

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

April 5, 2023

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 5th day of April 2023 at 5:30 p.m. Those present were Councilmembers Chuck McDaniel (virtual), Phil Pe'a, Randall Reitz, Dennis Simpson, Council President Pro Tem Abe Herman (virtual) and Council President Anna Stout.

Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Amy Phillips, Deputy City Clerk Janet Harrell, Finance Director Jodi Welch, Principal Planner David Thornton and Public Works Director Trenton Prall.

Council President Stout called the meeting to order and R-5 High School student Josiah Golden led the Pledge of Allegiance, followed by a moment of silence.

Presentations

City Clerk Amy Phillips presented the initial certification of election results.

Proclamations

Proclaiming March 31, 2023 as César Chávez Day in the City of Grand Junction

Councilmember Reitz read the proclamation and Migrant Education Program Lead Migrant Recruiter and César Chávez Board member Ruben Pacheco accepted the proclamation.

Proclaiming April 2023 as Water Conservation Month in the City of Grand Junction

Council President Stout read the proclamation and Utilities Director Randi Kim, Ute Water Conservancy District External Affairs Manager Andrea Lopez and Clifton Water District Assistant Manager Guy Walker accepted the proclamation.

Council President Stout encouraged citizens to take the Wyland National Mayor's Challenge pledge to conserve water at MyWaterPledge.com.

Proclaiming April 2023 as Mesa County RSVP/National Volunteer Month in the City of Grand Junction

Councilmember Pe'a read the proclamation and Mesa County RSVP Executive Director Dave Carlos accepted the proclamation.

Citizen Comments

Bruce Lohmiller spoke about the City election, César Chávez and invited people to view one of his art pieces that is on display downtown.

Rickie Howie, a member of “Coffee and Civic Action,” thanked Police Chief Matt Smith for coming to the César Chávez event and expressed concern that some Mesa County Valley School District 51 Board members did not file their financial reports by the required deadlines.

Ed Kowalski thanked City Manager Greg Caton and Police Chief Matt Smith for meeting with him, commented on City police cars being on display at the Market on Main farmer’s market and said he emailed members of City Council.

City Manager Report

City Manager Caton announced he and Mayor Stout would host the next “Coffee with the City Manager” on April 18th at 5 p.m. at the Grand Junction Fire Department Training Room located at 625 Ute Avenue.

Council Reports

Councilmembers Pe’a, Simpson and Council President Pro Tem Herman thanked staff for their work with the Cannabis Lottery and the City Election.

Council President Pro Tem Herman also noted Japan has a robust bicycle infrastructure and affordable housing.

Council President Stout noted the legislative session is winding down and the Colorado Municipal League and Associated Governments of Northwest Colorado are carefully watching SB 23-213 and dialoging with the bill sponsors and the Governor’s Office as it would remove local control from land use issues. Also, she and City Manager Caton met with Senators Michael Bennett and John Hickenlooper and discussed the riverfront, water use and housing issues; both senators complemented the City’s proactive approach to local housing issues.

Councilmember Reitz spoke about the Homeless Coalition meeting and a newly formed housing committee and suggested a member of council be appointed as a representative to this new committee.

CONSENT AGENDA

Councilmember Simpson requested item 2.a.iii. be removed from the consent agenda. Councilmember Simpson moved and Councilmember Pe’a seconded to adopt Consent Agenda items #1 - #4 excluding item 2.a.iii. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Summary of the February 27, 2023 Workshop
- b. Minutes of the March 15, 2023 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduction of Ordinances Amending Multiple Sections of the Grand Junction Municipal Code Regarding Regulation of Cannabis Product Manufacturing and Setting a Public Hearing for April 19, 2023
 - ii. Introduction of an Ordinance Making Supplemental Appropriations to the 2023 Budget of the City of Grand Junction, Colorado for the Year Beginning January 1, 2023 and Ending December 31, 2023 and Setting a Public Hearing for April 19, 2023
 - iii. Introduction of an Ordinance Adopting the Pedestrian and Bicycle Plan as an Element of the 2020 One Grand Junction Comprehensive Plan, Amending the Active Transportation Corridor Map Found in Ordinance No. 4808 (Grand Junction Circulation Plan) and Found in Ordinance No. 4971 (2020 One Grand Junction Comprehensive Plan) and Repeal and Replace Resolution No. 48-18 (2018 Complete Streets Policy), and Setting a Public Hearing for April 19, 2023 – **Moved to the Regular Agenda**
 - iv. Introduction of an Ordinance Amending the Grand Junction Municipal Code to Amend Chapter 39 of the Adopted 2018 International Fire Code and Setting a Public Hearing for May 3, 2023
- b. Quasi-judicial
 - i. 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 Pino Annexation of 1.12 Acres, Located at 3140 E Road, and Setting a Public Hearing for May 17, 2023

