



# 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 Stephen H. Cassidy  
Michael Gregory, District 1  
Ursula Reed, District 2  
Diana Souza, District 3  
Vacant, District 4  
Pauline Russo Cutter, District 5  
Jim Prola, District 6*

---

Tuesday, September 4, 2012

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

*City Manager Emeritus John Jermanis led the Pledge of Allegiance to the Flag.*

### 1.B. ROLL CALL

**Present** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

### 1.C. ANNOUNCEMENTS

*None.*

### 2. PRESENTATIONS/ RECOGNITIONS

- 2.A. [12-412](#) Presentation of the Scenarios for San Leandro - Stories About Our Future Report

### 3. PUBLIC HEARINGS – CITY COUNCIL

*None.*

### 4. PUBLIC HEARINGS – OTHER

*None.*

### 5. PUBLIC COMMENTS

*DAVID ERLICH, San Leandro resident, commented on the Religious Land Use and*

*Institutionalized Persons Act (RLUIPA) and the ICFG v. City of San Leandro lawsuit.*

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

*City Manager Zapata commented briefly on various recent and upcoming activities and events in the City.*

## 7. AMENDMENT OF CONSENT CALENDAR

*Items 8.B. and 8.C. 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 Prola, seconded by Councilmember Reed, to Approve the Consent Calendar. The motion carried by the following vote.**

8.A. [12-400](#) APPROVE: Minutes of the Meeting of July 16, 2012

**Approved as Submitted on the Consent Calendar.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

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

8.D. [12-396](#) MOTION: Motion Appointing Vice Mayor Michael Gregory as Representative, and Councilmember Pauline Russo Cutter as Alternate, to the Alameda County Transportation Commission Board of Directors

**Adopted on the Consent Calendar.**

Enactment No: Min Order 2012-032

8.E. [12-121](#) Staff Report for Resolution Approving the Plans and Specifications and Calling for Bids on the BART-Downtown Pedestrian Interface Project, Federal Aid Project No. CML-5041(036), City Project No. 11-150-38-331, Along San Leandro Boulevard

[12-393](#) ADOPT: Resolution Approving Plans and Specifications and Calling for Bids for the BART-Downtown Pedestrian Interface, Federal Aid Project No. CML-5041(036), City Project No. 11-150-38-331 (approves the plans and specifications and call for bids on pedestrian streetscape improvements along San Leandro Boulevard at an estimated cost of \$6.91M, with \$4.61M from a Transportation for Livable Cities grant, \$1.22M from Kaiser Community Impact funds, \$96,118 from Development Fees for Street Improvements (DFSI)

funds, \$76,894 from Measure B Streets & Roads funds, \$211,458 from Measure B Bike & Pedestrian funds, and \$700,000 from Gas Tax funds)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2012-097

- 8.F.** [12-401](#) Staff Report for a Resolution Approving Plans and Specifications and Authorizing the Call for Bids for the Annual Sidewalk Repair Program 2012-13, Project No. 2013.0050

[12-404](#) ADOPT: Resolution Approving Plans and Specifications and Calling for Bids for Annual Sidewalk Repair Program 2012-13, Project No. 2013.0050 (provides for removal and replacement of damaged concrete sidewalks, driveway approaches, curbs, and gutters throughout the City and installation of ADA compliant curb ramps at curb returns using Measure B Bicycle and Pedestrian Funds; Measure B Streets and Roads Funds; TDA Grant Funds; and CDBG Funds)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2012-098

- 8.G.** [12-301](#) Staff Report for a Resolution to Reject Bids for Annual Street Sealing 2011-12, Project No. 11-144-38-332

[12-302](#) ADOPT: Resolution to Reject Bids for Annual Street Sealing 2011-12, Project No. 11-144-38-332 (rejects bids for the subject project)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2012-099

- 8.H.** [12-303](#) Staff Report for Resolution to Reject Bids for Asphalt Rubber Street Sealing 2011-12, Project No. 11-144-38-332

[12-304](#) ADOPT: Resolution to Reject Bids for Asphalt Rubber Street Sealing 2011-12, Project No. 11-144-38-332 (rejects bids for the subject project)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2012-100

- 8.I.** [12-329](#) Staff Report for Resolution Accepting the Work for the 2009 Sanitary Sewer Pipeline Replacement Project, Project No. 09-593-52-211

[12-330](#) ADOPT: Resolution Accepting the Work for the 2009 Sanitary Sewer Pipeline Replacement Project, Project No. 09-593-52-211 (provides for the acceptance of contract work by Tennyson Electric, Inc., filing of the Notice of Completion, releasing of the performance and payment bonds, and releasing of the maintenance bond upon completion of the

one-year maintenance period)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2012-101

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

8.B. [12-432](#) ACCEPT: Community Development Committee Meeting Highlights of July 17, 2012

**A motion was made by Councilmember Souza, seconded by Councilmember Reed, that the meeting highlights be accepted as submitted. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

8.C. [12-360](#) ADOPT: Ordinance No. 2012-012, an Ordinance Repealing and Reserving Sections 4-1-810 and 4-1-815 Of Title 4, Chapter 4-1 of the San Leandro Municipal Code and Amending Article 3 of Title 4, Chapter 4-1 of the San Leandro Municipal Code Relating to Youth Curfews (reestablishes new definitions and defenses to violations and adds new violation provisions)

