



# City of San Pablo

1000 Gateway Avenue  
San Pablo, CA 94806  
(510) 215-3000  
[www.SanPabloCA.gov](http://www.SanPabloCA.gov)

## Meeting Agenda - Final

### City Council

*Mayor Elizabeth Pabon-Alvarado*  
*Vice Mayor Rita Xavier*  
*Councilmember Abel Pineda*  
*Councilmember Patricia Ponce*  
*Councilmember Arturo M. Cruz*

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Monday, September 20, 2021

6:00 PM

Via Teleconference/Videoconference

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**CLOSED SESSION BEGINS AT 5:15 PM**

**City Council and Staff will attend via Teleconference/Videoconference**

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the City Council, City staff and the public to participate and conduct a meeting by teleconference, videoconference or both.

In order to comply with public health orders the requirement to provide a physical location for members of the public to participate in the meeting has been suspended. However, the public can participate in the meeting in the following ways:

1. Members of the public can watch or listen to the meeting during Livestream Online at: <https://www.sanpabloca.gov/1400/City-CouncilLSA-Planning-CommAgendasMin>; OR  
OR  
<https://tinyurl.com/SPCCmtg092021> (no password needed); OR Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join <https://tinyurl.com/SPCCmtg092021>.

Or join by phone: Dial (for higher quality, dial a number based on your current location):  
US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099, or +1 301 715 8592, or +1 312 626 6799; Webinar ID: 827 7704 3490; International numbers available: <https://us02web.zoom.us/j/kmFzLrpsc>.

2. Public comments may be submitted watching the meeting via online link: <https://tinyurl.com/SPCCmtg092021>.

- a. Via EMAIL to [CityClerk@SanPabloCA.gov](mailto:CityClerk@SanPabloCA.gov). Each email must contain in the subject line "PUBLIC COMMENTS NOT ON THE AGENDA" [or] "PUBLIC COMMENTS - AGENDA ITEM #\_\_". Comments received by 12 noon on the day of the meeting will be provided in advance to the City Council and posted online with the agenda materials.
- b. Via VOICEMAIL at (510) 215-3000. The caller must start the message by stating "PUBLIC COMMENTS NOT ON THE AGENDA" [or] "PUBLIC COMMENTS - AGENDA ITEM #\_\_" followed by their comments. Providing a name and method of follow-up if appropriate is requested but not required. Messages received by 12 noon on the day of the meeting will be transcribed or summarized to be provided in advance to the City Council and posted online with the agenda materials.
- c. During the meeting, the public may provide public comments via email to [CityClerk@SanPabloCA.gov](mailto:CityClerk@SanPabloCA.gov), which will be read into the record before Council consideration of the item and will be limited to three (3) minutes. Comments that do not conform to the City Council's rules of decorum may be summarized rather than read verbatim.
- d. To make a public comment on a desired item while participating in the webinar, click on the "Raise Your Hand" option within the online webinar tool, or if participating via phone – press \*9.
- e. Written comments on agenda items shall be submitted by noon on the day of the meeting to allow sufficient time for copying and consideration before Council consideration of the agenda item. Written comments exceeding one page must be submitted by 7:30 am on the day of the meeting.

As allowed by the Brown Act, the Mayor may limit the total time for public comment to facilitate the completion of business on the agenda.

The City cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the City Council receives your comments prior to taking action, you are strongly encouraged to submit your comments in writing in advance of the meeting. All comments received by the close of the meeting will be available after the meeting as supplemental materials and will become part of the official meeting record.

Please note that all information provided in public comments including phone number called with, email addresses and any other personal information written or stated is subject to disclosure on the broadcast of the video- or tele-conferenced meeting. Comments posted online will not include personal information.

In accordance with the Americans with Disabilities Act, persons requiring assistance or auxiliary aids in order to participate should contact the City Clerk's Office at City Hall, 1000 Gateway Avenue, San Pablo, or by calling (510) 215-3000, as soon as possible prior to the meeting. The City will give such requests primary consideration, taking into account undue financial and administrative burdens or fundamental alterations in the city service, program or activity.

The full agenda packet may also be viewed on the city website at <https://www.sanpabloca.gov/1400/City-CouncilLSA-Planning-Comm-AgendasMin>.

The full agenda packet may also be viewed on the city website at [www.SanPabloCA.gov](http://www.SanPabloCA.gov).

## **ROLL CALL**

Members of the public may address the Council concerning the Closed Session matters on tonight's agenda before consideration of the item. Please file your name and address with the City Clerk on forms provided at the speaker's podium.

