



Minutes

Lakewood City Council

Regular Meeting held
October 8, 2013

MEETING WAS CALLED TO ORDER at 7:30 p.m. by Mayor Croft in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Dr. Bill Cox, Emmanuel Church of Lakewood

PLEDGE OF ALLEGIANCE was led by Boy Scouts Troop 140

ROLL CALL: PRESENT: Mayor Steve Croft
Vice Mayor Todd Rogers
Council Member Diane DuBois
Council Member Ron Piazza
Council Member Jeff Wood

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Croft commented on the birthday of Lakewood's oldest resident. He stated that although recently, it had been necessary for Vera Enquist to relocate to an assisted living residence, she had been a Lakewood home owner for more than 50 years, and that he had been honored to help celebrate her 104th birthday.

Vice Mayor Rogers announced the Lakewood Education Foundation golf tournament would be held on October 14th. He expressed his thanks to all of the businesses offering support and to the residents of Lakewood for their willingness to step up and help Lakewood students and teachers. He also thanked the many residents who made donations via the water bill insert.

ROUTINE ITEMS:

Council Member DuBois requested that Routine Item 1 be considered separately.

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO APPROVE ROUTINE ITEMS 2 THROUGH 8.

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands

RI-4 Approval of Permit for Street Closure for October 31st Block Party

RI-5 Approval of Monthly Report of Investment Transactions

ROUTINE ITEMS: Continued

RI-6 Approval of Amendment to Agreement for Print and Mail, and On-line Bill-Pay Services with Infosend

RI-7 Water Well Design Agreement with Tetra Tech, Inc.

RI-8 RESOLUTION NO. 2013-49; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADDING A JOB CLASSIFICATION TO SCHEDULE B OF RESOLUTION NO. 2013-30 PERTAINING TO HOURLY-RATED PART-TIME EMPLOYEES AND ENACTING A PERSONNEL RESOLUTION ESTABLISHING THE COMPENSATION, RULES AND REGULATIONS PERTAINING TO HOURLY-RATED PART-TIME EMPLOYEES

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

RI-1 Approval of Minutes of the Meetings held September 10, and September 24, 2013

COUNCIL MEMBER WOOD MOVED AND VICE MAYOR ROGERS SECONDED TO APPROVE ROUTINE ITEM 1. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, Wood and Croft

NAYS: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: DuBois

1.1 • EXTENSION OF URGENCY ORDINANCE NO. 2012-3 ESTABLISHING A MORATORIUM ON CONDITIONAL USE PERMITS TO ALLOW CERTAIN ALCOHOLIC BEVERAGE (OFF-SALE) ESTABLISHMENTS, ORDINANCE NO. 2013-6

City Attorney Steve Skolnik advised that at the last meeting, the City Council had issued a report on the progress made by the Community Development Department regarding the study of this matter. The ordinance presented for public hearing at this time, was an urgency measure which would require a single reading for adoption.

Mayor Croft opened the public hearing at 7:40 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO CLOSE THE PUBLIC HEARING.

1.1 • EXTENSION OF A MORATORIUM ON CONDITIONAL USE PERMITS TO ALLOW CERTAIN ALCOHOLIC BEVERAGE ESTABLISHMENTS - Continued

Council Member Piazza expressed the Council's wish that although the extension provided an additional year of study, that the matter be resolved and recommendations be presented as soon as possible.

ORDINANCE NO. 2013-6; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD EXTENDING A MORATORIUM ON THE ISSUANCE OF ANY CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF ANY NEW ALCOHOLIC BEVERAGE ESTABLISHMENT (OFF-SALE) IN A LOCATION WITH A GROSS FLOOR AREA OF LESS THAN 6,500 SQUARE FEET was read by title by the City Clerk.

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER WOOD SECONDED TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2013-6. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

3.1 • REPORT ON ELECTRONIC CIGARETTE AND VAPOR DEVICES

Community Development Director Sonia Southwell displayed slides and made a presentation based on the memo in the agenda. She reported on the growing trend of electronic cigarettes and vaporizing devices. She noted that there were no State or Federal regulations pertaining to the sale or the use of electronic cigarettes, and little scientific data available on the possible health risks for those using the devices or second-hand exposure effects of the vapors. She reviewed the preliminary data collected on the actions and proposed actions in neighboring cities. It was the recommendation of staff that the City Council consider continuing to allow retail sales of electronic cigarette devices in commercial districts, and to amend the Municipal Code to establish the same restrictions on the use of the devices as those that apply to cigarettes, cigars and other tobacco products.

Responding to a question from Mayor Croft, Ms. Southwell stated that smoking lounges were not a permitted use under the Municipal Code.

Council Member DuBois inquired if these devices could also be used for other, illegal substances. Ms. Southwell responded by stating that although not in evidence locally, there were parts available through the internet to allow the devices to be used with other substances.

Council Member Piazza expressed reservations about establishing strict regulations when so little research data, especially on second-hand exposure, was available to determine whether the products were harmful or not.

3.1 • REPORT ON ELECTRONIC CIGARETTE AND VAPOR DEVICES - Continued

The City Attorney advised that the major concern of local agencies seemed to be that in the absence of State regulation, there were no limits to the use of these devices in public areas.

