

## CITY COUNCIL MEETING AGENDA

MONDAY, DECEMBER 3, 2012



### ***LIST OF CITY COUNCIL MEETINGS AND EVENTS ON THIS DATE (at the time of publication)***

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- 5:00 PM** City Council and Successor Agency to Redevelopment Agency Special Meeting and Closed Session (agenda attached)
- 6:00 PM** 2012 Awards and Recognitions Reception (no agenda)  
Location: Sister Cities Gallery
- 7:00 PM** City Council Regular Meeting (agenda attached)

### ***AGENDAS***

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Agendas are available to the public at least 72 hours in advance of the meeting and are posted on the notice board outside the East 14<sup>th</sup> Street main entrance to the Civic Center by the Wednesday preceding the meeting. Special meeting agendas are available and posted not less than 24 hours prior to each special meeting. Agendas may be obtained from the City Clerk's Office. For information, call the City Clerk's Office at (510) 577-3366.

The complete agenda book is available for review at the City Clerk's Office, at the Main Library, and on the City website. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection with the agenda book, during normal business hours, and on the City's website at [www.sanleandro.org](http://www.sanleandro.org).

If special accommodations are required for the disabled, please call the City Clerk's Office at (510) 577-3366 or TDD at (510) 577-3343 at least 5 working days prior to the meeting.

### ***CITY COUNCIL GOALS FOR FISCAL YEAR 2012-2013***

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The following City Council Goals serve as a guide for the upcoming fiscal year, and provide overall direction for the City's services and programs:

- Place the City on a firm foundation for long-term fiscal sustainability
- Work with the community and all stakeholders towards completing major projects and programs for sustainable economic development
- Provide quality public safety services and work in partnership with the community to keep San Leandro safe
- Maintain and enhance the City's infrastructure
- Support programs, activities and communication that enhance the quality of life in San Leandro and promote a sense of community and civic pride
- Maintain and support a strong positive relationship between the City and schools

## ***CITY COUNCIL MEETINGS***

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Regular meetings of the City Council are held on the first and third Mondays of each month at 7:00 p.m. in the Civic Center, City Council Chambers, 835 East 14<sup>th</sup> Street. Work Sessions of the City Council are held regularly at 7:00 p.m. on the second Monday of each month, with an additional Work Session scheduled on the fourth Monday, if needed, generally in the Civic Center Complex. At Work Sessions, City staff provide reports to the City Council on a variety of items and issues; however, usually, no formal action is taken at Work Session. Starting times for each item are approximate.

The City Council agenda also includes actions of the Successor Agency to the San Leandro Redevelopment Agency. In addition, meetings of the Economic Development Agency, Parking Authority and Public Financing Authority are held annually on the third Monday of June in conjunction with City Council meetings. All actions listed on the agenda are City Council actions, unless otherwise noted.

The City Council is prohibited by State law from discussing items not listed on the agenda unless, by a two-thirds vote, or unanimous vote if less than two-thirds of the members are present, the City Council finds that there is a need to take immediate action, and the need for the action came to the City's attention after the agenda was posted.

The order of business specified in the agenda may be changed if deemed appropriate by the Mayor and agreed to by a majority of the City Council.

## ***PUBLIC PARTICIPATION***

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The City Council welcomes your participation at meetings.

***AT REGULAR MEETINGS***, you have several opportunities for public participation, as follows:

**Public Hearings:** Anyone wishing to speak regarding a Public Hearing should fill out a speaker card prior to the completion of the staff presentation and submit it to the City Clerk. The order of business for Public Hearings is as follows:

1. Staff presentation
2. Applicant/Appellant – 10 minutes
3. City Council Questions/Clarifications
4. Public Comments – 5 minutes per speaker, subject to adjustment by the Mayor
5. Applicant/Appellant Rebuttal – 5 minutes
6. City Council Comments/Questions/Action

**Public Comments:** The public is invited to make comments on items **that are not listed on the agenda** at this time. Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor.

**Consent Calendar:** Members of the public who wish to address the City Council regarding items remaining on the Consent Calendar may do so for up to 3 minutes per item with a maximum of 5 minutes total for all items.

