



# 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**

**Victor Aguilar, Jr., District 3**

**Benny Lee, District 4**

**Corina N. Lopez, District 5**

**Pete Ballew, District 6**

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Monday, May 6, 2019

7:00 PM

City Council Chambers

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#### 1. CALL TO ORDER

*The meeting was called to order at 7:05 p.m.*

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

*Melitta Santos led the Pledge of Allegiance to the Flag.*

#### 1.B. ROLL CALL

**Councilmember Ballew participated in the meeting via telephone conference call.**

**Present** 7 - Aguilar, Ballew, Cox, Hernandez, Lee, Lopez, Cutter

#### 1.C. ANNOUNCEMENTS

*File Number 19-247 will be added to Item 8.D. This file was omitted inadvertently to Council and are now included in the City Council packet.*

#### 2. RECOGNITIONS

**2.A.** [19-231](#) Proclamation Declaring May 6, 2019 as Anthony Santos Day

**Presented.**

**2.B.** [19-217](#) Proclamation Declaring May 5-May 11, 2019 as Small Business Week

**Presented.**

**2.C.** [19-230](#) Proclamation Declaring May 9, 2019 as Bike to Work/School Day

**Presented.**

- 2.D. [19-223](#) Proclamation Declaring May 9-May 19, 2019 as East Bay Affordable Housing Week

**Presented.**

- 2.E. [19-196](#) Proclamation Declaring May 12-May 18, 2019 as National Police Week

**Presented.**

### 3. PUBLIC COMMENTS

*There were approximately 5 public speakers.*

*Comments were made by the following individuals:*

*Ms. Wynn Grich commented on AB 967 and measles vaccine.*

*Ms. Patty Breslin commented on climate change.*

*Mr. Charles Peters commented on climate change.*

*Mr. Kenneth W. Fox commented on campaign announcement.*

*Ms. Silvia A. Brandon Perez commented on human rights and mobile home moratorium.*

### 4. PRESENTATIONS

- 4.A. [19-242](#) Alameda County Fire Department Budget Presentation

**Presented.**

- 4.B. [19-246](#) East Bay Dischargers Authority Joint Powers Authority Term Sheet Presentation

**Presented.**

The City Council Meeting recessed at 8:55 p.m. and reconvened at 9:07 p.m.

Item 10.A. was moved out of order and heard before Item 5

### 5. PUBLIC HEARINGS

- 5.A. [19-078](#) Staff Report for City of San Leandro City Council Resolution Approving Adjustments to City Fees and Service Charges for 2019-20

**Received and Filed.**

- [19-235](#) 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, 2019)

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

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

Enactment No: Reso 2019-073

**5.B.** [19-208](#)

Staff Report for a Resolution of the City of San Leandro City Council to Amend Title 6, Chapter 4 and Title 8, Chapter 8 of the City of San Leandro Administrative Code to Create a New Park Facilities Development Impact Fee Category for Accessory Dwelling Units and to Modify the Definition of Special Unit

**Received and Filed.**

[19-209](#)

RESOLUTION of the City of San Leandro City Council to Amend Title 6, Chapter 4, and Title 8, Chapter 8, of the City of San Leandro Administrative Code to Create a New Park Facilities Development Impact Fee Category for Accessory Dwelling Unit and to Modify the Definition of Special Unit

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

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

Enactment No: Reso 2019-074

**5.C.** [19-236](#)

Staff Report for the City of San Leandro City Council Approval of Ordinances Amending the San Leandro Municipal Code Relating to Proposed Adjustments to the Business License Tax, the Emergency Medical Services Taxes, and the Emergency Communication System Access (9-1-1) Tax for 2019-2020

**Received and Filed.**

[19-237](#)

ORDINANCE Amending Section 2-2-500 of the San Leandro Municipal Code Relating to the Annual Consumer Price Index (CPI) Adjustment of the Business License tax (enacts the legally permitted increase to the business license tax by the CPI, which is 3.87%)

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

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

Enactment No: Ordinance 2019-006

[19-238](#)

ORDINANCE Amending Section 2-13-140 of the San Leandro Municipal

Code Relating to the Annual Consumer Price Index (CPI) Adjustment of the Emergency Medical Services Tax (EMS Tax) (increases EMS tax by CPI, or 3.87%)

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

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

Enactment No: Ordinance 2019-007

[19-239](#)

ORDINANCE Amending Section 2-18-210 of the San Leandro Municipal Code Relating to the Annual Consumer Price Index (CPI) Adjustment of the Emergency Communication System Access Tax (911 Tax) (increases 911 Tax by CPI of 3.87%)

