



# City of San Pablo

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

## Meeting Agenda - Final

### City Council

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

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Monday, February 6, 2023

6:00 PM

Council Chambers/  
Teleconference-Videoconference

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City Council and Staff will attend In-Person or 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. 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/SPCC020632> (no password needed); OR Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join <https://tinyurl.com/SPCC020632>

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 835 6678 4229; International numbers available: <https://us02web.zoom.us/j/kcfc0E2gl4>

2. Public comments may be submitted watching the meeting via online link <https://tinyurl.com/SPCC020632>.

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. 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.

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.

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.*

**PRESENTATIONS**

1. [#23-021](#) SAN PABLO LIBRARY UPDATE

**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**

2. [#23-034](#) CONSIDER APPROVAL OF THE MINUTES OF THE MEETING OF JANUARY 17, 2023.

CEQA: This is not a project subject to CEQA.

**Recommendation:** Approve by Minute Order

**LIABILITY CLAIMS**

3. [#23-022](#) CONSIDER DENYING LIABILITY CLAIM(S) OF NORMA SALGUERO ON BEHALF OF HERSELF AND HER TWO (2) MINOR CHILDREN (DOL 6/28/22).

CEQA: This is not a project as defined by CEQA.

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

**MISCELLANEOUS**

4. [#23-040](#) CONSIDER ADOPTING RESOLUTION (1) EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO NOVEL CORONAVIRUS (COVID-19); (2) DETERMINING THAT THE CITY COUNCIL AND OTHER BROWN ACT BODIES OF THE CITY OF SAN PABLO CONTINUE TO MEET REMOTELY DUE TO COVID-19 SOCIAL DISTANCING RECOMMENDATIONS FROM THE CONTRA COSTA HEALTH DEPARTMENT UNDER ASSEMBLY BILL 361 FINDINGS; AND (3) CONFIRMING ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY SERVICES.

CEQA: This item is not a project as defined by CEQA.

**Recommendation:** Adopt Resolution

5. [#23-010](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE SAN PABLO POLICE DEPARTMENT TO ACCEPT \$936,288 IN GRANT FUNDING OVER THREE FISCAL YEARS FROM THE CALIFORNIA DEPARTMENT OF JUSTICE TO PARTICIPATE IN THE TOBACCO GRANT PROGRAM AND APPROPRIATING FUNDING IN THE SAME AMOUNT TO THE POLICE DEPARTMENT BUDGET TO CONTINUE DEVELOPING AN EFFECTIVE, COMPREHENSIVE, AND STRATEGIC APPROACH TO COMBAT ILLEGAL TOBACCO USE AMONG MINORS.

CEQA: This proposed action is not a project under the California Environmental Quality Act (CEQA), pursuant to Guidelines section 15378(b)(5): Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

**Recommendation:** Adopt Resolution

6. [#23-036](#) CONSIDER ADOPTING RESOLUTION APPROVING AMENDMENTS TO THE FY 2022-23 (YEAR 1) BIENNIAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROJECTS BUDGET AND APPROPRIATING \$1.045 MILLION FROM THE GENERAL FUND DESIGNATED RESERVE.

CEQA: This not a project as defined by CEQA pursuant to California Public Resources Code section 21080 and 14 California Code of Regulations section 15378(b).

**Recommendation:** Adopt Resolution

7. [#23-041](#) CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT WITH LIEBERT CASSIDY WHITMORE FOR LEGAL SERVICES IN THE AREAS OF LABOR NEGOTIATIONS AND EMPLOYMENT LAW, INCREASING COMPENSATION BY \$75,000, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$165,000 FOR FISCAL YEAR 2022-23.

CEQA: This is not a project subject to CEQA.

**Recommendation:** Adopt Resolution

8. [#23-052](#) CONSIDER ADOPTING RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF \$7,500 FROM THE SAN PABLO ROTARY CLUB AND AUTHORIZE A ONE-TIME FY 20-22-23 EVENT SPONSORSHIP ALLOCATION IN THE AMOUNT OF \$2,500 FOR THE WILDCAT CREEK STORY WALK PROJECT.

CEQA: This is not a project subject to CEQA.

