



City of San Pablo

Council Chambers
1000 Gateway Avenue
San Pablo, CA 94806
(510) 215-3000
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

Monday, March 20, 2023

6:00 PM

Council Chambers

CLOSED SESSION BEGINS AT 5:00 PM

**Teleconference Location for Mayor Abel Pineda
Pursuant to Government Code Section 54953(b)
1000 Gateway Avenue, Council Office
San Pablo, CA 94806**

Members of the public have the option to participate in this meeting in-person at the locations above or virtually using any of the options set forth below. To participate through the online webinar, please use this link:

<https://tinyurl.com/SPCC032023>
Webinar ID: 829 7059 3325

To participate telephonically, please call any of the following numbers: 669 900 6833; 346 248 7799; 253 215 8782; 929 205 6099; 301 715 8592; 312 626 6799; International numbers available: <https://us02web.zoom.us/j/kcnCpU8V5Y>.

The public can also view the meeting during livestream online at <https://sanpablo.legistar.com/Calendar.aspx>.

Speakers wishing to address the Council in-person on a specific agenda item should submit a form available at the podium to the City Clerk identifying the agenda item. The Mayor will invite you to speak at the appropriate time when the matter is being considered. If you are attending in-person, we ask that all cell phones be turned off or silenced during the meeting.

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.

Written public comments may also be submitted via EMAIL to CityClerk@SanPabloCA.gov and each email must contain in the subject line "PUBLIC COMMENTS NOT ON THE AGENDA" [or] "PUBLIC COMMENTS AGENDA ITEM #__". Written comments received by 12:00 noon on the day of the meeting will be provided in advance to the City Council and posted online with the agenda materials. During the meeting, the public may provide written public comments via email to CityClerk@SanPabloCA.gov. All written comments received after noon the day of the meeting will be read into the record before Council consideration of the item and will be limited to the same time allowed for other public comments. Comments that do not conform to the City Council's rules of decorum may be summarized rather than read verbatim. All written 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. Submitted comments posted with the supplemental agenda materials will not include personal information.

Persons addressing the Council must limit their remarks to three (3) minutes unless an extension or decrease of time is set. As allowed by the Brown Act, the Mayor may limit the total time for public comments to facilitate the completion of business on the agenda.

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>.

In accordance with the Americans with Disabilities Act and Brown Act, individuals with disabilities requiring reasonable accommodations, including auxiliary aids or services, in order to participate in the meeting should submit a completed Meeting Accommodation Request Form by email to CityClerk@SanPabloCA.gov, with "Accommodation Request" listed in the subject line of the email. Alternatively, completed Meeting Accommodation Request Forms may be submitted to the City Clerk's Office at City Hall, 1000 Gateway Avenue, San Pablo, CA 94806. Meeting accommodation requests should be submitted as soon possible and must be received by the City no later than 10:00 am on the day of the meeting for which accommodations are requested. Meeting Accommodation Request Forms may be found at <https://www.sanpabloca.gov/DocumentCenter/View/15988/FRM-Meeting-Accommodation-Request-Form-FINAL-020823>, or requested by email to CityClerk@SanPabloCA.gov, or by phone at (510) 215-3000.

ROLL CALL**CONSIDER AND TAKE ACTION ON ANY REQUEST FROM A COUNCILMEMBER TO PARTICIPATE IN A MEETING REMOTELY DUE TO JUST CAUSE OR EMERGENCY CIRCUMSTANCES PURSUANT TO AB 2449 (GOVERNMENT CODE SECTION 54953(F)).**

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. [#23-104](#) CLOSED SESSION
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Gov't Code Section 54956.8:
PROPERTY: APN 417-190-023
AGENCY NEGOTIATORS: Matt Rodriguez, Charles Ching, Nicole Murphy
as special legal counsel
NEGOTIATING PARTIES: San Pablo Lytton Casino
UNDER NEGOTIATION: Price and Terms of Payment for Disposition of
Property

2. [#23-003](#) CLOSED SESSION
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Gov't Code Section 54956.8:
PROPERTY: 13831 San Pablo Avenue, San Pablo, CA 94806 (a portion
of the former City Hall site located generally at the intersection of San
Pablo Avenue and Church Lane)
AGENCY NEGOTIATORS: Matt Rodriguez, Charles Ching, Elizabeth
Lopez, Nicole Murphy as Special Legal Counsel
NEGOTIATING PARTIES: Danco Communities
UNDER NEGOTIATION: Price and Terms of Payment for Disposition of
Property

***** 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.

REPORT ON CLOSED SESSION

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.

PRESENTATIONS

3. [#23-016](#) WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT UPDATE TO THE CITY COUNCIL BY SUPERINTENDENT DR. CHRIS HURST.

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

4. [#23-101](#) CONSIDER APPROVING MINUTES OF THE MEETING OF MARCH 6, 2023.