**Items Removed from Consent Calendar and Action Items:** Public comments on these items will be limited to 3 minutes per speaker, subject to adjustment by the Mayor.

When you address the City Council, you should **fill out a speaker card** and submit it to the City Clerk prior to or as the item is being announced so that the order of speakers may be determined and an official record of names and addresses obtained. Speakers should approach the podium and speak clearly into the microphone, stating their name for the record. There shall be no dialogue between persons speaking from the podium and the City Council until the speaker has completed his or her comments. Your item may be taken under consideration and referred to staff. All personal, racial or ethnic slurs, profane language, or disruptive conduct is prohibited. Any person who disrupts the meeting by expressing such conduct is subject to removal from the City Council Chambers and/or arrest.

***AT WORK SESSIONS***, the Mayor will inquire if anyone wishes to address the City Council during the portion of the agenda entitled "**Public Comments**." Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. If you wish to address the City Council, you should approach the podium and speak clearly into the microphone, stating your name and address for the record.



# City of San Leandro

Civic Center  
835 East 14th Street  
San Leandro, California

## Meeting Agenda 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  
Tom Dlugosh, District 4  
Pauline Russo Cutter, District 5  
Jim Prola, District 6*

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Monday, December 3, 2012

5:00 PM

City Manager's Large Conference Room

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### Joint Special Meeting and Closed Session of City Council and Successor Agency to Redevelopment Agency

**1. CALL TO ORDER**

**1.A. ROLL CALL**

*Members Cutter, Dlugosh, Gregory, Prola, Reed, Souza; Mayor Cassidy*

**2. PUBLIC COMMENTS**

*Public Comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. The public is invited to make comments on Closed Session items only at this time.*

**3. CLOSED SESSION**

*Adjourn to Closed Session regarding:*

**3.A. City Council  
Conference with Labor Negotiators Pursuant to California Government Code  
Section 54957.6:**

Agency Designated Representative: Chris Zapata, City Manager  
Employee Organization: San Leandro Police Officers' Organization (SLPOA)

- 3.B. Joint City Council and Successor Agency to Redevelopment Agency  
Conference with Legal Counsel - Existing Litigation Pursuant to California  
Government Code Section 54956.9(a) - 2 Cases:

The Estate of Douglas M. King, et al. v. the City of San Leandro Redevelopment  
Agency, et al. (Alameda County Superior Court, Case No. HG12614907)

The Estate of Douglas M. King, et al. v. the City of San Leandro, et al.  
(Alameda County Superior Court, Case No. HG12630231)

- 3.C. City Council  
Public Employee Performance Evaluation Pursuant to California Government  
Code Section 54957:

Title: City Attorney

- 3.D. Joint City Council and Successor Agency to Redevelopment Agency  
Conference with Legal Counsel – Anticipated Litigation:

Initiation of Litigation Pursuant to California Government Code Section  
54956.9(c) – 1 Potential Case

**4. ADJOURN**

*Adjourn to 2012 Awards and Recognitions Reception at 6:00 p.m. in Sister Cities  
Gallery*



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835 East 14th Street  
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*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  
Tom Dlugosh, District 4  
Pauline Russo Cutter, District 5  
Jim Prola, District 6*

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Monday, December 3, 2012

7:00 PM

City Council Chambers

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**1. CALL TO ORDER**

**1.A. PLEDGE OF ALLEGIANCE**

**1.B. ROLL CALL**

*Members Cutter, Dlugosh, Gregory, Prola, Reed, Souza; Mayor Cassidy*

**1.C. ANNOUNCEMENTS**

**2. PRESENTATIONS/ RECOGNITIONS**

**2.A. 12-408** Proclamation Declaring December 12, 2012, as "Jerry Maughan Day" in San Leandro

**2.B. 12-571** ADOPT: Resolution Appointing Joan Maramonte as District 3 Member to Human Services Commission (approves appointment for term ending December 31, 2014)

