



City of San Pablo

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

Meeting Agenda - Draft

City Council

Tuesday, January 17, 2023

6:00 PM

Council Chambers/
Teleconference-Videoconference

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/SPCC011723> (no password needed); OR Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join <https://tinyurl.com/SPCC011723>

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: 840 8021 5080; International numbers available: <https://us02web.zoom.us/j/kyBIAu6O4>.

2. Public comments may be submitted watching the meeting via online link: <https://tinyurl.com/SPCC011723>

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.

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>.

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## **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.*

## **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**

1. [#23-006](#) CONSIDER APPROVING MINUTES OF THE MEETING OF DECEMBER 19, 2022.

CEQA: This is not a project subject to CEQA.

**Recommendation:** Approve by Minute Order

**PERIODIC REPORTS**

2. [#23-023](#) CONSIDER APPROVING VENDOR CHECK REGISTER REPORT FOR THE MONTH OF DECEMBER 2022

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

**Recommendation:** Approve by Minute Order

**MISCELLANEOUS**

3. [#23-011](#) 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

4. [#23-024](#) CONSIDER ADOPTING RESOLUTION DIRECTING THE CITY MANAGER TO PROCEED WITH RETAINING FRANCISCO AND ASSOCIATES, INC. TO CONDUCT BENEFIT ANALYSIS AND STRATEGY RESEARCH INSTITUTE, INC. TO CONDUCT COMMUNITY OUTREACH SERVICES FOR THE SAN PABLO STREET LIGHTING AND LANDSCAPE DISTRICT NO. 1982-1.

CEQA: This project is not subject to CEQA.

**Recommendation:** Adopt Resolution

5. [#23-012](#) CONSIDER ADOPTING RESOLUTION OF THE CITY COUNCIL IN ITS CAPACITY AS HOUSING SUCCESSOR AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBORDINATION AGREEMENT WITH BENEFICIAL STATE BANK FOR THE RUMRILL PLACE APARTMENTS (1883 RUMRILL BOULEVARD)

CEQA: This is not a project within the meaning of CEQA, and if deemed a project, would be exempt from CEQA.

**Recommendation:** Adopt Resolution

6. [#23-017](#) CONSIDER ADOPTING RESOLUTION APPROVING GENERAL FUND DESIGNATED RESERVES (GFDR) TOTAL FUND BALANCE ALLOCATION AMENDMENT OF \$7,429,138 FOR FISCAL YEAR 2022-23, EFFECTIVE JANUARY 1, 2023.

CEQA: This is not a project subject to CEQA.

**Recommendation:** Adopt Resolution

7. [#23-014](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF \$160,000 IN FY 2023/24 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING FOR THE SAFE ROUTES TO E.M. DOWNER ELEMENTARY SCHOOL PROJECT AND FINDING THE PROJECT CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

CEQA: Staff evaluation of this work with respect to the California Environmental Quality Act (CEQA) recommends that it be found categorically exempt in accordance with Section 15301 (Class 1) of the CEQA Guidelines, minor alterations to existing public streets. The Notice of Exemption will be filed with the Contra Costa County Clerk prior to the January 26, 2023 deadline for grant submittal.

**Recommendation:** Adopt Resolution

8. [#23-026](#) CONSIDER ACCEPTING CITY MANAGER'S REPORT REGARDING THREE EMERGENCY PROCUREMENTS MADE PURSUANT TO MUNICIPAL CODE SECTION 3.16.110(D), TOTALING \$33,000 FOR THE THREE CONTRACTS, NEEDED TO ABATE AN IMMEDIATE PUBLIC HEALTH AND SAFETY RISK AT 2600 MORAGA ROAD.

CEQA: Execution of these contracts is not a project under CEQA.

**Recommendation:** Approve

**ORDINANCES (Second Reading)**

9. [#23-013](#) CONSIDER ADOPTING ORDINANCE AMENDING CHAPTER 15.04 OF THE SAN PABLO MUNICIPAL CODE BY ADOPTING BY REFERENCE THE 2022 CALIFORNIA ADMINISTRATIVE CODE; 2022 CALIFORNIA BUILDING CODE VOLUMES 1 AND 2, AS AMENDED; 2022 CALIFORNIA RESIDENTIAL CODE, AS AMENDED; 2022 CALIFORNIA ELECTRICAL CODE; 2022 CALIFORNIA MECHANICAL CODE; 2022 CALIFORNIA PLUMBING CODE; 2022 CALIFORNIA ENERGY CODE, AS AMENDED; 2022 CALIFORNIA HISTORICAL BUILDING CODE; 2022 CALIFORNIA FIRE CODE WITH AMENDMENTS ADOPTED BY THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT; 2022 CALIFORNIA EXISTING BUILDING CODE; 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE; 2022 CALIFORNIA REFERENCED STANDARDS CODE; AND THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED; AND DETERMINING THAT ADOPTION OF THESE AMENDMENTS IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA: This proposed action is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines section 15061(b)(3) (i.e., the "common sense" exemption) in that its purpose to provide minimum standards to safeguard life, limb, health, property, and public welfare of construction and its adoption will not have the effect of deleting or substantially changing any regulatory standards or findings and it can be determined with certainty that the adoption of the proposed amendments to the Municipal Code has no potential for causing a significant effect on the environment. In addition, adoption of these amendments is exempt from review under CEQA Guidelines section 15308 because the project is an action being taken by a regulatory agency where the process involves procedures for the protection of the environment that do not have the potential to cause significant effects on the environment.

**Recommendation:** Waive the second reading and adopt the Ordinance.

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

**CITY COUNCIL DISCUSSION/CONSIDERATION**

10. [#23-009](#) CONSIDER RESOLUTION AFFIRMING THE RECOMMENDED APPOINTMENTS BY MAYOR PINEDA OF INDIVIDUAL CITY COUNCIL STANDING COMMITTEE AND REGIONAL/LOCAL ASSIGNMENTS FOR CALENDAR YEAR 2023 PURSUANT TO SAN PABLO MUNICIPAL CODE SECTION 2.16.070.

CEQA: This project is not subject to CEQA.

**Recommendation:** Adopt Resolution for all City Council assignments as amended for Calendar Year 2022 pursuant to SPMC 2.16.070 requirements.

**SUPPLEMENTAL MATERIALS (IF ANY)**

11. [#23-007](#) 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 agendaized herein:*

**(a) Mayor Abel Pineda**

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

*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: 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*

**(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: None*

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

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

*Standing Committees: Budget, Fiscal & Legislative*

*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 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*

**ADJOURNMENT**

*Adjourn to Monday, February 6, 2023 at 6:00 pm, in memory of Marie Teresa Troche, grandmother of Police Officer Gilbert Troche; OK Han, grandmother of Police Captain James Laughter; Clifford R. Thebodeau, father of Police Executive Assistant Tracey Thebodeau, and Mary Rodriguez, mother-in-law of Police Services Technician Jo Anna Rodriguez.*