



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

Victor Aguilar, Jr., District 3

Benny Lee, District 4

Corina N. Lopez, District 5

Pete Ballew, District 6

Monday, May 20, 2019

7:00 PM

City Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:08 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 6 - Aguilar, Ballew, Hernandez, Lee, Lopez, Cutter

Absent 1 - Cox

1.C. ANNOUNCEMENTS

Under Item 2. Recognitions, for Item 2.D., Gavin Harrington was added to the Commendations recipient list.

2. RECOGNITIONS

2.A. [19-262](#) Proclamation Declaring May 18th as National Kids to Parks Day in San Leandro

Presented.

2.B. [19-212](#) Proclamation Declaring May 2019 as Older Americans Month

Presented.

2.C. [19-284](#) Certificate of Commendations to Gabriel Riley and Michelle Tolentino San Leandro Academy for Multimedia

Presented.

- 2.D. [19-285](#) Certificate of Commendations to Marilyn Ramirez, Casandra Mora, Rhea Reichert, Alejandro Martinez, Christina Yang, and Trinity Lum
San Leandro High

Presented.

3. PUBLIC COMMENTS

There were approximately 6 public speakers.

Comments were made by the following individuals:

- Ms. Wynn Grcich commented on climate change.*
- Mr. Kenneth W. Fox commented on George Washington.*
- Ms. Maureen Forney commented on endangered species day.*
- Mr. Leo T. West commented on SLCC Proclamation.*
- Ms. Mellissa Graham commented on dispatchers.*
- Ms. Wafaa Aborashed commented on tele-communications cell towers.*

4. PRESENTATIONS

- 4.A. [19-232](#) Presentation on History and Status of the San Leandro Long Beach

Public Comment was received from Mr. Stephen Cassidy.

Presented.

- 4.B. [19-077](#) Presentation on Proposed Fiscal Years 2019-20 and 2020-21 Biennial Budget

Presented.

5. PUBLIC HEARINGS

None.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

None.

7. AMENDMENT OF CONSENT CALENDAR

Items 8.C., 8.I., and 8.J. were removed from the Consent Calendar to Item 9, Items Removed from the Consent Calendar

8. CONSENT CALENDAR

Approval of the Consent Calendar

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

Aye: 6 - Aguilar, Ballew, Hernandez, Lee, Lopez, Cutter

Absent: 1 - Cox

8.A. [19-281](#) Minutes of the City Council Meeting of May 06, 2019

Approved as Submitted on the Consent Calendar.

8.B. [19-183](#) Highlights of the Facilities and Transportation Committee Meeting of April 3, 2019

Approved as Submitted on the Consent Calendar.

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

8.D. [19-259](#) Staff Report for a City of San Leandro City Council Resolution Approving a Side Letter that Amends the Memorandum of Understanding Between the City of San Leandro and the San Leandro City Employees' Association (SLCEA), Local 21 IFPTE to Provide Holiday-in-Lieu Pay to Employees in Public Safety Dispatchers classifications

Received and Filed on the Consent Calendar.

[19-260](#) RESOLUTION of the City of San Leandro City Council to Approve a Side Letter Agreement to Amend the Memorandum of Understanding between the City of San Leandro and the San Leandro City Employees' Association (SLCEA), Local 21 IFPTE

Adopted on the Consent Calendar.

Enactment No: Reso 2019-085

8.E. [19-263](#) Staff Report for a City of San Leandro City Council Resolution to Amend the Non-Represented Part-Time Salary Schedule to Comply with the City's Minimum Wage Ordinance; to Amend the Extra Help Hourly Non-Represented Salary Schedule to Restructure the Job Title for Retired Annuitants; and to Amend the San Leandro City Employees' Association Salary Schedule to Reflect New Records Clerk and Library Security Aide Classifications

Received and Filed on the Consent Calendar.

[19-264](#) RESOLUTION of the City of San Leandro City Council to Amend the

Non-Represented Part-Time Employee Salary Schedule to Comply with the City's Minimum Wage Ordinance and to Add High School Intern and College Intern Classifications

Adopted on the Consent Calendar.

Enactment No: Reso 2019-086

[19-265](#)

RESOLUTION of the City of San Leandro City Council to Amend the Extra Help Hourly Non-Represented Salary Schedule to Restructure the Classifications in which Retired Annuitants are Employed

Adopted on the Consent Calendar.

Enactment No: Reso 2019-087

[19-266](#)

RESOLUTION of the City of San Leandro City Council to Amend the San Leandro City Employees' Association Salary Schedule to Reflect the Revised Job Title of Police Services Aide to Records Clerk and to Add the Library Security Aide classification

Adopted on the Consent Calendar.

Enactment No: Reso 2019-088

8.F. [19-275](#)

Staff Report for a City of San Leandro City Council Resolution to Approve the Investment Report for the Quarter Ended March 31, 2019

Received and Filed on the Consent Calendar.

