



City of Carson Report to Mayor and City Council

August 2, 2011
New Business Consent

SUBJECT: MEETING DISPOSITION: CITY COUNCIL POLICY SUB-COMMITTEE

Submitted by Clifford W. Graves
Interim City Manager

Approved by Clifford W. Graves
Interim City Manager

I. SUMMARY

The City Council Policy Sub-Committee (Mayor Dear, Councilmember Santarina and Ex-Officio Kawagoe) met on July 21, 2011. Attached for the City Council's information is a copy of the agenda, staff report and the meeting disposition (Exhibit Nos. 1-3).

II. RECOMMENDATION

RECEIVE and FILE.

III. ALTERNATIVES

PROVIDE additional direction the City Council deems appropriate.

IV. BACKGROUND

At the July 18, 2006 meeting (Exhibit No. 2), staff was instructed to provide a summary report (agenda disposition) at each regular meeting of the City Council of all City Council Sub-committee meetings held during the previous two weeks.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. July 21, 2011, Policy Sub-committee agenda. (pg. 3)
2. July 21, 2011, Policy Sub-committee staff report. (pgs. 4-6)
3. July 21, 2011, Policy Sub-committee disposition. (pg. 7)
4. Minutes, July 18, 2006, Item No. 11 (pg. 8)

Document2

Prepared by: Lisa Berglund, Principal Administrative Analyst

TO:Rev010511

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council	
Date _____	Action _____



CITY OF CARSON
REGULAR MEETING OF THE CITY COUNCIL POLICY SUB-COMMITTEE

CARSON CITY HALL
EXECUTIVE CONFERENCE ROOM - SECOND FLOOR
701 East Carson Street
CARSON, CALIFORNIA 90745

JULY 21, 2011, 4:00 P.M.

AGENDA POSTED: JULY 14, 2011

“In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk’s office at 310-952-1720 at least 48 hours prior to the meeting.” (Government Code Section 54954.2)

CALL TO ORDER:

ROLL CALL:

NEW BUSINESS DISCUSSION

ITEM NO. (1) CONSIDERATION OF A COMPREHENSIVE SMOKE FREE POLICY

RECOMMENDATION for the City Council Sub-Committee:

1. DISCUSS and PROVIDE direction.

ORAL COMMUNICATIONS

ADJOURNMENT

EXHIBIT NO. 01





**City of Carson
City Council Policy Sub-Committee**

**Date: July 21, 2011
New Business No. 1**

SUBJECT: CONSIDERATION OF A COMPREHENSIVE SMOKE FREE POLICY

I. SUMMARY

On June 15, 2011, the City Council forwarded this item to the Policy Sub-committee for further review. Today the sub-committee is requested to review the materials provided and give direction to staff as it relates to amending the City of Carson's municipal code on smoking.

II. RECOMMENDATION

DISCUSS and PROVIDE direction.

III. BACKGROUND

In preparation for the City Council staff report of June 15, 2011, Councilman Santarina provided staff with documents from the Dept. of Health and Human Services and Public Health Law & Policy Technical Assistance Legal Center.

In order to assist the sub-committee in consideration of amending the city's existing ordinance, staff has surveyed a number of cities to gauge the limitations on smoking in outdoor areas in other cities (Exhibit No. 1). According to our survey, of all the cities surveyed, the City of Beverly Hills is the least restrictive and the Cities of Calabasas and Glendale are the most restrictive. Local jurisdictions have the right to regulate smoking more strictly than the state.

The outdoor areas under consideration for regulation of smoking are; recreational areas, services areas, dining areas, places of employment, common residential areas, outdoor public events and balconies/patios of housing units.

State Law:

Currently CA state law bans smoking in all enclosed workplaces, including restaurants and bars (exempting workplaces with five or fewer employees). AB 846 bans smoking within 20 feet of the entrance or operable window of a public building. The law also prohibits smoking in state owned vehicles.

Many California communities have established smoke-free registries for private residential apartment buildings, which range from complexes where smoking is entirely prohibited (whether inside private dwellings or outside) to those where certain sections of dwellings may be designated as smoking dwellings. Most California cities allow landlords to regulate smoking at will.

