



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
Joyce Starosciak, District 4
Pauline Russo Cutter, District 5
Jim Prola, District 6

Monday, July 2, 2012

7:00 PM

City Council Chambers

1. CALL TO ORDER

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

1.A. PLEDGE OF ALLEGIANCE

1.B. ROLL CALL

Present 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

1.C. ANNOUNCEMENTS

City Attorney Jayne Williams reported that this afternoon, the California Court of Appeal-Second Appellate District issued an opinion in the case of County of Los Angeles v. Alternative Medicinal Cannabis Collective et al that holds that local jurisdictions cannot adopt a local ordinance under its police power that would impose a complete ban on medical marijuana dispensaries. The Court held that such an ordinance would be preempted by California's medical marijuana laws.

In light of this development, Ms. Williams recommended to the Council that Item 10.B. be postponed to a later date, to provide an opportunity for the City Attorney's Office and staff to review the impact of this decision. The City's medical marijuana moratorium expires September 30, 2012, and the CAO and staff will come back to the Council before that date with a status report and recommendations as to how to proceed.

2. PRESENTATIONS/ RECOGNITIONS

2.A. [12-352](#)

ADOPT: Resolution Appointing Kevin Leichner as District 1 Member to Planning Commission (approves appointment for term ending December 31, 2014)

A motion was made by Vice Mayor Gregory, seconded by Councilmember Starosciak, that this Resolution be Adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-075

Newly appointed Planning Commissioner Kevin Leichner took his Oath of Office administered by the City Clerk.

2.B. [12-344](#) Proclamation Declaring July 2012 as “Parks and Recreation Month” in San Leandro

2.C. [12-345](#) Presentation by California Youth Energy Services and Senior Planner Sally Barros on Energy Efficiency Project

3. PUBLIC HEARINGS – CITY COUNCIL

None.

4. PUBLIC HEARINGS – OTHER

None.

5. PUBLIC COMMENTS

DAVID ERLICH, San Leandro resident, commented on the recent U.S. Mayors Conference.

MAY JIANG, San Leandro resident, requested the City's assistance with an issue with her upstairs neighbor.

MARGARITA LACABE, San Leandro resident, commented on a human rights issue involving the recent arrest of individuals at the San Leandro Marina, and the denial of her request for the police report.

DARLENE EVANS, San Leandro resident, commented on incidents in her neighborhood and other various issues.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

Mr. Zapata recommended the following as upcoming work session topics: local business assistance and retention efforts; public safety; and transportation projects.

6.A. [12-351](#) City Manager Report on Street Sweeping Parking Restrictions

7. AMENDMENT OF CONSENT CALENDAR

None.

8. CONSENT CALENDAR

Approval of the Consent Calendar

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

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

- 8.A.** [12-346](#) APPROVE: Minutes of the Meeting of June 18, 2012
- Approved as Submitted on the Consent Calendar.**
- 8.B.** [12-337](#) ACCEPT: Facilities and Transportation Committee Meeting Highlights of June 13, 2012
- Accepted as Submitted on the Consent Calendar.**
- 8.C.** [12-331](#) MOTION: Motion Confirming City Council Recess During the Month of August
- Adopted on the Consent Calendar.**
- Enactment No: Min Order 2012-025
- 8.D.** [12-314](#) Staff Report for Approving Community Development Block Grant (CDBG) Consulting Services Agreement Between the City of San Leandro and Neighborhood Solutions to Administer the City's Housing Rehabilitation Program in FY 2012-2013
- [12-315](#) ADOPT: Resolution Approving the Community Development Block Grant (CDBG) Consulting Services Agreement between the City of San Leandro and Neighborhood Solutions to Administer the City's Housing Rehabilitation Program in FY 2012-2013 (approves agreement in the amount of \$90,000 from CDBG funds)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2012-076
- 8.E.** [12-316](#) Staff Report for Resolution Approving a FY 2012-13 Contractual Services Agreement with Bay Area Homebuyer Agency to Administer the City Homebuyer Programs
- [12-317](#) ADOPT: Resolution Approving a FY 2012-13 Contractual Services Agreement with Bay Area Homebuyer Agency for \$33,065 (approves the annual agreement for administration of the City's First Time Homebuyer and Inclusionary Housing/Below Market Rate Ownership Programs)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2012-077

- 8.F. [12-335](#) Staff Report for Resolution Approving Owner-Occupied Housing Rehabilitation Program Amendments
- [12-336](#) ADOPT: Resolution Approving Owner-Occupied Housing Rehabilitation Program Amendments (provides for changes to streamline, clarify, and simplify the program)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2012-078
- 8.G. [12-250](#) Staff Report for a Resolution Approving the 2012-2013 Five-Year Project List for Underground Utility Conversion Projects
- [12-251](#) ADOPT: Resolution Approving the 2012-3013 Five-Year Project List for Underground Utility Conversion Projects (establishes a list of potential underground utility conversion projects to be considered within the next five years)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2012-079

9. ITEMS REMOVED FROM CONSENT CALENDAR

None.

10. ACTION ITEMS

- 10.A. [12-338](#) Staff Report for Resolution Authorizing the City Manager to Enter Into a Consultant Services Agreement with New City America, Inc. for Assistance in Establishing a Downtown San Leandro Assessment District at a Cost Not-to-Exceed \$65,000
- [12-342](#) ADOPT: Resolution Approving Consultant Services Agreement with New City America, Inc. for Assistance in Establishing a Downtown San Leandro Assessment District (approves agreement for up to \$65,000 from the General Fund for assistance in establishing an assessment district in Downtown San Leandro. Assessment district, if approved by property owners within the district, will provide revenue for enhanced security, maintenance and marketing.)
- A motion was made by Councilmember Reed, seconded by Vice Mayor Gregory, that this Resolution be Adopted. The motion carried by the following vote.**
- Aye:** 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak
- Enactment No: Reso 2012-080
- 10.B. [12-341](#) Staff Report for Ordinance Adding Municipal Code Chapter 4-33

Relating to the Prohibition Against the Establishment and Operation of Medical Marijuana Cooperatives, Collectives, Dispensaries and Cultivation Facilities in the City of San Leandro

Item was removed from consideration and will be rescheduled for a future meeting.

[12-343](#)

PASS TO PRINT: An Ordinance Adding Municipal Code Chapter 4-33 Relating to the Prohibition Against the Establishment and Operation of Medical Marijuana Dispensaries in the City (establishes a ban on medical marijuana cooperatives, collectives, dispensaries and cultivation facilities, to sunset on June 30, 2013)

Item was removed from consideration and will be rescheduled for a future meeting.

10.C. [12-355](#)

ADOPT: Resolution Designating Voting Delegate and Alternate for the League of California Cities 2012 Annual Conference (provides for discussion and designation of a voting delegate and alternate voting delegate[s])

A motion was made by Councilmember Prola, seconded by Councilmember Cutter, that this Resolution be Adopted as Amended, designating Councilmember Diana Souza as the Voting Delegate, and Vice Mayor Michael Gregory as the Alternate Voting Delegate, for the League of California Cities 2012 Annual Conference. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-081

10.D. Report on Closed Session Actions Taken

No closed session.

11. **CITY COUNCIL CALENDAR**

City Councilmembers announced upcoming events and coordinated attendance.

12. **CITY COUNCIL REPORTS AND ANNOUNCEMENTS**

City Councilmembers 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.

13. **ADJOURN**

The meeting was adjourned at 9:43 p.m. in memory of John Kaplan.

RESPECTFULLY SUBMITTED:

MARIAN HANDA
City Clerk of the City of San Leandro