



# City of San Leandro

Meeting Date: December 5, 2016

## Minutes

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**File Number:** 16-667

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.A.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Jeff Kay  
Assistant City Manager

**FINANCE REVIEW:** Not Applicable

**TITLE:** Minutes of the November 21, 2016 Meeting

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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, November 21, 2016

7:00 PM

City Council Chambers

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#### 1. CALL TO ORDER

*The meeting was called to order at 7:06 p.m.*

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

*Al Freitas led the Pledge of Allegiance to the Flag.*

#### 1.B. ROLL CALL

**Present** 7 - Cox, Cutter, Lee, Lopez, Prola, Reed, Thomas

#### 1.C. ANNOUNCEMENTS

*None*

#### 2. RECOGNITIONS

- 2.A. [16-626](#) RESOLUTION Appointing Diana Sacrey as Tenant Member to the Rent Review Board for Term Ending December 31, 2018

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

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

Enactment No: Reso 2016-152

- 2.B. [16-633](#) Recognition of Volunteers Who Serve the Homeless in San Leandro

*PRESENTED*

**3. PRESENTATIONS**

- 3.A. [16-632](#) San Leandro Improvement Association Presentation on Upcoming Projects and Request for City Loan

*PRESENTED*

- 3.B. [16-623](#) Staff Report for Citywide Communications Update

*PRESENTED*

**4. PUBLIC HEARINGS**

- 4.A. [16-621](#) Staff Report for a Resolution and Ordinances Adopting State-Mandated California Building Standards Codes and Related Amendments

[16-624](#) RESOLUTION Finding and Determining the Need for Amendments to Provisions in the State-Mandated California Building Standards Code to be Adopted by Reference in the San Leandro Municipal Code (makes the findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geologic, or topographical conditions, in accordance with California Health and Safety Code Section 17958.7)

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

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

Enactment No: Reso 2016-153

[16-629](#) ORDINANCE Repealing Article 1 of Chapter 5 of Title VII of the San Leandro Municipal Code, and Adopting CCR Title 24 California Building Standards Code, 2016 California Building Code, as Published by the International Code Council, as Chapter 5 of Title VII of the San Leandro Municipal Code, and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall Be Known as “the City of San Leandro Building Code”

**A motion was made by Councilmember Lee, seconded by Councilmember Cox, that this Ordinance be Passed to Print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2016-014

[16-619](#) ORDINANCE Repealing Article 3 and Replacing Article 3 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 2015 International Property Maintenance Code, as

Amended, and Shall Be Known as the “City of San Leandro Property Maintenance Code”

**A motion was made by Councilmember Lee, seconded by Councilmember Cox, that this Ordinance be Passed to Print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2016-015

[16-608](#)

ORDINANCE Repealing Article 4 of Chapter 5 of Title VII of the San Leandro Municipal Code, “California Mechanical Code,” and Replacing with Article 4 of Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Mechanical Code, as Published by the International Association of Plumbing and Mechanical Officials, is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall Be Known as the City of San Leandro “Mechanical Code”

**A motion was made by Councilmember Lee, seconded by Councilmember Cox, that this Ordinance be Passed to Print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2016-016

[16-573](#)

ORDINANCE Repealing Article 5 of Chapter 5 Of Title VII of the San Leandro Municipal Code, “National Electric Code” and Replacing with Article 5, of Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Electrical Code, as Published by BNI Publications, Inc. is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall Be Known as the City of San Leandro “Electrical Code”

**A motion was made by Councilmember Lee, seconded by Councilmember Cox, that this Ordinance be Passed to Print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2016-017

[16-611](#)

ORDINANCE Repealing Article 6 of Chapter 5 Of Title VII of the San Leandro Municipal Code, Electrical-General Provisions, and Replacing with Article 6, Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Green Building Standards Code, as Published by the International Code Council, is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall Be Known as the City of San Leandro “Green Building Code”

**A motion was made by Councilmember Lee, seconded by Councilmember Cox, that this Ordinance be Passed to Print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2016-018

[16-606](#)

ORDINANCE Repealing Article 7 of Chapter 5 of Title VII of the San Leandro Municipal Code, "Electrical-Procedure", and Replacing with Article 7, of Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Energy Code, as Published by the International Code Council, is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall Be Known as the City of San Leandro "Energy Code"

**A motion was made by Councilmember Lee, seconded by Councilmember Cox, that this Ordinance be Passed to Print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2016-019

[16-609](#)

ORDINANCE Repealing Article 9 of Chapter 5 of Title VII of the San Leandro Municipal Code "Plumbing Code" and Replacing with Article 9 of Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Plumbing Code, as Published by the International Association of Plumbing and Mechanical Officials is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall Be Known as the City of San Leandro "Plumbing Code"

**A motion was made by Councilmember Lee, seconded by Councilmember Cox, that this Ordinance be Passed to Print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2016-020

[16-618](#)

ORDINANCE Repealing Article 10A of Chapter 5 of Title VII of the San Leandro Municipal Code, Uniform Swimming Pool, Spa and Hot Tub Code, and Replacing with Article 10A, Chapter 5 of Title VII of the San Leandro Municipal Code, the 2016 California Residential Code, as Published by the International Code Council, is Adopted by Reference and Made a Part Hereof as if Fully Set Forth Herein at Length, and Shall Be Known as the City of San Leandro "Residential Building Code"

