



City of San Leandro

Meeting Date: October 5, 2020

Minutes

File Number: 20-419

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 September 8, 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

Tuesday, September 8, 2020

7:00 PM

Access the meeting remotely by using this URL

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

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 7:01 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

An announcement was made that interpretation services in Cantonese was available for this meeting.

Mayor Cutter announced a third party private investigation has been launched in the Steven Taylor investigation.

2. RECOGNITIONS

2.A. [20-365](#)

Proclamation Declaring the Week of September 17-23, 2020 as Constitution Week

Presented.

2.B. [20-399](#)

Proclamation Declaring the Month of September 2020 as National

Preparedness Month

Presented.

3. PUBLIC COMMENTS

There were approximately 19 public speakers.

Comments were made by the following individuals:

Victor Krevo Cheza, Stephen Michael Tow, Selina Mc Manus, Mei, Joel Baum, Mary Tieh, Melissa DiTano, Jazylyn Magat, Douglas Spalding, Zaynah Islam, Jenna Hewitt King, Erica Viray Santos, Mike Katz-Lacabe, Jaliyah Cornelious, Zeke Markham, Celina Reynes, Rigo, and Addrielle Berrera

Public Comment was closed and re-opened following Item 11.

4. PRESENTATIONS

- 4.A. [20-395](#) Presentation by the Alameda County Registrar of Voters for updates on the November 3, 2020 Election

Public Comment was received from Jenna Hewitt King.

Presented.

- 4.B. [20-396](#) Report on the Library Resources for Remote (COVID-19 related) Student Learning

Public Comment was received from Katie Eagan.

Presented.

5. PUBLIC HEARINGS

- 5.A [20-049](#) Staff Report for a City of San Leandro City Council Consideration of a General Plan Map Amendment, Zoning Map Amendment, Planned Development, Site Plan Review, and Tentative Map to allow for a 39-unit, three-story residential townhome development on a 2.3 acre site at 903 Manor Boulevard; General Plan Map Amendment from CN Neighborhood Commercial to CG General Commercial and Zoning Map Amendment from CC Commercial Community to CC(PD) Commercial Community Planned Development Overlay District; Alameda County Assessor's Parcel Number 080H-1541-036-00; ERC SC, LLC (applicant/property owner); PLN19-0037.

Mayor Cutter opened the public testimony portion of the public hearing at approximately 10:47 p.m.

There were approximately 27 public speakers.

Comments were made by the following individuals:

Kit Wu, Basil Wong, Anthony Tejada, Ken Akerly, Karen Kline, Ms.Ma, Shao, Kathy Y,

Stella Ng, Jennifer Wilson, Wenjie Xigo, Emily Griego, Martina McCormick, Kathy, Alison D, Fred Simon, Lawrence, Stanley O'Young, Ellen, Kevin, Otto Catrina, Pam, Carol Cole, Brandon Cheng, Christopher Bammer, Gordon Galvan, Matt Turner

The public testimony portion of the public hearing was closed at approximately 11:52 p.m.

Received and Filed.

[20-354](#)

RESOLUTION of the City of San Leandro City Council Adopting an Initial Study - Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for PLN19-0037, General Plan Map Amendment, Zoning Map Amendment, Planned Development, Site Plan Review, and Tentative Map at 903 Manor Boulevard (Assessor's Parcel Number 080H-1541-036-00).

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

Aye: 5 - Ballew, Cox, Hernandez, Lee, Cutter

Nay: 2 - Aguilar, Lopez

Enactment No: Reso 2020-105

[20-355](#)

RESOLUTION of the City of San Leandro City Council approving a General Plan Map Amendment for 903 Manor Boulevard, the subject property, from CN Neighborhood Commercial to CG General Commercial. Alameda County Assessor's Parcel Number 080H-1541-036-00 (PLN19-0037).

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

Aye: 5 - Ballew, Cox, Hernandez, Lee, Cutter

Nay: 2 - Aguilar, Lopez

Enactment No: Reso 2020-106

[20-357](#)

RESOLUTION of the City of San Leandro City Council approving a Planned Development and Site Plan Review for PLN19-0037 at 903 Manor Boulevard (Assessor's Parcel Number 080H-1541-036-00).

