



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

Monday, August 3, 2020

### **ROLL CALL**

The video/teleconferenced meeting convened at 5:41 pm. Present were Mayor Cruz, Vice Mayor Elizabeth Pabon-Alvarado and Councilmembers Rita Xavier, Abel Pineda and Rich Kinney. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Economic Development Director Charles Ching, Acting Deputy City Clerk LaTanya Fisher and Administrative Clerk Christine Maki.

Acting Deputy City Clerk Fisher announced that the meeting was being held via video/teleconference in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the City Council, City staff and the public to participate and conduct a meeting by teleconference, videoconference or both. Ms. Fisher further announced ways in which members of the public may watch or listen to the meeting during livestream on the City website. Instructions were also announced that the public may provide public comments via email which would be read before Council consideration of the item.

There were no speakers for the Closed Session items. City Attorney announced the Closed Session items and the meeting recessed at 5:45 pm.

### **CLOSED SESSION** (#20-297)

#### 1. CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Gov't Code Section 54956.8)

PROPERTY: Block E of Plaza San Pablo on Chattleton Lane near Luna Lane near San Pablo Avenue, APN 417-310-004

AGENCY NEGOTIATORS: Matt Rodriguez, Charles Ching

NEGOTIATING PARTIES: BV Builders, Inc.

UNDER NEGOTIATION: Price and Terms of Payment for Disposition of Property

### **ROLL CALL**

The video/teleconferenced meeting reconvened at 6:11 pm. Present were Mayor Arturo Cruz, Vice Mayor Elizabeth Pabon-Alvarado and Councilmembers Rita Xavier, Abel Pineda and Rich Kinney. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, and Acting Deputy City Clerk LaTanya Fisher.

Acting Deputy City Clerk Fisher announced that the meeting was being held via video/teleconference in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the City Council, City staff and the public to participate and conduct a meeting by teleconference, videoconference or both. Ms. Fisher further announced ways in which members of the public may watch or listen to

the meeting during livestream on the City website. Instructions were also announced that the public may provide public comments via email which would be read before Council consideration of the item.

City Attorney Nerland reported that no action was taken during the closed session conference with Real Property Negotiators, which relates to item 11 on the on the open session agenda for consideration. (File #20-297)

### **ORAL COMMUNICATIONS**

Acting Deputy City Clerk Fisher read aloud the two (2) emails received on July 31, 2020 and August 3, 2020 from: 1) Cordell Hindler who requested that Andy Katz come to provide an update on the needs for a hospital in West County, and that Bob Powers come to provide an update regarding the Del Norte BART project; and 2) Martha Ayala who referenced reports on successful diversity-building efforts by law enforcement agencies.

### **CITY MANAGER REMARKS**

City Manager Rodriguez reported on the 2020 Census questionnaire and encouraged residents to participate. He reported on the Police Department and Public Works Department's community clean-up program. He reported on Comcast channel 26 community bulletin board being actively updated with COVID-19 information. He highlighted the Contra Costa County's press conference held on Friday regarding a COVID-19 hot zone in West Contra Costa County and provided information on testing for COVID-19 and encouraged citizens to get tested. He provided an introduction of interim Deputy City Clerk Melissa Rhodes.

### **CONSENT CALENDAR**

It was moved by Councilmember Xavier seconded by Vice Mayor Pabon-Alvarado and unanimously approved to adopt all items on the Consent Calendar.

### **MINUTES**

2. By adoption of the Consent Calendar, the Minutes of June 15, 2020; June 22, 2020; June 29, 2020; July 6, 2020 and July 20, 2020 were approved. (#20-285)

### **PERIODIC REPORTS**

3. By adoption of the Consent Calendar, the Annual Progress Report of the City's Flood Management Plan for the Community Rating System (CRS) 2020 Recertification was received and filed. (#20-294)

### **MISCELLANEOUS**

4. By adoption of the Consent Calendar, the Response to the Grand Jury Report No. 2004, "Police Department Staffing" by the 2019-2020 Contra Costa Civil Grand Jury was authorized by Minute Order. (#20-273)
5. By adoption of the Consent Calendar, **Resolution 2020-096** was adopted, a Resolution of the City Council of the City of San Pablo appointing Commissioners to the San Pablo Youth Commission (SPYC). (#20-244)

