



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 Pauline Russo Cutter
Deborah Cox, District 1
Ursula Reed, District 2
Lee Thomas, District 3
Benny Lee, District 4
Corina N. Lopez, District 5
Jim Prola, District 6*

Monday, July 20, 2015

7:00 PM

City Council Chambers

**Joint Meeting of City Council and
San Leandro Hillside Geologic Hazard Abatement District
Successor Agency to Redevelopment Agency
Economic Development Agency**

1. CALL TO ORDER

The meeting was called to order at 7:17 p.m.

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

Vice Mayor Prola led the Pledge of Allegiance to the Flag.

1.B. ROLL CALL

Present 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

1.C. ANNOUNCEMENTS

Mayor Cutter made an announcement to amend the agenda to move Item 4.C. before Item 3.A. and the other Public Hearing Items.

2. RECOGNITIONS

- 2.A. [15-399](#) Recognition of the Employee of the Quarter, Angelica (Kika) Myers, Administrative Assistant III, Recreation and Human Services Department.
- 2.B. [15-405](#) Proclamation Declaring July 23, 2015 Mike Sobek Day
- 2.C. [15-439](#) MOTION Approving Resolution Commending Karyl Lee-Figueroa for Her Years of Service on the Rent Review Board

A motion was made by Vice Mayor Prola, seconded by Councilmember Cox, that this minute order be adopted. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Min Order 2015-035

2.D [15-301](#)

MOTION Approving Resolution Commending Lizzie Brown for Her Years of Service on the Rent Review Board

A motion was made by Vice Mayor Prola, seconded by Councilmember Cox, that this minute order be adopted. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Min Order 2015-036

2.E. [15-440](#)

MOTION Approving Resolution Commending Robert Schwartz for His Years of Service on the Rent Review Board

A motion was made by Vice Mayor Prola, seconded by Councilmember Cox, that this minute order be adopted. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Min Order 2015-037

2.F. [15-411](#)

Presentation by the City Council to the Asian Community Cultural Association of San Leandro (ACCA) of a Check for \$2,000 for the ACCA Moon Festival on Sunday, September 20, 2015

With the consensus of the City Council, Item 4.C. was moved to this point on the agenda.

4.C. [15-418](#)

Staff Report for Resolutions Regarding Matter of Imposing Liens for Non-payment of Delinquent 2015 Business License tax, Solid Waste Service Charges, Sidewalk Improvements, Certified Unified Program Agency Fees, and Community Compliance Code Enforcement Charges.

The Hearing was opened to the public.

Comments were made by the following individuals: Grant Zech, James Begier Dan Koning, Janet Palma.

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

[15-420](#)

RESOLUTION Overruling Protests (2015 Business License Tax, Solid Waste Service Charges, Sidewalk Repairs, Certified Unified Program Agency Fees, and Community Compliance Code Enforcement Charges)

A motion was made by Councilmember Lee, seconded by Vice Mayor Prola, that this resolution be adopted as amended to move forward with the liens and

exclude the names of those who made a protest at the meeting. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-127

[15-419](#)

RESOLUTION Imposing Liens for Non-Payment of Delinquent 2015 Business License Tax, Solid Waste Service Charges, Sidewalk Repairs, Certified Unified Program Agency (CUPA) Fees, and Community Compliance Code Enforcement Charges

Motion to exclude members of the public who protested at the meeting. Staff will review those cases and return to council with an update.

A motion was made by Councilmember Lee, seconded by Councilmember Lopez, that this resolution be adopted as amended to move forward with the liens and exclude the names of those who made a protest at the meeting. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-128

3. PRESENTATIONS

- 3.A. [15-395](#) Presentation by Kit Faubion of Meyers Nave on the Role of the California Environmental Quality Act in the Zoning Application Process

4. PUBLIC HEARINGS

- 4.A. [15-441](#) San Leandro Shoreline Development Project Environmental Impact Report (EIR) (SCH#2013072011). Public Hearing To Consider Certification By The City Council Of The San Leandro Shoreline Project EIR As Further Defined Below. The EIR Addresses A Mixed Use Development On A 75-Acre Project Site (52-Acre Site Land Area And 23-Acre Water Area Which Encompasses The San Leandro Marina And Surrounding Properties) That Is Located On Monarch Bay Drive, Between Marina Boulevard And Fairway Drive. The Project Site Consists Of 10 Separate Alameda County Assessor's Parcel Numbers, 79A-475-9-4; 79A-590-1-5; 79A-590-1-7; 79A-590-2; 79A-590-3; 79A-590-4; 79A-590-5; 79A-590-6; 80G-900-1-8; And 80G-900-4-1. Cal-Coast Development, LLC Is The Project Applicant And The City Of San Leandro Is The Property Owner.

