



City of San Pablo

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

Meeting Agenda

City Council

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

Monday, October 2, 2023

6:00 PM

City Council Chambers

Access the meeting remotely by using this URL

<https://us02web.zoom.us/j/83708212256>

CITY COUNCIL/LOCAL SUCCESSOR AGENCY

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**

The agenda will be posted at the remote location, and the teleconference location will be accessible to the public.

NOTICE:

Members of the public may attend the meeting in any following ways:

- *In-person at the Council Chambers at 1000 Gateway Ave, San Pablo, CA (as well as any additional in-person location that may be listed above);*
- *By Zoom by visiting <https://us02web.zoom.us/j/83708212256>; or*
- *By phone at 1-669-444-9171 or 1-669-900-6833 (San Jose); and entering Webinar ID: 837 0821 2256.*
- *The public can also view the meeting during livestream online at <https://sanpablo.legistar.com/Calendar.aspx>*

If you are attending in-person, we ask that all cell phones be turned off or silenced during the meeting.

PUBLIC COMMENT:

At each meeting, the public has the opportunity to address the City Council on items appearing on the agenda and, for items not appearing on the agenda but within the purview of the City Council, during ORAL COMMUNICATIONS. 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.

- **IN-PERSON PUBLIC COMMENT:**

Any person wishing to make such address Council should first complete and deliver a "Speaker Form" available at the speaker's podium and submit it 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.

- **REMOTE PUBLIC COMMENT:**

Members of the public participating remotely may provide public comment during the meeting in the following ways:

- **Web:** <https://us02web.zoom.us/j/83708212256> (Participate via Zoom and “raise hand” by selecting the virtual hand icon in the Zoom platform when the item is called. City staff will activate the speaker’s microphone when the speaker’s name is called. The speaker will need to unmute themselves. Council will not consider comments made in the chat function of the Zoom platform.)

- **Telephone:** Dial Or by phone 1-669-444-9171 or 1-669-900-6833 (San Jose),
Enter Webinar ID: 837 0821 2256 (press *9 to raise/lower hand; press *6 to mute/unmute)

- **WRITTEN PUBLIC COMMENT:**

Public comments may also be submitted 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 No.____”. 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.

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.

AGENDA MATERIALS

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>

AMERICANS WITH DISABILITIES ACT:

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 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.

Meeting accommodation requests should be submitted to the City as soon possible. The City will attempt to resolve before the meeting begins all accommodation requests received by 10 a.m. on the day of the meeting.

CALL TO ORDER

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

1. [23-390](#) 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
NEGOTIATING PARTIES: San Pablo Lytton Casino
UNDER NEGOTIATION: Price and Terms of Payment for Disposition of
Property

RECONVENE TO REGULAR SESSION

PLEDGE OF ALLEGIANCE

PUBLIC ANNOUNCEMENT

ROLL CALL

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. [23-290](#) PRESENTATION OF PROCLAMATION TO THE CITY COUNCIL OF THE
CITY OF SAN PABLO RECOGNIZING OCTOBER AS BULLYING
PREVENTION MONTH IN THE CITY OF SAN PABLO

CEQA: This is not a project defined by CEQA.

3. [23-387](#) PRESENTATION OF PROCLAMATION RECOGNIZING THE CITY OF
SAN PABLO STAFF AND ALLIED AGENCIES IN SAFEGUARDING THE
COMMUNITY OF SAN PABLO AND SURROUNDING AREAS DURING
THE STANTON AVENUE HAZARDOUS CHEMICALS INCIDENT

CEQA: This is not a project defined by CEQA.

4. [23-395](#) PRESENTATION OF 2023 SRI ANNUAL PUBLIC SAFETY SURVEY RESULTS

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

Recommendation: For Informational Purposes Only

CEREMONIAL MATTERS

5. [23-394](#) PRESENTATION OF LIFE SAVING AWARD AND MEDAL TO POLICE OFFICER BRANDON OSWALD

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

Recommendation: Approve and present Life Saving Award

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

6. [23-384](#) CONSIDER APPROVING MINUTES OF THE MEETING OF SEPTEMBER 18, 2023

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

Recommendation: Approve by Minute Order

LIABILITY CLAIMS

7. [23-372](#) CONSIDER DENYING LIABILITY CLAIMS OF: 1) JABARIE JOHNSON (DOL 7/30/23); AND 2) SHANI LIGAYA BOYKIN (DOL 2/25/23)

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

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

CITY COUNCIL AUTHORIZATION

8. [23-388](#) CONSIDER RATIFYING THE LETTER OF SUPPORT TRANSMITTED BY MAYOR PINEDA TO THE STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION ON SEPTEMBER 20, 2023 TO SUPPORT COMCAST'S REQUEST FOR FEDERAL FUNDING ACCOUNT (FFA) FUNDING TO DEPLOY AND EXPAND BROADBAND INFRASTRUCTURE IN THE CONTRA COSTA COUNTY REGION WHICH IS CONSISTENT WITH THE CITY'S SMART 5G STRATEGIC POLICY INITIATIVE ADOPTED VIA RESOLUTION NO. 2020-132

