



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

Monday, January 22, 2019

ROLL CALL

The meeting convened in the Council Chambers at 5:00 pm. Present in the Council Chambers were Mayor Rich Kinney, Vice Mayor Arturo Cruz and Councilmembers Elizabeth Pabon-Alvarado, Rita Xavier and Abel Pineda. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland and Executive Assistant LaTanya Fisher.

The Closed Session adjourned to the Council Conference Room at 5:04 pm.

CLOSED SESSION

1. CLOSED SESSION (#19-036)
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Anticipated litigation against the City of San Pablo pursuant to California Government Code Sections 54956.9(d)(2) and 54956.95:
 1. Donohue Schriber Realty Group (Princeton Plaza): DOL 6/1/16
 2. Romey, Joe: DOL 9/23/16
 3. Solanki, Kiran/Ohmsai Investment, Inc.: DOL 10/12/17
2. CLOSED SESSION (#19-037)
Pursuant to Gov't Code section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Attorney

ROLL CALL

The meeting convened in the Council Chambers at 6:11 pm. Present were Mayor Rich Kinney, Vice Mayor Arturo Cruz and Councilmembers Elizabeth Pabon-Alvarado, Rita Xavier and Abel Pineda. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz, Police Chief Ron Raman, Administrative Services Director Kelly Sessions, Public Works Director/City Engineer Jill Mercurio, City Treasurer Viviana Toledo, City Clerk Patricia Ponce and Executive Assistant LaTanya Fisher.

City Attorney Nerland reported there was no reportable action for the Closed Session items.

ORAL COMMUNICATIONS

Business retailers Ali Ibrahim and Ali Dharhan spoke against the recently adopted tobacco ordinance that includes a ban on flavored tobacco and Richmond resident, Ernest Terrazys spoke in support of the retailers and asked the City Council to amend the ordinance to allow flavored tobacco for vaping.

CITY MANAGER REMARKS

City Manager Rodriguez reported that Public Works is hosting a Rumrill Complete Streets Design Project public input community meeting on January 31st at Davis Park Multipurpose Room before finalizing bid project. He also reported that in an effort to improve citywide

recycling, Republic Services conducted a recent audit that revealed 15% contamination in recycle bins. Republic Services will issue information to rate payers on how to recycle and will also conduct random audits of recycle bins with rate payers put on notice and potentially fined for repeat offenders with more information available on Republic Services website. City Manager Rodriguez also highlighted the Community Services Annual Valentine's Day Dance on February 8, 2019 at the Community Center which will include dancing, games and other fun events for the family. He also reported that Community Services has completed the Community Guide that offers services and programs is available in English and Spanish.

CONSENT CALENDAR

It was moved by Vice Mayor Cruz, seconded by Councilmember Pineda, and unanimously passed to adopt the items on the Consent Calendar.

PERIODIC REPORTS

3. By adoption of the Consent Calendar the Vendor Check Register Report for the month of December 2018 was approved. (#19-021)
4. By adoption of the Consent Calendar the Investment Report / Treasurer's Report for the month of December 2018 was received and filed. (#19-022)

CITY COUNCIL AUTHORIZATIONS

5. By adoption of the Consent Calendar, City Council authorized by Minute Order to ratify a letter transmitted by the City Manager to the Recyclemore JPA Board Executive Director Regarding the status of the Joint Exercise of Powers Authority Proposed Amendment for January 2019 Recyclemore Board of Directors Update was approved by Minute Order. (#19-029)
6. By adoption of the Consent Calendar, City Council authorized by Minute Order to ratify a letter sent on January 14, 2019 by the City Manager expressing concerns about a proposed 215,232 square foot light industrial building for the production of cannabis to be built on a 15.9acre site at 2781 Goodrick Avenue, at the intersection of Richmond Parkway and Goodrick Avenue, Richmond, California. (#19-034)