The hearing was opened to the public.

Comments were made by the following individuals: Joseph Miller, Mike Angelo, Claudette B., Wafaa Aborashed, Erin Naderi, and Audrey Velasquez.

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

[15-443](#)

RESOLUTION Certifying the Environmental Impact Report, Adopting Mitigation Findings, Findings Concerning Alternatives, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program Under CEQA for the San Leandro Shoreline Development Project (PLN2013-00040)

A motion was made by Councilmember Cox, seconded by Councilmember Lee, that this resolution be adopted. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-125

4.B. [15-414](#)

General Plan Map Amendment and Rezoning for Future Development of the San Leandro Shoreline Development Project that Includes a 150,000 Square-Foot Office Campus, a 200-Room Hotel, a 15,000 Square-Foot Conference Center, 354 Housing Units, Three Restaurants Totaling Approximately 21,000 Square Feet and a New Parking Structure. This is a Public/private Partnership with the City on 52 Acres of City-Owned Shoreline. Applicant: Cal-Coast Development, LLC; Property Owner: City of San Leandro. Alameda County Assessor's Parcel Numbers Include: 80G-900-1-8, 80G-900-4-1, 79A-475-9-4, 79A-590-1-5, 79A-590-1-7, 79A-590-2, 79A-590-3, 79A-590-4, 79A-590-5, and 79A-590-6. Existing Zoning: CR Commercial Recreation District.

The Hearing was opened to the public.

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

[15-446](#)

RESOLUTION Amending the General Plan Land Use Designation for Approximately 12 Acres of the San Leandro Shoreline Development Project (PLN2012-00040)

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-126

[15-445](#)

ORDINANCE of the City of San Leandro Rezoning the Shoreline Development Project Site from CR-Commercial Recreation to RM-2000-Residential Multi-Family and CC-Community Commercial, Both with a PD-Planned Development Zoning District Overlay (PLN2012-00040)

A motion was made by Vice Mayor Prola, seconded by Councilmember Cox, that this ordinance be passed to print. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Ordinance 2015-008

Item 4.C. was considered earlier in the agenda.

5. PUBLIC COMMENTS

Debra Brinson made comments regarding the appeal process for the Ming Dang Center.

Mei Xing Huang, Xiao Ling Chen, Jim Givens, Wafaa Aborashed, Sally Huang, Hui Chang Li, and Maria Rojas made comments regarding the opening of the Ming Dang Center.

Darlene Evans made comments regarding improvements to the San Leandro Creek.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

None.

7. AMENDMENT OF CONSENT CALENDAR

Items 8.E., 8.I., 8.J., and 8.S. 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 Reed, seconded by Councilmember Lee, to approve the Consent Calendar. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

- 8.A. [15-353](#)** Minutes of the Meeting of July 6, 2015
Approved as submitted on the Consent Calendar.
- 8.B. [15-376](#)** Minutes of the Special Meeting and Closed Session of July 6, 2015
Approved as submitted on the Consent Calendar.
- 8.C. [15-415](#)** Highlights of the Facilities and Transportation Committee Meeting of June 2, 2015
Accepted as submitted on the Consent Calendar.
- 8.D. [15-337](#)** Staff Report for a Resolution Appropriating \$453,000 from the Water Pollution Control Plant Enterprise Fund Unrestricted Fund Balance to the Water Pollution Control Plant Rehabilitation Project, Project No. 08-593-52-239

[15-338](#) RESOLUTION Appropriating \$453,000 from the Water Pollution Control Plant Enterprise Fund Unrestricted Fund Balance to the Water Pollution Control Plant Rehabilitation Project, Project No. 08-593-52-239

Adopted on the Consent Calendar.

