



# 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, May 20, 2013

7:00 PM

City Council Chambers

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### 1. CALL TO ORDER

*The meeting was called to order at 7:03 p.m.*

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

*Deputy City Clerk Vivian Chiu 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.** [13-263](#) Presentation by Alameda County Supervisor Wilma Chan on the Agreement Between Sutter Health and Alameda County Healthcare System to Keep San Leandro Hospital Open
- 2.B.** [13-261](#) Presentation of Certificates to the Washington Manor Middle School Basketball Teams
- 2.C.** [13-235](#) MOTION: Motion Approving Resolution Commending Peggy Hynd Combs for Her Years of Service on the Recreation and Parks Commission
- 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 2013-027

- 2.D.** [13-245](#) ADOPT: Resolution Appointing Ethanoor Usha-Rosato as District 2 Member to Library-Historical Commission (approves appointment for term ending December 31, 2016)

**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 2013-060

- 2.E.** [13-262](#) Proclamation Declaring May 31, 2013, as Muscular Dystrophy Association Day

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

- 3.A.** [13-228](#) Staff Report for Proposed Amendments to the City of San Leandro Zoning Code to Implement New State Law AB1616, to Create Regulations for Cottage Food Operations by Adding a Definition for Cottage Food Operations in Article 3, Section 1-304; to Allow for Such Use in all Zoning Districts within a Residential Unit in Article 16 by Adding Section 4-1688 Cottage Food Operations; to Add Cottage Food Operations Parameters to the Administrative Exception Process in Article 5, Section 2-574; and, to Create a Parking Standard Whereby One Off-Street Employee Parking Space Is Required for a Cottage Food Operation in Article 17, Section 4-1704

*The Hearing was opened to the public.*

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

- [13-229](#) PASS TO PRINT: An Ordinance Amending Article 3, Section 1-304 (Definitions); Amending Article 16 to Add Section 4-1688 (Cottage Food Operations); Amending Article 5, Section 2-574 (Administrative Exceptions); and Amending Article 17, Section 4-1704 (Off-Street Parking and Loading Spaces Required) of the San Leandro Zoning Code (approves regulations for Cottage Food Operations, a new use that would allow for limited commercial food preparation in residential dwellings, to comply with new State law AB 1616)

**A motion was made by Councilmember Prola, seconded by Councilmember Souza, that this ordinance be passed to print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2013-006

**4. PUBLIC HEARINGS – OTHER**

*None.*

**5. PUBLIC COMMENTS**

*DIANA PROLA, San Leandro Unified School District Board President, expressed appreciation for allowing the school district to move into the vacant City offices, invited the City Council to the reception for the retiring Superintendent Cindy Cathey, and provided update on the selection of a new Superintendent.*

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

*City Manager Chris Zapata acknowledged his family members in the audience and introduced his mother Virginia Salazar Duarte.*

- 6.A.** [13-260](#) City Attorney Report on City of Riverside v. Inland and Empire Patients Health and Wellness Center, Inc. Regarding California Supreme Court's Decision on Medical Marijuana Dispensaries

**7. AMENDMENT OF CONSENT CALENDAR**

*Item 8.J. was removed from consideration and will be brought back on a future agenda.*

**8. CONSENT CALENDAR****Approval of the Consent Calendar**

**A motion was made by Vice Mayor Gregory, seconded by Councilmember Reed, to approve the remaining items on the Consent Calendar. The motion carried by the following vote.**

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

- 8.A.** [13-238](#) APPROVE: Minutes of the Meeting of May 6, 2013

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

- 8.B.** [13-197](#) ADOPT: Ordinance No. 2013-003, an 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 2.7%)

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2013-003

- 8.C.** [13-198](#) ADOPT: Ordinance No. 2013-004, an 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 2.7%)

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2013-004

**8.D.** [13-199](#)

ADOPT: Ordinance No. 2013-005, an 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 2.7%)

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2013-005

**8.E.** [13-255](#)

MOTION: Motion Nominating Members to Boards or Commissions, as follows:

- Gayle Hudson as District 5 Member to Board of Zoning Adjustments
- Janell Hampton as District 5 Member to Human Services Commission
- Michael Bolar as District 5 Member to Recreation and Parks Commission

**Adopted on the Consent Calendar.**

Enactment No: Min Order 2013-028

**8.F.** [13-142](#)

Staff Report for Resolution Approving a Contractual Services Agreement Between the City of San Leandro and The Planning Center | DC&E to Prepare the Environmental Impact Report for the San Leandro Shoreline Development Project

[13-143](#)

ADOPT: Resolution Approving a Contractual Services Agreement Between the City of San Leandro and The Planning Center | DC&E to Prepare the Environmental Impact Report for the San Leandro Shoreline Development Project (provides the subject services for an amount not to exceed \$522,130)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-061

**8.G.** [13-153](#)

Staff Report on the Investment Report for the Quarter Ended March 31, 2013

[13-254](#)

ADOPT: Resolution Accepting Investment Report for the Quarter Ended March 31, 2013 (reviews the activities of the City's investment portfolio)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-062