[19-276](#)

RESOLUTION of the City of San Leandro City Council to Accept the Investment Report for the Quarter Ended March 31, 2019 (Reviews the Activities of the City's Investment Portfolio)

Adopted on the Consent Calendar.

Enactment No: Reso 2019-089

8.G. [19-227](#)

Staff Report for a Resolution of the City of San Leandro City Council to Authorize Submission of a Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2019-20 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding to Install Pedestrian Improvements

Received and Filed on the Consent Calendar.

[19-228](#)

RESOLUTION of the City of San Leandro City Council to Authorize Submission of a Request to the Metropolitan Transportation Commission (MTC) for the Allocation of Fiscal Year 2019-20 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding to Install Pedestrian Improvements in the Amount of \$90,860

Adopted on the Consent Calendar.

Enactment No: Reso 2019-090

- 8.H.** [19-254](#) Staff Report for a City of San Leandro City Council Resolution to Award a \$799,373 Construction Contract to Rosas Brothers Construction for the Curb Ramp Upgrades 2018-19 Project, Project No. 2019.0070; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 5% (or \$39,968) of the Original Contract Amount; and to Authorize the City Manager to Negotiate and Approve Change Orders up to a Cumulative Value not to Exceed 25% (or \$199,843) of the Original Contract Amount

Received and Filed on the Consent Calendar.

- [19-255](#) RESOLUTION of the City of San Leandro City Council to Award a \$799,373 Construction Contract to Rosas Brothers Construction for the Curb Ramp Upgrades 2018-19 Project, Project No. 2019.0070; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 5% (or \$39,968) of the Original Contract Amount; and to Authorize the City Manager to Negotiate and Approve Change Orders up to a Cumulative Value not to Exceed 25% (or \$199,843) of the Original Contract Amount (Provides for the upgrade of curb ramps at locations within the work areas of the 2019 Asphalt Maintenance Zone)

Adopted on the Consent Calendar.

Enactment No: Reso 2019-091

Items 8.I. and 8.J. were removed from the Consent Calendar to Item 9, Items Removed from the Consent Calendar

- 8.K.** [19-237](#) ORDINANCE Amending Section 2-2-500 of the San Leandro Municipal Code Relating to the Annual Consumer Price Index (CPI) Adjustment of the Business License tax (enacts the legally permitted increase to the business license tax by the CPI, which is 3.87%)

Adopted.

Enactment No: Ordinance 2019-006

- 8.L.** [19-238](#) ORDINANCE Amending Section 2-13-140 of the San Leandro Municipal Code Relating to the Annual Consumer Price Index (CPI) Adjustment of the Emergency Medical Services Tax (EMS Tax) (increases EMS tax by CPI, or 3.87%)

Adopted.

Enactment No: Ordinance 2019-007

- 8.M.** [19-239](#) ORDINANCE Amending Section 2-18-210 of the San Leandro Municipal Code Relating to the Annual Consumer Price Index (CPI) Adjustment of the Emergency Communication System Access Tax (911 Tax)

(increases 911 Tax by CPI of 3.87%)

Adopted.

Enactment No: Ordinance 2019-008

8.N. [19-256](#)

ORDINANCE of the City Council Of The City Of San Leandro Adding Chapter 4-41 To Title 4 Of The San Leandro Municipal Code Prohibiting Non-Hosted Short-Term Rental Of All Or Part Of A Residential Dwelling Unit

Adopted.

Enactment No: Ordinance 2019-005

9. ITEMS REMOVED FROM CONSENT CALENDAR

8.C. [19-248](#)

Staff Report for a City of San Leandro City Council Resolution Authorizing the City Manager to Accept Grant Funds in the Amount of \$31,599 from the Department of Justice's Byrne Justice Assistance Grant (JAG) to Fund the Purchase of Unmanned Aerial System (UAS) Equipment

Public Comment received from Mr. Mike Katz-Lacabe.

Received and Filed.

[19-249](#)

RESOLUTION of the City of San Leandro City Council to Accept and Authorize the City Manager to Execute All Documents Related to the Department of Justice's Edward Byrne Justice Assistance Grant (JAG) Award of \$31,599 and to Appropriate These Funds for Procuring Unmanned Aerial System (UAS) Program Equipment

A motion was made by Councilmember Ballew, seconded by Councilmember Lee, that this Resolution be Adopted. Followed by a Friendly Ammendment. The motion carried by the following vote.

Aye: 5 - Ballew, Hernandez, Lee, Lopez, Cutter

Nay: 1 - Aguilar

Absent: 1 - Cox

Enactment No: Reso 2019-092

8.I. [19-277](#)

Staff Report for a City of San Leandro City Council Resolution to Amend the City of San Leandro Administrative Code to add Chapter 8 to Title 5 to Permit City Elected and Appointed Officials and City Employees the Option to Have Planning Applications that Affect Their Personal Economic Interests Be Reviewed by Independent Third Parties

Received and Filed.

[19-278](#)

RESOLUTION of the City of San Leandro City Council Adding Chapter 8 to Title 5 of the City of San Leandro Administrative Code Related to Provide an Option for City Elected and Appointed Officials and Employees to Have Their Community Development Department Applications Reviewed by an Independent Third Party.

