



Youth Commission Minutes

**Operations Service Center – 157 Main Street, Pleasanton, CA
November 13, 2019 - 7 p.m.**

CALL TO ORDER

The meeting was called to order at 7:03 p.m. by Chairperson Jain.

Pledge of Allegiance

The Pledge of Allegiance to the flag was recited.

Roll Call

Commissioners Present: Arushi Avachat, Trinity Chang, Kristina Costanzo, Ajay Immadi, Nikita Jadhav, Kelly Mokashi, Keshav Patel, Zaynah Shah, Ashwin Sriram, and Chairperson Nishant Jain.

Commissioners Absent: Kimberley Chew, Ella Piergrossi, Tejas Prakash, and Tess Shotland.

Staff Present: Nicole Thomas, Recreation Supervisor, Larissa Seto, Assistant City Attorney; Jay Ingram, Human Services Manager, P.D.Sgt. Julie Fragamelli; Ania Pawlak, Office Assistant, and Edith Caponigro, Recording Secretary.

AGENDA AMENDMENTS

None.

MINUTES

1. Approve regular meeting minutes of October 9, 2019

A motion was made by Chairperson Jain, seconded by Commissioner Sriram, to approve the regular meeting minutes of October 9, 2019 as. **The motion was approved unanimously.**

MEETING OPEN TO THE PUBLIC

2. Introductions/Awards/Recognitions/Presentations

Ms. Thomas introduced new Adult Alternate Commissioner Kelly Mokashi who advised that she was happy to have been selected to serve on the Youth Commission and was a former Art Teacher and now writes online courses for teachers.

3. Public Comment from the audience regarding items not listed on the agenda.

None

MATTERS BEFORE THE COMMISSION

4. Continue Discussion Regarding Options for Potential Ban of Flavored Tobacco Products and E-Cigarette Devices

Ms. Seto provided information the Public Policy Subcommittee has received and studied in considering a recommendation to be made to City Council by the Youth Commission for the adoption of Ordinances to: 1) Prohibit the sale of flavored tobacco products; 2) prohibit the sale of E-Cigarettes and Paraphernalia; 3) Restricting the sale of tobacco products within 1,000-feet of public schools, public parks and public recreation facilities; 4) setting minimum pack sizes for some cigars and cigarettes; and 5) prohibiting possession of tobacco products by persons under 21 years of age.

Ms. Seto reviewed with the commission a PowerPoint presentation providing commissioners with details about the number of youth and those under age 21 who are using flavored tobacco products and E-cigarette devices, provided exposure to these products because of where they are being placed in stores, and the smaller packaging of such that is enticing people to use them.

Additional information provided in the presentation included details about the flavored products, electronic cigarettes (e-cigarettes), electronic pipes, electronic hookah's, and paraphernalia such as cartridges, e-liquids, smoke juice, atomizers, etc. Detailed maps showed the locations of tobacco retailers and distributors within 1,000-feet of public schools and tobacco retailers and distributors within 1,000-feet of public parks and public recreations facilities.

After considering the presentation and information provided Ms. Seto asked the Commission to consider recommending City Council: 1) ban flavored tobacco products – including menthol; 2) ban e-cigarettes, other devices and paraphernalia; 3) prohibit tobacco sales within 1,000-feet of public schools, public parks, and public recreation facilities; 4) minimum pack sizes; and 5) no possession of these products by persons under age 21. She suggested under item 3 that the commission consider whether prohibiting the sale of tobacco items should just be within 1,000-feet of schools, or just within 1,000-feet of public parks and recreation facilities.

Commissioner Chang questioned whether the commission should be considering limiting pack sizes of these products rather than the cost of such. Ms. Seto and Commissioner Costanzo advised that after much consideration the Public Policy Subcommittee felt it best to set a minimum pack size for some cigar and cigarette products.

Chairperson Jain asked if the recommendation to prohibit the sale of flavored tobacco products would also include non-flavored tobacco products that some people use and commissioner Mokashi had questions about banned smoking products in other areas. Ms. Seto provided details about different approaches taken by other cities.

