



## Minutes of the Regular Meeting of the San Pablo City Council

Monday, June 6, 2022

### **ROLL CALL**

The video/teleconferenced meeting convened at 5:15 pm. Present during roll call were Mayor Rita Xavier and Councilmembers Arturo Cruz and Elizabeth Pabon-Alvarado. Councilmember Patricia Ponce arrived at 5:20 pm and Vice-Mayor Abel Pineda arrived at 5:21 pm. Also present were City Manager Matt Rodriguez, City Attorney Teresa Stricker, Assistant City Manager Charles Ching, City Clerk Dorothy Gantt, and Deputy City Clerk Lehny Corbin.

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 #4.

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.

City Attorney Stricker announced the nature and title of the Closed Session matter.

### **PUBLIC COMMENTS**

There were no public comments for the Closed Session matter, and the meeting recessed to Closed Session at 5:21 pm.

### **CLOSED SESSION**

1. CLOSED SESSION (#22-237)  
CONFERENCE WITH LABOR NEGOTIATORS  
(Pursuant to Govt. Code section 54957.6)  
AGENCY DESIGNATED REPRESENTATIVES: Charles Ching, Norm Veloso, Viviana Toledo, Outside Labor Counsel and Negotiator Kelly Tuffo  
EMPLOYEE ORGANIZATIONS: Association of Intermediate Employees, Confidential Employees, Contract Employees, Division Managers, Executive Management, San Pablo Police Employees Association; San Pablo Police Employees Association (Management Unit); Operating Engineers Local Union No. 3, AFL-CIO; and Part-Time Employees

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

## **ROLL CALL**

The video/teleconferenced meeting reconvened at 6:06 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, Senior Building Official Oscar Davalos, City Treasurer Viviana Toledo, City Clerk Dorothy Gantt, and Deputy City Clerk Lehny Corbin.

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 #4.

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 the July 18 Council meeting to report on how COVID has impacted park services, and (2) commended Richmond High School on their presentation at the May 16, 2022 Council meeting.

## **REPORT ON CLOSED SESSION**

City Attorney Stricker reported that no reportable actions were taken in Closed Session.

## **CITY MANAGER REMARKS**

City Manager Rodriguez announced the upcoming Dumpster Day event scheduled on Saturday, June 11, 2022 at 2600 Moraga. He also thanked Community Services Department for bringing back the *Movies Under the Stars* program first event is scheduled on June 24, 2022. He further announced that the City will begin its Fireworks education campaign that encourages the community to safely celebrate without fireworks. He reminded the community of the City's July 4<sup>th</sup> celebration and reported that will be scaled down to a carnival style event. He also announced that the City has a 24-hour ballot drop box that is available for the State Municipal Election.

## **CONSENT CALENDAR**

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

## **MINUTES**

2. By adoption of the Consent Calendar, the Minutes of the meeting of May 16, 2022 were approved by Minute Order. (#22-219)

## LIABILITY CLAIMS

3. By adoption of the Consent Calendar, the Liability Claim of Maria De Lourdes Lozano Cuellar (DOL 2/17/22) was denied. (#22-221)

## MISCELLANEOUS

4. By adoption of the Consent Calendar, **Resolution 2022-071** 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 June 30, 2022 Due to COVID-19 Social Distancing Recommendations from the Contra Costa Health Department under Assembly Bill 361 Findings; and Confirming Actions taken by the Director of Emergency Services including but not limited to strongly encouraging, but no longer requiring, Newly-Hired San Pablo Sworn Officers to be Fully Vaccinated to ensure that the Police Department can fill critical vacancies while aligning with Public Health Guidance issued by Contra Costa County Health Services. (#22-227)
5. By adoption of the Consent Calendar, **Resolution 2022-072** was adopted, a Resolution of the City Council of the City of San Pablo adopting and updated Community Services Department Master Fee Schedule for Programs, Services and Facility Rental Rates Effective September 1, 2022. (#22-191)
6. By adoption of the Consent Calendar, **Resolution 2022-073** was adopted, a Resolution of the City Council of the City of San Pablo accepting and appropriating the CALRECYCLE SB 1383 Local Assistance Grant Program Funds in the Amount of \$44,776 for SB 1383 Implementation Activities. (#22-235)
7. By adoption of the Consent Calendar, **Resolution 2022-074** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to enter into a Professional Services Agreement with Bajan Security for one year of (1) Security Services at Rumrill Sports Complex and Security and Greeting Services at City Hall for an amount not to exceed \$150,000, and (2) Primary Security Guard Services for Private Rentals of City Facilities to be paid by the renters. (#22-074)
8. By adoption of the Consent Calendar, **Resolution 2022-075** was adopted, a Resolution of the City Council of the City of San Pablo (1) waiving the City's own Requirements for a competitive Proposal Process due to Staffing and Circumstances brought about by the COVID-19 Pandemic and Emergency; (2) Approving Amendments Extending the following Agreements for the Community Services Department for Fiscal Year 2022-2023 and Increasing Compensation: Bay Area Community Resources (BACR), Catholic Charities, Desarrollo Familiar Inc. dba Familias Unidas, and Public Profit; and (3) Authorizing the City Manager to Execute these Amendments. (#22-075)
9. By adoption of the Consent Calendar, **Resolution 2022-076** was adopted, a Resolution of the City Council of the City of San Pablo Implementing the FY2022/2023 Building, Planning, and Public Works User Fee Increases the City Council previously determined shall take effect on July 1, 2022, based on the bureau of Labor Statistics Employment Cost Index; also **Resolution 2022-077** was adopted, a Resolution of the City Council of the City of San Pablo applying the West Contra Costa Transportation

