



City of San Leandro

Meeting Date: April 5, 2021

Staff Report

File Number: 21-196

Agenda Section: ACTION ITEMS

Agenda Number: 10.A.

TO: City Council

FROM: Fran Robustelli
Interim City Manager

BY: Liz Warmerdam
Assistant City Manager

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for the City of San Leandro City Council to Approve an Ordinance Amending the San Leandro Municipal Code and a Resolution to amend the San Leandro Administrative Code and the City Council Handbook to Create Efficiencies at City Council Meetings

SUMMARY AND RECOMMENDATIONS

Pursuant to the City Council's discussion of City Council meeting efficiencies at its 2021 annual planning retreat on February 6, 2021, staff recommends that the City Council review and approve the following:

1. Approve for first reading an ordinance to amend San Leandro Municipal Code section 1-1-200 to start regular City Council meetings at 6:00 p.m. and end at 10:00 p.m. unless a majority of the City Council votes to continue the meeting past 10:00 p.m.
2. Approve a resolution to amend the San Leandro Administrative Code and the City Council Handbook as follows:
 - a. Unless otherwise arranged, adjourned meetings shall be to the following day after the original Council meeting, at a specified time and place.
 - b. City Council policy priorities shall be re-prioritized two times per year.
 - c. A visual timer shall be posted for all presenters, and all City Council Members during their comments.
 - d. During initial clarifying questions from City Council Members after the staff report on an agenda item, the Presiding Officer shall enforce a 3-question limit per City Council Member. Once every Council Member has had a chance to ask 3 questions, the Presiding Officer may at their own discretion allow additional questions from the other

Council members, if needed.

- e. Closed session will begin one hour before the City Council meeting unless otherwise arranged. Action items will be placed first on the agenda.
- f. Written Public Comment must be received no later than 11:59 p.m. on the Sunday immediately prior to the upcoming regularly scheduled City Council meeting to provide the community the opportunity to use the weekend for agenda review. All Public comment submitted by the deadline will be distributed to the City Council no later than 3:00 p. m on the day of the meeting and will be made part of the official record. Written public comment will not be verbally read out loud.

ANALYSIS

1. Amendments to the San Leandro Municipal Code

City of San Leandro Charter Section 315 provides that the Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution. San Leandro Municipal Code section 1-1-200 currently provides that regular meetings of the Council shall be held on the first and third Monday of each month at 7:00 p.m. If any such day is a City holiday, the meeting shall be held on the next business day at 7:00 p.m.

Due to increased volume of business and priorities, and the positive and welcomed increase in public participation, City Council meetings have recently been adjourning later in the evening, and in several instances, the morning of the next day. In order to promote robust discussion, thoughtfulness, and respect for community members' and staff's time and attention, the City Council proposes to amend Municipal Code section 1-1-200 to change the start time for regular City Council meetings from 7:00 p.m. to 6:00 p.m. In addition, meetings shall end at 10:00 p.m. unless a majority of the City Council votes to continue the meeting past 10:00 p.m. This and other changes described below, are intended to provide enough time for the City Council to complete all of its business and to allow for robust public comment and City Council deliberation.

2. Amendments to the San Leandro Administrative Code

By resolution, the City Council proposes to amend the San Leandro Administrative Code as follows:

a. Adjourned Regular Meetings

San Leandro Administrative Code section 1.1.100 provides as follows:

"An adjourned regular meeting ordinarily will be held at 7:00 p.m. on the Monday following the regular meeting which is adjourned."

Staff proposes amendments to this Administrative Code section to establish consistency with the

proposed change to the City Council regular meeting time from 7:00 p.m. to 6:00 p.m., the Brown Act, and the City Council Handbook.

“An adjourned regular meeting can be adjourned to a stated date, time, and place. If no date, time, and place are stated, then the adjourned regular meeting will be held at 6:00 p.m. on the next day following the regular meeting which is adjourned.”

3. Amendments to the City Council Handbook

In response to the City Council’s comments regarding policy prioritization, staff recommends the following amendments to the City Council Handbook:

Section I., “Mayor and City Council,” Council Goals, p. 8

Rename Section, “**Council Goals and Priorities**”

Add the following language at the end of the section:

All City Council items brought forward at City Council meetings under Agenda Item 14. subsequent to a City Council planning retreat shall be re-prioritized by the City Council twice a year.

