



Minutes of the Regular Meeting of the San Pablo City Council

Tuesday, July 5, 2022

ROLL CALL

The video/teleconferenced meeting convened at 5:00 pm. Present during roll call were Mayor Rita Xavier and Vice Mayor Abel Pineda and Councilmembers Elizabeth Pabon-Alvarado and Patricia Ponce. Councilmember Arturo Cruz arrived at 5:06 pm. Also present were City Manager Matt Rodriguez, City Attorney Teresa Stricker, Assistant City Manager Charles Ching, City Clerk Dorothy Gantt, and HR Management Analyst LaTanya Fisher.

Mayor Xavier announced that the City Council previously determined to meet remotely pursuant to Assembly Bill 361, and that the Council's findings are memorialized in Consent Calendar item #7.

A pre-recorded announcement was played indicating that the meeting was being held via video/teleconference in accordance with the Brown Act as currently in effect under the Governor's Emergency Declaration related to COVID-19 that allow members of the City Council, City staff and the public to participate and conduct a meeting by teleconference, videoconference or both. The announcement indicated the ways in which members of the public may watch or listen to the meeting during livestream on the City website. Instructions were also announced that the public might provide public comments via email, which would be read before Council consideration of the item.

PUBLIC COMMENTS

There were no public comments for the Closed Session matter.

City Attorney Stricker announced the nature and title of the Closed Session matter. The meeting recessed to Closed Session at 5:06 pm.

CLOSED SESSION

1. CLOSED SESSION (#22-295)
CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Existing Litigation pursuant to paragraph (1) of subdivision (d) of Govt. Code section 54956.9: City of Long Beach v. Monsanto Company et al., United States District Court, Central District, Case 2:16-cv-03493-FMO-AS (class action)
2. CLOSED SESSION (#22-298)
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: 1 potential case

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

ROLL CALL

The video/teleconferenced meeting reconvened at 6:00 pm. Present were Mayor Rita Xavier, Vice Mayor Abel Pineda and Councilmembers Patricia Ponce, Elizabeth Pabon-Alvarado, and Arturo Cruz. Also present were City Manager Matt Rodriguez, City Attorney Teresa Stricker, Assistant City Manager Charles Ching, Police Chief Ron Raman, Public Works Director/City Engineer Allan Panganiban, Director of Finance Norm Veloso, Community Services Director Greg Dwyer, Community Development Director Libby Tyler, City Treasurer Viviana Toledo, City Clerk Dorothy Gantt, and HR Management Analyst LaTanya Fisher.

Mayor Xavier announced that the City Council previously determined to meet remotely pursuant to Assembly Bill 361, and that the Council's findings are memorialized in Consent Calendar item #7.

A pre-recorded announcement was played indicating that the meeting was being held via video/teleconference in accordance with the Brown Act as currently in effect under the Governor's Emergency Declaration related to COVID-19 that allow members of the City Council, City staff and the public to participate and conduct a meeting by teleconference, videoconference or both. The announcement indicated the ways in which members of the public may watch or listen to the meeting during livestream on the City website. Instructions were also announced that the public might provide public comments via email, which would be read before Council consideration of the item.

ORAL COMMUNICATIONS

City Clerk Gantt read aloud the comments submitted by (1) Cordell Hindler asking City Council to invite Sabrina Landreth to provide an update on East Bay Parks; and to invite Tim Haile to report on electric vehicle charging stations.

David Tuttle, OE3 Union Agent thanked the City and negotiation team for their collaborative efforts and urged City Council to approve the MOUs that are presented later in the meeting.

REPORT ON CLOSED SESSION

City Attorney Stricker reported that City Council unanimously moved to direct the City Attorney to opt out of the class action settlement related to Monsanto Company's manufacture and sale of PCB's on behalf of the City of San Pablo and instead to initiate direct litigation on behalf of the City of San Pablo. She further reported that the class action is entitled *City of Long Beach v. Monsanto Company*, Case 2:16-cv-03493-FMO-AS, in the U.S. District Court in the Central District of California.

CITY MANAGER REMARKS

City Manager Rodriguez announced following:

- July 8, 2022 – Movies Under the Stars at the Community Center;
- July 30, 2022 – Dumpster Day at 2600 Moraga Road

City Manager Rodriguez thanked Community Services Department and San Pablo Police Department for working together on the community July 4th event.

CONSENT CALENDAR

It was moved by Councilmember Cruz, seconded by Councilmember Pabon-Alvarado, and unanimously passed to adopt all items in the Consent Calendar.

