



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

Monday, October 15, 2018

### **ROLL CALL**

The meeting convened in the Council Chambers at 5:35 pm. Present in the Council Chambers were Vice Mayor Paul Morris and Councilmember Rich Kinney. Councilmember Cecilia Valdez participated via teleconference, with Council Member Cruz joining the closed session at 5:45 p.m. Absent were Councilmember Arturo Cruz and Mayor Genoveva Garcia Calloway. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz, Administrative Services Director Kelly Sessions, and Deputy City Clerk Lehny Corbin.

Councilmember Valdez confirmed that the agenda for the meeting had been duly posted at their front doors and that no one from the public was at her location wishing to comment.

Felix Mario Huerta Jr., Business Agent for Operating Engineers Local Union #3, spoke and gave handouts for City Council to consider related to the Closed Session matter. Mr. Huerta indicated he discovered and wanted to put on the record the items he found on October 9, 2018, which include violations of employee statutory rights (Skelly rights). Mr. Huerta read Section 12.05 (Emergency Disciplinary Procedures) from page 37 of the Personnel Rules, and spoke of the grievance procedure, among other things.

The Closed Session adjourned to the Council Conference Room at 5:42 pm.

### **CLOSED SESSION**

1. CLOSED SESSION (#18-347)  
CONFERENCE WITH LABOR NEGOTIATORS  
(Pursuant to Govt. Code section 54957.6)  
AGENCY DESIGNATED REPRESENTATIVES: Matt Rodriguez, Reina Schwartz, Tina Gallegos, Kelly Sessions, Kelly Tuffo  
EMPLOYEE ORGANIZATIONS: Operating Engineers Local #3 and San Pablo Police Employees Association

### **ROLL CALL**

The meeting reconvened at 6:09 pm in the Council Chambers. Present in the Council Chambers were Vice Mayor Paul Morris and Councilmember Rich Kinney. Councilmembers Cecilia Valdez and Arturo Cruz participated via teleconference. Absent was Mayor Genoveva Garcia Calloway. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz, Police Chief Ron Raman, Public Works Director Jill Mercurio, Administrative Services Director Kelly Sessions, City Clerk Elizabeth Pabon-Alvarado, and Deputy City Clerk Lehny Corbin.

Councilmembers Valdez and Cruz confirmed that the agenda for the meeting was posted at their front doors and that no members of the public were present at their locations who wished to comment. City Attorney Nerland reported that Councilmember Cruz joined the

Closed Session via teleconference at 5:45 pm, and that the Council gave direction to the labor negotiators.

### **ORAL COMMUNICATIONS**

Joe Serrano spoke and expressed that the veterans should have the honor to retire a flag.

### **CEREMONIAL MATTERS**

2. INTRODUCTION OF NEW EMPLOYEES (#18-294)  
Community & Economic Development Director Charles Ching introduced Michelle Chavez, Administrative Secretary.  
Community Services Director Greg Dwyer introduced Vanessa Flores, Recreation Coordinator  
Police Chief Raman introduced newly-sworn in Police Officers Kristina M. Foster and Brandon W. Ricks  
Public Works Director Jill Mercurio introduced Allan Panganiban, Senior Civil Engineer, and Jimmy Zhou, Assistant Engineer

### **PRESENTATIONS**

3. Community Services Director Dwyer introduced the San Pablo Beacon Community Schools Initiative FY 2017-18 Evaluation Findings. Founder and Principal of the non-profit evaluation consultant Public Profit, Corey Newhouse, gave a PowerPoint presentation summarizing the Community Schools Collaborative Report by highlighting its evaluation of the programs, the Beacon directors and their responsibilities, the Initiative's programs (Focus on Literacy, Family Engagement, Trauma Informed Practices), the statistics on the youth referred to CARE (Crisis Assessment and Referral Evaluation), and the benefits received by the whole community. Ms. Newhouse reported that the school principals have expressed that having Beacon directors present has been beneficial to the schools and the students. Public Profit Research Associate Stephanie Kong and Ms. Newhouse responded to Council's inquiries regarding the surveyed students, the summer programs, and on how to increase youth participation. It was also reported that the CARE Team principal and vice principal evaluate the students to ensure the adults are lined up to assist. Mr. Dwyer also responded to inquiries regarding parenting programs offered by the City. City Manager Rodriguez acknowledged the School District staff and school staff for their participation. (#18-312)
4. West Contra Costa Unified School District Communications Director Marcus Walton gave a PowerPoint presentation and updated the City Council on the Transition to Trustee-Area Elections. He also provided background information on the School District, the reasons for the planned move to trustee-area elections, the partial settlement of the lawsuit filed in March 2018, the two-year terms of School Board directors, the steps leading to the November 2020 election (community outreach and creation of map), tentative timeline for map planning, and the upcoming meetings on October 22 at Riverside Elementary, October 29 at Stege Elementary School, October 30 at The Latina Center, and the November 14 School Board meeting. Mr. Walton also presented the standards and goals in keeping the boundaries of various trustee areas, the plaintiffs' proposed draft maps, and October A and B maps. Mr. Walton reiterated that the map is only for School Board directors only, it does not affect the schools that students attend. Mr. Walton also responded to

