



Agenda

STUDENT AND NEIGHBORHOOD RELATIONS COMMISSION

Regular Student and Neighborhood Relations Commission Meeting

Monday, September 14, 2015, 6:30 p.m.

City Council Chambers

1 Civic Center Drive

San Marcos, CA 92069

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. APPROVAL OF MINUTES – Regular Commission Meeting – April 13, 2015

PUBLIC COMMUNICATIONS (*This is the public's opportunity to address the Commission on items not on the agenda.*)

2. ORAL COMMUNICATIONS

Speakers are limited to five minutes. Please complete a "Request to Speak" form and place in basket provided.

3. NEW BUSINESS

A) Appointment of Vice Chair

B) Tobacco Retailer Licensing Proposal

4. REPORTS

A) Sheriff's Department Report – Deputy White

B) Code Compliance Report – Building Official Reynolds

STAFF COMMENTS

COMMISSION COMMENTARY

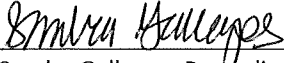
ADJOURNMENT

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF SAN MARCOS)

I, Sandra Gallegos, Recording Secretary of the Student and Neighborhood Relations Commission, hereby certify that I caused the posting of this agenda in the glass display case at the north entrance of City Hall on Thursday, September 10, 2015, at 5:00 p.m.

Dated: September 10, 2015



Sandra Gallegos, Recording Secretary



MINUTES

Regular Meeting of the Student and Neighborhood Relations Commission

MONDAY, APRIL 13, 2015

City Council Chambers

1 Civic Center Drive, San Marcos, CA 92069

CALL TO ORDER: Acting Chairwoman Kretchman called the meeting to order at 6:31 PM.

PLEDGE OF ALLEGIANCE: Led by Commissioner Dentoni.

ROLL CALL:

PRESENT: CAVANAUGH, CLARK, DENTONI, GUTOWSKI, KRETCHMAN, PARIS,
MEUM
ABSENT: RUMER

ALSO PRESENT: Building Official Reynolds, Sheriff's Deputy Chase, and Recording Secretary Gallegos.

1) APPROVAL OF MINUTES:

MOVED BY PARIS, SECONDED CAVANAUGH, TO APPROVE THE REGULAR MEETING MINUTES OF 2/9/14.

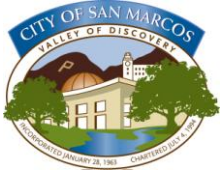
AYES: CAVANAUGH, DENTONI, KRETCHMAN, PARIS
NOES: NONE
ABSTENTION: CLARK, GUTOWSKI, RUMER, MEUM

2) ORAL COMMUNICATIONS - None

3) PRESENTATIONS:

Recognition – Xavier Martinez

Mr. Martinez was not able to attend the meeting. Commissioner Paris will see Mr. Martinez soon at a different meeting and will present the certificate to him then.



4) NEW BUSINESS:

A) ELECT CHAIR

MOVED BY CLARK, SECONDED BY GUTOWSKI TO APPOINT COMMISSIONER PARIS AS CHAIR OF THE STUDENT & NEIGHBORHOOD RELATIONS COMMISSION.

B) COMMISSION WORK PLAN REVIEW

Building Official Reynolds presented the report. He asked the Commissioners if any previous ordinances need to be refined or if there are any issues they want to address.

The Commissioners indicated that at this time there are no pressing issues to address however that is something they will think about over the summer break.

5) REPORTS:

A) SHERIFF'S DEPARTMENT REPORT

DEPUTY CHASE reviewed the February and March 2015 disturbance calls reports. Party and noise calls increased in March 2015 and that was due to spring break.

B) CODE COMPLIANCE REPORT

BUILDING OFFICIAL REYNOLDS reported that they had a few cases they are working on however none of them are student related.

STAFF COMMENTS:

Building Official Reynolds stated that Deputy City Manager was not at tonight's meeting because she was attending the Fourth Annual Sustainable City Year Conference in Minnesota. He also stated that the Mayor's Biannual Education Forum would be held in September.

COMMISSION COMMENTARY

COMMISSIONER CLARK stated they are getting ready for finals and end of school year. Graduation is scheduled for May 15th and 16th and there will be five ceremonies this year.



COMMISSIONER GUTOWSKI reported that CSUSM had a science technology event in April for the community that featured demonstrations, exhibits and discussions. He stated that today is his last meeting as a Commissioner as he will be graduating from Cal State San Marcos next month.

COMMISSIONER DENTONI stated that it is also his last meeting. He is graduating from Palomar College and transferring to a CSU school.

COMMISSIONER KRETCHMAN stated that Palomar College's commencement ceremony will be on May 15th. The Associated Student Government is going out for legal opinion on e-cigarettes. She congratulated both outgoing student representatives and stated there will be new student reps. at the next meeting. Project P Owens Peak will be held on April 24th with students and volunteers cleaning up the site followed by a luncheon.

ADJOURNMENT: Acting Chair Kretchman adjourned the meeting at 6:45 PM.

