



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

Ed Hernandez, District 2

Lee Thomas, District 3

Benny Lee, District 4

Corina N. Lopez, District 5

Pete Ballew, District 6

Tuesday, September 5, 2017

7:00 PM

City Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:03 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 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

1.C. ANNOUNCEMENTS

There were no announcements.

2. RECOGNITIONS

3. PUBLIC COMMENTS

There was one public comment.

4. PRESENTATIONS

4.A. [17-500](#) Presentation on Community Development's Code Enforcement Division, Part of the New Community Care Initiative

4.B. [17-492](#) Presentation on the Draft 2017 Public Art Master Plan

4.C. [17-484](#) Presentation of 2017 Annual Street Overlay and Rehabilitation - San

Leandro Boulevard Road Diet and Best Avenue Intersection Improvements

- 4.D. [17-444](#) Update on the Fire at ALCO Iron and Metals

5. **PUBLIC HEARINGS**

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

Community Relations Manager Sbeydeh Walton announced the Port of Oakland Runway Rehabilitation from Monday September 11th through Monday, September 25th.

7. **AMENDMENT OF CONSENT CALENDAR**

8. **CONSENT CALENDAR**

- 8.A. [17-482](#) Minutes of the July 17, 2017 Regular Meeting

Approved as Submitted.

- 8.B. [17-457](#) Minutes for the January 3, 2017 Regular Meeting

Approved as Submitted.

- 8.C. [17-453](#) Highlights of the Facilities and Transportation Committee Meeting of July 5, 2017

Approved as Submitted.

- 8.D. [17-456](#) Highlights of the Finance Committee Meeting of July 18, 2017

- 8.E. [17-481](#) Highlights of the Rules Committee Meeting of July 24, 2017

Approved as Submitted.

- 8.F. [17-465](#) MOTION Nominating Brian Copeland as District 1 Member to the Arts Commission for Term Ending December 31, 2018

Adopted on the Consent Calendar.

Enactment No: Min Order 2017-026

- 8.G. [17-464](#) MOTION Nominating Pedro Naranjo as District 2 Member to the Human Services Commission for Term Ending December 31, 2020

Adopted on the Consent Calendar.

Enactment No: Min Order 2017-027

- 8.H. [17-442](#) MOTION Nominating Erika Garcia as District 3 Member to the Arts

Commission for Term Ending December 31, 2018

Adopted on the Consent Calendar.

Enactment No: Min Order 2017-028

- 8.I. [17-462](#) Staff Report for a Resolution to Approve a Consulting Services Agreement with Accurate Land Solutions for On-Call Land Surveying Services in an Amount Not-to-Exceed \$100,000 for Three Years
Received and Filed.

[17-463](#) RESOLUTION Approving a Consulting Services Agreement with Accurate Land Solutions for On-Call Land Surveying Services in an Amount Not-to-Exceed \$100,000 for Three Years
Adopted on the Consent Calendar.

Enactment No: Reso 2017-114

- 8.J. [17-460](#) Staff Report for a Resolution to Approve a Consulting Services Agreement with CSG Consultants, Inc. for On-Call Engineering Plan Check, City Surveyor, Land Surveying and Engineering Inspection Services in an Amount Not-to-Exceed \$300,000 for Three Years
Received and Filed.

[17-461](#) RESOLUTION Approving Consulting Services Agreement with CSG Consultants, Inc. for On-Call Engineering Plan Check, City Surveyor, Land Surveying and Engineering Inspection Services in an Amount Not-to-Exceed \$300,000 for Three Years
Adopted on the Consent Calendar.

Enactment No: Reso 2017-115

- 8.K. [17-485](#) Staff Report for a Resolution to Approve a Consulting Services Agreement with BKF Engineers for On-Call Engineering Plan Check, City Surveyor, Land Surveying and Engineering Inspection Services in an Amount Not-to-Exceed \$300,000 for Three Years
Received and Filed.

