



City of San Leandro

Meeting Date: September 4, 2012

Minutes

File Number: 12-400

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.A.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Lianne Marshall
Assistant City Manager

FINANCE REVIEW: Not Applicable

TITLE: APPROVE: Minutes of the Meeting of July 16, 2012



City of San Leandro

Civic Center
835 East 14th Street
San Leandro, California

Minutes - Draft City Council

Welcome to your City of San Leandro City Council meeting.

Your City Councilmembers are:

Mayor Stephen H. Cassidy
Michael Gregory, District 1
Ursula Reed, District 2
Diana Souza, District 3
Joyce Starosciak, District 4
Pauline Russo Cutter, District 5
Jim Prola, District 6

Monday, July 16, 2012

7:00 PM

City Council Chambers

***** MINUTES ARE DRAFT UNTIL ACCEPTED BY CITY COUNCIL *****

1. CALL TO ORDER

The meeting was called to order at 7:09 p.m.

1.A. PLEDGE OF ALLEGIANCE

Councilmember Starosciak led the Pledge of Allegiance to the Flag.

1.B. ROLL CALL

Present 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

1.C. ANNOUNCEMENTS

Mayor Cassidy announced that, with the concurrence of the Council, Item 10.B. would be moved up on the agenda to be considered after related Item 2.B.

Due to the length of the agenda and number of public speakers, public comments on all items would be limited to two minutes per speaker.

2. PRESENTATIONS/ RECOGNITIONS

2.A. 12-361 Recognition of the Employee of the Quarter, Loryn Aman, Library Assistant, Library Services Department

2.B. 12-369 Presentation by City Manager Chris Zapata and San Leandro Unified School District Superintendent of Schools Cindy Cathey on the School Based Health Clinic Concept (relates to Action Item 10.B.)

By consensus of the Council, Item 10.B. was moved to this point on the agenda.

10.B. 12-311 Staff Report for Review and Approval of Letter of Intent from City of San Leandro to San Leandro Unified School District Related to a Loan from the City to the District to Finance the District's Purchase of Property in the City of San Leandro

12-312 MOTION: Motion Approving Letter of Intent (LOI) from City of San Leandro to San Leandro Unified School District for City Loan to Finance District Purchase of Property in the City of San Leandro; and Directing the City Manager to Commence Negotiations of the LOI's Terms and Intentions with the San Leandro Unified School District (proposes a loan to SLUSD of \$1.5 million from General Fund Reserves)

A motion was made by Councilmember Prola, seconded by Councilmember Reed, that this Minute Order be Adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Min Order 2012-026

2.C. 12-368 Presentation of Active and Fit Healthy Eating Active Living (HEAL) Cities Certificate to the City of San Leandro

2.D. 12-378 Presentation of "2012 San Leandro- Get Connected!" Video

2.E. 12-390 Recognition of Councilmember Joyce Starosciak for Her Years of Service to the City of San Leandro

12-395 MOTION: Motion Approving Resolution Commending Councilmember Joyce R. Starosciak for Her Years of Service on the City Council and to the San Leandro Community

A motion was made by Councilmember Reed, seconded by Councilmember Souza, that this Minute Order be Adopted. The motion carried by the following vote.

Aye: 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Abstain: 1 - Starosciak

Enactment No: Min Order 2012-027

3. PUBLIC HEARINGS – CITY COUNCIL

3.A. 12-371 Staff Report for the Matter of Imposing Liens for Non-Payment of Delinquent 2012 Business License Tax, Solid Waste Service Charges, Sidewalk Improvements, Community Compliance Code Enforcement Violation Penalties and/or Weed Abatement Charges, False Alarm Responses, Certified Unified Program Agency (CUPA) Fees, and Sewer Service Charges

The Hearing was opened to the public.

MARTIN WONG, San Leandro business owner, commented on the late fee assessed on his delinquent business license fee.

CHRIS RONAN, San Leandro business owner, commented on a bookkeeping error by his company that cost him a 50% increase in his business license fee.

There being no public comments, and without objection, the Public Hearing was closed.

