



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

Tuesday, February 16, 2016

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 TO THE FLAG

Derrick Lee led the Pledge of Allegiance to the Flag.

1.B. ROLL CALL

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

1.C. ANNOUNCEMENTS

There were no announcements.

2. RECOGNITIONS

2.A. [16-023](#) Proclamation Declaring February 2016 Teen Dating Violence Awareness and Prevention Month

2.B. [16-090](#) RESOLUTION Appointing Isabel Polvorosa as District 3 Member to Library-Historical Commission for Term Ending December 31, 2018

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

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

Enactment No: Reso 2016-014

3. PRESENTATIONS

- 3.A. [16-040](#) Staff Report for Presentation of Designs of New Street Banners to Be Installed on East 14th Street and Davis Street

4. **PUBLIC HEARINGS**

None.

5. **PUBLIC COMMENTS**

Patrick Grajeda commented on union negotiations with the City and the positive exchange during the process.

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

None.

7. **AMENDMENT OF CONSENT CALENDAR**

Items 8.C., 8.H., 8.I., 8.J., 8.K., 8.N. and 8.Q. were removed from Consent Calendar to Item 9, Items Removed from Consent Calendar.

8. **CONSENT CALENDAR**

Approval of the Consent Agenda

A motion was made by Councilmember Prola, 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. [16-039](#) Minutes of the Special Meeting and Closed Session of February 1, 2016

Approved as submitted on the Consent Calendar.

- 8.B. [16-048](#) Minutes of the Meeting of February 1, 2016

Approved as submitted on the Consent Calendar.

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

- 8.D. [16-059](#) MOTION Nominating Patricia Minnis as At Large Representative to Human Services Commission

Adopted on the Consent Calendar.

Enactment No: Min Order 2016-006

- 8.E. [16-065](#) Staff Report for a Resolution Approving the San Leandro City

Employees' Association (SLCEA), Local 21 IFPTE Memorandum of Understanding

[16-066](#)

RESOLUTION Approving the Memorandum of Understanding Between the City of San Leandro and the San Leandro City Employees' Association (SLCEA), Local 21 IFPTE for the period January 1, 2016 through December 31, 2020

Adopted on the Consent Calendar.

Enactment No: Reso 2016-015

8.F. [16-068](#)

Staff Report for a Resolution Approving the San Leandro Management Organization (SLMO) Memorandum of Understanding

[16-069](#)

RESOLUTION Approving the Memorandum of Understanding Between the City of San Leandro and the San Leandro Management Organization (SLMO) for the Period July 1, 2015 Through June 30, 2020

Adopted on the Consent Calendar.

Enactment No: Reso 2016-016

8.G. [16-018](#)

Staff Report for a Resolution to Award a Construction Contract to Beneman, Inc. for the Thrasher Park Play Equipment and Fence Project, Project No. 2006.0070 and Authorization for the City Manager to Negotiate and Approve Individual Change Orders up to 10% of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders Up to 25% of the Original Contract Amount, and to Transfer Funds Between this Project and the Siempre Verde Park Reconstruction and to Return Funds to the General Fund Balance

[16-019](#)

RESOLUTION to Award a Construction Contract to Breneman, Inc. (Lowest Bidder) for the Thrasher Park Play Equipment and Fence Project, Project No. 2006.0070, in the Amount of \$192,218.50 from Park Development Fee and Special Grant Funds for the Installation of a New Play Structure and Fence Modifications; to Authorize the City Manager to Negotiate and Approve Individual Change Orders up to 10% of the Original Contract Amount; to Authorize the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% of the Original Contract Amount; to Transfer \$75,000.00 of Grant Funds to the Siempre Verde Park Renovation Project; and to Refund \$75,000.00 of General Funds from the Siempre Verde Park Renovation Project to the General Fund Balance

Adopted on the Consent Calendar.

Enactment No: Reso 2016-017

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

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.

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

8.L. [16-062](#) Staff Report for Resolution Approving the Investment Report for the Quarter Ended December 31, 2015

[16-063](#) RESOLUTION Accepting Investment Report for the Quarter Ended December 31, 2015, Related to the Activities and Performances of the City's Investment Portfolio

Adopted on the Consent Calendar.