- 8.H. [13-155](#) Staff Report for Resolution Approving the City of San Leandro's Investment Policy for Fiscal Year 2013-14
- [13-246](#) ADOPT: Resolution Approving the City of San Leandro's Investment Policy for Fiscal Year 2013-14 (provides for annual review and approval of the City's Investment Policy as required by California Government Code Section 53600 et seq., and Section VIII of the San Leandro Investment Policy)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2013-063
- 8.I. [13-210](#) Staff Report for a Resolution Authorizing the City Manager to Accept the Alameda County Transportation Commission Approved Measure B Paratransit Application for the Expenditure of Measure B Paratransit Funds in FY 2013-14 and to Negotiate and Execute All Documents in Support of These Activities
- [13-211](#) ADOPT: Resolution Authorizing the City Manager to Accept the Alameda County Transportation Commission Approved Measure B Paratransit Application for the Expenditure of Measure B Paratransit Funds in FY 2013-14 (approves \$279,603 for Flex Shuttle and \$50,000 for medical trips)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2013-064
- 8.J. [13-217](#) Staff Report for a Resolution Approving Plans and Specifications and Authorizing the City Manager to Call for Bids for the Monarch Bay Drive Bridge Repair Project, Project No. 150-38-324
- This item was removed from consideration and will be rescheduled for a future meeting.*
- [13-218](#) ADOPT: Resolution Approving Plans and Specifications and Authorizing the City Manager to Call for Bids for Monarch Bay Drive Bridge Repair, Project No. 150-38-324 (provides for the repair of the bridge deck and eroded banks at a cost of \$375,000 using FY 11-12 Measure B funds and Federal Grant funds)
- This item was removed from consideration and will be rescheduled for a future meeting.*
- Enactment No: Reso 2013-076
- 8.K. [13-219](#) Staff Report for a Resolution Approving Plans and Specifications and Calling for Bids for Bridge Maintenance and Repair 2011, Project No. 144-38-339
- [13-222](#) ADOPT: Resolution Approving Plans and Specifications and Calling

for Bids for Bridge Maintenance and Repair 2011, Project No. 144-38-339 (provides for the repairs to the San Leandro Boulevard and Wicks Boulevard bridges at a cost of \$190,000 using FY 11-12 Measure B Streets & Roads funds)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-065

- 8.L. [13-250](#) Staff Report for a Resolution Authorizing the City Manager to Execute Program Supplement Agreement No. 022-N to Administer Agency-State Agreement for Federal-Aid Projects No. 04-5041R for the Intersection of Washington Avenue and Monterey Boulevard/Bradrick Drive Improvements

[13-251](#) ADOPT: Resolution Authorizing the City Manager to Execute Program Supplement Agreement No. 022-N to Administer Agency-State Agreement for Federal-Aid Projects No. 04-5041R for the Intersection of Washington Avenue and Monterey Boulevard/Bradrick Drive Improvements (provides for federal funding of Intersection Improvements at Washington Avenue and Monterey Boulevard/Bradrick Drive)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-066

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

*None.*

## 10. ACTION ITEMS

- 10.A. [13-239](#) Staff Report for the Resolution of Intent to Establish a Community Benefit District in Downtown San Leandro and a Motion Authorizing the City Manager to Sign the City-owned Property Ballots in Support of the Community Benefit District

*One speaker commented on this item: David Erlich.*

[13-247](#) ADOPT: Resolution of the City Council of the City of San Leandro Stating Its Intention to Establish the Downtown San Leandro Community Benefit District and to Levy and Collect Assessments Within Said District Pursuant to City of San Leandro Ordinance No. 2012-014 Pertaining to the Formation of a Community Benefit District, and Appointing a Time and Place for Hearing Objections Thereto (declares the intention to establish a Community Benefit District for 15 years and sets a public hearing for July 15, 2013)

**A motion was made by Councilmember Prola, 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 2013-067

[13-271](#)

MOTION: Motion Authorizing the City Manager to Sign the City-owned Property Ballots in Support of the Community Benefit District

**A motion was made by Councilmember Prola, seconded by Councilmember Cutter, 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 2013-029

10.B. [13-177](#)

Staff Report for a Resolution Approving a New Legal Services Agreement with the Law Firm of Meyers Nave Riback Silver & Wilson

[13-178](#)

ADOPT: Resolution Approving Agreement for Legal Services with Meyers Nave Riback Silver & Wilson ("Meyers Nave") for Contract City Attorney Legal Services (approves a 13-month agreement effective June 1, 2013)

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

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

**Nay:** 1 - Cassidy

Enactment No: Reso 2013-068

10.C. [13-236](#)

Presentation on Proposed Fiscal Years 2013-14 and 2014-15 Biennial Budget

10.D. [13-186](#)

MOTION: Motion Designating Vice Mayor to Serve for a Period of One Year Pursuant to City Charter Section 310

**A motion was made by Vice Mayor Gregory, seconded by Councilmember Cutter, to nominate Councilmember Jim Prola as Vice Mayor. The motion carried by the following vote.**

**Aye:** 4 - Cassidy, Cutter, Gregory, Prola

**Nay:** 3 - Lee, Reed, Souza

Enactment No: Min Order 2013-030

10.E. Report on Closed Session Actions Taken

*None.*

## 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**

*Councilmember Reed requested consideration of supporting SB 391 to enact the California Homes and Jobs Act of 2013. Mayor Cassidy suggested implementing a two-step process for placing legislations on the agenda for consideration. A Councilmember would circulate the legislation under this section at the first meeting and the City Council would decide at the second meeting to place the item on a future agenda.*

## **13. ADJOURN**

*The meeting was adjourned at 9:46 p.m., after observing a moment of silence for the victims of the Oklahoma tornado.*

**RESPECTFULLY SUBMITTED:**

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**MARIAN HANDA**

**City Clerk of the City of San Leandro**