



Minutes of the Regular Meeting of the San Pablo City Council

Monday, September 20, 2021

ROLL CALL

The video/teleconferenced meeting convened at 5:15 pm. Present were Mayor Elizabeth Pabon-Alvarado, Vice Mayor Rita Xavier and Councilmembers Abel Pineda and Patricia Ponce. Absent was Councilmember Arturo Cruz. Also present were City Manager Matt Rodriguez, City Attorney Lynn Tracy Nerland, Assistant City Manager Charles Ching, City Clerk Dorothy Gantt, Executive Assistant to the City Manager LaTanya Fisher, and Deputy City Clerk Lehy M. Corbin.

City Clerk Gantt 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 title of the Closed Session item.

PUBLIC COMMENTS

There were no public comments for the Closed Session items, and the City Council recessed to Closed Session at 5:21 pm.

CLOSED SESSION

1. CLOSED SESSION (#21-303)
CONFERENCE WITH LEGAL COUNSEL-INITIATION OF
LITIGATION/EXISTING LITIGATION
pursuant to California Government Code Sections 54956.9(d)(4) and 54956.9(d)(1): In
Purdue Pharma L.P. et al., United States Bankruptcy Court, Southern District of New
York, Case No. 19-23649(RDD) (bankruptcy); In re National Prescription Opiate
Litigation, United States District Court for the Northern District of Ohio, MDL No.
2804, Case No. 17-MD-2804 (class action).

* * * END OF CLOSED SESSION * * *

PLEDGE OF ALLEGIANCE

ROLL CALL

The video/teleconferenced meeting reconvened at 6:02 pm. Present were Mayor Elizabeth Pabon-Alvarado, Vice Mayor Rita Xavier and Councilmembers Abel Pineda and Patricia Ponce. Absent was Councilmember Arturo Cruz. 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, Director of Finance Erick Cheung,

Community Development Director Libby Tyler, Community Services Director Greg Dwyer, City Treasurer Viviana Toledo, City Clerk Dorothy Gantt, Executive Assistant to the City Manager LaTanya Fisher, and Deputy City Clerk Lehny Corbin.

City Clerk Gantt 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 that no action was taken on Closed Session #1 (#21-303).

ORAL COMMUNICATIONS

City Clerk Gantt read the following emails received:

1. Cordell Hindler invited the Council to the "Old Town" production from October 1-31, 2021 at Contra Costa Theater, and to have Stephen Baiter provide an update on the recovery of businesses.
2. Kathy Kear reported concerns of trash and litter in her neighborhood as well as overgrown grass and weeds on sidewalk area

CEREMONIAL MATTERS

2. Special Recognition of Police Officer Gilbert Troche (#21-393)

City Manager Rodriguez announced that prior to proceeding with the presentation, the City Council needed to approve the proposed Award. It was moved by Councilmember Ponce, seconded by Councilmember Pineda, and passed by vote of those present to approve the Life Saving Award. The motion passed as follows:

AYES: Ponce, Pineda, Xavier and Pabon-Alvarado

NOES: None

ABSENT: Cruz

ABSTAIN: None

Police Chief Raman spoke and shared a video of the incident which when Officer Troche saved a child from choking while off-duty. Chief Raman presented Officer Troche with a Life Saving Award and Life Saving Medal. The City Council expressed their pride and thanks for Officer Troche's heroic act in saving a child.

3. Special Recognition of Jill Mercurio, Public Works Director and City Engineer. (#21-360)
City Manager Rodriguez announced that prior to proceeding with the presentation, the City Council needed to approve the proposed Certificate. It was moved by Vice Mayor Xavier, seconded by Councilmember Ponce, and passed by vote of those present to approve the Certificate of Special Recognition. The motion passed as follows:

AYES: Ponce, Pineda, Xavier and Pabon-Alvarado

NOES: None

ABSENT: Cruz

ABSTAIN: None

City Manager Rodriguez introduced the item and commended Jill Mercurio, Public Works Director and City Engineer for receiving the 2021 APWA Leader of the Year Award and for serving as Interim Community Development Director.

City Council commented and expressed their appreciation for Ms. Mercurio's hard work and congratulated her on receiving the award. Ms. Mercurio spoke and thanked the Council for their support.

PRESENTATIONS

4. Bi-Annual Update from San Pablo Youth Commission (SPYC). (#21-376)

City Manager Rodriguez introduced the item. Community Services Coordinator Elise Veliz gave a brief introduction on the Youth Commission. The following Youth Commissioners each gave a presentation through a PowerPoint presentation: Samantha Rodriguez, Daniel Valencia, Maricela Martinez, and Ricardo Toledo.

City Council expressed their comments and appreciation for the Commissioners' work in the community.

City Clerk Gantt read aloud the public comment emailed by Cordell Hindler who commended the Youth Commission on their excellent presentation.

* * * END OF PRESENTATIONS * * *

CITY MANAGER REMARKS

City Manager Rodriguez gave the following remarks:

- Successful Dumpster Day held on September 18, 2021;
- Announced the September 24, 2021 Walk & Bike Broadway event from 8:00 am to 6:00 pm, at Broadway Avenue and 14th Street as part of the City's Bicycle and Pedestrian Corridor Study.

