



**CITY OF HUGHSON**  
**PARKS & RECREATION COMMISSION MEETING**  
 CITY HALL COUNCIL CHAMBERS  
 7018 Pine Street, Hughson, CA

**AGENDA**  
**TUESDAY, MARCH 10, 2015 – 6:00 P.M.**

**CALL TO ORDER:** Chair Matt House

**ROLL CALL:**

Chair Matt House  
 Vice Chair Tamara Thomas  
 Commissioner Hans Picinich  
 Commissioner Billy Redding  
 Commissioner Raymond Lopez

**Staff to be Present:** Jaylen French, Community Development Director  
 Dominique Spinale Romo, Assistant to the CM/City Clerk

**FLAG SALUTE:** Chair Matt House

**1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):**

Members of the audience may address the Commission on any item of interest to the public pertaining to the City and may step to the podium, state their name and city of residence for the record (requirement of name and city of residence is optional) and make their presentation. Please limit presentations to five minutes. Since the Commission cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern, which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

**2. PRESENTATIONS:** NONE.

**3. UNFINISHED BUSINESS:**

**3.1:** Recommend that the City Council Amend Hughson Municipal Code (HMC) Chapter 8.24, Smoking Pollution, to Include Recreational Areas to

the List of Areas Where Smoking is Prohibited as well as to Add Electronic Smoking and Vapor Devices to its Definition of Smoking.

**3.2:** Youth Flag Football League (Verbal Only).

**4. NEW BUSINESS:**

**4.1:** Approve the Minutes of the Regular Meeting of February 10, 2015.

**4.2:** Review and Approve a Waiver Request for Park Rental Fees for Starn Park from Hughson Youth Baseball League.

**5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.**

**6. INFORMATIONAL ITEMS:**

**6.1:** 7th Street Community Park Update.

**6.2:** Starn Park Play Structure Update.

**6.3:** Concerts in the Park Update.

**7. COMMENTS:**

**7.1:** Staff Reports and Comments: (Information Only – No Action)

**Community Development Director:**

**7.2:** Commissioner Comments: (Information Only – No Action)

**ADJOURNMENT:**

**WAIVER WARNING**

If you challenge a decision/direction of the Commission in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

**UPCOMING EVENTS:**

|                 |  |
|-----------------|--|
| <b>March 14</b> | ▪ Danielle’s Gift St. Patrick’s Day Celebration Fundraiser, <a href="http://www.daniellesgift.org">www.daniellesgift.org</a> |
| <b>March 17</b> | ▪ St. Patrick’s Day  |
| <b>March 17</b> | ▪ Planning Commission Meeting, City Hall Council Chambers, 6:00 P.M.   |
| <b>March 23</b> | ▪ Economic Development Committee Meeting, Council Chambers, 6:00 P.M.  |
| <b>March 23</b> | ▪ City Council Meeting, City Hall Council Chambers, 7:00 P.M.  |

**RULES FOR ADDRESSING THE COMMISSION**

Members of the audience who wish to address the Commission are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT  
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

**Disabled or Special needs Accommodation:** In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City meeting, please contact the City Clerk’s office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

**AFFIDAVIT OF POSTING**

**DATE:** March 6, 2015 **TIME:** 6:00pm

**NAME:** Dominique Spinale Romo **TITLE:** City Clerk

**Notice Regarding Non-English Speakers:**

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson Commission shall be in English and anyone wishing to address the Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

**General Information:** The Hughson Parks & Recreation Commission meets in the Council Chambers on the second Tuesday of each month at 6:00 p.m., unless otherwise noticed.

**Commission Agendas:** The Commission agenda is now available for public review at the City’s website at [www.hughson.org](http://www.hughson.org) and City Clerk’s Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk’s Office.

