



CITY OF MORRO BAY RECREATION AND PARKS COMMISSION AGENDA

*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 - Thursday, May 17, 2012
Veteran's Memorial Building - 5:30 P.M.
209 Surf Street, Morro Bay, CA**

Chairperson Karen Croley

Vice-Chairperson John Bates
Brian Dorfman
Al Romero

Anita Ayoob
Johnny Munoz
Drew Sidaris

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
ANNOUNCEMENTS / PRESENTATIONS

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on City business matters other than scheduled items 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 Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof.
- The Commission 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 Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission 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 Recreation and Parks' Administrative Technician at (805) 772-6280. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A. CONSENT CALENDAR

- A-1 Approval of Minutes from Recreation and Parks Commission meeting held on March 15, 2012
Staff Recommendation: Approve minutes.
- A-2 Correspondence/Citizen's Reports
Staff Recommendation: Receive and file.
- A-3 Participation Reports
Staff Recommendation: Receive and file.

- A-4 Department Program/Project Status Report
Staff Recommendation: Receive and file.

B. PUBLIC HEARINGS

None

C. UNFINISHED BUSINESS

- C-1 Update on City of Morro Bay Smoking Ordinance 9.24
Staff Recommendation: Receive and file.

D. NEW BUSINESS

- D-1 Recommendation to City Council for a Temporary Master Fee Amendment to Allow No Charge for Giant Chess Board
Staff Recommendation: Discuss and make a recommendation to forward to City Council.
- D-2 Recreation and Parks Department Program Evaluations
Staff Recommendation: Receive and file.

E. FUTURE AGENDA ITEMS

F. ADJOURNMENT

Adjourn to a regular meeting scheduled at the Veteran's Memorial Building, 209 Surf Street, July 19, 2012 at 5:30 P.M.

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 the Morro Bay Community Center, 1001 Kennedy Way, for any revisions or call the department at 772-6280 for further information.

Materials related to an item on this Agenda are available for public inspection during normal business hours at the Recreation and Parks Department and at Mill's/ASAP, 495 Morro Bay Boulevard, or online at www.morro-bay.ca.us/rpc. Materials related to an item on this Agenda submitted to the Commission after publication of the Agenda packet are available for inspection at the Recreation and Parks Department during normal business hours or at the scheduled meeting.

MINUTES – MORRO BAY RECREATION AND PARKS COMMISSION

REGULAR MEETING –MARCH 15, 2012

VETERANS MEMORIAL BUILDING – 5:30 P.M.

CALL TO ORDER: Vice-Chair Croley called the meeting to order.

ROLL CALL: PRESENT: Commissioner Romero, Commissioner Croley, Commissioner Bates, Commissioner Sidaris, Staff Woods. ABSENT: Commissioner Munoz, Commissioner Ayoob. Staff Woods noted that Brian Dorfman was present but was not able to be sworn in prior to the meeting.

PLEDGE OF ALLEGIANCE

COMMISSIONER REPORTS AND ANNOUNCEMENTS

Vice-Chair Croley announced the Tree Committee has started a Heritage Tree Program. Dixon's Annual Spaghetti Dinner to benefit the Morro Bay Community Foundation Youth Scholarship Fund will be held March 23rd. Cayucos Cellars is hosting 'Zinfest' tomorrow night to benefit the Morro Bay Community Pool Foundation.

Staff Woods reminded Commissioners about meeting attendance as stated in the Advisory Boards Handbook.

PRESENTATIONS

None

PUBLIC COMMENT

None

Vice-Chair Croley made a Motion to address Item D-1 and D-2 at this time. The Motion was seconded by Commissioner Bates and carried. (4-0)

D. NEW BUSINESS

D-1 ELECTION OF CHAIR AND VICE-CHAIR FOR 2012

Vice-Chair Croley opened nominations for Chair. Commissioner Romero nominated Karen Croley for Chair. Commissioner Sidaris seconded the nomination. As there were no further nominations the nominations were closed. Karen Croley was declared Chair by acclamation.

Chair Croley opened nominations for Vice-Chair. Commissioner Bates nominated Al Romero for Vice-Chair. Chair Croley seconded the nomination. Commissioner Romero nominated John Bates for Vice-Chair. Commissioner Sidaris seconded the nomination. Nominations were closed and Chair Croley called for a vote. John Bates was elected Vice-Chair by a 3-1 vote.

D-2 ELECTION OF SENIOR REPRESENTATIVE FOR 2012

Chair Croley opened nominations for Senior Representative. Commissioner Bates nominated Anita Ayoob for Senior Representative. Commissioner Sidaris seconded the nomination. As there were no further nominations the nominations were closed. Anita Ayoob was declared Senior Representative by acclamation.

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the Commission, the following items are approved without discussion.

A-1 APPROVAL OF MINUTES OF THE JANUARY 19, 2012 MEETING

RECOMMENDATION: Approve as submitted.

A-2 CITIZEN'S REPORTS AND CORRESPONDENCE

RECOMMENDATION: Approve as submitted.

A-3 YOUTH SERVICES SUMMARY FOR JANUARY AND FEBRUARY 2012
SPORTS AND FITNESS SUMMARY FOR JANUARY AND FEBRUARY 2012
FACILITIES AND PARK USE FOR JANUARY AND FEBRUARY 2012

RECOMMENDATION: Approve as submitted.

A-4 RECREATION AND PARKS DEPARTMENT STATUS REPORT

RECOMMENDATION: Approve as submitted.

MOTION: Commissioner Bates moved the Commission approve Consent Calendar Item A-1, A-2, A-3 and A-4 for file. The motion was seconded by Commissioner Romero and carried. (4-0)

B. PUBLIC HEARINGS

B-1 REVIEW OF THE MORRO BAY NORTHERN WATERFRONT IMPLEMENTATION PLAN TO INCLUDE MORRO ROCK PARKING LOT

Staff Woods asked the Commission to review and discuss the proposed improvements to the Morro Rock parking lot and the inclusion to the Northern Waterfront Implementation Plan (Concept C) and provide a recommendation regarding the Morro Rock parking area for City Council review. The Northern Waterfront Implementation Plan was adopted by City Council in 2008 and depicts areas to be developed either as recreational or as boating facilities. The Plan did not include the Rock Parking Lot as that area had been identified as parking in the Waterfront Master Plan. The inclusion of the Morro Rock parking lot into the NWIP is suggested by City Council, along with the detailed plan provided by Bill and Toni Woody. If the NWIP is amended, Council will review the new proposed plan and direct staff accordingly. The Woody's proposed detail plan shows a new boardwalk with fencing, picnic and play

areas, asphalt road, volleyball courts, new planters with seats and other amenities. Improvements could range from a very passive approach to a more active approach as outlined in the Woody's plan.

Commissioner Bates commented the areas east of the roundabout are not accessible to vehicles and it looks like you lose about 25% of your parking.

Chair Croley opened Public Comment

George Leage, Morro Bay - Speaking personally not on behalf of the City Council. Remainder of the parking lot will still be accessible for parking. The decorative barriers are removable. The concrete area will take care of everyday parking and the barriers can be removed for overflow parking. We would have to work out when and how the barriers are removed. This is a concept and details will need to be worked out.

Commissioner Bates stated we definitely want to make it accessible to recreational vehicles. There will probably be more events held out there and barriers would have to be taken out for them. He feels there are some really good ideas on the east end and the boardwalk on the bluff. He just doesn't feel comfortable with this plan and the parking and mobility.

Chair Croley had concerns about the barbeque areas and wind protection.

Brian Dorfman, Morro Bay - It is important to have some greenbelt space. Back up the greenbelt from the ocean than have the concrete parking. Have seen it done in other communities and is very popular and positive. Need to determine how many cars and how much greenbelt space.

Commissioner Romero asked if it would be possible to have the Woody family attend the next meeting.

Commissioner Sidaris said where the volleyball courts are located is pretty much in the shadows most of the day.

Chair Croley expressed concerns with parking. Commissioner Sidaris added if we incorporate the Morro Rock Parking Lot plan into Concept C we will have workshops and have the public involved.

MOTION: Commissioner Sidaris moved the Commission adopt the Parking Lot Plan and incorporate it into Concept C. The motion was seconded by Commissioner Romero and carried. (4-0)

Commissioner Sidaris recommended we need a bit of greenbelt and not sure of the road working out with the roundabout. He would like to see the parking lot better graded and kept somewhat natural and the volleyball courts not in the shade. Commissioner Bates concurred as did Commissioner Romero and Chair Croley.

MOTION: Commissioner Bates moved the Commission recommend their approval of the Morro Rock development plan in its entirety with the exception of the volleyball courts and the proposed road and parking area configuration. Commissioner Sidaris amended the motion to include greenbelt space. Commissioner Bates accepted the amendment to the motion. The motion was seconded by Commissioner Sidaris and carried. (4-0)

Chair Croley closed Public Comment.

C. UNFINISHED BUSINESS

C-1 REVIEW THE ANNUAL SAN LUIS OBISPO COUNTY ADMINISTRATORS OF PARKS AND RECREATION AGENCIES COMMISSIONER'S WORKSHOP

Staff said SLOCAPRA hosts an annual workshop for members of City Councils, Board of Directors, Board of Supervisors and Park and Recreation Commissioners. The workshops provides training for participants in areas of recreation and parks. The City of Morro Bay sponsors each participating Commissioner who participates in the workshop. This year's workshop was held February 25, 2012 at the National Geographic Center at Hearst Castle in San Simeon.

Commissioner Romero stated he attended the workshop and it was very worthwhile. The people were informative and made you feel very welcome. He liked the small group discussions and the motivational speaker brought a lot of interesting ideas to the table.

MOTION: Commissioner Sidaris moved the Commission accept Item C-1 for file. The motion was seconded by Commissioner Bates and carried. (4-0)

D. NEW BUSINESS

D-3 REVIEW OF MUTT MITT PROGRAM

Staff Woods reported the Mutt Mitt program started over eleven years ago in 2000 with the City of Morro Bay partnering with the National Estuary Program. The first dispensers were installed by a local couple, volunteers Curt and Sandra Beebee. Funding through the years has been from NEP grants, Rotary Club, Power Plant, City of Morro Bay, State Parks and private individuals. The Mutt Mitt program currently has 19 dispensers throughout the City of Morro Bay. The Beebees were champions of the Mutt Mitt program for ten years but decided to relocate out of the area. Diane and Fred Moore along with other dedicated volunteers stepped up to service the dispensers as well as soliciting and collecting private donations. They have monitored the program noting how many bags have been used, volunteer hours, high and low usage months and put together a detailed report for you. There were a total of eight volunteers who put in 1,468 hours in a year. During the 6-month period from August 2, 2011 through February 2, 2012 a total of 102,450 bags were dispensed.

