

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

May 6, 2020

Call to Order. Pledge of Allegiance. Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 6th day of May 2020 at 6:04 p.m. Those present were Councilmembers Kraig Andrews, Chuck McDaniel, Phyllis Norris, Phillip Pe'a, Anna Stout and Council President Pro Tem Duke Wortmann. Council President Rick Taggart was absent.

Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Wanda Winkelmann and Deputy City Clerk Janet Harrell.

Council President Pro Tem Wortmann called the meeting to order. Councilmember McDaniel led the Pledge of Allegiance which was followed by a moment of silence.

Proclamations

Proclaiming May 3 - 9, 2020 as Drinking Water Week in the City of Grand Junction

Councilmember Pe'a read the proclamation.

Proclaiming May 4 - 9, 2020 as National Economic Development Week in the City of Grand Junction

Councilmember Andrews read the proclamation.

Proclaiming May 10 - 16, 2020 as Police Week in the City of Grand Junction

Councilmember Stout read the proclamation.

Appointments

Election of Council President/Ex-Officio Mayor and Council President Pro Tem/Ex-Officio Mayor Pro Tem

Council President Pro Tem Wortmann opened the floor for nominations for the office of Mayor. Councilmember Norris moved to nominate Councilmember Wortmann for Mayor. Councilmember Andrews seconded the motion.

Councilmember McDaniel moved to close the nominations for Mayor. Councilmember

Norris seconded the motion. Motion carried by unanimous voice vote.

The motion to elect Duke Wortmann to the office of Mayor carried by unanimous roll call vote.

Councilmember Stout moved to nominate Councilmember McDaniel for the office of Mayor Pro Tem. This motion did not receive a second.

Councilmember Pe'a moved to nominate Councilmember Andrews to the office of Mayor Pro Tem. Councilmember Norris seconded the motion.

Councilmember Andrews moved to close the nominations for Mayor Pro Tem. Councilmember Norris seconded the motion. Motion carried by unanimous voice vote.

The motion to elect Kraig Andrews to the office of Mayor Pro Tem carried by roll call vote with Councilmember Stout voting NO.

City Clerk Winkelmann administered the Oaths of Office to Mayor Wortmann and Mayor Pro Tem Andrews.

To the Horizon Drive Association Business Improvement District

Council President Wortmann moved to appoint Brian Burford and Kevin Harrison to the Horizon Drive Association Business Improvement District Board for four-year terms ending April 2024. Councilmember Norris seconded the motion. Motion carried by unanimous voice vote.

Citizen Comments

Council President Wortmann read the following citizen comments that were submitted online: Cynthia Catanese submitted a comment about developing a vaccine for COVID-19; Jane Grace commented about current in-store customer limits; Colleen Welch wrote about pedestrian safety; and Trisa Mannion commented on current public comment restrictions.

City Manager Report

City Manager Caton responded to the Citizen Comments regarding public comment restrictions and traffic safety, noting the City's next steps on reopening to the public and that the Police and Traffic Departments were looking into the concern. City Manager Caton also provided updates on the Council approved COVID-19 non-profit grant funds and the sales/use and lodging tax deferral.

Council Reports

Councilmember Norris virtually attended the Business Incubator Center meeting where it was announced four new businesses will open this May.

Councilmember Stout noted the Commission on Arts and Culture will be on hold until business restrictions are lessened. At the Grand Junction Downtown Development Authority/Business Improvement District's (DDA) meeting it was announced that their gift card promotion has resulted in \$40,000 in spending, First Fridays are now being held virtually, and the DDA is helping to provide nighttime security and street cleaning. In conjunction with the City, the DDA is also working on parking and pop up seating as ways to adapt to social distancing. The Creative District was awarded \$5,000 for the Local Artist Grant Program which just went live.

CONSENT AGENDA

Councilmember Stout requested Consent Agenda item 4.d., Contract for the Amphitheater Addition, be moved to the Regular Agenda for discussion.

