



# City of San Leandro

Meeting Date: September 5, 2017

## Minutes

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**File Number:** 17-482

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.A.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Jeff Kay  
Assistant City Manager

**FINANCE REVIEW:** Not Applicable

**TITLE:** Minutes of the July 17, 2017 Regular Meeting

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# City of San Leandro

Civic Center  
835 East 14th Street  
San Leandro, California

## Minutes - Draft

### City Council

*Welcome to your City of San Leandro City Council meeting.*

*Your City Councilmembers are:*

*Mayor Pauline Russo Cutter*

*Deborah Cox, District 1*

*Ed Hernandez, District 2*

*Lee Thomas, District 3*

*Benny Lee, District 4*

*Corina N. Lopez, District 5*

*Pete Ballew, District 6*

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Monday, July 17, 2017

7:00 PM

City Council Chambers

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#### 1. CALL TO ORDER

*The meeting was called to order at 7:04 p.m.*

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

*Mayor Cutter led the Pledge of Allegiance to the Flag.*

#### 1.B. ROLL CALL

**Present** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

#### 1.C. ANNOUNCEMENTS

*There were no announcements.*

#### 2. RECOGNITIONS

##### 2.A. [17-381](#)

RESOLUTION Appointing David Moragne as District 5 Member to the Arts Commission for a Term to Expire December 31, 2018

**A motion was made by Councilmember Lopez, seconded by Councilmember Cox, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-095

##### 2.B. [17-429](#)

Proclamation Declaring July 17, 2017 as Wen Ma Day in the City of San Leandro

*Presented.*

- 2.C. [17-411](#) Recognition of the Employee of the Quarter, Anjana Mepani, Senior Project Specialist, Community Development Department.

*Presented.*

### 3. PUBLIC COMMENTS

*None.*

### 4. PRESENTATIONS

- 4.A. [17-377](#) Request to Approve a Pilot Program to Operate a Small Unmanned Aircraft System (Drone) by Public Works Staff in Streets and Facilities Maintenance Operations

*Presented.*

- 4.B. [17-410](#) Update on the San Leandro Greenhouse Gas Emissions Inventory 2015 and the San Leandro Climate Hazards Assessment

*Presented.*

- 4.C. [17-321](#) Update on the East 14th Street Triangle and Utility Undergrounding Project (E. 14th St. from Thornton St. to 150th Ave.)

*Presented.*

### 5. PUBLIC HEARINGS

- 5.A. [17-394](#) Staff Report for a Resolution to Approve a Modification of a Planned Development and Site Plan Review to Permit Construction of a Seven-Story Mixed-Use Residential Building, Including 13,000 Square Feet of Office on the Ground Floor and 197 Units of Multi-Family Residences on the 3.13-Acre Southern Portion of the San Leandro Technology Campus (SLTC), 601 Parrott Street (To Thornton Avenue To The South). Assessor's Parcel Number 75-47-57-2; Westlake Development Partners, LLC (Applicant and Property Owner).

- [17-395](#) RESOLUTION Approving a Planned Development and a Site Plan Review Permit subject to Conditions of Approval for a Mixed-Use Residential Development including 13,000 square feet of office on the ground floor and 197 units of multi-family residences on the 3.13 acre southern portion of the San Leandro Tech Campus (SLTC) Project Site, 601 Parrott Street; Alameda County Assessor's Parcel Number 75-47-57-2 (PLN16-0067)

*The Hearing was opened to the public. There were three speakers on this item. There being no further public comments, and without objection, the Public Hearing was closed.*

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**A motion was made by Councilmember Cox, seconded by Councilmember Ballew, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-096

**5.B.** [17-243](#)

Staff Report for Resolutions Regarding the Matter of Imposing Liens for Non-payment of Delinquent 2017 Business License Tax, Solid Waste Service Charges, Certified Unified Program Agency fees, Code Compliance Administrative Penalties and Charges, and Sidewalk Repairs.

