



# City of San Leandro

Civic Center  
835 East 14th Street  
San Leandro, California

## Draft 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  
Ursula Reed, District 2  
Lee Thomas, District 3  
Benny Lee, District 4  
Corina N. Lopez, District 5  
Jim Prola, District 6*

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Tuesday, September 8, 2015

7:00 PM

City Council Chambers

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### 1. CALL TO ORDER

*The meeting was called to order at 7:07 p.m.*

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

*Mayor Cutter led the Pledge of Allegiance to the Flag.*

#### 1.B. ROLL CALL

**Present** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

#### 1.C. ANNOUNCEMENTS

*Mayor Cutter moved Item 10.A. after Item 3, Presentations.*

### 2. RECOGNITIONS

- 2.A. [15-499](#) Proclamation Declaring September 2015 as National Preparedness Month

### 3. PRESENTATIONS

- 3.A. [15-523](#) Presentation by AC Transit on Its Service Expansion Plan, Including Recommendations in San Leandro

*Comments were made by the following individual: Dan Dillman.*

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

- 10.A. [15-463](#) Staff Report for the City Manager's Recommendation to the City

Council Regarding the Selection of a Medical Cannabis Dispensary Operator, Issuance of the Medical Cannabis Dispensary Permit and Establishment of the \$60,000 Annual Permit Fee

*Prior to receiving the staff report, members of the City Council disclosed all ex parte communications with the applicants.*

*Comments were made by the following individuals: Joyce Wakefield, Mark Peterson, Craig Bettencourt, Robin Stevens, Tina Medina, John Oram, MaryAnn Tracy-Baker, Dan Dillman, Darlene Evans, Sabrina Inocencio, Salwa Ibrahim, Ryan Miller, Cammy Arnold, Misty Jong, Michael Nolin, Victor Aguilar, Rose Johnson, Lily Zhou, and Al Frates.*

[15-464](#)

RESOLUTION Awarding the Medical Cannabis Dispensary Annual Permit to Harborside San Leandro

**A motion was made by Vice Mayor Prola, seconded by Councilmember Lee, that the staff recommendation be accepted and this resolution be adopted. The motion carried by the following vote.**

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-145

[15-467](#)

RESOLUTION Establishing the Annual Dispensary Permit Fee for the Medical Cannabis Dispensary Program (establishes the fee that off-sets the City's staffing, operational and other ancillary costs associated with providing regulatory oversight of the medical cannabis dispensary)

**A motion was made by Vice Mayor Prola, seconded by Councilmember Lee, that the staff recommendation be accepted and this resolution be adopted. The motion carried by the following vote.**

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-146

**The City Council recessed from 9:04 p.m. until 9:14 p.m.**

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

4.A. [15-470](#)

Staff Report for Resolution Approving the City of San Leandro Consolidated Annual Performance and Evaluation Report (CAPER) for the FY 2014-2015 Annual Action Plan

*The hearing was opened to the public.*

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

[15-477](#)

RESOLUTION Approving the City of San Leandro FY 2014-2015 Consolidated Annual Performance and Evaluation Report (CAPER) (approves the CAPER for submission to the U.S. Department of

Housing and Urban Development)

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

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-147

**4.B. [15-478](#)**

Staff Report for Resolution Approving the Issuance of Revenue Bonds by the California Municipal Finance Authority to Finance the Acquisition, Rehabilitation, and Improvement of Las Palmas, a Multifamily Rental Housing Development Owned by Eden Housing

*The hearing was opened to the public.*

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

**[15-484](#)**

RESOLUTION Approving the Issuance of the California Municipal Finance Authority Revenue Bonds, Series 2015, in an Aggregate Principal not to Exceed \$25,000,000 for the Purpose of Financing the Acquisition, Rehabilitation, and Improvement and Equipping of Las Palmas, a 91-Unit Affordable Multifamily Rental Housing Development to be Owned by a Limited Partnership to Be Established by Eden Housing or Its Affiliate and Certain Other Matters Relating Thereto

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

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-148

**5. PUBLIC COMMENTS**

*Mike Katz commented on Urban Shield activities.*

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

*None.*

**7. AMENDMENT OF CONSENT CALENDAR**

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

**8. CONSENT CALENDAR**

**Approval of the Consent Agenda**

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

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

- 8.A.** [15-481](#) Minutes of the Special Meeting and Closed Session of July 20, 2015  
**Approved as submitted on the Consent Calendar.**

### **Approval of the Consent Agenda**

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

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

- 8.B.** [15-480](#) Minutes of the Meeting of July 20, 2015  
**Approved as submitted on the Consent Calendar.**
- 8.C.** [15-482](#) Minutes of the Special Meeting and Closed Session of July 27, 2015  
**Approved as submitted on the Consent Calendar.**

