

**VALLEJO CITY COUNCIL
REGULAR MEETING MINUTES
VIA TELECONFERENCE**

DECEMBER 15, 2020

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Mayor Sampayan, Vice Mayor Sunga, Councilmembers Brown, Dew, McConnell, Miessner, and Verder-Aliga

Absent: None

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

Mayor Sampayan adjourned the meeting in memory of Karen Sims and requested a moment of silence.

4. PRESENTATIONS AND COMMENDATIONS

Police Chief Williams introduced Deputy Police Chief Kihmm and Interim Deputy Chief Kreins.

5. FIRST COMMUNITY FORUM

Speakers: Melissa Swift, Brenda Crawford, Emily Parker, Caroline Miller, Gretchen Zimmermann, Ken Szutu, Jameelah H., Sam, and several unidentified members of the public.

6. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

Speakers: Doug Darling and Gretchen Zimmermann (related to Consent Item 7I).

7. CONSENT CALENDAR AND APPROVAL OF AGENDA

Action: Moved by Vice Mayor Sunga and carried unanimously, unless otherwise noted, approval of the Agenda and the Consent Calendar with the removal of Item 7A from the Consent Calendar making it Item 7.1, and the removal of Action Items 8B and 8D to be rescheduled to the December 21, 2020 special city council meeting.

A. **ADOPTION OF AN ORDINANCE AMENDING VALLEJO MUNICIPAL CODE CHAPTER 3.20 REGARDING PURCHASING**

Recommendation: Adopt an Ordinance amending Chapter 3.20 of the Vallejo Municipal Code to allow Public Works staff to perform public works projects that staff is capable of performing

Contact: Melissa Tigbao, Assistant Public Works Director/City Engineer (707) 648-4085

Melissa.Tigbao@cityofvallejo.net

Action: removed from the Consent Calendar at the request of Councilmember Brown.

Staff responded to questions from Councilmembers.

Action: Moved by Vice Mayor Sunga and carried unanimously to adopt Ordinance No. 1847 N.C. (2d).

B. **NOTICE OF INTENT TO AMEND FY 2020-21 MARINA FUND BUDGET**

Recommendation: Provide notice of intent to amend the Marina Fund budget to recognize grant revenue and authorize expenditure of funds.

Contact: Terrance Davis, Public Works Director (707) 648-4301

Terrance.Davis@cityofvallejo.net

Action: Provided notice of intent to amend the Marina Fund budget to recognize grant revenue and authorize expenditure of funds.

C. **ACCEPTANCE OF THE DOWNTOWN PARKING LOTS REHABILITATION PROJECT**

Recommendation: Accept the Downtown Parking Lots Rehabilitation Project, performed by Lister Construction, Inc., of Vacaville, California, as complete and authorize and direct the City Clerk to file a notice of completion with the Solano County Recorder's Office.

Contact: Terrance Davis, Public Works Director (707) 648-4301

Terrance.Davis@cityofvallejo.net

Melissa L. Tigbao, Assistant Public Works Director / City Engineer (707) 648-4085

Melissa.Tigbao@cityofvallejo.net

Action: Accepted the Downtown Parking Lots Rehabilitation Project, performed by Lister Construction, Inc., of Vacaville, California, as complete and authorized and directed the City Clerk to file a notice of completion with

the Solano County Recorder's Office.

D. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIPS PROGRAM FISCAL YEAR 2021-22 FUNDING PROCESS

Recommendation: Authorize the City Manager to approve a process for the allocation of Fiscal Year (FY) 2021-22 Community Development Block Grant (CDBG) Program and HOME Investment Partnerships (HOME) Program funding as outlined in this Staff Report.

Contact: Judy Shepard-Hall, Housing & Community Development Program Manager (707) 648-4408

judy.shepard-hall@cityofvallejo.net

Action: Authorized the City Manager to approve a process for the allocation of Fiscal Year (FY) 2021-22 Community Development Block Grant (CDBG) Program and HOME Investment Partnerships (HOME) Program funding as outlined in this Staff Report.

