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**CITY COUNCIL AGENDA
WEDNESDAY, DECEMBER 19, 2018
250 NORTH 5TH STREET
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order, Pledge of Allegiance, Invocation

Seth Thomas, Northeast Christian Church Senior Pastor

The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future, and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand, or leave the room.

Appointments

To the Historic Preservation Board

To Visit Grand Junction

Citizen Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

- a. Supplemental Documents

City Manager Report

Council Reports

CONSENT AGENDA

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

1. Approval of Minutes

- a. Summary of the December 3, 2018 Workshop
- b. Minutes of the December 5, 2018 Regular Meeting

2. Set Public Hearings

All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.

- a. Legislative
 - i. An Ordinance Amending the Municipal Code Regarding Possession or Consumption of Alcohol in Parks and Riverfront Trails, Changing the Hours of Prohibited Park Use, and Including Vaping and the Use of Vape Devices as Prohibited in Workplaces, Public Places, and for Use by Minors and Set a Public Hearing for January 16, 2019
 - ii. An Ordinance to Amend Chapters 12.04 and 12.08 of the Grand Junction Municipal Code and Section 21.06.010 of the Zoning and Development Code Regarding Camping on Public Property/Public Places and Set a Public Hearing for January 16, 2019
- b. Quasi-judicial
 - i. Introduce an Ordinance Amending the Comprehensive Plan Future Land Use Map Designation to Residential Medium Low and Rezoning to R-4 (Residential, 4 du/ac), Located at 2064 South Broadway, and Set a Public Hearing for January 16, 2019

3. Contracts

- a. Kannah Creek Intake Rehabilitation

4. Resolutions

- a. Resolution Adopting the City of Grand Junction 2019 Legislative Agenda

5. Other Action Items

- a. Downtown Grand Junction Business Improvement District's 2018 Annual Report and 2019 Operating Plan and Budget
- b. Horizon Drive Association Business Improvement District's 2018 Annual Report and 2019 Operating Plan and Budget

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

6. Items Relating to the April 2, 2019 Regular Municipal Election

- a. A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction Regular Municipal Election on April 2, 2019, Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder to Conduct Said Election
- b. An Ordinance Placing a Charter Amendment Concerning Cable Television Franchises and the Authorized Length of Leases on the Election Ballot for the Regular Municipal Election and Set a Public Hearing for January 16, 2019

7. Non-Scheduled Citizens & Visitors

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

8. Other Business**9. Adjournment**



Grand Junction City Council

Regular Session

Item #

Meeting Date: December 19, 2018

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

To the Historic Preservation Board

RECOMMENDATION:

Appoint members to the Historic Preservation Board.

EXECUTIVE SUMMARY:

There are three vacancies on the Historic Preservation Board.

BACKGROUND OR DETAILED INFORMATION:

Vacancies are due to terms expiring.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (appoint/not appoint) the interview committee's recommendations to the Historic Preservation Board.

Attachments

None



Grand Junction City Council

Regular Session

Item #

Meeting Date: December 19, 2018

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

To Visit Grand Junction

RECOMMENDATION:

Appoint members to Visit Grand Junction.

EXECUTIVE SUMMARY:

There are four vacancies on Visit Grand Junction.

BACKGROUND OR DETAILED INFORMATION:

Vacancies are due to terms expiring.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (appoint/not appoint) the interview committee's recommendations to Visit Grand Junction.

Attachments

None



Grand Junction City Council

Regular Session

Item #a.

Meeting Date: December 19, 2018

Presented By:

Department: City Clerk

Submitted By:

Information

SUBJECT:

Supplemental Documents

RECOMMENDATION:

EXECUTIVE SUMMARY:

BACKGROUND OR DETAILED INFORMATION:

FISCAL IMPACT:

SUGGESTED MOTION:

Attachments

1. Supplemental Documents

CITY COUNCIL MEETING

Date

CITIZEN PRESENTATION

Citizen's
Name

Druce Helmella

Subject

Homeless Shelter Taxes

Phone
Number
(optional)

Including your phone number is helpful if
we would like to contact you in response to
your questions, comments, or concerns.
Thank you!

CITY COUNCIL MEETING

Date

CITIZEN PRESENTATION

12/19/2018

Citizen's
Name

JAY MASHBURN

Subject

PROCLAMATION OF INCLUSIVITY

Phone
Number
(optional)

Including your phone number is helpful if
we would like to contact you in response to
your questions, comments, or concerns.
Thank you!

CITY COUNCIL MEETING

Date

CITIZEN PRESENTATION

12/19/2018

Citizen's
Name

Sierra Garcia

Subject

inclusivity

Phone
Number
(optional)

Including your phone number is helpful if
we would like to contact you in response to
your questions, comments, or concerns.
Thank you!

CITY COUNCIL MEETING

Date

CITIZEN PRESENTATION

12/19/18

Citizen's
Name

Jennifer Vargas

Subject

Inclusivity Proclamation

Phone
Number
(optional)

Including your phone number is helpful if
we would like to contact you in response to
your questions, comments, or concerns.
Thank you!

CITY COUNCIL MEETING
CITIZEN PRESENTATION

Date

12/19/18

**Citizen's
Name**

ROBERT E. McDONALD

Subject

INCLUSIVITY PROCLAMATION

**Phone
Number
(optional)**

C

Including your phone number is helpful if
we would like to contact you in response to
your questions, comments, or concerns.
Thank you!

CITY COUNCIL MEETING
CITIZEN PRESENTATION

Date

**Citizen's
Name**

Jon Williams

Subject

**Phone
Number
(optional)**

Including your phone number is helpful if
we would like to contact you in response to
your questions, comments, or concerns.
Thank you!

CITY COUNCIL MEETING
CITIZEN PRESENTATION

Date

~~12/~~ 12/19/18

**Citizen's
Name**

Samantha Harris

Subject

Diversity Proclamation

**Phone
Number
(optional)**

Including your phone number is helpful if
we would like to contact you in response to
your questions, comments, or concerns.
Thank you!

Statements for the Grand Junction City Council collected from candlelight vigil participants:

12/19/2018

A formal proclamation by our city government would remind us all how important inclusiveness is. It's American...

Please re-consider approval of "Interfaith Awareness Week" the first week of August. -Rev. A. Carla Ryan

- ~Women in Positions of power & requested to be there.
- ~Women of color speaking at Women's March 1/19.
- ~A non-discrimination inclusivity proclamation ADOPTED.
- ~People in Clifton able to vote on "City" things.

Love & Respect to all citizens including immigrants.

We need the city council to clearly state they support ALL citizens. We all need to speak up when we see injustice. We need to educate our community about things privileged White people say & do without knowing we are hurting others.

I think a statement of inclusivity is relevant and important in today's world for the City Council to consider and approve.

- ~More visual + inclusive advertising for both internal + external citizens (i.e. visitors/ tourists/ residents).
- ~Intention to include.
- ~Increased support for any migrants.

Encourage removal of Confederate flags.

Repeated events so that citizens know when/how/who and in what ways they can support the idea & practice of inclusivity.

Ex: Monthly meeting (potluck), Bi-monthly bowling, Bi-monthly dance.

I want to see GJ become educated + aware that homelessness is a complicated issue + move towards a solution, rather than turn our backs on a problem that could affect anyone if the environment was right!

I would like to see the Sentinel do a series on the history of racism in GJ and the present situation. People of color who live in this town should be able to tell their stories.

Pass the proclamation!

~More candidates & citizen-initiated ordinances.

~Make the proclamation a part of the charter.

End discrimination against felons.

I would like the City to have an Ombudsmen of Inclusivity.

The City needs somewhere that when people feel threatened or discriminated against, they can put in a comment or notification. A Comment Box would work.

Our City government holds the power to choose between being leaders, supporters, and friends to a community initiative or of perpetuating the myth that Grand Junction is regressive and closed-minded. I believe our community deserves the first and I believe even more that our government agrees and will find a way to do it!

Our community needs to change perceptions about Latinos - do not see us as criminals. And people with privilege, especially White people, should not abuse their privilege by threatening others or flying flags that make us afraid.

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

December 3, 2018

Meeting Convened: 5:30 p.m. in the City Hall Auditorium

Meeting Adjourned: 7:46 p.m.

City Councilmembers present: Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Phyllis Norris, Rick Taggart, Duke Wortmann, and Mayor Barbara Traylor Smith.

Planning Commission Members present: Kathy Deppe-Spomer, Dr. George Gatseos, Steve Tolle, William Wade, and Andrew Teske.

Staff present: City Manager Greg Caton, City Attorney John Shaver, Finance Director Jodi Romero, Director of Internal Services Jay Valentine, Community Services Manager Kathy Portner, Principal Planner David Thornton, Development Engineer Rick Doris, Public Works Director Trent Prall, Fire Chief Ken Watkins, Police Chief Doug Shoemaker, Assistant to the City Manager Greg LeBlanc, and City Clerk Wanda Winkelmann.

Mayor Traylor Smith called the meeting to order.

Agenda Topic 1. Discussion Topics

a. Growth and Development Policy/Transportation Impact Fees

City Manager Caton introduced the topic and welcomed members of the Planning Commission.

The current Transportation Capacity Payment (TCP) program and the associated Growth Management and Streets Policy have been in place since 2004. City staff has been working with the development community on updating the Growth Management and Streets policy and has a number of potential changes to discuss. TCP fees, also known as Transportation Impact Fees, are currently being reviewed and updated based on a process that is being led by the Grand Valley Metropolitan Planning Organization (GVMPO).

Consultant Clancy Mullen of Duncan and Associates reviewed the draft of the Transportation Impact Fee study, including the basic legal principles when setting fees:

- Don't charge for existing deficiencies
- Avoid double payment
- Maintain proportionality to impact

Major changes that impact the fees:

- Excludes right-of-way costs
- Charges only for capacity directly consumed
- Modifies categories in fee schedule

The 2018 update includes:

- Continue to exclude cost of major structures
- Excludes ROW cost
- Reduces VMT (vehicle miles traveled) ratio from 1.50 to 1.00
- Use weight cost of urban and rural projects
- Cost per VMT updated by about the same rate of inflation

Mr. Mullen reviewed the comparison of road fees among Colorado jurisdictions.

Discussion ensued about the other fees included in transportation fees for other municipalities.

The next steps include direction to staff. Support was expressed to keep up with inflation. Concern was stated over the recommendation to double the fees. This item will first go to the Planning Commission for a recommendation and then to City Council for formal action.

Mr. Prall reviewed the road and intersection improvements that will be forthcoming.

A break was called at 6:43 p.m. The workshop resumed at 6:49 p.m.

b. First Responder Needs/Update on Service and Funding Options

Mr. Caton introduced the topic. As detailed in previous memorandums, presentations and discussions, the needs of the first responders of the Fire and Police Departments far exceed existing resources. In a 2008 study it was identified that three additional fire stations (Stations #6, #7, #8) were needed immediately to provide acceptable response times according to national standards. Currently the Fire Department is meeting those standards on only 52% of emergency calls. Each station requires 21 positions each to provide 24 hour/365 day coverage with a fire unit and ambulance. It has not been possible to fund either the capital or operational costs of the stations within current revenues. Police national and international standards state that for every hour a police officer works, a minimum of 22 minutes should be available to conduct proactive policing efforts which has a direct impact on reducing criminal activity. Currently, due to understaffing, the police officers only have an average of 6 minutes per hour for these proactive efforts. It would take an additional 18 sworn positions to meet the standard. Additional civilian positions are also need in the Communication Center and to support police operations.

The Fire Department estimates operational needs of \$6.3 million to staff the three new fire stations, add a fire inspector, and two civilian positions. The capital needs for three stations is estimated at \$17 million. The operational needs of the Police Department were originally estimated to cost \$3.8 million for sworn officers and civilian personnel. Because of the ability to fund eight positions for the Police Department in the 2019 recommended budget the estimated costs are reduced. Also, based on input received during the budget process, a position for an additional code enforcement officer has been added bringing the estimated needs for the Police Department to \$3.3 million per year.

Despite adding positions in the Fire and Police Departments in each of the last three budget cycles, both departments are understaffed and struggling to provide first responder services to this community. Between the two departments a total of 88 positions are needed. Fire and Police operations are largely funded by the City's 2% sales tax and that revenue stream is just back to pre-recession levels without taking inflation into account. As a result, existing resources are only sufficient to add one to two first responder positions each year. City staff has continued to evaluate these needs as well as potential new funding sources.

Mr. Caton reviewed specific funding options, including 1) various scenarios to increase sales tax and 2) eliminating property tax and fund first responder and transportation needs with a 1.25% sales tax increase.

A community survey has been sent out that included questions about an increase in sales tax for first responder needs. Staff anticipates receiving the results of that survey in several weeks.

Staff is seeking direction regarding the funding options for first responder and transportation needs. This topic will be discussed further at the December 17 workshop.

Agenda Topic 2. Next Workshop Topics

At the December 17 workshop, the Community Center ballot question will be discussed.

3. Other Business

Mr. Caton discussed possible Charter amendments and stated more information will be forthcoming at the next workshop.

Adjournment

The Workshop adjourned at 7:46 p.m.

