



Minutes of the Regular Meeting of the San Pablo City Council

Monday, June 17, 2019

ROLL CALL

The meeting convened in the Council Chambers at 5:34 pm. Present were Mayor Rich Kinney and Councilmembers Rita Xavier and Abel Pineda; Councilmember Elizabeth Pabon-Alvarado arrived at approximately 5:37 pm. Absent was Vice Mayor Arturo Cruz. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz and Deputy City Clerk Lehny Corbin.

City Attorney Nerland announced the item for discussion during Closed Session. Cordell Hindler expressed his opinions for alternative uses for the property at 2600 Moraga Road.

The Closed Session meeting convened in the Council Conference Room at 5:37 pm.

CLOSED SESSION

1. CLOSED SESSION (#19-230)
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: Brookfield Bay Area Holdings LLC
UNDER NEGOTIATION: Price and terms of payment for disposition of property

ROLL CALL

The meeting reconvened in the Council Chambers at 6:01 pm. Present were Mayor Rich Kinney and Councilmembers Elizabeth Pabon-Alvarado, Rita Xavier and Abel Pineda; Absent was Vice Mayor Arturo Cruz. 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/City Engineer Jill Mercurio, City Treasurer Viviana Toledo, City Clerk Patricia Ponce, and Deputy City Clerk Lehny Corbin.

City Attorney Nerland reported that staff was given direction regarding the Closed Session matter.

ORAL COMMUNICATIONS

Cordell Hindler asked the City Council to consider inviting Andy Katz regarding Alta Bates Hospital's closure and a representative from East Bay MUD to give an update on water rates.

Antonio Medrano spoke regarding potential use of drones and distributed to City Council a list of key questions to consider regarding the use of drones in the community. He also announced the June 20, 2019 Public Safety Technology Community Meeting being held in the Library.

Annabel Peterson spoke of traffic problems to San Pablo residents related to the Richmond Parkway Commerce Center.

Margaret Judkins also spoke of traffic problems to residents related to the Richmond Parkway Commerce Center, as well as the noise and pollution from the trains.

CITY MANAGER REMARKS

City Manager Rodriguez announced the following:

- June 18, 2019 Torch Run raising awareness for Special Olympics
- June 20, 2019 Public Safety Technology Community Meeting at the Library
- June 20, 2019 EDC Workshop – Commercial Lease Negotiations
- June 21, 2019 Movies Under the Stars featuring *Ralph Breaks the Internet*

CONSENT CALENDAR

It was moved by Councilmember Pabon-Alvarado, seconded by Councilmember Xavier, and passed by vote of those present, to adopt all items in the Consent Calendar. The motion passed as follows:

AYES: Pineda, Xavier, Pabon-Alvarado and Kinney

NOES: None

ABSENT: Cruz

ABSTAIN: None

MINUTES

2. By adoption of the Consent Calendar, the Minutes of the meeting of June 3, 2019 were approved. (#19-260)

PERIODIC REPORTS

3. By adoption of the Consent Calendar, the Investment Report/Treasurer's Report for the month of May 2019 was received and filed. (#19-257)
4. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of May 2019 was approved. (#19-279)

MISCELLANEOUS

5. By adoption of the Consent Calendar, **Resolution 2019-087** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute agreements with the California Department of Transportation (Caltrans) for the City of San Pablo Bicycle and Pedestrian Corridors Study. (#19-268)
6. By adoption of the Consent Calendar, **Resolution 2019-088** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to: (1) execute an agreement with ECS Imaging, Inc. to purchase software, annual maintenance and licensing and related professional services to update the Laserfiche 10.0 Records Management System to Laserfiche Rio at a cost of \$71,670; and (2) waive formal bid requirements. (#19-256)

