



Agenda

STUDENT AND NEIGHBORHOOD RELATIONS COMMISSION

Regular Student and Neighborhood Relations Commission Meeting

Monday, April 14, 2014, 6:30 PM

City Council Chambers

1 Civic Center Drive

San Marcos, CA 92069

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. APPROVAL OF MINUTES – Regular Commission Meeting – February 10, 2014

PUBLIC COMMUNICATIONS (*This is the public's opportunity to address the Commission and on items not on the agenda.*)

2. ORAL COMMUNICATIONS

Speakers are limited to five minutes. Please complete a "Request to Speak" form and place in basket provided.

3. PRESENTATIONS

A) San Marcos Prevention Coalition – KC Strang

4. NEW BUSINESS

A) Barham/Industrial Parking Issues – Housing & Neighborhood Services Director Schwarm

5. OLD BUSINESS

A) E-Cigarettes/Vaping – Deputy City Manager Romero

6. REPORTS

- A) Sheriff's Department Report – Sergeant Haynesworth
- B) Code Compliance Report – Interim Building Official Reynolds

STAFF COMMENTS

COMMISSION COMMENTARY

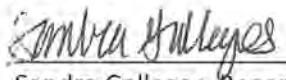
ADJOURNMENT

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF SAN MARCOS)

I, Sandra Gallegos, Recording Secretary of the Student and Neighborhood Relations Commission, hereby certify that I caused the posting of this agenda in the glass display case at the north entrance of City Hall on Thursday, April 10, 2014, at 5:30 p.m.

Dated: April 10, 2014



Sandra Gallegos, Recording Secretary



MINUTES

Regular Meeting of the Student and Neighborhood Relations Commission

MONDAY, FEBRUARY 10, 2014

City Council Chambers
1 Civic Center Drive, San Marcos, CA 92069

CALL TO ORDER: Acting Chairwoman Kildoo called the meeting to order at 6:30 PM.

PLEDGE OF ALLEGIANCE: Led by Acting Chairwoman Kildoo.

ROLL CALL:

PRESENT: CAVANAUGH, CLARK, K. KILDOO, MARTINEZ, PARIS, WALSH
ABSENT: GONZALEZ, S. KILDOO, KRETCHMAN

ALSO PRESENT: Deputy City Manager Romero, Interim Building Official Reynolds, Sergeant Haynesworth, and Recording Secretary Gallegos.

1) APPROVAL OF MINUTES :

Corrections:

COMMISSION COMMENTARY: Commissioner Clark clarified that it should read that they anticipate everything being ready for the grand opening in April 2014.

MOVED BY CLARK, SECONDED BY PARIS, TO APPROVE THE REGULAR MEETING MINUTES OF 11/13/13 AS CORRECTED.

AYES:	CLARK, K. KILDOO, MARTINEZ, PARIS, WALSH
NOES:	NONE
ABSTENTION	CAVANAUGH
ABSENT:	GONZALEZ, S. KILDOO, KRETCHMAN

2) ORAL COMMUNICATIONS: None

3) NEW BUSINESS:

Elect Chair: **MOVED BY PARIS, SECONDED BY CLARK, TO APPOINT KILDOO AS CHAIR.**
Elect Vice Chair: **MOVED BY KILDOO, SECONDED BY PARIS, TO APPOINT CLARK AS VICE CHAIR.**



Regular Meeting of the Student and Neighborhood Relations Commission

Monday, February 10, 2014 | Page 2 of 5

4) PRESENTATIONS:

A) E-CIGARETTES:

CELESTE YOUNG of Mental Health Systems and **GENA KNUTSON** of Vista Community Clinic provided a presentation on electronic cigarettes (e-cigarettes), a battery-powered device that produces flavored water vapor for inhaling. The three main ingredients are propylene glycol or vegetal glycerin (humectants), nicotine, and flavor (fruit, candy, tobacco, coffee, bacon, mix and match). A hollow tube attaches to the e-cigarette and acts as a mouthpiece. E-liquid is dripped through the tube on to atomizer. The use of e-cigarettes is increasing rapidly among adults and has doubled with youth. They are used predominantly by smokers, smokers considering cessation, former smokers, and young adults. E-Cigarettes have not been proved to help people quit smoking. There have been cases where the e-cigarettes have exploded while in use. E-cigarettes are sold at gas stations, convenience stores, liquor stores and even dollar stores. There are three locations in San Marcos that sell e-cigarettes. The County of San Diego and the cities of Vista, Carlsbad, and Oceanside prohibit e-cigarettes where smoking is prohibited. E-cigarettes are not regulated by the FDA.

KC STRANG, San Marcos resident and program manager for the San Marcos Prevention Coalition a nonprofit community coalition made up of over ten different sectors of the community that work on reducing substance abuse. Mr. Strang stated that the Coalition is extremely concerned about the rise and popularity of electronic vaping devices. He has seen an increase in the use of e-cigarettes in San Marcos. He was recently at Double Peak Park and there were young people using them there. He stated there are over 250 companies that make and market vaping devices but none are regulated. Unlike traditional cigarettes, the e-cigarettes come in many different flavors like cotton candy, chocolate. Recent studies show that the vapor was found to have carcinogens. The cities of Vista, Carlsbad and Poway prohibit the use of electronic vaping devices in areas that are smoke free.

DEPUTY CITY MANAGER ROMERO stated that if the Commissioners wanted to prohibit e-cigarettes here in San Marcos, they could direct staff to bring back more information to take formal action on. **ACTING CHAIR KILDOO** stated that she would like to get more information and also would like to know if this Commission or the Community Services Commission would address the use of the e-cigarettes at the parks.

COMMISSIONER PARIS stated that where she lives, the association has banned e-cigarettes. It is disturbing to hear that e-cigarettes are being used at the parks. She also would like to get more information about this.

ACTING CHAIR KILDOO asked if this issue has been addressed by Cal State San Marcos. **COMMISSIONER CLARK** indicated that they are working on it and have a draft version of a smoking policy that addresses e-cigarettes.



Regular Meeting of the Student and Neighborhood Relations Commission

Monday, February 10, 2014 | Page 3 of 5

ACTING CHAIR KILDOO thanked the speakers for their very informative presentation. She had no idea that e-cigarettes were not regulated. She asked staff to bring back more information.

B) PREPARE SAN DIEGO INITIATIVE:

KIRK LUTHYE of the American Red Cross provided a presentation on Prepare San Diego. The goal is to help one million San Diego County residents prepare for human emergencies and disasters by helping them make an emergency plan, build a disaster kit and get emergency training. It is a four year initiative and San Marcos was identified as a year one community. The target goal is to reach 29,000 San Marcos residents.

ACTING CHAIR KILDOO asked how they will be disseminating information about this program to the community. **MR. LUTHYE** stated that they want to partner with schools, faith based organizations, and nonprofit agencies. They have not yet identified an entity in San Marcos that would like to take this on. They have talked to Cal State San Marcos but nothing has yet been solidified. **ACTING CHAIR KILDOO** suggested the street fairs through the Chamber of Commerce would be a great opportunity to inform residents about this program.

5) REPORTS

a) Sheriff's Department Report:

SERGEANT HAYNESWORTH reviewed the December 2013 and January 2014 disturbance calls. In December there were 110 party calls and 70 in January and the hot spots were in the Borden/Las Posas area. He spoke about a large party that recently occurred and that was on the local news. He showed photos of the alcohol and damage done to the home. He reported there was a DUI checkpoint conducted behind Palomar College. They have been monitoring the party buses at Acapulco restaurant. He reported they have seen the e-cigarettes at the skate parks. He provided a handout with social host information that is on the Sheriff's Department's website which talks about the risks of underage drinking and the social host laws in the County of San Diego.

ACTING CHAIR KILDOO asked about the party incident and if the parents were home. **SERGEANT HAYNESWORTH** stated that the hosts were 18 and the parents were not home. The individuals that hosted the party were arrested and they were also billed for the Sheriff's response.

DEPUTY CITY MANAGER stated that the social host ordinance is also on the city's website as is the Good Neighbor guide. We found out about this incident because it was called in to 911. She stated that this is a type of incident we encourage people to call 911. **ACTING CHAIR KILDOO** stated that we need to get the word out to the community that when there are large parties like this that they call 911.



Regular Meeting of the Student and Neighborhood Relations Commission

Monday, February 10, 2014 | Page 4 of 5

b) Code Compliance Report:

INTERIM BUILDING OFFICIAL REYNOLDS stated that the property owner of the residence where the social host incident occurred lives on the east coast. Code Compliance staff sent the property owner a letter and information on the social host ordinance. The property owner immediately responded by phone to city staff. The owner was not aware of the activities going on and he instructed the property management company to have them evicted. Mr. Reynolds encouraged everyone to contact code compliance or the Sheriff's Department about these types of incidents or any code violations such as noise issues or building violations.

STAFF COMMENTS:

DEPUTY CITY MANAGER ROMERO stated that the Mayor's State of the City Address will be held at Green Gables Estates on February 25th at 11:30 a.m. At this event, each of the council members will be honoring a community hero. Tickets may be purchased electronically through the Chamber of Commerce website.

COMMISSION COMMENTARY:

COMMISSIONER PARIS stated that she is already starting to prepare for the annual Tree Festival fundraiser which is held in late November and benefits the San Marcos Senior Foundation. She thanked the speakers for their presentations. She is very concerned about the e-cigarettes. She welcomed new Commissioner Cavanaugh. Commissioner Paris stated that she has been on the Commission since its inception. She retired from the real estate business and currently works with seniors a caregiver.

COMMISSIONER WALSH stated that he is the student body president at Cal State San Marcos. The next Commission meeting will be his last since he will be graduating in May. The spring semester recently started and the student union is open.

COMMISSIONER CLARK stated that she is the university president's designee to the Commission from Cal State San Marcos. At Cal State San Marcos she is the Executive Director of the University Corporation which is in charge of student housing, student recreation and wellness, center of the Clark field house, student union, events and conference services and commencement. The President hosted last week the 10th Annual Report to the Community and it was well attended. The student union opened softly, the contractor is still working through some things that still are quite not right.

