

CITY COUNCIL MEETING AGENDA

MONDAY, JULY 18, 2016



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

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 2016

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, July 18, 2016

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 [16-377](#) Resolution Appointing Claudia McHenry as At Large Member to the Senior Commission for Term Ending December 31, 2018

2.B [16-361](#) Recognition of the Employee of the Quarter, Robert Rosas, Public Safety Dispatcher, San Leandro Police Department

3. PRESENTATIONS

3.A [16-365](#) Staff Report for Presentation by ZipPower LLC: California Energy Commission Grant to Develop a San Leandro Distributed Renewable Energy Micro Grid

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** [16-142](#) Staff Report for Resolutions Regarding Matter of Imposing Liens for Non-payment of Delinquent 2016 Business License Tax, Solid Waste Service Charges, and Certified Unified Program Agency fees.
- [16-144](#) RESOLUTION Overruling Protests (2016 Business License Tax, Solid Waste Service Charges, and Certified Unified Program Agency Fees)
- [16-143](#) RESOLUTION Imposing Liens for Non-Payment of Delinquent 2016 Business License Tax, Solid Waste Service Charges, and Certified Unified Program Agency (CUPA) Fees
- 4.B** [16-358](#) Staff Report and Recommendation for the Appeal of the Disapproval by the San Leandro Planning Commission of PLN15-0031, the Proposed Modification to Planned Development, PD-83-3, for façade renovations to six buildings at the Greenhouse Marketplace that would include the replacement of glass atrium features with new roofing or sign towers, installation of stone veneer accents and a new paint color palette at 699 Lewelling Boulevard; Commercial Community (CC) District; Alameda County Assessor's Parcel Numbers 412-0001-009, -011, -014, -016, -017, -018, -019 and -020 ; B.Kriz on behalf of Weingarten Realty Investors, appellant and property owner (Appeal of the Planning Commission's Denial of PLN15-0031 APL16-0002;)
- [16-363](#) RESOLUTION to Affirm the Decision of the Planning Commission that Effectively Denies the Appeal by WRI Greenhouse of the Planning Commission's Disapproval of PLN15-0031 to Modify the Planned Development PD-83-3 APL16-0002 (Appeal of Planning Commission Denial of PLN15-0031)

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** [16-374](#) Minutes of the Special Meeting and Closed Session of July 5, 2016
- 8.B** [16-375](#) Minutes of the Meeting of July 5, 2016
- 8.C** [16-354](#) Highlights of the Finance Committee Meeting of June 7, 2016
- 8.D** [16-255](#) Staff Report for a Resolution Appropriating \$313,388.84 of Water Pollution Control Enterprise Funds Including Approval of an Increase in the Contract Change Order Cap from 40% to 60% (\$445,724.00 to \$668,586.00, an increase of \$222,862.00) for a Construction Contract with Con-Quest Contractors, Inc. for the Sanitary Sewer Line Replacement/Repair 2012-13 Project, Project No. 2013.0120
- [16-256](#) RESOLUTION Appropriating \$313,388.84 of Water Pollution Control Enterprise Funds Including Approval of an Increase in the Contract Change Order Cap from 40% to 60% (\$445,724.00 to \$668,586.00, an increase of \$222,862.00) to amend the Construction Contract with Con-Quest Contractors, Inc. for the Sanitary Sewer Line Replacement/Repair 2012-13 Project, Project No. 2013.0120
- 8.E** [16-337](#) Staff Report for a Resolution to Award a Construction Contract to DeSilva Gates Construction, L.P. for the Annual Overlay / Rehabilitation 2015-16 Project, Project No. 2016.0050; Authorization for the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders Up to 15% of the Original Contract Amount; City Council Approval to Appropriate \$110,000 from the DFSI Fund Balance and \$930,000 from Measure BB Fund Balance for the Project

- [16-338](#) RESOLUTION to Award a Construction Contract to DeSilva Gates Construction, L.P. for the Annual Overlay / Rehabilitation 2015-16 Project, Project No. 2016.0050; Authorization for the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders up to 15% of the Original Contract Amount; City Council Approval To Appropriate \$930,000 from the Measure BB Fund balance and \$110,000 from the Development Fees for Street Improvements (DFSI) Fund Balance for this Project
- 8.F** [16-346](#) Staff Report for a Resolution Authorizing the City Manager to Approve a Memorandum Of Understanding (MOU) with the San Leandro Improvement Association (SLIA) for the Placement of Items in the Public Right-Of-Way.
- [16-345](#) RESOLUTION Authorizing the City Manager to Execute a Memorandum of Understanding With the San Leandro Improvement Association (SLIA) for the Placement of Items in the Public Right-Of-Way
- 8.G** [16-350](#) MOTION Confirming the City Council recess during the month of August due to lack of quorum for regular City Council meetings on August 1 and 15.
- 8.H** [16-356](#) Resolution Removing Kyle Borton as District 3 Member to the Recreation and Parks Commission
- 8.I** [16-368](#) Staff Report for a Resolution Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement with Respect to the Acquisition, Purchase, Financing and Leasing of Certain Equipment for the Public Benefit; Authorizing the Execution and Delivery of Documents Required in Connection Therewith; and Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution
- [16-370](#) RESOLUTION Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement with Respect to the Acquisition, Purchase, Financing and Leasing of Certain Equipment for the Public Benefit; Authorizing the Execution and Delivery of Documents Required in Connection Therewith; and Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution (Provides \$5.5m in financing to implement energy efficiency improvements under the Climatec project)
- 8.J** [16-327](#) Staff Report for a Resolution Accepting the Work for the Thrasher Park Play Equipment and Fence Project, Project No. 2006.0070

