



# 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 Stephen H. Cassidy  
Michael Gregory, District 1  
Ursula Reed, District 2  
Diana Souza, District 3  
Benny Lee, District 4  
Pauline Russo Cutter, District 5  
Jim Prola, District 6*

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Monday, June 16, 2014

7:00 PM

City Council Chambers

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### **Joint Meeting of City Council, Parking Authority, Public Financing Authority, and Successor Agency to Redevelopment Agency**

**This was the annual regular meeting date for the San Leandro Parking Authority and the San Leandro Public Financing Authority. By convening and adjourning this joint meeting, the authorities satisfied their annual meeting requirements. There were no items on this agenda for the authorities to consider.**

#### **1. CALL TO ORDER**

*The meeting was called to order at 7:05 p.m.*

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

*Vice Mayor Lee led the Pledge of Allegiance to the Flag.*

#### **1.B. ROLL CALL**

*Mayor Cassidy participated in this meeting via teleconference call from Plano, Texas. Pursuant to the Brown Act, all votes were taken by roll call.*

**Present** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

#### **1.C. ANNOUNCEMENTS**

*Mayor Cassidy requested City Council consideration to add an item to the agenda, ratifying the City's support and sponsorship of Assembly Bill 2292, presented by Assemblymember Rob Bonta. Mayor Cassidy sent a letter supporting and sponsoring AB 2292 on June 11, 2014, after the June 16, 2014 City Council agenda had been published and posted. Adding the item to tonight's agenda by a two-thirds vote would allow the Council to ratify the action by motion.*

*A motion was made by Mayor Cassidy, seconded by Councilmember Prola, to add*

*the consideration to ratify the support and sponsorship of Assembly Bill 2292, as expressed in the June 14, 2014 letter by Mayor Cassidy. See the end of this section for the vote.*

*By consent from the City Council, Vice Mayor Lee moved Item 10.B. up on the agenda, to just before Item 3.C., in deference to outside consultants who are present for the item.*

*Councilmember Reed announced that, because she was not seated at the dais, some viewers assumed she was not present at the June 2, 2014 City Council meeting. Due to an injury suffered in late May, Councilmember Reed has been confined to a wheelchair, and unable to sit at the dais. She has instead been sitting at floor level, at a table in front of the podium.*

[14-264](#)

MOTION to add to this agenda the consideration to ratify the support and sponsorship of Assembly Bill 2292, as expressed in the June 14, 2014 letter by Mayor Cassidy

**A motion was made by Mayor Cassidy, seconded by Councilmember Prola, that this minute order be adopted. The motion carried by the following vote, and the item was added to the agenda as Item 10.C.**

**Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Min Order 2014-014

## 2. RECOGNITIONS

- 2.A. [14-212](#) Proclamation Declaring June 2014 as Elder Abuse Awareness Month

## 3. PRESENTATIONS

- 3.A. [14-233](#) Staff Report for a Resolution Approving the Hospital Services Grant Agreement and Authorizing the City Manager to Execute the Same with the Alameda Health System to Subsidize the Emergency Services Department and Acute In-Patient Services at the San Leandro Hospital in the Amount of \$1,000,000 Per Year for Three Years, for a Total of \$3,000,000

[14-234](#)

RESOLUTION Approving and Authorizing the City Manager to Execute a Hospital Services Grant Agreement with the Alameda Health System to Subsidize the Emergency Services Department and Acute In-Patient Services at the San Leandro Hospital in the Amount of \$1,000,000 Per Year for Three Years, for a Total of \$3,000,000 and Appropriate the Amount Due From the General Fund Unrestricted Reserve (Account 010-14-010) for Fiscal Years 2013-14, 2014-15 and 2015-16

**A motion was made by Councilmember Reed, seconded by Councilmember Prola, that this resolution be adopted. The motion carried by the following vote.**

**Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2014-056

- 3.B.** [14-181](#) Presentation of Check to Alameda Health System for San Leandro Hospital

With the consensus of the City Council, Item 10.B. was moved to this point on the agenda.

