



Minutes of the Regular Meeting of the San Pablo City Council

Tuesday, September 7, 2021

ROLL CALL

The video/teleconferenced meeting convened at 5:02 pm. Present were Mayor Elizabeth Pabon-Alvarado, Vice Mayor Rita Xavier and Councilmembers Patricia Ponce, Abel Pineda and Arturo Cruz. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Charles Ching, City Clerk Dorothy Gantt, Executive Assistant to the City Manager LaTanya Fisher, and Deputy City Clerk Lehny M. Corbin.

City Manager Rodriguez made the following announcement concerning publication of the September 7, 2021 City Council meeting agenda on the City website:

As you know, the City Council meeting agenda was published and posted on Thursday, September 2nd. On Thursday, the agenda button on the City's website had active links for both the meeting details including each of agenda reports and attachments, and a link for the typical agenda, also with internal links to each agenda report.

At some point, this second link for the agenda showed as "not available." We are grateful to an engaged resident who brought this to our attention yesterday morning. We were able to restore this second link by noon yesterday. As a matter of clarification, below are the actions taken by the Deputy City Clerk to ensure the September 7 City Council meeting agenda is posted and distributed at least 72 hours prior to the meeting, in accordance with the Brown Act:

- a. The agenda was published on the City's website on Thursday, September 2 at 11:21 am;
- b. An email with attached PDF copy of the agenda containing hyperlinks for each agenda item was sent to the 148 community members who are subscribed to the City's agenda including the 190 City of San Pablo staff and City Council total) on Thursday at 12:41 pm.
- c. The agenda was posted at City Hall by the Deputy City Clerk at approximately 1:00 pm on Thursday, September 2. The agenda was also emailed to the Library, Community Center and Senior Center for posting by end of day on Thursday. These locations all confirmed their posting of the agenda;
- d. The agenda reports were available on the website since Thursday, September 2 at 11:21 am and able to be accessed through the "meeting details" tab;
- e. Once alerted Monday morning, September 6 that the typical agenda tab was showing as "not available" on the City's website, the agenda was re-posted and was back on the City's website by 11:49 am on Monday.
- f. On Monday, September 6, another email was sent to the 148 community members who are subscribed to the City's agenda and the 190 City staff and City Council at 1:58 pm providing the direct link to the agenda again as well as the City website.
- g. A social media announcement was also posted at or around 2:20 pm on Monday, September 6 concerning the agenda.

Accordingly, it is staff's perspective that the City has substantially complied with the Brown Act and the meeting can go forward despite the technical glitch with one of the website links to the agenda at some point. However, whether to proceed with the meeting is ultimately the City Council's decision.

The City Council members each expressed no objections and the Mayor indicated that the meeting would proceed under substantial compliance with the Brown Act as outlined by the City Manager. The Mayor further announced that the City Manager would repeat the announcement before the beginning of the regular agenda as not everyone tunes in for the closed session announcements.

City Clerk Gantt announced that the continuing trial of a hybrid 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. For this meeting, the Vice Mayor was in the Council Chambers with key staff members at City Hall. City Clerk Gantt 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.

City Attorney Nerland announced the titles of the Closed Session items.

PUBLIC COMMENTS

There were no public comments for the Closed Session items, and the City Council recessed to Closed Session at 5:14 pm.

CLOSED SESSION

1. CLOSED SESSION (#21-330)
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Gov't Code Section 54956.8:
PROPERTY: 13831 San Pablo Avenue, San Pablo, CA 94806 (a portion of the former City Hall site located generally at the intersection of San Pablo Avenue and Church Lane)
AGENCY NEGOTIATORS: Matt Rodriguez, Charles Ching, Jennifer Kauffman, Nicole Murphy as Special Legal Counsel
NEGOTIATING PARTIES: Danco Communities and The Mulholland Drive Company
UNDER NEGOTIATION: Price and Terms of Payment for Disposition of Property
2. CLOSED SESSION (#21-331)
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Gov't Code Section 54956.8:
PROPERTY: A portion of 2600 Moraga Rd, San Pablo, CA 94806 (APN 416-140-050)
AGENCY NEGOTIATORS: Matt Rodriguez, Charles Ching, Jennifer Kauffman, Nicole Murphy as Special Legal Counsel

NEGOTIATING PARTIES: American Recess and The Mullholland Drive Company
UNDER NEGOTIATION: Price and terms of payment for disposition of property

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

PLEDGE OF ALLEGIANCE

ROLL CALL

The video/teleconferenced meeting reconvened at 6:16 pm. Present were Mayor Elizabeth Pabon-Alvarado, Vice Mayor Rita Xavier and Councilmembers Abel Pineda, Patricia Ponce and Arturo Cruz. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Charles Ching, Police Chief Ron Raman, Public Works Director / City Engineer Jill Mercurio, Director of Finance Erick Cheung, Community Development Director Libby Tyler, Community Services Director Greg Dwyer, City Clerk Dorothy Gantt, Executive Assistant to the City Manager LaTanya Fisher, and Deputy City Clerk Lehny Corbin.

