



Minutes of the Regular Meeting of the San Pablo City Council

Monday, April 5, 2021

ROLL CALL

The video/teleconferenced meeting convened at 5:15 pm Present were Mayor Elizabeth Pabon-Alvarado, Vice Mayor Rita Xavier and Councilmembers Abel Pineda, with Patricia Ponce and Arturo Cruz joining at 5:18 pm. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Interim Assistant City Manager Charles Ching, City Clerk Dorothy Gantt, Deputy City Clerk Lehny Corbin, and Administrative Clerk Christine Maki.

The pre-recorded video announcement was presented which stated 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. Also presented were ways in which members of the public may participate in the meeting during livestream on the City website, including instructions on how the public may provide public comments via email which would be read before Council consideration of the item.

City Attorney Nerland announced the title of the Closed Session item.

PUBLIC COMMENTS

There were no public comments, and the City Council recessed to Closed Session at 5:21 pm.

CLOSED SESSION

1. CLOSED SESSION (#21-131)
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to California Government Code
Section 54956.9(d)(2): Claim of Donahue Schriber Realty Group

* * * END OF CLOSED SESSION * * *

PLEDGE OF ALLEGIANCE

ROLL CALL

The video/teleconferenced meeting reconvened at 6:00 pm. Present were Mayor Elizabeth Pabon-Alvarado, Vice Mayor Rita Xavier and Councilmembers Abel Pineda, Patricia Ponce and Arturo Cruz. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Charles Ching, Police Chief Ron Raman, Administrative Services Director Kelly Sessions, Public Works Director/City Engineer Jill Mercurio, City Treasurer Viviana Toledo, Accounting Manager June Du, Police Captain Brian Bubar, Community Services Manager Jean Clark, Planning Manager Libby Tyler, City Clerk Dorothy Gantt, Deputy City Clerk Lehny Corbin, Executive Assistant to the City Manager LaTanya Fisher, and Administrative Clerk Christine Maki.

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City Attorney Nerland reported on the Closed Session item that the City Council on a 5/0 vote authorized the fourth amendment to the Tolling Agreement with claimant Donahue-Schriber and no further action was taken.

ORAL COMMUNICATIONS

City Clerk Gantt read the emails received from:

- Cordell Hindler (1) requested that the BART General Manager be invited to a future meeting to provide an update regarding the Del Norte BART station; (2) the reason that Management Partners should have been contracted to facilitate the Council Strategic Planning meeting is because they had worked with cities like Walnut Creek and Union City on their strategic plans.
- Janet Pottier on behalf of the San Pablo Historical Society announced that April is National Poetry Month. Ms. Pottier stated the Poet's Corner at the former Civic Center location was dedicated on July 26, 1981 and requested the Poet's Bench remain or be relocated. The poem recited by Claire J. Baker at the 1981 dedication was read aloud.

PRESENTATIONS

2. San Pablo Library Update by Gia Paolini and Presentation of Proclamation Recognizing Week of April 4, 2021 as *National Library Week*.

Senior Community Library Manager Gia Paolini displayed the Proclamation the City Council approved recognizing the week of April 4, 2021 as *National Library Week*. Ms. Paolini updated the City Council on the events from when the COVID-19 Pandemic began and what service the library and staff continued to provide to the community such as Front Door Service enabling parents to pick up bags of activities for kids, checking out books and materials, extending due dates of borrowed items, giving out more than 4,000 meals on Tuesdays, and developing online ESL Programs. The library staff also served as Disaster Service Workers where they were needed for other County operations. Ms. Paolini also announced expansion of wi-fi hotspots, and City Manager Rodriguez stated the City is working with the County regarding plans to support and fund up to 100 Wi-Fi devices at the library, as well as coordination with City staff on the library reopening on April 27, 2021. City Council thanked Ms. Paolini for the update and the library's service to the community. (#21-101)

CITY MANAGER REMARKS

City Manager Rodriguez announced the following:

- The community now has a link regarding San Pablo city limits located on the home page under the Residents tab
- Paratransit Program continues to offer transportation to the senior community to and from vaccination appointments

- April 10 Dumpster day at 2600 Moraga Road from 7:00 am
- April 14, 2021 Bicycle and Pedestrians Study Workshop
- April 14, 2021 Closed Dedication Ceremony for Fire Station #70 at 3:00 pm
- Two-year Preliminary Budget for FY2021-22 currently being prepared
- Recruitments for Community Development Director and Director of Finance

CONSENT CALENDAR

City Manager announced the last-minute agenda correspondence for agenda item #12 (Growth Management Compliance Statement), highlighted the minor revisions to the Compliance Checklist and attachment, and that there was no need to pull the item from the Consent Calendar. City Manager requested pulling agenda item #4 (Proclamation) for separate discussion.

It was moved by Councilmember Ponce, seconded by Vice Mayor Xavier, and unanimously passed to adopt the items in Consent Calendar, with the exception of agenda item #4.

