



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 21, 2014

AGENDA TITLE: Consideration of a motion to accept the September 23, 2014 study session summary on a Proposal to Ban Smoking on Selected City Properties.

PRESENTERS

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
Maureen Rait, Executive Director of Public Works
Greg Testa, Police Chief
Tracy Winfree, Director of Public Works – Transportation
Karen Rahn, Director of Human Services
Mike Patton, Director of Open Space and Mountain Parks
Molly Winter, Director of Downtown and University Hill Management Division and Parking Services
Jeff Dillon, Interim Director of Parks and Recreation
David Gehr, Deputy City Attorney
Sandra Llanes, Senior Assistant City Attorney
Marni Ratzel, Senior Transportation Planner
Lane Landrith, Downtown and University Hill Business Coordinator
Andy Pelster, OSMP Land and Facilities Operations Supervisor
Curtis Johnson, Deputy Police Chief
Lisa Martin, Urban Parks Manager
Eric M. Ameigh, Public Works Projects Coordinator

EXECUTIVE SUMMARY

This agenda item provides a summary of the Sept. 23, 2014 study session on a Proposal to Ban Smoking on Selected City Properties. The purpose of this study session was to present the proposal, in the form of a draft ordinance, to council for its consideration and discussion. Council supported the proposal but directed staff to expand the ban to include:

- the entirety of the Chautauqua Area;
- the Flatirons Golf Course;

- all alleys within the Business Improvement District boundaries;
- 25 feet from all transit stops; and
- the area around Boulder High School.

Council was also informed that the city manager intends to adopt a rule that will prohibit smoking on public property in the area from Broadway to 17th Street, and from Arapahoe Avenue to University Avenue. This is considered an interim measure and will be replaced by a subsequent ordinance.

Because the Environmental Advisory Board (EAB) was not previously consulted along with other boards and commissions, the EAB's input will be solicited before the amended ordinance goes to council for a first reading that will take place on Nov. 18, 2014.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff recommends council consideration of this summary and action in the form of the following motion:

Motion to accept the Sept. 23, 2014 study session summary on a Proposal to Ban Smoking on Selected City Properties.

NEXT STEPS

The proposed city manager rule to prohibit smoking on public property in the area from Broadway to 17th Street, and from Arapahoe to University avenues was published for public comment on Oct. 3, 2014. The public comment period will end on Oct. 18, 2014 and the city manager is expected to approve the rule shortly thereafter.

The ordinance will be amended per council's direction. Staff will solicit input from the EAB on Nov. 5, 2014. A first reading will take place at council on Nov. 18, 2014. Second reading and a public hearing are scheduled for Dec. 16, 2014.

ATTACHMENTS

- **Attachment A** – Sept. 23, 2014 Study Session Summary on a Proposal to Ban Smoking on Selected City Properties
- **Attachment B** – Map of Area Included in Proposed City Manager Rule (Exhibit A to the rule)

ATTACHMENT A

Sept. 23, 2014 Study Session Summary on a Proposal to Ban Smoking on Selected City Properties

PRESENT

City Council: Mayor Pro Tem George Karakehian, Council Members Macon Cowles, Lisa Morzel, Tim Plass, Andrew Shoemaker, Sam Weaver, and Mary Young.

Staff members: Executive Director of Public Works Maureen Rait, Deputy City Attorney David Gehr, Senior Assistant City Attorney Sandra Llanes, Urban Parks Manager Lisa Martin, Police Commander Katie McEldowney, Director of Downtown and University Hill Management Division and Parking Services Molly Winter, Senior Transportation Planner Marni Ratzel.

PURPOSE

The purpose of this study session was to present a proposal to ban smoking on selected city properties, in the form of a draft ordinance, to council for its consideration and discussion.

OVERVIEW OF THE PRESENTATION AND DISCUSSION

The discussion began with opening remarks by Executive Director of Public Works Maureen Rait, who was acting on City Manager Jane Brautigam's behalf.

