



## Minutes of the Regular Meeting of the San Pablo City Council

Monday, October 2, 2017

### **ROLL CALL**

The meeting convened in the Council Chambers at 5:02 pm. Present during roll call were Vice Mayor Genoveva Calloway and Councilmembers Rich Kinney and Arturo Cruz. Absent were Mayor Cecilia Valdez and Councilmember Paul Morris. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz, Assistant to the City Manager/Economic Development Charles Ching, and Deputy City Clerk Lehny Corbin.

City Attorney announced the nature of the two Closed Session items and stated that there was no one from the audience who wished to speak on the Closed Session items. The City Council adjourned to closed session.

### **CLOSED SESSION**

1. CLOSED SESSION (#17-0414)  
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2) / Claim pursuant to California Government Code section 54956.95: Claim of Donahue Schriber Realty Group
2. CLOSED SESSION (#17-0413)  
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
Initiation of litigation pursuant to California Government Code Section 54956.9(d)(4): (1 potential case)

### **ROLL CALL**

The regular meeting convened in the Council Chambers at 6:00 pm. Present were Vice Mayor Genoveva Calloway and Councilmembers Rich Kinney and Arturo Cruz. Absent was Councilmember Paul Morris. Mayor Cecilia Valdez participated in the meeting via teleconference from 110 Santa Rita Court, San Pablo. The Mayor indicated that the agenda had been posted 72 hours in advance of the meeting at the teleconference site; that the teleconference site was open to the public and accessible; and that no member of the public was present and wishing to speak. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz, Police Chief Ron Raman, Public Works Director/City Engineer Barbara Hawkins, Finance Director Kelly Sessions, City Clerk Elizabeth Pabon-Alvarado, and Deputy City Clerk Lehny Corbin.

City Attorney Nerland reported that no action was taken on Closed Session item #1 (#17-0414) regarding the claim of Donahue Schriber Realty Group, but noted there is a related item in open session under Consent Calendar.

With regard to Closed Session item #2 (#17-0413) regarding potential initiation of litigation, City Attorney Nerland there was no reportable action other than direction given to staff.

## **ORAL COMMUNICATIONS**

Cordell Hindler spoke regarding 23<sup>rd</sup> Street Clean-Up on October 7, 2017, administrative student interns, a Business Watch, and a secretary to the City Attorney for consideration of possible placement on a future agenda.

Ted Marshall, owner of Teds-Meds, spoke regarding the adoption of the cannabis products ban and asked for an exemption for low-concentration cannabis products, such as the balms that he produces. He provided the City Clerk with a letter for distribution to the City Council.

## **CITY MANAGER REMARKS**

City Manager Rodriguez announced the following:

- Robert Wood Johnson Foundation award bestowed upon the City of San Pablo for pursuing innovative ideas around a “Culture of Health” and thanked all those involved, including City Staff and the San Pablo Economic Development Corporation
- Coffee with a Cop on October 4, 2017 at Dragon Snow
- North Richmond Shoreline Festival on October 7 at Point Pinole Regional Park
- Dumpster Day on October 7 at 2600 Moraga Road
- Public Meeting on October 10 hosted by the Contra Costa Fire Protection District in Maple Hall regarding the proposed new Fire Station 70 at the northeast corner of Market Avenue and 23<sup>rd</sup> Street
- Annual Wildcat Creek Clean-Up event on October 14 beginning at 17<sup>th</sup> & Folsom Streets

## **CONSENT CALENDAR**

By motion of Councilmember Kinney, seconded by Councilmember Cruz, all items in the Consent Calendar were passed by vote of those present. The motion passed as follows:

AYES: Cruz, Kinney, Calloway and Valdez

NOES: None

ABSENT: Morris

ABSTAIN: None

## **MINUTES**

3. By adoption of the Consent Calendar, the Minutes of the meeting of September 18, 2017 was approved. (#17-0400)

## **LIABILITY CLAIMS**

4. By adoption of the Consent Calendar, the late liability claim of Donahue Schriber Reality Group (DOL 04/21/17) was denied. (#17-0409)
5. By adoption of the Consent Calendar, liability claims of Danielle Mouton (DOL 04/13/17); Nora Carrasco and Gabriel Raya (DOL 05/1/17) were denied. (#17-0415)

## **MISCELLANEOUS**

### **BOARDS AND COMMISSIONS**

6. By adoption of the Consent Calendar, the City Council authorized the reappointment of Rita Xavier on the Planning Commission (One Vacancy) to a new four year term (September 2017 to September 2021). (#17-0410)

