



Minutes of the Regular Meeting of the San Pablo City Council

Monday, June 1, 2020

ROLL CALL

The video/teleconferenced meeting convened at 5:22 pm. Present were Mayor Cruz, 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, Acting Deputy City Clerk LaTanya Fisher, and Administrative Clerk Christine Maki.

Acting Deputy City Clerk Fisher announced that the meeting was being held via video/teleconference in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the City Council, City staff and the public to participate and conduct a meeting by teleconference, videoconference or both. Ms. Fisher further announced ways in which members of the public may watch or listen to the meeting during livestream on the City website. Instructions were also announced that the public may provide public comments via email which would be read before Council consideration of the item.

There were no speakers for the Closed Session items. City Attorney Nerland announced the Closed Session items and the meeting recessed at 5:26 pm.

CLOSED SESSION (#20-217)

1. CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Gov't Code Section 54956.8:

PROPERTY: 2600 Moraga Rd, San Pablo, CA. 94806 (APN 416-140-050)

AGENCY NEGOTIATORS: Matt Rodriguez, Reina Schwartz, Charles Ching

NEGOTIATING PARTIES: American Recess and the Mullholland Drive Company

UNDER NEGOTIATION: Price and terms of payment for disposition of property after declaration of surplus and notice to entities pursuant to the Government Code

ROLL CALL

The video/teleconferenced meeting reconvened at 6:02 pm. Present were Mayor Arturo Cruz, 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, Acting Deputy City Clerk LaTanya Fisher, and Administrative Clerk Christine Maki.

Acting Deputy City Clerk Fisher announced that the meeting was being held via video/teleconference in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the City Council, City staff and the public to participate and conduct a meeting by teleconference,

videoconference or both. Ms. Fisher further announced ways in which members of the public may watch or listen to the meeting during livestream on the City website. Instructions were also announced that the public may provide public comments via email which would be read before Council consideration of the item.

City Attorney Nerland reported that staff was given direction regarding the Closed Session matter.

ORAL COMMUNICATIONS

Acting Deputy City Clerk Fisher read aloud one email received on May 28, 2020 from Cordell Hindler who requested the BART General Manager to give an update regarding the completion of the Del Norte BART station and commented on a speaker of a previous council meeting who commented about the ice cream store. Acting Deputy City Clerk Fisher also read nine emails that were received on June 1, 2020 requesting City Council to extend the Eviction Moratorium from the following individuals: 2) Isela Iveth Zepeda; 3) Veronica Martinez; 4) Yolanda Guzman; 5) Anita of ACCE; 6) Maria Diaz; 7) Patricia Rico; 8) Alex Werth; 9) Amelia Hernandez and 10) Leydi Maldonado

CITY MANAGER REMARKS

City Manager Rodriguez reported that the City's Housing Assistance Program has received 350 calls and more than 100 emails. He further reported that as of June 1, 2020 staff has received 220 applications and is reviewing each application. Staff currently has confirmed 40 eligible applications and is actively reviewing each application. He further stated that the program has been publicized through social media and on the City's website. City Manager Rodriguez also reported that a few local cities have experienced some civil unrest over the past weekend and most egregious was City of Walnut Creek and as a result issued a citywide curfew. He further reported that the San Pablo Police is part of the countywide mobile response team and has assisted City of Walnut Creek. City of San Pablo is monitoring the countywide deployment and are working with the community and businesses for action if the civil unrest becomes an issue in the City of San Pablo.

CONSENT CALENDAR

Mayor Cruz stated his recusal from discussion on agenda item #7 (agreement with Harrison Engineering Services) due to the proximity of his residence and the proposed project. It was moved by Councilmember Kinney, seconded by Councilmember Xavier and unanimously passed to adopt the Consent Calendar, with the exception of agenda item 7. The motion passed as follows:

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

BOARDS AND COMMISSIONS

2. By adoption of the Consent Calendar, City Council renewed the three-year term of Dr. Raynato Castro for the San Pablo Measure Q and Measure K Citizens Oversight Committee and directed the City Clerk's Office to post the Notice of Vacancy for the two vacant seats on the Citizens Oversight Committee. (#20-221)

MISCELLANEOUS

3. By adoption of the Consent Calendar, Resolution 2020-062 was adopted, a Resolution of the City Council of the City of San Pablo authorizing the sale of San Pablo Police Canine "Tik". (#20-226)