6. By adoption of the Consent Calendar, **Resolution 2020-097** was adopted, a Resolution of the City Council of the City of San Pablo to authorize the City Manager to enter into an Agreement with Willdan Engineering for Project Management Consultant Services for the San Pablo Avenue Bridge Replacement Project (No. 0202) in the amount of \$205,527 with a 15% contingency for a total authorization of \$236,356. (#20-274)
7. By adoption of the Consent Calendar, **Resolution 2020-098** was adopted, a Resolution of the City Council of the City of San Pablo (1) authorizing the City Manager to execute a One Year Extension of the Agreement with Karla's Janitorial & Suppliers LLC for Janitorial Services through June 30, 2021 for all City of San Pablo Buildings and Facilities in an amount not to exceed \$266,852; and (2) ratifying the two previous janitorial services amendments with Karla's Janitorial & Suppliers LLC dated July 1, 2018, and July 1, 2019. (#20-283)
8. By adoption of the Consent Calendar, **Resolution 2020-099** was adopted, a Resolution of The City Council of the City of San Pablo authorizing the City Manager to enter into a third amendment to the agreement with Public Profit for the evaluation of the Team For Youth Grant Program, Childhood Obesity Prevention Grant Program, Measure Q, and Measure K for a total amount not to exceed \$97,400 for Fiscal Year 2020/21 for a grand Total contract amount not to exceed \$358,888. (#20-286)
9. By adoption of the Consent Calendar, **Resolution 2020-100** was adopted, a Resolution of the City Council of the City of San Pablo approving the Application for the California Department of Transportation Highway Safety Improvement Program (HSIP) Cycle 10 Grant Funds. (#20-291)
10. By adoption of the Consent Calendar, **Resolution 2020-101** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute an agreement with Cartegraph Systems, LLC. for the subscription and hosting of citywide Cartegraph Services for 12 months at an estimated cost of \$40,107 with two one-year options subject to funding availability authorized by the City Council for a total estimated cost of \$123,966. (#20-293)
11. By adoption of the Consent Calendar, **Resolution 2020-102** was adopted, a Resolution of the City Council of the City of San Pablo approving and authorizing execution of a Disposition and Development Agreement with BV Builders Inc., dba Bay Valley Development for the Sale and Development of Block E In The Mixed-Use Center South Area Of Plaza San Pablo At San Pablo Avenue And Chattleton Lane (Formerly Known As Circle S). (#20-298)

## **BOARDS AND COMMISSIONS**

12. By adoption of the Consent Calendar, k Jonathan Saelee was appointed to the Childhood Obesity Prevention Advisory Group (COPAG). (#20-289)

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

## **PUBLIC HEARING**

13. City Manager Rodriguez introduced the item regarding the proposed update to the San Pablo Fee Schedule for Planning, Building and Public Works Fees and recommended Budget, Fiscal & Legislative Standing Committee members Vice Mayor Pabon-Alvarado and Councilmember Pineda provide their input and comments on the Citywide Fee Study.

The public hearing was opened at 6:54 pm. There were no public speakers. The public hearing was closed at 6:55 pm.

Councilmember Kinney commented on the state of the economy due to the pandemic and fees. He expressed his concern for the hardship imposed on the community by raising the fees. He urged the Council to revisit the topic in six (6) months.

Councilmember Pineda commented on the rates. He agreed with Councilmember Kinney's concerns and urged the Council to hold off until the economy finds stable footing.

Councilmember Xavier expressed her concern for the City's ability to provide services to the residents. She stated the fee increase would help the City provide more services.

Staff answered questions regarding costs and fees. Councilmembers discussed the complexity of the fees and implementation of fees.

It was moved by Councilmember Pineda, seconded by Vice Mayor Pabon-Alvarado, and passed by majority vote to adopt **Resolution 2020-103**, Resolution of the City Council of the City of San Pablo adopting an updated City of San Pablo Fee Schedule for Planning, Building and Public Works, and adopting an annual Consumer Price Index adjustment to maintain fees relative to inflation as recommended in the MGT Consulting Group Fee Study to be applied prior to July 1, 2021, and prior to July 1<sup>st</sup> of each fiscal year thereafter. The motion passed as follows: (#20-290)