**Questions:** Contact the City Clerk at (209) 883-4054



**PARKS AND RECREATION COMMISSION**  
**AGENDA ITEM NO. 3.1**  
**SECTION 3: UNFINISHED BUSINESS**

**Meeting Date:** March 10, 2015  
**Subject:** Recommendation that the City Council Amend Hughson Municipal Code Chapter 8.24 – Smoking Pollution  
**Enclosures:** Ordinance No. 2015-XX  
Amended Hughson Municipal Code Chapter 8.24  
**Presented By:** Jaylen French, Community Development Director  
**Approved By:** \_\_\_\_\_

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**Staff Recommendation:**

Recommend that the City Council amend Hughson Municipal Code (HMC) Chapter 8.24, Smoking Pollution, to include recreational areas to the list of areas where smoking is prohibited as well as to add electronic smoking and vapor devices to its definition of Smoking.

**Background and Overview:**

In December 2014, the Stanislaus Advocacy Action Team (StAAT)—a project of the Stanislaus County Office of Education (SCOE)—and the Protecting Health and Slamming Tobacco (PHAST) team from Ross Middle School provided the Commission with a presentation on “Clean and Healthy Smoke Free Parks”.

In short, the presentation spoke to the negative effects of smoking in parks, including secondhand smoke and its health impacts, as well as the aesthetic, environmental and other impacts from the associated litter. The team’s goal is to promote clean and healthy parks by organizing the community and advocating for local smoke free parks policies.

In January 2015, City staff provided detailed options regarding enacting and enforcing a smoke-free parks policy. Those options included:

Enacting

1. **General Proclamation or Resolution of Support.** For this option, the City Council would proclaim or approve a resolution of support, which generally

states that the City supports smoke free parks. There would be no associated policy or enforcement with this option.

2. **Ordinance.** With this option, the City Council would adopt an Ordinance, in association with policies and would amend the Municipal Code to regulate and enforce smoking and/or tobacco use in parks.

### Enforcement

1. Self-enforced. This option is applicable to either implementation option and would entail users of the parks enforcing the ‘ban’ on smoking within parks.
2. Code Enforcement. This option is only applicable to the Ordinance implementation option. This option would entail the City’s code enforcement officer, either proactively or on a complaint basis, enforce the amended code and cite/fine smokers within the City’s parks.
3. Law Enforcement. This option is also only applicable to the Ordinance implementation option. This option would entail the City’s police services, either proactively or on a complaint basis, enforce the amended code and cite/fine smokers with the City parks.

After discussion, the Parks and Recreation Commission (PRC) directed staff to draft an Ordinance—versus a Resolution—to prohibit smoking in public recreational facilities and which included a self-enforcement approach, but would provide the City the ability to issue a citation if a situation warranted.

In preparing to carry out the Commission’s direction, legal counsel advised City staff that the HMC included a chapter (8.24, Smoking Pollution)—adopted in 1993—which prohibited smoking in certain areas of the City in order to protect the health, safety and welfare of the public. Therefore, legal counsel’s recommendation was to amend said section to 1) add public recreation areas to those areas where smoking is prohibited and 2) add electronic smoking and vapor devices to its definition of Smoking.

This item is to outline the details of the amended Ordinance, obtain PRC approval, and to seek a recommendation onto the City Council to amend HMC Chapter 8.24, Smoking Pollution by ordinance.

### **Discussion:**

As currently drafted, Chapter 8.24 of the HMC prohibits smoking—defined as lighting, inhaling, exhaling or burning any pipe, cigar, cigarette...or other ignited combustible substance in any manner or in any form—in all enclosed facilities owned by or leased by the city and in public places such as restrooms, services lines, retail stores, restaurants, workplaces, etc.

Enforcement, Section 8.24.090, “...shall be by the city manager.” Any person who desires to register a complaint under this chapter may do so by filing it with the city manager.

Violations and penalties, Section 8.24.100(C), "Any person who violates any provision of this chapter by smoking in a posted no-smoking area or otherwise violates any provision of this chapter is guilty of an infraction, and, upon conviction thereof, shall be punished by a fine of \$100.00 for the first offense; \$200.00 for the second offense (in the same year); and \$500.00 for the third offense (in the same year).

Staff believes that amending the existing HMC Chapter, in terms of enforcement and violations/penalties is consistent with PRC's direction. This is a strongly self-enforced option, but the City has the ability to cite and fine those who might egregiously violate the ordinance.

