



City of San Leandro

Meeting Date: September 8, 2020

Minutes

File Number: 20-359

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.A.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Liz Warmerdam
Assistant City Manager

FINANCE REVIEW: Not Applicable

TITLE: Minutes of the City Council Meeting of July 20, 2020



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

Monday, July 20, 2020

6:00 PM

Access the meeting remotely by using this URL

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

Special Meeting

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 6:02 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

Updates to the agenda packet for pages 165, 169, 175, 205, and 299, the name for the Finance Director will be updated.

Under Item 5. Public Hearings, Item 5.B., Resolution File number 20-350 was added to the packet.

RESOLUTION of the City of San Leandro City Council Overruling Protests to the Imposition of Liens for Delinquent Accounts of Monies Owed to the City of San Leandro (2020 Business License Tax, Solid Waste Service Charges, Certified Unified Program Agency (CUPA) Fees, Code Compliance Administrative Penalties and Charges, and Planning Permits).

Under Item 8. Consent Calendar, Item 8.M, the file was updated to include the signed Declaration 2020-002.

2. RECOGNITIONS

None.

3. PUBLIC COMMENTS

There were approximately 15 public speakers.

Public Comments were made by the following individuals:

Bob Bailey, Celina Reynes, Joe Baulm, Douglas Spalding, Maureen Forney, Leo T. West, Mitch Huitema, Patty Breslin, Mike Katz-Lacabe, Pam Wall, Natasha Fernandez, Whitney Walker, Mary Tieh, Sarah McFall Bailey, and Kaitlin.

4. PRESENTATIONS

- 4.A. [20-316](#) Capitol Corridor Joint Powers Authority (CCJPA) presentation on the Capitol Corridor South Bay Connect Project and the Notice of Preparation (NOP)

Public Comments were received by Richard Brendon, Fred Simon, Lawrence, and Jaime.

Presented.

5. PUBLIC HEARINGS

- 5.A. [20-326](#) Staff Report for Two City of San Leandro City Council Resolutions Approving the Submittal of a Response to the State of California Housing and Community Development Department Permanent Local Housing Allocation Program Notice of Funding Availability (NOFA) including the City of San Leandro Five Year "302(c)(4)" Plan and; an Update of the City's Share of 2016 Alameda County A-1 Housing Bond Funds

Public Comments were received by Douglas Spalding, Jaime, Lawrence, and Mitch Huitema.

Received and Filed.

- [20-327](#) City of San Leandro City Council RESOLUTION Authorizing the City Manager to Apply for, Receive, if Awarded a PLHA grant, and Execute a Standard Agreement with the State of California, Department of Housing and Community Development for funding from the Permanent Local Housing Allocation Program.

A motion was made by Vice Mayor Ballew, 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 2020-086

[20-328](#)

RESOLUTION of the City Council of the City of San Leandro Authorizing and Adopting the 302(c)(4) Plan for the Permanent Local Housing Allocation Program for Funding Allocation Years 2019-2023

A motion was made by Vice Mayor Ballew, 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 2020-087

5.B. [20-330](#)

Staff Report for City of San Leandro City Council Approval of Resolutions Regarding the Matter of Imposing Liens for Non-payment of Delinquent 2020 Business License Tax, Solid Waste Service Charges, Certified Unified Program Agency Fees, Code Compliance Administrative Penalties and Charges.

Public Comments were received by Richard Brendon and Emily Grego.

Received and Filed.

[20-332](#)

RESOLUTION of the City of San Leandro City Council to Impose Liens for Non-Payment of Delinquent 2020 Business License Tax, Solid Waste Service Charges, Certified Unified Program Agency (CUPA) Fees, Code Compliance Administrative Penalties and Charges, and Planning Permit Fees.

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

Aye: 6 - Aguilar, Ballew, Cox, Hernandez, Lopez, Cutter

Recused: 1 - Lee

Enactment No: Reso 2020-088

[20-350](#)

RESOLUTION of the City of San Leandro City Council Overruling Protests to the Imposition of Liens for Delinquent Accounts of Monies Owed to the City of San Leandro (2020 Business License Tax, Solid Waste Service Charges, Certified Unified Program Agency (CUPA) Fees, Code Compliance Administrative Penalties and Charges, and Planning Permits)

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

Aye: 6 - Aguilar, Ballew, Cox, Hernandez, Lopez, Cutter

Recused: 1 - Lee

Enactment No: Reso 2020-089

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

None.

