



City of San Leandro

Civic Center
835 East 14th Street
San Leandro, California

Minutes - Draft City Council

Welcome to your City of San Leandro City Council meeting.

Your City Councilmembers are:

Mayor Stephen H. Cassidy
Michael Gregory, District 1
Ursula Reed, District 2
Diana Souza, District 3
Joyce Starosciak, District 4
Pauline Russo Cutter, District 5
Jim Prola, District 6

Monday, March 19, 2012

7:00 PM

City Council Chambers

***** MINUTES ARE DRAFT UNTIL ACCEPTED BY CITY COUNCIL *****

1. CALL TO ORDER

The meeting was called to order at 7:12 p.m.

1.A. PLEDGE OF ALLEGIANCE

Bud Beal led the Pledge of Allegiance to the Flag.

1.B. ROLL CALL

Present 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

1.C. ANNOUNCEMENTS

None.

2. PRESENTATIONS/ RECOGNITIONS

2.A. 12-093 Presentation of Commendation to San Leandro Resident and San Leandro High School Student Arooj Haq for Her Induction Into the Alameda County Women's Hall of Fame

2.B. 12-078 Presentation of a \$6,700 Check by San Leandro Optimist Club to City of San Leandro to Partner with the Recreation and Human Services Department in Sponsoring Community Events (Egg Hunt, Flag Day, Two Family Movie Nights, and Halloween Carnival)

2.C. 12-127 MOTION: Motion Approving Resolution Commending Sylvia Stadmire for Her Years of Service on the Senior Commission

A motion was made by Councilmember Reed, seconded by Councilmember Prola, that this Minute Order approving the resolution be Adopted. The motion

carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Min Order 2012-012

2.D. 12-019 Update on Activities of the Youth Advisory Commission

2.E. 11-357 Presentation of 2012 State of the City Address by Mayor Cassidy

3. PUBLIC HEARINGS – CITY COUNCIL

3.A. 12-125 Staff Report for Consideration of Zoning Code Amendments Pertaining to Various Changes to the Industrial Limited, Industrial General and Industrial Park Zoning Districts and Creation of Industrial Limited (Assembly Use Overlay), Industrial General (Assembly Use Overlay), and Industrial Park (Assembly Use Overlay) Zoning Use Designation Lists Related to Assembly Uses, Commercial Recreation and Entertainment Activities (Agenda item was continued from the February 21, 2012 City Council meeting.)

Mayor Cassidy requested, and received, concurrence from the Council to allow additional public comments on the matter. Comments were limited to 3 minutes per speaker.

The Hearing was re-opened to the public.

CHRIS CROW, San Leandro resident, expressed opposition to the proposed amendments, commenting on their effect on commercial recreation in industrial zones.

MARGA LACABE, San Leandro resident, commented that the proposed amendments are a bad idea. Ms. Lacabe commented that adult entertainment, protected under the First Amendment, would be allowed, while non-adult entertainment would not.

DANIEL DILLMAN, Xzault, urged the Council to make a decision that the City can live with.

There being no public comments, and without objection, the Public Hearing was closed.

12-131 PASS TO PRINT: An Ordinance Amending Provisions of the San Leandro Zoning Code Relating to Miscellaneous Changes to the IL, IG, IP Zoning Districts and Creation of IL (AU), IG (AU), and IP (AU) Zoning Districts Related to Assembly Uses, Commercial Recreation and Entertainment Activities

Staff will present a resolution to adopt the Negative Declaration for the Zoning Code amendments at the next meeting.

A motion was made by Vice Mayor Gregory, seconded by Councilmember Starosciak, that this Ordinance be Passed to Print. The motion carried by the following vote.

Aye: 6 - Cassidy, Gregory, Prola, Reed, Souza, Starosciak

Nay: 1 - Cutter

Enactment No: Ordinance 2012-004

4. PUBLIC HEARINGS – OTHER

None.

5. PUBLIC COMMENTS

RICHARD MELLOR, San Leandro resident, commented on the State of the City address, and expressed concern regarding attempts to drive down the living standards of working people.

MARGA LACABE, San Leandro resident, commented on the First Amendment protections on free speech, and the City's legal representation and costs.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

City Manager Chris Zapata recognized Community Relations Representative Kathy Ornelas for her 33 years of service to the City of San Leandro, and announced that Kathy will be retiring on April 30th.

City Manager Zapata also reported briefly on the City's disaster preparedness program, and on the City Council's recent lobbying trip to Washington, D.C.

7. AMENDMENT OF CONSENT CALENDAR

There was no amendment to the Consent Calendar.

8. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Reed, seconded by Councilmember Prola, to Approve the Consent Calendar. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

8.A. 12-141 APPROVE: Minutes of the Special Meeting-Winter Retreat of February 25, 2012

Approved as Submitted on the Consent Calendar.

8.B. 12-128 APPROVE: Minutes of the Meeting of March 5, 2012

Approved as Submitted on the Consent Calendar.

