



# City of San Leandro

Meeting Date: October 7, 2013

## Minutes

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**File Number:** 13-477

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.B.

**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 September 16, 2013

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### ATTACHMENT

- Draft Minutes

**PREPARED BY:** Marian Handa, City Clerk, City Manager's Office



# City of San Leandro

Civic Center  
835 East 14th Street  
San Leandro, California

## Draft Minutes 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**

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Monday, September 16, 2013

7:00 PM

City Council Chambers

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### Joint Meeting of City Council and Successor Agency to Redevelopment Agency

#### 1. CALL TO ORDER

*The meeting was called to order at 7:10 p.m.*

#### 1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

*Vice Mayor Prola led the Pledge of Allegiance to the Flag.*

#### 1.B. ROLL CALL

**Present** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

#### 1.C. ANNOUNCEMENTS

*Mayor Cassidy announced the Next Generation Workplace District Study community meeting on October 2nd, at 4:00 p.m. at the ZeroNet Energy Center. He urged those interested in discussing the future of San Leandro's industrial area to attend.*

#### 2. PRESENTATIONS/ RECOGNITIONS

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

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

- 10.B. [13-458](#) Consideration of Request to Raise the Flag of the People's Republic of China on October 1st

*Comments were made by the following individuals: Giovanni Vassallo, Tsering Dolkar, Arlene Lum, Tenzin Sonam, Dan Dillman, Mike Katz-Lacabe, Tenzin Rangdol, Tashi Kunjo, Samuel Zhangm Mitch Huitema, Margarita Lacabe, Hendy Huang, and*

*Kala Mendoza.*

[13-469](#)

MOTION: Motion to Raise the Flag of the People's Republic of China on October 1, 2013, in Front of City Hall

**A motion was made by Councilmember Lee, seconded by Councilmember Souza, that this minute order be adopted. The motion carried by the following vote.**

**Aye:** 4 - Lee, Prola, Reed, Souza

**Nay:** 3 - Cassidy, Cutter, Gregory

Enactment No: Min Order 2013-046

### 3. PUBLIC HEARINGS – CITY COUNCIL

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

*The Hearing was opened to the public.*

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

[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)

**A motion was made by Vice Mayor Prola, seconded by Councilmember Reed, that this resolution be adopted. The motion carried by the following vote.**

**Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2013-114

### 4. PUBLIC HEARINGS – OTHER

*None.*

### 5. PUBLIC COMMENTS

*ARLENE LUM, President of the Asian Community Cultural Association of San Leandro, commented on the successful and well-attended Moon Festival held at Marina Park last weekend. Ms. Lum thanked the event sponsors, City Councilmembers and staff for their support and participation in the event.*

*MARK GIACHINO, San Leandro resident, commented on problems with chickens in his neighborhood, and requested the Council reconsider its decision to allow chickens in San Leandro.*

### 6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

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

*City Manager Zapata reported on the interest in, and support for, the return of the Cherry Festival in June 2014.*

7. **AMENDMENT OF CONSENT CALENDAR**

*Item 8.B. was removed from the Consent Calendar to Item 9, Items Removed from Consent Calendar.*

8. **CONSENT CALENDAR**

**Approval of the Consent Calendar**

**A motion was made by Vice Mayor Prola, seconded by Councilmember Reed, to approve the Consent Calendar. The motion carried by the following vote.**

**Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

- 8.A. [13-436](#) APPROVE: Minutes of the Meeting of September 3, 2013

**Approved as submitted on the Consent Calendar.**

Item 8.B. was removed from the Consent Calendar to Item 9, Items Removed from Consent Calendar.

- 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)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-115

- 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)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-116

- 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)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-117

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)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-118

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])

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-119

[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)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-120

- 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)  
**This Resolution - Council was Adopted on the Consent Calendar.**  
Enactment No: Reso 2013-121
- [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])  
**Adopted on the Consent Calendar.**  
Enactment No: Reso 2013-122
- 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)  
**Adopted on the Consent Calendar.**  
Enactment No: Reso 2013-123
- [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])  
**Adopted on the Consent Calendar.**  
Enactment No: Reso 2013-124
- 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)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-005 SA

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

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)

**A motion was made by Councilmember Cutter, seconded by Vice Mayor Prola, that this ordinance be adopted with amendments to Section 4-11-1305(g) related to animal permits, and Section 4-11-1405(g) related to beekeeping permits, to specify that "The premises...MAY be open at any reasonable hour..." The motion carried by the following vote.**

**Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Ordinance 2013-007

## 10. ACTION ITEMS

10.A. [13-456](#)

Staff Report Requesting Direction from the City Council Regarding the Draft Medical Marijuana Dispensary Ordinance

*Comments were made by the following individuals: Cammy Arnold, David Egerton, Sue Taylor, Ed Collaco, Arlene Lum, Rick Trullinger, Denise Martellacci, Fred Simon, Sara Ubelhart, Dan Grace, Dan Dillman, Mike Katz -Lacabe, Mia Ousley, Mitch Huitema, David Loo, Alan Fong, Catherine Wong, Alan Wang, David Johnson, and Cynthia Chandler.*

*The City Council recessed from 9:40 p.m. to 9:52 p.m.*

*After the City Council recess, comments were made by the following individuals: Craig Williams, Ellen Komp, Margarita Lacabe, Diana Prola, Martha Lantz, Barbara Jew, Gregg Daly, Darlene Evans, Brian Webster, Debi Morris, Garwin Ching, Aaron Lee, and Yolanda Bocanegra.*

*The City Council provided direction to staff to draft amendments to the Zoning Code to present to the Board of Zoning Adjustments for review; then to the Planning Commission for review and recommendation to the City Council.*

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

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

*Councilmembers voiced support for the City Manager to present a recommendation for State-level advocacy at a future meeting.*

10.E. Report on Closed Session Actions Taken

*No reportable actions taken.*

**11. CITY COUNCIL CALENDAR, REPORTS, AND ANNOUNCEMENTS**

*City Councilmembers announced upcoming events and coordinated attendance; reported on meetings and other local events attended since the last meeting; reported on attendance at conferences and seminars; and made brief comments on issues of concern.*

*Mayor Cassidy reported that he would be appointing a member to the Chamber of Commerce Local Preference Working Group. Interested Councilmembers were asked to contact the City Manager. A special meeting was requested on Monday, September 23rd to vote on the appointment.*

**12. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS**

*None.*

**13. ADJOURN**

*The meeting was adjourned at 11:47 p.m.*

**RESPECTFULLY SUBMITTED:**

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**MARIAN HANDA**  
City Clerk of the City of San Leandro