



Minutes of the Regular Meeting of the San Pablo City Council and Local Successor Agency

Tuesday, June 21, 2022

ROLL CALL

The video/teleconferenced meeting convened at 5:00 pm. Present during roll call were Mayor Rita Xavier, Vice Mayor Abel Pineda and Councilmembers Elizabeth Pabon-Alvarado and Arturo Cruz. Councilmember Patricia Ponce arrived at 5:08 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 item #25 during open discussion.

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.

City Manager Rodriguez and City Attorney Stricker stated that they would be recusing from the closed session pursuant to the Political Reform Act because the discussion in closed session may impact their benefits as contract employees.

PUBLIC COMMENTS

There were no public comments for the Closed Session matter. The meeting recessed to Closed Session at 5:22 pm.

CLOSED SESSION

1. CLOSED SESSION (#22-280)
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 6:00 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 item #25 for open discussion.

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.

REPORT ON CLOSED SESSION

Because City Attorney Stricker recused herself, she was not present in Closed Session. She asked Assistant City Manager Ching to provide the report from closed session. Assistant City Manager Ching reported that no reportable actions were taken in Closed Session.

ORAL COMMUNICATIONS

City Clerk Gantt read aloud the comments submitted by Cordell Hindler asking City Council to invite Sabrina Landreth to provide an update on services impacted by COVID-19, and to have Tim Haile provide a report on electric vehicle charging stations.

PROCLAMATIONS

2. City Manager Rodriguez introduced the item. Mayor Xavier read the proposed *Proclamation In Honor and Remembrance of the 19 students and 2 teachers of Robb Elementary School in Uvalde, Texas* on May 24, 2022. It was moved by Councilmember Pabon-Alvarado, seconded by Councilmember Cruz, and unanimously passed to approve the Proclamation as read aloud by Mayor Xavier. (#22-282)

PRESENTATIONS

3. C.O.R.E. (Coordinated Outreach Referral and Engagement) Annual Update Presentation (#22-289)
City Manager introduced the item. Captain Bubar and Jenny Robbins, Chief of Programs with County H3 updated the Council on the C.O.R.E. Program, including outreach, partnership with the stakeholders and services provided to the community. Also presented were updates on priority areas, the process and abatement/clean-up and Priority Oriented Policing (POP Unit). City Council expressed their comments.

CITY MANAGER REMARKS

City Manager Rodriguez made the following announcements:

- June 24th Movies Under the Stars at the Community Center;
- *No Fireworks Public Safety Campaign* in San Pablo in advance of the July 4th event
- July 4th Celebration with carnival-themed event at the Community Center with food vendors; the public is encouraged to pre-register for the event.

CONSENT CALENDAR

Councilmember Pabon-Alvarado requested items #6 (Childhood Obesity Prevention Advisory Group contracts) and #16 (San Pablo Economic Development Corporation agreement) be pulled from the Consent Calendar.

Councilmember Ponce declared that under applicable state law, she is recusing from participation in the City Council's discussion on item #16 as she is a current uncompensated member of the SPEDC Board of Directors.

Vice Mayor Pineda declared his recusal from items #4 (Fiscal Year 2023-24 Sutter Avenue Greening Project budget item) and #13 (grant funds for Old Town Pocket Park) as his residence is within 500 feet of the projects being considered and under the Political Reform Act he may not and will not participate in Council discussion of those items.

City Attorney Stricker stated that Vice Mayor's and Councilmember Ponce's votes on the two agenda items he identified under the Consent Calendar will be recorded as recusals.

It was moved by Councilmember Cruz, seconded by Councilmember Pabon-Alvarado, and unanimously passed by vote of those present, to adopt all items in the Consent Calendar except items #6 and #16.

MISCELLANEOUS

4. Vice Mayor recused himself from discussion of this item for the reason stated above. By adoption of the Consent Calendar, **Resolution 2022-082** was adopted, a Resolution of the City Council of the City of San Pablo, to include the Sutter Avenue Greening Project in the Fiscal Year 2023/24 Operating Budget and Capital Improvement Program (CIP) Budget. The motion passed as follows: (#22-291)
AYES: Pabon-Alvarado, Cruz, Ponce and Xavier
NOES: None
ABSENT: None
ABSTAIN: None
RECUSED: Pineda
5. By adoption of the Consent Calendar, **Resolution 2022-083** was adopted, a Resolution of the City Council of the City of San Pablo adopting the Fiscal Year 2022/23 and Fiscal Year 2023/24 Biennial Operating and Capital Improvement Projects Budget. (#22-285)

6. This item was pulled from the Consent Calendar and discussed separately. Councilmember Pabon-Alvarado inquired about how grants are spent and the benefits to the San Pablo residents. Community Services Director Dwyer and City Manager Rodriguez addressed Councilmember Pabon-Alvarado's questions and concerns.

