



City of San Pablo

Meeting Minutes - Draft

City Council

Monday, June 10, 2024

6:00 PM

City Council Chambers

Members of the public may view this meeting online by using
this URL

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

CALL TO ORDER

The meeting was called to order at 5:01 p.m. in the Council Chambers.

ROLL CALL

Present: 5 - Councilmember Abel Pineda, Councilmember Rita Xavier, Councilmember Elizabeth Pabon-Alvarado, Vice Mayor Arturo Cruz, and Mayor Patricia Ponce

Vice Mayor Arturo Cruz arrived at 5:12 pm.

CLOSED SESSION

No Public Comment was received.

Adjourn to Closed Session regarding:

1. [24-209](#) CLOSED SESSION
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Gov't Code Section 54956.8:
PROPERTY: 13831 San Pablo Avenue, San Pablo, CA 94806 (a portion of the former City Hall site located generally at the intersection of San Pablo Avenue and Church Lane)
AGENCY NEGOTIATORS: Matt Rodriguez AND Charles Ching
NEGOTIATING PARTIES: Danco Communities
UNDER NEGOTIATION: Price and Terms of Payment for Disposition of Property

2. [24-227](#) CLOSED SESSION
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Gov't Code Section 54956.8:
PROPERTY: 1701 Rumril Blvd, San Pablo, CA 94806 and is further identified by Assessor's Parcel Nos. 410-011-002 and 410-011-005
AGENCY NEGOTIATORS: Matt Rodriguez, Charles Ching
NEGOTIATING PARTIES: Davide Pio
UNDER NEGOTIATION: Price and Terms of Payment for Disposition of Property

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

RECONVENE TO REGULAR SESSION

CALL TO ORDER

The meeting was called to order at 6:02 p.m. in the Council Chambers.

PLEDGE OF ALLEGIANCE

Mayor Ponce led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: 5 - Councilmember Abel Pineda, Councilmember Rita Xavier, Councilmember Elizabeth Pabon-Alvarado, Vice Mayor Arturo Cruz, and Mayor Patricia Ponce

Staff Present:

City Manager, Matt Rodriguez

City Attorney, Brian P. Hickey

Police Chief, Brian Bubar

City Clerk, Dorothy Gantt

Assistant City Clerk, Leticia I. Miguel

REPORT ON CLOSED SESSION

City Attorney Brian P. Hickey reported on Closed Session. There was no reportable action taken on Closed Session.

ORAL COMMUNICATIONS

There were approximately 3 public speakers.

Comments were made by the following individuals:

Ebony Blake, Cristina Avila, and Jeanne V.Diller

CEREMONIAL MATTERS

PRESENTATIONS

No items scheduled.

CITY MANAGER REMARKS

City Manager Rodriguez made the following announcements:

- The upcoming service of Dumpster Day scheduled for Saturday, June 22, 2024.
- Announced the season for the Movies Under the Stars Program at the Community Center, scheduled movies to start on June 15, 2024 and concluding on August 19, 2024. Due to movies being shown indoors, registration is required.
- Announced Community Services Department are planning the upcoming 4th of July, 2024 Multicultural Celebration event. This year, there will be live music show, and carnival games and an expanded aerial light show instead of a traditional firework show.

CONSENT CALENDAR

No Public Comment was received.

Approval of the Consent Agenda

It was moved by Councilmember Pineda, seconded by Mayor Ponce, and approved by vote of those present, to adopt all items in the Consent Calendar. The motion passed as follows:

Aye: 5 - Pineda, Xavier, Pabon-Alvarado, Cruz, and Ponce

MINUTES

3. [24-205](#) CONSIDER APPROVING MINUTES OF THE MEETING OF MAY 20, 2024

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

Approved as Submitted on the Consent Calendar.

CLAIMS

4. [24-200](#) CONSIDER DENYING LIABILITY CLAIM OF LAURA CAPITANA (DOL 3/24/24)

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

Denied Claim as submitted on the Consent Calendar.

