



# City of San Leandro

Meeting Date: July 6, 2020

## Minutes

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**File Number:** 20-294

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.B.

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:** Leticia Miguel  
City Clerk

**FINANCE REVIEW:** Not Applicable

**TITLE:** Minutes of the City Council Meeting of June 15, 2020

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# City of San Leandro

Civic Center  
835 East 14th Street  
San Leandro, California

## Minutes

### 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*

*Victor Aguilar, Jr., District 3*

*Benny Lee, District 4*

*Corina N. Lopez, District 5*

*Pete Ballew, District 6*

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Monday, June 15, 2020

7:00 PM

Access the meeting remotely by using this URL

<https://zoom.us/j/506831637>

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**Joint Meeting of the City Council and the Successor Agency to the San Leandro  
Redevelopment Agency of the City of San Leandro, and the San Leandro Public  
Financing Authority**

San Leandro City Council conducted this meeting in accordance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020.

#### 1. CALL TO ORDER

*The meeting was called to order at 7:03 p.m.*

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

#### 1.B. ROLL CALL

**Councilmembers Aguilar, Ballew, Cox, Hernandez, Lee, Lopez, and Mayor Cutter participated in the meeting via telephone conference call.**

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

#### 1.C. ANNOUNCEMENTS

#### 2. RECOGNITIONS

**2.A. [20-176](#)** Proclamation Declaring June 2020 as Elder Abuse Awareness Month

**Presented.**

**2.B. [20-269](#)** Dr. Martin Luther King, Jr. (MLK) 2020 Oratorical Poetry Slam Winners

Presented.

### 3. PUBLIC COMMENTS

*There were approximately 68 public speakers.*

*Comments were made by the following individuals:*

*Selina McManus, Joel, Celina Reynes, Mary Tieh, Cynthia Chandler, Corey Williams, Jade Le, Michael Cooper, Jenna King, Abby Whyte, Pam Wall, Stella Ng, Mitch Huiteman, Rachel Whyte, Kenneth W. Fox, Sheila Mayorga, Jamie, Laura Redmond, Ted Demos, Rebecca Day Rodriguez, Nikayla Johnson, Kyrach Bishop, Eric Ho, Jazylyn Magat, Lia Bird, Jonathan Woods, Douglas Spaldings, Rachel Arcadio, Rams, Nancy Facher, Leo T. West, Carolynn Langsdale, Tati G., Benjamin Noms, Lawrence, Erica Viray Santos, Jas Woodson, Sade, Korina Jonas, Maria Gonzalez Chavez, Rigo, Paul Cathey, Ife, Brigitte Mardigras, Whitney Walke, Yulissa Loza, Nancy Navarro-Leea, Mike Katz-Lacabe, Sofia A., Joeld, Erik Taylor, Lisa Sheira, Jordon Cobbs, John Mongor, Monica Mensor, Matthew Turner, Jim Kelly, Tim Holmes, Joshua Gordon, Monica Estrella Garcia, and Laura Einhon.*

### 4. PRESENTATIONS

*None.*

The City Council Meeting recessed at 10:06 p.m. and reconvened at 10:16 p.m.

### 5. PUBLIC HEARINGS

- 5.A. [20-227](#) Staff Report for a City of San Leandro City Council Resolution for a Public Hearing and Adoption of the Proposed Final Fiscal Year 2020-21 Budget including Revenue and Expenditure Appropriations (for the General Fund, Special Revenue Funds, Enterprise Funds, and Internal Service Funds)

*Mayor Cutter opened the public testimony portion of the public hearing.*

*There were approximately 22 public speakers.*

*Comments were made by the following individuals:*

*Celina Reynes, Mary Tieh, Cynthia Chandler, Abby Whyte, Mitch Huiteman, Sheila Mayorga, Jamie, Laura Redmond, Rams, Lawrence, Rigo, John, Keesha Bush-Trenerry, Esther Wallace, Matt Turner, Ted Demos, Derick Lee, Nancy Navarro, and Molly Almeida.*

