



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

Ed Hernandez, District 2

Lee Thomas, District 3

Benny Lee, District 4

Corina N. Lopez, District 5

Pete Ballew, District 6

Tuesday, September 4, 2018

7:00 PM

City Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

San Leandro Senior Commission Chair Jan Woycheshin led the Pledge of Allegiance to the Flag.

1.B. ROLL CALL

Present 7 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

1.C. ANNOUNCEMENTS

Mayor Cutter asked the audience to join her in welcoming, Caroline Hernandez, who was recently promoted to Deputy City Clerk, and is training at tonight's meeting.

2. RECOGNITIONS

None.

3. PUBLIC COMMENTS

There were three public speakers.

- Butch Kille spoke regarding the Marine Corps birthday.

- Bella Comelo spoke regarding the age-friendly initiative.

- Rob Rich spoke regarding mobile home park rent control.

4. PRESENTATIONS

4.A. [18-431](#)

Presentation on Adult Day Care in San Leandro (Center for Elders')

Independence)

5. PUBLIC HEARINGS

None.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

None.

With the approval of the Council, Mayor Cutter moved Item 10.A. to this point on the agenda.

- 10.A. [18-386](#) Staff Report to Extend to One Year An Urgency Ordinance that Places a Temporary Moratorium on Non-Hosted Short-Term Rentals Land Uses

There were four speakers on this item: Donna Chamberlin, Mark Hawke, Mike C and Jim Hussey.

- [18-413](#) An Interim ORDINANCE of the City Council for the City of San Leandro Adopted as an Urgency Measure, Making Findings and Extending a Temporary City-Wide Moratorium on Non-Hosted Short-Term Rentals of Residential Dwelling Units for a Period of Ten Months and Fifteen Days, to Become Effective Immediately.

A motion was made by Councilmember Ballew, seconded by Councilmember Lopez, that this Interim Ordinance be Passed to Print and Adopted. The motion carried by the following vote.

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

Enactment No: Ordinance 2018-017

7. AMENDMENT OF CONSENT CALENDAR

Items 8.F., 8.G., 8.J., 8.K., 8.N. and 8.R. were removed from the Consent Calendar to Item 9, Items Removed from the Consent Calendar.

8. CONSENT CALENDAR

Approval of the Consent Calendar

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

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

- 8.A. [18-416](#) Minutes from the July 16, 2018 City Council Meeting

Approved as Submitted.

- 8.B. [18-417](#) Minutes from the July 23, 2018 City Council Meeting
Approved as Submitted.
- 8.C. [18-310](#) Highlights of the Facilities and Transportation Committee Meeting of June 6, 2018
Approved as Submitted.
- 8.D. [18-372](#) Highlights of the Facilities and Transportation Committee Meeting of July 12, 2018
Approved as Submitted.
- 8.E. [18-375](#) Highlights of the Rules Committee Meeting of July 23, 2018
Approved as Submitted.

Items 8.F. and 8.G. were removed from the Consent Calendar to Item 9, Items Removed from Consent Calendar.

- 8.H. [18-408](#) Staff Report for a Resolution of the City Council for the City of San Leandro to Approve the Investment Report for the Quarter Ended June 30, 2018
- [18-409](#) RESOLUTION Accepting Investment Report for the Quarter Ended June 30, 2018 (Reviews the Activities of the City's Investment Portfolio)
Adopted.
Enactment No: Reso 2018-095
- 8.I. [18-385](#) Staff Report for a Resolution of the City of San Leandro City Council to Authorize the City Manager to Execute a Rental Agreement with Nixon-Egli Equipment Company for a Cold Milling Machine at an amount not to exceed \$27,632.50.
- [18-384](#) RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Execute a Rental Agreement with Nixon-Egli Equipment Company for a Cold Milling Machine at an amount not to exceed \$27,632.50
Adopted.
Enactment No: Reso 2018-096

Items 8.J. and 8.K. were removed from the Consent Calendar to Item 9, Items Removed from Consent Calendar.

- 8.L. [18-325](#) Staff Report for a Resolution of the City Council for the City of San Leandro Accepting the Work for the Annual Overlay/Rehabilitation

2016-17 Project Phase 1; Project No. 2017.0050

[18-326](#)

RESOLUTION to Accept the Work for the Annual Overlay / Rehabilitation 2016-17 Project Phase 1, Project No. 2017.0050 (provides for acceptance of the work performed by DeSilva Gates Construction, L.P., filing the Notice of Completion, releasing the performance and payment bonds, and releasing the maintenance bond upon successful completion of the one-year maintenance period)

Adopted.

