

City of Morro Bay

City Council Agenda

Mission Statement

The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.

REGULAR MEETING – MARCH 27, 2012

**PUBLIC SESSION
VETERANS MEMORIAL HALL - 6:00 P.M.
209 SURF ST., MORRO BAY, CA**

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLEDGE OF ALLEGIANCE
MAYOR AND COUNCILMEMBERS ANNOUNCEMENTS & PRESENTATIONS
CLOSED SESSION REPORT

PUBLIC COMMENT PERIOD - Members of the audience wishing to address the Council on City business matters (other than Public Hearing items under Section B) may do so at this time.

To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Mayor, please come forward to the podium and state your name and address for the record. Comments are to be limited to three minutes.
- All remarks shall be addressed to Council, as a whole, and not to any individual member thereof.
- The Council respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in City Council meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (805) 772-6205. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE REGULAR MEETING OF MARCH 13, 2012; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

A-2 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING THE WEEK OF APRIL 8-14, 2012 AS “NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK”; (POLICE)

RECOMMENDATION: Adopt Proclamation.

A-3 A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY DECLARING APRIL 2012 AS “AUTISM AWARENESS MONTH”; (ADMINISTRATION)

RECOMMENDATION: Adopt Proclamation.

A-4 RESOLUTION 15-12 STATING THE IMPORTANCE OF KEEPING MORRO STRAND STATE PARKS CAMPGROUND OPEN; (ADMINISTRATION)

RECOMMENDATION: Review and approve Resolution.

A-5 ADOPTION OF ORDINANCE 576 AMENDING MORRO BAY MUNICIPAL CODE CHAPTER 17.48.32, SECONDARY UNITS, SPECIFICALLY MINIMUM AND MAXIMUM FLOOR AREA, ARCHITECTURAL COMPATIBILITY, PARKING AND CONDITIONAL USE PERMIT; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Ordinance 576.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 REVIEW OF DRAFT AMENDMENTS TO CHAPTER 9.24 OF THE MORRO BAY MUNICIPAL CODE ENTITLED SECONDHAND SMOKING REGULATIONS; (CITY ATTORNEY)

RECOMMENDATION: Review staff report and draft ordinance, and direct staff to return this item with any changes for Introduction and First Reading at a public hearing.

C. UNFINISHED BUSINESS

C-1 REVIEW OF CLOISTERS ASSESSMENT DISTRICT PARKWAY RENOVATION PROGRAM; (RECREATION & PARKS)

RECOMMENDATION: Direct staff with concerns related to the Cloisters Assessment District and specifically the parkways

D. NEW BUSINESS - None

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

THIS AGENDA IS SUBJECT TO AMENDMENT UP TO 72 HOURS PRIOR TO THE DATE AND TIME SET FOR THE MEETING. PLEASE REFER TO THE AGENDA POSTED AT CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 772-6205 FOR FURTHER INFORMATION.

MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET; MORRO BAY LIBRARY LOCATED AT 625 HARBOR STREET; AND MILL'S COPY CENTER LOCATED AT 495 MORRO BAY BOULEVARD DURING NORMAL BUSINESS HOURS.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN A CITY MEETING, PLEASE CONTACT THE CITY CLERK'S OFFICE AT LEAST 24 HOURS PRIOR TO THE MEETING TO INSURE THAT REASONABLE ARRANGEMENTS CAN BE MADE TO PROVIDE ACCESSIBILITY TO THE MEETING.

AGENDA NO: A-1

MEETING DATE: 03/27/2012

MINUTES - MORRO BAY CITY COUNCIL
CLOSED SESSION – MARCH 13, 2012
CITY HALL CONFERENCE ROOM - 5:00 P.M.

Mayor Yates called the meeting to order at 5:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Eric Endersby	Harbor Operations Manager

CLOSED SESSION

Mayor Yates adjourned the meeting to Closed Session.

Mayor Yates read the Closed Session Statement.

CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR. Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the City Employees and giving instructions to the Designated Representative.

CS-2 GOVERNMENT CODE SECTION 54956.8; REAL PROPERTY TRANSACTIONS. Instructing City's real property negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease of real property as to two (2) parcels.

- **Property: Lease Site 122-123/122W-123W, 1205 Embarcadero**
Negotiating Parties: Troy & Heather Leage (Harbor Hut) and City of Morro Bay
Negotiations: Lease Terms and Conditions
- **Property: Lease Site 87-88/87W-88W, 833 Embarcadero**
Negotiating Parties: Violet Leage (Outrigger) and City of Morro Bay
Negotiations: Lease Terms and Conditions

The meeting adjourned at 5:45pm.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – MARCH 13, 2012
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Yates called the meeting to order at 6:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Jamie Boucher	City Clerk
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Eric Endersby	Harbor Operations Manager
	Joe Woods	Recreation & Parks Director
	Kathleen Wold	Planning Manager

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &
PRESENTATIONS

CLOSED SESSION REPORT – City Attorney Robert Shultz reported that City Council met in Closed Session and no reportable action under the Brown Act was taken.

PUBLIC COMMENT

Robert Latham spoke in favor of Item D-2 (Beach Access Ramp at Morro Rock) stressing the need for stairs from the parking lot down to the beach. He also thanked all concerned for their continued work towards those efforts.

Susan Brown spoke on the City's Transit System's enhancements and thanked staff for their involvement as permanent transit stop signage and information kiosks are now in place. She also presented information on how to ride the bus.

Kelly Lewis spoke in favor of Item A-5 (Approval of the Sign Exception Permit) and hoped that Council would uphold the off-site sign exception permit for Virg's Sport Fishing.

Jamie Irons requested Council pull Item A-4 (Approval of Amended Job Descriptions for the Harbor Director and Harbor Business Manager and Authorization to Fill Both Vacancies). He hoped that Council would propose a long range plan that would restore the Harbor's

MINUTES - MORRO BAY CITY COUNCIL
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VETERANS MEMORIAL HALL - 6:00 P.M.

infrastructure as well as the Harbor Department itself and then design an organization to fulfill that.

Keith Taylor, a member of Friends of the Fire Department, spoke soliciting the sale of bricks being placed at the new fire department. The money collected goes towards the Morro Bay Fire Reserves for their attendance at the Fire Academy and/or Paramedic School. You can get bricks from him by calling 772-2852.

Ron De Carli, Executive Director of SLOCOG spoke on Item C-1 (Consideration of Estero Bay Transit Service Proposal). He expressed concerns that the system continues to perform poorly with low ridership and high overhead rate. He did express his thanks for the enhancements that have taken place including the bus stop improvements as well as changing hours to better connect with the regional system.

Mandy Davis also spoke on Item A-4 saying there should be more thought and consideration given to how the Harbor Department should be reorganized. She felt this item should have been brought to the Harbor Advisory Board first.

Mark Hamerding was in agreement with Ms. Davis and felt that the position of Harbor Director should be advertised for, as opposed to appointed.

Craig Schmidt announced the upcoming Chamber Mixers – one at Coast National Bank and the other at Casa de Flores.

Betty Winholtz was surprised that we weren't going to advertise for a Harbor Director. She also spoke about KONY2012. She encouraged people sending letters to the President Obama requesting we not withdraw our advisors from Africa to help in our efforts to capture this man.

Garry Johnson echoed Mayor Yates's comments about all candidates running a clean campaign. He promoted the upcoming Morro Photo Expo being held March 30 – April 1st. He also thanked Chief Tim Olivas for his years of service.

Mayor Yates closed the public comment period.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF CITY COUNCIL MINUTES FOR THE JOINT PLANNING COMMISSION/CITY COUNCIL MEETING AND REGULAR MEETING OF FEBRUARY 28, 2012; (ADMINISTRATION)

RECOMMENDATION: Approve as submitted.

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A-2 RESOLUTION 14-12 AUTHORIZING THE FEDERAL FUNDING UNDER FTA SECTION 5317 (49 U.S.C. SECTION 5317) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE COMMUNITY BUS PROGRAM; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution 14-12.

A-3 RESOLUTION 13-12 AUTHORIZING THE EXECUTION OF A MASTER AGREEMENT AND PROGRAM SUPPLEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR STATE FUNDED TRANSIT PROJECTS; (PUBLIC SERVICES)

RECOMMENDATION: Adopt Resolution 13-12.