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

December 5, 2018

Call to Order. Pledge of Allegiance. Invocation

The City Council of the City of Grand Junction convened into regular session on the 5th day of December, 2018 at 6:00 p.m. Those present were Councilmembers Bennett Boeschenstein, Chris Kennedy, Duncan McArthur, Phyllis Norris, Rick Taggart, Duke Wortmann and Council President Barbara Traylor Smith. Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Wanda Winkelmann and Deputy City Clerk Janet Harrell.

Council President Traylor Smith called the meeting to order. Councilmember Taggart led the Pledge of Allegiance which was followed by an invocation by Reverend Patrick Lewis, Palisade and Fruita United Methodist Churches.

Proclamations

Proclaiming December 7, 2018 as National Pearl Harbor Remembrance Day in the City of Grand Junction

Councilmember Wortmann read the proclamation. Grand Junction Veterans Health Care System Public Affairs Officer Shawn Montgomery accepted the proclamation.

Proclaiming December 15, 2018 as Bill of Rights Day in the City of Grand Junction

Councilmember McArthur read and accepted the proclamation.

Proclaiming December 18, 2018 as International Day of the Migrant in the City of Grand Junction

Councilmember Boeschenstein read the proclamation. Tom Acker, Mario Teyes and Katia Curbelo from Hispanic Affairs Project accepted the proclamation.

Certificates of Appointment

To the Forestry Board

Susan Carter, Mollie Higginbotham, Paul Morency, Vince Urbina and Tom Ziola accepted their Certificates of Appointment.

Citizen Comments

Lewis Baker spoke regarding his company Adrenaline Driven Adventure.

Bruce Lohmiller spoke about the Veteran's Art Center and funding for night patrols.

City Manager Report

City Manager Caton noted grants the City recently received for Las Colonias Business Park and River Recreation area, the Comprehensive Plan, Fire Training Facility, Dos Rios Riverside Park and Playground, Horizon Drive crosswalks and Two Rivers Convention Center.

Council Reports

Councilmember McArthur attended the National League of Cities Conference, a Homeless Coalition meeting and a 5-2-1 Drainage Authority meeting which is reviewing the feasibility of merging with the Grand Valley Drainage District.

Councilmember Wortmann went to the opening of the new West Springs Hospital.

Councilmember Boeschstein attended a Visit Grand Junction meeting, a Historic Preservation Board meeting, and an Avalon Theatre Foundation Board meeting.

Councilmember Norris attended several meetings and the West Springs Hospital opening.

Councilmember Kennedy hoped everyone had a good Thanksgiving.

Councilmember Taggart shared a personal story about President George H. W. and Barbara Bush.

Council President Traylor Smith also shared a personal story about the Bush's and congratulated City Manager Caton on his Advisory Report.

CONSENT AGENDA

Councilmember Boeschstein moved to adopt Consent Agenda items #1 through #5. Councilmember Wortmann seconded the motion. Motion carried by roll call vote.

1. Approval of Minutes

- a. Summary of the November 5, 2018 Workshop
- b. Minutes of the November 7, 2018 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduce an Ordinance to Adopt the 2018 International Building Codes including the Building, Plumbing, Mechanical, Fuel Gas, Existing Building, Residential, the 2009 Energy Conservation, and the National Electrical Code and Amendments thereto, Repealing all Other Ordinances and Parts of Ordinances in Conflict Therewith, and Set a Public Hearing for January 16, 2019
 - ii. Introduce an Ordinance Adopting the 2018 International Fire Code and Amendments thereto, Repealing all Other Ordinances and Parts of Ordinances in Conflict Therewith, and Set a Public Hearing for January 16, 2019

3. Contracts

- a. Purdy Mesa Flowline Replacement at Sullivan Draw
- b. 2018 CDBG Subrecipient Agreements between Hilltop Community Resources, Inc., HomewardBound of the Grand Valley, and Karis, Inc. and the City of Grand Junction

4. Resolutions

- a. A Resolution Adopting Rates, Fees, and Charges for Water, Wastewater, and Solid Waste
- b. Resolutions Levying Taxes for the Year 2018 in the City of Grand Junction, Colorado and the Downtown Development Authority
- c. A Resolution for Allocation of Certain Property Tax and Sales Tax Revenues for the Grand Junction Downtown Development Authority and for Certification of Property Tax Distribution Percentages to the County Assessor
- d. A Resolution Authorizing the City Manager to Submit a Grant Request to the State Board of the Great Outdoors Colorado Trust Fund for Sponsorship of a School Yard Initiative Grant for Nisley Elementary School
- e. A Resolution Concerning the Issuance of a Revocable Permit to Downtown Grand Junction REgeneration LLC to Allow for Construction of a Sanitary Sewer Line within the Right-of-Way of the North-South Alley in Block 84, Plat of the Town of Grand Junction
- f. A Resolution Renaming Devils Thumb Drive to Zenith Lane

- g. A Resolution Renaming Jarvis Way to Dos Rios Drive, Located in Jarvis Subdivision, Filing Three
- h. Intergovernmental Agreement with Colorado Department of Transportation (CDOT) for the Installation of Automated License Plate Readers on CDOT Intelligent Transportation Systems
- i. A Resolution Consenting to Assignment of the Cable Television Franchise Agreement

5. Other Action Items

- a. Cancellation of the January 2, 2019 City Council Meeting

REGULAR AGENDA

6. Public Hearings

- a. Legislative
 - i. An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2019 and Ending December 31, 2019

The budget represents the allocation of resources to achieve the goals identified in the City of Grand Junction's Strategic Plan. The budget is developed over the course of several months and includes the projection of revenues as well as planned expenses. The 2019 recommended budget has been discussed with City Council during three budget workshops and was reviewed with a public hearing at the November 7, 2018 regular meeting.

City Manager Caton reviewed the City's 2019 proposed budget which included the newly adopted Lodging Tax increase.

The public hearing opened at 7:05 p.m.

Dennis Simpson spoke about the budget review process, the budgeted pay increase and the Retiree Health Plan.

Avalon Theatre Foundation Board member Steve Doyle requested additional funds for the Avalon Theatre.

Svetio Djokovic commented that a section of North Avenue should be repaired soon.

Alan Story asked if any development is planned at Matchett Park.

Lewis Baker asked in what ways the Lodging Tax will be used for tourism.

The public hearing closed at 7:18 p.m.

City Manager Caton addressed the public hearing questions and comments.

Council thanked staff and commented on grant opportunities for the Avalon Theatre Foundation, the budgeted City employee pay increase, the public safety budget, scholarships funds and the improved budget process.

Councilmember Kennedy moved to adopt Ordinance No. 4824, an ordinance, together with the documentation of revenue and expenses prepared in support of the budget, all as if fully set forth, appropriating certain sums of money to defray the necessary expenses and liabilities of the City of Grand Junction, Colorado, and the Downtown Development Authority for the year beginning January 1, 2019 and ending December 31, 2019, also known as the Annual Appropriation Ordinance, on final passage and ordered final publication in pamphlet form. Councilmember Taggart seconded the motion. Motion carried by roll call vote.

Council took a break at 7:43 p.m.

Council returned at 7:52 p.m.

ii. An Ordinance Describing the Functions of the Municipal Court

As a home rule municipality and in accordance with the City Charter and the Colorado Constitution, the City of Grand Junction may adopt an ordinance(s) setting forth the roles, responsibilities and duties of staff associated with the operation and administration of the Municipal Court. In the interest of good governance and fully utilizing the authority of local control, staff has drafted an ordinance that describes the functions of the Municipal Court and defines the relationship between the other branches of the City government and the Court.

City Attorney Shaver thanked the Municipal Court Committee and reviewed the proposed ordinance and legal authority for the proposed changes.

The public hearing opened at 8:11 p.m.

Alan Story spoke in favor of Interim Judge Dan Robinson.

Dennis Kiefer, Mark Harris, Abby Palmer, Aaron Lawson, Parker Borzac, Michael Blackburn, Mike Blackburn and Carol Acuff spoke in favor of the Teen Court program and asked for continued support.

Sarah Hermundstad and Mark Hermundstad spoke against the proposed ordinance.

The public hearing closed at 8:39 p.m.

City Attorney Shaver responded to the public hearing comments.

Council discussion included separation of powers, judicial independence, ordinance language, the consultant review, continuation of Teen Court, municipal court penalties and other jurisdiction processes.

City Attorney Shaver addressed Council's comments.

Councilmember Boeschstein moved to adopt Ordinance No. 4818, an ordinance to repeal Chapter 2.28 of the City of Grand Junction Municipal Code and to reenact Chapter 2.28 describing the functions of the Municipal Court on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by roll call vote.

- b. Quasi-judicial
 - i. A Resolution Accepting a Petition for the Annexation and Ordinances Annexing and Zoning the Frog Pond Annexation Planned Development (PD) with R-5 (Residential, 5 du/ac) and CSR (Community Services and Recreation, Located at 2501 Monument Road

The Applicant, Frog Pond, LLC, requested annexation of 4.49 acres, a zone of annexation to Planned Development (PD) with R-5 (Residential, 5 du/ac) and CSR (Community Services and Recreation) default zone districts, and approval of an Outline Development Plan (ODP) for the Frog Pond development located at 2501 Monument Road. The proposed annexation also includes 1.177 acres of the adjacent Monument Road Right-of-Way and the approximately 3.5 acre parcel is bisected by Monument Road, with 2.5 acres on the east side and 1 acre on the west side. The property currently has two duplex buildings with a total of 4 residential dwelling units. The owner is requesting annexation for future development of the property, which is anticipated to constitute "annexable development" and as such is required to annex in accordance with the Persigo Agreement. The proposed plan includes mixed use development of the east parcel, including residential and limited commercial, and preservation of the west parcel as open space along No Thoroughfare Wash. The Outline Development Plan establishes specific performance standards that the development will be required to meet and conform with, as authorized by Section 21.02.150 (b) of the Zoning and Development Code.

Community Services Manager Kathy Portner reviewed the annexation and zoning requests.

Applicant Kevin Bray and Ted Ciavonne, Ciavonne & Associates, reviewed the proposed project.

The public hearing opened at 9:51 p.m.

There were no public comments.

The public hearing closed at 9:52 p.m.

Council discussion included the 10 foot setbacks, emergency access, flood plain study, utility service, county and city limits and the applicants' involvement.

Councilmember Boeschstein moved to approve Resolution No. 85-18, a resolution accepting a petition for the annexation of lands to the City of Grand Junction, Colorado, making certain findings and determining that property known as the Frog Pond Annexation, located at 2501 Monument Road is eligible for annexation, Ordinance No. 4825, an ordinance annexing territory to the City of Grand Junction, Colorado, Frog Pond Annexation, approximately 4.49 acres, located at 2501 Monument Road, and Ordinance No. 4826, an ordinance zoning the Frog Pond Annexation to Planned Development (PD) with R-5 (Residential, 5 du/ac) and CSR (Community Services and Recreation) Default Zone Districts, located at 2501 Monument Road on final passage and ordered final publication in pamphlet form. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

7. Non-Scheduled Citizens & Visitors

Alan Story suggested the City sell some of the Matchett Park property.

8. Other Business

There was none.

9. Adjournment

The meeting adjourned at 10:00 p.m.



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: December 19, 2018

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: John Shaver

Information

SUBJECT:

An Ordinance Amending the Municipal Code Regarding Possession or Consumption of Alcohol in Parks and Riverfront Trails, Changing the Hours of Prohibited Park Use, and Including Vaping and the Use of Vape Devices as Prohibited in Workplaces, Public Places, and for Use by Minors and Set a Public Hearing for January 16, 2019

RECOMMENDATION:

Staff recommends adoption of the ordinance.

EXECUTIVE SUMMARY:

In the interest of protecting the health, safety and welfare of citizens, staff has drafted the attached ordinance that proscribes certain activities that may be offensive, harmful or illegal by specifically limiting certain alcohol in certain public places, limiting secondhand exposure to the harmful chemicals created by smoking and the use of electronic smoking devices ("vaporizers" and/or e-cigarettes), and amending park hours.

BACKGROUND OR DETAILED INFORMATION:

Pursuant to Colorado Senate Bill 16-197, 3.2% beer will no longer be sold in Colorado after January 1, 2019. City ordinances currently prohibit consumption of malt, vinous and spirituous liquor alcohol in public places; however, fermented malt beverages (3.2% beer) may be possessed or consumed in public parks and other public places. In order to address the changes in Colorado law, this ordinance clarifies the types of alcohol that will be allowed or disallowed in certain places.

Vaping is a relatively new trend among minors and adults alike and serves as an alternative to smoking traditional cigarettes. Electronic smoking devices (including e-cigarettes) can deliver substances including nicotine, tobacco and marijuana. Studies have shown that e-cigarettes contain high levels of ultra-fine particles associated with respiratory and vascular ailments. In addition, vape substances can include toxic chemicals known to cause cancer. Although the U.S. Surgeon General has said that there is no safe level of secondhand smoke, the effects of secondhand vapor exposure is still unknown.

Vaping is common not only in public places like parks and sidewalks but in and around schools. Current ordinances regulate smoking in public and by minors but do not address vaping. School resource officers have expressed concern regarding enforcement of minors vaping in and around schools. Aside from the negative effects of vaping, much like smoking, it may be displeasing to others.

It has recently been reported by Grand Junction Parks and Recreation staff and law enforcement that there has been an increase in vandalism and damage to property in the City parks. As a result, City staff has reviewed park hours and recommended changes that may help decrease the vandalism.