It was moved by Councilmember Pabon-Alvarado, seconded by Councilmember Cruz, and unanimously passed to adopt **Resolution 2022-084**, a Resolution of the City Council of the City of San Pablo (1) approving the Childhood Obesity Prevention Advisory Group (COPAG) Programs for Fiscal Year 2022/23; and (2) authorizing the City Manager to execute grant agreements / contracts with eligible agency providers for Childhood Obesity Prevention Programs for a total amount not to exceed \$250,000 for all contact for Fiscal Year 2022/23. (#22-171)

7. By adoption of the Consent Calendar, **Resolution 2022-085** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to Execute a Legal Services Agreement between the City and Murphy & Associates regarding Economic Development activities for up to \$50,000 for Fiscal Year 2022-23, with a renewal option for up to \$50,000 for Fiscal Year 2023-24, for a total contract amount not to exceed \$100,000.

By adoption of the Consent Calendar, **Resolution 2022-086** was adopted, a Resolution of the City Council of the City of San Pablo as Housing Successor authorizing the City Manager to execute a Legal Services Agreement between the City and Murphy & Associates regarding Housing Successor activities for up to \$30,000 for Fiscal Year 2022-23, with a renewal option for up to \$30,000 for Fiscal Year 2023-24, for a total contract amount not to exceed \$60,000.

By adoption of the Consent Calendar, **Resolution LSA2022-001** was adopted, a Resolution of the Local Successor Agency of the former Redevelopment Agency of the City of San Pablo authorizing the Executive Director to execute a Legal Services agreement between the Local Successor Agency and Murphy & Associates for activities and obligations of the Successor-in-Interest to the former Redevelopment Agency of the City of San Pablo for up to \$30,000 for Fiscal Year 2022-23, with a renewal option for up to \$30,000 for Fiscal Year 2023-24, for a total contract amount not to exceed \$60,000. (#22-271)

8. By adoption of the Consent Calendar, **Resolution 2022-087** was adopted, a Resolution of the City Council of the City of San Pablo resetting the Public Hearing for the City of San Pablo Street Lighting and Landscape Assessment District No. 1982-01 for Fiscal Year 2022/23 to July 5, 2022. (#22-290)
9. By adoption of the Consent Calendar, **Resolution 2022-088** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute an agreement with Sweeping Corporation of America for citywide street sweeping services for Fiscal Year 2022/23 at a cost not to exceed \$180,000 with an option for four annual renewals at City's discretion, with compensation adjusted annually based on the Consumer Price index, and subject to funding availability authorized by the city council. (#22-283)

10. By adoption of the Consent Calendar, **Resolution 2022-089** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute an amended and restated service agreement with the West Contra Costa Integrated Waste Management Authority for the City of San Pablo to provide certain financial services to the Authority for \$2,659.27 per month beginning July 1, 2022 and ending December 31, 2022. (#22-284)
11. By adoption of the Consent Calendar, **Resolution 2022-090** was adopted, a Resolution of the City Council of the City of San Pablo amending the City's Classification and Compensation Plan for Fiscal Year 2022/23 by approving an additional 2.0 FTE Police Officer positions in the Police Department. (#22-287)
12. By adoption of the Consent Calendar, **Resolution 2022-091** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute an Animal Control Services Agreement between the City of San Pablo and Contra Costa County Animal Control Services for Fiscal Year 2022-23 and Fiscal Year 2023-24 periods, effective July 1, 2022 through June 30, 2024, which will automatically renew for successive three-year periods unless terminated. (#22-288)
13. Vice Mayor recused himself from discussion of this item for the reason stated above. By adoption of the Consent Calendar, **Resolution 2022-092** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to execute Restricted Grant Agreements with the Department of Transportation necessary for the City of San Pablo to receive grant funds for the San Pablo Old Town Pocket Park and illegal dumping outreach project. (#22-233)
The motion passed as follows:
AYES: Pabon-Alvarado, Cruz, Ponce and Xavier
NOES: None
ABSENT: None
ABSTAIN: None
RECUSED: Pineda
14. By adoption of the Consent Calendar, **Resolution 2022-093** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to enter into five (5) year agreements with Ninyo and Moore, SCS Engineers, and ACC Environmental Consultants for on-call Industrial Hygienist Services in the amount of \$50,000 for each agreement each Fiscal Year 2022/23 through 2026/27, subject to funding availability authorized by the City Council, for a total authorization of \$250,000 for each agreement. (#22-273)
15. By adoption of the Consent Calendar, **Resolution 2022-094** was adopted, a Resolution of the City Council of the City of San Pablo (1) ratifying a December 12, 2018 piggyback agreement with Pinnacle Petroleum, Inc. for the purchase of fuel for city operations; (2) authorizing the City Manager to execute a first amendment to the agreement to add a June 30, 2023 termination date and establish that the compensation under the contract shall not exceed \$211,000 for Fiscal Year 2021-22

and \$250,000 (including a \$30,000 contingency) for Fiscal Year 2022-23, with the total compensation amount under the agreement not to exceed \$829,666; and (3) ratifying \$506,481.70 in payments previously made to Pinnacle made under the agreement. (#22-272)

16. This item was pulled from the Consent Calendar and discussed separately. Councilmember Ponce recused herself from discussion of this item for the reason stated above, and turned off her microphone and camera. City Manager Rodriguez introduced the item. Councilmember Pabon-Alvarado requested an annual report from SPEDC. There were no comments from the public.

