



Minutes of the Regular Meeting of the San Pablo City Council

Monday, March 16, 2020

ROLL CALL

The meeting convened in the Council Chambers at 5:19 pm. Present were Mayor Arturo Cruz and Councilmembers Rita Xavier, Abel Pineda and Rich Kinney. Absent was Vice Mayor Elizabeth Pabon-Alvarado. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Deputy City Clerk Lehny Corbin and Executive Assistant to the City Manager LaTanya Fisher.

CLOSED SESSION

1. CLOSED SESSION (#20-109)
CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION - INITIATION OF LITIGATION
Pursuant to California Government Code Section 54956.9(D)(4): 1 matter

ROLL CALL

The meeting reconvened in the Council Chambers at 6:13 pm. Present were Mayor Arturo Cruz and Councilmembers Rita Xavier, Abel Pineda and Rich Kinney. Absent was Vice Mayor Elizabeth Pabon-Alvarado. 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, Deputy City Clerk Lehny Corbin and Executive Assistant to the City Manager LaTanya Fisher.

City Attorney Nerland reported on the Closed Session matter that the City Council directed staff to come back with additional information and had not reached a decision on the matter.

City Manager Rodriguez requested City Council consideration of adding to the agenda an urgency agenda item (#16) proclaiming the existence of a local emergency due to the novel Coronavirus (COVID-19) epidemic which would be considered later in the meeting. It was moved by Councilmember Pineda, seconded by Councilmember Xavier, and passed by vote of those present, to add agenda #16 for consideration. The motion passed as follows:

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

City Attorney Nerland clarified that urgency item was placed on the agenda in order to discuss the COVID-19 emergency that severely impairs public health and safety.

ORAL COMMUNICATIONS

Cordell Hindler requested placement on a future agenda an update from Andy Katz regarding the need for a hospital in West County, as well as an update from BART General Manager Bob Powers on the transit system. He also invited those present to the March 27th "The Waverly Gallery" performance at the Contra Costa College Theater. He further spoke on businesses in San Pablo and their challenges with rents and the homeless.

PRESENTATIONS

2. Presentation of Proclamation recognizing March 2020 as *American Red Cross Month* (James Lyons, District Coordinator, Contra Costa County Red Cross Leadership Council) (#20-095)

City Manager Rodriguez introduced the item and referred to the last minute agenda correspondence regarding postponement to a future agenda, as well as the email received from James Lyons regarding same, due to the Coronavirus (COVID-19) situation.

CITY MANAGER REMARKS

City Manager Rodriguez stated he had no remarks but for the items contained in the last-minute agenda correspondence:

- Agenda Item #8 (Childhood Obesity RFP) – Resolution and Administrative Grant Guidelines to be revised to add language allowing electronic submittal of grant applications due to the City's Modified Operations Plan which went into effect on March 16, 2020. Councilmember Xavier indicated she is no longer on the Community Services Standing Committee.
- Agenda Item #11 (Maple Hall fee waiver) – removal of the item from the Consent Calendar as the Historical & Museum Society has withdrawn their application.
- Agenda #12 (City Hall move) – removal of the item from the Consent Calendar as the Operational Plan will be revised and brought back to the City Council at a later date

CONSENT CALENDAR

It was moved by Councilmember Pineda, seconded by Mayor Cruz, and passed by vote of those present, to adopt all items in the Consent Calendar, with the exception of items #11 and #12. The motion passed as follows:

AYES: Kinney, Pineda, Xavier and Cruz

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

MINUTES

3. By adoption of the Consent Calendar, the Minutes of the meeting of March 2, 2020 were approved. (#20-100)

PERIODIC REPORTS

4. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of February 2020 was approved. (#20-103)
5. By adoption of the Consent Calendar, the Investment Report/Treasurer's Report for month of February 2020 was received and filed. (#20-115)

LIABILITY CLAIMS

6. By adoption of the Consent Calendar, the liability claim of Rosario Dominguez (DOL 01/19/20) was denied. (#20-113)

MISCELLANEOUS

7. By adoption of the Consent Calendar, **Resolution 2020-028** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute an Inter-Agency Agreement with the City of Pittsburg to provide a Police Captain to serve as Interim San Pablo Police Captain at a cost of \$28,526 per month for a total not-to-exceed cost of \$342,000 with the goal to recruit and appoint a full-time Police Captain by end of Calendar Year 2020. (#20-093)
8. City Manager Rodriguez referred to the last-minute agenda correspondence and stated the need to revise the Resolution and Administrative Grant Guidelines to allow electronic submittal of grant applications. By adoption of the Consent Calendar, **Resolution 2020-029** was adopted, a Resolution of the City Council of the City of San Pablo approving the Request for Proposals for Programs and Services for Childhood Obesity Prevention for Fiscal Year 2020/21, with recommended amendments. (#20-098)
9. By adoption of the Consent Calendar, **Resolution 2020-030** was adopted, a Resolution of the City Council of the City of San Pablo ordering the engineer to prepare and file reports for the levy of annual assessments for Fiscal Year 2020/21 for San Pablo Street Lighting and Landscape Assessment District No. 1982-1, and authorizing the City Manager to execute an agreement for these services with LCC Engineering & Surveying, Inc. in an amount not to exceed \$18,691. (#20-104)
10. By adoption of the Consent Calendar, **Resolution 2020-031** was adopted, a Resolution of the City Council of the City of San Pablo accepting work performed by The Professional Tree Care Company, Inc. for the Bird Nesting Trees Removal Project (WCC-TRL) as complete and directing that a Notice of Completion be prepared and filed with the County Recorder. (#20-112)
11. As remarked by City Manager Rodriguez, the proposed Resolution of the City Council of the City of San Pablo (1) rescinding Resolution 2020-027, a Maple Hall fee waiver in the amount of \$440; and (2) authorizing a Library Community Room fee waiver in the amount of \$265 for the San Pablo Museum and Historical Society Club's Bay Area Historical meeting on Monday, April 13, 2020, was removed from the Consent Calendar and from City Council consideration as the requestor has withdrawn their request for waiver of fees. (#20-116)
12. As stated by City Manager Rodriguez, the agenda item regarding the Operational Plan for the move to the new City Hall was removed and will return to the City Council for consideration when the Operational Plan has been revised. (#20-110)