[16-328](#) RESOLUTION Accepting the Work for the Thrasher Park Play Equipment and Fence Project, Project No. 2006.0070 (provides for the acceptance of the contract work performed by Breneman, Inc., filing the Notice of Completion, releasing the performance and payment bonds, and releasing the maintenance bond upon completion of the one-year maintenance period)

8.K [16-366](#) Staff Report for a Resolution Approving a Non-Professional Services Agreement with 21Tech, LLC for Development and Improvements on the Accela Permit System (in an amount not to exceed \$85,000)

[16-367](#) RESOLUTION Approving the Non-Professional Services Agreement Between the City of San Leandro and 21-Tech LLC (approves agreement for technical support of Accela permit system in an amount not to exceed \$85,000)

8.L [16-351](#) Staff Report to Approve a Sole-Source Non-Professional Services Agreement in the Amount of \$211,500 with United Storm Water, Inc. to Install Full Trash Capture Devices in Various City Storm Drain Catch Basins

[16-352](#) RESOLUTION Approving Non-Professional Services Sole Source Agreement in the Amount of \$211,500 with United Storm Water, Inc., for the Purpose of Installing Trash Capture Devices for up to 400 City Storm Drains To Meet Regulatory Requirements of the Current Municipal Regional Stormwater Permit

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 [16-378](#) Staff Report for Ordinance Adopting a Minimum Wage in San Leandro

[16-379](#) ORDINANCE Adopting a Minimum Wage in San Leandro (implements a local minimum wage that will reach \$15/hour sooner than the recently adopted State of California legislation)

10.B [16-371](#) Staff Report for a Resolution Awarding the City of San Leandro's Second Medical Cannabis Dispensary Annual Permit Following the Effective Date of the Revised Medical Cannabis Dispensary Ordinance

[16-387](#) RESOLUTION Awarding the City of San Leandro's Second Medical Cannabis Dispensary Annual Permit to _____ Following the Effective Date of the Revised Medical Cannabis Dispensary Ordinance

- 10.C** [16-364](#) Staff Report for City Council Consideration of Placing Three Ballot Measures on the November 2016 Ballot Asking Voters to Authorize New General Fund Revenue
- [16-380](#) RESOLUTION Establishing November 8, 2016, as the Date for an Election on a Proposed Ballot Measure Seeking Voter Approval of a Tax On Cannabis Businesses, Establishing Policies and Procedures in Connection with Such an Election, and Requesting that the Alameda County Registrar of Voters Conduct Such an Election, and Requesting that the City Attorney Prepare an Impartial Analysis of the Proposed Ballot Measure
- [16-382](#) RESOLUTION Establishing November 8, 2016 as the Date for a Municipal Election on a Proposed Ballot Measure Seeking Voter Authorization to Amend the City's Existing Business License Tax for General Fund Purposes, Establishing Policies and Procedures in Connection with Such an Election, Requesting that the Alameda County Registrar of Voters Conduct Such an Election, and Requesting that the City Attorney Prepare and File an Impartial Analysis of the Proposed Ballot Measure
- [16-384](#) RESOLUTION Establishing November 8, 2016 as the Date for a Municipal Election on a Proposed Ballot Measure Seeking Voter Approval to Increase the City's Existing Transient Occupancy Tax for General Fund Purposes from Ten Percent (10%) to Fourteen Percent (14%), Establishing Policies and Procedures in Connection with Such an Election, and Requesting that the Alameda County Registrar of Voters Conduct Such an Election, and Requesting that the City Attorney Prepare and File an Impartial Analysis of the Proposed Ballot Measure
- [16-386](#) RESOLUTION Appropriating \$65,000 for the City Manager or his designee to conduct public outreach and share unbiased, factual information related to revenue measures that may be appearing on the November 2016 ballot (approves \$65,000 in General Fund appropriations from the economic uncertainty reserves to account number 010-12-020-5120)
- 10.D** [16-357](#) RESOLUTION Designating the Voting Delegate and Alternate(s) for the League of California Cities 2016 Annual Conference (provides for discussion and designation of a voting delegate and alternate voting delegate[s])
- 10.E** [16-373](#) Discussion of Possible Multicultural 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/> 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/>.

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.