

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

MAY 25, 2021

1. CALL TO ORDER

The meeting was called to order at 7:27 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Mayor McConnell, Vice Mayor Verder-Aliga, Councilmembers Arriola, Brown, Dew, Diaz, and Miessner

Absent: None

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

4. REPORT OUT OF CLOSED SESSION

City Attorney Nebb reported on the two closed session items held on May 24, 2021 and noted that with respect to Item A, Council provided direction to its legal counsel and there was no action taken on Item B.

For tonight's closed session item, City Attorney Nebb reported that with respect to Item A, Council provided direction to its labor negotiators.

5. PRESENTATIONS AND COMMENDATIONS – None.

6. FIRST COMMUNITY FORUM

Speakers: Josette Lacey, Melissa Swift, Andrea Sorce, Jeann McDougald, and Brad Beltane.

7. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

Speakers: None.

8. CONSENT CALENDAR AND APPROVAL OF AGENDA

Action 1: Moved by Vice Mayor Verder-Aliga and carried unanimously, unless otherwise noted, approval of the Agenda and the Consent Calendar, minus Items 8C and 8E due to Conflicts of Interest for Councilmember Diaz (Item 8C) and Vice Mayor Verder-Aliga and Councilmember Dew (Item 8E) as they own property within the respective LMDs.

Action 2: Moved by Mayor McConnell and carried as follows: Item 8C - adopt Resolution 21-050 (Abstain Due to Conflict of Interest: Diaz) and Item 8E – adopt Resolution No. 21-052 N.C. (Abstain Due to Conflict of Interest: Verder-Aliga and Dew).

A. **APPROVAL OF MINUTES**

Recommendation: Approve minutes for the special meetings of May 5 and 6 and the special and regular meetings of May 11, 2021

Contact: Dawn G. Abrahamson, City Clerk (707) 648-4527

Dawn.Abrahamson@cityofvallejo.net

Action: Approved minutes.

B. **WAIVE READING AND AUTHORIZE INTRODUCTIONS AND/OR ADOPTION OF ORDINANCES BY TITLE ONLY**

Recommendation: Waive reading and authorize introductions and/or adoption of any and all ordinances on this Agenda, if any, by title only. This is a standard procedural action so the City Council does not have to read an ordinance in its entirety.

Contact: Dawn G. Abrahamson, City Clerk (707) 648-4527

Dawn.Abrahamson@cityofvallejo.net

Action: Waived reading and authorized introductions and/or adoption of any and all ordinances on this Agenda, if any, by title only. This is a standard procedural action so the City Council does not have to read an ordinance in its entirety.

C. **ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR ESTABLISHING A PUBLIC HEARING ON JUNE 8, 2021 FOR AD VALOREM ASSESSMENTS FOR PROPERTIES IN THE 1911 ACT LANDSCAPE MAINTENANCE DISTRICTS**

Recommendation: Adopt a Resolution approving the Engineer's Report declaring the intent to levy assessments for 14 Landscape Maintenance Districts (LMDs) for Fiscal Year (FY) 2021-22 and setting a Public Hearing on this matter for June 8, 2021 at 7:00pm.

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

terrance.davis@cityofvallejo.net

Jason Lacey, Landscape Maintenance Manager, (707) 553-7219

Jason.Lacey@cityofvallejo.net

Action: Adopted Resolution No. 21-050 N.C. (Abstained Due to Conflict of Interest: Diaz)

D. ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR ASSESSMENT ON PROPERTIES IN THE HIDDENBROOKE MAINTENANCE DISTRICT AND SETTING A PUBLIC HEARING FOR JUNE 8, 2021

Recommendation: Adopt a Resolution preliminarily approving the Engineer's Report and declaring the intention to levy and collect assessments for the Hiddenbrooke Maintenance District (HMD) for Fiscal Year (FY) 2021-2022 and setting a Public Hearing on this matter for June 8, 2021 at 7:00 PM.