- 12-376** ADOPT: Resolution Overruling Protests (2012 Business License Tax, Solid Waste Service Charges, Sidewalk Repairs, Community Compliance Code Enforcement Violation Penalties and/or Weed Abatement Charges, False Alarm Responses, Certified Unified Program Agencies (CUPA) Fees, and Sewer Service Charges) (recommends overruling protest or objections on assessments proposed to be levied for non-payment of delinquent 2012 taxes and services)

A motion was made by Councilmember Souza, seconded by Councilmember Starosciak, that this Resolution be Adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-082

- 12-377** ADOPT: Resolution Imposing Liens for Non-Payment of Delinquent 2012 Business License Tax, Solid Waste Service Charges, Sidewalk Repairs, Community Compliance Code Enforcement Violation Penalties and/or Weed Abatement Charges, False Alarm Responses, Certified Unified Program Agency (CUPA) Fees, and Sewer Service Charges (recommends imposing liens for non-payment of delinquent accounts to be placed on the 2012-13 Alameda County Property Tax roll)

A motion was made by Councilmember Souza, seconded by Councilmember Starosciak, that this Resolution be Adopted as amended, removing the businesses of Martin Wong and Chris Ronan from Business License Tax Lien List No. 2012-001. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-083

4. PUBLIC HEARINGS – OTHER

None.

5. PUBLIC COMMENTS

MITCH HUITEMA, San Leandro resident, spoke on the following topics: her preference for transcripts rather than briefer summaries of Council Committee

proceedings; the impacts of the youth curfew to home schoolers and teens with jobs; an ordinance allowing residents to keep bees and chickens; the need for AC Transit to maintain a bus route that goes all the way through the city; and her concerns regarding the proposed entertainment permit ordinance.

STEPHANIE, L'ARCHULETA, San Leandro resident, thanked the Council for extending the comment period on the Halus wind turbine project, and commented on the effects of the project on San Leandro.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

None.

7. AMENDMENT OF CONSENT CALENDAR

Items 8.C., 8.D., 8.E. and 8.F. were removed from the Consent Calendar to Item 9, Items Removed from Consent Calendar

8. CONSENT CALENDAR

Approval of the Consent Agenda

A motion was made by Councilmember Cutter, seconded by Councilmember Reed, to Approve the Consent Calendar. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

8.A. 12-370 APPROVE: Minutes of the Meeting of July 2, 2012

Approved as Submitted on the Consent Calendar.

8.B. 12-392 ACCEPT: Finance Committee Meeting Highlights of July 6, 2012

COMMITTEE RECOMMENDATION: Approval of the 2012-13 Investment Policy (listed as Consent Calendar Item 8.F.)

COMMITTEE RECOMMENDATION: Schedule approval of selected candidates for the Citizen Oversight Committee as related to Measure Z

Accepted as Submitted on the Consent Calendar.

Item Numbers 8.C., 8.D., 8.E. and 8.F. were removed from the Consent Calendar to Item 9, Items Removed from Consent Calendar.

8.G. 12-224 Staff Report for a Resolution Approving a Standard Agreement and Rate Schedule for the Installation and Use of Telecommunication Facilities on City Property

12-225 ADOPT: Resolution Approving a Standard Agreement and Rate

Schedule for the Installation and Use of Telecommunications Facilities on City Property (establishes a standard agreement and rates the City will charge telecoms for the use of City property)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-084

8.H. 12-325

Staff Report for a Resolution Authorizing Approval of the Plans and Specifications and Calling for Bids for the Marina Group Picnic Areas Project, Project Number 150-62-107

12-332

ADOPT: Resolution Authorizing Approval of Plans and Specifications and Calling for Bids for Marina Park Group Picnic Areas, Project No. 150-62-107 (authorizes the City Manager to approve the plans and specifications and call for bids)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-085

8.I. 12-333

Staff Report for a Resolution Approving Plans and Specifications and Calling for Bids for the Marina Park Irrigation Improvements Project, Project Number 11-150-62-111

12-334

ADOPT: Resolution Approving Plans and Specifications and Calling for Bids for Marina Park Irrigation Improvements, Project No. 11-150-62-111 (recommends approval of the plans and specifications and call for bids)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-086

8.J. 12-339

Staff Report for a Resolution of Award of Construction Contract to HP Communications, Inc. for the Fiber Loop Project (Project No. 11-120-28-192)

12-340

ADOPT: Resolution of Award of Construction Contract to HP Communications, Inc. for Fiber Loop Project, Project No. 11-120-28-192 (recommends award to the low bidder in the amount of \$96,419.00, with \$40,000 from the General Fund and \$56,419 from the Development Fees for Street Improvements [DFSI] Fund))

Adopted on the Consent Calendar.