Section II., “Meetings” pgs. 10-15

Add the following language to the beginning of the Section, **Closed Sessions** (p. 10):

Closed session will begin one hour before the City Council meeting unless otherwise arranged. Action items will be placed first on the closed session agenda. Typically, closed sessions are called to discuss (1) real property negotiations, (2) existing or anticipated litigation, (3) liability claims, (4) labor negotiations, or public employee appointments, (5) evaluations and discipline.

Add the following language to the end of the Section, **Motion to Fix Hour of Adjournment** (p. 14)

Any regular meeting can be adjourned to a stated date, time, and place. If no date, time, and place are stated, then the adjourned regular meeting will be held at 6:00 p.m. on the next day following the regular meeting which is adjourned.

Section IV., “Conflicts, Liability & Decorum,” Decorum and Order - Council Members, pgs. 21-22.

Revised as follows in *italics*:

a) Any Council Member who wants to speak shall address the Chair and, upon recognition

by the Chair, shall confine himself/herself to the question under debate.

b) A Council Member who wants to question a staff member shall address his/her question to the City Manager, City Attorney, or the City Clerk in appropriate cases, who shall be entitled to answer the inquiry himself/herself or to designate some member of the staff for that purpose. *During initial clarifying questions from City Council Members after a staff report, the Presiding Officer shall enforce an initial 3 question limit per City Council Member. Once every Council member has had a chance to ask an initial 3 questions, the Presiding Officer may allow additional questions as needed.*

c) A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.

d) *A visual timer shall be posted for all presenters including City Council Members during their comments.*

e) Any Council Member challenged while speaking, shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks to comply with rules of our Council.

f) Council Members shall accord the utmost courtesy to each other, to City employees and the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

g) Any Council Member may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the Council shall require him/her to so act.

Section VI., “Communications,” Correspondence from the Public, p. 31

Add the following language after the first sentence of the second paragraph:

Written Public Comment must be received no later than 11:59 a.m. the Sunday prior to the Monday City Council meeting, to provide the community the opportunity to use the weekend for agenda review. All written Public Comment submitted by the deadline will be distributed to the City Council no later than 3:00 p.m. on the day of the meeting and will be made part of the official record. Written public comment will not be read aloud.

FINANCIAL IMPACT

There is no anticipated direct fiscal impact to the General Fund associated with adopting these suggested amendments.

ENVIRONMENTAL REVIEW

Adoption of this ordinance is exempt from review under the California Environmental Quality Act: Section 15378 (not a project); and Section 15061(b)(3) (no significant environmental impact).

LEGAL ANALYSIS

The City Attorney drafted the ordinance and resolution to make the amendments to the municipal code, the administrative code and the City Council handbook.

PREPARED BY:

Liz Warmerdam, Assistant City Manager, City Manager's Office



City of San Leandro

Meeting Date: April 5, 2021

Ordinance

File Number: 21-208

Agenda Section: ACTION ITEMS

Agenda Number:

TO: City Council

FROM: Fran Robustelli
Interim City Manager

BY: Liz Warmerdam
Assistant City Manager

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE of the City of San Leandro City Council to Amend City of San Leandro Municipal Code Section 1-1-200 to Change the Start Time for Regular City Council Meetings from 7:00 p.m. to 6:00 p.m. and to Add an End Time of 10:00 p.m.

WHEREAS, during its February 6, 2021 annual planning retreat, the City Council discussed amongst other items, ways and means to make its regular meetings more efficient; and

WHEREAS, because of a marked increase in the volume of City business and policy priorities, coupled with a welcomed increase in public participation in regular City Council meetings, the City Council believes that it is in the best interest of the City to change the start time of its regular meetings from 7:00 p.m. to 6:00 p.m. and to establish an end time of 10:00 p.m. unless extended by a majority of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN LEANDRO DOES ORDAIN as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. AMENDMENT OF CODE. Section 1-1-200 of the San Leandro Municipal Code is amended in its entirety to read as follows:

Regular meetings of the Council shall be held on the first and third Monday of each month at 6:00 p.m. If any such day is a City holiday, the meeting shall be held on the next business day at 6:00 p.m. Regular meetings shall end at 10:00 p.m. unless a majority of the City Council votes in favor of continuing the meeting past 10:00 p.m.

