



# 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*

*Lee Thomas, District 3*

*Benny Lee, District 4*

*Corina N. Lopez, District 5*

*Pete Ballew, District 6*

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Monday, May 7, 2018

7:00 PM

City Council Chambers

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#### 1. CALL TO ORDER

*The meeting was called to order at 7:02 p.m.*

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

*Boy Scout Troupe #556 and Cub Scout Pack #506 led the Pledge of Allegiance to the Flag.*

#### 1.B. ROLL CALL

**Present** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

#### 1.C. ANNOUNCEMENTS

*Mayor Cutter announced that the legislative updated will be deferred to the May 21st regular meeting.*

#### 2. RECOGNITIONS

- 2.A. [18-173](#) Proclamation Declaring the Week of May 13 to May 19 as National Police Week
- 2.B. [18-172](#) Proclamation Declaring May 10, 2018 as Bike to Work/School Day
- 2.C. [18-171](#) Proclamation Declaring May 10 to May 20 as the 22nd Annual East Bay Affordable Housing Week in San Leandro
- 2.D. [18-191](#) Proclamation Declaring May as "Older Americans Month"

#### 3. PUBLIC COMMENTS

#### 4. PRESENTATIONS

- 4.A. [18-208](#) Capital Improvement Process (CIP) for 2020 & 2021

#### 5. PUBLIC HEARINGS

- 5.A. [18-184](#) Staff Report for APL18-0002, Appeal of the Decision of the Board of Zoning Adjustments regarding warehouse-storage facilities and warehouse-wholesale/retail distribution facilities uses of PLN17-0020, for Alvarado Commerce Center, a new 159,450 square foot industrial building at 2756 Alvarado Street. Zoning District: Industrial General (IG); Alameda County Assessor's Parcel Number 77B-800-14; Paceline Investors (Applicant) and IPT Alvarado Commerce Center LP (Property Owner) (collectively the "Appellants").

[18-183](#) RESOLUTION of the City Council of the City of San Leandro to Deny an Appeal and Request for a Conditional Use Permit for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as a Permitted Use, APL18-002, and Modifying the Decision of the Board of Zoning Adjustments for PLN17-0020.

*Councilmember Thomas made a motion to support the applicant's appeal and overturn the the BZA decision and staff's recommendation to allow applicants a 12 month prohibition of warehouse use, with intention that the business will meet quarterly with city staff on marketing materials; improve street signage and support Mr. Plastics in their transition. Lessor shall lease property with a contractual agreement that binds lessee to abide by city-approved truck routes.*

**A motion was made by Councilmember Thomas, seconded by Councilmember Lopez, that this Resolution be Amended to support the applicant's appeal and overturn the the BZA decision and staff's recommendation; to allow applicants a 12 month prohibition of warehouse use, with intention that the business will meet quarterly with city staff on marketing materials; improve street signage and support Mr. Plastics in their transition. Lessor shall lease property with a contractual agreement that binds lessee to abide by city-approved truck routes.**

**The motion carried by the following vote.**

**Aye:** 4 - Lee, Lopez, Hernandez, Thomas

**Nay:** 3 - Cutter, Ballew, Cox

- 5.B. [18-198](#) Staff Report for Resolution Approving Adjustments to City Fees and Service Charges for 2018-19

[18-197](#) RESOLUTION Amending Title 6, Chapter 4 of the San Leandro Administrative Code Relating to Fees and Charges for Services Provided by City Departments (adjusts user fees and service charges, effective July 1, 2018)

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

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2018-034

**5.C. [18-199](#)**

Staff Report for Ordinances Amending the San Leandro Municipal Code Relating to Proposed Adjustments to the Business License Fee, the Emergency Medical Services Tax, and the Emergency Communication System Access Tax for 2018-19

**[18-200](#)**

ORDINANCE Amending Section 2-2-500 of the San Leandro Municipal Code Relating to the Annual Consumer Price Index (CPI) Adjustment of the Business License Fees (increases business license fees by CPI of 3.2%)

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

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Ordinance 2018-007

**[18-201](#)**

ORDINANCE Amending Section 2-18-210 of the San Leandro Municipal Code Relating to the Annual Consumer Price Index (CPI) Adjustment of the Emergency Communication System Access Tax (911 Tax) (increases 911 Tax by CPI of 3.2%)

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

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Ordinance 2018-008

**[18-202](#)**

ORDINANCE Amending Section 2-13-140 of the San Leandro Municipal Code to Relating to the Annual Consumer Price Index (CPI) Adjustment of the Emergency Medical Services Tax (EMS Tax) (increases EMS tax by CPI of 3.2%)

