



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

Monday, May 2, 2022

6:00 PM

Via Teleconference/Videoconference

CLOSED SESSION BEGINS AT 5:00 PM

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 strongly recommends holding online (teleconferenced or videoconferenced) meetings.

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
<https://tinyurl.com/SPCC050222> (no password needed); OR Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join <https://tinyurl.com/SPCC050222>

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: 885 5643 8599; International numbers available: <https://us02web.zoom.us/j/kzn8rAXWc>.

2. Public comments may be submitted watching the meeting via online link: <https://tinyurl.com/SPCC050222>.

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>.

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. [#22-187](#) CLOSED SESSION
CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Govt. Code section 54957.6)
AGENCY DESIGNATED REPRESENTATIVES: Charles Ching, Norm Veloso, Viviana Toledo, Outside Labor Counsel and Negotiator Kelly Tuffo
EMPLOYEE ORGANIZATIONS: Association of Intermediate Employees, Confidential Employees, Contract Employees, Division Managers, Executive Management, San Pablo Police Employees Association; San Pablo Police Employees Association (Management Unit); Operating Engineers Local Union No. 3, AFL-CIO; and Part-Time Employees

***** 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. [#22-194](#) SPECIAL RECOGNITION FOR RETIREMENT OF SERVICES OF
POLICE LIEUTENANT JOHN BENONE, CITY ATTORNEY LYNN TRACY
NERLAND AND PUBLIC WORKS DIRECTOR/CITY ENGINEER JILL
MERCURIO
Recommendation: For Informational Purposes Only
3. [#22-188](#) RECOGNITION OF NATIONAL PUBLIC WORKS WEEK - MAY 15-22,
2022
Recommendation: For Informational Purposes Only

PRESENTATIONS

4. [#22-170](#) PRESENTATION TO THE CITY COUNCIL REGARDING THE 2021-22 SAN PABLO COLLEGE INTERNSHIP PROGRAMS

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. [#22-184](#) MINUTES OF THE MEETING OF APRIL 18, 2022

Recommendation: Approve by Minute Order

MISCELLANEOUS

6. [#22-177](#) 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 JUNE 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

7. [#22-183](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO (1) RE-APPROPRIATE \$13,405 FROM THE FY 2021/22 CIP GENERAL FUND TO THE ENGINEERING & ADMINISTRATION PROFESSIONAL SERVICES OPERATING BUDGET; AND (2) EXECUTE THE THIRD AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES BETWEEN THE CITY OF SAN PABLO AND TOOLE DESIGN GROUP, LLC FOR ADDITIONAL DESIGN SERVICES TO IMPLEMENT THE SAN PABLO BICYCLE AND PEDESTRIAN CORRIDOR STUDY IN AN AMOUNT OF \$39,642 WITH A 15% CONTINGENCY FOR A TOTAL AGREEMENT AUTHORIZATION NOT TO EXCEED \$371,213 AND EXTEND THE TERM TO EXPIRE ON DECEMBER 31, 2023

Recommendation: Adopt Resolution

8. [#22-169](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO TO (1) APPROPRIATE GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) HIGHWAY SAFETY IMPROVEMENT PROGRAM IN THE AMOUNT OF \$773,298; (2) RE-APPROPRIATE \$85,922 FOR REQUIRED GRANT MATCH FUNDS FROM THE FY 2021/22 CIP GENERAL FUND TO THE CHURCH LANE/WILLOW ROAD AND EL PORTAL DRIVE/MISSION BELL ROAD INTERSECTION IMPROVEMENT PROJECT (0701); (3) APPROVE AND ADOPT THE PLANS AND SPECIFICATIONS FOR THE CHURCH/WILLOW AND EL PORTAL/MISSION BELL INTERSECTION IMPROVEMENT PROJECT (0701); AND (4) AUTHORIZE THE CITY MANAGER TO AWARD A CONTRACT AND EXECUTE AN AGREEMENT WITH GRADETECH INC. FOR THE CHURCH LANE/WILLOW ROAD AND EL PORTAL DRIVE/MISSION BELL DRIVE INTERSECTION IMPROVEMENT PROJECT (0701) IN THE AMOUNT OF \$694,973 WITH A 15% CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$799,220

Recommendation: Adopt Resolution

ORDINANCES (Second Reading)

9. [#22-181](#) ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ESTABLISHING A MILITARY EQUIPMENT USE POLICY FOR THE SAN PABLO POLICE DEPARTMENT

Recommendation: Waive second reading; adopt Ordinance

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

CITY COUNCIL DISCUSSION/CONSIDERATION

10. [#22-180](#) CITY COUNCIL CONSIDERATION TO AUTHORIZE A REQUEST FROM SAN PABLO MAYOR XAVIER TO FLY A COMMEMORATIVE FLAG AT THE CIVIC CENTER FLAG POLE FOR THE ENTIRE MONTH OF JUNE 2022 RECOGNIZING LESBIAN, GAY, BI-SEXUAL, TRANSGENDER AND QUESTIONING COMMUNITY (LGBTQ) PRIDE MONTH.

Recommendation: 1. The City Manager recommends formal consideration of this commemorative flag request from Vice Mayor Xavier in accordance with the adopted City of San Pablo Policy on Display of Flags requirements adopted via Resolution 2020-061; and/or

2. Provide further direction by majority vote.

11. [#22-178](#) CITY COUNCIL CONSIDERATION: REQUEST FOR ISSUANCE OF A PROCLAMATION SUPPORTING NATIONAL DAY OF PRAYER EVENT ON MAY 5, 2022 FOLLOWING CITY COUNCIL MAJORITY VOTE DIRECTION RECEIVED AT THE APRIL 18, 2022 CITY COUNCIL MEETING

Recommendation: Discuss and provide formal direction by minute order regarding request for Proclamation for National Day of Prayer Event on Thursday, May 5, 2022.

SUPPLEMENTAL MATERIALS (IF ANY)

12. [#22-185](#) 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

(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

(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, May 16, 2022 at 6:00 pm, in memory of Nguyen Do Phung, father-in-law of Senior Maintenance Worker Hieu Vu; and in memory of Sherry Stanley, West County Wastewater Board Member.