



# 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*

*Lee Thomas, District 3*

*Benny Lee, District 4*

*Corina N. Lopez, District 5*

*Pete Ballew, District 6*

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Monday, October 16, 2017

7:00 PM

City Council Chambers

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#### 1. CALL TO ORDER

*The meeting was called to order at 7:00 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** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

#### 1.C. ANNOUNCEMENTS

*None.*

#### 2. RECOGNITIONS

- 2.A. [17-499](#) Proclamation Declaring October 2017 as National Domestic Violence Awareness Month

#### 3. PUBLIC COMMENTS

*None.*

#### 4. PRESENTATIONS

- 4.A. [17-601](#) Presentation of "Community Services and Economic Development" Award from the League of California Cities for the San Leandro Homeless Compact

**5. PUBLIC HEARINGS**

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

*None.*

**7. AMENDMENT OF CONSENT CALENDAR**

*Items 8E, 8H and 8L were 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 Cox, seconded by Councilmember Thomas, to Approve the Consent Calendar. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

**8.A. [17-600](#)** Minutes of October 2, 2017 Meeting

**Approved as Submitted**

**8.B. [17-591](#)** Highlights from the September 25, 2017 Rules Committee Meeting

**Approved as Submitted**

**8.C. [17-400](#)** Staff Report for a Resolution to Award a Construction Contract to Westland Contractors, Inc. for \$1,160,686 for the Sanitary Sewer Line Replacement/Repair 2017 Project, Project No. 2015.0120; Authorization for the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% of the Original Contract Amount, and City Council Approval of Appropriation of \$140,000 from Measure B Fund Balance

**Received and Filed**

**[17-401](#)** RESOLUTION to Award a Construction Contract to Westland Contractors, Inc., in the Amount of \$1,160,686 for the Sanitary Sewer Line Replacement/Repair 2017 Project, Project No. 2015.0120; Authorization for the City Manager to Negotiate and Approve Individual Change Orders up to 5% of the Original Contract; Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders up to 25% of the Original Contract Amount; and Appropriation of \$140,000 of Measure B Fund Balance for the Project (Provides for the Award of a

Construction Contract to Westland Contractors for the Construction of City Owned, Maintained and Operated Sanitary Sewer and Storm Drain Collection Systems with Water Pollution Control Plant Enterprise and Measure B Funds)

**Adopted**

Enactment No: Reso 2017-140

- 8.D. [17-476](#) Staff Report for a Resolution Accepting the Work for the Fiber Conduit Network Extension Project, Project No. 2013.0320

**Received and Filed**

[17-477](#) RESOLUTION Accepting the Work for the Fiber Conduit Network Extension Project, Project No. 2013.0320 (provides for accepting the work performed by Cal Electro, Inc., filing the Notice of Completion, releasing the performance and payment bonds, and releasing the maintenance bond upon completion of the one-year maintenance period)

**Adopted**

Enactment No: Reso 2017-141

**Item 8E was removed from the Consent Calender to Item 9, Items Removed from the Consent Calendar**

- 8.F. [17-588](#) Staff Report for a Resolution Authorizing the City Manager, Engineering and Transportation Director, or City Engineer to Apply for Grants with the California Governor's Office of Emergency Services for Federal and/or State Financial Assistance for All Open and Future Disasters Up to Three Years Following the Date of Approval

**Received and Filed**

[17-589](#) RESOLUTION Authorizing the City Manager, Engineering and Transportation Director, or City Engineer to Apply for Grants with the California Governor's Office of Emergency Services for Federal and/or State Financial Assistance for All Open and Future Disaster Funding Up to Three Years Following the Date of Approval

**Adopted**

Enactment No: Reso 2017-142

- 8.G. [17-571](#) Staff Report for a Resolution to Appropriate Supplemental Law Enforcement Services ("Frontline") Funds in the Amount of \$211,000 for Police Equipment and Projects in 2017-2018

**Received and Filed**

[17-572](#) RESOLUTION to Authorize Appropriation of Supplemental Law

Enforcement Services Fund (SLESF) Balance to the SLESF Operating Expenditures budget for 2017-2018.

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

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-148

**Item 8H was removed from the Consent Calendar to Item 9, Items Removed from the Consent Calendar**

- 8.I. [17-567](#) Staff Report for a Resolution Approving the Annual Subscription Payment with SoftChoice Corporation for the Microsoft Enterprise Agreement

**Received and Filed**

[17-568](#)

RESOLUTION to Approve Annual Payment and to Authorize the City Manager to execute all necessary documents with SoftChoice Corporation for Microsoft Enterprise Agreement (for \$134,829.34)

**Adopted**

Enactment No: Reso 2017-144

- 8.J. [17-569](#) Staff Report for a Resolution to Approve the Annual Maintenance Agreement with Tyler Technologies, Inc. for a Computer-Aided Dispatch System

**Received and Filed**

[17-570](#)

RESOLUTION of the City of San Leandro City Council to Approve the Annual Maintenance and Support Renewal with Tyler Technologies, Inc. for a Computer Aided Dispatch System (in the amount of \$231,169.08)

**Adopted**

Enactment No: Reso 2017-145

- 8.K. [17-581](#) Staff Report for a Resolution Approving a Side Letter to Amend the Memorandum of Understanding between the City of San Leandro and the San Leandro City Employees' Association (SLCEA), Local 21 IFPTE

**Received and Filed**

[17-582](#)

RESOLUTION Approving 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**

Enactment No: Reso 2017-146

**Item 8L was removed from the Consent Calendar to Item 9, Items Removed from the Consent Calendar**

**9. ITEMS REMOVED FROM CONSENT CALENDAR**

- 8.E. [17-562](#) Staff Report to Authorize the City Manager to Execute a Standard Public Improvement Agreement with San Leandro Senior Associates, LP, for Public Improvements on Carpentier Street