**Fiscal Impact:**

Staff anticipates that there will be no, or very limited, fiscal impact to amending the Hughson Municipal Code Chapter 8.24, Smoking Pollution.

## Chapter 8.24 SMOKING POLLUTION

### Sections:

- [8.24.010](#) Purposes.
- [8.24.020](#) Definitions.
- [8.24.030](#) Applicable facilities.
- [8.24.040](#) Smoking prohibited in public places.
- [8.24.050](#) Smoking prohibited in workplace.
- [8.24.060](#) Exempt areas.
- [8.24.070](#) Posting of signs.
- [8.24.080](#) Compliance committee.
- [8.24.090](#) Enforcement.
- [8.24.100](#) Violations and penalties.
- [8.24.110](#) Other applicable laws.

### **8.24.010 Purposes.**

A. The city council finds and declares as follows: The United States Environmental Protection Agency (EPA) has determined that tobacco smoke is a major source of indoor air pollution, and the Surgeon General's 1986 Report on the Health Consequences of Involuntary Smoking concludes that exposure to tobacco smoke places healthy nonsmokers at risk for developing lung cancer. Other health hazards of involuntary smoking include respiratory infection, bronchoconstriction and bronchospasm. While all members of the population are truly at increased risk due to exposure to sidestream tobacco smoke, it constitutes a special health hazard for children, the elderly and people with chronic lung disorders.

B. The Surgeon General labels smoking "the largest single preventable cause of death and disability for the United States population."

C. Employees subject to prolonged exposure to sidestream smoke in the workplace have been found in scientifically conducted studies to experience a loss of job productivity and some have been forced to take periodic sick leave because of reactions to secondhand smoke. Furthermore, studies have shown higher costs to the employer are associated with smoking in the workplace due to increases in absenteeism, accidents, cost of medical care, loss of productivity, and cleaning and maintenance requirements. A recent scientific study has reported that sidestream smoke from tobacco may cause a significant amount of cardiovascular disease in the United States and that the number of deaths from this cause may exceed the deaths caused by lung disease associated with sidestream smoke. Smoking in public places and workplaces is a major cause of fires and damage to merchandise and equipment, as well as costly maintenance and repairs to furniture and fixtures.

D. The health care costs produced by smoking-related ailments and diseases constitute a heavy and avoidable financial drain on our community.

E. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers and constitutes a public nuisance in public places and workplaces. (Ord. 93-02 § 1, 1993)

### **8.24.020 Definitions.**

The following words and phrases, whenever used in this chapter, unless the content indicates otherwise, shall be construed as defined in this section:

“Bar” means an area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term bar shall not include the restaurant dining area.

“Business” means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

“City” means all land, buildings and physical space within the Hughson city limits.

“Dining area” means any enclosed area containing a counter or tables upon which meals are served.

“Employee” means any person who is employed by an employer in the consideration of direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.

“Employer” means any person, partnership, corporation, including a municipal corporation, or nonprofit entity, who employs the services of one or more individual persons.

“Enclosed area” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, “office landscaping” or similar structures.

“Members of the general public” means shoppers, customers, patrons, patients, students, clients and other similar invitees of a commercial enterprise or nonprofit entity; and exclude employees thereof, sales representatives, service repair persons, and persons delivering goods, merchandise or services to a commercial enterprise, nonprofit entity or the city.

“Nonprofit entity” means any corporation, unincorporated association, or other entity created for charitable, philanthropic, educational, character building, political, social, or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a nonprofit entity within the meaning of this section.

“Person” means any natural person, partnership, corporation, unincorporated association, joint venture, business trust, joint stock company, club, or other organization of any kind except the city or any other public agency.

“Place of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to:

1. Work areas;
2. Employee lounges and rest rooms;
3. Conference and classrooms;
4. Employee cafeterias; and
5. Hallways.



“Private party” means a social gathering to which the participants are invited by written invitation prior to the event, and to which the general public is not invited.

“Public place” means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to:

1. Banks;
2. Educational facilities;
3. Health facilities;
4. Public transportation facilities;
5. Recreational areas;
6. Restaurants;
7. Retail stores;
8. Retail service establishments;
9. Theaters;
10. Retail food production and marketing establishments; and
11. Waiting rooms.