Commissioner Mokashi commented on proposed restrictions within 1,000-feet of schools and a recent death that had occurred from someone who vaped. Chairperson Jain expressed concerns about restricting sales of tobacco products within 1,000-feet of public parks and recreation facilities. Ms. Seto advised that staff will be meeting with members of the Economic Vitality Committee and many retailers to obtain their views that will also be brought to City Council for consideration. Commissioner Mokashi provided her opinions for banning in both areas because she felt insufficient research has been conducted with regards to addiction issues. Chairperson Jain agreed and commented on the impact these products have had on some of his peers.

(Commissioner Costanzo left the meeting at 7:27 pm.)

Commissioner Chang asked for more information about the planned meeting with members of the Economic Vitality Committee and retailers. She felt information from this meeting should also be taken into consideration when making a recommendation and felt there might be pushback from retailers because of the profit made selling these products. Ms. Seto provided information about request made by City staff for obtaining information from this commission and others that will all be taken into consideration when they are making their decision.

Commissioner Chang felt some educational opportunities would be helpful if held at community events. Ms. Thomas advised that this was something the Health and Wellness Subcommittee was addressing.

Ms. Seto noted that all recommendations from the Youth Commission and others will be presented to City Council who will take final action.

Commissioner Shah discussed with Ms. Seto the number of retailers that are in the area of 1,000-feet of public schools. Ms. Seto advised that a total of 14 would be affected. Commissioner Patel questioned if any businesses would need to move because they are within the 1,000-foot area. Ms. Seto advised that they would more likely stop selling the products.

Chairperson Jain opened the meeting for public comment at 7:30 p.m.

Jen Grand-Lejano, American Cancer Society Representative – commented on including a recommendation to prohibit selling of all tobacco products in all stores and having no tobacco items sold near schools. She felt regulations should apply to all stores that sell tobacco products. She felt updating the existing ordinance to age 21 should be opposed because it takes away from existing laws that work and adult retailers should be made responsible. Jen advised that the American Cancer Society was recommending: 1) ban the sale of these products within 1,000-feet of all youth areas; 2) set minimum pack sizes and minimum prices; and 3) remove penalties to minors.

Commissioners were advised that: 1) minimum pack sizes will not necessarily make a difference in pricing; and 2) coupon usage will circumvent intent with the change of pack size.

Rachel Gratz-Lazarus, Alameda County – commented on the proposals being put forward, the Tobacco Retail Ordinance and state laws covered under it. She suggested the City of Pleasanton consider adoption and stronger enforcement of laws under the Tobacco Retail Ordinance and encouraged the city to use free technical assistance that is available.

Chairperson Jain closed the meeting for public commented at 7:47 p.m.

Chairperson Jain suggested commissioners consider if they approve the five ordinance recommendations provided in the Staff Report. Commissioner Mokashi questioned if the Tobacco Retail Ordinance should be considered. Ms. Seto advised that the ordinance had been discussed by the Public Policy Subcommittee with Police Department personnel and were informed that there is currently no staff available to provide the service required which is why it was not included in the recommendation.

Chairperson Jain commented on possession of tobacco products by those under age 21 and Commissioner Immadi asked that Ms. Gratz-Lazarus provide additional information on this item. Ms. Gratz-Lazarus discussed information included in the report she had provided, stating that if a retailer is selling tobacco products to minors the responsibility should be placed on the adult selling the product and not the minor. Ms. Seto provided information about the law that has already been put in place in Pleasanton regarding the selling of items by older people to minors and the role of the police department in wanting to stop the sale of these tobacco products to younger people.

Chairperson Jain felt updating the existing Municipal Code re prohibiting persons under the age of 21 being able to possess tobacco products made sense to him. Commissioner agreed with following the law and Commissioner Patel felt the law should be consistent with the state law. Commissioner Chang asked for an opinion from the police department representative.