A-4 APPROVAL OF THE AMENDED JOB DESCRIPTIONS FOR THE HARBOR DIRECTOR/HARBORMASTER AND HARBOR BUSINESS MANAGER AND AUTHORIZATION TO FILL THE HARBOR DIRECTOR/HARBORMASTER AND HARBOR BUSINESS MANAGER VACANCIES; (ADMINISTRATION)

RECOMMENDATION: Approve the amended job descriptions for the Harbor Director/Harbormaster and Harbor Business Manager and authorize to fill the Harbor Director/Harbormaster and Harbor Business Manager vacancies.

A-5 FINDINGS FOR APPROVAL OF THE SIGN EXCEPTION PERMIT (#SP0-141) FOR VIRG'S SPORT FISHING; (PUBLIC SERVICES)

RECOMMENDATION: Staff recommends that Council adopt the findings listed in Exhibit A and Conditions detailed in Exhibit B.

Councilmember Smukler pulled Items A-2 and A-4 from the Consent Calendar; Councilmember Borchard pulled Item A-5 from the Consent Calendar.

MOTION: Councilmember Johnson moved the City Council approve Item A-1 and A-3 of the Consent Calendar. The motion was seconded by Councilmember Borchard and carried unanimously 5-0.

Councilmember Smukler pulled Item A-2 in order to thank staff for their work on the Community Bus Program.

MOTION: Councilmember Smukler moved the City Council approve Item A-2 of the Consent Calendar. The motion was seconded by Councilmember Johnson and carried unanimously 5-0.

Councilmember Smukler spoke on Item A-4, he feels we are moving too quickly and wants to see us do an outside recruitment for the Harbor Director position.

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Councilmember Leage agreed with Councilmember Smukler, we should put out for applications.

Councilmember Johnson has spoken with many people from the public that want to move forward and appoint Eric Endersby as our Harbor Director. She supports staff's recommendation.

Mayor Yates spoke in favor of supporting the City Manager's recommendation.

Councilmember Borchard echoed those sentiments as Mr. Endersby has already been fulfilling the job duties. She respects the outreach that has come to Council.

MOTION: Councilmember Borchard moved the City Council approve Item A-4 of the Consent Calendar. The motion was seconded by Councilmember Johnson and carried 3-2 with Councilmember Smukler and Councilmember Leage voting no.

Councilmember Borchard and Councilmember Leage stepped down from the dais due to a conflict of interest.

MOTION: Councilmember Johnson moved the City Council approve Item A-5 of the Consent Calendar. The motion was seconded by Mayor Yates and carried 3-0-2 with Councilmember Borchard and Councilmember Leage needing to abstain.

Mayor Yates called for a break at 7:15 p.m.; the meeting resumed at 7:28 p.m.

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 INTRODUCTION AND 1ST READING OF THE ORDINANCE AMENDING CHAPTER 17.48.32, SECONDARY UNITS, SPECIFICALLY MINIMUM AND MAXIMUM FLOOR AREA, ARCHITECTURAL COMPATIBILITY, PARKING AND CONDITIONAL USE PERMIT; (PUBLIC SERVICES)

Kathleen Wold, Planning Manager presented her staff report. This is an Introduction and First Reading of Ordinance 576 which was presented in draft form at the February 14, 2012 Council meeting. Ms. Wold wanted to add for clarification purposes that "nothing in GC Section 65852.2 or 65852.150 shall be construed to supersede or in any way alter or lessen the effect of application of the California coast Act except that the local government shall not be required to hold public hearings for coast development permit applications for second units."

Mayor Yates opened the hearing for public comment.

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Betty Winholtz restated her previous opposition to this ordinance stating: it is inaccurate that increasing the size of secondary units is a benefit to low income housing; the ordinance relaxes the neighborhood character standards; this does away with deed restrictions that eliminates the need of having one of the homes on the property “be in charge of the other home”; and, adding 300 square feet adds another bedroom which adds another car which increases gas emissions.

Dorothy Cutter felt that this Ordinance was an insult to the residents of Morro Bay. Workshops were held and it was found that people don’t want large houses and definitely don’t want two (2) large houses on a lot. She feels this will create too many rental units, crowding on small lots and parking problems.

Mayor Yates closed the hearing for public comment.

Councilmember Smukler feels that this seems arbitrary and overrides a valid and thoughtful public input process. He doesn’t agree that the increase of secondary units will increase the affordability of housing.

Councilmember Borchard requested information on the previously held public process. City Attorney Rob Schultz responded that there have been no specific workshops on this topic. The topic may have been discussed when there were public workshops on mansionization or neighborhood compatibility.

Councilmember Johnson requested information on whether you could run a business through one of these secondary units to which the answer was yes, through the City’s Home Occupation Permit process like everybody/everywhere else. She also asked if setbacks applied to building a second unit to which the answer was yes.

MOTION: Councilmember Borchard moved the City Council Adopt the Negative Declaration; adopt the proposed ordinance amendments that would allow for ministerial secondary dwelling units in residential zones; and, approve the First Reading and Introduction of Ordinance 576 by number and title only. The motion was seconded by Councilmember Johnson and carried 4-1 with Councilmember Smukler voting no.

C. UNFINISHED BUSINESS

C-1 CONSIDERATION OF ESTERO BAY TRANSIT SERVICE PROPOSAL;
(PUBLIC SERVICES)

Janeen Burlingame, Management Analyst, presented her staff report on the Estero Bay Transit Service Proposal. She highlighted the changes from the September proposal – it is still lacking North Main late afternoon coverage; South Morro Bay would see a reduction in service frequency; the Beach Tract would lose service frequency; the regular and discount

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base fare would increase; and, we would lose the City's current Demand Response service as the Call-A-Ride service would stop operating. It is staff's feeling that this proposal is not in the best interest of the community and is not being recommended for implementation.

Councilmember Smukler wants what's best for the transit future of Morro Bay; he is excited about the involvement of PWAB and feels he wants to give PWAB the opportunity for review of what the final plan might be. He also thinks that since we are transitioning as a result of a major change, it would be good to give it a bit more time to see what the trends reflect.

Mayor Yates requested information on our ridership – is it up or down. Ms. Burlingame stated that we are in the 2nd year of transition which was a major shift. We are currently seeing a 30-40% increase in ridership over the same time period last year and thinks that it will get better now that the enhancements are in place. Mayor Yates went on to say that he is in support of recommendation #2 and would like to see PWAB continue in their efforts.

Councilmember Borchard was concerned that our ridership is still only at ½ of the average. She feels we will continue to be challenged with a change in service based on a decrease of subsidized funding and is supportive of having PWAB finish what they started.

Councilmember Johnson asked for clarification of what “penalties for non-compliance meant”. Ms. Burlingame assured her that currently we are not out of compliance.

MOTION: Councilmember Borchard directed staff to follow recommendation #2 listed on Item C-1 – continue working with SLOCOG and return to PWAB and Council. The motion was seconded by Councilmember Smukler and carried unanimously 5-0.

Councilmember Smukler wanted to ensure that the trolley component will be included in further discussions.

D. NEW BUSINESS

D-1 REVIEW OF THE MORRO BAY SPRINKLER ORDINANCE; (FIRE)

Chief Mike Pond presented his informational staff report on the City's current Sprinkler Ordinance. The City's Sprinkler Ordinance is more restrictive than the minimum code requirements found in the California Fire Code and California Building Code; however, the Ordinance is also in line with the majority of San Luis Obispo County. Chief Pond stressed his strong support for the use of fire sprinklers and is not recommending changes to the Ordinance.

Councilmember Borchard doesn't want to see a requirement being cost prohibitive for a proposed change in a building for a less intense use.

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Mayor Yates concern is in construction costs as fire sprinkler installation is very expensive.

Chief Pond responded that as of 2010, the State Fire Code mandates fire sprinklers are installed with any new residential building, no matter the size.

Councilmember Borchard stated it is very challenging to try and weigh the economic factors of attempted use versus the limited resources of our fire suppression staff. At this time, she is not prepared to make a change without further evaluation.

Councilmember Johnson said that safety has to be first, even given the understanding of the cost of installation.

Mayor Yates stated we need to look long range and that this report has been quite educational.

Councilmember Smukler appreciates the fact that the Chief has some discretion to apply some of the local rules and feels that their concerns have been heard.

No action was taken on this item as it was informational only.

D-2 RECOMMENDATION ON BEACH ACCESS RAMP AT MORRO ROCK;
(PUBLIC SERVICES/RECREATION & PARKS)

Public Services Director Rob Livick presented his staff report on the status of the development of a beach access ramp from the Rock parking lot to the beach. This item was last heard at the Council level on October 31, 2011 where it was sent for review to the Recreation & Parks Commission, the Harbor Advisory Board and the Public Works Advisory Board. All of the boards were in agreement that improved access to the beach was needed. Staff wanted to re-enforce the fact that any access to the beach would need to comply with ADA and apply to all users.