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

terrance.davis@cityofvallejo.net

Jason Lacey, Landscape Maintenance Manager, (707) 553-7219

Jason.Lacey@cityofvallejo.net

Action: Adopted Resolution No. 21-051 N.C.

E. ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR ASSESSMENTS ON PROPERTIES IN THE 1972 ACT LANDSCAPE MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING FOR JUNE 8, 2021

Recommendation: Adopt a resolution preliminarily approving the Engineer's Report and declaring the intent to levy and collect assessments for twelve Landscape Maintenance Districts (LMD) for Fiscal Year (FY) 2021-2022 and setting a Public Hearing on this matter for June 8, 2021 at 7:00 PM.

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

Terrance.Davis@cityofvallejo.net

Jason Lacey, Landscape Maintenance Manager, (707) 553-7219

Jason.Lacey@cityofvallejo.net

Action: Adopted Resolution No. 21-052 N.C. (Abstained Due to Conflict of Interest: Dew and Verder-Aliga).

F. CONSIDERATION AND APROVAL OF A RESOLUTION APPROVING A SECOND SUBSTANTIAL AMENDMENT TO THE ANNUAL ACTION PLAN OF FISCAL YEAR (FY) 2019-2020 TO INCLUDE THE ALLOCATION OF CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES ACT) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM CORONAVIRUS ROUND THREE FUNDS, AND AMENDMENT OF CDBG PROGRAM FY 2020-2021 BUDGET (STEP 2 OF 2)

Recommendation:

1. Adopt a Resolution amending the Annual Action Plan (AAP) of FY 2019-2020 and Community Development Block Grant (CDBG) Program FY 2020-21 Budget to include the additional CARES Act allocation of \$856,930.00

2. Approve and authorize the City Manager to submit a second Substantial Amendment to the AAP of FY 2019-2020 to the U.S. Department of Housing and Urban Development (HUD).

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

Judy.Shepard-Hall@cityofvallejo.net

Action: (1) Adopted Resolution No. 21-053 N.C. and (2) approved and authorized the City Manager to submit a second Substantial Amendment to the AAP of FY 2019-2020 to HUD.

G. **CONSIDERATION AND APPROVAL OF A RESOLUTION APPROVING A SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN OF FISCAL YEAR (FY) 2020-2024 AND ANNUAL ACTION PLAN OF FY 2020-2021 TO REALLOCATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS TO PROJECT ROOMKEY AND AMENDMENT OF CDBG PROGRAM FY 2020-2021 BUDGET (STEP 2 OF 2)**

Recommendation:

1. Adopt a Resolution amending the Consolidated Plan of FY 2020-2024 and Annual Action Plan (AAP) of FY 2020-2021 and Community Development Block Grant (CDBG) Program FY 2020-2021 Budget to reallocate \$1.2M to Project Roomkey.
2. Approve and authorize the City Manager to submit Substantial Amendments to the AAP of FY 2020-2021 to the U.S. Department of Housing and Urban Development (HUD).

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

Judy.Shepard-Hall@cityofvallejo.net

Action: (1) Adopted Resolution No. 21-054 N.C. and (2) approved and authorized City Manager to submit Substantial Amendments to the AAP of FY 2020-2021 to HUD.

H. **APPROVE FIRST AMENDMENT TO ON-CALL MASTER SERVICE PROJECT MANAGEMENT AGREEMENT WITH CSG CONSULTANTS, INC. AND AUTHORIZE CITY MANAGER TO EXECUTE SAME**

Recommendation: Authorize the City Manager to execute a First Amendment with CSG Consultants, Inc. of Pleasanton, CA, to increase the current On-Call Project Management Engineering Services Agreement to a total not to exceed amount of \$900,000.

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

Terrance.Davis@cityofvallejo.net

Action: Authorized the City Manager to execute a First Amendment with CSG Consultants, Inc. of Pleasanton, CA, to increase the current On-Call Project Management Engineering Services Agreement to a total not to exceed amount of \$900,000.

