

CITY OF SAN LEANDRO  
CITY COUNCIL RULES COMMITTEE  
NOVEMBER 28, 2016  
8:30 a.m.

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

**1.A. Attendance**

The meeting convened at **8:35 a.m.**

**Committee members present:** Mayor Pauline Cutter, Councilmember Deborah Cox and Councilmember Lee Thomas

**City staff present:** City Clerk, Tamika Greenwood; Community Development Director, Cynthia Battenberg; City Manager, Chris Zapata, City Attorney, Rich Pio Roda; Assistant City Attorney, Kris Kokotaylo; Deputy City Clerk, Deon Sailes; Police Chief, Jeff Tudor

**1.B. Announcements**

The Mayor announced reorganization of the agenda to move Item 2.B. before item 2.A.

Discussion Items:

**2.B. Tobacco Retail Discussion – (moved before item 2A)**

Assistant City Attorney Kris Kokotaylo opened the discussion with updates on the existing tobacco retail ordinance. The committee discussed the ordinance and the possibility of increasing penalties for violations of the ordinance.

Proposal for violations:

- i. First Violation – written warning w/ fine \$250 (no change)
- ii. Second violation - 90 day suspension
- iii. Third Violation – license revocation
- iv. See what other cities are charging for individual cigars
- v. Ensure businesses have notification and education of the changes.
- vi. Encourage alternative ways to inform the public of “No Smoking” laws (i.e. in public places)

Questions presented:

- b. Does “flavored tobacco” include menthol?
- c. Can we add the cigarette ban to local pharmacies? (we would have to check the zoning code and staff can take it back and review but we may be pre-empted from regulating specific sales.)
- d. Can we increase price for high-end cigars?
- e. What are other cities charging for individual cigars?

Public Comments:

- a. **Bob Gordon** – Alameda County Tobacco Control Coalition – asked for tobacco retail policy including a provision that no licenses for pharmacies; The following have policies where pharmacies cannot sell tobacco: SF in 2008, Berkeley, Hollister, Healdsburg, unincorporated areas of Marin Santa Clara, Daly City and Richmond
- b. **Dennis Doucey** – American Cancer Society – Cancer Action Network – Appreciates committees work on amending the ordinance; encourages workable enforcement policies and a stronger policy on fines and costs.
- c. **Beatrice Cardenas** – American Cancer Society – Legislative Ambassador – urges ordinance with adequate fees, restrict sales of flavored products, and eliminate sales in pharmacies.
- d. **Paul Cummings** – Alameda Health Department – having flavored cigars on the premises, that is still a violation of the ordinance, offered language for including in SL’s ordinance; minimum pack size – some cities use a minimum pack size of 20. Offers outreach and education for the public.
- e. **Rachel Gratz-Lazarus** – Alameda Health Department – Tobacco Control Coalition – supports the ordinance.
- f. **Brian Davis** – Tobacco Control Coalition – AHS – thinks menthol can be included and regulated by SL’s ordinance; Hayward, UC – min pack size of 5?? Minimum pack size increase would help reduce teen smoking. No legal challenge to pack size of 20 +.
- g. **Kelsey Norman** – Tobacco Control Coalition – supports the increase price of cigarillo.

- h. **Rebecca Day-Rodriguez** – Supports passage of retail license; and ban on pharmacy sell of tobacco products; including menthol; look at local jurisdictions that have incorporated menthol in their local bans.

**RECOMMENDATION – Move to the full council (March 2017) with recommended changes that include the elimination of the fourth warning; include updated information on increasing individual cigar prices, and information on the number of businesses have tobacco retail licenses.**

## **2.A. Councilmember Term Limits**

The committee agreed they did not want to pursue an increase on councilmember term limits and saw no recognizable benefits. There were comments on the low number of candidates in recent elections and the committee agrees that while it takes time to acclimate to councilmember duties, 8 years is sufficient time.

**RECOMMENDATION - Councilmember term limits should remain the same.**

## **2.C. Councilmember Handbook**

The committee would like to ensure compliance with mandated Ethics Trainings and ensure attendance.

**RECOMMENDATION: Staff to return to next meeting with suggested penalties for non-compliance with mandated trainings. Handbook will be updated to increase attendance review by councilmembers from annual to bi-annual.**

**RECOMMENDATION: Reorder the City Council Agenda allowing Public Comments before Presentations.**

## **3. Public Comments**

Darlene Evans – Commented on Councilmember Handbook and complained about the Arts Commission

## **4. Committee Member Comments**

None.

## **5. Scheduling of Future Agenda Items**

Drone Restrictions - January

Grass/Weed Ordinance - January

Councilmember Handbook (Recreation and Parks Commission) – January