



Minutes of the Regular Meeting of the San Pablo City Council and the Local Successor Agency

Monday, October 16, 2017

ROLL CALL

The meeting convened in the Council Chambers at 5:33 pm. Present during roll call were Vice Mayor Genoveva Calloway and Councilmembers Paul Morris and Arturo Cruz. Absent were Mayor Cecilia Valdez and Councilmember Rich Kinney (arrived at 5:44 pm). Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Public Works Director/City Engineer Barbara Hawkins, and Deputy City Clerk Lehny Corbin.

City Attorney announced the nature of the two Closed Session items and stated that there was no one from the audience who wished to speak on the Closed Session items. The City Council adjourned to closed session.

CLOSED SESSION

1. CLOSED SESSION (#17-0440)
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to California Government Code
Section 54956.9(d)(2) / Claim pursuant to California Government Code
section 54956.95: Claim of Donahue Schriber Realty Group
2. CLOSED SESSION (#17-0439)
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Initiation of litigation pursuant to California Government Code Section
54956.9(d)(4): (1 potential case)

ROLL CALL

The regular meeting convened in the Council Chambers at 6:03 pm. Present in the Council Chambers were Vice Mayor Genoveva Calloway and Councilmembers Paul Morris, Rich Kinney and Arturo Cruz. Mayor Cecilia Valdez participated in the meeting via teleconference from 110 Santa Rita Court, San Pablo. The Mayor indicated that the agenda had been posted 72 hours in advance of the meeting at the teleconference site; that the teleconference site was open to the public and accessible; and that no member of the public was present and wishing to speak. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz, Police Chief Ron Raman, Public Works Director/City Engineer Barbara Hawkins, Finance Director Kelly Sessions, City Clerk Elizabeth Pabon-Alvarado, and Deputy City Clerk Lehny Corbin.

City Attorney Nerland reported that no action were taken on Closed Session item #1 (#17-0441) regarding the claim of Donahue Schriber Realty Group, and Closed Session item #2 (#17-0439) regarding potential initiation of litigation.

ORAL COMMUNICATIONS

Ron Deziel spoke regarding the pink patch on police uniforms.

Rita Xavier expressed her appreciation of the convenience of the new San Pablo Library and its location.

Soroush Badie and a speaker named Jasmin spoke regarding the Junior Youth Empowerment Program and invited the City Council and community to the 200th Anniversary of Baha'i Faith event on October 22 at the San Pablo Community Center. Councilmember Morris had planned on attending but will be out of town during the event.

PRESENTATIONS

3. Community Services Director Greg Dwyer introduced the item. Corey Newhouse, founder of Public Profit briefly spoke. Justine Wolitzer gave a PowerPoint presentation on the on the Annual Community Schools Collaborative FY 16/17 Evaluation and Report, which included the program participants, the positive experience in each of the programs, the care teams coordinated by each school, the population indicators on school attendance and the participation in the Beacon Network. Mr. Dwyer and Ms. Wolitzer responded to inquiries about the benefit of collaborating with the Beacon Network and the lower-than the national average of engagement in the prior year. City Manager Rodriguez indicated that the programs are assisted by revenues from Measure Q and commended staff for their collaboration. (#17-0421)

CITY MANAGER REMARKS

City Manager Rodriguez commented on the recent wildfires in the North Bay and provided background and status of the fires, including ways to help. He also commended the Police Department for providing mutual aid and support. Police Chief Raman also commended the community and officers for the overwhelming support and reported on mutual aid offered to assist.

City Manager Rodriguez also announced the Great Shake Out earthquake safety drill occurring on October 19 at 10:19 am, the October 26 City Hall-O-Ween event from 4:00 to 5:30pm, as well as the Youth Services Community Unity Day with the Anti-Bullying Campaign on October 25 at 10:00am.

CONSENT CALENDAR

By motion of Councilmember Kinney, seconded by Councilmember Morris, all items in the Consent Calendar were unanimously passed and adopted, with the exception of items #8 (proclamation), #12 (DACA support), and #13 (Arizona law).

