



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
Benny Lee, District 4
Pauline Russo Cutter, District 5
Jim Prola, District 6*

Monday, February 4, 2013

7:00 PM

City Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:11 p.m.

1.A. PLEDGE OF ALLEGIANCE

Cindy Cathey, Superintendent of the San Leandro Unified School District, led the Pledge of Allegiance to the Flag.

1.B. ROLL CALL

Present 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

1.C. ANNOUNCEMENTS

None.

2. PRESENTATIONS/ RECOGNITIONS

2.A. [13-021](#) Presentation of \$10,000 from San Leandro Optimist Club to the City of San Leandro Recreation and Human Services Department to Fund Citywide Special Events for Youth and Families

2.B. [13-032](#) ADOPT: Resolution Reappointing Lizzie Brown as Tenant Member to Rent Review Board (approves reappointment for term ending June 30, 2015)

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

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2013-006

- 2.C.** [13-033](#) ADOPT: Resolution Reappointing Catherine Vierra Houston as District 4 Member to Board of Zoning Adjustments (approves reappointment for term ending December 31, 2016)
- A motion was made by Councilmember Prola, seconded by Councilmember Souza, that this resolution be adopted. The motion carried by the following vote.**
- Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza
- Enactment No: Reso 2013-007
- 2.D.** [13-034](#) ADOPT: Resolution Reappointing Amada Robles as District 4 Member to Human Services Commission (approves reappointment for term ending December 31, 2016)
- A motion was made by Councilmember Prola, seconded by Councilmember Souza, that this resolution be adopted. The motion carried by the following vote.**
- Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza
- Enactment No: Reso 2013-008
- 2.E.** [13-035](#) ADOPT: Resolution Reappointing Arlene Lum as District 4 Member to Library-Historical Commission (approves reappointment for term ending December 31, 2016)
- A motion was made by Councilmember Prola, seconded by Councilmember Souza, that this resolution be adopted. The motion carried by the following vote.**
- Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza
- Enactment No: Reso 2013-009
- 2.F.** [13-036](#) ADOPT: Resolution Reappointing René Mendieta as District 6 Member to Board of Zoning Adjustments (approves reappointment for term ending December 31, 2016)
- A motion was made by Councilmember Lee, seconded by Councilmember Prola, that this resolution be adopted. The motion carried by the following vote.**
- Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza
- Enactment No: Reso 2013-010
- 2.G.** [13-037](#) ADOPT: Resolution Reappointing Carmen Fewless as District 6 Member to Human Services Commission (approves reappointment for term ending December 31, 2016)
- A motion was made by Councilmember Lee, seconded by Councilmember Prola, that this resolution be adopted. The motion carried by the following vote.**

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2013-011

- 2.H.** [13-038](#) ADOPT: Resolution Reappointing Carole Rinaldi as District 6 Member to Library-Historical Commission (approves reappointment for term ending December 31, 2016)

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

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2013-012

- 2.I.** [13-039](#) ADOPT: Resolution Reappointing Esther Collier as District 6 Member to Planning Commission (approves reappointment for term ending December 31, 2016)

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

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2013-013

- 2.J.** [13-040](#) ADOPT: Resolution Reappointing Robert Fox as District 6 Member to Recreation and Parks Commission (approves reappointment for term ending December 31, 2016)

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

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2013-014

- 2.K.** [13-041](#) ADOPT: Resolution Reappointing Bella Comelo as District 6 Member to Senior Commission (approves reappointment for term ending December 31, 2016)

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

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2013-015

- 2.L.** [13-008](#) Presentation by Byron Benton, Training Director for the Alameda County Electrical Joint Apprentice Training Center, on the Zero Net Energy Building at 14600 Catalina Street

3. PUBLIC HEARINGS – CITY COUNCIL

- 3.A.** [12-613](#) Staff Report for Matter of PLN2012-00039, Rezone and Planned Development for 16 Residential Units Which Includes Retaining Four Single-Family Residences and Constructing Six New Two-Family Residences (12 New Units) at 13533-13547 Aurora Drive and to Rezone the Properties from RO Residential Outer District to RO(PD) Residential Outer, Planned Development Overlay District. The Proposed Project also Includes New On-Site Improvements such as Driveway Access, Visitor Parking Spaces, and Landscaping. Assessor's Parcel Numbers 79A-584-18-1, 79A-584-18-2, 79A-584-19-1 and 79A-584-19-2; S. Fagalde, Aurora Partners, LLC (Applicant and Property Owner)

The Hearing was opened to the public.

Comments were made by the following individuals: John Manuel, Gerd Marggraff, John Tudal, Steve Modifer, Carole Rinaldi, and Jose Gonzalez.

There being no further public comments, and without objection, the Public Hearing was closed.

[13-030](#)

PASS TO PRINT: An Ordinance Rezoning Certain Properties Herein Described as to Zoning District and Amending Zoning Map (PLN2012-00039) 13533-13547 Aurora Drive Assessor's Parcel Numbers 79A-584-18-1, 79A-584-18-2, 79A-584-19-1, and 79A-584-19-2 [rezones the property from RO Residential Outer District to RO(PD) Residential Outer, Planned Development Overlay District]

A motion was made by Councilmember Cutter, seconded by Councilmember Prola, that this ordinance be passed to print. The motion carried by the following vote.

