

**GRAND JUNCTION
CITY COUNCIL WORKSHOP**

March 31, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, March 31, 2003 at 7:06 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Dennis Kirtland Bill McCurry, Jim Spehar, Reford Theobold, Janet Terry and President of the Council Cindy Enos-Martinez.

Summaries and action on the following topics:

1. STRATEGIC PLAN REVIEW & UPDATE

City Manager Arnold reviewed the updates on the Strategic Plan. There was no news from the Grand Junction Economic Partnership. Regarding Efficient Transportation, Councilmember Spehar inquired when cost estimates for the Riverside Parkway will be provided so that a bond issue can be considered for November, 2003 election. Mr. Arnold said he will talk to the consultants to see if the timeline for getting cost estimates can be hastened.

Action summary: Council accepted the update and asked that Riverside Parkway estimates be provided soon.

- 2. PROCESS FOR POSSIBLE SMOKING ORDINANCE:** City Attorney Dan Wilson described options on how to proceed with this issue. He identified two options: 1) he helps the students craft an ordinance or 2) he educates them on how to get an ordinance on the ballot. Councilmember Terry stated that the direction was to work with the children and give them some options and that the nature of this issue will involve more time. Getting input from the affected parties should be the first step. Councilmember Theobold stated that was the message from Councilmember Terry and while Councilmember Spehar concurred, he wanted to move faster and he thought four members were generally silent on the issue. There was not clear direction. Councilmember Spehar felt the students are pretty well educated in the process and he will again encourage them to dialogue with the downtown business owners who will be affected by this ordinance. He said he has no objections on working on a range of possibilities. The process could be taken care of during the school year. He thought it will probably be referred to the ballot and would rather see it referred than taken to the ballot by referendum after adoption. Councilmember Kirtland agreed with Councilmember Spehar, thinking it would eventually go to the ballot either way. The end result will need to be a balance for the community. Council President Enos-Martinez advised that the students have already written letters to the local

restaurants. Councilmember McCurry clarified that there are three or four classes working on this and all will have representatives at a meeting scheduled for Thursday. Councilmember Terry clarified her position in that she supports what the students are doing but she expresses caution in moving too quickly. Mr. Wilson asked Council if they want to see a first reading on Wednesday or for him to work with the kids with the overall plan being that it will go to the ballot, bringing back information in thirty days or so. Councilmembers Spehar and Terry agreed with the latter option. There appeared to be a consensus for Mr. Wilson to start working with the students and bring back the information in May at a workshop. Councilmember Kirtland directed Mr. Wilson to first establish a timeline for the students so they have the right expectation. That timeline can then be brought back to Council. City Manager Arnold suggested Ivy Williams, Code Enforcement Supervisor, be included in the process. Councilmember Spehar said it might even be appropriate to have the discussion at a regular meeting that is broadcast.

Action summary: City Attorney to work with the Bookcliff Middle School students in developing some options and in soliciting input from affected business owners and bring an update back to Council at a workshop in May.

3. **ANNUAL UPDATE WITH WATER ATTORNEY JIM LOCHHEAD**

City Attorney Wilson introduced the City's Water Attorney Jim Lochhead. Mr. Lochhead touched on Colorado River issues and on the Shoshone Call issue. He also reported on pending legislation and answered questions.

Colorado River Issues - California has been overusing its water entitlement. This will eventually cause a legal shortage to the State of Colorado. Interim surplus guidelines allow California to use surplus as long as it meets certain benchmarks on reducing water use. They failed to meet the first benchmark and the Secretary of the Interior suspended them, which reduced them to their entitlement. They won an injunction against the Secretary and water was restored. California still needs to reduce its water usage but different agencies now have to bear the brunt of that restoration. The new agreement presented by California was not satisfactory. Sea restoration is another very costly issue that some legislators are championing.

Shoshone Call - The Shoshone Call in Glenwood Canyon has senior water rights and forms an important piece of Colorado River water management. Denver entered an agreement with Public Service to not call their water so it could fill Dillon Reservoir (and others) first. Denver asked the River District Board and Xcel Energy to relax their call in order

to prevent the perception of raiding the river water. One of the affects is it keeps the Cameo call off the Roaring Fork River. The end result is lower winter flows in an already dry year that will affect treatment costs for the wastewater treatment system. Councilmember Spehar asked about the affect on endangered species. Mr. Lochhead said there are pros and cons, the hold back will increase flows in the summer months. Councilmember Terry asked the length of the agreement. Mr. Lochhead said one year.

He noted that the Grand Valley water users have formed a coalition to develop a combined effort. Mr. Wilson said the coalition agreed to have Mr. Lochhead as their spokesperson.

