



Minutes of the Regular Meeting of the San Pablo City Council

Monday, July 6, 2020

ROLL CALL

The video/teleconferenced meeting convened at 5:32 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, Interim Human Resources Manager Cynthia Kasten, Community & Economic Development Director Charles Ching, Outside Legal Counsel Kelly Tuffo, 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 5:36 pm.

CLOSED SESSION (#20-276)

1. CLOSED SESSION
CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Govt. Code section 54957.6)
AGENCY DESIGNATED REPRESENTATIVES: Matt Rodriguez, Reina Schwartz, Kelly Sessions, Cynthia Kasten, Charles Ching, Kelly Tuffo
(Liebert Cassidy Whitmore)
EMPLOYEE ORGANIZATIONS: Association of Intermediate Employees, Confidential Employees, Contract Employees, Division Managers, Executive Management, San Pablo Police Employees Associations, San Pablo Police Employees Association (Management Unit), and Operating Engineers Local Union No. 3, AFL-CIO

ROLL CALL

The video/teleconferenced meeting reconvened at 6:00 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, 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 no action was taken during the closed session conference with Labor Negotiators.

ORAL COMMUNICATIONS

Acting Deputy City Clerk Fisher read aloud the email received on July 2, 2020 from Cordell Hindler who requested that Andy Katz come to provide an update on the needs for a hospital in West County, and that Bob Powers come to provide an update regarding the Del Norte BART project. Video caller - Mr. Kenneth Bonner, Principal at Lake Elementary provided his support of the Beacon Director and the Childhood Obesity Prevention program.

PRESENTATIONS

Assistant Fire Chief Lon Goetsch presented a PowerPoint presentation of the Contra Costa County Fire statistics for emergency calls within the City of San Pablo. He further reported on the status of the recent fire calls in Rodeo and Fairfield. Chief Lon Goetsch also reported on the status of Fire Station #70 and thanked City Council for their partnership.

CITY MANAGER REMARKS

City Manager Rodriguez highlighted Governor Newsom's July 1, 2020 directive of a statewide mandated mask requirement due to increased COVID-19 cases. He further reported the public health and safety concerns and urged the public to adhere to the stay at home order and mandated mask requirement. City Manager Rodriguez also provided statistical information on increased COVID-19 cases within West Contra Costa County and reminded the City Council that City offices remain closed to the public per the modified operations plan and mentioned that the City is providing an educational approach to local businesses in hopes to minimize the influx of cases.

CONSENT CALENDAR

Both Councilmember Kinney and Councilmember Xavier, asked to pull item #5 (#20-269 – Pavement Repair Contract) from the Consent Calendar and discuss it separately.

It was moved by Councilmember Kinney, seconded by Councilmember Xavier, and unanimously approved to adopt all items, excluding item 5 (#20-269) in the Consent Calendar.

MISCELLANEOUS

3. By adoption of the Consent Calendar, Resolution 2020-083 was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to approve and release the Team for Youth Grant Program request for proposal 2020/21 to identify lead agencies for Bayview and Lake Elementary Schools for a total amount not to exceed \$225,000 in FY 2020/21 (#20-270).
4. By adoption of the Consent Calendar, **Resolution 2020-084** was adopted, a Resolution of the City Council of the City of San Pablo Authorizing the City Manager

to Reallocate \$30,000 in FY 2018/19 General Fund Designated Reserves (Hillside & Geotech Studies / Improvements) from the San Pablo Dam Road Hillside Stabilization Project (No. 0400) to the Princeton Plaza Project (No. 0402) (#20-246).

5. This item was pulled from Consent Calendar and discussed separately. City Manager Rodriguez provided information regarding the pavement repair project and answered questions of Council.

It was moved by Councilmember Kinney, seconded by Councilmember Xavier and unanimously passed to adopt **Resolution 2020-085**, a Resolution of the City Council of the City of San Pablo (1) approving and adopting the plans and specifications for the FY 2019/20 Pavement Repair Project; and (2) authorizing the City Manager to award a contract and execute an agreement with Ghilotti Brothers, Inc. in the amount of \$1,066,199 with a 15% contingency and material testing for a total authorization of \$1,241,129 for the FY 2019/20 Pavement Repair Project (#20-269).

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

RESOLUTIONS

6. 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 Executive Orders by Governor Newsom and Contra Costa Health Department orders regarding the Novel Coronavirus (COVID-19) and shelter-in-place orders. Ms. Nerland provided statistics, both national and local, of the confirmed cases. The Mayor expressed concerns raised to him about some businesses not requiring customers to wear masks. City Manager Rodriguez stated that the City will continue to provide information to the public via various media approaches about recommended COVID-19 precautions.