Sgt. Fragamelli indicated that she saw parallels in the law between tobacco usage by person under 21 and sex trafficking and questioned if the commission was thinking about penalizing persons under 21 because they are victims and was unsure what impact this would have.

Chairperson Jain questioned whether underage victims should be required to take responsibility for their actions. Sgt. Fragamelli commented on the amount of police time that would be required to oversee usage by persons under age 21 and felt time would be better directed at going after those selling the products. She felt the law would be stronger and more focused on going after retailers selling the products.

Commissioner Mokashi felt Pleasanton should be following the laws of the state and Chairperson Jain asked Ms. Seto to provide additional clarification on the intent of the original code. Ms. Seto provided details and suggested the commission discuss each of the five proposed ordinances separately and make their recommendations.

Chairperson Jain asked for comments and recommendations on the following:

Ordinance 1 – Prohibit the sale of flavored tobacco products.

Commissioner Sriram suggested the commission approve this ordinance recommendation. Commissioner Immadi questioned whether it would include the sale of menthol flavored tobacco products.

A motion was made by Chairperson Jain, seconded by Commissioner Immadi, recommending City Council adopt an ordinance to 'Prohibit the sale of flavored tobacco products'.

ROLL CALL VOTE:

AYES: Commissioners Avachat, Chang, Immadi, Jadhav, Mokashi, Patel, Shah, Sriram, and Chairperson Jain.
NOES: None
ABSENT: Commissioners Chew, Costanzo, Piergrossi, Prakash, and Shotland.
ABSTAIN: None

Ordinance 2 – Prohibit the sale of e-cigarettes and related paraphernalia.

Chairperson Jain asked for a clarification on the term 'paraphernalia' and Commissioner Sriram questioned if there were any statistics on the number of youths using e-cigarettes.

A motion was made by Commissioner Sriram, seconded by Commissioner Shah, recommending City Council adopt an ordinance to 'Prohibit the sale of e-cigarettes and related paraphernalia'.

ROLL CALL VOTE:

AYES: Commissioners Avachat, Chang, Immadi, Jadhav, Mokashi, Patel, Shah, Sriram, and Chairperson Jain.
NOES: None
ABSENT: Commissioners Chew, Costanzo, Piergrossi, Prakash, and Shotland.
ABSTAIN: None

Ordinance 3 – Restrict the sale of tobacco products within 1,000 feet of public schools, public parks, and public recreation facilities (with pre-existing tobacco shops being allowed to remain as legal non-conforming uses).

Chairperson Jain and Commissioner Shah stated their approval of this recommendation.

A motion was made by Commissioner Chang, seconded by Commissioner Jadhav, recommending City Council adopt an ordinance to 'Restrict the sale of tobacco products within 1,000 feet of public schools, public parks, and public recreation facilities, with pre-existing tobacco shops being allowed to remain as legal non-conforming uses'.

ROLL CALL VOTE:

AYES: Commissioners Avachat, Chang, Immadi, Jadhav, Mokashi, Patel, Shah, Sriram, and Chairperson Jain.
NOES: None
ABSENT: Commissioners Chew, Costanzo, Piergrossi, Prakash, and Shotland.
ABSTAIN: None

Ordinance 4 – Set minimum pack sizes for some cigar and cigarettes (with exceptions for premium items, and items sold at tobacco shops where persons under the age of 21 are restricted from entering unaccompanied).

Chairperson Jain indicated that he would like to include information about minimum pricing and use of discount coupons to this recommendation.

A motion was made by Commissioner Shah, seconded by Commissioner Patel, recommending City Council adopt an ordinance that would 'Set minimum pack sizes, prices, and use of discount coupons for some cigar and cigarettes (with exceptions for premium items, and items sold at tobacco shops where persons under the age of 21 are restricted from entering unaccompanied').