MINUTES

3. By adoption of the Consent Calendar, the Minutes of the meeting of March 15, 2021 were approved. (#21-106)

PROCLAMATIONS (#21-142)

4. This item was pulled from the Consent Calendar and discussed separately. City Manager Rodriguez acknowledged and expressed gratitude to outgoing Administrative Services Director J. Kelly Sessions for his 8-1/2 years of service to the City of San Pablo, his professionalism, dedication and excellent work in the budgets. City Council commented and thanked Mr. Sessions for his services and congratulated him on his new position with the City of San Ramon.

It was moved by Vice Mayor Xavier, seconded by Councilmember Pineda, and unanimously approved the Certificate of Appreciation for Administrative Services Director J. Kelly Sessions.

Mr. Sessions thanked the City Council for their comments, staff for their support and the professional growth he attained in serving the San Pablo community. Mr. Sessions commended the IT Department for keeping the City connected during the pandemic.

MISCELLANEOUS

5. By adoption of the Consent Calendar, **Resolution 2021-032** was adopted, a Resolution of the City Council of the City of San Pablo establishing the Stormwater Utility Assessment Rate for FY 2021/22 and requesting the Contra Costa County Flood Control and Water Conservation District to adopt an annual parcel assessment for drainage maintenance and the National Pollutant Discharge Elimination System Program. (#21-112)
6. By adoption of the Consent Calendar, **Resolution 2021-033** was adopted, 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. (#21-125)

After adoption of the Consent Calendar, Jim McCarty was permitted to speak on this item through the Zoom webinar. In reading the proposed resolution, Mr. McCarty asked for clarification of San Pablo being a COVID hotspot and the use of the word and how it is defined; the tier movement from purple to red; if the City is following the County guidelines on reopenings especially related to museums; and what partial openings the City can have now that the County is in the red tier.

City Attorney Nerland responded to Mr. McCarty's questions and stated that San Pablo is following the Contra Costa Health Department Orders, including the tier the County is in. She further stated that San Pablo does not have its own Health Officer and that the City is deferring to the County's determination as there are no separate rules for San Pablo. As a matter of interest as referred in the staff report, San Pablo has the highest number of cases of COVID per capita in the County for over one year when the pandemic began. The information is being brought to the Council and to the public but does change the health orders being followed.

City Manager Rodriguez also referred to the County Dashboards that track active COVID cases and vaccination rates. He stated that San Pablo has a high vaccination rate in the County per capita but since the report was drafted may now be second highest to Bay Point on per capita COVID infection rate. He further reported that government operations remain status quo and will remain closed. He is hopeful that the County will go to the yellow tier as vaccinations rates increase over time. He reported that the County is reporting 35% vaccination rates and increasing with the City still below the County average. Mr. Rodriguez announced that County Supervisor John Gioia is scheduled to provide an update at the April 19, 2021 City Council meeting regarding statistics and encouraged the public to participate to get the most current statistics.

Mr. McCarty also inquired about museums reopening at 25% capacity per County guidelines. City Manager Rodriguez commented that the City would need to make the determination to ensure all facilities are managed safely and securely.

7. By adoption of the Consent Calendar, **Resolution 2021-034** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a temporary suspension of the FY 2021/22 San Pablo Community Grant Foundation Program until further notice pending further developments related to the Coronavirus (COVID-19) Pandemic. (#21-132)
8. By adoption of the Consent Calendar, **Resolution 2021-035** was adopted, a Resolution of the City Council of the City of San Pablo authorizing temporary suspension and deferring issuance of a new Request for Proposal (RFP) process for the City of San Pablo Childhood Obesity Prevention Grant Program until FY 2022/23 due to the Coronavirus (COVID-19) Pandemic. (#21-133)
9. By adoption of the Consent Calendar, **Resolution 2021-036** was adopted, a Resolution of the City Council of the City of San Pablo amending the City's Classification and Compensation Plan for FY 2020/21 by (1) revising the requirements for the Police Captain position; and (2) re-titling and revising of the Administrative Services Director to Director of Finance. (#21-134)

10. By adoption of the Consent Calendar, **Resolution 2021-037** was adopted, a Resolution of the City Council of the City of San Pablo appropriating \$400,000 from the City General Fund Designated Reserves (100-0000-00000) Soils Storage to the Capital Improvement Project 0201 Wildcat Creek Restoration and Greenway Trail Project (320-3200-43600-GFD-420). (#21-135)
11. By adoption of the Consent Calendar, **Resolution 2021-038** was adopted, a Resolution of the City Council of the City of San Pablo ratifying a First Amendment and approving a Second Amendment to the Memorandum of Agreement between the City of San Pablo and Contra Costa County Health Services pertaining to Mutual Aid Assistance provided to respond to the COVID-19 Pandemic to allow the use of City facilities for COVID testing and vaccinations as approved by the City Manager. (#21-136)
12. By adoption of the Consent Calendar, **Resolution 2021-039** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to certify the Calendar Year 2018 and 2019 Growth Management Program Compliance Checklist required by the Contra Costa Transportation Authority, with minor revisions to the Compliance Statement and Attachment 3a. (#21-139)
13. By adoption of the Consent Calendar, **Resolution 2021-040** was adopted, a Resolution of the City Council of the City of San Pablo designating Applicant's Agent for Non-State Agencies for the purpose of obtaining certain Federal and/or State financial assistance for disaster relief. (#21-140)
14. By adoption of the Consent Calendar, **Resolution 2021-041** was adopted, a Resolution of the City Council of the City of San Pablo approving a Memorandum of Understanding with the West Contra Costa Unified School District regarding a Proof of Concept Phase for a proposed West Contra Costa *EdConnect* Wireless Project. (#21-144)
15. By adoption of the Consent Calendar, **Resolution 2021-042** was adopted, a Resolution of the City Council of the city of San Pablo authorizing the City to enter into a Funding Agreement with the State Water Resources Control Board and authorizing and designating the City Manager to be the City's authorized representative for the Sutter Avenue Green Street Project. (#21-147)