*The public testimony portion of the public hearing was closed.*

**Received and Filed.**

- [20-228](#) RESOLUTION of the City of San Leandro City Council to Approve City Manager Recommended Amendments to the City of San Leandro Budget for Fiscal Year 2020-2021 (amends the General Fund, Special Revenue Funds, Enterprise Funds, and Internal Service Funds budget) and Recommended Appropriations from Fund Balance Reserves

**A motion was made by Councilmember Lee, seconded by Mayor Cutter, that**

this Resolution be Adopted, to approve the Budget as is with the four-line items removed (\$762,000 for community programming and outreach, \$640,000 for homeless outreach and coordination, \$229,000 in new vehicles, and the School Resource Officer (SROs) program officers to come back for discussion and for the public to participate in the process in terms of re-allocation of those four-line items. Staff is directed to come back based off the items from the discussion in terms of the restructuring.

A substitute motion was made by Councilmember Lopez, seconded by Councilmember Hernandez, to table the voting on the budget, until two weeks out. And for staff to consider the various line items that were indicated by various Councilmembers and bring those back for Council to discuss specifically. To continue the Public Hearing to June 30, 2020.

Roll call for the substitute motion was taken as follows:

**Aye:** 3 - Aguilar, Hernandez, Lopez

**Nay:** 4 - Cox, Ballew, Lee, Mayor Cutter

**Absent:** None

**Abstain:** None

The motion made by Councilmember Lee carried by the following vote.

**Aye:** 4 - Ballew, Cox, Lee, Cutter

**Nay:** 3 - Aguilar, Hernandez, Lopez

Enactment No: Reso 2020-054

**5.B.** [20-220](#)

Staff Report for City Council Approval of the City of San Leandro U.S. Department of Housing and Urban Development (HUD) Amendments to the Fiscal Year 2015-2020 Five-Year Consolidated Plan, Fiscal Year 2019-2020 Annual Action Plan, and Citizen Participation Plan

*Mayor Cutter opened the public testimony portion of the public hearing. There was no public comment. The public testimony portion of the public hearing was closed.*

**Received and Filed.**

[20-221](#)

RESOLUTION of the City of San Leandro City Council Approving Amendments to the U.S. Department of Housing and Urban Development (HUD) FY 2015-2020 5-Year Consolidated Plan, FY 2019-2020 Annual Action Plan and the Citizen Participation Plan; Authorizing the City Manager to Execute All Documents Related to the Submission of the Amended Plans to HUD; and Authorize the City Manager to Execute all Related Grant Documents identified in the FY 2019-2020 Annual Action Plan.

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

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

Enactment No: Reso 2020-055

- 5.C. [20-223](#) Staff Report for City Council Approval of the City of San Leandro U.S. Department of Housing and Urban Development (HUD) Fiscal Year 2020-2024 Five-Year Consolidated Plan and Fiscal Year 2020-21 Annual Action Plan

*Mayor Cutter opened the public testimony portion of the public hearing. There was no public comment. The public testimony portion of the public hearing was closed.*

**Received and Filed.**

- [20-224](#) RESOLUTION of the City of San Leandro City Council Approving the City of San Leandro U.S. Department of Housing and Urban Development (HUD) Final Fiscal Year 2020-2024 Five-Year Consolidated Plan and Final Fiscal Year 2020-2021 Annual Action Plan (authorizes the execution of all related documents by the City Manager and submission of the Plans to HUD)

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

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

Enactment No: Reso 2020-056

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

*None.*

## 7. AMENDMENT OF CONSENT CALENDAR

Items 8.I., 8.J., and 8.M. were removed from the Consent Calendar to Item 9, Items Removed From Consent Calendar

## 8. CONSENT CALENDAR

### Approval of the Consent Agenda

**A motion was made by Councilmember Lee, seconded by Councilmember Cox, to Approve the Consent Calendar. The motion carried by the following vote.**

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

- 8.A. [20-212](#) Staff Report for a City of San Leandro City Council Resolution to Approve a Consulting Services Agreement with Two Firms, Rincon Consultants, Inc. and SWCA Environmental Consultants for On-Call Environmental and Planning Services (in an amount not to exceed \$300,000 to be paid for by applicable developer fees).