Councilmember Smukler thanked all the Advisory Boards and staff for how this has evolved. He would like to see the following included: a volunteer component for installation; a sponsorship component; only alternative funding sought; and, the need to avoid impacts to the view corridor.

Councilmember Leage agreed with the need for a walkway but went on to say that first and foremost, the revetment needs to be stabilized before moving forward.

Councilmember Johnson isn't in favor of this at this time as there is already a beach access ramp there. Also, the area in question is often times covered up with water. In addition, it will be incredibly difficult to build something over rocks. Her final concern was wondering what the Coastal Commission would say to an improvement like this.

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Councilmember Borchard wants to ensure access to all so is in favor of moving forward with this concept. Keeping the pathway in as natural of a state as possible would be preferred.

Mayor Yates would also like to see this kept as natural as possible and would like to go after funding as opposed to waiting for the funding to become available.

MOTION: Councilmember Smukler moved the City Council support the beach access concept and direct staff to return within six (6) months with an update. The motion was seconded by Councilmember Borchard and carried unanimously 5-0.

E. DECLARATION OF FUTURE AGENDA ITEMS

Councilmember Borchard requested a reconsideration of a motion made at the last meeting with regards to the possibility of putting out an RFP for the Visitor's Center. Mayor Yates and Councilmember Smukler concurred.

Councilmember Johnson requested staff look at preparing an explanation guide for businesses regarding the Emergency Interim Sign Ordinance; Mayor Yates and Councilmember Smukler concurred.

Councilmember Leage requested a discussion of "unfriendly" sidewalks in commercial zones throughout the City; Councilmember Johnson and Mayor Yates concurred.

Councilmember Smukler requested a discussion item on the Community FM Radio station being proposed in Morro Bay; Mayor Yates and Councilmember Borchard concurred.

Councilmember Smukler requested a discussion on a TOT Reinvestment Ordinance which would create opportunities for improvements to businesses without using general fund monies; Councilmember Johnson and Councilmember Borchard concurred.

Mayor Yates requested a Resolution requesting Morro Strand State Campground remain open; Councilmember Johnson and Councilmember Borchard concurred.

ADJOURNMENT

The meeting adjourned at 8:31 p.m.

Recorded by:

Jamie Boucher
City Clerk

AGENDA NO: A-2

MEETING DATE: 03/27/2012

**PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING THE WEEK OF APRIL 8-14, 2012 AS**

“NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK”

**CITY COUNCIL
City of Morro Bay, California**

WHEREAS, emergencies can occur at anytime that require public safety personnel; and

WHEREAS, when an emergency occurs the prompt response of public safety personnel is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our public safety personnel is dependent upon the quality and accuracy of information obtained from citizens who telephone the Morro Bay Police Communications Center; and

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Dispatchers are the single vital link for our police officers, firefighters and the harbor patrol by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS, Public Safety Dispatchers of the Morro Bay Police Department have contributed substantially to the apprehension of criminals, suppression of fires, rescue of those in danger and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Morro Bay hereby proclaims the week of April 8-14, 2012 as **“National Public Safety Telecommunications Week”** in honor of the women and men whose diligence and professionalism keep our city and citizens safe.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the City of Morro Bay to be affixed this 27th day of March, 2012,

William Yates, MAYOR

Attest:

Jamie Boucher, CITY CLERK

**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY
DECLARING APRIL 2012 AS
“AUTISM AWARENESS MONTH”**

**CITY COUNCIL
City of Morro Bay, California**

WHEREAS, autism is a complex neurobiological disorder that typically lasts throughout a person’s lifetime. It is part of a group of disorders known as autism spectrum disorders (ASDs); and

WHEREAS, autism affects all persons regardless of race, religion, socio-economic status or geography; and

WHEREAS, the incidence of autism in San Luis Obispo County reflects the national rate of 1 in 110, with rates appearing to have increased similarly around the globe; and

WHEREAS, a child is diagnosed with autism every 20 minutes; and

WHEREAS, ASDs are the fastest growing serious developmental disability, making these disorders more common than pediatric cancer, diabetes, and AIDS combined; and

WHEREAS, many are not adequately informed about ASDs and the value and importance of early identification, assessment, and treatment of these disorders; and

WHEREAS, individuals with ASDs and their families face tremendous and overwhelming challenges in accessing and navigating the complex programs and services for these disorders; and

WHEREAS, parents and family members have made invaluable contributions through their commitment, caring, and advocacy to important advances in research, education, and treatment for individuals with ASDs; and

WHEREAS, individuals with ASDs are valuable and talented citizens; and

WHEREAS, the Central Coast Autism Spectrum Center will celebrate Autism Awareness Month in April 2012; and

WHEREAS, the Central Coast Autism Spectrum Center will celebrate Autism Awareness Month at the WALK for Autism and Autism Awareness Fair on April 29, 2012 in Mission Plaza; and

WHEREAS, Autism Awareness Month and The WALK for Autism and Autism Awareness Fair help to increase and develop knowledge of autism, and are of paramount importance in creating an empathetic and compassionate citizenry.

NOW, THEREFORE, BE IT RESOLVED, that the Central Coast Autism Spectrum Center in cooperation with the City of Morro Bay, affirms its commitment to the important issues described in this resolution by declaring April 2012 as Autism Awareness Month and emphasizes that every individual with an ASD is a valued and important member of our society; and

BE IT FURTHER RESOLVED, that the City of Morro Bay recognizes and commends the talents, abilities and contributions of the individuals in our community diagnosed with ASDs; and

BE IT FURTHER RESOLVED, that the City of Morro Bay recognizes and commends the parents and relatives of individuals with ASDs, the professionals that provide valued services, and the Central Coast Autism Spectrum Center, for their sacrifice and dedication in providing for the special needs of individuals with ASDs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby declare April 2012 as “**Autism Awareness Month**”.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
seal of the City of Morro Bay to be
affixed this 27th day of March, 2012

WILLIAM YATES, Mayor
City of Morro Bay, California



AGENDA NO: A-4

MEETING DATE: 3/27/2012

Staff Report

TO: HONORABLE CITY COUNCIL
FROM: MAYOR YATES
DATE: MARCH 21, 2012
**SUBJECT: RESOLUTION 15-12 STATING THE IMPORTANCE OF
KEEPING MORRO STRAND STATE PARKS CAMPGROUND
OPEN**

RECOMMENDATION:

Review and approve the attached Resolution.

DISCUSSION:

All of the significant facts are detailed in the Resolution. The intent of this Resolution is to memorialize City Council's direction regarding the vital importance of keeping the Morro Strand State Beach Campground open and operating without any interruption.

RESOLUTION NO. 15-12

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
TO TAKE IMMEDIATE STEPS TO KEEP
MORRO STRAND STATE BEACH CAMPGROUND OPEN**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, the California State Park system includes 278 state parks, beaches, historic parks, recreation areas, and other park units; and

WHEREAS, annually over 77 million visitors take advantage of the myriad low-cost opportunities for recreation, education, fitness and other outdoor pursuits in state parks; and

WHEREAS, many of the state's most unique natural, cultural, and historic resources and artifacts are contained in the state park system; and

WHEREAS, the City of Morro Bay relies on state parks for bringing California's history to life for schoolchildren, allowing families and friends to enjoy recreation and solace in nature, and protecting irreplaceable resources for future generations; and

WHEREAS, California's economy is dependent on travel and tourism revenues, a large portion of which are derived from visitation to the state's unmatched state park system; and

WHEREAS, California's state parks generate over \$4 billion in economic activity across the state while offering affordable vacation destinations for visitors and families; and

WHEREAS, State Parks are an important economic engine to the City of Morro Bay, the County of San Luis Obispo and California in general, and studies have shown that every dollar invested in the state park system returns more, largely in the form of economic activity in our area; and

WHEREAS, seventy state parks have been identified for closure as a direct result of the budget cuts proposed in Fiscal Year 2011-12 by Gov. Jerry Brown and adopted by the Legislature; and

WHEREAS, one of the seventy state parks identified for closure is the Morro Strand State Beach Campground located within the City of Morro Bay and is a unique, historic, culturally important and iconic state park and is an irreplaceable resource for our residents, visitors, and students alike; and

WHEREAS, permanent closure of Morro Strand State Beach Campground will deny Californians access to lands and resources that belong to all of the state's residents; and

