



City of San Leandro

Civic Center
835 East 14th Street
San Leandro, California

Minutes

City Council

Monday, December 19, 2016

7:00 PM

City Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:01 p.m.

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

Mary Torres led the Pledge of Allegiance to the Flag.

1.B. ROLL CALL

Present 5 - Cutter, Lopez, Prola, Reed, Thomas

Excused 1 - Cox

1.C. ANNOUNCEMENTS

None.

2. RECOGNITIONS

2.A. [16-649](#) Installation of Incoming Councilmembers

2.B. [16-646](#) Recognition of and Comments by Outgoing Councilmembers

3. PRESENTATIONS

3.A. [16-684](#) Presentation by Mary Torres an Original Rosie the Riveter

3.B. [16-362](#) Presentation on the Status of Lit San Leandro: Annual Report from San Leandro Dark Fiber LLC

4. PUBLIC HEARINGS

4.A. [16-676](#) Staff Report for Resolution Approving a Modification of Planned Development to construct a new kiosk for an attendant near the Lewelling Boulevard entry circle of the Heron Bay residential development. The kiosk comprises a floor area of 183 square feet which includes a rest room and small storage closet. RS(PD)

Residential Single-Family, Planned Development Overlay District. Assessor's Parcel Numbers 80G-1325-5-1, 80G-1406-26, and 80G-1406-29. J. Tepper (applicant); Heron Bay Homeowners Association c/o B. Ritter, HSS Inc. and F. Simon, Association President, (property owner). PLN16-0009

[16-681](#)

RESOLUTION Approving a Modification of Planned Development; to construct a new kiosk for an attendant near the Lewelling Boulevard entry circle of the Heron Bay residential development; Alameda County Assessor's Parcel Numbers 80G-1325-5-1, 80G-1406-26, and 80G-1406-29 (PLN16-0009)

A motion was made by Vice Mayor Reed and seconded by Councilmember Thomas to Deny the modification of Planned Development without prejudice.

Aye: 5 - Cutter, Lopez, Prola, Reed, Thomas

Excused: 1 - Cox

Recused: 1 - Lee

4.B. [16-662](#)

Appeal of the City of San Leandro Board of Zoning Adjustments Determination that Electric Fences Are Not a Permitted Use Under the San Leandro Zoning Code.

[16-675](#)

RESOLUTION of the City Council of the City of San Leandro Upholding the Determination of the Board of Zoning Adjustments that Electric Fences are not a Permitted Use Under the San Leandro Zoning Code
APL 16-003

A motion was made by Councilmember Lee, seconded by Councilmember Lopez, that this Resolution be Continued. The motion carried by the following vote.

Aye: 6 - Cutter, Lee, Lopez, Prola, Reed, Thomas

Excused: 1 - Cox

4.C. [16-672](#)

Staff Report for an Ordinance to Amend the City of San Leandro Zoning Code Article 3, Definitions; Article 6, Commercial and Professional Districts; and Article 7, Industrial Districts; involving updates to definitions and regulations of land uses involving Cannabis

[16-674](#)

ORDINANCE Amending Zoning Code Article 3, Definitions; Article 6, Commercial and Professional Districts; Article 7, Industrial Districts; Related to Medical Cannabis Dispensaries and the Manufacturing and Testing of Cannabis Products.

A motion was made by Councilmember Lee, seconded by Councilmember Thomas, that this Ordinance be bifurcated to approve the zoning code updates but not the land-use portion. Staff will return to a future meeting with updated ordinances. The motion carried by the following vote:

Aye: 5 - Cutter, Lee, Lopez, Reed, Thomas

Nay: 1 - Prola

Excused: 1 - Cox

5. PUBLIC COMMENTS

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

Library Director Theresa Mallon discussed the Main Library renovation and closure.

7. AMENDMENT OF CONSENT CALENDAR

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

8. CONSENT CALENDAR

8.A. [16-682](#) Minutes of the December 5, 2016 City Council Meeting

Approved as Submitted on the Consent Calendar.

Approval of the Consent Agenda

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

Aye: 6 - Cutter, Lee, Lopez, Prola, Reed, Thomas

Excused: 1 - Cox

8.B. [16-683](#) Highlights of the Rules Committee Meeting of November 28, 2016

Recommendation – Move to the full City Council (March 2017) with recommended changes that include the elimination of the fourth warning; First Violation = written warning and \$250 fine, Second Violation = 90 day suspension, Third Violation = 5-year license revocation. The committee also requested updated information on increasing the sale price of individual cigar prices and what are cities are charging for the sale of individual cigars. Finally the committee requested information on the number of businesses that have tobacco retail licenses in San Leandro.

Recommendation – No change to current councilmember term limits.

Recommendation: Reorder the city council agenda to allow Public Comments before Presentations.

Approved as Submitted on the Consent Calendar.

- 8.C. [16-604](#) Highlights of the Facilities and Transportation Committee Meeting of October 19, 2016

Approved as Submitted on the Consent Calendar.

- 8.D. [16-690](#) MOTION: Motion Nominating Don Lancaster to the Human Services Commission

Adopted on the Consent Calendar.

Enactment No: Min Order 2016-025

- 8.E. [16-577](#) Staff Report for Approval of the City of San Leandro's 2017 Local Appointments List of Upcoming Vacancies on the City's Boards and Commissions

Received and Filed on the Consent Calendar.

[16-578](#)

MOTION Approving the Posting of the 2017 Local Appointments List on the Bulletin Boards Outside of City Council Chambers, at the Main Library and on the City Website

Adopted on the Consent Calendar.