MINUTES

4. By adoption of the Consent Calendar, the Minutes of the meeting of October 2, 2017 were approved. (#17-0408)

LIABILITY CLAIMS

5. By adoption of the Consent Calendar, the liability claim of Pedro Hernandez (DOL 03/12/2017) was denied. (#17-0434)

PERIODIC REPORTS

6. By adoption of the Consent Calendar, the Investment Report / Treasurer's Report for the month of September 2017 was received and filed. (#17-0435)
7. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of September 2017 was approved. (#17-0437)

PROCLAMATIONS

8. This item was pulled from the Consent Calendar and discussed separately. Recreation Supervisor Andrea Mendez and Recreation Coordinator Lizette Lopez spoke about the Unity Day celebration planned for October 25, 2017. Vice Mayor Calloway read the Proclamation recognizing October 25, 2017 as Unity Day -- Bullying Awareness and Prevention Day. By motion of Councilmember Kinney, seconded by Councilmember Morris, and unanimously approved to ratify the issuance of the Proclamation requested by the California Park & Recreation Society recognizing October 25, 2017 as *Unity Day-Bullying Awareness and Prevention Day* was ratified and approved by Minute Order. (#17-0422)

MISCELLANEOUS

9. By adoption of the Consent Calendar, **Resolution 2017-197** was adopted, a Resolution of the City Council of the City of San Pablo to (1) accept and appropriate the California Natural Resources Agency (CNRA) Grant in the amount of \$689,222; (2) accept and appropriate the State Coastal Conservancy Grant in the amount of \$1.3 million for the Wildcat Creek Restoration and Greenway Trail; (3) appropriate \$2,502 from the General Fund Designated Reserves-Parks; (4) reallocate \$100,000 from the Wildcat Creek-Plaza San Pablo Project (WCC-PSP) to the Wildcat Creek Restoration and Greenway Trail Project (WCC-TRL); (5) authorize the City Manager to enter into the above-mentioned grant agreements; and (6) authorize the City Manager to enter into an agreement with Restoration Design Group (RDG) for Wildcat Creek Restoration and Greenway Trail Design, CEQA and permitting consulting services in the amount of \$352,166 with a 15% contingency for a total authorization of \$404,991 (#17-0417)
10. By adoption of the Consent Calendar, **Resolution 2017-198** was adopted, a Resolution of the City Council of the City of San Pablo declaring that the emergency under Public Contract Code Section 22050 regarding the immediate rehabilitation of the Hillcrest Road Storm Drain is continuing and ratifying the actions taken. (#17-0426)
11. By adoption of the Consent Calendar, **Resolution 2017-199** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a one-time sponsorship support in the amount of \$1,500 to Tara Hills Recreation Association for their 2018 Baseball Season (#17-0427)
12. This item was pulled from the Consent Calendar and discussed separately. The following speakers spoke in favor of the DACA Program: Alexander Walker-Griffin, Diana Diaz-Noriega, Luis Chacon, Ricardo Sanchez, Laura Garcia, and Andres Soto. Councilmember Morris explained why he previously voted against the program but would now change his vote. Councilmember Kinney thanked all for sharing their remarks but asked all to understand that support is an individual choice. By motion of Councilmember Cruz,

seconded by Councilmember Morris, and passed by vote to adopt **Resolution 2017-200**, a Resolution of the City Council of the City of San Pablo in support of the Federal Deferred Action for Children Arrivals (DACA) Program and calling for new bi-partisan legislation to legally enact the Federal Dream Act. Mayor Valdez commented that the resolution shows the City Council supports the community. Vice Mayor Calloway also remarked that she is supporting the resolution to protect and support the City of San Pablo. The motion passed as follows: (#17-0429)

AYES: Cruz, Morris, Calloway and Valdez
NOES: Kinney
ABSENT: None
ABSTAIN: None

13. This item was pulled from the Consent Calendar and discussed separately. City Manager introduced the item and provided background on Arizona SB 1070 Law and the recommendation to rescind the Resolution 2010-49 because SB 1070 was basically no longer in effect in Arizona. Ron Deziel spoke in opposition to the agenda item. Luis Chacon spoke in support of the resolution. Vice Mayor Calloway stated the background on adoption of Resolution 2010-049 and the decision to rescind said resolution. Councilmember Morris stated the City had no business in Arizona Law. It was moved by Councilmember Cruz, seconded by Vice Mayor Calloway, and unanimously passed to adopt **Resolution 2017-201**, Resolution of the City Council of the City Pablo rescinding Resolution 2010-049 – opposing State of Arizona SB 1070 Law (#17-0430)
14. By adoption of the Consent Calendar, **Resolution 2017-202** was adopted, a Resolution of the City Council of the City Council authorizing the City Manager to apply for a sustainable communities grant through the Caltrans Transportation Planning Grant Program for \$400,000 to analyze to analyze the sections identified for future study in the City of San Pablo Bicycle and Pedestrian Master Plan (#17-0432)
15. By adoption of the Consent Calendar, **Resolution 2017-203** was adopted, a Resolution of the City Council of the City of San Pablo (1) authorizing the Emergency Procurement of HVAC equipment; (2) awarding the bid to Marina Mechanical, Inc. for the purchase of a 20-ton “Carrier” Rooftop Cooling Unit, to include equipment, hardware, ancillary installation and a one (1) year warranty, at the Police Department in the amount of \$58,424 including a 15% contingency for \$67,188 using existing budget resources from the FY 2017/18 Police Department Professional Services line item (100-2110-43600); and (3) authorizing the City Manager to enter into an agreement with Marina Mechanical (#17-0436)
16. By adoption of the Consent Calendar, **Resolution 2017-204** was adopted, a Resolution of the City Council of the City of San Pablo approving and authorizing the execution of a Termination Agreement for Purchase and Sale of Real Property by and between the City of San Pablo and Capital Partners Development Company; authorizing staff to begin the design build process for the construction of the new City Hall; and ratifying authorization of the release of a Request for Qualifications for potential design-build entities (#17-0419)
17. By adoption of the Consent Calendar, the proposed 2018 Calendar of City Council / Local Successor Agency meeting dates were approved by Minute Order. (#17-0425)

