



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

Monday, August 5, 2019

### **ROLL CALL**

The meeting convened in the Council Chambers at 5:04 pm. Present were Mayor Rich Kinney and Vice Mayor Arturo Cruz, who participated via teleconference, and Councilmembers Abel Pineda and Rita Xavier. Councilmember Elizabeth Pabon-Alvarado arrived at 5:03 pm. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz, and Executive Assistant to the City Manager LaTanya Fisher.

City Attorney Nerland confirmed with Vice Mayor Cruz that the agenda has been posted at his location for 72 hours. Vice Mayor Cruz also stated there was no one from the public at his location who wished to participate in the meeting. There were no public comments on the closed session items announced by the City Attorney. Councilmember Pineda announced that he would not be participating in the second closed session regarding 1701 Bush Avenue because he lives within 500 feet of that location. The meeting was recessed and the Council went into the Council Conference Room for the Closed Session meeting.

### **CLOSED SESSION**

1. CLOSED SESSION (#19-333)  
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: Kiran K. Solanki and/or Ohmsai Investment, Inc.
2. CLOSED SESSION ((#19-334)  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Gov't Code Section 54956.8:  
PROPERTY: 1701 Bush Avenue, San Pablo, CA 94806 (APN 410-275-011-6)  
AGENCY NEGOTIATORS: Matt Rodriguez, Reina Schwartz, Charles Ching  
NEGOTIATING PARTIES: David Blaisdell and Ritchie Blaisdell, Trustees  
UNDER NEGOTIATION: Price and terms of payment for disposition of property

### **ROLL CALL**

The meeting reconvened in the Council Chambers at 6:08 pm. Present were Mayor Rich Kinney and Vice Mayor Arturo Cruz, who participated via teleconference, and Councilmembers Elizabeth Pabon-Alvarado, Rita Xavier and Abel Pineda. It was confirmed by Vice Mayor Arturo Cruz that the agenda was posted at his location a minimum of 72 hours prior to the meeting. No members of the public were present at the teleconference location desiring to participate in the meeting. 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, City Clerk Patricia Ponce, and Executive Assistant to the City Manager LaTanya Fisher.

City Attorney Nerland reported on the two Closed Session matters:

- (1) Direction was given to legal counsel on the first closed session item related to the claim of Kiran Solanki; and
- (2) Direction was given to the real property negotiators regarding 1701 Bush Avenue, and it was reiterated that Councilmember Pineda had recused himself due to a conflict of interest as he lives within 500 feet of 1701 Bush Avenue

### **ORAL COMMUNICATIONS**

Cordell Hindler requested placement on the September agenda for Andy Katz to make a presentation regarding closure of Alta Bates Hospital and for a representative from PG&E to update on the Public Safety Power Shutoff. He also commented on his concerns about the cost of commercial properties in San Pablo.

Dr. Charlene Harlan-Ogbeide commented on transportation and traffic impacts and the desire to have BART to San Pablo, the housing crisis in San Pablo, and the growing number of homeless people in the community.

Carrie Joy spoke and requested that the City provide pet waste bags at Davis Park.

### **PRESENTATIONS**

3. City Manager Rodriguez introduced Community Services Coordinator Bertha Romo who provided background information on the Summer Intern Program of high school and college students. The following students reported through a PowerPoint presentation on their projects: (#19-179)

- Ruby Gallegos (Building Department)
- Allan Solorzano (Youth, School & Community Partnership)
- Valentino Cooper (Police Department/Community Outreach)
- Jonathan Mejia (Public Works Department)
- Fernando Rivas (Economic Department Corporation)

Sierra Ramer and Cameron Nisbet also spoke regarding the work they and fellow interns Connie Warthen and Elyssa Edbing did on collecting GIS data related to street signs, curb markings and curb ramps.

Ms. Romo thanked the various departments for their collaboration and the opportunities provided to the interns. City Manager Rodriguez commended staff for their participation in making the program a success.

Cordell Hindler expressed his appreciation for the internship program.

City Council thanked the participants and the work they each put into their assignments.

4. Charles Thomas, Battalion Chief of the Contra Costa Fire Protection District, gave an update on the fire breaks Cal Fire has begun, as well as the acquisition of two new four-wheel drive fire trucks placed in service in Antioch and Pittsburg. He also reported that a new engine has been put in service at Station 70. (#19-335)
5. Police Chief Raman presented the San Pablo Police Department Annual Report (English and Spanish) and advised they would be available to the public at National Night Out and uploaded to the Department's website. Cordell Hindler thanked the Police Department and asked to put on record that he suggested the Business Watch program. (#19-360)

### **CITY MANAGER REMARKS**

City Manager Rodriguez announced the following:

- National Night Out of August 6, from 5:00-8:00pm at the San Pablo Community Center
- American Red Cross Blood Drive on August 20, from noon to 6:00pm at the San Pablo Community Center

### **CONSENT CALENDAR**

It was moved by Councilmember Pabon-Alvarado, seconded by Councilmember Pineda, and unanimously passed, to adopt all items in the Consent Calendar, with the exception of item #9 (Drone Program).