[17-486](#) RESOLUTION Approving a Consulting Services Agreement with BKF Engineers for On-Call Engineering Plan Check, City Surveyor, Land Surveying and Engineering Inspection Services in an Amount Not-to-Exceed \$300,000 for Three Years
Adopted on the Consent Calendar.

Enactment No: Reso 2017-116

- 8.L. [17-473](#) Staff Report for Resolution Authorizing the City Manager to Execute

Amendment No. 1 to Non-Professional Services Agreement with Rubicon Enterprises, Inc. for Citywide Turf Maintenance for \$130,167.60 for fiscal year 2017-2018, and to Execute Three Additional One-Year Extensions at the Same Price Subject to Consumer Price Index (CPI) Adjustments in Future Years

Received and Filed.

[17-470](#)

RESOLUTION Authorizing the City Manager to Execute Amendment No. 1 to Non-Professional Services Agreement with Rubicon Enterprises, Inc. for Citywide Turf Maintenance for \$130,167.60 for Fiscal Year 2017-2018, and to Execute Three Additional One-Year Extensions at the Same Price Subject to Consumer Price Index (CPI) Adjustments in Future Years

Adopted on the Consent Calendar.

Enactment No: Reso 2017-117

8.M. [17-475](#)

Staff Report for Resolution Authorizing the City Manager to Execute Amendment No. 1 to Non-Professional Services Agreement with Pacheco Brothers Gardening, Inc. for Citywide Landscape Maintenance for \$166,924

Received and Filed.

[17-474](#)

RESOLUTION Authorizing the City Manager to Execute Amendment No. 1 to Non-Professional Services Agreement with Pacheco Brothers Gardening, Inc. for Citywide Landscape Maintenance for \$166,924 for Fiscal Year 2017-2018, and to Execute Three Additional One-Year Extensions at the Same Price Subject to Consumer Price Index (CPI) Adjustments in Future Years

Adopted on the Consent Calendar.

Enactment No: Reso 2017-118

8.N. [17-489](#)

Staff Report for Resolution Authorizing the City Manager to Execute Amendment No. 1 to Non-Professional Services Agreement with Pacheco Brothers Gardening, Inc. for Citywide Median Maintenance for \$189,712 for Fiscal Year 2017-2018, and to Execute Three Additional One-Year Extensions at the Same Price Subject to Consumer Price Index (CPI) Adjustments in Future Years

Received and Filed.

[17-488](#)

RESOLUTION Authorizing the City Manager to Execute Amendment No. 1 to Non-Professional Services Agreement with Pacheco Brothers Gardening, Inc. for Citywide Median Maintenance for \$189,712 for Fiscal Year 2017-2018, and to Execute Three Additional One-Year Extensions at the Same Price Subject to Consumer Price Index (CPI) Adjustments in

Future Years

Adopted on the Consent Calendar.

Enactment No: Reso 2017-119

- 8.O. [17-437](#) Staff Report for a Resolution Re-Appropriating Capital Funds for Existing Projects in Accordance with the City Charter

Received and Filed.

[17-438](#) RESOLUTION Re-Appropriating Capital Funds for Existing Projects in Accordance with the City Charter (extends previous appropriations for five years and prevents said appropriations from returning to fund balance at the present time)

Adopted on the Consent Calendar.

Enactment No: Reso 2017-120

- 8.P. [17-466](#) Staff Report for the HOME Consortium Agreement Between the City of San Leandro and the County of Alameda for Federal Fiscal Years 2018-2020

Received and Filed.

[17-467](#) RESOLUTION to Authorize the Continued Participation of the City of San Leandro in the Alameda County HOME Consortium for HOME Funds and Authorizing Execution of the Necessary Documents to Maintain the Eligibility of the Consortium for HOME Program Funds in Accordance with the National Affordable Housing Act of 1990

Adopted on the Consent Calendar.

Enactment No: Reso 2017-121

- 8.Q. [17-478](#) Staff Report for City Council Determination of City Position on Resolutions of the League of California Cities to be voted on at the 2017 Annual Conference

Received and Filed.