A private residence is not a “public place.”

“Recreational Area” means any outdoor area that is publicly owned or operated by the City of Hughson and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to existing or future parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, roller- and ice-skating rinks, and skateboard parks. Recreational Areas shall also include any parking lot or other designated parking areas for vehicles or persons accessing and using a Recreational Area.”

“Regular business hours” refer to the hours between 8:00 a.m. and 5:00 p.m.

“Restaurant” means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities, except that the term “restaurant” shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a bar as defined in this section.

“Service line” means any indoor line at which one or more persons is waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

“Smoking” means lighting, inhaling, exhaling or burning any pipe, cigar, cigarette, weed or plant, tobacco, nicotine product, gases, particles or vapors, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted ~~weed~~marijuana, lighted plant, electrical ignition or vaporization device used primarily for human inhalation, or other ignited combustible substance in any manner or in any form, including but not limited to electronic cigarettes, hookah pipe.

“Sports arena” means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

“Tobacco store” means any retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

“Work area” or “workplace” means any area of a place of employment enclosed by floor to ceiling walls in which two or more employees are assigned to perform work for an employer. (Ord. 93-02 § 1, 1993)

#### **8.24.030 Applicable facilities.**

All enclosed facilities owned by or leased by the city are subject to the provisions of this chapter. (Ord. 93-02 § 1, 1993)

#### **8.24.040 Smoking prohibited in public places.**

Smoking is prohibited in public places, including, but not limited to the following:

- A. Elevators;
- B. Buses, taxicabs and other means of public transit, and ticket, boarding and waiting areas of public transit depots;
- C. Rest rooms;
- D. Service lines;
- E. Retail stores;
- F. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including but not limited to professional offices and other offices;
- G. Restaurants;
- H. Public areas of aquariums, galleries, libraries and museums when open to the public;
- I. Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance, except when smoking is part of a stage production;
- J. Sports arenas and convention halls;
- K. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies or the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
- L. Waiting rooms, hallways, wards and rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors’ offices, dentists’ offices, and long-term care facilities;
- M. Common areas in apartment buildings, condominiums, retirement facilities and long-term care facilities;
- N. Polling places;
- O. Enclosed common areas in shopping malls;
- P. Barbershops, beauty shops, cleaners, laundromats, and other places where members of the general public congregate for service or otherwise frequent;
- Q. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment; ~~(Ord. 93-02 § 1, 1993)~~

**R. Recreational Areas.** ~~(Ord. 93-02 § 1, 1993)~~

#### **8.24.050 Smoking prohibited in workplace.**

A. It shall be the responsibility of employers to provide a smoke-free workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications.

B. Each employer having an enclosed place of employment located within the city shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements:

Smoking shall be prohibited in all enclosed facilities within a place of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

C. The smoking policy shall be communicated to all employees within three weeks of its adoption.

D. All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee. (Ord. 93-02 § 1, 1993)

#### **8.24.060 Exempt areas.**

Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

A. Private residences, except when used as a child care or health care facility;

B. Private parties held after regular business hours; providing, that there is no impact on the general public and that no membership affiliation is required to attend the party;

C. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment. (Ord. 93-02 § 1, 1993)

#### **8.24.070 Posting of signs.**

A. "No Smoking" signs 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) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is regulated by this chapter, by the owner, operator, manager or other person having control of such building or other place.

B. Every theater owner, manager or operator shall conspicuously post signs in the lobby stating that smoking is prohibited within the theater or auditorium, and in the case of motion picture theaters, such information shall be shown upon the screen for at least five seconds prior to the showing of each featured motion picture.

C. Every restaurant and bar shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. (Ord. 93-02 § 1, 1993)

#### **8.24.080 Compliance committee.**

A. A smoking pollution control ordinance compliance committee shall be established which shall be composed of the city manager as chairperson, director of public works, and two other persons designated by the city council.