FISCAL IMPACT:

None directly attributable to the ordinance/its adoption.

SUGGESTED MOTION:

I move to introduce an ordinance to Chapter 12.04, Chapter 12.06, and Chapter 12.08 of the Grand Junction Municipal Code regarding possession or consumption of alcohol in Parks and Riverfront Trails and to change the hours of prohibited park use and to amend Chapters 8.20 and 9.04 to include vaping and the use of vape devices as prohibited in workplaces, public places, and for use by minors and set a public hearing for January 16, 2019.

Attachments

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 12.04, CHAPTER 12.06, AND CHAPTER 12.08 OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING POSSESSION OR CONSUMPTION OF ALCOHOL IN PARKS AND RIVERFRONT TRAILS AND TO CHANGE THE HOURS OF PROHIBITED PARK USE AND TO AMEND CHAPTERS 8.20 AND 9.04 TO INCLUDE VAPING AND THE USE OF VAPE DEVICES AS PROHIBITED IN WORKPLACES, PUBLIC PLACES, AND FOR USE BY MINORS.

RECITALS:

This ordinance regarding possession or consumption of alcohol in parks and Riverfront Trails, to prohibit smoking, including marijuana, and vaping in public places and to amend park hours serves to protect the health, welfare and safety of citizens by proscribing certain activities that are or may be offensive, harmful or illegal. Specifically limiting secondhand exposure to the harmful chemicals created by smoking and the use of electronic smoking devices ("vaporizers" and/or e-cigarettes) as well as affirming that smoking of marijuana is illegal in public and that the public consumption of certain alcohol in certain public places is improper.

Concerning vaping, the U.S. Surgeon General has said there is no safe level of exposure to secondhand smoke and that even brief exposure can be harmful to health. Though much is still unknown about the effects of secondhand vapor exposure, the aerosol emitted by the user of an e-cigarette has been shown to contain high levels of ultra-fine particles associated with respiratory and vascular ailments, as well as toxic chemicals known to cause cancer. As well, vaping much like smoking, may be displeasing to others.

Pursuant to Colorado law (SB 16-197) 3.2% beer (also known as fermented malt beverages) will not be sold in Colorado after January 1, 2019. Current law prohibits public consumption of alcohol in public places; however, fermented malt beverages may by City rule be possessed/consumed in some public parks and places. In order to address the changes in the law, this ordinance addresses the types of alcohol that with passage of the ordinance will be allowed/disallowed.

In the course of preparing updates to the laws regarding smoking/vaping and alcohol in parks, the City staff reviewed park hours and has recommended changes to the same. The City parks have suffered from increased vandalism and it anticipated that modification of the hours parks are open may help to improve the problem.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Chapters 12.04, 12.08, 12.16, 8.20, 9.04, and 12.08 shall be revised as follows (additions are shown in **bold print** and deletions marked with ~~strike-through~~ notations):

12.04.050 Drinking alcoholic beverages in parks; use of glass containers ~~in grassed areas~~ prohibited.

(a) It shall be unlawful for any person to possess or drink any spiritous liquors in the City in any park which is either publicly or privately owned and used by the public unless such possession and consumption is pursuant to and in accordance with a special events permit issued in accordance with C.R.S. 44-5-101 *et seq.* or such place is a part of the premises designated under a valid license issued pursuant to state law and the consumption is otherwise lawful; malt and/or vinous liquors may be consumed by persons of lawful age and other applicable law.

(b) It shall be unlawful for any person to possess or drink any malt, vinous, or spiritous liquors in Emerson Park and Hawthorne Park, which are owned by the City and used by the public, unless such possession and consumption is pursuant to and in accordance with a special events permit issued in accordance with C.R.S., 44-5-101 *et seq.* or such place is a part of the premises designated under a valid license issued pursuant to state law and the consumption is otherwise lawful.

(c) No person shall drink from or use glass containers ~~on the grassed areas of~~ in any park.

12.04.015 Hours classification system.

(a) The City Council of the City of Grand Junction hereby establishes the following classifications and hours of prohibited park use for each classification:

- (1) ~~Midnight~~ **11:00 P.M.** – 5:00 A.M.: Community, regional and neighborhood parks with formal programmable sports facilities.
- (2) ~~10:30~~ **10:00** P.M. – 5:00 A.M.: Neighborhood and mini parks.
- (3) 10:00 P.M. – 5:00 A.M.: Open space and undeveloped parks and properties.
- (4) 10:00 P.M. – 5:00 A.M.: Cemeteries.
- (5) **10:00 P.M. – 5:00 A.M.: School IGA sites (except during school hours).**

(b) The City Council of the City of Grand Junction hereby authorizes and directs the City Manager to classify each City park **pursuant to the classifications in section 12.04.015(a)(1-5)** at the time of acquisition, or development, when the principal use or function of the park changes, or as needed to address vandalism or similar operational concerns. The City Manager may defer any such classification decision to the City Council as he deems necessary.

~~(c) The classification system attached to the ordinance codified in this section is hereby approved.~~ The City Manager is hereby delegated the power and duty to amend the classification system as he deems necessary from time to time, by administrative regulation. The City Manager may defer any changes to the ~~attached~~ classification system to the City Council as he deems necessary.

(d) “Community,” “regional,” “neighborhood,” “mini” parks are defined or distinguished by reference to the current City-adopted Parks Master Plan.

(e) All School IGA sites shall be closed to the public during school hours unless attendance is approved for the public at school related activities and/or activities approved by the Mesa County Valley School District that are held on the premises of such site(s).

~~(e)~~ **(f)** This section shall be in full force and effect upon its adoption; however, no criminal charges shall be issued or filed based on any changes from prior practices until adequate notice is posted on the park, open space, cemetery or other site.

12.16.100 Drinking of alcoholic beverages in public ways; use of glass containers in grassed areas prohibited.

(a) It shall be unlawful for any person to possess or drink any malt, vinous, or spirituous liquors in the City, in or on any public street, road, highway, ~~park~~ or public way which is either publicly or privately owned and used by the public, unless such possession and consumption is pursuant to and in accordance with a special events permit issued in accordance with C.R.S. § ~~12-48-101~~ **44-5-101** *et seq.* or such place is a part of the premises designated under a valid license issued pursuant to state law and the consumption is otherwise lawful.

(b) No person shall drink from or use glass containers when consuming alcohol in public places.

~~(b) No person shall drink from or use glass containers on the grassed areas of any park.~~

8.20.020 Smoking in workplaces and public places.

(a) Definitions. The following words and phrases, whenever used in this section, shall have the following meanings:

Bar means an area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages.

Bingo hall means any enclosed area used for the management, operation or conduct of a game of bingo by any organization holding a license to manage, operate or conduct games of bingo pursuant to Colorado law and in which food service for consumption on the premises is incidental to the games of bingo.

Bowling alley means a business open to the public which offers the use of bowling lanes, typically equipped with operable automatic pin setting apparatus and in which food service for consumption on the premises is incidental to bowling and related activities.

Business means any sole proprietorship, partnership, joint venture, corporation or other entity formed for profit-making or nonprofit purposes, including retail establishments where goods or services are sold, as well as professional corporations and limited liability companies. *Business* includes entities where legal, accounting, financial, planning, medical, dental, engineering, architectural or other services are delivered.

***Electronic smoking device* means an electric or battery-operated device, which can be used to deliver substances, including but not limited to, nicotine, tobacco, or marijuana, to the person using such device. Electronic smoking devices shall include, without limitation, electronic cigarettes, cigars, cigarillos, pipes, and hookahs.**

Employee means any person whether such person is referred to as an employee, contractor, independent contractor, volunteer or by any other designation who:

- (1) Performs any type of work for benefit of another in consideration of direct or indirect wages or profit; or
- (2) Provides uncompensated work or services to a business or nonprofit entity.

Employer means any person, partnership, association, corporation, or nonprofit entity that employs one or more persons.

Enclosed area means all space between a floor and ceiling within a structure or building which is closed in on all sides by solid walls, doors or windows which extend from the floor to the ceiling.

Indoor area means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area to an outdoor area.

***Lighted* means to illuminate by electricity, battery or fire; to ignite by electricity, battery or fire; to burn by electricity, battery or fire; or to emit light by electricity, battery or fire.**

Marijuana (which may alternatively be spelled as “marihuana”) shall have the same meaning as set forth in Article XVIII, Section 16 of the Colorado Constitution or as may be more fully defined in any applicable State law or regulation.

Person means a natural person or any entity or business recognized by law or formed to do business of any sort.

Place of employment means any indoor place and any public place or portion thereof under the control of an employer in which employees of the employer perform services for, or on behalf of, the employer.

Private club means any establishment which restricts admission to members of the club and their guests. See *Public place*.

Private function means any activity which is restricted to invited guests in a nonpublic setting and to which the general public is not invited.

Public meetings means any meeting open to the public pursuant to Part 4 of Article 6 of Title 24, C.R.S., or any other applicable law.

Public place means any area to which the public is invited or in which the public is permitted, including but not limited to banks, educational facilities, schools, health facilities, laundromats, parks, trails and public open space, public transportation facilities including bus stations and stops, taxis, shelters, airports, train stations, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, theaters and waiting rooms. A private club is considered a *public place* when functions are held at the club which are open to the general public and are not restricted to the members of the club. A private residence is not a *public place* except during times when it is being used as a child care, adult care or health care facility.

Restaurant means a business in which the principal business is the sale of food or meals prepared on-site, typically for consumption on-site. Examples of restaurants, without limitation, are coffee shops, cafeterias, sandwich stands, private or public school

or other cafeterias, and other eating establishments which give or offer food for sale to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

Retail tobacco store means a business utilized primarily for the sale of tobacco and accessories and in which the sale of other products is incidental.

Service line means any indoor or outdoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

Smoke or *smoking* means **and includes, but is not limited to:**

- 1) the carrying or possession of a **smoking instrument** ~~a lighted cigarette, lighted cigar or lighted pipe of any kind, and includes lighting of a pipe, cigar, cigarette, tobacco, weed or other combustible plants~~ **in one's mouth for the purpose of inhaling or exhaling smoke or vapor or blowing smoke or vapor rings;**
- 2) the placing of a lighted smoking instrument in an ashtray or other receptacle, and allowing smoke or vapor to diffuse in the air;
- 3) the possession, carrying or placing of a lighted smoking instrument in one's hands or any appendage or device and allowing smoke or vapor to diffuse in the air; or
- 4) the inhaling or exhaling of smoke or vapor from a lighted smoking instrument.

Smoking instrument means an instrument of any kind which can be used to deliver substances, including but not limited to nicotine, tobacco, marijuana, or any other substance, or combination thereof, to the person using such instrument. Smoking instrument shall include, without limitation, cigarettes, cigars, cigarillos, pipes and hookahs. Smoking instrument shall specifically include electronic smoking devices.

Smoke-free means that air in an enclosed area is free from smoke caused by smoking.

Sports arena means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

Structure is defined in the International Building Code, including the International Residential Code, (“IBC”) as adopted by the City from time to time. The term *structure* includes the term *building*, also defined by the IBC.

Tobacco is defined in § [25-14-203](#)(17), C.R.S.

Work area means an enclosed area in which one or more employees are routinely assigned and perform services for or on behalf of the employer.

(b) Application to City Property. All enclosed areas and motor vehicles that are owned or leased by the City shall be subject to the provisions of this section as though such areas and vehicles were public places.

(c) Prohibition of Smoking in Public Places and Indoor Areas.

(1) Except as provided herein, smoking shall be prohibited in all public places and indoor areas within the City, including, but not limited to, the following:

(i) Elevators.

(ii) Restrooms, lobbies, reception areas, hallways and any other common-use areas.

(iii) Buses, taxicabs, other means of public transit while operating within the City limits, and ticket, boarding and waiting areas of public transit systems including stops, bus benches, shelters and depots.

(iv) Service lines.

(v) Retail stores.

(vi) All areas available to and customarily used by the public in all businesses and nonprofit entities patronized by the public, including, but not limited to, professional and other offices, banks, and laundromats.

(vii) Restaurants and bars except that smoking is allowed in outdoor seating areas of restaurants and bars that are not enclosed and are not under a roof or a projection of a roof as defined by the IBC as a *roof assembly*, such as patios, and any person smoking is at least 15 feet from the front or main doorway.

(viii) Aquariums, galleries, libraries, museums and similar facilities.

(ix) Any structure primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance.

(x) Sports arenas whether enclosed or outdoors.

(xi) Public meeting places.

(xii) Health care facilities including hospitals, clinics, therapists' offices and facilities, physical therapy facilities, doctors' offices, dentists' offices and the offices and facilities of other health care providers.

(xiii) Restrooms, lobbies, hallways, and other common areas in public and private buildings including but not limited to apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

(xiv) Billiard or pool halls.

(xv) Polling places.

(xvi) Facilities in which games of chance are conducted, including but not limited to bingo halls.

(xvii) To the extent not otherwise provided in § [25-14-103.5](#), C.R.S., public and nonpublic schools.

(xviii) Other educational and vocational institutions.

(xix) Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least 75 percent of the sleeping quarters within a hotel or motel that are rented to guests.

(xx) Any place of employment that is not exempted in subsection (f) of this section.

