



Minutes of the Regular Meeting of the San Pablo City Council

Tuesday, September 3, 2019

ROLL CALL

The meeting reconvened in the Council Chambers at 6:03 pm. Present were Mayor Rich Kinney and Vice Mayor Arturo Cruz, who participated via teleconference, and Councilmembers Elizabeth Pabon-Alvarado, Rita Xavier and Abel Pineda. It was confirmed by Vice Mayor Arturo Cruz that the agenda was posted at his location a minimum of 72 hours prior to the meeting. No members of the public were present at the teleconference location desiring to participate in the meeting. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz, Police Chief Ron Raman, Administrative Services Director Kelly Sessions, Public Works Director/Civil Engineer Jill Mercurio, City Treasurer Viviana Toledo, City Clerk Patricia Ponce, and Executive Assistant to the City Manager LaTanya Fisher.

ORAL COMMUNICATIONS

Cordell Hindler requested placement on the September agenda for Andy Katz to make a presentation regarding closure of Alta Bates Hospital; for PG&E to update on the Public Safety Power Shutoff; for BART to give an update on the transit study. He then invited the City Council to the Salesian dinner event.

PRESENTATIONS

1. Presentation of Top Workplace Award for City of San Pablo (#19-359)
City Manager Rodriguez introduced the item and described the process on how the City of San Pablo received the Top Workplace Award for 2019 based on employee feedback conducted by Energage LLC. City Manager commended Public Works Director/City Engineer Mercurio for bringing the concept forward to management and then to employees. City Manager Rodriguez presented the plaque to the City Council awarded by the San Francisco Bay Area News Group. City Council praised staff for great work and noted the San Pablo City logo "Hawaiian" shirts that all employees received.

Cordell Hindler spoke of his appreciation for the city and staff.

2. Annual Update by the San Pablo Historical and Museum Society (#19-353)
City Manager Rodriguez introduced the item. Janet Pottier of the San Pablo Historical and Museum Society (Historical Society) gave a PowerPoint presentation that gave a brief history of how the Historical Society, a 501(c)(3) organization, was formed as well as its current and future goals. She thanked the City for working with the Historical Society and expressed the need for more volunteers to hold regular hours, conduct more tours, make presentations to schools, and digitize some of the historical records.

The City Council acknowledged the volunteers and thanked them for their time in helping to keep the program operational.

CITY MANAGER REMARKS

City Manager Rodriguez reported on the following:

- September 7, 2019 Dumpster Day sponsored by the Public Works Department
- *El Portal* Newsletter and Community Services Activity Guide

CONSENT CALENDAR

Mayor Kinney recused himself from discussion of agenda item #17 (lease agreement between the City and San Pablo Economic Development Corporation) as he is a board member of EDC and left the Council Chambers during discussion of the item. Councilmember Pineda recused himself from discussion of item #13 (sale of 1701 Bush Avenue) as his residence is located within 500 feet of the subject property. It was moved by Councilmember Xavier, seconded by Councilmember Pabon-Alvarado, and unanimously passed, to adopt all items in the Consent Calendar with the exception of agenda items #13 and #17.

MINUTES

3. By adoption of the Consent Calendar, the Minutes of the meeting of August 5, 2019 were approved. (#19-349)

PERIODIC REPORTS

4. By adoption of the Consent Calendar, the Annual Progress Report of the City Management Plan for the Community Rating System (CRS) 2019 Recertification was received and filed. (#19-356)
5. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of July 2019 was approved. (#19-361)
6. By adoption of the Consent Calendar, the Investment Report/Treasurer's Report for the month of July 2019 was received and filed. (#19-362)

CLAIMS

7. By adoption of the Consent Calendar, the indemnity claim of A.K. Bara Inc. dba San Pablo Chevron (re liability claim of Dawnya Walker, DOL 10/15/18) was denied. (#19-311)
8. By adoption of the Consent Calendar, the liability claims of Brandie Nicole Robinson (DOL 7/17/19) and Alfredo Leal Reyes (DOL 7/17/19) were denied. (#19-357)

PROCLAMATIONS

9. By adoption of the Consent Calendar, the request for issuance of Proclamation recognizing September as *Childhood Cancer and Blood Cancer Awareness Month* was approved. (#19-386)

BOARDS AND COMMISSIONS

10. By adoption of the Consent Calendar, the request to post Notice of Boards and Commissions Vacancies on the Safety Commission (one vacancy) was authorized for posting for a minimum of 20 days by Minute Order. (#19-387)

