

CITY COUNCIL MEETING AGENDA

MONDAY, OCTOBER 2, 2017
FINAL-REVISED



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 2017

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

Ed Hernandez, District 2

Lee Thomas, District 3

Benny Lee, District 4

Corina N. Lopez, District 5

Pete Ballew, District 6

Monday, October 2, 2017

5:30 PM

City Manager's Large Conference Room

Special Meeting and Closed Session

1. CALL TO ORDER

1.A. ROLL CALL

Members Ballew, Cox, Hernandez, Lee, Lopez, 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

3.A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

1. Albert Dytch v. City of San Leandro – United States District Court for the Northern District of California, Case No. CV 17-989

2. Henriquez v City of San Leandro, Alameda County Superior Court, Case No. RG17853270

3. Patton v Singh, City of San Leandro, Alameda County Superior Court, Case No. RG17857499

4. Marquez, Marquez v City of San Leandro, United States District Court for the Northern District of California, Case No. 4:17-cv-01015-DMR

5. Franklin v City of San Leandro, United States District Court for the Northern District of California, Case No. 4:17-cv-00789-HSG

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 - Final-revised

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

Monday, October 2, 2017

7:00 PM

City Council Chambers

1. CALL TO ORDER

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

1.B. ROLL CALL

Members Ballew, Cox, Hernandez, Lee, Lopez, Thomas; Mayor Cutter

1.C. ANNOUNCEMENTS

2. RECOGNITIONS

- 2.A.** [17-538](#) RESOLUTION Appointing Brian Copeland as District 1 Member to the Arts Commission for Term Ending December 31, 2018

3. 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.

4. PRESENTATIONS

- 4.A.** [17-454](#) Presentation on Pavement Maintenance Program and Street Selection Process

5. 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.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

Bloomberg Philanthropies/Mayors Challenge

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. [17-566](#) Minutes for September 18, 2017 Meeting
- 8.B. [17-495](#) Staff Report for a Resolution Approving a Cooperative Agreement Between San Leandro and AC Transit for Design, Construction, Operation, and Maintenance of the South Alameda County Major Corridors Travel Time Improvement Project (AC Transit Line 97 TPI) in Unincorporated Alameda County, San Leandro, Hayward, and Union City
- [17-496](#) RESOLUTION Approving a Cooperative Agreement between San Leandro and AC Transit for Design, Construction, Operation, and Maintenance of the South Alameda County Major Corridors Travel Time Improvement Project (AC Transit Line 97 TPI) in Unincorporated Alameda County, San Leandro, Hayward, and Union City (provides for the continued maintenance and operation of the City's traffic signals on Hesperian Boulevard after improvements by AC Transit)
- 8.C. [17-509](#) Staff Report for a Resolution to Increase Contract Change Order Authorization from 15% to 20% (from \$359,409 to \$479,212; an Increase of \$119,803) for a Construction Contract with DeSilva Gates Construction, L.P. for the Annual Overlay / Rehabilitation 2015-16 Project, Project No. 2016.0050; and City Council Approval to Appropriate an Additional \$65,000 from the Measure B Local Streets and Roads Fund Balance for the Project
- [17-373](#) RESOLUTION to Increase Contract Change Order Authorization from 15% to 20% (from \$359,409 to \$479,212; an Increase of \$119,803) for a

Construction Contract with DeSilva Gates Construction, L.P. for the Annual Overlay / Rehabilitation 2015-16 Project, Project No. 2016.0050.; and City Council Approval to Appropriate an Additional \$65,000 from the Measure B Local Streets and Roads Fund Balance for the Project (provides for additional change order authorization and Measure B Local Streets and Roads funding in order to complete the project)

8.D. [17-544](#)

Staff Report for Resolution to Award a Construction Contract to Pacific States Environmental Contractors, Inc. for the Water Pollution Control Plant Dirt Removal 2017, Project No. 2015.0300; 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

[17-545](#)

RESOLUTION to Award a Construction Contract to Pacific States Environmental Contractors, Inc. for the Water Pollution Control Plant Dirt Removal 2017, Project No. 2015.0300; 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 (Provides for the Off Haul of Dirt Generated from the Construction of the Water Pollution Control Plant Rehabilitation Project)

8.E. [17-552](#)

Approval of Proposed Projects Anticipated to be Paid for by the State's Road Maintenance and Rehabilitation Account to City's Gas Tax Fund (140-31-056) for Streets Maintenance

[17-553](#)

RESOLUTION Approving Proposed Projects Anticipated to be Paid for by the State's Road Maintenance and Rehabilitation Account to City's Gas Tax Fund (140-31-056) for Streets Maintenance

8.F. [17-554](#)

Staff Report for a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Consultant Services Agreement with GHD Services, Inc. in the amount of \$14,430.85 for Preparation of a Decommissioning and Demolition Plan for the San Leandro Marina

[17-555](#)

RESOLUTION Approving Amendment No. 1 to Consulting Services Agreement with GHD Services Inc. for Decommissioning and Demolition Plan for San Leandro Marina

8.G. [17-543](#)

Staff Report for a Resolution Authorizing the City Manager to Execute a Non-Professional Services Agreement in an amount not to exceed \$59,976 with Adopt a Highway Litter Removal Service of America, Inc. for Litter Removal Services on the City Adopted Section of Interstate 880

[17-546](#)

RESOLUTION Authorizing the City Manager to Execute a Non-Professional Services Agreement in an Amount Not to Exceed \$59,976 Through June 2019 with Adopt a Highway Litter Removal Service of America, Inc. for Litter Removal Services on the City Adopted Section of

Interstate 880

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. [17-558](#) Staff Report for an Ordinance of the City of San Leandro adding Chapter 4.36 "Tobacco Retailers" to the San Leandro Municipal Code to require the licensure of Tobacco Retailers and to regulate the sale of cigars, cigarillos and electronic cigarettes

[17-559](#) ORDINANCE of the City of San Leandro Adding Chapter 4.36 "Tobacco Retailers" to the San Leandro Municipal Code to Require the Licensure of Tobacco Retailers and to Regulate the Sale of Cigars, Cigarillos and Electronic Cigarettes

-PASS TO PRINT

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.