



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 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, November 18, 2013

7:00 PM

City Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:03 p.m.

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

Administrative Specialist II Mary Foster led the Pledge of Allegiance to the Flag.

1.B. ROLL CALL

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

1.C. ANNOUNCEMENTS

None.

2. RECOGNITIONS

2.A. [13-422](#) Presentation by the City Council to Building Futures a \$15,000 Check from the Community Investment Program

2.B. [13-553](#) Recognition of the Employee of the Quarter, Mary Foster, Administrative Specialist II, City Manager's Office

2.C. [13-573](#) RESOLUTION Appointing Wing Sheung Mok as At Large Member to Human Services Commission (approves appointment for term ending December 31, 2014)

A motion was made by Councilmember Gregory, 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 2013-140

- 2.D. [13-575](#) RESOLUTION Appointing Ben Gamboa as Youth Member to Library-Historical Commission (approves appointment for term ending August 31, 2014)

A motion was made by Councilmember Gregory, 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 2013-141

- 2.E. [13-574](#) RESOLUTION Appointing Alice Sarafian as District 1 Member to Library-Historical Commission (approves appointment for term ending December 31, 2014)

A motion was made by Councilmember Gregory, 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 2013-142

- 2.F. [13-566](#) RESOLUTION Renominating and Reappointing Members to Youth Advisory Commission (approves reappointment of 10 members for terms ending August 31, 2014)

A motion was made by Councilmember Gregory, 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 2013-143

- 2.G. [13-567](#) RESOLUTION Nominating and Appointing Members to Youth Advisory Commission (approves reappointment of 11 members for terms ending August 31, 2014)

A motion was made by Councilmember Gregory, 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 2013-144

3. PRESENTATIONS

- 3.A. [13-464](#) Presentation by Nextdoor on Best Practices and Implementation

4. PUBLIC HEARINGS – CITY COUNCIL

- 4.A. [13-554](#) Staff Report for Adoption of State-Mandated California Building Standards Codes and Related Amendments

The Hearing was opened to the public.

Comments were made by the following individual: David Erlich.

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

[13-492](#)

ORDINANCE Repealing Article 6 of Chapter 3 of Title I and Article 1 of Chapter 5 of Title VII and Adding a new Article 1 to Chapter 5 of Title VII of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code, and Adopting by Reference the International Building Code, as Amended (adopts relevant codes by reference with minor structural amendments relating to updating seismic design criteria based on City's proximity to earthquake faults and corrections to the model code structural design standards)

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

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

Enactment No: Ordinance 2013-009

[13-493](#)

ORDINANCE Repealing Article 2 of Chapter 5 of Title VII of the San Leandro Municipal Code, Dangerous Building Code (repeals the regulations for abatement of dangerous buildings)

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

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

Enactment No: Ordinance 2013-010

[13-494](#)

ORDINANCE Repealing Article 3 and Re-Enacting Article 3 of Chapter 5 of Title VII of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code, and Adopting by Reference the Uniform Housing Code, as Amended (adopts relevant codes by reference)

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

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

Enactment No: Ordinance 2013-011

[13-495](#)

ORDINANCE Repealing Article 4 and Adding Article 4 to Chapter 5 of Title VII of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code, and Adopting by Reference the Uniform Mechanical Code, as Amended (adopts relevant codes by reference)

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

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

Enactment No: Ordinance 2013-012

[13-496](#)

ORDINANCE Repealing Article 5 and Adding Article 5 to Chapter 5 of Title VII of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code, and Adopting by Reference the National Electrical Code, as Amended (adopts relevant codes by reference)

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

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

Enactment No: Ordinance 2013-013

[13-497](#)

ORDINANCE Repealing Article 6 and Re-Enacting Article 6 of Chapter 5 of Title VII of the San Leandro Municipal Code, Electrical - General Provisions (provides for minor clerical edits)

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

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

Enactment No: Ordinance 2013-014

[13-498](#)

ORDINANCE Repealing Article 7 and Re-Enacting Article 7 of Chapter 5 of Title VII of the San Leandro Municipal Code, Electrical - Procedure (provides for minor clerical edits)

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

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

Enactment No: Ordinance 2013-015

[13-499](#)

ORDINANCE Repealing Article 8 of Chapter 5 of Title VII of the San Leandro Municipal Code, Building Conservation Code (repeals the regulations for unreinforced masonry wall buildings)

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

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

Enactment No: Ordinance 2013-016

[13-500](#)

ORDINANCE Repealing Article 9 and Adding Article 9 to Chapter 5 of Title VII of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code and Adopting by Reference the Uniform Plumbing Code, as Amended (adopts relevant codes by reference and continues existing policy of prohibiting the use

of PVC pipes in the drain waste and venting systems)

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

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

Enactment No: Ordinance 2013-017

[13-501](#)

ORDINANCE Repealing Article 1 and Adding Article 1 to Chapter 3 of Title III of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code, and Adopting by Reference the International Fire Code, as Amended (adopts relevant codes by reference with minor structural amendments relating to updating seismic design criteria based on City’s proximity to earthquake faults and corrections to the model code structural design standards)

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

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

Enactment No: Ordinance 2013-018

5. PUBLIC COMMENTS

None.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

6.A. [13-565](#) Update on Progress of the Local Inclusion Policy Working Group

Comments were made by the following individual: David Erlich.

6.B. [13-544](#) City Manager Report on 2014 City Council Work Session Calendar

6.C. [13-583](#) City Manager Report on Safety at Overpasses and City Intersections

7. AMENDMENT OF CONSENT CALENDAR

Item 8.C. was 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 Vice Mayor Prola, 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. [13-557](#) Minutes of the Meeting of November 4, 2013

Approved as submitted on the Consent Calendar.