(xxi) The indoor area of a private club. Smoking is allowed in the outdoor areas of a private club, except where otherwise prohibited in this section.

(2) Notwithstanding any other provision of this section, any person or business who controls any business or facility may declare that entire establishment, facility or grounds as smoke-free.

(d) Smoke-Free Workplace. In the case of employers who own facilities otherwise exempted by subsection (f) of this section, each such employer shall provide a smoke-

free area for each employee requesting a smoke-free area. Every employee shall have the right to work in a smoke-free area.

(e) Smoke-Free Exits and Entrances. Smoking shall not occur in or so close to exterior exits or entrances that the free flow of pedestrian traffic may be affected or so close that the operation of the doors, exits or entrances is affected or diminished. No smoking shall occur within 15 feet of the front or main doorway leading into a building or facility.

(f) Where Indoor Smoking Is Not Prohibited.

(1) Notwithstanding any other provision of this section to the contrary, the following areas shall be exempt from the prohibition contained in subsection (c) of this section:

(i) Private homes and residences; except when used as a child care, adult day care or health care facility.

(ii) Retail tobacco stores.

(iii) Private vehicle, except if the private vehicle is being used for the public transportation of children or as part of health care or day care transportation.

(iv) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 25 percent.

(v) A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees.

(vi) A private, nonresidential building on a farm or ranch, as defined in § [39-1-102](#), C.R.S., that has annual gross income of less than \$500,000.

(2) Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this subsection (f) may declare that entire establishment, facility, or grounds as smoke-free.

(g) Signs.

(1) Each owner, operator, manager and other person having control of an enclosed area or public place subject to the provisions hereof shall be jointly and severally responsible to clearly and conspicuously post:

(i) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) in every public entrance or other areas where smoking is prohibited by this section.

(ii) In public places where smoking is allowed pursuant to this section, a sign with the words "Smoking is Allowed Inside" at each public entrance to, or in a position clearly visible on entering, the enclosed area in which smoking is permitted.

(2) All signs referred to in this subsection (g) shall be a minimum size of 20 square inches and must be placed at a height of between four and six feet above the floor.

(3) All signs at public parks or unenclosed public places shall be visible to persons entering from the primary entrance or shall be posted at reasonable intervals along the property boundary. The primary entrance shall be referred to as the location where a sign identifies the park name, hours it is open to the public and other rules and regulations. For purposes of this section, "reasonable intervals" shall be presumed to be no less than 300 feet.

(h) Optional Prohibitions. The owner or manager of any place not specifically listed in subsection (c) of this section, including a place otherwise exempted in subsection (f) of this section, may post signs prohibited smoking or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place, or the designated nonsmoking portion thereof, in the places where smoking is prohibited pursuant to this section.

(i) No Retaliation. No person or employer shall discharge, refuse to hire or retaliate in any manner against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to, or complains about the lack of, a smoke-free environment afforded by this chapter.

(j) Violations and Penalties.

(1) It shall be unlawful for any person or business that owns, manages, operates or otherwise controls the use of any premises, enclosed area, public place, or place of employment subject to regulation under this section to fail to comply with any of its provisions.

(2) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this section.

(3) Each violation of any provision of this section shall be deemed to be a separate violation. Each day shall be treated as a separate violation for continuing violations of subsections (d), (g) and (i) of this section.

(k) Other Applicable Laws. This section shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

(l) Severability. If any provision, clause, sentence or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

9.04.210 Regulation of tobacco products.

(a) **Definitions.** For the purposes of this section, the following words or phrases shall have the meanings set forth.

(1) ~~Tobacco product means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing or dipping tobacco.~~ **shall include, but is not limited to, cigars, cigarillos, chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, tobacco-containing shisha, and dissolvable tobacco product. Tobacco product shall also include electronic smoking devices that deliver substances to the user by turning liquid into vapor that is inhaled. Electronic smoking devices include but are not limited to electronic cigarettes, cigars, cigarillos, pipes, and hookahs.** This definition does not include any nicotine containing product which is used for the purpose of helping a person stop smoking, such as nicotine gum or nicotine patches.

(2) ~~Smoking means, but is not limited to: the carrying or possession of a lighted cigarette, cigar, pipe, and includes lighting of the same.~~

a) the carrying or possession of a smoking instrument in one's mouth for the purpose of inhaling or exhaling smoke or vapor or blowing smoke or vapor rings:

(b) the placing of a lighted smoking instrument in an ashtray or other receptacle, and allowing smoke or vapor to diffuse in the air;

(c) the possession, carrying or placing of a lighted smoking instrument in one's hands or any appendage or device and allowing smoke or vapor to diffuse in the air; or

(d) the inhaling or exhaling of smoke or vapor from a lighted smoking instrument.

(3) *Self service display* means any retail tobacco display to which customers have direct physical access, including cigarette vending machines.

(4) *Minor* means any person under the age of 18.

(5) *Vending machine* means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or other form of payment, dispenses a tobacco product.

(6) ***Smoking instrument*** means an instrument of any kind which can be used to deliver substances, including but not limited to nicotine, tobacco, marijuana, or any other substance, or a combination thereof to the person using the instrument. Smoking instrument shall include, but not limited to, cigarettes, cigars, cigarillos, pipes and hookahs. Smoking instrument shall include electronic smoking devices.

(7) ***Lighted*** means to illuminate by electricity, battery, or fire; to ignite by electricity, batter or fire; to burn by electricity, battery or fire; or to emit light by electricity, battery or fire.

(8) ***Electronic smoking device*** means an electric or battery-operated device, which can be used to deliver substances, including but not limited to, nicotine, tobacco, or marijuana, to the person using such device. Electronic smoking devices shall include, without limitation, electronic cigarettes, cigars, cigarillos, pipes, and hookahs.

(b) Possession and Use of a Tobacco Products by Minors.

(1) It shall be unlawful for any minor to knowingly possess, consume, or use, either by smoking, ingesting, absorbing, **vaping** or chewing, any tobacco product.

(2) It shall be unlawful for any minor to knowingly obtain or attempt to obtain any tobacco product by misrepresentation of age or by any other method.

(3) It shall be rebuttably presumed that the substance within a package or container is a tobacco product if the package or container has affixed to it a label which identifies the package or container as containing a tobacco product.

(c) Furnishing Tobacco Products Prohibited.

(1) Any person who knowingly furnishes any tobacco product to any minor by gift, sale, or any other means commits a violation hereof.

(2) It shall be an affirmative defense to a prosecution under this section that the person furnishing the tobacco product was presented with and reasonably relied upon a document which identified the person receiving the tobacco product as being 18 years of age or older.

(d) **Vending Machines.** It shall be unlawful for any person to sell a tobacco product by use of a vending machine or other coin-operated machine; except that cigarettes may be sold at retail through vending machines only in:

(1) Factories, businesses, offices, or other places not open to the public; or

(2) Places to which minors are not permitted access.

(e) **Retail Sale of Tobacco Products.**

(1) It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to engage, employ or permit any minor to sell any tobacco product from such retail business.

(2) It shall be unlawful for any business proprietor, manager or other person in charge or control of a retail business of any kind to use a self-service display of tobacco products or stock a tobacco product in any way which allows a customer to access such tobacco product without first securing the physical assistance of an adult business employee for each transaction. The provisions of this subsection (e)(2) shall not apply to stores possessing a valid retail liquor store license, as defined by the Colorado Liquor Code, issued by the City and to vending machines meeting the requirements of subsection (d) of this section.

(3) Any person who sells or offers to sell any cigarettes or tobacco products at retail shall display a warning sign, as specified in this subsection.

(4) Said warning sign shall be displayed in a prominent place in the building and on such machine at all times and shall have a minimum height of three inches and a width of six inches, and shall read as follows:

WARNING:

IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO PURCHASE OR POSSESS CIGARETTES AND TOBACCO PRODUCTS. UPON CONVICTION A FINE OF UP TO \$500 PLUS NOT

MORE THAN 48 HOURS OF USEFUL PUBLIC SERVICE MAY BE
IMPOSED.

(f) **Sale of Single Cigarettes Prohibited.** It shall be unlawful for any business proprietor, manager or other person in charge or control of a retail business of any kind to sell or offer to sell single cigarettes or any pack of cigarettes containing fewer than 20 cigarettes.

(g) **False or Altered Identification.** It shall be unlawful for any person under the age of 18 years of age to misrepresent that person's identity or age, or use any false or altered identification for the purpose of purchasing any tobacco product.

(h) **Penalty.** Any person who violates any provision hereof is guilty of a petty offense and upon conviction shall be subject to:

(1) A fine of up to \$50.00 for the first offense; a fine of up to \$100.00 for the second offense; a fine of up to \$500.00 for a third offense; and up to \$1,000 for each subsequent offense; and one year in jail;

(2) Except that a minor shall not be subject to any jail time but may be required to pay a fine not to exceed \$500.00, as provided, and may be required to perform not more than 48 hours useful public service (which may include educational efforts or programs) or any combination of fine, public service and education.

(i) **Savings Clause.** Should any provision of said ordinance be found by a court of competent jurisdiction to be unconstitutional or otherwise unenforceable, the rest of the provisions hereof shall remain in full force and effect.

12.08.050 Regulations.

(a) The Parks and Recreation Advisory Board shall propose for adoption by the City Council necessary and reasonable rules and regulations applicable to the use of the riverfront trails, those areas adjacent to the trails and the bodies of water which are owned or controlled by the City and/or the Riverfront Commission, which may be accessed from or are near the trails. The City Council may amend or add to those regulations as may be necessary from time to time to carry out the intent of the Parks Board and/or the intent of the Council.

(b) The City Manager shall cause one certified copy of the regulations adopted under this section, together with the most recent amendments thereto, to be filed with the City Clerk. The City Manager shall make available additional copies at the Office of Parks and Recreation for review by the general public.

(c) The adopted regulations shall have the force and effect of law with respect to all persons who use or visit any of the riverfront trails.

(d) The riverfront regulations promulgated hereunder shall include, but not necessarily be limited to, prohibiting motorized vehicles, except wheelchairs and motorized bicycles as otherwise , maintenance of emergency vehicles, on the trails; prohibiting boats, vessels or craft in the waterways; closing the trails at set times; prohibiting glass containers; prohibiting the possession, consumption or use of ~~malt beverages containing more than 3.2 percent alcohol by weight, spirituous or vinous liquor~~, requiring animals to be leashed; prohibiting animals or animals of certain species; and allowing camping, vending or commercial activities by permit only.

(e) After review by the Parks and Recreation Advisory Board, but prior to recommendation of adoption by the Board, any and all regulations shall be submitted to the City Council for its comments, consideration and concurrence, if any.

Introduced on first reading the 19th day of December, 2018 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____ 2019 and ordered published in pamphlet form.

ATTEST:

Barbara Traylor Smith
Mayor

Wanda Winkelmann
City Clerk

CITY OF GRAND JUNCTION

PARKS CLASSIFICATION

December 2018

**Classification of Each City Park and Hours
During Which Public Use or Access Is Prohibited**

11:00 P.M. – 5:00 A.M. Community/Regional & Neighborhood Parks with formal programmable sports facilities.

Park

Canyon View

Columbine

Las Colonias

Lincoln

Matchett

10:00 P.M. – 5:00 A.M. Neighborhood and Mini Parks

Park

Autumn Ridge

Cottonwood Meadows

Darla Jean

Desert Vista

Dixson

Duck Pond Orchard Mesa

Duck Pond Ridges

Eagle Rim

Emerson

Hawthorne
Hidden Valley
Hillcrest
Honeycomb
Lilac
Rocket
Paradise Hills
Pineridge
Riverside
Shadow Lake
Sherwood
Spring Valley I
Spring Valley II
Tot Lot – Ridges
Washington
Westlake, including Skate Park
Whitman
Williams

10:00 P.M. – 5:00 A.M. Open Spaces and Undeveloped Parks

Open Space

Ridges Open Space

Undeveloped

Burkey – North

Burkey – South

Flint Ridge

Horizon

Saccommanno

10:00 P.M. – 5:00 A.M. Cemeteries

Site

Crown Point Cemetery

Municipal Cemeteries (Orchard Mesa)

10:00 P.M. – 5:00 A.M. School District IGA Sites
(except during school hours)

Site

Bookcliff Middle School

Chipeta Elementary School

East Middle School

Orchard Mesa Middle School

Pear Park Elementary School

Pomona Elementary School

(including Kronkright Softball Complex)

West Middle School

Wingate Elementary School



Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: December 19, 2018

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: John Shaver

Information

SUBJECT:

An Ordinance to Amend Chapters 12.04 and 12.08 of the Grand Junction Municipal Code and Section 21.06.010 of the Zoning and Development Code Regarding Camping on Public Property/Public Places and Set a Public Hearing for January 16, 2019

RECOMMENDATION:

Staff recommends adoption of the ordinance.

EXECUTIVE SUMMARY:

An Ordinance to Amend Chapters 12.04 and 12.08 of the Grand Junction Municipal Code and Section 21.06.010 of the Zoning and Development Code Regarding Camping on Public Property/Public Places.

BACKGROUND OR DETAILED INFORMATION:

Chapter 12, Section 4 and 8 of the Grand Junction Municipal Code establish laws, rules and regulations for the City's parks and Riverfront. Section 21.06.010 of the Zoning and Development Code relates to allowed use of public right of way and private parking lot use. These sections are necessary to maintain and promote the public health, safety and welfare while providing effective management of public property within the City.