**2.C. 12-559** ADOPT: Resolution Renominating and Reappointing Members to Youth Advisory Commission (approves reappointment of 15 members for terms ending August 31, 2013)

**2.D. 12-560** ADOPT: Resolution Nominating and Appointing Members to Youth Advisory Commission (approves appointment of 6 members for terms ending August 31, 2013)

- 2.E. 12-562** Presentation of 2012 Board and Commission Service Awards
- Denise Abero - 5 Years on Planning Commission  
Peggy Hynd Combs - 5 Years on Recreation and Parks Commission  
Deborah Cox - 5 Years on Human Services Commission  
Philip Daly - 5 Years on Board of Zoning Adjustments  
Charles "Chuck" Kane - 5 Years on Human Resources Commission and Recreation and Parks Commission  
Benny Lee - 5 Years on Personnel Relations Board and Recreation and Parks Commission  
Rosemary Trujillo - 5 Years on Human Services Commission  
Lizzie Brown - 10 Years on Rent Review Board  
Elinor "Pat" Free - 10 Years on Senior Commission  
Lucille Nobriga - 10 Years on Senior Commission
- 2.F. 12-563** Presentation of 2012 City Council District Leadership Awards and Mayor's Awards of Excellence
- Evelyn Gonzalez - District 1  
Alfred Frates - District 2  
Robert Leigh - District 3  
Jason Gong and Margaret Choy - District 4  
Scott Terry - District 5  
René Mendieta - District 6  
Leroy Smith - Mayor's Award of Excellence  
Larry Allphin, Allphin Jewelers - Mayor's Award of Excellence in Business
- 2.G. 12-568** Commendations Recognizing Community Members for Their Contributions to Special Events in 2012
- American Cancer Society - Relay for Life of San Leandro  
Cedar and Covello - Music in the Park  
FH Dailey Chevrolet, San Leandro Rotary, and San Leandro Chamber of Commerce - July 4th Community Fair  
Mulford Gardens Improvement Association - The Art and Musical Festival  
San Leandro Downtown Business Association - Sausage and Suds  
San Leandro Recreation and Parks Commission - San Leandro Family Bike Party  
San Leandro Sports Foundation - Run for the Schools  
Gordon Schmierer - Music Day by the Bay
- 2.H. 12-570** Presentation by Cal State East Bay MBA Students on Marketing Plans for San Leandro
- 2.I. 12-561** Update on Community Activities and Events

**3. PUBLIC HEARINGS – CITY COUNCIL**

*Public Hearing Comments are limited to 5 minutes per speaker, subject to adjustment by the Mayor. When you address the City Council, you should FILL OUT A SPEAKER CARD and submit it to the City Clerk so the order of speakers may be determined and an official record of names and addresses obtained.*

**4. PUBLIC HEARINGS – OTHER****5. PUBLIC COMMENTS**

*Public Comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. When you address the City Council, you should FILL OUT A SPEAKER CARD and submit it to the City Clerk so the order of speakers may be determined and an official record of names and addresses obtained. The public is invited to make comments on items of public interest NOT listed on the Agenda.*

**6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS****7. AMENDMENT OF CONSENT CALENDAR**

*City Councilmembers or staff have an opportunity at this time to request that an item be removed from the Consent Calendar for the presentation of a staff report or other special consideration. Members of the Public may request the opportunity to address the City Council regarding items remaining on the Consent Calendar by filling out a speaker card and submitting it to the City Clerk prior to the calling of Item 7, Amendment of Consent Calendar. Items remaining on the Consent Calendar will be considered for approval under one motion.*

**8. CONSENT CALENDAR**

*Consent Calendar items are considered for approval by the City Council with one single action. As described above in Item 7, Amendment of Consent Calendar, the City Council may remove items from the Consent Calendar for purposes of presentation or discussion. Members of the public who have requested to address the Council regarding items remaining on the Consent Calendar may do so for up to 3 minutes per item with a maximum of 5 minutes for all items. Items listed on the Consent Calendar are deemed to have been read by title.*

**8.A. 12-567** APPROVE: Minutes of the Meeting of November 19, 2012

**8.B. 12-556** ACCEPT: Finance Committee Meeting Highlights of November 2, 2012

COMMITTEE RECOMMENDATION: Schedule appointment of Sarah Galvin as the final member of the Measure Z Oversight Committee (listed as Consent Calendar Item 8.G.)

