



# City of San Leandro

Meeting Date: September 6, 2016

## Minutes

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**File Number:** 16-428

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.A.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Jeff Kay  
Acting Assistant City Manager

**FINANCE REVIEW:** Not Applicable

**TITLE:** Minutes of the Meeting of July 18, 2016

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# 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*

*Ursula Reed, District 2*

*Lee Thomas, District 3*

*Benny Lee, District 4*

*Corina N. Lopez, District 5*

*Jim Prola, District 6*

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Monday, July 18, 2016

7:00 PM

City Council Chambers

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#### 1. CALL TO ORDER

*The meeting was called to order at 7:13 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 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

#### 1.C. ANNOUNCEMENTS

*Mayor Cutter made an announcement that the action items will be taken before the Consent Calendar. She also announced a recent tour with the Fire Department and voiced her concerns about the violence around the country.*

#### 2. RECOGNITIONS

- 2.A [16-377](#) Resolution Appointing Claudia McHenry as At Large Member to the Senior Commission for Term Ending December 31, 2018

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

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2016-091

- 2.B [16-361](#) Recognition of the Employee of the Quarter, Robert Rosas, Public Safety Dispatcher, San Leandro Police Department

### 3. PRESENTATIONS

- 3.A [16-365](#) Staff Report for Presentation by ZipPower LLC: California Energy Commission Grant to Develop a San Leandro Distributed Renewable Energy Micro Grid

### 4. PUBLIC HEARINGS

- 4.A [16-142](#) Staff Report for Resolutions Regarding Matter of Imposing Liens for Non-payment of Delinquent 2016 Business License Tax, Solid Waste Service Charges, and Certified Unified Program Agency fees.

[16-143](#) RESOLUTION Imposing Liens for Non-Payment of Delinquent 2016 Business License Tax, Solid Waste Service Charges, and Certified Unified Program Agency (CUPA) Fees

**A motion was made by Vice Mayor Reed, seconded by Councilmember Lee, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2016-092

[16-144](#) RESOLUTION Overruling Protests (2016 Business License Tax, Solid Waste Service Charges, and Certified Unified Program Agency Fees)

**A motion was made by Vice Mayor Reed, seconded by Councilmember Lee, that this Resolution be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2016-093

- 4.B [16-358](#) Staff Report and Recommendation for the Appeal of the Disapproval by the San Leandro Planning Commission of PLN15-0031, the Proposed Modification to Planned Development, PD-83-3, for façade renovations to six buildings at the Greenhouse Marketplace that would include the replacement of glass atrium features with new roofing or sign towers, installation of stone veneer accents and a new paint color palette at 699 Lewelling Boulevard; Commercial Community (CC) District; Alameda County Assessor's Parcel Numbers 412-0001-009, -011, -014, -016, -017, -018, -019 and -020 ; B.Kriz on behalf of Weingarten Realty Investors, appellant and property owner (Appeal of the Planning Commission's Denial of PLN15-0031 APL16-0002;)

[16-363](#) RESOLUTION to Affirm the Decision of the Planning Commission that Effectively Denies the Appeal by WRI Greenhouse of the Planning Commission's Disapproval of PLN15-0031 to Modify the Planned Development PD-83-3 APL16-0002 (Appeal of Planning Commission Denial of PLN15-0031)

Councilmember Lee made a motion to continue the Public Hearing to allow staff and business owners an opportunity to reconcile their differences and move the project forward.

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

## 5. PUBLIC COMMENTS

*None.*

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

*None.*

## 7. AMENDMENT OF CONSENT CALENDAR

## 8. CONSENT CALENDAR

### Approval of the Consent Agenda

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

**Aye:** 6 - Cox, Cutter, Lee, Lopez, Reed, Thomas

**Excused:** 1 - Prola

8.A [16-374](#) Minutes of the Special Meeting and Closed Session of July 5, 2016

**This Minutes was Approved as Submitted on the Consent Calendar.**

8.B [16-375](#) Minutes of the Meeting of July 5, 2016

**Approved as Submitted on the Consent Calendar.**

8.C [16-354](#) Highlights of the Finance Committee Meeting of June 7, 2016

**Approved as Submitted on the Consent Calendar.**

8.D [16-255](#) Staff Report for a Resolution Appropriating \$313,388.84 of Water Pollution Control Enterprise Funds Including Approval of an Increase in the Contract Change Order Cap from 40% to 60% (\$445,724.00 to \$668,586.00, an increase of \$222,862.00) for a Construction Contract with Con-Quest Contractors, Inc. for the Sanitary Sewer Line Replacement/Repair 2012-13 Project, Project No. 2013.0120

**Received and Filed on the Consent Calendar.**

[16-256](#) RESOLUTION Appropriating \$313,388.84 of Water Pollution Control Enterprise Funds Including Approval of an Increase in the Contract