I. **CONSIDERATION OF A RESOLUTION APPOINTING THE HOUSING AND COMMUNITY DEVELOPMENT PROGRAM MANAGER AS THE CITY OF VALLEJO'S REPRESENTATIVE TO THE COMMUNITY ACTION PARTNERSHIP OF SOLANO JOINT POWERS AUTHORITY BOARD AND HOUSING FIRST SOLANO CONTINUUM OF CARE BOARD**

Recommendation: Adopt a resolution appointing Judy Shepard-Hall, Housing and Community Development Division Manager, to the Community Action Partnership of Solano Joint Powers Authority (CAP Solano JPA) Board and the Housing First Solano Continuum of Care (HFS CoC) Board, and Anne Cardwell, Assistant City Manager, as alternate.

Contact: Judy Shepard-Hall, Housing and Community Development Division Manager (707) 648-4408, judy.shepard-hall@cityofvallejo.net

Action: Adopted Resolution No. 21-055 N.C.

J. **AMENDMENT TO THE SALARY PLAN APPROVING NEW SALARIES FOR DIFFICULT TO RECRUIT WATER CLASSIFICATIONS**

Recommendation: Adopt a resolution amending the Salary Plan to implement salary adjustments for ten (10) difficult to recruit classifications within the Water Department, resulting from a recent compensation study and amend the salary schedules for the International Brotherhood of Electrical Workers Local Union 1245 ("IBEW"), and the Confidential, Administrative, Managerial, and Professional Association (CAMP), as shown in the attached resolution.

Contact: Anne Cardwell, Interim Human Resources Director (707) 648-4579
anne.cardwell@cityofvallejo.net

Action: Adopted Resolution No. 21-056 N.C.

K. **WATER SALE TO CITY OF BENICIA TO SUPPORT COUNTYWIDE DROUGHT RESILIENCY AND VALLEJO WATER SYSTEM INFRASTRUCTURE IMPROVEMENTS AND NOTICE OF INTENT TO AMEND THE WATER DEPARTMENT CIP BUDGET**

Recommendation: Adopt a resolution authorizing a one-time sale of 1,000 acre-feet of Vallejo's State Permit Water (license 7848) at a price of \$200/acre-foot to the City of Benicia, authorizing the City Manager to execute an agreement or amendment to an existing agreement approved by the City Attorney consummating said sale without further approval from the City Council, and approving a notice of intent to amend the Water Enterprise Fund

Capital Improvement Budget to recognize the \$200,000 in revenue.

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

mike.malone@cityofvallejo.net

Beth Schoenberger, Water Operations Manager (707) 648-5439

beth.schoenberger@cityofvallejo.net

Action: Adopted Resolution No. 21-057 N.C.

9. ACTION CALENDAR

A. FIRST RESPONDER FEE AGREEMENT WITH MEDIC AMBULANCE

Recommendation: Authorize the City Manager, or their designee, to execute the attached Consultant and Professional Services Agreement with Medic Ambulance Service, Inc. to implement the First Responder Fee.

Contact: Kyle Long, Interim Fire Chief (707) 648-4526

Kyle.Long@cityofvallejo.net

Interim Fire Chief Long provided background information, discussed the Medic Ambulance Agreement and concluded the presentation with fiscal impact information specifically related to first responder and processing fees and annual revenue to the City.

Staff responded to questions from Councilmembers.

Another question and answer period followed. Councilmembers provided comment.

Action: Moved by Vice Mayor Verder-Aliga and carried unanimously to authorize the City Manager, or their designee, to execute the attached Consultant and Professional Services Agreement with Medic Ambulance Service, Inc. to implement the First Responder Fee.

