



# City of San Leandro

Meeting Date: September 2, 2014

## Minutes

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**File Number:** 14-362

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.A.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Lianne Marshall  
Assistant City Manager

**FINANCE REVIEW:** Not Applicable

**TITLE:** Minutes of the Meeting of July 21, 2014

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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, July 21, 2014

7:00 PM

City Council Chambers

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### Joint Meeting of City Council and San Leandro Hillside Geologic Hazard Abatement District

#### 1. CALL TO ORDER

*The meeting was called to order at 7:06 p.m.*

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

*Father Paul Vasser of St. Leander Church led the Pledge of Allegiance to the Flag.*

#### 1.B. ROLL CALL

**Present** 6 - Cassidy, Cutter, Gregory, Lee, Reed, Souza

**Absent** 1 - Prola

#### 1.C. ANNOUNCEMENTS

*Mayor Cassidy reminded people who wished to speak to fill out a speaker card and give it to the City Clerk.*

#### 2. RECOGNITIONS

2.A. [14-317](#) Recognition of the Employee of the Quarter, Catherine Pickard, Police Officer, San Leandro Police Department

2.B. [14-320](#) Proclamation Declaring August 2014 as Indo-American Heritage Month

2.C. [14-329](#) Proclamation Declaring August 7, 2014 as St. Leanders Catholic Church Day

### 3. PRESENTATIONS

- 3.A. [14-318](#) Update on San Leandro LINKS Shuttle Program

### 4. PUBLIC HEARINGS

- 4.A. [14-285](#) Staff Report for Proposed Vacations of Portions of the Public Right-of-Way and Retaining Public Utility Easements on Martinez Street Between West Estudillo Avenue and Thornton Street; and West Estudillo Avenue Between Alvarado Street and Martinez Street

*The Hearing was opened to the public.*

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

- [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)

**A motion was made by Councilmember Gregory, seconded by Councilmember Reed, that this ordinance be passed to print. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Lee, Reed, Souza

Enactment No: Ordinance 2014-014

- 4.B. [14-164](#) Staff Report for Resolutions regarding matter of imposing liens for non-payment of delinquent 2014 Business License tax, Solid Waste service charges, Sidewalk Improvements, Certified Unified Program Agency fees, and Community Compliance Code Enforcement charges.

*The Hearing was opened to the public.*

*Comments were made by the following individual: James Begier.*

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

- [14-312](#) RESOLUTION Overruling Protests (2014 Business License Tax, Solid Waste Service Charges, Sidewalk Repairs, Certified Unified Program Agency Fees, and Community Compliance Code Enforcement Charges)

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

**Aye:** 6 - Cassidy, Cutter, Gregory, Lee, Reed, Souza

Enactment No: Reso 2014-076

[14-311](#)

RESOLUTION Imposing Liens for Non-Payment of Delinquent 2014 Business License Tax, Solid Waste Service Charges, Sidewalk Repairs, Certified Unified Program Agency (CUPA) Fees, and Community Compliance Code Enforcement Charges

**A motion was made by Councilmember Souza, seconded by Councilmember Cutter, that this resolution be adopted with amendment to remove Mr. Begier's two properties from the list. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Lee, Reed, Souza

Enactment No: Reso 2014-077

**4.C.** [14-302](#)

Staff Report for PLN2014-00006; Modification of Planned Development, PD-77-11, to Permit the Installation of a Pedestrian Gate, an Automatic Vehicular Access Gate and Related Fencing to Secure the Floresta Gardens Homeowners Association Residential Condominium Community on Caliente Drive off of the Washington Avenue Frontage; RM3000 (PD) Residential Multi-Family, Planned Development Overlay District; Alameda County Assessor's Parcel Number 77B-1139-89; R&S Overhead Garage Door Inc. (Applicant), Floresta Gardens Homeowners Association, K. Williams (HOA President)

*Floresta Gardens Homeowners Association President, Karen Williams, speaking on behalf of the Applicant, commented on the many security issues experienced by the HOA that could be mitigated by the installation of the security gate.*

*The Hearing was opened to the public.*

*Comments were made by the following individual: Lisa Freitas.*

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

[14-303](#)

RESOLUTION to Approve Modifications to Planned Development Project, PD-77-11, Floresta Gardens Residential (Condominium) Neighborhood on Caliente Drive Intersecting Washington Avenue (PLN2014-00006)

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

**Aye:** 4 - Cassidy, Cutter, Reed, Souza

**Nay:** 2 - Gregory, Lee

Enactment No: Reso 2014-078

The City Council recessed from 9:53 p.m. to 10:05 p.m.