Urban Parks Manager Lisa Martin presented the proposal, focusing on the city's long standing commitment to health as a driver for the proposal and the process by which it was vetted with numerous city boards and commissions, the components of the proposal, a brief explanation of the effectiveness of the Pearl Street Mall and Municipal Campus smoking bans, and a preliminary plan for implementation.

Ms. Martin also specifically explained recent developments that had taken place since the distribution of the study session memo, including the addition of the Chautauqua leasehold area, Flatirons Golf Course, and the area around Boulder High School to the proposed ban.

Council discussion centered on a number of key areas.

Transit

There was a clear need to better clarify and enforce smoking regulations at Regional Transit District (RTD) facilities. RTD employees are believed to smoke at the transit center at 14th and Walnut. Council agreed that smoking is widespread at transit stops. Council also supported increasing the smoke free areas around transit stops from the 15 feet contained in the proposal to 25 feet.

Alleys

Council did not agree with the staff recommendation that alleys within the Business Improvement District boundaries should be exempted from the ban. Second hand smoke from the alleys finds its way into downtown buildings, the discarded cigarette butts create significant litter, and some people use the alleys as walking routes through and around downtown. For these reasons, council did not want to allow alleys to become gathering places for smoking. Director of Downtown and University Hill Management Division and Parking Services Molly Winter reported – based on input from Downtown Boulder Inc. – that the number of employees impacted by the inclusion of alleys would be relatively small.

University Hill

Given the ongoing revitalization efforts on University Hill, staff did not propose to include the Hill commercial district at this time. Staff felt additional restrictions at this time could be counterproductive. Council generally agreed with the approach but also indicated that the Hill is likely to be added in the future.

Leased Open Space Properties

Council wondered whether it was appropriate to ban smoking without exception on Open Space lands because some properties are leased for residential or agricultural uses. There was a feeling that it might be too intrusive to regulate smoking inside residences or in the use of farm equipment. Director of Open Space and Mountain Parks Mike Patton said that buildings where smoking has occurred cost more to clean after the leases expire. In the end, council agreed that there should be no exceptions for leased facilities.

Chewing Tobacco

There was some discussion about adding chewing tobacco to the ban but it was decided that the product does not create enough of a negative second hand health effect to add it.

Boulder High School

An unintended consequence of the smoking ban on the municipal campus has been the displacement of smokers to areas around Boulder High, including the area known as the Horseshoe, a gathering spot along the creek path immediately south of the intersection of 13th Street and Arapahoe Avenue. Boulder High and parents of its students have become concerned about this migration of smoking activity. As a response, staff will develop a rule for the city manager's consideration that would ban smoking in the area bounded by University Avenue to the south, Arapahoe Avenue to the north, Broadway to the west, and 17th Street to the east (see Attachment B). The rule is an interim step and will be replaced by the broader smoking ordinance when it is passed by council.

Next Steps

Staff was given clear direction that the ordinance should be brought to council for formal consideration with the following changes:

- Include the entirety of Chautauqua;
- Include Flatirons Golf Course;

Attachment A: SS Summary on Proposal to Ban Smoking on Selected City Properties

- Include the area around Boulder High School;
- Increase the smoke free area around transit stops to 25 feet; and
- Include the alleys within the boundaries of the downtown Business Improvement District

The proposed city manager rule to prohibit smoking on public property in the area from Broadway to 17th Street, and from Arapahoe to University avenues was published for public comment on Oct. 3, 2014. The public comment period will end on Oct. 18, 2014 and the city manager is expected to approve the rule shortly thereafter.

The ordinance will be amended per council's direction. Staff will solicit input from the EAB on Nov. 5, 2014. A first reading will take place at council on Nov. 18, 2014. Second reading and a public hearing are scheduled for Dec. 16, 2014.

This Page Intentionally Left Blank

Exhibit A

No Smoking Area



This Page Intentionally Left Blank