



Minutes of the Regular Meeting of the San Pablo City Council

Monday, December 17, 2018

ROLL CALL

The meeting convened in the Council Chambers at 5:01 pm. Present were Mayor Rich Kinney and Councilmembers Cecilia Valdez (participating by teleconference) and Rita Xavier. Absent were Vice Mayor Arturo Cruz and Councilmember Elizabeth Pabon-Alvarado (arrived at 5:20 p.m.). Also present were Assistant City Manager Reina Schwartz, City Attorney Lynn Tracy Nerland and Executive Assistant LaTanya Fisher.

Assistant City Manager Reina Schwartz reported that the agenda template does not show the new Mayor and Councilmembers and staff will update it to reflect Mayor and Councilmembers.

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

City Attorney Nerland announced the Closed Session item. No one from the public spoke on the Closed Session items, and the meeting recessed to the Council Conference Room at 5:04 pm.

CLOSED SESSION (#18-431)

1. CLOSED SESSION (5:00pm)

CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Govt. Code section 54957.6)

AGENCY DESIGNATED REPRESENTATIVES: Reina Schwartz, Lynn Tracy Nerland, Kelly Sessions, Kelly Tuffo

EMPLOYEE ORGANIZATIONS: Operating Engineers Local Union No. 3, AFL-C

ROLL CALL

The meeting reconvened in the Council Chambers at 6:00 pm. Present were Mayor Rich Kinney, and Councilmembers Cecilia Valdez (by teleconference), Elizabeth Pabon-Alvarado and Rita Xavier. Absent was Vice Mayor Arturo Cruz. Also present were Assistant City Manager Reina Schwartz, City Attorney Lynn Tracy Nerland, Police Chief Ron Raman, Public Works Director Jill Mercurio, Administrative Services Director Kelly Sessions, City Treasurer Viviana Toledo, City Clerk Patricia Ponce, and Executive Assistant LaTanya Fisher.

The City Attorney reported that Councilmember Elizabeth Pabon-Alvarado arrived at the Closed Session at 5:20pm.

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

The City Attorney reported on the Closed Session item and advised that the City Council gave directions to the labor negotiators.

ORAL COMMUNICATIONS

Cordell Hindler spoke and invited City Council to a stage play at Contra Costa College called "All is Calm". He also recommended placement on a future agenda a report from Republic Services on recycling; a report from BART regarding transit study; and an update on upcoming propositions from the League of California Cities.

CITY MANAGER REMARKS

Assistant City Manager Schwartz reported that City Hall Administrative Offices will be closed for the holiday break beginning December 24, 2018 through Tuesday, January 1, 2019. She also thanked Community Services Department for the 2018 Holiday Tree Lighting event and congratulated them for another successful event with over 900 participants. She also reported the new motorcycle traffic officers will be deployed soon and thanked the Police Chief Raman and the Police Department for implementing the program.

CONSENT CALENDAR

It was moved by Councilmember Pabon-Alvarado, seconded by Councilmember Xavier, and approved by vote of those present, to approve all items in the Consent Calendar, with the exception of the December 10, 2018 Minutes. The motion passed as follows:

AYES: Xavier, Pabon-Alvarado, Valdez and Kinney

NOES: None

ABSENT: Cruz

ABSTAIN: None

MINUTES

2. This item was pulled from the Consent Calendar and discussed separately. It was moved by Councilmember Pabon-Alvarado, seconded by Councilmember Xavier, and passed by vote of those present, to correct the December 10, 2018 Minutes to reflect aye votes for Councilmembers Pabon-Alvarado and Xavier under City Council/Successor Agency/Joint Powers Financing Authority Reorganization (#18-412), Section B (Selection of Temporary Presiding Officer) and Section C (Conduct City Council/Local Successor Agency/Joint Powers Financing Authority/Housing Successor Agency Reorganization – Elect New Officers for 2018-2019 Term). The motion passed as follows: (#18-405)

