

## CITY COUNCIL MEETING AGENDA

MONDAY, DECEMBER 19, 2016



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### ***LIST OF CITY COUNCIL MEETINGS AND EVENTS ON THIS DATE (at the time of publication)***

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- 6:00 PM** City Council Group Photograph (no agenda)  
Location: City Council Chambers
- 6:30 PM** Mixer For Incoming City Councilmembers and Outgoing City Councilmembers  
(No agenda)  
Location: Sister Cities Gallery
- 7:00 PM** City Council Regular Meeting (agenda attached)

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### ***AGENDAS***

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Agendas are available to the public at least 72 hours before the meeting and are posted on the bulletin board outside the East 14<sup>th</sup> Street entrance to City Hall. Special meeting agendas are available and posted not less than 24 hours before each special meeting. Agendas may be obtained from the City Clerk's Office, on the City's website, or by subscribing to our electronic agenda distribution. For information, call the City Clerk's Office at (510) 577-3366.

The complete agenda book is available for review at the City Clerk's Office, at the Main Library, and on the City website. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the City Clerk's Office, 835 East 14<sup>th</sup> Street, San Leandro, and on the City's website at [www.sanleandro.org](http://www.sanleandro.org).

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### ***CITY COUNCIL GOALS FOR YEAR 2015***

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The following City Council Goals serve as a guide for the upcoming fiscal year, and provide overall direction for the City's services and programs:

- Place San Leandro on a firm foundation for long-term fiscal sustainability
- Advance projects and programs promoting sustainable economic development, including transforming San Leandro into a center for innovation
- Provide quality public safety service and grow our partnership with the community to keep San Leandro safe
- Maintain and enhance San Leandro's infrastructure
- Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride
- Maintain and support a strong positive relationship between the City, schools and the educational community

## **CITY COUNCIL MEETINGS**

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Regular meetings of the City Council are held on the first and third Mondays of each month at 7:00 p.m. in the Civic Center, City Council Chambers, 835 East 14<sup>th</sup> Street. Work Sessions of the City Council are held regularly at 7:00 p.m. on the second Monday of each month, with an additional Work Session scheduled on the fourth Monday, if needed, generally in the Civic Center Complex. At Work Sessions, City staff provide reports to the City Council on a variety of items and issues; however, usually, no formal action is taken at Work Session. Starting times for each item are approximate.

The City Council agenda also includes actions of the Successor Agency to the San Leandro Redevelopment Agency. In addition, meetings of the Economic Development Agency, Parking Authority and Public Financing Authority are held annually on the third Monday of June in conjunction with City Council meetings. All actions listed on the agenda are City Council actions, unless otherwise noted.

The City Council is prohibited by State law from discussing items not listed on the agenda unless, by a two-thirds vote, or unanimous vote if less than two-thirds of the members are present, the City Council finds that there is a need to take immediate action, and the need for the action came to the City's attention after the agenda was posted.

The order of business specified in the agenda may be changed if deemed appropriate by the Mayor and agreed to by a majority of the City Council.

## **PUBLIC PARTICIPATION**

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The City Council welcomes your participation at meetings. When you address the City Council, you should approach the podium and speak clearly into the microphone, stating your name for the record. There shall be no dialogue between persons speaking from the podium and the City Council until the speaker has completed his or her comments. Your item may be taken under consideration and referred to staff. All personal, racial or ethnic slurs, profane language, or disruptive conduct is prohibited. Any person who disrupts the meeting by expressing such conduct is subject to removal from the City Council Chambers and/or arrest.

**AT REGULAR MEETINGS**, you have several opportunities for public participation, as follows:

**Public Hearings:** Anyone wishing to speak regarding a Public Hearing should fill out a speaker card prior to the completion of the staff presentation and submit it to the City Clerk. The order of business for Public Hearings is as follows:

1. Staff presentation
2. Applicant/Appellant – 10 minutes
3. City Council Questions/Clarifications
4. Public Comments – 5 minutes per speaker, subject to adjustment by the Mayor
5. Applicant/Appellant Rebuttal – 5 minutes
6. City Council Comments/Questions/Action

**Public Comments:** The public is invited to make comments on items **that are not listed on the agenda** at this time. Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor.

**Consent Calendar:** Members of the public who wish to address the City Council regarding items remaining on the Consent Calendar may do so for up to 3 minutes per item with a maximum of 5 minutes total for all items.

**Items Removed from Consent Calendar and Action Items:** Public comments on these items will be limited to 3 minutes per speaker, subject to adjustment by the Mayor.