SECTION 3. CEQA. Approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a mere text amendment, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.



City of San Leandro

Meeting Date: April 5, 2021

Resolution - Council

File Number: 21-209

Agenda Section: ACTION ITEMS

Agenda Number:

TO: City Council

FROM: Fran Robustelli
Interim City Manager

BY: Liz Warmerdam
Assistant City Manager

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION of the City of San Leandro City Council to Approve Amendments to the City of San Leandro Administrative Code and to the City Council Handbook to Implement the Ways and Means by Which the City Council Will Promote Greater Efficiency in its City Council Meetings

WHEREAS, during the City Council's February 6, 2021 annual planning retreat, amongst other items, the City Council discussed ways and means by which it could make its regular City Council meetings more efficient.

NOW THEREFORE, the City Council for the City of San Leandro RESOLVES as follows:

1. That City of San Leandro Administrative Code section 1.1.100 shall be amended in its entirety to read as follows:

"An adjourned regular meeting can be adjourned to a stated date, time, and place. If no date, time, and place are stated, then the adjourned regular meeting will be held at 6:00 p.m. on the following day of the regular meeting which is adjourned.

2. That the City Council Handbook shall be amended as follows:

(a) The title, "**Council Goals**," in Section I., "Mayor and City Council," at p. 8 shall be amended to:

"Council Goals and Priorities"

(b) The following language shall be added after the last sentence of the newly titled **Section I., Mayor and City Council, Council Goals and Priorities**, at page 8:

"All City Council items brought forward at City Council meetings under Item 14.

subsequent to a City Council planning retreat shall be re-prioritized by the City Council twice a year.”

(c) The following language shall be added to the beginning of **Section II., Meetings, Closed Session**, at p.10:

Closed session will begin one hour before the City Council meeting unless otherwise arranged. Action items will be placed first on the closed session agenda. Typically, closed sessions are called to discuss (1) real property negotiations, (2) existing or anticipated litigation, (3) liability claims, (4) labor negotiations, or public employee appointments, (5) evaluations and discipline.

(d) The following language shall be added to the end of **Section II., Meetings, Motion to Fix Hour of Adjournment** at p.14

Any regular meeting can be adjourned to a stated date, time, and place. If no date, time, and place are stated, then the adjourned regular meeting will be held at 6:00 p.m. on the next day following the regular meeting which is adjourned.

(e) **Section IV., Conflicts, Liability & Decorum, Decorum and Order - Council Members**, pgs. 21-22, shall be amended with new language in italics, as follows:

“a) Any Council Member who wants to speak shall address the Chair and, upon recognition by the Chair, shall confine himself/herself to the question under debate.

b) A Council Member who wants to question a staff member shall address his/her question to the City Manager, City Attorney, or the City Clerk in appropriate cases, who shall be entitled to answer the inquiry himself/herself or to designate some member of the staff for that purpose. *During initial clarifying questions from City Council Members after a staff report, the Presiding Officer shall enforce a 3-question limit per City Council Member. Once every Council Member has had a chance to ask an initial 3 questions, the Presiding Officer may allow additional questions as needed.*

c) A Council Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Council Member; or unless the speaker chooses to yield to questions from another Council Member.

d) *A visual timer shall be posted for all presenters and City Council members during their comments.*

e) Any Council Member challenged while speaking, shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks to comply with rules of our Council.

f) Council Members shall accord the utmost courtesy to each other, to City employees and

the public appearing before the Council, and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

g) Any Council Member may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the Council shall require him/her to so act.”

(f) **Section IV., Communications - Correspondence from the Public**, pg. 31 The following language shall be added after the first sentence of the second paragraph:

Any communication relating to a matter pending, or to be brought before the City Council, shall be included in the agenda packet for the meeting at which such item is to be considered. Any written Public Comment must be received no later than 11:59 p.m. the Sunday prior to the Monday City Council meeting. All written Public Comment submitted by the deadline will be distributed to the City Council no later than 3:00 p.m. on the day of the meeting and will be made part of the official record. Written public comment will not be read aloud.

3. That the Interim City Manager is authorized to take all actions otherwise necessary to effect the intent of this Resolution, including directing the City Clerk to implement and publicize the amendments to the Municipal Code, Administrative Code, and the City Council Handbook described herein.