Advisory Committee (WCCTAC) Approved Inflationary Factor to implement increases to WCCTAC Subregional Transportation Mitigation Program (STMP) Fees effective July 1, 2022, pursuant to Section 15.62.040 of the San Pablo Municipal Code. (#22-209)

10. By adoption of the Consent Calendar, **Resolution 2022-078** was adopted, a Resolution of the City Council of the City of San Pablo (1) Preliminarily Approving the Engineer's Report; (2) Declaring Intention to Levy and Collect Assessments within the San Pablo Street Lighting and Landscape Assessment District No. 1982-1 for Fiscal Year 2022/23; and (3) Setting Public Hearing for June 21, 2022. (#22-209)
11. By adoption of the Consent Calendar, **Resolution 2022-079** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to Execute a First Amendment with 4LEAF, Inc. for Residential Health & Safety (RH&S) Program Coordination and Inspection Services to (1) extend the Term of the Contract for one year through June 30, 2023; (2) establish new Adjusted Rates for FY2022-23, (3) Increase the Compensation under the Agreement by an amount not to exceed \$410,000 with up to \$50,000 of the Additional Compensation Allocated from FY2021-22 Budgeted Funds and up to \$260,000 of the Additional Compensation Allocated from Proposed Budgeted Funds for FY2022-23; and (4) add requirements to insure compliance with the City's COVID Policies. (#22-223)
12. By adoption of the Consent Calendar, **Resolution 2022-080** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) execute the first amendment to the Tri-City Dispatch Services and CAD/RMS Agreement extending the term for a period of one year through June 30, 2023; and (2) negotiate a new five-year Tri-City Dispatch Services and CAD/RMS Agreement with the City of Pinole and the City of Hercules Beginning July 1, 2023, and extending through June 2028. (#22-228)
13. By adoption of the Consent Calendar, **Resolution 2022-081** was adopted, a Resolution of the City Council of the City of San Pablo (1) waiving the City's own Requirements for a Competitive Proposal Process due to Staffing and Circumstances brought about by the COVID-19 Pandemic and Emergency; (2) approving Amendments extending the Terms and Increasing Compensation for the following Agreements for the Public Works Department for Fiscal Year 2022-2023: Anchor Engineering, Bellecci & Associates, Bureau Veritas North America, Cal Engineering & Geology, CSG Consultants, Exaro Technologies, Harrison Engineering, Miller Pacific Engineering Group, Park Engineering, Quincy Engineering, Subtronic Corporation, Bay Alarm, DMG Janitorial, and Karla's Janitorial; and (3) authorizing the City Manager to Execute these Amendments. (#22-233)

## **BOARDS AND COMMISSIONS**

14. By adoption of the Consent Calendar, the City Council approved the reappointment of M.A. Khan to San Pablo Safety Commission and directed staff to solicit and for staff to accept applications to fill the remaining vacancy on the Commission. (#22-226)

## CITY COUNCIL AUTHORIZATION

15. By adoption of the Consent Calendar, the City Council received and approved by Minute Order the Independent Citizens' Oversight Committee Reports for Period ending June 30, 2021 for Measure Q and Measure K Transaction & Use Sales Tax. (#22-234)
16. By adoption of the Consent Calendar, the City Council approved by Minute Order to ratify the letter transmitted by Mayor Xavier to West Contra Costa Unified School District Board President and Trustees regarding support for Positive School Climate Policy Amendment to Potentially reinstate School Resource Officers (SROs) for all District Campuses in West Contra Costa cities. (#22-240)

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

## PUBLIC HEARINGS

17. Public hearing of the City of San Pablo FY 2022/23 and FY 2023/24 Preliminary Operating Budget and Capital Improvement Projects Budget. (#22-236)

City Attorney Stricker announced that as a public hearing, City Council is 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 explained that due to a conflict of interest, the Council will first consider the Operating Budget for FY 2022/23 and FY2023/24 without the Capital Improvement Project (CIP) budget for those years, and then will separately consider the CIP Budget.