- 8.C. 12-572** ACCEPT: Rules and Communications Committee Meeting of November 7, 2012
- COMMITTEE RECOMMENDATION: Schedule City Council review and discussion regarding the draft Medical Cannabis Dispensary Permit Ordinance (listed as Action Item 10.C.)
- 8.D. 12-538** ADOPT: Ordinance No. 2012-014, an Ordinance Adding Title 2, Chapter 2-20 to the San Leandro Municipal Code Relating to the Establishment of Community Benefit Districts (enhances the ability of the City and property owners to establish property and business improvement districts aimed at improving the quality of life in neighborhood and mixed use commercial districts)
- 8.E. 12-558** Staff Report for the Matter of the Two-Year Budget Calendar for Fiscal Years 2013-14 and 2014-15
- 12-573** MOTION: Motion Accepting the Biennial Budget Calendar for Fiscal Years 2013-14 and 2014-15
- 8.F. 12-565** Staff Report for Resolution Declaring Results of the General Municipal Election Held on Tuesday, November 6, 2012
- 12-566** ADOPT: Resolution Declaring Results of the General Municipal Election Held on Tuesday, November 6, 2012 for Election of Members to City Council Districts 2, 4 and 6 (certifies election results)
- 8.G. 12-575** ADOPT: Resolution Approving Appointments to the City of San Leandro's Measure Z Citizens Oversight Committee as Required by Ordinance No. 2010-022 (appoints Sarah Galvin to serve a 3-year term expiring on August 31, 2015)

## **9. ITEMS REMOVED FROM CONSENT CALENDAR**

*Public comments are limited to 3 minutes per speaker per item, subject to adjustment by the Mayor.*

## **10. ACTION ITEMS**

*Public comments are limited to 3 minutes per speaker per item, subject to adjustment by the Mayor. When you address the City Council, you should fill out a speaker card and submit it to the City Clerk, prior to the calling of the Action Item.*

- 10.A. 12-564** Update on Public Education and Government (PEG) Funding and Discussion Regarding Video Broadcasting of City Council Meetings



- 10.B. 12-536** Staff Report for the Matter of an Interim Urgency Ordinance Prohibiting Consideration, Issuance and/or Approval of Use Permits, Business Licenses, Variances, Building Permits, Start of New Construction, or Other Entitlements for Any Establishment or Operation of an Internet or Computer Gaming Use, On-Site Internet Access Businesses, Cafe, or Other Use that Involves Internet Sweepstakes Type Games Within the City for a Forty-Five Day Period
- 12-537** PASS TO PRINT AND ADOPT: An Interim Urgency Ordinance Prohibiting Consideration, Issuance, and/or Approval of Use Permits, Business Licenses, Variances, Building Permits, Start of New Construction, or Other Entitlements for Any Establishment or Operation of an Internet or Computer Gaming Use, Cafe, On-Site Internet Access Businesses or Other Use that Involves Internet Sweepstakes Type Games Within the City for a Forty-Five Day Period (adopts an ordinance by at least four-fifths vote of the City Council to place a temporary moratorium on the development, establishment, and operation of Internet and computer gaming and internet access businesses within the City)
- 10.C. 12-569** Staff Report for Presentation of DRAFT Medical Marijuana Dispensary Ordinance
- 10.D. Report on Closed Session Actions Taken

## **11. CITY COUNCIL CALENDAR**

*City Councilmembers announce calendar of upcoming events and coordinate attendance.*

## **12. CITY COUNCIL REPORTS AND ANNOUNCEMENTS**

*City Councilmembers report on meetings and other local events attended since the last meeting; report on attendance at conferences and seminars; and make brief comments on issues of concern.*

## **13. ADJOURN**

## ***CITY COUNCIL GOALS FOR FISCAL YEAR 2012-2013***

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