Enactment No: Reso 2015-133

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

8.F. [15-340](#) MOTION Confirming City Council Recess During the Month of August Due to Anticipated Lack of Quorum for the Regular City Council Meetings of August 3 and 17, 2015

Adopted on the Consent Calendar.

Enactment No: Min Order 2015-038

8.G. [15-366](#) Staff Report for a Resolution Accepting the Engineer's Report for Fiscal Year 2015-16 for the Heron Bay Maintenance Assessment District, Assessment District No. 96-3 and Ordering the Levy and Collection of Assessments within the Heron Bay Maintenance Assessment District; Assessment District No. 96-3 for Fiscal Year 2015-16

[15-367](#) RESOLUTION Accepting the Engineer's Report for Fiscal Year 2015-16 for the Heron Bay Maintenance Assessment District, Assessment District No. 96-3 (Provides Funding for the On-Going Maintenance Of Certain Public Facilities Constructed As Part Of the Heron Bay Development)

Adopted on the Consent Calendar.

Enactment No: Reso 2015-134

[15-368](#) RESOLUTION Ordering The Levy And Collection Of Assessments Within The Heron Bay Maintenance Assessment District; Assessment District No. 96-3 For Fiscal Year 2015-16 (Provides Funding For The On-Going Maintenance Of Certain Public Facilities Constructed As Part Of The Heron Bay Development)

Adopted on the Consent Calendar.

Enactment No: Reso 2015-135

8.H. [15-389](#) Staff Report for a Resolution to Approve a Consulting Services Agreement with Harris Design for Construction Support on the Siempre Verde Park Rehabilitation Project, Project No. 2015.0270

[15-390](#) RESOLUTION to Approve a Consulting Services Agreement with Harris Design for Construction Support on the Siempre Verde Park Rehabilitation Project, Project No. 2015.0270 (Provides Construction Support Services During The Construction Of The Subject Project. Work To Be Funded By \$60,335.00 Of Park Development Fee Funds)

Adopted on the Consent Calendar.

Enactment No: Reso 2015-136

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

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

8.K. [15-433](#) Staff Report for Resolutions Updating the Designation of Persons Authorized to Make Financial Transactions and Investments of Funds

[15-434](#) RESOLUTION Rescinding Resolution No. 2012-039 and Designating Signatures on City Checks and Persons Authorized to Make Fund Transfers by Telephone and Wire (Updates Names Of City Officials Authorized To Deposit, Withdraw And Transfer Funds With Specific Banking Institutions For The City Treasury To Reflect The New Assistant Finance Director)

Adopted on the Consent Calendar.

Enactment No: Reso 2015-137

[15-435](#) RESOLUTION Rescinding Resolution No. 2012-040 and Authorizing Investment of Monies in the Local Agency Investment Fund and Designating Certain Depositories and Further Authorizing Specified City Officials to Remit Money in the City Treasury to the State Treasury for Deposit in the Local Agency Investment Fund

Adopted on the Consent Calendar.

Enactment No: Reso 2015-138

[15-436](#) RESOLUTION of the City Council of the City of San Leandro, Acting in its Capacity as Successor Agency to the Redevelopment Agency of the City of San Leandro, Rescinding Resolution No. 2012-006 and Authorizing Investment of Monies by the Successor Agency to the Redevelopment Agency of the City of San Leandro in the Local Agency Investment Fund and Designating Certain Depositories and Further Authorizing Specified Officers to Remit Money in the City Treasury to the State Treasury for Deposit in the Local Agency Investment Fund (LAIF)

Adopted on the Consent Calendar.

Enactment No: Reso 2015-003 SA

[15-438](#)

RESOLUTION Rescinding Resolution No. 2012-02 EDA and Authorizing Investment of Monies by the Economic Development Agency of the City of San Leandro in the Local Agency Investment Fund and Designating Certain Depositories and Further Authorizing Specified Officers to Remit Money in the City Treasury to the State Treasury for Deposit in the Local Agency Investment Fund

Adopted on the Consent Calendar.

Enactment No: Reso 2015-001 EDA

8.L. [15-432](#)

Staff Report for a Resolution to Appropriate \$67,954 in Additional Funds to Offset Increased Printing and Staffing Costs for the 2014 General Municipal Election from the General Fund Economic Uncertainty Reserve Fund Balance

[15-437](#)

Resolution to Appropriate \$67,954 in Additional Funds to Cover Increased Printing and Staffing Costs for the 2014 General Municipal Election from the General Fund Economic Uncertainty Reserve Fund Balance

Adopted on the Consent Calendar.

