city website at <https://www.sanpabloca.gov/1400/City-CouncilLSA-Planning-Comm-AgendasMin>.

Copies of this Agenda and non-exempt public records relating to an open session item on this agenda will be available for public view at the City Clerk's Office, 1000 Gateway Avenue, San Pablo. The full agenda packet may also be viewed on the city website at www.SanPabloCA.gov.

PLEDGE OF ALLEGIANCE

ROLL CALL

Speakers wishing to address the Council on a specific agenda item should file a form with the City Clerk indicating the agenda item. The Mayor will invite you to speak at the appropriate time when the matter is being considered. If you desire to address the Council, please file your name and address with the City Clerk on forms available at the podium. We also ask that all cell phones be turned off or silenced during the meeting.

ORAL COMMUNICATIONS

This is the time for comments on any item within the Council's subject matter jurisdiction, if such item is NOT listed on tonight's agenda. The Council may not engage in discussion or take action on any item that is not specifically listed on the agenda. Your item may be referred to city staff for investigation, report or placement on a future agenda. Persons addressing the Council are required to limit their remarks to three (3) minutes unless an extension or decrease of time is ordered. Please file your name and address with the City Clerk on forms available at the speaker's podium.

CITY MANAGER REMARKS

CITY COUNCIL CONSIDERATION/AUTHORIZATION

1. [#21-001](#) CITY CLERK INTERVIEWS AND APPOINTIVE PROCESS:
 1. Consider any public comments;
 2. Determine by minute order if the late application of Wendy Gonzalez will be considered;
 3. Conduct Interviews of City Clerk applicants individually;
 4. Review and deliberate;
 5. Adopt a Resolution appointing one candidate to fill the City Clerk vacancy for remainder of 2020-2022 term
 6. Administer Oath of Office to newly-appointed City Clerk

- Recommendation:**
1. Consider any public comments;
 2. Determine by minute order if the late application of Wendy Gonzalez will be considered;
 3. Conduct Interviews of City Clerk applicants individually;
 4. Review and deliberate;
 5. Adopt a Resolution appointing one candidate to fill the City Clerk vacancy for remainder of 2020-2022 term
 6. Administer Oath of Office to newly-appointed City Clerk

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Members of the public may address the Council concerning the Closed Session matters on tonight's agenda before consideration of the item.

Recess to Closed Session**CLOSED SESSION**

2. [#21-002](#) CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Initiation of litigation pursuant to California Government Code section 54956.9(d)(4): PG&E Bankruptcy (Northern District of California Bankruptcy Court, Case No. 19-30088 (DM)); 3 cases
3. [#21-004](#) CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Anticipated litigation pursuant to California Government Code Section 54956.9(d)(2): Monte Vista Apartments Notice of Default under Loan and Affordability Agreements issued on January 27, 2020
4. [#21-003](#) CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
(TORT CLAIMS)
Anticipated litigation against the City of San Pablo pursuant to California Government Code Sections 54956.9(d)(2) and 54956.95:
 1. Curiel, Carlos & Gonzalez, Norma: DOL 8/29/20
 2. Doe, Jane via De Bode, Angelica: DOL 3/10/20
 3. Donohue Schriber Realty Group (Princeton Plaza): DOL 6/1/16
 4. Ellenberger, Lorena: DOL 11/24/19
 5. Estrada, Hector/CSAA Ins.: DOL 8/16/20
 6. Moreno, Jennifer: DOL 11/15/19
 7. Ortiz, Liliana: DOL 1/5/20
 8. Pham, Thanh: DOL 11/10/19
 9. Ramirez, Maritza & Ramirez, Maritza as Guardian ad Litem for Daniella Young: DOL 1/23/19
 10. Rodriguez, Eusebio: DOL 1/17/20
 11. Spencer, Howard: DOL 8/26/20
 12. Tamayo, Guadalupe: DOL 3/18/19
 13. Turner, Deborah: DOL 7/30/20
 14. Valencia, Micheline (for Berenice Valencia): DOL 10/24/19

5. [#21-021](#)

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Existing litigation against the City of San Pablo pursuant to California Government Code Section 94596.9(d)(1):

1. Carranza, Luis Montoya v. City of San Pablo, et al., United States District Court, Northern District of California, Case No. 4:20-cv-08443 -KAW
2. Chou, Jennifer v. City of San Pablo, et al., Contra Costa County Superior Court, Case No. CIVMSC20-00495
3. Duran, Maria E. v. City of San Pablo, et al., Contra Costa County Superior Court, Case No. CIVMSC20-00045
4. Ebert, Jennifer v. City of San Pablo, et al., Contra Costa County Superior Court, Case No. CIVMSC19-01948
5. Green, Walter, et al. v. City of San Pablo, et al., United States District Court, Northern District of California, Case No. 4:20-cv-06715-KAW
6. Madrigal, Josefa v. Metro by T-Mobile et al., Contra Costa County Superior Court, Case No. C20-01656
7. Martinez, Erendira, et al. v. Rodriguez, Alfredo Josue, et al., Contra Costa County Superior Court, Case No. CIVMSC20-00406
8. Silva, Noe, et al. v. City of San Pablo, et al., United States District Court, Northern District of California, Case No. 3:16-cv-04360-VC
9. Walker, Dawnya v. City of San Pablo, et al., Contra Costa County Superior Court, Case No. CIVMSC19-00548.
10. C. Overaa & Co. v. City of San Pablo, Manuel Garcia, OBS Engineering, Contra Costa County Superior Court, Case No. N20-1515
11. County of Santa Cruz et al. v. Bureau of Cannabis Control, Fresno County Superior Court, Case No. 19CECG01224
12. Robert Johanson et al. v. City of San Pablo, Contra Costa Superior Court, Case No. N19-1364

6. [#21-005](#)

CLOSED SESSION pursuant to Gov't Code section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

*****END OF CLOSED SESSION*****

Reconvene to Open Session

ROLL CALL

REPORT FOR CLOSED SESSION (IF ANY)

SUPPLEMENTAL MATERIAL (IF ANY)

7. [#21-008](#) MATERIALS SUBMITTED AFTER PUBLICATION OF THE AGENDA WILL BE APPENDED AFTER THE COUNCIL MEETING AFTER THE COUNCIL MEETING. THIS IS NOT AN ACTION ITEM BUT MERELY A MECHANISM FOR MATERIALS SUBMITTED AFTER PUBLICATION OF THE AGENDA TO BE APPENDED TO THE PUBLISHED AGENDA AFTER THE COUNCIL MEETING

ADJOURNMENT

The next regular City Council meeting is scheduled for Tuesday, January 19, 2021 at 6:00pm.