Enactment No: Reso 2012-087

8.K. 12-347

Staff Report for the Resolution Accepting the Work for Street Light Undergrounding - East 14th (150th to South City Limit), Project No. 07-210-38-172

12-348

ADOPT: Resolution Accepting the Work for Street Light

Undergrounding - East 14th (150th to South City Limit), Project No. 07-210-38-172 (provides for the acceptance of contract work by Tennyson Electric, Inc., filing of the Notice of Completion, releasing of the performance and payment bonds, and releasing of the maintenance bond upon completion of the one-year maintenance period)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-088

8.L. 12-349 Staff Report for a Resolution Accepting the Work for Annual Overlay/Rehabilitation 2010-11, Project No. 10-149-38-327

12-350 ADOPT: Resolution Accepting the Work for Annual Overlay/Rehabilitation 2010-11, Project No. 10-149-38-327 (provides for the acceptance of contract work by Gallagher & Burk, Inc., filing of the Notice of Completion, releasing of the performance and payment bonds, and releasing of the maintenance bond upon completion of the one-year maintenance period)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-089

8.M. 12-353 Staff Report for a Resolution of the San Leandro Hillside Geologic Hazard Abatement District Approving the Annual Report of the San Leandro Hillside Geologic Hazard Abatement District (GHAD) for Fiscal Year 2011-12

12-354 ADOPT: Resolution of the San Leandro Hillside Geologic Hazard Abatement District Approving the Annual Report of the San Leandro Hillside Geologic Hazard Abatement District (GHAD) for Fiscal Year 2011-12 (provides an update on the activities of the San Leandro Hillside Geologic Hazard Abatement District (GHAD) for Fiscal Year 2011-12)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-001 GHAD

8.N. 12-364 Staff Report for Resolution Accepting the Engineer's Report for Fiscal Year 2012-13 for the Heron Bay Maintenance Assessment District, Assessment District No. 96-3 and Approving the Annual Assessments and Levying the Assessments for Fiscal Year 2012-13

12-366 ADOPT: Resolution Accepting the Engineer's Report for Fiscal Year 2012-13 for the Heron Bay Maintenance Assessment District, Assessment District No. 96-3 (provides funding for the on-going maintenance of certain public facilities constructed as part of the Heron Bay development)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-090

- 12-367** ADOPT: Resolution Ordering the Levy and Collection of Assessments within the Heron Bay Maintenance Assessment District; Assessment District No. 96-3 for Fiscal Year 2012-13 (provides funding for the on-going maintenance of certain public facilities constructed as part of the Heron Bay development)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-091

- 8.O. 12-379** Staff Report for a Resolution Authorizing the City Manager to Enter into a Memorandum of Understanding (MOU) with the Alameda County Transportation Commission (ACTC) to expand the ACTC Safe Routes to School (SR2S) Program in San Leandro for the 2012-13 School Year and Appropriating \$109,714 of Measure B Bicycle and Pedestrian Funds for the Work

- 12-380** ADOPT: Resolution Authorizing the City Manager to Enter into a Memorandum of Understanding (MOU) with the Alameda County Transportation Commission (ACTC) to Expand the ACTC Safe Routes to School (SR2S) Program in San Leandro for the 2012-13 School Year and Appropriating \$109,714 of Measure B Bicycle and Pedestrian Funds for the Work (expands the ACTC-SR2S program to include all thirteen K-8th public schools using Measure B Bicycle and Pedestrian Funds)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-092

9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.C. 12-365** ACCEPT: Rules and Communications Committee Meeting of June 26, 2012

COMMITTEE RECOMMENDATION: Schedule Council consideration and approval to hold all Council Committee meetings in the City Council Chambers, and to approve the creation of briefer, less narrative summary highlights (listed as Consent Calendar Item 8.D.)

COMMITTEE RECOMMENDATION: Schedule for Council consideration amendments to the youth daytime and nighttime curfew ordinances (listed as Consent Calendar Item 8.E.)