Camping in public areas like parks, streets and the Riverfront interfere with the rights of others to use those areas for the purposes for which they were intended. The City incurs increased costs for policing, maintenance, sanitation cleanup, animal control as

a result of camping in undeveloped areas and without proper facilities for certain uses.

The purpose of this ordinance is to assist in maintaining the City in a clean, sanitary and accessible condition; to protect the health, safety and public welfare of the community; and to preserve, protect and enhance the natural resource of the Colorado and Gunnison Rivers for many recreational and other proper uses. The prohibition of camping is not intended to prohibit ordinary recreational use of the parks such as picnicking, resting, or sleeping in parks during park hours. It is the intention of the ordinance to prohibit use of public property for the purpose of maintaining a temporary place to live.

The City affirms its commitment to protecting the constitutional rights of the homeless. This ordinance recognizes that when overnight shelters are full, a homeless person who has no access to private spaces has no alternative but to sleep in a public space. The City shall not engage in enforcement of this ordinance which might have the effect of criminalizing homelessness or constitute cruel and unusual punishment in violation of the Eighth Amendment when there is no shelter space available. The City and the Grand Junction Police Department, work with other agencies and community groups to provide homeless persons with information as to the availability of shelter or services.

FISCAL IMPACT:

None directly attributable to the ordinance/its adoption.

SUGGESTED MOTION:

I move to propose an ordinance to amend Chapters 12.04 and 12.08 of the Grand Junction Municipal Code and Section 21.06.010 of the Zoning and Development Code regarding camping on public property/public places and set a public hearing for January 16, 2019.

Attachments

1. ORD-Camping to include Riverfront and Zoning Amendments - Revised - 121018

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTERS 12.04 AND 12.08 OF THE GRAND JUNCTION MUNICIPAL CODE AND SECTION 21.06.010 THE ZONING AND DEVELOPMENT REGARDING CAMPING ON PUBLIC PROPERTY/PUBLIC PLACES.

RECITALS:

Chapter 12, Sections 4 and 8 of the Grand Junction Municipal Code ("GJMC") establish laws, rules and regulations for the City's parks and Riverfront – those sections are necessary to maintain and promote the public health, safety and welfare, to provide for the continued effective management of public property within the City, and to provide for the continued enjoyment and accessibility of those public places by City residents and the public at large. Section 21.06.010 of the Zoning and Development Code relates to allowed use of public right of way and private parking lot use; the use of public areas, parks, streets and the Riverfront for camping purposes interferes with the rights of others to use those areas for the purposes for which they were intended. The use of public property for camping causes the City to incur increased costs for policing, maintenance, sanitation pickup and removal, animal control, protection of the environment and other problems which arise from camping in undeveloped areas and without proper facilities for that use.

The purpose of this ordinance is to assist in maintaining the City in a clean, sanitary and accessible condition; to adequately protect the health, safety and public welfare of the community and to preserve, protect and enhance the natural resource of the Colorado and Gunnison Rivers ("Riverfront") for many recreational and other proper uses. The City Council intends to maintain the use of park property and other public property for their intended uses; however, the prohibition of camping is not intended to prohibit such ordinary recreational use of the parks such as picnicking on a blanket or resting or sleeping in a park during park hours. It is intention of the City Council to prohibit use of public property for the purpose of maintaining a temporary place to live.

Because parks, the Riverfront and other public places have been used by the homeless as camps, the City affirms its commitment to protecting the constitutional rights of the homeless and accordingly this ordinance recognizes that when overnight shelters are full a homeless person who has no access to private spaces has no alternative but to sleep in a public space. Accordingly, the City shall not engage in enforcement of this ordinance which might have the effect of criminalizing homelessness or constitute cruel and unusual punishment in violation of the Eighth Amendment when there is no shelter space available.

The City is committed to safeguarding the rights of all people and in furtherance of this goal works with other agencies and community groups who have an interest in the well-being of homeless persons and when Grand Junction Police Officers contact homeless the officers are encouraged to provide homeless persons with information as to the availability of shelter or other services and to the extent reasonably practicable not

enforce this ordinance when there is no shelter space available, as the same is defined herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Chapters 12.04 and 12.08 shall be revised as follows (additions are shown in bold print and deletions marked with strike through notations):

Definitions.

For the purpose of this Chapter the following terms, phrases, words and their derivations shall have the meaning provided herein:

"Available Overnight Shelter" means a public or private facility, with all necessary or required City occupancy approvals, open to a person(s) or a family experiencing homelessness with an available overnight space to house the person(s) or family at no charge or a nominal charge (presumptively \$5.00 or less per person.) Overnight shelter space shall be considered available if the person(s) is not permitted to use otherwise available overnight shelter space due to the person's voluntary actions, including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules.

"Camp" or "Camping" means to set up or to remain in or at an Encampment.

"Encampment" means any place where bedding, sleeping bag(s) or other things used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a place to stay or sleep, whether or not such place incorporates the use of any tent, lean-to, shack, or any other cover, structure or elements of a structure or any vehicle or part thereof. Ordinary use of a park such as resting or sleeping in a park during normal park hours, picnicking on a blanket or using parks for other lawful uses does not constitute Encampment.

"Overnight Use" means the use of public lands and/or trails pursuant to a permit issued by the City Manager or his designee for an event/programming by and through the City Parks Department for an activity authorized to be conducted overnight.

"Parking Strip" means the area between a curb, or a place where a curb would be located if improvements were installed, and where a sidewalk is located or would be installed.

"Personal Property" means any tangible item reasonably recognizable as belonging to a person and having reasonably apparent utility or monetary value.

"Public Property" means any real property, building or structure owned, used or leased by the City or any Department thereof and/or the Downtown Development Authority (DDA) including, but not limited to, any sidewalk, street, parking strip, alley, lane, public right-of-way, park, open space, breezeway, bench, shade shelter, restroom, playground and other similar property.

"Reasonable Notice" means notice reasonably calculated under all the circumstances to apprise a person that Camping is prohibited at a particular location and, where Personal Property is deposited, affording the person no less than 24 hours to gather his/her Personal Property and depart.

Sleeping on Public Sidewalk, Street, Parking Strip, Alley, Lane or Public Right of Way Without Authorization Prohibited.

Sleeping on a public sidewalk, street, parking strip, alley, lane or public right of way or in any publicly used ingress or egress to Public Property is unsafe as it may obstruct pedestrian and/or vehicular traffic and may place the person sleeping and/or the public in danger of harm. Therefore, except as may be otherwise expressly authorized by the City:

- (1) No person may sleep on any public sidewalk, street, parking strip, alley, lane, breezeway or public right-of-way.
- (2) No person may sleep in any publicly used ingress or egress to Public Property.
- (3) A violation of this section after a request to cease and desist shall be unlawful and shall give rise to any remedy provided by law.

Camping on Public Property Without Authorization Prohibited.

No person may Camp in or upon any Public Property, nor any property owned by other governmental entities that have posted notice prohibiting Camping unless:

- (1) The person has the authorization of the owner of the property to Camp at that location; or
- (2) ~~Camping~~ An Overnight use is specifically authorized by the issuance of a use permit in accordance with Parks Department regulations GJMC 21.02.120; or
- (3) Camping is otherwise specifically authorized by GJMC; or
- (4) The camper(s) is(are) on Public Property other than a sidewalk, street, parking strip, alleyway, lane, breezeway or public right-of-way, and there is no Available Overnight Shelter; or
- (5) Camping is necessary after the formal declaration of an emergency in accordance with City Charter or a declaration of the Governor.

Removal of Unlawful Encampment(s).

Upon discovery of an Encampment(s) on Public Property, removal of the Encampment by the City and/or its authorized agent(s) may occur if:

- (1) After Reasonable Notice, the person(s) fails or refuses to remove his/her Personal Property from the location of the Encampment(s); and
- (2) Personal property appears to be abandoned; or

(3) There is reasonable suspicion for law enforcement officers to believe that illegal activity(ies) other than Camping are occurring at the Encampment; or

(4) There is imminent danger to human life, health or safety, including, but not limited to, possible contamination of private or Public Property by unsanitary and/or hazardous conditions and/or materials.

Removal, Disposition and Release of Personal Property.

Upon removal of an Encampment, all debris, including items having no reasonably apparent utility or monetary value and items in an unsanitary condition, may be immediately discarded. All other Personal Property shall be gathered, retained, and released, all in accordance with the Reasonable Notice being provided to the property owner. Unclaimed property may be disposed in accordance with GJMC ____.

Enforcement and Mitigation.

By enacting this Chapter, it is neither the City's intent to criminalize homelessness nor violate a homeless person's constitutional rights. Likewise, the City does not propose to prohibit the ordinary use of the parks such as resting or sleeping in a park during normal park hours, picnicking on a blanket or using parks or other Public Property for lawful uses. Enforcement of this Chapter shall be undertaken to avoid such results.

Upon conviction for a violation of this Chapter, in addition to any other factors deemed appropriate by the Prosecutor and the Court, the Court shall consider in mitigation whether or not the person immediately removed all Personal Property and litter, including, but not limited to, bottles, cans and garbage from the encampment after being informed the camping was in violation of the law.

Application to City Property Outside City Limits.

This Chapter applies to Public Property owned by the City that is located outside the City's municipal limits.

Sections 12.08.050, 12.08.140 and 21.06.010 shall be amended as follows with all other provisions of such Chapters and Sections to remain in full force and effect:

12.08.050 Regulations.

(e) The riverfront regulations promulgated hereunder shall include, but not necessarily be limited to, prohibiting motorized vehicles, except wheelchairs, maintenance of emergency vehicles, on the trails; prohibiting boats, vessels or craft in the waterways; closing the trails at set times; prohibiting glass containers; prohibiting the possession, consumption or use of spirituous liquor, requiring animals to be leashed; prohibiting animals or animals of certain species; and allowing camping overnight use in accordance with permit, and vending or commercial activities by permit only.

12.08.140 Regulations relating to trails, lands and waters.

(b) No person shall:

(7) Camp, park a motor vehicle, trailer or camper on Riverfront lands or trails, with the intention or for the purpose of camping unless: such is by the authority of a camping permit issued by the Department of Parks and Recreation of the City of Grand Junction. Possession of a valid camping permit shall authorize the use of the Riverfront lands and trails subject to the terms and conditions imposed thereon by the Director or his designee. "Camp" means the use of camping equipment or facilities such as tents, tarpaulins or temporary shelters or the use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

(i) The person has the authorization of the owner of the property to camp at that location; or

(ii) ~~Camping~~ Overnight use is specifically authorized by the issuance of a use permit in accordance with GJMC 21.02.120; or

(iii) Camping or overnight use is otherwise specifically authorized by GJMC; or

(iv) There is no Available Overnight Shelter; or

(v) Camping is necessary after the formal declaration of an emergency in accordance with City Charter or a declaration of the Governor.

"Camp" or "Camping" means to set up or to remain in or at an Encampment.

"Encampment" means any place where bedding, sleeping bag(s) or other things used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a place to stay or sleep, whether or not such place incorporates the use of any tent, lean-to, shack, or any other cover, structure or elements of a structure or any vehicle or part thereof. Ordinary use of the trail system such as resting or sleeping on a bench during normal trail hours or using the trails for other lawful uses does not constitute Encampment.

"Available Overnight Shelter" means a public or private facility, with all necessary or required City occupancy approvals, open to a person(s) or a family experiencing homelessness with an available overnight space to house the person(s) or family at no charge or a nominal charge (presumptively \$5.00 or less per person.) Overnight shelter space shall be considered available if the person(s) is not permitted to use otherwise available overnight shelter space due to the person's voluntary actions, including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules.

"Overnight Use" means the use of public lands and/or trails pursuant to a special permit where an event is authorized to last overnight.

21.06.010 Infrastructure standards.

(b)(4)(iv) Public Right-of-Way and Private Parking Lot Use.

(iv) ~~Overnight camping shall not be allowed in a public right-of-way or in any private parking lot made available to the public, unless specifically permitted by the City for such use.~~ Parking of an RV or any vehicle for more than 72 hours shall not be allowed in a public right-of-way or on any vacant lot.

DRAFT



Grand Junction City Council

Regular Session

Item #2.b.i.

Meeting Date: December 19, 2018

Presented By: Kathy Portner, Community Services Manager

Department: Community Development

Submitted By: Kathy Portner

Information

SUBJECT:

Introduce an Ordinance Amending the Comprehensive Plan Future Land Use Map Designation to Residential Medium Low and Rezoning to R-4 (Residential, 4 du/ac), Located at 2064 South Broadway, and Set a Public Hearing for January 16, 2019

RECOMMENDATION:

Planning Commission, at their December 11, 2018 meeting, recommended denial of the Comprehensive Plan Amendment (2-2) and recommended denial of the rezone (4-0). An affirmative vote of five members of the City Council is required to approve rezones and Comprehensive Plan amendments recommended for denial by the Planning Commission.

EXECUTIVE SUMMARY:

The City owns 80 acres at 2064 South Broadway across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The City intends to sell 4.27 acres of the unused property for purposes of future development and is requesting to change the Future Land Use Map designation from Park to Residential Medium Low and rezone the property from CSR (Community Services and Recreation) to R-4 (Residential, 4 du/acre).