**A motion was made by Councilmember Lee, seconded by Councilmember Cox, that this Ordinance be Passed to Print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2016-021

## 5. PUBLIC COMMENTS

*This item was heard before Public Hearings.  
There were three speakers on this item.*

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

*None.*

## 7. AMENDMENT OF CONSENT CALENDAR

*There was no amendment to the Consent Calendar.*

## 8. CONSENT CALENDAR

- 8.A. [16-630](#) Minutes of the November 7, 2016 Meeting
- 8.B. [16-607](#) RESOLUTION Appointing Queena Zhong as Youth Member to Library-Historical Commission for term ending August 31, 2017  
**Adopted on the Consent Calendar.**  
Enactment No: Reso 2016-154
- 8.C. [16-528](#) Staff Report for a Resolution Approving the Sole Source Purchase of Ten (10) Additional Body Worn Digital Video Cameras for \$30,094.96 under the Existing TASER International Contract and City Council Approval of an Appropriation of \$30,094.96 from the Police Special Grant Fund - Frontline Enforcement Program Fund Balance  
**Received and Filed.**
- [16-532](#) RESOLUTION of the City Council for the City of San Leandro to Make a Sole Source Procurement Finding under California Public Contract Code Section 3400(c)(2) to Approve the Sole Source Purchase of Ten (10) Additional Body Worn Digital Video Cameras for \$30,094.96 Under the Existing TASER International Contract and Approve an Appropriation of \$30,094.96 from the Supplemental Law Enforcement Services Fund (SLESF) Grant (aka "Frontline") Fund Balance  
**Adopted on the Consent Calendar.**  
Enactment No: Reso 2016-155
- 8.D. [16-559](#) Staff Report for a Resolution Accepting the Work for the Sanitary Sewer Line Replacement/Repair 2012-13 Project, Project No. 2013.0120  
**Received and Filed.**
- [16-560](#) RESOLUTION Accepting the Work for the Sanitary Sewer Line Replacement/Repair 2012-13 Project, Project No. 2013.0120 (provides for the acceptance of contract work by Con-Quest Contractors, Inc., filing

of the Notice of Completion, release of the performance and payment bonds, and release of the maintenance bond upon completion of the one-year maintenance period)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2016-156

**8.E. [16-586](#)**

Staff Report for a Resolution Authorizing the City Manager to Submit Applications for CalRecycle Rubberized Pavement Grant Program

**Received and Filed.**

[16-587](#)

RESOLUTION Authorizing the City Manager to Submit Applications for the CalRecycle Rubberized Pavement Grant Program (Authorizes the City Manager to submit applications to the CalRecycle Rubberized Pavement Grant Program to receive reimbursements to make rubberized pavement materials cost competitive with traditional pavement materials)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2016-157

**8.F. [16-599](#)**

Staff Report for a Resolution Approving Amendment No. 2 for a not to exceed amount of \$85,000 to the Consulting Services Agreement with Simpson Investigative Services Group for Police Department Pre-Employment Background Investigations

**Received and Filed.**

[16-600](#)

RESOLUTION Approving Amendment No. 2 for a not to exceed amount of \$85,000 to the Consulting Services Agreement with Simpson Investigative Services Group for Police Department Pre-Employment Background Investigations

**Adopted on the Consent Calendar.**

Enactment No: Reso 2016-158

**8.G. [16-614](#)**

Staff Report for a Resolution Reaffirming the City's Delegation of Authority to the City Manager to Make Determinations for Industrial Disability Retirement Applications for Local Safety Members with the California Public Employment Retirement System (CalPERS)

**Received and Filed.**

[16-617](#)

RESOLUTION Reaffirming the City of San Leandro's Delegation of Authority to the City Manager to Make Determinations for Industrial Disability Retirement Applications for Local Safety Members with the California Public Employment Retirement System (CalPERS)

**Adopted on the Consent Calendar.**

Enactment No: Reso 2016-159

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

## **9. ITEMS REMOVED FROM CONSENT CALENDAR**

### **10. ACTION ITEMS**

**10.A. [16-590](#)** Staff Report for City Council Authorization of Community Choice Aggregation for the City of San Leandro

**[16-591](#)** RESOLUTION Approving an Agreement to Participate in a Joint Powers Agency For a Community Choice Aggregation Program in Alameda County

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

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

Enactment No: Reso 2016-160

**[16-592](#)** ORDINANCE Authorizing the Implementation of a Community Choice Aggregation Program Pursuant to California Public Utilities Code Section 366.2

**A motion was made by Councilmember Lopez, seconded by Councilmember Cox, that this Ordinance be Passed to Print. The motion carried by the following vote.**

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

Enactment No: Ordinance 2016-022

## **11. REPORT ON CLOSED SESSION ACTIONS TAKEN**

*City Attorney Pio Roda reported on Item 3A Silva v. City of San Leandro. The City Council approved settlement of the claim by unanimous decision to pay \$90k for settlement of all claims related to the incident.*

## **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:*

*Discussion of how SL can be a sanctuary City. Lopez/Reed 7- Ayes*

**15. ADJOURN**

*The meeting was adjourned at 9:03 p.m.*

**RESPECTFULLY SUBMITTED:**

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