**A motion was made by Councilmember Cutter, seconded by Councilmember Souza, that this Ordinance be Adopted. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Enactment No: Ordinance 2012-012

## 10. ACTION ITEMS

10.A. [12-406](#) Staff Report for Resolution Amending the San Leandro Management Organization (SLMO) Salary Schedule to Add the Chief Innovation Officer (CIO) Classification

[12-407](#) ADOPT: Resolution Amending the San Leandro Management Organization (SLMO) Salary Schedule to Add the Chief Innovation Officer (CIO) Classification (adds the new CIO classification)

**A motion was made by Councilmember Prola, seconded by Councilmember Reed, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Enactment No: Reso 2012-102

10.B. [12-402](#) Staff Report for Resolution Approving Appointments to the City of San Leandro's Measure Z Oversight Committee as Required by Ordinance No. 2010-022

[12-403](#)

ADOPT: Resolution Approving Appointments to the City of San Leandro's Measure Z Oversight Committee as Required by Ordinance No. 2010-022 (appoints David Grodin, Geraldine Mellen, Esther Collier, and Corina Lopez, each to serve a 3-year term expiring on August 31, 2015)

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

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Enactment No: Reso 2012-103

*The Council, by consensus, referred discussion of the Downtown Business Association representative to the City Council Finance Committee.*

**10.C.** [12-419](#)

Discussion Regarding the San Leandro Unified School District Parcel Tax Measure on the November 6, 2012 Ballot

*The Council, by consensus, agreed to consider a resolution in support of Measure L, the San Leandro Unified School District Parcel Tax Measure, at the September 17, 2012 regular City Council meeting.*

**10.D.** [12-431](#)

Staff Report for City Council District 4 Vacancy, Update on Appointment Process and Preparation for Special Meeting on September 13, 2012

[12-434](#)

MOTION: Motion Determining the Field of Applicants to Interview to Fill the District 4 City Council Vacancy

*The City Council selected applicants Dana Chohlis, Thomas Dlugosh, John Faria and Charles Kane to be interviewed at the September 13, 2012 special meeting to fill the District 4 Council vacancy.*

**10.E.** [12-420](#)

City Council Discussion and Determination of City Position on Five Resolutions of the League of California Cities to Be Voted on at the 2012 Annual Business Meeting (provides voting directions to the City's voting delegate and alternate as designated by Resolution No. 2012-081)

[12-426](#)

MOTION: Motion Supporting OR Opposing the League's Resolution Encouraging California Cities to Oppose the California Desert Protection Act of 2011

**A motion was made by Vice Mayor Gregory, seconded by Councilmember Prola, to direct San Leandro's Voting Delegate to vote NO on the League's Resolution. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Enactment No: Min Order 2012-033

[12-427](#)

MOTION: Motion Supporting OR Opposing the League's Resolution Requesting Consideration of Suspension of Implementation or Revision of the California Global Warming Solutions Act (AB 32 of 2006)

**A motion was made by Councilmember Cutter, seconded by Councilmember Prola, to direct San Leandro's Voting Delegate to vote NO on the League's Resolution. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Enactment No: Min Order 2012-034

[12-428](#)

MOTION: Motion Supporting OR Opposing the League's Resolution Calling Upon the Governor and Legislature to Enact Legislation that Would Correct Inefficiencies in the Audit System, Distribution System and Inequities in the Formulas for Distributing Court Ordered Arrest and Citation Fines, Fees and Assessments Generated by Local Government

**A motion was made by Councilmember Prola, seconded by Councilmember Cutter, to direct San Leandro's Voting Delegate to vote YES on the League's Resolution. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Enactment No: Min Order 2012-035

[12-429](#)

MOTION: Motion Supporting OR Opposing the League's Resolution Raising Public Awareness and Supporting Tougher Laws Related to Internet Crimes Against Children

**A motion was made by Councilmember Cutter, seconded by Councilmember Reed, to direct San Leandro's Voting Delegate to vote YES on the League's Resolution. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Enactment No: Min Order 2012-036

[12-425](#)

MOTION: Motion Supporting OR Opposing the League's Resolution Calling for an Emergency Management Mission for California Cities

**A motion was made by Councilmember Prola, seconded by Vice Mayor Gregory, to direct San Leandro's Voting Delegate to vote YES on the League's Resolution. The motion carried by the following vote.**

**Aye:** 6 - Cassidy, Cutter, Gregory, Prola, Reed, Souza

Enactment No: Min Order 2012-037

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

*No reportable actions taken.*

**11. CITY COUNCIL CALENDAR**

*City Councilmembers announced upcoming events and coordinated attendance.*

**12. CITY COUNCIL REPORTS AND ANNOUNCEMENTS**

*City Councilmembers 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.*

*It was the consensus of the Council to do the following:*

- refer to the City Council Rules and Communications Committee the consideration of adding youth members to certain City boards and commissions*
- consider a resolution opposing State Proposition 32, relating to political contributions by payroll deduction, and contributions to candidates, at the September 17, 2012 City Council meeting.*

**13. ADJOURN**

*The meeting was adjourned at 9:50 p.m. and*

- In memory of Lorenzo Spinardi.*
- In memory of Lucille Nobriga.*
- In memory of Jesse Robredo.*
- In memory of Clarine Souza.*

**RESPECTFULLY SUBMITTED:**

---

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