- 8.D.** [15-483](#) Minutes of the Special Meeting of July 27, 2015  
**Approved as submitted on the Consent Calendar.**

- 8.E.** [15-489](#) Finance Committee Meeting Highlights of June 16, 2015  
**Approved as submitted on the Consent Calendar.**

- 8.F.** [15-180](#) ORDINANCE Amending Title 4, Chapter 4-34 of the San Leandro Municipal Code Relating to Bicycle Mobile Food Vending Units (amends San Leandro Municipal Code to allow mobile food vending units operated by a bicycle)  
**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2015-009

- 8.G.** [15-445](#) ORDINANCE of the City of San Leandro Rezoning the Shoreline Development Project Site from CR-Commercial Recreation to RM-2000-Residential Multi-Family and CC-Community Commercial, Both with a PD-Planned Development Zoning District Overlay (PLN2012-00040)  
**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2015-008

- 8.H.** [15-514](#) Staff Report for Resolution Approving Amendment to Lease with San Leandro Sailing Club, Inc., dba Spinnaker Yacht Club of San Leandro, for Property at 75 Pescador Point Drive in the San Leandro Shoreline

## Area

[15-513](#)

RESOLUTION Approving Amendment to Lease with San Leandro Sailing Club, Inc., dba Spinnaker Yacht Club of San Leandro (extends the lease agreement until 2021, provides for lease termination by the City, and eliminates the requirement of Lessee to pay a percentage of rental fee for gross annual membership income)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2015-149

8.I. [15-406](#)

MOTION Appointing Mayor Cutter and Councilmembers Cox and Thomas to the Reinstated Rules Committee and Establishing the Regular Meetings to Be Held on the Third Wednesday of Each Month at 9:00 a.m.

**Adopted on the Consent Calendar.**

Enactment No: Min Order 2015-040

8.J. [15-498](#)

MOTION Nominating Jane Abelee as At Large Member to Personnel Relations Board

**Adopted on the Consent Calendar.**

Enactment No: Min Order 2015-041

8.K. [15-491](#)

Staff Report for a Resolution Amending the San Leandro City Employees' Association (SLCEA) Salary Schedule to Add the Classification of Purchasing Technician

[15-492](#)

RESOLUTION Amending the San Leandro City Employees' Association (SLCEA) Salary Schedule to Add the Classification of Purchasing Technician

**Adopted on the Consent Calendar.**

Enactment No: Reso 2015-150

8.L. [15-493](#)

Staff Report for a Resolution Amending the San Leandro Management Organization (SLMO) Salary Schedule to Add the Classification of Assistant Recreation and Human Services Director, and to Eliminate the Recreation and Human Services Manager Position from the 2015-16 Adopted Budget

[15-496](#)

RESOLUTION Amending the San Leandro Management Organization (SLMO) Salary Schedule to Add the Classification of Assistant Recreation and Human Services Director

**Adopted on the Consent Calendar.**

Enactment No: Reso 2015-151

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

- 8.N.** [15-471](#) Staff Report for a Resolution Accepting the Work for the Annual Overlay / Rehabilitation Project 2013-14, Project No. 2014.0050
- [15-472](#) RESOLUTION Accepting the Work for the Annual Overlay / Rehabilitation 2013-2014 Project, Project No. 2014.0050 (provides for the acceptance of the contract work performed by Gallagher and Burk, filing of the Notice of Completion, release of the performance and payment bonds, and release of the maintenance bond upon completion of the one-year maintenance period)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2015-152
- 8.O.** [15-485](#) Staff Report for a Resolution Authorizing the City Manager to Negotiate and Approve Individual Change Orders Up to 10% of the Original Contract Amount; and Authorizing the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% of the Original Contract Amount on Existing Construction Contracts with All Phase Excavation and Construction, American Asphalt, Chrisp Company, Columbia Electric, Conquest, DeSilva Gates, Flatiron Electric Group, Gallagher and Burk, McGuire and Hester, Ray's Electric, and S.J. Amoroso Construction Co., Inc.
- [15-479](#) RESOLUTION Authorizing the City Manager to Negotiate and Approve Individual Change Orders Up to 10% of the Original Contract Amount; and Authorizing the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% of the Original Contract Amount on Existing Construction Contracts with All Phase Excavation and Construction, American Asphalt, Chrisp Company, Columbia Electric, Conquest, DeSilva Gates, Flatiron Electric Group, Gallagher and Burk, McGuire and Hester, Ray's Electric, and S.J. Amoroso Construction Co., Inc.
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2015-153
- 8.P.** [15-502](#) Staff Report for Resolution Approving the Investment Report for the Quarter Ended June 30, 2015
- [15-503](#) RESOLUTION Accepting Investment Report for the Quarter Ended June 30, 2015 (reviews the activities of the City's investment portfolio)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2015-154

