

**VALLEJO CITY COUNCIL
ADJOURNED REGULAR MEETING MINUTES
DECEMBER 30, 2024**

**COUNCIL CHAMBERS
555 Santa Clara Street, Vallejo, California**

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m.

2. ROLL CALL

Present: Mayor McConnell, Vice Mayor Loera-Diaz, Councilmembers Arriola, Bregenzer, Matulac, Palmares, and Verder-Aliga

Absent: None

Staff present: City Manager Murray, City Attorney Nebb and City Clerk Abrahamson

3. PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance, City Attorney Nebb reported Council provided direction to its legal counsel regarding Closed Session Items 3A and 3B.

4. FIRST COMMUNITY FORUM

Speakers: None.

5. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

Speakers: None.

6. CONSENT CALENDAR

Action: *moved by Vice Mayor Loera-Diaz and carried unanimously, approval of the Agenda and the removal of Item 6A from the Consent Calendar making it Item 6.1.*

- A. **ADOPT A RESOLUTION APPROVING A FIRST AMENDMENT TO THE CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT WITH ECONOMIC FORENSICS AND ANALYTICS, INC. TO IMPLEMENT CERTAIN TASKS RECOMMENDED IN THE CITY OF VALLEJO 2024 ECONOMIC DEVELOPMENT STRATEGIC PLAN, TO INCREASE COMPENSATION BY \$355,000 TO A MAXIMUM NOT TO EXCEED \$600,000, AND TO EXTEND THE TERM THROUGH DECEMBER 31, 2026, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAME**

Recommendation: Adopt a Resolution approving a First Amendment to the Consultant and Professional Services Agreement with Economic Forensics and Analytics, Inc. to implement certain tasks recommended in the City of Vallejo Economic Development Strategic Plan, to increase compensation by \$355,000 to a maximum not to exceed \$600,000, and to extend the term through December 31, 2026, and authorizing the City Manager to execute same.

Contact: Michael Nimon, Economic Development Director (707) 648-4109

Michael.Nimon@cityofvallejo.net

Action: *item was removed from the Consent Calendar.*

Economic Development Director Nimon provided an overview of the staff report and the recommendation.

Staff responded to questions from Councilmembers. Councilmembers provided comment.

City Attorney Nebb informed Council that if the contract was denied by a majority of the Council this evening, the Council could add another item to tonight's agenda that would need to meet the 2 prongs of the Brown Act: 1) the need to take action is immediate and 2) the knowledge to take immediate action did not occur until tonight's meeting.

Following further discussion, Mayor McConnell moved to continue this item to the end of the Action Calendar, with full concurrence by the Council, to allow staff time to discuss the matter and present options for Council's consideration.

7. ACTON CALENDAR

- A. ADOPT A RESOLUTION: (1) MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) RELATING TO AN ADDENDUM TO THE VALLEJO GENERAL PLAN 2040 ENVIRONMENTAL IMPACT REPORT; (2) REPEALING THE EXISTING GENERAL PLAN HOUSING ELEMENT; (3) ADOPTING AMENDMENTS TO VALLEJO GENERAL PLAN 2040 LAND USE MAP PF-6 TO CHANGE LAND USE DESIGNATIONS FOR 3 PARCELS COMMONLY KNOWN AS APNs.: 0051-250-230; AND 0052-110-140; AND 0069-032-240 (IDENTIFIED PARCELS); AND (4) ADOPTING THE VALLEJO GENERAL PLAN HOUSING ELEMENT FOR THE 6TH CYCLE 2023 - 2031 PLANNING PERIOD AND, INTRODUCE AN ORDINANCE AMENDING: (1) VALLEJO MUNICIPAL CODE (VMC) SECTION 16.301.01 - LAND USE REGULATIONS, TO IMPLEMENT HOUSING ELEMENT PROGRAMS A 1.1.6 AND A 1.1.7; AND (2) THE ZONING MAP OF THE CITY OF VALLEJO AS SET FORTH IN VMC SECTION 16.102.02 TO REZONE THE IDENTIFIED PARCELS FROM RMD TO RHD**