A motion was made by Councilmember Cutter, seconded by Councilmember Starosciak, that the Highlights be Accepted as Submitted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

8.D. 12-391

MOTION: Motion Approving the Holding of all Council Committee Meetings in the City Council Chambers and the Creation of Briefer, Less Narrative Summary Highlights

A motion was made by Councilmember Cutter, seconded by Councilmember Starosciak, that this Minute Order be Adopted as Amended, approving the holding of all Council Committee meetings in the City Council Chambers; and approving for a one-month trial period the creation of briefer, less narrative summary highlights. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Min Order 2012-028

8.E. 12-359

Staff Report for Consideration of an Ordinance Repealing and Reserving San Leandro Municipal Code Sections 4-1-810 and 4-1-815 of Title 4, Chapter 4-1, and Amending Article 3 of Title 4, Chapter 4-1 Related to Day Time and Night Time Youth Curfews

12-360

ADOPT: Ordinance No. 2012-012, an Ordinance Repealing and Reserving Sections 4-1-810 and 4-1-815 Of Title 4, Chapter 4-1 of the San Leandro Municipal Code and Amending Article 3 of Title 4, Chapter 4-1 of the San Leandro Municipal Code Relating to Youth Curfews (reestablishes new definitions and defenses to violations and adds new violation provisions)

A motion was made by Councilmember Reed, seconded by Councilmember Souza, that this Ordinance be Passed to Print with an amendment to Section 4-1-305(b) to revise the wording as follows: "There is a rebuttable presumption that the minor's school is in session on days when school facilities within the City of San Leandro are held open for the compulsory education or compulsory continuation education of all minors." The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Ordinance 2012-012

8.F. 12-386

Staff Report for Resolution Approving the City of San Leandro's Investment Policy for Fiscal Year 2012-13

12-387

ADOPT: Resolution Approving the City of San Leandro's Investment Policy for Fiscal Year 2012-13 (approves the City's Investment Policy as required by California Government Code Section 53600 et seq., and Section VIII of the San Leandro Investment Policy)

A motion was made by Councilmember Cutter, seconded by Councilmember Prola, that this Resolution be Adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-093

10. ACTION ITEMS

10.A. 12-322 Staff Report for a City of San Leandro HOME Investment Partnerships Program (HOME) Funds Loan to Alameda Housing Associates, L.P. to Assist in the Construction of an Affordable Rental Housing Project (Cornerstone at San Leandro Crossings) Located at 1400 San Leandro Boulevard

12-323 ADOPT: Resolution Authorizing the City Manager to Execute a HOME Investment Partnerships Program (HOME) Loan Agreement with Alameda Housing Associates, L.P., for the Financing of the Construction of an Affordable Rental Housing Project Located at 1400 San Leandro Boulevard (authorizes the execution of a \$650,000 HOME loan agreement for the Cornerstone at San Leandro Crossings)

Planning and Housing Manager Tom Liao pointed out a correction to the staff report and resolution. The loan term was incorrectly stated in both documents as 20 years; the loan term should be 55 years.

A motion was made by Vice Mayor Gregory, seconded by Councilmember Souza, that this Resolution be Adopted as Amended, to correct the term of the HOME loan to fifty-five (55) years. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-094

Item 10.B. was considered earlier in the agenda.

10.C. 12-372 Staff Report for the Resolution Designating the City of San Leandro's Locally Preferred Alternative for the AC Transit East Bay Bus Rapid Transit (BRT) Project

12-373 ADOPT: Resolution Designating the City of San Leandro's Locally Preferred Alternative for the AC Transit East Bay Bus Rapid Transit (BRT) Project (designates the City's preferred option for BRT)

A motion was made by Councilmember Cutter, seconded by Vice Mayor Gregory, that this Resolution be Adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-095

10.D. 12-381 Staff Report for Update on AB 1484: Redevelopment Dissolution/Unwind Trailer Bill and Resolutions to Acknowledge the Legal Existing of the Successor Agency and Adopt Successor Agency

Procedures

12-382

ADOPT: Resolution of the City Council of the City of San Leandro Acknowledging the Separate Legal Existence of the Successor Agency to the Redevelopment Agency of the City of San Leandro (confirms the status of the Successor Agency as a separate legal entity consistent with the provisions of Assembly Bill 1484)

A motion was made by Councilmember Cutter, seconded by Councilmember Souza, that this Resolution be Adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-096

