

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

**September 29, 2008**

The City Council of the City of Grand Junction convened into regular session on the 29<sup>th</sup> day of September 2008 at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, Linda Romer Todd, and Council President Gregg Palmer. Also present were Deputy City Manager Rich Englehart, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

Council President Gregg Palmer called the meeting to order. Councilmember Doug Thomason led in the Pledge of Allegiance.

In lieu of an invocation, a moment of silence took place.

**Proclamations/Recognitions**

Proclaiming the Month of October as “Breast Cancer Awareness Month” in the City of Grand Junction

Proclaiming October, 2008 as “Drug Endangered Children’s Awareness Month” in the City of Grand Junction

Proclaiming October, 2008 as “Kids Voting Month” in the City of Grand Junction

Proclaiming October 4, 2008 as “Oktoberfest Day” in the City of Grand Junction

Proclaiming the week of October 5 through October 11, 2008 as “Fire Prevention Week” in the City of Grand Junction

Proclaiming the Month of October, 2008 as “Community Planning Month” in the City of Grand Junction

**Appointment**

Councilmember Coons moved to Ratify the Appointment of Harry Griff as the Downtown Development Authority Representative on the Avalon Theatre Advisory Committee for the remainder of a three year term expiring June, 2011 and as a Downtown Development Authority representative to the Historic Preservation Board for the remainder of a three year term expiring December, 2011. Motion seconded by Councilmember Thomason. Motion carried.

**Council Comments**

Councilmember Todd wished her father-in-law and husband a Happy Birthday.

Councilmember Hill reported the US Department of Housing Community Development Block Grant money has been approved.

Council President Palmer reported what a busy weekend it was in Grand Junction from the Air Show, Fruita Fall Festival, Car Show, Color Sunday, Bronco representatives were here, and the Judicial Law Conference. He wanted to thank all involved and Staff for making it an eventful weekend. Councilmember Todd also said over 300 Rotarians were in town.

### **Citizen Comments**

There were none

### **City Council/City Manager Meeting Schedule Review**

Rich Englehart, Deputy City Manager, reviewed the upcoming meeting schedule.

### **CONSENT CALENDAR**

Councilmember Beckstein read the items on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Hill and carried by roll call vote to approve Consent Items #1 through #4.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the September 15, 2008 and the September 17, 2008 Regular Meeting*

2. **Setting a Hearing on Zoning the Mesa View Elementary School Annexation, Located at 2967 B Road** [File #GPA-2008-206]

Request to zone the Mesa View Elementary School Annexation, consisting of one (1) parcel at 2967 B Road, into two zone districts. The south 9.497 acres is requesting a zone district of R-4 (Residential 4 du/ac) and the north 9.991 acres is requesting a zone district of CSR (Community Services and Recreation).

Proposed Ordinance Zoning the Mesa View Elementary Annexation to R-4 (Residential 4 DU/Ac) and CSR (Community Services and Recreation), Located at 2967 B Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for October 13, 2008*

3. **Setting a Hearing on the Allen Annexation, Located at 811 22 Road** [File #ANX-2008-258]

Request to annex 6.00 acres, located at 811 22 Road. The Allen Annexation consists of one (1) parcel and includes a portion of the 22 Road Right-of-Way.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 131-08—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, and Exercising Land Use Control, Allen Annexation, Located at 811 22 Road and Including a Portion of the 22 Road Right-of-Way

*Action: Adopt Resolution No. 131-08*

b. **Setting a Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Allen Annexation, Approximately 6.00 Acres, Located at 811 22 Road and Including a Portion of the 22 Road Right-of-Way

*Action: Introduction of Proposed Ordinances and Set a Hearing for November 17, 2008*

4. **Sub-recipient Contracts for Projects within the 2008 Community Development Block Grant (CDBG) Program Year**

The Subrecipient Contracts formalize the City's award of a total of \$121,000 to various non-profit organizations allocated from the City's 2008 CDBG Program as previously approved by Council.

*Action: Authorize the City Manager to Sign the Subrecipient Contracts with the Riverside Educational Center, St. Mary's Foundation Gray Gourmet Program and Partners for the City's 2008 CDBG Program Year*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Review and Decide on the Appeal of the Planning Commission's Decision Regarding a Conditional Use Permit for a Bar/Nightclub** [File #CUP-2008-158]

An appeal has been filed regarding the Planning Commission's decision to deny a Conditional Use Permit for a Bar/Nightclub, located at 2256 and 2258 Colex Drive. The project sits on 1 lot in an I-1 (Light Industrial) zone district. (The project will include leased parking spaces from the lot immediately to the north.) This appeal is pursuant to Section 2.18.E of the Zoning and Development Code, which specifies that the City Council is the appellate body of the Planning Commission. According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

John Shaver, City Attorney, presented this item. City Attorney Shaver advised that this is an appeal of the record so the Council will not be receiving any new information. Council will be reviewing the record between now and November 5, 2008. City Attorney Shaver reviewed the criteria for the Council: (1) The decision-maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; (2) The decision-maker may have made erroneous findings of fact based on the evidence and testimony on the record; (3) The decision-maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or (4) The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion. In addition to one or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made.