**Received and Filed on the Consent Calendar.**

[20-239](#)

RESOLUTION of the City of San Leandro City Council Approving Consulting Services Agreements with Rincon Consultants Inc. and SWCA Environmental Consultants for On-Call Environmental and Planning Services (in an amount not to exceed \$300,000 to be paid for by applicable developer fees)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-057

8.B. [20-247](#)

Staff Report for a City of San Leandro City Council Resolution Amending Title 6, Chapter 4 of the San Leandro Administrative Code Relating to Fees and Charges for Services Provided by the City's Community Development Department (adjusts user fees and service charges, effective July 1, 2020)

**Received and Filed on the Consent Calendar.**

[20-248](#)

RESOLUTION of the City of San Leandro City Council Amending Title 6, Chapter 4 of the San Leandro Administrative Code Relating to Fees and Charges for Services Provided by the City's Community Development Department (adjusts user fees and service charges, effective July 1, 2020)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-058

8.C. [20-044](#)

Staff Report for a City of San Leandro City Council Resolution to Accept the Work for the Curb Ramp Upgrades 2018-19 Project, Project No. 2019.0070

**Received and Filed on the Consent Calendar.**

[20-053](#)

RESOLUTION of the City of San Leandro City Council to Accept the Work for the Curb Ramp Upgrades 2018-19 Project, Project No. 2019.0070 (provides for acceptance of the work performed by Rosas Brothers Construction, filing the Notice of Completion, releasing the Performance and Payment Bonds, and Releasing the Maintenance Bond upon successful completion of the one-year maintenance period)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-059

8.D. [20-252](#)

Staff Report for a City of San Leandro City Council Resolution to Authorize Submission of a Request to the Metropolitan Transportation Commission for the Allocation of \$122,203 of Fiscal Year 2020-2021 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding to Install Pedestrian Improvements

**Received and Filed on the Consent Calendar.**

[20-253](#)

RESOLUTION of the City of San Leandro City Council to Authorize Submission of a Request to the Metropolitan Transportation Commission for the Allocation of \$122,203 of Fiscal Year 2020-2021 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding to Install Pedestrian Improvements

**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-060

**8.E.** [20-116](#)

Staff Report for a City of San Leandro City Council Resolution to Award a \$339,588 Construction Contract to FBD Vanguard Construction, Inc. for the Annual Street Sealing 2019-2020 - Curb Ramp Upgrade Phase, Project No. 2020.0070; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 5% (or \$16,979) of the Original Contract Amount; and to Authorize the City Manager to Negotiate and Approve Change Orders up to a Cumulative Value not to Exceed 25% (or \$84,895) of the Original Contract Amount

**Received and Filed on the Consent Calendar.**

[20-117](#)

RESOLUTION of the City of San Leandro City Council to Award a \$339,588.00 Construction Contract to FBD Vanguard Construction, Inc. for the Annual Street Sealing 2019-2020 - Curb Ramp Upgrade Phase , Project No. 2020.0070; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 5% (or \$16,979) of the Original Contract Amount; and to Authorize the City Manager to Negotiate and Approve Change Orders up to a Cumulative Value not to Exceed 25% (or \$84,895) of the Original Contract Amount

(Provides for the upgrade of curb ramps at locations within the work areas of the 2020 Asphalt Maintenance Zone and authorization for the City Manager to negotiate and execute contract change orders up to 25% of the contract amount)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-061

**8.F.** [20-233](#)

Staff Report for a City of San Leandro City Council Resolution Establishing the City's Appropriations Limit for Fiscal Year 2020-2021

**Received and Filed on the Consent Calendar.**

[20-234](#)

RESOLUTION of the City of San Leandro City Council to Establish the City's Appropriation Limit for Fiscal Year 2020-21

