



# 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, April 1, 2013

7:00 PM

City Council Chambers

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### 1. CALL TO ORDER

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

#### 1.A. PLEDGE OF ALLEGIANCE

*Assistant City Attorney Richard Pio Roda led the Pledge of Allegiance to the Flag.*

#### 1.B. ROLL CALL

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

#### 1.C. ANNOUNCEMENTS

*None.*

### 2. PRESENTATIONS/ RECOGNITIONS

#### 2.A. [13-103](#)

MOTION: Motion Approving Resolution Commending Sandi Forese for Her Years of Service on the Senior Commission

**A motion was made by Vice Mayor Gregory, seconded by Councilmember Lee, 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 2013-016

#### 2.B. [13-104](#)

MOTION: Motion Approving Resolution Commending Thomas Makin for His Years of Service on the Board of Zoning Adjustments and the Recreation and Parks Commission

**A motion was made by Councilmember Reed, seconded by Councilmember Souza, 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 2013-017

- 2.C.** [13-095](#) Proclamation Declaring April 14 - 20, 2013 as National Telecommunicators Week
- 2.D.** [13-137](#) Proclamation Declaring April 2013 as Fair Housing Month
- 2.E.** [13-128](#) Update on Downtown San Leandro Community Benefit District Initiative Including Review of the District Management Plan and Recommendation that the City Council Approve a Motion Authorizing the City Manager to Sign a Petition to Establish the Downtown San Leandro Community Benefit District (the intent of the City signing the petition is to support the CBD and facilitate the process of moving to the balloting phase of the district establishment)

[13-158](#) MOTION: Motion Authorizing the City Manager to Sign a Petition for City-Owned Properties in Support of the Downtown San Leandro Community Benefit District

**A motion was made by Vice Mayor Gregory, seconded by Councilmember Cutter, that this minute order be adopted with an amendment to limit the annual assessment increase to 3%. The motion carried by the following vote.**

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

Enactment No: Min Order 2013-018

### **3. PUBLIC HEARINGS – CITY COUNCIL**

- 3.A.** [13-099](#) Staff Report for the City of San Leandro U.S. Department of Housing and Urban Development (HUD) Draft FY 2013-2014 Annual Action Plan

*The Hearing was opened to the public.*

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

[13-100](#) MOTION: Motion Directing Staff to Hold a Public Hearing, Publish the Proposed FY 2013-2014 Annual Action Plan for a 30-Day Comment Period (April 5 - May 6, 2013), and Set a Public Hearing for May 6, 2013 to Consider Final Approval of the FY 2013-2014 Annual Action Plan

**A motion was made by Councilmember Prola, seconded by Councilmember Lee, 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 2013-019

**3.B.** [13-138](#)

Staff Report for Matter of PLN2013-00009, an Appeal by the Heron Bay Homeowners Association c/o A. Alan Berger of the Board of Zoning Adjustments' Approval on February 7, 2013 of PLN2012-00006, a Variance to Construct an 80-Foot Tall Single Wind Turbine Where the Blades Will Extend an Additional 20 Feet from the Structure for a Maximum Height of 100 Feet and the Adoption of the Related Mitigated Negative Declaration and Mitigation Monitoring Program per the California Environmental Quality Act (CEQA). Structures up to Sixty (60) Feet in Height Are Permitted in the IG Zoning District and a Variance to Height Is Required for Exceeding 60 Feet. The Proposed Turbine Would Be an Accessory Use to the Primary Manufacturing/Research and Development Use of the Site; 2539 Grant Avenue; Alameda County Assessor's Parcel Numbers 80G-910-15; L. Rigaud, Halus Power Systems (Applicant and Property Owner)

*Councilmember Lee recused himself and left the Chamber.*

*The City Council recessed from 8:37 p.m. to 8:51 p.m.*

*The Hearing was opened to the public.*

*Comments were made by the following individuals: David Johnson, Richard Brennan, John Dalisay, Mary Lavodnas, Stephanie Smith, Chris M. Smith, David Erlich, Chris Malloy, Xia Zhao, Rod Harryman, George Draper, Dan Dillman, and Julia Chung.*

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

[13-141](#)

ADOPT: Resolution Affirming the Board of Zoning Adjustments Decisions to Adopt a Mitigated Negative Declaration and Mitigation Monitoring Program and to Approve a Height Variance for the Halus Wind Turbine Application and Denying the Heron Bay Homeowners Association Appeal, Case Number PLN2013-00009

