



# 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 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, July 15, 2013

7:00 PM

City Council Chambers

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### Joint Meeting of City Council and San Leandro Hillside Geologic Hazard Abatement District

#### 1. CALL TO ORDER

*The meeting was called to order at 7:06 p.m.*

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

*Police Chief Sandra Spagnoli 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. [13-330](#) Proclamation Declaring August 1, 2013 as MedShare Day in San Leandro
- 2.B. [13-356](#) Presentation by AC Transit of Bus Rapid Transit (BRT) Station Design
- 2.C. [13-374](#) Presentation on United for Safety Crime Prevention Initiative and Proclamation Declaring August 2013 as United for Safety Month in San Leandro
- 2.D. [13-367](#) Presentation of Economic Development's Outreach Campaign

- 2.E. [13-376](#) Recognition of Councilmember Michael Gregory for His Service as Vice Mayor in 2011-12 and 2012-13

### 3. PUBLIC HEARINGS – CITY COUNCIL

- 3.A. [13-358](#) Staff Report for a Resolution of Formation for the Establishment of the Downtown San Leandro Community Benefit District

*Mayor Cassidy announced the procedure for submitting, changing, or withdrawing a ballot.*

*The Hearing was opened to the public.*

*Comments were made by the following individuals: Richard Gorringer, Dan Dillman, David Erlich, Rob Scribner, Lawrence Lancaster and Larry Allphin.*

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

*The City Council proceeded with other items on the agenda while the ballots were opened and tallied in the Sister Cities Gallery.*

*The Mayor recommenced the item after a recess taken after Item 9, Items Removed from Consent Calendar.*

*City Clerk Marian Handa reported the results:*

- *The total number of ballots cast was 98 (141 parcels) representing \$190,132.16 of the weighted assessment.*
- *The ballots with a vote of “Yes” to approve the assessment amounted to a total weighted assessment of \$122,019.42.*
- *The ballots with a vote of “No” to disapprove the assessment amounted to a total weighted assessment of \$68,112.75.*
- *The vote by weighted assessment for establishment of the Downtown Community Benefit District is 64.18% in support, and 35.82% not in support.*

*Ms. Handa then reported the amended results, showing the figures after removing the parcels for the residential condominiums at 1132 Carpentier Street and 400 Davis Street:*

- *The total number of ballots cast was 62 (103 parcels) representing \$179,901.96 of the weighted assessment.*
- *The ballots with a vote of “Yes” to approve the assessment amounted to a total weighted assessment of \$120,926.62.*
- *The ballots with a vote of “No” to disapprove the assessment amounted to a total weighted assessment of \$58,975.35.*
- *The vote by weighted assessment for establishment of the Downtown Community Benefit District is 67.22% in support, and 32.78% not in support.*

[13-357](#)

ADOPT: Resolution Forming the Downtown San Leandro Community Benefit District (authorizes the levy of assessments on properties located within the Downtown Community Benefit District boundaries to fund improvements and activities within the District as detailed in the 2013 Management District Plan, with the FY 2013-14 assessment of

\$41,190 for City-owned properties to be paid from the General Fund)

**A motion was made by Councilmember Cutter, seconded by Vice Mayor Prola, that this resolution be adopted as amended, to remove the parcels at 1132 Carpentier Street and 400 Davis Street from the Downtown San Leandro Community Benefit District. The motion carried by the following vote.**

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

Enactment No: Reso 2013-102

**3.B. [13-298](#)**

Staff Report for the Matter of Imposing Liens for Non-Payment of Delinquent 2013 Business License Tax, Solid Waste Service Charges, Sidewalk Improvements, False Alarm Responses, Sewer Service Charges, Certified Unified Program Agency Fees, and Community Compliance Code Enforcement Charges

*The Hearing was opened to the public.*

*Comments were made by the following individual: David Erlich.*

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

**[13-300](#)**

ADOPT: Resolution Overruling Protests (2013 Business License Tax, Solid Waste Service Charges, Sidewalk Repairs, False Alarm Responses, Sewer Service Charges, Certified Unified Program Agency Fees, and Community Compliance Code Enforcement Charges) (overrules protests or objections on assessment proposed to be levied for non-payment of delinquent 2013 taxes and service charges)

**A motion was made by Councilmember Souza, seconded by Vice Mayor 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 2013-103

**[13-299](#)**

ADOPT: Resolution Imposing Liens for Non-Payment of Delinquent 2013 Business License Tax, Solid Waste Service Charges, Sidewalk Repairs, False Alarm Responses, Sewer Service Charges, Certified Unified Program Agency (CUPA) Fees, and Community Compliance Code Enforcement Charges (confirms liens for non-payment of delinquent accounts to be placed on the 2013-14 Alameda County Property Tax roll)

**A motion was made by Councilmember Souza, seconded by Vice Mayor 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 2013-104

**4. PUBLIC HEARINGS – OTHER**

None.