MISCELLANEOUS

3. By adoption of the Consent Calendar, **Resolution 2022-104** was adopted, a Resolution of the City Council of the City of San Pablo, to authorize the City Manager to enter into an agreement with Kimley-Horn for Design Services for the City of San Pablo Contra Costa College Mobility Hub Master Plan Project (0901) in an amount not to exceed \$200,000. (#22-186)
4. By adoption of the Consent Calendar, **Resolution 2022-105** was adopted, a Resolution of the City Council of the City of San Pablo to: (1) Accept and Appropriate the CalTrans Sustainable Communities Planning Grant in the amount of \$265,590 to the Sustainable Transit Oriented Development Master Plan Project (0956); and (2) authorize the City Manager to enter into an agreement with IBI Group for Design Services for the Sustainable Transit Oriented Development Master Plan in an amount not to exceed \$265,436. (#22-241)
5. By adoption of the Consent Calendar, **Resolution 2022-106** was adopted, a Resolution of the City Council of the City of San Pablo to (1) authorize the City Manager to apply for the Metropolitan Transportation Commission (MTC) One Bay Area (OBAG) 3 program for up to \$3,500,000 in grants for the Broadway Safe Routes School Project and the Church Lane Gap Closure Project; (2) Acknowledge Grant Matching Requirements; and (3) authorize the City Manager to enter into Funding Agreements related to any OBAG 3 Program Grants Awarded. (#22-242)
6. By adoption of the Consent Calendar, **Resolution 2022-107** was adopted, a Resolution of the City Council of the City of San Pablo approving final Budget Balancing Measures necessary to Balance the FY2021/22 General Fund Budget by authorizing the City Manager to allocate \$452,000 of available and unassigned fund balance after the Fiscal Year 2021/22 Financial Audit to cover FY2021/22 unforeseen expenditures. (#22-286)
7. By adoption of the Consent Calendar, **Resolution 2022-108** was adopted, a 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 September 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. (#22-292)

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

PUBLIC HEARINGS

8. City Attorney Stricker announced that as a public hearing, City Council members are reminded they should refrain from commenting on the merits of the proposed transaction until all public comments are received. The public comments are limited to three minutes and should be respectful and directed to City Council. After the public hearing is closed, members of the City Council may make their own comments and deliberate.

City Manager Rodriguez introduced the item and announced the last-minute agenda correspondence of the impact on the Engineers Report. Public Works Director/City Engineer Panganiban gave a PowerPoint presentation of the City of San Pablo diagram and assessments as set in the Engineer's Report.

The public hearing opened at 6:27 pm. There were no comments from the public. The public hearing closed at 6:28 pm

It was moved by Councilmember Cruz seconded by Vice Mayor Pineda and unanimously passed to adopt **Resolution 2022-109**, a Resolution of the City Council of the City of San Pablo, Contra Costa County, California, (1) confirming the Diagram and Assessments as set forth in the Engineer's Report within the San Pablo Street Lighting and Landscape District No. 1982-1 for Fiscal Year 2022/23, (2) directing the City Clerk to file Diagram and Assessments with the County Auditor no later than August 10, 2022; and (3) levying said assessments. (#22-212)

CITY COUNCIL DISCUSSION/CONSIDERATION

9. City Manager Rodriguez and City Attorney Stricker announced their recusal from discussion of this item due to a conflict of interest because their benefits as contract employees are impacted by the item before Council. City Manager Rodriguez reported that Assistant City Manager Ching will give the PowerPoint presentation. Mr. Rodriguez also commended Assistant City Manager Ching, Director of Finance Veloso, Management Analyst Toledo and Special Legal Counsel Kelly Tuffo for their job with working with the employee groups and city staff to reach an agreement with cost of living adjustments.

Ms. Stricker announced that Mr. Rick Polanos from Liebert Cassidy Whit is available to address any legal questions on this item.

Both City Manager Rodriguez and City Attorney Stricker turned off their microphone and cameras.

Assistant City Manager Ching presented the agreements reached on the cost of living adjustments, among other things, between all groups and the five-year Memoranda of Understanding with the different bargaining groups.

San Pablo Police Department Employees Association President Matt Wong thanked Council and staff for support of community leaders.

Mayor Xavier read aloud the following statement: *Before I entertain a motion, Government Code Section 54953 requires the City Council to orally report a summary of the recommended action regarding City executives' salaries and benefits before taking final action. The following summary reflects changes to compensation for local agency executives on the agenda.*

For the Executive Management Group:

This item pertains to final action by the City Council regarding the recommendation to approve the following changes to compensation for the Executive Management Group, which includes the Assistant City Manager/Personnel Administrator, Public Works

Director/City Engineer, Director of Finance, Community Services Director, Development Services Director, and Chief of Police:

1. *A cost of living adjustment each year for five years between FY 2022/23 and FY 2026/27 for members of the Executive Management group, effective July 1st of each year. The current, annual Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay Area was reported to be 5.0% in the Bureau of Labor Statistics release of April 2022.*

Hence, the 5% cost-of-living adjustment effective July 1, 2022 recognizes the region's higher cost of living and is a method to keep the city's compensations competitive in the labor market.

