



Legislation Text

File #: 16-158, Version: 1

Highlights of the Rules Committee Meeting of February 10, 2016

CITY OF SAN LEANDRO

CITY COUNCIL RULES COMMITTEE

**February 10, 2016
9:00 AM - 10:30 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 9:04 a.m.

1.A. Attendance

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

City staff present: Community Development Director Cynthia Battenberg, Deputy Community Development Director Tom Liao, Assistant City Manager Lianne Marshall, Public Works Director Debbie Pollart, City Clerk Tamika Greenwood, City Attorney Rich Pio Roda

Public present: Tom Silva, Matt Eremko, Rich Robeson

1.B. Announcements

None.

2. DISCUSSION ITEMS

2.A. Review and Discussion of the Noise Ordinance as It Relates to Leaf Blowers

Assistant City Manager Lianne Marshall introduced Debbie Pollart to present the item.

Public Works Director Debbie Pollart provided a copy of the current noise ordinance and a spreadsheet of noise restrictions in other cities. The San Leandro Noise Ordinance was adopted in 2003 and was a joint effort between the Planning Department, the Police Department and the City Attorney's office. Initially, the ordinance was adopted to address noise complaints from the public that included construction work and loud music generated from cars.

One of considerations in drafting the noise ordinance was whether the noise concerns should be regulated by a stated noise maximum (decibels) or by hours. The final decision was to restrict noise based on hours and days rather than decibel levels because PD would not have a way to precisely measure decibel levels.

Noise concerns are covered in Section 4-1-510 of the Municipal Code which restricts the use of electric or gas powered motors or engines between the hours of 9 PM and 8 AM. There is nothing specific regarding Leaf Blowers.

Debbie Pollart also discussed the leaf blower restrictions in other municipalities and provided a list of specific regulations enforced by those municipalities.

Matt Eremko discussed leaf blower issues in his neighborhood and said leaf blower operators are not in compliance with the rules on noise restrictions and often operate leaf blowers before 8 AM and after 9 PM.

Rich Robeson discussed noise concerns for those who either work from home or work a night shift. The 8 AM start time is inconvenient for him. He noted the slow response time from PD relating to leaf blower complaints.

Council member Thomas asked Debbie Pollart to follow up with statistics from the Police Department on leaf blower complaints. He wants to determine if this is a city-wide issue or a neighborhood by neighborhood issue. Also suggested we can incorporate decibel levels as a part of the consideration for the noise restrictions.

As a general practice, Public Works provides notification to city staffers and contractors regarding Spare the Air days and will remind them to operate leaf blowers within designated hours only when they receive complaints about noise violations.

Councilmember Cox suggested the city have discussions with property owners who employ services that use leaf blowers. She also mentioned looking into potential fines for rule infractions by commercial users. She also mentioned whether or not the ordinance should include a restriction on the sustained amount of time in each location. Debbie Pollart reminded the committee that undefined time limits gave PD the flexibility to fine where necessary. She also asked that air quality issues be a part of the discussion.

The committee requested additional information for a future discussion including:

- A. Statistics from PD on leaf blower complaints
- B. Whether we can add decibel levels to the noise restrictions
- C. Police Enforcement options

2.B. Discussion of Just Cause/Tenant Protection

Assistant City Manager Lianne Marshall introduced the item. Staff requested direction on how to proceed with the topic.

Mayor Cutter opened the discussion with the question of whether the title “Just Cause” could be titled “Tenant Protection”.

City Attorney Rich Pio Roda provided information on tenant protection laws in other jurisdictions which included three levels of protection.

Minimum restrictions include: notice requirements and increase notice requirements.

Mid-level restrictions include minimum lease term ordinances, enhanced notice provisions and landlord/tenant mediation.

High level restrictions include: Just Cause eviction ordinances, relocation assistance, rent stabilization and other extensive restrictions whereby landlords can evict only for enumerated reasons as defined by the jurisdiction and require special noticing.

Single Family homes, condos and housing constructed after 1995 are excluded from the more stringent rent regulations.

San Leandro stands at mid-level with the use of landlord/tenant mediations.

Mayor Cutter requested a review of rules we currently have in place and whether there are reasonable protections for families with children.

Councilmember Thomas mentioned protection for long-term tenants and penalties for landlords who raise rents on long-term tenants. He defined long-term tenant time as living in a place 5 years or more.

City Attorney discussed minimum lease term agreements and enhanced notice provisions.

Councilmember Cox asked about relocation assistance and suggested additional communication with landlords to assist with solving landlord/tenant issues.

Councilmember Thomas discussed the drawbacks of relocation assistance.

The City attorney suggested more landlord education and a mandatory training for new landlords.

The committee asked for the additional information at an upcoming Rules Committee meeting.

3. PUBLIC COMMENTS

Tom Silva spoke about the amicable working relationship between Rent Review Board and City staff. He provided a specific example of one landlord who raised rent and stated the Board is comfortable with the rent stabilization process. He suggests preemptive ideas for rent stabilization issues.

4. COMMITTEE MEMBER COMMENTS

None.

5. SCHEDULING OF FUTURE AGENDA ITEMS

The Committee scheduled a discussion of Community Choice Aggregation and the Mayor's salary for the March 9, 2016 Rules Committee.

6. ADJOURN

The meeting adjourned at 9:53 a.m.