

CITY COUNCIL MEETING AGENDA

MONDAY, OCTOBER 5, 2015



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

5:30 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

Monday, October 5, 2015

5:30 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) – 13 Cases

Dora Muir v. City of San Leandro, Case No. RG14709107, Alameda County Superior Court

Yvonne Baca v. City of San Leandro, Case No.: HG15767530, Alameda County Superior Court

Monique Miles et al., v. Oakland and San Leandro Police Officers, City of San Leandro et al., Case No. 15-1799-DMR, United States District Court, Northern District of California

Albert Russello and Gary Russello v. City of San Leandro, Case No. RG15760581, Alameda County Superior Court

Charles-Lee Williams v. Roy Sheingart, Wayne Collier, San Leandro Police, Winifred Smith, Case No. 15-CV-3013 JCS, United States District Court, Northern District of California

Andre Petre v. City of San Leandro, Case No. C15-3344 JSC, United States District Court, Northern District of California

Deandre Calhoun v. City of San Leandro, Case No. 15-cv-03600-YGR, United States District Court, Northern District of California

Yvette McDougall, Vanessa McDougall v. City of San Leandro, Case No. HG-13675456, Alameda County Superior Court

Richard Parker v. City of San Leandro, Case No.: HG12642989, Alameda County Superior Court

Cynthia Silva v. Union Pacific Railroad, City of San Leandro, Case No. 3:14-CV-05673, United States District Court, Northern District of California

Robert Williams v. City of San Leandro et al., Case No. 14-17389, US Court of Appeals, Ninth Circuit

Miriam Palomo v. City of San Leandro, Case No., RG15767437, Alameda County Superior Court

Coalition for the San Leandro Shoreline v. City of San Leandro, City Council of the City of San Leandro, and Does 1-10, Respondents; Cal-Coast Development

Company, California Coast Development Group, Inc., Edward J. Miller, and Does 11-25, Real Parties in Interest; Alameda County Superior Court, Case No. RG15782404

3.B. Conference with Legal Counsel – Anticipated Litigation

Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9(d)(2) – 1 Case

3.C. Liability Claims Pursuant to California Government Code Section 54956.95 – 2 Claims

Claimant: D.B., by and through Guardian ad Litem Erica Phillips
Agency Claimed Against: City of San Leandro

Claimant: Calhoun, D / Singleton, A.
Agency Claimed Against: City of San Leandro

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

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

Monday, October 5, 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. [15-544](#) Proclamation Declaring October 2015 as Domestic Violence Awareness Month

2.B. [15-576](#) Proclamation Declaring October 2015 as Breast Cancer Awareness Month

2.C. [15-577](#) Proclamation Declaring October 2015 as Crime Prevention Month

2.D. [15-466](#) RESOLUTION Appointing Susan Snell as District 3 Member to Human Services Commission for Term Ending December 31, 2018

3. PRESENTATIONS

3.A. [15-497](#) Code Enforcement Council Presentation and Code Enforcement Update

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. [15-565](#) Staff Report For An Urgency Ordinance Of The City Of San Leandro Extending A Temporary Moratorium On The Establishment Or Relocation Of New And Existing Massage Establishments For A Period Of One Year, To Become Effective Immediately

[15-566](#) URGENCY ORDINANCE Extending a Temporary Moratorium on the Establishment or Relocation of New and Existing Massage Establishments for a Period of One Year, to Become Effective Immediately

- PASS TO PRINT AND ADOPT

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. [15-541](#) Minutes of the Special Meeting and Closed Session of September 8, 2015
- 8.B. [15-431](#) Minutes of the Special Meeting and Closed Session of September 21, 2015
- 8.C. [15-461](#) Minutes of the Meeting of September 21, 2015
- 8.D. [15-539](#) Highlights of the Facilities and Transportation Committee Meeting of July 7, 2015

