



City of San Pablo

1000 Gateway Avenue
San Pablo, CA 94806
(510) 215-3000
www.SanPabloCA.gov

Meeting Agenda - Final

City Council

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

Tuesday, September 6, 2022

6:00 PM

Via Teleconference/Videoconference

City Council and Staff will attend via Teleconference/Videoconference

This meeting is being held in accordance with the Brown Act as amended by Assembly Bill 361 and following the initial determination of the City Council, pursuant to Resolution 2021 129, dated October 4, 2021, that following consideration of the State of Emergency due to the COVID-19 pandemic that the City Council, Standing Committees, and Commissions subject to the Brown Act shall continue to meet remotely through teleconference or videoconference given the following findings:

- i. The emergency continues to impact the ability of the City Council, its Standing Committees and Commissions, as well as the staff and members of the public, from meeting safely in person; and
- ii. The Contra Costa County Health Department encourages holding public meetings online (teleconferenced or videoconferenced) meetings.

In order to comply with public health recommendations 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 <https://tinyurl.com/SPCC090622> (no password needed); OR join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <https://tinyurl.com/SPCC090622>

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: 898 0659 7683; International numbers available: <https://us02web.zoom.us/j/kdrzW2jjqT>.

2. Public comments may be submitted watching the meeting via online link: <https://tinyurl.com/SPCC090622>.

a. Via EMAIL to 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. During the meeting, the public may provide public comments via email to 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.

c. 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.

d. 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. 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.

Copies of this Agenda and non-exempt public records relating to an open session item on this agenda will be available for public view at the City Clerk's Office, 1000 Gateway Avenue, San Pablo. The full agenda packet may also be viewed on the city website at <https://www.sanpabloca.gov/1400/City-CouncilLSA-Planning-Comm-AgendasMin>.

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.

PRESENTATIONS

1. [#22-351](#) PRESENTATION OF PROCLAMATION RECOGNIZING THE SAN FRANCISCO JUNIOR GIANTS COMMUNITY FUND FOR THE SPONSORSHIP OF THE JUNIOR GIANTS PROGRAM IN THE CITY OF SAN PABLO

Recommendation: For Informational Purposes Only
2. [#22-352](#) PRESENTATION OF PROCLAMATION RECOGNIZING THE SAN JOSE EARTHQUAKES FOR THEIR CONTRIBUTIONS TO SUPPORTING LOCAL YOUTH IN THE SAN PABLO COMMUNITY.

Recommendation: For Informational Purposes Only
3. [#22-353](#) PRESENTATION TO CITY COUNCIL BY THE SAN PABLO ECONOMIC DEVELOPMENT CORPORATION OF ANNUAL SERVICES FOR FISCAL YEAR 2021/22

Recommendation: For Informational Purposes Only

***** END OF PRESENTATIONS *****

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

4. [#22-340](#) MINUTES OF THE MEETINGS OF AUGUST 1, AUGUST 10 AND AUGUST 22, 2022.

Recommendation: Approve by Minute Order

LIABILITY CLAIMS

5. [#22-347](#) LIABILITY CLAIMS OF MICHAEL J. SANTONE (DOL 10/23/21) AND ALEJANDRA MAGANA-ZARAGOZA (DOL 5/16/22)

Recommendation: Deny the claims per the recommendation of the Municipal Pooling Authority (MPA), the City's joint risk pool.

PROCLAMATIONS

6. [#22-366](#) RATIFY ISSUANCE OF PROCLAMATION RECOGNIZING AUGUST 2, 2022 AS NATIONAL NIGHT OUT IN THE CITY OF SAN PABLO, WHICH WAS PRESENTED TO THE POLICE DEPARTMENT AT THE CITY COUNCIL MEETING ON AUGUST 1, 2022.

