

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP AGENDA**

**MONDAY, AUGUST 16, 2004, 7:00 P.M.  
CITY HALL AUDITORIUM, 250 N. 5<sup>TH</sup> STREET**

**MAYOR'S INTRODUCTION AND WELCOME**

**7:00 COUNCILMEMBER REPORTS**

**7:10 CITY MANAGER'S REPORT**

**7:15 REVIEW FUTURE WORKSHOP AGENDAS** [Attach W-1](#)

**7:25 REVIEW WEDNESDAY COUNCIL AGENDA**

**7:30 DISCUSS CITY OWNED PROPERTIES:** City Council will review with Staff their options on utilizing some city-owned property. [Attach W-2](#)

**8:05 NEW LIQUOR TASTING LEGISLATION OPTIONS:** Staff will present the options available to the City Council on whether or not to consider an ordinance to allow tastings in retail liquor stores as authorized by the State Legislature. [Attach W-3](#)

**8:40 EXECUTIVE SESSION RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS UNDER C.R.S. SECTION 24-6-402(4)(e), RELATIVE TO RIVERSIDE PARKWAY RIGHT-OF-WAY** [Attach W-4](#)

**ADJOURN TO EXECUTIVE SESSION**

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

Attach W-1  
Future Workshop Agenda

# CITY COUNCIL WORKSHOP AGENDAS

**\* AUGUST 30, MONDAY 11:30 AM**

*11:30 OPEN*

**AUGUST 30, MONDAY 7:00PM**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 COMMUNICATIONS UPDATE
- 7:50 STRATEGIC PLAN UPDATE

**\* SEPTEMBER 13, MONDAY 11:30 AM**

*11:30 OPEN*

**SEPTEMBER 13, MONDAY 7:00PM**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 UPCOMING APPOINTMENTS TO BOARDS & COMMISSIONS
- 7:35 YOUTH COUNCIL UPDATE

**\* OCTOBER 4, MONDAY 11:30 AM**

*11:30 OPEN*

**OCTOBER 4, MONDAY 7:00PM**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 STRATEGIC PLAN UPDATE

**\* OCTOBER 18, MONDAY 11:30 AM**

*11:30 OPEN*

**OCTOBER 18, MONDAY 7:00PM**

- 7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW FUTURE WORKSHOP AGENDAS
- 7:25 CITY MANAGER'S REPORT
- 7:30 UPCOMING APPOINTMENTS TO BOARDS & COMMISSIONS

## **BIN LIST**

1. Utilities in right-of-way ordinance (October)
2. Lincoln Park Master Plan Update
3. Pear Park Plan Update (Fall)
4. Regular updates from City Departments
5. Jim Lochhead: Update on water issues (September?)

**Attach W-2  
City-owned Properties**



**TO: Mayor and City Council**  
**FROM: Tim Woodmansee, Real Estate Manager**  
**DATE: August 12, 2004**  
**SUBJECT: City Properties Update**

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The City Council reviewed and discussed the City's inventory of real estate at an Additional Workshop on April 5, 2004. As a result of those discussions, Council directed staff to prepare salient facts about the following three properties and their potential for affordable housing projects:

1. 30.73 acres at the southwest intersection of 26 ½ Road & H Road, commonly known as the "Saccomanno Park" property;
2. 12.65 acres at 731 27 Road, commonly known as the "Horizon Park" property, and;
3. 6.37 acres at Ridge Circle Drive in the Ridges, commonly known as the "Ridges School Site".

A three-page summary for each property was provided to Council in a report dated July 16, 2004. Staff will be available to discuss this report with Council at the August 16<sup>th</sup> Workshop.



**TO:** City Council and Kelly Arnold, City Manager  
**FROM:** Joe Stevens, Director Parks & Recreation  
**DATE:** August 12, 2004  
**SUBJECT:** Bluffs West Property Owner's Association

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The City's Strategic Plan and the City's Comprehensive Parks Master Plan include identification of potential acquisition of land for new neighborhood parks as a priority. Areas of emphasis include Pear Park and the Redlands. Previously, the City was approached by the Bluffs West Homeowner's Association asking if the City of Grand Junction would consider partnering with their HOA in possibly transferring HOA property to the City with the understanding that it be developed as a neighborhood park.

Accompanying this memorandum, please find a fax dated August 10, 2004, from Doug Larson, Bluffs West Homeowner's Association Secretary/Treasurer, indicating that the membership is excited about the possibility and have even shared the results of an HOA questionnaire prioritizing proposed features for a park. The top four park amenities of the HOA, in priority order, are: picnic tables and shelter area (73%), trail through the lower portion of the area connecting to the river trail (63%), playground equipment (50%) and basketball/tennis courts (32%). The site is presently partially occupied, by an old wastewater clarifier treatment facility, which will require an environmental assessment and removal of several substantial and obsolete improvements. The site has varied topography, but with some imagination several of the proposed amenities could be integrated into a future park in Bluffs West on the Redlands. Acreage available is estimated to range from 3 – 7 acres.

A time-line has not been identified for development. Presently the City Capital Improvement Program identifies \$485,000 for Phase I development of Horizon Park in 2005.

