



City of San Leandro

City Hall
835 East 14th Street
San Leandro, California

Minutes City Council

Monday, July 15, 2024

7:00 PM

City Council Chambers

Access the meeting remotely by using this URL

<https://zoom.us/j/506831637>

Councilmember Bowen participated via teleconference from the business center of the Doubletree Suites by Hilton Hotel Boston - Cambridge 400 Soldiers Field Road Boston, MA 02134-1893

1. CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

Mayor Gonzalez called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

Present 6 - Victor Aguilar Jr., Bryan Azevedo, Peter Ballew, Juan González III, Xouhoa Bowen, Sbeydeh Viveros-Walton

Absent 1 - Fred Simon

2. ANNOUNCEMENTS

The Mayor pulled Item 5a on the Consent Calendar and moved it to the first Action Item, under item 10 and also moved up item 10.e to be heard before item 10.a in the interest of time.

3. REPORT ON CLOSED SESSION ACTIONS TAKEN

No report.

4. RECOGNITIONS

No items scheduled.

5. CONSENT CALENDAR

Approval of the Consent Agenda

There was no public comment.

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

Aye: 6 - Victor Aguilar Jr., Bryan Azevedo, Peter Ballew, Juan González III, Xouhoa Bowen, Sbeydeh Viveros-Walton

Absent: 1 - Fred Simon

- 5.b.** [24-320](#) Adopt a Resolution to Accept and Authorize the City Manager to Execute all Documents for a San Francisco Bay Restoration Authority (SFBRA) Grant in the amount of \$3,734,489 and Execute All Documents for Phase 2 of the San Leandro Treatment Wetland for Pollution Reduction, Habitat Enhancement, and Shoreline Resiliency Project

Received and Filed on the Consent Calendar.

- 5.c.** [24-328](#) Adopt a Resolution to Approve and Authorize the City Manager to Execute a Non-Professional Services Agreement with Garland/DBS, Inc. for Roof Restoration Projects at the Water Pollution Control Plant for Fiscal Year 2024-2025 for \$1,009,344 and to Negotiate and Approve Cumulative Change Orders up to 8% or \$80,748 of the Original Contract Amount, for a Total Not-to-Exceed Amount of \$1,090,092 and to Appropriate \$1,090,000 From the Water Pollution Control Fund to Account 593-52-113

Received and Filed on the Consent Calendar.

- 5.d.** [24-327](#) Adopt a Resolution to Authorize the City Manager to Accept the United States Environmental Protection Agency's San Francisco Bay Water Quality Improvement Fund Water Grant in the amount of \$2,975,302 and Execute All Documents Related to the Grant and Appropriate Grant Funds for Phase 2 of the San Leandro Treatment Wetland for Pollution Reduction, Habitat Enhancement, and Shoreline Resiliency Project

Received and Filed on the Consent Calendar.

- 5.e.** [24-241](#) Adopt a Resolution to Approve and Authorize the City Manager to Award a Construction Contract to DeSilva Gates Construction, LLC in the amount of \$3,550,550 for the Rehabilitation Phase for the Annual Street Paving 21-23, Project No. 2020.0050; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount (\$177,528); to Authorize the City Manager to Negotiate and Approve Cumulative Change Orders up to 15% of the Original Contract Amount (\$532,583); and to Reappropriate \$266,896 from Account No. 141-38-392 to the Subject Project

Received and Filed on the Consent Calendar.

- 5.f.** [24-278](#) Adopt a Resolution to Approve and Authorize the City Manager to Execute a Consulting Services Agreement with GPA Consulting in the amount of \$271,438 for Environmental Services in support of the Lake Chabot Road Erosion Repairs, Project No. 2023.4020; to Authorize the

City Manager to Negotiate and Approve Individual Contract Amendments up to 5% (or \$13,572) of the Original Contract Amount; and to Authorize the City Manager to Negotiate and Approve Contract Amendments up to a Cumulative Value of 10% (or \$27,144) of the Original Contract Amount

Received and Filed on the Consent Calendar.

5.g. [24-299](#)

Adopt a Resolution to Authorize the City Manager to Negotiate and Approve Increases in Individual Change Orders from 5% to 10% (from \$97,941 to \$195,882) and Cumulative Change Orders from 15% to 20% (from \$293,822 to \$391,763) for Washington Avenue Reconstruction, Project No. 2018.4020

Received and Filed on the Consent Calendar.

