

CITY COUNCIL MEETING AGENDA

TUESDAY, SEPTEMBER 8, 2015



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

- 6:30 PM** City Council Special Meeting and Closed Session (agenda attached)
7:00 PM City Council 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 YEAR 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 sustainability
- 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 public is invited to make comments concerning an agenda item, and items not listed on the agenda during the "Public Comments" section. Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. Speaker cards are generally not required; the Mayor will inquire if anyone wishes to speak. 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 Pauline Russo Cutter

Deborah Cox, District 1

Ursula Reed, District 2

Lee Thomas, District 3

Benny Lee, District 4

Corina N. Lopez, District 5

Jim Prola, District 6

Tuesday, September 8, 2015

6:30 PM

City Manager's Large Conference Room

Special Meeting and Closed Session

1. CALL TO ORDER

1.A. ROLL CALL

Members Cox, Lee, Lopez, Prola, Reed, Thomas; Mayor Cutter

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)

Cynthia Silva v. National Railroad Passenger Corporation (AMTRAK), et al.,
United States District Court, Northern District of California, Case No.
C14-05673JSW

4. ADJOURN

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

MEETING ACCESSIBILITY

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.



City of San Leandro

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Meeting Agenda City Council

Welcome to your City of San Leandro City Council meeting.

Your City Councilmembers are:

*Mayor Pauline Russo Cutter
Deborah Cox, District 1
Ursula Reed, District 2
Lee Thomas, District 3
Benny Lee, District 4
Corina N. Lopez, District 5
Jim Prola, District 6*

Tuesday, September 8, 2015

7:00 PM

City Council Chambers

1. CALL TO ORDER

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

1.B. ROLL CALL

Members Cox, Lee, Lopez, Prola, Reed, Thomas; Mayor Cutter

1.C. ANNOUNCEMENTS

2. RECOGNITIONS

- 2.A.** [15-499](#) Proclamation Declaring September 2015 as National Preparedness Month

3. PRESENTATIONS

- 3.A.** [15-523](#) Presentation by AC Transit on Its Service Expansion Plan, Including Recommendations in San Leandro

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.** [15-470](#) Staff Report for Resolution Approving the City of San Leandro Consolidated Annual Performance and Evaluation Report (CAPER) for the FY 2014-2015 Annual Action Plan

[15-477](#) RESOLUTION Approving the City of San Leandro FY 2014-2015 Consolidated Annual Performance and Evaluation Report (CAPER) (approves the CAPER for submission to the U.S. Department of Housing and Urban Development)

4.B. [15-478](#) Staff Report for Resolution Approving the Issuance of Revenue Bonds by the California Municipal Finance Authority to Finance the Acquisition, Rehabilitation, and Improvement of Las Palmas, a Multifamily Rental Housing Development Owned by Eden Housing

[15-484](#) RESOLUTION Approving the Issuance of the California Municipal Finance Authority Revenue Bonds, Series 2015, in an Aggregate Principal not to Exceed \$25,000,000 for the Purpose of Financing the Acquisition, Rehabilitation, and Improvement and Equipping of Las Palmas, a 91-Unit Affordable Multifamily Rental Housing Development to be Owned by a Limited Partnership to Be Established by Eden Housing or Its Affiliate and Certain Other Matters Relating Thereto

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

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. [15-481](#) Minutes of the Special Meeting and Closed Session of July 20, 2015

