

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

October 1, 2008

The City Council of the City of Grand Junction convened into regular session on the 1st day of October 2008 at 7:10 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Jim Doody, Bruce Hill, Linda Romer Todd, Teresa Coons, and Council President Gregg Palmer. Councilmember Doug Thomason was absent. Also present were Deputy City Manager Rich Englehart, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

Council President Palmer called the meeting to order. Councilmember Beckstein led in the Pledge of Allegiance.

Certificates of Appointment

John Gormley, Kathy Herzog, Gust Panos, Reginald Price, and Frank Watt were present to receive their Certificates of Appointment to the Riverfront Commission.

Citizen Comments

There were none

CONSENT CALENDAR

Councilmember Hill read items on the Consent Calendar, and moved to approve the Consent Calendar with the amendment of moving Item #3 to last under Individual Consideration. Councilmember Coons seconded the motion. Motion carried by roll call vote to approve Consent Items #1 and #2.

1. **Setting a Hearing on Zoning the Lusk Annexation, located at 2105 South Broadway** [File #ANX-2007-368]

Request to zone the 8.53 acre Lusk Annexation, located at 2105 South Broadway, to Residential Estate (Residential 2 to 5 ac/Du).

Proposed Ordinance Zoning the Lusk Annexation to Residential Estate (R-E), Located at 2105 South Broadway

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 15, 2008

2. **Setting a Hearing on Amending the Zoning and Development Code to Include an Administrative Development Approval for a Minor Exemption Subdivision**
[File #TAC-2008-279]

The City of Grand Junction requests approval to amend the Zoning and Development Code to consider amendments to allow an administrative development approval for a Minor Exemption Subdivision.

Proposed Ordinance Amending the Zoning and Development Code to Include an Administrative Development Approval for a Minor Exemption Subdivision

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 15, 2008

ITEMS NEEDING INDIVIDUAL CONSIDERATION

The Taxpayer Bill of Rights (TABOR) Amendment and City Ballot Questions 2A and 2B

The City Council has placed two questions on the November 4, 2008 ballot. These questions ask the voters if they want to raise the City's sales and use tax by ¼% for the construction and operation of public safety facilities in the City and if they want to lift the TABOR Amendment revenue limitation. Because of the complex nature of TABOR and the way that the ballot questions must be written to comply with TABOR, the City Council is considering a resolution that will affirm those aspects of TABOR that will not change if the ballot questions pass.

John Shaver, City Attorney, presented this item. The resolution being considered clarifies what the questions do and what the questions don't do. City Attorney Shaver read the resolution into the record in its entirety.

Councilmember Hill said the Resolution is obviously very specific to 2B, and that it is not a take away. His concern is who is going to pay for this display ad. City Attorney Shaver does not believe this will violate the Fair Campaign Practices Act, but to be more in line with normal business, the City can publish it as a legal notice.

Councilmember Coons suggested having the group that is heading the campaign pay for the ad and to put a disclaimer on the bottom "Paid for by Citizens for a Safer Grand Junction". Councilmember Hill was comfortable with that option.

Councilmember Doody asked Council President Palmer who will talk to the committee.

Council President Palmer said he would speak to the committee since he sits on the committee and see if they could possibly publish a display ad.

Resolution No. 132-08—A Resolution Affirming the Right of Citizens of the City of Grand Junction to Vote for Increased City Taxes and Prior to the City Incurring Debt

Councilmember Beckstein moved to adopt Resolution No. 132-08. Councilmember Todd seconded the motion.

Councilmember Hill advised that he will support adoption of the resolution as he thinks it is important to clarify what the ballot questions are asking. Furthermore, although he did not favor placing 2B on the ballot, he supports the majority opinion of the governing body.

Motion carried by unanimous roll call vote.

Setting a Hearing to Review the Service of William Pitts on the Grand Junction Planning Commission

In accordance with City Code the City Council may hold a hearing to consider the service and removal of any member of the Planning Commission. City Council has requested a hearing to review recent actions by Commissioner Bill Pitts and/or to consider his removal from the Planning Commission.

Councilmember Hill wanted to start the dialog by saying that the Council is required by the City Charter to hold a Public Hearing. When he saw the item on the agenda, he was concerned if Commissioner Pitts had received notice. At the pre-meeting he was told Mr. Pitts received notice on Friday but that he would be out of town.

Councilmember Hill made a motion to give Council direction to Staff to work with Planning Commissioner Pitts to get a date set by the first of the year that fits with Mr. Pitts' schedule and then bring that date back to Council for setting. Motion died for lack of a second.

Councilmember Coons asked if the Council is legally bound by any time frame to complete this action.

City Attorney Shaver said they are not. The language of the Code does not define the parameters of the hearing; Council can limit it or make it more general but that it has to be a Public Hearing. City Attorney Shaver gave City Council several options regarding the meeting format.

Council President Palmer said that he sees that there are three options: move it to a date specific, hear it tonight, or conduct a special meeting. His preference would be to consult Mr. Pitts to have him available along with all seven Council members. Council President Palmer spoke with Councilmember Thomason today, knowing this would be discussed, and Councilmember Thomason expressed an interest to be in attendance.

Councilmember Todd would like to keep all three options open and would like to explore resolving this issue in another manner.

Council President Palmer wants to make sure that the Council has an option to meet with Mr. Pitts.

City Attorney Shaver addressed the Special Meeting format, which would not be on a regular City Council meeting, but still a public hearing but not broadcast. City Attorney Shaver said City Staff and Mr. Pitts have met several times without resolve.

Councilmember Coons assumes the intent of the requirement for a meeting in public is to allow due process and ensure actions are not taken arbitrarily.

Councilmember Doody agreed about due process, but is concerned with Mr. Pitts being on the radio today and an article published in the newspaper. Councilmember Doody stated that he does not want to drag this out to the end of the year.

Councilmember Beckstein would like to see that this be brought forward to the October 15, 2008 meeting. That should allow Mr. Pitts to make arrangements to be present.

Councilmember Coons stated she will not be available the week of October 13th.

Councilmember Hill stated he believed it might be hard to get all Council present but would like to move forward with a motion.

Councilmember Hill moved to set a Hearing for October 15, 2008 for the consideration of the removal of William Pitts from the Planning Commission. Councilmember Beckstein seconded the motion. Motion carried.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 7:44 p.m.

Juanita Peterson, CMC
Deputy City Clerk