



## Minutes of the Regular Meeting of the San Pablo City Council and Local Successor Agency

**Monday, June 18, 2018**

### **ROLL CALL**

The meeting convened in the Council Chambers at 5:18 pm. Present were Mayor Genoveva Garcia Calloway, Vice Mayor Paul Morris, Councilmembers Rich Kinney, Arturo Cruz and Cecilia Valdez. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Community & Economic Development Director Charles Ching, and Deputy City Clerk Lehny Corbin.

The City Attorney also announced the Closed Session Conference with real property negotiations regarding 2600 Moraga Road and Lot E at Plaza San Pablo (Church and Chattleton Lanes).

Cordell Hindler suggested a bistro for the 2600 Moraga Road and a teen night club for the Lot E property at Plaza San Pablo.

The meeting recessed to the Council Conference Room at 5:21 pm.

### **CLOSED SESSION**

1. CLOSED SESSION (#18-107)  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Gov't Code Section 54956.8:  
PROPERTY: 2600 Moraga Road, San Pablo, CA 94806 (APN 416-140-050)  
AGENCY NEGOTIATORS: Matt Rodriguez, Reina Schwartz, Charles Ching  
NEGOTIATING PARTIES: Mike Kelly, The Pacific Companies  
UNDER NEGOTIATION: Price and terms of payment
2. CLOSED SESSION (#18-195)  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Govt. Code Section 54956.8:  
PROPERTY: Plaza San Pablo, Lot E (Church Lane and Chattleton Lane;  
APN 417-310-004)  
AGENCY NEGOTIATORS: Matt Rodriguez, Reina Schwartz, Charles Ching  
NEGOTIATING PARTIES: City Ventures  
UNDER NEGOTIATION: Price and terms of payment

### **ROLL CALL**

The meeting reconvened in the Council Chambers at 6:00 pm. Present were Mayor Genoveva Garcia Calloway, Vice Mayor Paul Morris, Councilmembers Rich Kinney, Arturo Cruz and Cecilia Valdez. 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 Jill Mercurio, City Treasurer Viviana Toledo, City Clerk Elizabeth Pabon-Alvarado, and Deputy City Clerk Lehny Corbin.

City Attorney Nerland reported that for Closed Session #1 (#18-107) regarding 2600 Moraga Road, City Council accepted the withdrawal of the Letter of Interest and gave further directions on future property negotiations. With regard to Closed Session #2 (#18-195) regarding Lot E at Plaza San Pablo, direction was given to staff concerning negotiations.

### **ORAL COMMUNICATIONS**

Cordell Hindler spoke regarding Community Violence Solution coming to speak to the Council regarding human trafficking and about updating City job descriptions. He also expressed that he was pleased with the Youth Commission report presented at a previous Council meeting.

Susan Priceo, along with Dennis Clay, spoke on behalf of Contra Costa Taxpayer Association regarding pension costs and unfunded liabilities.

Rita Xavier reported on success of Aloha Night event held on June 8, 2018 at Maple Hall.

### **CITY MANAGER REMARKS**

City Manager Rodriguez reported on the following:

- Police Department's receipt of \$612,000 Tobacco Grant
- Participation in the June 19 Special Olympics Torch Run
- Movies Under the Stars on June 22 showing *Emoji* movie
- July 4<sup>th</sup> Multicultural Event
- Town Centre Business Watch Workshop at Holiday Inn Express on June 20

### **CONSENT CALENDAR**

By motion of Councilmember Valdez, seconded by Vice Mayor Morris, and unanimously approved, all items in the Consent Calendar were adopted.

### **MINUTES**

3. By adoption of the Consent Calendar, the Minutes of the meeting of June 4, 2018 were adopted. (#18-201)

### **PERIODIC REPORTS**

4. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of May 2018 was approved. (#18-229)
5. By adoption of the Consent Calendar, the Investment Report / Treasurer's Report for the month of May 2018 was received and filed. (#18-230)

### **LIABILITY CLAIMS**

6. By adoption of the Consent Calendar, the liability claim of Janale King for Treshean Crawford, a minor (DOL 04/01/18) was denied. (#18-231)

### **MISCELLANEOUS**

7. By adoption of the Consent Calendar, **Resolution 2018-079** was adopted, a Resolution of the City Council of the City of San Pablo establishing the appropriation limit for Fiscal Year 2018/19. (#18-209)
8. By adoption of the Consent Calendar, **Resolution 2018-080** was adopted, a Resolution of the City Council of the City of San Pablo adopting an Investment Policy for Fiscal Year 2018/19, and adopted **Resolution LSA2018-002**, a Resolution of the San Pablo Local Successor Agency Board adopting an Investment Policy for Fiscal

Year 2018/19. (#18-210)