WHEREAS, permanent closure of Morro Strand State Beach Campground will create considerable harm for the City of Morro Bay that relies on tourism from state parks for their community's livelihood and community identity; and

WHEREAS, permanent closure of Morro Strand State Beach Campground will reduce revenues for local businesses and will result in overall losses in local fees and taxes, thereby eroding financial savings envisioned by the closure; and

WHEREAS, permanent closure of Morro Strand State Beach Campground will undermine Morro Bay's travel and tourism industry and impact hotels, locally-owned bed and breakfast establishments, restaurants, retail shops, tour operations and many more businesses that rely on parks for visitation and economic activity; and

WHEREAS, the permanent closure of Morro Strand State Beach Campground will cause an annual reduction of over 2.5 million dollars worth of economic activity in Morro Bay and diminish our day trip appeal for regional historic tourism, while at the same time requiring additional police resources to monitor safety around the area; and

WHEREAS, the City Council has determined that it would benefit the City, the residents and businesses of the City if the Morro Strand State Beach Campground remains open and accessible to the public; and

WHEREAS, the City Council finds that the continued operation of the Morro Strand State Beach Campground is in the public's interest, as it provides access to the ocean, and opportunities for interaction with nature; and

WHEREAS, on February 14, 2012 the City Council met and considered the permanent closure of Morro Strand State Beach Campground and all Councilmembers were in total support of keeping the park open; and

WHEREAS, on March 6 and 7 2012, during the City Council's Annual Goal Setting Workshop, the Council declared keeping the Morro Strand State Beach Campground open their number one goal; and

WHEREAS, pursuant to the provisions of Section 5080.30 et seq., of the California Public Resources Code, the State can enter into an operating agreement with a City for the operation of lands under its jurisdiction; and

WHEREAS, the City of Morro Bay and the State of California have already entered into, and currently have, an operating agreement of the Morro Bay State Park Marina pursuant to the provisions of Section 5080.30 et seq., of the California Public Resources Code; and

WHEREAS, the City of Morro Bay desires to make certain that Morro Strand State Beach Campground remains open by taking all necessary steps and legal means available, including negotiating an agreement for the City of Morro Bay to provide for recreational development, operation, control, and maintenance of the Morro Strand State Beach Campground located within Morro Bay.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, that the City hereby directs the City Manager to take all necessary steps and legal means available to make absolutely certain that the Morro Strand State Beach Campground remains open, including, but not limited to, authorizing the City Manager to negotiate an Agreement with the State of California for operation of the Morro Strand State Beach Campground, and also authorizes the City Manager to execute any further documentation in order to carry out the intent of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 27th day of March, 2012 on the following vote:

AYES:

NOES:

ABSENT:

WILLIAM YATES, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk



AGENDA NO: *A-5*
MEETING DATE: March 27, 2012

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 21, 2012

FROM: Kathleen Wold, Planning and Building Manager

SUBJECT: Adoption of Ordinance No. 576 Amending Morro Bay Municipal Code Chapter 17.48.32, Secondary Units, Specifically Minimum and Maximum Floor Area, Architectural Compatibility, Parking and Conditional Use Permit

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 576.

SUMMARY:

Ordinance No. 576 was introduced at the Council meeting held on March 13, 2012. This is the second reading, after which the Ordinance is adopted and will become effective on the 31st day after its passage.

Prepared By: <i>[Signature]</i>	Dept Review: <i>[Signature]</i>
City Manager Review: _____	
City Attorney Review: _____	

ORDINANCE NO. 576

**AN ORDINANCE OF THE CITY OF MORRO BAY
ANNOUNCING FINDINGS AND ADOPTING AMENDMENTS TO TITLE 17 OF THE
MUNICIPAL CODE TO ESTABLISH PROVISIONS FOR MINISTERIAL REVIEW OF
SECONDARY DWELLING UNITS AND GUESTHOUSES IN ALL ZONES WHERE
SINGLE FAMILY HOMES ARE A PERMITTED USE.**

THE CITY COUNCIL
City of Morro Bay, California

Case No. A00-013 (Local Coastal Plan/Zoning Ordinance Amendment)

WHEREAS, it is the purpose of the Zoning Ordinance of the City of Morro Bay to establish a precise and detailed plan for the use of land in the City based on the General Plan; and

WHEREAS, California State Law §65852.2 requires Cities to establish standards to allow for ministerial secondary dwelling units so as to increase the supply of smaller, affordable housing while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the proposed amendments meet the intent of the State Law by providing for an option to build a secondary dwelling unit or guest house in all zones that permit single family dwellings and have no more than one single family home existing on the property; and

WHEREAS, it is important to have clear, consistent, easy to use regulations within the Zoning Ordinance; and

WHEREAS, the Planning Commission of the City of Morro Bay, on December 7, 2011 after a duly noticed PUBLIC HEARING, did forward a recommendation, by adoption of Planning Commission Resolution No. 01-11 that the City Council amend Title 17 (Zoning Ordinance) to comply with the State legislation (AB 1866) as contained in attached Exhibit "A"; and

WHEREAS, on the 13th day of March 2012, the City Council of the City of Morro Bay did hold a duly noticed PUBLIC HEARING to consider the amendment regulating Secondary Unit and Guesthouse as contained in attached Exhibit "A" and

WHEREAS, the City Council finds that a Negative Declaration was prepared to evaluate the environmental impacts of the proposed Ordinance amendments, and determined that no significant impacts would result from the adoption of these amendments; and

WHEREAS, following the PUBLIC HEARING, and upon consideration of the testimony of all persons, both written and oral, the City Council accepted the Planning Commission recommendation and approved the amendment based on the following findings:

1. The Zoning Ordinance Amendment proposal is consistent with the State Statute AB 1866 and includes similar language, which was previously in effect.
2. The proposed Zoning Ordinance Amendments will not be injurious or detrimental to the health, safety, comfort, general welfare or well-being of the persons residing or working in the neighborhood.
3. That the proposed amendment is in general conformance with the City's General Plan and Local Coastal Plan.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Morro Bay, California, as follows:

SECTION 1: Title 17 of Morro Bay Municipal Code (Zoning Ordinance) is amended as contained in Exhibit "A", attached hereto and made a part of this Ordinance:

SECTION 2: To implement the amendment adopted herein, the City Council of the City of Morro Bay, California, hereby directs as follows:

1. That the above recitations are true and correct and constitute the findings of the Council in this matter; and
2. The City Council of the City of Morro Bay hereby finds that the Local Coastal Program Implementation Program (Zoning Ordinance) Amendments are in compliance with the intent, objectives, and all applicable policies and provisions of the California Coastal Act; and
3. Pursuant to Section 17.64.080 no amendment to Title 17 shall be legally effective in the coastal zone until the amendment is certified by the Coastal Commission.

SECTION 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4: This Ordinance amending the Zoning Code shall not become effective until final certification by the California Coastal Commission. Within fifteen (15) days after adoption by

the City Council, the Ordinance shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at the regular meeting of the City Council held on the 13th day of March 2012, by motion of Councilmember Borchard and seconded by Councilmember Johnson.

PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Morro Bay, on the ____ day of _____, _____ by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

William Yates, Mayor
City of Morro Bay

Jamie Boucher, City Clerk
City of Morro Bay

APPROVED AS TO FORM:

ROBERT W. SCHULTZ, Esq.
City Attorney

EXHIBIT “A”

17.48.320 SECONDARY UNITS

The purpose of this Section is to provide affordable low- and moderate-income housing. The following supplemental regulations are intended to comply with government Code Sections 65852.150 and 65852.2 on second units and implement the general plan, by allowing second units in all R districts subject to the following requirements. Nothing in Government Code Sections 65852.2 or 65852.150 shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.” (Government Code Section 65852.2(j)) Noticing for interested parties and those properties within 100 feet of the second unit property will be required. Approvals of second units in the appealable zone will continue to be appealable to the Coastal Commission.

A. Location

Said unit may be located, as an accessory use, on any lot zoned for single-family or multi-family uses in accordance with the District Tables in Chapter 17.24 where a primary residential use has been previously established or proposed to be established in conjunction with said unit. Only one-second unit or one guesthouse is permitted per one primary single family dwelling on the same lot:

B. Lot Coverage

Maximum lot coverage allowed for the District that they are located in.

C. Design

Said unit shall be consistent and/or reasonably compatible with the architectural style of the main residence and the neighborhood, and shall be located on the same lot as the primary residence.