COMMISSIONER CAVANAUGH stated that she works in the counseling office at San Elijo Middle School helping with clerical work. She lives near Cal State San Marcos.

ACTING CHAIR KILDOO stated she has been on the Commission since the beginning. It has been varied and interesting and they have dealt with issues not only about students but about the community as well. They are open to public input to make sure concerns are being handled. One of their goals is to



Regular Meeting of the Student and Neighborhood Relations Commission

Monday, February 10, 2014 | Page 5 of 5

give city staff and the Sheriff's Department the tools they need to make the community a better and safe place. She has received comments from residents about designated smoking areas at outdoor facilities not placed in correct areas, particularly at restaurant row. She has shared these concerns with staff and asked if this is something the Commission can address since it is private property. She welcomed new Commissioner Cavanaugh.

ADJOURNMENT: Acting Chair Kildoo adjourned the meeting at 7:39 PM.

KATHLEEN KILDOO, ACTING CHAIR
STUDENT AND NEIGHBORHOOD RELATIONS COMMISSION
CITY OF SAN MARCOS

ATTEST:

SANDRA GALLEGOS, RECORDING SECRETARY
CITY OF SAN MARCOS

DRAFT



Report

STUDENT AND NEIGHBORHOOD RELATIONS COMMISSION

CITY COUNCIL CHAMBERS
CIVIC CENTER DRIVE
SAN MARCOS, CA 92069
(760) 741-7050
WWW.SAN-MARCOS.EDU

MEETING DATE: April 14, 2014

SUBJECT: Barham/Discovery Industrial Park Parking Issues

Recommendation

1. Recommend to the Traffic Commission that the Barham/Discovery Industrial Area be posted for 2-hour parking and no parking on street sweeping days
2. Report back to the Commission on the results of the pilot program six months after implementation

Background

Over the years the City has received complaints about student parking in the industrial area north of Californian State University San Marcos (CSUSM). The Barham/Discovery Industrial Park (Industrial Park) is boarded by the following streets (also see attached map);

- South Twin Oaks Valley Road to the west
- East Carmel Street/State Highway 78 to the north,
- Hill Drive to the east, and
- East Barham Drive to the south

The complaints have been about students parking legally and illegally in some cases. The City has continuously patrolled this area for illegal street parking and has issued hundreds of tickets to illegally parked cars over the years. In addition, the City has at business owners requests painted numerous curbs red to allow for vehicles, mainly delivery trucks, to enter and exit properties in the area safely. However, since the opening of the student housing known as the Quad, the parking situation has worsened.

The Commission has heard reports on the parking problems in the areas near both CSUSM and Palomar College. To address these problem parking areas the following actions have been taken:

1. Added parking and student behavior to the "Good Neighbor" educational campaign
2. Commission approved the area around Palomar College be posted no parking on street sweeping days (signs being installed starting April 14th)
3. Numerous red curb "no parking" areas in the Industrial Area installed
4. Both the areas around Palomar College and CSUSM are heavily patrolled for parking violations during school hours.

Discussion

The City currently cleans residential streets every two weeks. A "windshield survey" conducted by the street sweeper vendor in the Barham/Discovery Industrial Park shows that the program is having little effect on removing trash and debris from the gutter/stormdrain system due to the high volume of vehicles parked in this area. It is estimated that in the Industrial Park area alone, over 1,539 pounds of debris and trash are going into the storm drain yearly because the sweepers' by-pass over 2,018 parked cars each year.

In addition to the inability of the street sweeper to effectively clean the streets in the Industrial Park due to student parking, there has been an increase in overnight and long term parking on the street nearby the Quad student housing complex. This has pushed the day-time student parking congestion to areas previously not impacted resulting in a recent increase in complaints filed by businesses in the east end of the Industrial Park.

Public Workshop

On March 12, 2014 City staff held a workshop with the Industrial Park businesses and staff from CSUSM. Mailers were sent to the 136 properties affected by the on-street student parking. Fourteen people attended the workshop, four of which were representing three different businesses in the area. During the workshop, staff presented three possible solutions to the parking/street sweeping problems:

1. Impose timed parking restrictions daily and no parking on street sweeping days
2. Impose no parking on street sweeping days only
3. Explore the development of a parking permit program for businesses only with no parking on street sweeping days

Of the three businesses represented; two out of three supported some form of parking restriction in the Industrial park to limit student parking. The one business that did not support parking restrictions was not impacted by on-street student parking due to their location. The minutes of the workshop are attached. Due to the limited attendance, staff conducted a survey of the area businesses, the results of which were still being processed and analyzed as this report was written, but will be presented to the Commission at the meeting.

Recommended Solutions

Based on the input received from the workshop, a quick review of the surveys and staff observation, staff is recommending that a combination of 2 hour parking restrictions and no parking on street sweeping day be implemented in the Barham/Discovery Industrial Park. The 2 hour parking restriction will be 24 hours a day to address the overnight parking that is occurring in the Industrial Park. The street sweeping parking restrictions

will be for a few hours verse all day based on input received from the businesses. From a quick review some of the surveys suggest permit parking for businesses, staff cannot recommend or support the idea of permit parking at this time due to the cost and logistical requirements to adequately administer and enforce such a program.

Fiscal Impact

If restricted parking signs are installed there will be a one-time fiscal impact but it is too early to determine the exact cost of the required signage. The average cost for a traffic sign, pole and installation is estimated at \$150. Cost and sign pollution will be minimized by installing these new no parking signs on existing light and traffic control poles. Preliminary sign requirements for this area are approximately 55 signs, costing approximately \$8,250 to order and install.

Attachment

Map of impacted area

Minutes from March 12, 2014 workshop

Prepared by:



Karl Schwarm, HANS Div. Director

Approved by:



Lydia Romero, Deputy City Manager

Barham/Discovery Industrial Park



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 476 feet
2/19/2014

Barham/Industrial Parking Enforcement Workshop 03/12/14

City Employees in attendance:

Karl Schwarm, Lydia Romero, Mike Edwards, Paul Buckley, Maggie Tague, & Dave Schultz

Also in attendance:

Robert McManus, Belinda Garcia, & Debbie Frasca (CSUSM reps.), tenants, & property/business owners

(Presented by Karl Schwarm)

I'm Karl Schwarm, Director of Housing and Neighborhood Services (HANS), and Dave Schultz is the Parking Enforcement Officer for the City of San Marcos. I used to be in Code Compliance so I know about code issues, but HANS handles crime prevention, neighborhood watch, etc., so any non-parking related questions are okay too. We'll also discuss the University District plan and the road ahead for the City.

Thanks to all for attending though we were hoping for a bigger turnout. We are aware there have been parking issues for years. This year the main issue is parking in the Barham / Industrial area and street sweeping. We received some input from Dave speaking with the local businesses. Similar issues are coming for the University District. So we will throw out some possible courses of action and weigh the pros and cons together. Please give us your input. Looking at code issues, Monday – Friday there is heavy parking in the area. Students will park free anywhere, such as the residential area behind Palomar College. Campus parking permits are \$40 at Palomar and \$430 at CSUSM. If the cost was less, students would park on campus.

Dave discovered while walking through the area that Industrial is the worst for trash. ("Yes" from business owners) Customers can't access businesses because by 9am the students are already taking any and all available parking. They park their cars and then ride skateboards to school. Occasionally there is a FedEx truck blocking the street because it can't access the business driveways. Mondays the street sweeper can't get to the curb and the City pays. Red curbs have been added. If every violation is cited, Industrial is a \$1K street. Some are \$2 - \$3K streets.

Businesses have requested traffic control and parking enforcement and the public has provided insight to the Traffic Commission regarding parking concerns and trash left on the streets. The city has installed parking restrictions in some areas and increased parking enforcement. Good Neighbor Guidelines were published and distributed at Palomar College and CSUSM, and were discussed at our last parking workshop. And a 2012 field study was conducted to estimate how many vehicles are passed by the street sweepers, and how much trash is going into our storm drains as a result.

The University District Plan will only exacerbate the problems we have now, such as overnight parking from nearby apartments and student housing. (Maybe that's a good thing? It will prompt the City to increased action.) The Quad student housing building is at Barham and Campus Way. It's a mixed-use 7-story building of 2,600 units; heavy office, commercial, retail space, a medical office, etc. There will be road improvements and new parks. The plan was adopted in 2009. Developer Mike McDonald will add 300 more beds, for a total of 900, by August, under the University District Plan 3rd phase. Student housing has no association with parking. If you have a car and can park it on the street, you can save \$400. In May, we're going to City Council with a revised plan.

Mike McDonald added that there will be limited on-street parking because the vast majority of cars are meant to be in structured parking, which will provide ample space for non-Quad students and businesses.

Q: Will the Quad be paid parking? Details for both plans are available on the City's website. Go to: Departments-Development Services-Planning-University District or Creek District. The Creek will have a multi-story parking structure and the first Main Street in San Marcos.

Most in attendance are at Enterprise Street where night parking is a major concern, as well as on Hill Drive. Ralphs center has signs posted for no campus parking, but it's challenging to enforce parking in a retail parking lot, and the impact affects other areas, all the way to Enterprise Street. It's human nature to find the cheapest parking, city-wide. CSUSM and Palomar College parking should be seamless and enjoyable.

Our Citywide street sweeping survey found a lot of tonnage of waste; 650 tons of debris per year is removed by our street sweepers. 12 oz of waste is missed for each car passed by the sweeper; at over 100K cars each year = 42 tons of debris going into our storm drains! There are currently no signs for "No parking, street sweeping". The MS4 Permit (Municipal Septic-Storm Water-Sewer System) requires the City to reduce pollutants going into storm drains and waterways. Everything that goes into our storm drains goes directly into the San Marcos Creek, untreated. From there, it continues directly into the Pacific Ocean at Tamarack, still untreated. To fix the whole package we need to reduce waste by helping the sweepers.

