

**MINUTES OF THE REGULAR MEETING OF THE SAN PABLO CITY COUNCIL
AND THE REDEVELOPMENT AGENCY**

TUESDAY, FEBRUARY 16, 2010

The Closed Session was convened in the Council Conference Room at 5:45 p.m.

CLOSED SESSIONS

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Gov't Section 54956.9: (one potential case, involving dispute over contract and performance of work by contractor on the Wanlass Park Phase I project, PW 405)

Pursuant to Gov't Code section 54957

PUBLIC EMPLOYMENT

Title: City Manager

The regular meeting was convened in the Council Chambers at 7:16 p.m.

Mayor McNeil announced the subjects of the Closed Session items.

Present were Mayor/Chair Leonard McNeil, Vice-Mayor/Director Genoveva Garcia Calloway, and Councilmembers/Directors Paul Morris, Cecilia Valdez and Arturo Cruz. Also present were City Manager Brock Arner, City Attorney Brian Libow, Assistant City Manager Kelsey Worthy, Chief of Police Joe Aita, Public Works Director Adèle Ho, City Clerk Ted Denney, City Treasurer Charles Nicholas, and Redevelopment Analyst. Absent was Finance Director Bradley Ward.

CEREMONIAL MATTERS

Chief of Police Aita and Lt. Kenny Bays provided background information regarding the newly formed San Pablo Police Explorers and introduced the following Scouts: Andy Acosta, Gabby Alvarez, Shawn Gurdado, Daral Smith and Ray Ceja. The Mayor and City Council thanked the scouts for their participation in the program.

Chief of Police Aita introduced, administered the Oath of Office, and presented the badge to Officer William Ryan Walker.

Chief of Police Aita administered the Oath of Office and presented the badge to Sergeant Humberto Alvarez.

ORAL COMMUNICATIONS

There were none

CONSENT CALENDAR

City Manager Arner asked the Mayor and City Council to pull item #16 (Dual Ballot Measures) as the matter is now a moot issue.

It was moved by Councilmember Calloway, seconded by Councilmember Morris and unanimously passed to adopt all items in the Consent Calendar with the exception of item #16.

MINUTES

By adoption of the Consent Calendar, the minutes of February 1, 2010 was approved.

PERIODIC REPORTS

By adoption of the Consent Calendar the Treasurer's Report and Vendor Check Register Report for the month of January 2010 was approved.

By adoption of the Consent Calendar the Investment Portfolio for the quarter ended December 31, 2009 was approved.

BOARDS AND COMMISSIONS

By adoption of the Consent Calendar Pearl Parmelee-Cabrera's term as Board Member of the San Pablo Community Foundation was renewed for a two-year term.

LIABILITY CLAIM

By adoption of the Consent Calendar, the liability claim Erika Jauregui (DOL 10/15/09) was denied.

MISCELLANEOUS

Council

By adoption of the Consent Calendar Resolution 2010-013 was approved, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) execute an agreement with San Pablo Baseball Association; (2) waive the fees for the use of the Davis Park Ball Fields and Concession Stand; and (3) waive the fees for the use of Maple Hall for two fundraisers for the 2010 Season.

Council

By adoption of the Consent Calendar Resolution 2010-014 was approved, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute an amendment in the amount of \$79,328 to the agreement with Winzler & Kelley for project management services for the San Pablo Avenue Rehabilitation Project (PW 468).

Council

By adoption of the Consent Calendar Resolution 2010-015 was approved, a Resolution of the City Council of the City of San Pablo in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

Council

By adoption of the Consent Calendar Resolution 2010-016 was approved, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute an agreement with Roadline Products, Inc. in the amount of \$92,261 for the purchase of a new stencil paint truck.

Council

By adoption of the Consent Calendar Resolution 2010-014 was approved, a Resolution of the City Council of the City of San Pablo to move the Summer Concert Series to Sunday afternoons in 2010.

Council

City Manager Arner pulled the Resolution of the City Council of the City of San Pablo that supports Repair California's Dual Ballot Measures convening a limited state Constitutional Convention from the Consent Calendar as the matter is now a moot issue.

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

STUDY SESSION

Lea Bolden of the local Concord Census office spoke and raised the importance of the participation in the 2010 Census. Contra Costa County Board of Supervisor John Gioia also spoke, as did Kathy Chao Rothberg of the Lao Family Community Development, who also updated the Council on the services the Lao Family provides. The Council asked the Census staff to make sure that business owners encourage their patrons to participate in the Census.

Emily Hopkins, Community Relations Officer for Contra Costa County Fire Protection District; County Supervisor John Gioia; Kaeli Dutra, Fire Prevention Captain representing Fire Marshal; Henry Warren, Acting Assistant Chief for Operations; and Steve Maiero, Battalion Chief, spoke regarding the services at Stations 69 and 70 and addressed some of the statistics for calls for the City of San Pablo.

