



City of San Pablo

Meeting Minutes - Draft

City Council

Tuesday, February 20, 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 5:15 p.m. in the Council Chambers.

ROLL CALL

Present: 4 - Councilmember Rita Xavier, Councilmember Elizabeth Pabon-Alvarado, Vice Mayor Arturo Cruz, and Mayor Patricia Ponce

Absent: 1 - Councilmember Abel Pineda

CLOSED SESSION

Public Comment was received by Cordell Hindler.

1. [24-061](#) CLOSED SESSION
Pursuant to Gov't Code section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

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

RECONVENE TO REGULAR SESSION

CALL TO ORDER

The meeting was called to order at 6:06 p.m. in the Council Chambers.

PLEDGE OF ALLEGIANCE

Mayor Ponce led the Pledge of Allegiance to the Flag.

ROLL CALL

Present: 4 - Councilmember Rita Xavier, Councilmember Elizabeth Pabon-Alvarado, Vice Mayor Arturo Cruz, and Mayor Patricia Ponce

Absent: 1 - Councilmember Abel Pineda

Staff Present:

City Manager, Matt Rodriguez
Assistant City Manager, Charles Ching
City Attorney, Brian P. Hickey
Interim 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

Public comment was received by Cordell Hinder and Marco Sandoval.

CEREMONIAL MATTERS**PRESENTATIONS****2. [24-042](#) PRESENTATION BY CONTRA COSTA COUNTY CLERK-RECORDER**

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

No Public Comment was received.

Presented.

CITY MANAGER REMARKS

City Manager Rodriguez made the following announcements:

- Announced the City is currently working on developing the City's first Economic Development Strategy and Implementation Plan. Dates to be announced for the upcoming virtual community workshops for the public to attend and provided input on the first Economic Development Strategy.*
- Highlighted the upcoming service of Dumpster Day scheduled for Saturday, March 2, 2024.*
- Provided the community numbers for in case of emergency situations due to storm impacts. Advised the community to take precautions and announced free sand bags are available to members of the public. Sand bags for residents are available at the entrance of Davis Park at Folsom Avenue.*

CONSENT CALENDAR**Approval of the Consent Agenda**

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

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

Absent: 1 - Pineda

MINUTES

3. [24-050](#) CONSIDER APPROVING MINUTES OF THE MEETING OF FEBRUARY 5, 2024

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

Approved as Submitted on the Consent Calendar.

PERIODIC REPORTS

4. [23-447](#) CONSIDER APPROVING VENDOR CHECK REGISTER REPORT FOR THE MONTH OF JANUARY 2024

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

Approve by Minute Order.

CITY COUNCIL AUTHORIZATION

5. [24-005](#) CONSIDER ADOPTING RESOLUTION (1) ACCEPTING THE 2023 ANNUAL MILITARY EQUIPMENT REPORT; (2) DETERMINING THAT THE POLICE DEPARTMENT'S USE OF MILITARY EQUIPMENT IN 2023 COMPLIED WITH THE DEPARTMENT'S MILITARY EQUIPMENT FUNDING, ACQUISITION, AND USE POLICY 709 AND APPLICABLE STATE LAW; AND (3) DETERMINING THAT POLICY 709 WILL BE CONTINUED WITHOUT CHANGE.

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

Public Comment was received by Mitra Zarinebaf.

Adopted.

Enactment No: RES 2024-017

6. [24-048](#) CONSIDER RESOLUTION (1) AUTHORIZING THE TRANSFER OF \$80,000 FROM THE FY2023/24 COMMUNITY DEVELOPMENT SALARY ACCOUNT TO ITS PROFESSIONAL SERVICES ACCOUNT; AND (2) AUTHORIZING THE CITY MANAGER TO AMEND AN EXISTING AGREEMENT WITH INTERWEST CONSULTING GROUP, INC. FOR ON-CALL BUILDING INSPECTION SERVICES TO ADD \$80,000, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$130,000

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 2024-018

7. [24-087](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT FOR ACCOUNTING SERVICES WITH KRISCH & COMPANY IN THE AMOUNT OF \$103,950.