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

Aye: 5 - Ballew, Cox, Hernandez, Lee, Cutter

Nay: 2 - Aguilar, Lopez

Enactment No: Reso 2020-107

[20-358](#)

RESOLUTION of the City of San Leandro City Council approving a Vesting Tentative Tract Map for Condominium Purposes for a 39-Unit

condominium with seven lettered lots on a 2.3 acre parcel located at 903 Manor Boulevard (PLN19-0037).

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

Aye: 5 - Ballew, Cox, Hernandez, Lee, Cutter

Nay: 2 - Aguilar, Lopez

Enactment No: Reso 2020-108

[20-356](#)

ORDINANCE of the City of San Leandro City Council approving a Zoning Map Amendment for a Planned Development at 903 Manor Boulevard, from CC Commercial Community to CC(PD) Commercial Community Planned Development Overlay District. Alameda County Assessor's Parcel Number 080H-1541-036-00 (PLN19-0037).

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

Aye: 5 - Ballew, Cox, Hernandez, Lee, Cutter

Nay: 2 - Aguilar, Lopez

Enactment No: Ordinance 2020-009

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

None.

Public Comment was received from Douglas Spalding.

7. AMENDMENT OF CONSENT CALENDAR

Items 8.E., 8.G., 8.J., 8.L., and 8.M. 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 Aguilar, seconded by Councilmember Lopez, to Approve the Consent Calendar. The motion carried by the following vote.

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

8.A. [20-359](#)

Minutes of the City Council Meeting of July 20, 2020

Approved as Submitted on the Consent Calendar.

- 8.B. [20-360](#) Minutes of the City Council Adjourned Meeting of July 21, 2020
Approved as Submitted on the Consent Calendar.
- 8.C. [20-361](#) Minutes of the Rules Committee Meeting of June 24, 2020
Approved as Submitted on the Consent Calendar.
- 8.D. [20-362](#) Minutes of the Rules Committee Meeting of July 22, 2020
Approved as Submitted on the Consent Calendar.
- 8.F. [20-318](#) Staff Report for City of San Leandro City Council Resolution to Approve a Consulting Services Agreement with Ethosoft, Inc. for an Amount Not to Exceed \$54,305 for the Installation and Configuration and First Year of Service of a Laboratory Information Management System; to Authorize Cumulative Agreement Amendments up to 10% (\$5,430); and Approve Appropriation of Funds from the Water Pollution Control Plant Fund Balance Reserves of \$43,065
Received and Filed on the Consent Calendar.
- [20-319](#) RESOLUTION of the City of San Leandro City Council to Approve a Consulting Services Agreement with Ethosoft, Inc. for the Installation and Configuration of a Laboratory Information Management System for an Amount not to Exceed \$54,305; to Authorize Individual Agreement Amendments up to 10% (\$5,430); and to Approve Appropriation of Funds from the Water Pollution Control Plant Fund Balance Reserves of \$43,065
Adopted on the Consent Calendar.
Enactment No: Reso 2020-109
- 8.H. [20-374](#) Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Execute Agreements with the California Department of Transportation and to Approve the Receipt of Grant Funding from the Fiscal Year 2020-2021 Sustainable Transportation Planning Grant Program for the Crosstown Class IV Corridors Study
Received and Filed on the Consent Calendar.
- [20-375](#) RESOLUTION of the City of San Leandro City Council to Approve the Receipt of and Authorize the City Manager to Execute Agreements with the California Department of Transportation to Receive Grant Funding from the Fiscal Year 2020-2021 Sustainable Transportation Planning Grant Program for the Crosstown Class IV Corridors Study (provides for City Council approval to receive a Caltrans Sustainable Transportation Planning Grant and authorize the City Manager to execute necessary agreements for the Crosstown Class IV Corridors Study)

Adopted on the Consent Calendar.