B. If any person subject to this chapter is not satisfied with the provision of this chapter, then the person may make written application to the committee for an exemption or modification to any provision of this chapter. The application must allege and prove unusual circumstances or conditions such as a showing of financial

impracticability. The committee shall consider such application and make recommendations to the city council. The city council has the sole discretion whether to grant any exemption or modifications to the requirements of this chapter.

C. No application for an exemption from the requirements of this chapter may be made pursuant to this section for 90 days following the effective date of the ordinance codified in this chapter.

D. Should an exemption from the requirements of this chapter be granted, the owner of the business must post a detailed sign on the door of the establishment stating the following: Smoking is hazardous to health, it is a known carcinogen, and it can cause lung cancer and heart problems.

E. The fire chief shall require, while an establishment is undergoing otherwise mandated inspections, a "self-certification" from the owner, manager, operator or the person having control of such establishment that all requirements of this chapter have been complied with.

F. Any owner, manager, operator or employee of any establishment regulated by this chapter may inform persons violating this chapter of the appropriate provision thereof. (Ord. 93-02 § 1, 1993)

#### **8.24.090 Enforcement.**

A. Enforcement of this chapter shall be by the city manager.

B. Any person who desires to register a complaint under this chapter may do so by filing it with the city manager. Any person may bring legal action to enforce any provision of this chapter after notification to the city manager. (Ord. 93-02 § 1, 1993)

#### **8.24.100 Violations and penalties.**

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.

B. It is unlawful for any persons to smoke in any area where smoking is prohibited by the provisions of this chapter.

C. Any person who violates any provision of this chapter by smoking in a posted no-smoking area or otherwise violates any provision of this chapter is guilty of an infraction, and, upon conviction thereof, shall be punished by a fine of \$100.00 for the first offense; \$200.00 for the second offense (in the same year); and \$500.00 for the third offense (in the same year).

D. No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any right to a smoke-free environment afforded by this chapter. (Ord. 93-02 § 1, 1993)

#### **8.24.110 Other applicable laws.**

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. 93-02 § 1, 1993)

**CITY OF HUGHSON  
CITY COUNCIL  
ORDINANCE NO. 2015 - XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
AMENDING MUNICIPAL CODE CHAPTER 8.24 – SMOKING POLLUTION**

**WHEREAS**, the City Council of the City of Hughson previously added Chapter 8.24 to the Hughson Municipal Code, pertaining to smoking pollution and prohibiting smoking in certain areas of the City in order to protect the health of the public; and

**WHEREAS**, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke does occur at significant levels outdoors; and

**WHEREAS**, cigarette butts are a major and persistent source of litter and can pose a health threat to young children; and

**WHEREAS**, creating smoke-free areas helps protect the health of the approximately 86.7% of Californians who are non-smokers; and

**WHEREAS**, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions; and

**WHEREAS**, smoking is currently not prohibited in City of Hughson's public parks and other areas that the public use for physical activities including exercising, sporting events, and for play; and

**WHEREAS**, it is the intent of the City Council, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging smoking and tobacco use around park users, especially children; by protecting the public from exposure to secondhand smoke where they play, exercise, and relax; by protecting the environment from tobacco-related litter; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in and around the City's recreational areas.

**WHEREAS**, there has been the introduction of electronic smoking devices such as e-cigarettes that still produce vapor that could be annoying and harmful to the public; and

**WHEREAS**, the City of Hughson desires to amend its municipal code to add electronic smoking and vapor devices to its definition of Smoking as well as add outdoor public recreation areas to those areas where smoking is prohibited.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:**

**Section 1.** The definition of “Smoking” in Chapter 8.24.020 amended to read as follows:

““Smoking” means lighting, inhaling, exhaling or burning any pipe, cigar, cigarette, weed or plant, tobacco, nicotine product, gases, particles, or vapors, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted marijuana, lighted plant, electrical ignition or vaporization device used primarily for human inhalation, or other ignited combustible substance in any manner or in any form, including, but not limited to, electronic cigarettes, hookah pipe.”