ROLL CALL VOTE:

AYES: Commissioners Avachat, Chang, Immadi, Jadhav, Mokashi, Patel, Shah, Sriram, and Chairperson Jain.
NOES: None
ABSENT: Commissioners Chew, Costanzo, Piergrossi, Prakash, and Shotland.
ABSTAIN: None

Ordinance 5 – Update the Municipal Code to prohibit persons under the age of 21 from possession of tobacco products (the code currently only restricts possession by persons under the age of 18).

Commissioner Immadi felt retaining the existing Municipal Code and updating the age limit made sense. Commissioner Shah asked about comments made by the police representative and Chairperson Jain commented on the law already being in place and this is just an update to the age requirement.

A motion was made by Commissioner Sriram, seconded by Commissioner Immadi, recommending City Council adopt an ordinance that would 'Update the Municipal Code to prohibit persons under the age of 21 from possession of tobacco products (the code currently only restricts possession by person the age of 18'.

ROLL CALL VOTE:

AYES: Commissioners Avachat, Chang, Immadi, Jadhav, Mokashi, Patel, Shah, Sriram, and Chairperson Jain.
NOES: None
ABSENT: Commissioners Chew, Costanzo, Piergrossi, Prakash, and Shotland.
ABSTAIN: None

5. Review Fiscal Year 2018/2019 Community Grant Final Performance Reports

Commissioners reviewed with Ms. Thomas the Fiscal Year 2018/2019 Community Grant Final Performance Reports. Chairperson Jain requested that the information from these reports also be included in the grant package at the March 2020 meeting.

Commissioner Shah discussed with Ms. Thomas the number of agencies that can present to the commission at the March meeting.

6. Approve funding criteria for Fiscal Year 2020/2021 Community Grant Program – Youth Category

Ms. Thomas noted that each year the Youth Commission reviews the previous year's funding criteria for the youth category of the Community Grant Program and determines if any changes should be made. She provided information about the mandatory workshop's agencies are required to attend and the Zoomgrants information that commissioners will be able to review in February 2020.

A motion was made by Commissioner Chang, seconded by Commissioner Shah, to retain the same funding criteria from the Fiscal Year 2019/2020 Community Grant Program for the Fiscal Year 2020/2021 Community Grant Program.

ROLL CALL VOTE:

AYES: Commissioners Avachat, Chang, Immadi, Jadhav, Mokashi, Patel, Shah, Sriram, and Chairperson Jain.
NOES: None
ABSENT: Commissioners Chew, Costanzo, Piergrossi, Prakash, and Shotland.
ABSTAIN: None

7. Consider Youth Commission recommendation allowing voting by the youth members of the Human Services, Parks and Recreation, Library, and Civic Arts Commissions by amending Municipal Code 2.28.030, 2.32.030, 2.34.030 and 2.39.030

Ms. Thomas noted that at the May 8, 2019 meeting the commission recommended consideration be made by City Council to amend the Municipal Code to allow youth members of the Human Services, Parks and Recreation, Library, and Civic Arts commissions the ability to vote with no changes to quorum requirements being required until a one-year pilot program had been completed and comments received from all the commissions.

A verbal report and recommendation had been made to the Human Services, Parks and Recreation, Library and Civic Arts commissions by members of the Public Policy Subcommittee with all but the Human Services Commission supporting the recommendation. The following are reasons provided by the Human Services Commission for not supporting the recommendation:

- The youth representative is on the commission for a one to two-year period, and this amount of time is not enough to supply understand the work of the many agencies associated with the annual grants program.
- The complexity of the Housing and Human Services Grant Program (HHSO) is much greater than the Youth and Civic Arts Community Grants Program.
- The amount of funds annually recommended through the HHSO is greater than the \$40,000 provided to the Youth and Civic Arts Commissions. The HHSO Program, through Community Development Block Grants and General Funds, generally allocated over \$425,000 annually.

Ms. Thomas advised that after making presentations to the other commissions members of the Public Policy Subcommittee decided that the recommendation made to City Council should be to allow voting of the youth members on all four of the commissions, i.e. Human Services, Parks and Recreation, Library, and Civic Arts which would allow City Council the ability to make the final recommendation.

