



City of San Leandro

Civic Center
835 East 14th Street
San Leandro, California

Draft 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

Ursula Reed, District 2

Lee Thomas, District 3

Benny Lee, District 4

Corina N. Lopez, District 5

Jim Prola, District 6

Tuesday, February 17, 2015

7:00 PM

City Council Chambers

Joint Meeting of City Council and Successor Agency to Redevelopment Agency

1. CALL TO ORDER

The meeting was called to order at 7:04 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 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

1.C. ANNOUNCEMENTS

None.

2. RECOGNITIONS

- 2.A.** [15-076](#) RESOLUTION Appointing Marguerite Mazzitti as District 1 Member to Board of Zoning Adjustments for Term Ending December 31, 2018

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-015

- 2.B.** [15-077](#) RESOLUTION Appointing Alice Sarafian as District 1 Member to Human Services Commission for Term Ending December 31, 2018

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-016

2.C. [15-078](#)

RESOLUTION Appointing Phyllis Gee as District 1 Member to Library-Historical Commission for Term Ending December 31, 2018

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-017

2.D. [15-079](#)

RESOLUTION Appointing Rick Solis as District 3 Member to Board of Zoning Adjustments for Term Ending December 31, 2018

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-018

2.E. [15-080](#)

RESOLUTION Appointing Eileen Borton as District 3 Member to Human Services Commission for Term Ending December 31, 2018

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-019

2.F. [15-081](#)

RESOLUTION Appointing Kyle Borton as District 3 Member to Recreation and Parks Commission for Term Ending December 31, 2018

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-020

2.G. [15-084](#)

RESOLUTION Reappointing Jan Woycheshin as District 3 Member to Senior Commission for Term Ending December 31, 2018

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

vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-021

2.H. [15-083](#)

RESOLUTION Reappointing Denise Abero as District 3 Member to Planning Commission for Term Ending December 31, 2018

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-022

2.I. [15-082](#)

RESOLUTION Appointing Stephen Cassidy as At Large Member to Arts Commission for Term Ending December 31, 2018

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-023

3. PRESENTATIONS

3.A. [15-061](#)

Presentation on Siempre Verde Park Master Plan and Reconstruction

4. PUBLIC HEARINGS

None.

5. PUBLIC COMMENTS

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

City Manager Zapata reported that, in response to interest expressed by the Council in providing better outreach to the City's diverse business community, three major City projects will be advertised in a variety of ethnic publications, in addition to the required legal publication.

7. AMENDMENT OF CONSENT CALENDAR

Items 8.J., 8.K., and 8.L. 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 Lee, seconded by Councilmember Cox, to approve the Consent Calendar. The motion carried by the following vote.

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

- 8.A.** [15-085](#) Minutes of the Special Meeting and Closed Session of January 26, 2015
Approved as submitted on the Consent Calendar.
- 8.B.** [15-043](#) Minutes of the Meeting of February 2, 2015
Approved as submitted on the Consent Calendar.
- 8.C.** [15-026](#) ORDINANCE Approving a Rezoning and a Planned Development to Construct s Subdivision Consisting of Four Detached, Two-Story, Single-Family Residences; an Unaddressed Parcel on Warren Avenue, Between 396 and 476 Warren Avenue; Alameda County Assessor's Parcel Number 77-572-10 (PLN 2014-00044)
Adopted on the Consent Calendar.
Enactment No: Ordinance 2015-001
- 8.D.** [15-031](#) Staff Report on the Independent Auditor's City of San Leandro Memorandum on Internal Control and Required Communications for the Year Ended June 30, 2014.
[15-032](#) MOTION Accepting the City's Memorandum on Internal Control and Required Communications for the Year Ended June 30, 2014.
Adopted on the Consent Calendar.
Enactment No: Min Order 2015-009
- 8.E.** [15-033](#) Staff Report for the Mid-Year Financial Report as of December 31, 2014 and a Budget Amendment Reflecting Mid-Year Adjustments to the City's Fiscal Year 2014-15 General Fund, Special Revenue Funds, Enterprise Funds and Internal Service Funds Budget
[15-034](#) RESOLUTION Approving a Budget Amendment Reflecting Mid-Year Adjustments to the City of San Leandro Budget for Fiscal Year 2014-15 Relating to Budget Appropriations or Re-Appropriations Between Budget Lines Items
Adopted on the Consent Calendar.
Enactment No: Reso 2015-024
- 8.F.** [15-058](#) Staff Report for Resolution Approving the Investment Report for the Quarter Ended December 31, 2014

[15-059](#)

RESOLUTION Accepting Investment Report for the Quarter Ended December 31, 2014, Relating to the Activities of the City's Investment Portfolio

Adopted on the Consent Calendar.

Enactment No: Reso 2015-025

8.G. [15-052](#)

Staff Report for a Resolution of the Successor Agency to the Redevelopment Agency of the City of San Leandro Adopting a Recognized Obligation Payment Schedule (ROPS) for the Period July 1 - December 31, 2015, Pursuant to Health and Safety Code Section 34177(l)

[15-051](#)

RESOLUTION of the Successor Agency to the Redevelopment Agency of the City of San Leandro Adopting a Recognized Obligation Payment Schedule (ROPS) for the Period July 1 - December 31, 2015, Detailing the Obligations of the Former Redevelopment Agency Pursuant to Health and Safety Code Section 34177(l)

Adopted on the Consent Calendar.

Enactment No: Reso 2015-001 SA

8.H. [15-038](#)

Staff Report for a Resolution Authorizing the City Manager to Submit an Application for State of California Department of Housing and Community Development's Housing-Related Parks Program Grant Funds

[15-039](#)

RESOLUTION Authorizing the City Manager to Submit an Application for Housing-Related Parks Program Grant Funds for up to \$500,000 in Grant Funding to Rehabilitate Siempre Verde Park Based on the Construction of the Marea Alta (formerly The Cornerstone) Family Apartments

Adopted on the Consent Calendar.

Enactment No: Reso 2015-026

8.I. [15-068](#)

Staff Report for a Resolution Authorizing the City Manager to Execute a Memorandum of Understanding Between the City and the Association of Bay Area Governments (ABAG) for the East Bay Corridors Initiative

[15-069](#)

RESOLUTION Authorizing the City Manager to Execute a Memorandum of Understanding Between the City and the Association of Bay Area Governments (ABAG) for the East Bay Corridors Initiative, to Coordinate a Regional Approach Towards Enhancing East Bay Priority Development Areas Under Plan Bay Area

Adopted on the Consent Calendar.

Enactment No: Reso 2015-027

- 8.M.** [15-056](#) Staff Report for Resolution Amending the San Leandro Management Organization (SLMO) Salary Schedule to add the classification of Police Business Manager

[15-057](#) RESOLUTION Amending the San Leandro Management Organization (SLMO) Salary Schedule to Add the Classification of Police Business Manager

Adopted on the Consent Calendar.

Enactment No: Reso 2015-028

- 8.N.** [15-062](#) Staff Report for Resolution Repealing and Reenacting Chapter 4.2 of the San Leandro Administrative Code Relating to the City's Conflict of Interest Code

[15-063](#) RESOLUTION Repealing and Reenacting Chapter 4.2 of the San Leandro Administrative Code to Update the Conflict of Interest Code as Required by State Law

Adopted on the Consent Calendar.

Enactment No: Reso 2015-029

- 8.O.** [15-066](#) Staff Report for a Resolution Amending Appendix E of the City Councilmembers Handbook to Update Guidelines for Citizen Appointments to Airport Research Groups, Advisory Committees, and Forums

[15-067](#) RESOLUTION Amending Appendix E of the City Councilmembers Handbook to Update Guidelines for Citizen Appointments to Airport Research Groups, Advisory Committees, and Forums

Adopted on the Consent Calendar.

Enactment No: Reso 2015-030

- 8.P.** [15-070](#) Staff Report for a Resolution Authorizing the City Manager to Execute an Amendment to the Consulting Services Agreement with Townsend Public Affairs for State Legislative Advocacy Services, to Extend the Term of the Agreement by an Additional One Year Period, in an Amount Not to Exceed \$60,000 Annually

[15-075](#) RESOLUTION Authorizing the City Manager to Execute an Amendment to the Consulting Services Agreement with Townsend Public Affairs for State Legislative Advocacy Services, to Extend the Term of the Agreement by an Additional One Year Period, in an Amount Not to Exceed \$60,000 Annually

Adopted on the Consent Calendar.

Enactment No: Reso 2015-031

- 8.Q.** [15-004](#) Staff Report for a Resolution Accepting the Work for the Hesperian/Springlake Railroad Crossing Improvements, Project No. 12-150-38-325
- [15-005](#) RESOLUTION Accepting the Work for Hesperian/Springlake Railroad Crossing Improvements, Project No. 12-150-38-325 (provides for acceptance of work for pedestrian safety equipment including accessible sidewalks, ramps and push button devices funded by the Measure B Bicycle and Pedestrian Fund and the Section 130 Federal Grant)
- Adopted on the Consent Calendar.**

Enactment No: Reso 2015-032

- 8.R.** [15-090](#) MOTION Nominating Representatives to Boards or Commissions, as follows:
- Tony Breslin as District 1 Representative to Planning Commission
 - Victor Aguilar as At Large Representative to Human Services Commission
 - Amy Cassidy as At Large Representative to Human Services Commission
 - Paul Saftner as At Large Representative to Human Services Commission
 - Jennifer Heystek as At Large Representative to Library-Historical Commission
 - Kenneth Pon as At Large Representative to Planning Commission
 - Chike Udemezue as At Large Representative to Recreation and Parks Commission
- Adopted on the Consent Calendar.**

Enactment No: Min Order 2015-010

- 8.S.** [15-091](#) MOTION Renominating Representatives to Boards or Commissions, as follows:
- Janet Palma as At Large Representative to Board of Zoning Adjustments
 - Orval "OB" Badger as At Large Representative to Personnel Relations Board
 - Peter Ballew as At Large Representative to Personnel Relations Board
 - James Browne as At Large Representative to Personnel Relations Board
 - Johanne Dictor as At Large Representative to Personnel Relations Board
 - Louis Heystek as At Large Representative to Personnel Relations Board

- Hermy Almonte as At Large Representative to Senior Commission
- Darlene Daevu as At Large Representative to Senior Commission
- Cimberly Tamura as At Large Representative to Senior Commission

Adopted on the Consent Calendar.

Enactment No: Min Order 2015-011

9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.J. [15-047](#) Staff Report for an Ordinance Adding Title 6, Chapter 6-8 to the San Leandro Municipal Code Relating to Transportation Permits
- [15-048](#) ORDINANCE Adding Title 6, Chapter 6-8 to the San Leandro Municipal Code to Require Transportation Permits to Operate or Move Vehicles or Loads Exceeding Statutory Limitations
- A motion was made by Vice Mayor Prola, seconded by Councilmember Lee, that this ordinance be passed to print. The motion carried by the following vote.**
- Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas
- Enactment No: Ordinance 2015-002
- 8.K. [15-049](#) Staff Report for an Ordinance Adding Title 6, Chapter 6-9 to the San Leandro Municipal Code Relating to Overweight Vehicle Permits
- [15-050](#) ORDINANCE Adding Title 6, Chapter 6-9 to the San Leandro Municipal Code to Regulate Overweight Vehicles Traveling in and Through the City
- A motion was made by Vice Mayor Prola, seconded by Councilmember Lee, that this ordinance be passed to print. The motion carried by the following vote.**
- Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas
- Enactment No: Ordinance 2015-003
- 8.L. [15-053](#) Staff Report for a Resolution Offering a \$25,000 Reward for the Identification Leading to the Criminal Charging of the Individual(s) Involved in the Homicide of a San Leandro Resident on December 14, 2014 at 444 Kenilworth Ave and Approving an Appropriation of General Fund Economic Uncertainty Reserves to Fund the \$25,000 Reward
- Comments were made by the following individuals: Emily Rich, Rob Rich, Laura Miller, and Jim Miller.*
- [15-054](#) RESOLUTION Offering a \$25,000 Reward for the Identification Leading to the Criminal Charging of the Individual(s) Involved in the Homicide of a San Leandro Resident on December 14, 2014 at 444 Kenilworth Ave and Approving an Appropriation of General Fund

Economic Uncertainty Reserves to Fund the \$25,000 Reward

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-033

10. ACTION ITEMS

10.A. [15-029](#) Staff Report for Resolution Approving the Comprehensive Annual Financial Report (CAFR) for the Year Ending June 30, 2014

[15-030](#) RESOLUTION Approving and Confirming the Comprehensive Annual Financial Report (CAFR) for the Year Ending June 30, 2014, Related to Financial Transactions of the City and Disclosure of Significant Information Regarding the City's Operations, Assets, and Liabilities

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-034

10.B. [15-089](#) Staff Report for a Resolution Approving a New Agreement with Mr. Chris Zapata for Employment of City Manager

[15-088](#) RESOLUTION Approving a New Agreement for Employment with City Manager Chris Zapata for Five Years to January 30, 2020

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

Aye: 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2015-035

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

City Attorney Pio Roda reported on the following actions:

Pursuant to Government Code section 54957.1(a)(3)(b), in the matter of Sipple v. City of Alameda et seq., the City Council voted to settle the case in the amount of \$134,649.76 related to miscollection by New Cingular Wireless of Internet usage taxes. The amount will be remitted back to AT&T for them to attempt to refund to AT&T customers within the City of miscollected Internet user taxes, which were collected through the telephone user tax.

In the matter of Heron Bay Homeowners Association v. City of San Leandro; Halus Power Systems; Louis A. Rigaud; real parties in interest, the City settled on the attorney's fees for \$13,500.

In the matter of Steven J. Ilmburger, Lonnie Ilmburger and Lonnie Ilmburger as guardian ad litem for Sydney R. Ilmburger v. City of San Leandro, the City agreed to

settle as follows: Steven and Lonnie Ilmburger will be paid \$235,000; and Laura Stangey, guardian ad litem for Sydney Ilmburger, a minor, will be paid \$15,000; for a total of \$250,000, related to their claims of inverse condemnation, nuisance, dangerous condition to public property, and negligence, related to a sewer backup.

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

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

- Discussion on Councilmember Handbook guideline regarding taking positions on ballot measures and legislation*
- Consideration of taking a position in opposition of trains carrying crude oil through San Leandro*
- Discussion regarding creating pop-up teen centers to give teens a safe place to congregate and hang out*

15. ADJOURN

The meeting was adjourned at 8:22 p.m. and

- In memory of Lucille Gilcrest.*
- In memory of Joel Ramirez.*

RESPECTFULLY SUBMITTED:

MARIAN HANDA

City Clerk of the City of San Leandro