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

Recommendation: Approve by Minute Order

PERIODIC REPORTS

5. [#23-118](#) CONSIDER APPROVING VENDOR CHECK REGISTER REPORT FOR THE MONTH OF FEBRUARY 2023.

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

Recommendation: Approve by Minute Order

LIABILITY CLAIMS

6. [#23-091](#) CONSIDER DENYING LIABILITY CLAIM OF ISABEL TORRES (DOL 01/15/23).

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

7. [#23-093](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS, INC. FOR THREE YEARS (FISCAL YEARS 2023-2026) FOR LEGISLATIVE AND PUBLIC FUNDING ADVOCACY SERVICES, FOR A TOTAL COMPENSATION OVER THE THREE YEARS NOT TO EXCEED \$207,000.

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

Recommendation: Adopt Resolution

8. [#23-094](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH JAMES S. PARROTT FOR THREE YEARS (FISCAL YEARS 2023-2026) FOR EMS AND FIRE CONSULTING SERVICES, FOR A TOTAL AMOUNT OVER THE THREE-YEAR AGREEMENT NOT TO EXCEED \$54,000.

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

Recommendation: Adopt Resolution

9. [#23-044](#) CONSIDER ADOPTING RESOLUTION TO AMEND THE PURCHASING POLICY ADOPTED BY COUNCIL ON MARCH 5, 2018 TO: 1) ELIMINATE CERTAIN POLICIES AND PROCEDURES RELATED TO CREDIT CARDS, AND INSTEAD, DIRECT THE CITY MANAGER TO CONTINUE TO ESTABLISH, MAINTAIN AND MODIFY ADMINISTRATIVE POLICIES AND PROCEDURES ON CREDIT CARD ISSUANCE AND USE; AND 2) INCORPORATE UPDATED FEDERAL CONTRACT PROVISIONS AND MAKE OTHER UPDATES

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

Recommendation: Adopt Resolution

10. [#23-107](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO (1) PURCHASE ONE (1) 2023 FORD LIGHTNING EV PICKUP TRUCK FROM NATIONAL AUTO FLEET GROUP IN WATSONVILLE, CALIFORNIA, IN AN AMOUNT NOT TO EXCEED \$62,246.85; AND (2) WAIVING THE COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASE PURSUANT TO THE SAN PABLO MUNICIPAL CODE SECTION 3.16.110(E).

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

Recommendation: Adopt Resolution

11. [#23-002](#) CONSIDER ADOPTING RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT WITH DANCO COMMUNITIES AND SAN PABLO CHURCH LANE LP FOR THE SALE AND DEVELOPMENT OF A PORTION OF FORMER SAN PABLO CITY HALL LOCATED AT 13831 SAN PABLO AVENUE, SAN PABLO, CALIFORNIA

CEQA: The former City Hall property was the subject of a Historic Resources Assessment Report (www.sanpabloca.gov/DocumentCenter/View/13643/Old-City-Hall--Historic-Report) and a Mitigated Negative Declaration (Attachment No. 4) prepared in connection with the approval of the Specific Plan Amendment/General Plan Amendment that designated the property as SP2-Mixed Use Center City Hall Site on February 20, 2018. As part of that approval, mitigation measures were adopted that must be complied with as part of the development of the proposed project. Those mitigation measures have been incorporated as part of the proposed agreement with the developer. There has been no change in circumstances that would warrant further environmental review at this time. Further, the Project meets the criteria established for the affordable housing exemption set forth in Section 15194 of the Guidelines for Implementation of the California Environmental Quality Act (the "CEQA Guidelines").

Recommendation: Adopt Resolution

12. [#23-099](#) CONSIDER ADOPTING RESOLUTION AMENDING THE CITY'S CLASSIFICATION PLAN FOR FY 2022-23 BY (1) CREATING A NEW DIVISION MANAGER CLASSIFICATION OF ENVIRONMENTAL PROGRAMS MANAGER AND ADDING ONE FULL-TIME POSITION; (2) ADDING ONE FULL-TIME ENGINEERING AIDE POSITION; (3) REALLOCATING THE EXECUTIVE ASSISTANT TO THE CITY MANAGER TO A MANAGEMENT ANALYST; AND (4) CREATING A NEW CLASSIFICATION OF PARALEGAL II AND RECLASSIFYING THE CURRENT PARALEGAL I