7. AMENDMENT OF CONSENT CALENDAR

Item 8.N. was 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 Lopez, seconded by Councilmember Aguilar, to Approve the Consent Calendar. The motion carried by the following vote.

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

8.A. [20-306](#)

Minutes of the City Council Meeting of July 06, 2020

Approved as Submitted on the Consent Calendar.

8.B. [20-261](#)

Staff Report for a City of San Leandro City Council Resolution to Approve Tract Map 8513 for 342 Marina Boulevard, Assessor's Parcel Number 075-0082-010-00; Owner, Subdivider and Applicant: Chee Yan Property, Inc.

Received and Filed on the Consent Calendar.

[20-262](#)

RESOLUTION of the City of San Leandro City Council to Approve Tract Map 8513 for 342 Marina Boulevard, Assessor's Parcel Number 075-0082-010-00; Owner, Subdivider and Applicant: Chee Yan Property, Inc.

Adopted on the Consent Calendar.

Enactment No: Reso 2020-090

8.C. [20-270](#)

Staff Report for a City of San Leandro City Council Resolution to Approve Amendment No. 1 for each of the Existing Consultant Services Agreements with DKS Associates, Fehr & Peers, and W-Trans for On-Call Transportation Engineering Consulting Services in an Amount Not-to-Exceed \$200,000 for Two Years per Agreement, for a Total of \$600,000 for All Three Agreements

Received and Filed on the Consent Calendar.

[20-271](#)

Resolution of the City of San Leandro City Council to Approve

Amendment No. 1 for each of the Existing Consultant Services Agreements with DKS Associates, Fehr & Peers, and W-Trans for On-Call Transportation Engineering Consulting Services (Provides for Amending Three Agreements in an Amount Not-to-Exceed \$200,000 for Two Years per Agreement, for a Total of \$600,000 for All Three Agreements)

Adopted on the Consent Calendar.

Enactment No: Reso 2020-091

8.D. [20-300](#)

Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Execute Program Supplement Agreement No. U30 with the State of California to Provide \$72,000 in State Funds and Obligate the City to \$8,000 for Matching Funds for the Development of a Local Road Safety Plan and to Appropriate \$72,000 from Grant Funds and \$8,000 from Development Fees for Street Improvements Fund Balance for the Total Project Budget of \$88,000 in Fiscal Year 2020-21

Received and Filed on the Consent Calendar.

[20-301](#)

RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Execute Program Supplement Agreement No. U30 with the State of California to Provide \$72,000 in State Funds and Obligate the City to \$8,000 for Matching Funds for the Development of a Local Road Safety Plan and to Appropriate \$72,000 from Grant Funds and \$16,000 from Development Fees for Street Improvements Fund Balance (provides for the acceptance of a State grant to prepare a Local Road Safety Plan to improve traffic safety and appropriate project funds for a total project cost of \$88,000 in Fiscal Year 2020-21)

Adopted on the Consent Calendar.

Enactment No: Reso 2020-092

8.E. [20-320](#)

Staff Report for a City of San Leandro City Council Resolution to Increase the Contract Change Order Cap Authorization from 13% to 20% (from \$1,321,300 to \$2,032,769; an Increase of \$711,469) for the Original Construction Contract Amount of \$10,163,845 with DeSilva Gates Construction, LP.; and to Appropriate \$364,960 from the Measure B Fund Balance for the Annual Overlay/Rehabilitation 2017-2018, Project No. 2018.0050

Received and Filed on the Consent Calendar.

[20-321](#)

Resolution of the City of San Leandro City Council to Increase the Contract Change Order Cap Authorization from 13% to 20% (from \$1,321,300 to \$2,032,769; an Increase of \$711,469) for the Original Construction Contract Amount of \$10,163,845 with DeSilva Gates

Construction, L.P.; and to Appropriate \$364,960 from the Measure B Fund Balance for the Annual Overlay/Rehabilitation 2017-2018, Project No. 2018.0050 (provides for increasing the change order cap and appropriating funds from the Measure B Local Streets and Roads funds balance for the increased scope of work)

Adopted on the Consent Calendar.

Enactment No: Reso 2020-093

8.F. [20-277](#)

Staff Report for a City of San Leandro City Council Resolution Authorizing the City Manager to Enter into a Two-Year Non-Professional Services Agreement with the Option for Three One-Year Extensions Between the City of San Leandro and David Sams for Management of the City's Contract with American Golf Corporation for an Annual Amount of \$48,000 and to Appropriate \$24,000 from the Shoreline/Golf Undesignated Fund Balance to Account 597-56-001

Received and Filed on the Consent Calendar.