Councilmember Andrews moved to adopt Consent Agenda items #1 - #4. c. Councilmember Pe'a seconded the motion. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Minutes of the April 15, 2020 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduction of an Ordinance Amending the Grand Junction Municipal Code Title 21 Zoning and Development Code Regarding the Keeping of Roosters and Set a Public Hearing for May 20, 2020
 - ii. Introduction of an Ordinance Amending Title 21 of the Grand Junction Municipal Code to Modify and Clarify Provisions Governing the Planned Development (PD) Zone District and Set a Public Hearing for May 20, 2020
 - iii. Introduction of an Ordinance Amending Title 21 of the Grand Junction Municipal Code Regarding Setbacks in the B-1: Neighborhood Business Zone District and Set a Public Hearing for June 1, 2020

- b. Quasi-judicial
 - i. Introduction of an Ordinance to Amend the Planned Development (PD) Zoning and Outline Development Plan (ODP) for Riverfront at Dos Rios, Located on the Northeast Bank of the Colorado River between Highway 50 and Hale Avenue and Set a Public Hearing for May 20, 2020
 - ii. Introduction of an Ordinance to Vacate Seven Portions of Public Right-of-Way within the Proposed Riverfront at Dos Rios Development and Set a Public Hearing for May 20, 2020
 - iii. Introduction of an Ordinance to Vacate an Approximate 30-Foot-Wide by 675-Foot-Long Portion of 29 5/8 Road Abutting the Northeastern Property Line of the Property Located at 359 29 5/8 Road and Set a PublicHearing for May 20, 2020

3. Continue Public Hearings

- a. Quasi-judicial
 - i. An Ordinance Rezoning the Horizon Villas Property from Planned Development (PD) to Residential - 8 du/ac (R-8) Located West of Horizon Glen Drive - **Continued to June 1, 2020**

4. Contracts

- a. Contract for Vendor Space at Las Colonias Park
- b. Contract for Street Maintenance - 2020 Asphalt Overlay Project
- c. Contract for 2020 Horizon Place Reconstruction

REGULAR AGENDA

Contract for the Amphitheater Addition

This project consists of an 830 square foot addition to the Las Colonias Amphitheater for public restroom facilities to be open during the day for general park use as well as

during events. The addition will also provide vastly improved green room facilities to serve performers and their staff which will provide a more appealing venue to support more concerts and events.

Councilmember Stout expressed concern as to why this project is moving forward during the current economic environment. General Services Director Jay Valentine explained this project was included in Las Colonias Master Plan and funding was issued through a Park Development Bond. However, further review of the Park's needs modified the project scope to include a dual use/accessible (Riverfront Trail and Amphitheater) restroom and Amphitheater greenroom requiring additional capital funding. Project funds are budgeted from the bond proceeds and \$200,000 from the Capital Improvement Projects. The project design and bid were completed prior to the COVID-19 pandemic.

Discussion included that the Park Development bond funds are restricted for public park amenities and the funding structure/sources would need to change if the project was not approved now.

Councilmember McDaniel moved to approve the contract for the Amphitheater addition. Councilmember Andrews seconded the motion. Motion carried by roll call vote with Councilmember Stout voting NO.

An Ordinance Amending the Grand Junction Municipal Code Title 21, Zoning and Development Code to Revise Sections Related to Drinking Establishments and Other Similar Uses

Amendments to the Zoning and Development Code (Title 21) were identified by staff and the Planning Commission as opportunities to modernize, remove unnecessary regulations and refine processes that address drinking establishments and other similar uses while providing regulations that foster compatible land uses and maintain logical and orderly development.

Associate Planner Jace Hochwalt presented this item.

Discussion covered that the definitions used are based on State statute; this item is only in reference to zoning and there are no compliance issues.

The public hearing opened at 7:07 p.m.

Scott Beilfuss wrote about drink tickets for Downtown events.

The public hearing closed at 7:08 p.m.

Councilmember Andrews moved to adopt Ordinance No. 4918, an ordinance amending Sections 21.04.010 and 21.10.020 of the Zoning and Development Code regarding definitions and Use Standards for alcohol establishments in the City of Grand Junction on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by roll call vote with Councilmember Pe'a voting NO.

