

CITY COUNCIL MEETING AGENDA

TUESDAY, SEPTEMBER 2, 2014



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

- 5:00 PM** City Council 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 before the meeting and are posted on the bulletin board outside the East 14th Street entrance to City Hall. Special meeting agendas are available and posted not less than 24 hours before each special meeting. Agendas may be obtained from the City Clerk's Office, on the City's website, or by subscribing to our electronic agenda distribution. 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 at the City Clerk's Office, 835 East 14th Street, San Leandro, and on the City's website at www.sanleandro.org.

CITY COUNCIL GOALS FOR FISCAL YEAR 2014-2015

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 San Leandro on a firm foundation for long-term fiscal accountability
- Advance projects and programs promoting sustainable economic development, including transforming San Leandro into a center for innovation
- Provide quality public safety service and grow our partnership with the community to keep San Leandro safe
- Maintain and enhance San Leandro's infrastructure
- Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride
- Maintain and support a strong positive relationship between the City, schools and the educational community

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. When you address the City Council, you should approach the podium and speak clearly into the microphone, stating your 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 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.

If you wish to 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 obtained.

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 for the record.

AT SPECIAL MEETINGS, the public may address the City Council concerning an item on the agenda only. 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 fill out a speaker card and submit it to the City Clerk so that the order of speakers may be determined and an official record of names obtained.



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*

Tuesday, September 2, 2014

5:00 PM

City Manager's Large Conference Room

Special Meeting and Closed Session

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. Conference with Legal Counsel – Existing Litigation Pursuant to California Government Code Section 54956.9(d)(1)

Heron Bay Homeowners Association v. City of San Leandro, Respondent;
Halus Power Systems; Louis A. Rigaud; and Does 1-100, Inclusive, Real
Parties in Interest, Alameda County Superior Court, Case No. RG14731880

3.B. Liability Claim Pursuant to California Government Code Section 54956.95

Claimant: Guy Dilling and Mary Dilling/Santos Robinson Mortuary

Agency Claimed Against: City of San Leandro

3.C. Liability Claim Pursuant to California Government Code Section 54956.95

Claimant: Cynthia Silva

Agency Claimed Against: City of San Leandro

3.D. Conference with Labor Negotiators Pursuant to California Government Code Section 54957.6

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

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

3.E. Public Employee Performance Evaluation Pursuant to California Government Code Section 54957

Title: City Manager

4. ADJOURN

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



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Michael Gregory, District 1
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Jim Prola, District 6*

Tuesday, September 2, 2014

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. RECOGNITIONS

2.A. [14-372](#) Presentation by the City Council to the Asian Community Cultural Association of San Leandro (ACCA) of a Check for \$4,525 for the ACCA Moon Festival on Sunday, September 7, 2014

2.B. [14-371](#) MOTION Approving Resolution Commending Will Fernandez for His Years of Service as San Leandro's Community Representative on the Oakland Airport-Community Noise Management Forum

3. PRESENTATIONS

4. PUBLIC HEARINGS

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.A. [14-357](#) Staff Report for the Matter of PLN2014-00007; Appeal of the Planning Commission's Denial of a Proposed Modification to Planned Development PD-91-3. Appellant proposes to construct new gates and fencing for the Heron Bay Homeowners Association residential development. A Planning Commission denial is final but can be appealed to the City Council. RS(PD) Residential Single-Family, Planned Development Overlay District. Assessor's Parcel Numbers 80G-1325-5-1, 80G-1406-26, and 80G-1406-29. Heron Bay Homeowners Association c/o A. A. Berger, General Counsel (appellant).