## **CLOSED SESSION**

1. [#21-303](#) CLOSED SESSION  
CONFERENCE WITH LEGAL COUNSEL-INITIATION OF  
LITIGATION/EXISTING LITIGATION  
pursuant to California Government Code Sections 54956.9(d)(4) and  
54956.9(d)(1): In Purdue Pharma L.P. et al., United States Bankruptcy  
Court, Southern District of New York, Case No. 19-23649(RDD)  
(bankruptcy); In re National Prescription Opiate Litigation, United States  
District Court for the Northern District of Ohio, MDL No. 2804, Case No.  
17-MD-2804 (class action).

**\*\*\* END OF CLOSED SESSION \*\*\***

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

Speakers wishing to address the Council on a specific agenda item should file a form with the City Clerk indicating the agenda item. The Mayor will invite you to speak at the appropriate time when the matter is being considered. If you desire to address the Council, please file your name and address with the City Clerk on forms available at the podium. We also ask that all cell phones be turned off or silenced during the meeting.

## **ORAL COMMUNICATIONS**

*This is the time for comments on any item within the Council's subject matter jurisdiction, if such item is NOT listed on tonight's agenda. The Council may not engage in discussion or take action on any item that is not specifically listed on the agenda. Your item may be referred to city staff for investigation, report or placement on a future agenda. Persons addressing the Council are required to limit their remarks to three (3) minutes unless an extension or decrease of time is ordered. Please file your name and address with the City Clerk on forms available at the speaker's podium.*

**CEREMONIAL MATTERS**

2. [#21-393](#) SPECIAL RECOGNITION OF POLICE OFFICER GILBERT TROCHE

**Recommendation:** Approve and present Life Saving Award

3. [#21-360](#) SPECIAL RECOGNITION OF JILL MERCURIO, PUBLIC WORKS DIRECTOR AND CITY ENGINEER

**Recommendation:** Approve and Present Certificate of Special Recognition

**PRESENTATIONS**

4. [#21-376](#) BI-ANNUAL UPDATE FROM SAN PABLO YOUTH COMMISSION (SPYC)

**Recommendation:** For Informational Purposes Only

**CITY MANAGER REMARKS****CONSENT CALENDAR**

*The Consent Calendar includes routine items that are to be enacted by one motion. There will be no separate discussion of these items. If discussion is requested, the item will be removed from the Consent Calendar and considered separately.*

**MINUTES**

5. [#21-336](#) MINUTES OF THE MEETING OF SEPTEMBER 7, 2021

**Recommendation:** Approve

**PERIODIC REPORTS**

6. [#21-379](#) VENDOR CHECK REGISTER REPORT FOR THE MONTH OF AUGUST 2021

**Recommendation:** Approve

**PROCLAMATIONS**

7. [#21-345](#) REQUEST FOR ISSUANCE OF PROCLAMATION RECOGNIZING OCTOBER AS NATIONAL BULLYING PREVENTION MONTH AND WEDNESDAY, OCTOBER 20, 2021 AS UNITY DAY

**Recommendation:** Approve

8. [#21-377](#) ISSUANCE OF PROCLAMATION RECOGNIZING THE FOURTH ANNUAL UNITED AGAINST HATE WEEK (NOVEMBER 14-20, 2021)

**Recommendation:** Approve by Minute Order

**MISCELLANEOUS**

9. [#21-215](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPOINTING COMMISSIONERS TO THE SAN PABLO YOUTH COMMISSION (SPYC)

**Recommendation:** Adopt Resolution

10. [#21-340](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BAJAN SECURITY SERVICES FOR A NINE-MONTH PILOT PROJECT FOR SECURITY AND GREETING SERVICES AT CITY HALL IN AN AMOUNT NOT TO EXCEED \$43,100

**Recommendation:** Adopt Resolution

11. [#21-362](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING AN EVENT SPONSORSHIP OF \$5,000 FOR THE 18TH ANNUAL 2021 LYTTON CASINO GOLF TOURNAMENT AND FUNDRAISER TO BENEFIT LIFELONG MEDICAL CARE ON MONDAY, OCTOBER 25, 2021

**Recommendation:** Adopt Resolution

12. [#21-373](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO, CALIFORNIA, EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO NOVEL CORONAVIRUS (COVID-19) AND CONFIRMING THE ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY SERVICES

**Recommendation:** Adopt Resolution

13. [#21-375](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO (1) ENTER INTO A FIFTH AMENDMENT TO THE AGREEMENT WITH BAY AREA COMMUNITY RESOURCES FOR PROGRAM SERVICES TO SAN PABLO PUBLIC SCHOOLS FOR AN AMOUNT NOT TO EXCEED \$664,500 FOR FISCAL YEAR 2021/22 FOR A GRAND TOTAL CONTRACT AMOUNT NOT TO EXCEED \$2,579,500, AND (2) ENTER INTO A FOURTH AMENDMENT TO THE AGREEMENT WITH THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT TO PROVIDE MATCHING FUNDS FOR BEACON DIRECTORS IN SAN PABLO SCHOOLS FOR FY 2021/22.