An Ordinance to Renew the Cable Franchise Agreement with Spectrum, Pacific West, LLC, Locally Known as Charter Communications

The ordinance renewed Charter Communication's right to furnish, sell and distribute cable television services to the City and to all persons, businesses and industry within the City and the right to acquire, construct, install, locate, maintain, operate and extend into, within and through said City all facilities reasonably necessary to furnish cable television services and the right to make reasonable use of all streets and other public places and easements as may be necessary; and fixing the terms and conditions thereof.

City Attorney Shaver presented this item.

Discussion ensued regarding this type of lease relative to federal law and the City Charter, that this type of agreement is not exclusive to any one cable company and the City may allow use of rights-of-way to other cable companies, franchise agreements can only relate to cable television (not internet or broadband), and the value of revisiting improved internet/broadband service.

The public hearing opened at 7:25 p.m.

John Lee submitted a comment on behalf of Charter/Spectrum in favor of this item.

Scott Beilfuss and Randy Spydell submitted comments against this item.

The public hearing closed at 7:28 p.m.

Councilmember Pe'a moved to adopt Ordinance No. 4919, an ordinance granting a renewal of the franchise by the City of Grand Junction to Spectrum Pacific West, LLC, locally known as Charter Communications on final passage and ordered final publication in pamphlet form. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

An Emergency Ordinance to Make a Supplemental Appropriation of \$540,000 from the City General Fund Reserve to Support the City’s Business Stabilization and Recovery Fund in the City of Grand Junction, Colorado

Emergency ordinances require a unanimous vote by the full Council; due to the absence of Councilmember Taggart this item was not heard.

An Ordinance to Make a Supplemental Appropriation of \$540,000 from the City General Fund Reserve to Support the City’s Business Stabilization and Recovery Fund in the City of Grand Junction, Colorado

This ordinance allows for expenses directly and indirectly related to forestalling foreclosure, rental assistance and temporary mitigation of other financial impacts on businesses in the City of Grand Junction.

City Manager Caton and City Attorney Shaver presented this item.

Discussion addressed concerns as to the State Constitution’s definition of “public purpose” regarding these funds for economic development, the possibility some funds may not be repaid and the type of programs (grant or loan) other municipalities have offered. Other points reviewed were the Economic Development Partners endorsed this program for small businesses (50 or fewer) that are not eligible for other monies, it is easier and worth this investment to maintain existing businesses, and that the Business Incubator Center would administer the program and vet candidates based on sustainable business plans.

The public hearing opened at 7:53 p.m.

No public comments were received.

The public hearing closed at 7:53 p.m.

Councilmember Norris moved to adopt Ordinance No. 4920, an ordinance making a supplemental appropriation of \$540,000 and amending the 2020 City budget to include the Business Stabilization and Recovery Assistance Fund in the amount of the supplemental appropriation on final passage and ordered final publication in pamphlet form. Councilmember Andrews seconded the motion. Motion carried by roll call vote with Councilmember Stout voting NO.

An Ordinance Making Supplemental Appropriations for the 2020 Budget for the City of Grand Junction

This ordinance appropriated funds approved for projects started in the prior budget year but not completed in that year. Because these capital projects were already planned and the expenditure approved by Council in the 2019 budget, they do not decrease the budgeted fund balances.

Finance Director Jodi Romero presented this item.

Discussion followed clarifying the specific projects included in the completion of Las Colonias Business Park and River Park and the Las Colonias Business Park Incentive.

The public hearing opened at 8:02 p.m.

Dennis Simpson and William Voss submitted comments against this item.

The public hearing closed at 8:05 p.m.

Councilmember Pe'a moved to adopt Ordinance No. 4921, an ordinance making supplemental appropriations to the 2020 Budget of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2020 and Ending December 31, 2020 on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

An Ordinance to Make a Supplemental Appropriation of \$387,000 from the City General Fund Reserve to Support the HomewardBound Homeless Shelter and the #GJStrong Fund in the City of Grand Junction, Colorado

This ordinance allocates \$87,000 toward expenses incurred by HomewardBound Homeless Shelter in caring for homeless persons directly or indirectly impacted by COVID- 19 in the City of Grand Junction and will also provide an additional \$300,000 to the Western Colorado Community Foundation for expenditure related to providing basic needs of food and shelter.