[17-487](#) MOTION Supporting the League of California Cities' Resolution to Enact Legislation to Amend Government Code Section 38611 to Further Clarify the Definition of Local Control as it Pertains to Emergency Services

Adopted on the Consent Calendar.

Enactment No: Min Order 2017-029

[17-494](#) MOTION Supporting the League's Resolution to Calling Upon the Governor and Legislature to Enter Into Discussion with League and Other Public Safety Stakeholders to Identify and Implement Strategies that will

Reduce the Unintended Negative Impacts of Existing Criminal Law

Adopted on the Consent Calendar.

Enactment No: Min Order 2017-030

8.R. [17-479](#)

Staff Report for an Ordinance adding Article 15, "Electric Vehicle Charging Station Permits", to Chapter 7-5 of the San Leandro Municipal Code to provide for an expedited, streamlined permitting process for electric vehicle charging stations

Received and Filed.

[17-480](#)

An Ordinance of the City of San Leandro Adding Article 15 "Electric Vehicle Charging Station Permits" to Chapter 7-5 of the San Leandro Municipal Code to Provide for an Expedited, Streamlined Permitting Process for Electric Vehicle Charging Stations

Adopted on the Consent Calendar.

Enactment No: Ordinance 2017-015

Approval of the Consent Agenda

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

Aye: 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

9. ITEMS REMOVED FROM CONSENT CALENDAR

10. ACTION ITEMS

10.A. [17-458](#)

Staff Report for an Ordinance Adding a Tenant Relocation Assistance Program to the City of San Leandro Municipal Code to Require the Payment of Tenant Relocation Assistance for Landlord-Caused Terminations of Tenancy and to Require Additional Notice Prior to Termination of Tenancy

[17-459](#)

ORDINANCE of the City of San Leandro Adding Chapter 4-37 "Tenant Relocation Assistance" to the San Leandro Municipal Code to Require the Payment of Tenant Relocation Assistance for Landlord-Caused Terminations of Tenancy and to Require Additional Notice Prior to Termination of Tenancy

Councilmember Ballew made a motion, seconded by Mayor Cutter to amend the ordinance to include the requirement that the final relocation payment must be paid no later than five business days after the dwelling unit becomes vacant in both instances of landlord-caused terminations and rent increase terminations.

Councilmember Hernandez made a substitute motion, seconded by Councilmember

Lee to amend the ordinance to exclude 2-4 units, to eliminate FMR to calculate relocation fees, instead landlords would use the last three months rent to calculate fees, to change the final payment from 5 days to 21 days. The motion failed by the following vote: 5 Noes; 2 Ayes (Hernandez, Lee)

Upon failure of the substitute motion, the council was directed back to the original motion made by Councilmember Ballew.

Councilmember Hernandez made another substitute motion, seconded by Councilmember Lee to amend the ordinance to exclude 2-4 units. The motion failed by the following vote: 5 Noes; 2 Ayes (Hernandez, Lee)

With the failure of the second substitute motion, the council was directed back to the original motion made by Councilmember Ballew, seconded by Mayor Cutter.

Councilmember Ballew made a motion to amend the ordinance to include the requirement that that the final relocation payment be paid no later than five business days of dwelling unit becomes vacant in both instances of landlord caused terminations and rent increase terminations.

Aye: 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Ordinance 2017-016

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

City Attorney Pio Roda reported on Item 3A of the Closed Session agenda.

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, City Councilmembers limited this item to announcing calendar of upcoming events and coordinating attendance.

14. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

By consensus, the City Council agreed to schedule the following items:

1. Vice Mayor Thomas requested to schedule a report to the full council on the height requirement for ALCO, a report from OSHA and other agencies on ALC and to discuss the possibility of mandating fire department inspections at ALCO. (7 Ayes)

2. Councilmember Lopez requested a review of the Gap Analysis within one year (6 Ayes, 1 No - Hernandez)

15. ADJOURN

The meeting was adjourned at 11:31 p.m., in memory of founding member of Arts Commission Kathleen Ott-Davis and the victims of Hurricane Harvey.

MEETING ACCESSIBILITY