8.Q. [15-504](#) Staff Report for a Resolution Authorizing a Legal Services Agreement Amendment No. 1 with Bertrand, Fox, and Elliot for Legal Representation Associated with General Liability Claims and Claims Litigation to Increase the Contract Amount up to \$285,000 from the Self-Insurance Fund

[15-505](#) RESOLUTION Authorizing the City Manager to Enter into a Legal Services Agreement Amendment No. 1 with Bertrand, Fox, and Elliot for Legal Representation Associated with General Liability Claims and Claims Litigation

**Adopted on the Consent Calendar.**

Enactment No: Reso 2015-155

8.R. [15-506](#) Staff Report for Resolutions to Collect Communication Utility Users' Tax (UUT) and Emergency Communication System Access Tax (9-1-1) on Prepaid Wireless Service and to Authorize Examination of Prepaid Mobile Telephone Services Surcharge and Local Charge Records

[15-507](#) RESOLUTION Authorizing the Examination of Prepaid Mobile Telephony Services Surcharge and Local Charge Records

**Adopted on the Consent Calendar.**

Enactment No: Reso 2015-156

[15-517](#) RESOLUTION Authorizing the City Manager to Execute an Agreement with the State Board of Equalization for Implementation of the Local Prepaid Mobile Telephony Services Collection Act

**Adopted on the Consent Calendar.**

Enactment No: Reso 2015-157

[15-518](#) RESOLUTION Authorizing the City Manager to Enter into a Consulting Services Agreement Amendment No. 4 with MuniServices, LLC to Authorize Examination of the State Board of Equalization (BOE) Records Relating to Prepaid Wireless Utility Users' Tax (UUT) and Emergency Communication Access (9-1-1) Tax Collections

**Adopted on the Consent Calendar.**

Enactment No: Reso 2015-158

[15-519](#) ORDINANCE Amending Section 2-18-210 of the San Leandro Municipal Code Relating to the Temporary Reduction of the Emergency Communication System Access Tax (911 Tax) for Single Access Lines on Prepaid Wireless Services

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

Enactment No: Ordinance 2015-010

- 8.S. [15-515](#) Staff Report for a Resolution Approving a Budget Amendment to the City's Fiscal Year (FY) 2014-15 and 2015-16 General Fund, Special Revenue Funds, Enterprise Funds, Internal Service Funds, Capital Projects Funds, and Agency Funds Budget

[15-516](#) RESOLUTION Approving Amendments to the City of San Leandro Budget for Fiscal Year (FY) 2014-15 and 2015-16

**Adopted on the Consent Calendar.**

Enactment No: Reso 2015-159

- 8.T. [15-524](#) RESOLUTION Urging the State of California to Provide New Sustainable Funding for State and Local Transportation Infrastructure

**Adopted on the Consent Calendar.**

Enactment No: Reso 2015-160

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.M. [15-468](#) Staff Report for a Resolution to Award a Construction Contract to Robert A. Bothman Construction for the Siempre Verde Park Rehabilitation Project, Project No. 2015.0270 and authorization for the City Manager or his designee to negotiate and approve change orders to complete the project

[15-469](#) RESOLUTION to Award a Construction Contract to Robert A. Bothman Construction for the Siempre Verde Park Rehabilitation Project, Project No. 2015.0270, and to Authorize the City Manager or His Designee to Negotiate and Approve Change Orders to Complete the Project (provides for the rehabilitation of Siempre Verde Park per the approved 2010 conceptual plan via a construction contract of \$2,233,862.50 to be funded through a Housing and Community Development Grant, Park In-Lieu Fees, and General Funds; and the authority to issue individual and cumulative contract change orders up to specified limits)

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

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-161

## 10. ACTION ITEMS

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



10.B. [15-500](#) Staff Report Requesting Direction from City Council on a Proposal to Install Rainbow Crosswalks at the Intersection of West Juana Avenue and Clarke Street as Part of the West Juana Pedestrian Improvement Project No. 2014-0500 (This change would not increase the cost of the project)

**15-553** MOTION to keep the wagon wheel design with color

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

**Aye:** 5 - Lee, Lopez, Prola, Reed, Thomas

**Nay:** 2 - Cox, Cutter

Enactment No: Min Order 2015-042

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

*No reportable action was taken in closed session.*

**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**

*Due to the late hour, the City Council dispensed with this item.*

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

*None.*

**15. ADJOURN**

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

**RESPECTFULLY SUBMITTED:**

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