

**CITY OF SAN LEANDRO**  
**CITY COUNCIL RULES COMMITTEE**

**April 13, 2016**  
**9:00 AM – 10:30 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 9:01 a.m.

**1. A. Attendance**

Committee members present: Mayor Pauline Cutter, Councilmember Lee Thomas

City staff present: Interim Chief of Police, Jeff Tudor; Assistant City Manager Lianne Marshall; City Clerk Tamika Greenwood; City Attorney Rich Pio Roda; Community Development Director, Cynthia Battenberg; Assistant Community Development Director Tom Liao; Business Development Manager, Jeff Kay; Public Works Director, Debbie Pollart

Public present: Tom Silva, Mike Angelo, Loretta Angelo, G. Merggraff

**1. B. Announcements**

None.

**2. DISCUSSION ITEMS**

**2. A. Report on Status of Tree Ordinance**

The Mayor introduced the item and allowed members of the public to speak first.

Liz Isler supports a Heritage Tree issue and expressed her concern for the loss of trees in San Leandro.

G. Merggraff is concerned that Heritage Trees are not protected and the City should consider an ordinance to protect “special trees”. If there is no protection, he believes

Leandro might lose its green infrastructure. He also commented that the ordinance should be enforceable.

Public Works Director, Debbie Pollart presented language to amend the current Tree Ordinance. The amendment provides that a Heritage Tree would be any tree with a diameter of 24 inches DBH or greater and non-native trees are excluded. She also amended the ordinance to include language that gives the Public Works Director discretion to decide when an arborist report is necessary. She provided information on the different cities that have "Heritage Tree" ordinances and concluded that San Leandro's ordinance is most similar to the City of Dublin's.

According to the ordinance, restrictions on Heritage Trees would be limited to the front yard only on private properties. Councilmember Thomas asked about the city's potential liability when imposing restrictions on private property. He believes San Leandro would set a dangerous precedent in adding restrictions to private property owners.

The Mayor suggested the good of the community outweighs a private owner's personal interest in regards to Heritage Trees. She asked for a survey of all residential properties in the city to determine how many trees could be protected under the Heritage Tree Ordinance.

Ms. Pollart said it's a doable process, given a 2-year deadline. The survey would occur during routine maintenance of the trees. She also provided information about three trees that are not in the city database and there was discussion on how to remedy the process so it doesn't happen again. She offered to do a sample count from each district to determine an average on how many trees are on private property.

The Public Works director will work with the City Attorney on the issues of trees and will return to the committee at a future date with follow up information.

## **2. B. Review and Discussion of the Noise Ordinance as it relates to Leaf Blowers**

Public Works Director Debbie Pollart provided information on cities that have an outright ban on leaf blowers and the cities that ban certain types of leaf blowers with date/time restrictions.

Interim Chief Tudor reported 19 leaf flower complaints in 2 years. Some complaints were within the allowable time frame but otherwise there were varying hours of complaints with 5 being before 5 a.m.

The committee considered a proposal to keep the noise ordinance as is and change the permissible time for leaf blower use from 7 a.m. to 8 a.m. during the week. The committee also suggested the Public works director Debbie Pollart send out reminders to contractors that leaf blower operation should not start before 7 a.m.

**Recommendation: to change leaf blower operation hours from 7 a.m. to 8 a.m. during the week.**

## **2. C. Discussion of a Proposed Council Policy on Police Reward Offers**

Interim Chief Tudor presented a draft reward policy to the committee. Per the Mayor, the policy is for councilmember guidance and not intended to be a PD policy. She asked the policy to be presented as a part of the Handbook Revision process in an upcoming committee meeting.

## **2. D. Discussion of Tenant Protection Measures**

Public Works Director Cynthia Battenberg provided an overview of the committee's goals which include tenant protection for long –term residents, families with children and seniors and persons with disabilities.

Per the committee- Tenant protection measures should be provided to new and existing landlords in San Leandro. New landlords should receive this information upon purchasing property in San Leandro and the guidelines should be clear.

Tom Liao presented information on relocation assistance and gave an overview of the potential issues including: 1) rent increases that occur with new owners, 2) providing adequate notice of rent increases and 3) providing protection for sensitive households.

Councilmember Thomas asked about extra protection for families with children and suggested definition for long term tenant should be 5 years.

Staff will return to the Rules Committee at a future date with a rough draft of an amended ordinance and information on comparison of tenant protection measures provided in other cities. The focus will be on protecting tenants, including long term-tenants with families with children.

## **Public Comments:**

John Sullivan discussed the trend of new landlords that buy in San Leandro strictly to raise rents. He asked for consequences for landlords that don't provide adequate notice of rent increases.

Tom Silva asked for the opportunity to consult with staff and work on tenant protection measures that will come back to the Rules Committee and ultimately to the full Council.

Virginia Madsen spoke on behalf of people who have either lost their home due to rent increases or moved out of the City in lieu of more affordable housing elsewhere.

## **3. PUBLIC COMMENTS**

None

## **4. COMMITTEE MEMBER COMMENTS**

None

**5. SCHEDULING OF FUTURE AGENDA ITEMS**

The Committee scheduled the following items for the May 23, 2016 Rules Committee:  
*Chinese Name, Tobacco Retain License, Arts Program, Councilmember Handbook*

**6. ADJOURN**

The meeting adjourned at 10:20 a.m.