BACKGROUND OR DETAILED INFORMATION:

The City owns 80 acres at 2064 South Broadway; the property is across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The property was purchased in 1993 for possible expansion of the Golf Course. The driving range and irrigation ponds were completed

in 1999. In 2006 a private developer proposed a residential development in conjunction with a possible expansion of the Golf Course. With the downturn in the golf market and the prior development proposal being non-viable, the City has determined that an expansion will not occur and is proposing to sell 4.27 acres, located northeast of the S. Broadway curve across from the Tiara Rado golf course parking lot, for residential development.

The 80 acres has been subdivided into three lots, with Lot 1 being the parcel proposed for rezoning. Lot 2 is 40 acres and includes the driving range and associated facilities and Lot 3 consists of 37 acres and was recently rezoned to R-1 in anticipation of selling the property for development. However, the City is now discussing the option of purchasing Lot 3 from golf and dedicating it as a passive park.

Notwithstanding that the property has never been planned or programmed as a park or for a park use, the Comprehensive Plan/Future Land Use designation for the property is "Park." The purchase of the subject property was anticipated to initiate an expansion of Tiara Rado, but that did not occur and, due to changes in the golf business, will never occur. Plans for this site have never included traditional community park development, but rather a combination of residential development with limited golf expansion. The property was purchased through the golf fund, an enterprise account that is held separate from the City's General Fund. The golf enterprise is specific to golf and does not fund, support or finance parks/park operations. The rezone and possible sale would be for the benefit of the golf enterprise and operations. In the event that another community use was desired for this property, it would require a purchase from the golf fund. The "Park" designation in the Comprehensive Plan would be more appropriately applied to an active park or recreation site with significant public access. The "Park" FLU designation on this property reasonably may be found to be in error. Because expansion of the golf course will not occur, the Park FLU designation is not valid and staff recommends the FLU Map be changed to Residential Medium Low for Lot 1. The properties surrounding the 4.27 acres are designated Residential Medium Low to the north and Residential Medium High to the west and south by the Comprehensive Plan/ Future Land Use map.

In addition to the Future Land Use Map, the Comprehensive Plan also includes a Blended Residential Land Use Categories Map ("Blended Map"). The Blended Map shows residential densities in three categories, Low, Medium and High and within each of those categories, although the zoning densities of each parcel may be different, compatibility is apparent because all uses are residential. The Blended Map provides some flexibility to accommodate residential market preferences and trends, streamline the development process and support the Comprehensive Plan's vision of providing for a mix of housing types by recognizing that use not specific density is an important consideration in determining compatibility. Having some "overlap" of zoning all within the same residential use category allows for a mix of density for an area while still

being compatible with adjacent development. The area surrounding the 4.27 acres is designated as Residential Low (maximum of 5 du/acre) to the north and Residential Medium (4-16 du/acre) on the Blended Map.

The property is currently zoned CSR (Community Services and Recreation), as is all of the Tiara Golf property. The Zoning and Development Code defines uses in the CSR zone district to include parks, open space, schools, libraries and recreational facilities, as well as environmentally sensitive areas. Because the intended use of the 4.27 acres is proposed to change, a rezone is being requested. With rezoning the property will be offered for residential development.

Properties across S. Broadway to the west, not in the City limits, have a County zone designation of PUD (Planned Unit Development with a density of approximately 7 du/ac). Properties to the north are zoned R-2 (Residential, 2 du/acre) and properties to the south across S. Broadway are zoned R-12 (Residential, 12 du/acre and PD (Planned Development with a density of approximately 4.5 du/ac).

NOTIFICATION REQUIREMENTS

As required by § 21.02.080 (e) of the Zoning and Development Code a Neighborhood Meeting was held on October 23, 2018. Twenty-three people attended the meeting along with City Staff. The City presented information on the history of the property, the proposal to sell a portion of the property and the proposed rezone. The City also provided an update on the 37 acres that was recently rezoned to R-1 and the City's intent to consider purchasing the property from the golf fund for a passive park. Generally, those in attendance were appreciative of the City's proposal to potentially create a passive park and were supportive of the proposed rezone of the 4.27 acres to R-4.

Notice was provided in accordance with §21.02.080 (g) of the Zoning and Development Code. On November 30, 2018 notice of the application was mailed to property owners within 500 feet of the subject property. An application sign was posted on the property on or before November 30, 2018 and notice of the public hearing was published December 4, 2018 in the Daily Sentinel.

ANALYSIS – Comprehensive Plan Amendment

Pursuant to §21.02.130 the City may amend the Comprehensive Plan if the proposed changes are consistent with the vision (intent), goals and policies of the Comprehensive Plan and meets one or more of the following criteria:

- (1) Subsequent events have invalidated the original premise and findings; and/or

The subject property is currently within the Future Land Use category of "Park". The "Park" designation is for active park and recreation sites with significant public access.

When the Comprehensive Plan was adopted in 2010, the entire 80 acres was considered for expansion of golf facilities. It has now been determined that Lot 1 of Tiara Rado East Subdivision will not be developed as a golf course and the City desires to sell the property for development. Therefore, Staff finds this criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The majority of the development that has occurred since the adoption of the Comprehensive Plan is south and west of South Broadway, adjacent to Tiara Rado Golf Course. The character and/or condition of the area adjacent to the Golf Course has seen significant development ranging in density from approximately 4 du/acre to 12 du/acre. While the area directly adjacent to the property has had very little development activity, the proximate area as a whole (within $\frac{1}{2}$ to $\frac{1}{4}$ mile) has seen significant development and therefore, Staff finds that this criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and are sufficient to serve the future use as allowed with the Residential Medium Low future land use designation; a 12-inch Ute water line, with fire hydrants, is in S. Broadway and sanitary sewer is available along the east property line. Xcel Energy provides electric and gas. A neighborhood commercial center, including an office complex, bank, medical clinic, veterinary clinic, convenience store and car wash is located at Highway 340 and the Redlands Parkway. In addition, Fire Station No. 5 is located within 2 miles of the property and the property is located nearby to Broadway Elementary School, Redlands Middle School and Wingate Elementary School. Staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

This larger area of the Redlands, south of Highway 340, between Monument Road and 20 Road where it adjoins the Cooperative Planning Area (Buffer), has a variety of Future Land Use designations, from Rural (1 du/5 acres) to Residential Medium High (8-16 du/acre to accommodate a variety of residential densities and housing types. Because of the variety of designations in the proximate area, Staff finds that there is not an inadequate supply of any one designation and therefore this criterion has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from

the proposed amendment.

The proposed amendment to the Comprehensive Plan Future Land Use Map to Residential Medium Low is consistent with the designation of the surrounding properties and would allow for consideration of Residential zoning and development compatible with the surrounding area.

The community will derive benefits from the proposed amendment by creating an opportunity for future residential development on this property which will provide additional residential housing opportunities for residents of the community. The property is located within the highly desirable Redlands area and near neighborhood commercial centers, elementary and junior high schools, which could contribute positively to employers' ability to attract and retain employees. Therefore, staff finds that this criterion has been met.

This Comprehensive Plan amendment request is consistent with the following vision, goals and/or policies of the Comprehensive Plan.

Guiding Principle 3: Housing Variety—allow, encourage more variety in housing types (more than just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Policy A: In making land use and development decisions, the City will balance the needs of the community.

Policy B: Encourage mixed-use development and identification of locations for increased density.

Policy C: Increasing the capacity of housing developers to meet housing demand.

ANALYSIS--Rezone

Pursuant to §21.02.140 (a) of the Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of

the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

(1) Subsequent events have invalidated the original premises and findings; and/or

The current zoning of CSR reflects the ownership and intended use of the property for expansion of the golf facilities. The request to amend the Future Land Use designation to Residential Medium Low would allow for the rezone to R-4. In addition to the Future Land Use Map, the Comprehensive Plan also includes a Blended Residential Land Use Categories Map ("Blended Map"). The Blended Map combines compatible residential densities in three categories, Low, Medium and High, allowing overlapping of zones to provide flexibility to accommodate residential market preferences and trends, streamline the development process and support the Comprehensive Plan's vision. The overlap of zones allows for a mix of density for an area without being limited to a specific land use designation, while still being compatible with adjacent development. The surrounding area is designated as Residential Low (maximum of 5 du/acre) and Residential Medium (4-16 du/ac) on the Blended Map.

The Future Land Use designation of Residential Medium Low in conjunction with the Blended Map designation of Residential Low and Medium, allows for consideration of zoning of up to 16 dwelling units per acre. Therefore, the request to amend the Future Land Use designation to Residential Medium Low would allow for the rezone to R-4 which allows for a density range of 2 du/ac to 4 du/ac.

The determination that the 4.27 acres will not be developed for public purposes and the adoption of the Future Land Use Map in 2010 are subsequent events that have invalidated the original zoning of CSR. Staff therefore finds this criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The majority of the development that has occurred since the adoption of the Comprehensive Plan is south and west of South Broadway, adjacent to Tiara Rado Golf Course. The character and/or condition of the area adjacent to the Golf Course has seen significant development ranging in density from approximately 4 du/acre to 12 du/acre. While the area directly adjacent to the property has had very little development activity, the proximate area as a whole (within ½ to ¼ mile) has seen significant development and therefore, Staff finds that this criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and

are sufficient to serve the future use as allowed with the Residential Medium Low future land use designation; a 12-inch Ute water line, with fire hydrants, is in S. Broadway and sanitary sewer is also available along the east property line. Xcel Energy provides electric and gas. A neighborhood commercial center, including an office complex, bank, medical clinic, veterinary clinic, convenience store and car wash is located at Highway 340 and the Redlands Parkway. In addition, Fire Station No. 5 is located within 2 miles of the property and the property is located nearby to Broadway Elementary School, Redlands Middle School and Wingate Elementary School. Staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

This larger area of the Redlands, south of Highway 340, between Monument Road and 20 Road where it adjoins the Cooperative Planning Area, has many different Future Land Use designations and zone districts, from R-R (Residential Rural) to R-12 (Residential, 12 du/acre) to accommodate a variety of residential densities and housing types. While there is a variety of zone district designations in the proximate area, there is very little R-4 zoning; therefore, Staff finds that there is an inadequate supply of the R-4 zone district and as a result this criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community will derive benefits from the proposed rezone by creating an opportunity for future residential development on this property which will provide additional residential housing opportunities for residents of the community. The property is located within the highly desirable Redlands area and near neighborhood commercial centers, elementary and junior high schools, which could contribute positively to employers' ability to attract and retain employees.

The proposed R-4 zoning will provide a transition from the higher densities surrounding the Tiara Rado Golf Course to the large lot development to the south and east. Staff finds this criterion has been met.

Section 21.02.140 of the Grand Junction Zoning and Development Code states that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan.

This rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan:

Guiding Principle 3: Housing Variety—allow, encourage more variety in housing types

(more than just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Policy A: In making land use and development decisions, the City will balance the needs of the community.

Policy B: Encourage mixed-use development and identification of locations for increased density.

Policy C: Increasing the capacity of housing developers to meet housing demand.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Tiara Rado East Comprehensive Plan Amendment and Rezone (CPA-2018-728 and RZN-2018-729) a request to change the Future Land Use Map designation to Residential Medium Low and rezone to R-4 (Residential, 4 du/acre) 4.27 acres, located at 2064 South Broadway, the following findings of fact have been made:

1. The requested Comprehensive Plan Amendment and Rezone is consistent with the goals and policies of the Comprehensive Plan.
2. More than one of the applicable review criteria in §21.02.130 of the Grand Junction Municipal Code have been met.
3. More than one of the applicable review criteria in §21.02.140 of the Grand Junction Municipal Code have been met.

FISCAL IMPACT:

This land use action does not have any direct fiscal impact. Subsequent actions such as future development and related construction may have direct fiscal impact depending on the type of use.

