



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

Monday, March 18, 2019

### **ROLL CALL**

The meeting convened in the Council Chambers at 5:05 pm. Present in the Council Chambers were Mayor Rich Kinney and 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, Community & Economic Development Director Charles Ching, and Deputy City Clerk Lehny Corbin.

Cordell Hindler spoke on the Closed Session item #2 and spoke highly of the City Attorney. City Attorney Nerland announced the matters to be discussed in Closed Session. The meeting recessed to the Council Conference Room at 6:05 pm.

### **CLOSED SESSION**

1. CLOSED SESSION (#19-109)  
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
Initiation of litigation pursuant to California Government Code Section 54956.9(d)(4): (1 potential case)
2. CLOSED SESSION pursuant to Gov't Code section 54957: (#19-104)  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Attorney

### **ROLL CALL**

The meeting reconvened in the Council Chambers at 6:05 pm. Present were Mayor Rich Kinney and 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/Civil Engineer Jill Mercurio, City Treasurer Viviana Toledo, Deputy City Clerk Lehny Corbin, and Executive Assistant to the City Manager LaTanya Fisher.

City Attorney Nerland reported on the Closed Session matters: (1) 4-1 direction was given to initiate litigation per the first closed session agenda item and more details would be provided once the lawsuit has been filed; (2) on the second closed session agenda, the City Council provided the performance evaluation and no further action was taken.

### **ORAL COMMUNICATIONS**

Cordell Hindler asked the City Council to consider (1) inviting Andy Katz regarding keeping Alta Bates Hospital from closing; (2) inviting Marcus Walton of the West Contra Costa County School District to report where the schools in the District rank; and (3) asking Republic Services to report on recycling.

Contra Costa County Fire Protection District Battalion Chief Bob Atlas updated the City Council on the February 2019 activities, with 269 calls received for service, the status of the new Fire Station #70 and the bid process. He also announced the number of graduates from the different academies held in the last month.

### **CEREMONIAL MATTERS**

3. Police Chief Raman gave a special recognition to Police Officer Roberto Arguello for his courageous actions and bravery while on a Delta Flight 2986 bound for Atlanta. Officer Arguello was instrumental in defusing an incident by helping two flight attendants and subduing an intoxicated passenger. The City Council commended Officer Arguello for his quick actions. Mayor Kinney presented Officer Arguello with a Certificate of Recognition for this incident. Cordell Hindler praised Officer Arguello for his actions. (#19-110)

### **PRESENTATIONS**

4. Mr. James Lyons, the District Coordinator for the Contra Costa County Red Cross Leadership Council, commented on the services provided by the American Red Cross. He further announced the new *Sound the Alarm Signature Campaign* with events that have teamed with other agencies to educate the community. Lt. John Benone also announced that San Pablo will be participating in this campaign. Vice Mayor Cruz advised Mr. Lyons to consider applying for the community grant. Mayor Kinney presented a plaque proclaiming March 2019 as *American Red Cross Month*. Cordell Hindler praised American Red Cross for their services. (#19-120)

### **CITY MANAGER REMARKS**

City Manager Rodriguez announced the following events:

- April 13, 2019 Spring Eggstravaganza at Davis Park from 8:00am to 12noon
- April 18, 2019 Coffee with a Cop at the Community Center from 8:30am to 10:30am

### **CONSENT CALENDAR**

It was moved by Vice Mayor Cruz, seconded by Councilmember Xavier, and unanimously passed to approve all items in the Consent Calendar.

### **MINUTES**

5. By adoption of the Consent Calendar, the Minutes of the meetings of March 4 and March 11, 2019 were approved. (#19-089)

### **PERIODIC REPORTS**

6. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of February 2019 was approved. (#19-108)
7. By adoption of the Consent Calendar, the Investment Report/Treasurer's Report for the month of February 2019 was received and filed. (#19-119)

## **LIABILITY CLAIMS**

8. By adoption of the Consent Calendar, the liability claim of Al D. Jones (DOL 10/03/18) was denied. (#19-061)
9. By adoption of the Consent Calendar, the liability claim of Monica Rodriguez (DOL 2/13/19) was denied. (#19-116)

## **PROCLAMATIONS**

10. By adoption of the Consent Calendar, the City Council approved by Minute Order the requests for issuance of Proclamations - March 2019 as *American Red Cross Month*; and April 7-13 – as National Library Week. (#19-092)