CITY COUNCIL AUTHORIZATION

5. [24-176](#) CONSIDER ADOPTING RESOLUTION (1) AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH CONSOR ENGINEERS, LLC (CONSOR) FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE RUMRILL BOULEVARD COMPLETE STREETS PROJECT (0700), INCREASING COMPENSATION BY AN AMOUNT NOT TO EXCEED \$650,000 AND INCREASING TOTAL CONTINGENCY TO \$167,648, FOR A NEW NOT-TO-EXCEED AMOUNT UNDER THE AGREEMENT OF \$2,269,124; (2) EXTENDING THE TERM OF THE AGREEMENT UNTIL DECEMBER 31, 2024; AND (3) REALLOCATING MEASURE J LOCAL STREET MAINTENANCE FUNDS IN THE AMOUNT OF \$682,500 TO FUND THE SECOND AMENDMENT TO THE AGREEMENT

CEQA Compliance Statement:

The Rumrill Boulevard Complete Streets Project is categorically exempt under the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities (Class 1) of the CEQA Regulations, on the basis that the project involves repair and minor alteration to the existing public streets, sidewalks, gutters, and similar facilities. The Notice of Exemption was filed and recorded with the Contra Costa County Clerk on January 7, 2018. Moreover, since the project is also receiving federal funding, the project was also determined to be categorically exempt under the National Environmental Policy Act (NEPA), Section 23 CFR 771.117 (c)(3). The Notice of Exemption for NEPA was filed on March 14, 2018 by the California Department of Transportation (Caltrans).

Adopted.

Enactment No: RES 2024-065

6. [24-181](#) CONSIDER ADOPTING RESOLUTIONS (1) IMPLEMENTING THE FY 2024-2025 BUILDING, PLANNING, AND PUBLIC WORKS USER FEE INCREASES THE CITY COUNCIL PREVIOUSLY DETERMINED SHALL TAKE EFFECT ON JULY 1, 2024 BASED ON THE BUREAU OF LABOR STATISTICS EMPLOYMENT COST INDEX, AND (2) APPLYING THE WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC) APPROVED INFLATIONARY FACTOR INCREASES TO WCCTAC SUBREGIONAL TRANSPORTATION MITIGATION PROGRAM (STMP) FEES EFFECTIVE JULY 1, 2024 PURSUANT TO SECTION 15.62.040 OF THE SAN PABLO MUNICIPAL CODE

CEQA: This action is not a project as defined by CEQA. CEQA Guidelines Section 15378(b)(4) states that "project" does not include the creation of government funding mechanisms or other governmental fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Adopted.

Enactment No: RES 2024-066
RES 2024-067

7. [24-199](#) CONSIDER ADOPTING RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ESTABLISHING THE ANNUAL APPROPRIATIONS (GANN) LIMIT FOR FISCAL YEAR 2024-25

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

Adopted.

Enactment No: RES 2024-068

8. [24-211](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE RECTANGULAR RAPID FLASHING BEACONS USING A COOPERATIVE PURCHASING PROGRAM ESTABLISHED BY THE STATE PURSUANT TO SAN PABLO MUNICIPAL CODE SECTION 3.16.110(E) FOR THE SAFE ROUTES TO SCHOOL RECTANGULAR RAPID FLASHING BEACON (RRFB) PROJECT (0703)

CEQA Compliance Statement: The Safe Routes to School Rectangular Rapid Flashing Beacon Project was evaluated with respect to the California Environmental Quality Act (CEQA) and was determined to be Categorically Exempt in accordance with Section 15301 (Class 1) of the CEQA guidelines. The Notice of Exemption was filed with the Contra Costa County Clerk on November 18, 2021.

A motion was made by Councilmember Pineda, seconded by Mayor Ponce, that this RESOLUTION be Adopted. The motion carried by the following vote:

Aye: 3 - Pineda, Pabon-Alvarado, and Ponce

Recused: 2 - Xavier, and Cruz

Enactment No: RES 2024-069

9. [24-210](#) CONSIDER ADOPTING RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT WITH DANCO COMMUNITIES FOR THE SALE AND DEVELOPMENT OF A PORTION OF THE FORMER SAN PABLO CITY HALL LOCATED AT 13831 SAN PABLO AVENUE, SAN PABLO, CALIFORNIA

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) 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 project. Those mitigation measures have been incorporated as part of the 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").