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

Adopted.

Enactment No: RES 2024-019

8. [24-057](#) CONSIDER ADOPTING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ESTABLISHING THE STORMWATER UTILITY ASSESSMENT RATE FOR FY 2024/25 AND REQUESTING THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM

CEQA: Establishing the Stormwater Utility Assessment (SUA) does not trigger CEQA since it is not a project per Section 15378. This section of the CEQA Guidelines states that a project does not include continuing administrative or maintenance activities, or the creation of government funding mechanisms or other government 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 2024-020

9. [24-062](#) CONSIDER ADOPTING A RESOLUTION AMENDING RESOLUTION 2019-021 AND APPROVING AN AMENDMENT TO THE CITY'S CLASSIFICATION AND COMPENSATION PLAN UPDATING THE SALARY SCHEDULE FOR EXECUTIVE MANAGEMENT GROUP FOR CHIEF OF POLICE; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO IMPLEMENT THE PROPOSED AMENDMENTS AND CHANGES RETROACTIVE TO FEBRUARY 1, 2019.

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

Adopted.

Enactment No: RES 2024-021

10. [24-064](#) CONSIDER ADOPTING RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE ONE (1) 2024 DODGE DURANGO POLICE INTERCEPTOR VEHICLE FOR A TOTAL COST NOT TO EXCEED \$56,429, USING COMPETITIVELY BID COOPERATIVE CONTRACTS; AND APPROPRIATING \$35,471 FROM THE ADJUDICATED ASSET SEIZURE ACCOUNT AND \$20,958 FROM THE POLICE DEPARTMENT VEHICLE EQUIPMENT MAINTENANCE ACCOUNT TO THE VEHICLE REPLACEMENT FUND FOR THIS VEHICLE PURCHASE IN FY 2023/24.

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

Adopted.

Enactment No: RES 2024-022

11. [24-069](#) CONSIDER ADOPTING RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) APPROVING THE PLANS AND SPECIFICATIONS FOR THE BUSH AVENUE POCKET PARK PROJECT (0502) (PROJECT), (2) AWARDED MICHAEL PAUL COMPANY, INC., A CONSTRUCTION CONTRACT FOR THE PROJECT, (3) AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MICHAEL PAUL COMPANY, INC. IN AN AMOUNT OF \$571,887.66 WITH A 15% CONTINGENCY FOR TOTAL AUTHORIZATION NOT TO EXCEED \$657,671 AND (4) REAPPROPRIATING FUND 120 FUNDS IN THE AMOUNT OF \$247,002 FROM THE FULL TRASH CAPTURE DEVICE PROJECT (0304) TO THE BUSH AVENUE POCKET PARK PROJECT (0502)

CEQA: The Bush Avenue Pocket Park Project is categorically exempt per CEQA Guidelines Sections 15303(d) and (e), and Sections 15304(b) and (f), as it only includes, respectively, new construction of small structures (e.g., play equipment, new water meter, new fence, etc.) and minor alterations of land (e.g., new landscaping, minor trenching and backfill where new surface is restored). The CEQA Notice of Exemption was filed at the Contra Costa County Clerk's Office on December 18, 2021.

Adopted.

Enactment No: RES 2024-023

12. [24-071](#) CONSIDER ADOPTING RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF SAN PABLO:

APPROPRIATING CALIFORNIA NATURAL RESOURCE AGENCY URBAN GREENING GRANT FUNDS IN THE AMOUNT OF \$635,000 FOR THE DESIGN AND PUBLIC OUTREACH OF THE SAN PABLO AREA FOR RECREATION AND COMMUNITY PARK PROJECT (0501) (PROJECT), AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CSW / STUBER STROEH ENGINEERING GROUP, INC. FOR THE DESIGN AND ENGINEERING CONSULTANT SERVICES FOR THE PROJECT (0501) IN THE AMOUNT OF \$545,140 WITH A 10% CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$599,654

and

APPROVING APPLICATIONS FOR GRANT FUNDS FROM THE CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION BUDGET ACT OF 2023, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT THE GRANT APPLICATION AND ANY OTHER NECESSARY DOCUMENTS RELATED TO THIS GRANT.