LINDSAY KRETCHMAN, ACTING CHAIR
STUDENT AND NEIGHBORHOOD RELATIONS COMMISSION
CITY OF SAN MARCOS

ATTEST:

SANDRA GALLEGOS, RECORDING SECRETARY
CITY OF SAN MARCOS



Report

STUDENT AND NEIGHBORHOOD RELATIONS COMMISSION

CITY COUNCIL CHAMBERS
1 CIVIC CENTER DRIVE
SAN MARCOS, CA 92069
(760) 744-1050
WWW.SAN-MARCOS.NET

MEETING DATE: September 14, 2015

SUBJECT: Tobacco Retailer Licensing Program

Recommendation:

Discuss and Advise

Introduction & Discussion:

In 2014, the Student and Neighborhood Relations Commission recommended to the San Marcos City Council a draft ordinance that restricted electronic cigarettes in the same manner as traditional tobacco products. After the City Council passed the recommendation ordinance changes for e-cigarettes, they requested that the Commission evaluate the need for a Tobacco Retailer Licensing Program.

In partnership with the Vista Community Clinic, city staff worked with them to conduct a survey of all the local retailers that sell tobacco products in San Marcos this past summer. The results of that survey will be shared with the Commission by Gena Knutson from the Vista Community Clinic. This survey was conducted to get a good baseline of retailer activity prior to the creation of the Tobacco Retailer Licensing Program.

Attached is a background memo that was prepared regarding Tobacco Retailer Licensing Programs.

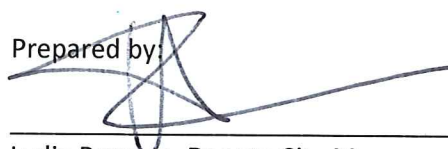
Actions:

Staff is requesting that the Commission give staff formal direction to create a formal Tobacco Retailer Licensing Program and draft ordinance to implement the program. A draft of the program and ordinance will come back to the Commission at its next meeting for consideration and a public hearing.

Attachment(s)

Tobacco Retailer Licensing Program Background Memo

Prepared by:



Lydia Romero, Deputy City Manager



Memorandum

TO: Jack Griffin, City Manager
Lydia Romero, Deputy City Manager
FROM: Michael Gordon, Management Analyst
SUBJECT: Tobacco Retailer Licensing
DATE: March 26, 2015

Background

Over 100 cities and counties in California have enacted tobacco retailer licensing ordinances to help prevent illegal sales of tobacco products to minors. While every tobacco retailer in California is required to register with the state and pay a \$100 fee, the money collected is not considered strong enough by tobacco control advocates to pay for needed compliance checks and other enforcement mechanisms. That is why many California cities have taken the additional step to enact their own licensing and compliance systems. In San Diego County, 4 cities currently have tobacco retailer licenses: El Cajon, San Diego, Solana Beach, and Vista. A more detailed description of each of those ordinances is described on the next page.

Retail sales of tobacco products are very lucrative. In addition to tobacco-specific stores, cigarettes and other tobacco products are the number one product sold at convenience stores. According to a 2013 report from the leading convenience store trade association, the average convenience store nationwide generated \$622,248 in sales from cigarettes alone, accounting for 36.2% of all sales inside those stores in 2012. Non-alcoholic packaged beverages were a distant second place at 14.7%.

According to the American Lung Association, the most effective tobacco retailer licensing ordinances have four main components:

1. Requiring retailers that sell tobacco products to obtain a license that must be renewed annually.
2. A fee set high enough to sufficiently fund an effective program and enforcement efforts (including compliance checks).
3. Coordination of tobacco regulations so that a violation of any existing local, state, or federal tobacco regulation violates the ordinance.
4. A financial deterrent through fines and penalties including the suspension and revocation of the license.



San Diego County ordinances

Below is a description of the current tobacco retailer licenses in the San Diego County.

El Cajon: The El Cajon ordinance was enacted in 2004. It has a \$675 annual fee, and compliance is checked through a contract with Communities Against Substance Abuse. It can also be done by any peace officer or “private enforcer” (private citizen). It bans tobacco product sales in any business that sells food or alcohol for consumption on the premises, and requires clerks to be at least 18. The ordinance requires retailers to check the age of purchasers who “reasonably appear” to be under 27.

The 1st violation within 5 years results in a 30-day suspension, or the retailer may pay an administrative fine in lieu of the suspension. The 2nd violation within 5 years causes a 90-day suspension. The 3rd violation within 5 years results in a one-year suspension. The 4th violation within 5 years results in a license revocation. For the 2nd, 3rd, and 4th violations, a fine is also issued if it is within 12 months of the first violation.

Solana Beach: The Solana Beach ordinance was enacted in 2009. Retailers pay \$135 for an initial license and \$110 for each annual renewal. The Community Development Department is responsible for monitoring compliance, and there is at least one retailer compliance check each year. The ordinance requires retailers to check the age of purchasers who appear under 27, requires clerks to be at least 18, and prohibits a license from being granted to any business that also offers food or alcoholic beverages for sale for consumption on the premises.