**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-062

- 8.G.** [20-249](#) Staff Report for the City of San Leandro City Council to Approve a Resolution for Budget Amendments to the City's Fiscal Year 2019-2020 Special Revenue Funds, Enterprise Funds, and Internal Service Funds  
**Received and Filed on the Consent Calendar.**

[20-250](#) RESOLUTION of the City of San Leandro City Council Approving Amendments to the City of San Leandro Fiscal Year 2019-2020 Budget for Special Revenue Funds, Enterprise Funds, and Internal Service Funds  
**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-063

- 8.H.** [20-188](#) Staff Report for a City of San Leandro City Council Resolution to Accept the Engineer's Report for Fiscal Year 2020-2021 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 2020-2021  
**Received and Filed on the Consent Calendar.**

[20-189](#) RESOLUTION of the City of San Leandro City Council to Accept the Engineer's Report for Fiscal Year 2020-2021 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)  
**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-064

[20-190](#) RESOLUTION of the City of San Leandro City Council Ordering the Levy and Collection of Assessments Within the Heron Bay Maintenance Assessment District; Assessment District No. 96-3 for Fiscal Year 2020-2021 (Provides funding for the on-going maintenance of certain public facilities constructed as part of the Heron Bay Development)  
**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-065

Items 8.I. and 8.J., were removed from the Consent Calendar to Item 9, Items Removed From Consent Calendar

- 8.K.** [20-256](#) Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Approve a Non-Professional Services



Agreement with GoGo Technologies, Inc. to Provide Dispatch and Concierge Services to FLEX RIDES On Demand Members Through Fiscal Year 2020-21 At a Cost Not to Exceed \$100,000 Utilizing Measure B and Measure BB Funds, and to Authorize Appropriation of \$100,000 in Funding from the Special Grant Fund Reserves to the Paratransit Operating Accounts for Fiscal Year 2020-21.

**Received and Filed on the Consent Calendar.**

[20-257](#)

RESOLUTION of the City Council of the City of San Leandro to Authorize the City Manager to approve a Non-Professional Services Agreement with GoGo Technologies, Inc. for Fiscal Year 2020-21 for a Not-to-Exceed Amount of \$100,000 utilizing Measure B and Measure BB funds, and to Authorize Appropriation of \$100,000 in Funding from the Special Grant Fund Reserves to the Paratransit Operating Accounts for Fiscal Year 2020-21.

**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-066

8.L. [20-217](#)

Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Execute an Asset Transfer Agreement Between the City of San Leandro and the East Bay Dischargers Authority

**Received and Filed on the Consent Calendar.**

[20-222](#)

RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Execute an Asset Transfer Agreement Between the City and the East Bay Dischargers Authority

**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-067

Item 8.M. was removed from the Consent Calendar to Item 9, Items Removed From Consent Calendar

8.N. [20-260](#)

RESOLUTION of the City of San Leandro City Council Extending the Ratification of a Proclamation of Local Emergency and State of Emergency by the City's Director of Emergency Services Pursuant to California Government Code Section 8630 and Public Contract Code Section 22050(c) because of the COVID-19 Pandemic