4. By adoption of the Consent Calendar, Resolution 2020-063 was adopted, a Resolution of the City Council of the City of San Pablo Authorizing (1) Acceptance and Appropriation of \$46,867 in funds anticipated to be received from the Bureau of Justice (BJA) FY-20 Coronavirus Emergency Supplemental Funding Program; (2) Authorizing the purchase of an Air Support Program at a cost of \$83,737 for Enhanced Public Safety Drone Response; and (3) a Waiver of Formal Bid Requirements and Approval to Enter into a Customer Agreement with Impossible Aerospace Corporation for the purchase. (#20-205)
5. By adoption of the Consent Calendar, Resolution 2020-064 was adopted, a Resolution of the City Council of the City of San Pablo, Contra Costa County, California (1) Preliminarily approving the Engineer's Report, (2) Declaring intention to Levy and Collect Assessments within the San Pablo Street Lighting and Landscape Assessment District No. 1982-1 for Fiscal Year 2020/21, and (3) Setting Public Hearing for June 15, 2020. (#20-216)
6. By adoption of the Consent Calendar, Resolution 2020-065 was adopted, a Resolution of the City Council of the City of San Pablo Designating Applicant's Agent for Non-State Agencies for the Purpose of Obtaining Certain Federal and/or State Financials Assistance for Disaster Relief. (#20-224)
7. It was moved by Councilmember Xavier, seconded by Councilmember Kinney and approved by vote to adopt, Resolution 2020-066, a Resolution of the City Council of the City of San Pablo to authorize the City Manager to enter into an Agreement with Harrison Engineering Inc. for Engineering Design Services for the Church Lane/Willow Road and El Portal Drive/Mission Bell Road Intersection Improvement Projected (No. 0701) in the amount for \$89,000 with a 15% Contingency for a total authorization of \$102,350). (#20-225)
 The motion passed as follows:
 AYES: Xavier, Kinney, Pineda and Pabon-Alvarado
 NOES: None
 ABSENT: None
 ABSTAIN: None
 RECUSAL: Cruz
8. By adoption of the Consent Calendar, Resolution 2020-067 was adopted, a Resolution of the City Council of the City of San Pablo Approving and Authorizing Execution of a Disposition and Development Agreement with American Recess, LLC and Mullholland Drive Company, LLC for the Sale and Development of the southern portion of property located at 2600 Moraga Road. (#20-227)

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

RESOLUTIONS

9. City Attorney Nerland provided a PowerPoint presentation regarding extension of the City's Declaration of a Local Emergency and confirmation of the actions taken by the Director of Emergency Services including background on the Orders by Governor Newsom and County Health Department regarding the Novel Coronavirus (COVID-19) and shelter-in-place orders. Ms. Nerland provided statistics, both

national and local, of the confirmed COVID-19 cases.

It was moved by Vice Mayor Pabon-Alvarado, seconded by Councilmember Pineda and unanimously approved to adopt Resolution 2020-068 with amendments to the recitals, a Resolution of the City Council of the City of San Pablo, California extending the existence of Local Emergency due to Novel Coronavirus (COVID-19) and confirming the actions taken by the Director of Emergency Services. (#20-215)

10. City Manager introduced the item and Assistant City Manager Reina Schwartz provided a PowerPoint presentation regarding the Employee Voluntary Separation Program as one way to help achieve budgetary savings to address the financial losses the City is facing as a result of COVID-19. It was also stated that if an employee EVSP application is approved the position must remain vacant and unfilled for a minimum of six months to one year in order to recoup the associated cost.

It was moved by Councilmember Kinney, seconded by Vice Mayor Pabon-Alvarado and unanimously approved to adopt Resolution 2020-069, a Resolution of the City Council of the City of San Pablo approving an Employee Voluntary Separation Program to address COVID-19 Financial Impacts to the City's FY2020/21 General Fund Budget and During Economic Recovery Period. (#20-220)

PUBLIC HEARINGS

11. City Manager Rodriguez introduced the item and mentioned that a series of budget balancing measures and budget modifications for FY2019/20 were previously presented to Council during their April 27, 2020 meeting. He further reported that staff has prepared a preliminary draft for FY2020/21 General Fund Budget amendment and commended City departments and the budget team for their efforts. City Manager Rodriguez confirmed that the Public Hearing Notice was properly posted for this item. Administrative Services Director Kelly Sessions provided a PowerPoint presentation that outlined proposed General Fund Budget balancing amendments with an estimated \$10M revenue loss as a result of the Shelter-in-Place requirements to limit the spread of COVID-19. He further reported on budget balancing measures as it relates to City revenue and expenditures for both FY2019/20 and FY2020/21. It was also reported that the proposed budget amendments were presented to the Budget, Fiscal and Legislative Standing Committee.

Mayor Cruz opened the public hearing at 7:42 pm; no one spoke for or against the item; the public hearing was closed at 7:42 pm. No action is required and staff is authorized to place the City of San Pablo FY2020/21 (Year 4) Operating Budget and Capital Improvement Projects Budgets on the June 15, 2020 City Council Agenda.

SUPPLEMENTAL AGENDA MATERIALS (IF ANY)

12. Acting Deputy City Clerk Fisher announced materials received after the earlier deadline but during the City Council meeting would be appended and made part of the official record. (#20-218)

It was moved by Councilmember Xavier, seconded by Councilmember Pineda and passed by vote to place a discussion item on the next council agenda regarding displaying the PRIDE flag per the newly adopted Flag Policy.

The motion passed as follows:

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

It was moved by Councilmember Pineda, seconded by Mayor Cruz and passed by vote to have a further discussion at the next Council meeting for the potential policy action to extend the Eviction Moratorium.

The motion passed as follows:

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

It was moved by Councilmember Pineda, seconded by Councilmember Xavier and unanimously passed to request the City Manager and staff to present a status report of the Housing Assistance Grant Program to the next Council meeting to determine whether there is a need to extend the application period and find ways for improvement.

It was moved by Councilmember Pineda, seconded by Councilmember Xavier and unanimously passed to request the City Manager to bring back the draft diversity policy for City Council discussion.

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

City Council reported on their recent activities.

ADJOURNMENT

The meeting adjourned at 8:23 pm to Monday, June 15, 2020 at 6:00 pm at the Mayor's request in memory of George Floyd [an African American man who lost his life in the hands of a Minneapolis Police Officer] and added his wish for peace in our whole community.

Respectfully submitted,

LaTanya Fisher, Acting Deputy City Clerk

Arturo M. Cruz, Mayor