CONSENT CALENDAR

It was moved by Vice Mayor Xavier, seconded by Councilmember Pineda, and passed by vote of those present to adopt all items in the Consent Calendar. The motion passed as follows:

AYES: Ponce, Pineda, Xavier and Pabon-Alvarado

NOES: None

ABSENT: Cruz

ABSTAIN: None

MINUTES

5. By adoption of the Consent Calendar, the Minutes of the meeting of September 7, 2021 were approved. (#21-336)

PERIODIC REPORTS

6. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of August 2021 was approved. (#21-379)

PROCLAMATIONS

7. By adoption of the Consent Calendar, the request for Issuance of Proclamation Recognizing October as *National Bullying Prevention Month* and Wednesday, October 20, 2021 as *Unity Day* was approved. (#21-345)

8. By adoption of the Consent Calendar, the request for issuance of Proclamation Recognizing the Fourth Annual *United Against Hate Week* (November 14-20, 2021) was approved by Minute Order. (#21-377)

MISCELLANEOUS

9. By adoption of the Consent Calendar, **Resolution 2021-118** was adopted, a Resolution of the City Council of the City of San Pablo appointing Commissioners to the San Pablo Youth Commission (SPYC). (#21-215)
10. By adoption of the Consent Calendar, **Resolution 2021-119** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to enter into a Professional Services Agreement with Bajan Security Services for a nine-month pilot project for security and greeting services at City Hall in an amount not to exceed \$43,100. (#21-340)
11. By adoption of the Consent Calendar, **Resolution 2021-120** was adopted, a Resolution of the City Council of the City of San Pablo authorizing an event sponsorship of \$5,000 for the 18th Annual 2021 Lytton Casino Golf Tournament and Fundraiser to Benefit LifeLong Medical Care on Monday, October 25, 2021. (#21-362)
12. By adoption of the Consent Calendar, **Resolution 2021-121** 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. (#21-373)
13. By adoption of the Consent Calendar, **Resolution 2021-122** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) enter into a Fifth Amendment to the Agreement with Bay Area Community Resources for program services to San Pablo Public Schools for an amount not to exceed \$664,500 for Fiscal Year 2021/22 for a grand total contract amount not to exceed \$2,579,500, and (2) enter into a Fourth 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 2021/22. (#21-375)
14. By adoption of the Consent Calendar, **Resolution 2021-123** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to enter into contracts and/or purchase orders with Contra Costa County for forensic services on an annual basis subject to the availability of City Council approved funding in the applicable Fiscal Year, with the current cost estimated to be \$80,000 for forensic services. (#21-384)
15. By adoption of the Consent Calendar, **Resolution 2021-124** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) appropriate Measure J Funding in the amount of \$20,000 for the Giant Road Pavement Repair Project (0601), and (2) execute a contract amendment with Tremaine & Associates, Inc. in the amount of \$5,608 with a 15% contingency for a total contract authorization of \$27,128 to conduct an environmentally sensitive area action plan and historic property survey report. (#21-387)

16. By adoption of the Consent Calendar, **Resolution 2021-125** was adopted, a Resolution of the City Council of the City of San Pablo recognizing and accepting additional revenues received from a 3rd party as directed by the San Francisco Regional Water Quality Control Board in the amount of \$130,000 and appropriating the funds to Public Works Environmental Electrification Program. (#21-388)

CITY COUNCIL CONSIDERATION/AUTHORIZATION

17. By adoption of the Consent Calendar, the City Council approved by Minute Order and authorized to ratify a letter of support transmitted on September 8, 2021 from San Pablo Mayor Pabon-Alvarado to California State Senator Nancy Skinner, 9th District, on proposed State Legislation AB 361 (Rivas, Robert) – Open Meetings, Local Agencies, Teleconferences (as amended on September 3, 2021). (#21-391)

* * * END OF CONSENT CALENDAR * * *

PUBLIC HEARINGS

18. City Attorney Nerland announced the process when conducting a public hearing.

Community Development Director Tyler gave a PowerPoint presentation of the proposed development at 2812 Chattleton Lane, which included the project description and the approvals needed (Major Design Review, Conditional Use Permit, Variance, Code Exceptions and Vesting Tentative Map). Also presented were site characteristics, renderings of proposed plans, conditions of approval and recommendations

The City Council did not have questions. The public hearing opened at 7:22 pm. There were no comments from the public. The public hearing closed at 7:24 pm. The City Council expressed their comments regarding among things, setbacks and local hiring.