questions regarding staggered terms of the Board members and the costs associated with the lawsuit. (#18-340)

### **CITY MANAGER REMARKS**

City Manager Rodriguez announced the following events:

- October 17 Tobacco Free Community Event @ West County First 5 Center
- October 18 Fall Business Mixer at Mechanics Bank
- October 24 Unity Day Event from 10am to 11:30am at City Hall
- October 25 City Hall-O-Ween Event

### **CONSENT CALENDAR**

It was moved by Councilmember Kinney, seconded by Councilmember Valdez, and passed by vote of those present to adopt all items in the Consent Calendar, with the exception of agenda items #16 and #17. The motion passed as follows:

AYES: Valdez, Cruz, Kinney and Morris

NOES: None

ABSENT: Calloway

ABSTAIN: None

### **MINUTES**

5. By adoption of the Consent Calendar, the Minutes of the meeting of October 1, 2018 were approved. (#18-333)

### **LIABILITY CLAIMS**

6. By adoption of the Consent Calendar, the liability claim of Eddie C. Watts II (DOL 10/05/17) was denied. (#18-352)

### **PERIODIC REPORTS**

7. By adoption of the Consent Calendar, the Investment Report / Treasurer's Report for the month of September 2018 was received and filed. (#18-335)
8. By adoption of the Consent Calendar, the 1<sup>st</sup> Quarter Budget Report for Fiscal Year ending June 30, 2019 was received and filed. (#18-343)
9. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of September 2018 was approved. (#18-360)

### **PROCLAMATIONS**

10. By adoption of the Consent Calendar, the requests for issuance of Proclamations for (1) November 7, 2018 as Shelter-in-Place Education Day; (2) November 2018 Homelessness Awareness Month; and (3) November 11-18, 2018 as Bay Area United Against Hate Week were approved. (#18-329)

### **MISCELLANEOUS**

11. By adoption of the Consent Calendar, **Resolution 2018-131** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a sponsorship in Fiscal Year 2018/19 in the amount of \$2,500 for the Contra Costa College Foundation San Pablo Scholars Scholarship Program. (#18-315)

12. By adoption of the Consent Calendar, **Resolution 2018-132** was adopted, a Resolution of the City Council of the City of San Pablo adopting an updated Master Fee Schedule for Community Services Department Programs, Services and Facility Rental Rates and approving the Public Facilities Rental Policy and authorizing an amendment to the Library Sublease with Contra Costa County to exclude the Conference Room. (#18-310)
13. By adoption of the Consent Calendar, **Resolution 2018-133** was adopted, a Resolution of the City Council of the City of San Pablo amending the San Pablo Youth Commission (SPYC) By-Laws. (#18-337)
14. By adoption of the Consent Calendar, **Resolution 2018-134** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a Maple Hall fee waiver request in the amount of \$272.40 from the San Pablo Cowboys Youth Association for their fundraising event scheduled on Saturday, November 3, 2018. (#18-349)
15. By adoption of the Consent Calendar, **Resolution 2018-135** was adopted, a Resolution of the City Council of the City of San Pablo authorizing an event sponsorship in Fiscal Year 2018/19 in the amount of \$2,000 to the Boys & Girls Club of Contra Costa for their "Open the Door to a Great Future" Breakfast Event on Thursday, November 1, 2018. (#18-350)
16. This item was pulled from the Consent Calendar and discussed separately. Councilmember Kinney inquired and Police Chief Raman responded regarding equipment on the proposed commercial vehicle enforcement truck, ability to weigh trucks, and the benefits to the city and residents of the proposed commercial vehicle enforcement truck. Along with the action on agenda item 17, it was moved by Councilmember Valdez, seconded by Councilmember Cruz, and passed by vote, to adopt **Resolution 2018-136**, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) purchase one commercial traffic enforcement truck with extended warranty and maintenance plan for \$45,999 from Monarch Ford using the State of California Department of General Services Contract 1-18-23-20A; (2) execute a contract with Public Safety Equipment to outfit the vehicle with emergency equipment and graphics for a total cost of \$18,884; and (3) appropriate an additional \$4,871 from the Police Department Operating Budget to the Vehicle Replacement Fund, to provide the full funding of \$68,127 for this purchase, including contingency funding of approximately 5%. The motion passed as follows: (#18-346)  
AYES: Valdez, Cruz and Morris  
NOES: Kinney  
ABSENT: Calloway  
ABSTAIN: None
17. This item was pulled from the Consent Calendar and discussed separately. City Manager Rodriguez gave some background information on the history of creation of the Veteran's Day Flag Disposal Policy. Community Services Director Dwyer reported that a majority of agencies do not dispose of flags by agency staff. The proposed policy recommends collecting the flags and providing them to an