City Manager Rodriguez made the following announcement again concerning publication of the September 7, 2021 City Council meeting agenda on the City website:

As you know, the City Council meeting agenda was published and posted on Thursday, September 2. On Thursday, the agenda button on the City's website had active links for both the meeting details including each of agenda reports and attachments, and a link for the typical agenda, also with internal links to each agenda report.

At some point, this second link for the agenda showed as "not available." We are grateful to an engaged resident who brought this to our attention yesterday morning. We were able to restore this second link by noon yesterday. As a matter of clarification, below are the actions taken by the Deputy City Clerk to ensure the September 7 City Council meeting agenda is posted and distributed at least 72 hours prior to the meeting, in accordance with the Brown Act:

- a. The agenda was published on the City's website on Thursday, September 2 at 11:21 am;
- b. An email with attached PDF copy of the agenda containing hyperlinks for each agenda item was sent to the 148 community members who are subscribed to the City's agenda including the 190 City of San Pablo staff and City Council total) on Thursday at 12:41 pm.
- c. The agenda was posted at City Hall by the Deputy City Clerk at approximately 1:00 pm on Thursday, September 2. The agenda was also emailed to the Library, Community Center and Senior Center for posting by end of day on Thursday. These locations all confirmed their posting of the agenda;
- d. The agenda reports were available on the website since Thursday, September 2 at 11:21 am and able to be accessed through the "meeting details" tab;
- e. Once alerted Monday morning, September 6 that the typical agenda tab was showing as "not available" on the City's website, the agenda was re-posted and was back on the City's website by 11:49 am on Monday.
- f. On Monday, September 6, another email was sent to the 148 community members who are subscribed to the City's agenda and the 190 City staff and City Council at 1:58 pm providing the direct link to the agenda again as well as the City website.

- g. A social media announcement was also posted at or around 2:20 pm on Monday, September 6 concerning the agenda.

Accordingly, it is staff's perspective that the City has substantially complied with the Brown Act and the meeting can go forward despite the technical glitch with one of the website links to the agenda at some point. However, whether to proceed with the meeting is ultimately the City Council's decision.

The City Council members each expressed no objections and the Mayor indicated that the meeting would proceed under substantial compliance with the Brown Act as outlined by the City Manager. The Mayor further announced that the City Manager would repeat the announcement before the beginning of the regular agenda as not everyone tunes in for the closed session announcements.

City Clerk Gantt announced that the continuing trial of the hybrid 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. For this meeting, the Vice Mayor was in the Council Chambers with key staff members at City Hall. City Clerk Gantt 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.

City Attorney Nerland reported on the following closed session items:

- #1 (#21-330): an update was provided to Council with no action needed. Council was advised that the City Manager had executed an amendment to the Disposition & Development Agreement for the former City Hall site to extend the deadline for close of escrow as the developer seeks additional housing funds;
- #2 (#21-331): no action was taken regarding real property negotiations related to 2600 Moraga Road as consideration of this item is in the open session of the agenda (item 15).

ORAL COMMUNICATIONS

City Clerk Gantt read the following emails received:

1. Suzy Cisneros expressed concerns regarding residents on her street using trash bins to reserve parking spots;
2. Cordell Hindler invited the Council to the October 8 event of the Council of Industry Shoreline Tour at 1:00 pm; and to have Stephen Baiter provide an update on businesses.
3. Allison Torres expressed concerns about parking spots being reserved using trash bins.

The following individuals spoke:

4. Janet Pottier spoke of her problem receiving the emails announcing meetings and that at times would go into her junk mail folder for her yahoo email.
5. Sandra Dunham spoke and asked the Council to join other Bay Area cities in recognizing the Fourth Annual United Against Hate Week.