[17-244](#)

RESOLUTION Imposing Liens for Non-Payment of Delinquent 2017 Business License Tax, Solid Waste Service Charges, Certified Unified Program Agency (CUPA) Fees, Code Compliance Administrative Penalties and Charges, and Sidewalk Repairs

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

**A motion was made by Councilmember Hernandez, seconded by Councilmember Cox, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-097

[17-245](#)

RESOLUTION Overruling Protests (2017 Business License Tax, Solid Waste Service Charges, Certified Unified Program Agency Fees, Code Compliance Administrative Penalties and Charges, and Sidewalk Repairs)

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

**A motion was made by Councilmember Hernandez, seconded by Councilmember Cox, that this Resolution - Council be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-098

**5.C.** [17-286](#)

Staff Report for a Resolution Accepting the Engineer's Report for Fiscal Year 2017-18 for the Heron Bay Maintenance Assessment District, Assessment District No. 96-3 and Ordering the Levy and Collection of Assessments within the Heron Bay Maintenance Assessment District; Assessment District No. 96-3 for Fiscal Year 2017-18

[17-287](#)

RESOLUTION Accepting the Engineer's Report for Fiscal Year 2017-18 for the Heron Bay Maintenance Assessment District,

Assessment District No. 96-3 (Provides funding for the on-going maintenance of certain public facilities constructed as part of the Heron Bay Development)

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

**A motion was made by Councilmember Lee, seconded by Councilmember Ballew, that this Resolution - Council be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-099

[17-288](#)

RESOLUTION Ordering the Levy and Collection of Assessments Within the Heron Bay Maintenance Assessment District; Assessment District No. 96-3 for Fiscal Year 2017-18 (Provides funding for the on-going maintenance of certain public facilities constructed as part of the Heron Bay Development)

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

**A motion was made by Councilmember Lee, seconded by Councilmember Ballew, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-100

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

*City Attorney introduced the City's first ever Public Policy intern.*

*City Manager announced an update regarding the fire at the Alco Iron & Metal Company that occurred on July 11, 2017. The item will come to the council for an update on the September 5, 2017, City Council meeting. City Manager also announced Deputy City Manager, Eric Engelbart's departure from the City of San Leandro.*

## 7. AMENDMENT OF CONSENT CALENDAR

Items(s) 8K, 8L and 8O 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 Cox, seconded by Councilmember Thomas, to Approve the Consent Calendar. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

- 8.A.** [17-426](#) Minutes of the July 3, 2017 Regular Meeting  
**Approved as Submitted.**
- 8.B.** [17-389](#) Highlights of the Facilities and Transportation Committee Meeting of June 7, 2017  
**Approved as Submitted.**
- 8.C.** [17-427](#) Highlights of the Rules Committee Meeting of June 26, 2017  
**Approved as Submitted.**
- 8.D.** [17-422](#) Staff Report for a Resolution Approving a Consulting Services Agreement with Strategic Products and Services, LLC for Cisco Telephony System Upgrade for an Amount Not to Exceed \$295,853.61, and City Council Approval to Appropriate \$295,853.61 from the Information Technology Fund Balance to the 2017-18 Operating Expenditure  
**Received and Filed.**
- [17-423](#) RESOLUTION Approving a Consulting Services Agreement with Strategic Products and Services, LLC to Upgrade the Cisco Telephony System for an Amount Not to Exceed of \$295,835.61, and City Council Approval to Appropriate \$295,835.61 from the Information Technology Fund Balance to the 2017-18 Operating Expenditure  
**Adopted on the Consent Calendar.**  
Enactment No: Reso 2017-102
- 8.E.** [17-360](#) Staff Report for a Resolution Accepting the Work for the Curb Ramp Upgrades (2015-16) Project, Project No. 2016.0071  
**Received and Filed.**
- [17-361](#) RESOLUTION Accepting the Work for Curb Ramp Upgrades (2015-16) Project, Project No. 2016.0071 (provides for acceptance of work performed by Rosas Brothers Construction, filing 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)  
**Adopted on the Consent Calendar.**  
Enactment No: Reso 2017-103
- 8.F.** [17-366](#) Staff Report for Resolution Approving a Non-Professional Services Agreement with Priority 1 Public Safety Equipment and a Sole Source

Procurement to Match Equipment in Use on Existing Police Vehicles and to Provide Vehicle Maintenance Management and Service for the Duration of this Program.

