



## SPECIAL CITY COUNCIL MINUTES

April 30, 2024, 5:30 p.m.

### A. CALL TO ORDER & ROLL CALL

Mayor Bryant called the meeting to order at 5:36 p.m.

Roll Call found the following members present: Mendoza, Meyer, Pierson, Oerlemans, and Mayor Bryant.

### B. PLEDGE OF ALLEGIANCE

Mayor Bryant led the Pledge of Allegiance.

### C. BUSINESS ITEMS

#### C.1 Discuss Possible New Tobacco Regulations and Provide Direction to Staff

Following the presentation of the staff report, Mayor Bryant opened the public comments section.

Michelle Gallardo submitted, by email, a letter of support for staff recommendations.

Clay Hawley, Brian Davis, Blythe Young, Zain Memon, Rod Flohr, Carolina Villaseca, Mayra Lopez spoke in support of a Tobacco Retail License and provided feedback on the options provided to Council.

There being no one else wishing to speak, the public comment period was closed.

**Moved by:** Jovita Mendoza, Council Member

**Seconded by:** Pa'tanisha Pierson, Council Member

The City Council directed staff to draft an Ordinance for Council consideration to include the following:

1. **Implementing a local tobacco retail license (TRL) system, including maximum amount that can be charged, and how those fees will be spent:** Implement a local TRL, which includes (a) a system of 2 compliance checks plus one decoy within each 12 month period, (b) revocation on the third violation within five year period, (c) imposition of fines at the highest level allowed by law, (d) suspension periods for violations consistent with model ordinance's first two violations

2. **100% flavor ban on tobacco sales:** Yes, include in TRL, as set out in state law
3. **Prohibiting vaping product sales:** 'Yes, include in TRL, as set out in state law
4. **Maximum distance between tobacco retailers and schools that's allowed by law:** Require at least 500 feet between tobacco retailers and youth-oriented facilities. No TRL shall be renewed if business is noncompliant with new regulations after one year (with possibility of one year longer with demonstration of hardship). Modify 'youth-oriented facilities' definition to (a) remove kindergarten, playground open to public, recreation facility open to the public, parks, childcare facilities/preschools; (b) change youth center ages to 11-17.
5. **Minimum sales sizes (e.g. pack/carton):** Require minimum pack size as set out in model ordinance.
6. **Strictest laws for proximity between retailers:** Copy item number 4. Staff to research various methodologies (e.g., scorecard, lottery, other system used by other cities) for Council to consider to choose amongst retailers located within 500' of each other.
7. **All tobacco sales banned at pharmacies:** Yes, ban tobacco sales at all pharmacies.
8. **Working with law enforcement on decoy purchasers:** Implement compliance checks (two per year) and a decoy operation involving law enforcement.
9. **Any way to retroactively revoke licenses (if applicable):** Since the City currently has no TRL, this is not applicable.
10. **Minimum prices on tobacco:** \$10 per package of 20 cigarettes, package of little cigars, and per cigar.
11. **Prohibit coupons/discounts:** Yes, prohibit coupons and discounts in TRL ordinance.
12. **Cap on smoke shops and tobacco retailers in total:** No more than 42 licenses shall be issued.
13. **DOJ grants to support code enforcement:** Staff is directed to research and apply for applicable grants.
14. **Require CUP for tobacco sales:** No CUP to be required; TRL will be regulatory method.
15. **Potential penalties available:** Penalties will include fines and possibility of suspension and/or revocation of TRL license for violations. Fines shall be set in an amount sufficient to cover

staff time. Fines may be used for educational purposes and/or additional enforcement. Staff to research how partnering with third parties to complete inspections may be feasible.

16. **Bring other best practices from other cities for Council consideration:** Only as directed above.

17. **Additional Information Requested by LUD: Provide recommendations on how to regulate sign content within the law. Prohibit the sale of drug paraphernalia in TRL:**  
(1) Use outside counsel to draft TRL ordinance, (2) prohibit the sale of drug paraphernalia

Ayes (4): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Pa'tanisha Pierson, Council Member, and Joel Bryant, Mayor

Noes (1): Tony Oerlemans, Council Member

**Motion Approved (4 to 1)**

C.2 Discussion and direction on the Vineyards at Marsh Creek - Event Center/Amphitheater Phase I, CIP No. 337-37231, and associated funds.

Following the presentation of the staff report, Mayor Bryant opened the public comments period.

Joe Young and John Tomei submitted written public comments by email.

Joe Young, representing Vineyards at Marsh Creek Owners Association, spoke to the City Council and expressed concerns about impacts to homeowners. (see written statement)

Carolina Villaseca, resident, spoke about the need for space for local drama/music clubs to perform.

Rod Flohr, resident, expressed disappointment in a sized down project, and felt there should be more of an effort to preserve a footprint for a full facility, and spoke in support of Option C but to build out the full parking lot.

There being no one else wishing to speak, the public comment period was closed.

**Moved by:** Pa'tanisha Pierson, Council Member

**Seconded by:** Jovita Mendoza, Council Member

Received an update on the Vineyards at Marsh Creek - Event Center/Amphitheater Phase I, CIP No. 337-37231, ("Project"), discuss and provided the following direction to staff:

The City Council, by motion, provided the following direction to staff:

- Research (a) availability of using existing Public Art funds for amphitheater/performance arts purposes, or, if necessary (b) possibility of amending Public Art ordinance to allow existing funds to be used for amphitheater/performance arts purposes
- Work with consultant on developing new concept that would include, within currently available project budget for Option C:
  - Stage in upper area in a location that is sensitive to noise impacts
  - Removal of wedding pavilion
  - Lights to allow use of facility at night
  - Area for food trucks to come and go (not be permanently parked)
  - Possibility of use by operations such as Farmers' Market when not in use for performances
  - Analysis of impacts of (a) noise and (b) light of siting performance area at top of site
  - Seating for facility users (not solely lawn seating) – as art pieces?
  - Evaluation of ADA considerations for both upper phase and lower phase
  - Evaluation of parking needs based on new vision – consider same types of parking as used in Sand Creek sports complex
  - Break down cost by phase and amenity (as was done for Sand Creek sports complex)
  - Preserving lower area for development of full amphitheater in the future, as funds allow
  - Removal of art pieces and repurposing of funds for performance arts
  - Accept public comment in the course of next City Council meeting at which this is considered

Council will reassess after evaluating this new concept. Bring back to Council as soon as ready for review.

Ayes (5): Jovita Mendoza, Council Member, Susannah Meyer, Vice Mayor, Tony Oerlemans, Council Member, Pa'tanisha Pierson, Council Member, and Joel Bryant, Mayor

**Motion Approved (5 to 0)**

**D. ADJOURNMENT**

It was moved/seconded by Meyer/Mendoza to adjourn at 10:23 p.m. Motion carried with Mendoza, Meyer, Oerlemans, Pierson, and Mayor Bryant in favor.