MISCELLANEOUS

7. By adoption of the Consent Calendar **Resolution 2019-003** was adopted, a Resolution of the City Council of the City of San Pablo (1) authorizing the City of San Pablo through the San Pablo Police Department to accept \$60,000 in grant funding from the Kaiser Permanente Community Benefits Program Department for the funding of a regional Coordinated Outreach, Referral and Engagement (C.O.R.E.) homeless outreach team to identify, engage and connect persons experiencing homelessness to healthcare, social services, and housing; and (2) authorize the City Manager to enter into an agreement for professional services with Contra Costa Health Services to provide C.O.R.E. Services for one year at a cost not to exceed \$60,570. (#19-009)

8. By adoption of the Consent Calendar **Resolution 2019-004** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to: (1) purchase cellular devices and equipment in the amount of \$43,139 and cellular service and cellular data service from FIRSTNET at a net cost of \$83,957 using a state negotiated contract which has contract terms through November 18, 2021 at a total contract cost of \$127,096; and (2) waive formal bid procedures. (#19-011)
9. By adoption of the Consent Calendar **Resolution 2019-005** 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 2019 Baseball Season (#19-014)
10. By adoption of the Consent Calendar **Resolution 2019-006** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the Community Services Department Recreation Division to apply for the Scotts Field Refurbishment Program Grant for the refurbishment of the Davis Park Baseball Field, and authorizing the City Manager to execute the grant application (#19-019)
11. By adoption of the Consent Calendar **Resolution 2019-007** was adopted, a Resolution of the City Council of the City of San Pablo ratifying the Sustainable Communities Grant Application to the Caltrans Planning Grant Program for \$295,500 to analyze a selection of corridors identified for future study in the City of San Pablo Bicycle and Pedestrian Master Plan (#19-030)
12. By adoption of the Consent Calendar **Resolution 2019-008** was adopted, a Resolution of the City Council of the City of San Pablo authorizing submission of a request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2019/20 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding for Wildcat Creek Trail Crossing Enhancements Project and finding the project categorically exempt under the California Environmental Quality Act (CEQA). (#19-031)
13. By adoption of the Consent Calendar, **Resolution 2019-009** was adopted, a Resolution of the City Council of the City of San Pablo to award a demolition contract to AMPCO North, Inc., Anaheim, California in the amount of \$127,094 with a 15% contingency for a total authorization of \$146,158 for the 2023 Vale Road bungalow demolition project. (#19-026)
14. By adoption of the Consent Calendar **Resolution 2019-010** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a grant application for \$5,000 for one Dual-Port Electric Vehicle Charging Station to be installed at City Hall and ratifying the Transportation Fund for Clean Air Funding Agreement with the West Contra Costa Transportation Advisory Committee for \$6,000 to purchase and install two Dual-Port Electric Vehicle Charging Stations at the new City of San Pablo City Hall. (#19-032)

15. By adoption of the Consent Calendar **Resolution LSA2019-001** was adopted, a Resolution of the Local Successor agency of the former Redevelopment Agency of the City of San Pablo approving an Administrative Budget and adopting the Recognized Obligations Payment Schedule for Fiscal Year 2019-20 ("ROPS 19-20"). (#19-033)

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

CITY COUNCIL CONSIDERATION (#19-013)

16. City Manager Rodriguez reported that with the start of the new calendar year as per the City of San Pablo Municipal Code, 20.06070 and in consultation with the City Manager, the Mayor made recommendations for all council assignments attached to the report as Exhibit A and Exhibit B that reflects the Ad-Hoc Temporary and Standing Committees as well as the Local and Regional assignments. There is also a secondary action to discuss the San Pablo Economic Development (SPEDC) Board of Director vacancy for which no application was received. The City Council can appoint a Councilmember to serve on the Board of Directors of the SPEDC.