PRESENTATIONS

3. **Presentation by Dr. Gary Manross of Strategy Research Institute of Public Safety Survey Results (July 2021. (#21-307)**

City Manager Rodriguez introduced the item and gave a brief overview of the at least annual surveys conducted by Strategy Research Institute (SRI). Dr. Gary Manross of SRI presented through a PowerPoint presentation the results of the 2021 Public Safety Survey Results conducted in July 2021. The slides included research design and a summary of statistical data gathered in response to questions regarding public safety in San Pablo. The survey also contained the top six issues the public would like changed: need more police; address homelessness; repair/maintenance of streets & roads; street clean-up of garbage; and crime and traffic congestion.

Dr. Manross addressed the City Council's questions and comments. The City Council thanked him for the presentation. City Manager Rodriguez stated the Council should continue to do these surveys in order to stay engaged with community at-large and thanked Dr. Manross for his services.

Assistant City Manager Ching read aloud the comments received from the Zoom platform as follows: "Thank you for the response; education should also be on the list for San Pablo."

4. **Presentation of Annual Report by the San Pablo Police Department. (#21-332)**

City Manager Rodriguez introduced the item. Police Chief Raman thanked Dr. Manross and the community for their support for the past 18 months. Chief Raman presented the 4th Annual San Pablo Police Department Annual Report and mentioned that it is available in Spanish and will be made available online.

The presentation included the Chief's Message, the Police Department's Mission, Strategic Goals / Department Statistics, crime stats, Organizational Chart, Business Watch and Neighborhood Watch, Officer of the Year (DiMercurio) and Civilian of the Year (Laguna), staff promotions, awards, new hires, and retirements. Chief Raman highlighted the following: Patrol Division, Investigations, Crisis Response Unit, Priority Oriented Policing (POP), Task Force, Service Division including Code Enforcement, and the Juvenile Education Welfare Liaison (JEWL) Program.

Chief Raman thanked Police Department staff, City staff and the EDC staff for their assistance in putting the Annual Report together. The City Council expressed their comments and thanks for Chief Raman's leadership.

***** END OF PRESENTATIONS *****

CITY MANAGER REMARKS

City Manager Rodriguez made the following announcements:

- September 18, 2021 – Dumpster Day at 2600 Moraga Road;
- Sutter Avenue Green Street Project received a grant approval of \$1.76 million from the California Natural Resources Agency;

- There is legislation regarding at least \$20 million to support mental health 988 Crisis Prevention Hotline and would fund the 13 call centers in California; and the City of San Pablo being actively participating in the Countywide Mental Health Crisis Initiative, with hopes of establishing the West County hub in San Pablo.

CONSENT CALENDAR

It was moved by Vice Mayor Xavier, seconded by Councilmember Cruz, and unanimously passed, to adopt all items in the Consent Calendar.

MINUTES

5. By adoption of the Consent Calendar, the Minutes of the meeting of August 2, 2021 were approved. (#21-320)

PERIODIC REPORTS

6. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of July 2021 were approved. (#21-323)
7. By adoption of the Consent Calendar, the Investment Report/Treasurer's Report for month of July 2021 was received and filed. (#21-328)

LIABILITY CLAIMS

8. By adoption of the Consent Calendar, the liability claim of Oscar H. Aguirre (DOL 06/01/21) was denied. (#21-343)

BOARDS AND COMMISSIONS

9. By adoption of the Consent Calendar, the City Council authorized by Minute Order to post the Notice of Vacancy for the Planning Commission for a minimum of 20 days. (#21-322)

MISCELLANEOUS

10. By adoption of the Consent Calendar, **Resolution 2021-106** was adopted, a Resolution of the City Council of the City of San Pablo amending the City of San Pablo's Conflict of Interest Code. (#21-304)
11. By adoption of the Consent Calendar, **Resolution 2021-107** was adopted, a Resolution of the City Council of the City of San Pablo, California, extending the existence of a local emergency due to Novel Coronavirus (COVID-19) and confirming the actions taken by the Director of Emergency Services. (#21-315)
12. By adoption of the Consent Calendar, **Resolution 2021-108** was adopted, a Resolution of the City Council of the City of San Pablo ratifying the waiver of fees for use of Davis Park Sports Fields and Concession Stand for the San Pablo Cowboys Youth Association (SPCYA) for the 2021 Summer/Fall Season. (#21-341)
13. By adoption of the Consent Calendar, **Resolution 2021-109** was approved, a Resolution of the City Council of the City of San Pablo (1) accepting work performed by Gruendl, Inc. dba Ray's Electric, Oakland, California, for the Fiber Wide Area Network (WAN) Project (0950) as complete; (2) directing City Engineer to file a Notice of Completion with the County Recorder; and (3) re-appropriate remaining funds to Rumrill Complete Streets Project (0700). (#21-316)

