

CITY COUNCIL MEETING AGENDA

MONDAY, SEPTEMBER 16, 2013



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

- 5:30 PM** City Council and Successor Agency to Redevelopment Agency Special Meeting and Closed Session (agenda attached)
- 7:00 PM** City Council and Successor Agency to Redevelopment Agency 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, September 16, 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. City Council

Conference with Legal Counsel - Existing Litigations Pursuant to California Government Code Section 54956.9(d)(1):

Finch v. City of San Leandro (Alameda County Superior Court, Case No. HG11568760)

Belinda Kirk v. Baldovinos (Ninth Circuit Court of Appeals, Case No. 10-05797)

Katherine Hutchinson v. City of San Leandro (United States District Court – Northern District of California Case No. C 12-03898)

Patricia Sherwood v. City of San Leandro (Alameda County Superior Court, Case No. RG12644899)

Rick Parker v. City of San Leandro, San Leandro Police Department (Alameda County Superior Court, Case No. HG12642989)

Menzel v. City of San Leandro (Alameda County Superior Court, Case No. 13668001)

Yvette McDougall, Vanessa McDougall v. City of San Leandro (Alameda County Superior Court, Case No. HG13675456)

Mengel v. City of San Leandro (United States District Court – Northern District of California, Case No. CV 132542)

3.B. City Council
Liability Claims Pursuant to California Government Code Section 54956.95:

Claimant: Lee, Michael and James
Agency Claimed Against: City of San Leandro

Claimant: Ilmberger, Lonnie and Steven
Agency Claimed Against: City of San Leandro

Claimant: Pagano, Diana
Agency Claimed Against: City of San Leandro

Claimant: Dilling, Guy / Santos Robinson Mortuary
Agency Claimed Against: City of San Leandro

Claimant: Union Pacific Railroad
Agency Claimed Against: City of San Leandro

3.C. 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 Case

3.D. City Council
Conference with Legal Counsel – Anticipated Litigation:

Initiation of Litigation Pursuant to California Government Code Section
54956.9(d)(4) – 1 Case

4. ADJOURN

Adjourn to Regular Meeting at 7:00 p.m. in City Council Chambers.



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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, September 16, 2013

7:00 PM

City Council Chambers

Joint Meeting of City Council and Successor Agency to Redevelopment Agency

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

- 2.A.** [13-462](#) Proclamation Declaring September 22, 2013 as Tim Holmes and Mitch Huitema Day

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.** [13-387](#) Staff Report for Resolution Approving the City of San Leandro Consolidated Annual Performance and Evaluation Report (CAPER) of the FY 2012-2013 Annual Action Plan

[13-388](#) ADOPT: Resolution Approving the City of San Leandro FY 2012-2013 Consolidated Annual Performance and Evaluation Report (CAPER) (approves the CAPER for submission to the U.S. Department of Housing and Urban Development)

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.** [13-457](#) City Manager Report on Restoration of Cherry Festival

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.** [13-436](#) APPROVE: Minutes of the Meeting of September 3, 2013
- 8.B.** [13-427](#) ADOPT: Ordinance No. 2013-007, an Ordinance Repealing Title 3, Chapter 3-5 of the San Leandro Municipal Code Relating to Animals; Amending Title 4, Section 4-11-1000; and Enacting Title 4, Chapter 4-11, Articles 11-15 (clarifies housing and care requirements for animals, establishes regulations to maintain chickens and bees, and establishes an animal permit that allows for the maintenance of animals beyond what City regulations would otherwise allow)
- 8.C.** [13-389](#) Staff Report for Resolution Approving the Annual Rent Review Program Evaluation for July 2012 - June 2013
- [13-390](#) ADOPT: Resolution Approving the Annual Rent Review Program Evaluation for July 2012 - June 2013 (reviews the program pursuant to San Leandro Municipal Code Section 4-32-500)