In the Barham/Industrial area alone, 2K cars are passed by each year = 1,500 lbs of waste carried into drains by storm water. That's nearly the equivalent of a VW Bug being dumped into the ocean! To clean the streets, what can we do? Students are currently allowed to park legally. Employee parking should be off-street only. Most businesses have off-street parking for employees and on-street parking for customers. Businesses that have limited off-street parking use the space for employees only, and customers are required to find on-street parking. Public streets are limited to 72 hour maximum. Street sweeping occurs Mondays. There will be a 30-day grace period for warnings to be issued at the start of any new parking enforcement program. "No Parking" violation is a \$48.00 fine.

Q: Any street sweeping signs posted? Could the City do "night sweeps"?

A: There would be complaints about the noise at night, also residents come home and park on-street, hindering sweepers. We will have a grace period of 30 days. Palomar College campus parking permits only cost \$40 and a “No Parking” violation costs \$48.00. A possible course of action is daily “No Parking”/“No Parking [Times] on Street Sweeping days” only/parking permits issued by the City (around the University & College) or “No Overnight Parking”/“No Parking on Street Sweeping Days” only.

Dave found there were 3 vehicle crimes in 12 months, and he has seen at least 15-20 broken windows, etc. FYI only, those incidents are “no shows” on reports, but if overnight parking is allowed, more crime is possible. Our #1 priority is we need to cover our assets and we need someone to enforce parking. Signs will be required to be posted every 100 feet. Once the sweeper has gone by, it’s okay to park on-street.

Mike McDonald suggested since we are short on parking spaces for street sweeping days, perhaps we can sweep one side of the streets one day and the opposite side of the same streets another day. Karl agreed, it’s a good point, and a lot of cities do that; however, San Marcos does the whole area in one day, weekly for the collectors; trash, recycling, etc. Attendees inquired whether street sweeping could occur every 2 weeks. Maggie Tague noted that many streets behind Palomar College are cul-de-sacs, and the sweepers would then have to repeat the round trip, taking double the time. Mike Edwards added that there is also cost involved if we have to come back. And we can’t narrow the time frame for sweeping so that it’s possible to move your car, though we want to encourage people to cooperate. Paul Buckley said the sweepers are downtown before 7am, but we need to leave the time frame open for incidentals such as fall leaves, equipment malfunctions, etc. Lydia Romero suggested a 3-4 hour window for “No Parking on street sweeping days.” Some heard about a 2-hour parking limit, but all agreed that would be unrealistic, as many customers require more time.

Comment: 2-hour parking is not a good idea. I don’t see it working. Our employees park in our lot. My father and I discussed the permit idea, but it seems like that will be a lot of work and may not be realistic either.

Dave added that any retail customer will want more than 2 hours. Maybe at the stamp place the customers stay longer. Some delivery trucks take longer than 2 hours.

Comment: I was a student and understand the costs and I know there are fewer grants available now. We want to make it easier for everyone.

Comment: Your street is different. In proximity to the Quad, most buildings are fewer than 10K sq ft, and have fewer employees; they could benefit from a 2-hour parking limit and permits.

Karl estimated that students will walk between 0.6 and 0.8 miles for free parking. Our parking structure is 1.3 miles from CSUSM. Students could park here for free and take the Sprinter to campus.

Overnight parking of tractor trailers is one of the main issues. Dave commented that for storage (towing) of vehicles, we look for violators of San Marcos Municipal Code (SMMC) section 12.20.170: 2 AM to 6 AM no RV or commercial vehicle parking on any street. Lydia asked if Dave was suggesting "No Overnight Parking 10 PM to 6 AM". (Yes) Mike Edwards asked if Dave is enforcing the 72 hour violation. Dave explained that the law is tricky; some people move their car within the same 1/10th of a mile and erase the marks on their tires, then we have no evidence; it's difficult. Mike McDonald asked what percentage of complaints from business owners would be resolved if there were no overnight parking. Dave answered, saying there have been no complaints of overnight parking. However, on Industrial Street, students will park their car for 5 days (until the weekend) then they swap spaces with other students. It's the same problem, just during the day. Mike McDonald asked if the City has ever counted the cars parked overnight. Lydia said that from Carmel to Barham the cars are shoulder to shoulder packed and nearby apartments have overflowed onto Hill Drive. Mike McDonald asked to clarify whether "No Overnight Parking from [X hour] to [X hour]" with no time limit for daytime parking has been the best idea so far. (Yes) Dave added that it takes 3 days before we can tow a vehicle. Big delivery trucks need the space to access businesses, so we could do a lot of towing, but we could also get into some heated problems. Do we tow for the blocking driveway or 72 hour violation?

Karl stated that business complaints have been about daytime student parking, but once we begin enforcing, the students will simply move to the next spot available. Mike Edwards added that students will move from Craven when there is open space available. Karl agreed that when we squeeze one area, they'll pop out in another. Paul Buckley added that the student population is 11K and growing. Lydia said there is no perfect answer. We will start to chip away and do our best to make it better, work on overnight parking, etc. For the folks at the University who have cars and park off-campus, we have to assume they will take advantage once the parking structures are built.

Comment: We understand the trucks are needed and if there are too many cars on the street, the debris can't be swept.

Comment: Industrial does not have that problem. We trade/arrange with neighbors to share parking space in our off-street lots.

Comment: Many businesses have employees parking on the street and the parking lots sit empty.

Comment: On Distribution Street students can cut through to Barham. Hill Drive has plenty of parking available.

Mike Edwards asked if the areas could be sorted; some "No Overnight Parking" and others timed parking restrictions. Lydia said we need to cover the whole area or we'll just push the problem around. Karl said if we have "No Parking on Street Sweeping Days" only, that will alleviate Mondays, at least. Dave asked if Industrial can be a "No Parking Overnight". Karl answered that they'll walk from Carmel.

Comment: Coming from Industrial, trying to turn left onto Carmel is scary. It's hard to see around that corner. "No Parking" on Carmel, all in favor?

Lydia jested, "Order the signs!" Mike Edwards stated it would first have to go to the Traffic Commission. Mike McDonald commented that one structure will be a 180-unit apartment building with a non-student parking access pass, but students will pay to park unless it's more than Cal State. Lydia said they can't have free parking. Karl added if we push through Campus Way, students will park on Enterprise. Course of Action (COA) 3 seems best. The permit package will be an administrative nightmare, but may be inevitable in the residential areas. We'll see eventually, as the University District builds out. We know businesses and residents get the most tickets.

Comment: We never had an issue with the students; we just felt it wasn't right.

Mike Edwards suggested that many business owners probably had no time to come to the workshop, so perhaps they'll fill out the online survey. Dave said he made a point to contact as many businesses as possible.

Citation fines will be reduced with campus parking permit proof of purchase. That's a good approach to cover the entire area.

Comment: Agreed; we all need to be team players, as we're all affected. 2 hour parking will be okay. More construction-type businesses use their lots for storage or work rather than parking. The art center has weekend events, but they're unique with a big lot, and there is an empty building next door. The only issue is just trash at the end of the street. Paul replied that should be reported to the City's Litter Abatement Staff.

Comment: We have a gate that we close and lock; we're surprised there has been no student parking yet.

Comment: Industrial gets cluttered with trash and it all gets blown down to the end of the street.

Mike Edwards commented that many students park at La Moree and cross at the light. There are lots of jaywalkers I worry about. I know the Campus Police are enforcing at their best. We will apply for a grant for the north side sidewalk to get to La Moree. Lydia added there are signs on the median. Mike Edwards replied we may need to fence in the median.

Q: (To CSUSM reps.) How many students have parking permits?

A: Approximately 40%. Parking is self-supporting. There is a general fund for student fees. Parking is a user fee. They are kept separate. Parking permits are revenue funds. Mike McDonald added that the permit fees are paying for the parking structure from the ground up. CSUSM rep. also added when they incorporated, parking was decentralized. If we lower the cost, more students will park, but we must make our bond payment, which doesn't allow for price decrease. Lydia explained that it's like a house mortgage. Dave said we can only enforce parking. I'd walk 0.6 miles to park for free. Luckily, there's no residential neighborhood near Cal State.

Comment: The apartments have almost no parking so there is a huge overnight parking issue for students. Once the apartments go in, students will park free and walk. Lydia answered that it's the responsibility of the apartments, but highly profitable since it's a business, not an amenity. We are trying not to over park. Mike Edwards said we're looking close.

Karl stated that first, we'll have no parking on street sweeping days, though it's impractical to have all-day no parking. Paul said the residents behind Palomar wanted relief; different from the businesses, we can tailor it – perhaps enforce 2 – 6 AM.

Q: Can we give the area to a tow company?

A: Need enforcement and we issue a citation before we can tow. The overnight concern was crime.

Campus police are responsible for everything owned by the University and within a 1-mile radius, so the 2 law-enforcement departments are overlapping. Occasionally, we call on each other for help.

We'll wait on the overnight parking restrictions with 2-hour time limits.

Q: Is 4-hour parking a good middle ground?

A: Dave replied that it's not enforceable during an 8-hour shift.

Mike McDonald suggested phases based on crime. Lydia added that targeting segments of the area is problematic.

Comment: With the growth of housing, there will be increased parties, etc; Monday sweeps will be considerable. Though we haven't received any party calls in the area.

Mike McDonald commented that we don't want to encourage getting a "party" image and asked CSUSM rep. if they've seen many non-Quad students. CSUSM rep. confirmed a marked increase in non-affiliated/non-student presence. Many Quad residents have friends that stay all weekend. However, banned overnight parking will reduce the problem.

Comment: This also creates an opportunity for increased use of public transportation.

Lydia stated we need to blanket the area for overnight parking restrictions. Hopefully customers of the rum distillery will park in the structure. Mike McDonald added that the timing of the ban is becoming increasingly important with the food and beverage customers who will require available parking well into the evening hours. CSUSM rep. suggested that responsible drinkers could receive a temporary permit. Lydia offered the possibility of a "Gentlemen's Agreement" to share parking lots, perhaps like the brewery on Santa Place.

Q: CSUSM rep. asked if San Marcos is considering having a Police Department.