Chair Croley thanked Diane Moore for putting together the report. She asked how they were doing with volunteers. Staff Woods said he hadn't heard of them needing more but most programs can always use more. People can call the Recreation and Parks Department if they would like to help.

Commissioner Romero commented he has seen them being used at Tidelands but unfortunately not everyone uses them.

Commissioner Sidaris stated there is a law for not picking up after your animal. Staff Woods added there is a complete section on dogs and cats in the Municipal Code.

MOTION: Commissioner Bates moved the Commission accept Item D-3 for file. The motion was seconded by Croley and carried. (4-0)

D-4 RECREATION AND PARKS DEPARTMENT PROGRAM EVALUATIONS

Staff Woods reviewed the program evaluation for the 2011 Fall Adult Softball League. Total direct costs were \$11,013.00. Support costs totaled \$1500.00 and indirect costs were \$500.00 for a total of \$13,013.00. Revenues included registration fees and additional insurance paid by the teams. They totaled \$12,277.00. Net loss was \$736.00 for a cost recovery of 94%. This program is classified as Merit Service with a target revenue goal of 70-79%.

Commissioner Sidaris asked the fields were holding up. Staff replied the turf is holding up better than last year. The weeds and gophers are down.

MOTION: Commissioner Bates moved to accept the Recreation and Parks Department Program Evaluations for file. The motion was seconded by Commissioner Sidaris and carried. (4-0)

E. FUTURE AGENDA ITEMS

Commissioner Croley asked to agendaize the smoking ordinance. Staff Woods reported it is on a future City Council agenda and will probably be a Public Hearing. Staff can bring back a review of the current status of the San Luis Obispo ordinance and how it is working as well as the County smoking ordinances.

F. ADJOURNMENT

Motion to adjourn the meeting by Chair Croley, second Commissioner Bates. The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Barbara Wright
Administrative Technician

Morro Bay Citizens Bike Committee

Recreation and Parks Department
595 Harbor Street, Morro Bay CA 93442



AGENDA # A-2

DATE May 17, 2012

Mission Statement: Dedicated to the advocacy and creation of an efficient interconnected network of safe, scenic bikeways and community paths in the Morro Bay area.

April 23, 2012

To: Recreation and Parks Commission
Recreation and Parks Department
Public Works Advisory Board

Citizens Bike Committee met April 18, 2012.

Mr Davis reported that Council unanimously adopted the 2011 Morro Bay Bicycle & Pedestrian Master Plan on February 28, 2012.

Mr Rands described a grant application for Bicycle Transportation Act funds that he is preparing. The project will provide a safe crossing of Atascadero Road for bicyclists and pedestrians east of the east entrance to Morro Bay High School by constructing a short section of Class I multi-use trail and a crosswalk connecting existing termini of the Class I trail. In a separate but related location, the project will also close the gap between Morro Bay-Cayucos Connector and Cloisters Class I trail by designating Beachcomber and Sandalwood Avenues as Class 3 bikeways from Toro Lane to Azure Street. Committee voted unanimously to support the project on motion by Ms Johnson seconded by Ms Burton.

Mr Rands reported that negotiations with Dynegy for an easement through the plant for a Class I path have stalled. Dynegy does not want to grant an easement until they cease operations in 2016.

Mr Rands believes that he can improve markings for the northbound bike lane on Main Street approaching Quintana. This would involve moving the transition point for the bike lane another 50 feet south of where it now leaves the curb line to provide a right-turn lane for motor vehicles. He will also look into painting the bike lane pavement green so as to highlight the pathway for drivers and cyclists.

Mr Rands reported that he has submitted a Safe Routes to School grant application to provide Class 2 bike lanes on San Jacinto from Main Street to Greenwood; a sidewalk on San Jacinto in the same area; and a crosswalk at Birch. CBC and Bike Coalition, among others, wrote letters of support for the project.

Mr Rands noted that he will ask Council to budget an amount of money next year to serve as matching funds for opportunistic grants that may come up during the year.

Mr Davis gave a plug for Bike Month with two Morro Bay events occurring simultaneously on May 5th.

1. Bike to the Book Sale in Morro Bay, Sat, May 5, 10am-2pm, Community Center – Ride your bike to Friends of the Library book sale and receive a Bike Buck for \$1 off your total purchase of books on that day.
2. Cycle de Mayo Sat, May 5, 10:30-11:30am, Morro Bay High School – Bike Rodeo and Kids Criterium. Free Bike Safety Rodeo and activities followed by a bike race for K-6 grades to raise money for Morro Bay Montessori Charter School.

Ms Johnson reported that MB4th Bike Parade will start at the Rock at 1pm on...get ready...July 4th, 2012. This is a Wednesday and may not be a high tourist day so we need to encourage county-wide participation. The Parade will be preceded by an AmpSurf contest and a skate race.

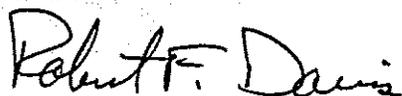
Ms Burton reported that Del Mar School will hold one more Walk and Roll event next Wednesday. The students will be rewarded for their successful effort to “walk across California” by a BMX assembly event. They will celebrate Bike Week next month by assembling in front of the school for a group photo.

Mr Rands reported that Public Services has had a couple of enquiries about Rack with Plaques. Dr Tiffany Smart asked and was encouraged to contact Rod Hoadley at Peak Racks to make arrangements.

Mr Rands reported that a Prop 84 grant application is in process for Complete Streets in Morro Bay.

Mr Davis reported that the California Transportation Commission has approved SLOCOG’s Regional Transportation Improvement Program (RTIP) request for \$1.6 million for community enhancement projects that include \$195,000 for Safe Routes to School safety program and \$585,000 to construct Morro Creek Multi-use Trail and Bridge in FY 2013/14

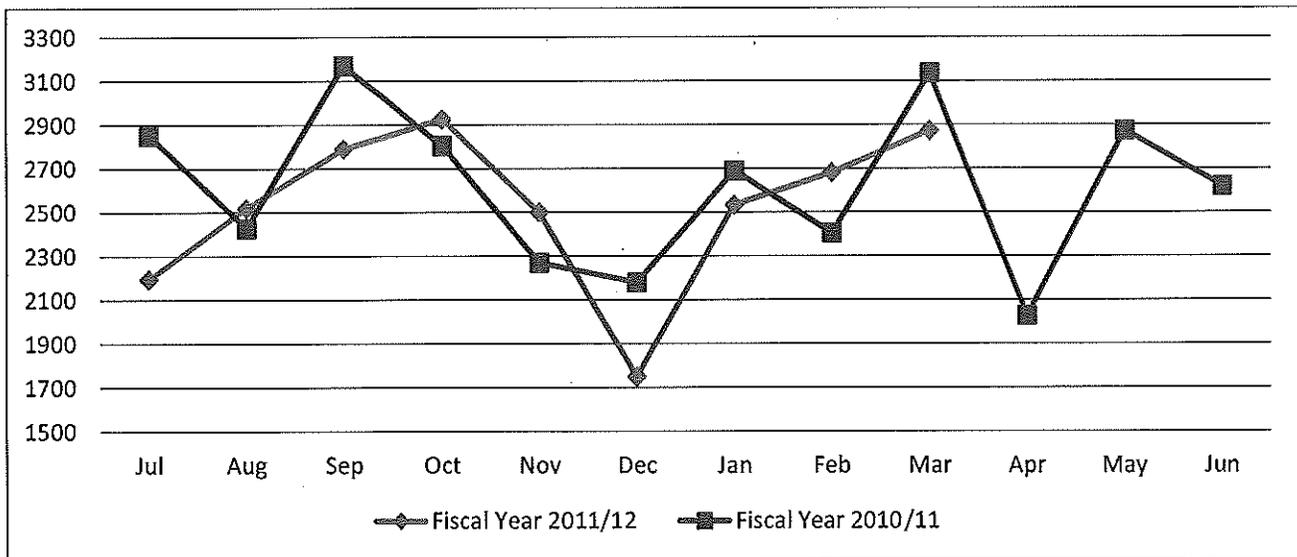
Next meeting will be August 1, 2012, at Community Center Conference Room at 5pm.



Robert Davis, Chair

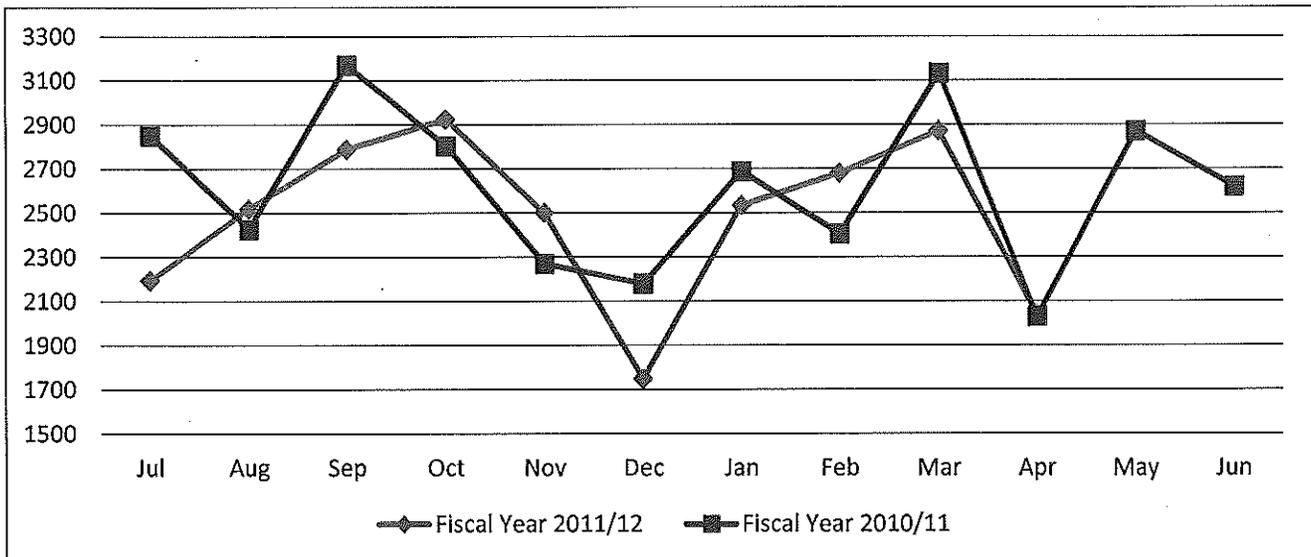
City of Morro Bay
 Recreation and Parks Department
 Youth Services Division
 PARTICIPATION REPORT
 March 2012

<u>Participations</u>	<u>March</u>	<u>Total To Date</u>	<u>2010/11 Fiscal Date</u>
39+ Dance	197	2055	2231
Acrylics/Watercolor Painting	69	503	721
Bellydance Class	28	159	429
Country & Western Line Dancing	0	119	124
Crochet (Beginning)	3	22	0
Life Drawing	81	335	321
Music Appreciation	15	158	218
Quilting & Sewing	48	290	243
Quilt Guild	47	437	411
Restorative Yoga	47	596	299
Singing (Beginning)	0	50	0
Kids' Camp	0	1773	2181
Kids' Club Before-School	418	2810	2873
Kids' Club Kinder Kids	264	1595	1954
Kids' Club After-School	682	4738	4623
Kids' Club Drop-in	324	1607	1988
Teen Center	649	5496	5295
Teen Summer Trips (Movies in SLO)	0	21	23
	2872	22764	23934



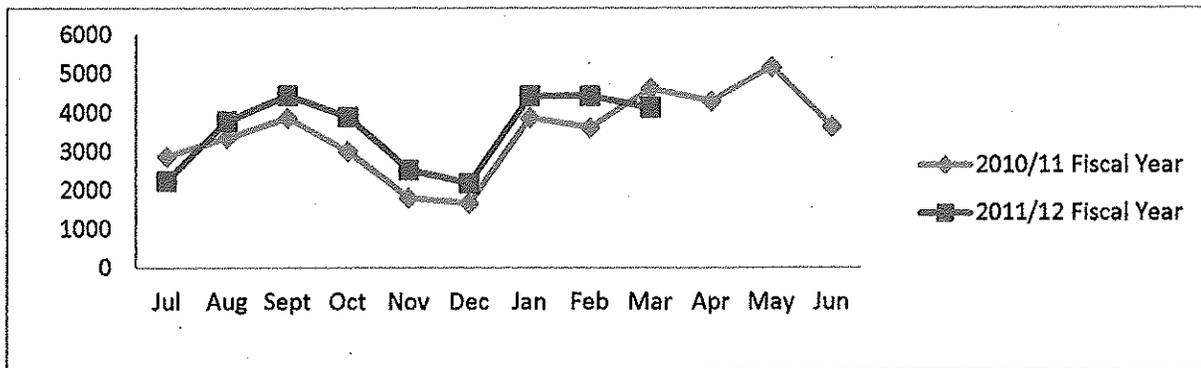
City of Morro Bay
 Recreation and Parks Department
 Youth Services Division
PARTICIPATION REPORT
April 2012

<u>Participations</u>	<u>April</u>	<u>Total To Date</u>	<u>2010/11 Fiscal Date</u>
39+ Dance	171	2226	2471
Acrylics/Watercolor Painting	52	555	846
Bellydance Class	28	187	441
Country & Western Line Dancing	0	119	124
Crochet (Beginning)	4	26	0
Life Drawing	49	384	361
Music Appreciation	15	173	242
Quilting & Sewing	22	312	250
Quilt Guild	46	483	453
Restorative Yoga	80	676	376
Singing (Beginning)	0	50	0
Kids' Camp	282	2055	2181
Kids' Club Before-School	209	3019	3126
Kids' Club Kinder Kids	132	1727	2119
Kids' Club After-School	363	5101	5019
Kids' Club Drop-in	134	1741	2131
Teen Center	454	5950	5801
Teen Summer Trips (Movies in SLO)	0	21	23
	2041	24805	25964



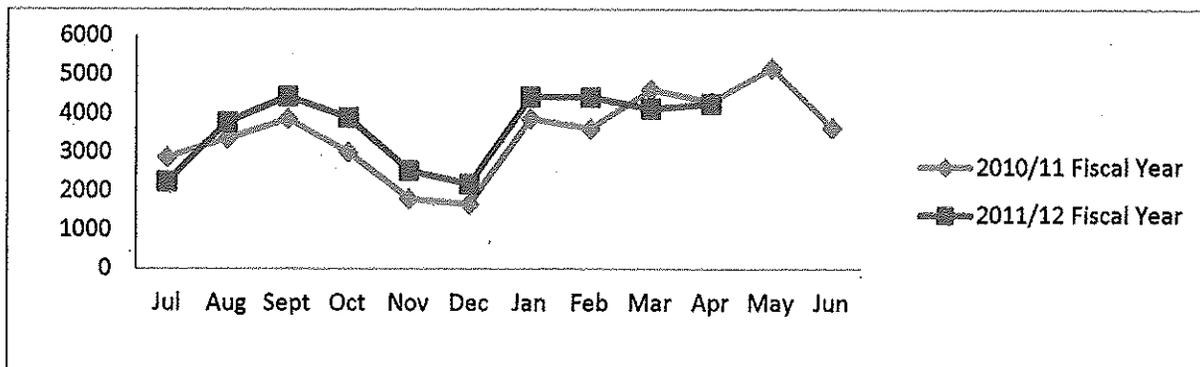
City of Morro Bay
 Recreation and Parks Department
 Sports Division
 PARTICIPATION REPORT
 Mar-12

<u>Participations</u>	<u>Mar</u>	<u>Year to Date</u>	<u>10/11 FY to Date</u>
ACES	137	967	1059
Aikido	18	134	312
Adult CO-ED Soccer (Winter)	222	348	0
Adult Softball EOS (Spring/Fall)	0	450	450
Adult Softball League (Spring/Fall)	240	4820	3165
Beach Camp	0	169	0
C.C. Hoops Camp (June)	0	54	0
Flip City Gymnastics	56	331	499
Futsal (Spring)	0	0	0
FIT CLUB/Zumba	656	5971	3495
Junior Lifeguard (Summer)	0	1450	1265
Kidz Love Soccer	52	212	342
Okinawan Karate for Children	81	648	788
Okinawan Karate	36	152	203
PACE	139	792	1226
Playday Tennis	105	658	964
Tennis Lessons	27	204	84
Youth Basketball (Winter)	223	7039	6467
Youth Basketball EOS (Winter)	602	602	450
Youth Soccer EOS (Fall)	0	618	513
Youth Soccer (Fall)	0	4661	4423
Youth Softball (Spring)	1536	1926	2568
Youth Softball EOS (Spring)	0	0	0
Youth T-ball/Coach Pitch (Spring)	0	0	88
	4130	32206	28361



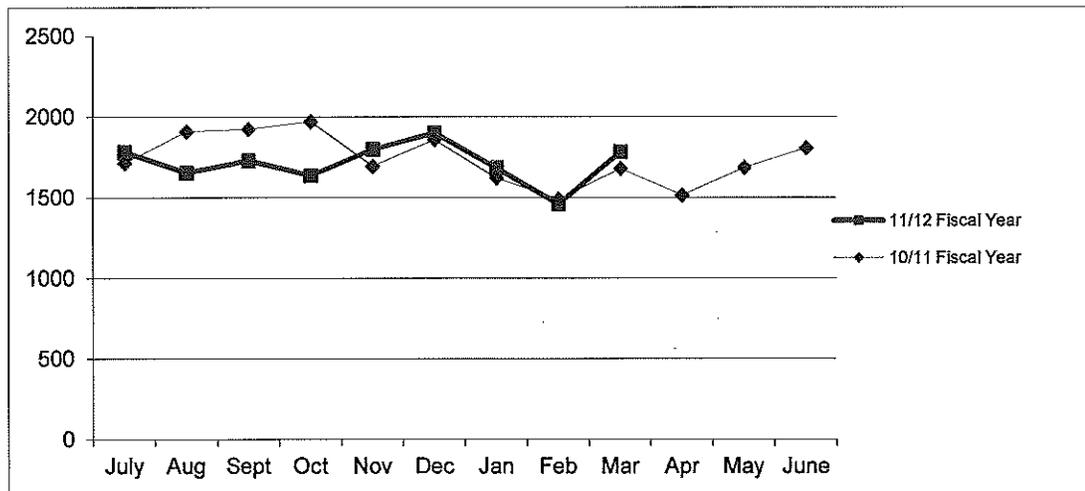
City of Morro Bay
 Recreation and Parks Department
 Sports Division
PARTICIPATION REPORT
 Apr-12

<u>Participations</u>	<u>April</u>	<u>Year to Date</u>	<u>10/11 FY to Date</u>
ACES	100	1067	1186
Aikido	28	162	330
Adult CO-ED Soccer (Winter)	0	348	0
Adult Softball EOS (Spring/Fall)	0	450	450
Adult Softball League (Spring/Fall)	1380	6200	4155
Beach Camp	60	229	50
C.C. Hoops Camp (June)	0	54	0
Flip City Gymnastics	64	395	535
Futsal (Spring)	445	445	456
FIT CLUB/Zumba	838	6809	4029
Junior Lifeguard (Summer)	0	1450	1265
Kidz Love Soccer	12	224	434
Okinawan Karate for Children	88	736	852
Okinawan Karate	32	184	219
PAGE	97	889	1374
Playday Tennis	66	724	1072
Tennis Lessons	4	208	104
Youth Basketball (Winter)	0	7039	6467
Youth Basketball EOS (Winter)	0	602	450
Youth Soccer EOS (Fall)	0	618	513
Youth Soccer (Fall)	0	4661	4423
Youth Softball (Spring)	896	2822	4031
Youth Softball EOS (Spring)	0	0	0
Youth T-ball/Coach Pitch (Spring)	144	144	264
	4254	36460	32659



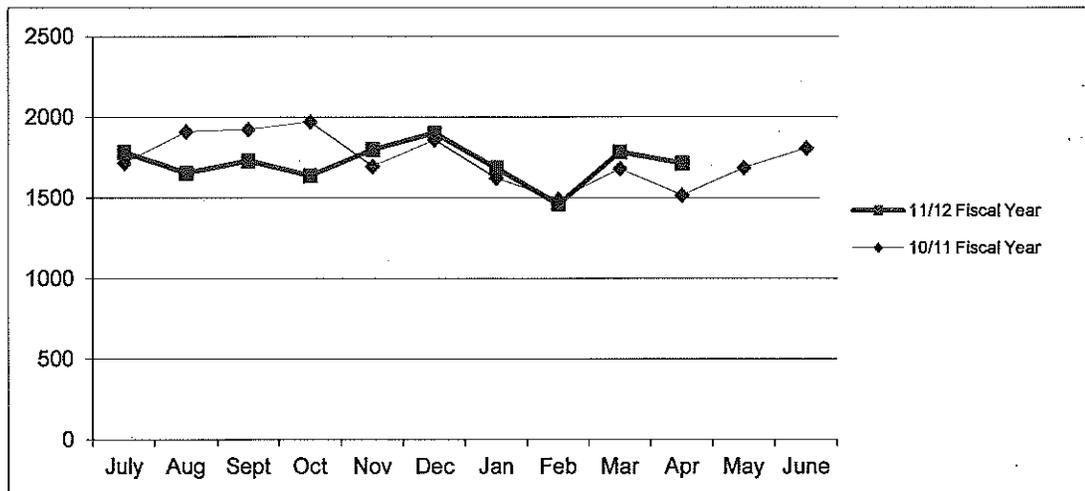
City of Morro Bay
 Recreation and Parks Department
Facilities and Parks
PARTICIPATION REPORT
March 2012

<u>Facilities</u>	Hrs to date Total		
	<u>Hours to Date FY 11/12</u>	<u>FY 10/11</u>	<u>Hours Previous FY</u>
MBCC	10,563	10777	13,988
VMB	2,510	2283	2,937
Lib. Prog. Rm.	0	1018	1,018
Facilities Subtotal	13,073	14078	17,943
Parks			
Lila Keiser	1,444	1018	1,811
Monte Young	316	275	413
Del Mar	300	251	354
City Park	95	86	128
Centennial Parkway	207	172	245
Parks Subtotal	2,362	1802	2,951
Grand Total	15,435	15,880	20,894



City of Morro Bay
 Recreation and Parks Department
Facilities and Parks
PARTICIPATION REPORT
April 2012

<u>Facilities</u>	Hrs to date Total		
	<u>Hours to Date FY 11/12</u>	<u>FY 10/11</u>	<u>Hours Previous FY</u>
MBCC	11,645	11752	13,988
VMB	2,822	2495	2,937
Lib. Prog. Rm.	0	1018	1,018
Facilities Subtotal	14,467	15265	17,943
Parks			
Lila Keiser	1,713	1236	1,811
Monte Young	348	325	413
Del Mar	315	287	354
City Park	95	86	128
Centennial Parkway	211	198	245
Parks Subtotal	2,682	2132	2,951
Grand Total	17,149	17,397	20,894





AGENDA NO: A-4

MEETING DATE: 5/17/2012

STAFF REPORT

TO: Recreation and Parks Commission **DATE: 5/11/2012**

FROM: Joseph M. Woods, Recreation and Parks Director

SUBJECT: Recreation and Parks Department Status Report

RECOMMENDATION:

Staff recommends Commission review the current Status Report and accept for file.

SUMMARY:

The following is a brief review of the status of current projects/programs.

Del Mar Tennis Courts

The project contract has been awarded to Malibu Pacific, a tennis court contractor. The construction is scheduled to finish the week of May 14, 2012. The project includes two soft tennis courts, walkway, and fencing. The courts should be available to the public sometime in this weekend. Staff is working on a grand opening to include a news release to celebrate the new tennis opportunity at Del Mar Park.

Civic Landscape Improvement Program - CLIP

The Civic Landscape Improvement Program was envisioned by staff as a way to establish continuity and cohesion among the civic properties through the renovation of landscape and vegetation. The program continues with the final plantings at the Community Center, which will include the alternating planting of Flax and Sage along the East side of the building. Additional work will be scheduled for the planters surrounding Public Services.

Energy Efficiency Conservation Block Grant

The projects are headed towards a June completion date. Staff has a punch list remaining to complete the project. Remaining fixtures to be retrofitted are at Del Mar Park walkway and 8 light standards at the Community Center parking lot. This project has been continuous for the past six months and the end is now in sight.

Dune Street Properties

The triplex located on the corner of Shasta and Dunes streets have been demolished. Police and Fire both completed their scheduled training exercises. The new boundary fence is in place. Water supply is available on site. The Avocado tree has been trimmed and preserved. Staff will be soliciting bark mulch from local tree contractors to mulch the lot.

Adopt A Park Program

Staff has partnered with various community groups to compliment our current workforce in providing parkland services for the community and visitors. Upcoming events:

Round About – Rotary of Morro Bay – General clean up scheduled soon. Club is willing to enter into an Agreement to service the Rock Sculpture for an additional five year period.

Bayshore Bluffs – Eco Rotary of Morro Bay – group is replanting 4 planters as pollinator gardens. The date of installation is May 20, 2012 from 1:00 p.m. to 5:00 p.m. Club is working with the City's Tree Committee and is inviting volunteers to join in on the planting fun.

Cloisters Parkway Project

Staff successfully contracted the majority of the parkways to a landscape contractor. The complete parkway renovation concluded the week of March 19, 2012. Staff is managing a maintenance contract for the upkeep of those parkways until the end of June. Staff is seeking competitive bids for a majority of the maintenance related to the District, which would include the Right of Way planters, for the upcoming Fiscal Year.

Coast Girls Softball

Regular season has come to an end. Closing Ceremonies will be held on Saturday, May 12 at 11 pm. Next on tap will be All-Stars. Coast Girls Softball will be have teams in 8&Un, 10&Un, 12&Un, and 14&Un divisions this summer. Coast Summer Slam will be held on June 16-17 at Sunnyside, Lila Keiser and Morro Bay High. We have 24 teams as of Friday May 11 and expect to be at maximum of 29 shortly.

Spring Adult Softball

Season is continuing after a slow start due to rain. Games are being played Mondays, Tuesdays, Thursdays, and Fridays at Lila Keiser Park. The season will continue into June to make up for missed games due to rain. Registration for Fall Adult Softball leagues will be May 21, 2012.

Estero Bay Youth Futsal

Estero Bay Youth Futsal will continue through May 25. Games are being played in Los Osos and Morro Bay on Thursdays and Fridays. Families enjoy the non-competitive atmosphere of Futsal and find that it is a great way to end the school year.

Morro Bay Junior Lifeguards

Registration is underway for the 2012 Morro Bay Junior Lifeguard Programs. Session 1 will be held June 25-July 13 and Session 2 will be July 23-August 10. Pool Program will be June 18-22. New staff is currently attending the USLA Lifeguard Academy to receive their training for this summer.

Brian Waterbury Memorial Rock to Pier Fun Run and Rock'n Around the Pier Half Marathon

Registration has begun for the 2012 Brian Waterbury Memorial Rock to Pier Fun Run featuring the first annual Rock'n Around the Pier Half Marathon. 2012 marks the 43rd year for the Rock to Pier Run. Estimated registration will be 1200. The event will be held on July 7, 2012 with an 8 am start. Added to this year's event will be the Rock'n Around the Pier Half Marathon. The registration for this event will be limited to 200.

T-ball/Coach Pitch League

T-ball/Coach Pitch league is nearing the halfway phase. There are 36 boys and girls ages 4-6 participating this year. The season will end June 6 with parents vs kids games and a potluck bbq.

Kids' Club Children's Center

Kids' Club Children's Center is a licensed before and after school enrichment program for students in K through 6th grades. Kids' Club is open every day school is in session. Kids' Club enrollees have the opportunity to participate in a wide-variety of activities that enhance their social, emotional and cognitive skills. In addition to activities that enhance developmental skills, Kids' Club Leaders also provide homework assistance when needed. Currently, pre-registration for the 2012/13 school year is open and will close June 1st.

Kids' Camp 2012

Kids' Camp is a summer day camp program for children that are entering 1st through 6th grades. Kids' Camp offers a full-day camp experience featuring special activities, outings, and events. Registration for Kids' Camp 2012 will open June 4th.

Rockies – The Morro Bay Teen Center and Skate Park

Rockies is open Monday through Friday from 3 to 7 p.m. and Saturday from 1 to 7 p.m. The Morro Bay Teen Center is open to all youth in grades 7th through 12th and the Morro Bay Skate Park is open to all ages. Rockies provides a safe and healthy alternatives to local youth. Staff is currently developing a summer activities plan for teen center attendees and planning "bike only" days for the skate park.

Morro Bay Teen Advisory Committee (TAC)

The TAC continues to fulfill their weekly duties through the Adopt-A-Park program at Lila Keiser Park. The TAC will be providing community service for the up-coming Music Festival, slated for Saturday, June 2nd. The TAC continues to assist the Morro Bay Senior Citizens, Inc. with their wide-variety of activities and events.

City Website/Recreation and Parks Pages

Staff continues to update content for the Recreation and Parks website pages. With the success of the e-Request Form, staff is currently looking to utilize the Request Tracker module, which would allow the public to follow the status of their requests. Look for more information regarding the Department's Senior Center to be coming as content is developed. The Department's pages will include a summer listing of city-wide activities.

Morro Bay Senior Citizens, Inc.

The Executive Board members will be attending a celebration brunch hosted by the Central Coast Commission for Senior Citizens and the Area Agency on Aging on Monday, 21st. This celebration brunch will be to honor several individuals and organizations that provide services for senior citizens.



AGENDA NO: C-1

MEETING DATE: 5/11/2012

Staff Report

TO: Recreation and Parks Commission **DATE:** 5/17/2012
FROM: Joe Woods, Recreation and Parks Director
SUBJECT: Update on City of Morro Bay Smoking Ordinance 9.24

RECOMMENDATION:

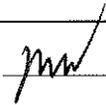
Staff recommends RPC review the revisions of Morro Bay Municipal Code 9.24, discuss possible impact to the programs and services provided by the Recreation and Parks Department.

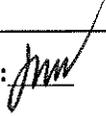
FISCAL IMPACT:

No fiscal impact would be realized by the above recommendation.

SUMMARY:

Smoking prohibition began with the establishment of MBMC 9.24 which restricted the public from smoking on City T-Piers and City Beaches. State Law existed and is still applicable, which restricts the public from smoking within 25 feet of any play area and 20 feet from any building's operable window or door. The revisions to MBMC 9.24 increase the smoking prohibition to include all Public Places, which affects Department responsibilities both in the Parks and at all the public building sites. Staff is preparing public information to educate visitors and locals to the new law.

Prepared By: 

Dept Review: 

BACKGROUND/ DISCUSSION:

The new changes to MBMC 9.24 Secondhand Smoking Regulations prohibit smoking in public places which our Department's major area of stewardship. Public places are defined as any public or private place open to the general public regardless of any fees or age requirement, including, for example, streets, sidewalks, parking lots, parking garages, plazas, bars, restaurants, clubs, stores, stadiums, parks, playgrounds, city beaches, T-Piers, taxis and buses.

Currently, the City has Park signage which prohibits smoking 25 feet from play areas. Staff will be modifying those signs to read: Smoking is prohibited. Areas which smoking is currently permitted will require some new signage to educate the public and make aware the intent of Council's resolution. Department Staff would like to post some new signs at public places stating that: PUBLIC PLACES ARE SMOKEFREE ZONES. Staff would use the same design as the gateway and park signs as to add to the branding of City services. Some of the areas for consideration would be parking lots servicing City buildings and parks and public restrooms.

Staff will also be making changes to the Facility and Public Area Use Applications to notify all potential public place users that smoking is prohibited. The ordinance does allow for some exceptions and one would include allowing smoking areas at public events which have been approved as part of the Special Event Permit or Temporary Use Permit issued by the City.

The Commission requested information on the smoking ordinances for the City and County of San Luis Obispo. Staff has included the most recent information available for those two entities. Please note the County is scheduled to review their smoking ordinance on June 12, 2012.

**PUBLIC PLACES
ARE**

**SMOKING
ZONES**

MBMC 9.24



AGENDA NO: C-1

MEETING DATE: April 24, 2012

Staff Report

TO: Honorable Mayor and City Council

DATE: April 16, 2012

FROM: Robert Schultz, City Attorney

SUBJECT: Adoption of Ordinance No. 577 Amending and Renaming Morro Bay Municipal Code Chapter 9.24 to Secondhand Smoking Regulations

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 577

SUMMARY:

Ordinance No. 577 was introduced at the Council meeting held on April 10, 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: _____

Dept Review: _____

City Manager Review:

City Attorney Review: _____

ORDINANCE NO. 577

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MORRO BAY AMENDING SECTION 9.24
OF THE MORRO BAY MUNICIPAL CODE ENTITLED
SMOKING AND FIRES PROHIBITED ON CITY BEACHES AND PIERS
AND RENAMING SECTION 9.24 SECONDHAND SMOKING REGULATIONS**

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

WHEREAS, the U. S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke and neither separating smoker from nonsmokers nor installing ventilation systems effectively eliminates secondhand smoke; and

WHEREAS, the U. S. Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a group-A carcinogen, the most dangerous class of carcinogen; and

WHEREAS, exposure to secondhand smoke is the third leading cause of preventable death in this country, killing over 52,000 non-smokers each year including 3,000 deaths from lung cancer; and

WHEREAS, there is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke; and

WHEREAS, employees who work in smoke-filled businesses suffer a twenty-five to fifty percent (25-50%) higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function; and

WHEREAS, studies measuring cotinine (metabolized nicotine) and NNAL (metabolized nitrosamine NNK, a tobacco-specific carcinogen linked to lung cancer) in New York City hospitality workers find dramatic reductions in the levels of these biomarkers after a smoke-free law takes effect. Average cotinine levels of these restaurant and bar workers decreased by eighty-five percent (85%) after the city's smoke-free law went into effect; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. The Americans with Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability; and

WHEREAS, the Morro Bay Municipal Code provides that any condition existing in violation of the code is deemed to be a public nuisance.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Morro Bay that Morro Bay Municipal Code is hereby amended by changing the title and contents of Section 9.24 in its entirety as follows:

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. 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. **Business.** Any sole proprietorship, partnership, joint venture, corporation, association or other entity formed for profit-making purposes or that has an employee.

B. **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.

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

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

E. **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.

F. **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.

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

H. **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.

I. **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.

J. **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, 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.

K. **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.

L. **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.

M. **Present.** Within a reasonable distance.

N. **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, City 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.

O. 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 be a minimum of twenty (20) feet.

P. 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.

Q. 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.

R. 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.

S. 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.

T. 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.

U. 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.

V. 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;
- B. Residences used as child care, health care, board and care, or community foster care facility as such terms are defined by state Health and Safety Code;
- C. Places of employment, except outdoor construction sites;

- D. Enclosed and unenclosed places of hotels, businesses, restaurants, bars and other public accommodations; and
- E. Any means of public transit including associated waiting areas, and service areas, enclosed or not.

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 and multifamily properties. This chapter does not preclude private regulation of smoking on private residential and multifamily 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 has a clearly marked perimeter;
3. 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;
4. 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;
5. 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
6. 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 must 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.

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the City Council members voting for and against the same, in a newspaper of general circulation published in the City of Morro Bay.

INTRODUCED at a regular meeting of the City Council of the City of Morro Bay held on the 10th day of April, 2012 by motion of Councilmember Johnson, seconded by Councilmember Borchard.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morro Bay
on the _____ day of _____ 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

WILLIAM YATES, Mayor

ATTEST:

JAMIE BOUCHER, City Clerk

APPROVED AS TO FORM:

ROBERT SCHULTZ, City Attorney

City of San Luis Obispo

Chapter 8.16 SMOKING PROHIBITED AND SECONDHAND SMOKE CONTROL

Sections:

- 8.16.010 Purpose.
- 8.16.020 Definitions.
- 8.16.030 Prohibition of smoking in public places, places of employment, and certain other areas.
- 8.16.040 Prohibition of smoking and tobacco products in outdoor recreational areas.
- 8.16.050 Where smoking is not regulated.
- 8.16.060 Reasonable distance required.
- 8.16.070 Posting of signs.
- 8.16.080 Compliance.
- 8.16.090 Violations and penalties.
- 8.16.100 Severability.

8.16.010 Purpose.

The purposes of this chapter are to:

- A. Protect the public health, safety, and general welfare by prohibiting smoking in public places under circumstances where other persons will be exposed to secondhand smoke;
- B. Assure a cleaner and more hygienic environment for the city, its residents, and its natural resources, including its creeks and streams;
- C. Strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including children, to breathe smoke-free air, recognizing the threat to public health and the environment which smoking and tobacco causes; and
- D. Recognize the right of residents and visitors to the city of San Luis Obispo to be free from unwelcome secondhand smoke. (Ord. 1545 § 1 (part), 2010)

8.16.020 Definitions.

For the purposes of this chapter the following definitions shall govern unless the context clearly requires otherwise:

- A. "Business" means any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for profit-making purposes or that has an employee, as defined in this section.
- B. "Dining area" means any area available to or customarily used by the general public, that is designed, established, or regularly used for consuming food or drink.
- C. "Employee" means any person who is employed; 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.
- D. "Employer" means any person, partnership, corporation, association, nonprofit or other

entity who employs or retains the service of one or more persons, or supervises volunteers.

E. "Enclosed" means:

1. Any covered or partially covered space having more than fifty percent 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
2. Any space open to the sky (hereinafter "uncovered") having more than seventy-five percent of its perimeter area walled in or otherwise closed to the outside, such as, for example, a courtyard.

F. "Multi-unit residence" means a building or portion thereof that contains more than one dwelling space consisting of essentially complete independent living facilities for one or more persons, including, for example, permanent provisions for living, sleeping, eating, cooking, and sanitation. A single-family house shared by roommates is not a multi-unit residence for purposes of this chapter.

G. "Multi-unit residence common area" means any indoor or outdoor common area of a multi-unit residence accessible to and usable by more than one residence, including but not limited to halls, lobbies, laundry rooms, outdoor eating areas, play and swimming areas.

H. "Nonprofit entity" means 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 or purposes of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

I. "Place of employment" means 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 child care or health care facilities subject to licensing requirements.

J. "Playground" means 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 grounds.

K. "Public place" means any place, public or private, open to the general public regardless of any fee or age requirement, including, for example, streets, sidewalks, parking lots, parking garages, bars, restaurants, clubs, stores, stadiums, parks, playgrounds, taxis, and buses.

L. "Reasonable distance" means a distance 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 be a minimum of twenty feet.

M. "Recreational area" means any area, public or private, open to the public for recreational purposes regardless of any fee requirement, including, for example, parks, gardens, sporting facilities, stadiums, and playgrounds.

N. "Service area" means 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, cab stands, and takeout counters.

O. "Significant tobacco retailer" means any tobacco retailer that derives seventy-five percent or more of gross sales receipts from the sale or exchange of tobacco products and tobacco paraphernalia.

P. "Smoking" means possessing a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

Q. "Tobacco product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco. (Ord. 1545 § 1 (part), 2010)

8.16.030 Prohibition of smoking in public places, places of employment, and certain other areas.

A. Enclosed Places. Smoking shall be prohibited in the following enclosed places within the city of San Luis Obispo, except in places listed in Section 8.16.050:

1. Public places;
2. Places of employment;
3. Multi-unit residence common areas;
4. Enclosed areas adjacent to an enclosed area in which smoking is prohibited by any other section of this code, state law, or federal law and that have a common or shared air space such as, without limitation, openings, cracks, air ventilation systems, doorways, hallways, and stairways. Notwithstanding any other provision, the fact that smoke enters one enclosed area from another enclosed area is conclusive proof that the areas share a common or shared air space;
5. Enclosed areas that have a common or shared ventilation, air conditioning or heating system with an enclosed area in which smoking is prohibited. Notwithstanding any other provision, the fact that smoke enters one enclosed area from another enclosed area is conclusive proof that the areas share a common or shared air space.

B. Unenclosed Places. Smoking shall be prohibited in the following unenclosed places within the city of San Luis Obispo:

1. Places of employment;
2. Service areas;
3. Public places including dining areas, except an unenclosed area of a bar that does not serve food. If smoking is permitted in the unenclosed area of a bar that does not serve food, the entire smoking section must be limited to one clearly designated area prominently marked with signs, and must be located at least five feet from any doorway or opening into an enclosed area. Smoking in an unenclosed area of a bar is only permitted provided the smoke does not enter adjacent areas in which smoking is prohibited by any law or by the owner, lessee or licensee of the adjacent property;
4. Multi-unit residence common areas;
5. Ticket, boarding, and waiting areas of transit centers, bus shelters and stops; and
6. The sites of public events including, for example, sports events, entertainment, speaking performances, ceremonies, pageants, and fairs.

C. No person shall dispose of smoking and tobacco materials, waste or debris within the boundaries of an area in which smoking and tobacco products are prohibited, including inside the perimeter of any reasonable distance required by this chapter.

D. Nothing in this chapter shall be interpreted to conflict with or regulate any area subject to exclusive regulation under existing state or federal law. (Ord. 1545 § 1 (part), 2010)

8.16.040 Prohibition of smoking and tobacco products in outdoor recreational areas.

A. Smoking and all forms of tobacco products shall be prohibited in the following places:

1. In any city park and all its amenities, parking areas, trails, and walkways, including contiguous sidewalks.
2. In all city open spaces and ecological areas and all appurtenant trail systems, parking areas, and other amenities.
3. In all city sports facilities, including:
 - a. The municipal golf course;
 - b. The San Luis Obispo Swim Center;
 - c. Skate park;
 - d. Roller hockey rink;
 - e. All sports fields.

4. In all city dog parks.
5. In all public transportation facilities including all bus shelters and bus stops.
6. In Mission Plaza and the adjacent creek walk from Mission Plaza to Nipomo Street.

B. No person shall dispose of smoking or tobacco waste within the boundaries of an area in which smoking and tobacco products are prohibited, including inside the perimeter of any reasonable distance required by this chapter. (Ord. 1545 § 1 (part), 2010)

8.16.050 Where smoking is not regulated.

Unless otherwise prohibited by law, smoking is permitted in the following enclosed and/or unenclosed places:

A. Significant tobacco retailers in existence as of the effective date of the ordinance codified in this chapter, provided within six months of the effective date a dedicated ventilation system is installed and operational; and provided, that minors are at all times prohibited from entering the store. If the condition of the required ventilation system is not met within the specified time then this exception will be null and void.

B. Private residential units, except those used as a child care or health care facility subject to licensing requirements.

C. Up to twenty-five percent of hotel and motel guest rooms, if the hotel or motel permanently designates particular guest rooms as nonsmoking rooms such that seventy-five percent or more of its guest rooms are nonsmoking and ashtrays and matches are permanently removed from such nonsmoking rooms. Permanent "no smoking" signage shall be posted in nonsmoking rooms.

D. Any outdoor 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. (Ord. 1545 § 1 (part), 2010)

8.16.060 Reasonable distance required.

Smoking in unenclosed areas shall be prohibited within a reasonable distance from any entrance, opening, crack, or vent into an enclosed area in which smoking is prohibited. (Ord. 1545 § 1 (part), 2010)

8.16.070 Posting of signs.

Signs which designate smoking or nonsmoking areas established by this chapter shall be conspicuously posted in every room, building or other place so covered by this chapter. The manner of such posting shall be at the discretion of the owner, operator, manager or other person having control of such room, building, outdoor recreation areas, and other places and areas so long as clarity, sufficiency and conspicuousness are apparent in communicating the intent of this chapter. Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this chapter. (Ord. 1545 § 1 (part), 2010)

8.16.080 Compliance.

A. The city manager or his or her designated representative shall be responsible for compliance with this chapter as to facilities which are owned, operated or leased by the city. The finance director shall provide each business license applicant with a copy of this chapter.

B. The owner, operator or manager of any facility, business or agency within the purview of this chapter shall comply with the provisions of this chapter. Such owner, operator or manager shall post or cause to be posted all no smoking signs required by this chapter and shall not allow service to any person who violates this chapter by smoking in a posted no smoking area.

C. Any place of employment conducted or operated without compliance with the provisions of Section 8.16.030 applicable thereto shall be and the same is declared to be a public nuisance. Whenever there is reason to believe such public nuisance exists, any affected employee or any resident of the city, in his or her own name, may maintain an action in equity to abate and prevent such nuisance and to perpetually enjoin the employer from maintaining or permitting it. Upon the granting of equitable relief, in whole or in part, by a court of competent jurisdiction, an employer determined to be in violation of Section 8.16.030 shall be liable for the attorney's fees, as may be determined by the court, incurred by the party bringing the action.

D. The city manager or his or her designee may enforce Section 8.16.030 by either of the following actions:

1. Serving notice requiring the correction of any violation of that section; or
2. Requesting the city attorney to maintain an action for injunction to enforce the provisions of Section 8.16.030, to cause the correction of any such violation, and for assessment and recovery of a civil penalty of such violation, including attorney's fees.

E. Any employer who violates Section 8.16.030 may be liable for a civil penalty, not to exceed five hundred dollars, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the city. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any penalty assessed and recovered in an action brought pursuant to this subsection shall be paid to the finance director of the city.

F. In undertaking the enforcement of Section 8.16.030, the city is assuming an undertaking only to promote the general welfare. It is not assuming any duty or obligation, nor is it imposing any duty or obligation on its officers and employees, nor is it liable in money damages or otherwise to any person who claims that (1) the city or one of its officers or employees breached any such obligation, and (2) the breach proximately caused injury. (Ord. 1545 § 1 (part), 2010)

8.16.090 Violations and penalties.

Any person who violates any provision of Section 8.16.030 by smoking in a posted no smoking area, or by failing to post or cause to be posted a no smoking sign required by this chapter, or by serving or accommodating any person who violates this chapter by

smoking in a posted no smoking area, or by knowingly or intentionally permitting any person to violate this chapter by smoking in a posted no smoking area, is guilty of an infraction, and is subject to punishment as provided for in Chapter 1.12 (General Penalty) or as provided under Chapter 1.24 (Administrative Code Enforcement Procedures). (Ord. 1545 § 1 (part), 2010)

8.16.100 Severability.

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. (Ord. 1545 § 1 (part), 2010)

This page of the San Luis Obispo Municipal Code is current through Ordinance 1570, passed November 1, 2011.

Disclaimer: The City Clerk's Office has the official version of the San Luis Obispo Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.slocity.org/>
City Telephone: (805) 781-7103
Code Publishing Company
eLibrary

SLO County

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.22 (NO-SMOKING AREAS ESTABLISHED IN CERTAIN PUBLIC PLACES) OF THE SAN LUIS OBISPO COUNTY CODE

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: Chapter 8.22 of the San Luis Obispo County Code is amended to read as follows:

Sections:

- 8.22.010 - Purpose.
- 8.22.020 - Definitions.
- 8.22.030 - Prohibition in certain public places.
- ~~8.22.040 - Posting of signs.~~
- 8.22.050 - Enforcement.
- 8.22.060 - Violation—Penalty.
- 8.22.070 - Severability.

8.22.010 - Purpose.

Because smoking of tobacco or any other weed or plant is a positive danger to health and a cause of material discomfort and a health hazard to those who are present in confined places, and in order to serve public health, safety and welfare, the declared purpose of this chapter is to establish areas where persons will be free from inhaling smoke by requiring that areas be reserved for nonsmokers in certain public places and by prohibiting the smoking of tobacco or any other weed or plant in certain other areas which are used by or open to the public.

SECTION 2: Chapter 8.22, Section 8.22.020 is amended to read as follows:

8.22.020 - Definitions.

~~"Smoke" or "smoking" as defined in this chapter means and includes the carrying of a pipe, cigar, or cigarette of any kind which is burning, or the igniting of a pipe, cigar, or cigarette of any kind.~~

~~"Service line" shall be defined as an indoor line or area where persons await service of any kind, regardless of whether or not such service involves the exchange of money. Such service shall include, but is not limited to, sales; giving of information, directions, or advice; and transfers of money or goods.~~

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) "County" means County of San Luis Obispo.

(b) "County Property", for purposes of this Chapter 8.22, means a building or structure owned, leased or otherwise operated by the County of San Luis Obispo to conduct County business, and land appurtenant to that building or structure including but not limited to parking lots and patios.

(c) "Smoke" or "smoking" as defined in this chapter means and includes the carrying of a pipe, cigar, or cigarette of any kind which is burning, or the igniting of a pipe, cigar, or cigarette of any kind.

SECTION 3: Chapter 8.22, Section 8.22.030 is amended to read as follows:

8.22.030 - Prohibition in certain public places.

Smoking shall be prohibited in the following places within the unincorporated area of the county:

1. ~~Elevators, museums, galleries, public transportation facilities open to the public, and service lines of establishments doing business with the general public;~~
2. ~~Waiting rooms and public hallways of every private or public health care facility, including but not limited to hospitals; provided further that this prohibition shall not prevent the establishment of a separate waiting room in which smoking is permitted, as long as there also exists a waiting room in the same facility in which smoking is prohibited;~~
3. ~~Waiting rooms, meeting rooms, public assembly rooms, libraries, and restrooms located in all buildings owned or leased by the county, except in zones designated for smoking by the county administrator. Such smoking zones shall not exceed twenty percent of the seating capacity of each room or area;~~
4. ~~Within any building not open to the sky which is primarily used for or designed for the purpose of exhibiting any motion picture, stage drama, lecture, musical recital, or other similar performance whenever open to the public, except smoking which is a part of a stage performance, including all restrooms, except that smoking will be allowed in an area commonly referred to as a lobby if such lobby is physically separated from the spectator area;~~
5. ~~Within all public areas in every retail food market, as defined in this title;~~
6. ~~All restrooms open for public use;~~
7. ~~Within every restaurant, as defined in this title, having an occupied capacity of fifty or more persons; provided that this prohibition shall not apply where a part of the dining area sufficient to satisfy all public requests for seating in a nonsmoking area is posted and maintained as such an area.~~

(a) Smoking shall be prohibited on County Property

(b) This ordinance and its prohibition shall not apply to County Parks, as defined in Chapter 11.04, and Chapter 11.20 – Nacimiento Lake. Additionally, this ordinance and its prohibition shall not apply to patients at the County Psychiatric Health Facility in areas designated for smoking.

(c) Notwithstanding the prohibition as set forth in this Chapter, smoking may be allowed in designated smoking areas as authorized by the County Public Health Director.

SECTION 4: Chapter 8.22, Section 8.22.040 is deleted.

8.22.040 – Posting of signs.

~~Signs which designate smoking or no smoking areas established by the ordinance codified in this chapter shall be conspicuously posted in every room, building, or other place so covered by this chapter. The manner of such posting shall be at the discretion of the owner, operator, manager, or other person having control of such room, building, or other place so long as clarity, sufficiency, and conspicuousness are apparent in communicating the intent of the ordinance codified in this chapter. Establishments described in Section 8.22.020(5) shall have a no-smoking sign posted at meat and produce counters and checkout lines.~~

SECTION 5: Chapter 8.22, Section 8.22.050 is amended to read as follows:

8.22.050 - Enforcement.

~~(a) The county administrator shall be responsible for compliance with this chapter as to facilities which are owned, operated, or leased by the county. The county treasurer shall provide each business license applicant with a copy of this chapter.~~

~~(b) The owner, operator, or manager of any facility, business, or agency within the purview of this chapter shall comply herewith. Such owner, operator, or manager shall post or cause to be posted all no-smoking signs required by this chapter and shall call such signs to the attention of any person who violates this chapter by smoking in a posted no-smoking area.~~

~~(c) The health officer of the county and his duly appointed representatives and the ordinance enforcement officer designated pursuant to Section 22.96.021 of this code shall have authority to enforce the provisions of this chapter.~~

(a) All County employees are authorized to communicate this ordinance with courtesy and diplomacy, especially in regard to visitors.

(b) Employees or visitors who are smoking on County Property will be asked to extinguish their smoking materials. Employees or visitors unwilling to comply, or repeatedly in noncompliance may be cited under County Code Section 8.22.060.

SECTION 6: Chapter 8.22, Section 8.22.060 is amended to read as follows:

8.22.060 – Violation - Penalty.

Any person who violates any provision of this chapter by smoking in a posted no-smoking area or by failing to post or cause to be posted a no-smoking sign required by this chapter is guilty of an infraction and upon conviction thereof shall be punished by a fine of ~~ten~~ one hundred (\$100) dollars.

8.22.070 - Severability.

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

<p>Commissioner Comments/Questions: Commissioner Clous asked about County policy impact. (Ms. Karle explained this would be an internal policy that would direct County staff to purchase "buying local whenever possible" for the Jail and Juvenile Services.) Commissioner Enns asked if cost would be an impediment. (Ms. Karle noted the draft policy has a 5% leeway written into it; if the cost goes above 5%, then policy allows going outside the tiers and buying wherever you can.) Commissioner Clous asked if local vendors are available. (Ms. Karle explained that there are local distributors and vendors; but not everything will be available from them.) Commissioner Arnold asked if they plan to specify "certified organic." (Ms. Karle noted that they have heard opinions on both sides, and haven't made a decision on that yet.) Commissioner Arnold emphasized his preference that genetic engineering be eliminated all together, but if allowed, it should at least be labeled as such. Commissioner Enns commented on the importance of a public information component of this policy and asked Ms. Karle what she would like to be included in the letter from the Commission. (Ms. Karle explained a simple letter stating the Commission's support of HEAL SLO's policy initiative and adoption of a Buy-Local Policy.) Marty Settevendemie, County Agricultural Commissioner, clarified that in order to use the term "organic," a grower must meet state regulations, but if they are to utilize that label and make less than \$5,000 per year, they need to be registered with the County and if they make over \$5,000, they need to be "certified organic." Commissioner Quinn noted that she works with Georgia Brown Elementary School in Paso Robles, who serves fresh fruit every day that is prepared on site and is often local. Commissioner Arnold made a motion that the support HEAL SLO's policy initiative and adoption of a Buy-Local policy. Motion seconded by Commissioner Enns; all in favor.</p>	<p><i>Motion passed to support the "No Smoking on County Property" Ordinance</i></p>
<p>8. Overview: No Smoking Ordinance</p>	<p>Kathleen Karle, Division Manager, Public Health Department, continued her Power Point presentation providing an overview of the "Proposed Smoking Ban on County Owned Property, amendment to County Code Section 8.22." She provided background information on smoking and the health consequences of involuntary smoking (secondhand smoke), noting that in 1990, the City of San Luis Obispo was the first city in the world to ban smoking in public buildings, including restaurants and bars. She talked about how California has been a leader in tobacco control efforts, with the most recent focus to ban smoking in outdoor areas. In San Luis Obispo County, Pismo Beach, Arroyo Grande, Atascadero and the City of SLO have outdoor smoking bans. Morro Bay and Grover Beach are also considering.</p> <p>Ms. Karle explained that it has been a long process in bringing this ordinance forward. The ordinance as it is currently written will "ban smoking on all County property, including buildings or structures owned, leased, concessioned or otherwise operated by the County of SLO, and all land appurtenant to those buildings or structures, including, but not limited to, parking lots, walkways, landscapes and patios. This includes County Park lands and facilities such as golf courses, lakes, campground, trails and parks." On January 6, 2012, the County Parks and Recreation Commission recommended language be included banning "all tobacco products." Ms. Karle explained the difference between the ordinance as currently written "banning smoking" and the Parks & Recreation recommendation for "banning all tobacco products." The ordinance as currently drafted "banning smoking" will go to the Board of Supervisors on February 28, with a hearing date set for June 19.</p> <p>Commissioner Comments/Questions: Commissioner Arnold asked for more information about Parks and Recreation Department's reason for banning</p>

	<p>smokeless tobacco in addition to smoking. (Ms. Karle explained that Dr. Hansen attended the Parks & Rec meeting and talked to them about being as aggressive as possible in seeking tobacco free opportunities for citizens. She explained that it would be much more difficult from an enforcement standpoint, but a cleaner ordinance. She also emphasized that they want to move the ordinance forward as soon as possible and are happy with the ordinance as it is written.)</p> <p>Dr. Stephen Hansen explained how San Luis Obispo County can be an exemplar for health. Specifying "tobacco" instead of "smoking" helps people get away from the rift of tobacco, it doesn't pollute the streams and groundwater or pollute the surface areas where pets and children play. He noted that UC just came out with their decision - no tobacco on their property. He recommends a comprehensive, solid policy that you don't have to come back to.</p> <p>Commissioner Del Rio asked if the ordinance would include beaches. (Ms. Karle explained that it would include the Dunes, the only County owned beach.)</p> <p>Commissioner Del Rio asked about enforcement. (Dr. Borenstein explained that with most smoking ordinances that prohibit use in public places, the vast majority comply and very little enforcement is needed, but there are fines built into the ordinance.)</p> <p>Commissioner Del Rio asked about recreational areas and if signs will be posted. (Dr. Borenstein explained that County employees and other park personnel would be asked to courteously remind anyone smoking of the rules and ask them to disengage. Some signs will be placed.)</p> <p>Commissioner Blonsley asked about legal issues/challenges. (Ms. Karle explained that County Counsel has been involved in every step of development of the ordinance and that it is legal for a jurisdiction to ban tobacco. They do not anticipate any legal challenges. Dr. Hansen added that the UC system went through an extensive legal analysis before they enacted.)</p> <p>Dr. Borenstein explained staff's recommendation at this time is to ask the Health Commission to support the No Smoking Ordinance as currently drafted, in order to take the next step forward. The commission could add an additional statement that they would also support a Tobacco Free Ordinance.</p> <p>Ms. Karle provided a copy of the letter of support of the ordinance from the First 5 Commission.</p> <p>Commissioner Del Rio made a motion to support the No Smoking Ordinance as is currently drafted, adding an additional statement in support of a Tobacco Free Ordinance, if the ordinance turns into that. Motion seconded by Commissioner Arnold. Discussion: Commissioner Enns emphasized that it should be made clear that the Commission's preference is that the Ordinance be tobacco free, but they want to get this issue introduced and on the table. All in favor.</p> <p>Public Comment:</p> <p>Dr. Stephen Hansen offered to come back to the Commission to give a presentation on The Cancer Act or any related topic.</p>	
<p>9. Review of Draft Letter to The Tribune in Support of Operation Medicine Cabinet</p>	<p>Chair Guerenena called for a 5 minute break. Meeting called back to order at 8:20 pm.</p> <p>Chair Guerenena provided a copy of the draft letter to The Tribune (drafted by Commissioner Quinn) that included one revision by him.</p> <p>Commissioner Clous suggested that the letter also include the contact information for the 7 police departments and the 3 Sheriff's substations. Commissioner Quinn noted that the Tribune may have a limit in the number of words they will print in a letter to the editor, but possibly would print as an editorial.</p> <p>Commissioner Raymond made a motion to accept and send the letter as edited by Chair Guerenena, with the addition of the police departments and Sheriff's substation's addresses and phone numbers. Motion seconded by Commissioner Clous. All in favor.</p>	<p>Motion passed to send a letter to The Tribune in support of Operation Medicine Cabinet.</p>



AGENDA NO: D-1

MEETING DATE: 5/17/2012

Staff Report

TO: Recreation and Parks Commission **DATE:** 5/17/2012
FROM: Joe Woods, Recreation and Parks Director
SUBJECT: Recommendation to City Council for a Temporary Master Fee Amendment to Allow No Charge for Giant Chess Board.

RECOMMENDATION:

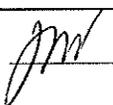
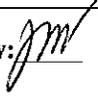
Commission review Staff's proposal to offer Giant Chess this summer at no cost and make a recommendation to City Council to temporarily waive fees as outlined in the Master Fee Schedule.

FISCAL IMPACT:

The impact would be any lost revenue received by individual reservations of the Giant Chess Board between June and September. The past five years have shown a yearly average of \$423 in revenues and 15 annual reservations. The potential indirect economic impact is difficult to measure, but is a significant component to this program. Savings would be realized in the reduction of reactive staff time and resources.

SUMMARY:

The Giant Chess Board is available for public use by reservation. Availability to use the Chess Board is on a first come first serve basis. The Chess Board has a use fee to cover the cost of maintaining the pieces and the staff time to open and close the storage shed. Staff feels the Giant Chess Board could be better utilized and enjoyed by more of the community if the program was subsidized for the summer season. The use of the plastic pieces would be available to the general public on a daily basis, with Staff opening in the morning and closing in the late afternoon.

Prepared By:  Dept Review: 

BACKGROUND/DISCUSSION:

For many years the City has made the Chess Board available to the public to use for a fee. The Master Fee Schedule shows the cost to rent the Giant Chess Board at \$25 for Non-Profit/Resident groups, \$39 for Non-resident groups and \$105 for Profit groups. The fee has sometimes been an obstacle for some interested parties and may have lead to some personal disappointments when visiting Morro Bay.

The current procedures for renting the Giant Chess Board is similar to renting a park, where the interested party is required to complete and submit an application for use and provide payment. This process occurs at the Community Center, Recreation and Parks Department office. After payment is secure, staff issues a key to the permittee for the shed housing the pieces. Permittee would then travel back to the Embarcadero and begin chess play. At the conclusion of play, the permittee is required to contact the Recreation and Parks Department to inform staff they are ready to be checked out. Staff then dispatches the on duty maintenance staff to return the permittee's deposit and verify all the chess pieces are accounted for and properly stored. The procedure is time consuming and tends to be inconvenient for reservations of short durations. Furthermore, the afternoon checkouts by maintenance staff often have a negative impact on the assigned tasks they may be engaged with at the time.

The proposed free chess play would be offered to the general public on a daily basis starting in June and ending in September. The idea is to make the large plastic chess pieces available at the Giant Chess Board in the morning as part of the routine maintenance at Centennial Parkway. The park would have signage inviting the public to play chess and leave the pieces out for the next participant. At the end of the maintenance shift, staff would secure the pieces for the evening. The evening closure would be posted and no reservations accepted after the daily close. Please note the Morro Bay Chess Club will continue to operate the GCB on Saturdays utilizing the large wooden pieces.

Staff feels the free chess play will give tourists and locals something interesting to do while down on the Embarcadero and provide opportunity which may not be considered when a fee is charged. We believe this program will enhance the quality and experiences of life for all who participate.



AGENDA NO: D-2
MEETING DATE: 05/17/2012

Staff Report

TO: Recreation and Parks Commission **DATE:** 05/17/2012
FROM: Heather Salyer-Frith, Recreation Supervisor
SUBJECT: Program Evaluation – Kids' Camp Spring Break

RECOMMENDATION:

It is recommended that the Commission review and accept this program evaluation for file.

FISCAL IMPACT:

This program is classified under the Merit Service category, which has a target revenue goal of 70-79% cost recovery of program and support costs. Donation based field trips have no fiscal impact on the General Fund.

Program Total Costs:		\$5,060
• Staffing:	\$4,715	
• Supplies:	\$345	
Tuition Revenue:		\$6,935
Gross Revenue:		\$1,875
Cost Recovery:		137%

Support Costs: The number of children participating is an estimated amount. This is due to flexible enrollment.

Cost Allocation Total:		\$2,992
• Cost Allocation:	\$99.73/child (estimated 30 children)	
Program & Support Total Costs:		\$8,052
Net Revenue:		(-\$1,117)
Cost Recovery:		86%

SUMMARY:

Kids' Camp Spring Break was held April 2-13, 2012 at Del Mar Elementary. Staff provided full-day care and enrichment for children in grades Kindergarten through 6th. The day camp featured many exciting activities, special events and field trips.

Prepared By: HSF Dept Review: _____

BACKGROUND:

The Department had traditionally offered day camp opportunities for school-aged children during school breaks. However, the City faced significant budget constraints during the 2005/06 fiscal year and as a result day camps during school breaks (excluding summer break) were eliminated. During the 2009/2010 school year, the San Luis Coastal Unified School District changed the academic calendar reflecting a 2-week break during the spring and a 9-week break during the summer. As a result staff received several concerns regarding quality care during the extended spring break. Unfortunately, the Department was not able to accommodate the requests until this school year due to limited budget allocations.

DISCUSSION:

After reviewing the 2011/12 budget for Kids' Club and Kids' Camp and considering the needs of families, the Department determined that a day camp could be provided during spring break without requesting additional funds. Staff determined this was possible by utilizing the current funding extremely conservatively and pricing the day camp within a range that was affordable for families while still meeting the Merit Service cost recovery standards. The Department's cost allocation study is in need of updating and may not reflect accurate support costs. The Department has gone through significant reorganization; streamlining task and developing efficiency. Staff believe that this combined with the online payment option has significantly reduced support time and costs. Therefore, the cost recovery for this program may be higher than 86% as reported.

CONCLUSION:

Kids' Camp Spring Break had a healthy participation with an average of 30 children attending each day. The day camp also provided a "sneak peak" into this summer's Kids' Camp. Families appreciate the Department's dedication to quality enrichment opportunities for children and look forward to similar opportunities this summer.



AGENDA NO: D-2

MEETING DATE:

Staff Report

TO: Recreation and Parks Commission **DATE:** May 15, 2012
FROM: Karen Sweeny, Recreation Supervisor, Sports
SUBJECT: Review of 2012 Adult Coed Soccer Program

RECOMMENDATION:

Staff recommends the Recreation and Parks Commission review the evaluation of the 2012 Adult Coed Soccer Program.

SUMMARY:

In 2012, 37 adults participated in the Adult Coed Soccer Program. This program has participants register as individuals and teams are formed by staff and local soccer representatives to help form balanced teams. The program lasts for 8 weeks with games played on Monday evenings. We had 2 nights that were rained out. Participation was lower than expected, but we were unable to play last year due to field renovation which affected player retention.

FISCAL IMPACT:

Expenses

Direct Costs

Field Paint	\$128
Coordinator	\$472
SCMAF Player Medical Benefit Fund	\$348
Referees	\$312
Lights	\$392
Cost Allocation 37 x \$12.71	\$470

Total Direct Costs **\$2122**

Prepared By: _____ Dept Review: _____

City Manager Review: _____

City Attorney Review: _____

<u>Indirect Costs</u>		
Light Fund		<u>\$120</u>
	<u>Total Indirect Costs</u>	\$120
	<u>Total Expenses</u>	\$2242
<u>Revenue</u>		
Registration		\$1902

Net Loss= <-\$ 340>

Cost Recovery=85%

Adult Coed Soccer is a Merit Service Program. The target cost recovery for this category is 70-79% of program and support costs. The 2012 Adult Coed Soccer Program recovered 85% of its program costs

RECOMMENDATIONS:

1. Continue to register with SCMAF Player Medical Benefit Fund.
2. Plan to play on Monday evenings, but look at other nights. Several past players were unable to play due to school meetings (PTA, Boosters Clubs etc).
3. Keep team size down to 6-7 players (play with 7 on the field). Players prefer not to sit out of games.
4. Recruit parents during Fall Youth Soccer Season to play during the Winter Adult Season.
5. Look at other recruitment options—SLO County Soccer Store, Dick's Sporting Goods, Sports Authority.



AGENDA NO: D-2
MEETING DATE: _____

Staff Report

TO: Recreation and Parks Commission **DATE:** May 15 2012
FROM: Karen Sweeny, Recreation Supervisor, Sports
SUBJECT: Dixon's Spaghetti Dinner

RECOMMENDATION:

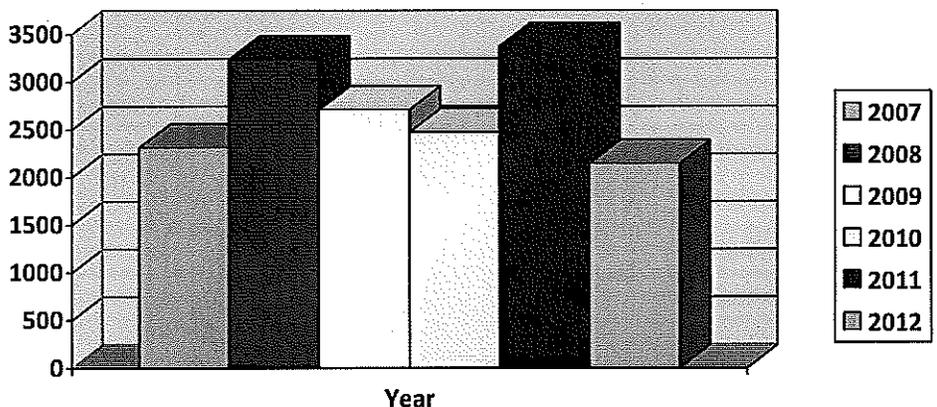
Staff recommends the Recreation and Parks Commission review the evaluation of the 2012 Dixon's Spaghetti Dinner and provide suggestions for the 2013 event.

SUMMARY:

Dixon's Spaghetti Dinner was held on Friday, March 23, 2012 as a fundraising event for the Morro Bay Community Foundation, Inc., Youth Scholarship Fund. Approximately 400 dinners were served, and \$ 2,142.00 was deposited into the Youth Scholarship Fund. This report provides a fiscal breakdown, list of sponsors and donations as well as recommendations generated by staff and volunteers.

BACKGROUND:

2012 marked the 23rd year for this event. This event is co-sponsored by the Morro Bay Community Foundation, the Morro Bay Recreation and Parks Commission, Morro Bay Senior Citizen's Inc, and the Morro Bay Recreation and Parks Department. See chart for amounts of money raised for the Morro Bay Community Foundation's Youth Scholarship Fund.



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

FISCAL IMPACT:

None on Recreation and Parks Budget. Cost Analysis included below to track costs.

Direct Costs:

Smart & Final (plates, dressing, napkins, etc)	\$406.00
Dollar Tree (foil pans)	\$ 42.00
Webrestaurant.com(placemats)	<u>\$ 57.00</u>
Total Direct Costs	\$505.00

Indirect Costs:

Cost Allocation	<u>\$1,178.63</u>
Total Indirect Costs	\$1,178.63

Revenue:

Raffle Tickets	\$1,031.00
Senior Donation	\$ 350.00
Ticket Sales	<u>\$1,266.00</u>
Total Revenue:	\$2647.00

Total amount deposited into the Morro Bay Community Foundation Youth Scholarship Fund was \$2142.00.

RECOMMENDATIONS:

1. Choose a date that does not conflict with other fundraisers. Two local elementary schools had new fundraisers this week.
2. Continue to precook the pasta the day before.
3. Find a volunteer cook to oversee the kitchen.
4. Contact Francesco Rinaldi and American Pasta Company/Barilla USA in late November to request donation of sauce and pasta respectively.
5. Seek donations of food to keep costs down.
6. Continue to have Brownies for dessert.
7. Better define tasks between sponsoring agencies to ensure nothing is overlooked.
8. Continue with the poster contest. 2012 Poster Contest winner was Julianna Johnson, a 3rd Grader from Del Mar Elementary.
9. In 2012, we moved ticket takers to the Multipurpose Room and reduced the bottleneck in the auditorium. Additionally, raffle prizes were split into 2 different areas. Event flowed better.
10. Continue to have music during dinner.

DONATIONS:

This event would not be as successful without the support of local citizens and businesses.

Volunteer Coordinator: Eleanor Walt

Setup: Girl Scout Troop 40620

Music: Mudskippers

6th Grade CAP Project Students: Theo Mackey, Teach Elementary

TAC: Hayley Guffey, Jake Bates, Josh Davies, Angel Ortiz, James Tyler, Edward Munoz

Precook Spaghetti: Al Romero and Family

Cooks: Nona MacTaggart and John Goodman

Food Donations:

Pasta—Senior Citizen's Inc.

Spaghetti Sauce--Francesco Rinaldi

Vegetable and Bread—Albertson's

Hamburger and Sausage--Spencer's Fresh Markets

Brownies--Christina Gigante, Liz and Ger (of Beach House Bistro)

Tableclothes—Mission Linen

Coffee—SLO Roasted Coffee

Raffle Prizes:

Bean's Roofing

AZHIAZIAM

The Garden Gallery

Serenity by the Sea

Grace Poletti

Anderson Inn

Traditions Jewelers

Sunshine Health Foods

Fitness Works

Dockside Restaurant

Sandy Christey

Anthony Hansen

Joan Solu

Morro Bay Community Foundation

Susan Shaw

the Skin Stop

Door Prizes:

Beach House Bistro

Christina Gigante

Carla's Country Kitchen

Coalesce A Book Store & More

Coffee Pot Restaurant

La Parisienne French Bakery

Lolo's Mexican Food

Shirt Shop

Village Center Dry Cleaners

Wavelengths Surf Shop

Marlene Peter

Trader Joe's

AZHIAZIAM

Go-Go Coffee

Miner's Ace Hardware

Taco Temple

Top Dog Coffee Bar

Monica Bischof

Grace Poletti