

CITY OF SAN LEANDRO
CITY COUNCIL RULES COMMITTEE

June 26, 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 8:37 a.m.

1. A. Attendance

Committee members present: Councilmember Lee Thomas, Councilmember Pete Ballew

City staff present: City Manager, Chris Zapata, Assistant City Manager Jeff Kay; Deputy City Clerk, Deon Sailes; Deputy City Manager, Eric Engelbart; City Attorney, Rich Pio Roda; Police Chief, Jeff Tudor.

Public present: Teresa Harbboth; Bea C. Duncan; Ann Sekhon; Jeet Singh; Burpinder Singh; Jaine Rojas; Bob Sekhon; David Alga; Sallie Goetsh; Stefan Didak; Tamiko Johnson; Paul Cummings; Harbans Singh; Prashant Shah; Paul Sekhon; Vashone Huff; Dennis Ducey; Stephanie Ferguson; Brian Davis; Steven G.; Sanjiv Patel; Stacey Trongstrom; Wisam Al-deen; Emily Griego

1. B. Announcements

None.

2. DISCUSSION ITEMS

2. A. Tobacco Retail License

Vice Mayor Thomas requested City Attorney Rich Pio Roda provide a brief overview of the ordinance and its penalties.

City Attorney Rich Pio Roda discussed the following:

- Cigars and flavors: A complete ban is proposed. Additional options include limiting enforcement of the ordinance to school zones with current retailers being grandfathered in.
- Pack size: 5-packs are the minimum in other jurisdictions. Additional options include application to 15-packs; 5-10 packs or no limitation
- E-cigarettes: Flavors are banned. Additional options include banning within a certain distance of schools; no band on flavors; or ban only on flavors with nicotine.
- Age of clerk: A clerk cannot sell tobacco items unless at least 21 years old. Additional option is to reduce the minimum sale age to 18 years old.
- Penalties:

1st Violation = Written warning

2nd Violation = Revocation with ability to reapply in 30 days;

3rd Violation = Revocation with ability to reapply in 90 days

4th Violation = 5-year ban

- Neighboring cities compared (1st, 2nd, 3rd, 4th, unless otherwise stated)
 - El Cerrito: 10-day suspension; 30-day suspension; 60-suspension; revocation
 - Hayward: 3rd violation = revocation
 - Sonoma: 30-day suspension; 90-day suspension; 1 year suspension; revocation
 - Berkeley: 30-day suspension; 90-day suspension; 1 year suspension; revocation
- Conclusion: Awaiting the committee's direction

Councilmember Ballew made the following points:

- Purpose of the ordinance is to de-normalize the use of tobacco for our kids and we want to balance the health risks. \$8.6 million health costs to SL/\$468 per resident; 10,000 SL residents live below the poverty level; 111 people per day die of Cancer. More than 6K people have died since the last meeting.
- High school kids are smoking e-cigarettes
- Purpose of the flavored cigarettes is to attract new users
- Youth uptake is down but 11.3% or 260 SL High School students admitted smoking

Vice Mayor Thomas asked City Attorney Rich Pio Roda whether the ordinance would apply to on-line retail sales. City Attorney responded Yes and clarified NO as to on-line wholesalers. Vice Mayor indicated that he has met with the public and understands that the stated penalties are of concern; thus, he mentioned restructuring the penalties and trying to find a mid-point.

Vice Mayor's Suggestions:

Penalties:

1st Violation = Written warning

2nd Violation = \$2,500 fine

3rd Violation = 30-day suspension

4th Violation = revocation-eligible to reapply after 5 years (to be amended below)

Clerk's age: reduce to 18

5 year eligibility after 4th violation be reduced to 3 years

Pack size: consider minimum price of \$7

Vice Mayor asked Councilmember Ballew if he would like to reply.

Councilmember Ballew suggested:

- Adding a fine for the clerk who violates the ordinance - \$500 each time
- In addition to minimum price of \$7 per pack ad 5-pack
- The fine can be collected through the assistance of the Superior Court
- 3rd violation = 15 to 20-day suspension - considering SL has no violations

Vice Mayor agreed to a 20-day suspension for 3rd violation and forward it to Council

There were 23 speakers on this item: Alexandra Wilson; Kathy Ko; B. Duncan; Brian Davis; Stephanie Ferguson; Ann Sankom; Teresa Harbord; David Alga; Sally Goetsh; Stefan Didak; Steve Greenhead; Not Ascertainable; Kris Vashone; Sangeet Singh; Serena Chin; Emily Griego; Jim Kroll; Menesh Johnson; Stacy T.; Paul Cummings; Paul Sakon; Hussan; Not Ascertainable (2)

Recommendation: This item will be presented to the full council for consideration on September 18.

3. PUBLIC COMMENTS

None.

4. COMMITTEE MEMBER COMMENTS

None

5. ADJOURN

The meeting adjourned at 10:00 a.m.