



# Council Communication

Office of the City Manager

Date

February 26, 2007

Agenda Item No. 44  
Roll Call No. 07-  
Communication No. 07-086  
Submitted by: Richard A. Clark, City Manager

## AGENDA HEADING:

First reading of the ordinance amending Chapter 70 to prohibit smoking in City parking garages.

## SYNOPSIS:

Recommend approval of the first reading of an ordinance to prohibit smoking in city-owned parking garages. If approved, the smoking ban will become effective on May 1, 2007 in order to allow a transition period for communicating with parking patrons and installing appropriate signage. The proposed ordinance also allows an exemption for smoking in “designated smoking areas” that are clearly marked by signs.

## FISCAL IMPACT:

Amount: Minor costs for signage.

Funding Source: Fiscal Year 2006-07 Operating Budget, Engineering Department, Parking Replacement Fund, EN066 ENG100713, page 240.

## ADDITIONAL INFORMATION:

At the budget workshop meeting on November 1, 2006, the City Council discussed the financial status of the Parking Enterprise Fund. During this discussion, an idea was raised to prohibit smoking in the city garages. The idea was subsequently referred to the Parking Advisory Committee for additional review. The Parking Advisory Committee voted on November 15, 2006 to recommend that the City Council proceed to prohibit smoking in City garages. Some of the key issues raised during the discussion were as follows:

- Because smoking is banned in the skywalk system, many crowd just outside the skywalk doors in the garages to smoke. This makes it difficult for non-smokers to enter and exit the garages without being impacted by smoking.
- Several downtown businesses have recently banned smoking throughout their facilities. This has forced smokers to crowd into the next-closest location for smoking, which often is an adjacent parking garage.
- If the Council chooses to prohibit smoking in the garages, the ordinance should allow for a transition period to educate downtown patrons about the change. The proposed ordinance will become effective on May 1, 2007 to allow for this transition. City staff will post signs in advance of the effective date to alert patrons of the change. Appropriate “no smoking” signage will also be posted.
- The Parking Advisory Committee also urged the City to work with downtown businesses to anticipate and resolve any issues. The City Manager, in cooperation with the Downtown

Community Alliance, sent a letter to downtown businesses to inform them of the recommended ordinance change. Businesses were encouraged to contact the City Manager's Office to share concerns in advance of the meeting. The letter also invited business representatives to attend the City Council meeting to voice any concerns.

To date, the City Manager's Office has received only one comment from a business owner in response to the letter. This individual referred to the ordinance as "a great step in the right direction," but asked how the City would handle enforcement. By giving plenty of notice about the change, we trust that individuals who are currently smoking in garages will make other arrangements. The business community was asked to help by designating smoking areas in their facilities in order to provide a convenient smoking alternative for their employees. All patrons of city garages can help make the change successful by reminding each other to put out their cigarettes in no-smoking areas. This mechanism of self-enforcement seems to be effective in other no-smoking areas around the city, such as hospitals and restaurants.

Staff will work through enforcement issues as they arise. As a last resort, the proposed ordinance includes a provision for the City to make "designated smoking areas" within the garages. At this time, staff does not recommend designating any smoking areas in City garages. However, this option is available to staff if issues arise that could best be resolved by allowing limited smoking in low-traffic areas of a garage.

The ordinance, as proposed, will also impact parking ramps at the Des Moines International Airport. The Airport Board took action on February 6, 2007, to encourage the City Council to exempt the airport parking ramps from the smoking ban. More information is provided in Airport Board Resolution A07-29, which is included in the Council packet.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: December 18, 2006

Roll Call Number: 06-2494

Action: [Recommendation](#) from the Parking Advisory Committee regarding prohibiting smoking in City Parking Garages. Moved by Hensley to refer to the Legal Department for preparation of proper legislation; and refer to the City Manager for review and recommendation regarding providing an alternate location for smoking. Motion Carried 5-1. Nays: Vlassis.

#### **BOARD/COMMISSION ACTION(S):**

Date: February 6, 2007

Resolution Number: A07-29

Action: The Airport Board fully supports the actions of the City Council with regards to the no smoking ordinance and recommends that the City Council consider excluding the Airport Parking Ramps from the ordinance.

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Second and third readings of the ordinance.