AYES: Xavier, Pabon-Alvarado, Valdez and Kinney

NOES: None

ABSENT: Cruz

ABSTAIN: None

PERIODIC REPORTS

3. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of November 2018 was approved (#18-426)
4. By adoption of the Consent Calendar, the Investment Report / Treasurer's Report for the month of November 2018 was received and filed. (#18-432)

LIABILITY CLAIMS

5. By adoption of the Consent Calendar the liability claim of Maria Ramirez (DOL 09/26/18) was denied. (#18-390)

MISCELLANEOUS

6. By adoption of the Consent Calendar, **Resolution 2018-156** was adopted, a Resolution of the City Council of the City of San Pablo approving the assignment and modification of a loan in the amount of \$1,450,000 originally made by the former San Pablo Redevelopment Agency for development of the Montevista Senior Apartments and authorizing the execution of an Assignment and Assumption Agreement and a Subordination Agreement in connection therewith. (#18-372)
7. By adoption of the Consent Calendar, **Resolution 2018-157** was adopted, a Resolution of the City Council of the City of San Pablo ratifying the City Manager's execution of the School Resource Officer Funding Agreement between the West Contra Costa Unified School District and the City of San Pablo. (#18-411)
8. By adoption of the Consent Calendar, **Resolution 2018-158** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) amend an existing FY 2017/18 Professional Services agreement with ClientFirst to include design and procurement services for a fiber wide-area network in an amount not-to-exceed \$57,325 for a total contract amount of \$157,258; and (2) waive formal bidding requirements. (#18-419)
9. By adoption of the Consent Calendar, **Resolution 2018-159** was adopted, a Resolution of the City Council of the City of San Pablo (1) declaring certain vehicles in the Community Services Paratransit Division as surplus property to be sold or disposed of with the revenue going back into the Measure J accounts to be used for the purchase of two new vehicles from Creative Bus Sales to transport seniors and individuals with disabilities; and (2) appropriating funds from Paratransit Fund Balance to fund the purchase of new vehicles; and (3) authorizing the purchase of the new Class B-Ford (E450) vehicle (\$80,711) and the new Braun (Entervan) low floor minivan (\$47,715) from Creative Bus Sales through the CalACT/MBTA Purchasing Cooperative at a total cost of \$128,426. (#18-422)
10. By adoption of the Consent Calendar, **Resolution 2018-160** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a fee waiver in the amount of \$16,440 for the San Pablo Baseball Association (SPBA) use of Davis Park Sports Fields and Concession Stand for the 2019 Spring Season. (#18-428)
11. By adoption of the Consent Calendar, **Resolution 2018-161** was adopted, a Resolution of Resolution of the City Council of the City of San Pablo authorizing the waiver of fees for use of El Portal Soccer Field and Rumrill Sports Park Practice Field and a 2/3rd reduced fee at Rumrill Sports Park for Fields 1 and 2 (totaling \$30,820) for the San Pablo United Youth Soccer Club (SPUYSC) for the 2018 Spring Season. (#18-429)

12. By Adoption of the Consent Calendar, City Council authorized by Minute Order to proceed in directing the City Manager to prepare and schedule a Strategic Planning Workshop for the City Council on Monday, February 11, 2019, for revision to the FY 2018-21 Council Priority Workplan. (#18-433)
13. By adoption of the Consent Calendar, **Resolution 2018-162** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the appropriation of \$60,000 from Supplemental Law Enforcement Services Grant Revenues to Spendable Accounts in the Police Department's General Fund Budget 100-2110-43600 to outfit the Regional Training Center. (#18-434)
14. By adoption of the Consent Calendar, **Resolution 2018-163** was adopted, a Resolution of the City Council of the City of San Pablo authorizing (1) appropriation of \$100,000 from Supplemental Law Enforcement Services Grant Revenues to Spendable Accounts in the Police Department's General Fund Budget (100-2110-43600) for purchase of Peregrine Software License; and (2) waiver of formal bid requirements to purchase Peregrine Software License for one year at a cost of \$100,000, including training, support and services. (#18-435)
15. By adoption of the Consent Calendar, City Council authorized by Minute Order to approve the Boards and Commissions and authorize posting of the Local Appointments List pursuant to the Maddy Act. (#18-408)
16. By adoption of the Consent Calendar, **Resolution 2018-164** was adopted, a Resolution of the City Council of the City of San Pablo authorizing posting of one (1) vacancy and proceeding with nomination process for one (1) City Council representative to the San Pablo Economic Development Corporation Board of Directors for a two-year staggered term effective January 22, 2019. (#18-164)
17. By adoption of the Consent Calendar, City Council authorized posting of the Notice of Vacancy in Planning Commission for a minimum of 20 days. (#18-424)

