



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

Monday, March 19, 2018

### **ROLL CALL**

The meeting convened in the Council Chambers at 6:00 pm. Present were Mayor Genoveva Garcia Calloway and Vice Mayor Paul Morris, and Councilmembers Rich Kinney, Arturo Cruz, and Cecilia Valdez, who arrived at 6:02 pm. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracey Nerland, Assistant City Manager Reina Schwartz, Police Lieutenant Brian Bubar, Public Works Director/City Engineer Jill Mercurio, Administrative Services Director Kelly Sessions, City Clerk Elizabeth Pabon-Alvarado, Executive Assistant LaTanya Fisher, and Administrative Clerk Chris Maki.

### **ORAL COMMUNICATIONS**

Cordell Hindler spoke regarding the recruitment for a Secretary to the City Attorney and Management Analyst positions, as well as the travel expense policy.

Antonio Medrano spoke of the recent fire involving the El Sobrante Library and the increased foot traffic at the San Pablo Library, as well as the June/July Summer Reading Program at the San Pablo Library. He also announced the candidate forum on April 23 at 6:00 pm for the Assembly District seat.

Janet Pottier announced that the San Pablo Historical Society is seeking more volunteers. She also announced that there will be a memorial plaque installed at the Adobe Museum honoring Victor Manning.

### **CEREMONIAL MATTERS**

1. Assistant City Manager Schwartz introduced Jill Mercurio, the new Public Works Director/City Engineer and provided some professional information. Cordell Hindler expressed that Ms. Mercurio is the right person for the job. City Manager Rodriguez introduced Charles Ching as the newly-appointed Interim Community & Economic Development Director. Both Ms. Mercurio and Mr. Ching thanked the City Council and the City Manager for the opportunities to serve the City. (#18-104)

### **PRESENTATIONS**

2. Environmental Program Analyst Amanda Booth introduced Justin Marquez, the Community Development Director for Marin Clean Energy, who presented the City Council with the MCE Deep Green award, which demonstrated the city's support of locally renewable energy. Mayor Calloway thanked MCE for acknowledging the City's commitment to green energy. (#18-085)
3. Environmental Program Analyst Both also introduced Alejandro Castelan, the Regional Manager for Rising Sun Energy, who gave a PowerPoint presentation on the organization and background on Green Energy Training Services (GETS) and California Youth Energy Services (CYES), the CYES Impact Summary, Youth Development, the work done in San Pablo since 2013, the programs to be implemented in San Pablo in the summer of 2018, and its outreach to the community. The City Council commented on the program. Cordell Hindler thought the presentation was very helpful. (#18-093)

## **CITY MANAGER REMARKS**

City Manager Rodriguez made the following announcements:

- March 22, 2018 Youth Commission Alumni gathering at Maple Hall
- March 24, 2018 Annual Spring Egg Hunt at Davis Park
- March 29, 2018 Coffee with a Cop at Café Soleil

## **CONSENT CALENDAR**

It was moved by Vice Mayor Morris, seconded by Councilmember Valdez, and unanimously passed to adopt all items in the Consent Calendar, with the exception of agenda item #10 (contract Odin Systems).

## **MINUTES**

4. By adoption of the Consent Calendar, the Minutes of the meetings of February 5 and February 20, 2018 were approved. (#18-116)

## **PERIODIC REPORTS**

5. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of February 2018 was approved. (#18-102)
6. By adoption of the Consent Calendar, the Investment Report / Treasurer's Report for the month of February 2018 was received and filed. (#18-112)

## **PROCLAMATIONS**

7. By adoption of the Consent Calendar, the request for issuance of a proclamation recognizing *March 2018 as American Red Cross Month* was approved. (#18-121)

## **BOARDS AND COMMISSIONS**

8. By adoption of the Consent Calendar, the City Council approved the renewal of a two-year term for Vicky Chong on the San Pablo Community Foundation Grant Review Committee. (#18-120)

## **MISCELLANEOUS**

9. By adoption of the Consent Calendar, **Resolution 2018-036** was adopted, a Resolution of the City Council of the City of San Pablo establishing the Stormwater Utility Assessment Rate for FY 2018/19 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. (#18-084)
10. This item was removed from the Consent Calendar and discussed separately. The following spoke of their concerns regarding cooperation and information sharing with ICE (Immigration & Customs Enforcement): Luis Chacon, Diana Diaz-Noriega, Tracy Rosenberg, Antonio Medrano, and Ricardo Sanchez. Mike Katz-Larabe of Oakland Privacy spoke and questioned the use of Odin and suggested soliciting from other competing companies. City Manager Rodriguez addressed and clarified the contract with Odin Systems stating that the City has been in contract with Odin since 2011 for situational awareness cameras. Implementation of the cameras has reduced criminal activities and shootings. He also stated that the staff initially met with civil rights groups who indicated their satisfaction with the City, further stating that the City stands by its

adopted Resolution 2017-045 that the Police Department does not enforce federal laws including federal immigration laws. Lieutenant Bubar also spoke of the City's vigilance regarding public safety and protection of information and that the data is not being shared with ICE. City Council also expressed their concern about information sharing and the need for monetary fine in the event the contractor shares data with Federal immigration enforcement authorities, to which City Attorney Nerland stated there is a provision prohibiting sharing of data without the City's consent, albeit with no specific penalties included.