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

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

Enactment No: Ordinance 2019-008

5.D. [19-240](#)

Staff Report for the City Council of the City of San Leandro to Approve the U.S. Department of Housing and Urban Development (HUD) Final FY 2019-2020 Annual Action Plan

**Received and Filed.**

[19-241](#)

RESOLUTION of the City of San Leandro City Council Approving the City of San Leandro U.S. Department of Housing and Urban Development (HUD) Final FY 2019-2020 Annual Action Plan (implements the Housing and Community Development Strategies of the FY 2015-2019 Consolidated Plan and authorizes the execution of all related documents by the City Manager and submission of the Action Plan to HUD)

**A motion was made by Councilmember Aguilar, seconded by Councilmember Lee, that this Resolution be Adopted with Amendments as provided by Vice Mayor Lopez. The motion carried by the following vote.**

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

Enactment No: Reso 2019-075

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

*None.*

## 7. AMENDMENT OF CONSENT CALENDAR

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

## 8. CONSENT CALENDAR

### Approval of the Consent Calendar

**A motion was made by Vice Mayor Lopez, seconded by Councilmember Cox, to Approve the Consent Calendar. The motion carried by the following vote.**

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

**8.A. [19-202](#)**

Minutes of the City Council Meeting of April 15, 2019

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

**8.B. [19-261](#)**

Minutes of the Rules Committee Meeting of April 11, 2019

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

**8.C. [19-171](#)**

Staff Report for a City of San Leandro City Council Resolution to Approve a Consultant Services Agreement for \$196,170 with Lee & Ro, Inc. for the Preparation of As-Built Plans for the Water Pollution Control Plant; Project No. 08-593-52-239; to Authorize the City Manager to Negotiate and Approve an Amendment up to 10% of the Original Contract Amount, and to Appropriate \$265,790 for the Project from the Water Pollution Control Plant Fund Balance

**Received and Filed on the Consent Calendar.**

**[19-172](#)**

RESOLUTION of the City of San Leandro City Council to Approve a Consultant Services Agreement for \$196,170 with Lee & Ro, Inc. for the Preparation of As-Built Plans for the Water Pollution Control Plant; Project No. 08-593-52-239; Authorizing the City Manager to Negotiate and Approve an Amendment of up to 10% of the Original Contract Amount; and Appropriating \$265,790 for the Project from the Water Pollution Control Plant Fund Balance (provides for the consolidation of changes made to the construction documents and saved in various formats into one singular record drawing set)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2019-076

**8.D. [19-189](#)**

Staff Report for a City of San Leandro City Council Resolution to Award a \$134,185 Construction Contract to Demolition Services and Grading, Incorporated for the Farrelly Pool Replacement - Demolition Phase, Project No. 2018.3420; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; to Authorize the City Manager to Negotiate and Approve Change Orders Up to a Cumulative Value of 25% of the Original Contract

Amount; and to Authorize the City Manager to Execute a Memorandum of Understanding Between the San Leandro Unified School District and the City of San Leandro for the Construction of the Farrelly Pool Replacement

**Received and Filed on the Consent Calendar.**

[19-190](#)

RESOLUTION of the City of San Leandro to Award a Construction Contract to Demolition Services and Grading, Incorporated for the Farrelly Pool Replacement - Demolition Phase, Project No. 2018.3420; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; and to Authorize the City Manager to Negotiate and Approve Change Orders Up to a Cumulative Value of 25% of the Original Contract Amount (Provides for the demolition and removal of the existing Farrelly Pool Facility)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2019-077

[19-247](#)

RESOLUTION of the City of San Leandro City Council to Approve a Memorandum of Understanding Between the San Leandro Unified School District and the City of San Leandro for the Construction of the Farrelly Pool Replacement

**Adopted on the Consent Calendar.**

Enactment No: Reso 2019-078

8.E. [19-216](#)

Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Execute a Master Agreement Between San Leandro Unified School District and the City of San Leandro for Recreational Use and Maintenance of School Sites

**Received and Filed on the Consent Calendar.**

[19-220](#)

RESOLUTION of the City of San Leandro to Approve and Authorize the City Manager to Execute a Master Agreement Between San Leandro Unified School District and the City of San Leandro for Recreational Use and Maintenance of School Sites

**Adopted on the Consent Calendar.**

Enactment No: Reso 2019-079

8.F. [19-207](#)

Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Execute a Non-Professional Services Agreement with Monterey Mechanical for Tide Gate Repairs at an Amount Not to Exceed \$118,895

**Received and Filed on the Consent Calendar.**

[19-215](#)

RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Execute a Non-Professional Services Agreement with Monterey Mechanical for Tide Gate Repairs at an Amount Not to Exceed \$118,895

**Adopted on the Consent Calendar.**

Enactment No: Reso 2019-080

**8.G.** [19-226](#)

Staff Report for a City of San Leandro City Council Resolution for the Approval of Fiscal Year 2020 Proposed Projects (Amended) Anticipated for Payment from the State's Road Maintenance and Rehabilitation Account to City's Gas Tax Fund (140-31-057) for Streets Maintenance

**Received and Filed on the Consent Calendar.**

[19-229](#)

RESOLUTION of the City of San Leandro City Council to Approve Fiscal Year 2020 Proposed Projects (Amended) Anticipated for Payment from the State's Road Maintenance and Rehabilitation Account to City's Gas Tax Fund (140-31-057) for Streets and Roads Maintenance

**Adopted on the Consent Calendar.**

Enactment No: Reso 2019-081

## **9. ITEMS REMOVED FROM CONSENT CALENDAR**

**8.H.** [19-154](#)

Staff Report for a City of San Leandro City Council Resolution to Adopt 2030 and 2050 Carbon Emissions Targets and a City Council Resolution to Approve Amendment No. 6 to the Contractual Services Agreement with PlaceWorks for an Additional \$68,151 for a Total Not to Exceed Amount of \$815,119 and to Approve an Appropriation of \$58,151 from the General Fund Unrestricted Fund Balance

*Public comment was received from Mr. Jeffrey S. Falero and Ms. Maureen Forney.*

**Received and Filed.**

[19-155](#)

RESOLUTION of the City of San Leandro City Council to Adopt Greenhouse the Gas Emissions Reductions Goals to Reduce San Leandro Emissions to 40% below 2005 Levels by the Year 2030 and to 80% Below 2005 Levels by the Year 2050

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

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

Enactment No: Reso 2019-082

[19-156](#)

RESOLUTION of the City of San Leandro City Council to Approve Amendment No. 6 to the Contractual Services Agreement with PlaceWorks for an Additional \$68,151 for a Total Not to Exceed Amount of \$815,119 and an Appropriation of \$58,151 from the General Fund Unrestricted Fund Balance

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

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

Enactment No: Reso 2019-083

## 10. ACTION ITEMS

10.A. [19-218](#)

Staff Report for the First Readings of Ordinances to Add Chapter 4-40 and Chapter 4-41 to the San Leandro Municipal Code to Regulate Hosted Short Term Rentals of Residential Dwelling Units

*There were approximately 6 public speakers.*

*Comments were made by the following individuals:*

*Ms. Sabrina Adams, Mr. Whit Mager, Mr. Mark Hawke, Mr. Rick Kehret, Ms. Darlene Evans, and Ms. Rebecca Kehret*

**Received and Filed.**

[19-256](#)

ORDINANCE of the City Council Of The City Of San Leandro Adding Chapter 4-41 To Title 4 Of The San Leandro Municipal Code Prohibiting Non-Hosted Short-Term Rental Of All Or Part Of A Residential Dwelling Unit

**A motion was made by Vice Mayor Lopez, seconded by Councilmember Cox, that this Ordinance be Passed to Print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2019-005

[19-219](#)

ORDINANCE of the City Council Of The City Of San Leandro Adding Chapter 4-40 To Title 4 Of The San Leandro Municipal Code Regarding Hosted Short-Term Rental Of All Or Part Of A Residential Dwelling Unit

**A motion was made by Councilmember Ballew, seconded by Vice Mayor Lopez, with a substitute motion follow by Councilmember Hernandez, seconded by Councilmeber Lee, that this Ordinance be Continued. The motion carried by the following vote.**

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

10.B. [19-224](#)

Staff Report for the City of San Leandro City Council to Receive a Report on Wastewater Utility Financial Plan and Rates Study and Wastewater Utility Capacity Charges Study and Provide Direction to Proceed with the



Necessary Procedural Requirements Pursuant to Proposition 218 for Proposed Sewer Rate Increases

Received and Filed.

[19-225](#)

RESOLUTION to Accept the Wastewater Utility Financial Plan and Rates Study and Wastewater Utility Capacity Charges Study and Provide Direction to Proceed with the Processes and Procedures to Increase the Sewer Service Rate as Required by Proposition 218

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

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

Enactment No: Reso 2019-084

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

*There was no Closed Session.*

**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**

*None.*

**15. ADJOURN**

*The meeting was adjourned at 11:39 p.m.*

**RESPECTFULLY SUBMITTED:**

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**LETICIA I. MIGUEL**  
**City Clerk of the City of San Leandro**