## 5. PUBLIC COMMENTS

*MIA OUSLEY, San Leandro resident, read a petition signed by approximately 250 North Area and Broadmoor Neighborhood Association residents, requesting improvements to Bancroft Avenue and surrounding areas.*

*DAN DILLMAN, San Leandro resident, commented on concerns with his treatment by City staff, the community outreach on BRT, and the proposed business license tax holiday.*

*MITCH HUITEMA, San Leandro resident, commented on the needed improvements requested in the residents' petition.*

*CHRIS PAREJA, Hayward resident, commented on the Plan Bay Area proposal, and the disproportionate representation by San Francisco, Oakland, and San Jose that is unfair to smaller jurisdictions. He requested that San Leandro's ABAG (Association of Bay Area Governments) representatives lobby for a vote of the General Assembly.*

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

None.

## 7. AMENDMENT OF CONSENT CALENDAR

*Items 8.C., 8.F., and 8.H. were 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 Cutter, 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. [13-369](#)** APPROVE: Minutes of the Meeting of July 1, 2013

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

**8.B. [13-366](#)** MOTION: Motion Confirming City Council Recess During the Month of August Due to Anticipated Lack of Quorum for the Regular City Council Meetings of August 5 and 19, 2013

**Adopted on the Consent Calendar.**

Enactment No: Min Order 2013-039

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

- 8.D. [13-353](#) Staff Report for a Resolution Approving a Consulting Services Agreement with TruePoint Solutions to Migrate and Configure the Tidemark Permitting Software System from Accela, Inc. to Accela Automation/Civic Cloud in the Amount of \$208,900.

[13-354](#) ADOPT: Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with TruePoint Solutions, Inc. for Migration and Configuration of the Tidemark Permitting Software System to Accela Automation/Civic Cloud in the Amount of \$208,900 (upgrades the system used to calculate permit fees, issue permits, maintain permit and inspection history, and schedule inspections)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-105

- 8.E. [13-335](#) Staff Report for a Resolution Amending Section §17.1.100 of Chapter 17.1 of the San Leandro Administrative Code to Amend the Regular Meeting Schedule of the Youth Advisory Commission

[13-337](#) ADOPT: Resolution Amending §17.1.100 of Chapter 17.1 of the San Leandro Administrative Code Relating to Rules of Procedure of the Youth Advisory Commission (changes the time of the regular meetings from 6:00 p.m. on the first and third Mondays of each month to the first and third Tuesdays of each month)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-106

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

- 8.G. [13-316](#) Staff Report for a Resolution Accepting the Work for the Marina Park Irrigation Improvements Project, Project No. 11-150-62-111

[13-317](#) ADOPT: Resolution Accepting the Work for the Marina Park Irrigation Improvements Project, Project No. 11-150-62-111 (provides for the acceptance of the contract work by Suarez and Munoz Construction, Inc., 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 2013-107

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

- 8.I.**    [13-321](#)            Staff Report for a Resolution Awarding a Construction Contract to American Civil Constructors West Coast, Inc. for the Bridge Maintenance and Repair 2011 Project, Project No. 144-38-339
- [13-320](#)            ADOPT: Resolution Awarding a Construction Contract to American Civil Constructors West Coast, Inc. for the Bridge Maintenance and Repair 2011 Project, Project No. 144-38-339 (awards a construction contract to the lowest responsible bidder in the amount of \$147,080 using FY11-12 Measure B Streets & Roads funds)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2013-108
- 8.J.**    [13-344](#)            Staff Report for a Resolution of the San Leandro Hillside Geologic Hazard Abatement District Approving the Annual Report of the San Leandro Hillside Geologic Hazard Abatement District (GHAD) for Fiscal Year 2012-13
- [13-345](#)            ADOPT: Resolution of the San Leandro Hillside Geologic Hazard Abatement District Approving the Annual Report of the San Leandro Hillside Geologic Hazard Abatement District (GHAD) for Fiscal Year 2012-13 (provides for approval of the annual report of the activities of the GHAD)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2013-001 GHAD
- 9.        ITEMS REMOVED FROM CONSENT CALENDAR**
- 8.C.**    [13-372](#)            Staff Report for a Resolution Setting a Date and Adopting a Fee for the Performance of Civil Marriage Ceremonies at City Hall
- [13-373](#)            ADOPT: Resolution Setting a Date and Establishing a Fee for Performing Marriage Ceremonies at City Hall (approves the performance of marriage ceremonies on July 26, 2013, for \$50 processing fee and \$75 per hour facility rental fee)
- A motion was made by Vice Mayor Prola, seconded by Councilmember Souza, that this resolution be adopted as amended, to remove the July 26th date. The motion carried by the following vote.**
- Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza
- Enactment No: Reso 2013-109
- 8.F.**    [13-361](#)            Staff Report Recommending a Motion to Adopt the Funding Allocations Formulated by the Human Services Commission