Mr. Lochhead then briefed the Council on current water legislation. The following bills have been introduced: allowance for conservation easements on water rights rather than land which has passed both house and senate; a bill that would require any entity using water from the Denver basin must use all that first before using transbasin diversion which was postponed indefinitely, i.e., that bill is dead; a bill that authorizes a municipality or county or wildlife division to work with federal agencies to develop resource management plans for federal lands within its jurisdiction pursuant to federal law (may fit into the City's current pursuit of the adoption of a watershed protection ordinance) which has passed both house and senate; a bill that will put conditions on decrees that any transfer of agricultural water rights to a transbasin diversion would have to make payments to the County of origin which the house version lost, but the senate version is still alive; a bill that will invalidate covenants that limit xeriscape landscaping or require blue grass which has been postponed indefinitely; a bill concerning the expansion of water judges jurisdiction that would allow water judges to address water quality issues in changes of water rights which was lost in the house; a bill that allowed a creation of water banks which would allow agricultural users to pool water resources and municipalities to access pooled water rights in agricultural areas for loans, transfers, and changes which has passed the house and is in the senate agriculture committee; a bill that will allow the State Engineer authority to administer temporary instream flows for loan purposes, e.g., if a drought were declared, a right can be donated to be used for instream flows which has passed house and is in the Senate appropriations committee; another water conservation measure that will authorize water courts to approve changes of water rights for saved water, very controversial, it limits it to historical consumptive use and has other requirements, such bill was postponed indefinitely; a bill concerning the improvement of urban water use efficiency which public process, projects and facilities that receive water from a provider to reduce their total annual consumption, prevents any policy or regulation or covenant that prevents drought resistant landscaping, requires information to public on methods

to conserve water and a number of other water conservation measures, such bill is in the house appropriations committee; a bill that requires public interest be taken into consideration for transfer of rights, which bill was postponed indefinitely, a bill that required a mandatory water supply element in the Master Plans of local government which has been postponed indefinitely; a bill that would set up basin-wide regional policy agencies within each basin, such bill has been postponed indefinitely; the water conservation board construction fund bill which authorized a statewide water supply investigation which the contractor has been selected and also authorizes the funding for Big Straw project has passed the Senate and is now in House appropriations; a bill concerning the authority of local governments to protect in basin uses of agricultural water rights, the companion bill mentioned earlier, which allows mitigation payments for any transfer of agricultural rights from one basin to another, probably won't affect the Colorado River basin; and finally a bill that will authorize the issuance of \$10 billion bonds for water development in the State, such bill has been laid over in the Senate.

Councilmember Terry expressed her appreciation for the work he has done for the City. Councilmember Kirtland referred to a recent update on water issues from the Staff and encouraged that it be shared with Mr. Lochhead. Mr. Wilson said that Mr. Lochhead usually does the macro stuff and Staff handles the micro issues. Councilmember Spehar asked Mr. Lochhead for his opinion on cases like the kayaking Golden case, i.e., relative to recreational uses. Mr. Lochhead said the instream flow filings show the trend that there will be some fundamental changes in water law in the future, noting eventually some of this legislation will get passed and this will cause debate and conversation. He disagrees with the big water projects being proposed by the State because of the drought, he thinks a more integrated approach would be better. Councilmember Kirtland referred to the legislation that would have allowed the repair and restoration of existing facilities as a good approach and Mr. Lochhead agreed.

Action summary: Council thanked Mr. Lochhead for his work on the City's water issues.

4. **DROUGHT RESPONSE PLAN:** Presentation and discussion of combined draft Drought Response Plan of the City, Ute Water Conservancy District, Clifton Water District and Town of Palisade.

Mark Relph, Public Works & Utilities Director, introduced the subject. He displayed various graphs that indicate that the valley is now at, above or near normal. It has been a much better year than last year. Councilmember Terry asked if it will take a few good years to "catch up". Mr. Relph said the City is in much better shape so it will not need years to

catch up. Drought is a pattern that will always be encountered. The forecast looks wet but dealing with the response plan now is wise. The plan being proposed is valley-wide.

Greg Trainor, Utilities Manager, stated that the resolution of problems will typically be done on the local level. Over the last year, a sustained effort to reduce water usage has been discussed. Drought is always present somewhere in the state. Common response is one focus, shortages will be shared among all, increase public awareness, and heightened monitoring. The group has identified two stages of drought. Stage 1 would be like what happened in 2002, a statewide concern and urgency, but not a supply issue locally. Stage 2 would be a situation where one of the valley users being in a water supply reduction. At this stage, sharing water would be considered, which is something that is done regularly on an operational basis already rather than just in a drought situation. If the situation were affecting valley supplies then mandatory conservation measures would be put in place. Council President Enos-Martinez suggested that everyone should be practicing conservation efforts all the time. Mr. Trainor agreed. Councilmember Spehar suggested a more proactive approach. Mr. Trainor said there was a lot of discussion about reducing water use, perhaps with an economic impact for outdoor usage. Also discussed was limiting municipal (institutional) use. Councilmember Spehar suggested a stronger stance and encouraging landscaping appropriate to the climate.