CEQA: The San Pablo Area for Recreation and Community (SPARC) Project is categorically exempt pursuant to Section 15304 of the State CEQA Guidelines. Section 15304 exempts from environmental review “minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.” The Project would involve alteration of the site from an empty lot with demolition debris to a park, including grading, new landscaping, and minor trenching and backfilling where the surface is restored. The Project would not remove any mature trees; the trees within and adjacent to the Project site would be preserved in place.

The Project also meets the criteria for the In-Fill Development Project categorical exemption, pursuant to Section 15332 of the State CEQA Guidelines, which exempts from environmental review in-fill development projects that meet five specific criteria. The Project complies with these five criteria.

The Public Works Department filed a Notice of Exemption (NOE), dated November 11, 2023, with the Contra Costa County Clerk and the State of California Office of Planning and Research.

Adopted.

Enactment No: RES 2024-024
RES 2024-025

13. [24-059](#) CONSIDER RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO (1) ACCEPTING \$225,613 IN GRANT FUNDING OVER THREE FISCAL YEARS TO FUND A PART-TIME POLICE SERVICES TECHNICIAN POSITION IN THE SAN PABLO POLICE DEPARTMENT TOBACCO OUTREACH UNIT, (2) AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA DEPARTMENT OF JUSTICE FOR THE TOBACCO GRANT PROGRAM, AND (3) APPROPRIATING REIMBURSED GRANT FUNDING TO THE POLICE DEPARTMENT BUDGET, TO CONTINUE SUPPORTING AN EFFECTIVE, COMPREHENSIVE, AND STRATEGIC APPROACH TO COMBAT ILLEGAL TOBACCO USE AMONG MINORS

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

Adopted.

Enactment No: RES 2024-026

PUBLIC HEARING

14. [24-070](#) CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING TITLE 9 OF THE SAN PABLO MUNICIPAL CODE TO ADD CHAPTER 9.60, "RENT REGISTRY" REQUIRING PROPERTY OWNERS TO REGISTER RENTAL UNITS WITH THE CITY AND TO PROVIDE OTHER ADDITIONAL INFORMATION REGARDING RESIDENTIAL RENTAL PROPERTIES ON AN ANNUAL BASIS.

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

The public hearing opened at 7:01 p.m.

No Public Comment was received.

The public hearing closed at 7:01 p.m.

A motion was made by Mayor Ponce, seconded by Councilmember Xavier, that this ORDINANCE be Waived First Reading and Introduced. The motion carried by the following vote:

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

Absent: 1 - Pineda

Enactment No: ORD 2024-001

CITY COUNCIL DISCUSSION/CONSIDERATION

15. [24-085](#) CONSIDER RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING THE FACILITY NAMING RECOMMENDATION FROM THE COMMUNITY SERVICES STANDING COMMITTEE FOR THE CITY'S NEW PARK PROJECT SITE LOCATED AT 2600 MORAGA ROAD, SAN PABLO - LEONARD R. MCNEIL PARK (MCNEIL PARK)

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

There were approximately 20 public speakers.

Comments were made by the following individuals:

Harry Wiener, Mojdeh Mehdizadeh, Yusef McNeil, Genoveva Calloway, Carmen McNeil, Alexina Rojas, Monique Allen, Leon and Betty McNeil, Genee' Farr, Demetra Pedescleaux, Josie Broussard, Keith McNeil, La Rhonda Crosby-Johnson, Victor Broussard, Darryl Clinkscales, Mario Farr, Summer Brenner, Marcus McNeil, and Kathy Chao Rothberg

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

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

Absent: 1 - Pineda

SUPPLEMENTAL MATERIALS (IF ANY)

16. [24-019](#) 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 7:38 p.m. to the regular meeting on Monday, March 4, 2024 at 6:00 pm. in memory of Bounthong Soungpanya, grandmother of Public Works Inspector, Leck Soungpanya.

Respectfully Submitted,

Dorothy Gantt, City Clerk

Patricia Ponce, Mayor