Enactment No: Reso 2015-139

8.M. [15-177](#)

Staff Report for an Ordinance Amending Chapter 4-34, Mobile Food Vending, of the San Leandro Municipal Code to Permit Mobile Food Vending Units Propelled, Operated, or Moved by Bicycle.

[15-180](#)

ORDINANCE Amending Title 4, Chapter 4-34 of the San Leandro Municipal Code Relating to Bicycle Mobile Food Vending Units (amends San Leandro Municipal Code to allow mobile food vending units operated by a bicycle).

Passed to print on the Consent Calendar.

Enactment No: Ordinance 2015-009

8.N. [15-372](#)

Staff Report For The Review And Approval Of A Resolution Authorizing The City Manager To Accept Grant Funds From The California Department Of Alcoholic Beverage Control (ABC), In The Amount Of \$50,000, To Provide Education And Targeted Enforcement Of Alcohol-Related Establishments In San Leandro.

[15-373](#)

RESOLUTION Authorizing the City Manager to Accept Grant Funds in the Amount of \$50,000 from the California Department of Alcoholic Beverage Control (ABC).

Adopted on the Consent Calendar.

Enactment No: Reso 2015-140

8.O. [15-413](#) Staff report for a Resolution Authorizing the City Manager to Execute a Non-Professional Services Agreement with Denalect Alarm Company for the installation of access control system equipment at City Hall in the amount of \$82,112

[15-412](#) RESOLUTION Authorizing the City Manager to Execute a Non-Professional Services Agreement with Denalect Alarm Company for the installation of an access control system at City Hall in the Amount of \$82,112

Adopted on the Consent Calendar.

Enactment No: Reso 2015-141

8.P. [15-421](#) Staff Report for a Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Memorandum of Understanding Between the City of San Leandro and the Alameda County Transportation Commission for the Westgate/Davis Street and Southbound I-880 HOV Lane Improvements and Appropriating \$400,000 of Marina/I-880 Interchange Fee and Relinquishing \$600,000 of Direct Local Distribution Funds for a Total of \$1 Million for Reimbursement of Design and Construction Cost for Hardscape and Traffic Improvements at the Marina/I-880 and Davis/I-880 Interchanges

[15-422](#) Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Memorandum of Understanding Between the City of San Leandro and the Alameda County Transportation Commission for the Westgate/Davis Street and Southbound I-880 HOV Lane Improvements and Appropriating \$400,000 of Marina/I-880 Interchange Fee and Relinquishing \$600,000 of Direct Local Distribution Funds for a Total of \$1 Million for Reimbursement of Design and Construction Cost for Hardscape and Traffic Improvements at the Marina/I-880 and Davis/I-880 Interchanges (Provides for the City's Investment Of \$1,000,000 Into Traffic And Hardscape Improvements At The Marina/I-880 And Davis/I-880 Interchanges.)

Adopted on the Consent Calendar.

Enactment No: Reso 2015-142

8.Q. [15-369](#) Staff Report for a Resolution of the San Leandro Hillside Geologic Hazard Abatement District to Approve the Annual Report of the San Leandro Hillside Geologic Hazard Abatement District (GHAD) for Fiscal Year 2014-15

[15-370](#) RESOLUTION of the Board of Directors 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 2014-15 (Provides For Approval Of The Annual Report Of The Activities Of The GHAD)

Adopted on the Consent Calendar.

Enactment No: Reso 2015-001 GHAD

- 8.R. [15-450](#) Staff Report For A Resolution Authorizing The City Manager Or His Designee To Perform Certain Functions Pertaining To The Business License Revocation Appeal Of Green Leaf Spa Pursuant To City Of San Leandro Municipal Code Section 2-2-450

[15-449](#) RESOLUTION Authorizing The City Manager Or His Designee To Perform Certain Functions Pertaining To The Business License Revocation Appeal Of Green Leaf Spa Pursuant To City Of San Leandro Municipal Code Section 2-2-450

Adopted on the Consent Calendar.