The first violation within 5 years is a 30-day suspension or fine. The 2nd violation within 5 years is a 90 suspension. The 3rd violation within 5 years is a one-year suspension. The 4th violation within 5 years results in the revocation of the license. For the 2nd, 3rd, and 4th violations, a fine is also levied if the violation is within 12 months of the first violation.

Vista: The Vista ordinance was enacted in 2005. Retailers pay a \$250 annual fee, but may have the fee reduced if: there are no violations the prior year (\$50 reduction), they are using a cash register that reads the magnetic strip on the driver’s license to verify age (\$25 reduction), they received annual Sheriff’s Department training for their staff (\$25 reduction), and they have no tobacco advertising on their windows or doors (\$25 reduction).

Compliance is monitored by the Sheriff’s Department and there is one compliance check each year. The 1st violation within 3 years results in a warning and a requirement to train employees within 60 days. The 2nd violation within 3 years is a suspension of up to 30 days. The 3rd violation within 3 years is up to a 90-day suspension. The 4th violation within 3 years is a suspension of up to 12 months. The 5th violation within 3 years may result in the revocation of the license.

San Diego: The San Diego ordinance was enacted in 2007, although it is considered by tobacco control advocates to be the least effective in the county because there has been some question as to the where the fees are going and also concerns about the lack of compliance checks. The retailer



applies through the San Diego Police Department and pays an annual fee of \$131. Clerks must be at least 18 years old and they must check the identification of anyone who appears to be under the age of 27. All enforcement is done by the San Diego Police Department, and the ordinance gives the department authority over any penalties and regulatory action. There are no specific penalties per infraction, and all penalties are considered under the City's general penalty guidelines for "police regulated occupations and businesses."

License effectiveness in San Diego County

According to Vista Community Clinic's Tobacco Control Program, the most effective retail tobacco licensing ordinances have fees in the \$100 to \$250 range, have strong compliance checks, and enact specific penalties for violations. In El Cajon and Vista, the ordinances have been very effective in curbing underage tobacco sales. In both cities, an estimated 35%-40% of retailers sold tobacco products to youths before the ordinances were adopted. After the ordinances passed, the percentage of stores that sold cigarettes to minors fell to almost zero.

The weakest ordinance is the City of San Diego. It does not technically require a licensing fee and compliance checks are sporadic, with a limited number of retailers, and results are not shared or publicized. Solana Beach's fees are not directed towards enforcement and compliance checks.

Additional options for restrictions

Tobacco control organizations suggest that if a city or county is thinking about implementing a tobacco retailer license, it also consider adding the following restrictions:

- Prohibiting businesses that contain pharmacies from obtaining a tobacco retailer license
- Prohibiting a license for a business operating too close to a school or other area near children
- Preventing the concentration of licenses in certain neighborhoods by limiting how close a retailer may be to another retailer
- Limiting the number of licenses to the population of the city
- Prohibiting licenses for restaurants or bars
- Only allowing off-sale alcohol retailers to obtain a license
- Implementing signage restrictions
- Prohibiting drug paraphernalia sales (more on this below)

Drug paraphernalia and tobacco licensing

Stores that sell drug paraphernalia often sell tobacco products, and those retailers claim that paraphernalia is for the use of tobacco in order to get around state law that prohibits the sale of drug paraphernalia. Some cities that have tobacco retail licenses attach conditions to the tobacco retailer license that the retailer must comply with all state laws relating to drug paraphernalia. That way, if a compliance check reveals that retailer is selling items constituting drug paraphernalia (and not intended for tobacco), the retailer is violating not only state law but also the local license, which



can then be suspended or revoked. Drug control organizations, especially those that work with youth, believe this addition to a tobacco retailer license can be an effective tool to fight substance abuse in communities.

Support and Opposition

Licensing ordinances obviously have strong support from anti-tobacco groups, health advocacy organizations, and groups that work to protect youth from harmful substances.

Efforts to introduce tobacco retailer licensing throughout the county have been met with strong, local opposition coming almost exclusively from the Neighborhood Market Association. Based in San Diego, it has an influential presence and a vocal membership. It has also strategically cultivated close relationships with law enforcement and elected officials throughout the county.

San Marcos retailers

According to the Board of Equalization, there were 66 stores in San Marcos that had a state license to sell tobacco products as of November 2014. More recent data was not immediately available, but it is safe to assume that 60 to 70 stores in the City would be subject to a tobacco retailer license should the City Council decide to implement one.

Disturbance Calls for Service
City of San Marcos San Marcos Unincorporated
6/1/15 - 8/31/15

Call Type Description	City of San Marcos			San Marcos Unincorporated		
	June	July	August	June	July	August
Disturbance	32	19	27	4	4	7
Argument	63	62	56	19	15	22
Customer	8	9	11	0	0	0
Family	40	51	50	18	12	13
Fight	9	4	6	2	3	1
Group	6	8	6	0	0	0
Juveniles	18	19	9	3	1	1
Noise	38	29	30	8	9	9
Party	39	37	57	16	10	13
Pyrotechnics	2	30	2	1	19	1
Vehicle	2	4	3	0	0	0
Dog	6	9	11	5	4	4
Grand Total	263	281	268	76	77	71