



# City of San Leandro

Meeting Date: May 15, 2017

## Minutes

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**File Number:** 17-272 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.B.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Jeff Kay  
Assistant City Manager

**FINANCE REVIEW:** Not Applicable

**TITLE:** Highlights of the Rules Committee Meeting of April 24, 2017

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### CITY OF SAN LEANDRO

#### CITY COUNCIL RULES COMMITTEE

April 24, 2017, 2017

8:30 AM - 10:00 AM

San Leandro City Hall  
835 East 14th Street  
San Leandro, California  
Sister Cities Gallery

#### HIGHLIGHTS

##### 1. CALL TO ORDER

The meeting was called to order at 8:34 a.m.

##### 1. A. Attendance

Committee members present: Mayor Pauline Cutter, Councilmember Lee Thomas, Councilmember Pete Ballew

City staff present: City Manager, Chris Zapata, Assistant City Manager Jeff Kay; City Clerk Tamika Greenwood; Community Development Director, Cynthia Battenberg; Deputy Community Development Director Tom Liao; Deputy City Clerk, Deon Sailes; Deputy City Manager, Eric Engelbart; City Attorney, Rich Pio Roda; Assistant City Attorney Kris Kokotaylo;

Police Chief, Jeff Tudor; Public Works Director, Debbie Pollart.

Public present: Burpinder Singh; Sukhwant Seham; Parner Naidu; Teresa Harbboth; Tamiko Johnson; Nasir Kahn; Prashant; Paul Sidhu; Leslie Cervantes; Kathy Ko; Marcia Brown-Machen; Brian Davis; Beatrice Cardenas-Duncan; Rachel Crowell; Tony Singh; David Alga; Denis Ducey; Ali Shafti; Dave Sevelev; Monesh; Jeet Singh; Fayis Ibrahim; B. Raves; Smarjit Sekhon; Serena Chan; Ann

## **1. B. Announcements**

None.

## **2. DISCUSSION ITEMS**

### **2. A. Tobacco Retail License**

Assistant City Attorney Kris Kokotaylo provided an update on the Tobacco Retail Ordinance and addressed the committee's concerns regarding the prohibition of the sale of menthol cigarettes and incorporating a "tobacco-free pharmacy" component to the ordinance. The Assistant City Attorney recommended bringing back the "tobacco-free pharmacy" issues as a separate ordinance and found no precedence for a flat prohibition on the sale of menthol cigarettes, suggesting that such a clause could expose the City to legal risk.

Vice Mayor Thomas moved we bring the "tobacco-free pharmacy" ordinance back at a separate date. Also requested the City Attorney review the ordinance to include possible prohibitions on the sale of menthol.

Vice Mayor Thomas asked for the following amendments regarding violations:

2nd Violation 90 days;  
3rd Violation 120 days;  
4th Violation 5-year ban

Mayor Cutter and Councilmember Ballew did not agree with a change in violations.

Councilmember Ballew sought clarification regarding whether all vape products, including non-nicotine products were included in the ban. He suggests the committee find a balance that protects public health at-large but respects the business community as well.

Councilmember Ballew also asked staff to research whether San Leandro could place a moratorium on future tobacco retail licenses. This will not affect existing retailers, only potential future tobacco retailers. Requests additional information on protections for "coupons in apps" and other electronic coupon deals.

Mayor Cutter suggests bringing the issue to a future agenda for the Council of Mayors to have a larger discussion. Wants additional information on the menthol issue but is not in favor of adding to the ordinance currently. She would like to remove flavored products that do not contain nicotine from the ordinance.

There were 21 speakers on this item: Brian Davis, Marsha Brown-Macken, Kathy Ko, Dennis Doucey, Beatrice Duncan, Asad, Serena Chan, David Algo, Tony, Ann, Patty Robinson, Monesh, David, Rachel Crowell, Tamiko Johnson, Nasir Kahn, Burpinder Singh, Theresa, Paul Sidhu, Bob S.

**Recommendations: This item will be presented to the full council for consideration on June 5th. Staff will not include a menthol ban in the current ordinance, staff will also review a moratorium on future tobacco retail licenses; and the tobacco-free pharmacy proposal will return at a later date.**

## **2. B. Discussion of Community Care**

Community Development Director, Cynthia Battenberg introduced the Community Care initiative to the committee and discussed changes to the Municipal Code.

Mayor Cutter would like to initiate a volunteer website for elderly or disable persons who need assistance. She also requested information about repeat parking offenders.

Councilmember Ballew requested the following changes to the municipal Code:

- a. Extend prior violation trigger from 2 to 3 years
- b. SLMC Section 1-12-425 Change the time limit for appeals to 15 days
- c. SLMC Section 1-12-450 Change to 10 days

**Recommendation: This item including the Municipal Code amendment will be presented to the full City Council for consideration on June 5th.**

## **3. PUBLIC COMMENTS**

None.

## **4. COMMITTEE MEMBER COMMENTS**

None

## **5. ADJOURN**

The meeting adjourned at 10:23 a.m.