

**GRAND JUNCTION
CITY COUNCIL ADDITIONAL WORKSHOP
SUMMARY**

JANUARY 5, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, January 5, 2004 at 11:30 a.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar.

Summaries and action on the following topics:

1. **CABLE TV FRANCHISE:** Staff has had discussions with Bresnan Communications regarding options of a formal franchise agreement versus a separate agreement for additional services. Assistant City Manager David Varley has prepared a report to be discussed by City Council and Bresnan representatives. John Gibbs, Advance Services Manager, and Paul Krugler, General Manager of the local company, were present.

Mr. Varley stated that Bresnan Communications has recently acquired the local cable TV company and is operating under a revocable permit that was adopted in 1966. When discussions with Bresnan ensued about the possibility of entering into franchise negotiations, the General Manager Paul Krugler suggested that some of the issues being brought forward by the City could be addressed in a separate agreement outside a franchise agreement therefore eliminating any need for franchise negotiations. The two issues presented to Bresnan by the City were high-speed access between City facilities and assurance that the City Council and Planning Commission meetings would be broadcast if in the future the County did not continue to provide City access.

Bresnan is willing to provide both services however; the high-speed access will require new fiber optic extensions, which are costly. The company would therefore need the City to sign a ten-year agreement to pay for those services, at a discounted rate, to cover the costs. The concern the City has is that the City has recently embarked upon a project to install its own fiber optic lines to connect traffic signals and it may be feasible that those lines could be used for the high-speed access needed, without the monthly service charge. The monthly service charge proposed by Bresnan, although at a discount, is still high. The service provided by Bresnan would also include the routers on each end and repair and maintenance of the entire system. Another issue that would

need to be addressed is that the City, by Charter, can only enter into such contracts for two years.

Councilmember Hill inquired as to what can be addressed in a separate agreement versus what would constitute a franchise agreement and at what point the matter must be taken to the voters. Interim City Attorney John Shaver advised that a full report of what can be included in a franchise including examples of franchises in the Denver metro area was drafted by a franchise attorney Norman Beecher and was provided to the then current Council a couple of years ago. That report can be recirculated. Mr. Shaver noted that Staff had pursued discussions based on needs of the organization rather than community needs as directed the last time this was considered by Council. If that direction has changed, community needs can be reviewed. Assistant City Manager Varley noted that when the contract with the County was being negotiated, a community assessment was conducted and only two things, a Spanish channel and equipment upgrade, were brought forth.

If the Council decides to pursue a franchise agreement, negotiations would begin. In order for the franchise to be on the next regular election in April, 2005, negotiations would have to be complete in February, 2005. A new franchise would establish clear authority since the revocable permit now being used has not been transferred to the new companies through the years.

The franchise fee was discussed briefly but the main points were – the fee is simply passed onto consumers, the fee is not an issue to some Councilmembers and any additional fees adds to the bottom line of the bill, which is what customers consider when selecting a service. Cable TV's main competitor, satellite TV, is not required to pay any franchise fee.

Council President Spehar pointed out that too much time is going by between discussions and wanted this issue to be on a better time schedule.

Action summary: It was decided that Council will schedule another discussion at a regular workshop to be determined that evening when future workshop agendas are discussed, that a franchise committee may be formed to work diligently on this issue, that the Beechum report will be recirculated and that customer numbers will be obtained from the cable company.

2. **FURTHER DISCUSSION OF RESOLUTION NO. 75-02:** A discussion on Resolution 75-02 that regulates the use of City Hall property for use other than governmental purposes.

Council President Spehar asked how Councilmembers would like to proceed. Three Councilmembers wanted further discussion. Interim City Attorney John Shaver reviewed how the current regulation came to pass and what exactly the legal arguments are and were for the regulations. If the front lawn is designated as a limited public forum, regulations can be enacted that regulate the time, place and manner of gatherings, but not the content. Once regulations are in place, the question of enforcement surfaces. If there is a maximum limit, what happens when the number is exceeded? The difficulty is whether the regulations are actually limiting the message or the manner.

Councilmember Kirtland expressed that the intent when the Resolution was adopted was to protect the Cornerstones of Law and Liberty, a monument that the Council had worked long and hard to establish. If public assembly is allowed in that area, and the focal point of the assembly is the Cornerstones, that might then bring the issue back to the attention of the ACLU.

Council President Spehar added that the intent was not to limit free speech, but rather direct that to the Courthouse lawn a few feet away, where there is space available and a limited public forum has already been established. However, if the Council were to decide to change the City's current policy, he suggested that the new policy be identical to the County's in order to send a consistent message.

Councilmember Butler felt the Resolution should stay in place as is and Councilmember McCurry agreed with reviewing the County's policy for consideration.

Action summary: A Council subcommittee was formed consisting of Councilmembers Hill, Kirtland and Palmer. That subcommittee will draft some new regulations for consideration and a time on a future workshop will be scheduled.

Adjournment

The meeting adjourned at 1:27 p.m.