**A motion was made by Councilmember Cutter, seconded by Councilmember Prola, that this resolution be adopted with an amendment to the Conditions of Approval to add, "Solely one tower shall be permitted at the site." The motion carried by the following vote.**

**Aye:** 5 - Cassidy, Cutter, Gregory, Prola, Souza

**Nay:** 1 - Reed

**Recused:** 1 - Lee

Enactment No: Reso 2013-043

**The City Council recessed from 11:34 p.m. to 11:39 p.m.**

**4. PUBLIC HEARINGS – OTHER**

*None.*

**5. PUBLIC COMMENTS**

*None.*

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

*City Attorney Jayne Williams thanked staff and the City Council for support with her presentation at the Main Library.*

*Assistant City Manager Lianne Marshall announced the appointment of Cynthia Battenberg as Community Development Director.*

**7. AMENDMENT OF CONSENT CALENDAR**

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

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

**8.A. [13-132](#)** APPROVE: Minutes of the Meeting of March 18, 2013

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

**8.B. [13-066](#)** ADOPT: Ordinance No. 2013-002, an Ordinance Amending Title 1, Chapters 1-5 and 1-6 of the San Leandro Municipal Code Relating to Contracts for Public Works Projects and Contracts for Purchases (enhances the City's ability to handle routine purchasing and public works projects in a timely and cost-effective manner by increasing the threshold for bidding and purchases)

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2013-002

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

**8.D. [13-129](#)** Staff Report for Resolution Accepting the Work for the Airport Noise

Insulation Program, Phase 2; Project No. SL-0403

[13-130](#)

ADOPT: Resolution Accepting the Work for the Airport Noise Insulation Program, Phase 2 Project No. SL-0403 (provides for acceptance of work from G.E. Chen Construction, Inc., filing of Notice of Completion, and release of bonds)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-044

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

8.C. [13-126](#)

Staff Report for Resolution Approving and Authorizing the City Manager to Execute Two Agreements with the San Leandro Chamber of Commerce: 1) a Property Exchange and Indemnity Agreement with One and Only Right of First Offer for the City's Office Space Located at 120 Estudillo Avenue in the New Downtown Garage in Exchange for the Chamber's Parcel at 262 Davis Street and 2) a Reciprocal Easement Agreement and Declaration of Covenants, Conditions, and Restrictions for the Office Space

[13-127](#)

ADOPT: Resolution Approving and Authorizing the City Manager to Execute Two Agreements with the San Leandro Chamber of Commerce: 1) A Property Exchange and Indemnity Agreement with One Right of First Offer for the City's Office Space Located at 120 Estudillo Avenue in the New Downtown Parking Garage in Exchange for the Chamber's Parcel at 262 Davis Street and 2) a Reciprocal Easement Agreement and Declaration of Covenants, Conditions, and Restrictions for the Office Space Located at 120 Estudillo Avenue in the New Downtown Parking Garage (allows for the transfer of ownership of 262 Davis to the City and 120 Estudillo, the office space within the downtown garage, to the Chamber and the conditions under which the garage space will be shared)

**A motion was made by Councilmember Reed, 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 2013-045

## 10. ACTION ITEMS

10.A. [13-150](#)

City Council Discussion and Determination of City's Vote on Two Proposed Amendments to the League of California Cities Bylaws (provides direction for casting votes on the League's bylaws amendments by mailed ballot)

[13-151](#)

MOTION: Motion Casting Its Vote in Favor of the Approval of the Amendment of Article VI, Section 2 of the League's Bylaws Relating to Submission of Resolutions to the League's General Assembly as Set Forth in the Proposed Resolution

**A motion was made by Councilmember Prola, seconded by Vice Mayor Gregory, 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 2013-020

[13-152](#)

MOTION: Motion Casting Its Vote in Favor of the Approval of the Addition of Article VII, Section 16 to the League's Bylaws Relating to the League Board Vote Threshold for Taking Positions on Statewide Ballot Measures as Set Forth in the Proposed Resolution

**A motion was made by Councilmember Souza, 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 2013-021

#### 10.B. Report on Closed Session Actions Taken

*Mayor Cassidy reported that in the closed session held earlier this evening, the City Council, by unanimous vote, appointed Richard Pio Roda as City Attorney, effective April 8, 2013.*

#### 11. CITY COUNCIL CALENDAR, REPORTS, AND ANNOUNCEMENTS

*City Councilmembers announced upcoming events and coordinated attendance; 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.*

#### 12. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

*None.*

#### 13. ADJOURN

*The meeting was adjourned at 11:58 p.m. in memory of Delun Pan.*

**RESPECTFULLY SUBMITTED:**

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

