



Minutes of the Regular Meeting of the San Pablo City Council and Local Successor Agency

Tuesday, September 8, 2020

ROLL CALL

The video/teleconferenced meeting convened at 5:00 pm. Present were Mayor Cruz, Councilmembers Rita Xavier, Abel Pineda and Rich Kinney. Vice Mayor Elizabeth Pabon-Alvarado was absent. 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 Lynn Tracy Nerland announced the nature of the Closed Session items and indicated that the Mayor has determined that he does not have a conflict of interest under the Political Reform Act regulations for real property interests related to rentals. City Attorney Nerland stated Councilmember Xavier has a financial interest as an uncompensated board member of the nonprofit Lao Family, which does not prevent the City Council from considering a contract with the nonprofit Lao Family, but does require Councilmember Xavier to recuse herself from the discussion about closed session agenda item 2. Further, in an abundance of caution, Councilmember Xavier also recused herself from closed session agenda item 1, which deals with a portion of the same property -- former City Hall site -- as closed session agenda item 2 dealing with Lao Family. The meeting recessed at 5:05 pm.

CLOSED SESSION

1. CLOSED SESSION (#20-324)
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Gov't Code Section 54956.8)
PROPERTY: A portion of 13831 San Pablo Avenue which is a portion of Assessor's Parcel No. 411-330-039 (former San Pablo City Hall)
AGENCY NEGOTIATORS: Matt Rodriguez, Reina Schwartz, Lynn Tracy Nerland, Charles Ching
NEGOTIATING PARTIES: Manuel and Elba Gomez, LLC
UNDER NEGOTIATION: Price and Terms of Payment for Disposition of Property

2. **CLOSED SESSION (#20-320)**
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Gov't Code Section 54956.8)
PROPERTY: 13831 San Pablo Avenue. The former San Pablo City Hall, approximately 4.46 acres and is further identified by Assessor's Parcel Nos. 411-330-037, 411-330-038 and 411-330-039
AGENCY NEGOTIATORS: Matt Rodriguez, Reina Schwartz, Lynn Tracy Nerland, Charles Ching
NEGOTIATING PARTIES: 1) Lao Family Community Development Inc. and Bridge Meadows; and 2) The Danco Group and The Mulholland Drive Company
UNDER NEGOTIATION: Price and Terms of Payment for Disposition of Property

PLEDGE OF ALLEGIANCE

ROLL CALL

The video/teleconferenced meeting reconvened at 6:06 pm. Present were Mayor Arturo Cruz, Councilmembers Rita Xavier, Abel Pineda and Rich Kinney. Vice Mayor Pabon-Alvarado was absent. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Reina Schwartz and Acting Deputy City Clerk LaTanya Fisher.

City Attorney Lynn Tracy Nerland 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. Nerland 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 on the first closed session regarding real property negotiations with Manuel and Elba Gomez that the City Council had voted unanimously by the three Council Members participating to reject the real property offer. She stated direction was given to staff who will relay to the entity making the offer. The second closed session item also regarding the former City Hall site on San Pablo Avenue was continued to the next City Council Meeting on September 21st for further consideration.

ORAL COMMUNICATIONS

Assistant City Manager Reina Schwartz read aloud one email 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. San Pablo Library Manager Gia Paolini provided an update on the Contra Costa County Library.

PRESENTATIONS

3. Presentation of San Pablo Police Department Annual Report (#20-300)

City Manager Matt Rodriguez introduced the item and Chief of Police Ron Raman presented a PowerPoint presentation to provide the San Pablo Police Department Annual Report for 2019-20 to the City Council.

CITY MANAGER REMARKS

City Manager Matt Rodriguez highlighted the COVID-19 information postcard that was produced to local businesses and residents. He discussed the El Portal newsletter that is also being sent to residents.

CONSENT CALENDAR

Item #12 (ballot box) was pulled for discussion given the public comment on the item.

It was moved by Mayor Cruz seconded by Councilmember Xavier to approve items #4 through #15 minus item #12. Council unanimously approved to adopt items #4 through #15 minus #12 on the Consent Calendar.