A: Increased cost and bad apples from the past. Lydia said she and Karl jointly manage the Sheriff's contract. San Marcos is the 3rd safest city in the county with no increase in forces and double the

population. The County of San Diego is responsible for force issues, etc. as steward of the public funds, so there will be no \$24-million suit we're stuck with.

Q: CSUSM rep. asked for the completion timeline. Mike McDonald estimated 10 years.

Karl said we'll be building out for Creekside. Mike Edwards added that there are infrastructure challenges in the Creek District. Lydia added that there are 300 owners of 215 acres. Mike Edwards would like feedback from reaching out to business owners. Karl said that the Student Relations Commission will provide student feedback and we can discuss it again. Maggie suggested an incentive for business owners/tenants such as an EDCO coupon, etc. and a business-type neighborhood watch program.

There's been great input, all around; many thanks to all. We'll be sending out a survey and holding more public workshops:

April 14, 2014 – Student & Neighborhood Relations Commission

May 7, 2014 – Traffic Commission

TBD – City Council

Goal is to implement program during summer break



Report

STUDENT AND NEIGHBORHOOD RELATIONS COMMISSION

CITY COUNCIL CHAMBERS
1 CIVIC CENTER DR #100
SAN MARCOS, CA 92060
(760) 744-1050
WWW.SAN-MARCOS.NET

MEETING DATE: April 14, 2014

SUBJECT: E-Cigarettes

Recommendation:

Give staff direction on a potential E-Cigarettes ordinance

Introduction & Discussion:

At the Student and Neighborhood Relations Commission meeting of February 10, 2014, the Commission was given a presentation on E-cigarettes by the Vista Community Clinic. Commission members asked staff to come back with potential provisions that could be included in an ordinance. To summarize electronic cigarettes or e-cigarettes is an electronic/battery operated device that can be used to deliver an inhaled dose of liquid nicotine or other substances.

To date approximately 46 local jurisdictions have regulated e-cigarettes. The majority of these ordinances prohibited the use of e-cigarettes in the same places where smoking is prohibited. Some jurisdiction included housing complexes to list of prohibited locations. Others have used their land use polices to regulate the sales and advertising of this product to minors. Locally, the cities of Oceanside, Solana Beach, Encinitas, Vista, Carlsbad, El Cajon and Poway have recently adopted e-cigarette regulations.

Included in your packet is the power point presentation from the February 10th meeting and several articles about e-cigarettes.

Actions:

Staff is requesting that the Commission give staff formal direction to come up with a draft ordinance and what type of regulation(s) to be included in a draft ordinance. An ordinance can come back to the Commission at its next meeting for consideration.

Attachment(s)

February 10 power point
Various news articles

Prepared by:

Lydia Romero, Deputy City Manager

Attachments

4/14/2014

SNR Commission Meeting

Vista Community Clinic

Electronic smoking devices

February 10, 2014

Gena Knutson, Program Manager
Vista Community Clinic's Tobacco Control Program
Smoke-Free North County Project

Touching lives across our region

Agenda

- Acknowledge CA Youth Advocacy Network (CDPH statewide contractor)
- Overview of e-cigarettes
- Use of e-cigarettes
- Summary of science on e-cigarettes
- Discussion on the use of e-cigarettes for cessation
- Recommendations for inclusion of e-products in tobacco-free policies

Touching lives across our region

What are E-Cigarettes?

VISTA COMMUNITY CLINIC

Electronic Nicotine Delivery Systems (ENDS), including electronic cigarettes (e-cigarettes), are novel tobacco-free nicotine delivery devices.

- They do not contain tobacco, however the nicotine may be derived from tobacco.
- Solution contains 3 main ingredients:
 - Propylene Glycol or Vegetable Glycerin (Humectant)
 - Nicotine
 - Flavor (fruit, candy, tobacco, coffee, bacon, mix and match)
- Variations on this theme (e-cigars, hookahs, cigarettes, pens, M-zigs, etc) no nicotine

Touching lives across our region

How Do E-Cigarettes Work?

VISTA COMMUNITY CLINIC

Touching lives across our region

What Do E-Cigarettes Look Like?

VISTA COMMUNITY CLINIC

- Variety in appearance
- Customizable
- Homemade "mods" with bigger batteries produce more vapor
- Some e-cigarettes are disposable, others are rechargeable/refillable

VISTA COMMUNITY CLINIC

Sometimes Conventional
May look like regular cigarettes, might come in a "pack" that serves as a storage box and battery charger.

VISTA COMMUNITY CLINIC

Sometimes Decorative
May come in many different designs. Modern, sleek, clean, fun, personalized.
Current trend: devices look more like electronics than cigarettes.

VISTA COMMUNITY CLINIC

Sometimes Glamorous
Some are decorative, feminine, and unique.

VISTA COMMUNITY CLINIC

Sometimes Modern
E-cigarettes often do not look like cigarettes.

VISTA COMMUNITY CLINIC

Sometimes "Stealth"
E-cigarettes have been fashioned to look like other products such as asthma inhalers, beverage containers, and other common products.

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Drip Tips
Hollow tube which attaches to e-cigarette and acts as a mouthpiece.
E-liquid is dripped through tube on to atomizer.

VISTA COMMUNITY CLINIC

E-LIQUID
Refill cartridges or drop fluid into drip tips.

The slide features a dark blue header with the text 'Hookah Pen' in a large, white, sans-serif font. In the top left corner, there is a circular logo for 'V.I.S.T.A. COMMUNITY CLINIC'. The logo contains a stylized illustration of a city skyline with various buildings and a bridge. Below the skyline, the text 'V.I.S.T.A.' is written in a bold, sans-serif font, with 'COMMUNITY' on the first line and 'CLINIC' on the second line. In the center of the slide, there is a row of six Hookah Pen e-cigarettes. Each device is black with a silver band around the middle and a silver mouthpiece. The brand name 'HOOKAH PEN' is printed vertically on the side of each device. The background of the slide is a light beige color.

Big 3 Tobacco Companies now in E-Cigarette Business

USE: Adult Use Estimates



VISTA
COMMUNITY
CLINIC

2012 National estimates of ENDS:

- Ever-use prevalence of 11.4% for smokers
- 2% for former smokers
- 0.8% for never smokers

Suggest that in absolute numbers

Roughly 5 million smokers and more than 1 million former and never smokers have ever used ENDS

"E-cigarette use is growing rapidly. There is still a lot we don't know about these products, including whether they will decrease or increase use of traditional cigarettes."

CDC Director Tom Frieden, MD, MPH



Youth E-Cigarette Use Doubled

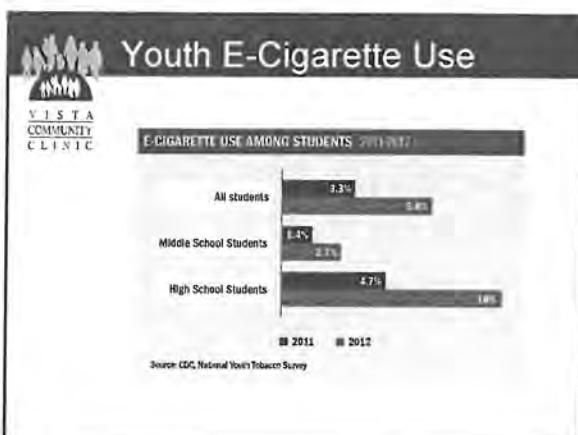
During 2011-2012, among US students in grade 6-12

Year	Estimated Number of Students	Percentage
2011-2012	1.78 million	3.3%
2012-2013	3.5 million	6.8%

Ever e-cigarette use increased from 3.3% to 6.8% (estimated 1.78 million students)
Current e-cigarette use increased from 1.1% to 2.1%
Dual use of e-cigarettes and conventional cigarettes increased from 0.3% to 0.7%

More than 1.78 million middle and high school students reported trying e-cigarettes in 2012.

2013 CDC MMWR



**Use of E-Cigarettes**

VISTA COMMUNITY CLINIC

E-cigarettes are used predominantly by

- Smokers
- Smokers considering cessation
- Former smokers
- Young Adults

• It is suggested that use is popular among those with a college degree.

• 44% of smokers who used an e-cigarette were Millennials (born between 1977 – 1994 per study).

• Of smokers who use e-cigarettes, 56% are male and 44% are female.

• Even though few never-smokers use e-cigarettes, the products may bring them closer to smoking conventional cigarettes.

• E-cigarettes have not been proven to help people quit smoking.

**Growth of E-Cigarettes**

VISTA COMMUNITY CLINIC

Revenue expected to double this year to over \$1 billion and up to \$1.7 billion
–2% share of the tobacco market in the U.S.

Web Searches conducted between 2008-2010 in Australia, Canada, US, UK
–Compared ENDS searches with Snus, NRT, Chantix, Champix

Searches were several hundred-fold greater for ENDS than other products

Areas with stronger tobacco laws yielded more ENDS searches

50-75% of searches were for shopping, not information seeking.

**RESEARCH: A summary of the science on e-cigarettes**

VISTA COMMUNITY CLINIC

Lack of Standardization

- Consumers do not have reliable information on product quality
 - Poor Quality Control (no manufacturing standards)
 - Technical Flaws (leaking cartridges)
 - Variable Nicotine Delivery (inconsistent dose)
- Also:
 - Unsubstantiated health claims
 - Erroneous nicotine content labeling

**May Contain Toxic Contaminants in Fluid and/or Vapor**

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- Formaldehyde
- Diethylene Glycol
- Nickel
- Chromium
- Cadmium
- Lead
- Fine and Ultrafine Particles
- TSNAs
- VOCs
- Heavy Metals
- Silicate Particles
- Acetaldehyde
- Acrolein
- Benzene
- Isoprene
- Nicotine
- Toulene

* Items in RED: On CA prop 65 list of carcinogens and reproductive toxins

**Commonly Reported Health Effects**

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- Throat Irritation/ Sore Throat
- Mouth Irritation/ Dry Mouth/ Mouth Ulcers
- Dry Cough
- Dizziness
- Headache
- Nausea
- Allergic Reactions
- Long term health effects are unknown

**Health Effects – Secondhand Vaping**

VISTA COMMUNITY CLINIC

- “Overall, the e-cigarette is a new source of VOCs and ultrafine/fine particles in the indoor environment. Therefore, the question of “passive vaping” can be answered in the affirmative. However, with regard to a health-related evaluation of e-cigarette consumption, the impact of vapor inhalation into the human lung should be of primary concern”
- (Schripp, et al., 2012).
- People passively exposed to e-cigarettes aerosol absorbing nicotine (measured as cotinine), with one study showing levels comparable to passive smokers (WHO 2012).

