

MINUTES OF THE REGULAR MEETING OF THE SAN PABLO CITY COUNCIL

MONDAY, JANUARY 13, 2014

ROLL CALL

The meeting convened in the Council Conference Room at 5:40 pm. Present at the Closed Session were Mayor Paul Morris, Vice Mayor Kathy Chao Rothberg, and Councilmembers Rich Kinney, Cecilia Valdez and Genoveva Garcia Calloway. Also present were City Attorney Brian Libow and Assistant City Manager Kelsey Worthy.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: *City of Brentwood v. Campbell*

ROLL CALL

The regular session convened at 6:07 pm in the Council Chambers. Present were Mayor Paul Morris, Vice Mayor Kathy Chao Rothberg, and Councilmembers Rich Kinney, Cecilia Valdez and Genoveva Garcia Calloway. Also present were City Manager Matt Rodriguez, City Attorney Brian Libow, Assistant City Manager Kelsey Worthy, Chief of Police Walter Schuld, Finance Manager Kelly Sessions, Public Works Director Adèle Ho, and City Clerk Ted Denney. Absent was City Treasurer Viviana Toledo.

ORAL COMMUNICATIONS

Joe Romey spoke regarding ownership of property at Wyman Street-Hillcrest Road.

PRESENTATIONS

Eric Zell, Chair of Governing Board of Doctors Medical Center, Dawn Gideon, Interim CEO of Doctors Medical Center, and County Supervisor John Gioia provided an update of the state of fiscal emergency of Doctors Medical Center and responded to Council's questions.

CEREMONIAL MATTERS

Assistant City Manager Worthy introduced new employee Jorge Dominguez, Administrative Clerk I in the City Manager's Office.

CITY MANAGER REMARKS

City Manager Rodriguez announced the new Teamwork San Pablo Slogan – “2014 The Year of Healthy Living.”

CONSENT CALENDAR

It was moved by Councilmember Kinney, seconded by Councilmember Calloway, and unanimously passed to adopt all items in the Consent Calendar, with the exception of the agenda items #1 (December 16 Minutes), #18 (Postal Service Protection Act), #19 (City Council standing committees), and #20 (City Council standing Ad-Hoc Subcommittees)

MINUTES

By adoption of the Consent Calendar, the Minutes of the meeting of December 16, 2013. The motion passed as follows:

AYES: Kinney, Valdez and Morris
NOES: Calloway and Chao Rothberg
ABSENT: None
ABSTAIN: None

PERIODIC REPORTS

Council

By adoption of the Consent Calendar, the Vendor Check Register Reports for the months of November and December 2013 were approved.

Council

By adoption of the Consent Calendar, the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2012/13 was accepted and filed.

Council

By adoption of the Consent Calendar, the responses to the Contra Costa County Grand Jury on “City-Wide Technology Capital Expenses” and “Identifying and Reporting Abuse of Minors” were approved and ratified.

MISCELLANEOUS

Council

By adoption of the Consent Calendar, **Resolution 2014-001** was approved, a Resolution of the City Council of the City of San Pablo adopting and establishing a Social Media Policy.

Council

By adoption of the Consent Calendar, **Resolution 2014-002** was approved, a Resolution of the City Council of the City of San Pablo approving an Administrative Policy: Child Abuse and Neglect Reporting Policy.

Council

By adoption of the Consent Calendar, **Resolution 2014-003** was approved, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to amend the Executive Management Salary Schedule to include the Chief of Police Classification.

Council

By adoption of the Consent Calendar, **Resolution 2014-004** was approved, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to amend the FY 2012/13 organizational structure of the Community Services Department-Senior Services.

Council

By adoption of the Consent Calendar, **Resolution 2014-005** was approved, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute a Service Agreement with West Contra Costa Transportation Advisory Committee.

Council

By adoption of the Consent Calendar, **Resolution 2014-006** was approved, a Resolution of the City Council of the City of San Pablo establishing \$6.9M General Fund Designated Reserve and Future Capital Reserve Allocations for Fiscal Year 2013/14 per adopted Fiscal Resiliency Reserve Policy.

Council

By adoption of the Consent Calendar, **Resolution 2014-007** was approved, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute an agreement with the Association of Bay Area Governments for the San Francisco Estuary Partnerships project's San Pablo Avenue Stormwater Spine (PW 578); the project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA), and a Notice of Exemption has been filed with the County Clerk.