Change Order Cap from 40% to 60% (\$445,724.00 to \$668,586.00, an increase of \$222,862.00) to amend the Construction Contract with Con-Quest Contractors, Inc. for the Sanitary Sewer Line Replacement/Repair 2012-13 Project, Project No. 2013.0120

**Adopted on the Consent Calendar.**

Enactment No: Reso 2016-094

**8.E**    [16-337](#)

Staff Report for a Resolution to Award a Construction Contract to DeSilva Gates Construction, L.P. for the Annual Overlay / Rehabilitation 2015-16 Project, Project No. 2016.0050; Authorization for the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders Up to 15% of the Original Contract Amount; City Council Approval to Appropriate \$110,000 from the DFSI Fund Balance and \$930,000 from Measure BB Fund Balance for the Project

**Received and Filed on the Consent Calendar.**

[16-338](#)

RESOLUTION to Award a Construction Contract to DeSilva Gates Construction, L.P. for the Annual Overlay / Rehabilitation 2015-16 Project, Project No. 2016.0050; Authorization for the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; and Authorization for the City Manager to Negotiate and Approve Cumulative Change Orders up to 15% of the Original Contract Amount; City Council Approval To Appropriate \$930,000 from the Measure BB Fund balance and \$110,000 from the Development Fees for Street Improvements (DFSI) Fund Balance for this Project

**Adopted on the Consent Calendar.**

Enactment No: Reso 2016-095

**8.F**    [16-346](#)

Staff Report for a Resolution Authorizing the City Manager to Approve a Memorandum Of Understanding (MOU) with the San Leandro Improvement Association (SLIA) for the Placement of Items in the Public Right-Of-Way.

**Received and Filed on the Consent Calendar.**

[16-345](#)

RESOLUTION Authorizing the City Manager to Execute a Memorandum of Understanding With the San Leandro Improvement Association (SLIA) for the Placement of Items in the Public Right-Of-Way

**Adopted on the Consent Calendar.**

Enactment No: Reso 2016-096

- 8.G**    [16-350](#)                    MOTION Confirming the City Council recess during the month of August due to lack of quorum for regular City Council meetings on August 1 and 15.
- Adopted on the Consent Calendar.**
- Enactment No: Min Order 2016-019
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- 8.H**    [16-356](#)                    Resolution Removing Kyle Borton as District 3 Member to the Recreation and Parks Commission
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2016-097
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- 8.I**    [16-368](#)                    Staff Report for a Resolution Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement with Respect to the Acquisition, Purchase, Financing and Leasing of Certain Equipment for the Public Benefit; Authorizing the Execution and Delivery of Documents Required in Connection Therewith; and Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution
- Received and Filed on the Consent Calendar.**
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- [16-370](#)                    RESOLUTION Authorizing the Execution and Delivery of an Equipment Lease/Purchase Agreement with Respect to the Acquisition, Purchase, Financing and Leasing of Certain Equipment for the Public Benefit; Authorizing the Execution and Delivery of Documents Required in Connection Therewith; and Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution (Provides \$5.5m in financing to implement energy efficiency improvements under the Climatec project)
- Adopted on the Consent Calendar.**
- Enactment No: Reso 2016-098
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- 8.J**    [16-327](#)                    Staff Report for a Resolution Accepting the Work for the Thrasher Park Play Equipment and Fence Project, Project No. 2006.0070
- Received and Filed on the Consent Calendar.**
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- [16-328](#)                    RESOLUTION Accepting the Work for the Thrasher Park Play Equipment and Fence Project, Project No. 2006.0070 (provides for the acceptance of the contract work performed by Breneman, Inc., filing the Notice of Completion, releasing the performance and payment bonds, and releasing the maintenance bond upon completion of the one-year maintenance period)
- Adopted on the Consent Calendar.**

Enactment No: Reso 2016-099

- 8.K**    [16-366](#)            Staff Report for a Resolution Approving a Non-Professional Services Agreement with 21Tech, LLC for Development and Improvements on the Accela Permit System (in an amount not to exceed \$85,000)

**Received and Filed on the Consent Calendar**

- [16-367](#)            RESOLUTION Approving the Non-Professional Services Agreement Between the City of San Leandro and 21-Tech LLC (approves agreement for technical support of Accela permit system in an amount not to exceed \$85,000)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2016-100

- 8.L**    [16-351](#)            Staff Report to Approve a Sole-Source Non-Professional Services Agreement in the Amount of \$211,500 with United Storm Water, Inc. to Install Full Trash Capture Devices in Various City Storm Drain Catch Basins

**Received and Filed on the Consent Calendar.**

- [16-352](#)            RESOLUTION Approving Non-Professional Services Sole Source Agreement in the Amount of \$211,500 with United Storm Water, Inc., for the Purpose of Installing Trash Capture Devices for up to 400 City Storm Drains To Meet Regulatory Requirements of the Current Municipal Regional Stormwater Permit