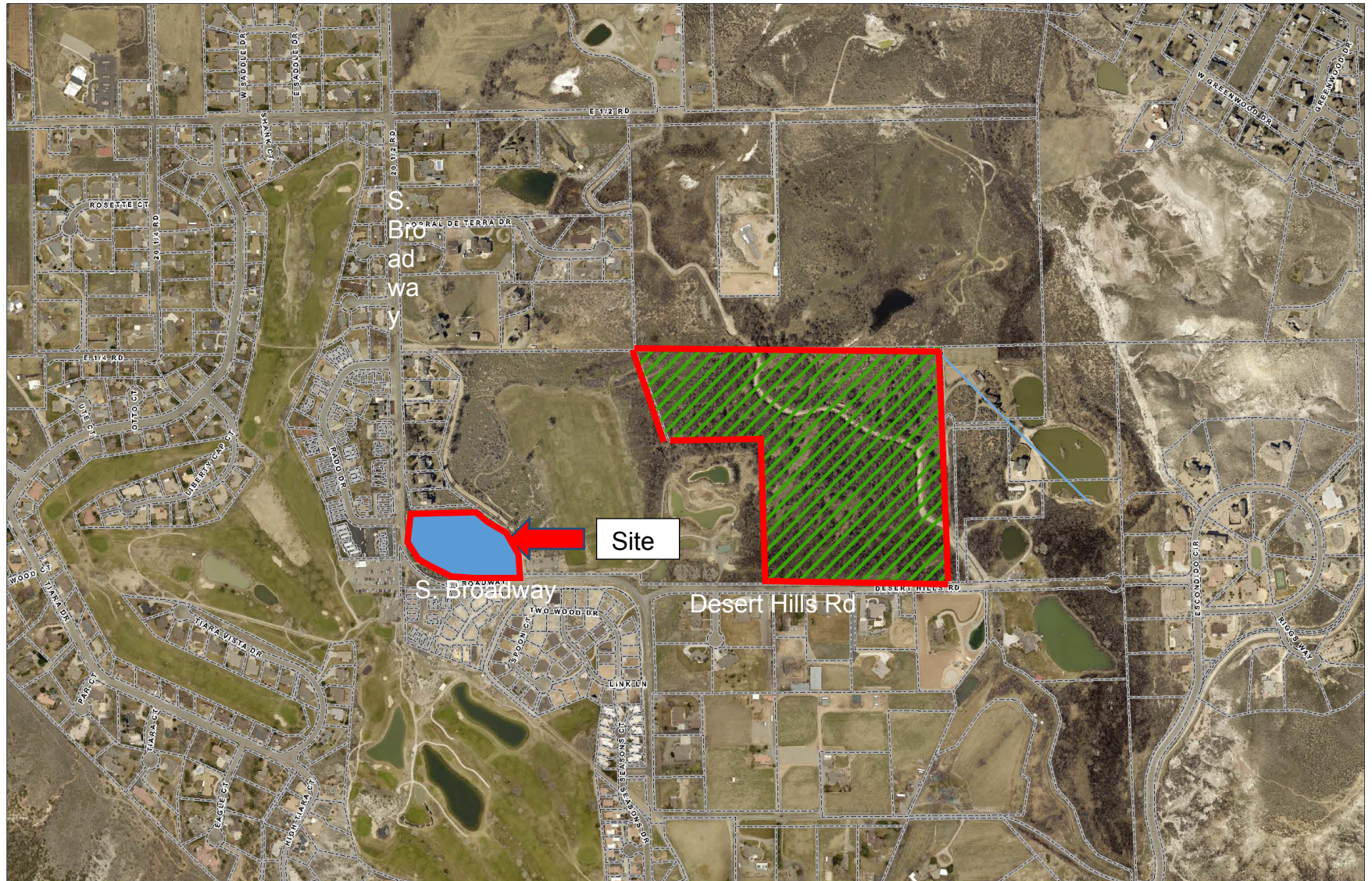
SUGGESTED MOTION:

I move to introduce an ordinance amending the Comprehensive Plan Future Land Use Map Designation to Residential Medium Low and Rezoning to R-4 (Residential, 4 du/ac), 4.27 acres, located at 2064 South Broadway, and set a public hearing for January 16, 2019.

Attachments

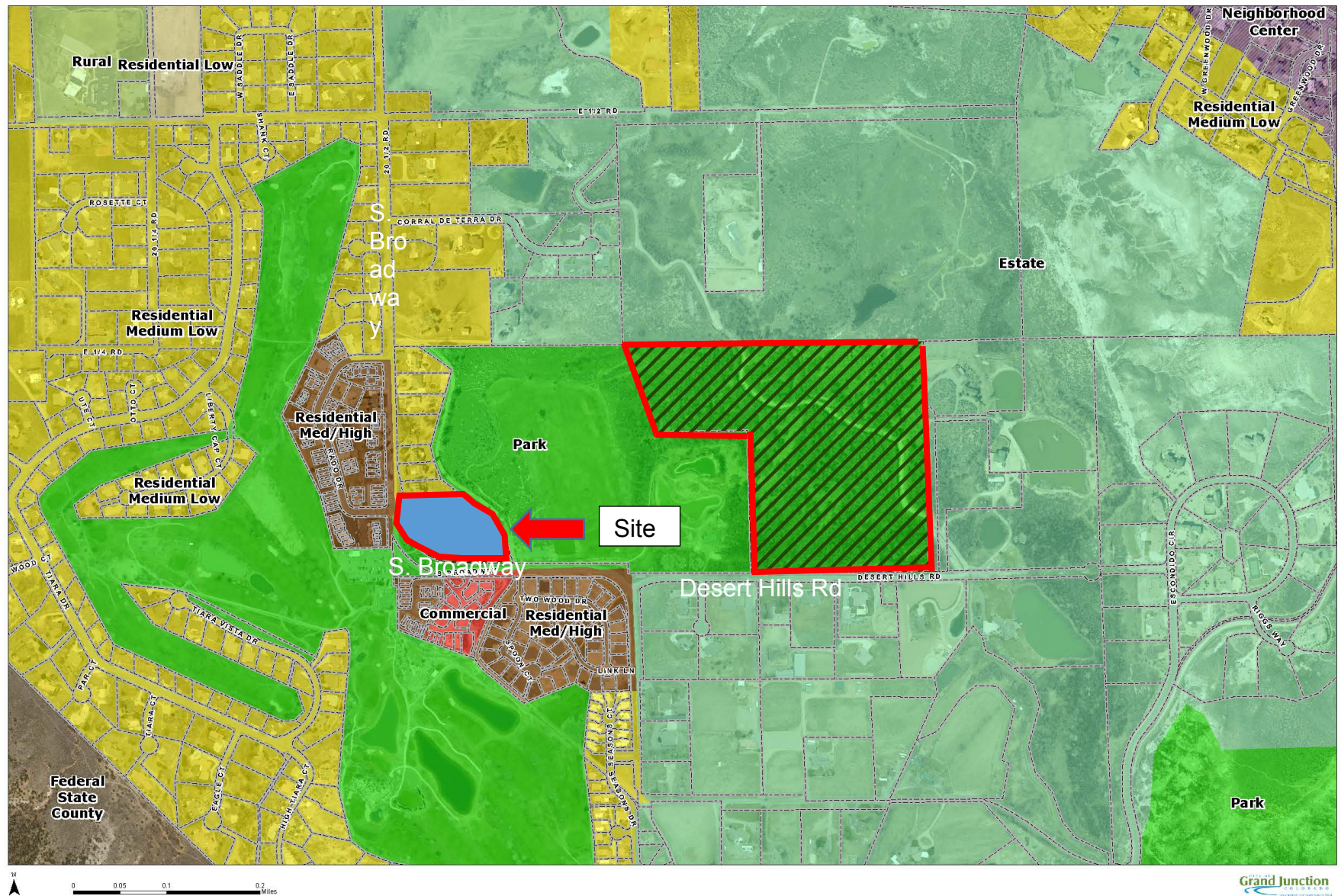
1. Tiara Rado East Maps and Photos
2. Tiara Rado East Ordinance w Map

Proposed Tiara Rado East Subdivision

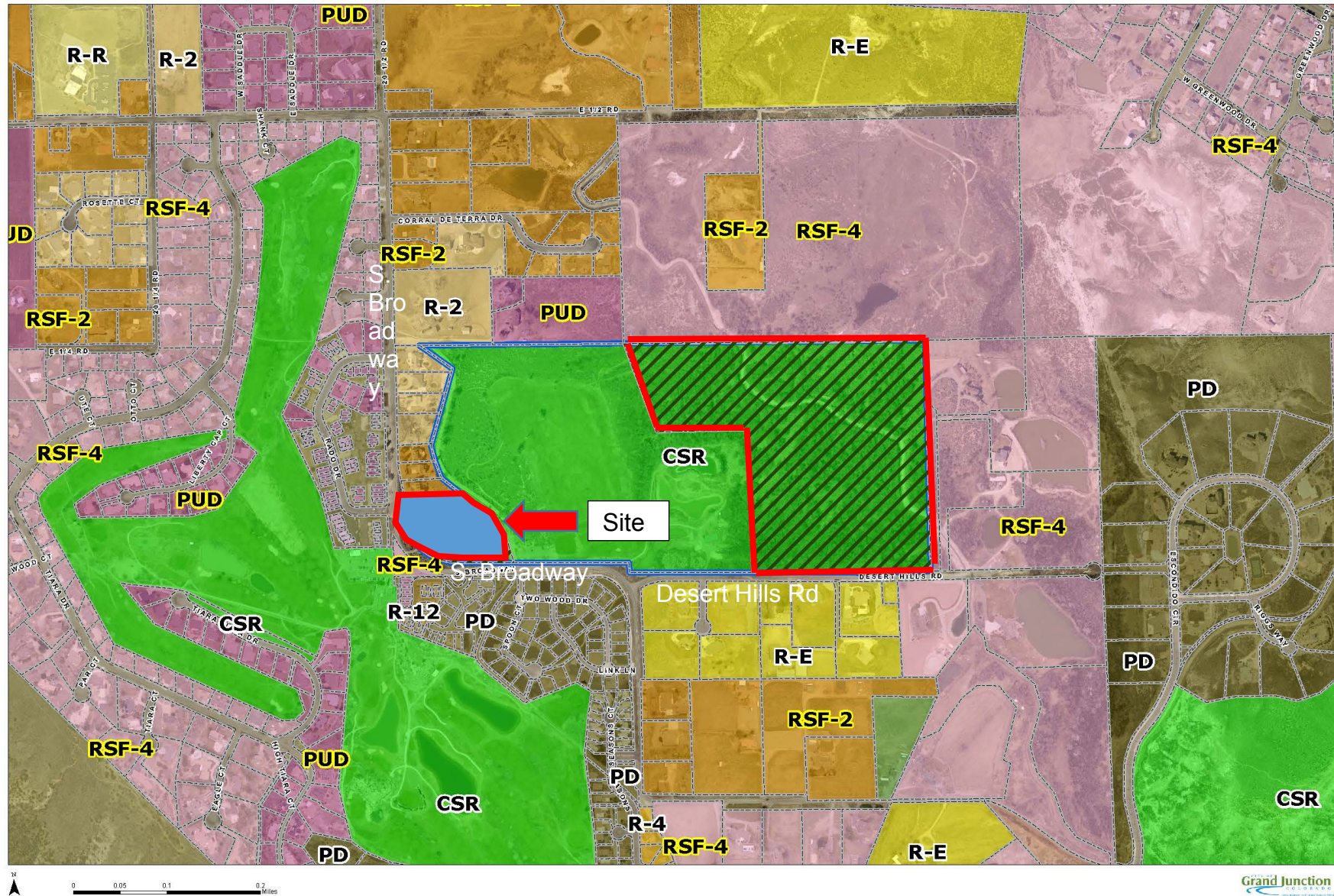


0 0.05 0.1 0.2 Miles

Proposed Tiara Rado East Subdivision - Future Land Use



Proposed Tiara Rado East Subdivision - Zoning





S. Broadway looking North



S. Broadway looking east

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE
MAP DESIGNATION TO RESIDENTIAL MEDIUM LOW AND REZONING TO R-4
(RESIDENTIAL, 4 DU/AC) 4.27 ACRES**

LOCATED AT 2064 SOUTH BROADWAY

Recitals

The City owns 80 acres at 2064 South Broadway across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The City intends to sell 4.27 acres of the unused property for purposes of future development and is requesting to change the Future Land Use Map designation from Park to Residential Medium Low and rezone the property from CSR (Community Services and Recreation) to R-4 (Residential, 4 du/acre).

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use Map designation to Residential Medium Low and rezoning the property to the R-4 (Residential, 4 du/ac) zone districts, finding that it conforms with the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the Residential Medium Low Future Land Use Designation and R-4 (Residential, 4 du/ac) zone district are in conformance with at least one of the stated criteria of Section 21.02.130 and Section 21.02.140 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property be designated Residential Medium Low and zoned R-4 (Residential, 4 du/ac):

Lot 1 Tiara Rado East Subdivision, Reception Number 2841660, Drawer No. D3-22, Mesa County Clerk and Recorder.

CONTAINING 4.27 Acres, more or less, as described. See Exhibit A.

INTRODUCED on first reading this ____ day of ____, 2018 and ordered published in pamphlet form.

