



# 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*

*Lee Thomas, District 3*

*Benny Lee, District 4*

*Corina N. Lopez, District 5*

*Pete Ballew, District 6*

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Monday, March 20, 2017

7:00 PM

City Council Chambers

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#### 1. CALL TO ORDER

*The meeting was called to order at 7:12 p.m.*

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

*Mayor Cutter led the Pledge of Allegiance to the Flag.*

#### 1.B. ROLL CALL

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

#### 1.C. ANNOUNCEMENTS

*The Mayor announced the State of the City Address on March 27, 2017.*

#### 2. RECOGNITIONS

##### 2.A. [17-143](#) RESOLUTION Appointing Jeffrey Falero as District 2 Member to the Board of Zoning Adjustments for a Term Ending December 31, 2020

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

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

Enactment No: Reso 2017-032

##### 2.B. [17-144](#) RESOLUTION Appointing Thomas Baker as District 2 Member to the Planning Commission for a Term Ending December 31, 2020

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

following vote.

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

Enactment No: Reso 2017-033

- 2.C. [17-145](#) RESOLUTION Appointing Cindy Barreto as District 2 Member to the Recreation and Parks Commission for a Term Ending December 31, 2020

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

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

Enactment No: Reso 2017-034

- 2.D. [17-146](#) RESOLUTION Appointing Terry Guillory as District 6 Member to the Arts Commission for a Term Ending December 31, 2020

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

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

Enactment No: Reso 2017-035

- 2.E. [17-147](#) RESOLUTION Appointing E. Dewayne Cornelious as an At-Large Member to the Personnel Relations Board for a Term Ending December 31, 2020

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

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

Enactment No: Reso 2017-036

- 2.F. [17-148](#) RESOLUTION Reappointing Catherine Vierra Houston as District 4 Member to the Board of Zoning Adjustments for a Term Ending December 31, 2020

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

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

Enactment No: Reso 2017-037

### 3. PUBLIC COMMENTS

*There were five speakers for Public Comment.*

#### 4. PRESENTATIONS

- 4.A. [17-149](#) Presentation of Recreation and Human Services Dashboard/Data-Driven Analytics Tool  
**Presented.**

#### 5. PUBLIC HEARINGS

- 5.A. [17-123](#) Public Hearing to Consider and Adopt Proposed Zoning Code Amendments to Article 5, Section 2-576, "Secondary Dwelling Units," and Related Conforming Amendments to Respond to New State of California Mandates for Accessory Dwelling Units

[17-124](#) ORDINANCE Amending San Leandro Zoning Code Article 5, Section 2-576, "Secondary Dwelling Units," and Related Conforming Amendments to Respond to New State of California Mandates for Accessory Dwelling Units.

**Mayor Cutter moved the item be adopted as amended to include the requirement that at least one of the units be owner-occupied. The motion carried by the following vote.**

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

Enactment No: Ordinance 2017-003

- 5.B. [17-103](#) Staff Report for Proposed General Plan Land Use Diagram and Zoning Map Corrections and Clarifications Related to an Un-zoned Parcel at 555 Estudillo, four parcels west of Harrison Street and north of Chumalia Street, and two parcels at 100 Halcyon Drive.

[17-106](#) RESOLUTION adopting an Amendment to the 2035 San Leandro General Plan Land Use Diagram to Correct and Clarify a Map Designation at the Northwest Corner of Chumalia Avenue and Harrison Street

**A motion was made by Councilmember Lopez, 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 2017-038

[17-107](#) ORDINANCE Amending the San Leandro Zoning Map to Clarify and Correct Map Designations at 555 Estudillo Avenue and 100 Halcyon Drive

**Councilmember Lopez moved the Ordinance be passed to print as amended to exclude the Northwest Corner of Chumalia and Harrison from the zoning amendment. The motion carried by the following vote.**

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

Enactment No: Ordinance 2017-004

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

*None.*

## 7. AMENDMENT OF CONSENT CALENDAR

*Items 8C and 8I were removed from the Consent Calendar to Item 9, Items Removed from Consent Calendar.*