Council

By adoption of the Consent Calendar, **Resolution 2014-0080** was approved, a Resolution of the City Council of the City of San Pablo accepting the contract with Maggiora & Ghilotti Inc. for the Wildcat Creek Daylighting at Davis Park Project (PW 579) and directing that a Notice of Completion be prepared and filed with the County Recorder; with respect to the California Environmental Quality Act (CEQA) guidelines, a mitigated negative declaration was filed.

Council

By adoption of the Consent Calendar, **Resolution 2014-009** was approved, a Resolution of the City Council of the City of San Pablo authorizing Amendment #2 to the agreement with Harris & Associates, for professional services for the annual pavement maintenance project (PW 528); with respect to the California Environmental Quality Act (CEQA) guidelines, finding the project categorically exempt.

Council

By adoption of the Consent Calendar, **Resolution 2014-010** was approved, a Resolution of the City Council of the City of San Pablo approving the City of San Pablo Slogan – "Teamwork San Pablo – 2014 The Year of Healthy Living" for the January – December 2014 Period.

Council

By adoption of the Consent Calendar, **Resolution 2014-011** was approved, a Resolution of the City Council of the City of San Pablo ratifying the fee waiver for use of Maple Hall for San Pablo Baseball Association's Youth Baseball sign-up on Saturday, January 11, 2014.

Council

By adoption of the Consent Calendar, **Resolution 2014-012** was approved, a Resolution of the City Council of the City of San Pablo ratifying the fee waiver for use of Davis Park Multi-Purpose Room for Rotary Club of San Pablo's Annual Holiday Dinner on December 25, 2013.

Council

By adoption of the Consent Calendar, **Resolution 2014-013** was approved, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) enter into an MOU with the One Circle Foundation to host an open-public Girls Circle Facilitator Training and (2) authorizing the Maple Hall fee waiver request from Youth Services for the Girls Circle Facilitator Training on Thursday and Friday, June 26 and 27, 2014.

Council

This item was pulled from the Consent Calendar and discussed separately. Verle Craven of the Letter Carriers Union thanked the City Council for its support. It was moved by Councilmember Valdez, seconded by Councilmember Calloway and unanimously passed to adopt **Resolution 2014-014**, a Resolution of the City Council of the City of San Pablo to support Federal Legislation S.316 – Postal Service Protection Act of 2013 (I-Sanders).

Council

This item was pulled from the Consent Calendar and discussed separately. It was moved by Councilmember Calloway, seconded by Vice Mayor Chao Rothberg, and passed by vote to adopt **Resolution 2014-015**, a Resolution of the City Council of the City of San Pablo affirming appointments of City Council standing committee assignments for calendar year 2014 and appoint Councilmember Valdez to the West Contra Costa Integrated Waste Management Authority as primary, with Mayor Morris as the alternate. The motion passed as follows:

AYES: Calloway, Valdez and Chao Rothberg
NOES: Kinney and Morris
ABSENT: None
ABSTAIN: None

Council

This item was pulled from the Consent Calendar and discussed separately. It was moved by Councilmember Calloway, seconded by Vice Mayor Chao Rothberg, and passed by vote to adopt **Resolution 2014-016**, a Resolution of the City Council of the City of San Pablo affirming appointments of City Council temporary Ad-Hoc Subcommittees assignments for calendar year 2014 as follows: (1) appoint Councilmember Valdez and Councilmember Kinney to the Budget, Fiscal and Operational Services Ad-Hoc Subcommittee, and (2) appoint Councilmember Valdez and Vice Mayor Chao Rothberg to the Economic Development & Environmental Planning/Quality Ad-Hoc Subcommittee. The motion passed as follows:

AYES: Calloway, Valdez and Chao Rothberg
NOES: Kinney and Morris
ABSENT: None
ABSTAIN: None

Council

By adoption of the Consent Calendar, **Resolution 2014-017** was approved, a Resolution of the City Council of the City of San Pablo authorizing the request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2014 Transportation Development Act Article 3 Pedestrian/Bicycle Funding.

CITY COUNCIL AUTHORIZATION

Council

By adoption of the Consent Calendar, the authorization and release of External Communications Report for Third Quarter External Communications Report (January 1, 2013 – March 31, 2013) for FY 2012-13 was approved by Minute Order.