9. By adoption of the Consent Calendar, **Resolution 2018-081** was adopted, a Resolution of the City Council of the City of San Pablo, Contra Costa County, California (1) preliminarily approving the Engineer's Report, (2) declaring intention to levy and collect assessments within the San Pablo Street Lighting and Landscape Assessment District No. 1982-1 for Fiscal Year 2018/19, and (3) setting public hearing for July 2, 2018. (#18-221)
10. By adoption of the Consent Calendar, **Resolution 2018-082** was adopted, a Resolution of the City Council of the City of San Pablo adopting FY 2018/19 Budget Adjustments to Year Two (2) of the FY2018-2021 Quadrennial Budget and the FY2917/19 CIP Budget. (#18-226)
11. By adoption of the Consent Calendar, **Resolution 2018-083** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute a two-year agreement with the County of Contra Costa Sheriff's Office to participate in the Sheriff's Work Alternative Program for FY 2018/19 and FY 2019/20. (#18-228)
12. By adoption of the Consent Calendar, **Resolution 2018-084** was adopted, a Resolution of the City Council of the City of San Pablo: (1) designating the City Manager, Administrative Services Director and Public Works Director as the City's authorized agents for the purposes of obtaining financial assistance from the Federal Emergency Management Agency (FEMA) and the State of California Governor's Office of Emergency Services (CAL OES) for disaster aid; (2) approving the corresponding CAL OES Form 130; and (3) authorizing the City Manager to execute and file the CAL OES Form 130 and related documentation. (#18-227)
13. By adoption of the Consent Calendar, **Resolution 2018-085** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to enter into a professional services agreement with Bajan Security for three years in an amount not to exceed \$80,000 annually for security services at Rumrill Sports Park for a total contract amount not to exceed \$240,000. (#18-233)
14. By adoption of the Consent Calendar, **Resolution 2018-086** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the waiver of fees for use of Rumrill Sports Park Practice Field A and 2/3<sup>rd</sup> reduced fee at Rumrill Sports Park for Fields 1 and 2 (totaling \$10,860) for the San Pablo United Youth Soccer Club (SPUYSC) for the 2018 Summer/Fall Season. (#18-234)
15. By adoption of the Consent Calendar, **Resolution 2018-087** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a fee waiver in the amount of \$6,960 for the San Pablo Cowboys Youth Association (SPCYA) use of Davis Park Sports Fields and Concession Stand for the 2018 Summer/Fall Season. (#18-235)
16. By adoption of the Consent Calendar, the City Council authorized by Minute Action to receive and accept the Independent Citizens' Oversight Committee Reports for Period ending June 30, 2017 for Measure Q and Measure K Transaction & Use Sales Tax. (#18-205)

17. By adoption of the Consent Calendar, the City Council authorized by Minute Order to memorialize the agreement on contribution to construction costs and Release of Claims with EBMUD and ratifying deposit of \$90,000 into an El Portal Road Settlement Project Revenue Account (320-3200-39906-POR-FDM) and appropriating funding in the same amount to expend on the Project (320-3200-43600-POR-FDM). (#18-224)

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

### **CITY COUNCIL CONSIDERATION/AUTHORIZATION RESOLUTIONS**

18. City Manager Rodriguez recused himself from this agenda item and left the Council Chambers. City Attorney Nerland introduced the item and gave an overview of the City Manager's Employment Agreement and proposed amendments thereto, including the formation of the Ad-hoc City Council Subcommittee to conduct negotiations with the City Manager composed of Mayor Calloway and Councilmember Arturo Cruz. Mayor Calloway read for the record a report of the proposed amendments to the City Manager's agreement as follows:

*Pursuant to Government Code section 54953 and to ensure transparency in the consideration of the salary and benefits for the City's executives, before taking final action, the City Council did orally report a summary of the proposed amendments to the 2014 Agreement regarding salary and benefits as follows:*

1. Salary – *Increase the City Manager's salary by 3% for an annual total of \$250,897. This salary increase has already been budgeted for Fiscal Year 2018/19;*
2. Information Technology Allowance – *Clarify that the information technology allowance of \$750 is provided every odd-numbered year and not yearly. This allowance has already been budgeted for Fiscal Year 2018/19;*
3. Vehicle Allowance – *Provide the City Manager with a vehicle allowance of \$500 per month or \$6,000 per year. This amount was not budgeted for FY 2018/19 and would be paid from the City Manager's Contingency Account for FY 2018/19;*
4. Business Expenses – *In addition to the Department's budget for travel and training, provide an additional \$5,000 for a total of up to \$15,000 for the City Manager's additional professional development to be expended by June 30, 2021. The additional amount has not been budgeted for FY 2018/19, but would be paid from the City Manager's Contingency Account for FY 2018/19;*
5. Performance Evaluation – *Amend the requirement for the City Council to conduct annual evaluations of the City Manager to evaluations every two years;*
6. Accrued Leave – *Allow the City Manager to cash out or convert to deferred compensation 50% of sick leave upon resignation or termination; and continue to allow conversion of 100% of all sick leave upon retirement to service credit pursuant to CalPERS rules. These amounts have not been budgeted and would be paid from the Department's budget as needed; and*