It was moved by Councilmember Pineda to accept the Mayor's recommendations of the Council Assignments with two recommended changes: (1) appoint Councilmember Xavier as primary on the West Contra Costa County Transportation Advisory Committee (WCCTAC) and (2) reinstate the Early Education Ad-hoc Subcommittee and appoint Councilmember Pineda to serve on the subcommittee.

Councilmember Xavier requested her appointment as alternate on the Marin Clean Energy (MCE) be removed as she no means of transportation to the meetings.

Mayor Kinney requested if anyone was interested to serve as the alternate member on the Marin Clean Energy board; Councilmember Pabon-Alvarado asked a few questions and offered to serve as the alternate representative on the Marin Clean Energy Board of Directors.

City Manager Rodriguez recommended that Councilmember Pineda amend his motion to include Councilmember Pabon-Alvarado as the alternate on the Marin Clean Energy Board of Directors.

There was discussion and clarification about the Early Education Ad-hoc Subcommittee and where it currently stands with the progression of the subcommittee.

Council Member Pineda's motion was seconded by Vice Mayor Cruz to reinstate the Early Education Ad-hoc Subcommittee and place himself as the second member to serve on the subcommittee with Councilmember Pineda.

Mayor Kinney asked if Councilmember Xavier is interested and whether she can serve as the primary on the West Contra Costa Transportation Advisory Committee (WCCTAC). Councilmember Xavier expressed her desire to serve as the primary on WCCTAC as she has attended their meetings on a regular basis. Mayor Kinney also mentioned his preference to serve as the primary member as he has been the alternate for several years and does not wish to amend his original recommendation for WCCTAC.

City Manager Rodriguez recommends Councilmember Pineda modify his original motion to include the primary and alternate for the WCCTAC Committee.

Councilmember Pabon-Alvarado mentioned that since Councilmember Xavier has experience as a member on the WCCTAC Board, she recommends that Mayor Kinney be appointed as the primary so he can gain experience serving on the WCCTAC Board and Councilmember Xavier be appointed as the alternate member. Councilmember Xavier mentioned that she didn't serve on the Board and only participated in the meetings as an attendee and she clarified that only a councilmember is appointed to the Board.

Councilmember Pineda amended his motion to recommend Councilmember Xavier to serve as Primary Member and Mayor Kinney as Alternate on the West Contra Costa Transportation Advisory Committee.

City Manager Rodriguez also reminded Councilmember Pineda that he would need to include in the amended the motion to reinstate the Early Education Ad-hoc Subcommittee and assign Councilmember Pineda and Vice Mayor Cruz to serve on the subcommittee.

As an amendment to Councilmember Pineda's motion, it was moved by Mayor Kinney, seconded by Councilmember Pabon-Alvarado to divide the question to vote on the appointments separately. City Attorney Nerland clarified that the Mayor's motion is to move forward on the procedure and handle the appointments separately. Vice Mayor Cruz requested further clarification on the motion. City Manager Rodriguez confirmed that the current motion is to approve the procedure and vote on each motion separately. Vice Mayor Cruz made an inquiry whether the Early Education Ad-hoc Subcommittee had a Primary and Alternate or if two Councilmembers serve simultaneously. City Manager Rodriguez confirmed the subcommittee members does not have a Primary and Alternate and reminded him that the vote on the floor is for procedure only. The motion unanimously passed to make separate motions for council appointments.

Mayor Kinney requested that the vote include Sister City membership. City Manager Rodriguez clarified Councilmember Pineda's original motion only included WCCTAC, MCE and Early Education Ad-hoc Subcommittee memberships.

