



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

Monday, March 4, 2019

### **ROLL CALL**

The meeting convened in the Council Chambers at 5:02 pm. Present in the Council Chambers were Vice Mayor Arturo Cruz and Councilmembers Elizabeth Pabon-Alvarado, Rita Xavier and Abel Pineda. Mayor Rich Kinney arrived at 5:05 pm. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz, Community & Economic Development Director Charles Ching, and Deputy City Clerk Lehny Corbin.

There were no speakers wishing to speak on the Closed Session agenda items. City Attorney Nerland announced the matters to be discussed in Closed Session. The meeting recessed to the Council Conference Room at 5:04 pm.

### **CLOSED SESSION**

1. CLOSED SESSION (#19-078)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov't Code Section 54956.8:

PROPERTY: Willow Mobile Home Park, 2885 Willow Road, San Pablo

AGENCY NEGOTIATORS: Matt Rodriguez, Reina Schwartz, Charles Ching

NEGOTIATING PARTIES: Creekside Village Manufactured Housing Community;  
Roman Catholic Bishop of Oakland, a corporation

UNDER NEGOTIATION: Price and terms of payment: Existing Lease  
Agreement between the City of San Pablo and the Roman Catholic Bishop of  
Oakland

2. CLOSED SESSION pursuant to Gov't Code section 54957: (#19-084)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

### **ROLL CALL**

The meeting reconvened in the Council Chambers at 6:07 pm. 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 Deputy City Clerk Lehny Corbin.

City Attorney Nerland reported on the Closed Session matters: (1) direction was given to the property negotiators regarding the Willow Mobile Home Park; and (2) no action was taken on the City Attorney performance evaluation.

## **ORAL COMMUNICATIONS**

There were no speakers.

## **PRESENTATIONS**

3. City Manager gave a brief background and introduced Assistant Fire Chief Aaron McAlister who gave a PowerPoint presentation and updated the City Council on the Project Design of Fire Station 70. City Manager expressed his appreciation for the working relationship between the City and the Fire District and commended Community & Economic Development Director Charles Ching for his efforts on this project. Sonia Bustamante of Supervisor John Gioia's office expressed their support for agenda item #8 (MOU with Fire District) and commented on the partnerships with the library, the Health Center, and the WIC building. (#19-080)

## **CITY MANAGER REMARKS**

City Manager Rodriguez made the following announcements:

- Online survey regarding the new time capsule
- San Pablo Economic Development Corporation Small Business of the Year nomination
- Activity Guide published by Community Services

## **CONSENT CALENDAR**

City Manager Rodriguez stated that agenda items #11 and #12 are being pulled and that the balance of the Consent Calendar would be acted upon separately. City Attorney Nerland stated the potential conflict with the Economic Development Corporation (EDC) due to Mayor Kinney's position on the EDC Board of Directors and that Mayor Kinney would not participate in consideration of those items. It was moved by Councilmember Xavier, seconded by Vice Mayor Cruz, and unanimously passed to adopt all items in the Consent Calendar, with the exception of agenda items #11 and #12.

## **MINUTES**

4. By adoption of the Consent Calendar, the Minutes of the meetings of February 11 and February 19, 2019 were approved. (#19-076)

## **BOARDS AND COMMISSIONS**

5. By adoption of the Consent Calendar, **Resolution 2019-028** was adopted, a Resolution of the City Council of the City of San Pablo approving appointment to Childhood Obesity Prevention Advisory Group. (#19-087)
6. By adoption of the Consent Calendar, by Minute Order, City Council authorized renewal of two-year terms of current members Lucy Alfaro (November 2020) and Dorothy Gantt (February 2021) on the Advisory Committee on Aging (5 Vacancies). (#19-072)

## **MISCELLANEOUS**

7. By adoption of the Consent Calendar, **Resolution 2019-029** was adopted, a Resolution of the City Council of the City of San Pablo adopting the City Council Priority Workplan for FY 2019-21. (#19-091)