- 8.C. 12-119** ACCEPT: Finance Committee Meeting Highlights of March 2, 2012
- COMMITTEE RECOMMENDATION: Schedule acceptance of the annual report on Emergency Communication system Access Tax (911 Tax) and approval of the annual tax cap adjustment by the Consumer Price Index (CPI)
- COMMITTEE RECOMMENDATION: Schedule approval of the composition of a Citizens Oversight Committee for Measure Z related to the Transaction and Use Tax
- Approved as Submitted on the Consent Calendar.**
- 8.D. 12-117** ACCEPT: Rules and Communications Committee Meeting Highlights of January 24, 2012
- Accepted as Submitted on the Consent Calendar.**
- 8.E. 12-044** ADOPT: Ordinance No. 2012-003, an Ordinance Amending the City of San Leandro Traffic Code, in Accordance with Chapter 6-1 of the San Leandro Municipal Code, to Eliminate the Left-Turn Restrictions from Washington Avenue onto Monterey Boulevard and Anza Way When the Traffic Signal Upgrade Project is Implemented at the Washington Avenue and Monterey Boulevard Intersection
- Adopted on the Consent Calendar.**
- Enactment No: Ordinance 2012-003
- 8.F. 12-120** Staff Report for Adoption of City of San Leandro Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update
- 12-122** MOTION: Adopting the City of San Leandro Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update
- Adopted on the Consent Calendar.**
- Enactment No: Min Order 2012-013

9. ITEMS REMOVED FROM CONSENT CALENDAR

None.

10. ACTION ITEMS

- 10.A. 12-135** Staff Report Regarding Provision of Two Years' Additional Service Credit as an Alternative to Layoffs or the Voluntary Incentive Separation Program (VISP)
- 12-136** MOTION: Motion Giving Public Notice of the Cost Estimate to Provide the Benefit of Two Years' Additional Service Credit as an Alternative to Layoffs or the Voluntary Incentive Separation Program (VISP)
- A motion was made by Councilmember Prola, seconded by Councilmember Starosciak, that this Minute Order be Adopted. The motion carried by the following vote.**
- Aye:** 5 - Gregory, Prola, Reed, Souza, Starosciak
- Nay:** 2 - Cassidy, Cutter

Enactment No: Min Order 2012-014

10.B. 12-133

MOTION: Motion Combining the Airport Committee with the Business and Housing Development Committee and Renaming the Combined Committee as Community Development Committee; Eliminating the Civic and Cultural Committee and the Joint Oakland/San Leandro City Council Committee; and Appointing City Councilmembers to City Council Internal Committees as Outlined in File 12-133

A motion was made by Councilmember Prola, seconded by Councilmember Reed, that this Minute Order be Adopted. The motion carried by the following vote.

Aye: 6 - Cassidy, Cutter, Gregory, Prola, Reed, Starosciak

Nay: 1 - Souza

Enactment No: Min Order 2012-015

10.C. Report on Closed Session Actions Taken

City Attorney Jayne Williams reported that tonight, the Council met in closed session to consider joining as an amicus in the pending United States Supreme Court Writ of Certiorari in the case of State of Arizona v. United States of America. This is a case that has been accepted by the United States Supreme Court. The amicus brief is being prepared by the Santa Clara County Counsel's Office. Many cities and counties throughout the country, in addition to the U.S. Conference of Mayors, have thus far agreed to participate. This evening, the Council, by a vote of 5-0-2 (Councilmembers Souza and Starosciak abstaining), directed the City Attorney to inform the Santa Clara County Counsel's Office that the City of San Leandro would join on as an amicus.

The action that is being brought before the court in the amicus brief is to affirm the decision of the district court and the Ninth Circuit Court of Appeals to enjoin Arizona's state statute, SB 1070, which has a very broad immigration enforcement scheme. The three issues that are being brought before the court are that: 1) the enjoined provisions of the legislation impermissibly usurps scarce local resources that should be devoted to public safety; 2) imposes vague and unworkable requirements that effectively compel local officials to violate the Constitution, and thereby creates potential liability for localities; and 3) the implementation of the enjoined provisions will irreparably damage trust between immigrant communities and local law enforcement agencies nationwide.

Pursuant to the Council's direction, City Attorney Williams will inform the Santa Clara County Counsel's Office of San Leandro's participation.

11. CITY COUNCIL CALENDAR

City Councilmembers announced upcoming events and coordinated attendance.

12. CITY COUNCIL REPORTS AND ANNOUNCEMENTS

City Councilmembers reported on meetings and other local events attended since the last meeting, reported on attendance at conferences and seminars, and made brief comments on issues of concern.

By consensus, the City Council referred to the Rules and Communications

Committee the matter of discussions regarding amicus decisions and whether the Council should, as a general policy, have such discussions in open session.

13. ADJOURN

The meeting was adjourned at 9:39 p.m.

RESPECTFULLY SUBMITTED:

MARIAN HANDA
City Clerk of the City of San Leandro