## 5. PUBLIC COMMENTS

*Dawn Casasola commented on the children living in warehouses in Texas, and suggested that the Council could commend the children to the U.S. Olympic Committee.*

*Allan Diaz commented on the San Leandro Marina and the opportunities it presents to the City.*

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

### 6.A. [14-326](#) Update on Medical Cannabis Consultant Selection

*Councilmember Souza recused herself from the discussion on the matter, stating that her son works for a dispensary that plans to apply for a license. She left the Chamber, returning after the conclusion of this item.*

## 7. AMENDMENT OF CONSENT CALENDAR

*Items 8.F. and 8.G. were 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 Councilmember Cutter, seconded by Vice Mayor Lee, to approve the Consent Calendar. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Lee, Reed, Souza

### 8.A. [14-323](#) Minutes of the Meeting of July 7, 2014

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

### 8.B. [14-275](#) ORDINANCE Amending the Zoning Code Article 3 Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16 Development Regulations; Article 17 Off-Street Parking and Loading Spaces Regulations; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals Related to Increased Flexibility in Industrial and Commercial Uses; Adding Community Gardens Use and Regulations; Revising Regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; Clarifying and Revising Planning Entitlement Application Processing; and Conducting General Text

Updates (amends Zoning Code to increase flexibility in industrial and commercial uses; adds Community Gardens; revises regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; clarifies planning application processes; and provides general text updates)

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2014-011

**8.C.** [14-293](#)

ORDINANCE of the City Council of the City of San Leandro Rescinding in Its Entirety San Leandro Municipal Code Chapter 2-19 upon the Approval by a Majority Vote of the Eligible Voters Within the City of San Leandro of the Ballot Measure (Measure \_\_\_\_ ) on the November 4, 2014 Ballot Establishing a Temporary Transactions and Use Tax Within the City of San Leandro

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2014-013

**8.D.** [14-294](#)

MOTION Confirming City Council Recess During the Month of August Due to Anticipated Lack of Quorum for the Regular City Council Meetings of August 4 and 18, 2014

**Adopted on the Consent Calendar.**

Enactment No: Min Order 2014-017

**8.E.** [14-248](#)

Staff Report for a Resolution Rejecting All Bids for the Sanitary Sewer Line Replacement/Repair 2012-13 Project, Project No. 2013.0120

[14-249](#)

RESOLUTION Rejecting All Bids for the Sanitary Sewer Line Replacement/ Repair 2012-13, Project No. 2013.0120 (rejects bids for the subject project)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-079

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

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

**8.H.** [14-296](#)

Staff Report for a Resolution Authorizing the Filing of Two Metropolitan Transportation Commission (MTC) - Regional Active Transportation Program (ATP) Grant Applications Committing to Local Matching Funds and Assurance to Complete the Projects for Two Safe Routes to School (SRTS) Projects near James Monroe Elementary School, and Garfield Elementary School and Lincoln High

## School

[14-297](#)

RESOLUTION Authorizing the Filing of Two Metropolitan Transportation Commission (MTC) - Regional Active Transportation Program (ATP) Grant Applications Committing to Local Matching Funds and Assurance to Complete the Projects for Two Safe Routes to School (SRTS) Projects near James Monroe Elementary School, and Garfield Elementary School and Lincoln High School (authorizes requests for two ATP grant applications with potential matching funds of up to \$171,000 from Measure B Bicycle and Pedestrian Funds)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-080

8.I. [14-291](#)

Staff Report for the Resolution Approving the 2013-14 Year-End Budget Amendments

[14-292](#)

RESOLUTION Approving the Year-End 2013-14 Budget Amendment (approves adjustments for changes that require additional appropriations or re-appropriations between budget line items)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-081

8.J. [14-268](#)

Staff Report for a Resolution of the San Leandro Hillside Geologic Hazard Abatement District Approving the Annual Report of the San Leandro Hillside Geologic Hazard Abatement District (GHAD) for Fiscal Year 2013-14

[14-269](#)

RESOLUTION of the San Leandro Hillside Geologic Hazard Abatement District Approving the Annual Report of the San Leandro Hillside Geologic Hazard Abatement District (GHAD) for Fiscal Year 2013-14 (provides for approval of the annual report of the activities of the GHAD)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-001 GHAD

8.K. [14-279](#)

Staff Report for Resolution Authorizing the City Manager to Execute a Public Improvement Agreement with Chill Build, LLC for Public Improvements on San Leandro Boulevard and Polar Way

[14-280](#)

RESOLUTION Authorizing the City Manager to Execute a Public Improvement Agreement with Chill Build, LLC for Public Improvements on Polar Way and San Leandro Boulevard (permits Chill Build, LLC to make public improvements to the public right-of-way)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-082