Explosions

VISTA COMMUNITY CLINIC

3-Year-Old Boy Catches Fire When Mom's E-Cigarette Explodes

LATEST NEWS
Man Loses Teeth and Part of Tongue in Electric Cigarette Explosion

MedWatch

FDA MedWatch

VISTA COMMUNITY CLINIC

Report adverse effects of e-cigarette use
-1-800-FDA-1088
Or online at: www.accessdata.fda.gov/scripts/medwatch/

FDA U.S. Food and Drug Administration

MEDWATCH The FDA Safety Information and Adverse Event Reporting Program

Poisonings

VISTA COMMUNITY CLINIC

Liquid nicotine can poison kids

Electronic Cigarette Kills Toddler in Israel

"If you look at the container that the liquid is for the electronic cigarettes, it's in a small, almost looks like an eyeglass container or even some of those candies, have you seen, that you drip into your mouth," said Julie Weber, the Missouri Poison Center Director. "And just 1 milliliter is enough to cause a problem in a young child."

FDA MedWatch

VISTA COMMUNITY CLINIC

Report adverse effects of e-cigarette use
-1-800-FDA-1088
Or online at: www.accessdata.fda.gov/scripts/medwatch/

FDA U.S. Food and Drug Administration

MEDWATCH The FDA Safety Information and Adverse Event Reporting Program

Butane Hash Oil (BHO)

VISTA COMMUNITY CLINIC

- Hash oils are concentrated and extremely potent. They are made through a volatile chemical process utilizing butane as a solvent.



- Wax (extracted cannabinoid product) is a form of hash oil. The typical wax product is often golden in color and crumbly.

Butane Gas

VISTA COMMUNITY CLINIC

- Butane Gas/Solvent is used for household fuel, refrigeration, and propelling in aerosol cans. They are highly flammable, colorless and easily liquefied gases.
- Butane is a very good solvent for hash oil extraction because it separates herb oils from most other useless plant/bud matter. This type of filtered oil is sometimes nicknamed "Hash or Honey Oil" because the results are like an amber honey.
- Butane is colorless, odorless and heavier than air. The vapors can linger near the floor, often failing to dissipate and are easily ignited.

Local Hash Oil Explosions

VISTA COMMUNITY CLINIC

Two hurt in PB drug lab blast

DEA busts 10 hash oil labs in San Diego County

Waxy Marijuana

VISTA COMMUNITY CLINIC

Waxy marijuana or wax marijuana is the purest form of cannabis. It contains anywhere from 82-99% THC making it several times more potent than a marijuana bud on a cannabis plant which usually contains 5-28% THC. One hit of wax is supposedly equal to 1-2 full cannabis joints and is reported as being more clear and longer lasting than average marijuana. Wax marijuana is also a medical marijuana product. Typical wax marijuana is golden in color and crumbly; though texture may vary based on type.

Vape Pen, E-Cigarette & M-Cig

VISTA COMMUNITY CLINIC

California law prohibits the sale of e-cigarettes to minors (California Health and Safety Code § 119405).

Wax Marijuana use and Vaporizer

VISTA COMMUNITY CLINIC

DEA has said San Diego County is becoming the marijuana extraction capital of the United States

Internal Components of the Vape-Pen

E-Cigarette Policies in San Diego County

VISTA COMMUNITY CLINIC

- Electronic cigarettes are in BOS Policy A-99
- "It is the policy of the Board of Supervisors to: Item 1) Support and strengthen County Tobacco Regulatory Ordinances as an ideal vehicle for promotion and operation of tobacco use (including cigarettes, cigar, pipes, snuff, chewing tobacco, electronic cigarettes [vapor devices], or other tobacco products) prevention, cessation, and enforcement programs.
- City of Vista: Amended the definition of smoking in the Vista Municipal Code to include electronic cigarettes and similar smoking devices. This amendment only affects areas where the city currently regulates smoking indoors.
- City of Carlsbad: Amended the definition of smoking in the Carlsbad Municipal Code to include electronic cigarettes and similar smoking devices. This amendment affects areas where the city currently regulates smoking.
- Petco Park is a smoke-free facility. Guests who wish to utilize standard or electronic smoking devices at a Petco Park event are required to utilize the designated locations outside the ballpark.
- City of Oceanside: Request by Councilmember Kern to provide direction to staff to draft an ordinance to prohibit the sale of e-cigarettes to minors and to provide appropriate land use regulations for establishments selling these devices.

Where are E-Cigarettes Sold?

VISTA COMMUNITY CLINIC

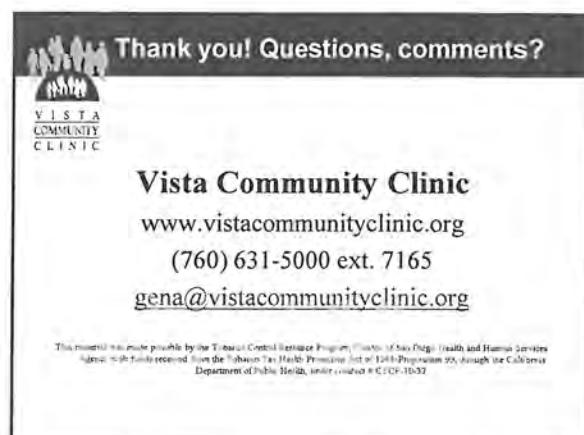
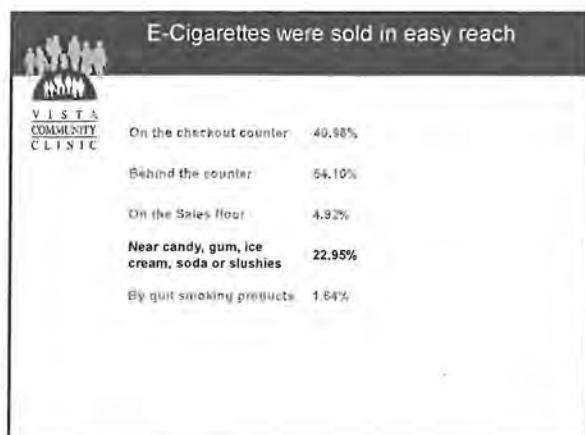
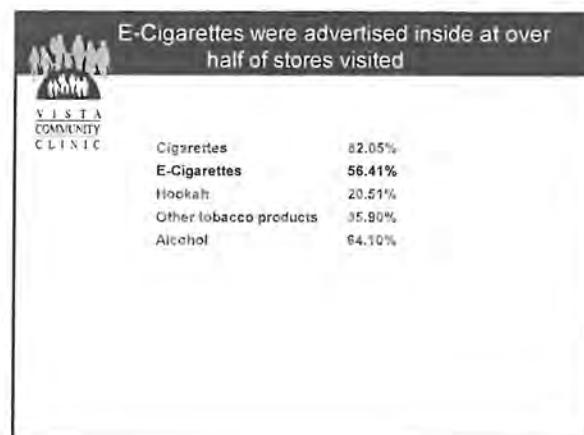
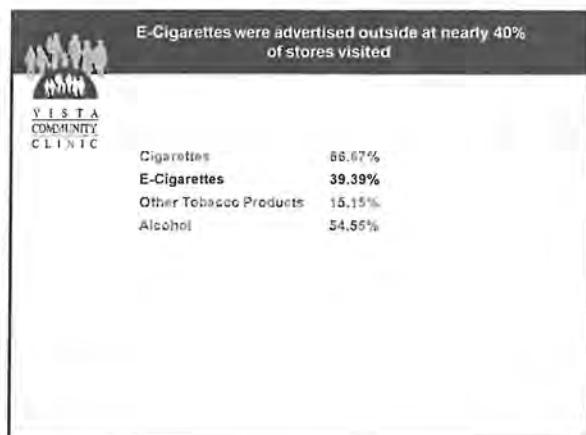
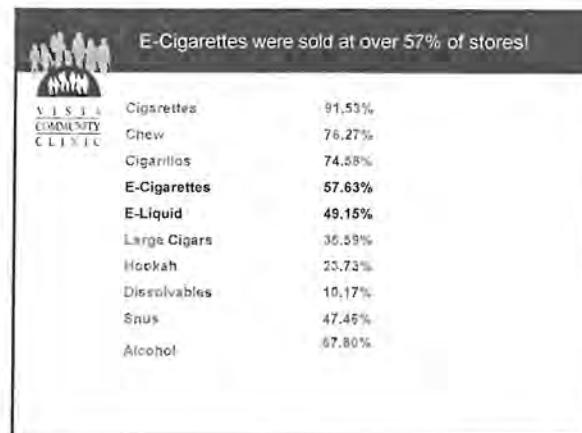
- The Vapor Chase
172 S Rancho Santa Fe
(at Grand Ave)
San Marcos, CA 92078
- Monster Electronic Cigarettes
1450 W Mission
(between Barham Dr & State Highway 78)
San Marcos, CA 92069
- Cloud 9
813 W. San Marcos Blvd
San Marcos, CA 92069

Where are E-Cigarettes Sold?

VISTA COMMUNITY CLINIC

In addition, they are sold at most gas stations, convenience stores, liquor stores and even dollar stores.

VCC staff recently visited 62 stores in San Marcos to assess the availability and marketing of e-cigarettes.





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What Your City Should Know About E-Cigarettes

POSTED BY: BBK LAW MARCH 25, 2014



...And How Other Cities are Dealing with this Growing Trend

By G. Ross Trindle, III and Andrew Maiorano, Best Best & Krieger LLP.

