

## GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

February 3, 2014 – Noticed Agenda Attached

Meeting Convened: 3:00 p.m. in the City Auditorium

Meeting Adjourned: 5:29 p.m.

Council Members present: All except Councilmember McArthur. Staff present: Englehart, Shaver, Moore, Camper, Cohn, Romero, Tice, Rainguet, and Tuin.

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### Agenda Topic 1. Legislative Update

Revenue Supervisor Elizabeth Tice distributed a legislative update and proceeded to highlight the specific bills on the front page of the handout. Regarding the Mineral Lease funds to be distributed (SB-106), there were some complications and it was not included in the Department of Local Affairs supplemental budget. The Joint Budget Committee continues to work on the issue. It was determined that a telephone call to Chantal Unfug, Division of Local Government Director, might help.

HB-1064 was a bill prohibiting the distribution of mineral lease funds either through energy impact assistance or direct distribution from going to Counties that are prohibiting oil and gas extraction was killed in committee.

SB-046 meant to create a grant for fire equipment and training is controversial as the funds come from oil and gas extraction but the grants are available to any local government, not just those impacted by energy development.

Ms. Tice touched on several other bills that might be of interest.

Councilmember Chazen asked Ms. Tice to highlight bills that affect economic development in her reports. It was also requested that the Council know what bills will be discussed at the Chamber legislative video conference in advance.

### Agenda Topic 2. Sales Tax Exemption for Food from Vending Machines

Revenue Supervisor Tice presented three options for the City Council to consider related to the request for exemption of all food in vending machines. Vending machines were clarified to be those that are money operated machines, not the fountain dispensers, and home versus immediate consumption was discussed.

The majority of the City Council directed Staff to move the item forward by placing first reading on the Wednesday, February 5, 2014 Council agenda going with the second option presented – aligning the City with the County and the State, exempting food in vending machines with the exception of soda and candy.

Agenda Topic 3. Prohibiting Certain Activities Related to Panhandling

City Manager Rich Englehart introduced the topic noting that a Vagrancy Committee was formed that included Councilmembers Chazen, McArthur, and Boeschstein. That Committee was in favor of bringing this proposal forward for full Council discussion.

Police Chief John Camper reviewed the history of discussions and how they have explored possibilities to address the aggressive panhandling. There has been an increase in calls which include complaints about taunting and intimidation when panhandling requests are turned down. Due to Constitutional provisions, the activity itself cannot be prohibited but the time, place, and manner can be regulated. The provisions being presented primarily focus on public safety. The Police Department is looking at the ordinance as a tool, not as a way to write more tickets.

Concerns were raised about the provisions restricting activities such as the Salvation Army bell ringing and the sale of Girl Scout cookies. Clarification was provided for the location being private property open to the public and the solicitor being an invitee onto the premises versus uninvited. The provisions being presented address activity on public property.

In addition to the ordinance being presented, City Councilmembers expressed the need for concentrated police patrol on Main Street and the success of the bicycle patrol to control unwanted activities in the downtown.

Chief Camper advised that the proposal has been shared with local organizations that work with the populations affected.

Staff requested one area in the ordinance be clarified; 9.05.050 (b) was actually a narrower definition of medians than what is contained in the existing ordinance prohibiting activity in medians. The majority of Council was in favor of excluding that provision and using the already existing ordinance relative to medians, which was Staff's recommendation. The Council unanimously directed Staff to bring the ordinance forward for first reading on the Wednesday, February 5, 2014 agenda.

Agenda Topic 4. Extending the Validity of Site Plan Approvals

City Manager Englehart introduced the topic and then deferred to Deputy City Manager Tim Moore. Mr. Moore advised the matter was scheduled for public hearing on Wednesday, February 5, 2014 so the purpose of the discussion was to provide information on the proposal. He explained that the request will affect minor and major site plan approval which is typically approvals for building on a single lot. The request is to increase the approval to two years which will effectively extend the approval to 2.5 years. The purpose was to provide the development community with more flexibility.

A concern was raised that the time frame should be even longer. Mr. Moore said that rarely is a longer time frame needed but if it is, there can be additional extensions. The reason for

keeping the extension at two years was to make sure any new or changed regulations are addressed.