B. HOLD PUBLIC HEARING AND APPROVE RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE PUBLIC INFRASTRUCTURE CONSTRUCTION AND REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND VALLEJO--FAIRVIEW DEVELOPERS, LLC REGARDING DEVELOPMENT OF THE FAIRVIEW AT NORTHGATE (COSTCO) PROJECT AND THE LOAN AGREEMENT BETWEEN THE CITY OF VALLEJO AND COSTCO WHOLESALE CORP. TO FACILITATE THE FINANCING OF PUBLIC IMPROVEMENTS FOR THE PROJECT, AND INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 3.62 TO TITLE 3 OF THE VALLEJO MUNICIPAL CODE TO ESTABLISH THE COSTCO

LOAN SPECIAL FUND

Recommendation:

1. Hold a public hearing and adopt the attached Resolution (Attachment 1) to approve and authorize the City Manager to execute and implement the Public Infrastructure Construction and Reimbursement Agreement ("Public Improvement Agreement") (Attachment 2) with Vallejo-Fairview Developers, LLC ("Developer") for the City's contribution and reimbursement of up to \$7,914,822 for the costs of public improvements required to be constructed by Developer in relation to the development of the Fairview at Northgate Project ("Project"); and the Costco Loan Agreement ("Loan Agreement") (Attachment 3) with Costco Wholesale Corporation ("Costco") to provide funding of up to \$5.476 million ("Costco Loan") to the City to be used to reimburse Developer for the public improvements to be constructed by it pursuant to the Public Improvement Agreement.
2. Following a motion to waive full reading of the ordinance (Attachment 4) and read by title only, approve the introduction of an ordinance adding Chapter 3.62 to Title 3 of the Vallejo Municipal Code to establish the Costco Loan Special Fund which shall serve as the depository for "Net New Retail Project (Site Specific Tax) SST Revenues" generated by the Project and thereafter remitted to Costco on an annual basis to repay the Costco Loan. (First Reading)

Contact: Paul Kelley - Economic Development Manager, (707) 649-5452
paul.kelley@cityofvallejo.net

Interim Deputy City Manager Hayes provided introductory comments.

Economic Development Manager Kelley provided background on the City's objectives related to the project, discussed the extraordinary infrastructure needs and the condition of the property for redevelopment, reviewed the project approved by the Council in June of 2020, outlined the terms of the Agreement and next steps and concluded the presentation introducing an ordinance to establish Costco Loan Special Fund.

Mayor McConnell opened the public hearing.

Staff responded to questions from Councilmembers.

Speakers: Chris Gordon and Tom Menasco.

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

Another question and answer period followed with staff and Jebb Elmore responding to questions. Councilmembers provided comment.

Action: Moved by Mayor McConnell and carried unanimously to: (1) Adopt Resolution No. 21-058 N.C.; (2) waived full reading and introduced an ordinance adding Chapter 3.62 to Title 3 of the Vallejo Municipal Code to establish the Costco Loan Special Fund which shall serve as the depository for “Net New Retail Project (Site Specific Tax) SST Revenues” generated by the Project and thereafter remitted to Costco on an annual basis to repay the Costco Loan; and (3) to include affirmative hiring practices be added to the agreement.

C. **HOLD A PUBLIC HEARING REGARDING THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A MAJOR USE PERMIT FOR V-TOWN FARMS RETAIL CANNABIS STORE WITH ACCESSORY USES OF MANUFACTURING AND DISTRIBUTION, AND ADOPT RESOLUTION RELATING TO SAME**

Recommendation: Conduct the public hearing and adopt a Resolution denying Appeal (APP) #21-0004, upholding the Planning Commission approval of and granting Major Use Permit (UP) #20-0008 for V-Town Farms at 5184 Sonoma Boulevard, Suite 300.

Contact: Christina Ratcliffe, AICP, Interim Planning & Development Services Director (707) 648-4382

Christina.Ratcliffe@cityofvallejo.net

Jonathan Atkinson, Senior Planner (707) 648-4346

Jonathan.Atkinson@cityofvallejo.net

Councilmember Brown recused himself due to a conflict of interest related to a financial interest as a business owner of a collective in town and left the virtual meeting.

