



# 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, June 3, 2013

7:00 PM

City Council Chambers

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### Joint Meeting of City Council, Economic Development Agency, Parking Authority, Public Financing Authority, and Successor Agency to Redevelopment Agency

#### 1. CALL TO ORDER

*The meeting was called to order at 7:04 p.m.*

#### 1.A. 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. [13-289](#) Presentation of Certificates to St. Felicitas 5th Grade Basketball Team

2.B. [13-282](#) MOTION: Motion Approving Resolution Commending Sabrina Almazan for Her Years of Service on the Human Services Commission

**A motion was made by Councilmember Cutter, 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 2013-031

2.C. [13-278](#) ADOPT: Resolution Appointing Gayle Hudson as District 5 Member to Board of Zoning Adjustments (approves appointment for term ending

December 31, 2014)

**A motion was made by Councilmember Cutter, 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 2013-069

**2.D.** [13-279](#)

ADOPT: Resolution Appointing Janell Hampton as District 5 Member to Human Services Commission (approves appointment for term ending December 31, 2014)

**A motion was made by Councilmember Cutter, 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 2013-070

**2.E.** [13-280](#)

ADOPT: Resolution Appointing Michael Bolar as District 5 Member to Recreation and Parks Commission (approves appointment for term ending December 31, 2014)

**A motion was made by Councilmember Cutter, 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 2013-071

**2.F.** [13-231](#)

Presentation on San Leandro Academy for Multimedia (SLAM)  
Documentary: San Leandro Stories

**2.G.** [13-284](#)

Update on Activities by San Leandro Library Services Department

**3. PUBLIC HEARINGS – CITY COUNCIL**

**4. PUBLIC HEARINGS – OTHER**

**4.A.** [13-272](#)

Staff Report for the Public Hearing and Adoption of the Proposed 2013-14 and 2014-15 Biennial budgets for the City of San Leandro, the Successor Agency to the Redevelopment Agency of the City of San Leandro, and the San Leandro Public Financing Authority

*The Hearing was opened to the public.*

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

[13-273](#)

ADOPT: Resolution Adopting the Biennial Budget of the City of San Leandro for the Fiscal Years July 1, 2013 to June 30, 2014 and July 1, 2014 to June 30, 2015 (approves the biennial budget documented as proposed)

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

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

Enactment No: Reso 2013-072

[13-274](#)

ADOPT: Resolution of the Successor Agency to the Redevelopment Agency of the City of San Leandro Adopting the Biennial Budget for the Fiscal Years July 1, 2013 to June 30, 2014 and July 1, 2014 to June 30, 2015 and Making a Determination Pursuant to California Health and Safety Code Section 33334.3 (approves biennial budget as proposed)

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

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

Enactment No: Reso 2013-004 SA

[13-275](#)

ADOPT: Resolution of the Public Financing Authority of the City of San Leandro Adopting the Biennial Budget of the Public Financing Authority of City of San Leandro for the Fiscal Years July 1, 2013 to June 30, 2014 and July 1, 2014 to June 30, 2015 (approves the biennial budget as proposed)

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

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

Enactment No: Reso 2013-001 PFA

## 5. PUBLIC COMMENTS

*VICTOR CIESLUK, San Leandro resident, commented on the City's petition process for requesting installation of speed humps.*

*KARINA GONZALEZ, student of the San Leandro High School Social Justice Academy, commented on the Academy's goal to limit the use of drones in San Leandro.*

*GUADALUPE RODRIGUEZ, student of the San Leandro High School Social Justice Academy, commented on the use of drones internationally.*

*MAICA PORCADAS, student of the San Leandro High School Social Justice Academy, commented on the use of drones for domestic purposes, including by local police agencies.*

*GEMMA ARCINIEGA, student of the San Leandro High School Social Justice Academy, commented on the group's goal is to limit the use of drones in San Leandro.*

*YANEIVI QUINN, student of the San Leandro High School Social Justice Academy, expressed three concerns: 1) the number of drones in use in San Leandro; 2) the*

amount of data a drone can capture; and 3) potential civil rights violations. She requested the City Council consider the matter on a future agenda.