The City Council did not object to the item staying on the Council agenda as scheduled.

#### Agenda Topic 5. Board Reports

Councilmember Boeschstein reported that the Riverfront Commission is working on a new educational video with Public Broadcasting System (PBS). He also reported that with the new phased portion for the Avalon Theatre there will be additional costs. There was a discussion on the roof, whether it should be replaced or repaired, and Councilmember Doody advised the contractor will be bringing forward options.

Councilmember Traylor Smith said the Housing Authority postponed their annual meeting until February.

Councilmember Norris said the Manufacturing Council was appreciative of the City's support for their conference at Two Rivers and that the City was recognized at the Chamber Banquet for its support of the "maker space" at the Incubator. The Pear Park Fire Group visited the Communication Center and will be looking at options at the next meeting. Grand Valley Regional Transportation Committee (GVRTC) is looking at a contract with an outside vendor to develop a 2040 Regional Transportation Plan and at their February 27 workshop, GVRTC will be looking at future funding options.

Councilmember Chazen said they had a presentation at the Associated Governments of Northwest Colorado (AGNC) from Brandon Siegfried with documentation saying the BLM does not have the authority to close access on public lands. Councilmember Chazen also attended the Downtown Development Authority (DDA) meeting where they discussed the façade improvement program; Suehiro's qualified and will be going forward with improving their facade. DDA is looking at a Request For Proposal for asbestos abatement for the rest of White Hall; they also discussed the panhandling ordinance and had an update on the housing survey.

Council President Susuras said he attended the Colorado Water Congress (CWC) conference and there were many informative seminars. One speaker spoke to Lake Mead and Lake Powell being so far down it may affect the ability to produce electricity. If that happens, the Federal government will take over the Colorado River flows. He was also reappointed for another year to the group.

Regarding the Airport, Council President Susuras advised that the board chair is working with Shaw Construction on how to extend the construction until the new FAA grant can be processed.

Agenda Topic 6. Other Business

The Community Development Block Grant (CDBG) application review process was discussed. It was decided that the Council will receive a list of qualified applicants a little earlier than they have in the past. Staff was encouraged to bring forward capital projects in the City that will qualify.

There was a discussion on whether to adopt previous testimony on public hearing items that had already been presented to the Planning Commission, specifically related to the St. Martin's rezone item which will be before the Council later in February. The consensus was they did not want to limit the public's ability to comment but encouraged the Council President to announce that testimony does not need to be repeated.

With that, there was not further business and the meeting adjourned.

GRAND JUNCTION CITY COUNCIL  
WORKSHOP

MONDAY, FEBRUARY 3, 2014, 3:00 P.M.  
CITY AUDITORIUM  
CITY HALL, 250 N. 5<sup>TH</sup> STREET

*To become the most livable community west of the Rockies by 2025*

**1. Legislative Update**

**2. Discussion Regarding Taxability of Food Items Sold Through Vending**

**Machines:** A request was made of City Council to adopt an ordinance exempting food (including candy and soda) sold through vending machines. The request was discussed at the January 6<sup>th</sup> workshop. Following the workshop, Mayor Susuras requested further discussion and clarification regarding the available options. Staff has prepared the following information for Council's consideration at the work session on February 3, 2014. [Attachment](#)

**3. Discussion on Amending the Grand Junction Municipal Code to Prohibit Certain Activities Related to Panhandling:**

Residents of Grand Junction are reporting increasing instances of aggressive panhandling and disturbances by individuals attempting to panhandle money. For consideration by the City Council, Staff has prepared an ordinance regulating certain panhandling activities through reasonable time, place and manner restrictions. [Attachment](#)

**4. Discussion on Amending Title 21 of the Grand Junction Municipal Code to Extend the Validity of the Minor and Major Site Plan Approval From One Year to Two Years:**

The amendment to Section 21.02.070(a)(8)(i) will extend the validity of the minor and major site plan approval from one year to two years. [Attachment](#)

**5. Board Reports**

**6. Other Business**

- CDBG Application Review Process
- Adopting Previous Testimony