



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

Monday, August 6, 2018

### **ROLL CALL**

The meeting convened in the Council Chambers at 5:02 pm. Present were Mayor Genoveva Garcia Calloway and Councilmembers Rich Kinney, Arturo Cruz and Cecilia Valdez. Vice Mayor Paul Morris arrived at 5:03 pm. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland and Deputy City Clerk Lehnny Corbin.

City Attorney Nerland announced the Closed Session items. No one from the public spoke on the Closed Session items, and the meeting recessed to the Council Conference Room at 5:04 pm.

### **CLOSED SESSION**

1. CLOSED SESSION (#18-254)  
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2): Claim of Princeton Plaza Investors
2. CLOSED SESSION (#18-256)  
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
Initiation of litigation pursuant to California Government Code Section 54956.9(d)(4): (1 potential case) (El Portal/Fordham)

### **ROLL CALL**

The meeting reconvened in the Council Chambers at 6:22 pm. Present were Mayor Genoveva Garcia Calloway, Vice Mayor Paul Morris and 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, Public Works Director Jill Mercurio, Administrative Services Director Kelly Sessions, City Treasurer Viviana Toledo, City Clerk Elizabeth Pabon-Alvarado, and Deputy City Clerk Lehnny Corbin.

The City Attorney reported on the Closed Session items and advised that the City Council gave direction to legal counsel on both items.

### **ORAL COMMUNICATIONS**

Cordell Hindler spoke regarding Community Violence Solutions reporting on human trafficking, a job description on the website and the Tara Hills Baseball Association.

Richard Stollings spoke regarding a traffic stop on 23<sup>rd</sup> Street on July 18, 2018 that he saw and his experience with acquiring records for the incident through the Public Records Act request process and his desire that the City be more transparent.

Mariela Cuellar expressed her concern regarding prostitution on 23<sup>rd</sup> Street.

The following expressed their disapproval of the transformation of the Childhood Obesity Prevention Task Force (COPTF) to a 5-member Childhood Obesity Prevention Advisory Group:

- Peter Flom
- Ali Uscilka
- Tomasa Espinoza (West County Regional Group [WCRG])
- Flor Castro (WCRG)
- Rhea Laughlin, First 5 Contra Costa
- Stephanie Merrill (Health & Active Before 5)
- Cianna Walker
- Mariela Cuellar

### **CEREMONIAL MATTERS** (#18-255)

3. Police Chief Raman introduced the new Police Department Records Clerks Jonathan Orbeta and Maria Cabrera. Ms. Cabrera and Mr. Orbeta both expressed their appreciation for the opportunity to work for the City.

Police Chief Raman also recognized Police Sergeants Melvin Smith and Robert Brady for their promotion. Both Sergeants also expressed and thanked the City Council for their support. Cordell Hindler spoke in favor.

### **PRESENTATIONS**

4. Presentation from the Summer High School Intern Program Participants (#18-223)  
City Manager introduced the item. Elise Veliz gave a PowerPoint presentation of the Summer Intern Program which included the programs and projects and involvement with Summer Youth Internship Partners. The following youth spoke about their respective projects: Alfredo Lopez, Back to School Closet Project Assistant; Arleth Gonzalez, Camp PRIDE Assistant/CED; Diana Grace Juson Laplana, Marketing Project Assistant; Guadalupe Aceves, RH&S Inspection Program Assistant; Kyla McKinney, Advertisement Project Assistant; Joanne Ho, Environmental Safety Project Assistant; Ryan Saechao, Camp Cougar Assistant; and Salwa Alkaheli, National Night Out Project Assistant. Cordell Hindler spoke in favor of the program.
5. Presentation of Proclamation recognizing August 7, 2018 as *National Night Out* in the City of San Pablo (#18-277)  
Police Department Community Outreach Coordinator Katrinia Jones introduced Neighborhood Watch group members Karen and Esther and expressed the overwhelming support she has received for the National Night Out event on August 7 and also acknowledged the support of Police staff. Volunteers Karen and Esther spoke of the pleasant experience they each have had with the various merchants, the community and the support of police staff.

Mayor Calloway read out loud and presented the Proclamation recognizing August 7, 2018 as National Night Out in the City of San Pablo. Cordell Hindler spoke in favor.

6. Presentation of Police Department Annual Report – 2018 (#18-285)  
Police Chief Raman presented the Fiscal Year 2017/18 Police Department Annual Report. Cordell Hindler spoke in favor.

### **CITY MANAGER REMARKS**

City Manager Rodriguez announced the following:

- August 7 National Night Out event at the San Pablo Community Center from 5:00 to 8:00 pm
- Construction improvements at the Church Lane Senior Center beginning August 7 through October 13, 2018 and the relocation of services and events to several locations in City Hall
- The GFOA Certificate of Achievement in Financial Report Fiscal Year ending 2017 bestowed upon the City of San Pablo for the 22<sup>nd</sup> year in a row

### **CONSENT CALENDAR**

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

### **MINUTES**

7. By adoption of the Consent Calendar, the Minutes of the meeting of July 16, 2018 were approved. (#18-261)

### **PERIODIC REPORTS**

8. By adoption of the Consent Calendar, the 4<sup>th</sup> Quarter Budget Report for Fiscal Year ending June 30, 2018 was received and filed. (#18-258)
9. By adoption of the Consent Calendar, **Resolution 2018-107** was adopted, a Resolution of the City Council of the City of San Pablo approving FY 2017/18 General Fund Designated Reserves Amendment #4 at \$5,800,483 per adopted Fiscal Resiliency Reserve Policy. (#18-286)