**Bluffs West Property Owners Association**  
*August 10, 2004*

Mr. Erik Joe Stephens  
Grand Junction Parks & Recreation  
1340 Gunnison Ave.  
Grand Junction, CO 81501

Re: Proposed Bluffs West Park

Dear Mr. Stephens;

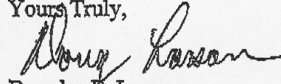
This letter is in response to your letter of July 13, 2004 concerning the stance of our homeowners association and the neighborhood park we have discussed. As I mentioned to you in our conversation of approximately ten days ago, the association had sent out a questionnaire to our members to determine what their preferences would be for features to be considered for the park. We have received a good response from members, and I have tabulated those responses and presented the results to the Bluffs Board. It was the decision of the Board to merely present the results of the poll to you for your consideration and further discussion of what features could be included given the budgeted amount for the park. The results are listed below in descending order as to the preferences expressed by our members.

PROPOSED FEATURE	% IN FAVOR
Picnic Tables and shelter area	73%
Trail through lower portion of the area Connecting to the River Front Trail	63%
Playground Equipment	50%
Basketball / Tennis courts	32%
Toddler water play area	27%
Fountain	23%
Natural area only – improved to be consistent With other area vegetation	23%
Rock climbing wall	14%
Large slide from upper area to lower elevations	9.5%

Other responses included a waterslide, putting greens, doggy park, open green space for meetings. Some of these other uses seem consistent with some of the responses above and could be encompassed within some of the other features. The Board also wanted to express a desire to protect the views and the sentiment of the immediate neighbors of the proposed park so that any development of the park be kept low key and as harmonious with the somewhat "natural" character of the area.

We are excited about the prospect of such a development in our area and are looking forward to meeting with you about what you see as realistic possibilities for the park. Please contact me with any questions you may have about the foregoing and let us know when you would like to discuss the matter further.

Yours Truly,



Douglas E. Larson  
Bluff West HOA - Secretary/Treasurer

**Attach W-3  
Tastings in Retail Liquor Stores  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Alcoholic Beverage Tastings					
<b>Meeting Date</b>	August 16, 2004					
<b>Date Prepared</b>	August 6, 2004				File #	
<b>Author</b>	Stephanie Tuin			<b>City Clerk</b>		
<b>Presenter Name</b>	Stephanie Tuin John Shaver			<b>City Clerk</b> <b>City Attorney</b>		
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	Eleni Sica, Crossroads Wine & Spirits, will be present
X	Workshop		<b>Formal Agenda</b>		Consent	<b>Individual Consideration</b>

**Summary:** The Colorado General Assembly recently passed House Bill 04-1021 which included a provision that allows a local government to adopt an ordinance to allow alcohol beverage tastings to be conducted in retail liquor stores and liquor-licensed drugstores (Grand Junction does not currently have any licensed drugstores). The State Law does contain a number of restrictions under which such tastings can occur and the local government can impose additional restrictions. The City of Grand Junction has 22 retail liquor stores currently licensed that could potentially conduct tastings.

**Budget:** Allowance of such activity could potentially impact the Police Department and the City Clerk's office. Some of that impact could be offset with the imposition of a permit fee.

**Action Requested/Recommendation:** Determine if Grand Junction City Council wants to place an ordinance to allow alcohol beverage tastings on the agenda for formal consideration.

**Attachments:**

1. A sample ordinance

**Background Information:**

The legislation allows alcohol beverage tastings to occur under the following conditions:



- No more than four individual samples of up to one ounce of beer or wine or one-half ounce of spirituous liquor may be provided to customer. The individual samples must be free of charge.
- Tastings are limited to 5 hours in one day, and hours need not be consecutive.
- Tastings shall be conducted during operating hours and no earlier than 11 a.m. or later 7 p.m.
- The establishment must not allow a patron to leave the licensed premise with an unconsumed sample.
- The licensee shall not serve a person who is under 21 years of age or who is visibly intoxicated.
- Tastings may occur on no more than four of the six days (Monday through Saturday) and not exceed 104 days per year.
- Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the State Liquor Enforcement Division and is an owner or employee of the licensed premises.

Several Colorado municipalities have already adopted an ordinance allowing tastings in their community. They vary from the adoption of an ordinance granting the approval with no additional requirements, fees or process (Windsor) to one with additional restrictions, a \$100 annual permit fee, a separate application form that includes a schedule to be submitted, a requirement that any change requires the Police Department be notified, and an approval process (City and County of Broomfield). The law is written in such a manner that any enforcement would fall upon the local government rather than the State Enforcement Officer unless the violation is dispensing to a minor or a visibly intoxicated person. Therefore if the City is going to regulate the activity, I would recommend that a permit fee be assessed.

