



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
Joyce Starosciak, District 4
Pauline Russo Cutter, District 5
Jim Prola, District 6*

Monday, May 7, 2012

7:00 PM

City Council Chambers

Joint Meeting with Economic Development Agency

1. CALL TO ORDER

The meeting was called to order at 7:13 p.m.

1.A. PLEDGE OF ALLEGIANCE

1.B. ROLL CALL

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

1.C. ANNOUNCEMENTS

None.

2. PRESENTATIONS/ RECOGNITIONS

2.A. [12-234](#) MOTION: Motion Approving Posthumous Resolution Commending Dale Reed for His Years of Service

A motion was made by Vice Mayor Gregory, seconded by Councilmember Starosciak, that this Minute Order be Adopted. The motion carried by the following vote.

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

Enactment No: Min Order 2012-018

2.B. [12-177](#) Presentation of Award-Winning Speech by San Leandro High School Student Osa Aihie and Commendation Recognizing His Accomplishments on the Rotary Club Speech Competitions

2.C. [12-183](#) Proclamation Declaring May 11 to May 20, 2012 as "East Bay Housing

Organization's Affordable Housing Week" in San Leandro

- 2.D. [12-190](#) Proclamation Declaring May 13 to May 19, 2012 as "National Police Week" in San Leandro
- 2.E. [12-233](#) Proclamation Declaring May 10, 2012 as "Bike To Work Day" in San Leandro

3. PUBLIC HEARINGS – CITY COUNCIL

- 3.A. [12-195](#) Staff Report for Ordinances Amending the San Leandro Municipal Code Relating to Proposed Adjustments to Business License Fees, Emergency Communication System Access (9-1-1) Tax, and the Emergency Medical Services Taxes for 2012-13

The Hearing was opened to the public.

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

- [12-226](#) PASS TO PRINT: An Ordinance Amending Section 2-2-500 of the San Leandro Municipal Code Relating to Business License Fees and Their Annual Adjustment to the Consumer Price Index (CPI) (increases business license tax by CPI of 2.6%)

A motion was made by Councilmember Prola, seconded by Councilmember Souza, that this Ordinance be Passed to Print. The motion carried by the following vote.

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

Enactment No: Ordinance 2012-007

- [12-227](#) PASS TO PRINT: An Ordinance Amending Section 2-18-210 of the San Leandro Municipal Code Relating to Emergency Communication System Access Tax and Its Annual Adjustment to the Consumer Price Index (CPI) (increases 9-1-1 tax by CPI of 2.6%)

A motion was made by Councilmember Prola, seconded by Councilmember Souza, that this Ordinance be Passed to Print. The motion carried by the following vote.

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

Enactment No: Ordinance 2012-008

- [12-228](#) PASS TO PRINT: An Ordinance Amending Title 2, Chapter 13, Section 2-13-140 of the San Leandro Municipal Code to Provide for an Adjustment to the Emergency Medical Services Tax (EMS Tax) Based on the Annual Consumer Price Index (CPI) Increase (increases EMS tax rate by CPI of 2.6%)

A motion was made by Councilmember Prola, seconded by Councilmember Souza, that this Ordinance be Passed to Print. The motion carried by the

following vote.

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

Enactment No: Ordinance 2012-009

3.B. [12-197](#)

Staff Report for Resolution Approving Adjustments to City Fees and Service Charges for 2012-13

The Hearing was opened to the public.

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

[12-229](#)

ADOPT: Resolution Amending Title 6, Chapter 4 of the San Leandro Administrative Code Relating to Fees and Charges for Services Provided by City Departments (adjusts user fees and service charges, effective July 1, 2012)

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, Prola, Reed, Souza, Starosciak

Enactment No: Reso 2012-036

4. PUBLIC HEARINGS – OTHER

None.

5. PUBLIC COMMENTS

DEBORAH COX, San Leandro Education Foundation (SLED), spoke regarding the importance of the School Community Violence Prevention Program.

LINDA GRANGER, San Leandro Unified School District (SLUSD), spoke regarding the importance of the Gang Reduction Program.

DAWN VALADEZ, SLED, commented on School Community Violence Prevention Program, and requested the Council's support.

MORGAN MACK-ROSE, SLUSD Board President, spoke regarding the need to expand the School Community Violence Prevention Program, and urged the Council's support.