E. AUTHORIZE THE CITY MANAGER TO EXECUTE A CONSULTANT AGREEMENT WITH ICMA-RC TO BECOME THE SOLE DEFERRED COMPENSATION PROVIDER FOR THE CITY OF VALLEJO

Recommendation: Authorize the City Manager to execute the Consultant Agreement with ICMA-RC to become the sole deferred compensation provider for the City of Vallejo.

Contact: Sarah Brannick, Human Resources Program Manager (707) 648-5346

Sarah.Brannick@cityofvallejo.net

Action: Authorized the City Manager to execute the Consultant Agreement with ICMA-RC to become the sole deferred compensation provider for the City of Vallejo.

F. AB 1600 ANNUAL REPORT

Recommendation: Adopt a Resolution accepting, filing and making the findings identified in the attached AB 1600 Development Impact Fee Report for the fiscal year ended June 30, 2020.

Contact: Terrance Davis, Public Works Director (707) 648-4301

Terrance.Davis@cityofvallejo.net

Action: Adopted Resolution No. 20-146 N.C.

G. **AMENDMENT TO DESIGN PROFESSIONAL SERVICES AGREEMENT WITH WSP USA, INC.**

Recommendation: Authorize the City Manager to execute the Second Amendment to the Design Professional Services Agreement with WSP, USA, Inc., of Sacramento, California, for Mare Island Causeway Bridge Preventative Maintenance Project design services to increase the contract amount from \$394,235 to \$961,866.

Contact: Terrance Davis, Public Works Director (707) 648-4301

Terrance.Davis@cityofvallejo.net

Melissa L. Tigbao, Assistant Public Works Director/City Engineer

Melissa.Tigbao@cityofvallejo.net

Action: Authorized the City Manager to execute the Second Amendment to the Design Professional Services Agreement with WSP, USA, Inc., of Sacramento, California, for Mare Island Causeway Bridge Preventative Maintenance Project design services to increase the contract amount from \$394,235 to \$961,866.

H. **SECOND AMENDMENT TO CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT FOR AKIN GUMP STRAUS HAUER & FELD**

Recommendation: Authorize the City Manager to execute a Second Amendment to the Consultant and Professional Services Agreement with Akin Gump for legislative affairs services, increasing the contract from \$90,000 to a new not to exceed amount of \$210,000 and extending the term to December 31, 2021.

Contact: Terrance Davis, Public Works Director, 707-648-4301

Terrance.Davis@cityofvallejo.net

Action: Authorized the City Manager to execute a Second Amendment to the Consultant and Professional Services Agreement with Akin Gump for legislative affairs services, increasing the contract from \$90,000 to a new not to exceed amount of \$210,000 and extending the term to December 31, 2021.

I. **AWARD CONSTRUCTION CONTRACT FOR CAPITOL STAIRS MOSAIC PROJECT**

Recommendation: Adopt a Resolution approving the project plans and specifications for the Capitol Street Stairs Project and authorizing the City Manager to execute a construction contract in the amount of \$187,220 with HM Construction, Inc., of Hercules, California, in accordance with the approved plans and specifications.

Contact: Terrance Davis, Public Works Director (707) 648-4301

Terrance.Davis@cityofvallejo.net

Melissa L. Tigbao, Assistant Public Works Director / City Engineer (707) 648-4085

Melissa.Tigbao@cityofvallejo.net

Action: Adopted Resolution No. 20-147 N.C.

J. **AGREEMENT WITH E SOURCE FOR ADVANCED METERING INFRASTRUCTURE CONSULTING SERVICES**

Recommendation: Authorize the City Manager to execute a Consultant and Professional Services Agreement with E Source (formerly UtiliWorks) of Boulder, Colorado, in the amount of \$214,560, to provide specialized Advanced Metering Infrastructure (AMI) consulting services to the City of Vallejo's Water Department.

Contact: Mike Malone, Water Director (707) 648-4308

mike.malone@cityofvallejo.net

Mark Quady, PE, Water Engineering Manager (650) 648-4309

mark.quady@cityofvallejo.net

Action: Authorized the City Manager to execute a Consultant and Professional Services Agreement with E Source (formerly UtiliWorks) of Boulder, Colorado, in the amount of \$214,560, to provide specialized Advanced Metering Infrastructure (AMI) consulting services to the City of Vallejo's Water Department.