**Adopted on the Consent Calendar.**

Enactment No: Reso 2016-101

## **10. ACTION ITEMS**

- 10.A**    [16-378](#)            Staff Report for Ordinance Adopting a Minimum Wage in San Leandro

- [16-379](#)            ORDINANCE Adopting a Minimum Wage in San Leandro (implements a local minimum wage that will reach \$15/hour sooner than the recently adopted State of California legislation)

- 10.B**    [16-371](#)            Staff Report for a Resolution Awarding the City of San Leandro's Second Medical Cannabis Dispensary Annual Permit Following the Effective Date of the Revised Medical Cannabis Dispensary Ordinance

- [16-387](#)            RESOLUTION Awarding the City of San Leandro's Second Medical Cannabis Dispensary Annual Permit to \_\_\_\_\_ Following the Effective Date of the Revised Medical Cannabis Dispensary Ordinance

*Mayor Cutter made a motion that permittee is awarded a conditional use permit by the City of San Leandro within twelve months from the City Council's approval of the medical cannabis dispensary permit. If a conditional use permit is not awarded by the City within twelve months of the City Council's approval of the permit, the City can review the permit.*

**Mayor Cutter made a motion to award the permit subject to the following conditions: That permittee is awarded a conditional use permit by the City of San Leandro within twelve months from the City Council's approval of the medical cannabis dispensary permit. If a conditional use permit is not awarded by the City within twelve months of the City Council's approval of the permit, the City can review the permit.**

**Aye:** 5 - Cox, Cutter, Lopez, Prola, Reed

**Nay:** 2 - Lee, Thomas

Enactment No: Reso 2016-102

**10.C** [16-364](#)

Staff Report for City Council Consideration of Placing Three Ballot Measures on the November 2016 Ballot Asking Voters to Authorize New General Fund Revenue

[16-380](#)

RESOLUTION Establishing November 8, 2016, as the Date for an Election on a Proposed Ballot Measure Seeking Voter Approval of a Tax On Cannabis Businesses, Establishing Policies and Procedures in Connection with Such an Election, and Requesting that the Alameda County Registrar of Voters Conduct Such an Election, and Requesting that the City Attorney Prepare an Impartial Analysis of the Proposed Ballot Measure

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

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2016-103

[16-382](#)

RESOLUTION Establishing November 8, 2016 as the Date for a Municipal Election on a Proposed Ballot Measure Seeking Voter Authorization to Amend the City's Existing Business License Tax for General Fund Purposes, Establishing Policies and Procedures in Connection with Such an Election, Requesting that the Alameda County Registrar of Voters Conduct Such an Election, and Requesting that the City Attorney Prepare and File an Impartial Analysis of the Proposed Ballot Measure

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

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2016-104



[16-384](#)

RESOLUTION Establishing November 8, 2016 as the Date for a Municipal Election on a Proposed Ballot Measure Seeking Voter Approval to Increase the City's Existing Transient Occupancy Tax for General Fund Purposes from Ten Percent (10%) to Fourteen Percent (14%), Establishing Policies and Procedures in Connection with Such an Election, and Requesting that the Alameda County Registrar of Voters Conduct Such an Election, and Requesting that the City Attorney Prepare and File an Impartial Analysis of the Proposed Ballot Measure

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

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2016-105

[16-386](#)

RESOLUTION Appropriating \$65,000 for the City Manager or his designee to conduct public outreach and share unbiased, factual information related to revenue measures that may be appearing on the November 2016 ballot (approves \$65,000 in General Fund appropriations from the economic uncertainty reserves to account number 010-12-020-5120)

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

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2016-106

10.D [16-357](#)

RESOLUTION Designating the Voting Delegate and Alternate(s) for the League of California Cities 2016 Annual Conference (provides for discussion and designation of a voting delegate and alternate voting delegate[s])

**A motion was made by Mayor Cutter, seconded by Councilmember Cox, that this Resolution be Adopted to appoint Councilmember Thomas as delegate and Mayor Cutter as alternate.. The motion carried by the following vote.**

**Aye:** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

Enactment No: Reso 2016-107

10.E [16-373](#)

Discussion of Possible Multicultural Commission

*Councilmember Lopez requested the City Manager to direct staff to review what other cities are doing to help decide if San Leandro wants to establish such a Commission.*

## 11. REPORT ON CLOSED SESSION ACTIONS TAKEN

*None.*

**12. CITY COUNCIL REPORTS**

*Due to the late hour, City Councilmembers limited this item to reporting on attendance at intergovernmental agency meetings 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**

*Schedule a discussion to enforce code compliance issues to a future council meeting.*

**15. ADJOURN**

*The meeting adjourned at 12:54 a.m.*

**RESPECTFULLY SUBMITTED:**

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