



# 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*

---

Tuesday, September 2, 2014

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 7:10 p.m.*

#### 1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

*Mayor Cassidy led the Pledge of Allegiance to the Flag.*

#### 1.B. ROLL CALL

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

#### 1.C. ANNOUNCEMENTS

*By consent from the City Council, Mayor Cassidy moved Item 5 up on the agenda, to immediately after Item 2, in deference to a probable lengthy public hearing.*

#### 2. RECOGNITIONS

**2.A.** [14-372](#) Presentation by the City Council to the Asian Community Cultural Association of San Leandro (ACCA) of a Check for \$4,525 for the ACCA Moon Festival on Sunday, September 7, 2014

**2.B.** [14-371](#) MOTION Approving Resolution Commending Will Fernandez for His Years of Service as San Leandro's Community Representative on the Oakland Airport-Community Noise Management Forum

**A motion was made by Councilmember Souza, seconded by Vice Mayor Lee, that this minute order be adopted. The motion carried by the following vote.**

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

Enactment No: Min Order 2014-019

With the consensus of the City Council, Item 5, Public Comments, was moved to this point on the agenda.

## 5. PUBLIC COMMENTS

*All Frates commented on City of Oakland's decision to award a contract to California Waste Solutions and the flying of flags of other countries in front of City Hall.*

## 3. PRESENTATIONS

*None.*

## 4. PUBLIC HEARINGS

- 4.A. [14-357](#) Staff Report for the Matter of PLN2014-00007; Appeal of the Planning Commission's Denial of a Proposed Modification to Planned Development PD-91-3. Appellant proposes to construct new gates and fencing for the Heron Bay Homeowners Association residential development. A Planning Commission denial is final but can be appealed to the City Council. RS(PD) Residential Single-Family, Planned Development Overlay District. Assessor's Parcel Numbers 80G-1325-5-1, 80G-1406-26, and 80G-1406-29. Heron Bay Homeowners Association c/o A. A. Berger, General Counsel (appellant).

*Citing a conflict of interest, Vice Mayor Lee recused himself from this item and left the Chamber.*

*The Hearing was opened to the public.*

*Comments were made by the following individuals: Fred Simon, Doug Siden, Pat Forde, Tony Santos, Betty Moose, Bose Onyemem, Richard Chennault, Rakesu Goloda, Brad Knoernschild, and Minane Jameson.*

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

### [14-358](#)

RESOLUTION to Deny an Appeal by the Heron Bay Homeowners Association to Modify Its Planned Development, PD-91-3, to Allow for the Construction of Security Gates and Fences (The appellant appeals the Planning Commission's denial of PLN2014-00007)

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

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

**Recused:** 1 - Lee

Enactment No: Reso 2014-090

**The City Council recessed from 9:17 p.m. to 9:34 p.m.**

Item 5, Public Comments, was considered earlier in the agenda.

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

- 6.A. [14-369](#)** City Attorney Presentation to the City Council Regarding Status of E-Cigarette Regulations and Discussion by the City Council Regarding Amendments to the Municipal Code Related to E-Cigarette Use

*Comments were made by the following individuals: Denis Ducey, Beatrice Cardenas-Duncan; Laura Fultz Stout, Paul Cummings, Marcia Brown-Machea, and D. J. Evans.*

- 6.B. [14-370](#)** City Attorney Presentation to the City Council Regarding Current Status of Massage Business Regulations, Proposed State Legislation, and Request for Direction from the City Council Regarding Amendments to the Municipal Code that Regulate Massage Businesses

- 6.C. [14-341](#)** City Manager Update on City Hall/Police Department Security Camera Project

*Comments were made by the following individual: Mike Katz-Lacabe.*

## **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 Cutter, to approve the Consent Calendar. The motion carried by the following vote.**

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

- 8.A. [14-362](#)** Minutes of the Meeting of July 21, 2014

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

- 8.B. [14-286](#)** ORDINANCE Vacating Portions of Public Rights-of-Way and Retaining Public Utility Easements (Martinez Street Between West Estudillo Avenue and Thornton Boulevard, and West Estudillo Avenue Between Alvarado Street and Martinez Street) (vacates portions of public streets and retains public utility easements in the vacated

areas)

