

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

July 7, 2021

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 7th day of July 2021 at 5:30 p.m. Those present were Councilmembers Abe Herman, Phillip Pe'a, Randall Reitz, Dennis Simpson, Anna Stout, Rick Taggart, and Council President Chuck McDaniel.

Also present were City Manager Greg Caton, City Attorney John Shaver, Records Manager Debbie Kemp, and Deputy City Clerk Selestina Sandoval.

Council President McDaniel called the meeting to order and Councilmember Pe'a led the Pledge of Allegiance which was followed by a moment of silence.

Proclamations

Proclaiming the Month of July as Parks and Recreation Month in the City of Grand Junction

Councilmember Pe'a read the proclamation. Parks and Recreation Advisory Board member Gary Schroen and Parks and Recreation Director Ken Sherbenou accepted it.

Appointments

Ratification of Appointment to the Mesa County Building Code Board of Appeals

Councilmember Herman moved to ratify the reappointment of Steve Peterson to the Mesa County Building Code Board of Appeals for a term expiring July 2024. Councilmember Pe'a seconded the motion. Motion carried unanimously by voice vote.

Citizen Comments

John Pond spoke regarding the need for civilian oversight.

Ed Kowalski stated the need for more communication between citizens and the City.

Communication Director for Area Church of Jesus Christ of Latter-Day Saints Paige Storheim expressed her excitement with the temple being built in Grand Junction.

Eric Niederkruger spoke about poverty and the housing insecure in the community.

Bruce Lohmiller spoke about homelessness and the Veterans Art Show.

The following individuals spoke regarding constitutional rights, the COVID-19 pandemic and asked that the Council adopt a resolution declaring Grand Junction a Constitutional Sanctuary City: Roland Minnen, Jen Schumann, Naomi Carson, Diane Baker, Melody Gingerich, Merrienne Merriman, Sandra Perea, Kim Bohrer, Kandace Peterhans, Carol Rathbun, Sandra Richmond, Stacey Neel, Mark Rybeck, Deb Schoonmaker, Owen Mangan, and Grant (no last name given).

City Manger's Report

City Manager Caton said the City's Wildland Firefighting Team has been deployed to fight fires in California and asked the public to keep them in their thoughts.

Council Reports

Council President McDaniel wished his wife a happy birthday and thanked her for her support.

Councilmember Stout mentioned that Jon Maraschin with the Business Incubator announced his resignation, and the board is moving forward with a plan on how to replace him.

CONSENT AGENDA

Councilmember Pe'a moved to adopt Consent Agenda items #1 - #4. Councilmember Taggart seconded the motion. Councilmember Simpson read a statement regarding his concerns on how contracts are approved by Council and asked that they be made part of the record (attached). Motion carried by voice vote with Councilmember Simpson voting no.

1. Approval of Minutes

- a. Minutes of the June 14, 2021 Special Meeting - Executive Session
- b. Summary of the June 14, 2021 Workshop
- c. Minutes of the June 16, 2021 Regular Meeting
- d. Minutes of the June 28, 2021 Special Meeting
- e. Summary of the June 28, 2021 Workshop

2. Set Public Hearings

- a. Quasi-judicial
 - i. Introduction of an Ordinance Amending Ordinance No. 4754 that

Adopted the Institutional and Civic Facility Master Plan for Colorado Mesa University (CMU) to Include a Larger Area for Campus Expansion to which Administrative Right-of-Way Vacations Apply, Located at 1100 North Avenue and Set a Public Hearing for July 21, 2021

- ii. A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Stinker C-Store Annexation of 1.68 Acres, Located at 2905 and 2907 North Avenue and 494 29 Road, and Set a Public Hearing for August 18, 2021

3. Contracts

- a. 2021 Authorization for a Contract for Professional Right-of-Way Acquisition Services for Transportation Capacity and Utility Projects
- b. Authorize a Contract for the Persigo Wastewater Treatment Plant Structural Repairs
- c. Authorize a Sole Source Contract with Action Target for Grand Junction Police Department Firing Range Equipment
- d. Authorize a Sole Source Purchase for BriefCam (Video Management System)

4. Resolutions

- a. A Resolution of Support for Colorado Department of Transportation's Application to Rebuilding American Infrastructure with Sustainability and Equity (RAISE) for the Multimodal Options for a Vibrant, Equitable (MOVE) Western Slope Project which will include the Grand Junction Mobility Corridor, 2nd Street Promenade, and Dos Rios to Downtown Bicycle/Pedestrian Bridge

REGULAR AGENDA

An Ordinance Adopting the Patterson Road Access Control Plan (ACP) as Title 38 of the Municipal Code

In 2020, the City engaged Stolfus and Associates to study and prepare an Access Control Plan (ACP or Plan) for the 7 mile Patterson Road corridor within the City limits.