5.h. [24-258](#)

Adopt a Resolution to Approve and Authorize the City Manager to Execute a Non-Professional Services Agreement with Garland/DBS, Inc. for Roof Restoration Projects for Fiscal Year 2024-2025 for \$1,159,072 and to Negotiate and Approve Cumulative Change Orders up to 10% or \$115,908 of the Original Contract Amount, for a Total Not-to-Exceed Amount of \$1,274,980

Received and Filed on the Consent Calendar.

5.i. [24-318](#)

Adopt a Resolution to Approve and Authorize the City Manager to Execute Amendment No. 2 for \$15,140 to a Consulting Services Agreement with Terraphase Engineering, Inc for Environmental Permitting Support for the Haas Avenue Pedestrian Bridge Removal Project

Received and Filed on the Consent Calendar.

5.j. [24-321](#)

Adopt a Resolution to Authorize the City Manager to Approve the Designation of Applicant's Agent Resolution for Non-State Agencies

Received and Filed on the Consent Calendar.

5.k. [24-304](#)

Adopt a Resolution to Approve the City of San Leandro 2024-2029 Age-Friendly Action Plan

Received and Filed on the Consent Calendar.

5.l. [24-339](#)

Minutes for the June 17 and July 1 Regular City Council Meetings and June 10 and July 8, 2024 Special City Council Meetings.

Approved as Submitted on the Consent Calendar.

5.m. [24-330](#)

Minutes for the June 26, 2024 Finance Committee

Approved as Submitted on the Consent Calendar.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

There were no reports.

7. PUBLIC COMMENTS

Comments were made by approximately 15 people.

8. PUBLIC HEARINGS

- 8.a. [24-323](#) Adop Two Resolutions 1) Imposing 2024 Liens for Non-Payment of Delinquent Solid Waste Service Charges, Sidewalk Repair Charges, CalEPA CUPA Surcharge Fees, Building Code Violation and Code Compliance Citation Fees, and Water Pollution Control Plant Commercial and Industrial User Charges; and

2) Overruling Protests Related to Non-Payment of Delinquent Solid Waste Service Charges, Sidewalk Repair Charges, CalEPA CUPA Surcharge Fees, Building Code Violation and Code Compliance Citation Fees, and Water Pollution Control Plant Commercial and Industrial User Charges

There was no public comment.

A motion was made by Councilmember Ballew, seconded by Councilmember Aguilar, Jr., that this Staff Report be Approved. The motion CARRIED by the following vote:

Aye: 6 - Victor Aguilar Jr., Bryan Azevedo, Peter Ballew, Juan González III, Xouhoa Bowen, Sbeydeh Viveros-Walton

Absent: 1 - Fred Simon

9. PRESENTATIONS

There were no items scheduled.

10. ACTION ITEMS

With the consensus of the City Council, Item 5.a and 10.e were moved to this point on the agenda.

- 5.a. [24-322](#) Second Reading and Adoption of an Ordinance Amending Various Chapters of the Zoning Code to Modify Regulations Pertaining to Fencing, Extend Entitlements for Qualified Projects, Replace References to the Board of Zoning Adjustments with the Planning Commission; and

an Ordinance to Modify Various Chapters of the Municipal Code to Amend Regulations Pertaining to Private Property Maintenance, Mobile Food Vending, and Noise

There was no public comment.

A motion was made by Mayor González III, seconded by Councilmember Bowen, that this second reading of an ordinance be Approved. The motion CARRIED by the following vote:

Aye: 5 - Victor Aguilar Jr., Bryan Azevedo, Juan González III, Xouhoa Bowen, Sbeydeh Viveros-Walton

Nay: 1 - Peter Ballew

Absent: 1 - Fred Simon

10.e. [24-332](#)

Adopt a Resolution to Approve and Authorize the City Manager to Enter into Master Services Agreements with Workday, Inc, Cognizant Technology Solutions U.S. Corporation, Robert Half Inc., and Can/Am Technologies Inc. for the implementation of an Enterprise Resource Planning (ERP) solution and 10-year software subscriptions/renewals in the Amount of \$8,144,520 and to Authorize Individual Amendments Up to 10% (or \$814,452) of the Original Agreements

There was no public comment

A motion was made by Councilmember Viveros-Walton, seconded by Councilmember Azevedo, that this Staff Report be Approved. The motion CARRIED by the following vote:

Aye: 6 - Victor Aguilar Jr., Bryan Azevedo, Peter Ballew, Juan González III, Xouhoa Bowen, Sbeydeh Viveros-Walton

Absent: 1 - Fred Simon

10.a. [24-280](#)

Adopt a Resolution to Accept the Tabulation Results for the City of San Leandro's 2024 Stormwater Fee Amendment

There was on public comment.

