



## Legislation Text

---

**File #:** 16-683, **Version:** 1

---

Highlights of the Rules Committee Meeting of November 28, 2016

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)

### 1A. 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

### 1B. ANNOUNCEMENTS

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

Discussion Items:

### 2B. TOBACCO RETAIL LICENSE

Assistant City Attorney Kris Kokotaylo opened the discussion with updates on the existing tobacco retail ordinance. Provisions for flavored tobacco product ban and a package requirement of 15 or more cigars per pack were included in the updated ordinance. Mr. Kokotaylo explained that the package requirement does not extend to "premium cigars" therefore retailers would still be permitted to sell these cigars individually.

Mayor Cutter posed questions related to the process for obtaining a license and requested information on what other cities are charging for individual cigars. Councilmember Thomas discussed including the cigarette ban to local pharmacies and would like to

include “menthol” as a flavored product. The City Attorney advised that the City is preempted from regulating menthol cigarettes and the City cannot impose penalties in excess of \$5,000 annually. Councilmember Thomas also does not agree with the four chances retailers are allowed prior to license suspension. Suggests the following:

- i. First violation = Written Warning \$250 Fine
- ii. Second violation = 90 day suspension
- iii. Third violation = license revocation for 5 years
- iv. Requested Staff to return with additional information on what other cities are charging for individual cigars. Would like to charge an amount in align with other jurisdictions.

The committee discussed the local ordinance on smoking in public places and the City Attorney provided clarification on the ordinance.

Councilmember Cox suggested additional signage to inform people that smoking in certain areas is prohibited.

**Recommendation - Move to the full City Council (March 2017) with recommended changes that include the elimination of the fourth warning; First Violation = written warning and \$250 fine, Second Violation = 90 day suspension, Third Violation = 5-year license revocation. The committee also requested updated information on increasing the sale price of individual cigar prices and what are cities are charging for the sale of individual cigars. Finally the committee requested information on the number of businesses that have tobacco retail licenses in San Leandro.**

## **PUBLIC SPEAKERS:**

**Bob Gordon** (Alameda County Tobacco Control Coalition); **Dennis Doucey** (American Cancer Society); **Paul Cummings** (Alameda Health Department); **Beatrice Cardenas** (Alameda Health Department, Tobacco Control Coalition); **Brian Davis** (Tobacco Control Coalition); **Kelsey Norman** (Tobacco Control Coalition); **Rebecca Gratz-Lazarus**; **Darlene Evans**

## **2A. COUNCILMEMBER TERM LIMITS**

Councilmember Thomas noted no need to extend and, no recognizable benefit and no public interest in increasing term limits.

Councilmember Cox agreed that this is not an issue she supports.

Mayor Cutter commented on low number of candidates in the most recent election. Agrees that it takes time to be confident in councilmember position but also agrees eight years is sufficient to be on the City Council.

**RECOMMENDATION - No change to current councilmember term limits.**

## **PUBLIC COMMENTS**

None

## **2C. COUNCILMEMBER HANDBOOK UPDATE**

The committee discussed the section of the handbook related to trainings and agreed on the need for clear standards and penalties for commissioners who do not take AB1234 Training. The committee suggested staff return with suggested penalties for commissioners - impose penalties for non-compliance - removal from commissions; and copy the council member on the notification;

They requested Board and Commission attendance reviews bi-annually instead of annually.

Mayor Cutter suggested the committee move the “public comment” section of the agenda before presentations.

**RECOMMENDATION: Reorder the city council agenda to allow Public Comments before Presentations.**

## **PUBLIC COMMENTS**

Darlene Evans

The Committee adjourned at 10:31 AM.