



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

Monday, May 5, 2014

7:00 PM

City Council Chambers

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

Mayor Cassidy commented that erroneous information has been circulating in the community that a heritage tree ordinance would be considered by the City Council tonight. He announced that an informational item regarding a draft tree protection ordinance is being scheduled for discussion at the next regular City Council meeting on May 19, 2014. The issue was brought to the City Council's attention earlier this year by residents of the Mulford Gardens area, who requested the City Council's consideration of a heritage tree ordinance.

2. RECOGNITIONS

- 2.A.** [14-149](#) Proclamation Declaring May 4 - 10, 2014 as National Public Service Recognition Week
- 2.B.** [14-147](#) Proclamation Declaring May 8, 2014 as Bike to Work Day
- 2.C.** [14-151](#) Proclamation Declaring May 9 - 18, 2014 as East Bay Housing Organizations Affordable Housing Week
- 2.D.** [14-148](#) Proclamation Declaring May 11 - 17, 2014 as National Police Week

2.E. [14-170](#) Proclamation Declaring May 11-17, 2014 as Women's Lung Health Week

2.F. [14-152](#) Proclamation Declaring May 2014 as Older Americans Month

3. PRESENTATIONS

3.A. [14-138](#) Presentation by East Bay Regional Parks District on the Oyster Bay Plan

3.B. [14-171](#) Update by Kaiser Permanente on Hospital Opening

4. PUBLIC HEARINGS

4.A. [14-066](#) Staff Report for City of San Leandro U.S. Department of Housing and Urban Development (HUD) Final FY 2014-2015 Annual Action Plan

The Hearing was opened to the public.

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

[14-067](#) RESOLUTION Approving the City of San Leandro U.S. Department of Housing and Urban Development (HUD) Final FY 2014-2015 Annual Action Plan (implements the Housing and Community Development Strategies of the FY 2010-2014 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 Vice Mayor Prola, seconded by Councilmember Souza, that this resolution be adopted. The motion carried by the following vote.

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

Enactment No: Reso 2014-035

4.B. [14-082](#) Staff Report for Resolution Approving Adjustments to City Fees and Service Charges for 2014-15

The Hearing was opened to the public.

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

[14-083](#) 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, 2014)

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

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

Enactment No: Reso 2014-036

4.C. [14-084](#)

Staff Report for Ordinances Amending the San Leandro Municipal Code Relating to Proposed Adjustments to Business License Tax, the Emergency Medical Services Taxes, and the Emergency Communication System Access (9-1-1) Tax for 2014-15

The Hearing was opened to the public.

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

[14-085](#)

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 Fees (increases business license fees by CPI of 2.2%)

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 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Ordinance 2014-004

[14-087](#)

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 2.2%)

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 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Ordinance 2014-005

[14-088](#)

ORDINANCE Amending Section 2-13-140 of the San Leandro Municipal Code to Relating to the Annual Consumer Price Index (CPI) Adjustment of the Emergency Medical Services Tax (EMS Tax) (increases EMS tax by CPI of 2.2%)

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 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Ordinance 2014-006

5. PUBLIC COMMENTS

Dominick Morales and Danielle Pacheco, students of the San Leandro High School (SLHS) Social Justice Academy, announced an upcoming event, Peace in the Streets, to be held on Wednesday, May 14th at 6 p.m. at the SLHS Theater.

D.J. Evans commented on the partnership between the City and Dr. Patrick Kennedy, the tree ordinance, and various other subjects.

The City Council recessed from 9:21 p.m. to 9:37 p.m.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

City Manager Zapata reported the following:

- *The heritage tree ordinance discussion will be on the City Council's May 19th meeting agenda, as mentioned earlier by the Mayor.*
- *At its meeting on May 6th, the San Leandro School Board will consider moving a portion of the District's administrative offices to the City Hall office space vacated by the Fire Department.*
- *Mi Rancho announced it will remain in San Leandro.*

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 Souza, to approve the Consent Calendar. The motion carried by the following vote.

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

8.A. [14-168](#) Minutes of the Meeting of April 21, 2014

Approved as submitted on the Consent Calendar.

8.B. [14-100](#) Staff Report for a Resolution Awarding a Construction Contract to Intermountain Slurry Seal, Inc. for the Annual Street Sealing 2013-14 Project, Project No. 2014.0070

[14-101](#) RESOLUTION Awarding a Construction Contract to Intermountain Slurry Seal, Inc. for Annual Street Sealing 2013-14, Project No. 2014.0070 (awards the contract to the lowest responsible bidder, Intermountain Slurry Seal, Inc. in the amount of \$640,910.00 from Measure B, Vehicle Registration Fees, and Gas Tax Funds for preventive maintenance of various streets in San Leandro)

Adopted on the Consent Calendar.