**Recommendation:** Adopt Resolution

9. [#23-042](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR OUTREACH SERVICES BETWEEN THE CITY OF SAN PABLO AND EARTH TEAM TO IMPLEMENT OUTREACH AND LITTER ASSESSMENT FOR THE RUMRILL COMPLETE STREETS PROJECT (PROJECT NO. 0700) IN AN AMOUNT OF \$21,038 IN GRANT REIMBURSEMENTS AND \$35,825 IN IN-KIND MATCH BY EARTH TEAM, FOR A TOTAL AGREEMENT AUTHORIZATION NOT TO EXCEED \$56,863.

CEQA: This item is not a project as defined by CEQA.

**Recommendation:** Adopt Resolution

10. [#23-047](#) CONSIDER ADOPTING RESOLUTION ESTABLISHING THE STORMWATER UTILITY ASSESSMENT RATE FOR FY 2023/24 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM.

CEQA: Establishing the Stormwater Utility Assessment (SUA) is not a project per within the meaning of CEQA. Section 15378 of the CEQA Guidelines states that a project does not include continuing administrative or maintenance activities, or the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

**Recommendation:** Adopt Resolution

11. [#23-048](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF SAN PABLO AND THE SAN FRANCISCO ESTUARY INSTITUTE FOR TECHNICAL SERVICES IN THE DEVELOPMENT OF A WATER QUALITY ALTERNATIVE COMPLIANCE PROGRAM ONLINE TRACKING TOOL AS PART OF THE REGIONAL ALTERNATIVE COMPLIANCE FOR A SUSTAINABLE BAY PROJECT IN AN AMOUNT NOT TO EXCEED \$32,081.13.

CEQA: This project is statutorily exempt from CEQA under California Code of Regulation 15262: "Feasibility and Planning Studies; a project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities". The project is a feasibility study to understand the mechanisms and documents that would be needed for a market-based water quality trading system. The project will include CEQA review to understand if additional CEQA compliance is necessary.

**Recommendation:** Adopt Resolution

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

#### **CITY COUNCIL DISCUSSION/CONSIDERATION**

12. [#23-046](#) CONSIDER AMENDING THE FY 2021-23 ADOPTED CITY COUNCIL PRIORITY WORKPLAN UNDER MAJOR POLICY GOAL: BUILD A HEALTHY COMMUNITY, TO ADD AS A NEW POLICY RESEARCH AND EXPLORE BANNING OR OTHERWISE REGULATING THE SALE OF NON-FLUSHABLE, DISPOSABLE WIPES (I.E. DIAPER WIPES, CLEANING WIPES, COSMETIC WIPES, ETC.).

CEQA: This is not a project subject to CEQA.

**Recommendation:** Discuss and consider potential adoption of said resolution

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

13. [#23-035](#) 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.

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**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 agendaized herein:*

**(a) Mayor Abel Pineda**

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

*Standing Committees: Community Services*

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

**(b) Vice Mayor Patricia Ponce**

*Memberships: Contra Costa Mayors' Conference (Alternate); West Contra Costa Mayors & Supervisors Association (Alternate); League of California Cities East Bay League Division (Alternate); 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);*

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

*Ad-Hoc Subcommittees: Casino San Pablo/Lytton Tribe; San Pablo 75th Anniversary Celebration*

**(c) 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: Smart 5G Policy Projects*

**(d) Councilmember Elizabeth Pabon-Alvarado**

*Memberships: MCE Clean Energy Board of Directors (Alternate)*

*Standing Committees: Budget, Fiscal & Legislative; Public Safety*

*Ad-Hoc Subcommittees: None*

**(e) Councilmember Rita Xavier**

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

*Standing Committees: Public Safety; Public Health*

*Ad-Hoc Subcommittees: Public Fiber/Electric Vehicle Infrastructure; City Manager Employment Agreement*

**ADJOURNMENT**

*Adjourn to Tuesday, February 17, 2023 at 6:00 pm, in memory of Eliodoro Alaniz, grandfather of Associate Planner Sandra Marquez; and in memory of Hilario Rivera Pineda, grandfather of Maintenance Worker Erick Guzman.*