



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

Bryan Azevedo, District 2

Victor Aguilar, Jr., District 3

Fred Simon, District 4

Corina N. Lopez, District 5

Pete Ballew, District 6

Monday, April 5, 2021

7:00 PM

Access the meeting remotely by using this URL
<https://zoom.us/j/506831637>

San Leandro City Council conducted this meeting in accordance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020.

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

1.B. ROLL CALL

Present 7 - Aguilar, Azevedo, Ballew, Cox, Lopez, Simon, Cutter

1.C. ANNOUNCEMENTS

2. RECOGNITIONS

2.A. [21-198](#) Proclamation Recognizing Marie Watson on her 100th Birthday

Presented.

2.B. [21-206](#) Proclamation Honoring the American Red Cross

Presented.

2.C. [21-107](#) Proclamation Recognizing April 11-17, 2021 as National Telecommunications Week

Presented.

- 2.D. [21-163](#) Proclamation Recognizing National Autism Awareness Month

Presented.

- 2.E. [21-192](#) Proclamation Declaring April 2021 as Fair Housing Month in San Leandro

Presented.

3. PUBLIC COMMENTS

There were approximately 9 public speakers.

Comments were made by the following individuals:

Addie Kitchen, Rebecca Ruiz, Douglas Spalding, Evelyn Gonzalez, Selina McManus, Ms. Hewitt King, Stephen Michael Tow, Mike Katz-Lacabe, Leo T. West

4. PRESENTATIONS

- 4.A. [21-203](#) Federal legislative update from Simon and Company including discussion of the American Rescue Plan and Community Funded Projects

Public Comment was received by Juan Gonzalez III, Douglas Spalding, Leo T. West, and Addie Kitchen.

Presented.

- 4.B. [21-180](#) Staff Report for an Update on the Neptune Drive Shoreline Flood Protection Project

Presented.

The City Council Meeting recessed at 9:20 p.m. and reconvened at 9:25 p.m.

5. PUBLIC HEARINGS

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

Public Comment was received by Douglas Spalding and Stephen Michael Tow.

7. AMENDMENT OF CONSENT CALENDAR

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

8. CONSENT CALENDAR

Approval of the Consent Agenda

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

Aye: 7 - Aguilar, Azevedo, Ballew, Cox, Lopez, Simon, Cutter

8.A. [21-179](#)

Minutes of the City Council Meeting of March 15, 2021

Approved as Submitted on the Consent Calendar.

8.B. [21-169](#)

Minutes of the Disaster Council Meeting of February 18, 2021

Approved as Submitted on the Consent Calendar.

8.C. [21-168](#)

Minutes of the Disaster Council Meeting of February 4,, 2021

Approved as Submitted on the Consent Calendar.

8.D. [21-181](#)

MOTION Nominating Jia Wu as District 2 Representative to the Senior Commission

Adopted on the Consent Calendar.

Enactment No: Min Order 2021-012

8.E. [21-182](#)

MOTION Nominating Katherine Frates as an At-large Representative to the Senior Commission

Adopted on the Consent Calendar.

Enactment No: Min Order 2021-013

8.F. [21-183](#)

MOTION Nominating Marci Dillon as an At-large Representative to the Senior Commission

Adopted on the Consent Calendar.

Enactment No: Min Order 2021-014

8.G. [21-207](#)

Staff Report for a MOTION Accepting the Notice of Draft Amendments to the Conflict of Interest Code for the 2021 Calendar Year Pursuant to Government Code Section 87306.5 and Directing the City Clerk to Publish the Notice of Intent

Received and Filed on the Consent Calendar.

[21-120](#)

MOTION Accepting the Notice of Draft Amendments to the Conflict of Interest Code for the 2021 Calendar Year Pursuant to Government Code section 87306.5 and Directing the City Clerk to Publish the Notice of Intent

Adopted on the Consent Calendar.

Enactment No: Min Order 2021-015

- 8.H. [21-210](#) Staff Report for an Ordinance Adding Section 1-2-111 to the San Leandro Municipal Code Relating to Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements

Received and Filed on the Consent Calendar.

- [21-202](#) An Ordinance Adding Section 1-2-111 to the San Leandro Municipal Code Relating to Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements

Passed to Print on the Consent Calendar.

Enactment No: Ordinance 2021-003

- 8.I. [21-116](#) Staff Report for a City of San Leandro City Council Resolution to Approve a Consulting Services Agreement with Fehr & Peers for an Amount Not to Exceed \$349,248 for the Crosstown Class IV Corridors Study, Project No. 2020.4220; to Authorize Individual Agreement Amendments Up to 10% (\$34,925); and to Authorize Cumulative Agreement Amendments Up to 15% (\$52,387) and Appropriate \$349,248 of Special Grant Funds and \$97,639 of Measure BB Street Funds for the Total Project Budget of \$446,887 in Fiscal Year 2020-21

Received and Filed on the Consent Calendar.