Enactment No: Reso 2020-110

8.I. [20-381](#)

Staff Report for a City of San Leandro City Council Resolution to Approve and Authorize the City Manager to Purchase One Cimline Crack-Sealer from Cimline Pavement Maintenance Group-Duraco/Cimline for \$61,531 Through HGACBuy, a Cooperative Contract Purchasing Agency; and to Appropriate \$25,914 from the Equipment Repair and Maintenance Fund Balance to the Equipment Repair and Maintenance Fund Account 690-16-002-7510; and to Authorize a Budget Transfer Out in the Amount of \$35,617 from the Gas Tax-RMRA Operating Account (Fund 140) and Transfer In to the Equipment Repair and Maintenance Operating Account (Fund 690)

Received and Filed on the Consent Calendar.**[20-382](#)**

City of San Leandro City Council RESOLUTION to Approve and Authorize the City Manager to Purchase One Cimline Crack-Sealer from Cimline Pavement Maintenance Group-Duraco/Cimline for \$61,531 Through HGACBuy, a Cooperative Contract Purchasing Agency; and to Appropriate \$25,914 from the Equipment Repair and Maintenance Fund Balance to the Equipment Repair and Maintenance Fund Account 690-16-002-7510; and to Authorize a Budget Transfer Out in the Amount of \$35,617 from the Gas Tax-RMRA Operating Account (Fund 140) and Transfer In to the Equipment Repair and Maintenance Operating Account (Fund 690)

Adopted on the Consent Calendar.

Enactment No: Reso 2020-111

8.K. [20-383](#)

Staff Report for a City of San Leandro City Council Resolution Approving the Investment Report for the Quarter Ended June 30, 2020

Received and Filed on the Consent Calendar.**[20-384](#)**

RESOLUTION of the City of San Leandro City Council Accepting the City Council Investment Report for the Quarter Ended June 30, 2020

Adopted on the Consent Calendar.

Enactment No: Reso 2020-112

8.N. [20-405](#)

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 2020-113

9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.G. [20-369](#) Staff Report for a City of San Leandro City Council Resolution to Accept an \$8,700 grant from the American Association of Retired People for a Virtual Design Charrette of a Proposed Community Garden by Bancroft Middle School and Appropriation Approval of Grant Funds to Account 150-18-102-5890

Received and Filed.

[20-368](#) RESOLUTION of the City of San Leandro City Council to Accept Grant Funds of \$8,700 from the American Association of Retired People for the Virtual Design Charrette of a Proposed Community Garden by Bancroft Middle School and Appropriation Approval of Grant Funds to Account 150-18-102-5890

A motion was made by Councilmember Cox, 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 2020-114

- 8.E. [20-026](#) Staff Report for a City of San Leandro City Council Resolution to Increase the Construction Contract Change Order Cap Authorization from 25% to 90% (from \$20,605 to \$74,178; an increase of \$53,573) to the Original Construction Contract Amount of \$82,420 with Pacific Underground Services for the Heron Bay Levee Maintenance Project, Project No. 2006.0111; to approve an Individual Change Order of \$43,262 or 53% of the Original Construction Contract Amount of \$82,420; and to Authorize Appropriation of an Additional \$45,000 from the Heron Bay Maintenance Assessment District Fund Balance for the Project 147-42-150-5240 in Fiscal Year 2020-2021, for a Total Vendor Contract Amount of \$125,682 and a Total Cost of \$156,598 including Additional Authorized Change Orders.

Received and Filed.

[20-027](#) RESOLUTION of the City of San Leandro City Council to Increase the Construction Contract Change Order Cap Authorization from 25% to 90% (from \$20,605 to \$74,178; an increase of \$53,573) to the Original Construction Contract Amount of \$82,420 with Pacific Underground Services; to Approve an Individual Change Order of \$43,262 or 53% of the Original Construction Contract Amount of \$82,420 for the Heron Bay Levee Maintenance Project, Project No. 2006.0111; and to Authorize