Additional cost of living adjustments will be provided as follows:

- *July 1, 2023: 5%*
 - *July 1, 2024: 2%*
 - *January 1, 2025: 2%*
 - *July 1, 2025: 2%*
 - *July 1, 2026: 2%*
2. *Effective July 1, 2022, salary schedules for job classifications that are more than five percent (5%) below the median of comparable cities, according to the City's 2022 total compensation survey prepared by Bryce & Associates, dated February 2022, shall be increased to five percent (5%) below the median. Any cost of living adjustment will be applied after the equity adjustment has been applied. In accordance with the above, the following job classifications shall receive an equity adjustment in the following amounts:*
 - *Community Services Director (13.20% equity adjustment)*
 - *Community Development Director (17.06% equity adjustment)*
 3. *The schedule of benefits is updated to reflect recent changes previously adopted by City Council, including:*
 - *For non-sworn employees, an accrual cap of 112.5 Administrative Leave hours (150-hour cap for employees eligible for an additional grant of 37.5 hours of administrative leave by the City Manager), and cash out of unused Administrative Leave at separation from City employment;*
 - *For sworn employees, an accrual cap of 120 Administrative Leave hours (160-hour cap for employees eligible for an additional grant of 40 hours of administrative leave by the City Manager), and cash out of unused Administrative Leave at separation from City employment;*
 - *The addition of Juneteenth as a City-wide paid holiday.*
 - *Elimination of outdated health insurance contribution language.*
 4. *The City currently provides employees with an annual contribution of \$450 to Flexible Spending Accounts for healthcare expenses. The agreement is updated to continue such contribution through June 30, 2027.*

5. *Effective July 1, 2022, the City's 50/50 orthodontia plan with \$3,000 lifetime maximum for employee and eligible dependent family members will add adult coverage, no longer limited to children only.*

For the City Manager and City Attorney:

This item pertains to final action by the City Council regarding the recommendation to approve the following changes to compensation for the Contract Employees Group, which includes the City Manager and City Attorney:

1. *A cost of living adjustment each year for five years between FY 2022/23 and FY 2026/27 for members of the Contract Employees group, effective July 1st of each year, with the exception of the first year's increase for the City Attorney. The current, annual Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay Area was reported to be 5.0% in the Bureau of Labor Statistics release of April 2022.*

Hence, the 5% cost-of-living adjustment effective July 1, 2022 recognizes the region's higher cost of living and is a method to keep the city's compensations competitive in the labor market.

The City Attorney was hired in April 2022 with the provision that she will not be eligible for a cost of living adjustment until July 2023. Therefore, the City Attorney will not receive the July 2022 cost of living adjustment.

Additional cost of living adjustments will be provided as follows:

- *July 1, 2023: 5%*
 - *July 1, 2024: 2%*
 - *January 1, 2025: 2%*
 - *July 1, 2025: 2%*
 - *July 1, 2026: 2%*
2. *The schedule of benefits is updated to reflect recent changes previously adopted by City Council, including:*
 - *An accrual cap of 112.5 Administrative Leave hours, and cash out of unused Administrative Leave at separation from City employment;*
 - *The addition of Juneteenth as a City-wide paid holiday.*
 - *Elimination of outdated health insurance contribution language.*
 3. *The City currently provides employees with an annual contribution of \$450 to Flexible Spending Accounts for healthcare expenses. The agreement is updated to continue such contribution through June 30, 2027.*
 4. *Effective July 1, 2022, the City's 50/50 orthodontia plan with \$3,000 lifetime maximum for employee and eligible dependent family members will add adult coverage, no longer limited to children only.*

It was moved by Councilmember Cruz, seconded by Vice Mayor Pineda, and unanimously passed, to adopt **Resolution 2022-110**, a Resolution of the City Council of the City of San Pablo authorizing the City Manager or Designee to execute various Memoranda of Understanding, for the period July 1, 2022 to June 30, 2027 for the

following represented employee groups: San Pablo Police Employees Association (Line Unit), San Pablo Police Employees Association (Management Unit), Association of Intermediate Employees (AIE), and Operating Engineers Local 3, and to execute various Terms of Employment and Schedule of Benefits for the period July 1, 2022 to June 30, 2027 for the following unrepresented employee groups: Division Managers, Confidential Employees, and Executive Management.

It was moved by Councilmember Cruz, seconded by Vice Mayor Pineda, and unanimously approved, to adopt **Resolution 2022-111**, a Resolution of the City Council of the City of San Pablo approving the Salary and Compensation for the Contract Employees Group (City Manager and City Attorney). (#22-297)

SUPPLEMENTAL MATERIALS

18. All materials submitted after publication of the June 6, 2022 City Council agenda were appended to the published agenda after the Council meeting. (#22-260)

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

The City Council reported on their recent activities.

ADJOURNMENT

The meeting adjourned at 7:15 pm, to Monday, July 18, 2022, at 6:00 pm, in memory of the victims of the Highland Park shooting in Illinois on July 4, 2022.

Respectfully Submitted,

Dorothy Gantt, City Clerk

Rita Xavier, Mayor