Regarding the Community Investment Program Funding for FY13-14

[13-362](#)

MOTION: Motion Accepting the Recommendation by the Human Services Commission to Approve the FY13-14 Community Investment Program Funding Allocations, as Follows:

- Alzheimer's Services of the East Bay – \$10,000
- CALICO – \$2,500
- Davis Street Family Resource Center/Family Support Services – \$29,209
- Eden I&R/211 – \$15,000
- Family Emergency Shelter Coalition (FESCO) – \$7,000
- Family Service Counseling Center – \$17,500
- Family Violence Law Center – \$15,000
- Girls Inc. – \$15,000
- Safe Alternative to Violent Environments (SAVE) – \$15,000
- SOS/Meals on Wheels – \$12,911
- Spectrum Community Services – \$10,880

**A motion was made by Councilmember Reed, seconded by Vice Mayor 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 2013-040

8.H. [13-318](#)

Staff Report for a Resolution Awarding a Construction Contract to Fanfa, Inc. for the Stenzel Park Drainage Project, Project No. 2003.0720

[13-319](#)

ADOPT: Resolution Awarding a Construction Contract to Fanfa, Inc. for the Stenzel Park Drainage Project, Project No. 2003.0720 (awards a construction contract to the lowest responsible bidder in the amount of \$123,000.00 using Measure WW bond funds approved as part of the 2010-2011 CIP Budget)

**A motion was made by Councilmember Lee, 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 2013-110

**The City Council recessed from 10:03 p.m. to 10:07 p.m., and recommenced Item 3.A. after the recess.**

## 10. ACTION ITEMS

10.A. [13-360](#)

ADOPT: Resolution Designating Voting Delegate and Alternate for the League of California Cities 2013 Annual Conference (provides for

discussion and designation of a voting delegate and alternate voting delegate[s])

**A motion was made by Councilmember Cutter, seconded by Councilmember Reed, that this resolution be adopted to designate Councilmember Souza as the voting delegate and Councilmember Gregory as the alternate. The motion carried by the following vote.**

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

Enactment No: Reso 2013-111

**10.B. [13-378](#)**

Staff Report for Resolution Approving a Business License Tax Holiday for New Businesses

**[13-380](#)**

ADOPT: Resolution Approving a Business License Tax Holiday for New Businesses (waives business license tax for a period of one year to all businesses that are new to San Leandro and physically located in the City excluding those classified as residential and commercial rental property owners, amusement devices, or waste disposal sites)

**A motion was made by Councilmember Lee, seconded by Vice Mayor Prola, that this resolution be adopted as amended, to waive the zoning approval / permit fee for businesses that qualify for the Business License Tax Holiday for a one-year period concurrent with the Business License Tax Holiday, and with direction to staff to evaluate the performance to determine a waiver for a second year. The motion carried by the following vote.**

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

Enactment No: Reso 2013-112

**10.C. Report on Closed Session Actions Taken**

*City Attorney Richard Pio Roda announced that, in accordance with subdivision (a)(6) of California Government Code Section 54957.1, by a vote of 7 ayes, 0 noes, the City Council approved a labor agreement in principle for a term of two and one-half years, for the San Leandro Police Management Unit. A resolution of approval with a draft of the written agreement will come before the City Council at an upcoming City Council meeting.*

**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**

*There was consensus of the City Council to schedule the following items:*

- *a Council discussion on the performance of marriage ceremonies at City Hall for more than the one-time event*
- *a Council discussion on the cleaning and sweeping of public rights of way such as*

*streets and sidewalks*

**13. ADJOURN**

*The meeting was adjourned at 10:48 p.m., in memory of Harry Lema.*

**RESPECTFULLY SUBMITTED:**

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