**Section 2.** Chapter 8.24.020 amended to add the following definition to read as follows:

““Recreational Area” means any outdoor area that is publicly owned or operated by the City of Hughson and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to existing or future parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, roller- and ice-skating rinks, and skateboard parks. Recreational Areas shall also include any parking lot or other designated parking areas for vehicles of persons accessing and using a Recreational Area.”

**Section 3.** Chapter 8.24.040 amended to add subdivision R to read as follows:

“R. Recreational Areas.”

**Section 4.** This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**Section 5.** If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

**Section 6.** This ordinance shall become effective thirty (30) days after its final passage.

**Section 7.** Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on, \_\_\_\_\_, 2015, and by a \_\_\_\_\_ vote of the council members present, further reading was waived.

On motion of councilperson \_\_\_\_\_, seconded by councilperson \_\_\_\_\_, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on \_\_\_\_\_, 2015, by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

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**MATT BEEKMAN, Mayor**

**ATTEST:**

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**DOMINIQUE SPINALE, City Clerk**



**PARKS AND RECREATION COMMISSION**  
**AGENDA ITEM NO. 4.2**  
**SECTION 4: NEW BUSINESS**

**Meeting Date:** March 10, 2015

**Subject:** Recommendation that City Council Waive the Fees Pertaining to the Use of Rolland Starn Park/Keith Crabtree Field for Hughson Youth Baseball/Softball for the 2015 Regular Season

**Presented By:** Jaylen French, Community Development Director

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**Staff Recommendation:**

1. Recommend that the City Council waive the fees pertaining to the use of Rolland Starn Park/Keith Crabtree Field for Hughson Youth Baseball/Softball for the 2015 regular season.
2. Find that the waiver of the fees pertaining to the use of Rolland Starn Park/Keith Crabtree Field for Hughson Youth Baseball/Softball for the 2015 regular season is in the public interest.

**Background and Overview:**

The City Council previously adopted Resolution No. 2008-42 to establish the fee schedule for rental of use of Rolland Starn Park. This includes use of the baseball diamond named in memoriam of Keith Crabtree, a long standing member of the Hughson Parks and Recreation Commission. The fee for rental and use of Keith Crabtree Field by local nonprofit users is \$20 for three hours. The fee for use of the ball field lights is \$22 per hour. The fee schedule for Rolland Starn Park allows for the waiver of such fees through approval by the City Council and a finding that the request is in the public interest. Exclusive use of the ball fields have priority scheduling over other uses including public use on a first come first basis.

Hughson Youth Football and the Mexican American Baseball League are the predominant users of the Rolland Starn Park. General public use of the various amenities (baseball field, large covered picnic area, small covered picnic area and uncovered picnic areas) also occurs.



**Discussion:**

In preparation for the 2014 season, Hughson Youth Baseball/Softball (HYBS) inquired about the use of Keith Crabtree Field to allow HYBS to better accommodate the number of games planned for the season which has expanded over the years. HYBS also anticipated using the lights at Keith Crabtree Fields a few times during the season to showcase games at night—a unique experience for local youth. Historically, HYBS has used LeBright fields for their league games.

HYBS requested a waiver for their inaugural use of Keith Crabtree Fields in exchange for improvements to the baseball diamond. The City Council approved the waiver last year on the basis of the public interest served and the fact that the planned improvements exceeded what would be generated in the usage fees collected. Specifically, improvements made and costs incurred by HYBS were clay purchased for the infield and related labor, three base pins welded and inserted, the pitching mound and 20 yards of dirt for the field. In total, said improvements were estimated at over \$2,500.

The waiver request was for the 2014 season only. HYBS has since requested a fee waiver for the upcoming 2015 season. City staff met with HYBS representatives last month to discuss the arrangement details for the 2015 season. Based on the registrations thus far, HYBS anticipates participation by local youth to exceed last year's figures. Opening day ceremonies for the 2015 season are scheduled for April 18, 2015.

HYBS is a local nonprofit which through its program teaches skills, mental and physical development, a respect for the rules of the game, and basic ideals of sportsmanship and fair play. HYBS has a long standing history in the City of Hughson and through an arrangement with both Hughson Unified School District and the City of Hughson utilizes LeBright Fields annually through the baseball/softball season (April to June). LeBright Fields is used at a reduced rate in exchange for a commitment by HYBS making annual improvements to the baseball fields.