Recommendation: Adopt a Resolution: (1) Making Findings pursuant to the California Environmental Quality Act (CEQA) relating to an Addendum to the Vallejo General Plan 2040 Environmental Impact Report; (2) Repealing the existing General Plan Housing Element; (3) Adopting amendments to Vallejo General Plan 2040 Land Use Map PF-6 to change land use designations for 3 parcels commonly known as APNs.: 0051-250-230; 0052-110-140; and 0069-032-240 (Identified Parcels); and (4) Adopting the Vallejo General Plan Housing Element for the 6th Cycle 2023 - 2031 planning period and Introduce an ordinance amending: (1) Vallejo Municipal Code (VMC) Section 16.301.01 - Land Use Regulations, to implement Housing Element Programs A 1.1.6 and A 1.1.7; and (2) the Zoning Map of the City of Vallejo as set forth in VMC Section 16.102.02 to rezone the Identified Parcels from RMD to RHD.

Contact: Kristin Pollot, AICP, Planning & Development Services Director, (707) 648-4326, Kristin.Pollot@cityofvallejo.net

Hector Rojas, Long-Range Planning Manager, (707) 553-7283
Hector.Rojas@cityofvallejo.net

Mayor McConnell announced he had a conflict of interest related to a Federal Practices Tax Commission letter and left the dais and Council Chambers.

Vice Mayor Loera-Diaz resumed presiding over the meeting.

Planning & Development Services Director Pollot and Long-Range Planning Manager Rojas provided introduced the team working on the project, provided background information on the Housing Element, discussed Regional Housing Needs Allocation, Housing Goals & Policies, reviewed noteworthy Housing Programs and concluded the presentation by outlining actions and next steps.

Speakers: Amelia H., Shannon M., and Ary S.(Legal Services of Northern California), Cristal G., Liat Meitzenheimer, Anubar Mirazar, Paul Theiss (The Sierra Club), and Kerby Lynch.

Staff and Amy Sinsheimer (Placeworks) responded to questions from the speakers and Councilmembers. Councilmembers provided comment.

Action: moved by Councilmember Verder-Aliga and carried to adopt Resolution No. 24-210 N.C., a resolution (1) Making Findings pursuant to the California Environmental Quality Act (CEQA) relating to an Addendum to the Vallejo General Plan 2040 Environmental Impact Report; (2) Repealing the existing General Plan Housing Element; (3) Adopting amendments to Vallejo General Plan 2040 Land Use Map PF-6 to change land use designations for 3 parcels commonly known as APNs.: 0051-250-230; 0052-110-140; and 0069-032-240 (Identified Parcels); and (4) Adopting the Vallejo General Plan Housing Element for the 6th Cycle 2023 - 2031 planning period, and introduced an ordinance amending: (1) Vallejo Municipal Code (VMC) Section 16.301.01 - Land Use Regulations, to implement Housing Element Programs A 1.1.6 and A 1.1.7; and (2) the Zoning Map of the City of Vallejo as set forth in VMC Section 16.102.02 to rezone the Identified Parcels from RMD to RHD with the resolution and ordinance with corrected exhibit/attachment titles as presented by staff to Council in hard copy and to include the following:

- Amend paragraph D under the Now, Therefore, Be It Resolved portion of the Resolution to state as follows: “The General Plan Housing Element for the 2023-2031 period attached hereto as Exhibit C, with revisions as shown in Exhibit D to this resolution, **and Exhibit E, as recommended by the Planning Commission, as further amended on Exhibit E is hereby adopted; and.**”
- Amend Exhibit E, Page 2 of 2-Time Frame to state as follows: “Initial actions (**rent stabilization and just cause for eviction protections ordinances**) for consideration by **June-2026 September 2025**, additional actions (**anti-harassment protections and tenant’s right to counsel ordinances**) for consideration by **June 2026**, and subsequent actions, if necessary by January 2028.”
- Amend Exhibit E, Page 2 of 2-Quantified Objectives to state as follows: “Conduct the market and feasibility study by June 2025. Conduct at least four outreach efforts related to the drafting implementation of the programs or ordinances. **Initial actions (rent stabilization and just**