Mayor Calloway expressed that the City Council is grateful for the community input, and she felt this item should be continued for discussion at a community forum. It was moved by Mayor Calloway, seconded by Councilmember Valdez, and unanimously passed to continue the agenda item for more community discussion/meetings about use of cameras and federal enforcement responsibility, as well as additional contract language regarding a fine for data breach to the proposed Resolution of the City Council of the City of San Pablo (1) authorizing the City Manager to execute a contract with Odin Systems for the design, purchase, installation, implementation, integration and testing of the city-wide Public Safety Equipment Project to include up to 56 ALPR cameras and 60 situational awareness cameras and replacing the current 3M cameras to operate with the Vigilant, Hawkeye, and Live Earth Software at a cost not to exceed \$2,491,334.48; (2) authorizing the City Manager to execute agreements and documents to effectuate a four-year lease financing arrangement for FY 2018/19 through FY 2020/21 at a not-to-exceed cost of \$2,608,530.13; (3) authorizing the appropriation of \$1,000,000 from the FY2017/18 General Fund Designated Reserve to the Police Department Operating Budget; and (4) authorizing the City Manager to enter into an agreement with Odin Systems for ongoing maintenance at a yearly cost not to exceed \$150,000 with four one-year options not to exceed \$750,000 in total. (#18-098)

11. By adoption of the Consent Calendar, **Resolution 2018-038** was adopted, a Resolution of the City Council of the City of San Pablo accepting work performed by Kerex Engineering, Inc. for the El Portal Drive Road Settlement Project (POR-FDM) as complete and directing that a Notice of Completion be prepared and filed with the County Recorder. (#18-101)
12. By adoption of the Consent Calendar, **Resolution 2018-039** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute an agreement with Fresh Approach to provide their Freshest Cargo Mobile Farmers' Market in the City of San Pablo for an amount not to exceed \$25,000. (#18-103)
13. By adoption of the Consent Calendar, **Resolution 2018-040** was adopted, a Resolution of the City Council of the City of San Pablo authorizing request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2018/19 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding for Rumrill Boulevard Complete Streets Project and finding the Project categorically exempt under the California Environmental Quality Act (CEQA). (#18-105)

14. By adoption of the Consent Calendar, **Resolution 2018-041** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) accept and appropriate an additional \$165,907 of One Bay Area Grant (OBAG) Funds; and (2) amend an existing engineering design contract with BKF Engineers for the San Pablo Avenue Complete Streets Project (SPA-CST) to add \$91,572 for construction support for an amended total not to exceed contract authorization of \$671,106. (#18-115)
15. By adoption of the Consent Calendar, **Resolution 2018-042** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute a Termination of License Agreement, Quitclaim of the Memorandum of Right of First Refusal and other documents necessary for the close of escrow of the former Doctors Medical Center property at 2000 Vale Road, San Pablo. (#18-123)
16. By adoption of the Consent Calendar, the City Council authorized by Minute Order to ratify letters of support from Mayor Calloway to State Legislators on State of California Department of Transportation 2018 Office of the State Highway Operations and Protection Program (SHOPP) Funding for the Interstate 80/San Pablo Dam Road Interchange Project. (Phase II) (#18-114)

### **ORDINANCES**

17. By adoption of the Consent Calendar, the second reading was waived, and **Ordinance 2018-003** was adopted, an Ordinance of the City Council of the City of San Pablo amending Sections 3.16.070(B)(3) and 3.16.110(A) of the San Pablo Municipal Code to make consistent provisions regarding the City Manager's contracting authority. (#18-108)

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

### **CITY COUNCIL DISCUSSION**

18. City Manager Rodriguez introduced the agenda item. Samantha Caygill, representative of the League of California Cities, provided a PowerPoint presentation on the League of California Cities' (LCC) history and structure, 2018 strategic goals and proposed ballot measures for June 2018 and November 2018. City Council requested clarification and inquired about funding and oversight of the measures. Councilmember Valdez stated the bill would help get funding for the bridge, ease traffic congestion, and bring revenue to San Pablo as well as add jobs to the community.

A brief recess was taken from 7:37 pm to 7:42 pm.

Rita Xavier spoke of her long involvement with transportation and expressed support for Proposition 69.

It was moved by Councilmember Valdez, seconded by Councilmember Cruz, and passed by vote of those to adopt **Resolution 2018-043**, a Resolution of the City Council of the City of San Pablo supporting the League of California Cities' request to support Proposition 69 Safeguarding Transportation Funding and opposing potential ballot measure to repeal SB 1 legislation. The motion passed as follows: (#18-108)

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

19. City Manager introduced the item. Karina Guadalupe of Bay Area Community Resources spoke and Phillip Banks of Youth Tobacco Advocacy and Policy Project (YTAPP), as well as Michael Posada and Jose Torres, gave a brief PowerPoint presentation of the tobacco industry's influence to the youth with flavored tobacco products, health inequity in retain environment, and changes and adoption of policies to protect the youth from tobacco influences.

The following individuals spoke in support of the proposed resolution: Cordell Hindler, Antonio Medrano, Mary Jaccodine, Norma Perez, Mariah Saephan, Lynsey Inthasone, Adan DeAlba, Manuel DeAlba, and Denice Dennis.

City Manager Rodriguez referenced the last-minute supplemental agenda correspondence from the County and provided the recommended action. He also responded to City Council's inquiries regarding age of consumers and tobacco advertising.

It was moved by Vice Mayor Morris, seconded by Councilmember Cruz, and unanimously passed to authorize and direct staff to explore further policies to protect local youth from unhealthy flavored tobacco products such as prohibiting the sale of flavored tobacco products, and the number of stores that seek these products near San Pablo Schools (#18-110)

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

The City Council reported on their recent and upcoming activities.

It was moved by Vice Mayor Morris, seconded by Councilmember Cruz, and unanimously passed to adjourn the meeting at 8:23 pm to Monday, April 2, 2018 at 6:00 pm, in memory of Jerry Lichtle, father of Senior Maintenance Worker Michael Lichtle.

Respectfully submitted,

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Elizabeth Pabon-Alvarado, City Clerk

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Genoveva Garcia Calloway, Mayor