



Legislation Details (With Text)

File #: 19-0260 **Version:** 1

Type: *Info. Only - Staff Report **Status:** Agenda Ready

In control: City Council Regular Meeting

On agenda: 6/4/2019 **Final action:** 6/4/2019

Title: Consider Request by Mayor Napolitano and Councilmember Montgomery to Discuss a Complete Ban of Sales of Tobacco Products (City Attorney Barrow).
DISCUSS AND PROVIDE DIRECTION

Sponsors:

Indexes:

Code sections:

Attachments: 1. Municipal Code Chapter 4.118 – Permits for Retailer of Tobacco Products and/or Electronic Smoking Devices, 2. Beverly Hills Ordinance Prohibiting the Retail Sale of Tobacco Products and Electronic Cigarette Paraphernalia (and accompanying staff report)

Date	Ver.	Action By	Action	Result
6/4/2019	1	City Council Regular Meeting	accept	Pass

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Quinn Barrow, City Attorney

SUBJECT:
Consider Request by Mayor Napolitano and Councilmember Montgomery to Discuss a Complete Ban of Sales of Tobacco Products (City Attorney Barrow).
DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:
Staff recommends that the City Council discuss and provide direction (Step Two) regarding the request by Mayor Napolitano and Councilmember Montgomery to discuss a complete ban of sales and consumption of tobacco products at a future City Council meeting.

FISCAL IMPLICATIONS:
There are no fiscal implications associated with the recommended action. However, should the City Council direct staff to analyze the request, staff time and resources may be expended to accommodate the request.

BACKGROUND:
Pursuant to the Brown Act, the City Council cannot discuss items not on an agenda unless under limited circumstances. The City Council has developed a process to allow individual Councilmembers

to request, with the support of another Councilmember, that items be placed on a future agenda for City Council discussion. At that future meeting, the item is identified on the agenda in full compliance with the Brown Act. Discussion allows an opportunity to the public to provide input and the City Council, as a body, to decide whether City resources (staff time, etc.) should be incurred to present a more comprehensive report at a third City Council meeting.

Accordingly, individual Councilmembers can initiate future agenda items by following the following three-step process:

STEP ONE:

During “Future Agenda Items,” a Councilmember may request that an item be placed on the agenda. If another Councilmember concurs with placing the item on the agenda, the item is placed on a future agenda. This occurred on May 21.

STEP TWO:

The item is placed on the agenda at the section titled, “City Council Requests and Reports Including AB 1234 Reports” at the end of the agenda with this report. If it does not require any staff time, there may be attachments (e.g., copies of ordinances, resolutions, contracts, etc. previously adopted or approved) to provide background or context. A Beverly Hills Ordinance prohibiting the retail sale of tobacco products and electronic cigarette paraphernalia, and its corresponding staff report, are attached. The Beverly Hills Ordinance was introduced on May 21, 2019. After discussion, the City Council has the following options:

- a) Receive and File the report.
- b) Direct staff to perform the necessary work to prepare a more comprehensive staff report and schedule the item for a future City Council meeting.
- c) Continue the item to a future date.

STEP THREE:

If City Council chooses option b) in Step Two above, the item is placed on a future City Council meeting agenda for action.

DISCUSSION:

At the request of Mayor Napolitano and Councilmember Montgomery at the May 21, 2019, City Council meeting, staff has placed this item on the agenda for further discussion. Upon City Council consensus, staff will undertake efforts to research this topic and return to the City Council at a future meeting with more information. Additionally, City Council may provide staff direction on what the request entails.

CONCLUSION:

Staff recommends that the City Council discuss and provide direction (Step Two) regarding the request by Mayor Napolitano and Councilmember Montgomery to discuss a complete ban of sales and consumption of tobacco products at a future City Council meeting.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Municipal Code Chapter 4.118 - Permits for Retailer of Tobacco Products and/or Electronic Smoking Devices
2. Beverly Hills Ordinance Prohibiting the Retail Sale of Tobacco Products and Electronic Cigarette Paraphernalia (and accompanying staff report)