

SERVICES COMMITTEE SUMMARY

APRIL 8, 2008

Mr. Ellinger chaired the committee meeting. The meeting was called to order at 1:00 p.m. All committee members were in attendance. CM James and Vice Mayor Gray were present also.

I. Sidewalk Café' Ordinance

CM James gave background information regarding this issue. She stated the Commission for Citizens with Disability researched and discussed this issue as well as looked at what other cities such as Austin and Boulder do.

David Barberie, Dept of Law, stated the changes allow Building Inspections to abate the furniture that is encroaching the four foot zone area. He stated it also allows for automatic revocation of a license if they have the same type of encroaching violation three times within a monthly period. He stated when they talk about removing furniture that is only the encroaching furniture not all furniture. Mr. Barberie stated if someone's license was revoked then they would have to remove all furniture because they would no longer have a permit.

CM DeCamp asked if the committee talked to the restaurant association about this.

CM James stated not that she knows of.

CM DeCamp stated it would be a good idea to give them notification of it.

CM James stated they have discussed as a committee that it would be nice for building inspection do some type of walk thru to notify the establishments of where the encroachment would be.

Morry LaTour, Chair of Citizens with Disability Commission, stated they have drafted a letter that is going out to all restaurant owners as they apply for their permits.

Dewey Crowe, Building Inspection, stated they have all the information from the ones that were permitted last year and can notify them of the changes. He stated that normally around this time of the year they send inspectors around looking to see if they have set up properly and if they have locations that didn't come in and get permits.

CM Ellinger stated it would be nice if they would send out a letter notifying them of the change.

CM Lane asked if Mr. Crowe had received any complaints of sidewalks being blocked.

Mr. Crowe stated yes they do occasionally get complaints. He stated when they get complaints they will send an inspector out to investigate it and do follow ups.

CM Lane asked if there is a charge for the permits.

Mr. Crowe stated he believes it is \$25.00.

CM James asked if it is marked where the encroachment would begin.

Mr. Crowe stated the sidewalk typically isn't marked. He stated most places are generally self policing.

CM James stated the Commission for Citizens with Disabilities is really striving to make the places that we want people to come as being accessible for everyone. She stated they are thinking in advance of the growing number of folks that are becoming disabled, elderly and the 2010 Equestrian Games. She stated if we are going to promote downtown for

CM Beard asked if they are saying take away all tables.

Mr. Crowe stated they will still be dealing with the four foot walkway. He stated they have the right to take away the tables that are creating the blockage in the four foot path. He stated overtime if they have repeat violations and their permit is revoked and they continue to operate the sidewalk café' without a permit then the ordinance gives them authority to go remove all the tables because they would be in violations.

CM Beard stated that on some sidewalks downtown a pole with take up a portion of the sidewalk. He asked if they are still talking about the four foot walkway in addition to whatever space the pole takes.

Mr. Crowe stated the ordinance requires a four foot walkway. He stated they use their best judgment as to where the four foot walkway would be maintained.

CM James stated education is key. She stated when educating they need to say there is a consequence to this. She stated they can come back and revise this at a later date if something isn't working.

CM Beard asked how many total café's are there in the city.

Mr. Crowe stated approximately 10 or less in the downtown area.

CM Beard asked why we couldn't spray paint the area where they can put tables.

Mr. Crowe stated public sidewalks are under the control of Division of Engineering so he couldn't speak for them.

Vice Mayor Gray asked how often they get complaints.

Mr. Crowe stated he doesn't have numbers with him but he doesn't believe it is a large volume. However, they are a serious complaint when someone can't get down a sidewalk.

Vice Mayor Gray asked if it is isolated to particular places.

Mr. Crowe stated sidewalk café's are limited to the core downtown area.

Vice Mayor Gray asked how this issue can be integrated into the streetscape plan they are currently undertaking and translate issue into solutions that aren't punitive to one group but opening and supportive of all groups that have an interest in problem solving.