Mayor Croft stated that he was concerned that the major stakeholders for the industry were the large tobacco companies, who were not known for their concern about public health and that the flavors of “juice” offered seemed to target youth. He commented that at a minimum, it might be prudent to regulate the products the same as cigarettes and other tobacco products, at least until the safety of the products was known.

Vice Mayor Rogers determined from Ms. Southwell that even though the sale of the devices and juice was regulated, with minors prohibited, because they were considered tobacco products, there were no regulations in place regarding where the products could be used. She stated that to date, there were no reported law enforcement problems with either of the locations in Lakewood which were focused on the vapor products. He expressed concern about further proliferation of shops specializing in the sale of these products, as there seemed to be a significant risk of use of the vapor devices for illicit substances, and particularly concerned about the possible health threat to youth, especially when in proximity to schools and parks. He clarified that the staff recommendation was focused on where the products could be used.

The City Attorney advised that the City Council could choose to adopt an ordinance that would give electronic cigarettes the same status as cigarettes and cigars, wherever regulated by local, State or Federal law. He noted that future State and Federal regulations were most likely to address health concerns, with any regulation of the sales being left to local agencies.

Council Member DuBois pointed out that although the U.S. Food & Drug Administration was scheduled to release some health study data by the end of October, the Federal government shut-down might delay those results.

Council Member Wood expressed concern that moratoriums on these retail businesses in neighboring cities might encourage them to locate here instead. He inquired if minors, prohibited from buying the devices, could still have access to the juice. Ms. Southwell stated that the presence of nicotine classified the products as tobacco products and that the stores specializing in the vapor devices were posted for no entry to minors. She also noted that both the devices and juice were offered for sale through the internet.

Responding to questions from Council Member Piazza, the City Attorney advised that the City Council could choose to establish regulations on either the sale or the use of the products and then repeal those regulations in the event scientific data showed that the products posed no serious health risks.

Mayor Croft stated he would support restrictions on the use of the devices, especially in locations where children could be present, and to also develop appropriate zoning regulations for businesses where these products are their primary business. The City Attorney clarified that regulations for all of tobacco-specific businesses should be included as part of the study.

3.1 • REPORT ON ELECTRONIC CIGARETTE AND VAPOR DEVICES - Continued
Council Member DuBois stated she would support regulations on where the devices could be used and appropriate zoning regulations, but did not think a moratorium was necessary.

Vice Mayor Rogers stated that he would like staff to bring back, at the earliest opportunity, specific proposals and how sales regulation could be accomplished, such as through the Conditional Use Permit process, and more specific information on how other cities are choosing to regulate.

The City Attorney advised that an ordinance could be prepared for introduction at one of the next two meetings.

MAYOR CROFT MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO DIRECT STAFF TO BRING SUGGESTED MUNICIPAL CODE CHANGES BACK AT THE EARLIEST POSSIBLE DATE TO CATEGORIZE THE USE OF ELECTRONIC CIGARETTES AS OTHER CIGARETTES USES ARE RESTRICTED AND TO BRING BACK ZONING RESTRICTION RECOMMENDATIONS EXPEDITIOUSLY, BUT AT A LATER DATE. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

3.2 • PLANT 22 WATER RESERVOIR REPLACEMENT DESIGN AGREEMENT WITH TETRA TECH, INC.

Water Resources Director Jim Glancy gave a report based on the memo in the agenda and stated that the Plant #22 reservoir, which was built in 1952, was the last water storage facility in the system that was in need of major rehabilitation or replacement. He reported that a proposal had been received from Tetra Tech, Inc. to complete a study to detail the options and costs of this project. At their meeting on October 2nd, the Water Resources Committee had directed staff to obtain a proposal for the completion of a design report for the replacement or rehabilitation of the Plant #22 reservoir. He noted that there was sufficient funding in the budget for the work, and that the cost included project design through construction observation. It was the recommendation of the Water Resources Committee that the City Council approve an engineering services agreement with Tetra Tech, Inc. in an amount not to exceed \$600,000.

Council Member Piazza reported that the Water Resources Committee had a robust meeting regarding this issue and that although an expensive project, it was necessary to maintain the water system. He noted that the study would provide the City Council with several construction and related cost options on how best to move forward.

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO APPROVE THE AGREEMENT. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

3.3 • CONSIDERATION OF GREEN STREETS POLICY

Public Works Director Lisa Rapp introduced Senior Management Analyst Konya Vivanti who displayed slides and made a presentation based on the memo in the agenda. She reported that as part of the City’s compliance with the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit, it was necessary to adopt a Green Streets Policy. She stated that the Policy was based on the U.S. Environmental Protection Agency’s document, “*Managing Wet Weather with Green Infrastructure: Green Streets*” and included Lakewood’s principal arterial streets. She advised that the policy would provide for incorporating Green Streets design elements into future street and road projects to improve the quality of storm water and urban runoff. It was the recommendation of staff that the City Council adopt the proposed resolution to adopt the Green Streets Policy.

RESOLUTION NO. 2013-50; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING A GREEN STREETS POLICY

COUNCIL MEMBER WOOD MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO ADOPT RESOLUTION NO. 2013-50. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

SUCCESSOR AGENCY ACTIONS

1. Approval of Register of Demands

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE THE REGISTER OF DEMANDS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

ORAL COMMUNICATIONS: None

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Croft adjourned the meeting at 8:43 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk