



Minutes of the Regular Meeting of the San Pablo City Council

Monday, April 19, 2021

PLEDGE OF ALLEGIANCE

ROLL CALL

The video/teleconferenced meeting reconvened at 6:02 pm. Present were Vice Mayor Rita Xavier and Councilmembers Abel Pineda, Patricia Ponce and Arturo Cruz. Absent was Mayor Pabon-Alvarado. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Charles Ching, Police Chief Ron Raman, Public Works Director/City Engineer Jill Mercurio, Interim Finance Director June Du, Community Services Director Greg Dwyer, City Clerk Dorothy Gantt, Deputy City Clerk Lehy Corbin, Executive Assistant to the City Manager LaTanya Fisher, and Administrative Clerk Christine Maki.

The pre-recorded video announcement was presented which stated 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. Also presented were ways in which members of the public may participate in the meeting during livestream on the City website, including instructions on how the public may provide public comments via email which would be read before Council consideration of the item.

ORAL COMMUNICATIONS

City Clerk Gantt read the emails received from Cordell Hindler: (1) requested Bob Powers provide an update regarding the Del Norte Bart Project; (2) have Andy Katz provide an update on the hospitals in West County.

PRESENTATIONS (#21-158)

1. County Board of Supervisor John Gioia (1st District) provided an update on COVID-19 in Contra Costa County. He reported on the mobile vaccine clinics in San Pablo and Richmond. Although there has been an increase in COVID cases in the County, West County has seen a very small increase. He further reported that approximately 50% of San Pablo, 16 years and older, have either received both or one dose of the vaccine. Supervisor Gioia expressed gratitude in working with Jorge Flores and for the partnership with the City of San Pablo and City staff. He also clarified the myths about the Johnson & Johnson vaccine.

The City Council thanked Supervisor Gioia for his work and update on COVID-19. City Manager Rodriguez also noted the City's agreement with County Public Health Department for the mobile vaccination clinics.

CITY MANAGER REMARKS

City Manager Rodriguez announced the following:

- April 10 Dumpster Day
- Walk-in COVID Vaccination Clinic at Veteran's Hall at 968 23rd Street, Richmond, through April 25

- Mobile COVID Vaccination Clinics will begin May 5 through June 6 at the San Pablo Senior Center
- Thanked staff for work on the Fiscal Year 2021-22 General Operating Budget and thanked Council for their support

CONSENT CALENDAR

Vice Mayor Xavier noted that an error on page 433 of the agenda package related to item 14 should state that the City Manager Recommendation is to ratify a letter of opposition to the bill. It was moved by Councilmember Cruz, seconded by Councilmember Ponce, and passed by vote of those present, to adopt all items in the Consent Calendar, with correction to the letter identified in agenda item #14 opposing Senate Bill 278 and correcting the attachments. The motion passed as follows:

AYES: Cruz, Ponce, Pineda and Xavier

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

MINUTES

2. By adoption of the Consent Calendar, the Minutes of the meeting of April 5, 2021 were approved. (#21-145)

PERIODIC REPORTS

3. By adoption of the Consent Calendar, the Investment Report/Treasurer's Report for month of March 2021 was received and filed. (#21-154)
4. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of March 2021 was approved. (#21-155)

PROCLAMATIONS

5. By adoption of the Consent Calendar, the City Council approval the request for issuance of Proclamation recognizing April 2021 as *National Sexual Assault Awareness Month*. (#21-162)

MISCELLANEOUS

6. By adoption of the Consent Calendar, **Resolution 2021-045** was adopted, a Resolution of the City Council of the City of San Pablo adopting an updated Police Department Fee Schedule for certain training center services and facility rentals. (#21-124)
7. By adoption of the Consent Calendar, **Resolution 2021-046** was adopted, a Resolution of the City Council of the City of San Pablo (1) waiving any irregularities in the proposal of Sun Ridge Systems; (2) approving the agreement with Sun Ridge Systems, Inc. for the purchase of a fully-integrated Computer Aided Dispatch System, Records Management, Mobile Computing and Field Reporting System including three years of service and maintenance for the Tri-City Consortium in the amount totaling \$1,418,259; (3) authorizing the City Manager to execute the agreement with Sun Ridge Systems, Inc. contingent on favorable funding authorizations from the cities of Hercules and Pinole; and (4) authorizing the payment of \$178,556, upon signing the agreement using existing budget resources from the FY2020/21 Police Department Special Department Expense Line Item (100-2110-44000). (#21-138)

8. By adoption of the Consent Calendar, **Resolution 2021-047** 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. (#21-153)
9. By adoption of the Consent Calendar, **Resolution 2021-048** was adopted, a Resolution of the City Council of the City of San Pablo (1) accepting work performed by Ghilotti Brothers, Inc. for the FY 2019/20 Pavement Repair Project (No. 0600) as complete; (2) directing a Notice of Completion to be prepared and filed with the County Recorder; and (3) recognizing reimbursements and returning unused funds to CIP Fund Balance. (#21-163)
10. By adoption of the Consent Calendar, **Resolution 2021-049** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute Sublease Supplement No. 4 by and between the City of San Pablo and Contra Costa County Library Services for a total of 53 operating hours per week, including 12 supplemental hours at City expense, totaling \$104,260 for the San Pablo Library for FY 2021/22. (#21-156)

