



Minutes of the Regular Meeting of the San Pablo City Council

Tuesday, January 19, 2021

ROLL CALL

The video/teleconferenced meeting convened at 4:32 pm. Present were Mayor/Chair Elizabeth Pabon-Alvarado, Vice Mayor/Vice Chair Rita Xavier, and Councilmember/Director Abel Pineda. Councilmember/Director Patricia Ponce joined the meeting at 4:43 pm. Councilmember/Director Arturo Cruz was absent. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Interim Assistant City Manager Charles Ching, Administrative Services Director Kelly Sessions, City Treasurer Viviana Toledo, Deputy City Clerk Lehny Corbin, Interim Deputy City Clerk Melissa Rhodes, and Administrative Clerk Christine Maki.

The Mayor welcomed and introduced newly appointed City Clerk Dorothy Gantt, who 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. City Clerk Gantt 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 announced the nature of the closed session items listed as items 1, 2 and 3 on the agenda.

PUBLIC COMMENTS

City Clerk Gantt read aloud emails from the following:

1. Janet Pottier who commented on the Closed Session Item with Real Property Negotiators 13831 San Pablo Avenue, San Pablo, CA 94806 (Former City Hall). She expressed the desire to save the historic structures in San Pablo when developing the former City Hall site.
2. Jim McCarty who commented on the Closed Session Item with Real Property Negotiators 13831 San Pablo Avenue, San Pablo, CA 94806 (Former City Hall). He also expressed the desire to save the historic structures in San Pablo when developing the former City Hall site for the benefit of the citizens of San Pablo.

Public Comments were received from:

1. Chris Dart, President of Danco Communities, who commented on financing strategies for successfully developing the former City Hall site that have changed requiring the developer to seek financial assistance from the City.
2. Daniel Dokhanian of The Mulholland Drive Company spoke and emphasized the historic buildings were to be retained as part of their project.

The City Council recessed to Closed Session at 4:59 pm.

CLOSED SESSION

1. CLOSED SESSION (#21-025)
CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Govt. Code section 54957.6)
AGENCY DESIGNATED REPRESENTATIVES: Matt Rodriguez, Charles Ching, Kelly Sessions, Alicia Southern, Viviana Toledo, and Negotiator Kelly Tuffo

EMPLOYEE ORGANIZATIONS: Association of Intermediate Employees, Confidential Employees, Contract Employees, Division Managers, Executive Management, San Pablo Police Employees Association; San Pablo Police Employees Association (Management Unit); and Operating Engineers Local Union No. 3, AFL-CIO
2. CLOSED SESSION (#21-048)
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Gov't Code Section 54956.8:
PROPERTY: 13831 San Pablo Avenue, San Pablo, CA 94806 (Former City Hall)
AGENCY NEGOTIATORS: Matt Rodriguez, Charles Ching, Special Counsel Nicki Murphy
NEGOTIATING PARTIES: Danco Communities and The Mulholland Drive Company
UNDER NEGOTIATION: Price and Terms of Payment for Disposition of Property
3. CLOSED SESSION (#21-051)
CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Existing litigation pursuant to California Government Code Section 54956.9(d)(1):
 1. County of Santa Cruz et al. v. Bureau of Cannabis Control, Fresno County Superior Court, Case No. 19CECG01224 (City is a party)
 2. Apartment Association of Los Angeles v. City of Los Angeles, United States District Court for the Central District, Case No. 2:20-cv-05193 -DDP-JEM, 2020 WL 4501792, 2020 LEXIS 212769 (City is deciding whether to enter as an amicus curiae on the appeal to the Ninth Circuit)

* * * END OF CLOSED SESSION * * *

PLEDGE OF ALLEGIANCE

ROLL CALL

The video/teleconferenced meeting reconvened at 6:34 pm. Present were Mayor/Chair Elizabeth Pabon-Alvarado, Vice Mayor/Vice Chair Rita Xavier, and Councilmembers/Directors Abel Pineda and Patricia Ponce. Councilmember/Director Arturo Cruz was absent. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Interim Assistant City Manager Charles Ching, Police Chief Ron Raman, Administrative Services Director Kelly Sessions, Public Works Director/City Engineer Jill Mercurio, City Treasurer Viviana Toledo, Deputy City Clerk Lehny Corbin, Interim Deputy City Clerk Melissa Rhodes, and Administrative Clerk Christine Maki.