Appropriation of an Additional \$45,000 from the Heron Bay Maintenance Assessment District Fund Balance for the Project 147-42-150-5240 in Fiscal Year 2020-2021. (Provides for additional work for compliance with mitigation requirements of regulatory agency for the Heron Bay Levee Project)

A motion was made by Councilmember Cox, seconded by Councilmember Ballew, 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 2020-115

8.J. [20-372](#)

Staff Report for a City of San Leandro City Council Resolution to Approve and Authorize the City Manager to execute a Memorandum of Understanding with the City of Hayward to provide dispatch and concierge services to FLEX RIDES On Demand members from July 1, 2019 through September 30, 2020 at a cost of \$81,429.02 utilizing Measure B and Measure BB funds.

Received and Filed.

[20-373](#)

RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to approve a Memorandum of Understanding with the City of Hayward to provide dispatch and concierge services to FLEX RIDES On Demand members for the period of July 1, 2019 through September 30, 2020 for \$81,429.02 utilizing Measure B and Measure BB funds.

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

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

Enactment No: Reso 2020-116

8.L. [20-387](#)

Staff Report for a City of San Leandro City Council Resolution Condemning White Supremacy and White Supremacist Hate Groups, Declaring Support for Classifying the Ku Klux Klan as a Domestic Terrorist Organization, and Reaffirming the City's Commitment to Diversity and Inclusion

Public Comment was received from Douglas Spalding, Celina Reynes, Jenna Hewitt King, and Cynthia Chandler.

Received and Filed.

[20-388](#)

RESOLUTION of the City of San Leandro City Council Condemning White Supremacy and White Supremacist Hate Groups, Declaring Support for Designating the Ku Klux Klan as a Domestic Terrorist Organization, and Reaffirming the City's Commitment to Diversity and

Inclusion

A motion was made by Councilmember Aguilar, 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 2020-117

-A motion was made by Councilmember Lee, seconded by Councilmember Aguilar, to re-consider Item 8.M. and removed the item from the Consent Calendar to Item 9, Items Removed from Consent Calendar

Roll call was taken as follows:

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

Nay: None

Absent: None

Abstain: None

8.M. [20-389](#)

Staff Report for a City of San Leandro City Council Ordinance to Add Chapter 6-10 to Title 6 of the San Leandro Municipal Code Relating to Standing or Sitting on Traffic Medians or near Curbs

Public Comment was received from Mike Katz-Lacabe and Cynthia Chandler.

Received and Filed.

[20-390](#)

ORDINANCE of the City of San Leandro City Council to Add Chapter 6-10 to Title 6 of the San Leandro Municipal Code Relating to Standing or Sitting on Traffic Medians or near Curbs.

A motion was made by Councilmember Lee, seconded by Councilmember Lopez, that this Ordinance be Tabled. The motion carried by the following vote.

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

10. ACTION ITEMS

RESOLUTION Designating the Voting Delegate and Alternate(s) for the League of California Cities 2020 Annual Conference (provides for discussion and designation of a voting delegate and alternate voting delegate[s])

10.A. [20-394](#)

A motion was made by Mayor Cutter, 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 2020-118

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

City Attorney Richard Pio Roda reported out on Closed Session Items for Tuesday, September 8, 2020.

3. PUBLIC COMMENTS (re-opened)

Public Comment was received from Pam W.

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

None.

14. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

-A motion was made by Vice Mayor Ballew, seconded by Mayor Cutter, to schedule on the next available Rules Committee agenda a discussion for naming the existing Police Administration Building in honor of Robert Maginnis

Roll call was taken as follows:

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

Nay: None

Absent: None

Abstain: None

-A motion was made by Councilmember Lopez, seconded by Councilmember Aguilar, to schedule on the next available City Council agenda a Resolution supporting Proposition 15, otherwise known as the "The California Schools and Local Communities Funding Act of 2020".

Roll call was taken as follows:

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

Nay: None

Absent: None

Abstain: None

15. ADJOURN

The meeting was adjourned at 1:59 a.m., Wednesday, September 9, 2020. In memory of Charles Gilcrest and Paul Freedman.

RESPECTFULLY SUBMITTED:

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