A motion was made by Councilmember Aguilar, Jr., seconded by Councilmember Viveros-Walton, that this Staff Report be Approved. The motion CARRIED by the following vote:

Aye: 6 - Victor Aguilar Jr., Bryan Azevedo, Peter Ballew, Juan González III, Xouhoa Bowen, Sbeydeh Viveros-Walton

Absent: 1 - Fred Simon

10.b. [24-310](#)

Adopt Three Resolutions to Approve and Authorize the City Manager to Execute 1) a Franchise Agreement for Collection of Solid Waste, Recyclables, and Organic Waste; 2) a Franchise Agreement for Post Collection Transportation Of Solid Waste and Organic Waste, and Post Collection Processing of Recycling, both between the City of San

Leandro and Alameda County Industries, Inc.; and 3) a Franchise Agreement for Post Collection Processing and Disposal of Solid Waste and Organic Waste between the City of San Leandro and Waste Management of Alameda County, Inc

There were two public comments.

A motion was made by Councilmember Viveros-Walton, seconded by Councilmember Aguilar, Jr., that this Staff Report be Approved. The motion CARRIED by the following vote:

Aye: 6 - Victor Aguilar Jr., Bryan Azevedo, Peter Ballew, Juan González III, Xouhoa Bowen, Sbeydeh Viveros-Walton

Absent: 1 - Fred Simon

The City Council recessed from 9:00 pm to 9:10 pm.

10.c. [24-305](#)

Motion to Adopt a Minute Order Directing Staff to Either:

A) To Cease All Efforts Associated With Placing a Revenue Measure on the November 2024 Ballot, or

B) Schedule a Special City Council Meeting on July 22 2024 to Place a Specified Revenue Measure on the November 2024 Ballot

There was no public comment.

A motion was made by Councilmember Aguilar, Jr., seconded by Councilmember Azevedo, that this Minute Order be Adopted. The motion CARRIED by the following vote:

Aye: 6 - Victor Aguilar Jr., Bryan Azevedo, Peter Ballew, Juan González III, Xouhoa Bowen, Sbeydeh Viveros-Walton

Absent: 1 - Fred Simon

10.d. [24-325](#)

Adopt a Resolution Approving and Authorizing the City Manager to Negotiate and Execute a Memorandum of Understanding with Alameda County Fire Department to Implement and Operate the Alternative Response Unit program in San Leandro for a Period of 18 Months in an Amount Not-to-Exceed \$1,350,000 in Previously Allocated Funds

There were 2 public comments.

A motion was made by Councilmember Azevedo, seconded by Councilmember Aguilar, Jr., that this Staff Report be Approved. The motion CARRIED by the following vote:

Aye: 5 - Victor Aguilar Jr., Bryan Azevedo, Juan González III, Xouhoa Bowen, Sbeydeh Viveros-Walton

Absent: 1 - Fred Simon

Abstain: 1 - Peter Ballew

At 10:17 pm, there was a motion by Councilmember Viveros-Walton and a second by Councilmember Aguilar to extend the meeting to 10:30 pm. The motion passed 6-0-1 with Councilmember Simon absent.

11. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

Councilmember Viveros-Walton made a request, and by consensus, the City Council agreed to add the following item to the first Council Meeting in September: "Provide an information presentation on the current status of Lake Chabot Road on the September 3rd Council meeting. The purpose is to present the City Council and members of the public an overview of the status of the road and provide an opportunity for the Council and the public to ask questions. This presentation is needed ahead of the upcoming winter season and provides the City Council time to explore temporary actions to mitigate the increased traffic in the Bayovista neighborhood and coordination and partnership with Alameda County."

At 10:17 pm, there was a motion by Councilmember Aguilar and a second by Councilmember Viveros-Walton to extend the meeting five more minutes. The motion passed 5-1-1 with Councilmember Ballew voting no and Councilmember Simon absent.

12. CITY COUNCIL REPORTS, CALENDAR AND ANNOUNCEMENTS

City Councilmembers reported on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting.

13. ADJOURN

RESPECTFULLY SUBMITTED:

Kelly B. Clancy, CMC
City Clerk for the City of San Leandro