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

Recommendation: Adopt Resolution

13. [#23-108](#) CONSIDER ADOPTING RESOLUTION DIRECTING PREPARATION OF THE ENGINEER'S FOR THE LEVY OF ANNUAL ASSESSMENTS FOR FISCAL YEAR 2023/24 FOR SAN PABLO STREET LIGHTING AND LANDSCAPE ASSESSMENT DISTRICT NO. 1982-1.
- CEQA: This is not a project as defined by CEQA
- Recommendation:** Adopt Resolution
14. [#23-106](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO CERTIFY THE CALENDAR YEARS 2020 AND 2021 GROWTH MANAGEMENT PROGRAM COMPLIANCE CHECKLIST REQUIRED BY THE CONTRA COSTA TRANSPORTATION AUTHORITY.
- CEQA: This is not a project as defined by CEQA and will not result in direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
- Recommendation:** Adopt Resolution
15. [#23-111](#) CONSIDER ADOPTING RESOLUTION (1) ACCEPTING AN EASEMENT FROM WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT AT THE LAKE ELEMENTARY SCHOOL FOR ACCESS TO AND MAINTENANCE OF THE CITY'S STORMWATER DRAIN LINE, AND (2) AUTHORIZING THE CITY MANAGER TO EXECUTE the EASEMENT and TAKE SUCH OTHER ACTIONS NECESSARY FINALIZE the easement.
- CEQA: This is not a project as defined by CEQA.
- Recommendation:** Approve by Minute Order
16. [#23-103](#) CONSIDER AUTHORIZATION TO RATIFY A LETTER TRANSMITTED ON MARCH 1, 2023 FROM SAN PABLO MAYOR PINEDA, ON BEHALF OF THE SAN PABLO CITY COUNCIL, TO THE CITY'S FEDERAL REPRESENTATIVES (U.S. SENATORS DIANNE FEINSTEIN AND ALEX PADILLA, AND U.S. REPRESENTATIVE JOHN GARAMENDI (D-8TH) REGARDING 2023-24 FEDERAL BUDGET ONE-TIME CAPITAL FUNDING EARMARKS FOR SAN PABLO CAPITAL PROJECTS UNDER CONSIDERATION.
- CEQA: This is not a project as defined by CEQA as a budget or financing mechanism pursuant to 14 Cal. Code of Regulations section 15378(b).
- Recommendation:** Approve by Minute Order

17. [#23-105](#) CONSIDER AUTHORIZATION TO RATIFY A LETTER TRANSMITTED ON MARCH 7, 2023 FROM SAN PABLO MAYOR PINEDA, ON BEHALF OF THE SAN PABLO CITY COUNCIL, TO THE CITY'S STATE REPRESENTATIVES (STATE SENATOR NANCY SKINNER, 9TH DISTRICT AND STATE ASSEMBLYMEMBER BUFFY WICKS, 14TH DISTRICT) REGARDING 2023-24 STATE BUDGET ONE-TIME CAPITAL FUNDING EARMARKS FOR SAN PABLO CAPITAL PROJECTS UNDER CONSIDERATION.

CEQA: This is not a project as defined by CEQA as a budget or financing mechanism pursuant to 14 Cal. Code of Regulations section 15378(b).

Recommendation: Approve by Minute Order

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

PUBLIC HEARINGS

18. [#23-096](#) PUBLIC HEARING AND CONSIDER ADOPTING RESOLUTION AUTHORIZING THE SUBMITTAL OF THE CITY OF SAN PABLO HOUSING ELEMENT ANNUAL PROGRESS REPORT FOR CALENDAR YEAR 2022 TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH.

Recommendation: Conduct public hearing; adopt Resolution

19. [#23-097](#) PUBLIC HEARING AND CONSIDER ADOPTING RESOLUTION AUTHORIZING THE SUBMITTAL OF THE CITY OF SAN PABLO GENERAL PLAN ANNUAL PROGRESS REPORT FOR CALENDAR YEAR 2022 TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND The GOVERNOR'S OFFICE OF PLANNING AND RESEARCH.

CEQA: Governor's Office of Planning and Research (OPR) reporting requirements do not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

Recommendation: Conduct public hearing; adopt Resolution

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

SUPPLEMENTAL MATERIALS (IF ANY)

20. [#23-102](#) 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 Abel Pineda

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

Standing Committees: Community Services

Ad-Hoc Subcommittees: Casino San Pablo/Lytton Tribe; Smart 5G Policy Projects; City's 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); MACE 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; City Attorney Employment Agreement

(c) Councilmember Arturo Cruz

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

Standing Committees: Budget, Fiscal & Legislative; Public Safety

Ad-Hoc Subcommittees: City Attorney Employment Agreement

(d) Councilmember Elizabeth Pabon-Alvarado

Memberships: MACE Clean Energy Board of Directors (Alternate)

Standing Committees: Budget, Fiscal & Legislative; Public Safety

Ad-Hoc Subcommittees: City Attorney Employment Agreement

(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 JAP Authority (Alternate); West Contra Costa Transportation Advisory Committee (Primary)

Standing Committees: Public Safety; Public Health

Ad-Hoc Subcommittees: None

ADJOURNMENT

Adjourn to Monday, April 3, 2023, at 6:00 pm, in memory of Frank Quattro, owner of Moler Barber College.