*** * * END OF STUDY SESSION * * ***

RESOLUTIONS

Council

It was moved by Councilmember Morris, seconded by Councilmember Valdez and unanimously passed to adopt Resolution 2010-018, a Resolution of the City Council of the City of San Pablo to authorize the City Manager to execute a Service Agreement with the Contra Costa County Employment and Human Services Department to participate in the Subsidized Employment and Training (SET) Program.

PUBLIC HEARINGS

Council/Agency

Mayor/Chair McNeil called the meeting to order and provided an introductory statement for the procedures of the joint public hearing concerning the consideration of the Third Amendment to the redevelopment plan for the Tenth Township Redevelopment Project and the Second Amendment to the redevelopment plan for the Legacy Redevelopment Project, collectively referred as "Amendments."

City Clerk/Agency Secretary Denney called the roll of the members of the City Council and the Redevelopment Agency, and Mayor/Chair McNeil opened the joint public hearing at 8:51 p.m. Mayor/Chair McNeil made introductory remarks and cited the order of procedure regarding evidence and testimony from staff, consultants and members of the public. Assistant City Manager Worthy provided introductory background comments about the project areas and the reasons that reinstatement of eminent domain authority has been proposed for the projects. Mr. Worthy made a PowerPoint presentation of the Redevelopment Agency Assisted Projects.

Mr. Worthy entered into the record of the joint public hearing the following documents: Exhibit 1-Affidavit of Publication of the notice of the joint public hearing, published once a week for three successive weeks in the *West County Times*; Exhibit 2-Certificate of Mailing for the notice of the joint public hearing, together with a statement concerning acquisition of property by the Agency, to each assessee of land in the Project Areas as shown on the last equalized assessment roll of the County; Exhibit 3-Certificate of Mailing of notice of joint public hearing to each resident and business owner in the Project Areas; Exhibit 4-Certificate of Mailing of notice of joint public hearing to the governing bodies of each taxing entity within the Project Areas; Exhibit 5-Certificate of Additional Communication with the affected taxing entities concerning the notice of joint public hearing; and, Exhibit 6-Certificate of Certain Official Actions that were taken by the City Council, the Agency and the Project Area Committee in connection with the proposed Amendments. Mayor/Chair McNeil officially accepted the exhibits into the record.

Mike Garcia of Tierra West Advisors, redevelopment consultant for the City and Agency, summarized the proposed Amendments and the Agency's Report to the City Council on the Amendments and summarized the blight within the redevelopment project areas of San Pablo. Mayor/Chair McNeil officially accepted into the record the Proposed Amendments as Exhibits 7 and 8, and the Report of the Agency to the City Council as Exhibit 9.

Mike Garcia further summarized the Initial Study and Negative Declaration prepared for the Amendments, which is also a part of the Report to the City Council on the Amendments. Mr. Garcia also summarized two comment letters received by the Agency regarding the initial study and negative declaration from East Bay Municipal Utility District and the Contra Costa County Flood Control District. Mr. Garcia stated that the Agency is the "lead agency" for the purpose of preparation of the Initial Study and Negative Declaration and briefly reviewed the Initial Study. Mayor/Chair McNeil officially accepted the Initial Study and Negative Declaration and was separately identified as Exhibit 10.

Redevelopment Analyst Sonia Rivas read for the record the communications received from Rosita Roberts, Xavier Viramontes, Maria Decker, and Edgar Perry.

Mayor/Chair McNeil invited those who wished to speak on the issue at hand and is as follows: Xavier Viramontes, Robert Gutierrez, Janet Paige, Margaret Judkins, Mark Elson, Shelby Chapel, John Gordon, Olivia Liou, Craig Clark, Lorene Paysinger, David Liou, and Pastor Bell. Written comments were also received from Shelby Chapel and Margaret Judkins.

City Manager Arner and Assistant City Manager Worthy responded to the public comments and addressed their concerns and inquiries.

The Mayor asked if any other members of the public wished to address the Council/Agency. Mr. Gordon and Ms. Chapel were the only volunteers and they were allowed to speak again. Mayor/Chair McNeil closed the public hearing at 10:50 p.m.

City Council acknowledged the resident complaints and City Manager Arner suggested continuing the matter from the March 1 meeting agenda to a meeting on April 5 or April 19, 2010, in order to give staff the opportunity to further address the comments the residents made. He further stated that the bilingual responses would be mailed to every address in the City of San Pablo. City Council unanimously agreed to the continuance.

MAYOR AND CITY COUNCIL REPORTS AND INQUIRIES:

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

ADJOURNMENT

It was moved by Councilmember Calloway, seconded by Councilmember Morris to adjourn the meeting at 11:15 p.m. to Monday, March 1, 2010 at 7:00 p.m.

Respectfully Submitted,

Ted J. Denney, City Clerk

Leonard R. McNeil, Mayor