BOARDS AND COMMISSIONS

18. By adoption of the Consent Calendar, the City Council approved the renewal of Geraldine Sanchez's two-year term on the Advisory Committee on Aging (two vacancies). (#17-0433)

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

PUBLIC HEARINGS

19. City Manager introduced the item. Development Services Director Michele Rodriguez also provided background information on the ordinance adopted in 2015 regarding Art in Public Places. Tricia Stevens gave a PowerPoint presentation of the proposed amendments to the Zoning ordinance which included issues of applicability and exceptions, valuation of art, location of art, use of local artists, art selection process, waiver provision based on hardship, and the deletion of the reference in the existing ordinance related to Public Mural Fund.

The public hearing was opened at 7:43 pm. Janet Pottier stated she would like to see the community be allowed to weigh in on the proposed art and would prefer "San Pablo Experience" rather than San Pablo History and Culture. City Attorney Nerland commented on Ms. Pottier's remarks regarding an art curator. Vice Mayor Calloway agreed with some of Ms. Pottier's comments regarding the Art Curator being a single person, and Councilmember Kinney stated he would prefer to see some of the cost of public art go into the architectural design of the building. The public hearing closed at 7:50 pm.

Councilmember Morris also commented on "San Pablo Experience" and suggested rewording the proposed ordinance. City Manager Rodriguez explained that the language in the ordinance would allow refinement of the criteria. City Attorney Nerland read a portion of Section 17.63.090 (Establishment of the public art and mural fund) with suggested revisions to incorporate the issues raised to state: *"Public art acquired through the Public Arts Fund shall be approved by the City Council following a recommendation from the Planning Commission and consultation with the City Art Curator and affected communities."* Another revision was also proposed by adding the phrase "or experience" to the following sentence: *"Consideration shall be given to local arts in San Pablo or the broader San Francisco Bay area or art that reflects San Pablo history, culture or experience."*

By motion of Councilmember Morris, seconded by Vice Mayor Calloway, it was unanimously passed to waive the first reading and introduce the proposed ordinance amending the Zoning Ordinance Chapter 17.63 relating to Art in Public Places with the revisions above. (#17-0416)

ORDINANCES

20. City Attorney Nerland introduced the item and described the proposed amendments to the Municipal Code such as updating the addresses for location of posting official notices; deleting the residency requirement of the city manager; deleting the prohibition on appointing a current city employee as city manager; deleting the staff Design Review Committee; and deleting references to biennial budget and inserting "multiple fiscal years" as the city currently has a quadrennial budget.

The public hearing was opened at 8:07 pm. Ron Deziel spoke in opposition to the proposed changes to the provisions related to the city manager residency requirement and city manager eligibility. The public hearing closed at 8:11 pm. By motion of Councilmember Morris, seconded by Councilmember Cruz, it was unanimously approved

to waive the first reading and introduce the proposed Ordinance of the City Council of the City of San Pablo amending Section 1.16.020 of the San Pablo Municipal Code regarding posting of notices; amending sections 2.04.030 and 2.04.050 regarding City Manager requirements; repealing Chapter 2.64, "Design Review Committee;" and amending Sections 3.04.040 and 3.04.060 regarding the term of the budget (#17-0424)

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

City Council briefly reported on their recent activities.

ADJOURNMENT

By motion of Councilmember Morris, seconded by Councilmember Kinney, and unanimously passed to adjourn the meeting adjourned at 8:13 pm to Monday, November 6, 2017 at 6:00 pm, in memory of Toribia Peredo, mother of IT Technician Alan Peredo; Morris David Gannon, father of Ben Gannon, City Council scholarship recipient who attends North Dakota State University; and all victims and their families of the North Bay fires, hurricanes, and Las Vegas Shooting on October 1, 2017.

Respectfully submitted,

Elizabeth Pabon-Alvarado, City Clerk

Cecilia Valdez, Mayor