

CITY COUNCIL MEETING AGENDA

MONDAY, APRIL 1, 2013



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

- 6:00 PM** City Council and Successor Agency to Redevelopment Agency Special Meeting and Closed Session (agenda attached)
- 7:00 PM** City Council Regular Meeting (agenda attached)

AGENDAS

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 14th 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.

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 2013-2015

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
- Undertake programs and advance projects promoting sustainable economic development, including transforming San Leandro into a center for innovation
- 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 and implement programs, activities and strengthen communication that enhance the quality of life, including wellness, 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

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 14th 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

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
Benny Lee, District 4
Pauline Russo Cutter, District 5
Jim Prola, District 6*

Monday, April 1, 2013

5:30 PM

City Manager's Large Conference Room

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, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy

1.B. ANNOUNCEMENTS

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. Joint City Council and Successor Agency to Redevelopment Agency
Conference with Legal Counsel - Anticipated Litigation Re: Department of
Finance Due Diligence Review Determination, as follows:**

Initiation of Litigation Pursuant to California Government Code Section
54956.9(c) - 1 Matter

Potential Threat of Litigation Based on Existing Facts and Circumstances
Pursuant to California Government Code Section 54956.9(b)(3)(B) - 1 Matter

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

Agency Designated Representatives: Chris Zapata, City Manager; William Avery, Avery & Associates

Employee Organizations: San Leandro City Employees' Association / International Federation of Professional and Technical Engineers, Local 21 (SLCEA/IFPTE); San Leandro Management Organization (SLMO); and San Leandro Police Management Association

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

Title: Assistant City Attorney

- 3.D. City Council
Public Employee Appointment Pursuant to California Government Code Section 54957:

Title: City Attorney

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

Agency Designated Representative: Chris Zapata, City Manager; Stephen Cassidy, Mayor

Unrepresented Employee: City Attorney

4. ADJOURN



City of San Leandro

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835 East 14th Street
San Leandro, California

Meeting Agenda City Council

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

Monday, April 1, 2013

7:00 PM

City Council Chambers

1. CALL TO ORDER

1.A. PLEDGE OF ALLEGIANCE

1.B. ROLL CALL

Members Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy

1.C. ANNOUNCEMENTS

2. PRESENTATIONS/ RECOGNITIONS

2.A. [13-103](#) MOTION: Motion Approving Resolution Commending Sandi Forese for Her Years of Service on the Senior Commission

2.B. [13-104](#) MOTION: Motion Approving Resolution Commending Thomas Makin for His Years of Service on the Board of Zoning Adjustments and the Recreation and Parks Commission

2.C. [13-095](#) Proclamation Declaring April 14 - 20, 2013 as National Telecommunicators Week

2.D. [13-137](#) Proclamation Declaring April 2013 as Fair Housing Month

2.E. [13-128](#) Update on Downtown San Leandro Community Benefit District Initiative Including Review of the District Management Plan and Recommendation that the City Council Approve a Motion Authorizing the City Manager to Sign a Petition to Establish the Downtown San Leandro Community Benefit District (the intent of the City signing the petition is to support the CBD and facilitate the process of moving to the balloting phase of the district establishment)

[13-158](#) MOTION: Motion Authorizing the City Manager to Sign a Petition for City-Owned Properties in Support of the Downtown San Leandro Community Benefit District

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.

3.A. [13-099](#) Staff Report for the City of San Leandro U.S. Department of Housing and Urban Development (HUD) Draft FY 2013-2014 Annual Action Plan

[13-100](#) MOTION: Motion Directing Staff to Hold a Public Hearing, Publish the Proposed FY 2013-2014 Annual Action Plan for a 30-Day Comment Period (April 5 - May 6, 2013), and Set a Public Hearing for May 6, 2013 to Consider Final Approval of the FY 2013-2014 Annual Action Plan