8. By adoption of the Consent Calendar, **Resolution 2019-030** was adopted, a Resolution of the City Council of the City of San Pablo determining the Fire Station 70 construction project feasible under the Memorandum of Understanding dated June 19, 2017 by and between the Contra Costa County Fire Protection District and the City of San Pablo and appropriating \$4.5 Million from General Fund Designated Reserves – Fire/EMS Services FS#70 to Account Code 100-1110-44000. (#19-079)
9. By adoption of the Consent Calendar, **Resolution 2019-031** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to enter into an agreement with Harrison Engineering, Inc. for “on-call” civil engineering consulting services in the amount of \$25,000 per fiscal year with two one-year renewal options at the City’s direction and subject to funding availability authorized by the Council for a total authorization of \$75,000. (#19-071)
10. By adoption of the Consent Calendar, **Resolution 2019-032** was adopted, a Resolution of the City Council of the City of San Pablo directing the City Engineer to prepare and file reports for the levy of annual assessments for Fiscal Year 2019/20 for San Pablo Street Lighting and Landscape Assessment District No. 1982-1, and authorizing the City Manager to execute an agreement for these services with LCC Engineering and Surveying, Inc. in the amount of \$18,691. (#19-083)
11. This item was pulled from the Consent Calendar and discussed separately. It was moved by Councilmember Xavier, seconded by Councilmember Pabon-Alvarado, to adopt **Resolution 2019-033**, a Resolution of the City Council of the City of San Pablo approving a professional services agreement with the San Pablo Economic Development Corporation for FY 2018/19 in the amount of \$562,500 and appropriating \$562,500 from General Fund Designated Reserves/SPEDC Operating Subsidy to fund the contract. The motion passed as follows: (#19-085)  
AYES: Pineda, Xavier, Pabon-Alvarado and Cruz  
NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSED: Kinney
12. This item was pulled from the Consent Calendar and discussed separately. It was moved by Councilmember Xavier, seconded by Councilmember Pabon-Alvarado, to adopt **Resolution 2019-034**, a Resolution of the City Council of the City of San Pablo approving a professional services agreement with the San Pablo Economic Development Corporation for FY 2018/19 in the amount of \$22,500 for services to be funded by revenue from the City’s digital billboard pursuant to Resolution 2018-047. The motion passed as follows: (#19-086)  
AYES: Pineda, Xavier, Pabon-Alvarado and Cruz  
NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSED: Kinney

13. By adoption of the Consent Calendar, **Resolution 2019-035** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the appropriation of \$536,177 from the General Fund Designated Reserves to the San Pablo Police Department's Professional Services Account for funding the second payment to Fleetwood Leasing LLC for the previously approved Public Safety Equipment Project per Resolution 2018-060. (#19-088)

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

14. By adoption of the Consent Calendar, the City Council authorized by Minute Order to execute a letter of support on the proposed State-wide Legislation SB 38 and SB 39 (Hill) which regulate access to tobacco products online and by mail and prohibits State-wide the sale of flavored tobacco products. (#19-081)

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

#### **PUBLIC HEARINGS**

15. City Manager Rodriguez introduced the item and provided a brief background on the Subregional Transportation Mitigation Program (STMP). Senior Civil Engineer Allan Panganiban introduced John Nemeth, Executive Director for the West Contra Costa Transportation Authority Committee, and Julie Morgan, Principal of Fehr & Peers, who gave a PowerPoint presentation updating the City Council on STMP, as well as its purpose, Mitigation Fee Act requirements in order to be in compliance with Measure J, the funds collected as well as the many local projects that have received funding through STMP, including but not limited to the Bicycle and Pedestrian Project, the Transit and Station-related Projects, Local Streets Project and Interchange Project. Ms. Morgan further presented the proposed new development fees in Contra Costa County. Further presented were the procedural steps for implementation of the Program and the timeline to sign the Master Cooperative Agreement, the adoption of the Ordinance and when the new schedule takes effect on July 1, 2019.

The public hearing was opened and closed at 6:47pm as there were no comments from the public on this item.

Mr. Nemeth responded to Council's inquiry regarding lack of collection of fees in past years. City Attorney Nerland explained that all cities collected STMP fees but that not all cities applied the escalation rates consistently.