Councilmember Kirtland suggested a maximum usage allowed, plus a rate structure to ensure users stay under the maximum. The present is a good time to implement such a program with drought being fresh in people's minds. Councilmember Terry supported the additional education going on now but was unsure as to the extent the City's stance should be. Mr. Trainor said that is the direction they are seeking tonight. Councilmember Spehar suggested a fee on water to fund the educational piece. He said he would like to see more leadership and less of a reactive approach. A fee could also fund programs with large water users to reduce their use, including incentive programs for water use reduction.

Parks & Recreation Director Joe Stevens said the department is looking at how water is used in the City to water the 800 yards of turf and the hundreds of trees in the urban forest. The City also has over 60,000 annual plantings. Mr. Stevens said there is a water conservation committee in his professional organization which helps him stay abreast of the latest trends. A conversion to artificial turf is a possibility at the Lincoln Park fields. Also the use of blue grass, which is more water efficient, looking at xeriscape, using tree species that use less water, especially in any new parks, monitoring sprinkling systems and reprogramming systems to water as needed, removal of tamarisk, redoing

the North Ave medians, and salt reduction in soil which will allow for plants other than tamarisk to grow in various areas are all methods he is looking into.

Kathy Portner, Planning Manager, addressed the landscaping requirements in the Zoning and Development Code. There are no requirements for residential, but for multifamily and commercial there are. The Code does require materials suitable for Grand Junction's climate but the planners do not scrutinize plans. A review of that section of the Code is planned for this summer and they will be looking for direction then. The Code does not prohibit xeriscape design. Councilmember Spehar referred to proposed legislation that invalidates covenants that require blue grass or prohibit xeriscape. Ms. Portner said the City's Code does not prohibit that. Mr. Spehar asked about policing those covenants. Mr. Wilson said that currently homeowners associations can amend covenants even after the City has approved the development. That can be changed however.

Public Works Director Mark Relph concluded the staff presentation. Staff will work with the direction received. Councilmember Terry inquired as to the time frame for education. Utilities Manager Greg Trainor replied it will be prior to summer.

Action summary: Council agreed with the directions the three departments are taking to respond to drought.

5. **WATERSHED PROTECTION ORDINANCE:** Discussion of this item which is on the agenda for Wednesday's meeting.

City Attorney Wilson showed Council numerous areas that constitute the City's watershed which are areas of five miles in radius from water intake, the authority comes from the statutes but the two private providers do not have the authority to protect their watershed (Clifton and Ute). The Gunnison and the Colorado are zones one and two, with notice only to be provided to the City in zones two or three when there is a drought or an emergency. Zone one is Kannah Creek and Whitewater Creek watersheds and any impact, minor, major or none, will be a City determination on all the activities in that Zone one watershed. All major impact items will go to Council for a determination. Mr. Wilson recommended that the first reading on the ordinance be pulled from Wednesday's agenda but that it be brought forward to Council very soon. Councilmember Spehar did not see the urgency to try to stop something that is already underway as the development of the ordinance is going to take time to discuss with the stakeholders. Mr. Wilson still wanted a short time line to come back quickly with more information. Councilmember Kirtland wanted to involve the Town of Palisade as they too have the

statutory power to protect their watershed. Council did want to bring it up at Wednesday's meeting with the Grand Mesa Slopes Committee, not as a rush and not as a threat. Councilmember Spehar said the Council may feel comfortable with the BLM process to protect their watershed interests. Mr. Wilson encouraged Council to still adopt some form of watershed protection ordinance for the good of the City.

Action summary: The ordinance will not be on Wednesday's agenda but Staff will be working with the affected parties and make revisions before bringing it to Council.

6. **GRAND MESA SLOPES MEETING:** City Manager Arnold asked the Council on how they want to approach the Wednesday Grand Mesa Slopes meeting. It was decided that Councilmember Kirtland will represent the Council at the table. Having the original documents, the MOU and the Management Plan will be helpful to have on hand. It was noted that the governing piece is the management plan. Council may want to consider a facilitator and or mediator for the discussion. Staff suggested placards for each organization.

Action summary: Staff will provide copies of the original documents for reference and Councilmember Kirtland will facilitate the discussion.

ADJOURNED at 10:58 p.m.