3.B. [13-138](#) Staff Report for Matter of PLN2013-00009, an Appeal by the Heron Bay Homeowners Association c/o A. Alan Berger of the Board of Zoning Adjustments' Approval on February 7, 2013 of PLN2012-00006, a Variance to Construct an 80-Foot Tall Single Wind Turbine Where the Blades Will Extend an Additional 20 Feet from the Structure for a Maximum Height of 100 Feet and the Adoption of the Related Mitigated Negative Declaration and Mitigation Monitoring Program per the California Environmental Quality Act (CEQA). Structures up to Sixty (60) Feet in Height Are Permitted in the IG Zoning District and a Variance to Height Is Required for Exceeding 60 Feet. The Proposed Turbine Would Be an Accessory Use to the Primary Manufacturing/Research and Development Use of the Site; 2539 Grant Avenue; Alameda County Assessor's Parcel Numbers 80G-910-15; L. Rigaud, Halus Power Systems (Applicant and Property Owner)

[13-141](#) ADOPT: Resolution Affirming the Board of Zoning Adjustments Decisions to Adopt a Mitigated Negative Declaration and Mitigation Monitoring Program and to Approve a Height Variance for the Halus Wind Turbine Application and Denying the Heron Bay Homeowners Association Appeal, Case Number PLN2013-00009

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.** [13-132](#) APPROVE: Minutes of the Meeting of March 18, 2013
- 8.B.** [13-066](#) ADOPT: Ordinance No. 2013-002, an Ordinance Amending Title 1, Chapters 1-5 and 1-6 of the San Leandro Municipal Code Relating to Contracts for Public Works Projects and Contracts for Purchases (enhances the City's ability to handle routine purchasing and public works projects in a timely and cost-effective manner by increasing the threshold for bidding and purchases)
- 8.C.** [13-126](#) Staff Report for Resolution Approving and Authorizing the City Manager to Execute Two Agreements with the San Leandro Chamber of Commerce: 1) a Property Exchange and Indemnity Agreement with One and Only Right of First Offer for the City's Office Space Located at 120 Estudillo Avenue in the New Downtown Garage in Exchange for the Chamber's Parcel at 262 Davis Street and 2) a Reciprocal Easement Agreement and Declaration of Covenants, Conditions, and Restrictions for the Office Space
- [13-127](#) ADOPT: Resolution Approving and Authorizing the City Manager to Execute Two Agreements with the San Leandro Chamber of Commerce: 1) A Property Exchange and Indemnity Agreement with One Right of First Offer for the City's Office Space Located at 120 Estudillo Avenue in the New Downtown Parking Garage in Exchange for the Chamber's Parcel at 262 Davis Street and 2) a Reciprocal Easement Agreement and Declaration of Covenants, Conditions, and Restrictions for the Office Space Located at 120 Estudillo Avenue in the New Downtown Parking Garage (allows for the transfer of ownership of 262 Davis to the City and 120 Estudillo, the office space within the downtown garage, to the Chamber and the conditions under which the garage space will be shared)

- 8.D. [13-129](#) Staff Report for Resolution Accepting the Work for the Airport Noise Insulation Program, Phase 2; Project No. SL-0403
- [13-130](#) ADOPT: Resolution Accepting the Work for the Airport Noise Insulation Program, Phase 2 Project No. SL-0403 (provides for acceptance of work from G.E. Chen Construction, Inc., filing of Notice of Completion, and release of bonds)

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. [13-150](#) City Council Discussion and Determination of City's Vote on Two Proposed Amendments to the League of California Cities Bylaws (provides direction for casting votes on the League's bylaws amendments by mailed ballot)
- [13-151](#) MOTION: Motion Approving OR Disapproving the Amendment of Article VI, Section 2 of the League's Bylaws Relating to Submission of Resolutions to the League's General Assembly as Set Forth in the Proposed Resolution
- [13-152](#) MOTION: Motion Approving OR Disapproving the Addition of Article VII, Section 16 to the League's Bylaws Relating to the League Board Vote Threshold for Taking Positions on Statewide Ballot Measures as Set Forth in the Proposed Resolution
- 10.B. Report on Closed Session Actions Taken

11. CITY COUNCIL CALENDAR, REPORTS, AND ANNOUNCEMENTS

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

12. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

This section is to be used to propose items for consideration for future scheduling, and not for substantive discussion.

13. ADJOURN