



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

Bryan Azevedo, District 2

Victor Aguilar, Jr., District 3

Fred Simon, District 4

Corina N. Lopez, District 5

Pete Ballew, District 6

Monday, November 1, 2021

6:30 PM

Access the meeting remotely by using this URL
<https://zoom.us/j/506831637>

San Leandro City Council conducted this meeting in accordance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and AB 361, under which a resolution was approved by the City Council on October 4, 2021.

1. CALL TO ORDER

The meeting was called to order at 6:32 p.m.

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

1.B. ROLL CALL

Present 7 - Aguilar, Azevedo, Ballew, Cox, Lopez, Simon, Cutter

1.C. ANNOUNCEMENTS

2. RECOGNITIONS

2.A. [21-614](#) Mayor's Award for Kindness for Claudia McHenry

Presented

2.B. [21-586](#) Proclamation Honoring Transgender Awareness Week and Transgender Day of Remembrance

Presented

3. PUBLIC COMMENTS

Public Comment was received by Christopher Bammer and Leo T. West

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.

4. PRESENTATIONS

None.

5. PUBLIC HEARINGS

None.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

7. AMENDMENT OF CONSENT CALENDAR

None.

8. CONSENT CALENDAR

Approval of the Consent Calendar

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

Aye: 7 - Aguilar, Azevedo, Ballew, Cox, Lopez, Simon, Cutter

8.A. [21-602](#) Minutes of the City Council Meeting of October 18, 2021

Approved as Submitted on the Consent Calendar.

8.B. [21-600](#) Minutes of the City Council Meeting of October 4, 2021

Approved as Submitted on the Consent Calendar.

8.C. [21-380](#) Minutes of the Facilities and Transportation Committee Meeting of May 5, 2021

Approved as Submitted on the Consent Calendar.

8.D. [21-623](#) MOTION Approving the Cancellation of the November 8, 2021 City Council Work Session Meeting.

Adopted on the Consent Calendar.

Enactment No: Min Order 2021-025

- 8.E. [21-569](#) Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Execute Construction Change Orders with DeSilva Gates Construction to Add Work to the Annual Street Overlay/Rehabilitation 2018-20; Project No. 2019.0050

Received and Filed on the Consent Calendar.

[21-570](#) RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Execute Construction Change Orders with DeSilva Gates Construction to Add Work to the Annual Street Overlay/Rehabilitation 2018-20 Project (increases the maximum value of change orders that may be executed on the contract for construction of the Annual Street Overlay/ Reconstruction 2018-20; Project No. 2019.0050)

Adopted on the Consent Calendar.

Enactment No: Reso 2021-147

- 8.F. [21-572](#) Staff Report for a City of San Leandro City Council Resolution Accepting the Annual Report of the West San Leandro Shuttle Business Improvement District (BID) for Fiscal Year 2021-2022 and Directing the City Manager to Impose the 2022 BID Assessment Rates Increased by the Consumer Price Index (CPI) for the LINKS Shuttle Program

Received and Filed on the Consent Calendar.

[21-573](#) RESOLUTION of the City of San Leandro City Council Accepting the Annual Report for the West San Leandro Shuttle Business Improvement District (BID) Fiscal Year 2021-2022 and Directing the City Manager to Impose the 2022 BID Assessment Rates Increased by the June 2020 - June 2021 Consumer Price Index (CPI) for the LINKS Shuttle Program

Adopted on the Consent Calendar.

Enactment No: Reso 2021-148

- 8.G. [21-592](#) Staff Report for a City of San Leandro City Council Resolution to Approve Annual Renewals for Fiscal Years 2021-2022 and 2022-2023 with SoftChoice Corporation, Inc. for the Microsoft Enterprise Agreement for the Combined Amount of \$410,559.51 (Approves One Annual Renewal of \$195,504.53 in Fiscal Year 2021-2022 and One Annual Renewal of \$215,054.98 plus up to a 10% increase in Fiscal Year 2022-2023).

Received and Filed on the Consent Calendar.

[21-593](#) RESOLUTION of the City of San Leandro City Council to Approve Annual Renewals for Fiscal Years 2021-2022 and 2022-2023 with SoftChoice Corporation for the Microsoft Enterprise Agreement for the Combined

Amount of \$410,559.51 (Approves One Annual Renewal of \$195,504.53 in Fiscal Year 2021-2022 and One Annual Renewal of \$215,054.98 plus up to a 10% increase in Fiscal Year 2022-2023).

Adopted on the Consent Calendar.

Enactment No: Reso 2021-149

8.H. [21-609](#)

Staff Report for a City of San Leandro City Council Resolution to Adopt the American Rescue Plan Act (ARPA) Budget for Fiscal Years 2021-2022 and 2022-2023 and to Authorize the City Manager to Approve Carryovers/Unspent ARPA Funds to Future Fiscal Years' Budgets

Received and Filed on the Consent Calendar.

[21-610](#)

RESOLUTION of the City of San Leandro City Council Adopting the American Rescue Plan Act (ARPA) Budget for Fiscal Years 2021-2022 and 2022-2023 and Authorizing the City Manager to Approve Carryovers/Unspent ARPA Funds to Future Fiscal Years' Budgets

Adopted on the Consent Calendar.