City Manager Caton presented this item.

Discussion included using Community Development Block Grant (CDBG) - CV funds rather than the City's General Fund, bifurcating this item to consider the HomewardBound Homeless Shelter request at this meeting and the #GJStrong Fund request at the May 20, 2020 meeting and clarification on the minimum amount to be kept in the City's General Fund

per policy and the distribution time line of the regular and COVID-19 CDBG funds.

The public hearing opened at 8:20 p.m.

Scott Beilfuss submitted a comment in favor of this item.

The public hearing closed at 8:20 p.m.

Councilmember Stout moved to bifurcate the item in order to consider the \$87,000 HomewardBound Homeless Shelter request and the \$300,000 #GJStrong Fund request separately. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

Councilmember Stout moved to adopt amended Ordinance No. 4922, an ordinance to make a supplemental appropriation of \$87,000.00 from the City General Fund Reserve to support the HomewardBound Homeless Shelter in the City of Grand Junction, Colorado on final passage and ordered final publication in pamphlet form. Councilmember Pe'a seconded the motion. Motion carried by unanimous roll call vote.

Councilmember Stout moved to continue the amended ordinance to make a supplemental appropriation of \$300,000.00 from the City General Fund Reserve to support the #GJStrong Fund in the City of Grand Junction, Colorado to May 20, 2020. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

An Emergency Ordinance Regarding Neighborhood Meetings and Alternative Hearing Procedures for Land Use Applications

Emergency ordinances require a unanimous vote by the full Council; due to the absence of Councilmember Taggart City this item was continued to May 20, 2020.

Citizen comments received for this item will be read at the May 20, 2020 public hearing.

An Ordinance Rezoning Three Properties of a Total of 10.86 Acres Currently in R-1 (Residential - 1 du/ac), R-E (Residential - Estate), and R-R (Residential - Rural) Zone Districts to an R-2 (Residential - 2 du/ac) Zone District Located at 2574 and 2576 Tahoe Drive and an Adjacent Unaddressed Property

Applicants Kyle Berger and Mark Beckner requested a rezone of three properties totaling 10.86 acres located at 2576 and 2574 Tahoe Drive along with adjacent unaddressed parcel from R-R (Residential - Rural), R-E (Residential - Estate) and R-1 (Residential - 1 du/ac) zone

districts to an R-2 (Residential - 2 du/ac) zone district. This request is made in anticipation of a simple subdivision to adjust boundary lines for these parcels. The requested R-2 zone district is consistent with the Comprehensive Plan Future Land Use designation of Residential Low (0.5 to 2.0 units/acre).

Associate Planner Lance Gloss presented this item.

The public hearing opened at 8:35 p.m.

No public comments were submitted.

The public hearing closed at 8:35 p.m.

Councilmember Pe'a moved to adopt Ordinance No. 4924, an ordinance rezoning Augustine Blue, Beckner and Berger Properties from R-E (Residential – Estate), R-R (Residential – Rural), and R-1 (Residential – 1 du/ac) to R-2 (Residential – 2 du/ac) located at 2574 Tahoe Drive, 2576 Tahoe Drive and an adjacent unaddressed parcel on final passage and ordered final publication in pamphlet form. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

A Resolution to Create Alley Improvement District No. ST-20

A successful petition was submitted requesting a Local Improvement District be created to reconstruct an east/west alley between Pitkin and Ute Avenues from 10th to 11th Streets.

Public Works Director Trent Prall presented this item.

The public hearing was opened at 8:41 p.m.

George and Debra Preuss submitted a comment in favor of this item.

The public hearing was closed at 8:41 p.m.

Councilmember Stout moved to adopt Resolution 23-20, a resolution creating and establishing Alley Improvement District No. ST-20 within the corporate limits of the City of Grand Junction, Colorado, authorizing the reconstruction of certain alleys, adopting details, plans and specifications for the paving thereon and providing for the payment thereof. Councilmember Pe'a seconded the motion. Motion carried by unanimous roll call vote.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:45 p.m.

Wanda Winkelmann, MMC
City Clerk