appropriate agency to dispose of the flags in an honorable manner. Councilmember Kinney thanked staff for the research and for bringing a Veteran's Day event to the City. There was further discussion regarding holding the disposal event on City property and the number of hours to perform the burning of the flags, and exposing the City to potential liability. Councilmember Valdez expressed that the way of properly disposing of flags is honorable, but she was not in favor of changing the proposed policy. City Manager Rodriguez stated the purpose of the policy is to have the Veterans' groups go through a special event permit to address this type of activity. Along with the action on agenda item 16, it was moved by Councilmember Valdez, seconded by Councilmember Cruz, and passed by vote, to adopt **Resolution 2018-137**, a Resolution of the City Council of the City of San Pablo approving a Veterans Day Flag Disposal Policy. The motion passed as follows: (#18-351)

AYES: Valdez, Cruz, and Morris

NOES: Kinney

ABSENT: Calloway

ABSTAIN: None

18. By adoption of the Consent Calendar, **Resolution 2018-138** was adopted a Resolution of the City Council of the City of San Pablo authorizing (1) appropriation of \$117,436 from Supplemental Law Enforcement Services Grant Revenues to spendable accounts in the Police Department's General Fund Budget (100-2110-43600 for a future cell phone purchase and 100-2110-46300 for a Force Option Simulator); (2) waiver of formal bid requirements to purchase a use of Force Simulator from Ti Training Corp, and (3) purchase of the Ti Training Lab Use of Force Simulator at a cost of \$54,984, including training and services. (#18-348)
19. By adoption of the Consent Calendar, **Resolution 2018-139** was adopted, a Resolution of the City Council of the City of San Pablo amending the City's Classification & Compensation Plan for FY 2018/19 to reclassify the Assistant to the City Manager-HR position to a Human Resources Manager classification and to amend the Salary Schedule to reflect the new classification title. (#18-359)
20. By adoption of the Consent Calendar, the City Council authorized by Minute Order the Supplemental/Revised response to the Contra Costa County Grand Jury Report 1808, "Joint Powers Authorities" by the 2017-2018 Contra Costa Grand Jury. (#18-356)

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

### **PUBLIC HEARINGS**

21. City Manager Rodriguez introduced the item. Police Services Support Manager Celeste Taylor gave a PowerPoint presentation of the proposed changes to the animal control ordinance which would adopt the County's animal control ordinance and which would include enforcement for excessive animal noise and administrative fines for continued violations.

The public hearing was opened at 7:51 pm; no one spoke for or against the item, and the public hearing was closed at 7:51 pm. It was moved by Councilmember Kinney, seconded by Councilmember Cruz, and passed by vote of those present to waive the second reading and adopt **Ordinance 2018-005**, an Ordinance of the City Council of the City of San Pablo amending Chapter 6.04 of the Municipal Code by adopting by reference the animal control provisions of the County Code. The motion passed as follows: (#18-353)

AYES: Valdez, Cruz, Kinney and Morris

NOES: None

ABSENT: Calloway

ABSTAIN: None

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

The City Council reported on their recent activities.

### **ADJOURNMENT**

The meeting adjourned at 7:54 pm to Monday, November 5, 2018 at 6:00 pm.

Respectfully submitted,

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Elizabeth Pabon-Alvarado, City Clerk

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Paul V. Morris, Vice Mayor