Councilmember Hill inquired about the Code provision that states the City Council has the authority to affirm, reverse or remand the matter back to the Planning Commission; although affirm and remand are clear, he questioned the reverse authority. City Attorney Shaver explained that while the City Council has the legal authority to reverse the appeal, it does not accomplish much, as the applicant could then re-apply and the process would begin again.

City Attorney Shaver then gave a few hypothetical situations for the Council that could come forward.

Councilmember Hill moved to set a hearing for November 5, 2008, to review and decide on the Appeal of the Planning Commission's Decision regarding a Conditional Use Permit for a Bar/Nightclub located at 2256 and 2258 Colex Drive. Councilmember Beckstein seconded the motion. Motion carried.

**Public Hearing—Amending the City Smoking Ordinance to Specify Signage Requirements for Public Parks and Unenclosed Public Places**

City Staff has become aware of issues regarding inadequate notification of non-smoking areas in public parks and unenclosed public places. To help clarify and reinforce notification of non-smoking areas, City Staff wishes to revise the Smoking Ordinance to include specific language regarding sign placement in public parks and unenclosed public places.

The public hearing was opened at 7:46 p.m.

John Shaver, City Attorney, presented this item. City Staff has received comments from citizens that there is not adequate notification of non-smoking areas in public parks or unenclosed public places. After review it was determined that better signage was needed to designate non-smoking areas. City Attorney Shaver read the addition to the ordinance that would allow additional signage which will be visible at the primary entrance of these properties.

President of the Council Palmer asked how the City would post a 19 acre park. City Attorney Shaver explained the main entrance would be used for posting of the sign.

Councilmember Hill stated he did not vote for the smoking ordinance but understands the enforcement issue.

Councilmember Coons agreed that with the law on the books, it needs to be made clear to the public.

There were no public comments.

The public hearing was closed at 7:50 p.m.

Ordinance No. 4296—An Ordinance Amending Chapter 16, Article VI, Section 16-127 of the Code of Ordinances to Specify Placement of Non-Smoking Signs in Public Parks and Unenclosed Public Places

Councilmember Thomason moved to adopt Ordinance No. 4296 and ordered it published. Councilmember Coons seconded the motion. Motion carried with Councilmembers Hill and Todd voting NO.

**Public Hearing—Andy's Liquor Mart Rezone, Located at 145 Belford Avenue and 925 and 927 N. 2<sup>nd</sup> Street** [File #RZ-2008-222]

A request to rezone 0.324 acres, located at 145 Belford Avenue and 925 and 927 N. 2<sup>nd</sup> Street, from R-O (Residential Office) to C-1 (Light Commercial).

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

Brian Rusche, Senior Planner, presented this item. He described the request, the location and the site. He asked that the Staff Report and the attachments be entered into the record. The Planning Commission recommended approval of the rezoning request.

The applicant was present but did not have anything to add.

There were no public comments.

The public hearing was closed at 7:56 p.m.

Ordinance No. 4297—An Ordinance Rezoning the Property Known as Andy's Liquor Mart Addition from R-O (Residential Office) to C-1 (Light Commercial), Located at 145 Belford Avenue and 925 and 927 N. 2<sup>nd</sup> Street

Councilmember Todd moved to adopt Ordinance No. 4297 and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

**Public Hearing—Amending the Zoning and Development Code Concerning Permits and B-2 Zone District Uses** [File #TAC-2008-240]

The City of Grand Junction proposes to amend Chapters 2 and 3 of the Zoning and Development Code to extend the validity of administrative and public hearing permits, and to make certain uses in the B-2 (Downtown Business) and MU (Mixed Use) zone districts uses by right.

The public hearing was opened at 8:03 p.m.

Lisa E. Cox, Planning Manager, presented this item. Ms. Cox explained that the City considers proposed updates and changes to the Zoning and Development Code on a regular basis to ensure that the Code is addressing development issues. She likes to wait until there are several to bring before the Council at one time. These amendments to Chapter 2 and 3 of the Code are intended to be responsive to economic conditions, facilitate the development review process and create a more efficient code.

There were no public comments.

The public hearing was closed at 8:04 p.m.

Council President Palmer asked if this was driven by the new Safety Building that is being proposed. Ms. Cox said no, it was not.

Ordinance No. 4298—An Ordinance Amending Sections in Chapters 2 and 3 of the Zoning and Development Code to Extend the Validity of Administrative and Public Hearing Permits and to Make Certain Uses in the B-2 (Downtown Business) and MU (Mixed Use) Zone Districts Uses by Right

Councilmember Hill moved to adopt Ordinance No. 4298 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 8:05 p.m.

Juanita Peterson, CMC  
Deputy City Clerk