



# Minutes

## Lakewood City Council

Regular Meeting held  
November 12, 2013

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**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 Pastor Jeff Zabel, First Baptist Church of Lakewood

**PLEDGE OF ALLEGIANCE** was led by Cub Scout Pack 62

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

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### **ANNOUNCEMENTS AND PRESENTATIONS:**

Mayor Croft announced that the meeting would be adjourned in memory of longtime Lakewood resident Bob Clayton; Doris Hauser, mother of Water Resources staffer Ellen Benson; and Pete Stone, father of Recreation and Community Services Director Lisa Litzinger.

Vice Mayor Rogers expressed his thanks to the many supporters of the Lakewood Education Foundation. He stated that due to the generosity of the Lakewood community, about \$43,000 had been raised and gone directly into the classrooms of Lakewood schools through grants made to 95 teachers.

Laura Peralta, representing Lakewood Regional Medical Center made a presentation regarding Path to Health, a program to help educate the uninsured about the Affordable Care Act.

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### **ROUTINE ITEMS:**

COUNCIL MEMBER PIAZZA MOVED AND VICE MAYOR ROGERS SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 7.

RI-1 Approval of Minutes of the Meeting held October 22, 2013

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands

RI-4 Approval of Request to Change Operational Setting on Emergency Interconnection with Golden State Water Company

**ROUTINE ITEMS:** Continued

RI-5 Approval of Quarterly Schedule of Investments

RI-6 Approval of Monthly Report of Investment Transactions

RI-7 Acceptance of Notice of Completion for Public Works Contract No. 2013-2, Arbor Yard Office Building Lighting Replacement Project, J. Kim Electric, Inc.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**1.1 • ORDINANCE NO. 2013-8; PERTAINING TO ELECTRONIC CIGARETTES AND SIMILAR DEVICES**

City Attorney Steve Skolnik advised that the proposed ordinance had been introduced at the previous City Council meeting and was presented for public hearing and second reading at this time. He noted that there were no unique requirements contained in the ordinance, that it would identify electronic cigarettes and vapor devices as subject to the same regulations under State law as cigarettes and nicotine products.

Mayor Croft clarified for those in the audience wishing to be heard on this matter that this item was regarding where electronic cigarettes and similar devices could be used and that the next item on the agenda pertained to the zones where businesses specializing in the sale of tobacco and other nicotine products could be sold.

Vice Mayor Rogers inquired of staff if there had been any update on when the Federal Food and Drug Administration would release findings regarding electronic cigarettes. Community Development Director Sonia Southwell stated that although findings were scheduled for release at the end of October, the release had been delayed with no new date identified.

Mayor Croft opened the public hearing at 7:45 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Craig Chambers, Lakewood, spoke in favor of the proposed ordinance, noting the potential hazard to children.

Greg Wood, Long Beach; Fr. Jack Kearney, Lakewood; Michael Provenzano, Riverside; Gary Gunnarson, Long Beach; Livia Castellanos, Cerritos; George Schilling, Lakewood; Roy Santos, Chino Hills; Justine Manabay, Diamond Bar; Ben Tanjuakio, Riverside; Karen Sy, Long Beach; Chris Bautista, North Hollywood; Joey Mariano, Burbank; Stephanie Aiello, Long Beach; and Van Durke, Long Beach, spoke in opposition to the ordinance. They raised issues such as the beneficial use of electronic cigarettes or vapor devices to help stop smoking tobacco, and also encouraged the Council to wait until there was actual evidence that harm could be caused by use of the devices before restricting their use.

**1.1 • ORDINANCE NO. 2013-8; PERTAINING TO ELECTRONIC CIGARETTES AND SIMILAR DEVICES** - Continued

Mayor Croft addressed the audience clarifying that the proposed ordinance would not ban the use of electronic cigarettes and similar devices or their availability. He stated that although many of the speakers had said the devices had helped them stop smoking tobacco, they were not FDA approved as smoking cessation devices. He also noted that although it had been stated that the devices were not targeting children, despite the types of flavors being offered, quite a few of the speakers had acknowledged that they had been smokers from their early teens. He concluded by stating that in light of the conflicting studies and many unknowns regarding the safety of long-term exposure, this regulation was the right thing to do, and did not prohibit the use, but rather regulated the use to where it would not inconvenience others.

Council Member Wood stated that he had carefully read the many emails submitted regarding this subject and did not dispute the personal benefits of the devices to those who had testified at this hearing. He stated, however, that there were some places, like restaurants, where the use of these devices was not appropriate, for the protection of others.