- 8.D.** [13-459](#) Staff Report for Resolution Approving the Measure Z Citizens Oversight Committee's Annual Report on Measure Z Sales Tax for Fiscal Year 2012-13
- [13-359](#) ADOPT: Resolution Approving the Measure Z Citizens Oversight Committee's Annual Report on Measure Z Sales Tax for Fiscal Year 2012-13 and Accepting the Related Quarterly Report on Sales Tax and Business Activity (reviews the sales tax reports)
- 8.E.** [13-424](#) Staff Report for a Resolution Awarding a Construction Contract to Pleasanton Engineering Contractors, Inc. for the Westgate Soundwall Repair Project, Project No. 2012.0200
- [13-425](#) ADOPT: Resolution Awarding a Construction Contract to Pleasanton Engineering Contractors, Inc. for the Westgate Soundwall Repair Project, Project No. 2012.0200 (awards a construction contract to the lowest responsible bidder in the amount of \$37,000 using General Fund Capital Improvement project account number 210-38-346 appropriated by mid-year adjustment of the 2011-2012 CIP Budget and a loan from existing General Fund project accounts)
- 8.F.** [13-398](#) Staff Report for a Resolution Accepting the Work for the Toyon Park Pathway Rehabilitation Project, Project Number 2013.0280
- [13-399](#) ADOPT: Resolution Accepting the Work for the Toyon Park Pathway Rehabilitation Project, Project No. 2013.0280 (provides for the acceptance of the contract work by Grade Tec, Inc., filing of the Notice of Completion, release of the performance and payment bonds, and release of the maintenance bond upon completion of the one-year maintenance period)
- 8.G.** [13-443](#) Staff Report for a Resolution Approving the San Leandro Management Organization (SLMO) Memorandum of Understanding and a Resolution Approving the Conditions of Employer Paid Member Contributions for the San Leandro Management Organization (SLMO)
- [13-446](#) ADOPT: Resolution Approving Conditions of Employer Paid Member Contributions for San Leandro Management Organization (SLMO) Members (specifies the conditions of EPMC as required by the California Public Employee's Retirement System [CalPERS])
- [13-445](#) ADOPT: Resolution Approving the Memorandum of Understanding Between the City of San Leandro and the San Leandro Management Organization (SLMO) for the Period January 1, 2013 Through June 30, 2015 (provides for a two-and-a-half year contract)
- 8.H.** [13-439](#) Staff Report for a Resolution Approving the Confidential Employees Compensation Plan and a Resolution Approving the Conditions of Employer Paid Member Contributions for the Confidential Employees Group

[13-440](#) ADOPT: Resolution Approving the Compensation Plan Between the City of San Leandro and the Confidential Employees Group for the Period October 1, 2013 Through June 30, 2015 (sets forth the salaries and benefits applicable to the City's confidential employees)

[13-441](#) ADOPT: Resolution Approving the Conditions of Employer Paid Member Contributions (EPMC) for Confidential Employees for the Period October 1, 2013 Through June 30, 2015 (specifies the conditions of EPMC as required by the California Public Employee's Retirement System [CalPERS])

8.I. [13-447](#) Staff Report for a Resolution Approving the San Leandro Police Management Unit (SLPMU) Memorandum of Understanding and a Resolution Approving the Conditions of Employer Paid Member Contributions for the San Leandro Police Management Unit (SLPMU)

[13-448](#) ADOPT: Resolution Approving the Memorandum of Understanding Between the City of San Leandro and the San Leandro Police Management Unit (SLPMU) for the Period January 1, 2013 Through June 30, 2015 (provides for a two-and-a-half-year contract)

[13-449](#) ADOPT: Resolution Approving Conditions of Employer Paid Member Contributions for San Leandro Police Management Unit (SLPMU) Members (specifies the conditions of EPMC as required by the California Public Employee's Retirement System [CalPERS])

8.J. [13-401](#) Staff Report for Resolution of the Successor Agency to the Redevelopment Agency of the City of San Leandro Adopting a Recognized Obligation Payment Schedule (ROPS) for the Period January 1 - June 30, 2014, Pursuant to Health and Safety Code Section 34177(L)

[13-402](#) ADOPT: Resolution of the Successor Agency to the Redevelopment Agency of the City of San Leandro Adopting a Recognized Obligation Payment Schedule (ROPS) for the Period January 1 - June 30, 2014, Pursuant to Health and Safety Code Section 34177(L) (approves the six-month payment schedule detailing the obligations of the former Redevelopment Agency)

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. [13-456](#) Staff Report Requesting Direction from the City Council Regarding the Draft Medical Marijuana Dispensary Ordinance
- 10.B. [13-458](#) Consideration of Request to Raise the Flag of the People's Republic of China on October 1st
- 10.C. [13-438](#) City Council Discussion on Google's Get Your Business Online
- 10.D. [13-451](#) Discussion and Direction on State Legislative Matters
- 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