**Received and Filed**

- [17-563](#) RESOLUTION Authorizing the City Manager to Execute a Standard Public Improvement Agreement with San Leandro Senior Associates, LP, for Public Improvements on Carpentier Street

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

**Aye:** 6 - Cutter, Lee, Lopez, Hernandez, Thomas, Cox

**Recused:** 1 - Ballew

Enactment No: Reso 2017-147

- 8.H. [17-573](#) Staff Report for a Resolution to Appropriate Asset Forfeiture Funds in the Amount of \$185,000 for Police Equipment and Projects in 2017-2018

**Received and Filed**

- [17-574](#) RESOLUTION Authorizing the Appropriation of Asset Forfeiture Fund Balance to the Federal and State Asset Forfeiture Fund Operating Expenditures budget for 2017-2018.

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

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-143

- 8.L. [17-596](#) Staff Report for Resolution Affirming the City of San Leandro's Commitment to the "City as a Platform Manifesto," to Support the Development and Implementation of Smart City Technologies and Innovation

**Received and Filed**

- [17-595](#) RESOLUTION Affirming the City of San Leandro's Commitment to the "City as a Platform Manifesto," to Support the Development and Implementation of Smart City Technologies and Innovation

**A motion was made by Councilmember Hernandez, seconded by**

**Councilmember Lee, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-149

## 10. ACTION ITEMS

### 10.A. [17-603](#)

Staff Report for an Ordinance of the City of San Leandro adding Chapter 4.36 "Tobacco Retailers" to the San Leandro Municipal Code to require the licensure of Tobacco Retailers and to regulate the sale of cigars, cigarillos and electronic cigarettes

**Received and Filed**

### [17-559](#)

ORDINANCE of the City of San Leandro Adding Chapter 4.36 "Tobacco Retailers" to the San Leandro Municipal Code to Require the Licensure of Tobacco Retailers and to Regulate the Sale of Cigars, Cigarillos and Electronic Cigarettes

*The ordinance was adopted as amended to extend the implementation time from six months to nine months.*

**A motion was made by Councilmember Thomas, seconded by Councilmember Lopez, that this Ordinance be Adopted as Amended. The motion carried by the following vote.**

**Aye:** 6 - Cutter, Lopez, Ballew, Hernandez, Thomas, Cox

**Nay:** 1 - Lee

Enactment No: Ordinance 2017-017

### 10.B. [17-609](#)

City Council Review of the Davis Street Wellness Center Dispensary Permit

*Council approved a motion to extend the deadline to January 30, 2018*

**A motion was made by Mayor Cutter, seconded by Councilmember Thomas, that deadline be extended to January 30, 2017**

**Aye:** 6 - Cutter, Lee, Lopez, Hernandez, Thomas, Cox

**Abstain:** 1 - Ballew

### 10.C. [17-560](#)

Staff Report for a Resolution to Approve a Loan and Authorizing the City Manager to Execute a Loan Agreement of \$400,000 from the City of San Leandro to Dan and Gina Dillman, Owners of the BAL Theatre, to Assist in Refinancing the BAL Theatre and a Forgivable Loan Agreement of \$100,000 from the City of San Leandro to Curtain Call Performing Arts to Support Ongoing Renovations

**Received and Filed**

[17-561](#)

RESOLUTION Approving a General Fund Loan and Authorizing the City Manager to Execute a Loan Agreement of \$400,000 from the City of San Leandro to Dan and Gina Dillman, Owners of the BAL Theatre, to Assist in Refinancing the BAL Theatre, and a Forgivable Loan Agreement of \$100,000 from the City of San Leandro to San Leandro Curtain Call Performing Arts to Support Ongoing Renovations

*Councilmember Hernandez bifurcated the resolution to increase the forgivable loan amount to \$150k. The motion to increase the forgivable loan amount carried by the following vote: 4 Ayes, 3 Noes -Cox, Cutter, Thomas*

**A motion was made by Councilmember Hernandez, seconded by Councilmember Lopez, that this Resolution to authorize the City Manager to execute a \$400,000 loan agreement be Adopted as Amended. The motion carried by the following vote.**

**Aye:** 5 - Cutter, Lee, Lopez, Hernandez, Cox

**Nay:** 2 - Ballew, Thomas

Enactment No: Reso 2017-150

10.D. [17-592](#)

Staff Report for a Resolution to Authorize the City Manager to Write Off the Loan Created for Purchase of 2139 Laura Avenue and Appropriate Revenue from the Sale of 2139 Laura Avenue for the Creation of a Neighborhood Investment Program for the Davis West Neighborhood

**Received and Filed**

[17-593](#)

RESOLUTION to Authorize the City Manager to Write Off the Loan Created for Purchase of 2139 Laura Avenue and Appropriate Revenue from the Sale of 2139 Laura Avenue for the Creation of a Neighborhood Investment Program for the Davis West Neighborhood

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

**Aye:** 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2017-151

## 11. REPORT ON CLOSED SESSION ACTIONS TAKEN

*No reportable action was taken in closed session this evening.*

## 12. CITY COUNCIL REPORTS

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

## 13. CITY COUNCIL CALENDAR AND ANNOUNCEMENTS

*City Councilmembers announce calendar of upcoming events and coordinate attendance; report on local events attended since the last meeting; and make brief*

*comments on issues of concern.*

**14. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS**

**15. ADJOURN**

*The meeting was adjourned at 10:41 p.m., in memory of Fred Reiker and victims of the Napa and Sonoma fires.*

**RESPECTFULLY SUBMITTED:**

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**TAMIKA GREENWOOD**  
**City Clerk of the City of San Leandro**