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

Recommendation: Authorized by Minute Action

9. [23-366](#) PROPOSED 2024 CALENDAR OF CITY COUNCIL / LOCAL SUCCESSOR AGENCY / JOINT POWERS FINANCING AUTHORITY REGULAR MEETING DATES

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

Recommendation: Approve by Minute Order

10. [23-376](#) CONSIDER ADOPTING RESOLUTION (1) AUTHORIZING THE PURCHASE OF A NEW 2023 VERMEER LP573SDT VACUUM TRAILER USING A COMPETITIVELY BID COOPERATIVE PURCHASING AGREEMENT PURSUANT TO THE SAN PABLO MUNICIPAL CODE SECTION 3.16.110 (e); (2) AUTHORIZING THE SALE OF THE OLD VACUUM TRAILER (VEHICLE 696) AT PUBLIC AUCTION PURSUANT TO SAN PABLO MUNICIPAL CODE SECTION 3.16.120(C), WITH REVENUE FUNDS TO BE CREDITED TO THE FISCAL YEAR 2023/24 PROPERTY MAINTENANCE EQUIPMENT REPLACEMENT OPERATING BUDGET (100-3410-46300); AND (3) REAPPROPRIATING \$102,862.47 FROM FUTURE ENVIRONMENTAL ELECTRIFICATION PROGRAM ACCOUNT (910-3310-20702) TO THE FISCAL YEAR 2023/24 PROPERTY MAINTENANCE EQUIPMENT REPLACEMENT OPERATING BUDGET (100-3410-46300) FOR THE PURCHASE

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

Recommendation: Adopt Resolution

11. [23-381](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT WITH LIEBERT CASSIDY WHITMORE FOR LEGAL SERVICES IN THE AREAS OF LABOR NEGOTIATIONS AND EMPLOYMENT LAW, INCREASING COMPENSATION BY UP TO \$50,000, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$100,000

CEQA: This is not a project subject to CEQA.

Recommendation: Adopt Resolution

12. [23-353](#) CONSIDER ADOPTING RESOLUTION APPROVING AN UPDATED COMMUNITY SERVICES DEPARTMENT MASTER FEE SCHEDULE FOR PROGRAMS, SERVICES AND FACILITY RENTAL RATES EFFECTIVE DECEMBER 1, 2023

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

Recommendation: Adopt Resolution

13. [23-383](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING 1) THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CLEARCOV TO PURCHASE NEW BUDGETING SOFTWARE, ANNUAL LICENSING AND RELATED PROFESSIONAL SERVICES AT A TOTAL COST NOT TO EXCEED \$105,543.75 FOR 45 MONTHS, INCLUDING A SUBSCRIPTION TOTAL OF \$21,108.75 FOR THE REMAINING FISCAL YEAR; AND 2) APPROPRIATING \$21,108.75 FROM GENERAL FUND DESIGNATED RESERVES - CITY FACILITY MAINTENANCE AND ONE-TIME IMPROVEMENTS TO FINANCE PROFESSIONAL SERVICES (100-1420-43600)

CEQA: This is not a project within the meaning of CEQA.

Recommendation: Adopt Resolution

14. [23-391](#) CONSIDER ADOPTING RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AND THE SAN PABLO LOCAL SUCCESSOR AGENCY APPROVING AND AUTHORIZING THE EXECUTION OF A PROPERTY TRANSFER AND INDEMNITY AGREEMENT PROVIDING FOR THE TRANSFER OF CERTAIN REAL PROPERTY TO THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

CEQA: Execution of a Property Transfer and Indemnity Agreement is not a project under CEQA. The WCCUSD has gone through its own CEQA review process as part of the Lake Elementary School Modernization Project.

Recommendation: Adopt Resolution

15. [23-392](#) CONSIDER ADOPTING RESOLUTION DECLARING CITY-OWNED PROPERTY LOCATED ON VALE ROAD WITH APN 417-190-023-8 TO BE EXEMPT SURPLUS PROPERTY UNDER THE CALIFORNIA SURPLUS LAND ACT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT TO SELL PROPERTY TO THE LYTTON RANCHERIA OF CALIFORNIA FOR THE APPRAISED VALUE OF \$3,050,000

CEQA: The sale of land is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312 (Surplus Governmental Property Sales). However, if development was proposed on the property by a subsequent owner, then that development would be reviewed under CEQA.

Recommendation: Adopt Resolution

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

PUBLIC HEARINGS

No items scheduled.

ORDINANCES

No items scheduled.

CITY COUNCIL DISCUSSION/CONSIDERATION

No items scheduled.

SUPPLEMENTAL MATERIALS (IF ANY)

16. [23-276](#) 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 JPA Authority (Alternative); West Contra Costa Transportation Advisory Committee (Alternate);

Standing Committees: Community Services

Ad-Hoc Subcommittees: Casino San Pablo/Lytton Tribe; Smart 5G Policy Projects; Solid Waste & Recycling Agreements, Programs and Services

(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

(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: 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:

(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 (Primary); West Contra Costa Transportation Advisory Committee (Primary)

Standing Committees: Public Safety; Public Health

Ad-Hoc Subcommittees: Solid Waste & Recycling Agreements, Programs and Services

ADJOURNMENT

Adjourn to Monday, October 16, 2023 at 6:00 pm.