



Minutes of the Regular Meeting of the San Pablo City Council

Monday, February 3, 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, and Deputy City Clerk Lehny Corbin.

City Attorney read for the record the Closed Session item. Cordell Hindler presented his ideas for use of the property to be discussed during Closed Session. The City Council recessed to the Council Conference Room at 5:32 pm.

CLOSED SESSION

1. CLOSED SESSION (#20-047)
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Gov't Code Section 54956.8:
PROPERTY: 2395 Greenwood Drive, San Pablo, CA (former Rollingwood Recreation Building)
AGENCY NEGOTIATORS: Matt Rodriguez, Reina Schwartz, Charles Ching
NEGOTIATING PARTIES: Contra Costa County
UNDER NEGOTIATION: Price and terms of payment

ROLL CALL

The meeting reconvened in the Council Chambers at 6:01 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, Public Works Director/City Engineer Jill Mercurio, City Treasurer Viviana Toledo, City Clerk Patricia Ponce, and Deputy City Clerk Lehny Corbin.

City Attorney Nerland announced that the Closed Session item on the 2395 Greenwood Drive property acquisition is in the Consent Calendar section of the agenda for the City Council's consideration and that no action was taken during Closed Session.

ORAL COMMUNICATIONS

Cordell Hindler requested placement on a future agenda an update from Andy Katz on hospital issues in West County, as well as an update from the BART General Manager. He also stated he was impressed with the Youth Commission report done at a previous City Council meeting.

John Ladd, Brookdale resident, gave a brief update on the status of Brookdale's closure of the Brookdale Senior Living Facility at 13956 San Pablo Avenue. He indicated that they have an operator for the facility and encouraged the City not to allow a new use.

PRESENTATIONS

2. Recognition of Salesian College Preparatory Athletes for winning the 2019 CIF Division 6A Football State Championship. (#20-047)

City Manager Rodriguez introduced the item and extended congratulations to the Salesian Football Team and Athletic Director Chad Nightingale for winning the 2019 California Interscholastic Football Division 6A State Championship. Mr. Nightingale thanked the City for the recognition and expressed the gratitude for the collaboration with City staff on the creek project. As public comment, Cordell Hindler spoke of telegrams from various agencies for the football championship. City Council commended the football team for their hard work, perseverance and achievement in winning the State Championship.

3. Presentation to the City Council of the City of San Pablo by the West Contra Costa Unified School District regarding proposed Measure R (#20-054)

WCCUSD Superintendent Matthew Duffy gave a PowerPoint presentation on the proposed Measure R on the March 2020 Ballot Election, which included the needs of the schools as well as completed and upcoming construction projects.

WCCUSD Associate Superintendent for Maintenance, Nutrition and Operations Luis Freese reported that the campaign for Measure R is being run by the students and teachers through social media, with the support from elected officials Thurmond, Skinner, Wicks, as well as the Teamsters and the Contra Costa Labor Council, the Democratic Party, and with more endorsements anticipated. WCCUSD Board Trustee Consuelo Lara thanked the City Council for their continued support.

Superintendent Duffy addressed the City Council's inquiries regarding previously-approved bonds, status of construction of schools, and labor union and local hiring.

Public speaker Ben Steinberg expressed his concerns regarding waste in the District's construction program and insufficient transparency and accountability on the part of the District.

CITY MANAGER REMARKS

City Manager announced the following:

- February 7 – Annual Valentine's Day Dance
- February 17 – Closure of City Hall in observance of President's Day with the City Council meeting on February 18

CONSENT CALENDAR

Councilmember Kinney requested pulling agenda #9 (city property inventory list) and #11 (WCCUSD Measure R). It was moved by Councilmember Pineda, seconded by Councilmember Xavier, and unanimously passed to adopt all items in the Consent Calendar, with the exception of agenda items #9 and #11.

MINUTES

4. By adoption of the Consent Calendar, the Minutes of the meeting of January 21, 2020 were approved. (#20-038)

MISCELLANEOUS

5. By adoption of the Consent Calendar, **Resolution 2020-012** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a \$1,000 sponsorship for Bike East Bay's 26th Annual Bike-to-Work Day on Thursday, May 14, 2020. (#20-041)
6. By adoption of the Consent Calendar, **Resolution 2020-013** was adopted, a Resolution of the City Council of the City of San Pablo approving and authorizing execution of a Consulting Services Agreement with Strategic Economics for a city-wide affordable housing strategy and appropriating \$109,503 which includes a 15% contingency from the Low to Moderate Income Housing Fund to Account Code 250-1741-43600 to fund the agreement. (#20-048)
7. By adoption of the Consent Calendar, **Resolution 2020-014** was adopted, a Resolution of the City Council of the City of San Pablo approving and authorizing execution of a Purchase and Sale Agreement by and between the City of San Pablo and Contra Costa County for the purchase and sale of property located at 2395 Greenwood Drive, San Pablo, California (APN 416-074-004). (#20-050)
8. By adoption of the Consent Calendar, **Resolution 2020-015** was adopted, a Resolution of the City Council of the City of San Pablo amending the City's Classification and Compensation Plan for FY 2019/20 by approving the reallocation of one Administrative Clerk I position to a Fiscal Clerk I position. (#20-037)
9. This item was pulled from the Consent Calendar and discussed separately. Community & Economic Development Director Charles Ching explained the requirement for an annual report. He also addressed Councilmember Kinney's inquiry regarding the surplus property on San Pablo Dam Road, noticing requirement to other entities, and the lease of the San Pablo Library. It was moved by Councilmember Pineda, seconded by Councilmember Xavier, and unanimously passed to adopt **Resolution 2020-016**, a Resolution of the City Council of the City of San Pablo approving the City's property inventory of leased and owned properties pursuant to Government Code 50569 and declaring a parcel located at San Pablo Dam Road with APN 420-040-013 as surplus in accordance to California Government Code Section 54220. (#20-049)
10. By adoption of the Consent Calendar, **Resolution 2020-017** was adopted, a Resolution of the City Council of the City of San Pablo authorizing a one-time \$2,500 event sponsorship for the 13th Annual Food & Wine Event benefiting the Contra Costa College Culinary Arts Scholarship Program on Sunday, April 26, 2020. (#20-051)
11. This item was pulled from the Consent Calendar and discussed separately. Councilmember Kinney recused himself from discussion of this item due to his employment with the School District. It was moved by Councilmember Pineda, seconded by Councilmember Xavier, and passed by vote to adopt **Resolution 2020-018**, a Resolution of the City Council of the City of San Pablo expressing its support

for the West Contra Costa Unified School District's Bond Measure R on the March 3, 2020 Presidential Primary Election Ballot. Vice Mayor Pabon-Alvarado expressed reservations on her support of the Ballot Measure given the transparency concerns raised by the public speaker. The motion passed as follows: (#20-060)

AYES: Pineda, Xavier, Pabon-Alvarado and Cruz

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: Kinney

12. By adoption of the Consent Calendar, the City Council authorized by Minute Order to ratify a letter transmitted by Mayor Cruz to the Lytton Rancheria Band of Pomo Indians on the successful passage of Federal Legislation, H.R. 1388 - "The Lytton Rancheria Homestead Act of 2019". (#20-059)

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

PUBLIC HEARINGS

13. Chief Building Official Oscar Davalos gave a PowerPoint presentation of the proposed adoption of the 2019 California Codes of Regulations and the process to implement the updated Codes.

The public hearing was opened and closed at 7:13 pm as no one from the public spoke on the item. Mr. Davalos indicated that the changes to the Building Code are already highlighted on the City's homepage. It was moved by Councilmember Kinney, seconded by Councilmember Pineda, and unanimously passed to waive the second reading and adopt **Ordinance 2020-001**, an 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. (#20-046)

14. City Manager Rodriguez introduced the item. Interim Planning Manager Libby Tyler gave a PowerPoint presentation on the proposed amendments Municipal Code amendments including amending Title 17 regarding zoning. The amendments include addressing nonconformities, appeals, regulations and development standards in residential, commercial, industrial, public and semi-public districts, accessory structures, walls and gates, height measurements, off-street parking requirements, refuse disposal and recycling, e-cigarettes, wireless facilities, mobile hot food truck events, and retail, service, and office use classes; green infrastructure; cannabis regulations; fortune telling; landscape design and development; and sign regulations. Ms. Tyler stated that the proposed ordinance amendments reflect the community goals, correcting typographical errors and address non-conforming structure limits.