## **MISCELLANEOUS**

11. By adoption of the Consent Calendar, **Resolution 2019-038** was adopted, a Resolution of the City Council of the City of San Pablo amending the City of San Pablo's Conflict of Interest Code. (#19-062)
12. By adoption of the Consent Calendar, **Resolution 2019-039** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) enter into an agreement with Kitchell in the amount of \$138,158 with a 15% contingency for a total authorization of \$158,882 for the 2023 Vale Road HVAC Replacement Project; and (2) appropriating \$158,882 from the FY 2018/19 General Fund Designated Reserves for Future Capital Projects (City-owned medical office building improvements). (#19-118)
13. By adoption of the Consent Calendar, **Resolution 2019-040** Resolution of the City Council of the City of San Pablo authorizing a Maple Hall fee waiver in the amount of \$770 and table sponsorship in the amount of \$360 for the San Pablo Rotary Club for their Annual Night in Tuscany Fundraiser Event on Friday, April 26, 2019. (#19-123)

## **ORDINANCES**

14. By adoption of the Consent Calendar, the City Council waived the second reading and adopted **Ordinance 2019-001**, an Ordinance of the City Council of the City of San Pablo amending Chapter 15.62 of the San Pablo Municipal Code to update the West Contra Costa Subregional Transportation Mitigation Program (STMP); and adopted **Resolution 2019-041**, a Resolution of the City Council of the City of San Pablo approving and authorizing the City Manager to enter into a Master Cooperative Agreement by and among the Cities of El Cerrito, Hercules, Pinole, Richmond, San Pablo, Contra Costa County and West Contra Costa Transportation Advisory Committee (WCCTAC) for the 2019 West Contra Subregional Transportation Mitigation Fee Program. (#19-100)

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

## **CITY COUNCIL DISCUSSION/AUTHORIZATION**

15. City Manager Rodriguez introduced the item and reminded that Mayor Kinney requested to agendaize for City Council discussion the establishment of a new Mayor/City Council 2019 Speech Challenge Program for local sixth and eighth grade students at San Pablo Schools. Mayor Kinney expressed his desire to work with the students and the schools to assist in speech writing and delivery for the graduating sixth and eighth grade students. Council discussed placing this item in the Early Education Task Force Ad-Hoc Subcommittee and the possibility of working with the Toastmasters organization. After much discussion, it was moved by Councilmember Pabon-Alvarado, seconded by Councilmember Xavier, and unanimously passed to establish a temporary Ad-hoc Subcommittee for the Speech Challenge. City Manager Rodriguez will prepare the letters to distribute to the school principals for coordination and program implementation with the West Contra Costa Unified School District Administrators, Faculty and Staff. (#19-106)
16. City Manager Rodriguez introduced the Environmental Program Analyst and Liaison to the RecycleMore Board, Karineh Samkian, who gave an update through a PowerPoint presentation on the status of RecycleMore's progress on the Joint Exercise Powers Agreement (JEPA) amendment, including the origin of RecycleMore, its formation history, the various workshops held since 2015 to attempt to amend the JEPA, the current status of the process, and the JPA meeting of March 14, 2019. Councilmember Pineda gave his perspective from his most recent involvement as the new Council-appointed member of the RecycleMore Board. Ms. Samkian responded to Council's inquiries regarding impacts from possible withdrawals from the cities of Richmond, El Cerrito and Pinole. Executive Director of RecycleMore Stan Hakes also stated his experience with the Board and their positions.

City Manager Rodriguez stated he would give periodic updates to Councilmember Pineda. Mr. Rodriguez further stated that the City Council may only direct staff on how to move forward but not how Councilmember Pineda could vote as a member of the RecycleMore Board. He further stated that the JEPA amendment must be approved by all member agency City Councils and that the Prop. 18 funds are restricted, and that he would continue to uphold the City Managers' framework recommendations reached in August 2018.

It was moved by Mayor Kinney, seconded by Vice Mayor Cruz, and unanimously passed, to continue efforts to uphold the 2018 City Managers' recommendations. (#19-101)

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

Mayor and City Council reported on their recent activities.

The Mayor asked the City Manager to update the Council on efforts to have a Council team-building retreat.

Mayor Kinney moved, seconded by Councilmember Pabon-Alvarado, and unanimously passed, to place on a future agenda the appointments to the County-wide Mosquito

Abatement and Vector Control District and the County-wide Library Commission.

**ADJOURNMENT**

The meeting adjourned at 7:44 pm to Monday, April 1, 2019 at 6:00 pm, in memory of the religious worshippers injured and killed in New Zealand and those around the world who are persecuted.

Respectfully submitted,

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Lehny M. Corbin, Deputy City Clerk

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Rich Kinney, Mayor