Council

By adoption of the Consent Calendar, the authorization and release of External Communications Report for Fourth Quarter External Communications Report (April 1, 2013 – June 30, 2013) for FY 2012-13 was approved by Minute Order

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

PUBLIC HEARINGS

Council

Councilmember Calloway declared her abstention on the item as she is related to the owners of the restaurant. Mayor Morris and Councilmember Kinney disclosed that they had ex parte communications with the owners of the restaurant. City Attorney Libow announced that a couple of months ago, he assisted the police department in fashioning a letter to the owners when violence was anticipated at the restaurant. Due to this involvement in assisting the police department, in more or less a “prosecutorial role,” he felt it wise and cautious to recuse himself from his role as legal advisor to Council for tonight’s meeting and prevent possible legal challenges. Both Councilmember Calloway and City Attorney Libow left the Council Chambers. City Manager Rodriguez announced that the public hearing was duly noticed and the owners were notified. City Clerk Denney announced that he had no speaker cards from the public who wished to comment on this item. The Council discussed the absence of the restaurant owners and the need for legal counsel. It was moved by Councilmember Kinney, seconded by Vice Mayor Chao Rothberg, and unanimously approved to postpone the public hearing on Resolution of the City Council of the City of San Pablo amending Cabaret Permit Resolution 2013-038 regarding live entertainment at a restaurant, NOYA, located at 14350 Laurie Lane, Suites A & B, San Pablo, California (APN 416-160-053) to February 3, 2014.

Councilmember Calloway and City Attorney Libow returned to the Council Chambers.

Council

City Manager introduced the item and Development Services Manager Michele Rodriguez made a PowerPoint presentation of the tentative map for Subdivision 9331. Mayor Morris opened the public hearing at 7:41 pm. Melvin Siegel commented on the proposed plan. Mayor Morris closed the public hearing at 7:45 pm. It was moved by Councilmember Valdez, seconded by Councilmember Calloway, to adopt **Resolution 2014-018**, a Resolution of the City Council of the City of San Pablo for a tentative map for Subdivision No. 9331 for the City of San Pablo Redevelopment Local Successor Agency to subdivide an approximate 15-acre parcel into seven (7) lots, at the former Circle S site bordered by San Pablo Avenue along the east, Church Lane along the north, and Wildcat Creek along the west (APNs 417-130-036, 417-140-003, 417-140-008, 417-140-011, 417-140-015, 417-140-016, 417-170-006, 417-170-008, and 417-180-029).

Recess was taken from 7:46 pm to 7:51 pm.

Council

City Manager introduced the item and Development Services Manager Michele Rodriguez and County Interim Building Official made a PowerPoint presentation and announced just a few of the changes to the various Codes. Mayor Morris opened the public hearing at 8:03 pm. No one spoke for or against the item. Mayor Morris closed the public hearing at 8:03 pm. It was moved by Vice Mayor Chao Rothberg, seconded by Councilmember Kinney, and unanimously passed to waive the second reading and adopt **Ordinance 2014-001**, an Ordinance of the City Council of the City of San Pablo amending Chapter 15.04 of the San Pablo Municipal Code by adopting by reference the 2013 California Administrative Code, 2013 California Building Code Volumes 1 and 2, 2013 California Historical Building Code, 2013 Residential Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Fire Code, 2013 California Energy Code, 2013 California Reference Standards Code, 2013 California Green Building Standards Code, and further retaining the adoption by reference of the 1997 Editions of Uniform Codes for Abatement of Dangerous Buildings, for Building Conservation, and Uniform Housing. Adoption of these Codes are exempt from the provisions of the California Environmental Quality Act (CEQA).

Council

City Manager introduced the item and Development Services Manager Michele Rodriguez made a PowerPoint presentation of the vacant parcel and addressed Council's questions. Mayor Morris opened the public hearing at 8:12 pm. No one spoke for or against the item. Mayor Morris closed the public hearing at 8:12 pm. It was moved by Councilmember Kinney, seconded by Councilmember Valdez, and unanimously passed to waive first reading and introduce the proposed Ordinance of the City Council of the City of San Pablo amending the zoning map to reclassify a vacant flag parcel with access on Rumrill Boulevard and Chesley Avenue (APN 409-313-009) from C-2 (Heavy Commercial) to OS (Open Space).

***** END OF PUBLIC HEARINGS *****

ADJOURNMENT

It was moved by Councilmember Valdez, seconded by Councilmember Calloway, and unanimously passed to adjourn the meeting at 8:27 pm to Monday, February 3, 2014 at 6:00 pm, in memory of Wilfred Laverdiere, Police Chief Walt Schuld's maternal grandfather, and in memory of Rosendo Mendoza, Councilmember Valdez's uncle.

Respectfully Submitted,

Ted J. Denney, City Clerk

Paul V. Morris, Mayor