8.B. [15-480](#) Minutes of the Meeting of July 20, 2015

- 8.C. [15-482](#) Minutes of the Special Meeting and Closed Session of July 27, 2015
- 8.D. [15-483](#) Minutes of the Special Meeting of July 27, 2015
- 8.E. [15-489](#) Finance Committee Meeting Highlights of June 16, 2015
- 8.F. [15-180](#) ORDINANCE Amending Title 4, Chapter 4-34 of the San Leandro Municipal Code Relating to Bicycle Mobile Food Vending Units (amends San Leandro Municipal Code to allow mobile food vending units operated by a bicycle)
- ADOPT ORDINANCE NO. 2015-009
- 8.G. [15-445](#) ORDINANCE of the City of San Leandro Rezoning the Shoreline Development Project Site from CR-Commercial Recreation to RM-2000-Residential Multi-Family and CC-Community Commercial, Both with a PD-Planned Development Zoning District Overlay (PLN2012-00040)
- ADOPT ORDINANCE NO. 2015-008
- 8.H. [15-514](#) Staff Report for Resolution Approving Amendment to Lease with San Leandro Sailing Club, Inc., dba Spinnaker Yacht Club of San Leandro, for Property at 75 Pescador Point Drive in the San Leandro Shoreline Area
- [15-513](#) RESOLUTION Approving Amendment to Lease with San Leandro Sailing Club, Inc., dba Spinnaker Yacht Club of San Leandro (extends the lease agreement until 2021, provides for lease termination by the City, and eliminates the requirement of Lessee to pay a percentage of rental fee for gross annual membership income)
- 8.I. [15-406](#) MOTION Appointing Mayor Cutter and Councilmembers Cox and Thomas to the Reinstated Rules Committee and Establishing the Regular Meetings to Be Held on the Third Wednesday of Each Month at 9:00 a.m.
- 8.J. [15-498](#) MOTION Nominating Jane Abelee as At Large Member to Personnel Relations Board
- 8.K. [15-491](#) Staff Report for a Resolution Amending the San Leandro City Employees' Association (SLCEA) Salary Schedule to Add the Classification of Purchasing Technician
- [15-492](#) RESOLUTION Amending the San Leandro City Employees' Association (SLCEA) Salary Schedule to Add the Classification of Purchasing Technician

- 8.L.** [15-493](#) Staff Report for a Resolution Amending the San Leandro Management Organization (SLMO) Salary Schedule to Add the Classification of Assistant Recreation and Human Services Director, and to Eliminate the Recreation and Human Services Manager Position from the 2015-16 Adopted Budget
- [15-496](#) RESOLUTION Amending the San Leandro Management Organization (SLMO) Salary Schedule to Add the Classification of Assistant Recreation and Human Services Director
- 8.M.** [15-468](#) Staff Report for a Resolution to Award a Construction Contract to Robert A. Bothman Construction for the Siempre Verde Park Rehabilitation Project, Project No. 2015.0270 and authorization for the City Manager or his designee to negotiate and approve change orders to complete the project
- [15-469](#) RESOLUTION to Award a Construction Contract to Robert A. Bothman Construction for the Siempre Verde Park Rehabilitation Project, Project No. 2015.0270, and to Authorize the City Manager or His Designee to Negotiate and Approve Change Orders to Complete the Project (provides for the rehabilitation of Siempre Verde Park per the approved 2010 conceptual plan via a construction contract of \$2,233,862.50 to be funded through a Housing and Community Development Grant, Park In-Lieu Fees, and General Funds; and the authority to issue individual and cumulative contract change orders up to specified limits)
- 8.N.** [15-471](#) Staff Report for a Resolution Accepting the Work for the Annual Overlay / Rehabilitation Project 2013-14, Project No. 2014.0050
- [15-472](#) RESOLUTION Accepting the Work for the Annual Overlay / Rehabilitation 2013-2014 Project, Project No. 2014.0050 (provides for the acceptance of the contract work performed by Gallagher and Burk, 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.O.** [15-485](#) Staff Report for a Resolution Authorizing the City Manager to Negotiate and Approve Individual Change Orders Up to 10% of the Original Contract Amount; and Authorizing the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% of the Original Contract Amount on Existing Construction Contracts with All Phase Excavation and Construction, American Asphalt, Chrisp Company, Columbia Electric, Conquest, DeSilva Gates, Flatiron Electric Group, Gallagher and Burk, McGuire and Hester, Ray's Electric, and S.J. Amoroso Construction Co., Inc.