Interim Planning & Development Services Director Ratcliffe and Project Planner Atkinson reviewed the purpose of tonight's meeting, project history, setting and provided a description of the project, discussed the Planning Commission's action, identified the appellant's claims and staff responses, provided a summary of written communication on the project and concluded with the recommendation and reasons for the recommendation to deny the appeal and uphold the Planning Commission's approval of and granting Major Use Permit #20-0008.

Mayor McConnell opened the public hearing.

Phillip H. Babich and Max Del Real (representing the Appellant, California Collective Care (“CCC”), presented the reasons for the appeal and denying the major use permit.

Martin Wesley, Chuck Wesley and Scott Candell (representing the Applicant, V-Town Farms) provided a presentation that included facts in support of the project.

Interim Planning & Development Services Director Ratcliffe addressed comments made by the Appellant and Applicant’s representatives.

Mr. Babich and Mr. Del Real provided rebuttal comments.

Staff, the Appellant and Applicant’s representatives responded to questions from Councilmembers.

Meeting recessed at 10:05 p.m. and reconvened at 10:15 p.m.

Speakers: Sam Houston, Ayda, J.R. Wilson, Garrett Sinatra Toles, Rhonda Chadwick, Tom Menasco, Miesha Bell, Rick Seregly, Juan Garcia, Jon Dunckel, David Lavetto, Anne Carr, Wanda, Sancho Bluestrip, Andrew Wesley, and an unidentified member of the public.

Another question and answer period followed.

Mayor McConnell closed the public hearing. Councilmembers provided comment.

Action: Moved by Councilmember Dew to conduct the public hearing and adopt a Resolution denying Appeal (APP) #21-0004, upholding the Planning Commission approval of and granting Major Use Permit (UP) #20-0008 for V-Town Farms at 5184 Sonoma Boulevard, Suite 300 to include the additional conditions of approval as follows:

- (1) Community outreach with a quarterly report to the City.
- (2) Sufficient air filters that will prevent the emission of any odors in the atmosphere.
- (3) Community benefit package in the amount of \$600,000 yearly.
- (4) Community outreach done by V-Town Farms with quarterly reports submitted to the City.
- (5) Local hiring preference.

Mayor McConnell offered a friendly amendment, which was accepted by Councilmember Dew to include the following additional conditions of approval:

- (6) Applicant post, maintain and respond with a live person picking up the phone with an 800 complaint number (report of complaints from the neighborhood to be monitored and documented).
- (7) Applicant host quarterly meetings with the neighborhood within a ½-mile radius to include soliciting ideas for community benefit.
- (8) Air filters added to the building to prevent the emission of odors.

Action: An alternate motion was offered by Mayor McConnell to grant the appeal and remand the matter back to the Planning Commission for further proceedings to address the concerns raised by the Council and the appellant.

City Attorney Nebb asked for clarification on the alternate motion as there was no resolution to grant the appeal before the Council. The Council could either remand the matter for further proceedings to the Planning Commission or direct staff to prepare a resolution granting the appeal, and if it was the later to prepare a resolution granting the appeal, staff needs to know what Council wishes to include in the resolution in terms of findings.

Mayor McConnell clarified his alternate motion was to remand the matter back to the Planning Commission for further proceedings to address the concerns raised by the Council and the appellant. He stated he would strike granting the appeal from the alternate motion.

Additional discussion on the alternate motion followed. Following discussion, Mayor McConnell withdrew his alternate motion and offered another alternate motion to direct staff to draft a resolution granting the appeal.

City Attorney Nebb stated while this is sufficient in terms of direction, staff needed additional information from Council as to the grounds for granting the appeal.

Discussion ensued regarding grounds for granting the appeal to include providing unfair competition between our present partners and failure to address some of the technical points/arguments raised by the appellant in a legal sense.

Action on the alternate motion to direct staff to draft a resolution granting the appeal to include providing unfair competition between our present partners and failure to address some of the technical points/arguments raised by the appellant in a legal sense failed due to a tie vote as follows: Ayes: McConnell,

Arriola and Diaz; Noes: Dew, Miessner and Verder-Aliga; Abstain Due to a Conflict of Interest: Brown).