Commissioner Shah questioned what youth members on the other commissions are allowed to do if they do not have the ability to vote. Ms. Thomas advised that they are allowed to participate and provide input on all matters.

Commissioner Chang asked for confirmation that the recommendation from the Youth Commission would be for youth members on all four of the other commissions to be allowed to vote and Chairperson Jain stated that he felt it was important for the youth member of a commission to be able to vote.

Chairperson Jain questioned staff on whether the commission should be recommending that the youth members on all four commissions be allowed to vote. Commissioner Shah felt this should be the Youth Commission's recommendation and that City Council would then make their own recommendation.

A motion was made by Commissioner Sriram, seconded by Commissioner Shah, recommending City Council consider amending the Municipal Code that would allow youth members of the Human Services, Parks and Recreation, Library, and Civic Arts Commissions the ability to vote.

ROLL CALL VOTE:

AYES: Commissioners Avachat, Chang, Immadi, Jadhav, Mokashi, Patel, Shah, Sriram, and Chairperson Jain.

NOES: None

ABSENT: Commissioners Chew, Costanzo, Piergrossi, Prakash, and Shotland.

ABSTAIN: None

8. Review and approve change to April 2020 commission meeting date

Ms. Thomas advised that at the September 11, 2019 meeting the commission approved the 2019-2020 Youth Commission meeting schedule. Subsequently, at the request of the commission a joint workshop meeting with the City of Livermore Youth Commission has been proposed for April 22, 2019, which would take place of the regularly scheduled meeting for April 15, 2020. She asked commissioners to consider this request and approve the meeting date change for April 2020.

A motion was made by Chairperson Jain, seconded by Commissioner Sriram, to approve the change of the April 2020 meeting from April 15, 2020 to April 22, 2020.

ROLL CALL VOTE:

AYES: Commissioners Avachat, Chang, Immadi, Jadhav, Mokashi, Patel, Shah, Sriram, and Chairperson Jain.

NOES: None

ABSENT: Commissioners Chew, Costanzo, Piergrossi, Prakash, and Shotland.

ABSTAIN: None

COMMUNICATIONS

None.

COMMISSION REPORTS

9. Bicycle, Pedestrian and Trails Committee

Commissioner Sriram advised that the committee had discussed the West Las Positas corridor survey and were looking for student feedback. The committee also discussed funding for this program and proposed improvements that include buffer bike lanes. He suggested members of the commission complete the survey at www.wlpbike.com.

10. Special Events Subcommittee

Commissioners Chang provided details about items distributed for the Unity Day event and the work the subcommittee is now doing for the Youth in Government Day event.

11. Public Policy Subcommittee

The subcommittee worked on items that have discussed at this meeting agenda and will now be prepping for a meeting with the Economic Vitality Committee.

12. Health & Wellness Committee

Commissioner Jhadav advised that the committee has discussed anti-vaping slogans and is considering working on putting together a video, or some marketing campaign, on anti-vaping.

Commissioner Shah advised that the video and slogans would have a focus on younger children to help make parents more aware of what younger kids are doing.

13. Ptownlife Resource Network

No report.

14. Brief reports on any meetings, conferences, and/or seminars attended by the Commission members

None.

COMMISSION COMMENTS

Ms. Thomas provided notes from a Pleasanton Flavored Tobacco Strategy Meeting attended by Commissioner Chew with PUSD Counselors, AC-TCP Alameda County Tobacco Control Project and API-CHAT parents, etc.

STAFF COMMENTS

15. Recreation Update

Ms. Thomas reminded commissioners about the Mayor's dinner.

12. Library Liaison Update

No report.

13. Police Liaison Update –

None.

FUTURE AGENDA TOPICS

Commissioner Shah was provided information by Ms. Thomas on next steps pertaining to the vaping item.

ADJOURNMENT

There being no further business a motion was made and seconded to adjourn the meeting at 8:41 p.m.

NEXT MEETING:

January 8, 2020.