Enactment No: Min Order 2016-026

- 8.F. [16-342](#) Staff Report for a Resolution Approving Amendment No. 1 in the Amount of \$21,669.15 to a Consulting Services Agreement with Harris Design for the Siempre Verde Park Rehabilitation Project, Project No. 2015.0270

Received and Filed on the Consent Calendar.

[16-343](#)

RESOLUTION Approving Amendment No. 1 in the Amount of \$21,669.15 to a Consulting Services Agreement with Harris Design for the Siempre Verde Park Rehabilitation Project, Project No. 2015.0270 (provides for additional construction support services to be funded from existing project appropriations.)

Adopted on the Consent Calendar.

Enactment No: Reso 2016-166

- 8.G. [16-678](#) Request to Enter into Consulting Services Agreement with Placeworks, Rincon Consultants Inc., and Michael Baker International, Inc. for On-Call Environmental and Planning Services.

Received and Filed on the Consent Calendar.

[16-677](#)

RESOLUTION Approving Consulting Services Agreements with Placeworks, Rincon Consultants Inc., and Michael Baker International,

Inc. for On-Call Environmental and Planning Services (Establishes agreements with three consulting firms for environmental assessment and planning services for the next three years on an as needed basis for a cost not-to-exceed \$100,000 each annually. Funded through planning applicant deposits to CEQA Deposits Trust Fund account 701-220-2223)

Adopted on the Consent Calendar.

Enactment No: Reso 2016-167

- 8.H. [16-680](#) Staff Report for the First Quarter Financial Report as of September 30, 2016 (Information Only)

Received and Filed on the Consent Calendar.

Item 8I was moved to Section 9 - Items Removed from Consent Calendar

- 8.J. [16-652](#) An ORDINANCE Repealing Chapter 3 of Title 3, Uniform Fire Code, and Adopting the 2016 California Fire Code (Based Upon the 2015 International Fire Code), Including Appendix D and Replacing Article 8 of Chapter 7-5 of Title VII of the San Leandro Municipal Code, Regulating and Governing the Safeguarding of Life and Property From Fire and Explosion Hazards Arising From the Storage, Handling and Use of Hazardous Substances, Materials and Devices, and From Conditions Hazardous to Life or Property in the Occupancy of Buildings and Premises in the City of San Leandro; Providing for the Issuance of Permits and Collection of Fees Therefor; Repealing Ordinance No. 2013-018 of the City of San Leandro and All Other Ordinances or Parts of Laws in Conflict Therewith.

Adopted on the Consent Calendar.

Enactment No: Ordinance 2016-023

- 8.K. [16-691](#) Staff Report for Final Ratification of Ordinances Approved by Voters of the General Municipal Election Held on Tuesday, November 8, 2016

Received and Filed on the Consent Calendar.

- [16-685](#) An ORDINANCE Adopting the Cannabis Business Tax

Adopted on the Consent Calendar.

Enactment No: Ordinance 2016-024

- [16-686](#) An ORDINANCE of the City of San Leandro Amending Title 2, Chapter 2-2 of the San Leandro Municipal Code Relating to Business License Tax

Adopted on the Consent Calendar.

Enactment No: Ordinance 2016-025

[16-687](#)

An ORDINANCE of the City of San Leandro Amending Title 2, Chapter 2-10 of the San Leandro Municipal Code Relating to Transient Occupancy Tax

Adopted on the Consent Calendar.

Enactment No: Ordinance 2016-026

Item 8L was moved to Section 9 - Items Removed from the Consent Calendar

9. ITEMS REMOVED FROM CONSENT CALENDAR

8.I. [16-601](#)

Staff Report for Approval of 2017 City Council Meeting Calendar

[16-576](#)

MOTION Approving 2017 City Council Meeting Calendar

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

Aye: 6 - Cutter, Lee, Lopez, Prola, Reed, Thomas

Excused: 1 - Cox

Enactment No: Min Order 2016-027

8.L. [16-688](#)

Staff Report for a Loan to the San Leandro Improvement Association in the Amount of \$285,000 for the Purpose of Funding Public Improvements in the Downtown

[16-689](#)

RESOLUTION Authorizing the City Manager to Execute a Loan Agreement and Promissory Note By and Between the City of San Leandro and the San Leandro Improvement Association in the Amount of \$285,000 for the Purpose of Funding Public Improvements in the Downtown from the City's General Fund Unrestricted Reserves

A motion was made by Councilmember Thomas, seconded by Councilmember Lopez, that this Resolution be Adopted. The motion carried by the following vote:

Aye: 6 - Cutter, Lee, Lopez, Prola, Reed, Thomas

Excused: 1 - Cox

Enactment No: Reso 2016-168

10. ACTION ITEMS

11. REPORT ON CLOSED SESSION ACTIONS TAKEN

There was no closed session this evening.

12. CITY COUNCIL REPORTS

13. CITY COUNCIL CALENDAR AND ANNOUNCEMENTS

City Councilmembers reported on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting.

14. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

By consensus, the City Council agreed to schedule the following items:

- Consider renaming Joaquin Plaza, Surlene Grant Plaza (Reed/Lee) - 6 Ayes. The matter will be referred to the Facilities Committee for review and comment.*
- Amend the Council handbook to move Public Comments before Presentations on the Agenda (Cutter/Prola)- 6 Ayes*

15. ADJOURN

The meeting was adjourned at 11:15 p.m.

RESPECTFULLY SUBMITTED:

TAMIKA GREENWOOD
City Clerk of the City of San Leandro