It was moved by Councilmember Ponce, seconded by Councilmember Pineda, and passed by vote of those present, to adopt **Resolution 2021-126**, a Resolution of the City Council of the City of San Pablo approving Major Design Review Conditional Use Permit and Variance to allow a reduced creek setback; Major Exceptions from the Mixed Use Center South Regulating Plan to allow a detached single family building style and reduced setbacks from the Wildcat Creek Trail; and a Vesting Tentative Map for a 20-lot townhouse single family residential development (including eight accessory dwelling units) in the SP-2 Mixed-Use Center South District to be located at 2812 Chattleton Lane, San Pablo, APN 417-310-004. The motion passed as follows: (#21-368)

AYES: Ponce, Pineda, Xavier and Pabon-Alvarado

NOES: None

ABSENT: Cruz

ABSTAIN: None

* * * END OF PUBLIC HEARINGS * * *

ORDINANCES

19. City Attorney Nerland gave a PowerPoint presentation on the proposed amendments to the San Pablo Municipal Code Chapters 2.04 and 2.40, removing gender specific references, clarifying the process to appoint an Acting City Manager, including the mandatory retirement benefits for City Clerk and City Treasurer, and clarifying the process for engagement of consultants in Municipal Code section 3.16.110. No public comments were received for this agenda item. City Council expressed their comments. Vice Mayor Xavier noted further corrections to be made in removing the gender references.

It was moved by Vice Mayor Xavier, seconded by Councilmember Pineda, 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 Chapters 2.04 and 2.40 of the San Pablo Municipal Code to eliminate gender specific references, to clarify the appointment of an Acting City Manager, and to reference mandatory retirement enrollment requirements for the Elected City Clerk and City Treasurer, and amending Municipal Code Section 3.16.110 to clarify the process for engaging consultants with further removal to gender specific references includes "his" in San Pablo Municipal Code sections 2.04.070 and 2.04.320 noted by Vice Mayor Xavier. The motion passed as follows: (#21-326)

AYES: Ponce, Pineda, Xavier and Pabon-Alvarado

NOES: None

ABSENT: Cruz

ABSTAIN: None

CITY COUNCIL DISCUSSION/CONSIDERATION

20. City Manager Rodriguez introduced the item. Environmental Program Analyst Karineh Samkian gave a PowerPoint presentation of the proposed Multi-Unit Dwellings Illegal Dumping Enforcement Pilot Program which included existing programs in place, Litter and Illegal Dumping Task Force, Task Force Recommendations, Illegal Dumping Enforcement Program, Pilot Program Overview, Pilot Program Outreach, Pilot Program Enforcement, Pilot Program Evaluation, Pilot Program Costs, and the Next Steps to take.

The City Council expressed their comments and asked questions. There were no comments from the public.

It was moved by Councilmember Pineda, seconded by Councilmember Ponce, and passed by vote of those present, to adopt **Resolution 2021-127** a Resolution of the City Council of the City of San Pablo (1) approving the Multi-Unit Dwellings Illegal Dumping Enforcement Pilot Program; (2) authorizing an application for the Hybrid and Zero Emission Vehicle Incentive Program for an electric truck; and (3) appropriating \$300,000 from General Fund Designated Reserves as follows: \$240,000 to the Property Maintenance Vehicle Replacement Fund, \$50,000 to the Street Maintenance Fund, and \$10,000 to the Environmental Services Fund in FY 2021-22. The motion passed as follows: (#21-372)

AYES: Ponce, Pineda, Xavier and Pabon-Alvarado

NOES: None

ABSENT: Cruz

ABSTAIN: None

21. City Manager Rodriguez introduced the item regarding automation of residential solar permitting and provided background information on the program. The City Council expressed their comments. There were no comments from the public. It was moved by Vice Mayor Xavier, seconded by Councilmember Pineda, and passed by vote of those present, to adopt **Resolution 2021-128**, a Resolution of the City Council of the City of San Pablo amending the FY 2021-23 Adopted City Council Priority Workplan under Major Policy Goal: Enhance Community Resilience to add a new policy item to Support Residential Solar Permitting Automation (i.e. National Renewable Energy Laboratories SolarAPP+ Program). The motion passed as follows: (#21-378)

AYES: Ponce, Pineda, Xavier and Pabon-Alvarado

NOES: None

ABSENT: Cruz

ABSTAIN: None

22. City Manager Rodriguez introduced the item and gave background on the previously adopted Professional Code of Conduct adopted in 2016 for Members of the City Council, Boards and Commissions under Section 13 – Official Representation. City Manager presented three options for the City Council to consider. The City Council expressed their comments and preferences. City Attorney Nerland provided a brief analogy of when a situation may come up. There were no comments from the public.

It was moved by Councilmember Pineda, seconded by Vice Mayor Xavier, and passed by vote of those present, to choose Option #2 – Review Section 13 of the Policy and ask City staff to research specific language that could be added to the Policy that Council Members would use when making a policy statement in their individual capacity and . The motion passed as follows: (#21-390)

AYES: Ponce, Pineda and Xavier

NOES: Pabon-Alvarado

ABSENT: Cruz

ABSTAIN: None

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

City Council reported on their recent activities.

ADJOURNMENT

The meeting adjourned at 8:25 pm, to Monday, October 4, 2021 at 6:00 pm.

Respectfully Submitted,

Dorothy Gantt, City Clerk

Elizabeth Pabon-Alvarado, Mayor