[14-358](#) RESOLUTION to Deny an Appeal by the Heron Bay Homeowners Association to Modify Its Planned Development, PD-91-3, to Allow for the Construction of Security Gates and Fences (The appellant appeals the Planning Commission's denial of PLN2014-00007)

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. [14-369](#) City Attorney Presentation to the City Council Regarding Status of E-Cigarette Regulations and Discussion by the City Council Regarding Amendments to the Municipal Code Related to E-Cigarette Use
- 6.B. [14-370](#) City Attorney Presentation to the City Council Regarding Current Status of Massage Business Regulations, Proposed State Legislation, and Request for Direction from the City Council Regarding Amendments to the Municipal Code that Regulate Massage Businesses
- 6.C. [14-341](#) City Manager Update on City Hall/Police Department Security Camera Project

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.** [14-362](#) Minutes of the Meeting of July 21, 2014
- 8.B.** [14-286](#) ORDINANCE Vacating Portions of Public Rights-of-Way and Retaining Public Utility Easements (Martinez Street Between West Estudillo Avenue and Thornton Boulevard, and West Estudillo Avenue Between Alvarado Street and Martinez Street) (vacates portions of public streets and retains public utility easements in the vacated areas)
- ADOPT ORDINANCE NO. 2014-014
- 8.C.** [14-347](#) Staff Report for a Resolution Authorizing the City Manager to Execute a 10-Year Lease Agreement with St. Leander Parish for the Installation of Artwork at 474 West Estudillo Avenue
- [14-354](#) RESOLUTION Authorizing the City Manager to Execute a 10-Year Lease Agreement with St. Leander Parish for the Use of the Exterior West Facing Wall on the Gymnasium Building for the Installation of artwork at 474 West Estudillo Avenue (approves 10-year initial term at \$5,000, with optional renewal for another 10 years at \$5,000, for a total of \$10,000 to be paid from Office of Business Development's Commercial Incentive Program account)
- 8.D.** [14-355](#) Staff Report for Resolution Accepting the Investment Report for the Quarter Ended June 30, 2014
- [14-356](#) RESOLUTION Accepting Investment Report for the Quarter Ended June 30, 2014 (reviews the activities of the City's investment portfolio)
- 8.E.** [14-307](#) Staff Report for a Resolution Approving and Authorizing the City Manager to Execute a Non-Professional Services Agreement with Jack Doheny Companies, Inc. for the Closed Circuit Television (CCTV) Truck and Equipment Replacement Project, Project No. 2013.0240
- [14-308](#) RESOLUTION Approving and Authorizing the City Manager to Execute a Non-Professional Services Agreement with Jack Doheny Companies, Inc. for the Closed Circuit Television Truck and Equipment Replacement Project, Project No. 2013.0240 (provides for the replacement of a Closed Circuit Television Truck and Equipment funded by the Water Pollution Control Plant Fund at a cost of \$193,254)

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** [14-359](#) Staff Report for Resolution Approving the Issuance of the Successor Agency to the Redevelopment Agency of the City of San Leandro 2014 Tax Allocation Refunding Bonds

[14-360](#) RESOLUTION of the Successor Agency to the Redevelopment Agency of the City of San Leandro Confirming the Issuance of Refunding Bonds Pursuant to an Indenture of Trust, Approving Preliminary and Final Official Statements and Providing Other Matters Relating Thereto (refunds \$10,375,000 of outstanding 2002 Tax Allocation Bonds and \$4,720,000 of outstanding 2004 Tax Allocation Bonds)

- 10.B** [14-344](#) Staff Report for the Establishment of an Arts Commission

[14-368](#) ORDINANCE Amending Sections 1-3-100, 1-3-110 and 1-3-115 of the San Leandro Municipal Code, and Adding Title I, Chapter 3, Article 16 to the San Leandro Municipal Code Relating to the Establishment of an Arts Commission (establishes a nine-member Arts Commission and its powers and duties)

- PASS TO PRINT

[14-361](#) RESOLUTION Adding a New Title 24, Chapter 1 to the San Leandro Administrative Code Relating to Rules of Procedure for the City of San Leandro Arts Commission (creates rules of procedure for a newly established Arts Commission)

11. REPORT ON CLOSED SESSION ACTIONS TAKEN**12. CITY COUNCIL REPORTS**

City Councilmembers report on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting.

13. CITY COUNCIL CALENDAR AND ANNOUNCEMENTS

City Councilmembers announce calendar of upcoming events and coordinate attendance; report on local events attended since the last meeting; and make brief comments on issues of concern.

14. 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.

15. ADJOURN

MEETING ACCESSIBILITY

The meeting is shown live on the City of San Leandro's website at <https://sanleandro.legistar.com/>. The video recording of the meeting will remain accessible to the public on the City of San Leandro's website.

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.