[20-278](#)

RESOLUTION of the City of San Leandro City Council Authorizing the City Manager to Enter into a Two-Year Non-Professional Services Agreement with the Option for Three One-Year Extensions Between the City of San Leandro and David Sams for Management of the City's Contract with American Golf Corporation for an Annual Amount of \$48,000 and to Appropriate \$24,000 from the Shoreline/Golf Undesignated Fund Balance to Account 597-56-001

Adopted on the Consent Calendar.

Enactment No: Reso 2020-094

8.G. [20-329](#)

Staff Report for a City of San Leandro City Council Resolution to Approve and Authorize the City Manager to Execute Amendment No. 2 to the Non-Professional Services Agreement with Flagship Facility Services, Inc. for Citywide Janitorial Services for \$753,888.60 Plus an Amount Not to Exceed \$19,269.60 for Additional Unscheduled Services for Fiscal Year 2020-2021 and to Approve an Appropriation of \$95,612.20 from the Building Maintenance Fund Unrestricted Fund Balance

Received and Filed on the Consent Calendar.

[20-333](#)

RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Execute Amendment No. 2 to the Non-Professional Services Agreement with Flagship Facility Services, Inc. for Citywide Janitorial Services for an Amount Not to Exceed \$753,888.60 Plus \$19,269.60 for Additional Unscheduled Services for Fiscal Year 2020-2021 and Approve an Appropriation of \$95,612.20 from the Building Maintenance Fund Unrestricted Fund Balance

Adopted on the Consent Calendar.

Enactment No: Reso 2020-095

8.H. [20-272](#)

Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Execute a Consulting Services Agreement for \$358,491.04 with Invengo Technology Corp for a Radio Frequency Identification (RFID) System to Manage the Circulation of Library Materials

Received and Filed on the Consent Calendar.**[20-276](#)**

RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Execute a 5 Year Consulting Services Agreement with Invengo Technology Corp to Install and Configure a New Radio Frequency Identification System for Inventory Control and Security of the Library's Collection for a Not to Exceed Amount of \$358,491.04 in Fiscal Year 2020-21 and then \$26,234 Annually Through Fiscal Year 2024-25.

Adopted on the Consent Calendar.

Enactment No: Reso 2020-096

8.I. [20-225](#)

Staff Report for a City of San Leandro City Council Resolution Approving the City of San Leandro's Investment Policy Statement for 2020-2021

Received and Filed on the Consent Calendar.**[20-226](#)**

RESOLUTION of the City of San Leandro City Council Approving the City of San Leandro's Investment Policy Statement for Fiscal Year 2020-2021 (provides for annual review and approval of the City's Investment Policy Statement as required by California Government Code Section 53600 et seq., and Section VIII of the San Leandro Investment Policy)

Adopted on the Consent Calendar.

Enactment No: Reso 2020-097

8.J. [20-309](#)

Staff Report for the City of San Leandro City Council Resolution Approval of the Annual Renewals for Fiscal Years 2020-21, 2021-22, and 2022-23 with Granicus for Software and Support of the Legistar System, Website, and More for the Combined Amount of \$165,172.31 (Approves One Annual Renewal of \$61,717.65 in Fiscal Year 2020-21; One Annual Renewal of \$49,978.10 in Fiscal Year 2021-22; and One Annual Renewal of \$53,476.56 in Fiscal Year 2022-23)

Received and Filed on the Consent Calendar.**[20-310](#)**

RESOLUTION of the City of San Leandro City Council to Approve Annual Renewals for Fiscal Years 2020-21, 2021-22, and 2022-23 with Granicus for Software and Support of the Legistar System, Website, and

More for the Combined Amount of \$165,172.31 (Approves One Annual Renewal of \$61,717.65 in Fiscal Year 2020-21; One Annual Renewal of \$49,978.10 in Fiscal Year 2021-22; and One Annual Renewal of \$53,476.56 in Fiscal Year 2022-23)

Adopted on the Consent Calendar.

Enactment No: Reso 2020-098

8.K. [20-331](#)

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 2020-099

8.L. [20-335](#)

Staff Report for a City of San Leandro City Council Resolution Approving and Authorizing the Continued Participation of the City of San Leandro in the Alameda County HOME Consortium for HOME Funds and Authorizing the City Manager to Execute the Necessary Documents to Maintain the Eligibility of the Consortium for HOME Program Funds in Accordance with the National Affordable Housing Act of 1990 (for the Federal Fiscal Years 2021-2023)

Received and Filed on the Consent Calendar.

