



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 Stephen H. Cassidy
Michael Gregory, District 1
Ursula Reed, District 2
Diana Souza, District 3
Benny Lee, District 4
Pauline Russo Cutter, District 5
Jim Prola, District 6*

Monday, October 21, 2013

7:00 PM

City Council Chambers

1. CALL TO ORDER

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

1.A. PLEDGE OF ALLEGIANCE TO THE FLAG

Isabel Polvorosa led the Pledge of Allegiance to the Flag.

1.B. ROLL CALL

Present 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

1.C. ANNOUNCEMENTS

Mayor Cassidy announced tonight's meeting is the first City Council meeting to be video broadcast and live streamed.

He introduced Jerry Garcia, State Farm agent, who announced CelebrateMyDrive, a driver safety awareness program.

2. RECOGNITIONS

- 2.A.** [13-507](#) Presentation by the City Council to the Alta Mira Club of a Check for \$5,000 from the Community Investment Program
- 2.B.** [13-513](#) Proclamation Declaring October 22, 2013 as Victor Doan Day in San Leandro
- 2.C.** [13-515](#) Proclamation Declaring October 23, 2013 as Carolina Navarro Day in San Leandro
- 2.D.** [13-518](#) Proclamation Declaring October 2013 as Breast Cancer Awareness Month in San Leandro

3. PRESENTATIONS

- 3.A. [13-368](#) Presentation by Pacific Gas & Electric Company (PG&E) on Gas Pipeline Safety
- 3.B. [13-487](#) Presentation by San Francisco Bay Area Water Trail (Association of Bay Area Governments [ABAG]) on Water Trail Planning
- [13-504](#) ADOPT: Resolution in Support of the San Francisco Bay Area Water Trail (endorses the Association of Bay Area Government's concept of the San Francisco Bay Area Water Trail)
- A motion was made by Vice Mayor Prola, seconded by Councilmember Souza, that this resolution be adopted. The motion carried by the following vote.**
- Aye:** 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza
- Enactment No: Reso 2013-132
- 3.C. [13-511](#) Presentation by Peak Democracy of Best Practices for Use of Virtual City Hall
- 3.D. [13-464](#) Presentation by Nextdoor on Best Practices and Implementation
- Item was removed from the agenda and will be rescheduled on a future agenda.*

4. PUBLIC HEARINGS

None

5. PUBLIC COMMENTS

D. J. Evans, San Leandro resident, commented on community compliance and animal control issues in her neighborhood. She stated she would like to see these issues addressed in tenants' rental agreements.

6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

- 6.A. [13-485](#) City Manager Report on Cherry Festival
- 6.B. [13-508](#) City Manager Update on Holiday Tree Lighting
- 6.C. [13-512](#) City Manager 18-Month Organizational Update

7. AMENDMENT OF CONSENT CALENDAR

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

8. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Cutter, seconded by Councilmember Souza, to approve the Consent Calendar. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

8.A. [13-505](#) APPROVE: Minutes of the Meeting of October 7, 2013

Approved as submitted on the Consent Calendar.

8.B. [13-437](#) ADOPT: Ordinance No. 2013-008, an Ordinance Amending Chapter 3, Title 1 of the San Leandro Municipal Code by Amending Sections 1-3-125 and 1-3-800, and Adding Section 1-3-801, to Add a Youth Member to the Library-Historical Commission (adds a youth member as a full voting member to the Library-Historical Commission)

Adopted on the Consent Calendar.

Enactment No: Ordinance 2013-008

8.C. [13-510](#) ADOPT: Resolution in Support of Comprehensive Immigration Reform (urges Congress to enact a comprehensive immigration reform that will provide a clear pathway to citizenship)

Adopted on the Consent Calendar.

Enactment No: Reso 2013-133

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

8.E. [13-488](#) Staff Report for a Resolution Amending the San Leandro Management Organization (SLMO) salary schedule to add the classifications of Deputy Public Works Services Director, Deputy Community Development Director, and Principal Planner

[13-489](#) ADOPT: Resolution Amending the San Leandro Management Organization (SLMO) Salary Schedule to Add the Classifications of Deputy Public Works Services Director, Deputy Community Development Director, and Principal Planner (adds classifications to provide needed support to City departments)

Adopted on the Consent Calendar.