Keith Crabtree Field at Starn Park is maintained by the City. The partnership with HYBS will result in added improvements to the baseball diamond above and beyond what is typically done with existing City resources. The improvements can be enjoyed by not only HYBS but other park users throughout the year. The improved condition of the baseball diamond should help generate additional revenue through expanded usage and also encourage long standing users to continue to utilize the field due to its improved condition.

**Fiscal Impact:**

The revenue that would be generated through the use of Keith Crabtree Field by HYBS for the season is approximately \$580.00 not including usage for lights. The improvements to be made by HYBS have not yet been determined—staff is currently working with the representatives to determine these improvements—but are expected to exceed the value of the park use fees that would be collected.



CITY OF HUGHSON  
**PARKS & RECREATION COMMISSION MEETING**  
CITY HALL COUNCIL CHAMBERS  
7018 Pine Street, Hughson, CA

**MINUTES**  
**TUESDAY, FEBRUARY 10, 2015 – 6:00 P.M.**

**CALL TO ORDER:** Chair Matt House

**ROLL CALL:**

Present: Chair Matt House  
Vice Chair Tamara Thomas  
Commissioner Hans Picinich

Absent: Commissioner Billy Redding  
Commissioner Raymond Lopez

Staff Present: Raul Mendez, City Manager  
Jaylen French, Community Development Director  
Dominique Spinale Romo, Assistant to the CM/City Clerk  
Sam Rush, Public Works Superintendent

**FLAG SALUTE:** Chair Matt House

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**1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):**

No Public Comments.

**2. PRESENTATIONS: NONE.**

**3. UNFINISHED BUSINESS:**

3.1: Starn Park Play Structure

**Public Works Superintendent Rush presented this item to the Commission and reviewed four different options of a play structure. Superintendent Rush**

**recommended Option 1, as it was a great improvement from the last play structure that was removed, but was also the most cost efficient.**

**The Parks and Recreation Commission agreed with staff and chose Option 1 as the new play structure for Starn Park.**

**City Manager Mendez thanked the Parks and Recreation Commission for sharing their ideas and giving input on the play structure.**

**4. NEW BUSINESS:**

- 4.1:** Approve the Minutes of the January 13, 2015 Parks and Recreation Meeting.

**THOMAS/PICINICH 3-0 (REDDING/LOPEZ- Absent) motion passes to Approve the Minutes.**

- 4.2:** Youth Flag Football League, Chair House (Verbal Only).

**Chair House discussed the idea of starting a youth flag football league in the City, which would serve ages 7 to 18. He advised that Hilmar has a similar league and that staff can look to them as an example program.**

**The Commission deliberated on this item and shared their opinions and ideas on having a flag football league in the city.**

**Staff would need to look into field availability at the parks and confirm whether or not the City would be able to become the insurance holder of the program. Chair House advised that the NFL provides sponsorships to flag football programs, to assist with implementing the program.**

**No action was taken by the Commission on this Item.**

**5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.**

**6. INFORMATIONAL ITEMS:**

- 6.1:** Smoke-Free Parks Update.

**Director French provided an update on this item and advised that a draft Ordinance would be brought to the Commission for review at the next meeting.**

- 6.2:** 7th Street Community Park Update.

**Director French provided an update on this item and advised that the Council would be discussing this item at the State of the City Address/Special Meeting on February 23.**

**City Manager Mendez also provided additional information on this item concerning the development of the property, if acquired by the City.**

**7. COMMENTS:**

**7.1: Staff Reports and Comments: (Information Only – No Action)**

**Community Development Director: Director French updated the Commission of the status of the Well 7 Replacement Project/SRF Loan, as well as the status of the Dollar General Project.**

**7.2: Commissioner Comments: (Information Only – No Action)**

**ADJOURNMENT:**

**This meeting adjourned at 7:37 P.M.**

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**MATT HOUSE, Chair**

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**DOMINIQUE SPINALE ROMO, City Clerk**