- [21-155](#) RESOLUTION of the City of San Leandro City Council to Approve a Consulting Services Agreement with Fehr & Peers for an Amount Not to Exceed \$349,248 for the Crosstown Class IV Corridors Study, Project No. 2020.4220; to Authorize Individual Agreement Amendments Up to 10% (\$34,925); and to Authorize Cumulative Agreement Amendments Up to 15% (\$52,387) and Appropriate \$349,248 of Special Grant Funds and \$97,639 of Measure BB Street Funds for the Total Project Budget of \$446,887 in Fiscal Year 2020-21 (provides authorization for the City Manager to enter into a CSA with Fehr & Peers to prepare a planning study for the Class IV Corridors along Bancroft Avenue and along Williams Street)

Adopted on the Consent Calendar.

Enactment No: Reso 2021-049

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

- 8.K. [21-145](#) Staff Report for a City of San Leandro City Council Resolution to Accept the Work for the Annual Street Sealing 2019-2020 - Curb Ramp Upgrade Phase Project, Project No. 2020.0070

Received and Filed on the Consent Calendar.[21-146](#)

RESOLUTION of the City of San Leandro City Council to Accept the Work for the Annual Street Sealing 2019-2020 - Curb Ramp Upgrade Phase Project, Project No. 2020.0070 (provides for acceptance of the work performed by FBD Vanguard Construction, Inc, Filing the Notice of Completion, Releasing the Performance and Payment Bonds, and Releasing the Maintenance Bond Upon Successful Completion of the One-Year Maintenance Period)

Adopted on the Consent Calendar.

Enactment No: Reso 2021-050

8.L. [21-152](#)

Staff Report for a Resolution of the City of San Leandro City Council to Authorize the City Manager to Negotiate and Execute Amendment No. 2 and Subsequent Amendments with Individual and Cumulative Costs and Expenses of Less than \$50,000 to the 1995 Agreement for Maintenance of State Highways in the City of San Leandro between the State of California and the City of San Leandro

Received and Filed on the Consent Calendar.[21-153](#)

RESOLUTION of the City of San Leandro City Council Authorizing the City Manager to Negotiate and Execute Amendment No. 2 and Subsequent Amendments with Individual and Cumulative Costs and Expenses of Less than \$50,000 to the 1995 Agreement for Maintenance of State Highways in the City of San Leandro between the State of California and the City of San Leandro (the purpose of the amendment is to provide sewer maintenance access through State of California right-of-way with gates and paths to be maintained by the City)

Adopted on the Consent Calendar.

Enactment No: Reso 2021-051

8.M. [21-167](#)

Staff Report for a City of San Leandro City Council Resolution to Authorize the Interim City Manager to Execute a Sole Source Purchase with Cozad Trailer Sales, LLC for an End Dump Trailer at an Amount Not to Exceed \$73,791.63 and Appropriation of \$73,791.63 from the Gas Tax Fund Balance to the Equipment Repair and Maintenance Operating Account 690-16-002-7510 for Fiscal Year 2020-2021

Received and Filed on the Consent Calendar.[21-170](#)

RESOLUTION of the City of San Leandro City Council to Make a Sole Source Finding and to Authorize the Interim City Manager to Execute a Sole Source Purchase with Cozad Trailer Sales, LLC for an End Dump Trailer at an Amount Not to Exceed \$73,791.63 and Appropriation of \$73,791.63 from the Gas Tax Fund Balance to the Equipment Repair

and Maintenance Operating Account 690-16-002-7510 for Fiscal Year 2020-2021

Adopted on the Consent Calendar.

Enactment No: Reso 2021-052

- 8.N. [21-177](#) Staff Report for a City of San Leandro City Council Resolution to Accept an Amendment to the Fiscal Year 2020-2021 City Operating Budget to Add a Full-Time Administrative Assistant III to the City Manager's Office.

Received and Filed on the Consent Calendar.

[21-178](#) RESOLUTION of the City of San Leandro City Council to Accept an Adjustment to the Fiscal Year 2020-2021 Budget to Add a Full-Time Administrative Assistant III to the City Clerk Division of the City Manager's Office.

Adopted on the Consent Calendar.

Enactment No: Reso 2021-053

- 8.O. [21-185](#) Staff Report for a City of San Leandro City Council Resolution to Authorize an Appropriation of \$24,100 from the Shoreline Fund Balance to the Shoreline Operating Account 597-57-003-5340 for Fiscal Year 2020-2021

Received and Filed on the Consent Calendar.