7. Termination provision. As required by State law, include a provision in the City Manager Employment Agreement:

*“If EMPLOYEE is convicted of a crime involving an abuse of his or her office or position as defined in California Government Code section 53243.4, then EMPLOYEE shall reimburse CITY for any paid leave, criminal defense, or cash settlement as set forth in Article 2.6 of Title 5 of the California Government Code. In addition, CITY shall have no obligation to pay the severance, or allow any other benefits listed in the agreement.”*

Cordell Hindler expressed his agreement with the proposed amendments to the City Manager Employment Agreement.

It was moved by Vice Mayor Morris, second by Councilmember Kinney, and unanimously passed to adopt **Resolution 2018-088**, a Resolution of the City Council of the City of San Pablo approving amendments to the City Manager Employment Agreement as to salary and benefits. (#18-225). The City Manager then returned to the Council Chambers.

19. City Manager introduced the item and mentioned the last minute agenda correspondence. Tina Gallegos gave PowerPoint presentation of the summary of proposed amendments, Schedule of Benefits for contract employees; staffing changes in Community Services, Public Works, Administrative Services equity adjustment for Director, Cost of Living Increases, hourly schedule for part-time classifications; and fiscal impact of proposed changes.

Mayor Calloway read for the record a summary of amendments:

*Pursuant to Government Code section 54953 and to ensure transparency in the consideration of the salary and benefits for the City’s executives, before taking final action the City Council is required to orally report a summary of the proposed amendments regarding salary and benefits for Executive employees, which are as follows:*

1. *A 3% Cost of Living Adjustment for Contract Employees (City Manager and City Attorney), effective July 1, 2018. Automatic yearly COLA adjustments for the contract employees are not proposed; and any future annual COLA increases will require City Council consideration.*
2. *An Equity Adjustment increasing the salary for the Administrative Services Director by 1.4%, consistent with the Labor Market.*
3. *Pursuant to the Terms of Employment for the Executive Management Group, a 3% COLA is also being memorialized for employees in this group and will be effective July 1, 2018.*

Cordell Hindler stated he agreed with the proposed amendments.

It was moved by Councilmember Kinney, seconded by Councilmember Valdez, and unanimously passed to adopt **Resolutions 2018-089 and 2018-090**, Resolutions of the City Council of the City of San Pablo approving the following actions to amend the City's Classification & Compensation Plan for FY 2018/19 as follows: (1) adopting a Resolution superseding Resolution 2017-160 to amend the Schedule of Benefits for the contract employees group to provide a three percent cost of living adjustment; (2) adding two full-time positions and one part-time position (and eliminating two part-time positions): Maintenance Worker I (Maintenance Aide) and Recreation Program Coordinator (Program Assistant) and adding part-time Environmental Program Analyst; (3) memorializing cost of living salary increases consistent with adopted Memorandums of Understanding and Terms of Employment for the following labor groups: Association of Intermediate Employees, San Pablo Police Employees' Association, Confidential Employees, Division Managers, Executive Management and Contract Employees; (4) amending the salary range for the Administrative Services Director; and (5) amending the part-time hourly range schedule to include a three percent cost of living adjustment and to include an hourly pay rate for the part-time Background Investigator for classification. (#18-218)

20. City Manager Rodriguez introduced the agenda item. Cordell Hindler spoke regarding proposed change to the Workplan. The City Manager clarified the proposed addition to the Workplan to analyze the feasibility of expanding public restroom use and the associated costs. The item will be brought to the Budget, Fiscal & Legislative Standing Committee for review. It was moved by Vice Mayor Morris, seconded by Councilmember Valdez, and unanimously passed to adopt **Resolution 2018-091**, a Resolution of the City Council of the City of San Pablo amending the FY 2018-21 Council Priority Workplan to include a new policy for consideration, under Services for Families, Seniors and Youth: to explore budget impact and operational feasibility of expanding city services for after-hours public use of City restroom facilities in City Parks. (#18-237)

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

Mayor and City Council reported on their recent activities.

## **ADJOURNMENT**

The meeting adjourned at 6:45 pm to Monday, July 2, 2018 at 6:00 pm, in memory of Robert Dwyer, father of Community Services Director Greg Dwyer.

Respectfully submitted,

---

Elizabeth Pabon-Alvarado, City Clerk

---

Genoveva Garcia Calloway, Mayor