The following are examples of what has been adopted throughout the State:

<b>Municipality/ Population</b>	<b>Add'l Restrictions</b>	<b>App Req'd</b>	<b>Fee charged</b>	<b>Approval Required</b>
Windsor/ 11,310	None	No	None	No
Breckenridge/ 2,554	None, as set forth in State Law as amended from time to time	Yes	\$25	Licensing Authority – Annual License
Thornton/ 88,434	Yes, 72 hours notice to PD when a tasting is to occur, 5 hours must be consecutive	No	None	as part of their regular license

Broomfield/ 40,621	Yes, 5 hours must be consecutive, schedule required, notify PD of any changes, training must be through Broomfield PD	Yes	\$100	Yes, license authority
Greeley/ 80,806 (proposal being studied)	Yes, 48 hours notice to PD	Yes	\$25	Yes, along with regular license

On a side note, the City currently provides Server Responsibility training but does not currently meet the new standards. We cover the same topics but we do not conduct a four hour class which includes pre and post testing. If the City Council moves forward with the tastings ordinance, it would be a minor modification for our classes to meet the criteria. There is presently no local training available however, an establishment can hire a "TIPS" trainer from another area to come in and train their employees.

ORDINANCE NO.

AN ORDINANCE ENACTING A NEW ARTICLE IV WITHIN CHAPTER 4, ALCOHOLIC BEVERAGES, IN THE GRAND JUNCTION CODE OF ORDINANCES PERTAINING TO THE TASTING OF ALCOHOLIC BEVERAGES.

**Recitals.**

1. The City of Grand Junction ("City") regulates the possession and consumption of alcoholic beverages within the City pursuant to Chapter 4 of the City Code of Ordinances ("Code").
2. The state legislature has recently enacted House Bill 04-1021 that authorizes local jurisdictions to adopt an ordinance allowing retail liquor stores or liquor-licensed drug stores to conduct sample tastings of brands of alcoholic beverages in their establishments without charging for such tastings.
3. The legislation requires that an ordinance be enacted by any local jurisdiction that wishes to allow such tastings.
4. The City Council has considered and wishes to adopt such ordinance authorizing tasting of alcoholic beverages at retail liquor stores or liquor- licensed drug stores in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, THAT:

1. A new Article IV, Chapter 4 of the Code is hereby enacted to read as follows:

**Article IV. Alcoholic Beverage Tastings**

**Sec. 4-57. Definitions.** Terms used in this article which are defined in the Colorado Liquor Code (Article 47 of Title 12, C.R.S.) or in the Colorado Beer Code (Article 46 of Title 12, C.R.S.) shall have the meanings provided in such statutes. Additionally, as used in this article, the following words, terms and phrases shall have the meanings ascribed to them in this section.

*Tasting permit* means a separate permit issued by the local licensing authority pursuant to this article authorizing tastings to be conducted by the licensee.

**Sec. 4-58. Permit required.**

(a) The City hereby authorizes Tastings to be conducted by retail liquor store or liquor-licensed drugstore licensees in accordance with this section and pursuant to Section 12-47-301, C.R.S, as the term "Tastings" is defined in said Section 12-47-301, C.R.S. It is unlawful for any person or licensee to conduct Tastings within the City

unless a Tastings Permit has been obtained in accordance with the article. The local licensing authority for the City is authorized to issue Tasting Permits in accordance with the requirements of this article.

(b) A retail liquor store or a liquor-licensed drugstore licensee that wishes to conduct tastings shall submit an application for a Tastings Permit to the local licensing authority. The application shall be accompanied by an application fee of \$100.

(c) The local licensing authority may deny the application if the applicant fails to establish that the licensee is able to conduct tastings without violating the provisions of this article or creating a public safety risk.

(d) The local licensing authority shall establish the application procedure. Application forms will be proscribed by the local licensing authority and will include a schedule of the planned tastings, a list of the names of the persons conducting the tastings and documentation that the person has completed the required training, a written control plan and other such information as the local licensing authority may require. Any change to the information submitted must be submitted to the local licensing authority one week prior to the change.

(e) Renewal of the Tastings Permit shall be concurrent with renewal of the retail liquor store or liquor-licensed drugstore license. The initial Tastings Permit shall expire on the date of the retail liquor store or liquor-licensed drugstore license and the initial fee will not be prorated.

(f) Tastings shall be subject to the limitations set forth in 12-47-301(10)(c), C.R.S., as amended from time to time. Compliance with the limitations and requirements set forth in Section 12-47-301(10)(c), C.R.S. shall be a term and condition of any Tasting Permit, whether expressly set forth in the Tasting Permit or not.

(g) Tastings authorized pursuant to this section shall be allowed only for a retail liquor store or liquor licensed drug store operating within the City whose license is valid and in full force and effect.

#### **Sec. 4-59. Violations.**

(a) A violation of a limitation specified in Section 12-47-301, C.R.S. by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the Tasting.

(b) A retail liquor store or liquor-licensed drugstore licensee conducting a Tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to the licensee for a violation of any of Section 12-47-301, C.R.S.

#### **Sec. 4-60. Severability.**

If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

**Sec. 4-61. Repeal of conflicting provisions.**

(a) All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

(b) The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ, PASSED on first reading and ordered published by the City Council of the City of Grand Junction, Colorado, \_\_\_\_\_ day of \_\_\_\_\_, 2004.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

CITY OF GRAND JUNCTION, CO

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk

**Attach W-4  
Executive Session**

**An envelope relative to the Executive Session  
has been provided in the pocket of Council's binder**