Electronic cigarettes have been promoted as a safer alternative to cancer-causing tobacco products that can wean heavy smokers off their habit. But this month, Los Angeles officials joined a growing list of cities that treat e-cigarettes just the same as regular cigarettes, banning their use in parks, restaurants and most workplaces. The decision came after an impassioned, and at times highly personal, debate (according to published reports) at a city council meeting that highlighted the backlash the smokeless cigarettes have generated as their popularity grows.

Electronic cigarettes, often called e-cigarettes, are battery-operated devices designed to look like regular tobacco cigarettes. Like their conventional counterparts, electronic cigarettes contain nicotine. They were invented in the 1960s, but they didn't really take off until a decade ago. The Tobacco Vapor Electronic Cigarette Association now estimates that roughly four million Americans use the battery-powered cigs.

Here's how they work: An atomizer heats a liquid containing nicotine, turning it into a vapor that can be inhaled and creating a vapor cloud that resembles cigarette smoke. Manufacturers claim that electronic cigarettes are a safe alternative to conventional cigarettes. Starter kits usually run between \$30 and \$100. The estimated annual cost of replacement cartridges is about \$600, compared with the more than \$1,000 a year it costs to feed a pack-a-day tobacco cigarette habit, according to the Tobacco Vapor Electronic Cigarette Association.

More than 45 communities in California have included e-cigarette regulations in their smoking



ordinances. Fifty-nine include e-cigarettes in their tobacco retailer license programs, meaning that those who want to sell e-cigarettes must obtain a license. Also, 21 jurisdictions have included e-cigarettes in smoking provisions that apply to housing complexes. Los Angeles follows in the footsteps of New York City, Washington D.C., Chicago and Boston, as well as five states that have restricted 'vaping' in some way. L.A.'s ban, however, will allow people to use e-cigarettes in vapor lounges, e-cigarette stores and for filming or theatrical purposes.

Currently, the U.S. Food and Drug Administration's Center for Drug Evaluation and Research only regulates e-cigarettes that are marketed for therapeutic purposes. The FDA, however, plans to regulate e-cigarettes but has not yet issued proposed rules. Right now, the agency simply states on its website that "e-cigarettes have not been fully studied so consumers currently don't know the potential risks of e-cigarettes," including how much nicotine or other chemicals are inhaled or if e-cigs "may lead young people to try ... conventional cigarettes." A Centers for Disease Control and Prevention study found nearly 1.8 million young people had tried e-cigarettes, and the number of U.S. middle and high school student e-smokers doubled between 2011 and 2012.

Some municipalities are taking very aggressive positions. Poway, for example, recently chose to broaden the definition of "smoking" in its municipal code to include e-cigarettes, and to extend its existing prohibition on "smoking" to include public buildings, grounds, parks and trails. The practical result of such action appears to be a ban on the use of e-cigs in these public areas. In justification of the ban, Poway cited the unknown health risks associated with extended use of e-cigs, the increasing popularity of the devices with minors who may then turn to using traditional cigarettes, and concerns about enforcing smoke-free ordinances due to the difficulty in distinguishing between regular cigarettes and e-cigs.

The Long Beach City Council recently voted on an item requesting the city attorney draft an ordinance to include e-cigarettes and nicotine vapor devices in the municipal code's definition of tobacco products, require e-cigarette businesses retain a tobacco retailer's permit and ban the devices in designated "No Smoking" areas.

On the plus side for e-cigarettes, there is evidence that they can be used to help quit smoking, and you can buy them with progressively lower levels of nicotine, working down to zero. This month the City Council in Yakima, Washington voted down a proposal to ban e-cigarettes in public places because the majority said there was a lack of evidence that the nicotine-infused fumes are dangerous. The number of e-smokers is expected to quadruple in the next few years as smokers move away from the centuries-old tobacco cigarette.

While some in the medical industry argue that the tar and other chemicals in traditional cigarette smoke is what causes cancer, more definitive research is underway to determine the toxicity of e-cigarettes. The FDA and the National Institutes of Health recently issued grants to higher education institutions to conduct such research on the impact of e-cigarette vapor. One grantee is the University of Maryland, which received \$19 million to provide scientific evidence as a baseline for the FDA to use in regulating e-cigarettes.

The National Association of Convenience Stores (NACS) is doing its part to help by encouraging its members to adopt a policy of treating these products as age restricted and follow the same applicable federal, state and local laws for verifying the age of the purchaser. The NACS has also committed to work with all appropriate federal organizations to ensure that convenience stores continue to play a leadership role in establishing guidelines for e-cigarettes and other age-restricted products.

California Health and Safety Code Section 119405 only prohibits the sale of e-cigarettes to minors, while expressly referencing that California law is subject to any federal regulation of the devices, including the regulations of the FDA. This current state of the law does not provide much guidance for local governments as they seek to deal with the growing popularity of vaping.

Local governments in California do have options, ranging from taking no action until the state and federal government issue more guidance and regulations for the industry, to an outright ban on the sale and manufacturing. The question does not appear to be whether the popularity of e-cigarettes will continue to grow, but instead it is where and how such growth will occur. At least for now, the

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answering questions with local governments.



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Andrew Maloreno is an associate with Best Best & Krieger, LLP and is based in the firm's Ontario office. He is a member of BBK's municipal law and special districts practice groups and represents water districts, fire districts and departments, and police departments across Southern California. He can be reached at andrew.maloreno@bbklaw.com.



Comments

6 comments

Add a comment...

Comment



10000000000000000000 - Top Commenter

The rush to demonize and tax, insert into the dwindling MSA funds now that cigarette sales are at record low, is quite pathetic. The push to drive businesses into poverty and non existence in this dire economy is absurd. The rush to persecute ex-smokers for finding a method to overcome smoking's strong addiction, is appalling. What's there to like about it, unless, of course, you're one of the ones thriving off the MSA, TSET, sin tax, big Pharma funds. The ALA, ACS, TFK, state attorney generals, big Pharma all feel threatened by the billion dollar & growing eCig industry. They should be excited the world is happily switching to smoke free烟, but, instead, they curse the day eCigs were born. What a sad sad world we live in today.

· about an hour ago



10000000000000000000 - Top Commenter

Typo: stays should read status.

· about an hour ago



10000000000000000000 - Top Commenter - Owner at Plumas Lake Self Storage

What are your thoughts on E cigs? Should they be treated like cigarettes or as nicotine patches?

· 5 hours ago



10000000000000000000 - Top Commenter

Neither. They should be treated as a consumer product.

· about an hour ago



10000000000000000000 - Top Commenter

Cigarettes are cigarettes I do not care how you slice it.

· 3 hours ago

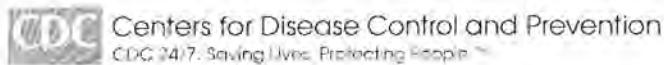


10000000000000000000 - Top Commenter

Speaking of slicing. Subway took a chemical out of their bread, and the world rejoices, despite the fact that there are still hundreds of other questionable chemicals in the meat, produce, sodas, chips, and other stuff they sell. Yet, an eCig has taken out over 4000 questionable ingredients, leaving only 2 important but not highly carcinogenic ingredients that is also found in the patch and Nicorette gum, but is being strongly opposed by the non-educated and the "experts" who rely on real cigs sales. This is what does not make any sense whatsoever, no matter how you slice it.

· about an hour ago

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Press Release

Embargoed Until: Thursday, Sept. 5; 1:00 p.m. ET
Contact: [Media Relations](http://www.cdc.gov/media) (<http://www.cdc.gov/media>)
(404) 639-3286

E-cigarette use more than doubles among U.S. middle and high school students from 2011-2012

More than 75 percent of youth users smoke conventional cigarettes too

The percentage of U.S. middle and high school students who use electronic cigarettes, or e-cigarettes, more than doubled from 2011 to 2012, according to data published by the Centers for Disease Control and Prevention.

The findings from the National Youth Tobacco Survey, in today's Morbidity and Mortality Weekly Report, show that the percentage of high school students who reported ever using an e-cigarette rose from 4.7 percent in 2011 to 10.0 percent in 2012. In the same time period, high school students using e-cigarettes within the past 30 days rose from 1.5 percent to 2.8 percent. Use also doubled among middle school students. Altogether, in 2012 more than 1.78 million middle and high school students nationwide had tried e-cigarettes.

"The increased use of e-cigarettes by teens is deeply troubling," said CDC Director Tom Frieden, M.D., M.P.H. "Nicotine is a highly addictive drug. Many teens who start with e-cigarettes may be condemned to struggling with a lifelong addiction to nicotine and conventional cigarettes."

The study also found that 76.3 percent of middle and high school students who used e-cigarettes within the past 30 days also smoked conventional cigarettes in the same period. In addition, 1 in 5 middle school students who reported ever using e-cigarettes say they have never tried conventional cigarettes. This raises concern that there may be young people for whom e-cigarettes could be an entry point to use of conventional tobacco products, including cigarettes.

"About 90 percent of all smokers begin smoking as teenagers," said Tim McAfee, M.D., M.P.H., director of the CDC Office on Smoking and Health. "We must keep our youth from experimenting or using any tobacco product. These dramatic increases suggest that developing strategies to prevent marketing, sales, and use of e-cigarettes among youth is critical."

Electronic cigarettes, or e-cigarettes, are battery-powered devices that provide doses of nicotine and other additives to the user in an aerosol. E-cigarettes not marketed for therapeutic purposes are currently unregulated by the Food and Drug Administration. The [FDA Center for Tobacco Products](http://www.fda.gov/tobaccoproducts/default.htm) (<http://www.fda.gov/tobaccoproducts/default.htm>) (<http://www.cdc.gov/Other/disclaimer.html>) has announced that it intends to expand its jurisdiction over tobacco products to include e-cigarettes, but has not yet issued regulatory rules. Because e-cigarettes are largely unregulated, the agency does not have good information about them, such as the amounts and types of components and potentially harmful constituents.