- [15-479](#) RESOLUTION Authorizing the City Manager to Negotiate and Approve Individual Change Orders Up to 10% of the Original Contract Amount; and Authorizing the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% of the Original Contract Amount on Existing Construction Contracts with All Phase Excavation and Construction, American Asphalt, Chrisp Company, Columbia Electric, Conquest, DeSilva Gates, Flatiron Electric Group, Gallagher and Burk, McGuire and Hester, Ray's Electric, and S.J. Amoroso Construction Co., Inc.
- 8.P.** [15-502](#) Staff Report for Resolution Approving the Investment Report for the Quarter Ended June 30, 2015
- [15-503](#) RESOLUTION Accepting Investment Report for the Quarter Ended June 30, 2015 (reviews the activities of the City's investment portfolio)
- 8.Q.** [15-504](#) Staff Report for a Resolution Authorizing a Legal Services Agreement Amendment No. 1 with Bertrand, Fox, and Elliot for Legal Representation Associated with General Liability Claims and Claims Litigation to Increase the Contract Amount up to \$285,000 from the Self-Insurance Fund
- [15-505](#) RESOLUTION Authorizing the City Manager to Enter into a Legal Services Agreement Amendment No. 1 with Bertrand, Fox, and Elliot for Legal Representation Associated with General Liability Claims and Claims Litigation
- 8.R.** [15-506](#) Staff Report for Resolutions to Collect Communication Utility Users' Tax (UUT) and Emergency Communication System Access Tax (9-1-1) on Prepaid Wireless Service and to Authorize Examination of Prepaid Mobile Telephone Services Surcharge and Local Charge Records
- [15-507](#) RESOLUTION Authorizing the Examination of Prepaid Mobile Telephony Services Surcharge and Local Charge Records
- [15-517](#) RESOLUTION Authorizing the City Manager to Execute an Agreement with the State Board of Equalization for Implementation of the Local Prepaid Mobile Telephony Services Collection Act
- [15-518](#) RESOLUTION Authorizing the City Manager to Enter into a Consulting Services Agreement Amendment No. 4 with MuniServices, LLC to Authorize Examination of the State Board of Equalization (BOE) Records Relating to Prepaid Wireless Utility Users' Tax (UUT) and Emergency Communication Access (9-1-1) Tax Collections
- [15-519](#) ORDINANCE Amending Section 2-18-210 of the San Leandro Municipal Code Relating to the Temporary Reduction of the Emergency Communication System Access Tax (911 Tax) for Single Access Lines on Prepaid Wireless Services

- PASS TO PRINT

- 8.S. [15-515](#) Staff Report for a Resolution Approving a Budget Amendment to the City's Fiscal Year (FY) 2014-15 and 2015-16 General Fund, Special Revenue Funds, Enterprise Funds, Internal Service Funds, Capital Projects Funds, and Agency Funds Budget
- [15-516](#) RESOLUTION Approving Amendments to the City of San Leandro Budget for Fiscal Year (FY) 2014-15 and 2015-16
- 8.T. [15-524](#) RESOLUTION Urging the State of California to Provide New Sustainable Funding for State and Local Transportation Infrastructure

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. [15-463](#) Staff Report for the City Manager's Recommendation to the City Council Regarding the Selection of a Medical Cannabis Dispensary Operator, Issuance of the Medical Cannabis Dispensary Permit and Establishment of the \$60,000 Annual Permit Fee
- [15-464](#) RESOLUTION Awarding the Medical Cannabis Dispensary Annual Permit to Harborside San Leandro
- [15-467](#) RESOLUTION Establishing the Annual Dispensary Permit Fee for the Medical Cannabis Dispensary Program (establishes the fee that off-sets the City's staffing, operational and other ancillary costs associated with providing regulatory oversight of the medical cannabis dispensary)
- 10.B. [15-500](#) Staff Report Requesting Direction from City Council on a Proposal to Install Rainbow Crosswalks at the Intersection of West Juana Avenue and Clarke Street as Part of the West Juana Pedestrian Improvement Project No. 2014-0500 (This change would not increase the cost of the project)

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/> and on cable (Comcast Channel 15 or AT&T U-Verse Channel 99). The video recording of the meeting will remain accessible to the public on the City of San Leandro's website. The recording is also replayed on cable throughout the week according to the schedule shown at <http://www.sanleandro.org/depts/council/>.

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