CLAUDETT BLASQUEZ, San Leandro resident, commented on the City and School District budgets, and whether the goals of the two agencies were aligned.

CHRIS CROW, SLED, spoke regarding the importance of the School Community Violence Prevention Program, and requested the Council's support.

SURLENE GRANT, San Leandro resident, requested the Council consider reinstating the Martin Luther King, Jr. celebration.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

None.

7. AMENDMENT OF CONSENT CALENDAR

Item numbers 8.I. and 8.M. 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 Cutter, seconded by Councilmember Reed, to Approve the Consent Calendar. The motion carried by the following vote.

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

8.A. [12-205](#)

APPROVE: Minutes of the Meeting of April 16, 2012

Approved as Submitted on the Consent Calendar.

8.B. [12-217](#)

ACCEPT: Finance Committee Meeting Highlights of April 6, 2012

COMMITTEE RECOMMENDATION: Consider the decrease of the City's General Liability Self-Insured Retention level to \$500,000 (listed as Consent Calendar Item 8.I.)

Accepted as Submitted on the Consent Calendar.

8.C. [12-126](#)

ADOPT: Ordinance No. 2012-005, an Ordinance Amending Sections 4-1904, 4-1908 and 4-1910 of Article 19 of the City of San Leandro Zoning Code Related to Landscaping Requirements (brings the City of San Leandro Zoning Code Article 19 into conformance with an Alameda County Waste Management Authority mandate that all applicable landscape projects be required to satisfy the Bay Friendly Basic Landscape protocols)

Adopted on the Consent Calendar.

Enactment No: Ordinance 2012-005

8.D. [12-169](#)

ADOPT: Ordinance No. 2012-006, an Ordinance Amending Title 1, Chapter 6 of the San Leandro Municipal Code Relating to Purchasing (updates the purchasing authority of the City Manager in an emergency and of the City Council without competitive bidding)

Adopted on the Consent Calendar.

Enactment No: Ordinance 2012-006

8.E. [12-211](#) Staff Report for Resolutions of the City of San Leandro Acting in Its Capacity as the Successor Agency to the Redevelopment Agency and the City of San Leandro Authorizing Execution of an Amended and Restated Promissory Note

[12-218](#) ADOPT: Resolution of the City Council of the City of San Leandro Agreeing to a Modification to a Loan Payable by the Redevelopment Agency of the City of San Leandro and Authorizing Execution of an Amended and Restated Promissory Note (reaffirms validity of a \$2 million debt owed by the former Redevelopment Agency to the City)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-037

[12-232](#) ADOPT: Resolution of the City Council of the City of San Leandro Acting in Its Capacity as the Successor Agency to the Redevelopment Agency of the City of San Leandro Confirming the Obligation to Repay a Loan from the City of San Leandro, Agreeing to a Modification of Loan Terms, and Authorizing Execution of an Amended and Restated Promissory Note (reaffirms validity of a \$2 million debt owed by the former Redevelopment Agency to the City)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-002 SA

8.F. [12-212](#) Staff Report for Resolution of the City Council of the City of San Leandro Authorizing the Execution of an Amended and Restated Cooperation Agreement with the Successor Agency to the Redevelopment Agency of the City of San Leandro Regarding the Construction and Funding of Eden Road Improvements and Hays Street Improvements

[12-219](#) ADOPT: Resolution of the City Council of the City of San Leandro Authorizing the Execution of an Amended and Restated Cooperation Agreement with the Successor Agency to the Redevelopment Agency of the City of San Leandro Regarding the Construction and Funding of Eden Road Improvements and Hays Street Improvements (reaffirms validity of funding pledges for \$3.5 million by the former Redevelopment Agency for capital projects)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-038

[12-230](#) ADOPT: Resolution of the City Council of the City of San Leandro Acting in Its Capacity as the Successor Agency to the Redevelopment Agency of the City of San Leandro Authorizing the Execution of an Amended and Restated Cooperation Agreement with the Successor

Agency to the Redevelopment Agency of the City of San Leandro Regarding the Construction and Funding of Eden Road Improvements and Hays Street Improvements (reaffirms validity of funding pledges for \$3.5 million by the former Redevelopment Agency for capital projects)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-003 SA

8.G. [12-193](#)