The motion passed as follows:

AYES: Xavier, Kinney, Pineda and Cruz

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

MINUTES

- 4. By adoption of the Consent Calendar, the Minutes of the Meeting of August 3, 2020** were approved by Minute Order. (#20-311)

PERIODIC REPORTS

- 5. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of July 2020 was approved.** (#20-305)
- 6. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of August 2020 was approved.** (#20-326)
- 7. By adoption of the Consent Calendar, the Investment Report/Treasurer's Report for month of July 2020 was received and filed.** (#20-303)

MISCELLANEOUS

- 8. By adoption of the Consent Calendar, Resolution 2020-106** was adopted, a Resolution of the City Council of the City of San Pablo to Authorize the City Manager to enter into an Agreement with Toole Design Group LLC for Design Services for the City of San Pablo Safe Routes To School Master Plan in the amount of \$189,929 (#20-307)
- 9. By adoption of the Consent Calendar, Resolution 2020-107** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) enter into a third amendment to the agreement with Bay Area Community Resources to include

Lead Agency Services at Lake and Bayview Elementary Schools for an amount not to exceed \$215,000 for Fiscal Year 2020/21 for a grand total contract amount not to exceed \$1,915,000 and (2) enter into a third amendment to the agreement with The West Contra Costa Unified School District to provide matching funds for Beacon Directors in San Pablo Schools for FY 2020/21 (#20-310)

10. By adoption of the Consent Calendar, **Resolution 2020-108** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the San Pablo Police Department to accept and appropriate \$28,398 in grant funding from the Office of Traffic Safety to participate in the Traffic Records Improvement Project Grant Program to upgrade existing electronic crash reporting and implement a complete electronic citation solution (#20-312)
11. By adoption of the Consent Calendar, **Resolution 2020-109** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City of San Pablo to accept and appropriate \$54,000 in grant funding from the Office of Traffic Safety to participate in the Selective Traffic Enforcement Program to conduct traffic safety enforcement operations to reduce the number of persons killed and injured in traffic collisions involving alcohol or other primary collision factors and ratifying the City Manager's execution of the grant agreement (#20-313)
12. This item was pulled from the Consent Calendar and discussed separately. It was moved by Councilmember Xavier, seconded by Councilmember Pineda and passed to approve **Resolution 2020-110** of the City Council of the City of San Pablo authorizing the City Manager to execute a Memorandum of Understanding with Contra Costa County for the installation of a Ballot Box at City Hall. Acting Deputy City Clerk LaTanya Fisher read the comment from Janet Pottier who expressed her concern for residents to locate the ballot box at the new City Hall location. Councilmember Kinney asked who will be handling the ballots at the box at City Hall. City Attorney Nerland stated the County Elections will be the ones handling the ballots from the box. She clarified it is the responsibility of the City Clerk at San Pablo to lock the box at 8:00 pm on elections day. Councilmember Pineda thanked Janet Pottier for providing her feedback. Councilmember Xavier commented on the observation she had with the County Elections Division picking up ballots in a secure manner and expressed her support. Mayor Cruz suggested contacting Google to have the address for City Hall updated. (#20-315)

The motion passed as follows:

AYES: Xavier, Kinney, Pineda and Cruz

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

13. By adoption of the Consent Calendar, **Resolution 2020-111** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the Public Works Director to enter into an agreement with Earth Island Institute for Outreach, Education and Community clean-up services in the amount of \$5,000 (#20-316)
14. By adoption of the Consent Calendar, **Resolution 2020-112** was adopted, a Resolution of the City Council of the City of San Pablo confirming the City Manager's approval of letter of agreement with Contra Costa County to provide support for the COVID-19

Youth/Young Adult Ambassador Program in the amount of \$5,250 (#20-319)

15. By adoption of the Consent Calendar, **Resolution 2020-113** was adopted, a Resolutions of the City Council of the City of San Pablo authorizing the City Manager to 1) Execute a Legal Services Agreement between the City and Murphy & Associates regarding Economic Development activities for up to \$50,000; 2) execute a Legal Services Agreement between the City and Murphy & Associates regarding Housing Successor Activities for up to \$50,000; and 3) a Resolution of the San Pablo Local Successor Agency authorizing the Executive Director to Execute a Legal Services Agreement between the Local Successor Agency and Murphy & Associates for activities and obligations of the Successor-in-interest to the former Redevelopment Agency of the City of San Pablo for up to \$50,000 (#20-301)

****END OF CONSENT CALENDAR***

RESOLUTIONS

16. City Attorney Nerland presented a PowerPoint presentation on the Extension of the Existence of a Local Emergency.

There were no public comments.

Councilmember Kinney requested that in the future, the chronology part of the report be started where it was left off at the last meeting. Councilmember Pineda thanked Ms. Nerland for the presentation. He expressed his interest in helping support getting the messaging about COVID-19 out to his age group. He discussed the unincorporated and incorporated areas of San Pablo and how that may be affecting the City's COVID-19 numbers. Councilmember Xavier commented on her own quarantining and observations as to what is going on in her neighborhood. Mayor Cruz asked if there were evictions taking place in the State of California due to the new laws. City Attorney Nerland stated there are new state procedures for individuals who have been affected by COVID-19 eviction protection. City Manager Rodriguez stated the Council would be receiving more information about housing assistance for residents at the next Council meeting.

It was moved by Mayor Cruz, seconded by Councilmember Xavier and passed by unanimous vote to adopt **Resolution 2020-115**, a Resolution of the City Council of the City of San Pablo extending the existence of a Local Emergency due to Novel Coronavirus (COVID-19) and confirming the actions taken by the Director of Emergency Services. (#20-304)

The motion passed as follows:

AYES: Xavier, Kinney, Pineda and Cruz

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

17. City Manager Rodriguez introduced the item and discussed Council's recommendation to bring this item forward during the August 3, 2020 Council meeting. Councilmember Kinney asked if City Manager Rodriguez could explain the separation of roles with City

Employees and the Economic Development Corporation (EDC). City Manager Rodriguez clarified this action would authorize him to allow City staff to work in conjunction with EDC staff. Councilmember Kinney expressed his Interest in learning how City Staff would be working with EDC. City Manager Rodriguez stated it would be a joint collaboration for informational purposes. Leslay Choy provided an overview of resources available in Contra Costa County through the CARES Act. She stated the EDC has a role in making resources accessible. Councilmember Kinney discussed the availability of various funds and asked if they would be available to businesses in the City. Ms. Choy clarified the funds have very specific purposes. She stated that the EDC's concentration is on the City of San Pablo. Councilmember Pineda expressed his concerns. He expressed his interest in allowing businesses within the community to expand and be safe. Councilmember Xavier stated she did not feel the City was in a position, financially, to be giving loans but she would like to proceed with the EDC's assistance in the ability to provide grants or loans. Mayor Cruz asked if there were small business loans available. Ms. Choy stated the City could loan up to \$3,000 to a business.

Councilmember Kinney recused himself from the vote due to his position as a board member on the EDC. It was moved by Councilmember Pineda, seconded by Councilmember Xavier and passed by unanimous vote to adopt **Resolution 2020-116**, a Resolution of the City Council of the City of San Pablo amending the FY 2019-21 adopted City Council Priority Workplan under Major Policy Goal: Enhance Community Resilience - Explore Feasibility of Financial Assistance or Grant Program for Local San Pablo Businesses from current COVID-19 pandemic impacts in collaboration with the San Pablo Economic Development Corporation (#20-325)

The motion passed as follows:

AYES: Xavier, Kinney, Pineda and Cruz

NOES: None

ABSENT: Pabon-Alvarado

RECUSED for Conflict of Interest: Kinney

18. City Manager Rodriguez introduced the item regarding the Regional Housing Needs Allocation Methodology stating it was requested by the Contra Costa Mayor's Conference. Councilmember Kinney asked if the City knew how close of a proximity they are expecting the housing to be to jobs. City Manager Rodriguez stated the methodology would support something that is attainable. Mayor Cruz asked for clarification on job centers in San Pablo. City Manager Rodriguez provided an overview of potential job center designations in San Pablo.

It was moved by Councilmember Kinney, seconded by Councilmember Xavier and passed by unanimous vote to adopt **Resolution 2020-116**, a Resolution of the City Council of the City of San Pablo supporting the Contra Costa County Jurisdictions' support for the 'Plan Bay Area 2050' Regional Housing Needs Allocation Methodology that matches Housing Assignments proximate to Job Centers (#20-317)

The motion passed as follows:

AYES: Xavier, Kinney, Pineda and Cruz

NOES: None

ABSENT: Pabon-Alvarado
ABSTAIN: None

CITY COUNCIL DISCUSSION

19. It was moved by Mayor Cruz, seconded by Councilmember Pineda and passed by unanimous vote to Designate Councilmember Xavier as Voting Delegate and Councilmember Pabon Alvarado as Voting Delegate Alternate for the League of California Cities' Annual Conference being held virtually October 7-9, 2020 (#20-299)

The motion passed as follows:

AYES: Xavier, Kinney, Pineda and Cruz

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

Council reported on their recent activities.

ADJOURNMENT

The meeting adjourned at 8:15pm to Monday, September 21, 2020 at 6:00 pm in Memory of Allison Ostrowski, cousin of Councilmember Xavier, and Richmond Police Department Sergeant Virgil Thomas.

Respectfully submitted,

LaTanya Fisher, Acting Deputy City Clerk

Arturo M. Cruz, Mayor