Adopted.

Enactment No: RES 2024-070

10. [24-212](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO SELL POLICE DEPARTMENT VEHICLE 863 (2011 FORD CROWN VICTORIA) AS SURPLUS PROPERTY AT PUBLIC AUCTION PURSUANT TO SAN PABLO MUNICIPAL CODE SECTION 3.16.120, WITH REVENUE FUNDS RECEIVED TO BE CREDITED TO THE FISCAL YEAR 2023-24 VEHICLE REPLACEMENT FUND ACCOUNT (102-2110-46300)

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

Adopted.

Enactment No: RES 2024-071

11. [24-213](#) CONSIDER ADOPTING RESOLUTION (1) APPROVING AND ADOPTING THE PLANS AND SPECIFICATIONS FOR THE FULL TRASH CAPTURE DEVICE AT WILLOW AND RIDGE PROJECT (0304) ("PROJECT"); (2) REJECTING A BID BY CORCUS CONSTRUCTION, INC., SAN FRANCISCO, CA.; (3) AWARDED A CONTRACT TO GOLDEN BAY CONSTRUCTION, INC. OF HAYWARD, CA, IN THE AMOUNT OF \$691,705 WITH A 10% CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$760,876; (4) AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH GOLDEN BAY CONSTRUCTION INC. FOR THE PROJECT; (5) RE-APPROPRIATING FUNDS IN THE AMOUNT OF \$40,000 from THE FISCAL YEAR 2023-24 PUBLIC WORKS DEPARTMENT NPDES OPERATING BUDGET TO THE PROJECT; AND (6) RE-APPROPRIATING FUNDS IN THE AMOUNT OF \$42,200 FROM THE PRINCETON PLAZA STABILIZATION PROJECT (0402) TO THE PROJECT

CEQA Compliance Statement

The Full Trash Capture Device at Willow and Ridge was assessed and determined to be Categorically Exempt under Section 15304(b)&(f), 15301(b)&(c), and 15302(c) of the CEQA Regulations. The CEQA Notice of Exemption (NOE) was originally filed at the Contra Costa County Clerk Office on January 31, 2022 and a revised NOE was filed on November 10, 2023.

A motion was made by Councilmember Pineda, seconded by Mayor Ponce, that this RESOLUTION be Adopted. The motion carried by the following vote:

Aye: 4 - Pineda, Xavier, Pabon-Alvarado, and Ponce

Recused: 1 - Cruz

Enactment No: RES 2024-072

12. [24-217](#) CONSIDER RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE CITY MANAGER TO ENCUMBER AVAILABLE FUNDS FROM THE FY 2023-24 POLICE DEPARTMENT OPERATING BUDGET (100-2110-43600) FOR ANTICIPATED FY 2024-25 COSTS ASSOCIATED WITH THE APPROVED EXPANSION OF AN UNMANNED AIRCRAFT SYSTEM FOR THE POLICE DEPARTMENT'S DRONE AS A FIRST RESPONDER PROGRAM REFERENCED BY COUNCIL RESOLUTION 2023-110

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

Adopted.

Enactment No: RES 2024-073

PUBLIC HEARINGS

No items scheduled.

CITY COUNCIL DISCUSSION/CONSIDERATION

No items scheduled.

SUPPLEMENTAL MATERIALS (IF ANY)

13. [24-206](#) 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

City Councilmembers reported on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting.

City Councilmembers announced calendar of upcoming events and coordinated attendance; reported on local events attended since the last meeting.

ADJOURNMENT

Adjourned at 6:17 p.m. to the regular meeting on Monday, June 17, 2024 at 6:00 p.m., in memory of Patrick Joseph Hickey, father of City Attorney Brian P. Hickey.

Respectfully Submitted,

Dorothy Gantt, City Clerk

Patricia Ponce, Mayor