

MINUTES OF THE REGULAR MEETING OF THE SAN PABLO CITY COUNCIL

MONDAY, FEBRUARY 3, 2014

ROLL CALL

The meeting convened in the Council Conference Room at 5:30 pm. 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 and City Attorney Brian Libow.

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

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

Name of case: *Rhonda Minter, Guardian Ad Litem for Isaiah Minter; Ahmik Hopkins-Minter; Zion Hopkins-Minter, Plaintiff, vs. City of San Pablo; Police Officer Mark Edward Galios, Does 1 through X (Case No. C12-02905 JSC)*

ROLL CALL

The regular meeting convened in the Council Chambers at 6:01 pm. 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, City Clerk Ted Denney, and City Treasurer Viviana Toledo.

ORAL COMMUNICATIONS

Resident Joe Romey spoke regarding ownership of the Wyman Street/Hillcrest Road drainage system.

SAN PABLO LIBRARY UPDATE

Community Library Manager Chela Lucas provided an update with a PowerPoint presentation on the Strategic Plan. Friends of the San Pablo Library members Leonard McNeil and Pat Clark also spoke regarding the 100th Anniversary of the Contra Costa County Library.

PRESENTATIONS

Community Services Manager Greg Dwyer made a PowerPoint presentation of the recap of the 2013 season of the Farmers Market. Council made suggestions to promote the upcoming Farmers Market (May 17 through October 25).

Development Services Manager Michele Rodriguez presented through PowerPoint Bay Area Nutrition & Physical Activity Collaborative (BANPAC) Award for Employee Wellness Policies and the recognition it received for adopting such a policy.

CITY MANAGER REMARKS

City Manager Rodriguez commended the Wellness Committee achievements including the acquisition of a healthy vending machine.

CONSENT CALENDAR

City Manager announced the last minute correspondence provided regarding agenda items #13 and #14 regarding the City Council's Boards and Commissions appointments made on January 31, 2014 for the Planning Commission and San Pablo Community Foundation vacancies. 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 January 13, 2014 was approved.

PROCLAMATIONS

Council

By adoption of the Consent Calendar, the Proclamation honoring State Madam President Lois Cook of the Fraternal Order of Eagles was approved.

MISCELLANEOUS

Council

By adoption of the Consent Calendar, **Resolution 2014-019** was approved, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to submit an application and execute grant documents with the Strategic Growth Council (SGC) for the Sustainable Communities Planning Grant and Incentives Program administered by the Department of Conservation.

Council

By adoption of the Consent Calendar, **Resolution 2014-020** was approved, a Resolution of the City Council of the City of San Pablo authorizing the San Pablo Farmers' Market for the 2014 and 2015 Seasons.

Council

By adoption of the Consent Calendar, **Resolution 2014-021** was approved, a Resolution of the City Council of the City of San Pablo authorizing issuance of a Request for Proposal (RFP) for the City Hall Computer Room Assessment, Relocation, Reconfiguration and Training Project (MB 054) and finding the project categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301(A), Class 1, Existing Facilities.

Council

By adoption of the Consent Calendar, **Resolution 2014-022** was approved, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute a Freeway Maintenance Agreement with the State of California for the Interstate 80/San Pablo Dam Road Freeway Interchange Project (PW 483).

Council

By adoption of the Consent Calendar, **Resolution 2014-023** was approved, a Resolution of the City Council of the City of San Pablo authorizing the waiver of fees for the use of Davis Park Fields by the San Pablo Baseball Association.

Council

By adoption of the Consent Calendar, **Resolution 2014-024** was approved, a Resolution of the City Council of the City of San Pablo authorizing the waiver of fees for the use of El Portal Soccer Field by the San Pablo United Youth Soccer Club for the 2014 Season.

Council

By adoption of the Consent Calendar, **Resolution 2014-025** was approved, a Resolution of the City Council of the City of San Pablo authorizing the waiver of Maple Hall rental fees for a league meeting hosted by the San Pablo Baseball Association on February 28, 2014.

Council

By adoption of the Consent Calendar, **Resolution 2014-026** 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 United Youth Soccer Club's registration on Saturday, January 25, 2014 and Monday, January 27, 2014.

CITY COUNCIL AUTHORIZATIONS

Council

By adoption of the Consent Calendar, the City Council authorized the City Manager, or his designee, to proceed with development of a Scope of Work and Request for Proposals for contract engineering services, and was approved by Minute Order.