14. By adoption of the Consent Calendar, **Resolution 2021-110** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a budget appropriation of \$330,000 from FY 21/22 General Fund Designated Reserves / General Liability cost increase to Multi-Departmental Property/Fire/Crime Insurance (100-1430-44450) to fund the City's Fiscal Year 21/22 annual insurance premium increases. (#21-319)
15. By adoption of the Consent Calendar, **Resolution 2021-111** was adopted, a Resolution of the City Council of the City of San Pablo approving and authorizing the execution of a Second Amendment to the Disposition and Development Agreement with American Recess, LLC and The Mulholland Drive Company, LLC for the sale and development of the southernmost portion of the property located at 2600 Moraga Road, San Pablo, California. (#21-334)
16. By adoption of the Consent Calendar, **Resolution 2021-112** was adopted, a Resolution of the City Council of the City of San Pablo (1) authorizing the City Manager to purchase one (1) 2021 Ford F-650 Chassis, Electric Battery-Powered Garbage Truck from Electric Vehicle Conversions in Santa Fe Springs, CA; (2) waiving the competitive bidding requirements for the purchase pursuant to the San Pablo Municipal Code Section 3.16.110; (3) ratifying the application for funding through California's Hybrid and Zero Emission Truck and Bus Voucher Incentive Project; and (4) appropriating \$220,000 from the General Fund Designated Reserves to the Vehicle Replacement Fund to execute Public Works Vehicle Purchases in FY 2021/22. (#21-311)
17. By adoption of the Consent Calendar, **Resolution 2021-113** was adopted, a Resolution of the City Council of the City of San Pablo (1) approving an agreement with Changing Environments, Inc., dba Soofa, in the amount of \$44,000 for the first year and \$18,000 annual costs for up to five additional one-year extensions for a total not to exceed \$134,000; (2) waiving the competitive bidding requirements for the purchase pursuant to the San Pablo Municipal Code Section 3.16.110(C); (3) appropriating \$44,000 from the General Fund Designated Reserves to fund the agreement; and (4) authorizing the City Manager to execute said agreement and extensions. (#21-333)
18. By adoption of the Consent Calendar, **Resolution 2021-114** was adopted, a Resolution of the City Council of the City of San Pablo (1) authorizing the City Manager to purchase four 2022 Ford Explorer Utility Vehicles equipped with emergency equipment for \$182,237 using competitively bid cooperative contracts; (2) authorizing the City Manager to forego the formal bid process for Specialized Services Combined with Equipment pursuant to the San Pablo Municipal Code Section 3.16.110(B) and authorizing the City Manager to execute a contract with Public Safety Equipment (EVO-Parent Company) to fully outfit the vehicles; (3) authorizing two Ford Crown Victoria vehicles to be surplusd pursuant to San Pablo Municipal Code 3.16.120; and (4) appropriating \$230,000 from the General Fund Designated Reserves to the Vehicle Replacement Fund to execute vehicle purchases in FY 2021/22. (#21-347)
19. By adoption of the Consent Calendar, **Resolution 2021-115** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the San Pablo Police Department to accept and appropriate \$47,973 in grant funding from the California Alcohol Beverage Control to participate in the Grant Assistance to Local Law Enforcement Program to

develop an effective, comprehensive and strategic approach to eliminating the crime and public nuisance programs associated with problem alcoholic beverage outlets. (#21-355)

CITY COUNCIL AUTHORIZATION

20. By adoption of the Consent Calendar, the City Council approved by Minute Order authorization to ratify a Thank You Letter transmitted on August 3, 2021 from San Pablo Mayor Elizabeth Pabon-Alvarado to U.S. Senator Alex Padilla regarding a request for funding to the Senate Appropriations Committee under the FY 2022 Subcommittee on Transportation, Housing and Urban Development and related agencies Appropriations Bill in the amount of \$8,000,000 for the San Pablo Avenue Bridge Replacement and Intersection Realignment Project. (#21-342)
21. By adoption of the Consent Calendar, the City Council accepted Councilmember Pineda's Disclosure to the City Council and to the City as Successor Agency to the San Pablo Redevelopment Agency of Councilmember Pineda's purchase of property within the boundaries of the former San Pablo Redevelopment Project Area for personal residential use located at 1648 15th Street, San Pablo. (#21-354)