## 8. CONSENT CALENDAR

### Approval of the Consent Agenda

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

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

8.A. [17-108](#) Minutes for March 6, 2017 Meeting

**Approved as Submitted.**

8.B. [17-129](#) Highlights of the Rules Committee Meeting of February 27, 2017

**Approved as Submitted.**

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

8.D. [17-062](#) Staff Report for a Resolution Accepting the Work for the Annual Sidewalk Repair Program 2013-14, Project No. 2013.0060

**Received and Filed.**

[17-063](#) RESOLUTION Accepting the Work for the Annual Sidewalk Repair Program 2013-14, Project No. 2014.0060 (provides for accepting the work performed by Rosas Brothers Construction, filing the Notice of Completion, releasing the performance and payment bonds, and waiving the maintenance bond upon acceptance of the subject work)

**Adopted.**

Enactment No: Reso 2017-039

8.E. [17-115](#) Staff Report for Resolution and Ordinance Establishing a Wastewater Fee Structure to Comply with New Accessory Dwelling Unit State Law and Zoning Code Changes

**Received and Filed.**

[17-116](#) ORDINANCE Amending Title 3, Chapter 14 of the San Leandro Municipal Code to Establish a Wastewater Fee Category to Comply with New Accessory Dwelling Unit State Laws

**Passed to Print.**

Enactment No: Ordinance 2017-005

[17-117](#) RESOLUTION Amending Title 12, Chapter 5 of the San Leandro Administrative Code Relating to Uniform Wastewater Discharge Regulations

**Adopted.**

Enactment No: Reso 2017-040

**8.F.** [17-119](#) Staff Report for a Resolution to Appropriate \$20,439 to Cover Costs for the 2016 General Municipal Election from the General Fund Economic Uncertainty Reserve Fund Balance

**Received and Filed.**

[17-122](#) Resolution to Appropriate \$20,439 in Additional Funds to Cover Increased Costs for the 2016 General Municipal Election from the General Fund Economic Uncertainty Reserve Fund Balance

**Adopted.**

Enactment No: Reso 2017-041

**8.G.** [17-125](#) Staff Report for Resolutions Accepting Quitclaim Deeds to the City of San Leandro Releasing Parking Easements on the Public Parking Lot Located at the Northeast Corner of East 14th Street and Callan Avenue (APN 077-0447-007-01)

**Received and Filed.**

[17-126](#) Resolution Accepting a Quitclaim Deed from Regency Centers, L.P. for a Parking Easement on the Public Parking Lot Located at the Northeast Corner of East 14th Street and Callan Avenue (APN 077-0447-007-01)

**Adopted.**

Enactment No: Reso 2017-046

[17-127](#) Resolution Accepting a Quitclaim Deed from Safeway, Inc. for a Parking Easement on the Public Parking Lot Located at the Northeast Corner of East 14th Street and Callan Avenue (APN 077-0447-007-01)

**Adopted.**

Enactment No: Reso 2017-047

- 8.H.** [16-693](#) Staff Report for a Resolution Approving the Annual Rent Review Program Evaluation for July 2015 - June 2016

**Received and Filed.**

- [16-694](#) RESOLUTION Approving the Annual Rent Review Program Evaluation for July 2015 - June 2016 (Reviews the Program Pursuant to San Leandro Municipal Code Section 4-32-500)

**Adopted.**

Enactment No: Reso 2017-042

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

- 8.J.** [17-134](#) Staff Report for an ORDINANCE of the City Council of the City of San Leandro to Waive the First Reading of and Introduce an Ordinance to Reauthorize the City's Public, Educational and Government (PEG) Fee as Provided in section 5-7-115 of the San Leandro Municipal Code

**Received and Filed.**

- [17-135](#) An ORDINANCE of the City Council of the City of San Leandro to Reauthorize a Public, Educational and Governmental Fee on State Cable Franchisees Operating Within the City Pursuant to Section 5-7-115 of the San Leandro Municipal Code