3. Procurements

- a. Approve a Contract between the City of Grand Junction and Raftelis Inc. for 2023-2025 Strategic Plan Consulting Services

- b. Contract Approval for Chip Seal Road Oil - 2023
- c. Contract for 2023 Concrete Curb, Gutter and Sidewalk Replacement Project
- d. Purchase of CNG Powered Elgin Street Sweeper
- e. Contract Approval for 3rd Party Natural Gas Provider

4. Resolutions

- a. A Resolution for an Outdoor Dining Lease Authorizing Additional Area for Ulfur, LLC dba Trail Life Brewing, Located at 436 Main Street
- b. A Resolution Authorizing Support Recertification of the Grand Junction Creative District with Colorado Creative Industries

REGULAR AGENDA

Introduction of an Ordinance Adopting the Pedestrian and Bicycle Plan as an Element of the 2020 One Grand Junction Comprehensive Plan, Amending the Active Transportation Corridor Map Found in Ordinance No. 4808 (Grand Junction Circulation Plan) and Found in Ordinance No. 4971 (2020 One Grand Junction Comprehensive Plan) and Repeal and Replace Resolution No. 48-18 (2018 Complete Streets Policy), and Setting a Public Hearing for April 19, 2023 – Moved from the Consent Agenda

Grand Junction is authorized to prepare, amend, and update a comprehensive plan as a long-range guiding document to achieve its vision and goals under Colorado Revised Statutes §30-28-106 and §31-23-206. The One Grand Junction Comprehensive Plan addresses issues within the municipal boundary as well as in its planning area which include interconnections and creating efficient and coordinated actions. The One Grand Junction Comprehensive Plan established Plan Principle 6: “Efficient and connected transportation as part of the City’s framework,” which established as one of its goals to “Continue to develop a safe, balanced, and well connected transportation system that enhances mobility for all modes” with a strategy of creating a Bicycle and Pedestrian Plan. The strategy states the need to develop and implement a bicycle and pedestrian plan, prioritizing projects designed to address “missing links” in the system, improve accessibility of under-served neighborhoods, and ensure the plan as a reporting mechanism.

Discussion included that the Planning Commission’s intent to not recommend this item to Council was that they needed more time and understanding on how this Plan would be funded, the proposed agenda schedule for this item, the Urban Trails Committee supports the Plan, how best to state motions, the intent of the stated motion (to not approve or be continued) and if this item should be rescheduled so both first and second readings will be heard by the new Council.

Councilmember Simpson moved and Councilmember Pe'a seconded to continue the introduction of an ordinance adopting the Pedestrian and Bicycle Plan and amending the Grand Junction Circulation Plan Active Transportation Corridor Map, amending the 2020 One Grand Junction Comprehensive Plan Active Transportation Corridor Map and repeal and replace the Complete Streets Policy, and set first reading for April 19, 2023. Motion carried by voice vote with Councilmember Reitz voting no.

An Ordinance Authorizing a Supplemental Appropriation for American Recovery Plan Act (ARPA) Funds to be Allocated for a Land and Building Acquisition Program

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line-item budget. This item introduced a proposed supplemental appropriation to authorize the allocation of ARPA funds for a Land and Building Acquisition Program.

Finance Director Jodi Welch presented this item.

The public hearing opened at 6:24 p.m.

There were no public comments.

The public hearing closed at 6:24 p.m.

Councilmember Reitz moved and Councilmember Pe'a seconded to adopt Ordinance No. 5137, an ordinance making supplemental appropriations to the 2023 Budget of the City of Grand Junction for the year beginning January 1, 2023 and ending December 31, 2023 for a Land and Building Acquisition Program on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

Ordinances Annexing and Zoning the Clear Creek Enclave Annexation Consisting of 3.86 Acres of Land Located in the Brookdale Subdivision, a Replat of Brookdale (Book 13, Page 47) (Brookdale) Subdivision along and including Clear Creek Drive, Cripple Creek Court and Cascade Creek Court and Zoning to R-5 (Residential – 5 dwelling units per acre)

State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years and under the 1998 Persigo Agreement with Mesa County, the City is to annex all enclave areas at five (5) years. The Clear Creek Enclave has been enclaved since October 22, 2017 and consists of 3.86 acres of enclaved property, located in the Brookdale Subdivision along Clear Creek Drive, Cripple Creek Court and Cascade Creek Court which includes a portion of the Brookdale Subdivision consisting of 24 residential lots which have developed as 19 single family uses and two Brookdale Homeowners Association, Inc. owned parcels, along with 0.86 acres of public right-of-way.

This is also a request to zone the 3.86 acre Clear Creek Enclave Annexation to a R-5 (Residential – 5 dwelling units per acre) zone district. The R-5 zoning implements the City’s 2020 One Grand Junction Comprehensive Plan Land Use Map that designates this area as Residential Low 2 to 5.5 dwelling units per acre.