[21-186](#) RESOLUTION for the City of San Leandro City Council to Authorize an Appropriation of \$24,100 from the Shoreline Fund Balance to the Shoreline Operating Account 597-57-003-5340 for Fiscal Year 2020-2021

Adopted on the Consent Calendar.

Enactment No: Reso 2021-054

- 8.P. [21-226](#) RESOLUTION of the City of San Leandro City Council Extending the Confirmation of a Proclamation of Local Emergency and State of Emergency by the City's Director of Emergency Services Pursuant to California Government Code Section 8630 and Public Contract Code Section 22050(c) because of the COVID-19 Pandemic

Adopted on the Consent Calendar.

Enactment No: Reso 2021-055

9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.J. [21-118](#) Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Submit a Federal Grant Fund Application,

as a Subrecipient to Alameda County Flood Control District; and Designate the City Manager as the Authorized Agent to Execute Federal Grant Applications, all in Support of Securing Federal Grant Funding for the Neptune Drive Shoreline Flood Protection Project 2016.0700

Public Comment was received by Juan Gonzalez III.

Received and Filed.

[21-119](#)

RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Submit a Federal Grant Fund Application, as a Subrecipient to Alameda County Flood Control District; and Designate the City Manager as the Authorized Agent to Execute Federal Grant Applications, all in Support of Securing Federal Grant Funding for the Neptune Drive Shoreline Flood Protection Project 2016.0700 (provides for an authorization to submit a Federal grant application as a subrecipient to Alameda County Flood Control District for the subject project)

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

Aye: 7 - Aguilar, Azevedo, Ballew, Cox, Lopez, Simon, Cutter

Enactment No: Reso 2021-056

10. ACTION ITEMS

10.A. [21-196](#)

Staff Report for the City of San Leandro City Council to Approve an Ordinance Amending the San Leandro Municipal Code and a Resolution to amend the San Leandro Administrative Code and the City Council Handbook to Create Efficiencies at City Council Meetings

Public Comment was received by Stephen Michael Tow, Douglas Spalding, Emily Griego, and Leo T. West.

This matter was Received and Filed

[21-208](#)

ORDINANCE of the City of San Leandro City Council to Amend City of San Leandro Municipal Code Section 1-1-200 to Change the Start Time for Regular City Council Meetings from 7:00 p.m. to 6:30 p.m. and to Add an End Time of 10:00 p.m.

A motion was made by Councilmember Ballew, seconded by Councilmember Lopez, with a friendly amendment by Councilmember Simon that this Ordinance be Passed to Print as revised to include the change of the City Council regular meetings start time of 7:00 pm to 6:30 pm and end time of 10:00 pm. The motion CARRIED by the following vote:

Aye: 6 - Aguilar, Azevedo, Ballew, Cox, Lopez, Simon

Nay: 1 - Cutter

Enactment No: Ordinance 2021-004

[21-209](#)

RESOLUTION of the City of San Leandro City Council to Approve Amendments to the City of San Leandro Administrative Code and to the City Council Handbook to Implement the Ways and Means by Which the City Council Will Promote Greater Efficiency in its City Council Meetings

A motion was made by Councilmember Ballew, seconded by Councilmember Cox, followed by a substitute motion by Councilmember Lopez, seconded by Councilmember Aguilar, that this Resolution be Adopted and include a 5 question limit per City Council Member instead of 3 questions in a five minute period. A friendly amendment by Mayor Cutter was accepted by Councilmember Lopez and Councilmember Aguilar for an adjourned meeting to be scheduled to the following Monday of the adjourned meeting. The substitute motion carried by the following vote.

Aye: 7 - Aguilar, Azevedo, Ballew, Cox, Lopez, Simon, Cutter

Enactment No: Reso 2021-057

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

City Attorney Richard Pio Roda reported there was no reportable action taken however direction was provided to staff.

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

City Councilmembers announced calendar of upcoming events and coordinated attendance; reported on local events attended since the last meeting; and made brief comments on issues of concern.

14. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

-A motion was made by Councilmember Cox, seconded by Councilmember Lopez, to bring back a resolution in support of new Legislation regarding the sale of zero emission cars by 2030.

Roll call was taken as follows:

Aye: Aguilar, Azevedo, Ballew, Cox, Lopez, Simon, Mayor Cutter

Nay: None

Absent: None

Abstain: None

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

- Proclamation Recognizing Asian American Heritage Month in May*

15. ADJOURN

The meeting was adjourned at 10:58 p.m.

In memory of Alfred Anthony Frates

RESPECTFULLY SUBMITTED:

LETICIA I. MIGUEL

City Clerk of the City of San Leandro