Enactment No: Reso 2018-097

8.M. [18-380](#)

Staff Report for a City of San Leandro City Council Resolution to Approve Amendments to a Consulting Services Agreement with CSG Consultants, Inc. for On-Call Engineering Plan Check, City Surveyor, Land Surveying, and Engineering Inspection Services

[18-381](#)

RESOLUTION of the City of San Leandro City Council to Approve an Amendment to a Consulting Services Agreement wWith CSG Consultants, Inc. For for On-Call Engineering Plan Check, City Surveyor, Land Surveying, and Engineering Inspection Services (provides for additional inspection services for the Annual Overlay/Rehabilitation 2017-18 Project)

Adopted.

Enactment No: Reso 2018-098

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

8.O. [18-390](#)

Adoption of a City of San Leandro City Council Resolution to Substitute Collateral for the Section 108 Guaranteed Loan from the United States Department of Housing and Urban Development (HUD) for the Construction of the San Leandro Senior Community Center by Designating as Collateral \$190,635.20 in the City's General Fund Reserves

[18-391](#)

RESOLUTION of the City of San Leandro City Council to Substitute Collateral for the Section 108 Guaranteed Loan from the United States Department of Housing and Urban Development (HUD) for the Construction of the San Leandro Senior Community Center by Designating as Collateral \$190,635.20 in the City's General Fund Restricted Reserve

Adopted.

Enactment No: Reso 2018-099

8.P. [18-424](#) Staff Report for a Minute Order to Approve an Amendment of \$130,000 to the Legal Services Agreement with Meyers Nave for General Legal Services

[18-425](#) MOTION to Approve Amendment to Legal Services Agreement with Meyers Nave of \$130,000 for legal services rendered in FY 2017-2018

Adopted.

Enactment No: Min Order 2018-009

8.Q. [18-421](#) Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Execute Amendment No. 2 to a Contractual Services Agreement with MV Transportation, Inc. for Paratransit Transportation Services to Extend the Term of Services to September 30, 2018 and to Increase the Amount of Compensation by \$60,000 for a Total Not to Exceed Amount of \$468,380 (provides for shuttle services for the Flex Shuttle Program using Measures B and BB funds in Account No. 150-36-001-5640)

[18-422](#) RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Execute Amendment No. 2 to a Contractual Services Agreement with MV Transportation, Inc. for Paratransit Transportation Services to Extend the Term of Service to September 30, 2018 and to Increase the Amount of Compensation by \$60,000 for a Total Not to Exceed Amount of \$468,380 (provides for shuttle services for the Flex Shuttle Program using Measures B and BB funds in Account No. 150-36-001-5640)

Adopted.

Enactment No: Reso 2018-100

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

9. ITEMS REMOVED FROM CONSENT CALENDAR

8.F. [18-370](#) ORDINANCE of the City of San Leandro Adding Title 4, Chapter 4-.18 of the San Leandro Municipal Code Relating to Loud and Unruly Gatherings

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

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

Enactment No: Ordinance 2018-016

8.G. [18-338](#) Staff Report for Resolution of the City Council of the City of San Leandro to Approve and Authorize the City Manager to Execute an Animal Shelter

Services Agreement with the City of Fremont

[18-339](#)

RESOLUTION of the City Council for the City of San Leandro to Ratify the Animal Shelter Service Agreement between the City of San Leandro and the City of Fremont's Tri-City Shelter

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 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2018-101

8.J. [18-377](#)

Staff Report for a Resolution of the City Council for the City of San Leandro to Approve a \$170,000 Surrendered and Abandoned Vessel Exchange (SAVE-18) Grant Agreement Between the City of San Leandro and the State of California, Department of Parks and Recreation, Division of Boating and Waterways for Abatement of Surrendered and Abandoned Watercraft at the San Leandro Marina and the San Leandro Shoreline

[18-376](#)

RESOLUTION of the City of San Leandro City Council to Approve a \$170,000 Surrendered and Abandoned Vessel Exchange (SAVE-18) Grant Agreement Between the City of San Leandro and the State of California, Department of Parks and Recreation, Division of Boating and Waterways for Abatement of Surrendered and Abandoned Watercraft at the San Leandro Marina and the San Leandro Shoreline.