Recommendation: Approve by Minute Order

7. [#22-370](#) REQUEST FOR ISSUANCE OF PROCLAMATION RECOGNIZING OCTOBER AS NATIONAL BULLYING PREVENTION MONTH AND WEDNESDAY OCTOBER 19, 2022 AS UNITY DAY- BULLYING AWARENESS AND PREVENTION DAY.

Recommendation: Approve by Minute Order

8. [#22-374](#) REQUEST FOR ISSUANCE OF PROCLAMATION RECOGNIZING AND CELEBRATING THE TEN YEAR ANNIVERSARY OF THE SAN PABLO ECONOMIC DEVELOPMENT CORPORATION

Recommendation: Approve by Minute Order

MISCELLANEOUS

9. [#22-345](#) 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); DETERMINING THAT THE CITY COUNCIL AND OTHER BROWN ACT BODIES IN THE CITY OF SAN PABLO CONTINUE TO MEET REMOTELY THROUGH SEPTEMBER 30, 2022 DUE TO COVID-19 SOCIAL DISTANCING RECOMMENDATIONS FROM THE CONTRA COSTA HEALTH DEPARTMENT UNDER ASSEMBLY BILL 361 FINDINGS; AND CONFIRMING THE ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY SERVICES.

Recommendation: Adopt Resolution

10. [#22-360](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO REJECTING ALL BIDS FOR THE FY 21-22 CITYWIDE SLURRY SEAL PROJECT (NO. 0602) AND DIRECTING THE CITY MANAGER TO RE-ADVERTISE THE PROJECT FOR BIDS
- Recommendation:** Adopt Resolution
11. [#22-338](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO (1) ACCEPT THE SECOND INSTALLMENT OF AMERICAN RESCUE PLAN ACT (ARPA) GRANT FUNDS IN THE AMOUNT OF \$3,706,633; (2) ACCOUNT FOR THE FUNDS IN A SEPARATE SPECIAL REVENUE FUND 120 CREATED TO ASSURE COMPLIANCE WITH ALL APPLICABLE FEDERAL USAGE AND REPORTING REQUIREMENTS; AND (3) ALLOCATE the FUNDS TO REPLACE PUBLIC SECTOR REVENUE LOSSES DUE TO COVID-19 IN ACCORDANCE WITH FEDERAL REQUIREMENTS.
- Recommendation:** Adopt Resolution
12. [#22-327](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT SERVICES AGREEMENT WITH EARTH ISLAND INSTITUTE FOR OUTREACH, EDUCATION AND COMMUNITY CLEANUP SERVICES IN AN AMOUNT NOT TO EXCEED \$3,000 FOR EACH OF FIVE FISCAL YEARS, FROM FISCAL YEAR 2022-23 THROUGH FISCAL YEAR 2026-27, SUBJECT TO FUNDING AVAILABILITY, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$15,000 OVER THE FIVE (5) YEAR PERIOD.
- Recommendation:** Adopt Resolution
13. [#22-358](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING THE CITY'S CLASSIFICATION AND COMPENSATION PLAN FOR FY 2022/23 BY REALLOCATING ONE FULL-TIME, VACANT SENIOR PERMIT TECHNICIAN TO A FULL-TIME PERMIT TECHNICIAN I/II AND ADDING ONE (1.0) FULL-TIME PERMIT TECHNICIAN I/II.
- Recommendation:** Adopt Resolution
14. [#22-355](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING APPOINTMENT TO CHILDHOOD OBESITY PREVENTION ADVISORY GROUP FOR TERM AUGUST 13, 2022 TO AUGUST 12, 2024.
- Recommendation:** Adopt Resolution reappointing Johnathan Saelee for new term

15. [#22-367](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO DECLARING THE 115 CITY-OWNED TRASH AND RECYCLING RECEPTACLES CURRENTLY ON SIDEWALKS AND IN PARKS AS SURPLUS PROPERTY AND AUTHORIZING THE FINANCE DIRECTOR TO SELL, RECYCLE, AND/OR DISPOSE OF THEM