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

ORDINANCES

18. Planning Manager Elizabeth Dunn gave a PowerPoint presentation and overview of the proposed ordinance amending the Municipal Code to prohibit citywide the sales of flavored tobacco including menthol and e-cigarettes, establish a minimum pack size for cigars, cigarillos, and little cigars, and establish a minimum price for cigars of \$10 per cigar.

The following spoke in favor of the tobacco ban: Chris Farnitano, MD (Contra Costa Health Services Department); Dr. Phillip Gardiner (African American Tobacco Control Leadership Council); Karina Guadalupe; Alishba Savdar (YTAPP); Nancy Ybarra (BACR/YTAPP); Aileen Delgado (YTAPP); Amreen Akhtar (YTAPP); Tre Barnett (YTAPP) who was not present and whose written statement was read for the record by Amanda Gutzwiller (American Lung Association); Daniel Petticord (Contra Costa Public Health); Dr. Valerie Yerger (African American Tobacco Control Leadership Council); Jennifer Grand (County Public Health, Tobacco Prevention Program); and Irene Nikkah (American Cancer Society Cancer Action Network).

The following spoke against the tobacco ban: Ace Mason; Steve Nikfar (Handy Liquors); Ali Dharhan (Hollywood Smokeshop); Khaled Saeed (Hollywood Smokeshop); Abdul Dabwan (Hollywood Smokeshop); Mohsin (Hollywood Smokeshop); Yusef Sharift (Golden 7 Food, Inc.); Slayman Arakat (San Pablo Valero); and Yuhya Itidgis (San Pablo Smokeshop).

It was moved by Mayor Kinney not to approve the ordinance. There was no second for that motion so the motion died. It was moved by Councilmember Xavier, seconded by Councilmember Valdez, and passed by vote of those present, to adopt **Ordinance 2018-006**, an Ordinance of the City Council of the City of San Pablo amending Chapter 5.06 of the San Pablo Municipal Code relating to the Citywide Prohibition of the sales of flavored tobacco including menthol and e-cigarettes; establishing a minimum pack size for cigars, cigarillos, and little cigars; and establishing a minimum price for cigars of \$10 per cigar. The motion passed as follows: (#18-427)

AYES: Xavier, Pabon-Alvarado and Valdez

NOES: Kinney

ABSENT: Cruz

ABSTAIN: None

PUBLIC HEARINGS

19. Public Works Director/City Engineer Mercurio gave a PowerPoint presentation on updates to the Public Works related fee schedule. The public hearing was opened at 7:35 pm and no one spoke for or against the item; the public hearing closed at 7:35pm. It was moved by Councilmember Xavier, seconded by Councilmember Pabon-Alvarado, and passed by vote of those present, to adopt **Resolution 2018-165**, a Resolution of the City Council of the City of San Pablo adopting an amended fee schedule for Public Works related fees for service. The motion passed as follows: (#18-430)

AYES: Xavier, Pabon-Alvarado, Valdez and Kinney

NOES: None

ABSENT: Cruz

ABSTAIN: None

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

Mayor and City Council reported on their recent activities

ADJOURNMENT

The meeting adjourned at 7:45 pm to Tuesday, January 22, 2019, at 6:00 pm.

Respectfully submitted,

Patricia Ponce, City Clerk

Rich Kinney, Mayor