### **MINUTES**

6. By adoption of the Consent Calendar, the Minutes of the Meeting of July 15, 2019 were approved. (#19-326)

### **PROCLAMATIONS**

7. By adoption of the Consent Calendar, the request for Issuance of Proclamation Recognizing *September 17-23 as Constitution Week* in the City of San Pablo was approved. (#19-343)

### **MISCELLANEOUS**

8. By adoption of the Consent Calendar, **Resolution 2019-122** was adopted, a Resolution of the City Council of the City of San Pablo Housing Successor Authorizing the City Manager to Execute a Legal Services Agreement Between the City and Murphy & Associates regarding Housing Successor activities for up to \$50,000 and appropriate \$50,000 from the Housing Successor Agency Fund Balance to Fund the Contract (#19-314)
9. This item regarding the Police Department's contract for drones was pulled from the Consent Calendar and discussed separately. City Manager Rodriguez introduced the item. Police Chief Raman introduced Captain Brian Bubar who gave a PowerPoint presentation of the Police Department's Crime Reduction Strategy Program that was implemented with public safety technology such as surveillance cameras, Automated License Plate Readers (ALPR) and gunshot detection system (ShotSpotter), as well as the statistics on the reduction in crime in the city. Captain Bubar indicated as part of the program, the Department wants to use drones and presented the proposed Drone Program. Wellsley D'Onofrio expressed his opinion regarding drones and their use. City Council expressed their opinions on the use of drones.

It was moved by Mayor Kinney, seconded by Councilmember Xavier, and unanimously passed to adopt **Resolution 2019-123**, a Resolution of the City Council of the City of San Pablo approving (1) the Police Department's use of drones; (2) appropriation of \$125,000 from Supplemental Law Enforcement Services Grant Revenues to spendable accounts in the Police Department's General Fund Budget

(100-2110-46300) for purchase of equipment, training, and infrastructure for a Drone Program; and (3) waiver of formal bid requirements and an agreement to purchase three US-1 Drones from Impossible Aerospace at a cost of \$76,881 pursuant to an agreement to be negotiated and approved by the City Manager and City Attorney. (#19-332)

10. By adoption of the Consent Calendar, **Resolution 2019-124** was adopted, a Resolution of the City Council of the City of San Pablo approving and ratifying the furniture package for the new San Pablo City Hall in the amount of \$857,665. (#19-339)
11. By adoption of the Consent Calendar, **Resolution 2019-125** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to enter into a second amendment to the agreement with Public Profit for the evaluation of the Team for Youth Grant Program, Measure Q, and Measure K for a total amount not to exceed \$94,400 for Fiscal Year 2019/20 (#19-340)
12. By adoption of the Consent Calendar, **Resolution 2019-126** was adopted, a Resolution of the City Council of the City of San Pablo approving the General Fund Designated Reserves (January 2019 Through June 2019) Budget Reconciliation and FY2019/20 GFDR at \$2,900,024 (#19-341)
13. By adoption of the Consent Calendar, **Resolution 2019-127** was adopted, a Resolution of the City Council of the City of San Pablo approving an administrative correction to the Salary Schedule for Police Officer, Sergeant, Lieutenant, and Captain for FY 2019/20. (#19-346)
14. By adoption of the Consent Calendar, **Resolution 2019-128** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a \$2,500 event sponsorship for Familias Unidas' 40th Anniversary Fundraising Event on Saturday, October 5, 2019. (#19-352)
15. By adoption of the Consent Calendar and by Minute Order, Councilmember Pabon-Alvarado was designated as the Primary Voting Delegate with Councilmember Rita Xavier as the Alternate Voting Delegate for the League of California Cities' Annual Conference being held October 16-18, 2019, in Long Beach, California. (#19-344)
16. By adoption of the Consent Calendar and by Minute Action, the City Council ratified Letter of Support from Mayor Kinney to Marty Lynch, CEO of Lifelong Medical Care, Inc., for a Grant application to the Service Area Competition (HRSA-20-015) of the Health Resources and Services Administration (Section 330 Funding Program) of the U.S. Health and Human Services Department. (#19-348)

17. By adoption of the Consent Calendar and by Minute Order, the City Council authorized the Mayor to Sign and the City Manager to submit the Response Letter to the Contra Costa Grand Jury Report No. 1907: Stormwater Trash Reduction. (#19-325)

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

At 7:57pm, a five-minute recess was taken.