Director of Finance Veloso gave a presentation of the proposed City of San Pablo FY 2022/23 and FY 2023/24 Preliminary Draft Operating Budget.

The public hearing opened at 7:28 pm. There were no comments from the public. The public hearing closed at 7:28 pm.

It was moved by Councilmember Cruz seconded by Councilmember Ponce and unanimously passed to recommend staff to bring the City of San Pablo **FY 2022/23** and **FY 2023/24 Operating Budget, other than the CIP Budget**, to the June 21, 2022 San Pablo City Council meeting for formal adoption.

City Attorney Stricker further announced that one of the projects Council will consider funding in the CIP budget for the next two fiscal years is the Sutter Avenue Greening Project. She further reported that because a portion of the project is within 500 feet of Vice Mayor Pineda's house, under the Political Reform Act, the Vice Mayor must recuse from participating in the Council's discussion of funding that project. To allow the Vice Mayor the ability to recuse from that item, but to participate in Council's consideration of the remaining CIP projects, staff has "segmented" the CIP budget item to allow the Council to first consider the Sutter Avenue Greening Project without the Vice Mayor and then consider the remaining CIP projects with the Vice Mayor.

Vice Mayor Pineda recused himself for the Sutter Avenue Greening Project portion of the CIP budget item and turned off his camera and microphone.

City Manager Rodriguez introduced the Sutter Avenue Greening Project budget item. Public Works Director/City Engineer Allan Panganiban gave a PowerPoint presentation of the City of San Pablo FY 2022/23 and FY 2023/24 proposed CIP budget for the Sutter Avenue Greening Project.

The public hearing opened at 8:07 pm. Mayor Xavier asked if there were any speakers for item #17 as it relates to the Sutter Avenue Greening Project budget. There were no comments from the public. The public hearing on this item closed at 8:07 pm.

It was moved by Councilmember Cruz seconded by Councilmember Ponce, and passed by vote, to recommend staff to bring the **City of San Pablo FY 2022/23 and FY2023/24 Sutter Avenue Greening Project budget** to the June 21, 2022 San Pablo City Council meeting for formal adoption. The motion passed as follows:

AYES: Pabon-Alvarado, Cruz, Ponce and Xavier

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: Pineda

Vice-Mayor Pineda returned to the meeting.

City Manager Rodriguez introduced the remaining CIP budget items. Public Works Director/City Engineer Allan Panganiban gave a PowerPoint presentation of the remaining City of San Pablo FY 2022/23 and FY 2023/24 Capital Improvements Project budget presentation.

The public hearing opened on this item at 8:07 pm. There were no comments from the public, and the public hearing closed at 8:07 pm

It was moved by Councilmember Cruz seconded by Councilmember Ponce, and unanimously passed, to recommend staff to bring the City of San Pablo FY 2022/23 and FY2023/24 Capital Improvements Project budget, other than the Sutter Avenue Greening Project, to the June 21, 2022 San Pablo City Council meeting for formal adoption.

**\* \* \* END OF PUBLIC HEARING \* \* \***

### **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. (#22-220)

## **MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS**

The City Council reported on their recent activities.

It was moved by Mayor Xavier, seconded by Councilmember Cruz, and unanimously passed, to schedule an item at a future City Council meeting for the City Council to consider adopting a Proclamation of a Remembrance Day of May 24, 2022 for the 21 victims and their grieving families, stemming from the school shooting incident at Robb Elementary School in Uvalde, Texas.

It was moved by Mayor Xavier, seconded by Councilmember Cruz, and unanimously passed, to schedule an item at a future City Council meeting when appropriate, for the City Council to consider directing the City Manager to work with the lobbyist Townsend Public Affairs under the Council Priority Workplan *Major Policy Goal: Improve Public Safety* to identify any new federal- or state-sponsored meaningful gun reform legislation for potential formal consideration, and support by the City Council.

It was moved by Mayor Xavier, seconded by Councilmember Ponce, and unanimously passed, to schedule an item at a future City Council meeting when appropriate, for the City Council to consider urging West Contra Costa Unified School District to consider an amendment to the District's Positive School Climate Policy to reinstate and restore the SRO program and funding at local schools in San Pablo, and in surrounding West County cities.

## **ADJOURNMENT**

The meeting adjourned at 8:23 pm to Tuesday, June 21, 2022, at 6:00 pm, in memory of the 21 children and teachers that were slain at Robb Elementary School on May 24, 2022 in Uvalde, Texas, the ten people killed at a grocery store in Buffalo, New York, on May 14, 2022, and the doctors and others killed recently in Tulsa, Oklahoma.

Respectfully Submitted,

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Dorothy Gantt, City Clerk

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Rita Xavier, Mayor