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

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Ordinance 2018-009

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

*None.*

**7. AMENDMENT OF CONSENT CALENDAR**

**8. CONSENT CALENDAR**

**Approval of the Consent Agenda**

**A motion was made by Councilmember Cox, seconded by Councilmember Lee, to Approve the Consent Calendar. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

**8.A. [18-211](#)** Minutes for April 16, 2018 Meeting

**Approved as Submitted.**

**8.B. [18-214](#)** Minutes for April 23, 2018 Rules Committee

**Approved as Submitted.**

**8.C. [18-187](#)** Staff Report to Adopt a Resolution of Intention to Approve an Amendment to the Contract with the Board of Administration of the California Public Employees' Retirement System (CalPERS) to Include Provisions Pursuant to Government Code 20516 "Cost Sharing" for Local Police Members in Accordance with the San Leandro Police Officers Association Memorandum of Understanding and to Adopt an Ordinance Authorizing an Amendment to the Contract with the Board of Administration of CalPERS to Provide Section 20516 (1% employee cost sharing) for Local Police Members in Accordance with the Memorandum of Understanding

**Received and Filed.**

**[18-188](#)** RESOLUTION of Intention to Approve an Amendment to a Contract Between the Board of Administration California Public Employees' Retirement System and the City Council City of San Leandro

**Adopted on the Consent Calendar.**

Enactment No: Reso 2018-035

**[18-189](#)** An ORDINANCE Authorizing an Amendment to the Contract Between the City Council of the City of San Leandro and the Board of Administration of the California Public Employees' Retirement System (CalPERS)

**Passed to Print on the Consent Calendar.**

Enactment No: Ordinance 2018-010

- 8.E. [18-210](#) Staff Report for a Resolution Authorizing the City Manager to Execute a Rental Agreement with Nixon-Egli Equipment Company for a Cold Milling Machine at an amount not to exceed \$93,332.96.

**Received and Filed.**

- [18-212](#) RESOLUTION Authorizing the City Manager to Execute a Rental Agreement with Nixon-Egli Equipment Company for a Cold Milling Machine at an amount not to exceed \$93,332.96

**Adopted.**

Enactment No: Reso 2018-036

- 8.F. [18-193](#) Staff Report for a Resolution to Accept the Investment Report for the Quarter Ended March 31, 2018

**Received and Filed.**

- [18-194](#) RESOLUTION Accepting Investment Report for the Quarter Ended March 31, 2018 (Reviews the Activities of the City's Investment Portfolio)

**Adopted.**

Enactment No: Reso 2018-037

- 8.G. [18-195](#) Staff Report for Resolution Approving the Agreement between the City of San Leandro and Maze & Associates for Audit Services effective July 1, 2018

**Received and Filed.**

- [18-196](#) RESOLUTION Approving the Agreement between the City of San Leandro and Maze & Associates for Audit Services Effective July 1, 2018

**Adopted.**

Enactment No: Reso 2018-038

- 8.H. [18-017](#) Staff Report for a Resolution to Approve Amendment No. 2 to a Consulting Services Agreement with BKF Engineers for the Preparation of Construction-Ready Plans, Specifications and Estimates for the MacArthur/Superior Roundabout Design Project, Project No. 2014.0470 to Increase the Amount of Compensation by \$38,690.00 for a Total Not to Exceed Amount of \$147,334.00

**Received and Filed.**

- [18-018](#) RESOLUTION to Approve Amendment No. 2 to a Consulting Services Agreement with BKF Engineers for the Preparation of Construction-Ready Plans, Specifications and Estimates for the

MacArthur/Superior Roundabout Design Project, Project No. 2014.0470 to Increase the Amount of Compensation by \$38,690.00 for a Total not to Exceed Amount of \$147,334.00 (provides for additional surveying and mapping work associated with right-of-way and easement acquisitions that were not originally anticipated)

**Adopted.**

Enactment No: Reso 2018-039

**8.J.** [18-166](#)

Staff Report for a Resolution to Authorize the City Manager to Execute Program Supplement Agreement No. 026-F with the State of California to Provide \$32,850 in Grant Funds for the Design Phase of the East 14th Street (State Route 185) at 144th Avenue High-intensity Activated Crosswalk (HAWK) Signal Project

**Received and Filed.**

[18-167](#)