D. Size

The total floor area, not including a garage, for a detached secondary unit shall not exceed 1,200 square feet as per State guidelines. The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.

E. Parking

A minimum of one additional parking space per bedroom, not to exceed two spaces, shall be provided. The parking space can be open and uncovered, however may not be in tandem with the required parking of the principal dwelling unit but can be located in setbacks areas and in tandem if both spaces are for the secondary unit. The principal dwelling unit must conform to the parking requirements of Chapter 17.44 “Off-Street Parking and Loading:”

F. Compliance with Title 14

A secondary unit shall be in conformance with all applicable provisions of Title 14 of the Morro Bay Municipal Code in addition to the applicable requirements for height, setback, lot coverage, etc. pursuant to the provisions of Chapter 17.24.

17.12.545 Secondary Dwelling Unit.

“Secondary dwelling unit” means an attached or detached residential dwelling unit, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling. This term also means “second unit” for the purposes of Sections 65852.150 and 65852.2 of the California Government Code.

17.44.020.C. e.iii. Secondary Dwelling Unit. In accordance with the provision of Section 1748.320(E) of this title.

17.48.315 GUESTHOUSES/QUARTERS AND ACCESSORY LIVING AREAS

Where provided by this Title, guesthouses/quarters and habitable structures for accessory living area may be permitted in conjunction with a dwelling unit, subject to these further requirements:

A. Guesthouse Restrictions

A guesthouse shall not contain more than six hundred forty (640) square feet of habitable floor area containing not more than one bedroom and bathroom nor shall it exceed thirty (30) percent of the floor area of the main residence, and no cooking or food preparation or food storage facilities shall be provided.

B. Location.

Guesthouses may be established on any lot in any R **or** AG district where a primary single-family dwelling has been previously established or is proposed to be established in conjunction with construction of a guesthouse. Only one-guesthouse or second unit is permitted per one primary single-family dwelling on the same lot.



AGENDA NO: _____	B-1
MEETING DATE: _____	3/27/12

Staff Report

TO: Honorable Mayor and City Council **DATE:** March 22, 2012
FROM: Robert Schultz, City Attorney
SUBJECT: Review of Draft Amendments to Chapter 9.24 of the Morro Bay
Municipal Code Entitled Secondhand Smoking Regulations

RECOMMENDATION:

Review the Staff Report and attached draft Chapter 9.24 entitled Secondhand Smoking Regulations and direct staff to return this item with any changes for Introduction and First Reading at a public hearing.

FISCAL IMPACT:

There is no financial impact associated with providing policy direction to staff on tobacco control ordinances. Existing resources in the City Manager's Office and City Attorney's Office will be sufficient to enable staff to draft ordinances based on the City Council's direction. If the ordinance is adopted, there would be a financial impact to install signs and for code compliance.

BACKGROUND:

At the February 14, 2012 City Council meeting, the City Council gave direction to staff to prepare a draft ordinance that would ban smoking in Morro Bay in the following areas: 1) Dining areas, 2) Entryways (reasonable distance), 3) Public events, 4) Recreation areas, 5) Service areas, 6) Sidewalks and Streets, 7) Worksites, 8) City-owned Vehicles, and 9) Licensed Child Care facilities.

Attached as Exhibit A is the Staff Report that was presented at the February 14, 2012 City Council meeting. Attached as Exhibit B is the City Council minutes from the February 14, 2012 meeting. Attached as Exhibit C is the draft ordinance that has been prepared by staff.

Prepared By: _____	Dept Review: _____
City Manager Review: _____	
City Attorney Review: _____	



AGENDA NO: D-2

MEETING DATE: February 14, 2012

Staff Report

TO: Honorable Mayor and City Council **DATE:** February 1, 2012
FROM: Rob Schultz, City Attorney
SUBJECT: Discussion and Consideration of Regulating Public Smoking

RECOMMENDATION

Staff seeks direction from City Council regarding whether to prepare an ordinance regulating secondhand smoke in the City of Morro Bay.

INTRODUCTION

Staff has been asked to present a report on prohibiting smoking within certain areas of Morro Bay. This report reviews possible benefits and implications of implementing a smoking ban, including a review of prohibitions in other cities.

FISCAL IMPACT

There is no financial impact associated with providing policy direction to staff on tobacco control ordinances. Existing resources in the City Manager's Office and City Attorney's Office will be sufficient to enable staff to draft ordinances based on the City Council's direction.

BACKGROUND

California has long been considered a pioneer with its statewide initiatives to reduce the harmful effects of smoking. The 1988 passage of Proposition 99, the Tobacco Tax and Health Protection Act, imposed a 25 cent per pack cigarette tax and created statewide programs to reduce smoking.

By 1993, local jurisdictions throughout the state had enacted smoke-free workplace ordinances that protected nearly two-thirds of California workers. The success of local tobacco control legislation helped inform the 1994 creation and passage of Assembly Bill (AB) 13, the California Smoke-Free Workplace Act. This landmark bill created a 100% smoke-free environment for most workplaces.

Prepared By: _____

Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

The passage of AB 13 was heralded as a groundbreaking replacement for a “patchwork of local laws,” but it was also criticized for its negative effect upon local tobacco control initiatives because it was limited to workplace protections. In addition, its passage created the perception that local legislation was no longer necessary. In researching this issue, staff discovered that many cities over the last several years have started to implement additional protections beyond those provided by state law.

DISCUSSION

Local governments that have chosen to enact tobacco control ordinances that are stronger than the protections provided by the state have generally focused their protections for indoor or enclosed places; protections for outdoor public places; secondhand smoke housing policies; and regulation of sales.

Recently, the community has expressed interest in improving the City of Morro Bay’s secondhand smoke and tobacco control policies. Rather than presenting the City Council with an ordinance that might not meet the City Council’s interests in this area, staff thought it prudent to request the City Council’s policy direction regarding each of the four potential areas for regulation. Staff relied on several sources to compile the information below, including the Public Health Law and Policy’s Technical Assistance and Legal Center, the American Lung Association’s Center for Tobacco Policy and Organizing, and San Luis Obispo County’s Tobacco Control Program.

Protections for Indoor or Enclosed Work Places

AB 13, codified in Labor Code section 6404.5, prohibits smoking in most indoor workplaces, but exempts certain workplace environments. Most other cities have acted to extend protections to cover these areas. A comprehensive secondhand smoke ordinance would eliminate the exemptions to cover all enclosed workplace environments, as well as other enclosed places that are open to the public.

Examples of enclosed public or workplace environments where protections can be extended include:

- Private residences used as licensed child care and health care facilities
- Taxi cabs
- Tobacco retailers/smoking lounges/hookah bars
- Truck cabs
- Hotel lobbies
- Rooms in hotels/motels (by increasing the required number of smoke-free rooms; state law requires 35%)
- Banquet rooms (hotels)
- Warehouse facilities
- Small businesses with fewer than six employees
- Owner-only workplaces that are open to the public
- Public places such as sports arenas or convention halls

Protections for Outdoor Public Places

There are numerous studies concluding that secondhand smoke is harmful to individuals, including a report from the California Air Resources Board declaring secondhand smoke as a toxic air contaminant, and a report from the U.S. Surgeon General stating that there is no risk-free level of exposure to secondhand smoke. A 2007 study conducted by researchers from Stanford University found that outdoor secondhand smoke exposure can be comparable to indoor secondhand smoke levels when an individual is near a smoker outdoors. Many cities throughout the state have used these compelling healthcare studies as the basis for implementing some level of protection from secondhand smoke to outdoor public places. Eighty-three cities and counties in California have passed what are considered to be comprehensive outdoor secondhand smoke ordinances.

Two approaches have been generally accepted as the best methodologies to implementing a comprehensive outdoor secondhand smoke ordinance. The first approach, known as the “inclusive approach,” legislates a complete ban on smoking in all outdoor public places. Three cities in Southern California have adopted this type of ordinance.

The second approach, known as the “listing approach,” targets seven key outdoor areas for protection. The seven areas targeted for protection under the listing approach include:

1. Dining areas: defined as outdoor seating at restaurants, bars, etc.
2. Entryways (reasonable distance): defined as within a certain distance of doors, windows, and other openings into enclosed areas.
3. Public events: defined as farmers’ markets, fairs, concerts, etc.
4. Recreation areas: defined as parks, trails, sports fields, etc.
5. Service areas: defined as bus stops, ticket lines, ATM lines, taxi stands, etc.
6. Sidewalks: defined as public sidewalks in downtown shopping and business areas.
7. Worksites: defined as any outdoor working area, such as constructions areas.