- 10.B.** [14-240](#) Staff Report for the Approval of the Successor Agency to the Redevelopment Agency of the City of San Leandro 2014 Subordinate Tax Allocation Refunding Bonds

[14-241](#) RESOLUTION of the Successor Agency to the Redevelopment Agency of the City of San Leandro Approving the Issuance of Refunding Bonds in Order to Refund Certain Outstanding Bonds of the Dissolved Redevelopment Agency of the City of San Leandro, Approving the Execution and Delivery of an Indenture of Trust Relating Thereto, Requesting Oversight Board Approval of the Issuance of the Refunding Bonds, Requesting Certain Determinations by the Oversight Board, and Providing for Other Matters Properly Relating Thereto (refunds \$10,375,000 of Redevelopment Agency of the City of San Leandro Tax Allocation Bonds, Series 2002 and \$4,720,000 of Redevelopment Agency of the City of San Leandro Tax Allocation Bonds, Series 2004, in the aggregate principal not to exceed \$14,000,000)

**A motion was made by Councilmember Cutter, seconded by Councilmember Souza, that this resolution be adopted. The motion carried by the following vote.**

**Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2014-002 SA

- 3.C.** [14-103](#) Overview of the General Plan, Housing Element and Community Engagement Strategy

*Comments were made by the following individuals: Wafaa Aborashed and David Erlich.*

#### **4. PUBLIC HEARINGS**

*None.*

#### **5. PUBLIC COMMENTS**

*David Erlich commented on the proposed tree ordinance and the infringement on private property rights.*

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

*City Manager Zapata commented on the City Council's action related to San Leandro Hospital earlier this evening, and commented on all the work involved over many years by many people to save San Leandro Hospital. City Manager Zapata noted the importance of Alameda County Supervisor Wilma Chan's involvement, and he expressed appreciation to Supervisor Chan and her staff for their role in brokering the deal to keep San Leandro Hospital open.*

## 7. AMENDMENT OF CONSENT CALENDAR

*Item 8.B. was removed from the agenda and will be rescheduled for a future meeting.*

*Item 8.F. 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 Reed, seconded by Councilmember Prola, to approve the Consent Calendar. The motion carried by the following vote.**

**Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

### 8.A. [14-163](#)

Minutes of the Meeting of June 2, 2014

**Approved as submitted on the Consent Calendar.**

### 8.B. [14-208](#)

ORDINANCE Amending the Zoning Code Article 3 Definitions; Article 5 Residential Districts; Article 6 Commercial and Professional Districts; Article 7 Industrial Districts; Article 8 Open Space District; Article 9 Public and Semipublic District; Article 16 Development Regulations; Article 17 Off-Street Parking and Loading Spaces Regulations; Article 18 Signs; Article 21 Zoning Permits Required; Article 22 Use Permits, Variances, and Parking Exceptions; Article 27 Amendments; and Article 28 Appeals Related to Increased Flexibility in Industrial and Commercial Uses; Adding Community Gardens Use and Regulations; Revising Regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; Clarifying and Revising Planning Entitlement Application Processing; and Conducting General Text Updates (amends Zoning Code to increase flexibility in industrial and commercial uses; adds Community Gardens; revises regulations for Telecommunications, Hazardous Materials, Recycling, Signs, and Parking; clarifies planning application processes; and provides general text updates)

*This item was removed from the agenda and will be rescheduled for a future meeting.*

Enactment No: Ordinance 2014-007

- 8.C. [14-211](#) ORDINANCE Adding Title 4, Chapter 4-34 of the San Leandro Municipal Code Relating to Mobile Food Vending (regulates mobile food vending)

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2014-008

- 8.D. [14-210](#) ORDINANCE Amending Title 4, Chapter 4-5 of the San Leandro Municipal Code Relating to Peddlers, Solicitors, and Itinerant Merchants (provides for consistency with state law pertaining to public street vending)

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2014-009

- 8.E. [14-225](#) Staff Report for the 2014-15 Budget Amendment Reflecting Projected Budget Adjustments to the Successor Agency to the Redevelopment Agency

[14-227](#) RESOLUTION of the Successor Agency to the Redevelopment Agency Approving the Budget Amendment for the Fiscal Year Commencing July 1, 2014 to June 30, 2015 and Making a Determination Pursuant to California Health and Safety Code Section 33334.3 (approves budget adjustments)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-003 SA

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

- 8.G. [14-237](#) Staff Report for Amendment of Legal Services Agreement with Meyers Nave

[14-218](#) RESOLUTION Approving Amendment No. 1 to Current Agreement for Legal Services with Meyers, Nave, Riback, Silver & Wilson ("Meyers Nave") (extends the existing agreement for one year in an amount not to exceed \$783,200)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-057