The goal of access management is to optimize the performance of the corridor, improve the level of safety, reduce traffic congestion, and improve the overall functionality of a roadway. The ACP works to plan, coordinate, regulate, and design access to and from property adjacent to Patterson.

Throughout 2020, Stolfus' work included inventories of access points, traffic counts, determining existing and future traffic demands, performing a safety analysis for Patterson Road and preparation of a draft Plan. In-person and virtual public open houses were held in October 2020 and January 2021. The draft Plan document was publicly reviewed through GJSpeaks. One-on-one meetings, follow-up phone calls and emails, and neighborhood meetings were used to engage with the public and seek their input on the Plan.

The January 2021 draft Plan was updated to become the April 2021 draft Plan and reflected the public input received. Additional outreach continues through GJSpeaks.com.

Upon adoption, the Patterson Road Access Control Plan (ACP) will amend the Circulation Plan and be an element of the 2020 One Grand Junction Comprehensive Plan. The proposed final ACP will be presented for adoption using the Circulation Plan amendment criteria.

On February 23, 2021 the Planning Commission heard the Patterson Access Control Plan in a virtual hearing. The hearing was continued after public input was received. Direction was given to staff to conduct additional public outreach. Staff conducted this additional public outreach and based on public input, access has changed at various locations.

Public Works Director Trenton Prall introduced the item and Michelle Hansen, Senior Transportation Engineer with Stolfus and Associates presented it in detail.

Mr. Prall addressed Planning Commission's comments and proposed an alternative approach to this plan to change this from an Access Control Plan to an Access Management Plan passed by resolution (policy guide) instead of an ordinance to alleviate the concerns of codification (law).

Discussion included recurring request from residents to move traffic to North Avenue (the City doesn't own it as it is a state highway), this Plan is not intended to speed up traffic, but rather to mitigate congestion, public engagement methods, goal to increase safety (ACP's increase safety by lowering crashes 30%-60%), implementation timeline, difference in adoption by ordinance verses resolution, lack of safety of left turns onto Patterson, compliments to Staff for their work, reasoning for the change to a resolution (response to feedback from community, still effective and able to be more flexible), volume of traffic (35,000 cars per day), triggers for the closures of 68 access points mentioned in the Plan (new development or safety issues), safety of U-turns or potential changes to existing intersections to accommodate them, and financing of changes proposed in the Plan (based on traffic study, but possible 50% cost to developer).

The public hearing opened at 7:55 p.m.

The following people spoke against the Plan: Dona Ramsey, Dana Suticum, Donna Wallis, Donny Bennett, Ruth Kannah, Mark Rybeck, Gary Lucero, Verna Bunn, George Parkhurst, Sara Chamberlain, Sandy Keith, Karen Haren, Terry Porter, Diane Lucero, and Anita Ballinger.

The public hearing closed at 8:30 p.m.

Conversation ensued regarding the change of ordinance to resolution.

Councilmember Stout moved to change the Patterson Road Access Control Plan to Patterson Road Access Management Plan and bring this item to the next meeting in resolution form. Councilmember Pe'a seconded the motion. Motion carried by roll call vote with Councilmember Simpson voting no.

An Ordinance Making Supplemental Appropriations and Amending the Budget for 2021 for the Riverbank Rehabilitation Project

A supplemental appropriation is necessary for the Riverbank Rehabilitation Project (Project) in the amount of \$710,000 to rehabilitate a portion of the bank on the Colorado River near Las Colonias. With approval of the supplemental appropriation ordinance, Council will also be authorizing the project.

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line-item budget. Supplemental appropriations are also adopted by ordinance and are required when the adopted budget is increased to approve a new project and associated expenditures. When a project includes a transfer from one fund to another, both the transfer and the expenditure have to be appropriated.

Public Works Director Trent Prall presented the specifications of the project. Finance Director Jodi Welch presented the supplemental appropriation portion of this item.

The public hearing opened at 8:51 p.m.

There were no public comments.

The public hearing closed at 8:52 p.m.

Councilmember Herman moved to adopt Ordinance No. 5008, an ordinance making Supplemental Appropriations to the 2021 Budget of the City of Grand Junction Colorado for the year beginning January 1, 2021 and ending December 31, 2021 for the Riverbank Rehabilitation project on final passage and ordered final publication in pamphlet form. Councilmember Taggart seconded the motion. Motion carried by roll call vote with Councilmember Stout voting no.

