



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

Tuesday, January 21, 2020

### **ROLL CALL**

The meeting convened in the Council Chambers at 5:30 pm. Present were Mayor Arturo Cruz and Vice Mayor Elizabeth Pabon-Alvarado, and Councilmembers Rita Xavier, Abel Pineda and Rich Kinney. 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.

City Attorney read for the record the Closed Session item. No one from the audience spoke and the Council recessed to the Council Conference Room.

### **CLOSED SESSION**

1. CLOSED SESSION (#20-025)  
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Gov't Code Section 54956.8:  
PROPERTY: 2023 Vale Road, San Pablo, CA 94806  
AGENCY NEGOTIATORS: Matt Rodriguez, Reina Schwartz, Charles Ching  
NEGOTIATING PARTIES: LifeLong Medical Care  
UNDER NEGOTIATION: Price and terms of payment for disposition of property

### **ROLL CALL**

The meeting reconvened in the Council Chambers at 6:03 pm. Present were Mayor Arturo Cruz and Vice Mayor Elizabeth Pabon-Alvarado, and Councilmembers Rita Xavier, Abel Pineda and Rich Kinney. 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, Senior Civil Engineer Allan Panganiban, Deputy City Clerk Lehny Corbin, and Executive Assistant to the City Manager LaTanya Fisher.

City Attorney Nerland announced that direction was given to the Real Property Negotiators on the Closed Session matter.

### **ORAL COMMUNICATIONS**

John Ladd, a Brookdale Senior Living Facility resident, reported that more than one-half of the residents have moved out of the facility; that they now have an attorney; and that he and Vincent Dunn are the points of contact for that attorney. He further expressed concern about rezoning the property.

Vincent Dunn, also a Brookdale Senior Living Facility resident, spoke of difficulty finding comparable facilities and also expressed concern regarding rezoning of the property.

Ali Ibrahim of San Pablo Chevron gas station spoke regarding financial impact on the business due to the ban on sale of flavored tobacco products and single items like cigars and cigarillos and requested modification of the ordinance to allow sale of certain items. He reported that his loss from July 2019 to the present is \$179,000.

Janet Pottier spoke of her invitation to visit the Brookdale Senior Living facility several months ago to provide San Pablo history. She also invited the residents to visit the Alvarado Museum. She reported of the history she learned from the residents.

Mayor Cruz announced that the City Council cannot discuss the items brought forward under Oral Communications and recommended that the speakers contact the City Manager's office.

### **CITY MANAGER REMARKS**

City Manager Rodriguez reported on upcoming 2020 events:

- January 30 – Chinese New Year event at the Senior Center from 11am to 12:30pm
- January 31 and February 1 – Census 2020 applications to be a Census Coordinator
- February 7 – Annual Valentine's Day Family Dance at the San Pablo Community Center from 6pm to 8pm.

### **CONSENT CALENDAR**

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

### **MINUTES**

2. By adoption of the Consent Calendar, the Minutes of the meeting of December 16, 2019 were approved. (#20-009)

### **PERIODIC REPORTS**

3. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of December 2019 was approved. (#20-012)
4. By adoption of the Consent Calendar, the Investment Report/Treasurer's Report for the month of December 2019 was received and filed. (#20-015)
5. By adoption of the Consent Calendar, the Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2019 was received and filed. (#20-031)

### **LIABILITY CLAIMS**

6. By adoption of the Consent Calendar, the liability claims of Lorena Ellenberger (DOL 11/24/19) and Jennifer Moreno (DOL 11/15/19) were denied. (#20-008)

### **MISCELLANEOUS**

7. By adoption of the Consent Calendar, **Resolution 2020-001** was adopted, a Resolution of the City Council of the City of San Pablo authorizing acquisition of Rescue Vehicle from the City of Hercules through the Law Enforcement Support Office (LESO) 1033 Program. (#20-005)
8. By adoption of the Consent Calendar, **Resolution 2020-002** was adopted, a Resolution of the City Council of the City of San Pablo accepting work performed by Bay Cities Grading & Paving, Inc. for the FY 2018/19 Pavement Rehabilitation Project (MAR-600) as complete and directing that a Notice of Completion be prepared and filed with the County Recorder. (#20-007)
9. By adoption of the Consent Calendar, **Resolution 2020-003** was adopted, a Resolution of the City Council of the City of San Pablo approving the City of San Pablo Census 2020 Logo. (#20-011)