Enactment No: Reso 2016-018

8.M. [16-071](#) Staff Report for Resolution Approving the Comprehensive Annual Financial Report (CAFR) for the Year Ending June 30, 2015

[16-073](#) RESOLUTION Approving and Confirming the Comprehensive Annual Financial Report (CAFR) for the Year Ending June 30, 2015, Related to Financial Transactions of the City and Disclosure of Significant Information Regarding the City's Operations, Assets, and Liabilities

Adopted on the Consent Calendar.

Enactment No: Reso 2016-019

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

8.O. [16-009](#) Staff Report for Legal Services Agreement Amendment No. 1 with Bertrand, Fox, Elliot, Osman & Wenzel for Legal Representation Associated with Tort Liability Claims and Litigation and Request for Appropriation of \$500,000.00 from the Self-Insurance Fund Balance

[16-010](#) RESOLUTION Authorizing the City Manager to Enter into a Legal Services Agreement Amendment No. 1 with Bertrand, Fox, Elliot, Osman & Wenzel for Legal Representation Associated with Tort Liability Claims and Litigation, and to Appropriate Self-Insurance Fund Balance of \$500,000.00 to General Liability Legal Services

Adopted on the Consent Calendar.

Enactment No: Reso 2016-020

- 8.P. [16-079](#) Staff Report for a Resolution Authorizing the City Manager to Execute an Amendment to the Consulting Services Agreement with Townsend Public Affairs for State Legislative Advocacy Services, to Extend the Term of the Agreement by an Additional One Year Period at the Same Rate, in an Amount Not to Exceed \$60,000 Annually

[16-080](#) RESOLUTION Authorizing the City Manager to Execute an Amendment to the Consulting Services Agreement with Townsend Public Affairs for State Legislative Advocacy Services, to Extend the Term of the Agreement by an Additional One Year Period at the Same Rate, in an Amount Not to Exceed \$60,000 Annually

Adopted on the Consent Calendar.

Enactment No: Reso 2016-021

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

9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.C. [16-091](#) Staff Report for Second Reading and Adoption of Ordinance No. 2016-002 Amending Title 4, Chapter 32 of the San Leandro Municipal Code Relating to the Rent Review Ordinance

Comments were made by the following individuals: K. Lee-Figuera and Leo T. West.

[16-017](#) ORDINANCE Amending Title 4, Chapter 32 of the San Leandro Municipal Code Relating to the Rent Review Ordinance

A motion was made by Councilmember Prola, seconded by Councilmember Reed, to add in \$100 limit if rent is under \$2,250 and \$150 limit if rent is over \$2,250. The motion failed by the following vote.

Aye: 2 - Prola, Reed

Nay: 5 - Cox, Cutter, Lee, Lopez, Thomas

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

Aye: 5 - Cox, Cutter, Lee, Lopez, Thomas

Nay: 2 - Prola, Reed

Enactment No: Ordinance 2016-002

- 8.H. [16-041](#) Staff Report for Appropriation of Water Pollution Control Plant Enterprise Fund Balance Reserve in the Amount of \$420,000 for the

Purpose of Procuring and Installing a Residential Recycled Water Fill Station in 2015-16 at the Water Pollution Control Plant

[16-044](#)

RESOLUTION for Appropriation of Water Pollution Control Plant Enterprise Fund Balance Reserve in the Amount of \$420,000 for the Purpose of Procuring and Installing a Residential Recycled Water Fill Station in 2015-16 at the Water Pollution Control Plant

A motion was made by Councilmember 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 2016-022

Consideration of Items 8.I., 8.J., and 8.K.

Comments were made by the following individual: Darlene Evans.

A motion was made by Mayor Cutter, seconded by Councilmember Prola, to take and approve Items 8.I., 8.J., and 8.K. together. The motion carried by the following vote.