SHEILA MAYORGA, student of the San Leandro High School Social Justice Academy, outlined the goals of the campaign to limit the use of drones to: 1) prevent misuse; 2) ensure rights to privacy as protected by the 9th Amendment; and 3) ensure physical and public safety. She commented on the group's secondary objective regarding concerns of the power of the police. She noted that the Academy has collected more than 100 signatures of San Leandro residents on a proposed resolution for City Council consideration on a future agenda.

DARLENE EVANS, San Leandro resident, commented on community standards, the Social Justice Academy students, and various other issues.

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

City Attorney Richard Pio Roda reported that during the closed session of May 13, 2013, the City Council, by a vote of 7 ayes, approved the proposed settlement agreement of property tax administration fees owed by the County of Alameda to the City, in the amount of \$548,778. The settlement stemmed from issues germane to the administration fee dispute, which was the subject of ongoing litigation recently decided by the California Supreme Court in the case of City of Alhambra v. County of Los Angeles, in which the Supreme Court determined that there were errors in the methodology used by counties to calculate property tax administration fees.

City Manager Chris Zapata commented regarding the impact of the decision on the City's budget.

## 7. AMENDMENT OF CONSENT CALENDAR

Item 8.F. was 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 Reed, seconded by Councilmember Cutter, to approve the Consent Calendar. The motion carried by the following vote.

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

### 8.A. [13-283](#)

APPROVE: Minutes of the Meeting of May 20, 2013

Approved as Submitted on the Consent Calendar.

### 8.B. [13-229](#)

ADOPT: Ordinance No. 2013-006, 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)

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2013-006

- 8.C. [13-281](#) MOTION: Motion Nominating Earl Crawford as District 2 Member to Board of Zoning Adjustments

**Adopted on the Consent Calendar.**

Enactment No: Min Order 2013-032

- 8.D. [13-020](#) Staff Report for a Resolution Approving an Easement Agreement with PG&E for a Portion of City Property Located at 454 Warden Avenue, a Strip of Land that Serves as an Access to the Area Underneath I-880 and as an Emergency Access Road for the Davis West Neighborhood

[13-019](#) ADOPT: Resolution Approving an Easement Agreement with PG&E for a Portion of City Property Located at 454 Warden Avenue, a Strip of Land that Serves as an Access to the Area Underneath I-880 and as an Emergency Access Road for the Davis West Neighborhood (grants PG&E a 1,000 square foot easement for facilities PG&E requires for the distribution of electricity and communications)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-073

- 8.E. [13-253](#) Staff Report for a Resolution Authorizing the City Manager to Execute a Lease Agreement Between Curtain Call Performing Arts and the City of San Leandro for Space in the Civic Center South Offices for Office, Classes, and Theatrical Productions Uses

[13-252](#) ADOPT: Resolution Authorizing the City Manager to Execute a Lease Agreement between Curtain Call Performing Arts and the City of San Leandro for space in the Civic Center South Offices for office, classes, and theatrical productions uses (leases Curtain Call Performing Arts space at the Civic Center South Office Building to conduct classes, theatrical productions and perform office functions)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-074

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

- 8.G. [13-248](#) Staff Report for a Resolution Approving Plans and Specifications and Calling for Bids for the Stenzel Park Drainage Project, Project No. 2003.0720

[13-249](#) ADOPT: Resolution Approving Plans and Specifications and Calling for Bids for Stenzel Park Drainage Project, Project No. 2003.0720 (recommends approval of the plans and specifications and call for bids)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-075

8.H. [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

[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)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-076

8.I. [13-244](#) Staff Report for a Resolution Accepting the Work for the Marina Group Picnic Areas Project, Project No. 11-150-62-107