If you wish to address the City Council, you should fill out a speaker card and submit it to the City Clerk prior to or as the item is being announced so that the order of speakers may be determined and an official record of names obtained.

**AT WORK SESSIONS**, the public is invited to make comments concerning an agenda item, and items not listed on the agenda during the "Public Comments" section. Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. Speaker cards are generally not required; the Mayor will inquire if anyone wishes to speak. If you wish to address the City Council, you should approach the podium and speak clearly into the microphone, stating your name for the record.

**AT SPECIAL MEETINGS**, the public may address the City Council concerning an item on the agenda only. Public comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. If you wish to address the City Council, you should fill out a speaker card and submit it to the City Clerk so that the order of speakers may be determined and an official record of names obtained.



# City of San Leandro

Civic Center  
835 East 14th Street  
San Leandro, California

## Meeting Agenda

### 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, December 19, 2016

7:00 PM

City Council Chambers

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**1. CALL TO ORDER**

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

**1.B. ROLL CALL**

*Members Cox, Lee, Lopez, Prola, Reed, Thomas; Mayor Cutter*

**1.C. ANNOUNCEMENTS**

**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**

*Public Hearing Comments are limited to 5 minutes per speaker, subject to adjustment by the Mayor. When you address the City Council, you should FILL OUT A SPEAKER CARD and submit it to the City Clerk so the order of speakers may be determined and an official record of names and addresses obtained.*

**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)

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

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.

-PASS TO PRINT

## 5. PUBLIC COMMENTS

*Public Comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. When you address the City Council, you should FILL OUT A SPEAKER CARD and submit it to the City Clerk so the order of speakers may be determined and an official record of names and addresses obtained. The public is invited to make comments on items of public interest NOT listed on the Agenda.*

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

*San Leandro Main Library Renovation and Closure*

## 7. AMENDMENT OF CONSENT CALENDAR

*City Councilmembers or staff have an opportunity at this time to request that an item be removed from the Consent Calendar for the presentation of a staff report or other special consideration. Members of the public may request the opportunity to address the City Council regarding items remaining on the Consent Calendar by FILLING OUT A SPEAKER CARD and submitting it to the City Clerk prior to the calling of Item 7, Amendment of Consent Calendar. Items remaining on the Consent Calendar will be*

*considered for approval under one motion.*

## 8. CONSENT CALENDAR

*Consent Calendar items are considered for approval by the City Council with one single action. As described above in Item 7, Amendment of Consent Calendar, the City Council may remove items from the Consent Calendar for purposes of presentation or discussion. Members of the public who have requested to address the Council regarding items remaining on the Consent Calendar may do so for up to 3 minutes per item with a maximum of 5 minutes for all items. Items listed on the Consent Calendar are deemed to have been read by title.*

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

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.

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

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

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

[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

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

[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.)

- 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.

[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)

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

- 8.I.**     [16-601](#)     Staff Report for Approval of 2017 City Council Meeting Calendar

[16-576](#)     MOTION Approving 2017 City Council Meeting 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.

- *Adopt Ordinance No. 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

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

- *PASS TO PRINT AND ADOPT*

[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

- *PASS TO PRINT AND ADOPT*

[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

- PASS TO PRINT AND ADOPT

- 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

## 9. ITEMS REMOVED FROM CONSENT CALENDAR

*Public Comments are limited to 3 minutes per speaker per item, subject to adjustment by the Mayor.*

## 10. ACTION ITEMS

*Public Comments are limited to 3 minutes per speaker per item, subject to adjustment by the Mayor. When you address the City Council, you should FILL OUT A SPEAKER CARD and submit it to the City Clerk, prior to the calling of the Action Item.*

## 11. REPORT ON CLOSED SESSION ACTIONS TAKEN

## 12. CITY COUNCIL REPORTS

*City Councilmembers report 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

*This section is to be used to propose items for consideration for future scheduling, and not for substantive discussion.*

## 15. ADJOURN

## MEETING ACCESSIBILITY

*The meeting is shown live on the City of San Leandro's website at <https://sanleandro.legistar.com/> and on cable (Comcast Channel 15 or AT&T U-Verse Channel 99). The video recording of the meeting will remain accessible to the public on the City of San Leandro's website. The recording is also replayed on cable throughout the week according to the schedule shown at <http://www.sanleandro.org/depts/council/>.*

*If special accommodations are required for the disabled, please call the City Clerk's Office at (510) 577-3366 or TDD at (510) 577-3343.*