**Passed to Print.**

Enactment No: Ordinance 2017-006

- 8.K.** [17-070](#) ORDINANCE Approving New Speed Limits, Title 6, Chapter 6-1, Article 7, of the San Leandro Municipal Code, Establishing Prima Facie Speed Limits of 30, 35, and 40 Miles Per Hour on Various Street Segments Citywide

**Adopt Ordinance No.**

Enactment No: Ordinance 2017-002

**9. ITEMS REMOVED FROM CONSENT CALENDAR**

- 8.C.** [17-111](#) MOTION Appointing City Councilmembers to Serve on the Intergovernmental Agencies until Replaced

**Councilmember Lee made a motion to approve the Motion excluding his name**

from the Fire Advisory Commission.

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

Enactment No: Min Order 2017-012

8.I. [17-022](#)

Staff Report for a Resolution Approving a Consulting Services Agreement for \$150,000 between the City of San Leandro and Rebuilding Together for the Provision of Housing Rehabilitation Grants for Mobile Home Owners at Trailer Haven Mobile Home Community and City Council Appropriation of \$150,000 from the General Fund Economic Uncertainty Reserves to Fund the Housing Rehabilitation Grant Program

**Received and Filed.**

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

[17-023](#)

RESOLUTION to Approve a Consulting Services Agreement for \$150,000 Between the City of San Leandro and Rebuilding Together Oakland East Bay for the Provision of Housing Rehabilitation Grants to Mobile Home Owners at the Trailer Haven Mobile Home Community, and City Council Approval of Appropriating \$150,000 General Fund Economic Uncertainty Reserves to fund the Consulting Services Agreement Grant Program

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

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

Enactment No: Reso 2017-043

## 10. ACTION ITEMS

10.A. [17-113](#)

Staff Report for a Resolution Setting the Cannabis Business Tax at 7% of Gross Receipts Until June 30, 2019, and Increasing to 8% of Gross Receipts on July 1, 2019 and 9% of Gross Receipts on July 1, 2021

[17-114](#)

RESOLUTION Setting the Cannabis Business Gross Receipts Tax at a Rate of 6% until June 30, 2019, and Increasing to 7% on July 1, 2019, and Increasing to 8% on July 1, 2021.

**Mayor Cutter moved this resolution be approved as amended to set the cannabis business tax at 6% of gross receipts until June 30, 2019 and increasing to 7% on July 1, 2019 and 8% on July 1, 2021. The motion carried by the following vote.**

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

Enactment No: Reso 2017-044

10.B. [17-109](#) Staff Report for an Update on the Community Care Initiative and City Council Approval of a Resolution Appropriating \$1,000,000 from General Fund Economic Uncertainty Reserve to Fund Community Care Costs beginning in Fiscal Year 2016-17

[17-110](#) RESOLUTION for City Council Approval of Appropriating \$1,000,000 from General Fund Economic Uncertainty Reserve to Fund Community Care Initiative Costs beginning in Fiscal Year 2016-17 through 2018-19

**A motion was made by Councilmember Cox, 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 2017-045

10.C. [17-132](#) Staff Report for an Urgency Ordinance to Reauthorize the City's Public, Educational and Government Fee as Provided in Section 5-7-115 of the San Leandro Municipal Code

[17-133](#) Urgency ORDINANCE to Reauthorize the City's Public, Educational and Government Fee as Provided in Section 5-7-115 of the San Leandro Municipal Code

**A motion was made by Councilmember Ballew, seconded by Councilmember Cox, that this Urgency 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 2017-007

## 11. REPORT ON CLOSED SESSION ACTIONS TAKEN

*No reportable action was taken in closed session this evening.*

## 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 announce calendar of upcoming events and coordinate attendance; report on local events attended since the last meeting; and make brief comments on issues of concern.*

## 14. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

## 15. ADJOURN

*The meeting was adjourned at 10:59 p.m.*

**RESPECTFULLY SUBMITTED:**

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**TAMIKA GREENWOOD**  
City Clerk of the City of San Leandro