It was moved by Mayor Kinney, seconded by Councilmember Pineda, and unanimously passed to waive the public hearing and introduce the Ordinance of the City Council of the City of San Pablo amending Chapter 15.62 of the San Pablo Municipal Code to update the West Contra Costa Subregional Transportation Mitigation Program (STMP). (#19-051)

16. City Manager Rodriguez introduced the item. Assistant Planner Sandra Marquez gave a PowerPoint presentation and reported on the progress of the Housing Element for Calendar Year 2018, the implementation of the Housing Element and its policies as well as the Regional Housing Needs Assessment (RHNA). The inquiries regarding the forthcoming program SPLASH and accessory dwelling units (ADU's) were addressed.

The public hearing was opened and closed at 7:03 pm as there were no comments from the public. It was moved by Councilmember Pineda, seconded by Vice Mayor Cruz, and unanimously passed to adopt **Resolution 2019-036**, a Resolution of the City Council of the City of San Pablo authorizing the submittal of the City of San Pablo Housing Element Annual Progress Report for Calendar Year 2018 to the California Department of Housing and Community Development and the Governor's Office of Planning and Research. (#19-067)

### **COUNCIL DISCUSSION**

17. City Manager Rodriguez introduced the item and gave a brief background on the Ordinance banning tobacco flavored products as well as the survey conducted by Strategy Research Institute (SRI). Dr. Gary Manross of SRI provided an overview of the survey and results conducted between February 8 and February 28, 2019. He also reported on the results from questions regarding extension of time for compliance as well as use of grant funds.

Police Captain Brian Bubar also gave a PowerPoint presentation updating the City Council on outreach and enforcement the Tobacco Grant and Flavored Tobacco Ban Ordinance. He also reported that he is working with the School District on students smoking.

A five-minute break was taken at 7:24 pm.

The following spoke in opposition to the ban:

Ahmad Moheb, Yahya Hinais, Ali Ibrahim, Syliman Erikad, Beilal Chatila, Steven Honda, Paul Matharu, Ajay Kumar, and Yash Pal.

The following spoke in support of the ban:

Andrea Rosillo (whose statement was read by City Clerk Ponce)

Trenaija Barnett

Jorge Flores, Contra Costa Health Services

Kemly Ocampo

Andrea Melendez

Tiffani Mason

Jennifer Grand-Lejano

City Manager Rodriguez addressed Vice Mayor Cruz's question regarding Senate Bills 38 and 39.

Mayor Kinney made a motion to suspend the City's ban until the legislators decide on the bills and defer to the State's legislation decision; the motion failed as there was not a second to the motion. Councilmember Pineda gave an overview of the process of how the bills are passed, possible changes made to the bills and when they would take effect.

The City Council expressed their views on impacts on youth and how the businesses would be affected. City Manager offered information to businesses that may be affected to contact EDC to take advantage of resources EDC has to offer.

Administrative Services Director Sessions explained that tax auditor Hinderliter DeLammas & Associates (HdL) reported the City generated \$26,000 in sales tax for the last 12 months from smokeshops which represents 1.25% of total sales tax in the City.

It was moved by Councilmember Xavier, seconded by Councilmember Pabon-Alvarado, to leave the ban on tobacco flavored products as it stands. The motion passed as follows: (#19-082)

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

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

Mayor and City Council reported on their recent activities.

It was moved by Mayor Kinney, seconded by Councilmember Pabon-Alvarado, unanimously passed to place on a future agenda under the Build a Healthy Community – 100.5 Foster College and Career Readiness of the City Council Priority Workplan FY2019-21 to establish in 2019 a City Council Speech Challenge Program for sixth and eighth graders to enhance college readiness.

It was moved by Councilmember Xavier, seconded by Councilmember Pineda, and unanimously passed, for placement on a future agenda a discussion of City beautification options.

### **ADJOURNMENT**

The meeting adjourned at 8:39 pm to Monday, March 18, 2019 at 6:00 pm.

Respectfully submitted,

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Patricia Ponce, City Clerk

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Rich Kinney, Mayor