

CITY COUNCIL MEETING AGENDA REVISED

MONDAY, MAY 20, 2013



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

7:00 PM City Council Regular Meeting (revised 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 - Final-revised 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, May 20, 2013

7:00 PM

City Council Chambers

***The agenda was revised after publication to add an item under Item 2, Presentations/Recognitions and subsequently revised to add 2 more items under Item 2, Presentations/Recognitions.**

1. CALL TO ORDER

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

1.B. ROLL CALL

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

1.C. ANNOUNCEMENTS

2. PRESENTATIONS/ RECOGNITIONS

**The agenda was revised after publication to add 3 items and to reorder the items under this section.*

- 2.A. [13-263](#)** Presentation by Alameda County Supervisor Wilma Chan on the Agreement Between Sutter Health and Alameda County Healthcare System to Keep San Leandro Hospital Open

**This item was added to the revised agenda.*

- 2.B. [13-261](#)** Presentation of Certificates to the Washington Manor Middle School Basketball Teams

**This item was added to the agenda.*

- 2.C. [13-235](#)** MOTION: Motion Approving Resolution Commending Peggy Hynd Combs for Her Years of Service on the Recreation and Parks Commission

2.D. [13-245](#) ADOPT: Resolution Appointing Ethanoor Usha-Rosato as District 2 Member to Library-Historical Commission (approves appointment for term ending December 31, 2016)

2.E. [13-262](#) Proclamation Declaring May 31, 2013, as Muscular Dystrophy Association Day

**This item was added to the revised agenda.*

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. [13-228](#) Staff Report for Proposed Amendments to the City of San Leandro Zoning Code to Implement New State Law AB1616, to Create Regulations for Cottage Food Operations by Adding a Definition for Cottage Food Operations in Article 3, Section 1-304; to Allow for Such Use in all Zoning Districts within a Residential Unit in Article 16 by Adding Section 4-1688 Cottage Food Operations; to Add Cottage Food Operations Parameters to the Administrative Exception Process in Article 5, Section 2-574; and, to Create a Parking Standard Whereby One Off-Street Employee Parking Space Is Required for a Cottage Food Operation in Article 17, Section 4-1704

[13-229](#) PASS TO PRINT: An Ordinance Amending Article 3, Section 1-304 (Definitions); Amending Article 16 to Add Section 4-1688 (Cottage Food Operations); Amending Article 5, Section 2-574 (Administrative Exceptions); and Amending Article 17, Section 4-1704 (Off-Street Parking and Loading Spaces Required) of the San Leandro Zoning Code (approves regulations for Cottage Food Operations, a new use that would allow for limited commercial food preparation in residential dwellings, to comply with new State law AB1616)

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

6.A. [13-260](#) City Attorney Report on City of Riverside v. Inland and Empire Patients Health and Wellness Center, Inc. Regarding California Supreme Court's Decision on Medical Marijuana Dispensaries

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.** [13-238](#) APPROVE: Minutes of the Meeting of May 6, 2013
- 8.B.** [13-197](#) ADOPT: Ordinance No. 2013-003, an Ordinance Amending Section 2-2-500 of the San Leandro Municipal Code Relating to the Annual Consumer Price Index (CPI) Adjustment of the Business License Fees (increases business license fees by CPI of 2.7%)
- 8.C.** [13-198](#) ADOPT: Ordinance No. 2013-004, an Ordinance Amending Section 2-18-210 of the San Leandro Municipal Code Relating to the Annual Consumer Price Index (CPI) Adjustment of the Emergency Communication System Access Tax (911 Tax) (increases 911 tax by CPI of 2.7%)
- 8.D.** [13-199](#) ADOPT: Ordinance No. 2013-005, an Ordinance Amending Section 2-13-140 of the San Leandro Municipal Code to Relating to the Annual Consumer Price Index (CPI) Adjustment of the Emergency Medical Services Tax (EMS Tax) (increases EMS tax by CPI of 2.7%)
- 8.E.** [13-255](#) MOTION: Motion Nominating Members to Boards or Commissions, as follows:
- Gayle Hudson as District 5 Member to Board of Zoning Adjustments
 - Janell Hampton as District 5 Member to Human Services Commission
 - Michael Bolar as District 5 Member to Recreation and Parks Commission
- 8.F.** [13-142](#) Staff Report for Resolution Approving a Contractual Services Agreement Between the City of San Leandro and The Planning Center | DC&E to Prepare the Environmental Impact Report for the San Leandro Shoreline Development Project