**Recommendation:** Adopt Resolution

14. [#21-384](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS AND / OR PURCHASE ORDERS WITH CONTRA COSTA COUNTY FOR FORENSIC SERVICES ON AN ANNUAL BASIS SUBJECT TO THE AVAILABILITY OF CITY COUNCIL APPROVED FUNDING IN THE APPLICABLE FISCAL YEAR, WITH THE CURRENT COST ESTIMATED TO BE \$80,000 FOR FORENSIC SERVICES

**Recommendation:** Adopt Resolution

15. [#21-387](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO (1) APPROPRIATE MEASURE J FUNDING IN THE AMOUNT OF \$20,000 FOR THE GIANT ROAD PAVEMENT REPAIR PROJECT (0601), AND (2) EXECUTE A CONTRACT AMENDMENT WITH TREMAINE & ASSOCIATES, INC. IN THE AMOUNT OF \$5,608 WITH A 15% CONTINGENCY FOR A TOTAL CONTRACT AUTHORIZATION OF \$27,128 TO CONDUCT AN ENVIRONMENTALLY SENSITIVE AREA ACTION PLAN AND HISTORIC PROPERTY SURVEY REPORT

**Recommendation:** Adopt Resolution

16. [#21-388](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO RECOGNIZING AND ACCEPTING ADDITIONAL REVENUES RECEIVED FROM A 3RD PARTY AS DIRECTED BY THE SAN FRANCISCO REGIONAL WATER QUALITY CONTROL BOARD IN THE AMOUNT OF \$130,000 AND APPROPRIATING THE FUNDS TO PUBLIC WORKS' ENVIRONMENTAL ELECTRIFICATION PROGRAM

**Recommendation:** Adopt Resolution

#### CITY COUNCIL CONSIDERATION/AUTHORIZATION

17. [#21-391](#) CITY COUNCIL AUTHORIZATION TO RATIFY A LETTER OF SUPPORT TRANSMITTED ON SEPTEMBER 8, 2021 FROM SAN PABLO MAYOR PABON-ALVARADO TO CALIFORNIA STATE SENATOR NANCY SKINNER, 9TH DISTRICT, ON PROPOSED STATE LEGISLATION AB 361 (RIVAS, ROBERT) - OPEN MEETINGS, LOCAL AGENCIES, TELECONFERENCES (AS AMENDED ON SEPTEMBER 3, 2021)

**Recommendation:** Approve by Minute Order

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

**PUBLIC HEARINGS**

18. [#21-368](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING MAJOR DESIGN REVIEW; CONDITIONAL USE PERMIT AND VARIANCE TO ALLOW A REDUCED CREEK SETBACK; MAJOR EXCEPTIONS FROM THE MIXED-USE CENTER SOUTH REGULATING PLAN TO ALLOW A DETACHED SINGLE-FAMILY BUILDING STYLE AND REDUCED SETBACKS FROM THE WILDCAT CREEK TRAIL; AND A VESTING TENTATIVE MAP FOR A 20-LOT TOWNHOUSE SINGLE FAMILY RESIDENTIAL DEVELOPMENT (INCLUDING EIGHT ACCESSORY DWELLING UNITS) IN THE SP-2 MIXED USE CENTER SOUTH DISTRICT TO BE LOCATED AT 2812 CHATTLETON LANE, SAN PABLO, APN 417-310-004

**Recommendation:** Conduct public hearing; adopt Resolution

**\* \* \* END OF PUBLIC HEARINGS \* \* \***

**ORDINANCES**

19. [#21-326](#) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING CHAPTERS 2.04 AND 2.40 OF THE SAN PABLO MUNICIPAL CODE TO ELIMINATE GENDER-SPECIFIC REFERENCES, TO CLARIFY THE APPOINTMENT OF AN ACTING CITY MANAGER, AND TO REFERENCE MANDATORY RETIREMENT ENROLLMENT REQUIREMENTS FOR THE ELECTED CITY CLERK AND CITY TREASURER; AND AMENDING MUNICIPAL CODE SECTION 3.16.110 TO CLARIFY THE PROCESS FOR ENGAGING CONSULTANTS

**Recommendation:** Waive first reading; introduce Ordinance

**CITY COUNCIL DISCUSSION/CONSIDERATION**

20. [#21-372](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) APPROVING THE MULTI-UNIT DWELLINGS ILLEGAL DUMPING ENFORCEMENT PILOT PROGRAM; (2) AUTHORIZING AN APPLICATION FOR THE HYBRID AND ZERO EMISSION VEHICLE INCENTIVE PROGRAM FOR AN ELECTRIC TRUCK; AND (3) APPROPRIATING \$300,000 FROM GENERAL FUND DESIGNATED RESERVES AS FOLLOWS: \$240,000 TO THE PROPERTY MAINTENANCE VEHICLE REPLACEMENT FUND, \$50,000 TO THE STREET MAINTENANCE FUND, AND \$10,000 TO THE ENVIRONMENTAL SERVICES FUND IN FY 2021-22

