



# City of San Pablo

Council Chambers  
1000 Gateway Avenue  
San Pablo, CA 94806  
(510) 215-3000  
[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, April 3, 2023

6:00 PM

Council Chambers

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**CLOSED SESSION BEGINS AT 5:30 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/CSSC032823>  
Webinar ID: 898 2656 9548

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/kd6rEJBd3F>.

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 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>.

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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.

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**ROLL CALL****REMOTE PARTICIPATION UNDER AB 2449**

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)).

**CLOSED SESSION**

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.

**1. [#23-133](#)****CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL-POTENTIAL INITIATION OF LITIGATION/EXISTING LITIGATION pursuant to California Government Code Sections 54956.9(d)(4) and 54956.9(d)(1): 5 cases:

1. Nationwide Settlement with Opioid Manufacturer Teva, In re National Prescription Opiate Litigation, United States District Court for the Northern District of Ohio, MDL No. 2804, Case No. 17-MD-2804 (class action)
2. Nationwide Settlement with Former Opioid Manufacturer Allergan, In re National Prescription Opiate Litigation, United States District Court for the Northern District of Ohio, MDL No. 2804, Case No. 17-MD-2804 (class action)
3. Multistate Opioid Settlement with Walmart, In re National Prescription Opiate Litigation, United States District Court for the Northern District of Ohio, MDL No. 2804, Case No. 17-MD-2804 (class action)
4. Multistate Opioid Settlement with Walgreens, In re National Prescription Opiate Litigation, United States District Court for the Northern District of Ohio, MDL No. 2804, Case No. 17-MD-2804 (class action)
5. Settlement Agreement with CVS to Address Opioid Crisis, In re National Prescription Opiate Litigation, United States District Court for the Northern District of Ohio, MDL No. 2804, Case No. 17-MD-2804 (class action)

**\*\*\* END OF CLOSED SESSION \*\*\***

Reconvene to Regular Session

**PLEDGE OF ALLEGIANCE****PUBLIC ANNOUNCEMENT**

**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. 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**

2. [#23-122](#) PRESENTATION OF PROCLAMATION RECOGNIZING MARCH 2023 AS AMERICAN RED CROSS MONTH (Contra Costa County American Red Cross).

**Recommendation:** For presentation purpose only

3. [#23-100](#) CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT UPDATE

**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. [#23-117](#) CONSIDER APPROVING MINUTES OF THE MEETING OF MARCH 20, 2023.

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

**Recommendation:** Approve by Minute Order

**PROCLAMATIONS**

5. [#23-123](#) CONSIDER APPROVING REQUEST FOR ISSUANCE OF PROCLAMATION RECOGNIZING APRIL 2023 AS FAIR HOUSING MONTH.

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

**Recommendation:** Approve by Minute Order

**MISCELLANEOUS**

6. [#23-005](#) CONSIDER ADOPTING RESOLUTION GRANTING SANITARY SEWER EASEMENTS AT CITY-OWNED PROPERTY WITH APN 416-140-053 AND AT MORAGA ROAD, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO SEWER EASEMENT AGREEMENTS WITH WEST COUNTY WASTEWATER DISTRICT

CEQA: On June 7, 2021, the City Council conducted a public hearing and approved an initial study and Mitigated Negative Declaration for the proposed project at 2600 Moraga Road. There have been no substantial changes to the project, conditions or circumstances regarding this project that would require additional environmental review.

**Recommendation:** Adopt Resolution

7. [#23-119](#) CONSIDER ADOPTING RESOLUTION APPROVING THE APPOINTMENT OF TIFFANY BELL TO THE CHILDHOOD OBESITY PREVENTION ADVISORY GROUP FOR TERM MARCH 2023 TO MARCH 2025

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

**Recommendation:** Adopt Resolution

8. [#23-147](#) CONSIDER ADOPTING RESOLUTION APPROVING A SUBORDINATION AGREEMENT WITH PACIFIC WEST BANK FOR THE FIRST PHASE OF THE ALVARADO GARDENS PROJECT TO BE DEVELOPED BY DANCO COMMUNITIES AND SAN PABLO CHURCH LANE LP ON A PORTION OF THE FORMER CITY HALL PROPERTY LOCATED AT 13831 SAN PABLO AVENUE.

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](http://www.sanpabloca.gov/DocumentCenter/View/13643/Old-City-Hall--Historic-Report) <<http://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

9. [#23-137](#) CONSIDER ADOPTING RESOLUTION TO (1) APPROVE THE PLANS AND SPECIFICATIONS FOR THE FY2022/23 CITYWIDE SLURRY SEAL PROJECT (0602) ; (2) AWARD DOOLITTLE CONSTRUCTION, LLC OF SNOQUALMIE, WA, THE BID FOR THE PROJECT, (3) AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DOOLITTLE CONSTRUCTION, LLC, IN AN AMOUNT OF \$523,971.50 FOR THE BASE BID AND \$217,769 FOR BID ALTERNATIVES, WITH A TOTAL AUTHORIZATION NOT TO EXCEED \$853,002, WHICH INCLUDES \$111,261.50 (15%) FOR CONSTRUCTION CONTINGENCY; (4) EXECUTE A FIFTH AMENDMENT TO THE ON-CALL AGREEMENT FOR PROJECT MANAGEMENT AND CONSTRUCTION INSPECTION SERVICES BETWEEN THE CITY OF SAN PABLO AND PARK ENGINEERING TO EXTEND THE TERM AND INCREASE COMPENSATION IN THE AMOUNT OF \$122,760 FOR A TOTAL AUTHORIZATION UNDER THE CONTRACT AS AMENDED NOT TO EXCEED \$229,760; AND (5) APPROPRIATE SB1 RMRA FUNDS IN THE AMOUNT OF \$830,266 TO THE CITYWIDE SLURRY SEAL PROJECT (0602).

CEQA: The project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code sections 21083 and 21084 and 14 C.C.R. Sec. 15301 because it consists of the rehabilitation of existing street pavement within the City. There will be no increase in the number of lanes and no scenic resource will be altered or removed.

**Recommendation:** Adopt Resolution

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

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

10. [#23-124](#) 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 a special meeting on Wednesday, April 5 at 1:00 pm, in memory of Levi Baca, father of Senior Maintenance Worker Spencer Baca. The next regular meeting is on Monday, April 17, 2023 at 6:00 pm.*