**Adopted on the Consent Calendar.**

Enactment No: Reso 2020-068

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.I. [20-243](#) Staff Report for a City of San Leandro City Council Resolution to Approve a Consulting Services Agreement with Nelson Nygaard Consulting Associates for the Period of July 1, 2020 through June 30, 2021
- Received and Filed.**
- [20-244](#) RESOLUTION of the City of San Leandro City Council to Approve a Consulting Services Agreement with Nelson Nygaard Consulting Associates for the period of July 1, 2020 through June 30, 2021
- A motion was made by Councilmember Ballew, seconded by Councilmember Lee, that this Resolution be Adopted. The motion carried by the following vote.**
- Aye:** 7 - Aguilar, Ballew, Cox, Hernandez, Lee, Lopez, Cutter
- Enactment No: Reso 2020-069
- 8.J. [20-255](#) Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Execute a Non-Professional Services Agreement between the City of San Leandro and MV Transportation for an Amount Not to Exceed \$924,722.58 for provision of Paratransit Transportation Services in Fiscal Years 2020-21 and 2021-22, and to Authorize Appropriation of Additional Funding from the Special Grant Fund Reserves to the Paratransit Operating Accounts of \$180,130 for Fiscal Year 2020-21
- Received and Filed.**
- [20-254](#) RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Execute a Non-Professional Services Agreement between the City of San Leandro and MV Transportation for \$924,722.58 for provision of Paratransit Transportation Services in Fiscal Years 2020-21 and 2021-22 and to Authorize Appropriation of Additional Funding from the Special Grant Fund Reserves to the Paratransit Operating Accounts of \$180,130 for Fiscal Year 2020-21.
- A motion was made by Councilmember Ballew, seconded by Councilmember Lee, that this Resolution be Adopted. The motion carried by the following vote.**
- Aye:** 7 - Aguilar, Ballew, Cox, Hernandez, Lee, Lopez, Cutter
- Enactment No: Reso 2020-070
- 8.M. [20-238](#) Staff Report for a City of San Leandro City Council Resolution to Approve and Authorize the City Manager to Purchase Two- 2020 Model Year Ford Super Duty F-350 XL 2WD Regular Cabs from National Auto Fleet Group at a Price of \$53,700.16 and \$58,816.68; to Purchase One Effer Model 175/5S Articulating Crane Truck with Altec Industries, Inc. for \$205,925.00; and to Purchase One 2021 Model Year International MV607 SBA Chassis with Peterson Trucks, Inc. for \$134,800.79, all

Four of Which Will Be Purchased Through Sourcewell, a Cooperative Contract Purchasing Agency; and to Appropriate \$237,948.64 from the Equipment Repair and Maintenance Internal Service Fund Balance to the Vehicle Replacement Fund

**Received and Filed.**

[20-240](#)

RESOLUTION of the City of San Leandro City Council to Approve and Authorize the City Manager to Purchase Two- 2020 Model Year Ford Super Duty F-350 XL 2WD Regular Cabs with National Auto Fleet Group for \$53,700.16 and \$58,816.68; to Purchase One- Effer Model 175/5S Articulating Crane Truck with Altec Industries, Inc. for \$205,925.00; and to Purchase One- 2021 Model Year International MV607 SBA Chassis with Peterson Trucks, Inc. for \$134,800.79; all Four of Which Will Be Purchased Through Sourcewell, a Cooperative Contract Purchasing Agency and to Appropriate \$237,948.64 from the Equipment Repair and Maintenance Internal Service Fund Balance to the Vehicle Replacement Fund

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

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

Enactment No: Reso 2020-071

## 10. ACTION ITEMS

10.A. [20-251](#)

Update from the Alameda County Fire Department Regarding the Timothy Drive Fire and Staff Report for City Council Discussion and Direction Regarding City of San Leandro's Type 7 Cannabis Product Manufacturing Regulations

**Received and Filed.**

10.B. [20-135](#)

Discussion of City's Response to COVID-19

**Presented.**

## 11. REPORT ON CLOSED SESSION ACTIONS TAKEN

*City Attorney Richard Pio Roda reported out on Closed Session Items for June 02, 2020, no reportable action taken, direction was given to staff.*

*Mr. Pio Roda reported out on Closed Session Items for June 09, 2020, no reportable action taken, direction was given to staff.*

*Mr. Pio Roda reported out on Closed Session Items for June 15, 2020 and actions taken.*

## 12. CITY COUNCIL REPORTS

*City Councilmembers reported on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting.*

**13. CITY COUNCIL CALENDAR AND ANNOUNCEMENTS**

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

*None.*

**15. ADJOURN**

*The meeting was adjourned at 3:05 a.m., Tuesday, June 16, 2020.*

**RESPECTFULLY SUBMITTED:**

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**LETICIA I. MIGUEL**  
**City Clerk of the City of San Leandro**