- 8.H. [14-247](#) Staff Report for the November 4, 2014 General Municipal Election for the City of San Leandro

[14-183](#) RESOLUTION Calling for the Holding of a General Municipal Election

to Be Held on Tuesday, November 4, 2014, for the Election of a Mayor and Three City Councilmembers; Requesting the Board of Supervisors to Consolidate the Election with the Statewide General Election; and Adopting Regulations for Candidate Statements (provides for the conduct of the November 2014 General Municipal Election for a Mayor and Council Districts 1, 3, and 5, at an estimated cost of \$60,000 from the General Fund)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-058

[14-245](#)

ORDINANCE Establishing Election and Nomination Procedures for the November 4, 2014 General Municipal Election (provides for the method of conducting the election pursuant to City Charter Section 610)

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2014-010

8.I. [14-186](#)

Staff Report for the Matter of Authorizing the City Manager to Execute an Improvement Agreement with Chang Income Property Partners, LP for Public Improvements on Martinez Street; Resolution of Intention Calling for a Public Hearing to Vacate Portions of the Public Right-of-Way and Retain Public Utility Easements on Martinez Street Between West Estudillo Avenue and Thornton Avenue; and West Estudillo Avenue Between Alvarado Street and Martinez Street; and Setting the Date for a Public Hearing on the Vacation of Portions of the Public Right-of-Way for July 21, 2014

[14-187](#)

RESOLUTION Authorizing the City Manager to Execute an Improvement Agreement with Chang Income Property Partners, LP for Public Improvements on Martinez Street (the purpose of the agreement is to guarantee and permit Chang Income Property Partners to make improvements to certain public right-of-ways)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-059

[14-188](#)

RESOLUTION of Intention Calling for a Public Hearing to Vacate Portions of the Public Right-of-Way and Retain Public Utility Easements on a Portion of Martinez Street Between West Estudillo Avenue and Thornton Boulevard; and West Estudillo Avenue Between Alvarado Street and Martinez Street; and Scheduling a Public Hearing Date for July 21, 2014 (the purpose of this action is to make public the City Council's intention to vacate portions of public streets and also to announce a date for a public hearing related to the vacations)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-060

- 8.J. [14-219](#) Staff Report for Approving Community Development Block Grant (CDBG) Agreements for FY 2014-2015 Between the City of San Leandro and CDBG Sub-recipients for Public Services Grants

[14-221](#) RESOLUTION Approving Community Development Block Grant (CDBG) Agreements for FY 2014-2015 Between the City of San Leandro and CDBG Sub-recipients for Public Services Grants to Child Abuse Listening, Interviewing, and Coordination Center for \$14,200; Davis Street Family Resource Center for \$42,720; Family Emergency Shelter Coalition for \$14,507; Service Opportunities for Seniors, Inc. for \$18,100; Spectrum Community Services for \$14,200; and Eden Council for Hope and Opportunity Housing for \$10,000 (approves 6 agreements totaling \$113,727)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-061

- 8.K. [14-224](#) Staff Report for a Resolution Approving the Community Development Block Grant (CDBG) Consulting Services Agreement for \$90,000 in FY 2014-2015 Between the City of San Leandro and Neighborhood Solutions - \$19,000 for Program Administration and \$71,000 for the Provision of Housing Rehabilitation Grants

[14-226](#) RESOLUTION Approving the Community Development Block Grant (CDBG) Consulting Services Agreement for \$90,000 in FY 2014-2015 Between the City of San Leandro and Neighborhood Solutions - \$19,000 for Program Administration and \$71,000 for the Provision of Housing Rehabilitation Grants (provides grants to approximately 15 homeowners for minor home repair, mobile home repair, accessibility, exterior paint, exterior yard clean-up, and seismic strengthening)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-062

- 8.L. [14-235](#) Staff Report for a Resolution Approving, and Authorizing the City Manager to Execute, a Lease of Approximately 3,675 Square Feet of Office Space on the Second Floor of San Leandro City Hall, Formerly Occupied by the Alameda County Fire Department, to the San Leandro Unified School District for District Administration