**Received and Filed.**

[17-367](#)

RESOLUTION Authorizing the City Manager to Enter into a Sole Source Procurement to Match Existing Equipment and Servicing of the Police Department's Fleet and a Non-Professional Services Agreement for a Not to Exceed Amount for Fiscal Year 2017-18 of \$243,600 and for 2018-19 of \$243,600 with Priority 1 Public Safety Equipment Installation Incorporated for Maintaining, Servicing, and Outfitting all Police Fleet Vehicles.

**Adopted on the Consent Calendar.**

Enactment No: Reso 2017-104

**8.G.** [17-384](#)

Staff Report for a Resolution Adding Title 5, Chapter 5 to the Administrative Code to Identify Sunset Provisions for Incomplete and Inactive Applications.

**Received and Filed.**

[17-385](#)

RESOLUTION to Add Title 5, Chapter 5 to the San Leandro Administrative Code, Establishing Sunset Provisions for Incomplete and Inactive Planning Applications

**Adopted on the Consent Calendar.**

Enactment No: Reso 2017-105

**8.H** [17-392](#)

Staff Report for the 3rd Quarter Financial Report as of March 31, 2017 (Information Only)

**Received and Filed.**

**8.I.** [17-406](#)

Staff Report to Approve Amendment No.1 to the FY 2010-2011 U.S. Department of Housing and Urban Development (HUD) Annual Action Plan to Re-allocate \$100,000 in CDBG Funds Originally Intended for a Proposed Childcare Center by BRIDGE Housing (\$10,000 for renovations to the Luella Fuller Home and \$90,000 for Continued Implementation of the City's ADA Transition Plan) and Authorizing the City Manager to Execute a Forgivable CDBG Loan Agreement and Related Documents Not to Exceed \$10,000 with the Housing Consortium of the East Bay for Renovations to Luella Fuller Home.

**Received and Filed.**

[17-407](#)

RESOLUTION Approving Amendment No.1 to the FY 2010-2011 U.S. Department of Housing and Urban Development (HUD) Annual Action Plan to Re-allocate \$100,000 in CDBG Funds Originally Intended for a

Proposed Childcare Center by BRIDGE Housing (\$10,000 for renovations to the Luella Fuller Home and \$90,000 for Continued Implementation of the City's ADA Transition Plan); Authorizing the City Manager to Execute All Documents Related to the Submission of the Amended Plan to the HUD; and Authorize the City Manager to Execute a Forgivable CDBG Loan Agreement and Related Documents Not to Exceed \$10,000 with the Housing Consortium of the East Bay for Renovations to Luella Fuller Home.

**Adopted on the Consent Calendar.**

Enactment No: Reso 2017-106

**8.J.** [17-402](#)

Staff Report for a Resolution to Approve Community Development Block Grant (CDBG) Agreements for FY 2017-2018 Between the City of San Leandro and CDBG Sub-recipients for Public Services Grants to the Child Abuse Listening, Interviewing, and Coordination Center (CALICO) for \$20,537; Davis Street Family Resource Center (Davis Street) for \$36,197; Service Opportunities for Seniors, Inc. (SOS/Meals on Wheels) for \$42,203; and Eden Council for Hope and Opportunity Housing (ECHO Housing) for \$10,000 (approves 4 agreements totaling \$108,937)

**Received and Filed.**

[17-403](#)

RESOLUTION to Approve Community Development Block Grant (CDBG) Agreements for FY 2017-2018 Between the City of San Leandro and CDBG Sub-recipients for Public Services Grants to the Child Abuse Listening, Interviewing, and Coordination Center (CALICO) for \$20,537; Davis Street Family Resource Center (Davis Street) for \$36,197; Service Opportunities for Seniors, Inc. (SOS/Meals on Wheels) for \$42,203; and Eden Council for Hope and Opportunity Housing (ECHO Housing) for \$10,000 (approves 4 agreements totaling \$108,937)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2017-107