Under the listing approach, the protection extended to these seven targeted areas must go beyond any protections currently offered by state law, which prohibits smoking within 20 feet of the main entrance, exits, and windows of government buildings, and within 25 feet of tot lots and playgrounds. To be considered as a comprehensive secondhand smoke policy by policy advocates, five of the seven areas targeted for protection must be included in the ordinance.

Other provisions that may be included in an ordinance regulating smoking in public places include:

- Requiring that No Smoking signs be posted
- Prohibiting the placement of ash cans and ashtrays
- Requiring commercial property owners and managers to prevent patrons and guests from illegally using tobacco on their premises

Secondhand Smoke Housing Policies

Smoke in multi-unit housing poses health problems for non-smoking residents through the drifting of smoke from neighboring units, balconies, and outdoor spaces. The Surgeon General has determined that the dangers from secondhand smoke cannot be controlled by ventilation, air cleaning, or the separation of smokers from non-smokers. Several studies have concluded that smoking in multi-unit housing also contributes to higher maintenance and insurance costs. Many cities in California have begun to address the health dangers and additional costs related to secondhand smoke by implementing secondhand smoke housing policies. As of January 2011, 101 communities in California have adopted some form of secondhand smoke housing policy.

Secondhand smoke housing policies are complex because the provisions necessary to implement a secondhand smoke housing policy are varied. Generally, the provisions of secondhand smoke housing policy can be broken up into three policy areas: common area prohibitions, individual unit prohibitions, and the size and type of multi-unit housing to be regulated.

Common Area Prohibitions

Most housing policies include a prohibition on smoking in both indoor and outdoor common areas, except for areas designated for smoking that meet certain criteria. Provisions for outdoor buffer zones are also another important aspect for determining where smoking may be prohibited. Buffer zones protect tenants from drifting smoke from adjacent areas that can include balconies, patios, and decks that are within a “reasonable distance” of enclosed areas where smoking is prohibited.

Individual Unit Prohibitions

Restricting smoking within individual rental units is an important consideration when drafting secondhand smoke housing policies. The American Lung Association supports prohibiting smoking in 100% of multi-unit rental housing due to the public health impacts of secondhand smoke, but recognizes that public policy makers must also consider the privacy rights of smokers and the logistics surrounding the implementation of secondhand smoke housing policies. Some cities use a tiered approach to secondhand smoke housing protections by requiring that new complexes be 100% smoke-free, while permitting existing complexes to allow for a certain percentage of smoking units.

A 2009 report from the California Department of Public Health revealed that 13.1% of Californians are smokers, down from 22.7% in 1988. Policy makers are encouraged to consider the percentage of non-smokers and the increased costs associated with maintaining smoking units when determining the percentage of new and existing units that shall be smoke-free. Other provisions that support the implementation of secondhand smoke housing policies include reasonable phase-in periods and the clustering of smoking units so that secondhand smoke exposure is limited as much as possible.

The Size and Type of Multi-Unit Housing Regulated

The minimum size of the multi-unit housing complex upon which to impose secondhand smoking regulations needs to be determined. The size of complexes that are regulated vary by city, and often depend on the other types of provisions that are included in the ordinance.

The rights of condominium owners (both non-smokers and smokers) pose a difficult challenge for policy makers because the regulatory avenues used to mitigate the dangers of secondhand smoke in rental housing, i.e. the clustering of smoking units, is not as practical for condominiums, since they are individually owned. Options available to policy makers to extend secondhand smoke protections to condominium complexes include:

- Prohibiting smoking in common areas
- Establishing reasonable distance provisions
- Requiring the disclosure of smoking units and areas at the time of sale and leasing of a condominium unit
- Declaring secondhand smoke a nuisance

Ten cities in California have declared secondhand smoke to be a nuisance. A nuisance declaration makes it easier for an individual to seek the redress of grievances through the civil court system, because a nuisance declaration lessens the burden of proof for an individual seeking private civil action. In the housing context, declaring secondhand smoke a nuisance is helpful because it eliminates the need to prove that some particular level of exposure has occurred and then to prove that such exposure is an unjustified intrusion or hazard.

Other provisions that can be included in a secondhand smoke housing ordinance include:

- Requiring no smoking lease terms in rental agreements
- Requiring landlords to disclose where smoking is allowed, including which units
- Requiring landlords to submit diagrams of smoking and non-smoking units to City officials
- Including motels and hotels with long term lodging policies

Regulations of Tobacco Sales

The California Department of Public Health reports that three out of four adult smokers started using tobacco before the age of 18, and considers the limitation of youth access to tobacco as a critical component to improving public health. Many communities in California are regulating the location and operation of tobacco retailers as a way to reduce the illegal sale of tobacco to minors.

Tobacco retail licensing laws and land use controls are being credited with helping to reduce the illegal sale of tobacco to minors. The California Department of Public Health revealed that only 7.7% of retailers surveyed in 2010 sold tobacco to minors, down from 8.6% in 2009, and 12.6% in 2008. When the state began monitoring in 1995, the minors participating in the survey were able to buy tobacco products during 37% of tobacco purchase attempts.

Tobacco Retail Licensing

Under the Cigarette and Tobacco Products Licensing Act of 2003, businesses that sell cigarettes and tobacco products in California are required to have a state-issued retailer's license. License holders are responsible for ensuring that they display their license, maintain accurate sales records, and allow inspection of these records. It is illegal under state and federal law for retailers to sell cigarettes or tobacco products to minors.

Many cities in California have adopted local licensing programs as an additional mechanism for enforcing federal and state tobacco control laws. As of December 2010, 109 cities and counties in California have adopted local tobacco retailer licensing ordinances.

Four elements are available as policy options when crafting a tobacco retail license program:

1. Requiring all tobacco retailers to obtain a local license and renew it annually
2. Providing that violations of any federal, state, or local tobacco control law is also a violation of the license
3. Authorizing suspension or revocation of the local license for any violation of the license terms, and identify a dedicated enforcement agency
4. Establishing a sufficient license fee to fund all costs of administration, implementation, and enforcement of the license

The fourth element, establishing a sufficient license fee, is particularly critical to the adoption of an effective licensing ordinance. Licensing fees are permissible but are limited to the actual costs associated with necessary government regulation. Fees charged by other cities for ordinances containing all four policy options average \$300 per year, with the highest fees at \$1,500. The fee structure established by those jurisdictions with local licensing regulations does not always represent a full cost recovery of administering this type of program.

Right to Smoke

A question of whether or not this ban would be an infringement of a person's "right to smoke" may be raised. However, smoking is not a protected right under the Federal or State Constitution. The authority to ban smoking is expressly given in California Assembly Bill 846 and Health and Safety Code Section 104495, which authorizes cities and counties to implement smoking bans more stringent than what the state has imposed.

Public Education

If a smoking ban is implemented, a public education and signage program will be necessary. Secondhand smoke and tobacco control laws are typically complaint-driven and self enforcing. Ordinances that contain some sort of educational component, where the public is informed about the relevant regulations, are particularly helpful in instances where regulations are supported by self-enforcement.

RECOMMENDATION

Provide direction on improving the City of Morro Bay's secondhand smoke and tobacco control policies.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – FEBRUARY 14, 2012
VETERANS MEMORIAL HALL - 6:00 P.M.

Councilmember Borchard was concerned with the snowy plover monitoring and how that might impact somebody's ability to run the park as the monitoring process is very expensive.

No action was taken as this item was informational only.

D-2 DISCUSSION AND CONSIDERATION OF REGULATING PUBLIC SMOKING;
(CITY ATTORNEY)

City Attorney presented his staff report requesting Council's direction regarding whether to prepare an Ordinance extending regulations of secondhand smoke in the City.

Councilmember Johnson brought this forward as a result of public request. She feels that it is important to incorporate all seven (7) of the stated protections for outdoor public places (1- dining areas, 2- entryways, 3- public events, 4- recreation areas, 5- service areas, 6- sidewalks, 7- worksites) and wanted to add "drive-up windows" to #5, add "and streets" to #6, as well as add a #8 City owned vehicles and a #9 licensed child care homes. She is unsure about her feelings on #7. She would also like to see us address regulations on housing and licensing but realizes that we may want to start slower. She encourages this move forward to a public hearing.

Councilmember Borchard is supportive of moving forward with some of these actions. She agrees with #'s 1-5, is on the fence with #6 and isn't supportive of #7; she feels designated smoking areas could work; but doesn't want to pursue housing regulations or permit fees at this time.

Councilmember Smukler is also in agreement with what has been laid out. He is interested in talking about the tobacco sales concept but hopes that if we move forward with that component, it could be self-funded. He would like to see a licensing component included now as opposed to waiting as he feels it will save staff time, we will be able to utilize the Tobacco Control for their help, as well as address the sales to minors' part.

Chief Olivas presented some information on the possible regulations of tobacco sales.

Councilmember Leage is fearful that we would be dealing with a slippery slope as it will be very difficult to pass an Ordinance that you can't enforce. He also feels this could be a deterrent to tourists as he feels that probably 20% of our tourists smoke. He also feels that we need to consider that smokers have a right to smoke.

Mayor Yates agrees that there are inappropriate places to smoke but doesn't feel we need to go to this length. He also agrees that enforcement will be a problem. He can go along with some of this but that regulating smoking on sidewalks is going too far.

MINUTES - MORRO BAY CITY COUNCIL
REGULAR MEETING – FEBRUARY 14, 2012
VETERANS MEMORIAL HALL - 6:00 P.M.

MOTION: Councilmember Johnson moved the City Council bring forward for Public Hearing addressing items 1-7 in the Protections for Outdoor Public Places section found in the staff report, adding “and drive up windows” to #5, adding “and streets” to # 6, adding item 8 (city owned vehicles) and adding item 9 (licensed child care homes). The motion was seconded by Councilmember Borchard and carried 3-2 with Mayor Yates and Councilmember Leage voting no.

MOTION: Councilmember Smukler moved the City Council move forward with a regulation concept for tobacco sales as discussed. The motion was seconded by Councilmember Johnson and carried 3-2 with Mayor Yates and Councilmember Leage voting no.

D-3 DISCUSSION AND CONSIDERATION OF AMENDMENTS TO MORRO BAY MUNICIPAL CODE CHAPTER 5.24 REGARDING TAXICABS; (CITY ATTORNEY)

City Attorney Rob Schultz presented his staff report and is looking for direction from Council as to whether you would like us to streamline this process. He stated that the current Taxi Cab Ordinance was written in 1964.

Mayor Yates, in the spirit of streamlining the municipal code, wants to make this licensing process simple.

Councilmember Smukler agrees that taxi operations are helpful in the community; he is intrigued by the Danville Code; he also feels it is imperative that vehicles have clear licensing and markings as he doesn't want to lose the public safety component; he also wants to ensure there is “revocability” in the language.

Councilmember Johnson wants to see this simplified as well but also wants to ensure public safety.

Councilmember Borchard echo's the sentiments that we offer a safe ride for any passenger in our community. She questioned whether our current Ordinance is similar in kind to other Ordinances in the County. She can be supportive of a change to a more streamlined version.

MOTION: Mayor Yates moved the City Council direct the City Attorney bring back amendments to Morro Bay Municipal Code Chapter 5.24 regarding taxicabs with the goal of streamlining and simplifying the regulations. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

Chapter 9.24

SECONDHAND SMOKING REGULATIONS

9.24.010 Purpose
 9.24.020 Definitions
 9.24.030 Secondhand smoke generally
 9.24.040 Public and other places where smoking shall be prohibited
 9.24.050 Reasonable Distance
 9.24.060 Places where smoking may be permitted
 9.24.070 Modifications of designated smokers' outposts
 9.24.080 Allowing, aiding or abetting smoking
 9.24.090 Signs
 9.24.100 Disposal of smoking waste
 9.24.110 Fires on city beaches
 9.24.120 Enforcement and penalties
 9.24.130 Public education – Purposes of chapter
 9.24.140 Governmental cooperation
 9.24.150 Other laws

9.24.010 Purpose.

This chapter is enacted with the specific intent to:

- A. Prohibit smoking in certain public places not preempted by California Labor Code Section 6404.5, which provides further smoking regulations;
- B. Protect the public health, safety and general welfare by prohibiting smoking in certain public places under circumstances where other persons will be exposed to secondhand smoke;
- C. Ensure a cleaner and more hygienic environment for the City, its residents, and its natural resources, including its creeks and streams and beaches;
- D. Strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including residents and visitors, particularly children, to breathe smoke-free air, recognizing the threat to public health and the environment which smoking causes;
- E. Regulate the manner in which tobacco products are sold; and
- F. Designate the enforcing agency for this chapter and for Labor Code Section 6404.5.

9.24.020 Definitions.

The following words and phrases, as used in this Chapter or in any other applicable law regulating smoking, shall have the following meanings:

- A. **Bar.** An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- B. **Business.** Any sole proprietorship, partnership, joint venture, corporation, association or other entity formed for profit-making purposes or that has an employee.

C. **Code compliance officer.** The city code compliance officer or duly authorized designee of the city code compliance officer.

D. **City Beach.** The sandy area on either side of the mean high tide line from Atascadero Road all the way up to, but not including the parking lot at the Rock. City Beach shall also include the area of the Sand Spit that is owned by the City.

E. **City T- Piers.** The municipal piers located North of Beach Street and at Tidelands Park.

F. **Dining area.** Any area available to or customarily used by the general public that is designed, established or regularly used for consuming food or drink.

G. **Employee.** Any person who is employed or retained as an independent contractor by any employer as defined in this section; or any person who volunteers his or her services for an employer, association, nonprofit or volunteer entity.

H. **Employer.** Any person, partnership, corporation, association, nonprofit or other entity that employs or retains the service of one or more persons, or supervises volunteers.

I. **Enclosed.** Any covered or partially covered space having more than fifty percent (50%) of its perimeter area walled in or otherwise closed to the outside such as, for example, a covered porch with more than two walls; or any space open to the sky (hereinafter "uncovered") having more than seventy five (75) percent of its perimeter area walled in or otherwise closed to the outside such as, for example, a courtyard.

J. **Nonprofit entity.** Any entity that meets the requirements of California Corporations Code Section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

K. **Place of employment.** Any area under the legal or de facto control of an employer, business or nonprofit entity that an employee or the general public may have cause to enter in the normal course of operations, but regardless of the hours of operation, including, for example, indoor and outdoor work areas, construction sites, vehicles used in employment or for business purposes, taxis, employee lounges, conference and banquet rooms, bingo and gaming facilities, long-term health facilities, warehouses and private residences that are used as childcare or healthcare facilities subject to licensing requirements.

L. **Playground.** Any park or recreational area designed in part to be used by children, that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds, or on city property.

M. **Premises.** A lot or contiguous lots and any improvements thereon such as is usually described in a deed, deed of trust or mortgage, and includes legally separate but contiguous pieces of land that are owned by the same person or are under common control.

N. **Present.** Within a reasonable distance.

O. **Public place.** Any public or private place open to the general public regardless of any fee or age requirement, including, for example, streets, sidewalks, parking lots, parking garages, plazas, bars, restaurants, clubs, stores, stadiums, parks, playgrounds, beaches, T-Piers, taxis and buses. For the purposes of the provisions of this chapter, a "public place" does not mean a private residence except for residences used as an adult or child care, health care, board and care, or community foster care facility as such terms are defined by the state Health and Safety Code.

P. Reasonable distance. The greatest distance practicable that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. This distance shall generally be twenty (20) feet, with a minimum distance of five (5) feet.

Q. Recreational area. Any public or private area open to the public for recreational purposes whether or not any fee for admission is charged, including without limitation, parks, trails, gardens, sporting facilities, stadiums, beaches, T-Piers and playgrounds.

R. Restaurant. Any coffee shop, cafeteria, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria, eating establishment, boardinghouse or guest house or similar establishment which gives or offers for sale food to the public.

S. Secondhand smoke. Smoke that is generated from the burning end of a lighted tobacco, weed or plant product, or smoke that is exhaled by a smoker after inhaling or ingesting a lit tobacco, weed or plant product.

T. Service area. Any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place or make a transaction whether or not such service includes the exchange of money, including, for example, ATMs, bank teller windows, telephones, ticket lines, bus stops, taxi stands and takeout counters.

U. Smoke or Smoking. The carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking product or equipment used to burn any tobacco products, weed, plant, or any other combustible substance. Smoking includes emitting or exhaling the fumes of any pipe, cigar, cigarette, or any other lighted smoking equipment used for burning any tobacco product, weed, plant, or any other combustible substance.

V. Sports arena. An outdoor or nonenclosed sports pavilion, stadium, swimming pool, roller rink, or other similar place where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events, including the concession stand areas thereof.