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

Aye: 6 - Aguilar, Ballew, Hernandez, Lee, Lopez, Cutter

Absent: 1 - Cox

Enactment No: Reso 2019-093

8.J. [19-279](#)

Staff Report for a First Reading of the City of San Leandro City Council Ordinance to Add Chapter 4-40 to the San Leandro Municipal Code Regulating Hosted Short Term Rentals of Residential Dwelling Units

There were approximately 5 public speakers.

Comments were made by the following individuals:

Ms. Elsa Ceballos, Mr. Louise Ryod, Mr. Mark Hawke, Mr. Andrew Pierce, and Mr. Victor Jue

Received and Filed.

[19-280](#)

ORDINANCE of the City of San Leandro City Council Adding Chapter 4-40 To Title 4 Of The San Leandro Municipal Code Regarding Hosted Short-Term Rental Of All Or Part Of A Residential Dwelling Unit

A motion was made by Councilmember Lee, seconded by Councilmember Ballew, followed by a substitute motion by Vice Mayor Lopez, seconded by Mayor Cutter that this Ordinance be Pass to Print as written by staff. The motion carried by the following vote.

Aye: 4 - Aguilar, Hernandez, Lopez, Cutter

Nay: 2 - Ballew, Lee

Absent: 1 - Cox

Enactment No: Ordinance 2019-009

The City Council Meeting recessed at 9:18 p.m. and reconvened at 9:28 p.m.

10. ACTION ITEMS

10.A. [19-271](#)

Staff Report for a Proposed City of San Leandro City Council Ordinance to Add Mobilehome Space Rent Stabilization to the City of San Leandro Municipal Code (An Ordinance that Would Regulate Space Rents in San Leandro Mobilehome Parks)

There were approximately 19 public speakers.

Comments were made by the following individuals:

Ms. Silvia A. Brandon Perez, Ms. Carol Habercoss, Mr. Jeromey Shafer, Ms. Deborah Acosta, Ms. Kerianne Steele, Mr. Rob Rich, Mr. Marc Janowitz, Ms. Emily Rich, Mr. Doug Jones, Mr. Jim Prola, Ms. Hera Alikian, Ms. Margaret Nanda, Mr. Doug Johnson, Mr. Leo T. West, Mr. Matt Davies, Mr. Ryan Jasinsky, Ms. Darlene Evans, Mr. Mike Katz-Lacabe, and Mr. Lawrence Abbott

Received and Filed.

[19-272](#)

ORDINANCE of the City of San Leandro City Council to Add Mobilehome Space Rent Stabilization to the City of San Leandro Municipal Code (An Ordinance that Regulates Space Rents in San Leandro Mobilehome Parks)

A motion was made by Councilmember Aguilar, seconded by Vice Mayor Lopez, that this Ordinance be Passed to Print. The motion carried by the following vote.

Aye: 4 - Aguilar, Ballew, Lopez, Cutter

Nay: 1 - Hernandez

Absent: 1 - Cox

Abstain: 1 - Lee

Enactment No: Ordinance 2019-010

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

No reportable actions taken.

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 Mayor Cutter, seconded by Councilmember Aguilar, to schedule a presentation/discussion to consider postponing Cannabis Dispensary Tax Increase for one-year.

Roll call was taken as follows:

Aye: Aguilar, Hernandez, Lee, Lopez, Mayor Cutter

Nay: Ballew

Absent: Cox

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

- o An update to the progress on the Marina Shoreline Project*
- o A follow up report from staff regarding communication with AT&T and the cell tower wall connection*
- o A presentation from the consultant on the San Leandro Long Beach.*

-A motion was made by Councilmember Ballew, seconded Vice Mayor Lopez, to schedule on the next available Rules Committee agenda a discussion about adding a City Council Goal relating to the process of recognizing personnel and volunteers.

Roll call was taken as follows:

Aye: Aguilar, Ballew, Hernandez, Lee, Lopez, Mayor Cutter

Nay: None

Absent: Cox

-A motion was made by Councilmember Hernandez, seconded Mayor Cutter, to schedule a presentation/discussion of an update to the Bayfair Opportunity zone.

Roll call was taken as follows:

Aye: Aguilar, Ballew, Hernandez, Lee, Lopez, Mayor Cutter

Nay: None

Absent: Cox

-A motion was made by Vice Mayor Lopez, seconded Councilmember Ballew, to schedule a presentation regarding an Accessory Dwelling Unit Tax Holiday.

Roll call was taken as follows:

Aye: Aguilar, Ballew, Hernandez, Lee, Lopez

Nay: Mayor Cutter

Absent: Cox

15. ADJOURN

The meeting was adjourned at 11:19 p.m.

In honor of Leila Diane Clinton, born Saturday, May 18, 2019.

RESPECTFULLY SUBMITTED:

LETICIA I. MIGUEL

City Clerk of the City of San Leandro