Enactment No: Reso 2021-150

8.I. [21-628](#)

City of San Leandro City Council Resolution to Continue Conducting the San Leandro City Council and all Appointed Board and Commission Meetings Remotely Due to Health and Safety Concerns for the Public and Making Related Findings.

Received and Filed on the Consent Calendar.

[21-630](#)

RESOLUTION of the City of San Leandro City Council finding that there is a proclaimed State of Emergency; finding that meeting in person would present imminent risks to the health or safety of attendees as a result of the State of Emergency; and authorizing remote teleconferenced meetings of the legislative bodies of the City of San Leandro for the 30 day period beginning November 1, 2021 pursuant to AB 361

Adopted on the Consent Calendar.

Enactment No: Reso 2021-151

8.J. [21-631](#)

RESOLUTION of the City of San Leandro City Council Extending the Confirmation of the Proclamation of the Local Emergency and State of Emergency by the City's Director of Emergency Services Pursuant to California Government Code Section 8630 and Public Contract Code Section 22050(c) because of the COVID-19 Pandemic

Adopted on the Consent Calendar.

Enactment No: Reso 2021-152

9. ITEMS REMOVED FROM CONSENT CALENDAR**10. ACTION ITEMS**

- 10.A. [21-594](#)** Staff Report for a City of San Leandro City Council Ordinance Adding Chapter 3-24, Organics Reduction and Recycling, to the San Leandro Municipal Code to Incorporate an Ordinance of the Alameda County Waste Management Authority to Reduce the Amount of Organic and Recyclable Materials Deposited Into Landfills

Public Comment was received by Ginny Madsen

Received and Filed

- [21-591](#) An Ordinance Adding Chapter 3-24, Organics Reductions and Recycling, to the San Leandro Municipal Code to Incorporate an Ordinance of the Alameda County Waste Management Authority to Reduce the Amount of Organic and Recyclable Materials Deposited Into Landfills

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

Aye: 7 - Aguilar, Azevedo, Ballew, Cox, Lopez, Simon, Cutter

Enactment No: Ordinance 2021-012

- 10.B. [21-596](#)** Staff Report for a City of San Leandro City Council Urgency Ordinance and a Regular Ordinance to Require Proof of COVID-19 Vaccination to Enter Specified Places of Public Accommodation

There were approximately 20 public speakers.

Comments were made by the following individuals:

Heather Jimenez, Raymond Ysguerra, Mike Kellet, Mary, Angel, Jackie Cota, Cynthia Fernandez, Tami Resendez, Fey Adel, Carol Criss, Rebecca, Glen Kohler, Alison Hayden, Veronica, Leo T. West, Emily Griego, Sharene Acosta, Ed Hernandez, Catherine, Spencer

Received and Filed

- [21-597](#) City of San Leandro City Council Urgency Ordinance to Mandate Proof of Vaccinations or Proof of Negative COVID-19 Test to Access Public Accommodations

A motion was made by Councilmember Aguilar, seconded by Councilmember Lopez, that this Urgency Ordinance be Passed to Print and Adopted. The motion failed by the following vote.

Aye: 3 - Aguilar, Lopez, Simon

Nay: 3 - Ballew, Cox, Cutter

Abstain: 1 - Azevedo

Enactment No:

[21-608](#)

City of San Leandro City Council Ordinance to Mandate Proof of Vaccinations or Proof of Negative COVID-19 Test to Access Public Accommodations

A motion was made by Councilmember Aguilar, seconded by Councilmember Lopez, that this Ordinance be Passed to Print. The motion failed by the following vote.

Aye: 3 - Aguilar, Lopez, Simon

Nay: 3 - Ballew, Cox, Cutter

Abstain: 1 - Azevedo

Enactment No:

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

City Attorney Richard Pio Roda reported there was no reportable action taken and direction was provided to staff.

12. CITY COUNCIL REPORTS

City Councilmembers reported on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting.

Item 13. was moved up in the Agenda, after Item 3. PUBLIC COMMENTS

14. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

-A motion was made by Mayor Cutter, seconded by Councilmember Simon to schedule on the Rules Committee agenda, a discussion on public comment and update to the City Council Handbook

Roll call was taken as follows:

Aye: Aguilar, Azevedo, Ballew, Cox, Lopez, Simon, Mayor Cutter

Nay: None

Absent: None

Abstain: None

-A motion was made by Councilmember Simon, seconded by Mayor Cutter to schedule on the Rules Committee agenda, a discussion on creating a Youth Leadership Commission replicated after the Walnut Creek model for a new or combined with Youth Advisory Commission (YAC)

Roll call was taken as follows:

Aye: Aguilar, Azevedo, Ballew, Cox, Lopez, Simon, Mayor Cutter

Nay: None

Absent: None

Abstain: None

-A motion was made by Councilmember Simon, seconded by Councilmember Lopez, followed by a substitute motion made by Mayor Cutter, second by Councilmember Cox to moved forward with a Resolution Declaring Racism a Public Health Crisis and schedule on the priority Work Session for a reconciliation in relation to Racism as a Public Health Crisis.

Roll call was taken as follows:

Aye: Aguilar, Azevedo, Ballew, Cox, Lopez, Cutter

Nay: Simon

Absent: None

Abstain: None

15. ADJOURN

The meeting was adjourned at 10:24 p.m.

RESPECTFULLY SUBMITTED:

LETICIA I. MIGUEL

City Clerk of the City of San Leandro