**Adopted on the Consent Calendar.**

Enactment No: Ordinance 2014-014

- 8.C. [14-347](#) Staff Report for a Resolution Authorizing the City Manager to Execute a 10-Year Lease Agreement with St. Leander Parish for the Installation of Artwork at 474 West Estudillo Avenue

[14-354](#) RESOLUTION Authorizing the City Manager to Execute a 10-Year Lease Agreement with St. Leander Parish for the Use of the Exterior West Facing Wall on the Gymnasium Building for the Installation of artwork at 474 West Estudillo Avenue (approves 10-year initial term at \$5,000, with optional renewal for another 10 years at \$5,000, for a total of \$10,000 to be paid from Office of Business Development's Commercial Incentive Program account)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-091

- 8.D. [14-355](#) Staff Report for Resolution Accepting the Investment Report for the Quarter Ended June 30, 2014

[14-356](#) RESOLUTION Accepting Investment Report for the Quarter Ended June 30, 2014 (reviews the activities of the City's investment portfolio)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-092

- 8.E. [14-307](#) Staff Report for a Resolution Approving and Authorizing the City Manager to Execute a Non-Professional Services Agreement with Jack Doheny Companies, Inc. for the Closed Circuit Television (CCTV) Truck and Equipment Replacement Project, Project No. 2013.0240

[14-308](#) RESOLUTION Approving and Authorizing the City Manager to Execute a Non-Professional Services Agreement with Jack Doheny Companies, Inc. for the Closed Circuit Television Truck and Equipment Replacement Project, Project No. 2013.0240 (provides for the replacement of a Closed Circuit Television Truck and Equipment funded by the Water Pollution Control Plant Fund at a cost of \$193,254)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2014-093

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

*None.*

**10. ACTION ITEMS**

- 10.A.** [14-359](#) Staff Report for Resolution Approving the Issuance of the Successor Agency to the Redevelopment Agency of the City of San Leandro 2014 Tax Allocation Refunding Bonds

[14-360](#) RESOLUTION of the Successor Agency to the Redevelopment Agency of the City of San Leandro Confirming the Issuance of Refunding Bonds Pursuant to an Indenture of Trust, Approving Preliminary and Final Official Statements and Providing Other Matters Relating Thereto (refunds \$10,375,000 of outstanding 2002 Tax Allocation Bonds and \$4,720,000 of outstanding 2004 Tax Allocation Bonds)

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

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

Enactment No: Reso 2014-004 SA

- 10.B.** [14-344](#) Staff Report for the Establishment of an Arts Commission

[14-368](#) ORDINANCE Amending Sections 1-3-100, 1-3-110 and 1-3-115 of the San Leandro Municipal Code, and Adding Title I, Chapter 3, Article 16 to the San Leandro Municipal Code Relating to the Establishment of an Arts Commission (establishes a nine-member Arts Commission and its powers and duties)

**A motion was made by Mayor Cassidy, seconded by Councilmember Reed, that this ordinance be passed to print with amendment to not require two of the three at large members to be San Leandro residents and to change the term expiration of the six Districts 1, 3, and 5, and at large members from December 31, 2014, to December 31, 2016. The motion carried by the following vote.**

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

Enactment No: Ordinance 2014-015

[14-361](#) RESOLUTION Adding a New Title 24, Chapter 1 to the San Leandro Administrative Code Relating to Rules of Procedure for the City of San Leandro Arts Commission (creates rules of procedure for a newly established Arts Commission)

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

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

Enactment No: Reso 2014-094

**11. REPORT ON CLOSED SESSION ACTIONS TAKEN**

*No reportable action was taken in closed session.*

**12. CITY COUNCIL REPORTS**

*Due to the late hour, City Councilmembers limited this item to reporting on attendance at intergovernmental agency meetings since the last meeting.*

**13. CITY COUNCIL CALENDAR AND ANNOUNCEMENTS**

*Due to the late hour, City Councilmembers limited this item to announcing calendar of upcoming events and coordinating attendance.*

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

*By consensus, the City Council agreed to schedule at the next meeting a discussion regarding the roles and responsibilities of Councilmembers speaking in front of other elected bodies and a look at the Councilmembers Handbook.*

**15. ADJOURN**

*The meeting was adjourned at 11:08 p.m.*

**RESPECTFULLY SUBMITTED:**

---

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