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

8.I. [16-050](#)

Staff Report for Resolution Authorizing the City Manager to Execute a Non-Professional Services Agreement with Rubicon Enterprises, Inc. for Citywide Turf Maintenance for \$178,364

[16-049](#)

RESOLUTION Authorizing the City Manager to Execute a Non-Professional Services Agreement with Rubicon Enterprises, Inc. for Citywide Turf Maintenance for \$178,364

This resolution was adopted.

Enactment No: Reso 2016-023

8.J. [16-055](#)

Staff Report for Resolution Authorizing the City Manager to Execute a Non-Professional Services Agreement with Pacheco Brothers Gardening, Inc. for Citywide Landscape Maintenance for \$201,848

[16-054](#)

RESOLUTION Authorizing the City Manager to Execute Non-Professional Services Agreement with Pacheco Brothers Gardening, Inc. for Citywide Landscape Maintenance for \$201,848

This resolution was adopted.

Enactment No: Reso 2016-024

8.K. [16-057](#)

Staff Report for Resolution Authorizing the City Manager to Execute a Non-Professional Services Agreement with Pacheco Brothers Gardening, Inc. for Citywide Median Maintenance and Weed Abatement in Public Right-of-Ways for \$224,376

[16-056](#) RESOLUTION Authorizing the City Manager to Execute Non-Professional Services Agreement with Pacheco Brothers Gardening, Inc. for Citywide Median Maintenance and Weed Abatement in Public Right-of-Ways for \$224,376

This resolution was adopted.

Enactment No: Reso 2016-025

8.N. [16-076](#) Staff Report for a Resolution Approving a Budget Amendment to the City's Fiscal Year (FY) 2015-16 General Fund, Special Revenue Funds, Enterprise Funds, Internal Service Funds, Capital Projects Funds, and Agency Funds Budget

[16-077](#) RESOLUTION Approving Amendments to the City of San Leandro Budget for Fiscal Year (FY) 2015-16

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

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

Enactment No: Reso 2016-026

The City Council recessed from 8:37 p.m. to 8:54 p.m.

8.Q. [16-085](#) Staff Report for Amendments to the Medical Cannabis Dispensary Ordinance

Comments were made by the following individuals: Mickey Martin and Dan Grace.

[16-086](#) ORDINANCE Amending Chapter 4-33 to Title 4 of the San Leandro Municipal Code Pertaining to Medical Cannabis Dispensary Permits (provides for establishment of two medical marijuana dispensaries in the City and regulates their operations)

A motion was made by Councilmember Prola, seconded by Councilmember Lopez, that this ordinance be continued until staff receives additional information and consults with stakeholders. The motion carried by the following vote.

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

10. ACTION ITEMS

10.A. [16-047](#) Staff Report for Resolution Authorizing the City Manager to Execute a Purchase and Sale Agreement with Sansome Pacific Properties, Inc. for Sale of the City-Owned Parking Lot at 1188 East 14th Street (APN 077-0447-007-01)

[16-046](#) RESOLUTION Authorizing the City Manager to Execute a Purchase

and Sale Agreement with Sansome Pacific Properties, Inc. for Sale of the City-Owned Parking Lot at 1188 East 14th Street (APN 077-0447-007-01) at a Price of \$1.29 Million

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

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

Enactment No: Reso 2016-027

10.B. [16-084](#)

Staff Report for Second Medical Cannabis Dispensary Permit Selection Process

Comments were made by the following individual: Dan Grace.

[16-087](#)

MOTION Approving the Process that Shall Be Implemented to Award a Second Medical Cannabis Dispensary Permit

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

Aye: 5 - Cox, Cutter, Lopez, Prola, Reed

Nay: 1 - Thomas

Abstain: 1 - Lee

Enactment No: Min Order 2016-007

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

No reportable action was taken in closed session.

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 requested the City Manager to bring back additional information on H.R. 3384, Quiet Communities Act of 2015; and H.R. 3965, FAA (Federal Aviation Administration) Community Accountability Act of 2015.

15. ADJOURN

The meeting was adjourned at 10:49 p.m., in memory of Jim Morrison.

RESPECTFULLY SUBMITTED:

TAMIKA GREENWOOD
City Clerk of the City of San Leandro