### **MISCELLANEOUS**

10. By adoption of the Consent Calendar, **Resolution 2018-108** was adopted, a Resolution of the City Council of the City of San Pablo (1) authorizing a 30-day formal public recruitment for a 5-member Childhood Obesity Prevention Advisory Group through the San Pablo City Clerk's Office, and (2) administering the appointment process through formal interviews and appointments at a special City Council meeting in September 2018. (#18-268)
11. By adoption of the Consent Calendar, **Resolution 2018-109** was adopted, a Resolution of the City Council of the City of San Pablo (1) accepting and appropriating SB1 – Local Partnership Grant Program funds in the amount of \$3,200,000 and designate these funds to the Rumrill Boulevard Complete Streets Project (RUM-CST); and (2) authorizing the City Manager to enter into an agreement

with Park Engineering, Inc. for Rumrill Boulevard Complete Streets construction management/inspection services in the amount of \$1,124,620 with a 15% contingency for a total authorization of \$1,293,313. (#18-269)

12. By adoption of the Consent Calendar, **Resolution 2018-110** was adopted, a Resolution of the City Council of the City of San Pablo amending the Safety Commission By-Laws to allow non-resident representatives of San Pablo businesses to serve on the Commission. (#18-270)
13. By adoption of the Consent Calendar, **Resolution 2018-111** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a one-time sponsorship in the amount of \$400 to Dakota Wesleyan University for athletic equipment. (#18-272)
14. By adoption of the Consent Calendar, **Resolution 2018-112** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to purchase fuel at an estimated cost of \$178,813 for citywide use from Golden Gate Petroleum for Fiscal Year 2018/19. (#18-273)
15. By adoption of the Consent Calendar, **Resolution 2018-113** was adopted, a Resolution of the City Council of the City of San Pablo accepting work performed by John Clay General Engineering Contractor, Inc. for the San Pablo Police Department Foundation Repair Project (PDT-ELV) as complete and directing that a Notice of Completion be prepared and filed with the County Recorder. (#18-275)
16. By adoption of the Consent Calendar, **Resolution 2018-114** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a \$2,500 event sponsorship for Familias Unidas' 2<sup>nd</sup> Annual Fundraising Event on September 8, 2018. (#18-280)

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

17. By adoption of the Consent Calendar, the City Council of the City of San Pablo ratified by Minute Order the correspondence opposing proposed S. 3157 Federal legislation to streamline the siting of Small Cell Technology Deployment. (#18-271)

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

#### **COUNCIL DISCUSSION**

18. City Manager Rodriguez introduced the item regarding janitorial services for park restrooms. Community Services Director Greg Dwyer gave a PowerPoint presentation of the policy options for the after-hours public use of park restrooms, including the current procedure being followed by Public Works staff and the two options with budget proposals presented to and reviewed by the Public Safety Standing Committee: Option #1 – City staff to clean the park restrooms, and Option #2 – utilizing current city contractor to clean, restock and close the restrooms. The Public Safety Standing Committee recommended forwarding Option #2 to the full City Council for approval. Mr. Dwyer addressed Council's inquiries regarding procedures and the summer months' schedules. Council thanked Councilmember

Cruz for bringing the need to their attention and thanked staff for the work in putting the agreement in place. It was moved by Councilmember Kinney, seconded by Councilmember Cruz, and unanimously passed, choose Option #2 and adopt **Resolution 2018-115**, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to enter into an agreement with DMG Janitorial for the extension of bathroom hours at selected City parks during specific months of the year at a cost of \$11,200. (#18-279)

19. City Manager Rodriguez introduced the item and gave a brief overview of the proposed regulations regarding the sale of flavored tobacco products. Planning Manager Elizabeth Dunn gave a PowerPoint presentation of the results of the research and the various agencies that have banned and/or adopted requirements for sale of flavored tobacco products. Ms. Dunn presented three options with the recommendation of a citywide ban of sale of flavored tobacco products. Ms. Dunn further reported that the Public Safety Standing Committee met and endorsed a citywide ban by amending Title 5 of the San Pablo Municipal Code to add language for citywide ban prohibiting the sale of flavored tobacco products.

The following spoke in favor of the ban:

Cordell Hindler

Philip Banks of YTAPP

Karina Guadalupe of BACR-YTAPP

Nancy Ybarra of BACR-YTAPP

Lynsey Inthasone of YTAPP

Ali Wohlgemuth of BACR

Mary Jaccodine of Contra Costa Tobacco Prevention Coalition

Ms. Dunn responded to Council's inquiries regarding type of flavored tobacco products and merchants who sell tobacco products.

Councilmember Kinney stated he was in favor of a ban selling tobacco products to underage minors but does not support cities legislating what adults can and cannot purchase. The rest of the Council stated they were in favor of a citywide ban, including a ban to split packs for single sales.

It was moved by Vice Mayor Morris, seconded by Councilmember Cruz, and passed by vote to direct staff to prepare an ordinance on the regulation of sale that include a ban on flavored tobacco products, including menthol and e-cigarettes. The motion passed as follows: (#18-282)

AYES: Cruz, Valdez, Morris and Calloway

NOES: Kinney

ABSENT: None

ABSTAIN: None

The City Council was also interested in requiring a minimum pack of 20 for cigars, little cigars and cigarillos.

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

Mayor and City Council reported on their recent activities.

### **ADJOURNMENT**

The meeting adjourned at 8:34 pm to Tuesday, September 4, 2018 at 6:00 pm, in memory of Marie Hollins, grandmother-in-law of Executive Assistant LaTanya Fisher.

Respectfully submitted,

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Elizabeth Pabon-Alvarado, City Clerk

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Genoveva Garcia Calloway, Mayor