**Recommendation:** Adopt Resolution

21. [#21-378](#) CITY COUNCIL DISCUSSION AND CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING THE FY 2021-23 ADOPTED CITY COUNCIL PRIORITY WORKPLAN UNDER MAJOR POLICY GOAL: ENHANCE COMMUNITY RESILIENCE TO ADD A NEW POLICY ITEM TO SUPPORT RESIDENTIAL SOLAR PERMITTING AUTOMATION (I.E. NATIONAL RENEWABLE ENERGY LABORATORIES SOLAR APP+ PROGRAM)

**Recommendation:** Council discussion and consider potential adoption of said Resolution

22. [#21-390](#) CITY COUNCIL DISCUSSION ON POTENTIAL CONSIDERATION TO AMEND THE ADOPTED PROFESSIONAL CODE OF CONDUCT POLICY FOR MEMBERS OF THE CITY COUNCIL, BOARDS AND COMMISSIONS UNDER SECTION 13 - OFFICIAL REPRESENTATION

**Recommendation:** Discuss the following options for City Council consideration and provide direction to staff by minute order (majority vote):

1. Review Section 13 of the Policy and not direct any revisions; or
2. Review Section 13 of the Policy and ask City staff to research specific language that could be added to the Policy that Council Members would use when making a policy statement in their individual capacity; or
3. Review Section 13 of the Policy and provide other direction to staff.

### **SUPPLEMENTAL MATERIALS (IF ANY)**

23. [#21-339](#) MATERIALS SUBMITTED AFTER PUBLICATION OF THE AGENDA WILL BE APPENDED AFTER THE COUNCIL MEETING. THIS IS NOT AN ACTION ITEM BUT MERELY A MECHANISM FOR MATERIALS SUBMITTED AFTER PUBLICATION OF THE AGENDA TO BE APPENDED TO THE PUBLISHED AGENDA AFTER THE COUNCIL MEETING.

### **MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS**

*(Approved by Resolution 2021-008)*

*Informational reports from Councilmember representatives to the following committees, commissions and organizations; brief reports on meetings attended at the expense of the City or Agency, as required by Government Code section 53232.3(d) (AB 1234); and other reports regarding items of general interest to the City Council. The City Council may take action on other items of interest that are specifically agendaized herein:*

#### **(a) Mayor Elizabeth Pabon-Alvarado**

*Memberships: Contra Costa Mayors Conference (Primary); West County Mayors & Supervisors Association (Primary); League of CA Cities East Bay League Division (Primary)*

*Standing Committees: Budget, Fiscal & Legislative*

*Ad-Hoc Subcommittees: Casino San Pablo/Lytton Tribe; Local Business Assoc./Watch Meetings*



**(b) Vice Mayor Rita Xavier**

*Memberships: Association of Bay Area Governments (Primary); Contra Costa Mayors' Conference (Alternate); League of CA Cities East Bay League Division (Alternate); West Contra Costa Mayors & Supervisors Association (Alternate); Richmond Steering Committee Community Based Transportation Plan (CBTP); San Pablo Community Grant Foundation (Member); West Contra Costa Transportation Advisory Committee (Primary); West County Integrated Waste Management/RecycleMore JPA Authority (Alternate)*

*Standing Committees: Public Safety*

*Ad-Hoc Subcommittees: Casino San Pablo/Lytton Tribe*

**(c) Councilmember Abel Pineda**

*Memberships: West Contra Costa Transportation Advisory Committee (Alternate); West County Integrated Waste Management/RecycleMore JPA (Primary)*

*Standing Committees: Community Services*

*Ad-Hoc Subcommittees: Community Public Health; Wireless Technology/S.P.E.E.D. Projects*

**(d) Councilmember Patricia Ponce**

*Memberships: Marin Clean Energy Board of Directors (Primary); San Pablo Economic Development Corporation Board of Directors (City Council Appointee); San Pablo-Manzanillo Sister City Committee (Primary)*

*Standing Committees: Budget, Fiscal & Legislative; Economic Development, Housing & Project Management*

*Ad-Hoc Subcommittees: Community Public Health*

**(e) Councilmember Arturo Cruz**

*Memberships: Association of Bay Area Governments (Alternate); San Pablo Community Grant Foundation Board (Member)*

*Standing Committees: Community Services; Economic Development, Housing & Project Management; Public Safety*

*Ad-Hoc Subcommittees: Wireless Technology/S.P.E.E.D. Projects; Local Business Assoc./Watch Meetings*

**ADJOURNMENT**

*Adjourn to Monday, October 4, 2021 at 6:00 pm.*