Enactment No: Reso 2013-134

8.F. [13-490](#) Staff Report for Adoption of State-Mandated California Building

Standards Codes and Related Amendments

[13-491](#)

ADOPT: 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)

Adopted on the Consent Calendar.

Enactment No: Reso 2013-135

[13-492](#)

ORDINANCE Repealing Article 6 of Chapter 3 of Title I and Article 1 of Chapter 5 of Title VII and Adding a new Article 1 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 International Building Code, as Amended (adopts relevant codes by reference with minor structural amendments relating to updating seismic design criteria based on City's proximity to earthquake faults and corrections to the model code structural design standards)

Passed to print on the Consent Calendar.

Enactment No: Ordinance 2013-009

[13-493](#)

ORDINANCE Repealing Article 2 of Chapter 5 of Title VII of the San Leandro Municipal Code, Dangerous Building Code (repeals the regulations for abatement of dangerous buildings)

Passed to print on the Consent Calendar.

Enactment No: Ordinance 2013-010

[13-494](#)

ORDINANCE Repealing Article 3 and Re-Enacting Article 3 of Chapter 5 of Title VII of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code, and Adopting by Reference the Uniform Housing Code, as Amended (adopts relevant codes by reference)

Passed to print on the Consent Calendar.

Enactment No: Ordinance 2013-011

[13-495](#)

ORDINANCE Repealing Article 4 and Adding Article 4 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 Uniform Mechanical Code, as Amended (adopts relevant codes by reference)

Passed to print on the Consent Calendar.

Enactment No: Ordinance 2013-012

[13-496](#)

ORDINANCE Repealing Article 5 and Adding Article 5 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 National Electrical Code, as Amended (adopts relevant codes by reference)

Passed to print on the Consent Calendar.

Enactment No: Ordinance 2013-013

[13-497](#)

ORDINANCE Repealing Article 6 and Re-Enacting Article 6 of Chapter 5 of Title VII of the San Leandro Municipal Code, Electrical - General Provisions (provides for minor clerical edits)

Passed to print on the Consent Calendar.

Enactment No: Ordinance 2013-014

[13-498](#)

ORDINANCE Repealing Article 7 and Re-Enacting Article 7 of Chapter 5 of Title VII of the San Leandro Municipal Code, Electrical - Procedure (provides for minor clerical edits)

Passed to print on the Consent Calendar.

Enactment No: Ordinance 2013-015

[13-499](#)

ORDINANCE Repealing Article 8 of Chapter 5 of Title VII of the San Leandro Municipal Code, Building Conservation Code (repeals the regulations for unreinforced masonry wall buildings)

Passed to print on the Consent Calendar.

Enactment No: Ordinance 2013-016

[13-500](#)

ORDINANCE Repealing Article 9 and Adding Article 9 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 Uniform Plumbing Code, as Amended (adopts relevant codes by reference and continues existing policy of prohibiting the use of PVC pipes in the drain waste and venting systems)

Passed to print with amendment on the Consent Calendar.

Enactment No: Ordinance 2013-017

[13-501](#)

ORDINANCE Repealing Article 1 and Adding Article 1 to Chapter 3 of Title III of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code, and Adopting by Reference the International Fire Code, as Amended (adopts relevant

codes by reference with minor structural amendments relating to updating seismic design criteria based on City's proximity to earthquake faults and corrections to the model code structural design standards)

Passed to print on the Consent Calendar.

Enactment No: Ordinance 2013-018

[13-525](#)

MOTION: Motion Calling for a Public Hearing to Be Held on November 18, 2013 to Adopt the State-Mandated Codes and Related Amendments by Reference in the San Leandro Municipal Code

Adopted on the Consent Calendar.