Recommendation: Adopt Resolution

16. [#22-350](#) CITY COUNCIL AUTHORIZATION AFFIRMING THE CITY MANAGER OPERATIONAL DIRECTIVE TO REINSTATE THE CITY'S ANNUAL HALLOWEEN EVENT ON THURSDAY, OCTOBER 27, 2022 OUTDOORS AT CITY HALL; AND ACKNOWLEDGING A ONE-TIME PROGRAM SPECIAL EVENT BUDGET OF \$8,500 TO BE PAID FROM FY 2022-23 CITY MANAGER CONTINGENCY RESERVE FUNDS.

Recommendation: Approve by Minute Order

17. [#22-375](#) CITY COUNCIL CONSIDERATION DIRECTING THE PREVIOUSLY APPOINTED VOTING DELEGATES FOR THE SEPTEMBER 2022 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE, MAYOR XAVIER AND CITY ATTORNEY STRICKER, TO VOTE IN FAVOR OF THE PROPOSED AMENDMENTS TO THE LEAGUE OF CALIFORNIA CITIES' BY-LAWS AT THE ANNUAL CONFERENCE.

Recommendation: Approve by Minute Order

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

PUBLIC HEARINGS

18. [#22-342](#) PUBLIC HEARING AND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) AUTHORIZING THE ACCEPTANCE OF AND APPROPRIATING \$12,255 IN FUNDS TO BE RECEIVED FROM THE 2020 JUSTICE ASSISTANCE GRANT PROGRAM (JAG); AND (2) AUTHORIZING THE PAYMENT OF \$10,000 TO THE DISTRICT ATTORNEY'S OFFICE TO ESTABLISH AN ELECTRONIC INTERFACE WITH PEREGRINE AND KARPEL SOFTWARE SO THE SAN PABLO POLICE DEPARTMENT MAY SECURELY AND EFFICIENTLY TRANSMIT REQUEST FOR PROSECUTION FILES

Recommendation: Conduct public hearing; adopt Resolution

CITY COUNCIL DISCUSSION/CONSIDERATION

19. [#22-359](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ACCEPTING A PRIVATE DONATION REQUEST AND AUTHORIZING CITY STAFF TO INSTALL A TREE AND PLAQUE IN MEMORY OF SENIOR PERMIT TECHNICIAN, MARY ANN DELGADO, WHO PASSED AWAY ON JULY 17, 2022.

Recommendation: Adopt Resolution

SUPPLEMENTAL MATERIALS (IF ANY)

20. [#22-341](#) 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 2022-013)

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 agendized herein:

(a) Mayor Rita Xavier

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

Standing Committees: Public Safety

Ad-Hoc Subcommittees: Public Fiber/Electric Vehicle Infrastructure; City Manager Employment Agreement; San Pablo 75th Anniversary Celebration

(b) Vice Mayor Abel Pineda

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

Standing Committees: Community Services

Ad-Hoc Subcommittees: Public Fiber/Electric Vehicle Infrastructure; City Manager Employment Agreement; San Pablo 75th Anniversary Celebration

(c) Councilmember Patricia Ponce

Memberships: MCE Clean Energy Board of Directors (Primary); San Pablo Economic Development Corporation Board of Directors (City Council Appointee); San Pablo-Manzanillo Future Board Member Designation (Primary); League of California Cities East Bay Division (Alternate)

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

Ad-Hoc Subcommittees: None

(d) 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; Public Health

Ad-Hoc Subcommittees: None

(e) Councilmember Elizabeth Pabon-Alvarado

Memberships: MCE Clean Energy Board of Directors (Alternate)

Standing Committees: Budget, Fiscal & Legislative

Ad-Hoc Subcommittees: None

ADJOURNMENT

Adjourn to Monday, September 19, 2022 at 6:00 pm, in memory of Ofelia Marlen Gurdian, mother of Planning Commissioner Johana Gurdian.