"These data show a dramatic rise in usage of e-cigarettes by youth, and this is cause for great concern as we don't yet understand the long-term effects of these novel tobacco products," said Mitch Zeller, director of FDA's Center for Tobacco Products. "These findings reinforce why the FDA intends to expand its authority over all tobacco products and establish a comprehensive and appropriate regulatory framework to reduce disease and death from tobacco use."

Although some e-cigarettes have been marketed as smoking cessation aids, there is no conclusive scientific evidence that e-cigarettes promote successful long-term quitting. However, there are proven cessation strategies and treatments, including counseling and FDA-approved cessation medications.

Cigarette smoking remains the leading preventable cause of disease, disability, and death in the United States, responsible for an estimated 443,000 deaths each year. And for every one death, there are 20 people living with a smoking-related disease. To quit smoking, free help is available at **1-800-QUIT NOW** or www.cdc.gov/tips (<http://www.cdc.gov/tips>).

Under the Affordable Care Act, more Americans than ever will qualify to get health care coverage that fits their needs and budget, including important preventive services such as services to quit smoking that are covered with no additional costs. Get ready today for the new Health Insurance Marketplace. Visit Healthcare.gov or call 1-800-318-2596 (TTY/TDD 1-855-889-4325) to learn more. Open enrollment in the Marketplace begins October 1 for coverage starting as early as January 1, 2014.

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Report: Complaints of nicotine poisonings on the rise

DELTHIA RICKS
MCT NEWS SERVICE

42 percent involved people 20 and older, also suffering from nicotine exposure.

By comparison, monthly calls involving conventional cigarettes didn't show a similar increase during the same time period. Hazards linked to cigarettes ranged from 301 to 512 calls per month and were more frequent in summer, researchers found.

"When e-cigarettes first came out, the nicotine was contained in a cartridge," said Dan Jacobsen of the North Shore-LIJ Center for Tobacco Control in Great Neck, N.Y.

"Now, to make them cheaper and easier to use, they are refillable and because these refills have flavors, they entice children," he said. Flavors include chocolate, strawberry and bubble gum.

Jacobsen said it's time the U.S. Food and Drug Administration considered regulating the products, which have evolved from disposable devices resembling cigarettes to trendy wands from which billowing clouds of vapor are emitted.

More than half the calls to poison centers were about children exposed to toxic levels of nicotine, but

42 percent involved people 20 and older, also suffering from nicotine exposure. By comparison, monthly calls involving conventional cigarettes didn't show a similar increase during the same time period. Hazards linked to cigarettes ranged from 301 to 512 calls per month and were more frequent in summer, researchers found.

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He said there are no quality-control guidelines

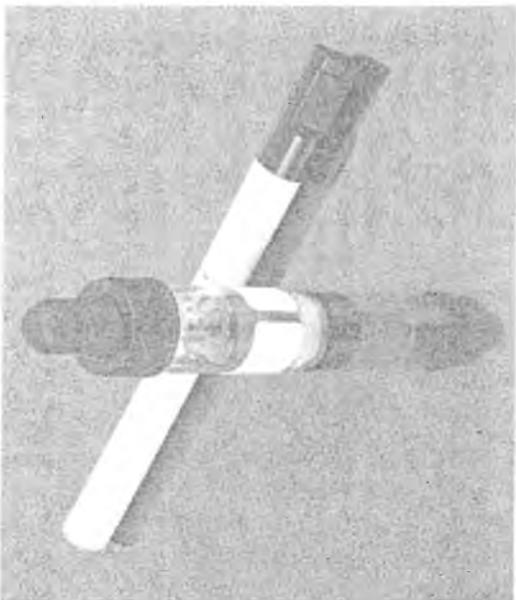
Communities Hospital in Oceanside, N.Y., said although his work largely involves patients who've developed lung cancer caused by conventional cigarettes, the culprit in their addiction, he added, was also nicotine.

"There is 1 milligram of nicotine in a conventional cigarette, but an e-cigarette can have amounts several times as high," he said.

In high concentrations, nicotine can be deadly, say experts who warned Thursday that guidelines need to be set on the amount in e-cigarettes, which are highlighted as smoking-cessation devices. Nicotine patches and gum are regulated by the FDA. The nicotine amount varies with the e-cigarette maker. The lowest concentrations are about 1.5 percent per volume but some sell e-liquids online with higher concentrations.

Brandon Rockstad, manager of Vapor World in Midwest City, Okla., sells e-liquids and nicotine. He said the amount of nicotine in his products varies, depending on the purchaser.

Vapor World can sell a



gallon or more of e-liquids to brick and mortar stores, Rockstad said. "For personal use we do not sell products with a high nicotine concentration," he said.

The leader of an e-cigarette trade organization — Smoke Free Alternative Trade Association — said in a statement she supports child-safety measures.

"We are aware of reports of increased calls to poison control centers that involve e-liquid and support federal age restrictions on the purchase of vapor products, childproof caps and proper labeling to safeguard against accidental ingestion," said Cynthia Cabrera, executive director of the FDA's Office of Tobacco and Regulatory Science.

"When you buy these products you don't even know how much nicotine is in them. It's the wild, wild West out there," he said.

Propylene glycol that can produce a vapor.

Among 9,839 poison control calls with information about severity of injuries, those from e-cigarettes were more likely to report adverse health effects.

Nicotine, a highly addictive substance that targets the brain, can cause serious cardiovascular side effects, such as dramatic palpitations and racing heart rate. The devices, however, are marketed as safe.

Dr. Shabriyur Anand, director of thoracic oncology at South Nassau

on their manufacture in the U.S. or abroad.

Dr. Tim McAfee, director of the CDC's Office on Smoking and Health, said the new report is designed as a wake-up call to the public and health care professionals.

"People are reporting symptoms through inhalation, eye exposure and skin exposure," McAfee said. "E-cigarettes have a reservoir of liquid that has a heavy concentration of nicotine."

The devices are battery-powered and also contain an atomizer with



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January 27, 2014

The studies below and more studies are cited to at http://njgasp.org/E-Cigs_White_Paper.pdf. Please note that international jurisdictions that ban electronic smoking device (use, sale and/or importation) are listed in IV.

I. Key studies concluding health concerns with use of and exposure of third parties to electronic smoking devices:

1. University of California, San Francisco, (a WHO Collaborating Center on Tobacco Control World Health Organization) prepared a **Background Paper on E-cigarettes, dated December 2013, for the World Health Organization's Tobacco Free Initiative**. Executive summary states:

- People passively exposed to e-cigarettes aerosol absorb nicotine (measured as cotinine), with one study showing levels comparable to passive smokers.
- "In 2010, the WHO organized a global panel of experts to review the evidence and there is no evidence to show that it can help you quit smoking."
http://www.njgasp.org/Philippines_WHO_ecigs_warning_7-4-13.pdf

2. Roswell Park Cancer Institute study published this month! (Roswell Park is one of the most prestigious and respected Cancer institutes in the world; study in the journal *Nicotine and Tobacco Research*). Found "significant amounts of nicotine" emitted in 2ndhand e-cigarette vapor smoke. Raises concerns about 2ndhand e-cig vapor smoke exposure, especially to vulnerable populations including children, pregnant women and people with cardiovascular conditions." Researchers concludes that their study can "guide policymakers as decisions are made about the regulation of nicotine delivery devices.

3. Roswell Park Cancer Institute study published in March 2013. Found that e-cigarettes delivers 14 times as much formaldehyde, 7 times as much acetaldehyde, 6 times as much o-methylbenzene, 3 times as much cadmium and twice as much lead as an FDA-approved nicotine inhaler, as well as acrolein, toluene, p,m-xylene, NNN and NNK, which were not detected in the inhaler.

4. German Cancer Research Center (DKFZ) study (published in April 2013) evaluated the current state of e-cigarettes. Concluded that e-cigarettes emit fine and ultrafine inhalable liquid particles, nicotine and cancer-causing substances into the air that can have an adverse health effect on 3rd parties exposed to the vapor, and that nonsmoker protection legislation should apply to e-cigarettes. The e-cigarette liquids contain ingredients that on short-term use irritate airways and may lead to allergic reactions which may be harmful to health when inhaled repeatedly over a prolonged period of time.

5. The Fraunhofer Wilhelm-Klauditz-Institut of Germany, a preeminent research facility (published their July 2012 study in the journal *Indoor Air*) found in their study that e-cigarettes are putting

detectable levels of significant carcinogens and toxins into the air: acetic acid, acetone, isoprene, formaldehyde and acetaldehyde. They concluded that e-cigarettes marks a new source for chemical and aerosol exposure in the indoor environment.

6. Dutch Health Ministry's National Institute for Public Health issued an "E-Cigarette Factsheet" on December 3, 2013. Key finding: e-cigarette ingredients may irritate the respiratory system, and some ingredients contain carcinogenic substances like formaldehyde and tobacco-specific nitrosamines.

II. E-cigarettes are NOT less harmful than regular cigarettes:

- o University of California (Riverside) study (published in March 2013) tested e-cigarette vapor for 22 elements in periodic table. Found that nickel was about 2-100 times higher in concentration in e-cigarette aerosol than in Marlboro brand cigarettes (Table 1).

III. Serious health concerns with nicotine's harmful effects on the body:

Electronic smoking devices emit "significant amounts of nicotine" into the air (as per the December 2013 Roswell Park study), resulting in exposing innocent third parties to nicotine, in public places and workplaces. Some of nicotine's harmful effects on the body:

- o Nicotine causes headaches in persons exposed to secondhand smoke. Nicotine, one of the components of tobacco, triggers blood vessels to constrict, reducing blood flow to the brain and the covering of the brain (the meninges). Decreased blood flow leads to depressed brain activity, which is a major component of migraines. Usually, by removing the stimulus (nicotine), headaches will be relieved.
http://my.clevelandclinic.org/healthy_living/smoking/hic_smoking_and_headache.aspx
- o Nicotine releases epinephrine (adrenaline), which raises blood pressure, heart rate and respiration and glucose levels.
- o Nicotine is a vasoconstrictor – harder for the heart to pump through constricted arteries.
- o Nicotine promotes blood vessel damage by promoting cellular damage in vascular smooth muscle cells, promoting plaque formation, and causing blood vessel damage.
- o Nicotine is known to affect oxidative stress and to have adverse effects on brain and lung development in children.
- o Women who use nicotine gum and patches during the early stages of pregnancy face an increased risk of having babies with birth defects, says a study that looked at about 77,000 pregnant women in Denmark. Roswell Park Cancer Institute's study raises concerns about 2ndhand vapor smoke exposure to pregnant women.
- o Nicotine and the increased cholinergic activity it causes have been shown to impede apoptosis, which is one of the methods by which the body destroys unwanted cells (programmed cell death).