The public hearing was opened and closed at 7:30 pm as no one from the public spoke on the item. Assistant Planner Sandra Marquez addressed a Council inquiry regarding ADU's (accessory dwelling units) and AUP's (administrative use permits).

It was moved by Vice Mayor Pabon-Alvarado, seconded by Councilmember Kinney, and unanimously passed to waive the first reading and introduce the proposed ordinance amending Zoning Ordinance (Title 17 of the San Pablo Municipal Code) Chapters 17.08, 17.16, 17.32, 17.34, 17.36, 17.40, 17.42, 17.45, 17.46, 17.48, 17.54, 17.58, 17.62, 17.68, and 17.70, and Municipal Code Chapters 8.02, 8.36, 9.58, 15.56 and 18.04, regarding a variety of Zoning and Land Use topics including additional water efficient landscape requirements. (#20-028)

A break was taken from 7:37 pm to 7:44 pm.

15. Assistant Planner Marquez gave a PowerPoint presentation on the proposed ordinance prohibiting smoking in rental multi-unit residences. The public hearing was opened at 7:55 pm. The following spoke in favor of the proposed ordinance: Davé Randle (Youth Tobacco Advocacy & Policy Project - YTAPP); Kemley Ocampo (YTAPP); Mia Braxton (YTAPP); Tre Barnett (YTAPP); Andrea Melendez (YTAPP); Andrea Rosillo (YTAPP); Amreen Akhtar (BACR); Liz Williams (Americans for Nonsmokers' Rights); Beverly Mulder; Tiffani Mason; Carrie Balthrop (Contra Costa Public Health Department); Aileen Delgado (YTAPP), whose written statement was read aloud by City Clerk Ponce; and Rhovy Lyn Antonio (California Apartment Association of Contra Costa). The public hearing closed at 8:16 pm.

City Manager Rodriguez referred to the last-minute agenda correspondence, as well as the various letters provided by one of the speakers to the City Council. Councilmember Pineda inquired regarding enforcement to which Police Chief Raman reply that it would be a burden on officers but that the Police Department is looking for voluntary compliance.

The public hearing was reopened at 8:23 pm to allow Ryan Schumacher of Contra Costa County who reported on the complaints received by the County. The public hearing was closed at 8:24 pm.

In response to a Council questions, Ms. Marquez stated that the distance from the building to the smoking area is 25 feet from any windows and ventilation systems, if the property size permits. Staff also indicated that they were looking at a phased approach with the first phase of the ordinance banning smoking in rental multi-family units for one year.

It was moved by Councilmember Kinney, seconded by Councilmember Xavier, and unanimously passed to waive the first reading and introduce the proposed Ordinance of the City Council of the City of San Pablo amending Chapter 8.36 of the San Pablo Municipal Code relating to the citywide prohibition of smoking in rental multi-unit residences. City Manager Rodriguez stated the Public Safety Standing Committee would report back on the progress of compliance once the ordinance was adopted and implemented. (#20-027)

******END OF PUBLIC HEARINGS******

CITY COUNCIL DISCUSSION

16. City Manager Rodriguez introduced the item and gave background information on the Economic Development Corporation (EDC) By-Laws and the need for Council to nominate someone to fill the one vacancy on the Board of Directors for the Term February 2020 to January 2022. Mr. Rodriguez presented the two options. It was moved by Mayor Cruz, seconded by Councilmember Kinney, and unanimously passed to authorize by Minute Action Option #2 to proceed with public advertisement of the available vacancy, with formal selection by majority vote via City Council Resolution to occur on February 18, 2020, and submit the nominated appointee to the San Pablo EDC Board for approval by the required deadline. (#20-052)

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

City Council reported on their recent activities.

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 Redevelopment Agency project area now that the State has dissolved redevelopment agencies. The motion failed as follows:

AYES: Kinney and Pabon-Alvarado

NOES: Pineda, Xavier and Cruz

ABSENT: None

ABSTAIN: None

ADJOURNMENT

The meeting adjourned at 8:48 p.m. to Tuesday, February 18, 2020, at 6:00 p.m.

Respectfully submitted,

Patricia Ponce, City Clerk

Arturo M. Cruz, Mayor