Council Member Piazza stated that while he did not want to make unnecessary laws, he was torn between those who wanted the personal freedom to use their devices and those residents who did not want it in their personal space. He stated he felt that the community generally did not want to have these devices used in enclosed places, like restaurants or theaters. He noted that the City Council could easily re-visit this issue if new information about the safety of the devices became available.

Vice Mayor Rogers stated that although he did not want to interfere with personal choices and he supported the right to smoke in appropriate places, it was sadly necessary to legislate courtesy. He noted that he had done some research on his own and that while he hoped all of the positive stories about the benefits of the devices was not eventually wiped out by other serious health issues, it was prudent to restrict where the devices could be used until more was known about the long-term effects.

Council Member DuBois, in reference to the comments regarding the lack of detectable odor from the use of the devices, noted that as a former smoker, she had been unaware of how the odor of smoke had been detectable by others. She stated that she would support the ordinance in order to protect the rights of the public.

ORDINANCE NO. 2013-8; AN ORDINANCE OF THE CITY OF LAKEWOOD AMENDING THE DEFINITION OF SMOKING TO INCLUDE ELECTRONIC CIGARETTES AND SIMILAR DEVICES was read by title by the City Clerk.

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2013-8. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**2.1 • ORDINANCE NO. 2013-9; AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO LOCATION REQUIREMENTS FOR TOBACCO AND NICOTINE PRODUCT SALES**

The Director of Community Development displayed slides and gave a presentation based on the memo in the agenda. She reported that the Municipal Code did not currently have standards for the location of stores whose primary business was the sale of tobacco, tobacco paraphernalia, electronic cigarettes, and/or vaporizing devices capable of delivering inhalable nicotine products. Staff had conducted a study and survey to determine the most appropriate zone that would limit this type of business in areas catering to children and families. The proposed ordinance would define both tobacco products, and tobacco and nicotine product sales, and would add sales of these products to the uses permitted in the C-4 (General Commercial) zone. She noted that all existing stores of this type with a valid business license would be exempt. It was the recommendation of the Planning and Environment Commission that the City Council introduce the proposed ordinance.

**ORDINANCE NO. 2013-9; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO THE ESTABLISHMENT OF TOBACCO AND NICOTINE PRODUCT SALES IN THE C-4 (GENERAL COMMERCIAL) ZONE**

Responding to a question from Council Member DuBois, Ms. Southwell stated that the ordinance, as written, did not require future compliance for existing businesses and there would still be locations which did not impact schools or residential properties. She also noted that the definition included government buildings, like the civic center and fire stations.

Council Member Piazza noted that both staff and the Planning and Environment Commission had put a lot of effort into the development of the proposed ordinance. He stated that with the existing business locations and other retailers offering the products, as a secondary use, there would still be ample opportunity for anyone who wished to purchase these products.

Vice Mayor Rogers stated that the focus was on tobacco products and devices that could potentially be used for illegal drugs, in order to protect youth from things that can kill.

The City Attorney advised that the ordinance would also require a Conditional Use Permit for any new store whose primary business was tobacco and/or nicotine product sales.

Fr. Jack Kearney, Lakewood; George Schilling, Lakewood; Joey Mariano, Burbank; and Stephanie Aiello, Long Beach, spoke in opposition to the ordinance, urging the Council not to lump vapor devices in with tobacco.

**VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO INTRODUCE ORDINANCE NO. 2013-9. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:**

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

**NAYS: COUNCIL MEMBERS: None**

**2.2 • ORDINANCE NO. 2013-7; REGARDING LOW IMPACT DEVELOPMENT (LID)**

ORDINANCE NO. 2013-7; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO LOW IMPACT DEVELOPMENT 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. 2013-7. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

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**SUCCESSOR AGENCY ACTIONS**

1. Approval of Registers of Demands

COUNCIL MEMBER DUBOIS MOVED AND VICE MAYOR ROGERS 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

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**SUCCESSOR HOUSING ACTIONS**

1. Approval of Registers of Demands

COUNCIL MEMBER DUBOIS MOVED AND VICE MAYOR ROGERS 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

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**ORAL COMMUNICATIONS:**

Craig Chambers, Lakewood, addressed the City Council regarding a business moving out of the City.

Larry Larsen, Lakewood, expressed concern about the measure to raise funds for stormwater issues that had been considered by the County of Los Angeles and then abandoned.

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**ADJOURNMENT**

There being no further business to be brought before the City Council, Mayor Croft adjourned the meeting at 9:18 p.m. A moment of silence was observed in memory of Bob Clayton, Doris Hauser, and George "Pete" Stone.

Respectfully submitted,

Denise R. Hayward, CMC  
City Clerk