The Mayor welcomed and introduced newly appointed City Clerk Gantt, who 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. City Clerk Gantt 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 on the three Closed Session matters:

1. Closed Session #1 – Conference with Labor Negotiation (#21-025) – the City Council gave direction to the labor negotiators
2. Closed Session #2 – Conference with Real Property Negotiators (#21-048) – the City Council gave direction to the real property negotiators
3. Closed Session #3 – Conference with Legal Counsel-Existing Litigation (#21-051) – City Attorney announced that the City Council will reconvene into Closed Session upon adjournment of the regular meeting as there was not sufficient time to cover Item 3.

ORAL COMMUNICATIONS

City Clerk Gantt read the email received from Cordell Hindler who commented: (1) the reason he suggested the City using Management Partners was that Management Partners had worked with the cities of Walnut Creek and Union City, and (2) requested the General Manager provide an update on the future of BART.

CITY MANAGER REMARKS

City Manager Rodriguez commented on the honor bestowed upon San Pablo resident and former San Pablo Youth Commissioner Kimyatta Newby by the Contra Costa County Board of Supervisors at their 43rd Annual Dr. Martin Luther King, Jr. Ceremony as the 2021 Student Humanitarian Award. City Manager Rodriguez further thanked Community Services Director Dwyer and Community Services Youth Coordinator Elise Veliz for supporting Ms. Newby's achievements.

CONSENT CALENDAR

It was moved by Vice Mayor/Vice Chair Xavier, seconded by Councilmember/Director Ponce, and passed by vote of those present to approve all items on the Consent Calendar. The motion passed as follows:

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

MINUTES

4. By adoption of the Consent Calendar, the Minutes of the meetings of December 21, 2020 (City and Local Successor Agency) and January 11, 2021 (City) were approved. (#21-016)

LIABILITY CLAIMS

5. By adoption of the Consent Calendar, liability claim of Angelica De Bode for minor claimant Jane Doe (DOL 03/10/20) was denied. (#21-022)

BOARDS AND COMMISSIONS

6. By adoption of the Consent Calendar, the City Council authorized by Minute Order to post the Notice of Vacancies (two vacancies) for the Planning Commission for a minimum of 20 days. (#21-034)

PERIODIC REPORTS

7. By adoption of the Consent Calendar, the Investment Report/Treasurer's Report for month of December 2020 was received and filed. (#21-023)
8. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of December 2020 was approved. (#21-032)

MISCELLANEOUS

9. By adoption of the Consent Calendar, **Resolution 2021-002** was adopted, a Resolution of the City Council of the City of San Pablo, California extending the existence of a local emergency due to Novel Coronavirus (COVID-19) and confirming the actions taken by the Director of Emergency Services. (#21-024)
10. By adoption of the Consent Calendar, **Resolution 2021-003** was adopted, a Resolution of the City Council of the City of San Pablo authorizing request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2021/22 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding for Giant Road Cycletrack Project and finding the Project categorically exempt under the California Environmental Quality Act (CEQA). (#21-013)
11. By adoption of the Consent Calendar, **Resolution 2021-004** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) accept and appropriate \$25,000 in Kaiser Permanente Grant Funding for a Regional Coordinated Outreach, Referral and Engagement (C.O.R.E.) Homeless Outreach Team to identify, engage and connect persons experiencing homelessness to healthcare, social services and housing; (2) enter into an amended agreement with Contra Costa Health Services to provide C.O.R.E. services for one year at a cost not to exceed \$25,000; and (3) appropriate funding in the same amount to the Police Department Budget in support of the Program. (#21-036)
12. By adoption of the Consent Calendar, **Resolution 2021-005** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the Public Works Department to apply for the State of California Department of Parks and Recreation Proposition 68 Grant for the revitalization of the park at 2600 Moraga Road, and authorizing the City Manager to execute the application and any necessary agreements related to this grant. (#21-007)

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

PUBLIC HEARINGS

13. City Manager Rodriguez introduced the item. City Attorney Nerland reminded the City Council of the public hearing requirements under the law. Councilmembers stayed on screen and Planning Manager Libby Tyler gave a PowerPoint presentation which provided the purpose, background and regulations regarding wireless communications.

The public hearing was opened and closed at 7:00 pm as there were no comments from the public.

It was moved by Councilmember Ponce, seconded by Vice Mayor Xavier, and passed by vote of those present to waive the first reading and introduce an Ordinance of the City Council of the City of San Pablo amending Zoning Ordinance Chapter 17.62, Sections 17.62.200 and 17.62.300, regarding wireless facilities covered under Section 6409(A) of the Middle Class Tax Relief and Job Creation Act of 2012 and new and substantially changed wireless facilities, with the second reading of the proposed Ordinance be placed under Consent Calendar at the next regular City Council meeting. The motion passed as follows: (#21-015)

AYES: Ponce, Pineda, Xavier and Pabon-Alvarado

NOES: None

ABSENT: Cruz

ABSTAIN: None

CITY COUNCIL DISCUSSION/CONSIDERATION

14. City Manager Rodriguez introduced the item. Housing Management Analyst Jennifer Kauffman gave a PowerPoint presentation providing an update on the Housing Grant Assistance Program as well as the City's partnership with the San Pablo Economic Development Corporation's Back to Business COVID-19 Relief Fund Program.

City Council expressed their concerns and asked questions about the programs, including how to better promote the program. No public comments were received prior or during consideration of this item.

It was moved by Councilmember Pineda, seconded by Councilmember Ponce, and passed by vote of those present, to adopt **Resolution 2021-006**, a Resolution of the City Council of the City of San Pablo extending the City's Fiscal Year 2020/21 COVID-19 Housing Assistance Grant Program to March 31, 2021 or until grant funds run out, whichever is sooner. The motion passed as follows: (#21-026)

AYES: Ponce, Pineda, Xavier and Pabon-Alvarado

NOES: None

ABSENT: Cruz

ABSTAIN: None

15. City Manager Rodriguez introduced the item. Management Analyst Viviana Toledo gave a PowerPoint presentation of the process to choose the annual Teamwork San Pablo slogan.

Councilmember Pineda thanked the community for their participation in the survey. He expressed his support for “2021 Year of Resilience” as did Vice Mayor Xavier and Mayor Pabon-Alvarado.

It was moved by Vice Mayor Xavier, seconded by Councilmember Pineda, and passed by vote, to adopt **Resolution 2021-007**, a Resolution of the City Council of the City of San Pablo approving the City of San Pablo slogan “Teamwork San Pablo 2021 – The Year of Resilience” for the January—December 2021 Period. (#21-033)

16. City Manager Rodriguez introduced the item and provided an overview of the proposed City Council Ad-Hoc Subcommittees and Standing Committees (Exhibit A) and the Regional/Local (Exhibit B) Assignments recommended by Mayor Pabon-Alvarado.

It was moved by Councilmember Ponce, seconded by Vice Mayor Xavier, and passed by vote of those present, to adopt **Resolution 2021-008**, a Resolution of the City Council of the City of San Pablo affirming recommended appointments by Mayor Elizabeth Pabon-Alvarado of individual City Council Standing Committee and Regional/Local Assignments for Calendar Year 2021; and establishing new temporary, limited term Ad-Hoc Subcommittees during Calendar Year 2021. The motion passed as follows: (#21-014)

AYES: Ponce, Pineda, Xavier and Pabon-Alvarado

NOES: None

ABSENT: Cruz

ABSTAIN: None

SUPPLEMENTAL AGENDA MATERIAL (IF ANY)

17. Materials submitted after publication of the agenda will be appended after the Council meeting. This is not an action item but merely a mechanism for materials submitted after publication of the agenda to be appended to the published agenda after the Council meeting. (#21-009)

CLOSED SESSION

City Attorney Nerland announced that the City Council will reconvene to Closed Session for agenda item 3– Conference with Legal Counsel-Existing Litigation (#21-051).

The meeting went into recess at 7:56 pm and Closed Session resumed at 8:05 pm. The open meeting reconvened at 9:00 pm.

City Attorney Nerland called roll. Present were Mayor Pabon Alvarado, Vice Mayor Xavier, Councilmembers Ponce and Pineda.

City Attorney Nerland reported on Closed Session item #3 – Conference with Legal Counsel (#21-051) stating that City Council gave direction to legal counsel in the referenced County of Santa Cruz v. Bureau of Cannabis Control case.

City Attorney Nerland also reported on Closed Session item #3 – Conference with Legal Counsel-Existing Litigation (#21-051) stating City Council voted 4-0 not to enter as an amicus curiae on the appeal to the Ninth Circuit in the referenced Apartment Association of Los Angeles v. City of Los Angeles case.

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

Mayor and City Council reported on their recent activities.

ADJOURNMENT

The meeting adjourned at 9:07 pm to Monday, February 1, 2021 at 6:00 pm, in memory of Agueda Llarena Grantoza, grandmother of IT Administrator Rogelio Vista.