K. **RECEIVE & FILE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

Recommendation: Receive and file the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2020.

Contact: Rekha Nayar, Finance Director (707-648-4592)

Rekha.Nayar@cityofvallejo.net

Action: Received and filed the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2020.

L. **REAFFIRM PROCESS FOR INSTALLATION OF NEWLY ELECTED MAYOR & COUNCILMEMBERS**

Recommendation: Reaffirm the process to conduct the Oath of Office and Installation of the newly elected Mayor and Councilmembers to Districts 1, 3

and 6 as discussed at the December 8 regular City Council meeting.

Staff is presenting Plan A (Current COVID-19 Widespread Purple Tier) and Plan B (Regional Shelter at Home Order).

Contact: Dawn G. Abrahamson, City Clerk (707) 648-4528

Dawn.Abrahamson@cityofvallejo.net

Action: Reaffirmed the process to conduct the Oath of Office and Installation of the newly elected Mayor and Councilmembers to Districts 1, 3 and 6 as discussed at the December 8 regular City Council meeting. Plan A (Current COVID-19 Widespread Purple Tier) and Plan B (Regional Shelter at Home Order).

8. ACTION CALENDAR

A. APPOINTMENTS TO PLANNING, CULTURE & THE ARTS AND ECONOMIC VITALITY COMMISSIONS AND THE VALLEJO HOUSING AUTHORITY FOR TENANT COMMISSIONERS

Recommendation:

Adopt a Resolution making the following appointments:

1. 1 appointment to the Planning Commission for a term to expire 6/30/23.
2. 2 appointments to the Culture & the Arts Commission for terms to expire 12/31/24
3. 1 appointment to the Economic Vitality Commission for a term to expire 6/30/22 and 1 appointment for a term to expire 6/30/23
4. 2 Vallejo Housing Authority Board Tenant Commissioner appointments for terms to expire 12/31/22

Contact: Dawn G. Abrahamson, City Clerk, (707) 648-4528

Dawn.Abrahamson@cityofvallejo.net

Following applicant nomination process, it was moved by Vice Mayor Sunga and carried unanimously to adopt Resolution No. 20-148 N.C., a resolution making the following appointments:

- Melissa Bowman to the Planning Commission for a term to commence from date of appointment and expire June 30, 2023.
- Kathy Cook and Dalia Vidor to the Culture & Arts Commission for terms to commence January 1, 2021 and expire December 31, 2024.

- L. Alexander Matias to the Economic Vitality Commission for a term to commence from date of appointment and expire June 30, 2022.
- Calvin Harrell to the Economic Vitality Commission for a term to commence from date of appointment and expire June 30, 2023.
- Helen Marie “Cookie” Gordon and Margie Verdan to the Vallejo Housing Authority Board-Tenant Commissioners for terms to commence January 1, 2021 and expire December 31, 2022.

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO AMENDING SECTION 2.10.126 AND ADDING SECTIONS 2.10.130, 2.10.131, AND 2.10.132 TO CHAPTER 2.10 (ADMINISTRATIVE ORGANIZATION) OF THE VALLEJO MUNICIPAL CODE RELATING TO THE WATER DEPARTMENT

Recommendation:

1. Introduce an ordinance amending section 2.10.126 and adding sections 2.10.130, 2.10.131, and 2.10.132 to Chapter 2.10 (Administrative Organization) of the Vallejo Municipal Code relating to the Water Department.
2. Allow reading of the ordinance by title only, waive reading of the entire ordinance pursuant to Government Code section 25131, and set the second hearing for adoption of the ordinance for December 15, 2020.

Contact: Michael Malone, Water Director, (707) 648-4307

mike.malone@cityofvallejo.net

Action: item was rescheduled to the December 21, 2020 special City Council meeting.