cause for eviction protections ordinances) for City Council consideration by September 2025. Additional actions (harassment protections and tenant's right to counsel ordinances) for City Council consideration by June 2026. Subsequent actions, if necessary, by January 2028. City Council consideration of programs or ordinances by June 2026, and subsequent actions, if necessary by January 2028. Evaluation of program or ordinance effectiveness in early 2028. Establish additional measures, if necessary, by January 2029."
(Ayes: Loera-Diaz, Arriola, Matulac, Palmares, and Verder-Aliga; Noes: Bregenzer; Abstain Due to Conflict of Interest: McConnell).

The meeting recessed at 7:50 p.m. and reconvened at 8:01 p.m.

Mayor McConnel returned to the Council Chambers and the dais.

B. HOLD A CONTINUED PUBLIC HEARING AND ADOPT A RESOLUTION ESTABLISHING FEES FOR THE TOBACCO RETAIL LICENSE PROGRAM

Recommendation: Hold a continued public hearing and adopt a resolution establishing fees for the Tobacco Retail License program.

Contact: Kristin Pollot, AICP, Planning & Development Services Director (707) 648-4283

Kristin.Pollot@cityofvallejo.net

Planning & Development Services Director Pollot provided introductory comments.

Patric Dyer (MGT) provided background and project history information, outlined the objectives, reviewed the study methodology and concluded the presentations sharing study findings and recommendations.

Mayor McConnell announced the continued opening of the public hearing and invited public speakers.

Speakers: Joseph Hayden, Balraj Dhami, Amit Pal, Paul M., Brian Davis, Tehra Martin, Tino Ratliff, Bob Gordon, Camille Cummings (African American Tobacco Leadership Council), and David Tooley.

There being no further speakers, the public hearing was closed.

Staff and Mr. Dyer responded to questions from Councilmembers. Councilmembers provided comment.

Action: moved by Councilmember Verder-Aliga to adopt a resolution establishing fees for the Tobacco Retail License program as presented and recommended by staff and the Consultant shown in Exhibit A-Fee Study Summary Sheet to the resolution with the exception of the initial Tobacco Retail License fee changing it from \$2998 to \$2500.

On a substitution motion offered by Vice Mayor Loera-Diaz, which failed, to adopt a resolution establishing fees for the Tobacco Retail License program

shown in Exhibit A-Fee Study Summary Sheet as amended: Tobacco Retail License-Initial \$1500 with half of the amount paid using grant funds (\$750 paid by retailer and \$750 paid with grant funds); Tobacco Retail License-Renewal \$500; and Tobacco Retail License-Annual Inspection \$1,141. (Ayes: Loera-Diaz and Matulac; Noes: McConnell, Arriola, Bregenzer, and Palmares).

Council returned to the main motion as offered by Councilmember Verder-Aliga, which carried to adopt Resolution No. 24-211 N.C., a resolution establishing fees for the Tobacco Retail License program as presented and recommended by staff and the Consultant shown in Exhibit A-Fee Study Summary Sheet to the resolution with the exception of the initial Tobacco Retail License fee changing it from \$2998 to \$2500. (Ayes: McConnell, Arriola, Bregenzer, Palmares, and Verder-Aliga; Noes: Loera-Diaz and Matulac).

C. **CONSIDER POSSIBLE MODIFICATIONS AND POTENTIALLY INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO AMENDING ORDINANCE 1875, SECTION 5, EXHIBIT A- CHAPTER 5.10 OF THE VALLEJO MUNICIPAL CODE RELATING TO TOBACCO RETAIL LICENSING**

Recommendation: Introduce an Ordinance of the City Council of the City of Vallejo Amending Ordinance 1875, Section 5, Exhibit A - Chapter 5.10 of the Vallejo Municipal Code Relating to Tobacco Retail Licensing.

Contact: Veronica A.F. Nebb, City Attorney (707) 648-4545

Veronica.Nebb@cityofvallejo.net

City Attorney Nebb provided background information and outlined the proposed amendment options for Council's consideration.