12-383

ADOPT: Resolution of the Successor Agency to the Redevelopment Agency of the City of San Leandro Designating Officers and Adopting Administrative and Operating Procedures (establishes officers and operating procedures and affirms the validity of all actions previously taken by the Successor Agency)

A motion was made by Councilmember Cutter, seconded by Councilmember Souza, that this Resolution be Adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-010 SA

10.E. 12-375

Staff Report for Resolution of the Governing Board of the Successor Agency to the Redevelopment Agency of the City of San Leandro Approving a Recognized Obligation Payment Schedule for January through June 2013 for Enforceable Obligations of the Former Redevelopment Agency Pursuant to Health and Safety Code Section 34177

12-374

ADOPT: Resolution of the Successor Agency to the Redevelopment Agency of the City of San Leandro Adopting a Draft Recognized Obligation Payment Schedule (ROPS) for the Period January 1 - June 30, 2013, Pursuant to Health and Safety Code Section 34177(L) (approves the payment schedule detailing the obligations of the Successor Agency and the City as it relates to the Low and Moderate Housing Fund)

A motion was made by Councilmember Cutter, seconded by Councilmember Souza, that this Resolution be Adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-011 SA

10.F. 12-341

Staff Report to Introduce for First Reading an Ordinance Adding

Municipal Code Chapter 4-33 Relating to a Prohibition Against the Establishment and Operation of Medical Marijuana Cooperatives, Collectives, Dispensaries and Cultivation Facilities in the City of San Leandro

- 12-343** PASS TO PRINT: An Ordinance Adding Municipal Code Chapter 4-33 Relating to the Prohibition Against the Establishment and Operation of Medical Marijuana Dispensaries in the City (establishes a ban on medical marijuana cooperatives, collectives, dispensaries and cultivation facilities, to sunset on June 30, 2013)

A motion was made by Councilmember Prola, seconded by Councilmember Cutter, that this Ordinance be Tabled. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Min Order 2012-029

By consensus of the Council, the matter was referred to the City Council Rules and Communications Committee for further discussion.

Enactment No: Min Order 2012-029

- 10.G. 12-385** Staff Report for Council Discussion and Direction Regarding Process for Appointment to Fill District 4 Council Vacancy

Councilmember Starosciak recused herself from participating in this item, and left the Council Chambers.

- 12-388** MOTION: Motion Declaring the City Council's Intention to Fill the Upcoming District 4 Council Vacancy by Appointment, and Direct Staff to Provide Public Notice of the Vacancy and the Application Process

A motion was made by Councilmember Souza, seconded by Councilmember Reed, that this Minute Order be Adopted as Amended, to declare the City Council's intention to fill the upcoming District 4 Council vacancy by appointment, and direct staff to provide public notice of the vacancy and application process, upon Councilmember Starosciak's submission of a resignation date. The motion carried by the following vote.

Aye: 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Recused: 1 - Starosciak

Enactment No: Min Order 2012-030

- 12-389** MOTION: Motion to Approve the Process and Timeline, and any Additional Criteria if Desired, for Filling the District 4 Council Vacancy

A motion was made by Councilmember Reed, seconded by Councilmember Souza, that the Minute Order be adopted, approving the process and timeline for filling the District 4 City Council vacancy as outline in the associated staff report, with the following amendments: 1) adjust the application timeline if needed, based on Councilmember Starosciak's resignation date; 2) perform an initial review and screening, and narrow the applicant field, if needed, at the City Council regular meeting on September 4, 2012; 3) hold a special City

Council meeting on Thursday, September 13, 2012 to interview applicants and appoint the new District 4 City Councilmember; 4) charge the ad hoc committee comprised of Mayor Cassidy and Vice Mayor Gregory with developing interview questions; and 5) approve no additional screening criteria. The motion carried by the following vote.

Aye: 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Recused: 1 - Starosciak

Enactment No: Min Order 2012-031

10.H. Report on Closed Session Actions Taken

No reportable action taken.

11. **CITY COUNCIL CALENDAR**

Due to the lateness of the hour, the Council agreed to forgo this item.

12. **CITY COUNCIL REPORTS AND ANNOUNCEMENTS**

Due to the lateness of the hour, the Council agreed to forgo this item.

13. **ADJOURN**

The meeting was adjourned at 12:05 a.m.

RESPECTFULLY SUBMITTED:

MARIAN HANDA
City Clerk of the City of San Leandro