[20-336](#)

RESOLUTION of the City of San Leandro City Council Authorizing the Continued Participation of the City of San Leandro in the Alameda County HOME Consortium for HOME Funds and Authorizing Execution of the Necessary Documents to Maintain the Eligibility of the Consortium for HOME Program Funds in Accordance with the National Affordable Housing Act of 1990 (for Federal Fiscal Years 2021-2023)

Adopted on the Consent Calendar.

Enactment No: Reso 2020-100

8.M. [20-337](#)

Staff Report for a City of San Leandro City Council Resolution Confirming the Declaration of the Director of Emergency Services of the City of San Leandro Establishing a Temporary Limit of 15% on Fees Charged by Third Party Food Delivery Companies to Support Restaurants in San Leandro During the COVID-19 Pandemic

Received and Filed on the Consent Calendar.

[20-341](#)

RESOLUTION of the City of San Leandro City Council Confirming the Declaration of the Director of Emergency Services of the City of San Leandro Establishing a Temporary Limit of 15% on Fees Charged by

Third Party Food Delivery Companies to Support Restaurants in San Leandro During the COVID-19 Pandemic

Adopted on the Consent Calendar.

Enactment No: Reso 2020-101

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

- 8.O. [20-342](#) MOTION Confirming the City Council recess during the month of August due to lack of quorum for regular City Council meetings on August 3 and 17.

Adopted on the Consent Calendar.

Enactment No: Min Order 2020-008

9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.N. [20-340](#) City of San Leandro City Council RESOLUTION Authorizing Community Members to Paint "Black Lives Matter" Along a Portion of the Parrott Street Public Right-of-Way in Downtown San Leandro and Directing City Staff to Assist the Community in Completing Said Work in Compliance with Relevant Safety Standards

There were approximately 12 public speakers.

Public Comments were made by the following individuals:

Emily Grego, Celina Reynes, Missy Brooks, Richard Brendon, Mike Katz-Lacabe, Natasha Fernandez, George Draper, Douglas Spalding, Zachary Borja, Addie Kitchen, Martina McCormick, and Laura Bloomball.

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

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

Enactment No: Reso 2020-102

10. ACTION ITEMS

- 10.A. [20-334](#) Staff Report for City Council Consideration and Possible Action to Place a Measure on the November 2020 Ballot Requesting Voter Authorization to Increase the Real Property Transfer Tax by \$5 per \$1,000 in valuation

There were approximately 8 public speakers.

Public Comments were made by the following individuals:

Douglas Spalding, Tina Hand, Cynthia Chandler, Mike Katz-Lacabe, Celina Reynes, Sabrina, Jim Prola, Pam Wall

Received and Filed.[20-339](#)

ORDINANCE of the City of San Leandro Amending Section 2-3-105 of the San Leandro Municipal Code Relating to the Real Property Transfer Tax.

A motion was made by Councilmember Hernandez, seconded by Councilmember Lopez, that this Ordinance be Passed to Print. The motion carried by the following vote.

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

Enactment No: Ordinance 2020-008

[20-338](#)

RESOLUTION of the San Leandro City Council Calling a Municipal Election in the City of San Leandro for the Purpose of Submitting to the Voters a Measure Relating to an Increase in the Existing Real Property Transfer Tax; Setting Forth the Statement of the Measure to be Voted Upon; Fixing the Date and Manner of Holding the Election; and Requesting the Board of Supervisors of Alameda County to Provide for the Consolidation of the Municipal Election with the General Election to be Held on November 3, 2020, and to Provide Election Services.

A motion was made by Councilmember Hernandez, 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 2020-103

-A motion was made by Vice Mayor Ballew, seconded by Councilmember Lee, to adjourn the meeting to Tuesday, July 21, 2020.

Roll call was taken as follows:

Aye: Cox, Ballew, Hernandez, Lee, Lopez, Mayor Cutter

Nay: Aguilar

Absent: None

Abstain: None

Item 10.B., 11, 12, 13, 14 were not heard and adjourned to the Adjourned Meeting of Tuesday, July 21, 2020.

15. ADJOURN

*The meeting was adjourned at 11:48 p.m.
In memory of Lydia Rodriguez*

RESPECTFULLY SUBMITTED:

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