



Minutes of the Special Meeting of the San Pablo City Council

Monday, January 11, 2021

PLEDGE OF ALLEGIANCE

ROLL CALL

The video/teleconferenced meeting convened at 4:00 pm. Present were Mayor Elizabeth Pabon-Alvarado, Vice Mayor Rita Xavier, and Councilmembers Abel Pineda and Arturo Cruz. Councilmember Patricia Ponce joined the meeting at 4:03 pm. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Interim Assistant City Manager Charles Ching, Deputy City Clerk Lehny Corbin, Interim Deputy City Clerk Melissa Rhodes, and Administrative Clerk Christine Maki.

Deputy City Clerk Corbin announced that the meeting was being held via video/teleconference 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. Ms. Corbin further announced ways in which members of the public may watch or listen to the meeting during livestream on the City website. Instructions were also announced that the public may provide public comments via email which would be read before Council consideration of the item

ORAL COMMUNICATIONS

There were no public speakers.

CITY MANAGER REMARKS

City Manager Matt Rodriguez commented on the success of Public Works' Dumpster Days which netted a total of 84.45 tons of trash and 4.58 tons of metal in 2020.

CITY COUNCIL CONSIDERATION/AUTHORIZATION

CITY CLERK INTERVIEWS AND APPOINTIVE PROCESS: (#21-001)

City Manager Rodriguez introduced the item and provided instructions to the City Council on the interview and appointive process for the vacant City Clerk position, including the decision to accept the late application filed by Wendy Gonzalez. City Manager Rodriguez also referred to the supplemental agenda correspondence with the proposed interview questions, as well as the suggested three-minute limit for applicants to respond to each question.

1. There were no public comments received.
2. It was moved by Councilmember Cruz, seconded by Councilmember Ponce, and passed by unanimous vote, to accept the late application of Wendy Gonzalez. Councilmember Pineda questioned how late the application was received. City Manager Rodriguez clarified the application was received 20 minutes after the application deadline.

3. Mayor and City Councilmembers conducted interviews of the four applicants: Dorothy Gantt, Omar Rascon, Johana Gurdian and Wendy Gonzalez.
4. At the conclusion of the interviews, Mayor and City Council remarked on the applicants and their qualifications.
5. It was moved by Vice Mayor Xavier, seconded by Councilmember Cruz, and unanimously passed to adopt **Resolution 2021-001**, a Resolution appointing Dorothy Gantt to serve the remaining term of the City Clerk through November 2022.
6. Deputy City Clerk Corbin administered the Oath of Office to City Clerk Dorothy Gantt.

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

There were no public comments received on Closed Session Items.

City Attorney Lynn Tracy Nerland introduced the Closed Session items by referring to the categories listed in the agenda. The meeting recessed to Closed Session at 5:04 pm.

CLOSED SESSION

1. CLOSED SESSION (#21-002)
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
2. CLOSED SESSION (#21-004)
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
3. CLOSED SESSION (#21-003)
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

4. **CLOSED SESSION (#21-021)**

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Existing litigation against the City of San Pablo pursuant to California Government Code Section 54956.9(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

5. **CLOSED SESSION pursuant to Gov't Code section 54957: (#21-005)**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

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

ROLL CALL

The meeting reconvened in open session at 8:42 p.m. Present were Mayor Pabon-Alvarado, Vice Mayor Rita Xavier, and Councilmembers Pineda, Ponce and Cruz. Also present were City Manager Matt Rodriguez, City Attorney Nerland, and Interim Assistant City Manager Charles Ching.

REPORT FOR CLOSED SESSION (IF ANY)

City Attorney Nerland reported on the Closed Session items indicating that the City Council discussed but took no reportable action regarding the Closed session items listed on the Agenda. The City Council will be proceeding with the City Attorney evaluation.

ADJOURNMENT

The meeting adjourned at 8:44 pm.

Respectfully submitted,

Lehny M. Corbin, Deputy City Clerk

Elizabeth Pabon-Alvarado, Mayor