Enactment No: Reso 2014-037

- 8.C. [14-154](#) Staff Report for Resolution Accepting the Investment Report for the Quarter Ended March 31, 2014
- [14-155](#) RESOLUTION Accepting Investment Report for the Quarter Ended March 31, 2014 (reviews the activities of the City's investment portfolio)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2014-038
- 8.D. [14-139](#) Staff Report on the Independent Auditor's City of San Leandro Memorandum on Internal Control and Required Communications for the Year Ended June 30, 2013
- [14-140](#) MOTION Accepting the City's Memorandum on Internal Control and Required Communications for the Year Ended June 30, 2013
- Adopted on the Consent Calendar.**
- Enactment No: Min Order 2014-010
- 8.E. [14-172](#) RESOLUTION Supporting Measure AA (encourages voters to support the Alameda County Essential Healthcare Services Initiative)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2014-039

9. ITEMS REMOVED FROM CONSENT CALENDAR

None.

10. ACTION ITEMS

- 10.A. [14-130](#) ORDINANCE Amending the City of San Leandro Zoning Code in Article 3, Section 1-304 Definitions; Article 6, Section 2-606 CC Districts - Use Regulations; Article 7, Sections 2-706 IG District - Use Regulations, 2-708 IP District - Use Regulations, and 2-712 IG(AU) District - Use Regulations; and Article 17, Section 4-1704 Off-Street Parking and Loading Spaces Required Related to a Medical Marijuana Dispensary (adds medical marijuana dispensary definition, use regulations, and parking requirements to the Zoning Code)
- A motion was made by Vice Mayor Prola, seconded by Councilmember Gregory, that this ordinance be adopted. The motion carried by the following vote.**
- Aye:** 5 - Cassidy, Cutter, Gregory, Prola, Reed
- Nay:** 1 - Lee

Recused: 1 - Souza

Enactment No: Ordinance 2014-003

10.B. [14-002](#)

Staff Report for a Resolution Approving the Purchase of Body Worn Digital Video Cameras and a Digital Management System from Taser International

Comments were made by the following individuals: Mike Katz-Lacabe and D. J. Evans.

[14-110](#)

RESOLUTION Approving the Purchase of and Authorizing Execution of a 5-Year Contract for Eighty (80) Body Worn Digital Video Cameras and a Digital Management System from Taser International (approves acquisitions in an amount not to exceed \$441,306.82 over a 5-year period)

A motion was made by Councilmember Cutter, seconded by Councilmember Lee, that this resolution be adopted as amended to make minor corrections to the dollar amounts on the resolution. The motion carried by the following vote.

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

Enactment No: Reso 2014-040

10.C. [14-003](#)

Staff Report for Public Safety Camera System Policy Considerations and Planning

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

[14-182](#)

MOTION Authorizing Staff to Bring a Project to the City Council to Replace the Security Cameras at City Hall and the Police Department, and to Add Public Safety Cameras with License Plate Readers at Two Public Locations, Consistent with the Proposed Administrative Policy Related to the City's Use of Public Safety Cameras

A motion was made by Vice Mayor Prola, seconded by Councilmember 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 2014-011

10.D. [14-169](#)

MOTION Designating Vice Mayor to Serve for a Period of One Year Pursuant to City Charter Section 310

A motion was made by Councilmember Souza, seconded by Councilmember Reed, to nominate Councilmember Lee as Vice Mayor. The motion carried by the following vote.

Aye: 4 - Gregory, Lee, Reed, Souza

Nay: 3 - Cassidy, Cutter, Prola

Enactment No: Min Order 2014-012

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

No reportable action was taken.

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:

- Consideration of a potential ballot measure for Charter amendment to change the timing of the selection of Vice Mayor*
- Consideration of policies/moratoria on massage parlors, foot spas, and similar businesses near neighborhoods*
- Consideration of the formation of an Arts Commission before the August Council recess*
- Consideration of a potential revenue measure*

15. ADJOURN

The meeting was adjourned at 12:06 p.m., in memory of Dan Apodaca, the father of Ana Apodaca.

RESPECTFULLY SUBMITTED:

MARIAN HANDA
City Clerk of the City of San Leandro