It was moved by Councilmember Xavier, seconded by Councilmember Kinney, and unanimously approved to adopt **Resolution 2020-086** with noted corrections to the dates in the recitals in the resolution, 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. (#20-257)

7. City Manager Rodriguez introduced the item and provided background on the Citizens Oversight Committee for Measure Q and Measure K. City Council deliberated and asked questions of the two applicants.

It was moved by Councilmember Xavier, seconded by Vice Mayor Pabon-Alvarado to adopt **Resolution 2020-087** appointing Dorothy Gantt to four-year term and **Resolution 2020-088** appointing Reginald Ali to a three-year term, Resolutions of the City Council of the City of San Pablo approving Independent Measure Q & K Citizens Oversight Committee appointments (two vacancies – one three-year term / one four-year term) (#20-275).

8. City Manager Rodriguez introduced the item and thanked the budget team and staff for working with the City and helping balance the budget. Assistant City Manager Schwartz provided a PowerPoint presentation regarding side letters/modifications to

the existing Memoranda of Understanding, Terms of Employment and Schedule of Benefits for the Period of July 1, 2020 to June 30, 2021 for the employee units identified.

The Mayor then read the statement shown below regarding the compensation changes for the Contract Employees and Executive Management:

Pursuant to Government Code section 54953 and to ensure transparency in the consideration of the salary and benefits for the City's executives, before taking final action the City Council is required to orally report a summary of the proposed amendments regarding salary and benefits for Executive employees, which are as follows:

The Schedule of Benefits for the City Manager and City Attorney are each amended as follows:

- 1. Adding an additional Employee Contribution of 4 percent toward PERS retirement costs for the period of July 1, 2020 to June 30, 2021. This means that the employee will be paying more. The City as the employer will be paying less for these retirement costs.*
- 2. Approving a 3 percent cost-of-living increase or COLA effective July 1, 2020, but deferring it until July 1, 2021 unless specified conditions are met.*
- 3. Incorporating provisions to provide for restoration of these concessions under the specified conditions. If the final audited fund balance for fiscal year 2019-20 determines that there are Budget Stabilization Reserve Funds available above \$500,000 already pledged, then such restoration/reduction amount will be prorated across all participating units. The prorated amount will be based on their relative share of the overall labor budget, including the Contract Employees.*

The Schedule of Benefits for the Executive Management Employees is amended as follows:

- 1. Adding an additional Employee Contribution of 4 percent toward PERS retirement costs for the period of July 1, 2020 to June 30, 2021. This means that the employee will be paying more. The City as the employer will be paying less for these retirement costs.*
- 2. Deferring the 3 percent COLA due July 1, 2020 pursuant to the current Schedule of Benefits for Executive Employees until July 1, 2021 unless specified conditions are met.*
- 3. Incorporating provisions to provide for restoration of these concessions under the specified conditions. If the final audited fund balance for fiscal year 2019-20 determines that there are Budget Stabilization Reserve Funds available above \$500,000 already pledged; then such restoration/reduction amount will be prorated across all participating units. The prorated amount will be based on their relative share of the overall labor budget, including the Executive Management Employees.*

It was moved by Mayor Cruz, seconded by Vice Mayor Pabon-Alvarado, and unanimously passed to adopt **Resolution 2020-089** and **Resolution 2020-090**, a Resolution of the City Council of the City of San Pablo: a) authorizing the City Manager or his designee to execute side letters / modifications to various Memoranda of Understanding, Terms of Employment and Schedule of Benefits for

the Period July 1, 2020 to June 30, 2021 for the following groups: Association of Intermediate Employees, San Pablo Police Employees Association, San Pablo Police Employees Association (Management Unit), Division Managers, Confidential Employees, Executive Management, b) approving a revised Salary Schedule for Operating Engineers Local No. 3 effective July 1, 2020; and c) approving a revised Salary Schedule for the Association of Intermediate Employees effective July 1, 2020; and 2) a Resolution of the City Council of the City of San Pablo superseding Resolution No. 2019-085 amending the Schedule of Benefits for the Contract Employees Group to approve and defer a cost-of-living adjustment and to increase employee cost sharing related to retirement benefits (#20-254).

SUPPLEMENTAL MATERIAL (IF ANY)

9. 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 (#20-261).

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

City Council reported on their recent activities.

Council Member Kinney made a motion, seconded by Mayor Cruz and unanimously passed to direct the City Attorney to provide information related to “regular flu” cases in year 2019-20.

ADJOURNMENT

The meeting adjourned at 8:02 pm to Monday, July 20, 2020 at 6:00 pm.

Respectfully submitted,

LaTanya Fisher, Acting Deputy City Clerk

Arturo M. Cruz, Mayor