Action: Moved by Councilmember Dew and failed due to a tie vote to conduct the public hearing and adopt a Resolution denying Appeal (APP) #21-0004, upholding the Planning Commission approval of and granting Major Use Permit (UP) #20-0008 for V-Town Farms at 5184 Sonoma Boulevard, Suite 300 to include the following additional conditions of approval:

- (1) Community outreach with a quarterly report to the City.
- (2) Sufficient air filters that prevent the emission of any odors in the atmosphere.
- (3) Community benefit package in the amount of \$600,000 yearly.
- (4) Community outreach done by V-Town Farms with quarterly reports submitted to the City.
- (5) Local hiring preference.
- (6) Applicant post, maintain and respond with a live person picking up the phone with an 800 complaint number (report of complaints from the neighborhood to be monitored and documented).
- (7) Applicant host quarterly meetings with the neighborhood within a ½-mile radius including soliciting ideas for community benefit.
- (8) Air filters added to the building to prevent the emission of odors.

(Ayes: Dew, Miessner and Verder-Aliga; Noes: McConnell, Arriola and Diaz; Abstain Due to Conflict of Interest: Brown).

City Attorney Nebb offered an additional consideration: continue the matter to the next council meeting for staff to work with councilmembers and the applicant on any possible additional conditions on what councilmembers have mentioned in terms of community outreach, preference in benefits and reports and additional concerns about addressing air filters and return to the Council for its consideration at its next meeting.

City Attorney Nebb confirmed Council's consensus to continue the matter to its next meeting where staff will return with a resolution in accordance with Council direction. She further clarified that Council's next meeting is June 7 which is a special meeting for adoption of the new Zoning Code and that is the meeting staff will return to Council with this item.

Based on the City Clerk's poll of the Council, the direction as offered by City Attorney Nebb carried unanimously with Councilmember Brown abstaining due to a conflict of interest.

Councilmember Brown returned to the virtual meeting.

D. CONSIDERATION AND POSSIBLE APPROVAL OF A RESOLUTION CONCERNING THE PARTICIPATORY BUDGETING PROJECT CLOSURE AND FUND REALLOCATION

Recommendation: Acknowledge the closure of completed Participatory Budgeting projects and adopt a resolution authorizing the reallocation of \$174,165 unspent funds to provide additional support for “Fixing Pets & Feral Cats for Better Health,” “Foster Youth Support Services,” “Meals on Wheels – Senior Nutrition Program,” “After School Sports Program,” “Financial Literacy for Youth and Families,” “Youth Firefighter Academy,” and “Bully Proof Our Kids Program.”

Contact: Felicia Flores, Administrative Analyst II (707) 648-4527

Felicia.Flores@cityofvallejo.net

Action: Item was continued to the June 8, 2021 regular council meeting.

E. REQUEST FROM COUNCILMEMBER ARRIOLA TO ADD AN AGENDA ITEM AT A SUBSEQUENT MEETING REGARDING NAMING THE NAVIGATION CENTER IN MEMORY OF MARIA GUEVARA

Recommendation: Consider Councilmember Arriola's request and direct staff to prepare and present relevant materials at a subsequent meeting.

Contact: Councilmember Arriola

Tina.Arriola@cityofvallejo.net

Action: Item was continued to the June 8, 2021 regular council meeting.

10. INFORMATION CALENDAR – None.

11. CITY MANAGER’S REPORT – None.

12. CITY ATTORNEY’S REPORT – None.

13. COMMUNITY FORUM

Speakers: Chris Gordon, Ruscal Cayangyang, Kerstin Svendsen, Rhonda Chadwick, and Anne Carr.

14. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL – None.

15. ADJOURNMENT

The meeting adjourned at 12:23 a.m.

DocuSigned by:

ROBERT H. MCCONNELL

ROBERT H. MCCONNELL, MAYOR

ATTEST:

DocuSigned by:

Dawn G. Abrahamson

DAWN G. ABRAHAMSON
CITY CLERK