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

Nay: 1 - Lee

Enactment No: Ordinance 2013-001

[13-045](#)

MOTION: Motion Finding that the Rezone and Planned Development Is Categorically Exempt from CEQA Pursuant to Sections 15303 (b) and 15332; and Approving the Planned Development for 16 Residential Units (Four Existing Single-Family Homes and Construction of Six New Two-Story Duplexes) Subject to the Recommended Findings and Revised Recommended Conditions of Approval

A motion was made by Councilmember Cutter, seconded by Councilmember Prola, that this minute order be adopted as amended, with modification to the hours of construction to not commence prior to 8:00 a.m. on weekdays and prior to 9:00 a.m. on Saturdays, and no construction on Sundays. The motion carried by the following vote.

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

Nay: 1 - Lee

Enactment No: Min Order 2013-006

4. PUBLIC HEARINGS – OTHER

None.

5. PUBLIC COMMENTS

None.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

City Manager Chris Zapata introduced the new Chief Innovation Officer, Deborah Acosta.

With the consensus of the Council, Item 10.A. was moved to this point on the agenda.

10.A. [12-601](#) Staff Report for Resolution Approving a Loan Agreement and Promissory Note by and Between the City of San Leandro and the San Leandro Unified School District to Assist the District with Its Purchase of the Girls, Inc. Property Located at 13666 East 14th Street

[13-022](#) ADOPT: Resolution Authorizing the City Manager to Execute a Loan Agreement and Promissory Note by and Between the City of San Leandro and the San Leandro Unified School District to Assist the District with Its Purchase of the Girls, Inc. Property Located at 13666 East 14th Street (provides a \$1,250,000 loan from the City’s General Fund reserves to allow the District to augment its programs and facilities, including medical and dental clinics to serve District students and the community)

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

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2013-016

The City Council recessed from 9:24 p.m. to 9:32 p.m.

7. AMENDMENT OF CONSENT CALENDAR

There was no amendment to the Consent Calendar.

8. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Reed, seconded by Councilmember Prola, to approve the Consent Calendar. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

- 8.A.** [13-024](#) APPROVE: Minutes of the Meeting of January 22, 2013
- Approved as submitted on the Consent Calendar.**
- 8.B.** [13-025](#) ACCEPT: Disaster Council Meeting Highlights of October 26, 2012
- Accepted as submitted on the Consent Calendar.**
- 8.C.** [13-042](#) MOTION: Motion Nominating District 4 Members to Boards and Commissions, as follows:
- Kai Leung to Planning Commission
 Justin Hutchison to Recreation and Parks Commission
- Adopted on the Consent Calendar.**
- Enactment No: Min Order 2013-007
- 8.D.** [12-589](#) Staff Report for a Resolution Approving Plans and Specifications and Calling for Bids for the Toyon Park Pathway Rehabilitation Project, Project No. 2013.028
- [12-594](#) ADOPT: Resolution Approving Plans and Specifications and Calling for Bids for the Toyon Park Pathway Rehabilitation Project, Project No. 2013.028 (provides for reconstruction of park pathways at Toyon Park at an estimated cost of \$90,000 using Measure WW bond funds)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2013-017
- 8.E.** [12-611](#) Staff Report for a Resolution Adopting a Complete Streets Policy for Regional and County Funding Requirements
- [12-612](#) ADOPT: Resolution Adopting a Complete Streets Policy for Regional and County funding requirements (allows the City to receive and compete for Alameda County Transportation Commission (Alameda CTC) and Metropolitan Transportation Commission (MTC) funding opportunities)
- Adopted on the Consent Calendar.**

Enactment No: Reso 2013-018

9. ITEMS REMOVED FROM CONSENT CALENDAR

None.

10. ACTION ITEMS

Item 10.A. was considered earlier in the agenda.

10.B. Report on Closed Session Actions Taken

City Attorney Jayne Williams reported that the City Council and the Board of the Successor Agency to the former Redevelopment Agency met in closed session held earlier this evening regarding the litigation of King Family Trust, et al. v. City of San Leandro, Successor Agency to the Redevelopment Agency, et al., as listed on the closed session agenda. By unanimous vote of all the members present, the City Council and the Successor Agency authorized a settlement of the litigation, contingent upon the approval of the Alameda County Superior Court, the San Leandro Oversight Board, and the State Department of Finance. The total payment is \$7.75 million payable over five years from Redevelopment Property Tax Funds. There is no General Fund liability. The specific terms and conditions of the settlement are set forth in the agreement on file with the City Clerk.

11. CITY COUNCIL CALENDAR, REPORTS, AND ANNOUNCEMENTS

City Councilmembers announced upcoming events and coordinated attendance; 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.

By consensus, the Council approved the scheduling of the following items on the February 19th City Council meeting agenda:

- Adoption of the City Council Goals for 2013-2015*
- A resolution in support of Assembly Bill 59 (Bonta)*

12. ADJOURN

The meeting was adjourned at 10:12 p.m.

RESPECTFULLY SUBMITTED:

MARIAN HANDA
City Clerk of the City of San Leandro