Enactment No: Min Order 2013-051

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

8.H. [13-475](#)

Staff Report for a Resolution Adopting the San Leandro Title VI Program

[13-476](#)

ADOPT: Resolution Adopting the San Leandro Title VI Program (fulfills a requirement to receive a Metropolitan Transportation Commission [MTC] Cycle 4 New Freedom Program grant)

Adopted on the Consent Calendar.

Enactment No: Reso 2013-136

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

9. ITEMS REMOVED FROM CONSENT CALENDAR

8.D. [13-502](#)

Staff Report for the 2012-13 Year-End Preliminary Budget Review

A motion was made by Councilmember Lee, seconded by Councilmember Cutter, that this report be received and filed. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

8.G. [13-503](#)

Staff Report for the Upcoming General Plan and Housing Element Update Process

A motion was made by Councilmember Souza, seconded by Vice Mayor Prola, that this report be received and filed. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

8.I. [13-394](#)

Staff Report for a Resolution Approving an Application to Serve as a

Trustee for the Kiva Zip Micro-Lending Program

[13-454](#)

ADOPT: Resolution Authorizing the City Manager to Transmit a Trustee Application to Kiva Microfunds, a California Non-Profit Public Benefit Corporation ("Kiva"), to Identify and Recommend Small businesses in San Leandro for Kiva Zip's Micro-Lending Platform (provides a financial incentives tool to attract and support businesses in San Leandro)

A motion was made by Vice Mayor Prola, seconded by Councilmember Souza, that this resolution be adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Reso 2013-137

10. ACTION ITEMS**10.A.** [13-506](#)

Staff Report for Council Ad Hoc Committee on State Legislative Platform and Advocacy Services

[13-509](#)

MOTION: Motion to Appoint Ad Hoc Committee on State-Level Legislative Advocacy, Comprised of Councilmembers Gregory and Souza and Mayor Cassidy

A motion was made by Vice Mayor Prola, seconded by Councilmember Lee, that this minute order be adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Min Order 2013-052

10.B. [13-517](#)

MOTION: Motion to Appoint an Ad Hoc Committee to Develop a Recommendation for Raising Flags and Celebrating Other Cultures, Comprised of Councilmembers Cutter and Lee and Mayor Cassidy

A motion was made by Councilmember Souza, seconded by Vice Mayor Prola, that this minute order be adopted. The motion carried by the following vote.

Aye: 7 - Cassidy, Cutter, Gregory, Lee, Prola, Reed, Souza

Enactment No: Min Order 2013-053

10.C. Report on Closed Session Actions Taken

City Attorney Rich Pio Roda reported that, in accordance with Section (A)(3)(b) of California Government Code Section 54957.1, the City Council voted on September 16, 2013, to authorize settlement in the case of Mengel, Woody, et al v. City of San Leandro. The terms of the settlement are as follows: For a complete release and waiver of California Civil Code Section 1542 and dismissal of the entire action with prejudice in the case of Mengel, Woody et al v. City of San Leandro (United States District Court, Northern District of California, Case No. CV132542WHO), the City pays the settlement amounts as follows: the total sum of \$20,000 to Steven Mengel and his attorney, Bruce Nickerson; and the total sum of \$25,000 to Michael Woody and his attorney, Bruce Nickerson. The City will also execute a Form BCII. Each

party to bear its own attorney's fees and costs. The vote was 7 ayes, 0 nays.

11. CITY COUNCIL CALENDAR, REPORTS, AND ANNOUNCEMENTS

City Councilmembers announced upcoming events and coordinated attendance; reported on meetings and other local events attended since the last meeting; reported on attendance at conferences and seminars; and made brief comments on issues of concern.

12. COUNCIL REQUESTS TO SCHEDULE AGENDA ITEMS

By consensus, the City Council agreed to schedule a discussion of adopting guidelines to increase City Council meeting efficiency.

13. ADJOURN

The meeting was adjourned at 10:35 p.m., in memory of Myrna Umanzor and Anellie Moreno, who were victims of domestic violence in 2012.

RESPECTFULLY SUBMITTED:

MARIAN HANDA

City Clerk of the City of San Leandro