W. Tobacco product. Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, smokeless tobacco, snuff, chewing tobacco, dipping tobacco, or any other form of tobacco.

X. Unenclosed area. Any area which is not enclosed.

9.24.030 Secondhand smoke generally

For all purposes within the jurisdiction of the city, the nonconsensual exposure to secondhand smoke and the uninvited presence of secondhand smoke on property in violation of this chapter shall constitute a nuisance, as is further described by Chapter 8. of the Morro Bay Municipal Code

9.24.040 Public and other places where smoking shall be prohibited

Except as otherwise provided by this chapter or by state or federal law, smoking shall be prohibited everywhere in the city, including but not limited to:

A. All public places, including streets, sidewalks, lobbies, elevators, reception, waiting and service areas, hallways, and other areas used by members of the public, located within the City, including but not limited to the following:

1. Any portion of a museum, aquarium, gallery, library, or museum which is open to and used by members of the general public;
2. Any portion of a grocery store, supermarket or other retail food marketing establishment which is open to and used by the general public;
3. Any restroom open to and used by the general public;
4. Any portion of a theater, auditorium, clubhouse or hall which is open to the general public and used for exhibiting a motion picture, live theatrical performance, religious or spiritual service, banquet, lecture, musical recital or similar performance;
5. Hallways, examination rooms, rooms used for treatment, wards and semi-private rooms of health care facilities;
6. Any licensed child care or adult day care facility;
7. Lobbies, hallways, game rooms, meeting rooms, laundry rooms, and other common areas in multi-unit residential facilities;
8. Public transportation facilities, including buses and taxicabs, under the authority of the City of Morro Bay, and ticket, boarding, and waiting areas of public transit depots;
9. Any restaurant or bar, including those in private clubs;
10. Any portion of a building owned, leased and/or operated by a public agency or entity which is open to and used by the public and is subject to the jurisdiction of the city;
11. Polling places;
12. Any recreation or sports facility, including but not limited to gymnasiums, swimming pools, roller skating rinks, pool halls, health spas, clubhouses and other similar places where members of the public assemble whether to engage in physical exercise, participate in athletic events or participate in sports events;
13. Any other business or establishment or portion of a business or establishment which is open to and used by the general public, including but not limited to banks, professional offices, retail stores, enclosed shopping malls, laundromats, beauty and barber shops, nail salons, professional offices, hotels and motels.
14. Any service area where one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money;
15. Outdoor dining areas of restaurants.
16. City parks and City t-piers.

9.24.050 Reasonable Distance

Smoking in unenclosed areas shall be prohibited within a reasonable distance of 20 feet from any entrance, opening, crack or vent into an enclosed area where smoking is prohibited, except while actively passing on the way to another destination and so long as smoke does not enter any enclosed area in which smoking is prohibited.

9.24.060 Places where smoking may be permitted

Except where prohibited by state or federal law, smoking may be permitted in the following locations within the city notwithstanding Section 9.24.040:

- A. Private residential properties. This chapter does not preclude private regulation of smoking on private residential properties.
- B. Designated unenclosed areas ("smokers' outposts") provided that all of the following conditions are met:

1. The area is located a reasonable distance away from any doorway or opening into an enclosed area and any access way to a public place;

2. The area is posted with one or more conspicuously displayed sign(s) identifying the area as a designated outdoor smoking area pursuant to section 9.24.060 of this code;

3. Smoke is not permitted to enter adjacent areas in which smoking is prohibited by this chapter, other law or by the owner, lessee or licensee of the adjacent property;

4. Appropriate ash can(s) are placed in the smoking area and are maintained regularly by the owner, operator or manager of the smoking area; and

5. No consistent complaints of secondhand smoke are filed with the city.

C. Smoking areas at public events which have been approved as part of the Special Event Permit or Temporary Use Permit issued by the city.

D. Inside a private automobile when no minor child is present.

E. Any unenclosed area in which no nonsmoker is present and, due to the time of day or other factors, it is not reasonable to expect another person to arrive.

9.24.070 Modifications of Designated Smokers' Outposts

The city reserves the right to prohibit or require modifications to a smoker's outpost at a certain location if it undermines the purposes of this chapter.

9.24.080 Allowing, Aiding or Abetting Smoking

A. No person, employer, business or nonprofit entity shall knowingly permit smoking in an area under his, her or its legal or de facto control in which smoking is prohibited by this chapter or other law.

B. Except as provided in Section 9.24.050 of this code, no person, employer, business or nonprofit entity shall allow the placement or maintenance of a receptacle for smoking waste in an area under his, her or its legal or de facto control in which smoking is prohibited by this chapter or other law, provided however, that a receptacle may be placed at the entry to a nonsmoking area, along with a "No Smoking" sign, in order to encourage any smokers in violation of this chapter to immediately extinguish and properly dispose of smoking materials.

C. No person shall intimidate, threaten, effect a reprisal or retaliate against another person who seeks to attain compliance with one or more of this chapter's provisions.

9.24.090 Signs

Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this chapter.

A. "No Smoking" or "Smoke Free" signs, with letters of not less than one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) or any alternative signage approved by the Public Services Director may be conspicuously posted by the person, employer, business or nonprofit entity who or which has legal or de facto control of such place at each entrance to a public place in which smoking is prohibited by this chapter or any other place where the Public

Services Director reasonably determines that smoking in violation of this chapter has occurred, or is likely to occur.

B. Within designated smoking areas, one or more conspicuously displayed sign(s) shall be posted identifying the area as a smokers' outpost pursuant to section 9.24.060 of this code as follows: signs with arrows directing the public to the smoking area may be allowed; signs shall be no smaller than three (3) inches high and eight (8) inches long with a pictorial representation of a burning cigarette; signs shall contain "Designated Smoking Area" and shall be posted prominently between five (5) feet and seven (7) feet above the floor or ground; and all signs are subject to approval by the Public Services Director.

C. Every hotel and motel shall have signs posted conspicuously in the registration and lobby areas which state that nonsmoking rooms are maintained and may be available; rooms designated as being nonsmoking shall have signs announcing such restriction conspicuously placed inside the room.

D. No person shall alter, deface, obscure, remove or destroy a sign or placard that this chapter authorizes.

9.24.100 Disposal of smoking waste.

No person shall dispose of any cigarette, cigar or tobacco, or any part of a cigarette or cigar, in any place where smoking is prohibited under this Chapter, except in a designated waste disposal container.

9.24.110 Fires on City Beaches

No person shall build, light or maintain any fire on any City Beach except in designated containers or areas approved by the City.

9.24.120 Enforcement and Penalties.

A. A violation of this Section is an infraction.

B. Punishment under this Section shall not preclude punishment pursuant to Health & Safety Code Section 13002, Penal Code Section 374.4, or any other law proscribing the act of littering. Nothing in this Section shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

9.24.130 Public education --Purposes of chapter.

The code compliance officer, in conjunction and coordination with the county health officer of the county of San Luis Obispo and, where feasible, appropriate health or safety oriented community-based organizations and coalitions, shall engage in a continuing program to explain and clarify the purposes of the provisions of the chapter to citizens affected by it, and to guide business owners, operators and managers in their compliance with it.

9.24.140 Governmental cooperation.

The city manager shall request all governmental and educational agencies which maintain an office within the city to establish local operating procedures to cooperate and comply with this chapter.

9.24.150 Other laws.

The provisions of this chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. Further, it is not the intent of the provisions of this chapter to regulate smoking where such regulation has been preempted by the state.

Staff developed a questionnaire for each of the property owners requesting their desire to renovate the parkway related to their lot. The questionnaires were mailed out to each property owner and most were returned within the requested time. The checklist included types of grasses and the need for an additional passenger loading area (stepping stone). After receiving the completed questionnaires, staff organized the results and began the implementation phase of the project.

Initially staff utilized in-house personnel as well as the crew from California Conservation Corp. (CCC) to perform the removal of old shrubbery and irrigation lines as well as install the new lines, plants and bark mulch. The project's start was slow and in retrospect, inefficient. After evaluating the project's progress, staff decided to change the service delivery and contract out the remaining parkway renovations. Below are pictures of the progress to date. The illustrated parkways show the various grasses selected as well as the irrigation line replacement and the top dressing of bark mulch.

CONCLUSION:

The parkway renovation project is scheduled to be completed prior to the end of the month. Post renovation maintenance on the parkways will be outsourced for the remaining months of the fiscal year. This business plan will allow City resources to remain working in the park and open spaces, and provide the needed attention to the parkways for each property owner.