C. NORTH MARE ISLAND TERM SHEET UPDATE AND ENA 5th AMENDMENT

Recommendation: Approve the new Term Sheet for the North Mare Island Disposition and Development Agreement or Purchase Sale Agreement with The Nimitz Group, LLC, and authorize the City Manager to execute the Fifth Amended and Restated Exclusive Negotiation Agreement (ENA) with the Nimitz Group, LLC for North Mare Island.

Contact: Gillian Hayes, Interim Deputy City Manager,

Gillian.Hayes@cityofvallejo.net

Paul Kelley, Economic Development Director, Paul.Kelley@cityofvallejo.net

Erin Hanford, Mare Island Project Manager, Erin.Hanford@cityofvallejo.net

Veronica Nebb, City Attorney, Veronica.nebb@cityofvallejo.net
Dylan Brady, Deputy City Attorney II, Dylan.Brady@cityofvallejo.net

Interim Deputy City Manager Hayes provided an overview of the history of the NMI discussions.

Economic Development Director Kelley provided a progress report to date by the City and Nimitz, LLC.

Ted Bayham (ENGEO) provided an update on the ENA.

Interim Deputy City Manager Hayes provided an update on the 2020 Term Sheet and elements and a comparison of the 2019 and 2020 Term Sheet.

Tom D'Alesandro (Southern Land Company) addressed the reasons for updating the Plan and the identified the deficiencies of the 2019 Term Sheet.

Dave Phinney (Nimitz Group, LLC) addressed the City Council.

Economic Development Director Kelley outlined staff's recommendation.

Interim Deputy City Manager Hayes outlined next steps.

City Manager Nyhoff provided closing comments.

Speakers: Melissa Swift, Ken Szutu, Accountability and an unidentified member of the public.

Staff, Mr. Bayham and Mr. D'Alesandro addressed comments and questions raised by members of the public and responded to questions from Councilmembers.

The meeting recessed at 10:48 p.m. and reconvened at 10:54 p.m.

Question and answer period resumed. Councilmembers provided comment.

Action: Moved by Vice Mayor Sunga and carried unanimously to approve the new Term Sheet for the North Mare Island Disposition and Development Agreement or Purchase Sale Agreement with The Nimitz Group, LLC, and authorize the City Manager to execute the Fifth Amended and Restated

Exclusive Negotiation Agreement (ENA) with the Nimitz Group, LLC for North Mare Island.

D. CONSIDERATION OF APPROVAL OF A MASTER AGREEMENT AND ASSOCIATED DOCUMENTS TO UNWIND THE EXISTING FINANCING STRUCTURE AND TRANSFER OWNERSHIP OF THE EMPRESS THEATER TO THE CITY OF VALLEJO; NOTICE OF A PROPOSED BUDGET AMENDMENT TO PAY TRIAD AS PART OF THE TRANSFER OF OWNERSHIP

Recommendation: Staff recommends that the City Council authorize the City Manager to execute a Master Agreement and supporting documents to complete the exit of Triad Communities L.P. ("Triad"), and dissolve a series of holding companies left over from the tax credit financing plan. With the developer's exit, the City will have direct control of the Theater and will be positioned to negotiate a new Theater operator lease for ongoing community arts programming. In addition, staff recommends that the City Council receive the notice of a proposed budget amendment to be presented to City Council at its meeting on December 21, 2020.

Contact: Randy J. Risner, Chief Assistant City Attorney (707) 648-4545
randy.risner@cityofvallejo.net

Action: item was rescheduled to the December 21, 2020 special council meeting.

9. INFORMATION CALENDAR – None.

10. CITY MANAGER'S REPORT

City Manager Nyhoff reported on items of interest to the community.

11. CITY ATTORNEY'S REPORT – None.

12. COMMUNITY FORUM

Speakers: None.

13. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL

Councilmembers reported on community and constituent matters and events attended.

14. CLOSED SESSION – None.

15. ADJOURNMENT

The meeting adjourned at 11:44 p.m.

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Mayor Bob Sampayan

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BOB SAMPAYAN, MAYOR

ATTEST:

DocuSigned by:

Dawn G. Abrahamson

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DAWN G. ABRAHAMSON
CITY CLERK