



# City of San Leandro

Meeting Date: February 5, 2018

## Minutes

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**File Number:** 18-050 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.C.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Jeff Kay  
Assistant City Manager

**FINANCE REVIEW:** Not Applicable

**TITLE:** Highlights from Rules Committee Meeting January 22, 2018

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### CITY OF SAN LEANDRO CITY COUNCIL RULES COMMITTEE

January 22, 2018

8:30 AM - 9:00 AM

San Leandro City Hall  
835 East 14<sup>th</sup> Street  
San Leandro, California Sister  
Cities Gallery

#### HIGHLIGHTS

##### 1. CALL TO ORDER

The meeting was called to order at 8:38 a.m. by Mayor Cutter.

##### 1. A. Attendance

Committee members present: Mayor Pauline Cutter and Council Member Lee Thomas,

Excused: Councilmember Pete Ballew

City staff present: Assistant City Manager Jeff Kay; Deputy City Clerk, Deon Sailes; City Attorney, Rich Pio Roda; San Leandro Police Captain, Luis Torres,

Public present: Chris Bammer

### **1. B. Announcements**

Mayor Pauline Cutter - Councilmember Pete Ballew is out of the country, and his attendance is excused.

## **2. DISCUSSION ITEMS**

### **2. A. Review and Direction to Staff Regarding City of San Leandro Intimidating Solicitation Ordinance**

## **3. PUBLIC COMMENTS**

There was 1 speaker on this item: Chris Bammer

## **4. COMMITTEE MEMBER COMMENTS**

Assistant City Manager Jeff Kay provided a brief introduction noting that Captain Torres will speak on the current law enforcement policy and Rich Pio Roda would discuss and provide a legal review which will be followed by questions from the Committee.

City Attorney Rich Pio Roda summarized the City's current Intimidating Solicitation Ordinance (SL Municipal Code Section 4-1-900, et. seq.), defined the elements of content-based and content-neutral speech, discussed the relevance of the Town of Gilbert 9th Circuit, case and the pending Eureka Case (currently in SF Northern District Court).

Pio Roda emphasized that recently, within the last 2-3 years, California caselaw has impacted whether such restrictions on speech are considered content-based or content-neutral by the Courts. In light of recent changes, the respective governing bodies for the City of Sacramento and the County of Sacramento have modified their respective intrusive solicitation laws

Pio Roda emphasized that the current ordinance as it stands excludes several public spaces that are not currently included in the SL Municipal Code Section 4-1-900 et seq. They are transit stops, gasoline stations and fuel pumps, medians and intersections and outdoor dining locations.

Mayor Cutter asked for confirmation that soliciting at Costco/Davis St. intersection falls within the purview of this ordinance from Pio Roda and whether complaints have been filed with the SLPD from Captain Torres.

Captain Torres confirmed that a few complaints have been submitted to the PD regarding this particular intersection.

Councilmember Lee opined that soliciting persons are often seeking money to feed themselves.

Mayor Cutter mentioned the BRT stations and the requirement to use cash at the machines. Are these considered ATMs? Being approached in the evening from behind (aggressive or night) can be alarming.

Captain Torres: PD has also received complaints from encounters at gas stations.

Council Member Thomas supports an expansion of the ordinance with the inclusion of feet limitations.

Mayor Cutter mentioned that outdoor dining area does not appear to be a location of concern.

Council Member Ballew's written statement was read into the record by Mayor Cutter.

**Recommendations:**

1. Await the decision of the Eureka case (at least 90 days)
2. Analyze other cities' amended ordinances
3. Contact the ACLU regarding their concerns regarding solicitation and free speech
4. Include disabled parking spaces and ramps

**5. ADJOURN**

The meeting adjourned at 9:00 a.m.