ORDINANCES

13. By adoption of the Consent Calendar, the second reading of the ordinance was waived and **Ordinance 2020-003** was adopted, an Ordinance of the City Council of the City of San Pablo amending Municipal Code Sections 1.16.020, 2.16.020, 8.02.070, 10.28.030 and 15.48.070 regarding the location of City Hall, repealing Chapters 2.24 and 2.36 regarding the Community Services Commission and Disaster Council; repealing Section 2.04.040 as redundant; and amending Section 9.10.100 regarding permits to sell firearms. (#20-114)

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

CITY COUNCIL DISCUSSION/AUTHORIZATION

14. City Manager Rodriguez introduced the item and provided background information on the placement of the agenda item for consideration. He further reported that he reached out to the non-profit Evolve CA and the Howard Jarvis Taxpayers' Association to solicit their viewpoints on the California Schools and Local Communities Funding Act of 2020. There was discussion on the allocation of the funds assessed—89% to schools K-12 and 11% to community colleges. There were no comments from the public. Due to the Coronavirus (COVID-19) situation, no representative of either organization was present.

It was moved by Councilmember Xavier, seconded by Mayor Cruz, and passed by vote of those present, **Resolution 2020-032** was adopted, a Resolution of the City Council of the City of San Pablo supporting the California Schools and Local Communities Funding Act of 2020 on the November 2020 State-wide Ballot. The motion passed as follows: (#20-091)

AYES: Pineda, Xavier and Cruz

NOES: Kinney

ABSENT: Pabon-Alvarado

ABSTAIN: None

15. City Manager Rodriguez introduced the item and addressed the desire to amend the City Council assignments. Cordell Hinder spoke of his ideas regarding a hospital and BART. It was moved by Mayor Cruz, seconded by Councilmember Xavier, and passed by vote of those present, to adopt **Resolution 2020-033**, a Resolution of the City Council of the City of San Pablo affirming revised recommended appointments by Mayor Arturo Cruz of individual City Council Standing Committee and Regional/Local Assignments for Calendar Year 2020. The motion passed as follows: (#20-105)

AYES: Kinney, Pineda, Xavier and Cruz

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

16. City Manager Rodriguez provided background on the national outbreak of the pandemic Coronavirus (COVID-19) and referenced the Executive Orders from the President of the United States, California Governor Gavin Newsom and the Contra Costa County Public Health, the current statistics of reported illnesses and deaths. City Attorney Nerland went over the proposed resolution regarding the declaration of an emergency due to COVID-19.

Mr. Rodriguez referred to the Memorandum attached to the Staff Report and the Modified City Operations Plan. He also reported on the activation of the Emergency Operations Center (EOC), its hours of operation Monday through Thursday, 7:00am to 5:00pm; being monitored on weekends with two briefings per day. Mr. Rodriguez reported the cancellations of all facility reservations, programs, events; and limited and/or closure of public access to Community & Economic Development and Public Works counters, with all communications to be done by telephone calls or email, and a dropbox for the public to drop off their requests for services. He spoke of implementing employees' modified work schedule in compliance with social distancing recommendations.

Mayor Cruz suggested placing the information on cable access channel.

It was moved by Councilmember Kinney, seconded by Councilmember Pineda, and passed by vote of those present to adopt **Resolution 2020-034**, a Resolution of the City Council of the City of San Pablo, California, proclaiming the existence of a local emergency due to Novel Coronavirus (COVID-19). The motion passed as follows: (#20-123)

AYES: Kinney, Pineda, Xavier and Cruz

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

PUBLIC HEARINGS

17. City Manager Rodriguez introduced the item and indicated that due to a quorum issue, the Economic Development, Housing and Project Management Standing Committee scheduled for March 10 was continued to March 17, 2020. He also indicated that the public hearing notice was published in the newspaper. The Mayor opened the public hearing opened at 7:25pm; there were no speakers on the item. It was moved by Councilmember Pineda, seconded by Councilmember Xavier, and passed by vote of those present to continue the public hearing regarding the Resolution of the City Council of the City of San Pablo authorizing the submittal of the City of San Pablo Housing Element Annual Progress Report for Calendar Year 2019 to the California Department of Housing and Community Development and the Governor's Office of Planning and Research, to Monday, April 6, 2020. The motion passed as follows: (#20-106)

AYES: Kinney, Pineda, Xavier and Cruz

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

City Council reported on their recent activities.

It was moved by Councilmember Pineda, seconded by Councilmember Kinney, and passed by vote of those present, to place on the next Council agenda an item to amend the City Council Priority Workplan to discuss impacts of displaced residents due to the current pandemic.

It was moved by Councilmember Xavier, seconded by Councilmember Pineda, and passed by vote of those present, to place on a future agenda the presentation of a Proclamation recognizing the 100th Anniversary of Women's Rights.

ADJOURNMENT

The meeting adjourned at 7:30 pm to Monday, April 6, 2020 at 6:00 pm, in memory of Gwenndolyn White, a board member of the San Pablo Childhood Obesity Prevention Advisory Group.

Respectfully submitted,

Lehny M. Corbin, Deputy City Clerk

Arturo M. Cruz, Mayor