CM James stated what does it matter the amount of times this has happened because if it is impassable it is impassable. She stated you don't necessarily have to look at the number of times because of the severity of the issue. She stated we can't compromise the safety of our citizens. CM James stated Bruce Burris is extremely involved in streetscape as well as CM James. She stated one of her first meetings she had with consultants she talked about anything they do they need to look at how this affect disabled citizens. She stated we don't need to get into name calling of the restaurants that are violating the ordinance. CM James stated we need to invite all people to come downtown.

CM Ellinger asked if when a permit is issued do the inspectors go out and show them where they can put their tables.

Mr. Crowe stated yes.

CM DeCamp stated we aren't changing any regulations it is just beefing up the enforcement.

A motion by CM DeCamp that the proposed changes in the Sidewalk Café' ordinance be approved and either through restaurant association or the previous individual permit holders be notified they are bringing this

forward before it goes on the docket, seconded by CM Henson, passed without dissent.

CM Lane stated he likes the idea of having a line on the sidewalk.

CM Ellinger asked if they can get a letter out before next Tuesday.

Mr. Crowe stated yes.

CM Beard asked if this precludes them from bringing forth the idea of spray painting lines as to where the set up area is.

CM Ellinger stated no that can always be brought forward.

II. Noise Task Force Update

CM Blues stated the task force first met on March 26th and plans to meet every other week. They hope to conclude their work and report back to the committee by mid June. He stated CM Gorton is chairing the task force with him. CM Blues stated the first public meeting will be at 6:00 p.m. on April 30th in Council Chambers. He stated they will take up the subject of barking dogs since that task force has already reported out to council.

III. Vicious Dog Update

Paul Schoninger gave an update on this item.

Keith Horn, Dept of Law, stated state statute has a definition of vicious dog so local government has to be consistent with state statute.

CM Blues asked about the attack of another animal and not a person.

Mr. Horn stated the present ordinance does include the attack on another animal.

CM Beard asked if the state law is more lenient than what we have.

Mr. Horn stated the only specific thing mentioned to him is listing certain breeds which would be inconsistent with state statute. He stated otherwise they need to look at specific ideas and look at them on case by case basis. Mr. Horn stated he has put the state statute beside our ordinance and has looked at them side by side but without knowing what they want done it is hard to say what is consistent and what isn't.

CM Ellinger stated the committee can give him any recommendations they have and he will pass them onto the Dept of Law.

CM Henson stated she is concerned with children being in the home where there is a vicious dog. She asked if there is any language in the state statute relating to that.

Mr. Horn stated there is a specific statute that deals with the dependent/neglected child.

CM DeCamp asked if there was a specific reason this was brought up.

Mr. Schoninger stated he believes it was brought up for two reasons: potential inconsistencies and limiting certain breeds.

CM DeCamp stated his recommendation is let the present ordinance stand. He stated if no recommendations come in from committee members at the next meeting he will make a motion to leave the ordinance as is.

IV. Items In Committee

A motion by CM Blues to remove the combined car radio noise, school event noise, & special event noise, since the task force is dealing with these issues, seconded by CM Crosbie, passed without dissent.

CM Lane stated some items go back a few years and if there hasn't been any action taken on the items in a couple of years then maybe they should be taken off. He will bring up deleting these items at the next meeting unless someone comes forward with interest in those items.

A motion by CM Blues to remove the issue of special events noise & school event noise from committee since the task force is dealing with these issues as well, seconded by CM DeCamp, passed without dissent.

CM Beard stated many of these Mr. Moloney brought forward. He asked since he isn't here is there a mechanism to assign them to another council member who may want to continue with the issue.

Mr. Schoninger stated they can remove the items and someone else can bring them back up later if they would like or he could do some research and present it to another council member to see if they would like to be reassigned.

CM Beard asked him to do some research and present to another council member to see if they would like to be reassigned.

CM DeCamp asked Mr. Schoninger to speak with council members who have issues on the agenda that are older to let them know they are thinking about taking them off and see if they want to pursue them further.

The meeting adjourned at 1:56 pm.