BOARDS AND COMMISSIONS

16. By adoption of the Consent Calendar, the request for a two-year reappointment of current member Dorothy Gantt to the Advisory Committee on Aging was approved, and directed staff to post Vacancy Notice (Three Vacancies). (#21-130)

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

CITY COUNCIL DISCUSSION/CONSIDERATION

17. City Manager Rodriguez introduced the item for Council to consider amending the adopted Council Priority Workplan to add a policy item to research and explore increasing the minimum wage for San Pablo businesses and workers in San Pablo. Mr. Rodriguez referred to the State's minimum wage for employers of 25+ employees that went into effect on January 1, 2021 at \$15 per hour, with a scheduled adjustment beginning January 1, 2022. He went on to state that the current Federal minimum wage is at \$8 per hour. He also reported that some surrounding cities have already increased the minimum wage in their cities such as Richmond and El Cerrito.

The following public speakers expressed their support of a local minimum wage:

1. Joe Summers, Contra Costa Central Labor Council
2. Mario Gonzalez-Brito, Business Agent for Operating Engineers Local No. 3
3. John Gomez

City Council expressed their comments.

It was moved by Vice Mayor Xavier, seconded by Councilmember Ponce, and passed by vote to adopt **Resolution 2021-043**, a Resolution of the City Council of the City of San Pablo to amend the FY 2021-23 Adopted City Council Priority Workplan under Major Policy Goal: *Build a Healthy Community* to add a new policy amendment: *Research/Explore efforts at the Federal, State and Local Level Regarding a Minimum/Living Wage Increase for San Pablo Businesses and Workers*. The motion passed as follows: (#21-113)

AYES: Cruz, Ponce, Pineda and Xavier

NOES: Pabon-Alvarado

ABSENT: None

ABSTAIN: None

18. City Manager Rodriguez introduced the item for Council to consider amending the adopted Council Priority Workplan to add a policy item to research and explore temporary hero/hazard pay for San Pablo grocery workers as COVID-19 essential workers.

The following spoke in support of the proposal:

1. Joe Summers of Contra Costa Labor Council
2. Mario Gonzalez-Brito of Operating Engineers Local No. 3
3. Ryan McGilly of UFCW Local 5
4. Claire Courtney
5. Lance Wills of San Pablo Public Works Department
6. John Gomez of UFCW Local 5
7. Mayra Corleto, member of Operating Engineers Local No. 3
8. Devin Ramos

City Attorney Nerland stated she was present to answer any legal questions. She added that the California Grocery Association has brought lawsuits against a few California cities, which had adopted ordinances mandating additional compensation for grocery workers. She further commented that any costs associated with a lawsuit if brought against the City of San Pablo would be borne by the City's general fund and could present legal challenges.

The City Council thanked the speakers and expressed their comments.

Speaker John Gomez offered to provide information on the lawsuits and referenced a preliminary injunction filed. City Attorney Nerland explained the process of a preliminary injunction, which are typically granted when money damages cannot restore the parties.

It was moved by Councilmember Pineda, seconded by Councilmember Cruz, and unanimously passed to adopt **Resolution 2021-044**, a Resolution of the City Council of the City of San Pablo to amend the FY 2021-23 Adopted City Council Priority Workplan under Major Policy Goal: *Build a Healthy Community* to add a new policy amendment: *Research/Explore Temporary Hero/Hazard Pay to San Pablo Grocery Workers as COVID-19 Essential Workers.* (#21-129)

SUPPLEMENTAL MATERIALS (IF ANY)

19. Materials submitted after publication of the agenda were appended to the published agenda after the Council meeting. (#21-126)

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

Mayor and City Council reported on their recent activities.

It was moved by Councilmember Cruz, seconded by Councilmember Ponce, and unanimously passed, to approve to adjourn the next City Council meeting in memory of former Mayor and Councilmember Leonard McNeil on the second-year anniversary of his passing.

Councilmember Ponce indicated that she would like to discuss with the AdHoc Emergency Subcommittee and City Manager about working with local nonprofits to get vaccine information to the community.

ADJOURNMENT

The meeting adjourned at 8:23 pm to Monday, April 19, 2021, at 6:00 pm.

Respectfully Submitted,

Dorothy Gantt, City Clerk

Elizabeth Pabon-Alvarado, Mayor