Council

By adoption of the Consent Calendar, City Council authorized to ratify public comment letter transmitted to Contra Costa County Administrator's Office in response to draft Fitch Study Report on Countywide Fire and EMS Services released on January 14, 2014.

BOARDS AND COMMISSIONS

Council

By adoption of the Consent Calendar, the City Council approved by Minute Order to ratify the appointment of Arlan "Lee" Maddox and Yuhong "Sophia" Shi to four year terms on the Planning Commission (two vacancies) made at the special meeting of January 31, 2014.

Council

By adoption of the Consent Calendar, the City Council approved by Minute Order to ratify the appointment of Vicky Chong to a two-year term on the San Pablo Community Foundation (one vacancy) made at the special meeting of January 31, 2014.

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

ORDINANCES

Council

It was moved by Councilmember Valdez, seconded by Councilmember Calloway, and unanimous passed to waive the second reading and adopt **Ordinance 2014-002**, an 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).

Council

It was moved by Councilmember Valdez, seconded by Councilmember Kinney, and unanimously passed to waive the first reading and introduce the proposed Ordinance of the City Council of the City of San Pablo amending Chapter 5.28 of the San Pablo Municipal Code to establish new regulations for secondhand dealers and pawnbrokers, including "Cash for Gold" operators.

RESOLUTIONS

Council

Community Services Manager Dwyer and Program Assistant Bertha Romo presented the item with a PowerPoint presentation with the Youth Commission members reporting on their activities in 2013. Council suggested looking into Youth Commission pins, representation on the Contra Costa Youth Council, and scholarship opportunities. It was moved by Councilmember Calloway, seconded by Councilmember Valdez, and unanimously passed to adopt **Resolution 2014-027**, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to recognize and appoint youth commissioners.

PUBLIC HEARINGS

Council

City Manager Rodriguez introduced the item. City Attorney Libow reminded the Council that at the January 31, 2014 public hearing, Councilmember Calloway declared her abstention on this matter as she is related to one of the owners of the subject establishment and that he too was recusing himself from discussion of the item. Councilmember Calloway and City Attorney Libow both left the Council Chambers. Attorney Judith Robbins sat in as independent counsel for this hearing. Development Services Manager Michele Rodriguez and Commander David Krastof made a PowerPoint presentation and provided the background regarding NOYA and some of the events that had occurred at the establishment. Owners Norman and Yasmin Lozano also spoke. The public hearing was opened at 7:43 pm. Resident Julie Boucher also spoke. The Council thanked the owners for bringing their business to San Pablo. The public hearing was closed at 8:18 pm. It was moved by Councilmember Valdez, seconded by Vice Mayor Chao Rothberg, and passed by vote to adopt **Resolution 2014-028**, a 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). The motion passed as follows:

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

Council

Development Services Manager Rodriguez made a PowerPoint Presentation. Mayor Morris opened the public hearing at 8:28 pm. No one spoke for or against the item. The public hearing was closed at 8:28 pm. It was moved by Councilmember Calloway, seconded by Vice Mayor Chao Rothberg, and unanimously passed to waive the first reading and introduce the proposed Ordinance of the City Council of the City of San Pablo amending various sections in Chapter 17 of the San Pablo Municipal Code, Zoning, dealing with pawnshops and secondhand dealers, including but not limited to "Cash for Gold" outlets.

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

Mayor and City Council reported on their recent and upcoming activities.

Councilmember Calloway requested and it was moved by Councilmember Kinney, seconded by Councilmember Calloway, and unanimously passed to have a study session regarding looking into the City of Richmond's CARES (Community Action to Restore Equity and Stability) Program.

City Manager Rodriguez reminded the Mayor and City Council of the Thursday, February 6, 2014 Contra Costa County Mayors' Conference the city is hosting, including the February 12, 2014 Law Enforcement Night when the San Pablo Officer of the Year Brett Bennett will be honored.

ADJOURNMENT

It was moved by Councilmember Calloway, seconded by Vice Mayor Chao Rothberg, and unanimously passed to adjourn the meeting at 8:50 pm to Tuesday, February 18, 2014 at 6:00 pm.

Respectfully Submitted,

Ted J. Denney, City Clerk

Paul V. Morris, Mayor