RESOLUTION to Authorize the City Manager to Execute Program Supplement Agreement No. 026-F with the State of California to Provide \$32,850 in Grant Funds for the Design Phase of the East 14th Street (State Route 185) and 144th Avenue High-intensity Activated Crosswalk (HAWK) Signal Project

**Adopted.**

Enactment No: Reso 2018-040

**8.K.** [18-168](#)

Staff Report for a Resolution to Authorize the City Manager to Execute Program Supplement Agreement No. 027-F with the State of California to Provide \$59,850 in Grant Funds for the Design Phase of the East 14th Street (State Route 185) at Joaquin Avenue Scramble Pedestrian Signal Project

**Received and Filed.**

[18-169](#)

RESOLUTION to Authorize the City Manager to Execute Program Supplement Agreement No. 027-F with the State of California to Provide \$59,850 in Grant Funds for the Design Phase of the East 14th Street (State Route 185) at Joaquin Avenue Scramble Pedestrian Signal Project

**Adopted.**

Enactment No: Reso 2018-041

**8.L.** [18-176](#)

Staff Report for a Resolution to Authorize the City Manager to Enter into an Agreement with the Bay Area Air Quality Management District to Receive \$139,128 in Grant Funding from the Transportation Fund for Clean Air Program and Provide a Minimum Local Match Amount of \$48,372 to Install 9.5 Miles of Bikeways for the Bicycle Network West,

Project No. 2014.0430

**Received and Filed.**

[18-177](#)

RESOLUTION to Authorize the City Manager to Enter into an Agreement with the Bay Area Air Quality Management District to Receive \$139,128 in Grant Funding from the Transportation Fund for Clean Air Program and Provide a Minimum Local Match Amount of \$48,372 to Install 9.5 Miles of Bikeways for the Bicycle Network West, Project No. 2014.0430

*This item was deferred until the May 21st regular meeting.*

**Adopted.**

Enactment No: Reso 2018-042

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

8.D. [18-181](#)

Staff Report for Resolution Authorizing the City Manager to Execute a Non-Professional Services Agreement with Newton Construction & Management, Inc. for Marina Community Center Renovations in the Amount of \$188,870.52 and Authorizing the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% (\$47,217.63) of the Original Contract Amount

[18-180](#)

RESOLUTION Authorizing the City Manager to Execute a Non-Professional Services Agreement with Newton Construction & Management, Inc. for Marina Community Center Renovations in the Amount of \$188,870.52 and Authorizing the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% (\$47,217.63) of the Original Contract Amount

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

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2018-043

8.I. [18-137](#)

Staff Report for a Resolution to Approve a Consulting Services Agreement with Glass Architects in an Amount Not to Exceed \$306,310 for Preparation of Construction-Ready Plans, Specifications, and Estimates for the Family Aquatic Center Competition Pool Project, Project No. 2018.0170, and an Amendment to the City of San Leandro Budget for the Family Aquatics Center Competition Pool Project and Farrelly Pool Replacement Project

**Received and filed.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

[18-138](#)

RESOLUTION to Approve a Consulting Services Agreement with Glass Architects in an Amount not to exceed \$306,310 for the Preparation of Construction-Ready Plans, Specifications and Estimates for Family Aquatics Center Competition Pool, Project No. 2018.0170; Authorizing the City Manager to Negotiate and Approve Individual Change Orders up to 10% (or \$30,631) and Cumulative Change Orders up to 25% (or \$76,578) of the Original Contract Amount; and Amend the City of San Leandro Budget for the Family Aquatics Center Competition Pool and Farrelly Pool Replacement Projects

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

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2018-044

## 10. ACTION ITEMS

10.A. [18-213](#)

Presentation from Townsend Public Affairs on Various Statewide Legislation Including Regional Measure 3 and Senate Bill 827

*This item was rescheduled to the May 21, 2018 meeting agenda.*

10.B. [18-209](#)

Staff Report for Overview of Potential November 2018 Public Safety Parcel Tax Measure

*Motion to move forward with polling and have staff return to a future meeting with polling costs. Costs to be split in equal shares between the POA, Fire and the City.*

## 11. REPORT ON CLOSED SESSION ACTIONS TAKEN

*There was no closed session this evening.*

## 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

*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 review of the City's fee structure for businesses that violate the municipal code.*

## 15. ADJOURN



*The meeting was adjourned at 11:31 p.m.*

**RESPECTFULLY SUBMITTED:**

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**TAMIKA GREENWOOD**  
City Clerk of the City of San Leandro