7. By adoption of the Consent Calendar, **Resolution 2019-089** was adopted, a Resolution of the City Council of the City of San Pablo approving and authorizing the City Manager to execute a First Amendment to agreement for construction management services with Macks Craig Inc., dba Mack5 for the new San Pablo City Hall with an increase in compensation of \$80,000 for a total contract amount of \$612,495. (#19-258)
8. By adoption of the Consent Calendar, **Resolution 2019-090** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute contract Change Orders for the construction of the San Pablo Avenue Complete Streets Project and to amend an existing contract with Ghilotti Bros., Inc. by \$250,987 for a total authorization not to exceed the new total \$6,063,080. (#19-228)
9. By adoption of the Consent Calendar, **Resolution 2019-091** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to increase the amount of the annual contracts with Bellecci & Associates, Inc. and Quincy Engineering, Inc. for “on-call” civil engineering consulting services to \$25,000 per fiscal year beginning with FY2019/20 with a one-year renewal option at the City’s discretion and subject to funding availability authorized by the Council for a total not to exceed amount of \$50,000 each. (#19-254)
10. By adoption of the Consent Calendar, **Resolution 2019-092** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to increase the amount of the annual contracts with Anchor Engineering, Inc. and Park Engineering Inc. for “on-call” construction inspection consulting services to \$25,000 per fiscal year beginning with FY2019/20 with a one-year renewal option at the City’s discretion and subject to funding availability authorized by the Council for a total not to exceed the amount of \$50,000 each. (#19-264)
11. By adoption of the Consent Calendar, **Resolution 2019-093** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to increase the contract amount with Cal Engineering & Geology and Geocon Consultants, Inc. for “on-call” materials testing consulting services in the amount of \$25,000 per fiscal year beginning in FY2019/20 with a one-year renewal option at the City’s discretion and subject to funding availability authorized by the Council for a total not to exceed the amount of \$50,000 each. (#19-265)
12. By adoption of the Consent Calendar, **Resolution 2019-094** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to increase the contract amounts with Engeo, Inc. and Miller-Pacific Engineering GROUP (MPEG) for “on-call” geotechnical engineering consulting services in the amount of \$25,000 per fiscal year beginning in FY2019/20 with a one-year renewal option at the City’s discretion and subject to funding availability authorized by the Council for a total not to exceed the amount of \$50,000 each. (#19-266)

13. By adoption of the Consent Calendar, **Resolution 2019-095** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to increase the contract amount with Bureau Veritas North America, Inc. and CSG Consultants, Inc. for “on-call” plan check consulting services in the amount of \$25,000 per fiscal year beginning in FY2019/20 with a one-year renewal option at the City’s discretion and subject to funding availability authorized by the Council for a total not to exceed the amount of \$50,000 each. (#19-269)
14. By adoption of the Consent Calendar, **Resolution 2019-096** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to increase the contract amount with Stantec Consulting Services, Inc. and W-Trans for “on-call” traffic engineering consulting services in the amount of \$25,000 per fiscal year beginning in FY2019/20 with a one-year renewal option at the City’s discretion and subject to funding availability authorized by the Council for a total not to exceed the amount of \$50,000 each. (#19-270)
15. By adoption of the Consent Calendar, **Resolution 2019-097** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to increase the contract amount with Exaro Technologies Corporation and Subtronic Corporation for “on-call” potholing consulting services in the amount of \$25,000 per fiscal year beginning in FY2019/20 with a one-year renewal option at the City’s discretion and subject to funding availability authorized by the Council for a total not to exceed the amount of \$50,000 each. (#19-271)
16. By adoption of the Consent Calendar, **Resolution 2019-098** was adopted, a Resolution of the City Council of the City of San Pablo authorizing an MCEV application for \$38,500 to partially fund the installation of 11 electric vehicle charging ports at the new City of San Pablo City Hall. (#19-272)
17. By adoption of the Consent Calendar, **Resolution 2019-099** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute a professional services agreement with Integrated Marketing Communications Corporation in the amount of \$50,000 annually for Fiscal Years 2020 and 2021 for enhanced social media services for all City informational, marketing and promotional programs, with the City Manager authorized to execute up to two (2) one-year extension options at the City’s sole discretion subject to adequate City Council-approved funding in the applicable fiscal year period going forward for a total contract cost of \$200,000. (#19-259)

BOARDS AND COMMISSIONS

18. By adoption of the Consent Calendar, the request for renewal of a two-year term and reappointment of current member Alice Tucker to Advisory Committee on Aging (Three Vacancies) was approved. (#19-274)

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

RESOLUTIONS

19. City Manager Rodriguez introduced the item. Community Services Director Greg Dwyer gave an overview of the need to amend the Fee Schedule for Community Services programs and services. Community Services Manager Andrea Mendez presented the proposed fee changes for sports, youth, administrative and facility rental for the large conference room in the Library. Questions raised by the City Council were answered regarding the rental fees received, programs for teenagers, waiting list for programs and pre-K programming. It was moved by Councilmember Pineda, seconded by Councilmember Xavier, and passed by vote of those present to adopt **Resolution 2019-100**, a Resolution of the City Council of the City of San Pablo adopting an updated Community Services Department Fee Schedule for programs and services. (#19-273)

PUBLIC HEARINGS

20. City Manager Rodriguez introduced the item and provided background information on the establishment of the Street Lighting and Landscape Assessment District and the necessity of an annual assessment. Public Works Director/City Engineer Mercurio introduced Randy Leptien of LCC, Inc. who stated the importance of levying assessments and confirmed that no written or oral protests to the proposed assessments had been received.