Speakers: Joseph Hayden, Balraj Dhami, Amit Pal, Paul S., Brian Davis, Samarjit Singh, Tehra Martin, Bob Gordon (Tobacco Free Solano), Tino Ratliff, Calyn Kelley, and Harkirat Singh.

City Attorney Nebb responded to questions from Councilmembers. Councilmembers provided comment.

Following straw votes by the Council on the various options presented, the following actions were taken:

Action: *moved by Mayor McConnell to introduce an ordinance of the City Council of the City of Vallejo Amending Ordinance 1875, Section 5, Exhibit A - Chapter 5.10 of the Vallejo Municipal Code Relating to Tobacco Retail Licensing with the following language:*

Exemption from Density and Location Requirements – Conforming Change
*Amend 5.10.050 H.2. to add clarifying language and conform timelines across the ordinance to read: "The tobacco retail store is not closed for business or has not otherwise suspended tobacco retailing for more than **90 consecutive days**; however, such tobacco retailer may receive or renew a license, provided such retailer complies with the location and separation requirements set forth in Sections 5.10.050 (D) through (F) above.*

Exemption from Density and Location Requirements – Transfer

Option 1: allow Grandfathered Location and Density Exemptions to remain forever if business is transferred by deleting Section 5.10.050.H.3(a) removing “to a new proprietor any time after January 1, 2032 in an arm’s length transaction; or.”

Exemption from Density and Location Requirements – Location

Option 2: allow both existing and future retailers to move to a new location only if the new location is compliant with the separation requirements.

Amending Section H.5.10.050 H.3 (b) **as follows: “to a new location that does not comply with the location requirements of Section 5.10.050 (D), (E), and/or (F); or.”**

Exemption from Density and Location Requirements – Violations

Option 1: amend language regarding # of violations permitted before loss of exempt status for internal consistency.

Revise Section 5.10.050.H.3(c) to read: 3. The tobacco retailer does not substantially change the business operation. A substantial change to the business operation includes, but is not limited to, the transferring of a business: **c. A substantial change in the business operations also includes a circumstance in which the location or Tobacco Retailer License holder has received 3 or more violations of this chapter within any 5-year time period.**

On a substitution motion offered by Vice Mayor Loera-Diaz and failed to introduce an ordinance of the City Council of the City of Vallejo Amending Ordinance 1875, Section 5, Exhibit A - Chapter 5.10 of the Vallejo Municipal Code Relating to Tobacco Retail Licensing with the following language: (Ayes: Loera-Diaz and Matulac; Noes: McConnell, Arriola, Bregenzer, Palmares, and Verder-Aliga)

Exemption from Density and Location Requirements – Conforming Change

Amend 5.10.050 H.2. to add clarifying language and conform timelines across the ordinance to read: “The tobacco retail store is not closed for business or has not otherwise suspended tobacco retailing for more than **90 consecutive days; however, such tobacco retailer may receive or renew a license, provided such retailer complies with the location and separation requirements set forth in Sections 5.10.050 (D) through (F) above.**

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Exemption from Density and Location Requirements – Location

Option 2: allow both existing and future retailers to move to a new location only if the new location is compliant with the separation requirements.

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does not comply with the location requirements of Section 5.10.050 (D), (E), and/or (F); or”

Exemption from Density and Location Requirements – Violations

Option 1: amend language regarding # of violations permitted before loss of exempt status for internal consistency.

Revise Section 5.10.050.H.3(c) to read: 3. The tobacco retailer does not substantially change the business operation. A substantial change to the business operation includes, but is not limited to, the transferring of a business:

c. A substantial change in the business operations also includes a circumstance in which the location or Tobacco Retailer License holder has received 3 or more violations of this chapter within any 2-year time period.

Council returned to the main motion as offered by Mayor McConnell, which carried, to introduce an ordinance of the City Council of the City of Vallejo Amending Ordinance 1875, Section 5, Exhibit A - Chapter 5.10 of the Vallejo Municipal Code Relating to Tobacco Retail Licensing with the following language:

(Ayes: McConnell, Arriola, Bregenzer, Palmares, and Verder-Aliga; Noes: Loera-Diaz and Matulac).