- [13-143](#) ADOPT: Resolution Approving a Contractual Services Agreement Between the City of San Leandro and The Planning Center | DC&E to Prepare the Environmental Impact Report for the San Leandro Shoreline Development Project (provides the subject services for an amount not to exceed \$522,130)
- 8.G.** [13-153](#) Staff Report on the Investment Report for the Quarter Ended March 31, 2013
- [13-254](#) ADOPT: Resolution Accepting Investment Report for the Quarter Ended March 31, 2013 (reviews the activities of the City's investment portfolio)
- 8.H.** [13-155](#) Staff Report for Resolution Approving the City of San Leandro's Investment Policy for Fiscal Year 2013-14
- [13-246](#) ADOPT: Resolution Approving the City of San Leandro's Investment Policy for Fiscal Year 2013-14 (provides for annual review and approval of the City's Investment Policy as required by California Government Code Section 53600 et seq., and Section VIII of the San Leandro Investment Policy)
- 8.I.** [13-210](#) Staff Report for a Resolution Authorizing the City Manager to Accept the Alameda County Transportation Commission Approved Measure B Paratransit Application for the Expenditure of Measure B Paratransit Funds in FY 2013-14 and to Negotiate and Execute All Documents in Support of These Activities
- [13-211](#) ADOPT: Resolution Authorizing the City Manager to Accept the Alameda County Transportation Commission Approved Measure B Paratransit Application for the Expenditure of Measure B Paratransit Funds in FY 2013-14 (approves \$279,603 for Flex Shuttle and \$50,000 for medical trips)
- 8.J.** [13-217](#) Staff Report for a Resolution Approving Plans and Specifications and Calling for Bids for the Monarch Bay Drive Bridge Repair Project, Project No. 150-38-324
- [13-218](#) ADOPT: Resolution Approving Plans and Specifications and Calling for Bids for Monarch Bay Drive Bridge Repair, Project No. 150-38-324 (provides for the repair of the bridge deck and eroded banks at a cost of \$375,000 using FY11-12 Measure B funds and Federal Grant funds)
- 8.K.** [13-219](#) Staff Report for a Resolution Approving Plans and Specifications and Calling for Bids for Bridge Maintenance and Repair 2011, Project No. 144-38-339
- [13-222](#) ADOPT: Resolution Approving Plans and Specifications and Calling for Bids for Bridge Maintenance and Repair 2011, Project No. 144-38-339 (provides for the repairs to the San Leandro Boulevard and Wicks Boulevard bridges at a cost of \$190,000 using FY 11-12 Measure B Streets & Roads funds)

- 8.L. [13-250](#) Staff Report for a Resolution Authorizing the City Manager to Execute Program Supplement Agreement No. 022-N to Administer Agency-State Agreement for Federal-Aid Projects No. 04-5041R for the Intersection of Washington Avenue and Monterey Boulevard/Bradrick Drive Improvements

[13-251](#) ADOPT: Resolution Authorizing the City Manager to Execute Program Supplement Agreement No. 022-N to Administer Agency-State Agreement for Federal-Aid Projects No. 04-5041R for the Intersection of Washington Avenue and Monterey Boulevard/Bradrick Drive Improvements (provides for federal funding of Intersection Improvements at Washington Avenue and Monterey Boulevard/Bradrick Drive)

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. [13-239](#) Staff Report for the Resolution of Intent to Establish a Community Benefit District in Downtown San Leandro and a Motion Authorizing the City Manager to Sign the City-owned Property Ballots in Support of the Community Benefit District

[13-247](#) ADOPT: Resolution of the City Council of the City of San Leandro Stating Its Intention to Establish the Downtown San Leandro Community Benefit District and to Levy and Collect Assessments Within Said District Pursuant to City of San Leandro Ordinance No. 2012-014 Pertaining to the Formation of a Community Benefit District, and Appointing a Time and Place for Hearing Objections Thereto (declares the intention to establish a Community Benefit District for 15 years and sets a public hearing for July 15, 2013)

- 10.B. [13-177](#) Staff Report for a Resolution Approving a New Legal Services Agreement with the Law Firm of Meyers Nave Riback Silver & Wilson

[13-178](#) ADOPT: Resolution Approving Agreement for Legal Services with Meyers Nave Riback Silver & Wilson ("Meyers Nave") for Contract City Attorney Legal Services (approves a 13-month agreement effective June 1, 2013)

- 10.C. [13-236](#) Presentation on Proposed Fiscal Years 2013-14 and 2014-15 Biennial Budget

10.D. [13-186](#) MOTION: Motion Designating Vice Mayor to Serve for a Period of One Year Pursuant to City Charter Section 310

10.E. 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