Staff Report for Resolution of the City Council of the City of San Leandro Acting in Its Capacity as the Successor Agency to the Redevelopment Agency of the City of San Leandro Approving the Recognized Obligation Payment Schedule for July through December 2012 for Enforceable Obligations of the Former Redevelopment Agency Pursuant to Health and Safety Code Section 34177

[12-192](#)

ADOPT: Resolution of the City Council of the City of San Leandro Acting in Its Capacity as the Successor Agency to the Redevelopment Agency of the City of San Leandro Approving the Recognized Obligation Payment Schedule for July through December 2012 for Enforceable Obligations of the Former Redevelopment Agency Pursuant to Health and Safety Code Section 34177 (approves the payment schedule detailing the obligations of the City as it relates to the Low and Moderate Housing Fund and the Successor Agency)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-004 SA

8.H. [12-194](#)

Staff Report for Resolution Approving the Termination of Disposition and Development Agreement between the City, Acting as Successor Agency to the Redevelopment Agency of the City of San Leandro, Batarse Family Trust U.T.A and McLellan Marina, LLC

[12-201](#)

ADOPT: Resolution of the City Council of the City of San Leandro, Acting in Its Capacity as the Successor Agency to the Redevelopment Agency of the City of San Leandro, Authorizing the City Manager to Execute a Termination of Disposition and Development Agreement with Batarse Family Trust U.T.A. and McLellan Marina, LLC for 575 Marina Boulevard (terminates the Successor Agency's \$330,000 potential sales tax rebate obligation and the requirement that the sale or lease of the property be approved by the Successor Agency)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-005 SA

Item Number 8.I. was removed from the Consent Calendar to Item 9, Items Removed from Consent Calendar.

8.J. [12-198](#) Staff Report for Resolutions Updating the Designation of Persons Authorized to Make Financial Transactions and Investments of Funds

[12-200](#) ADOPT: Resolution Rescinding Resolution No. 2012-010 and Designating Signatures on City Checks and Persons Authorized to Make Fund Transfers by Telephone and Wire (updates names of City officials authorized to deposit, withdraw and transfer funds with specific banking institutions for the City Treasury to reflect the new Finance Director)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-039

[12-202](#) ADOPT: Resolution Rescinding Resolution No. 2012-009 and Authorizing Investment of Monies in the Local Agency Investment Fund and Designating Certain Depositories and Further Authorizing Specified City Officials to Remit Money in the City Treasury to the State Treasury for Deposit in the Local Agency Investment Fund (approves the change to signature and investment authorization to reflect the new Finance Director)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-040

[12-203](#) ADOPT: Resolution of the City Council of the City of San Leandro, Acting in its Capacity as Successor Agency to the Redevelopment Agency of the City of San Leandro, Rescinding Resolution No. 2012-011 and Authorizing Investment of Monies by the Successor Agency to the Redevelopment Agency of the City of San Leandro in the Local Agency Investment Fund and Designating Certain Depositories and Further Authorizing Specified Officers to Remit Money in the City Treasury to the State Treasury for Deposit in the Local Agency Investment Fund (LAIF) (approves investment and signature change to reflect the new Finance Director to the LAIF accounts for the Successor Agency)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-006 SA

[12-204](#) ADOPT: Resolution of the Economic Development Agency of the City of San Leandro (EDA) Rescinding Resolution No. 2012-001 EDA and Authorizing Investment of Monies in the Local Agency Investment Fund and Designating Certain Depositories and Further Authorizing Specified Officers to Remit Money in the City Treasury to the State Treasury for Deposit in the Local Agency Investment Fund (approves the Investment and Signature changes to reflect the new Finance Director)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-002 EDA

- 8.K.** [12-105](#) Staff Report for Resolution Accepting the Work for the Toyon Park Restroom Sitework, Project 10-210-62-008

[12-165](#) ADOPT: Resolution Accepting the Work for the Toyon Park Restroom Sitework, Project No. 10-210-62-008 (provides for the acceptance of the contract work completed by McNabb Construction, filing of the Notice of Completion, and releasing the maintenance bond)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-041

- 8.L.** [12-163](#) Staff Report for a Resolution Authorizing Submission of a Request to the Metropolitan Transportation Commission (MTC) for the Allocation of Fiscal Year 2012-13 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funds

[12-164](#) ADOPT: Resolution Authorizing Submission of a Request to the Metropolitan Transportation Commission (MTC) for the Allocation of Fiscal Year 2012-13 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding (provides for the application submission of \$66,202 to MTC for TDA Article 3 funds for the Pedestrian/Bicycle project)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-042

Item Number 8.M. was removed from the Consent Calendar to Item 9, Items Removed from Consent Calendar.