10. By adoption of the Consent Calendar, **Resolution 2020-004** was adopted, a Resolution of the City Council of the City of San Pablo ratifying the purchase of UPS Systems for the data center at the New City Hall from Graybar Electric Company Inc. at a total pre-tax and pre-freight cost of \$63,744 through a Cooperative Purchasing Arrangement with the US Communities Government Purchasing Alliance. (#20-024)
11. By adoption of the Consent Calendar, **Resolution 2020-005** was adopted, a Resolution of the City Council of the City of San Pablo appointing CalPers Retired Annuitant Cynthia Kasten to the position of Interim Human Resources Manager and approving an employment contract pursuant to California Government Code Section 21221(G). (#20-026)
12. By adoption of the Consent Calendar, **Resolution 2020-006** was adopted, a Resolution of the City Council of the City of San Pablo approving the City of San Pablo's Direct Discharge Plan for submittal to the San Francisco Bay Regional Water Quality Control Board. (#20-030)
13. By adoption of the Consent Calendar, **Resolution 2020-007** was adopted, a Resolution of the City Council of the City of San Pablo establishing preliminary allocations for the General Fund Designated Reserves at \$4,343,431 for Fiscal Year 2019/20 (mid-year adjustment - Phase I) per adopted Fiscal Resiliency Reserve Policy. (#20-029)
14. By adoption of the Consent Calendar, **Resolution 2020-008** was adopted, a Resolution of the City Council of the City of San Pablo (1) approving and adopting the plans and specifications for the Wildcat Creek Restoration and Greenway Trail Project; (2) awarding a contract for the Project and authorizing the City Manager to execute a contract with the lowest responsive and responsible bidder, Ghilotti Construction, in the amount of \$3,159,966 with a 15% contingency for a total contract authorization of \$3,633,960; (3) authorizing the City Manager to amend an existing \$404,991 agreement with Restoration Design Group for project design services to add \$25,000 for services required for construction phase services with a 15% contingency, for a total amendment authorization of \$28,750; and (4) authorizing the City Manager to proceed with a formal solicitation process for a future public art project to be developed independently. (#20-033)
15. By adoption of the Consent Calendar, **Resolution 2020-009** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) accept \$40,000 in Kaiser Permanente grant funding for 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; (2) enter into an amended agreement with Contra Costa Health Services to provide C.O.R.E. services for one year at a cost not to exceed \$40,000; and (3) appropriate funding in the same amount to the Police Department budget in support of the program. (#20-036)

## **ORDINANCES**

16. By adoption of the Consent Calendar, the City Council waived the reading of the ordinance and read by title only, introduced the proposed Ordinance of the City Council of the City of San Pablo amending Chapter 15.04 of the San Pablo Municipal Code by adopting by reference the 2019 California Administrative Code, 2019 California Building Code Volumes 1 and 2, 2019 California Residential Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Energy Code, 2019 California Historical Building Code, 2019 California Fire Code with amendments adopted by the Contra Costa County Fire Protection District, 2019 California existing Building Code, 2019 California Green Building Standards Code, and 2019 California Referenced Standards Code, and set the public hearing for February 3, 2020. (#20-001)

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

## **COUNCIL DISCUSSION/AUTHORIZATION**

17. City Manager Rodriguez introduced the item. Management Analyst Viviana Toledo presented a PowerPoint of the process and surveys conducted in connection with selection of the 2020 slogan. It was moved by Mayor Cruz, seconded by Councilmember Kinney, and unanimously passed to adopt **Resolution 2020-010**, a Resolution of the City Council of the City of San Pablo approving the City of San Pablo slogan "Teamwork San Pablo 2020 – The Year of Collaboration" for the January-December 2020 Period. (#20-021)
18. City Manager Rodriguez introduced the item and presented the Mayor's proposed Council assignments. Councilmember Kinney expressed his concern regarding Mayor Cruz's numerous assignments; Mayor Cruz stated he was fine with the assignments.