*** * * END OF CONSENT CALENDAR * * ***

CITY COUNCIL DISCUSSION/CONSIDERATION

22. City Manager Rodriguez introduced the item concerning the proposed Ad-Hoc Subcommittee to facilitate City Council participation with the local business community. Comments received from Ronald Grincewicz were read aloud by City Clerk Gantt who expressed support for appointment of Councilmember Cruz to the Subcommittee. City Council expressed their comments.

It was moved by Councilmember Cruz, seconded by Councilmember Ponce, and unanimously passed to adopt **Resolution 2021-116**, a Resolution of the City Council of the City of San Pablo establishing a new temporary Ad-Hoc Subcommittee to facilitate Council participation and attendance in local business association discussions and meetings during Calendar Year 2021, expiring on December 31, 2021; and affirming Councilmember appointments as recommended by Mayor Elizabeth Pabon-Alvarado pursuant to San Pablo Municipal Code Section 2.16.070, appointing Mayor Pabon-Alvarado and Councilmember Cruz to the subcommittee. (#21-348)

23. City Manager Rodriguez introduced the item. Public Works Director/City Engineer Mercurio gave a PowerPoint presentation of the joint agreement with Contra Costa Transportation Authority which included data collected by StreetLight Data from cell phones and commercial GPS systems that may be used by the Engineering and Community Development Departments. The City Council expressed their comments regarding cost and use of information. There were no comments received from the public.

Councilmember Ponce lost connection for approximately four minutes and reconnected at 8:51 pm.

It was moved by Councilmember Cruz, seconded by Councilmember Ponce, and unanimously approved to adopt **Resolution 2021-117**, a Resolution of the City Council of the City of San Pablo approving and authorizing the City Manager to execute a Memorandum of Understanding with Contra Costa Transportation Authority (CCTA) for the StreetLight Data and Services Subscription for one year and cost-sharing commitment in the amount of \$15,000 with the City required to indemnify the private contractor StreetLight Data, Inc. (#21-359)

SUPPLEMENTAL AGENDA MATERIAL (IF ANY)

24. Any materials submitted after publication of the agenda were appended after the Council meeting. This was 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. (#21-321)

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

City Council reported on their recent activities.

It was moved by Councilmember Pineda, seconded by Councilmember Cruz, and unanimously passed to place on a future agenda possible amendment to the adopted Professional Code of Conduct and Ethical Standards for all Elected Officials, Boards and Commissions, which was last revised on May 2, 2016 by Resolution 2016-162, specifically to consider adding a potential provision under Section 13 Official Representation under Code of Conduct policy to enable individual councilmembers to provide a disclaimer statement when responding to potential requests for individual elected official endorsements from external organizations or special interested groups that do not reflect an official policy or position of the City Council on a majority vote. Councilmember Pineda clarified that he desires for the City Council to discuss and be able to look at the Code of Conduct, specific to the provision in Section 13.

It was moved by Vice Mayor Xavier, seconded by Councilmember Pineda, and unanimously passed to add an agenda item at a future meeting to discuss adding to the Council Priority Workplan of San Pablo to become involved in SolarAPP+, an expedited permitting software promoting rooftop solar and storage developed by the National Renewable Energy Laboratory, and to invite Igor Tregub, Senior Policy Advisor of California Solar & Storage Association, to speak at a future meeting.

It was moved by Councilmember Cruz, seconded by Councilmember Ponce, and unanimously passed, to place on a future agenda a request for issuance of a proclamation recognizing *United Against Hate Week*.

Mayor Pabon-Alvarado reported that District Attorney Diana Becton's assistant reached out to her and requested a presentation to the City Council. City Manager Rodriguez stated he would reach out to District Attorney Becton's office to schedule her presentation.

ADJOURNMENT

The meeting adjourned at 9:10 pm, to Monday, September 20, 2021 at 6:00 pm, in memory of Joseph Bennett, brother-in-law of Vice Mayor Xavier, and in memory of Leo Dominguez Valdez, father of former San Pablo Councilmember/Mayor Cecilia Valdez.

Respectfully Submitted,

Dorothy Gantt, City Clerk

Elizabeth Pabon-Alvarado, Mayor