8.B. [13-528](#) Staff Report for Resolution Approving the City of San Leandro Annual Affordable Housing Trust Fund Report for FY 2011-2012 and FY 2012-2013

[13-529](#) RESOLUTION Approving the City of San Leandro Annual Affordable Housing Trust Fund Report for FY 2011-2012 and FY 2012-2013 (provides an annual report pursuant the City's Zoning Code Section 6-3028 and California Government Code Section 66006(b))

Adopted on the Consent Calendar.

Enactment No: Reso 2013-145

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

8.D. [13-551](#) Staff Report for a Resolution Authorizing the City Manager to Execute Program Supplement Agreement No. 023-N to Administer the Agency-State Agreement for Federal-Aid Projects No. 04-5041R, for the design phase of the Bancroft Avenue and Sybil Avenue Intersection Improvements

[13-552](#) RESOLUTION Authorizing the City Manager to Execute Program Supplement Agreement No. 023-N to Administer the Agency-State Agreement for Federal-Aid Projects No. 04-5041R for the design phase of the Bancroft Avenue and Sybil Avenue Intersection Improvements (provides for federal funding of Intersection Improvements at Bancroft Avenue and Sybil Avenue)

Adopted on the Consent Calendar.

Enactment No: Reso 2013-146

8.E. [13-531](#) Staff Report for a Resolution Awarding a Construction Contract to Rosas Brothers Construction for the Annual Sidewalk Repair Program 2013-14, Project No. 2014.0060

[13-532](#) RESOLUTION Awarding a Construction Contract to Rosas Brothers Construction for the Annual Sidewalk Repair Program 2013-14, Project No. 2014.0060 (awards the contract to the lowest responsible bidder, Rosas Brothers Construction, in the amount of \$297,985.00 using Measure B Bike and Pedestrian Funds, Measure B Streets and Roads Funds, TDA Grant Funds, and CDBG Funds)

Adopted on the Consent Calendar.

Enactment No: Reso 2013-147

- 8.F. [13-535](#) Staff Report for Resolution Authorizing the City of San Leandro to Join the California State Association of Counties Excess Insurance Authority (CSAC-EIA) Joint Powers Authority (JPA)

[13-534](#) RESOLUTION Authorizing the City of San Leandro to Join the California State Association of Counties Excess Insurance Authority (CSAC-EIA) Joint Powers Authority (JPA) (authorizes execution of a joint powers agreement and the City Manager to act on the City's behalf)

Adopted on the Consent Calendar.

Enactment No: Reso 2013-148

9. ITEMS REMOVED FROM CONSENT CALENDAR

- 8.C. [13-559](#) Staff Report for the Quarterly Financial Report as of September 30, 2013 for the 2013-14 General Fund, Special Revenue Funds, and Enterprise Funds Budget

[13-562](#) MOTION Accepting Staff Report for the Quarterly Financial Report as of September 30, 2013 for the 2013-14 General Fund, Special Revenue Funds, and Enterprise Funds Budget

A motion was made by Councilmember Lee, seconded by Councilmember Souza, that this Resolution - Council be Adopted. The motion carried by the following vote.

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

Enactment No: MO 2013-057

10. ACTION ITEMS

- 10.A. [13-568](#) Staff Report for Household Hazardous Waste Services and Funding

The City Council provided direction to Councilmember Cutter as representative on the Alameda County Waste Management Authority Board, to support the Household Hazardous Waste funding measure.

- 10.B. [13-572](#) Staff Report for Adoption of the Medical Marijuana Dispensary Ordinance

Comments were made by the following individuals: Rob Buffington and Denise Martellaci.

[13-546](#) ORDINANCE Adding Chapter 4-33 to Title 4 of the San Leandro Municipal Code Pertaining to Medical Cannabis Dispensary Permits (provides for establishment of up to two medical marijuana dispensaries in the City and regulates their operations)

No action was taken to adopt the ordinance. The City Council directed staff to add a

locational restriction of a dispensary of 1,000 feet from churches and other places of worship to the ordinance and bring a revised ordinance back for reintroduction on December 2nd.

The ordinance with the following number was not adopted.

Enactment No: Ordinance 2013-019

10.C. [13-571](#) Staff Report for 2012-13 Year-End General Fund Balance

10.D. [13-561](#) Staff Report for Resolution Approving a Management and Disbursement Agreement by and between the City of San Leandro and the San Leandro Improvement Association

[13-560](#) RESOLUTION Approving a Management and Disbursement Agreement by and between the City of San Leandro and the San Leandro Improvement Association (establishes processes for management and disbursement of assessment revenue funds for the Downtown San Leandro Community Benefit District)

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

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

Enactment No: Reso 2013-149

10.E. [13-579](#) Staff Report for Council Ad Hoc Committee on Community Priorities and Potential Revenue Measures

[13-582](#) MOTION Creating an Ad Hoc Committee on Community Priorities and Potential Revenue Measures

A motion was made by Councilmember Cutter, seconded by Vice Mayor Prola, 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 2013-058

10.F. [13-371](#) City Council Discussion and Direction on Process for Selection of Vice Mayor

The City Council directed the City Attorney to draft guidelines for selection of vice mayor, using a system of rotation based on the longest serving Councilmember who has not previously served as vice mayor, for a one-year term.

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

None.

12. CITY COUNCIL REPORTS

City Councilmembers reported on attendance at intergovernmental agency,

conferences, and seminars attended since the last meeting.

13. CITY COUNCIL CALENDAR AND ANNOUNCEMENTS

Due to the late hour, the City Council passed on this item.

14. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

None.

15. ADJOURN

The meeting was adjourned at 10:31 p.m.

RESPECTFULLY SUBMITTED:

MARIAN HANDA
City Clerk of the City of San Leandro