

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, FEBRUARY 15, 2011**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, February 15, 2011, commencing at 7:00 a.m.

Present: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Absent: None

Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Provide Direction to City Attorney Regarding Drafting Ordinance Prohibiting Smoking Near Entrances, Windows, and Air Inlets to Private Buildings (CA)

City Attorney Schwabauer provided an overview of the potential of drafting an ordinance that prohibits smoking near entrances, windows, and air inlets to private buildings as set forth in the staff report. Specific topics of discussion included citizen inquiry regarding neighbors smoking next to a window near a private entrance, existing laws regarding smoking within 20 feet near a public building, model ordinance dealing with outdoor smoking, and similar ordinances in other cities that focus on outdoor events and recreational facilities.

In response to Mayor Pro Tempore Mounce, Mr. Schwabauer reviewed a list of cities, as set forth in the staff report, that currently have ordinances prohibiting smoking in various areas.

In response to Mayor Pro Tempore Mounce, Mr. Schwabauer stated if the Council was to pursue an ordinance prohibiting smoking within 20 feet of private entrances, exceptions could be carved out for dining and wine and bar establishments.

In response to Council Member Katzakian, Mr. Schwabauer stated currently the City has no restrictions other than public places, which is also state law.

In response to Mayor Pro Tempore Mounce, Mr. Schwabauer stated that, while there may be some complaint enforcement at the beginning through the Police Department, for the most part these types of ordinances are self-enforcing based on societal pressure.

A brief discussion ensued amongst the City Council regarding second hand smoke, restrictions on freedom for those who do and do not smoke, and the effectiveness of posting no smoking signs.

In response to Council Member Hansen, Mr. Schwabauer stated currently a business owner is only cited if it looks like they are actively encouraging smoking and not if they are making a good faith effort to prevent smoking.

In response to Mayor Johnson, Mr. Schwabauer stated the workspace means an outdoor workplace, such as a construction site, where people are assigned to work.

In response to Mayor Johnson, Mr. Schwabauer stated a sidewalk is any public sidewalk within the City.

In response to Council Member Katzakian, Mr. Schwabauer stated smoking restrictions could be placed into covenants and restrictions for a homeowner's association if everyone agreed or when leases expire for a commercial complex.

In response to Mayor Johnson, Mr. Schwabauer stated if an ordinance was considered there would be a public hearing and additional notice and workshops could also be considered.

Randy Snider spoke in favor of drafting an ordinance prohibiting smoking near private building entrances based on recent complaints his management company has received from tenants, his past experience with the citizen initiative that prohibited smoking near public building entrances, and the ineffectiveness of letters and no smoking signs.

Ed Miller spoke in opposition to drafting an ordinance based on his concerns that cigarettes are legal, too much regulation on personal freedoms, and unfunded mandates for business owners.

Myrna Wetzel spoke in support of drafting an ordinance prohibiting smoking near private entrance ways based on her concerns about second and third hand smoke and the unpleasant smell of the smoke for passersby.

Tony Amador spoke in favor of drafting an ordinance that is as restrictive as possible under the law based on his concerns about the health and welfare of citizens subject to second hand smoke.

The City Council provided general direction to draft an ordinance prohibiting smoking near entrances for private buildings along with a menu of other prohibition options for the Council to consider.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:45 a.m.

ATTEST:

Randi Johl
City Clerk