Enactment No: Reso 2015-143

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

9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.E. [15-409](#) Staff Report for a Resolution to Increase the Change Order Cap from 25% to 40%, Which Would Result in an Additional Increase of \$28,658.00 for a Total Increase to the Original Agreement of \$52,319.00 for a Total not to Exceed Amount of \$183,118.00 in the Agreement and Authorizing the City Manager to Execute Amendment No. 1 with Carollo Engineers, Inc. for the Water Pollution Control Plant Dirt Relocation Project, Project No. 2015.0300.

[15-410](#) RESOLUTION to Increase Change Order Cap from 25% to 40%, Which Would Result in an Additional Increase of \$28,658.00 for a Total Increase to the Original Agreement of \$52,319.00 for a Total not to Exceed Amount of \$183,118.00 in the Agreement and Authorizing the City Manager to Execute Amendment No. 1 with Carollo Engineers, Inc., for the Water Pollution Control Plant (WPCP) Dirt Relocation Project, Project No. 2015.0300.

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-129

- 8.I. [15-388](#) Staff Report for a Resolution for Approval to Make Landscape Structures, Inc. the Sole Source Supplier for City Parks Playground Equipment

[15-391](#) RESOLUTION to Approve Finding Landscape Structures, Inc., a Sole Source Supplier for City Parks Playground Equipment

A motion was made by Mayor Cutter, seconded by Councilmember Cox, that this resolution be adopted. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-130

8.J. [15-392](#) Staff Report for Resolution To Find that TriActive America Shall Be the Sole Source Supplier for City Park Exercise Equipment

[15-393](#) RESOLUTION to Approve Finding TriActive America, a Sole Source Supplier for City Parks Exercise Equipment

A motion was made by Mayor Cutter, seconded by Councilmember Cox, that this resolution be adopted. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-131

8.S [15-447](#) Staff Report For A Resolution To Approve A Lease Agreement Between The City Of San Leandro And The San Leandro Improvement Association For The Caretaker Unit, Two Specific Parking Spaces, and Non-Exclusive, Non-Possessory Use of The Casa Peralta Buildings and Grounds For \$1,500.00 Per Month For A Two Year Term, and Authorizing the City Manager to Complete Negotiations of the Lease, Subject to Approval as to Form by the City Attorney

[15-452](#) RESOLUTION that Approves A Lease Of The Casa Peralta Caretaker Unit, Two Parking Spaces, And Non-Exclusive, Non-Possessory Use of The Casa Peralta Grounds With The San Leandro Improvement Association, and Authorizing the City Manager to Complete Negotiations of the Lease, Subject to Approval as to form by the City Attorney (Approves A Lease Of The Casa Peralta Caretaker Unit, Two Parking Spaces, and Use of The Casa Peralta Buildings and Grounds As The San Leandro Improvement Association's Base Of Operations For \$1,500.00 Month, and a Two Year Term)

A motion was made by Mayor Cutter, seconded by Councilmember Cox, that this resolution be adopted as amended to earmark funds for the maintenance and operation of the San Leandro Museum. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-132

10. ACTION ITEMS

10.A. [15-451](#) Discussion and Possible Action to Reinstate the City of San Leandro Rules Committee

15-465 MOTION to Reinstate the Rules Committee

A motion was made by Councilmember Lopez, seconded by Councilmember Lee, that this minute order be adopted. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Min Order 2015-039

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

City Attorney Pio Roda reported on this evening's closed session.

On Item 3.A., direction was provided to the City's negotiators to move forward with a letter of intent for the parking lot at the northeast corner of the intersection of East 14th Street and Davis Street.

On Item 3.B., the City Council took action to enter into a purchase and sale agreement for 777 Alvarado Street, at a price of \$345,000 to purchase the property from The Oliver Partnership. The vote was 7 ayes.

On Items 3.C. and 3.D., there were no reportable actions.

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, Council members limited to reporting on important calendar events.

14. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

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

- Discussion/presentation on the process related to the Board of Zoning Adjustments' decision on the Conditions of Approval of PLN2014-00063, if an appeal is not filed by this Friday*
- Discussion of a tree ordinance at a Rules Committee meeting*
- Information item regarding the San Leandro Hospital*

15. ADJOURN

The meeting was adjourned at 11:01 p.m.

RESPECTFULLY SUBMITTED:

TAMIKA GREENWOOD
City Clerk of the City of San Leandro