Exemption from Density and Location Requirements – Conforming Change

Amend 5.10.050 H.2. to add clarifying language and conform timelines across the ordinance to read: “The tobacco retail store is not closed for business or has not otherwise suspended tobacco retailing for more than **90 consecutive days**; **however, such tobacco retailer may receive or renew a license, provided such retailer complies with the location and separation requirements set forth in Sections 5.10.050 (D) through (F) above.**

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Amending Section H.5.10.050 H.3 (b) as follows: **“to a new location that does not comply with the location requirements of Section 5.10.050 (D), (E), and/or (F); or”**

Exemption from Density and Location Requirements – Violations

Option 1: amend language regarding # of violations permitted before loss of exempt status for internal consistency.

Revise Section 5.10.050.H.3(c) to read: 3. The tobacco retailer does not substantially change the business operation. A substantial change to the business operation includes, but is not limited to, the transferring of a business:

c. A substantial change in the business operations also includes a

circumstance in which the location or Tobacco Retailer License holder has received 3 or more violations of this chapter within any 5-year time period.

Council returned to Consent Calendar Item 5A, Item 5.1.

Assistant City Manager Haen presented several suggested alternatives for the Council to consider.

Staff responded to questions from Councilmembers.

Action: *moved by Vice Mayor Loera-Diaz to eliminate the contract with Dr. Eyler altogether.*

On a substitute motion *offered by Councilmember Palmares, which failed, to approve a first amendment to the contract with Dr. Eyler specifically for the completion of the Facilities Master Plan in an amount not to exceed \$155,000 (Ayes: McConnell and Palmares; Noes: Loera-Diaz, Arriola, Bregenzer, Matulac, and Verder-Aliga).*

Council returned to the main motion *as offered by Vice Mayor Loera-Diaz, which carried to not approve the contract with Dr. Eyler in any way (Ayes: Loera-Diaz, Arriola, Bregenzer, Matulac, Palmares, and Verder-Aliga; Noes: McConnell).*

Action: *moved by Mayor McConnell and carried unanimously to find that the need to take action to add an item to the agenda to allocate \$355,000 of unspent ARPA funds to a different allocation within the Economic Development bucket arose subsequent to the posting of this agenda, and that there is a need to take action immediately to avoid the loss of the \$355,000 unspent ARPA funds.*

Staff responded to questions from Councilmembers related to the suggested alternatives presented for consideration for the use of the \$355,000 in unspent ARPA funds.

The meeting recessed at 11:29 p.m. and reconvened at 11:41 p.m.

The discussion continued regarding the \$355,000 use of the unspent ARPA funds.

Assistant City Manager Haen reviewed the Solano Biz-Grow Loan Program sent which would be replicated to make it Vallejo specific.

Action: *moved by Vice Mayor Loera-Diaz, and carried unanimously to enter into a contract with Solano Economic Corporation, specifically with Chris Rico, in the amount of \$355,000 using the ARPA funds to establish the Vallejo Small Business Revolving Loan Fund, in a smaller version for Vallejo with scope of work to include a revolving fund, working with the bank, administrative fees, and the following restrictions: 1) no non-profits; 2) no sole proprietors; 3) vetting of*

economic ability to pay evaluation; 4) preference be given to Vallejo based businesses but not absolute; 5) established since start of COVID (valid business license during the period of COVID). Council further provided staff authorization to move to Plan B if the agreement is not executed by December 31, 2024, to use the \$355,000 unspent ARPA funds for the Farragut project.

8. COMMUNITY FORUM

Speakers: None.

9. ADJOURNMENT

The meeting adjourned at 12:11 a.m.

DocuSigned by:

Robert McConnell

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ROBERT H. MCCONNELL, MAYOR

ATTEST:

DocuSigned by:

Dawn G. Abrahamson

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DAWN G. ABRAHAMSON, CITY CLERK