Federal Law:

The United States Congress has not attempted to enact any nationwide federal smoking ban. Therefore, smoking bans in the U.S. are entirely a product of state and local criminal and occupational safety and health laws.

Smoking laws vary widely throughout the U.S. Some places in the U.S. do not generally regulate smoking at all, some ban smoking in certain areas and not others, and some ban smoking nearly everywhere, even in outdoor areas (no state bans smoking in all public outdoor areas, but some local jurisdictions do).

IV. EXHIBITS

1. Smoking Restrictions Comparison Sheet. (pg. 3)

Survey question: Is smoking prohibited in the following places?

RESTRICTIONS	Carson	Baldwin Park	Beverly Hills	Burbank	Calabasas	Glendale	Pasadena	Santa Monica
City-Owned Premises	YES	YES	NO	YES	YES	YES	YES	NO
Recreational Areas	YES	YES	NO	YES	YES	YES	YES	YES
Service Areas	NO	YES	NO	YES	YES	YES	YES	YES
Dining Areas	NO	YES	YES	YES	YES	YES	YES	YES
Places of Employment	NO	NO	NO	NO	YES	YES	YES	NO
Common Residential Areas	NO	NO	NO	YES	YES	YES	NO	NO
Outdoor Public Events	NO	NO	NO	YES	YES	YES	YES	NO
Within 20' of Building Entrances (as required by the state)	YES	YES	YES	YES	YES	YES	YES	YES
Balconies/Patios of Housing Units	NO	NO	NO	YES	YES	YES	NO	NO

DEFINITIONS:

Recreational Area means any area that is owned or operated by the City of Carson 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 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, skateboard parks, amusement parks, and beaches.

Service Area means any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more Persons to receive a service, wait to receive a service or to make a transaction, whether or not such service or transaction includes the exchange of money. The term "Service Area" includes but is not limited to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines or cab stands.

Dining Area means any area, including streets and sidewalks, which is available to or customarily used by the general public or an Employee, and which is designed, established, or regularly used for consuming food or drink.

Common Area means every Unenclosed Area of a Multi-Unit Residence that residents of more than one Unit of that Multi Unit Residence are entitled to enter or use, including, for example, paths, courtyards, playgrounds, swimming pools, parking lots, and picnic areas.





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CALL TO ORDER: The meeting was called to order at 4:09 p.m. by Chairman Dear

ROLL CALL: All present

Also Present: Interim City Manager Graves and Lisa Berglund
Members of the public: Carol Almeda of AADAP, Calvin Chang and
Elna Simpson of the Tongan Community Service Center

NEW BUSINESS DISCUSSION

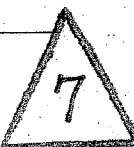
ITEM NO. (1) CONSIDERATION OF A COMPREHENSIVE SMOKE FREE POLICY

The sub-committee discussed this item in general and reviewed the smoking bans in other cities (Exhibit No. 1). The sub-committee directed staff to draft an ordinance that would ban smoking in service areas, outdoor places of employment and common residential areas. They also directed staff to include a permit process for smoking in dining areas (similar to the program the City of Calabasas has developed). The sub-committee will further consider banning smoking in during outdoor public events. The sub-committee further directed staff to bring the draft ordinance back to the sub-committee and invite key members of the community to be identified by the sub-committees members and the Interim City Manager that would be affected by a smoking ban. Later the draft ordinance would be referred to the Environmental Commission for their review and comments.

ORAL COMMUNICATIONS None.

ADJOURNMENT 4:38 p.m.

EXHIBIT NO. 83



**ITEM NO. (11) AGENDA AND DISPOSITION PROCEDURE FOR CITY COUNCIL
COMMITTEES (CITY MANAGER)**

City Manager Groomes summarized the staff report and recommendation.

A discussion ensued regarding how one would be able to differentiate the agenda face from the disposition sheet.

Whereupon, City Manager Groomes stated that the staff would add a heading entitled, "Disposition," to the disposition sheet.

RECOMMENDATION for the City Council:

1. RECEIVE and FILE this report.

ACTION: Mayor Dear ordered to receive and file the report, with no objections heard.