Item 8K removed to Item 9, Items Removed from the Consent Calendar

Item 8L removed to Item 9, Items Removed from the Consent Calendar

**8.M.** [17-398](#)

Staff Report for a Resolution to Authorize the City Manager to Approve a Consulting Services Agreement with NCE for the Design of the Annual Street Overlay/Rehabilitation 2017-18 Project, Project No. 2017.0050 for an Amount Not to Exceed \$700,000; Authorization for Individual Change Orders Up to 10% (\$70,000); and Cumulative Change Orders Up to 25% (\$175,000)



**Received and Filed.**

[17-399](#) RESOLUTION to Authorize the City Manager to Approve a Consulting Services Agreement with NCE for the Design of the Annual Street Overlay/Rehabilitation 2017-18 Project, Project No 2017.0050 for an Amount Not to Exceed \$700,000; Authorization for Individual Change Orders Up to 10% (\$70,000); and Cumulative Change Orders Up to 25% (\$175,000) (provides for City Manager's authorization to enter into a CSA with NSE to prepare the surveys and designs for the Annual Street Overlay/Rehabilitation 2017-18 Project)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2017-108

**8.N.** [17-404](#) Staff Report for a Resolution to Approve a Non-Professional Services Agreement for Citywide Re-Striping between the City of San Leandro and Chrisp Company for an Amount Not-to-Exceed \$56,000.

**Received and Filed.**

[17-405](#) RESOLUTION Authorizing the City Manager to Execute a Non-Professional Services Agreement with Chrisp Company for Citywide Re-Striping Project for a Not-to-Exceed Amount of \$56,000

**Adopted on the Consent Calendar.**

Enactment No: Reso 2017-109

Item 8O removed to Item 9, Items Removed from the Consent Calendar

**8.P.** [17-420](#) Staff Report for a Resolution for City Council to Authorize the City Manager to Execute a Consulting Services Agreement with Dixon Resources Unlimited in the amount of \$130,000 for Oversight of the Downtown San Leandro Parking System and Guided Implementation of the City's New Downtown Parking Management Plan, and to Approve Appropriation of \$600,000 from the Successor Agency to the City of San Leandro Redevelopment Agency's 2008 Bond Funds to the City of San Leandro Parking Fund's 2017-18 Operating Expenditure

**Received and Filed.**

[17-421](#) RESOLUTION Authorizing the City Manager to Execute a Consulting Services Agreement with Dixon Resources Unlimited in the amount of \$130,000 for Oversight of the Downtown San Leandro Parking System and Guided Implementation of the City's New Parking Management Plan, and to Approve Appropriation of \$600,000 from the Successor Agency to the City of San Leandro Redevelopment Agency's 2008 Bond Funds to the City of San Leandro Parking Fund's 2017-18

Operating Expenditure

**Adopted on the Consent Calendar.**

Enactment No: Reso 2017-110

- 8.Q. [17-220](#) ORDINANCE Amending Zoning Code Article 3, Definitions; Article 6, Commercial and Professional Districts; Article 7, Industrial Districts; and Article 16, Nonresidential Uses, to Enable Cannabis Product Manufacturing and Laboratories.

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2017-014

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.K. [17-375](#) Staff Report for a Resolution to Award a Construction Contract to W. Bradley Electric, Inc. for the Bancroft-Sybil Intersection Improvements Project, Project No. 2014.0440, in the Amount of \$404,267; Authorization for the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders up to 15% of the Original Contract Amount; and to Appropriate \$60,000 from the Development Fees for Street Improvements (DFSI) Fund Balance

[17-376](#) RESOLUTION to Award a Construction Contract to W. Bradley Electric, Inc. for the Bancroft-Sybil Intersection Improvements Project, Project No. 2014.0440, in the Amount of \$404,267; Authorization for the City Manager to Negotiate and Approve Individual Change Orders up to 5% of the Original Contract Amount (\$20,213); Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders up to 15% of the Original Contract Amount (\$60,640); and to Appropriate \$60,000 from the Development Fee for Street Improvements (DFSI) Fund Balance