[14-236](#) RESOLUTION Approving, and Authorizing the City Manager to Execute, a Lease of Approximately 3,675 Square Feet of Office Space on the Second Floor of San Leandro City Hall, Formerly Occupied by the Alameda County Fire Department, to the San Leandro Unified School District for Public School District Administration Purposes (leases space at a rent of \$56,000 for the first year, to escalate by the

Consumer Price Index [CPI] each year, for a term of 5 years, with an option for an additional 5 years)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-063

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.F. [14-242](#) Staff Report for a Resolution Vacating Approvals of Resolution No. 01-13, 02-13, 2013-043 and Suspending and/or Refraining from Undertaking Any Construction Pursuant to or in Reliance on the Vacated Project Approvals (Halus Power Systems)

*Citing a conflict of interest, Vice Mayor Lee recused himself from this item, appointed Councilmember Souza as presiding officer for this item, stepped down from the dais, and left the Chamber.*

*Comments were made by the following individual: Richard Brennan.*

- [14-243](#) RESOLUTION Setting Aside and Vacating City Council Resolution No. 2013-043 that Affirmed the Board of Zoning Adjustments' Decision to Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program Project and Approving a Height Variance as Set Forth in Board of Zoning Adjustments ("BZA") Resolution No. 01-13 Adopting the Mitigated Negative Declaration and Mitigation Monitoring Program Project for the Halus Power Systems Wind Turbine Project ("The Project") Pursuant to the California Environmental Quality Act ("CEQA"); and BZA Resolution No. 02-13 Approving a Height Variance for the Project Pursuant to the City of San Leandro's Zoning Code; and Prohibiting Halus from Undertaking and/or Suspending Any Construction of the Project or Any Activity Pursuant to or in Reliance on the Vacated Project Approvals (Board of Zoning Adjustments Resolution Nos. 01-13, 02-13, and City Council Resolution No. 2013-043) Unless and Until the City Fully Complies with CEQA; All in Accordance with a Peremptory Writ of Mandate Issued by the Alameda County Superior Court (complies with writ of mandate)

**A motion was made by Councilmember Cutter, seconded by Councilmember Prola, that this resolution be adopted. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

**Recused:** 1 - Lee

Enactment No: Reso 2014-064

## 10. ACTION ITEMS

- 10.A. [14-231](#) Staff Report for a Loan to the Davis Street Family Resource Center in the Amount of \$1.5 Million for the Purpose of Funding Start-Up Costs



to Provide Health Services to Eligible Patients

[14-238](#)

RESOLUTION Authorizing the City Manager to Execute a Loan Agreement and Promissory Note By and Between the City of San Leandro (City) and the Davis Street Family Resource Center (DSFRC) to Assist DSFRC with Opening a Community Health Clinic Located at 1190 Davis Street (provides a \$1,500,000 loan from the City's General Fund Unrestricted Reserves to allow DSFRC to open a health clinic)

**A motion was made by Councilmember Reed, seconded by Councilmember Cutter, that this resolution be adopted. The motion carried by the following vote.**

**Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2014-065

Item 10.B. was considered earlier in the agenda.

By a unanimous vote of the City Council, Item 10.C. was added to this point on the agenda.

**10.C.** [14-266](#)

MOTION to ratify the support and sponsorship of Assembly Bill 2292, as expressed in the June 14, 2014 letter by Mayor Cassidy

**A motion was made by Councilmember Cutter, seconded by Councilmember Prola, that this minute order be adopted. The motion carried by the following vote.**

**Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Min Order 2014-015

## **11. REPORT ON CLOSED SESSION ACTIONS TAKEN**

*No reportable action was taken in closed session.*

**The City Council recessed from 9:08 p.m. to 9:17 p.m.**

## **12. CITY COUNCIL REPORTS**

*After Item 12.A., City Councilmembers reported on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting.*

**12.A.** [14-250](#)

Report from City Council Ad Hoc Committee on Community Priorities and Potential Revenue Measure

## **13. CITY COUNCIL CALENDAR AND ANNOUNCEMENTS**

*City Councilmembers announced calendar of upcoming events and coordinated attendance; reported on local events attended since the last meeting; and made brief comments on issues of concern.*

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

*By consensus, the City Council agreed to schedule a discussion on expanding the use of Virtual City Hall.*

**15. ADJOURN**

*The meeting was adjourned at 10:06 p.m.*

**RESPECTFULLY SUBMITTED:**

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**MARIAN HANDA**  
**City Clerk of the City of San Leandro**