- 8.E.** [15-535](#) ORDINANCE Amending the San Leandro Zoning Code Related to Residential, Commercial, and Industrial Uses; Brewpubs; Consignment Stores; Day Care Facilities; Parking; Wireless Telecommunications Facilities; Supportive and Transitional Housing; Warehouse/Storage Facilities; and General Text Updates in Zoning Code Articles 3, 5, 6, 7, 8, 16, and 17, to Streamline, Update, and Bring the City's Zoning Code into State and Federal Compliance
- ADOPT ORDINANCE NO. 2015-011
- 8.F.** [15-191](#) Staff Report for a Resolution Approving Updated Records Retention Schedules for City Records, and Approving the Destruction of Records in Accordance with the Retention Schedules, Subject to the Review and Consent of the City Attorney
- [15-192](#) RESOLUTION Approving Records Retention Schedules for City Records, and Pursuant to State Law, Approving the Destruction of Records in Accordance with the Retention Schedules, Subject to the Review and Consent of the City Attorney
- 8.G.** [15-569](#) Staff Report to Approve the Findings of the Hearing Officer and Deny the Appeal of Kenny Ma and Run He, the Owners of the Green Leaf Spa, Regarding the Finance Director's Decision to Revoke the Business License for the Green Leaf Spa
- [15-570](#) RESOLUTION to Approve the Findings of the Hearing Officer and to Deny the Appeal of Kenny Ma and Run He, the Owners of the Green Leaf Spa, Regarding the Finance Director's Decision to Revoke the Business License for the Green Leaf Spa
- 8.H.** [15-521](#) Staff Report for a Resolution Re-Appropriating Capital Funds for Existing Projects and Purposes
- [15-520](#) RESOLUTION Re-Appropriating Capital Funds for Existing Projects and Purposes in Accordance with the City Charter (re-appropriates remaining funds from prior years to prevent said amounts from returning to fund balance)
- 8.I.** [15-527](#) Staff Report for a Resolution Approving Amendments to the City of San Leandro Biennial Budget for the Marina Boulevard Streetscape Project and the Police Building and South Office Modification Project
- [15-528](#) RESOLUTION Approving Amendments to the City of San Leandro Budget for the Marina Boulevard Streetscape Project and the Police Building and South Office Modification Project
- 8.J.** [15-556](#) Staff Report for a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with The Exploratorium for the Design and Installation of an Interactive Exhibit in Joaquin Plaza

[15-555](#) RESOLUTION Authorizing the City Manager to Execute a Consulting Services Agreement with The Exploratorium for the Design and Installation of an Interactive Exhibit in Joaquin Plaza (authorizes expenditure of \$235,000 in grant funds from the California Department of Housing and Community Development for the installation of the exhibit)

8.K. [15-558](#) Staff Report To Recommend Approval For A Non-Professional Services Agreement And That It Should Be A Sole Source Procurement To Match Equipment Already In Use On Existing Police Vehicles To Provide Vehicle Maintenance Management And Service For The Duration Of This Program.

[15-559](#) RESOLUTION Authorizing A Sole Source Procurement To Match Existing Equipment Servicing Of The Police Department's Fleet And Authorizing The City Manager To Execute A Non-Professional Services Agreement(S) For A Not To Exceed Amount For Fiscal Year 2015-16 Of \$240,000, And For 2016-17 Of \$243,600 With Priority 1 Public Safety Equipment Installation, Incorporated For Maintaining, Servicing And Outfitting Of Police Vehicles.

8.L. [15-571](#) Staff Report for an Ordinance Adding San Leandro Municipal Code Chapter 7-5 Article 2 "Expedited Streamlined Permitting Process for Small Residential Rooftop Solar Systems" to Provide an Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Systems

[15-572](#) ORDINANCE Adding San Leandro Municipal Code Chapter 7-5, Article 2 "Expedited Streamlined Permitting Process for Small Residential Rooftop Solar Systems" to Provide an Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Systems
- PASS TO PRINT

8.M. [15-562](#) Staff Report for the Assignment and Assumption of the Loan Agreement, Deed of Trust and Regulatory Agreement for the Real Property at 15370-15375 Tropic Court in the City of San Leandro

[15-563](#) RESOLUTION Approving The Assignment And Assumption Of The Loan Agreement, Deed Of Trust And Regulatory Agreement For The Real Property At 15370-15375 Tropic Court In The City Of San Leandro [To Assist Eden Housing, Inc., A Non-Profit Corporation That Owns And Operates Las Palmas Apartments At 15370-15375 Tropic Court, In Obtaining Financing For Necessary Improvements And Preserving Affordability]

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.

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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