Principal Planner David Thornton presented this item.

Discussion included that the neighborhood was first notified prior to the initial annexation five years ago and again for this enclave annexation, nineteen residents were notified and one response was received saying they thought the area was already annexed, no other questions or communications from residents were received and no residents attended the virtual neighborhood meeting.

The public hearing opened at 6:35 p.m.

There were no public comments.

The public hearing closed at 6:35 p.m.

Councilmember Pe’a moved and Councilmember Simpson seconded to adopt Ordinance No. 5138, an ordinance annexing territory to the City of Grand Junction, Colorado Clear Creek Enclave Annexation located in the Brookdale Subdivision: a replat of Brookdale (Book 13, page 47) including 3141 through 3147 Cripple Creek Court and 3141 through 3147 Cascade Creek Court approximately 3.86 acres on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

Councilmember Simpson moved and Councilmember Pe’a seconded to adopt Ordinance No. 5139, an ordinance zoning Clear Creek Enclave Annexation to R-5 (Residential – 5 dwelling units per acre) Zone District located in the Brookdale: a replat of Brookdale (Book 13, page 47) Subdivision including 3141 through 3147 Cripple Creek Court and 3141 through 3147 Cascade Creek Court on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

Contract for Riverfront Trail from Leach Creek to Redlands Parkway Trail Construction Project

This contract is to replace 8.4 miles of 8- and 10-foot-wide sections of over 25 years old asphalt trails, all in various states of disrepair. The project will consist of the removal and replacement of 5800 linear feet of six-inch thick concrete trail (approximately 6500 square yards) from Leach Creek to the Redlands Parkway Bridge which include various trail locations along the Ridges, South Camp, Redlands Parkway, Junior Service League, Riverfront, and the South Rim access to State Park.

A formal invitation for bids was issued via BidNet (an online site for government agencies to post solicitations), was posted on the City's Purchasing website, sent to the

Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in the Grand Junction Daily Sentinel. Three companies submitted formal bids that were found to be responsive and responsible.

City Manager Caton provided background on this item. Capital projects are funded by the City's "¾ cent tax" which also funds economic development. However, the City's capital project list (new and maintenance) exceeds this tax revenue and projects like this item compete with other higher priority projects like Fire Station #3 due to employee safety concerns and service to community members. In 2021 a portion of the riverfront trail was found to be in poor condition with significant safety issues and, as the City had acquired the equipment and found a lack of bid competitiveness (specifically concrete projects), staff suggested budgeting this as a City project for 2022. Contractors expressed concern regarding the City competing with the private sector. In response the City held a meeting with local contractors in fall 2022. The City also extended offers in early 2023 for additional meetings. This project is in the City's 2023 budget as a City project.

Public Works Director Trenton Prall presented this item.

Discussion included that the amount of the City's high proposal was \$456,013.08, how labor costs were determined in the City's proposal, suggestions that the City should update the Purchasing Policy to clarify the terms and types of projects the City will perform, the bid environment of the City and contractor's is not the same, that the submitted bids are valid for 60 days from April 5th but may be extended, if the policy should be updated prior to this project moving forward, that the City's low bid was for hard costs only and the high bid included additional items (7.5% overhead, labor costs (staff hours plus benefits), 3% bid bond (in place of warranty), etc.) to better compare to the contractor's bids, the City was not able to get a warranty bid as it would be secured against the City, the policy should be updated by the new Council and clarification of the motion options and what the outcomes would be.

The public comment period opened at 6:53 p.m.

Todd Anderson asked what the City warranty versus a contractors would compare.

Paul Burdette said the City's bidding process is flawed, in that the City works within a budget, not a bid. Contractors however must work within a submitted bid that details the scope of work, specifies the cost for that work and must adhere to that price even if costs run higher. He asked that the task force further review project bidding processes between the City and contractors regarding equity and define which projects the City will perform and which will be made available for contractors to bid.

The public comment period closed at 6:56 p.m.

Councilmember Reitz moved to empower City staff to create a policy around self-performance that sets expectations regarding the types of projects that would be given

approval without going out for bids and the nature of the bid that would be created by City staff so there will be a transparent policy going forward and include input from local contractor's to help create a process that they would be willing to work with. The motion was not seconded.

Councilmember Simpson moved and Councilmember Pe'a seconded to authorize the City Purchasing Division to enter into a contract with Sorter Construction, Inc. of Grand Junction, CO for the Riverfront Trail from Leach Creek to the Redlands Parkway Bridge for the Trail Construction Project in the amount of \$657,482.80. Motion failed 2-5 with Councilmembers Simpson and Pe'a voting yes.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:26 p.m.

Amy Phillips, CMC
City Clerk