**RESOLUTIONS**

18. City Manager Rodriguez introduced the item on a mural for the new City Hall and gave a brief history of the item's presentation to the Community Services Standing Committee and the City Council who requested further dialog with the proposed artist on the matter. Community Services Manager Andrea Mendez gave a PowerPoint presentation which included three design options for the proposed art mural. Artist Debbie Koppman addressed the Council's inquiries and described how she came up with the design for each proposal.

Dr. Charlene Harlan-Ogbeide expressed she prefers Proposal #1 for more equal representation.

Mayor Kinney made a motion, which failed due to lack of a second, to select Proposal #3 with additions to represent St. Paul Church, Veterans and the indigenous people in the city.

It was then moved by Vice Mayor Cruz, seconded by Councilmember Xavier, to select Proposal #1 and passed by vote to adopt **Resolution 2019-129**, a Resolution of City Council of the City of San Pablo (1) authorizing City Manager to execute a contract with Debbie Koppman not to exceed an amount of \$40,000 for the installation of an Art Mural at the new City Hall site location; and (2) selecting and approving an Art Mural Proposal which will be located on the exterior wall of the new City Hall site: (#19-342)

AYES:           Xavier, Pineda and Cruz  
NOES:           Pabon-Alvarado, Kinney  
ABSENT:       None  
ABSTAIN:       None

19. City Manager Rodriguez introduced the item about developing an affordable housing strategy and gave a PowerPoint presentation of the process to add the proposed Affordable Housing Strategy to the FY2019-21 Council Priority Workplan. The presentation including the general objectives, the hiring of a housing consultant, and other City Manager recommendations for consideration in a plan.

Speaker William Casey, a housing consultant, spoke of his work with the City of Richmond and travels to Sacramento to lobby AB1481 (Tenancy Termination: Just Cause) and AB1482 (anti rent gouging), as well as his efforts to get together a plan to assist teachers, police and fire personnel to afford homes in the community.

Councilmember Pineda stated he is aware of the crisis and is working with his employer – representative in the State Legislature -- to help develop and implement such a plan.

It was moved by Mayor Kinney, seconded by Councilmember Xavier, and unanimously passed to adopt **Resolution 2019-130**, a Resolution of the City Council of the City of San Pablo to consider amending the FY 2019-21 adopted City Council Priority Workplan to add a San Pablo Affordable Housing Strategy Plan and Direct the Solicitation of Proposals for a Housing Consultant. (#19-351)

20. City Manager Rodriguez introduced the item on cell phones and elected officials and gave a PowerPoint presentation to explore the benefits for City Council phones, which included review of the Budget, Fiscal & Legislative Standing Committee's recommendations, budget impacts, draft "Public Records and Elected Officials including City Provided Mobile Devices for all City Elected Officials" policy, and Standing Committee recommendation. The City Attorney reiterated that regardless of whether the City Council chooses to have separate City phones, the elected officials need preserve emails related to City business as potential public records as discussed in the draft Policy.

City Council expressed their opinions regarding issuance of a City-issued cell phone. Cordell Hindler spoke on the item. Patricia Ponce also spoke and indicated that as City Clerk, she handles City business on a laptop with minimal use of her cell phone for City business. It was moved by Mayor Kinney, seconded by Councilmember Pabon-Alvarado, and passed by vote to adopt **Resolution 2019-131**, a Resolution of the City Council of the City of San Pablo approving and authorizing the City Manager to execute an Administrative Policy governing Public Records and use of mobile devices by Elected Officials; amending the FY 2019-21 City Council Priority Workplan to add City-Provided Mobile Cellular Devices to City Councilmembers on a voluntary election basis; and authorizing one-time funding from the FY 2019/20 City Manager Contingency Account for total acquisition and operating and maintenance costs not to exceed \$5,200 dependent upon total number of individual City Councilmember Voluntary Elections for FY 2019/20. City Manager clarified that the policy would apply only to elected officials. The motion passed as follows: (#19-321)

AYES: Pabon-Alvarado, Cruz and Kinney  
NOES: Pineda and Xavier  
ABSENT: None  
ABSTAIN: None

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

No reports were given.

It was moved by Mayor Kinney, seconded by Councilmember Pineda, and unanimously passed, to add a policy discussion to provide pet waste receptacles and bags at Davis Park.

**ADJOURNMENT**

The meeting adjourned at 9:30 pm, to Tuesday, September 3, 2019 at 6:00 pm, in memory of Wayne Nerland, father-in-law of City Attorney Lynn Tracy Nerland.

Respectfully submitted,

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Patricia Ponce, City Clerk

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Rich Kinney, Mayor