- 11. By adoption of the Consent Calendar, the request for renewal of terms and reappointment of current members Geraldine Sanchez and Helen Wichner to Advisory Committee on Aging (Three Vacancies) was approved by Minute Order. (#19-384)

MISCELLANEOUS

- 12. By adoption of the Consent Calendar, **Resolution 2019-132** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a sponsorship in the amount of \$5,000 to Greater Richmond Inter-Faith Program (GRIP) for their program “By Any Means Necessary”, a program that helps combat homelessness and hunger. (#19-363)

- 13. This item was pulled from the Consent Calendar and discussed separately. Councilmember Pineda recused himself from discussion of this agenda item due to his residence being located within 500 feet of the subject property. City Manager Rodriguez reported that the purchase and sale agreement of the property was previously discussed in Closed Session. The property was zoned open space in 2015 for consideration of its use as a pocket park or perhaps other appropriate use in this residential area. It was moved by Mayor Kinney, seconded by Councilmember Xavier, and passed by vote, to adopt **Resolution 2019-133**, a Resolution of the City Council of the City of San Pablo approving and authorizing execution of a Purchase and Sale Agreement by and between the City of San Pablo and the Blaisdell Trust for the purchase and sale of property located at 1701 Bush Avenue, San Pablo, California (APN 410-275-011-6) and appropriating \$130,000 from the General Fund Designated Reserve / Wildcat Creek Trail Soil Storage Project to the Economic Development Budget to complete the purchase. The motion passed as follows: (#19-383)

AYES: Xavier, Pabon-Alvarado, Cruz and Kinney
NOES: None
ABSENT: None
RECUSED: Pineda

- 14. By adoption of the Consent Calendar, **Resolution 2019-134** was adopted, a Resolution of the City Council of the City of San Pablo authorizing an event sponsorship of \$5,000 for the Annual 2019 Lytton Casino Golf Tournament and Fundraiser to benefit LifeLong Brookside & Urgent Care Centers on Monday, October 28, 2019. (#19-385)

- 15. By adoption of the Consent Calendar, **Resolution 2019-135** was adopted, a Resolution of the City Council of the City of San Pablo ratifying the City Manager’s execution of the School Resource Officer Funding Agreement between the West Contra Costa Unified School District and the City of San Pablo for the FY 2019/20 School Year. (#19-388)

- 16. Although this item was not pulled from the Consent Calendar, Wellsley Donofrio expressed his concerns regarding the need for input from the community regarding traffic improvements on San Pablo Avenue, Church Lane and El Portal Drive. By adoption of the Consent Calendar, **Resolution 2019-136** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to accept and appropriate a Caltrans Highway Safety Improvement Program Grant in the amount of \$914,040, for the Church Lane/Willow Road and El Portal Drive/Mission

Bell Road Intersection Improvement Project and enter into any agreements related to this grant. (#19-393)

17. This item was pulled from the Consent Calendar and discussed separately. Mayor Kinney recused himself from discussion of this item as he is a board member of the San Pablo Economic Development Corporation and he left the Council Chambers. Councilmember Pabon-Alvarado presided over discussion of the item. City Manager Rodriguez reported that at its July 24, 2019 meeting, the Budget, Fiscal & Legislative Standing Committee approved the proposed lease agreement between the City and San Pablo Economic Development Corporation for space for the EDC at the new City Hall and storage space for the City at property that the EDC owns . The City Council did not comment on the item. It was moved by Councilmember Pabon-Alvarado, seconded by Councilmember Xavier, and passed by vote, to adopt **Resolution 2019-137**, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute a Lease Agreement between the City of San Pablo and the San Pablo Economic Development Corporation. The motion passed as follows: (#19-358)
- AYES: Pineda, Xavier, Cruz and Pabon-Alvarado
NOES: None
ABSENT: None
RECUSED: Kinney
18. By adoption of the Consent Calendar, **Resolution 2019-138** was adopted, a Resolution of the City Council of the City of San Pablo accepting and appropriating the Marin Clean Energy Grant in the amount of \$38,500, and accepting and appropriating the West Contra Costa Transportation Advisory Committee Grant in the amount of \$6,000, to partially fund the installation of 11 Electric Vehicle Charging Ports at the New City of San Pablo City Hall. (#19-397)

CITY COUNCIL AUTHORIZATION

19. By adoption of the Consent Calendar, the City Council authorized by Minute Order the ratification of the Notice of Opposition Letters regarding SB266 (Leyva) – California Public Employees’ Retirement System: Disallowed Compensation; Benefit Adjustments. (#19-396)