CITY COUNCIL AUTHORIZATION

11. By adoption of the Consent Calendar, the authorization to ratify letters from San Pablo Mayor Pabon-Alvarado to U.S. Congressional Representative Mark DeSaulnier (11th District) and both California U.S. Senators Dianne Feinstein and Alex Padilla requesting Federal earmark funding support for (1) San Pablo Avenue Bridge Replacement and Intersection Project (\$8M); and (2) San Pablo Area for Recreation and Community (SPARC) Project (\$2.45M) was approved by Minute Order. (#21-148)
12. By adoption of the Consent Calendar, the authorization to ratify letters of support from San Pablo Mayor Pabon-Alvarado on State of California proposed legislation to State legislators related to Broadband and Internet Access/Connectivity – Senate Bill 4 (Gonzalez); Assembly Bill 14 (Aguiar-Curry); and Assembly Bill 34 (Muratsuchi) approved by Minute Order. (#21-164)
13. By adoption of the Consent Calendar, the authorization to ratify letter of conceptual support from San Pablo Mayor Pabon-Alvarado on State of California proposed legislation related to Organics Waste and SB 1383 Compliance – Senate Bill 619 (Laird) was approved by Minute Order. (#21-165)
14. By adoption of the Consent Calendar, the authorization to ratify opposition letter from San Pablo Mayor Pabon-Alvarado on State of California proposed legislation related to Public Employees' Retirement System Gift of Public Funds – Senate Bill 278 (Leyva) was approved by Minute Order with correction to the letter under City Manager Recommendation to reflect it was a letter of opposition and to correct the attachments. (#21-166)

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

PUBLIC HEARINGS

15. City Manager introduced the item. Planning Aide Laura Santillan gave a PowerPoint presentation regarding the Conditional Use Permit application by El Mezcal Taqueria for on-site sale of beer and wine. The presentation provided crime statistics in the surrounding area, the proximity of Helms Middle School, the restaurant's business plan, the existing floor plan, and the Planning Commission's recommendation.

City Attorney Nerland announced that the City Council may ask questions initially on the staff report, but should refrain from commenting on the merits of the application until all public comments are received and the public hearing closed. She further noted that during the public comments, the applicant may speak first and will have the opportunity for a rebuttal. The public comments are limited to 3 minutes and should be respectful and directed to the City Council.

City Council asked their questions regarding outdoor dining and service of alcohol, permit for outdoor dining, proximity to Helms Middle School and federal assistance for businesses affected by COVID and the public health closures.

Police Lieutenant Shawn Ray commented on the study he did for the area and reported low service calls for the establishment; these calls were primarily for illegal trespassing and illegal encampment. Lt. Ray commented on the marked improvement on crime in the area due to the collaborative efforts of Planning, Public Works and Code Enforcement, as well as the improved environmental design, outreach with CORE and extra patrol and higher police presence. He also did not see an issue with Helms Middle School being nearby because the applicant is a restaurant business. He also stated that one of the contingencies in the Conditional Use Permit is for the alcohol to stay inside and must coincide with food sales.

Police Captain Brian Bubar stated that alcohol and access to alcohol is a priority and concern related to public safety. He also indicated that part of the Conditional Use Permit is a 12-month period of evaluation for any impacts at the establishment. The Police Department will be proactive in addressing with the business owner any issues particularly with Helms Middle School. He is confident in the partnership and expect a successful endeavor.

Police Chief Raman addressed the question about service of alcohol outside of the restaurant. He stated that the owner must still go through the application process with the Department of Alcohol Beverage Control before it is approved.

The public hearing was opened at 7:14 pm. City Attorney reiterated that the speakers are allowed three minutes to speak, and that the owner may speak should they want.

City Clerk Gantt read aloud the emailed comments Janet Pottier submitted regarding nearby establishments that sell alcohol, crime concerns and near proximity to Helms Middle School.

Tomas Gonzalez spoke and stated that he is an accountant who has worked with the owners for over 10 years, that the owners have three other establishments that they run professionally, and that they will follow the rules of the Department ABC and the City permits.

The public hearing was closed at 7:20 pm. City Council made their comments, including making the business owners aware of Federal assistance for businesses impacted by COVID and utilizing the services of the San Pablo Economic Development Department. City Manager Rodriguez indicated he would follow-up with the owner to ensure they are aware of the support systems and programs.

It was moved by Councilmember Cruz, seconded by Councilmember Pineda, and passed by vote of those present, to adopt **Resolution 2021-050**, a Resolution of the City Council of the City of San Pablo granting approval of a Conditional Use Permit and determination of public convenience or necessity for an on-site beer and wine license for an existing restaurant, El Mezcal Taqueria, at 14260 San Pablo Avenue, APN 416-120-012. The motion passed as follows: (#21-149)

AYES: Cruz, Ponce, Pineda and Xavier

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

SUPPLEMENTAL MATERIALS (IF ANY)

16. Materials submitted after publication of the agenda were appended to the published agenda after the Council meeting. (#21-146)

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

City Council reported on their recent activities.

It was moved by Vice Mayor Xavier, seconded by Councilmember Pineda, and passed by vote of those present to put on the next City Council agenda an item to approve flying the Pride Flag at City Hall. City Manager Rodriguez advised the procedures to follow with regard to the request under the City Council's previously adopted Flag Policy. The motion passed as follows:

AYES: Cruz, Ponce, Pineda and Xavier

NOES: None

ABSENT: Pabon-Alvarado

ABSTAIN: None

ADJOURNMENT

The meeting adjourned at 7:33 pm to Monday, May 3, 2021, at 6:00 pm, in memory of former Mayor and Councilmember Leonard McNeil on the second anniversary of his passing.

Respectfully Submitted,

Dorothy Gantt, City Clerk

Rita Xavier, Vice Mayor