Per the City Manager, Exhibit A has been modified to eliminate the proposed Temporary Casino/Lytton Tribe Ad-Hoc Subcommittee. If there is a need to convene the Subcommittee in the future, it has traditionally been composed of the Mayor and Vice Mayor, and the City Council could approve or ratify formal establishment of the Ad-Hoc Subcommittee by future majority vote of the City Council.

It was moved by Councilmember Xavier, seconded by Vice Mayor Pabon-Alvarado, and unanimously passed to adopt **Resolution 2020-011**, a Resolution of the City Council of the City of San Pablo affirming recommended appointments by Mayor Arturo Cruz of individual City Council Standing Committee and Regional/Local Assignments; and establishing new temporary, limited term Ad-Hoc Subcommittees during Calendar Year 2020, with revisions to include Vice Mayor Pabon-Alvarado as Alternates to the Contra Costa County Mayors' Conference and the West County Mayors & Supervisors Association. (#20-019)

19. City Manager Rodriguez introduced the item and provided background information on the ordinance passed by the City Council, as well as the bill introduced by Senator Jerry Hill and the proposed restrictions on flavored tobacco products. Councilmember Kinney expressed his concerns regarding black market sales of the products. It was moved by Councilmember Xavier, seconded by Vice Mayor Pabon-

Alvarado, and passed by majority vote to approve by Minute Order, the authorization to transmit a letter of support from San Pablo Mayor Arturo Cruz and San Pablo City Council to support proposed State-wide legislation – Senate Bill 793 (Hill-13<sup>th</sup> District) – Flavored Tobacco Products. The motion passed as follows: (#20-032)

AYES: Pineda, Xavier, Pabon-Alvarado and Cruz

NOES: None

ABSENT: None

ABSTAIN: Kinney

20. City Manager Rodriguez gave a PowerPoint presentation of the request for reimbursement of travel expenses for Planning Commissioner Paul Morris during his attendance at the League of California Cities' Policy Committee meetings during the Calendar Year 2020. City Manager Rodriguez presented two Options for the City Council to discuss and consider:

Option #1 – Deny the Request; direct development of a formal City Council policy.

Option #2 – Approve request; require Planning Commissioner Morris to report after attendance at Policy Committee meetings; require approval by the City Council for non-City Councilmember/appointed officials on Boards and Commissions prior to applying for appointment to a League Policy Committee in the future.

It was moved by Mayor Cruz, seconded by Councilmember Xavier, and passed by vote to approve by Minute Order Option #1 to deny the request and direct the City Manager to develop and bring for Council consideration a formal policy that requires that non-City Councilmember appointed officials who wish to seek League of California Cities' Policy Committee assignments be required to seek approval from the City Council prior to appointment. The motion passed as follows: (#20-023)

AYES: Pineda, Xavier and Cruz

NOES: Kinney and Pabon-Alvarado

ABSENT: None

ABSTAIN: None

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

City Council reported on their recent activities.

It was moved by Councilmember Pineda -- and he subsequently withdrew his motion -- to coordinate with the County to contribute and/or participate in order to allow non-San Pablo residents in City events such as Dumpster Day. Councilmember Xavier stated the County conducts its own dumpster day.

A motion was made by Councilmember Kinney, seconded by Vice Mayor Pabon-Alvarado, to discuss at a future meeting the State prohibition on Council members purchasing property within the defunct Redevelopment Agency project area, and the possibility to change the law to allow opportunities for city officials to work on behalf of the community. The motion failed as follows:

AYES: Kinney and Pabon-Alvarado

NOES: Pineda, Xavier and Cruz

ABSENT: None

ABSTAIN: None

**ADJOURNMENT**

The meeting adjourned at 7:41 pm, to Monday, February 3, 2020, at 6:00 pm.

Respectfully submitted,

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Lehny M. Corbin, Deputy City Clerk

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Arturo M. Cruz, Mayor