- 8.L. [14-313](#) Staff Report for Resolution Authorizing a Legal Services Agreement with Bertrand, Fox and Elliot for General Liability Claims Litigation
- [14-314](#) RESOLUTION Authorizing the City Manager to Enter into a Legal Services Agreement with Bertrand, Fox and Elliot for Legal Defense Services Relating to General Liability Tort Claims Litigation (approves agreement for an amount not to exceed \$100,000 from the Self Insurance Fund)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2014-083
- 8.M. [14-309](#) Staff Report for a Resolution Amending the San Leandro Confidential Employees Compensation Plan and Salary Schedule to Add the Classification of Police Recruit Trainee
- [14-310](#) RESOLUTION Amending the San Leandro Confidential Employees Compensation Plan and Salary Schedule to Include the Classification of Police Recruit Trainee (changes to position from part-time to a full-time to provide needed support to the Police Department)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2014-084
- 8.N. [14-327](#) Staff Report for Approval and Authorization for the City Manager to Execute an Amendment to the Lease of City Property with the Boys & Girls Club of San Leandro to Extend the Term for 30 Years
- [14-328](#) MOTION Approving and Authorizing the City Manager to Execute an Amendment to the Lease Agreement with the Boys & Girls Club of San Leandro to Extend the Term of the Lease for 30 Years
- Adopted on the Consent Calendar.**
- Enactment No: Min Order 2014-018
- 8.O. [14-333](#) Staff Report for a Resolution Authorizing the City Manager to Execute an Amendment to the Consulting Services Agreement with The Lew Edwards Group for Strategic Messaging and Informational Services Associated with the City's Revenue Measure on the 2014 Ballot
- [14-331](#) RESOLUTION Authorizing the City Manager to Execute an Amendment to the Consulting Services Agreement with The Lew Edwards Group for Strategic Consulting Services (approves a \$62,400 change order, to be paid for out of account number 010-12-020-5120)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2014-085



**9. ITEMS REMOVED FROM CONSENT CALENDAR**

- 8.F.** [14-256](#) Staff Report for a Resolution Approving Parcel Map 10227 for 1550 East 14th Street, San Leandro, Assessor's Parcel Number 077-0540-009; Owner, Subdivider and Applicant - Innisfree Ventures, II, LLC

[14-257](#) RESOLUTION Approving Parcel Map 10227 for 1550 East 14th Street, San Leandro, Assessor's Parcel Number 077-0540-009; Owner, Subdivider and Applicant - Innisfree Ventures, II, LLC (approves the parcel map that subdivides the property into 3 parcels with Covenants, Conditions and Restrictions (CC&Rs) for maintenance)

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

**Aye:** 6 - Cassidy, Cutter, Gregory, Lee, Reed, Souza

Enactment No: Reso 2014-086

- 8.G.** [14-261](#) Staff Report for Resolution Rejecting All Bids for the Marina Community Center (MCC) Storefront Window Replacement, Project Number 2005.0060

[14-262](#) RESOLUTION Rejecting All Bids for Marina Community Center (MCC) Storefront Window Replacement, Project No. 2005.0060 (rejects all bids for this project)

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

**Aye:** 6 - Cassidy, Cutter, Gregory, Lee, Reed, Souza

Enactment No: Reso 2014-087

**10. ACTION ITEMS**

- 10.A.** [14-315](#) Staff Report for a Resolution to Approve and Appropriate \$156,705.21 from the Information Technology Fund for a Consulting Services Agreement with Odin Systems to Install the Civic Center Security Camera System Project and to Begin the Process of Expanding the Program to Install Two Community Cameras in Two to Be Determined Locations Selected in Accordance with the City Council's Policy

*Comments were made by the following individuals: Mia Ousley, Mike Katz-Lacabe, Susan Harman, and Darlene Evans.*

[14-316](#) RESOLUTION Approving an Agreement with Odin Systems to Replace the Civic Center Security Camera System and Authorizing the Appropriation of \$156,705.21 from the Information Technology Fund

Balance (approves a consulting services agreement with a not to exceed amount of \$156,705.21 and authorizes appropriation in the amount of \$156,705.21)

**A motion was made by Councilmember Souza, seconded by Vice Mayor Lee, that this resolution be adopted with amendment to remove the words "and Beginning Work to Add Two Community Cameras in the Future, in Accordance with the City Council's Policy" from the title. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Lee, Reed, Souza

Enactment No: Reso 2014-088

**10.B. [14-162](#)**

RESOLUTION Designating Voting Delegate and Alternate(s) for the League of California Cities 2014 Annual Conference (provides for discussion and designation of a voting delegate and alternate voting delegate[s])

**A motion was made by Councilmember Cutter, seconded by Councilmember Souza, that this resolution be adopted to designate Councilmember Reed as the delegate and Councilmember Gregory as the alternate. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Lee, Reed, Souza

Enactment No: Reso 2014-089

**11. REPORT ON CLOSED SESSION ACTIONS TAKEN**

*No reportable action was taken in closed session.*

**12. CITY COUNCIL REPORTS**

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

**13. CITY COUNCIL CALENDAR AND ANNOUNCEMENTS**

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

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

*None.*

**15. ADJOURN**

*The meeting was adjourned at 11:07 p.m., in memory of Sally Jermanis, mother of City Manager Emeritus John Jermanis.*

**15. RESPECTFULLY SUBMITTED:**

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