It was moved by Councilmember Cruz, seconded by Councilmember Pabon-Alvarado, and passed by vote, to adopt **Resolution 2022-095**, a Resolution of the City Council of the City of San Pablo approving a consulting services agreement with the San Pablo Economic Development Corporation for Fiscal Year 2022/23 in the amount of \$562,500. The motion passed as follows: (#22-261)

AYES: Pabon-Alvarado, Cruz, Pineda and Xavier
NOES: None
ABSENT: None
ABSTAIN: None
RECUSED: Ponce

17. By adoption of the Consent Calendar, **Resolution 2022-096** was adopted, a Resolution of the City Council of the City of San Pablo calling and giving notice of the holding of a General Municipal Election on Tuesday, November 8, 2022, requesting and consenting to consolidation of elections, and setting specifications of the election order. (#22-232)
18. By adoption of the Consent Calendar, **Resolution 2022-097** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to enter into an agreement with Ninyo and Moore for Rumrill Sports Complex annual surface cap inspections and reporting for Fiscal Year 2022/23 in the amount of \$5,100 with a 20% contingency for a total authorization of \$6,120, and with four one-year renewal options subject to funding availability authorized by the City Council for a total authorization of \$35,880 including a 20% contingency. (#22-251)
19. By adoption of the Consent Calendar, **Resolution 2022-098** was adopted, a Resolution of the City Council of the City of San Pablo to (1) waive 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) approve amendments extending the following agreements for the Police Department, Community Development Department, City Manager's Office for Fiscal Year 2022-2023 and increasing compensation: Bureau Veritas, Integrated Marketing Communications, Strategic Research Institute, James Parrot, Townsend Public Affairs, Cole Pro Media, Crisis MC911 and (3) authorize the City Manager to execute these amendments. (#22-262)

20. By adoption of the Consent Calendar, **Resolution 2022-099** was adopted, a Resolution of the City Council of the City of San Pablo establishing the GANN Appropriations Limit for Fiscal Year 2022/23. (#22-270)
21. By adoption of the Consent Calendar, **Resolution 2022-100** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) purchase one (1) 2021 Ford E-450 Chassis, Electric Battery-powered Flatbed Truck from Phoenix Motorcars Leasing, LCC in Anaheim, CA in an amount not to exceed \$133,971 from the Fiscal Year 2021/22 Property Maintenance Vehicle Replacement Operating Budget; and (2) waive the competitive bidding requirements for the purchase pursuant to the San Pablo Municipal Code Section 3.16.110. (#22-274)
22. By adoption of the Consent Calendar, **Resolution 2022-101** was adopted, a Resolution of the City Council of the City of San Pablo approving Senate Bill 1 (SB 1) Road Maintenance and Rehabilitation Account Funding and Project List for Fiscal Year 2022/23 to include Citywide Slurry Seal Pavement Rehabilitation Project (0602) and the Fiscal Year 2022/23 Pavement Repair Project (0604). (#22-275)
23. By adoption of the Consent Calendar, **Resolution 2022-102** was adopted, a Resolution of the City Council of the City of San Pablo authorizing the City Manager to (1) enter into Fourth Amendment to an agreement with Contra Costa Health Services for a Regional Coordinated Outreach, Referral and Engagement (C.O.R.E.) Homeless Outreach Team to identify, engage and connect persons experiencing homelessness to healthcare, social services to extend C.O.R.E. services one year from July 1, 2022 through June 30, 2023, at a cost not to exceed \$100,416 for the year, with a total compensation under the agreement not to exceed \$284,479. (#22-281)

PERIODIC REPORTS

24. By adoption of the Consent Calendar, the Vendor Check Register Report for the month of May 2022 was approved by Minute Order. (#22-269)

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

CITY COUNCIL DISCUSSION/CONSIDERATION

25. City Manager Rodriguez introduced the item and referenced the last-minute agenda correspondence that included a revised resolution and correspondence from Contra Costa Health Service. City Attorney Stricker presented a background and status of the COVID-19 pandemic including the number of statistics of confirmed cases, deaths and vaccinations throughout the country as well as the local community. Also presented were the basis for the findings required by AB 361 regarding remote meetings including previous actions taken by the Council extending the up to and including September 30, 2022.

Council expressed their comments. City Manager Rodriguez pointed out the two bills in the State legislature AB 1844 (Lee) and AB 2449 (Rubio), and that the City is awaiting the Governor's declaration on extending the state of emergency statewide for COVID before June 30, 2022.

It was moved by Councilmember Cruz, seconded by Vice Mayor Pineda, and unanimously passed to adopt **Resolution 2022-103**, 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. (#22-278)

SUPPLEMENTAL MATERIALS

26. All materials submitted after publication of the June 21, 2022 City Council agenda were appended to the published agenda after the Council meeting. (#22-239)

MAYOR AND CITY COUNCIL ASSIGNMENTS REPORTS

The City Council reported on their recent activities.

ADJOURNMENT

The meeting adjourned at 8:22 pm, to Tuesday, July 5, 2022, at 6:00 pm.

Respectfully Submitted,

Dorothy Gantt, City Clerk

Rita Xavier, Mayor