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 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2018-102

8.K. [18-410](#)

Staff Report for a Resolution of the City Council for the City of San Leandro to Authorize the City Manager to Execute a Non-Professional Services Agreement with McNabb Construction, Inc. for Purchase and Installation of Decomposed Granite at the City Dog Park for a Not-to Exceed Amount of \$150,000

[18-411](#)

RESOLUTION of the City of San Leandro City Council to Approve a Non-Professional Services Agreement with McNabb Construction, Inc. for Purchase and Installation of Decomposed Granite at the City Dog Park for a Not-to-Exceed Amount of \$150,000

A motion was made by Councilmember Lopez, seconded by Councilmember Lee, that this Resolution be Adopted as Amended to Remove paragraph 1 of Technical section. The motion carried by the following vote.

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

Enactment No: Reso 2018-103

8.N. [18-392](#)

Staff Report for the City of San Leandro Housing Element Annual Progress Report for the 2017 Calendar Year

[18-436](#)

MOTION Accepting the City of San Leandro Housing Element Annual Progress Report for 2017 Calendar Year

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

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

Enactment No: Min Order 2018-010

8.R. [18-429](#)

Staff Report for a City of San Leandro City Council Resolution to Authorize the City Manager to Enter into a Standard Services Agreement with County of Alameda to Provide \$25,000 in Grant Funds for Homeless Street Outreach (for the purpose of addressing homelessness outreach activities which will be funded by a grant from Alameda County in the amount of \$25,000 to be appropriated in Account Number 010-61-014-5120)

[18-430](#)

RESOLUTION of the City of San Leandro City Council to Authorize the City Manager to Enter into a Standard Services Agreement with Alameda County of Alameda to Provide \$25,000 in Grant Funds for Homeless Street Outreach (for the purpose of homelessness outreach activities which that will be funded by a grant from Alameda County of Alameda in the amount of \$25,000 to be appropriated allocated in Account Number 010-61-014-5120)

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 2018-104

10. ACTION ITEMS

Item 10.A. was considered earlier in the meeting.

10.B. [18-388](#)

Staff Report for a City of San Leandro City Council Resolution to Amend Title 6, Chapter 4 of the San Leandro Administrative Code to adjust the Community Development Department Planning Division Appeal Fees

[18-387](#)

RESOLUTION of the City of San Leandro City Council to Amend Title 6, Chapter 4 of the City of San Leandro Administrative Code to adjust the

Community Development Department Planning Division Appeal Fees

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 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2018-105

18-460

RESOLUTION of the City of San Leandro City Council to amend Reso 2018-105 to be retroactive to July 1, 2016, only for appellants that are not the applicant

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

Aye: 5 - Cutter, Lee, Lopez, Ballew, Cox

Recused: 2 - Hernandez, Thomas

Enactment No: Reso 2018-106

10.C. [18-286](#)

ORDINANCE of the City Council for the City of San Leandro to Amend Title 6, Chapter 6-2 of the San Leandro Municipal Code Relating to San Leandro Parking Regulations for an Employee Parking Permit Program

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

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

Recused: 1 - Ballew

Enactment No: Ordinance 2018-014

10.D. [18-412](#)

Staff Report for a City of San Leandro City Council Resolution to Approve an Employment Agreement with Jeffrey Kay, to serve as the City Manager.

[18-415](#)

RESOLUTION of the City of San Leandro City Council to Approve an Employment Agreement with Jeffrey Kay to serve as the City Manager.

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 - Cutter, Lee, Lopez, Ballew, Hernandez, Thomas, Cox

Enactment No: Reso 2018-107

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

City Attorney Pio Roda reported under Closed Session Item 3.A., the City Council voted unanimously to direct the City Attorney to complete the litigation in the City of San Leandro, on behalf of Patricia Mallari v. Jeff Allan Vasconcellos.

No other reportable actions were taken in 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

By consensus, the City Council agreed to schedule on the next available Rules Committee agenda a discussion of tools and policy options for rent stabilization for mobile home parks.

By consensus, the City Council agreed to refer to the City Manager review the City's animal ordinances.

15. ADJOURN

The meeting was adjourned at 10:30 p.m.

*In memory of
- Sandra Roy Thorne
- Paul Keener
- Jeff Perenon*

RESPECTFULLY SUBMITTED:

MARIAN HANDA
Interim City Clerk of the City of San Leandro