The public hearing was opened and closed at 6:37 pm as there were no comments from the audience. It was moved by Mayor Kinney, seconded by Councilmember Xavier, and passed by vote of those present to adopt **Resolution 2019-101**, a Resolution of the City Council of the City of San Pablo, Contra Costa County, California, (1) confirming the Diagram and Assessments as set forth in the Engineer's Report within the San Pablo Street Lighting and Landscape Assessment District No. 1982-1 for Fiscal Year 2019/20; (2) directing City Clerk to file Diagram and Assessments with the County Auditor no later than August 9, 2019; and (3) levying said assessments. The motion passed as follows: (#19-255)

AYES: Pineda, Xavier, Pabon-Alvarado and Kinney

NOES: None

ABSENT: Cruz

ABSTAIN: None

21. City Manager Rodriguez introduced the item. Assistant Planner Sandra Marquez gave a PowerPoint presentation related to the Conditional Use Permit for sale of alcohol at Koi Sushi, which consisted of the restaurant's request to sell beer, wine and sake during regular business hours, the restaurant's business plan, existing site plan, and findings.

The public hearing was opened and closed at 6:46 pm as there were no comments from the audience. The owner had been present earlier in the evening, but she had left prior to the public hearing. City Attorney Nerland confirmed that the conditions of approval prohibited the sale of alcohol after 9:30 pm. It was moved by Mayor Kinney, seconded by Councilmember Pineda, and passed by vote of those present to adopt **Resolution 2019-102**, a Resolution of the City Council of the City of San Pablo approving a Conditional Use Permit and determination of public convenience or necessity for an on-sale alcohol license for beer and wine only for an existing

restaurant, Koi Sushi at 13501 San Pablo Avenue, Suite H, APN 417-180-023. The motion passed as follows: (#19-261)

AYES: Pineda, Xavier, Pabon-Alvarado and Kinney

NOES: None

ABSENT: Cruz

ABSTAIN: None

******END OF PUBLIC HEARINGS******

CITY COUNCIL DISCUSSION

22. City Manager summarized the action from the June 3, 2019 City Council meeting to proceed with scheduling a discussion surrounding flying a secondary Rainbow Flag at the San Pablo Library for the remainder of June 2019 in recognition of LGBTQ Pride Month.

Councilmember Pineda stated he made the request to add this discussion due to the hate crime that had occurred in San Francisco and further stated the opportunity to fly the Rainbow Flag at the busy intersection. Annabel Peterson expressed her opposition to flying the Rainbow Pride Flag anywhere in the City and she provided hand-outs for the Council.

After discussion, the motion to fly a secondary Rainbow Pride Flag at the San Pablo Library was made by Councilmember Pineda, seconded by Councilmember Xavier, failed as follows: (#19-262)

AYES: Pineda and Xavier

NOES: Pabon-Alvarado and Kinney

ABSENT: Cruz

ABSTAIN: None

Mayor Kinney made a motion and later withdrew the motion, to move the Rainbow Pride Flag currently being flown at City Hall to the San Pablo Library.

23. City Manager Rodriguez introduced the item and gave some background information on the proposed California Schools and Communities Funding Act proposed for placement on the November 2020 state-wide election and the request to discuss support for the act.

Rachita Rawal of Evolve CA/Schools & Communities First gave a handout and spoke in support of the Act.

The City Council expressed their respective support or opposition for the proposed Act. It was moved by Councilmember Xavier to authorize a resolution in support of the Act, seconded by Councilmember Pineda, and failed as follows:

AYES: Pineda and Xavier

NOES: Pabon-Alvarado and Kinney

ABSENT: Cruz

ABSTAIN: None

It was then moved by Councilmember Pabon-Alvarado, seconded by Mayor Kinney, and passed by vote of those present, to direct the City Manager to contact individuals in support and in opposition to the Act to provide information at a City Council meeting for better understanding of the proposed Act. The motion passed as follows: (#19-263)

AYES: Pineda, Xavier, Pabon-Alvarado and Kinney

NOES: None

ABSENT: Cruz

ABSTAIN: None

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

Mayor and City Council reported on their recent activities.

It was moved by Councilmember Xavier, seconded by Councilmember Pineda, and passed by vote of those present, to consider a ban on second-hand smoke in multi-family dwellings to be presented at a Public Safety Standing Committee. The motion passed as follows:

AYES: Pineda, Xavier, Pabon-Alvarado and Kinney

NOES: None

ABSENT: Cruz

ABSTAIN: None

ADJOURNMENT

The meeting adjourned at 7:43 pm, to Monday, July 1, 2019 at 6:00 pm.

Respectfully submitted,

Patricia Ponce, City Clerk

Rich Kinney, Mayor