AYES: Xavier, Pineda, Pabon-Alvarado and Cruz

NOES: Kinney

ABSENT: None

ABSTAIN: None

## **RESOLUTIONS**

14. City Manager Rodriguez introduced the item regarding the proposed update to the Community Services Department Fee Schedule. Community Services Director Greg Dwyer provided a PowerPoint presentation on the Community Services Department Fee Study. Charles Ching read two (2) public comments typed by Martha Ayala: (1) residents in other cities are paying more but the percentage increase is more for residents of San Pablo because of income levels; and (2) residents in Emeryville, Pinole and El Cerrito can pay higher fees but not San Pablo residents. Vice Mayor Pabon-Alvarado stated she could not support the fee increases for youth. City Manager Rodriguez discussed deferring the item to January 1, 2021 due to COVID-19 related impacts on residents. Mayor Cruz discussed the capacity of programs, waitlists and impact of suspending programs until January 1, 2021. Mr. Ching read a comment submitted by Martha Ayala who urged the City to provide child care and an anonymous comment on Kiddie Corner and suggested virtual meetings for the children.

It was moved by Councilmember Kinney, seconded by Vice Mayor Alvarado and passed by vote to adopt **Resolution 2020-104**, a Resolution of the City Council of the City of San Pablo adopting an updated Community Services Department Fee Schedule for certain programs, services and facility rentals, for only the new Maple Hall with no other fee increases until after further discussions in January 2021. The motion passed as follows: (#20-296)

AYES: Kinney, Pineda, Pabon-Alvarado and Cruz

NOES: Xavier

ABSENT: None

ABSTAIN: None

City Attorney Nerland clarified this motion did not include the COVID-19 fee.

15. City Manager Rodriguez introduced the item and City Attorney Lynn Tracy Nerland presented a video statement from Contra Costa County Health Services on the status of COVID-19 in West Contra Costa County. Ms. Nerland spoke about the ambassador program for youth to learn about COVID-19. She discussed a program offered through the County which would provide hotel rooms for families who have a member with COVID-19 who cannot properly distance themselves from that family member. She presented slide eight (8) of the PowerPoint presentation about the Contra Costa County Health Services Ordinance establishing administrative fines for violations of public health order. She discussed the process of violations and reporting to the District Attorney's Report Fraud line. She discussed the economic impacts COVID-19 is having on the community. She provided an overview of COVID-19 health statistics.

She further discussed staff's recommended City Council meeting protocols and phases during COVID-19 before elected officials, staff and the public attend City Council meetings. There were no specific Council comments on the proposed meeting protocols and timelines. Councilmember Pineda expressed the need to keep the mask requirement consistent at all times. Mayor Cruz discussed educational posters on COVID-19 and homeless education. City Manager Rodriguez provided a status update on Mayor Cruz's concerns.

It was moved by Councilmember Kinney, seconded by Councilmember Xavier, and passed by unanimous vote to adopt **Resolution 2020-105**, a Resolution of the City Council of the City of San Pablo, California extending the existence of a Local Emergency due to Novel Coronavirus (COVID-19) and confirming the actions taken by the Director of Emergency Services. (#20-295)

Public speaker Nancy DeRamirez urged the City Council to assist in putting the word out to the community to help prevent the spread of COVID-19.

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

Council reported on their recent activities.

A motion was made by Councilmember Kinney, seconded by Councilmember Pineda, and passed by unanimous vote to allow staff to bring back Community Services COVID-19 fees in order for Council to discuss at a future meeting.

A motion was made by Councilmember Pineda, seconded by Mayor Cruz, and passed by unanimous vote, to amend the Council's Priority Workplan to discuss a COVID-19 grant or loan assistant program for San Pablo businesses at a future meeting.

It was moved by Councilmember Pineda to have a discussion to amend the 20-21 City Council Priority Work Plan at the next regular City Council meeting to discuss a local ID program for residents. Councilmember Pabon-Alvarado stated the discussion would not bring any value given everything going on with COVID-19 and the limited resources city staff has. The motion failed for a lack of a second.

Councilmember Pineda also asked about an update on the City's website and a timeline for contracting for legal services for residents.

**ADJOURNMENT**

The meeting adjourned at 9:43 pm, to Tuesday, September 8, 2020, at 6:00 pm.

Respectfully submitted,

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LaTanya Fisher, Acting Deputy City Clerk

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Arturo M. Cruz, Mayor