IV. International jurisdictions that ban the sale, importation, and/or use of all ESD:

- Argentina - bans import, distribution, commercialization, advertising
- Singapore - bans sales, import, distribution
- Brazil - bans sale, import, advertising
- Israel - bans sale, import
- Panama -bans sale, import, distribution
- Jordan - bans importation
- Victoria, Australia - bans sale, use and advertising
- Turkey - bans sale and use
- Hong Kong bans use and sale, unless a pharmaceutical product
- Canada - bans sale, import, advertising if ecigs contain nicotine

11/27/13 – Holland's Ministry of Health calls for studies on health concerns with e-cigarettes.

11/28/13 - European Commission proposes to overturn a vote that rejected outlawing electronic smoking devices in their present form, due to the devices normalizing the action of smoking.
<http://www.telegraph.co.uk/news/worldnews/europe/eu/10481328/EU-seeks-ban-on-all-currently-available-e-cigarettes.html>

DISCLAIMER: This information is created by the Tobacco Control Policy and Legal Resource Center of New Jersey GASP, which provides educational information, educational guidance and educational technical assistance on tobacco control topics. The information presented is not intended as, nor to be construed, or used as legal advice, and should not be used to replace the advice of your legal Counsel.

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Solana Beach to ban e-cigs in public places

By [Edward Sifuentes \(/staff/edward-sifuentes/\)](#) 8:05 p.m. Feb. 12, 2014

SOLANA BEACH — Solana Beach could soon join a growing number of cities in the county that ban the use of electronic cigarettes in public places where smoking is prohibited.

The City Council on Wednesday voted 4-0, with Councilman Mike Nichols absent, to direct staff to rewrite the city's smoking ordinance to include e-cigarettes. The battery-powered devices, which are used by some people trying to stop smoking, deliver nicotine through vapor rather than smoke.

However, public health advocates say there is little known about the chemicals used in the devices. They also worry about the growing number of children using them.

Judi Strang, executive director of the San Dieguito Alliance for a Drug Free Youth, said the devices appeal to young people because they come in a variety of colors and flavors.

Councilman Peter Zahn agreed.

"This is not good for our community or any community," he said.

In December, Carlsbad approved a ban on e-cigarettes in all places where ordinary smoking is prohibited. Vista and Poway have also adopted similar bans in recent months.

Solana Beach prohibits smoking in various public places, such as bars, outdoor dining areas, playgrounds, recreational areas and beaches. But the definition of cigarette does not explicitly include e-cigarettes.

The council stopped short of asking for new regulations to control and monitor the sale of e-cigarettes in the city, which was one of the possible options offered by city staff.

Councilman David Zito said he preferred simply restricting the use of e-cigarettes in public places, and not their sale, because he said there was some indication that the devices help some people quit smoking.

The council did not give staff a deadline to bring back the issue for a vote. But Zahn said he would like to vote on the new policy soon..

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Poway bans e-cigarettes in some public areas

By [J. Harry Jones](#) (/staff/j-harry-jones/) 9:59 p.m. Feb. 4, 2014



E-cigarettes are battery-operated products that turn nicotine

into a vapor that is inhaled by the user. — AP

POWAY — Poway will soon join the growing number of California cities banning electronic cigarettes in public places where conventional smoking is already prohibited.

By a unanimous decision Tuesday night, the City Council voted to amend Poway's anti-smoking ordinance by expanding the definition of smoking to include e-cigarettes. A second reading of the ordinance will take place later this month.

Vista and Carlsbad have passed similar rules and the county is also considering such a move.

E-cigarettes are battery-powered devices that look like regular cigarettes but contain no tobacco. Instead they allow the user to inhale water vapor mixed with nicotine without producing smoke or carbon monoxide.

Several speakers Tuesday urged the Poway council to ban the devices, saying children need the consistent message that smoking of all types is bad.

Other speakers stressed that the long-term health effects of e-cigarettes are unknown.

"People used to say cigarettes were harmless," said Councilman Steve Vaus. "We've seen how that's turned out. I find it hard to believe sucking these vapors into your lungs long term is harmless."

Both the federal government and California legislatures are in the process of developing new regulations related to e-cigarettes.

Poway Management Assistant David Richards told the council Tuesday that there were also pragmatic reasons for treating the devices like regular cigarettes.

Richards said it's difficult to distinguish e-cigarettes from regular cigarettes without looking closely, leading to increased contacts between smokers and enforcement personnel. He said the use of e-cigarettes in restaurants or other places where smoking is prohibited can also potentially result in misunderstandings or confrontations between patrons.

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Carlsbad OKs e-cigarette ban

City says devices are toxic, lure youngsters to smoke

By [David Garrick \(/staff/david-garrick/\)](#) 8:52 p.m. Dec. 3, 2013

CARLSBAD — The Carlsbad City Council voted unanimously Tuesday to ban electronic cigarettes in all places where ordinary smoking is prohibited, becoming the second local city to legislate against the increasingly popular devices.

Proponents of so-called "e-cigarettes" say they're a cleaner and healthier alternative to tobacco cigarettes because users get nicotine without fire, ash, smoke or carbon monoxide. They also tout them as an effective tool to help smokers quit.

But Carlsbad city officials based their ban partly on a recent federal analysis that found vapors from e-cigarettes contain carcinogens, including nitrosamines and toxic chemicals such as diethylene glycol.

The battery-powered devices look like cigarettes and heat up liquid nicotine solutions creating a vapor that users can inhale.

City officials said e-cigarettes can serve as a gateway to smoking conventional cigarettes for children, who are attracted to them because they come in a variety of colors and flavors such as cotton candy and root beer.

"It's a gateway device," City Councilman Mark Packard said. "They're clearly marketed to youth and children."

Carlsbad officials said another reason for the ban is that e-cigarettes have been complicating enforcement of the city's ban against smoking because the devices resemble ordinary cigarettes.

Vista passed a similar e-cigarette ban last month and San Diego County officials say they also have a ban in the works. Federal and state regulations are also expected soon.

Carlsbad's ban, which the council must approve a second time later this month because it's an ordinance, covers all places where smoking is banned by city, state or federal law. That includes all parks, beaches and restaurants with outdoor dining, because Carlsbad has banned ordinary smoking in those places.

Ben Farrell, co-owner of the Mixed Vapes e-cigarette store on Carlsbad Village Drive, said he's OK with trying to limit the places where people have to deal with vapor from e-cigarettes. But he disagreed that e-cigarettes target youth.

"If that's their reasoning, they should ban alcohol that comes in cool colors and flavors," he said.

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Long Beach bans e-cigarette 'vaping' in public spaces

By Eric Bradley, Press-Telegram
Wednesday, February 12, 2014

PressTelegram.com

Long Beach Press Telegram (<http://www.presstelegram.com>)

Long Beach bans e-cigarette 'vaping' in public spaces

LONG BEACH >> There will be no more vaping allowed in Long Beach public spaces.

The City Council voted 5-1 on Tuesday to add electronic cigarettes to the city tobacco ordinance, requiring sellers of the devices and derivatives to comply with the law and prohibiting their use in smoke-free areas.

Councilman Dee Andrews, who first proposed the restrictions in December, called the move a "good first step" toward protecting public health.

"Young people are getting their hands on and using these addictive devices," Andrews said.

Electronic cigarettes are available in varying shapes and sizes, and contain a battery-powered device that heats a coil inside a compartment containing flavored water, vaporizing it and allowing the user to inhale nicotine.

Some claim e-cigarettes are a more healthful alternative to traditional cigarettes, but others say more study is needed on the chemicals in the vaporized liquid, which include propylene (a preservative used in food, tobacco products and personal care products), ethylene (a coolant in antifreeze) and diethylene (a component in brake fluid, lubricants, skin cream and deodorant).

E-cigarettes, introduced in the United States in 2007, was projected to be a \$1.2 billion industry with 4 million customers last year, according to the Tobacco Vapor Electronic Cigarette Association.

While public health officials grapple with limited knowledge about the effects of electronic cigarettes, governments across the country have been passing laws limiting the devices.

Norwalk, Bellflower, Cerritos and Seal Beach passed one-year bans on new e-cigarette retailers last year.

In November, Lakewood approved an ordinance to regulate the devices the same as cigarettes and other tobacco products.

The U.S. Food and Drug Administration is expected to eventually regulate e-cigarettes.

Before the council vote, several speakers spoke both for and against the proposal.

The Rev. Jack Kearney, an addiction counselor at the Family Intervention Center in

Lakewood, said e-cigarettes have assisted many in beating their cigarette smoking habit.

"There is enough science to say they are 100 times safer than cigarettes and are by far our most effective tool for helping people quit smoking," Kearney said.

Vice Mayor Robert Garcia voted no. Council members Gary DeLong, Patrick O'Donnell and Gerrie Schipske were absent for the vote.

Earlier on Tuesday, council members voted unanimously to approve a motion by O'Donnell directing city staff return with an analysis of seismically retrofitting City Hall.

The action was an alternative to an agenda item by Schipske requesting the suspension of a \$1 million consulting contract to assist the city with issuing a proposal to rebuild the downtown Civic Center.

Schipske, whose proposal did not receive a second, has said the process to rebuild the 37-year-old facility is being "railroaded" through and should be delayed until the new council and mayor takes office on July 15.

Contact Eric Bradley at 562-499-1254.

URL: <http://www.presstelegram.com/government-and-politics/20140212/long-beach-bans-e-cigarette-vaping-in-public-spaces>

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