- 8.N.** [12-196](#) Staff Report for Resolution Authorizing and Directing the City Manager to sign and file, for and on Behalf of the City of San Leandro, a California Environmental Protection Agency (Cal/EPA) Grant Application to Implement Electronic Reporting using the California Environmental Reporting System (CERS), and Authorizing and Directing the City Manager to enter into and sign, for and on Behalf of the City of San Leandro, an Agreement with Cal/EPA Agreeing to Implement Electronic Reporting with CERS

[12-210](#) ADOPT: Resolution Authorizing and Directing the City Manager to Sign and File, for and on Behalf of the City of San Leandro, a California Environmental Protection Agency (Cal/EPA) Grant Application to Implement Electronic Reporting Using the California Environmental Reporting System (CERS); and Authorizing and Directing the City Manager to Enter into and Sign, for and on Behalf of

the City of San Leandro, an Agreement with Cal/EPA Agreeing to Implement Electronic Reporting with CERS (provides for \$45,810 in grant)

Adopted on the Consent Calendar.

Enactment No: Reso 2012-043

- 8.O. [12-238](#) MOTION: Motion Nominating Katherine Frates as District 2 Member to Senior Commission

Adopted on the Consent Calendar.

Enactment No: Min Order 2012-019

9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.I. [12-206](#) Staff Report for Resolution Decreasing City's General Liability Self-Insured Retention Level through the California Joint Powers Risk Management Authority

[12-207](#) ADOPT: Resolution Approving the City of San Leandro's General Liability Self-Insured Retention Level from \$1,000,000 to \$500,000 through the California Joint Powers Risk Management Authority (approves decrease in self-insured retention level effective July 1, 2012, based on the City's loss history)

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

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

Enactment No: Reso 2012-044

- 8.M. [12-181](#) Staff Report for a Resolution Approving Plans and Specifications and Calling for Bids for the Fiber Loop Project

[12-182](#) ADOPT: Resolution Approving Plans and Specifications and Calling for Bids for the Fiber Loop Project (establishes a complete redundant fiber optic ring throughout the city at a cost of \$120,000; \$80,000 from Development Fees for Street Improvement [DFSI] funds and \$40,000 from the General Fund)

This item was removed from consideration at the request of City staff, and will be scheduled on a future agenda.

Enactment No: Reso 2012-060

10. ACTION ITEMS

- 10.A. [12-235](#) MOTION: Motion Designating Vice Mayor to Serve for a Period of One Year and Until a Successor Is Elected and Qualified Pursuant to

City Charter Section 310

A motion was made by Councilmember Prola, seconded by Councilmember Cutter, to nominate Michael Gregory as Vice Mayor.

A substitute motion was made by Councilmember Reed, seconded by Councilmember Starosciak, to nominate Diana Souza as Vice Mayor.

[12-262](#)

MOTION: Substitute motion nominating Diana Souza as Vice Mayor.

A motion was made by Councilmember Reed, seconded by Councilmember Starosciak, that this Minute Order be Adopted. The motion failed by the following vote.

Aye: 3 - Reed, Souza, Starosciak

Nay: 4 - Cassidy, Cutter, Gregory, Prola

[12-261](#)

MOTION: Motion nominating Michael Gregory as Vice Mayor.

A motion was made by Councilmember Prola, seconded by Councilmember Cutter, that this Minute Order be Adopted. The motion carried by the following vote.

Aye: 5 - Cassidy, Cutter, Gregory, Prola, Starosciak

Abstain: 2 - Reed, Souza

Enactment No: Min Order 2012-020

10.B. Report on Closed Session Actions Taken

No reportable actions taken.

11. CITY COUNCIL CALENDAR

City Councilmembers announced upcoming events and coordinated attendance.

12. CITY COUNCIL REPORTS AND ANNOUNCEMENTS

City Councilmembers 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.

12.A. [12-236](#)

Update from Ad Hoc Committee to Review San Leandro Hospital's Future and Community Health Care

13. ADJOURN

The meeting was adjourned at 9:20 p.m.

RESPECTFULLY SUBMITTED:

MARIAN HANDA
City Clerk of the City of San Leandro