*There were no speakers on this item.*

**A motion was made by Councilmember Hernandez, seconded by Councilmember Cox, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-111

- 8.L. [17-396](#) Staff Report for a Resolution to Award a \$3,048,462 Construction Contract to DeSilva Gates Construction, L.P. for the Annual Overlay / Rehabilitation 2016-17 Project Phase 1, Project No. 2017.0050; 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

[17-397](#)

RESOLUTION to Award a \$3,048,462 Construction Contract to DeSilva Gates Construction, L.P. for the Annual Overlay / Rehabilitation 2016-17 Project Phase 1, Project No. 2017.0050; Authorization for the City Manager to Negotiate and Approve Individual Change Orders Up to 5% (\$152,423) of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders up to 15% (\$457,269) of the Original Contract Amount

*There were no speakers on this item.*

**A motion was made by Mayor Cutter, seconded by Councilmember Lopez, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-112

8.O. [17-412](#)

Staff Report for a Resolution Approving a Consulting Services Agreement with Magellan Advisors for a Fiber Optics Master Plan (in an amount not to exceed \$60,000)

[17-413](#)

RESOLUTION Approving an Agreement Between the City of San Leandro and Magellan Advisors for a Fiber Optics Master Plan for a not to exceed amount of \$60,000.00 from the 2017-18 operating budget

*There were no speakers on this item.*

**A motion was made by Councilmember Lopez, seconded by Councilmember Hernandez, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-101

## 10. ACTION ITEMS

10.B. [17-428](#)

City Council Review of the Davis Street Wellness Center Dispensary Permit

*This item was heard before Item 10.A.*

*There were three speakers on this Item. Motion to extend review of the operating permit to allow completion of the conditional use permit (CUP) review process until October 20, 2017.*

**A motion was made by Mayor Cutter, seconded by Councilmember Thomas, that this Oral/Discussion Item be Discussed. The motion carried by the**

following vote.

**Aye:** 6 - Cutter, Lee, Lopez, Hernandez, Thomas, Cox

**Abstain:** 1 - Ballew

**10.A.** [16-557](#)

Staff Report for a Resolution Approving the San Leandro Downtown Parking Management Plan and Recommendations for Short-term Parking Action Plan

[16-558](#)

RESOLUTION Approving San Leandro Downtown Parking Management Plan with Staff's Recommended Short-term Parking Action Plans

*Amended by Councilmember Lopez to consider free permits for residents when the Parking Strategy returns to the council.*

**A motion was made by Councilmember Cox, seconded by Councilmember Thomas, that this Resolution be Adopted as Amended. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No:

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

*City Attorney Pio Roda reported on Item B, Coalition for the San Leandro Shoreline v. City of San Leandro, Case No. RG15782404, Alameda County Superior Court, announcing a full settlement agreement reached and dismissal with prejudice, amendment of the lease agreement to add 5 calendar years and compliance with the City's Minimum Wage Ordinance no later than 18-calendar months after date of the execution of the agreement. 7: Ayes in favor of the agreement.*

**12. CITY COUNCIL REPORTS**

*Due to the late hour, City Councilmembers limited this item to reporting on attendance at intergovernmental agency meetings since the last meeting.*

**13. CITY COUNCIL CALENDAR AND ANNOUNCEMENTS**

*Due to the late hour, City Councilmembers limited this item to announcing calendar of upcoming events and coordinating attendance.*

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

*By consensus, the City Council agreed to schedule the following items:*

- *Finance Committee discuss whether certified mailings for delinquent liens/fines should be use and determine the threshold amounts for notification [Ballew] – 6 Aye; 1 Abstain - Lopez*
- *Potential Funding for Teen Takeover event/program due to lack of funding [Thomas] - 7 Aye - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox*

**15. ADJOURN**

*The meeting was adjourned at 11:30 p.m., in honor of Eric Engelbart.*

**RESPECTFULLY SUBMITTED:**

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**TAMIKA GREENWOOD**  
City Clerk of the City of San Leandro