[13-242](#) ADOPT: Resolution Accepting the Work for the Marina Park Group Picnic Areas Project, Project No. 11-150-62-107 (provides for the acceptance of the contract work performed by Calstate Construction, filing of the Notice of Completion, releasing of the performance and payment bonds, and releasing the maintenance bond upon completion of the one-year maintenance period)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-077

8.J. [13-258](#) Staff Report for a Resolution Accepting the Work for the Fiber Loop Project, Project No. 11-120-28-192

[13-259](#) ADOPT: Resolution Accepting the Work for the Fiber Loop Project, Project No. 11-120-28-192 (provides for the acceptance of the contract work by HP Communications, Inc., filing of the Notice of Completion, releasing of the performance and payment bonds, and releasing the maintenance bond upon completion of the one-year maintenance period)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-078

8.K. [13-204](#) Staff Report for Resolution Approving a Consulting Services

Agreement with Kier & Wright Civil Engineers and Surveyors, Inc. for the Fiber Conduit for Broadband Project, Project No. 2013.0320

[13-205](#)

ADOPT: Resolution Approving a Consulting Services Agreement with Kier & Wright Civil Engineers and Surveyors, Inc. for the Fiber Conduit for Broadband Project, Project No. 2013.0320 (provides for seven miles of underground conduit and splice boxes, ready for future fiber optic cable installation for the expansion of San Leandro's fiber optic network (Lit San Leandro), at a cost of \$66,469 using DFSI funds)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-079

8.L. [13-276](#)

Staff Report Establishing the City's Appropriation Limit for Fiscal Year 2013-14

[13-277](#)

ADOPT: Resolution Establishing the City's Appropriation Limit for Fiscal Year 2013-14 (adopts the appropriation limit pursuant to California Government Code Section 7910)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-080

8.M. [13-285](#)

Staff Report Approving a Sewer Agency Charge Billing and Collection Agreement with East Bay Municipal Utility District to Conduct Sewer Utility Commercial Account Billing Services for 10 Years, Effective July 1, 2013

[13-286](#)

ADOPT: Resolution Approving a Sewer Agency Charge Billing and Collection Agreement with East Bay Municipal Utility District to Conduct Sewer Utility Commercial Account Billing Services for 10 Years, Effective July 1, 2013 (provides for the continuation of billing services for the City's commercial sewer accounts)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2013-081

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

8.F. [13-257](#)

Staff Report for a Resolution Authorizing the City Manager to Execute an Agreement with the San Leandro Unified School District to Allow the Construction of and to Jointly Maintain a Walking Path at McCartney Park

[13-256](#)

ADOPT: Resolution Authorizing the City Manager to Execute an Agreement with the San Leandro Unified School District to Allow the Construction of and to Jointly Maintain a Walking Path at McCartney Park (allows the School District to construct, operate and share in the

cost to maintain a continuous pathway from Washington Elementary School through McCartney Park)

**A motion was made by Councilmember Cutter, 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 2013-082

## 10. ACTION ITEMS

### 10.A. Report on Closed Session Actions Taken

*No reportable actions taken.*

## 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

### 12.A. [13-194](#)

ADOPT: Resolution Supporting Senate Bill 391 [DeSaulnier] to Enact the California Homes and Jobs Act of 2013 (establishes funding dedicated to affordable housing development and programs by imposing a \$75 recording fee on real estate documents)

*There was consensus of the City Council to schedule this item on the next agenda.*

*Councilmember Souza requested consideration of a resolution in support of municipal bond exemptions. There was consensus of the City Council to discuss this matter at the next meeting.*

*Councilmember Souza requested consideration to schedule a discussion of the process for selection of Vice Mayor. There was consensus of the City Council to discuss this matter later this year.*

## 13. ADJOURN

*The meeting was adjourned at 9:08 p.m.*

**RESPECTFULLY SUBMITTED:**

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