## **RESOLUTIONS**

7. By adoption of the Consent Calendar, **Resolution 2017-190** was adopted, a Resolution of the City Council of the City of San Pablo (1) awarding the bid for the 2017/18 Pavement Repair Project (PAV-018) to Paving Construction Services, Inc. and authorizing the City Manager to execute an agreement in the amount of \$389,214 with Paving Construction Services, Inc. with a 25% contingency for a total authorization of \$486,517; and (2) identifying PAV-018 as SB1 Road Repair and Accountability Act Maintenance of Effort Project in an amount equal to or greater than \$464,941. (#17-0389)
8. By adoption of the Consent Calendar, **Resolution 2017-191** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a one-time event sponsorship in the amount of \$2,000 to the Boys & Girls Club of Contra Costa for their "Making Dreams Happen!" event on Saturday, October 21, 2017 (#17-0407)
9. By adoption of the Consent Calendar, **Resolution 2017-192** was adopted, a Resolution of the City Council of the City of San Pablo declaring that the emergency under Public Contract Code Section 22050 regarding the immediate rehabilitation of the Hillcrest Road Storm Drain is continuing and ratifying the actions taken (#17-0412)
10. By adoption of the Consent Calendar, **Resolution 2017-193** was adopted, a Resolution of the City Council of the City of San Pablo (1) rejecting all bids received for the San Pablo Avenue Complete Streets Project due to insufficient funds available, and (2) authorizing the City Manager to re-bid the project (#17-0418)
11.
  - A. By adoption of the Consent Calendar, **Resolution 2017-194** was adopted, a Resolution of the City Council of the City of San Pablo amending the FY 2017/18 CIP Budget to include Randy Lane Drainage as a project funded by SB 1: The Road Repair and Accountability Act; and
  - B. By adoption of the Consent Calendar, **Resolution 2017-195** was adopted, a Resolution of the City Council of the City of San Pablo (1) rejecting the bid protest of Trinet Construction, Inc.; (2) waiving a bidding deviation as immaterial and inconsequential and awarding the Randy Lane Drainage Improvement Project to, the low bidder, Maggiora & Ghilotti, Inc. of San Rafael, California; (3) authorizing the City Manager to execute an agreement with Maggiora & Ghilotti, Inc. in the amount of \$442,442 with a 15% contingency of approximately \$66,366, for a total authorization of \$508,808; (4) receiving revenues of approximately \$174,187 from SB1 Road Repair and Accountability Act funds and appropriating said funds to the Randy Lane Drainage Project (RLN-DRN); (5) appropriating \$150,000 from General Fund Designated Reserve for drainage to RLN-DRN; and (6) reallocating \$84,813 of unobligated funds from SPC-GAV Bridge Project and \$81,000 from the postponed Market Street Project (MAR-STR) to the Randy Lane Drainage Improvement Project (320-3202-43600-RLN-DRN). (#17-0394)

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

## **CITY COUNCIL CONSIDERATION/AUTHORIZATION** (#17-0411)

12. 1) City Manager Rodriguez introduced the item and provided background regarding the DACA (Deferred Action for Children Arrivals) Program and the Federal DREAM Act. By Motion of Vice Mayor Calloway, seconded by Councilmember Cruz, **Resolution 2017-196** was adopted, a Resolution of the City Council of the City of San Pablo approving an amendment to the FY 2015-17 Council Priority Workplan to add policy item in support of the Federal Deferred Action for Children Arrivals (DACA) Program and calling for new bi-partisan legislation to legally enact the Federal Dream Act. Councilmember Kinney stated he would like to wait and see what Congress does with the Act. Vice Mayor Calloway stated she preferred to show the community support now. The motion passed as follows:
- AYES: Cruz, Calloway and Valdez  
NOES: Kinney  
ABSENT: Morris  
ABSTAIN: None
- 2) City Manager introduced the item. It was moved by Mayor Valdez, seconded by Councilmember Cruz, and passed by Minute Action by vote of those present, to prepare a resolution rescinding previously adopted City Council Resolution 2010-049 opposing State of Arizona SB 1070 law as no longer applicable to be brought back at the next Council meeting for formal consideration. The motion passed as follows:
- AYES: Cruz, Kinney, Calloway and Valdez  
NOES: None  
ABSENT: Morris  
ABSTAIN: None

## **MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS**

City Council reported on their activities.

## **ADJOURNMENT**

By motion of Councilmember Kinney, seconded by Vice Mayor Calloway, the meeting adjourned at 6:30 pm to Monday, October 16, 2017 at 6:00 pm, in memory of (1) Nelda Adams, mother of Contract Building Official Greg Adams; (2) Franklin Schroeder, father of Administrative Secretary Sarah Maroof; and (3) George Beaulieu, Building Attendant.

Respectfully submitted,

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Elizabeth Pabon-Alvarado, City Clerk

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Cecilia Valdez, Mayor