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

CITY COUNCIL DISCUSSION

20. City Manager Rodriguez introduced the item and provided background on placement of the item on the agenda as requested at the August 5, 2019 City Council meeting, including recommendations from staff on pet waste receptacles at City parks. It was moved by Mayor Kinney, seconded by Vice Mayor Cruz, and unanimously passed to adopt **Resolution 2019-139**, a Resolution of the City Council of the City of San Pablo to consider amending the FY 2019-21 Adopted City Council Priority Workplan under Major Policy Goal “Build a Healthy Community” to add Pet Waste Receptacles and Disposal Bag Program for City parks for FY 2020/21. (#19-391)

21. City Manager introduced the item and provided background information on the status of the proposed Fifth Amended and Restated Joint Exercise of Powers Agreement (JEPA) by the West Contra Costa Integrated Waste Management Authority/RecycleMore (WCCIWMA/RecycleMore) JPA Board of Directors. Environmental Program Analyst Karineh Samkian gave a PowerPoint presentation of the history of JEPA that includes the cities of El Cerrito, Hercules, Pinole, Richmond and San Pablo; the reasons to amend the JEPA; the amendment process; the main JEPA amendment terms; and final version of the amendment. Steve Duran, Interim Executive Director of WCCIWMA/RecycleMore, spoke and requested the City Council vote favorably on the JEPA amendment. City Council expressed their opinions regarding the amendment. It was moved by Councilmember Pineda, seconded by Councilmember Pabon-Alvarado, and unanimously passed to adopt a revised **Resolution 2019-140**, a Resolution of the City Council of the City of San Pablo opposing the Fifth Amended and Restated West Contra Costa Integrated Waste Management Authority/RecycleMore Joint Exercise of Powers Agreement, to which the City is a Party, and authorizing the Mayor by resolution to execute the Agreement if the majority of the other member agencies' governing bodies approve the agreement. (#19-389)
22. Due to the number of speakers, the discussion regarding smoking ban ordinance in multi-family dwellings was discussed prior to consideration of agenda items #20 and #21.

Assistant Planner Sandra Marquez gave a PowerPoint presentation on the background and purpose of the proposed ban on smoking in multi-family dwelling, which included research about neighboring cities' bans and the proposed options for San Pablo's new and existing multi-family housing units.

The following spoke in support of the ban: Paul Morris (resident); Andrea Rosillo (Youth Tobacco Advocacy and Policy Project - YTAPP); Rynn Schumacher (Contra Costa Health Services); Mia Braxton (YTAPP); Amreen Akhtar (BACR); Davé Charrette (YTAPP); Tranaja Barnett (YTAPP); Andrea Melendez (YTAPP); Kemly Ocampo (YTAPP); Dan Peddycord (Contra Costa Health Services); Liz Williams (Americans for Nonsmokers' Rights); and Ali Wohlgemuth (Bay Area Community Resources - BACR).

City Manager Rodriguez referred to the last-minute supplemental agenda correspondence which included five letters initially presented to the Public Safety Standing Committee. City Council expressed their thoughts and Ms. Marquez addressed their concerns regarding recreational and medical marijuana, electronic smoking devices and enforcement. The City Council also thanked the students for coming forward and giving voices to their opinions. City Manager Rodriguez suggested the City Council be specific in the motion as to what the ordinance should include from a policy standpoint. It was moved by Mayor Kinney, seconded by Councilmember Xavier, to direct staff to continue working on the smoking ban ordinance for San Pablo and to bring it back to which includes implementation for existing units within one year of adoption, making new units subject to the ordinance upon adoption, requiring landlords to be responsible for enforcing the ordinance and failure would be punishable as an infraction by the City, but to bring back for further discussion the issues of smoke from medical marijuana and vaping. (#19-390)

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

The City Council reported on their recent and upcoming activities and events.

ADJOURNMENT

The meeting adjourned at 8:36 pm, to Monday, September 16, 2019 at 6:00 pm, in memory Minister Kenneth O. Roberts, father of Executive Assistant to the City Manager LaTanya Fisher; Alan "Millsie" Mills, stepfather of EDC Executive Director Leslay Choy; Robert L. Sanchez, brother of Community Services Coordinator II (Paratransit) Belinda Graham; and Barbara Pohl, a volunteer at the Senior Center and Soup Kitchen.

Respectfully submitted,

Patricia Ponce, City Clerk

Rich Kinney, Mayor