Introduction of an Ordinance Placing a Charter Amendment to Change the Authorized Length of a Lease of Certain Public Property from Twenty-Five Up to Ninety-Nine Years on the Election Ballot for the Special Municipal Election to be Held the 2nd day of November 2021 and Set a Public Hearing for July 21, 2021

The purpose of this item is to set a ballot question for a Charter Amendment to permit a 99-year lease to Colorado Discover Ability (CDA).

City Attorney John Shaver presented this item.

Council President McDaniel reported that the President of Colorado Discover Ability Chris Muhr stated they could wait to put this on the 2023 regular election ballot for the sake of saving costs for a November Special Election.

Councilmember Stout moved to introduce an ordinance placing a Charter amendment to change the authorized length of a lease of certain public property from twenty-five up to ninety-nine years on the election ballot for the special municipal election to be held the 2nd day of November 2021 and set a public hearing for July 21, 2021. Councilmember Herman seconded the motion. Motion failed by unanimous roll call vote.

An Ordinance Vacating a Portion of a Road Petitioned Right-of-Way Which Crosses Several Parcels in Orchard Mesa

The City of Grand Junction Community Development Division requested the vacation of two sections of roadway included within the petition recorded in the Mesa County Road Book 1 on Page 34 (Petition) which lie within the Carson Subdivision, Lookout Point Subdivision, Red Tail Ridge Subdivision, and Red Tail Ridge II Subdivision Filing 1 all within Orchard Mesa, in the City of Grand Junction, County of Mesa. The request is limited only to any claim that the City may have from the Petition. The request does not include vacating any right-of-way/roadway that the City may have an interest in due to other claims, such as dedications made upon the plats in the subdivisions referenced.

Associate Planner Senta Costello presented this item.

The public hearing opened at 9:07 p.m.

There were no public comments.

The public hearing closed at 9:07 p.m.

Councilmember Taggart moved to adopt Ordinance No. 5009, an ordinance approving the right-of-way vacation request on final passage and ordered final publication in pamphlet form. Councilmember Herman seconded the motion. Motion carried by unanimous roll call vote.

An Ordinance for Optional Premises License for the Hotel Maverick

Colorado law permits a municipality to pass an ordinance to provide optional premises licenses for an applicant to sell, dispense or serve alcohol beverages at locations designated by the applicant and approved by the State and local licensing authorities. The Hotel Maverick on the Colorado Mesa University (CMU) campus applied for an optional premises license to serve alcohol beverages at and within designated areas at or near the Hotel Maverick on the CMU campus.

City Attorney John Shaver presented this item.

The public hearing opened at 9:10 p.m.

There were no public comments.

The public hearing closed at 9:11 p.m.

Councilmember Simpson moved to adopt Ordinance No. 5010, an ordinance approving an optional premises liquor license for the Hotel Maverick at the locations and on the terms stated in the Ordinance, on final passage and ordered final publication in pamphlet form. Councilmember Pe'a seconded the motion. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens & Visitors

Richard Swingle gave a PowerPoint Presentation regarding the sources of Grand Junction Sales Tax Revenue and asked Council to re-examine whether the reported 22% figure is accurate.

Kim Bohrer played a clip from the President's Press Secretary regarding vaccination administration in Mesa County and expressed her concern with forced vaccination.

Other Business

Councilmember Herman spoke regarding grey water systems and requested this topic be discussed at a workshop.

Councilmember Reitz recommended a unified letter to the *Daily Sentinel* outlining successes during the pandemic.

Councilmember Pe'a stated he spoke with Mesa County Clerk and Recorder Tina Peters who wants to present to Council about the election process during a workshop.

Adjournment

The meeting adjourned at 9:41 p.m.

Selestina Sandoval
Deputy City Clerk

Item 3a

I believe the Council should discuss the following issues:

- The original contract was not discussed with the previous Council because the amount was small. The action tonight will result in a commitment that would require Council approval of the entire contract if it had not been split into pieces. I believe Council should discuss the entire contract as intended by our purchasing policy.
- I believe Council should receive a more thorough explanation of how we use the services of the contractor.
- I believe Council should ask for an expanded explanation of how the \$200,000 in the original contract has been or will be spent.

Item 3b

- Staff should have been asked to discuss the fact that the winning bid was \$3. million when the other two bids were in excess of \$4.5 million. A discussion should occur regarding the ability of the winning bidder to complete quality work if the potential exists for a significant loss on the project.
- The contract includes \$235K for change orders that the City can ask for without seeking Council. It is my understanding that staff believes this mechanism allows for \$435K of change orders without Council approval. Council needs to decide if the intent of the Purchasing Policy means that all change orders be considered in determining the level where staff must seek approval.

Item 3c

- Staff should be asked to disclose if there are other vendors that compete with Action Target. If there are competitors, staff should be more specific about the reasons for seeking sole source authorization.