

**GRAND JUNCTION  
CITY COUNCIL SPECIAL WORKSHOP**

**May 21, 2003**

The City Council of the City of Grand Junction, Colorado met on Wednesday, May 21, 2003 at 6:01 p.m. in the City Hall Auditorium to discuss smoking in public places. Those present were Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Absent were Councilmembers Harry Butler and Cindy Enos-Martinez.

Mayor Jim Spehar introduced the discussion for the meeting and advised that it will include an update from Councilmember McCurry, staff and the young people. No public testimony will be taken. City Staff, specifically the City Attorney, will lay out the options for the City Council.

Councilmember McCurry listed the meetings (6) and the participation that has occurred thus far (the students, Quincy's, the bingo halls, the bowling alley, the Sports Page, Rockslide, Dos Hombres, Colorado Respiratory Association and Otto's). He listed the different comments gathered through the meetings. He also briefly described the alternatives discussed with the students.

The Mayor noted that Councilmember Enos-Martinez plans to attend, just will be a little late.

Shelby Irwin, 2910 North Ave, #45B, representing Bookcliff Middle School, addressed the Council and stated how the issue will be presented. She will speak to why this ordinance is necessary; Juan Quintero will address which alternative the students support and Annie Aylsworth will suggest how it should be enacted. Shelby presented a number of facts regarding smoking and secondhand smoke. She had a petition that was signed by 210 people at the Earth Day event that supported the enactment of the ordinance.

Juan Quintero, 2879 Texas Ave, Bookcliff Middle School, referred to letters to the editor that asked why the students should care about smoking in bars. Juan said their concern is for the workers. That is the reason they support Alternative #1 (ban all smoking in public places) which protect all workers from secondhand smoke. He noted that alternative #1 has been adopted in many other places, gives protection to all workers, alternative #1 is endorsed by all major health organizations, it was upheld by voters in Pueblo the day before, and there is no evidence that banning smoking has any ill affect on businesses.

Annie Aylsworth, 623 Stonegate Dr, Bookcliff Middle School, addressed Council on reasons for the ordinance to be enacted and not taken to the ballot. She gave many examples where laws were enacted without the matter being taken to

the ballot. She noted that Council enacts ordinances to protect the water supply, regulate loud parties, etc. and listed a few cities where ordinances have been enacted without any backlash. Enacting an ordinance will save time and money by not sending it to the ballot. Lastly she said the City Council has an opportunity to make a change to preserve the health safety and quality of life in Grand Junction.

Councilmember McCurry commended the students' effort and clarified that is something the kids did on their own, not a school project.

Mayor Spehar asked City Attorney Dan Wilson to review the options and the current regulations.

City Attorney Wilson explained the law as it is currently on the books, that larger restaurants (over 30) must designate an area for smoking if they want smoking to be allowed. The public should not have to pass through that area to leave, pay or use the restroom. The smoking ordinance was placed on the books 20 years ago.

The first alternative prohibits smoking in all public places and non-compliance would allow complaint and also litigation to the owner. Many of those business owners that participated in the meetings voiced concerns that it would be cost prohibitive to physically separate smoking and non-smoking areas. Alternative #2 allows a time period for compliance and allows for smoking in totally separate areas. Alternative #1 has a requirement for continuous education programs as directed by the City Manager. Alternative #2 does not require private offices to be smoke-free.

Councilmember Palmer said the Council is going to talk about a lot of options but wanted the students to be aware that they should be proud of their work.

Councilmember Bruce Hill asked how the current ordinance differs from Alternative #2. City Attorney Wilson answered that it is the separation (partition walls and ventilations) being required that is the difference. The current ordinance allows for some incidental contact of secondhand smoke into non-smoking areas.

Councilmember Hill asked if all businesses would have to comply with either alternative to which Mr. Wilson responded affirmatively. Councilmember Hill clarified that Alternative #1 allows no smoking at all, Alternative #2 requires a separate area.

Councilmember Palmer inquired if there are any time-of-day stipulations. City Attorney Wilson replied not in these alternatives, but that was a suggestion from some restaurant owners.

Councilmember Palmer inquired if changes can be made to the existing Code without going to the ballot. City Attorney responded affirmatively.

Councilmember Hill asked about the requirement to post signs to which Mr. Wilson said the regulation is the same as what is currently in the Code but expanded to every public place.

Councilmember Palmer asked about outside restrictions. City Attorney Wilson answered that all outdoor sporting arenas would not allow under any alternative – current, Alternative #1 or Alternative #2.

The Council inquired as to details of ballot issues. The City Attorney and the City Clerk clarified those options.

Councilmember Hill asked what it would take for the County to adopt such a regulation. Mr. Wilson answered that they certainly could. Councilmember Hill asked about a statewide regulation and Mr. Wilson said the State has the authority and have already banned smoking in healthcare facilities.

Councilmember Palmer asked if a county-side regulation would exempt the incorporated areas to which the Attorney said yes.

Councilmember Hill commended students and then asked about the process to bring this forward as an ordinance. Wilson described the process as required by the City Charter.

City Manager Arnold asked the Attorney to address the process to refer the issue to the ballot. Mr. Wilson said it would come forward as an ordinance and Council would direct it to the ballot.

Councilmember Kirtland noted that while 80% may not smoke, that does not mean they feel that the government should regulate where they can smoke. He voiced concern with the impact on businesses, noting that owners can certainly make their restaurants smoke-free. He offered an approach that would give incentives to businesses to be smoke-free.

Councilmember McCurry noted that many places are smoke-free and it is up to the owners.

Mayor Spehar noted that the Council is two members short so it would be inappropriate to make decision at that time. He suggested they make decision at next Council meeting. He offered that Council should desire to effect what happens rather than react to what comes forward. He suggested they strike a balance and refer the measure to the voters. He explained the absence of two Councilmembers and noted that public comment will be taken after an ordinance is introduced.

Councilmember Hill suggested public comment be taken prior to through an open house format.

Mayor Spehar said it would be a more focused discussion if the actual balanced option was being introduced.

Councilmembers Kirtland and Palmer agreed with the Mayor's approach.

City Attorney Wilson suggested a discussion at the next workshop with more in-depth discussion of Alternative #2. He advised that although he has counseled the students that Council will likely lean toward Alternative #2, the students were insistent on Alternative #1 and may go forward with a petition for Alternative #1 anyway.

Councilmember Kirtland suggested a schedule be established so that those who would like to comment would know when they can do that. Councilmember Palmer solicited comments in writing.

**Action summary:** Mayor Spehar suggested they direct the City Attorney to work on something akin to Alternative #2, craft something to be released at workshop, that first reading be at the next regular meeting, with second reading on June 16<sup>th</sup>.

Councilmember Enos-Martinez entered at 7:15 p.m.

The meeting adjourned at 7:16 p.m. The Council took a break and will begin regular meeting at 7:30 p.m.