It was moved by Councilmember Pineda, seconded by Vice Mayor Cruz to appoint council representatives to the West Contra Costa Transportation Advisory Committee (WCCTAC) for calendar year 2019 with Councilmember Xavier as Primary and Mayor Kinney as Alternate. Discussion ensued. The motion passed as follows with the action memorialized in Resolution 2019-011:

AYES: Pineda, Xavier and Cruz

NOES: Pabon-Alvarado and Kinney

ABSENT: None

ABSTAIN: None

It was moved by Councilmember Pineda, seconded by Vice Mayor Cruz, to reconstitute the Early Education Ad-hoc Subcommittee and appoint Councilmember Pineda and Vice Mayor Cruz to serve on the subcommittee. The motion unanimously passed with the action memorialized in **Resolution 2019-014**, a Resolution of the City Council of the City of San Pablo to re-establish the Early Education Task Force Ad-hoc Subcommittee and appoint council representatives to said committee for calendar year 2019.

It was moved by Councilmember Pineda, seconded by Vice Mayor Cruz, to appoint Elizabeth Pabon-Alvarado as alternate to the Marin Clean Energy (MCE) Board of Directors for calendar year 2019. The motion passed unanimously with the action memorialized in **Resolution 2019-015**, a Resolution of the City Council of the City of San Pablo appointing council representatives to the Marin Clean Energy Board of Directors (MCE) for calendar year 2019.

Councilmember Pabon-Alvarado made an inquiry about the San Pablo-Manzanillo Sister City. The City Manager provided background information of how the committee and relationship with Manzanillo, Mexico was formed established September 1969 as a Federal Government and IRS process.

It was moved by Councilmember Pabon-Alvarado, seconded by Vice Mayor Cruz, and unanimously passed to adopt **Resolution 2019-016**, a Resolution of the City Council of the City of San Pablo making individual City Council Ad-Hoc, Standing Committee and Regional/Local Assignments for calendar year 2019 except for those appointments already approved via Resolutions 2019-011, 2019-014 and 2019-015.

City Manager Rodriguez introduced the Resolution regarding the nomination process for the vacant seat on the San Pablo Economic Development Corporation Board of Directors. It was moved by Councilmember Pabon-Alvarado, seconded by Vice Mayor Cruz and unanimously passed to adopt **Resolution 2019-012**, a Resolution of the City Council of the City of San Pablo nominating Mayor Rich Kinney to fill the vacancy of the San Pablo Economic Development Corporation Board of Directors for a two-year term effective January 1, 2019.

17. City Manager Rodriguez introduced the item. Management Analyst Viviana Toledo provided a PowerPoint presentation. Council discussion ensued. It was moved by and passed by vote to adopt **Resolution 2019-013**, a Resolution of the City Council of the City of San Pablo approving the City of San Pablo Slogan – “Teamwork San Pablo 2019 – The Year of New Beginnings” for the January-December 2019 period. The motion passed as follows: (#19-024)
- AYES: Pineda, Xavier, Pabon-Alvarado and Cruz
NOES: Kinney
ABSENT: None
ABSTAIN: None

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

City Council reported on their activities.

It was moved by Mayor Kinney, seconded by Councilmember Pabon-Alvarado, and unanimously passed to direct the City Manager to provide the City Council an updated 10-year revenue trend analysis informational report before the February 11, 2019 special Council meeting.

It was moved by Mayor Kinney, to revisit the tobacco ban and reconsider the Ordinance.

City Manager Rodriguez reminded Council that direction was already provided to staff by majority vote during the January 14, 2019 council meeting to provide a compliance and enforcement report update on the adopted tobacco ban ordinance. Staff is working on the request and will provide a report to the Public Safety Standing Committee followed by a report to Council. At that time Council can direct staff to bring the Ordinance forward for potential reconsideration. The City Attorney reminded Council that only someone who was in the majority vote who adopted the Ordinance can bring back the Ordinance for potential reconsideration. No further motion was made.

ADJOURNMENT

The meeting adjourned at 8:37 pm to Monday, February 4, 2019 at 6:00 pm, in memory of Dennis Clark, father-in-law of Deputy City Clerk Lehy Corbin.

Respectfully submitted,

Patricia Ponce, City Clerk

Rich Kinney, Mayor