ADOPTED on second reading this ____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

President of the Council

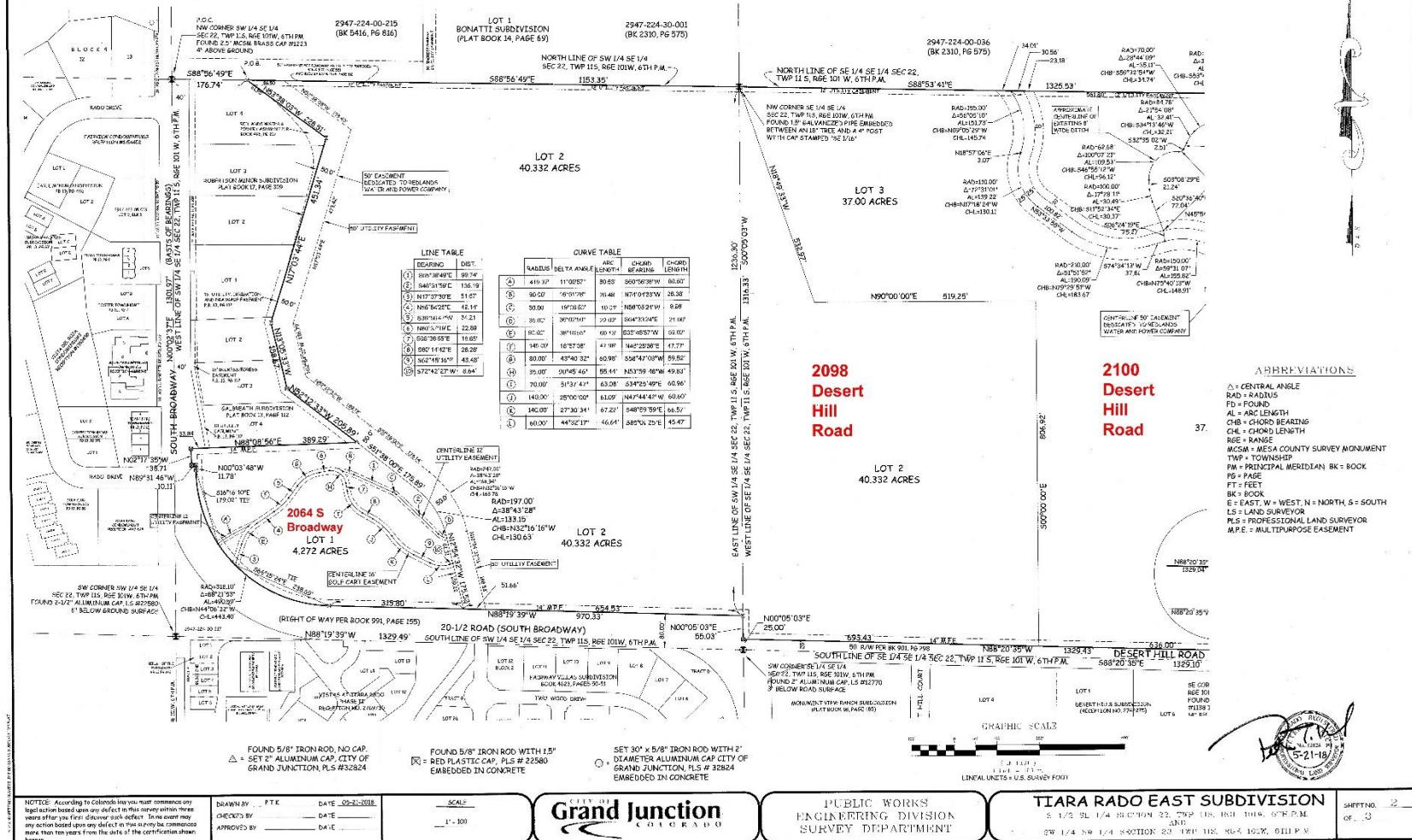
City Clerk

Exhibit A

File ID#: SUB-2018-185
Zoning: CSR
Not in Floodplain

TIARA RADO EAST SUBDIVISION

1/2 OF SE 1/4 OF SECTION 22 AND SW 1/4 OF SW 1/4 SECTION 23
11 SOUTH, RANGE 101 WEST, 6TH PRINCIPAL MERIDIAN
COUNTY OF MESA, STATE OF COLORADO
SHEET 2 OF 3





Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: December 19, 2018

Presented By: Randi Kim, Utilities Director

Department: Public Works - Utilities

Submitted By: John Eklund, Project Engineer

Information

SUBJECT:

Kannah Creek Intake Rehabilitation

RECOMMENDATION:

Staff recommends the City Purchasing Division execute a construction contract with GCS, LLC for the Kannah Creek Rehabilitation project in the amount of \$873,329.38.

EXECUTIVE SUMMARY:

The project generally consists of the demolition and reconstruction of the intake structure and headgates, replacement of existing pipeline, measurement devices, the integration of electronic System Control and Data Acquisition (SCADA) and appurtenances. Cost to the City for construction is \$873,329.38, which is fully funded by the Water Fund CIP.

BACKGROUND OR DETAILED INFORMATION:

The Kannah Creek Intake diverts water to the primary reservoir for the City of Grand Junction. The diversion has been operating since the early 1900's. While updates have been made in the following decades, much of the existing site is past its design life. The intake also has several maintenance challenges including, debris blockage, ice buildup in the winter, and aging facilities. The purpose of this project is to address these maintenance concerns, upgrade equipment to extend service life and enable more automated control and reporting.

This project is in line with the City's strategic plan by keeping our infrastructure up to date, thus creating a more robust system for reliably delivering the highest quality water

to the City's customers while improving operability for City staff.

A formal invitation for bids was issued via BidNet (an online site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce, the Western Colorado Contractors Association, and advertised in The Daily Sentinel. Two companies submitted formal bids, of which one was found to be responsive and responsible in the following amount:

Vendor	Location	Bid Alternate 1: Kannah Creek Rehabilitation
GCS, LLC	Grand Junction, CO	\$873,329.38
United Companies	Grand Junction, CO	\$924,703.72

FISCAL IMPACT:

All expenses for this project are funded by the Water Fund CIP.
Expenses are as follows:

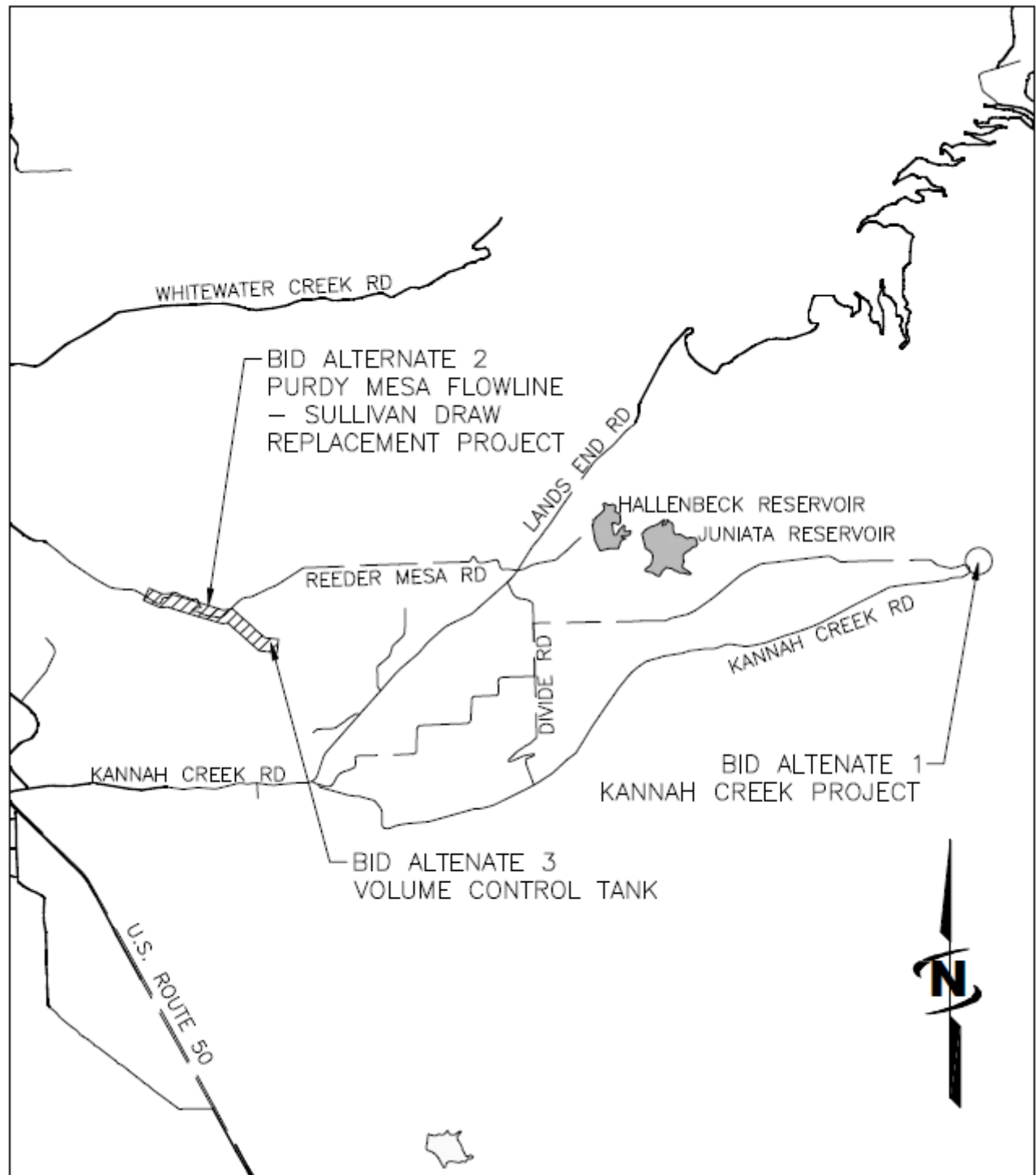
Services	Vendor	Expenditures
Design Services	J-U-B Consulting Engineers	\$ 55,080.00
Quality Assurance Testing	Huddleston Berry Engineering & Testing, LLC	\$ 10,000.00
Construction Services	GCS, LLC	\$ 873,329.38
	Total Estimated Expenditures:	\$ 938,409.38

SUGGESTED MOTION:

I move to authorize the City Purchasing Division to enter into contract with GCS, LLC of Grand Junction, CO for the Kannah Creek Rehabilitation in the amount of \$873,329.38.

Attachments

1. KC Vicinity Map





Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: December 19, 2018

Presented By: Greg Caton, City Manager

Department: City Manager

Submitted By: Greg LeBlanc

Information

SUBJECT:

Resolution Adopting the City of Grand Junction 2019 Legislative Agenda

RECOMMENDATION:

Staff recommends adoption of the resolution.

EXECUTIVE SUMMARY:

The purpose of this item is for City Council to consider the 2019 Legislative Agenda.

BACKGROUND OR DETAILED INFORMATION:

The 2019 Legislative Agenda identifies the recommended legislative priorities of the City in the upcoming state legislative session and will aid in guiding the City's lobbying activities. Due to the unknown nature of bills introduced in the State Legislature, it is important that the Legislative Agenda remain flexible. General concepts and direction are provided for discussion and more specific information can be provided after bills are officially introduced. The issues discussed in this agenda are based on the needs of the City and anticipated legislation for 2019.

Council Policy and Legislative Monitoring – It is recommended that City Council adopt a resolution to establish protocols for its legislative priorities. For state legislative efforts, the Council currently uses staff and designates a Councilmember as Council Liaison to legislative and policy groups. These guidelines serve as a policy direction for those representing the City.

City Council legislative liaison, Councilmember Duncan McArthur, will work closely with

Assistant to the City Manager, Greg LeBlanc throughout the legislative session to address the variety of issues and bills that will arise. The legislative efforts of the Council Liaison or City staff will be coordinated with the Colorado Municipal League and legislative calendar.

Colorado Municipal League – Council’s intergovernmental liaison will work closely with the Colorado Municipal League (CML) regarding state legislative issues for a stronger Colorado. CML produces a policy statement for each legislative session which directs the CML Executive Board, committees, and advocacy teams during the legislative session, and will guide the League in its lobbying efforts on behalf of all cities and towns in the state. The 2019 CML Legislative Priorities will be distributed to City Council upon publication.

The 72nd General Assembly Calendar & Process– Regular sessions of the Legislature begin no later than the second Wednesday in January and last no more than 120 days. Special sessions may be called at any time by the Governor or upon written request of two-thirds of the members of each house. A number of committees, including some ongoing, statutory year-round committees, meet during the interim months of May through December. The 72nd General Assembly will convene on January 4, 2019. The legislative schedule and updates on legislative activity will be provided periodically throughout the session.

In order to meet strict deadlines, joint procedural rules of the two chambers require most legislation to be introduced early in the legislative session. These same rules also limit each legislator to introducing five bills per year and limit the ability of members to introduce new bills at constituent request once the legislative session has begun. Unless stated otherwise, bills adopted by the General Assembly take effect on July 1 following the legislative session. Bills without this “safety clause” are subject to referendum prior to taking effect.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to adopt Resolution No. 86-18, a resolution concerning the 2019 Colorado General Assembly and the Legislative Policy Agenda of the City Council.

Attachments

1. RES-2019LegPolicy
2. 2019 Legislative Agenda

Resolution No. _____

A RESOLUTION CONCERNING THE 2019 COLORADO GENERAL ASSEMBLY AND THE
LEGISLATIVE POLICY AGENDA OF THE CITY COUNCIL.

RECITALS:

The 2019 session of the Colorado General Assembly, convened on January 4th; the General Assembly considers and acts on a wide array of issues, many of which have or may have a direct and indirect effect on the City, its operations and the services delivered to the citizens.

With this Resolution the City Council sets, adopts and determines its priorities regarding anticipated State legislative matters and outlines which issues the City has an interest in involving itself. Furthermore, the City Council establishes a procedure for participation in those matters; participation which may include, but not be limited to writing letters, making calls, testifying or otherwise appropriately expressing the City's position relative to any hearing, bill or other matter before the General Assembly.

The City has a long and strong relationship with the Colorado Municipal League (CML) and 2019 is expected to be no different. The 2018-2019 CML Policy Statement is attached and incorporated by this reference as if fully set forth. While CML has an excellent perspective on what is important to municipalities, it represents 269 municipalities, many of which are on the Front Range and may have a different perspective on legislative/policy needs than others.

While the instances over many years have been few that CML's position is divergent from Grand Junction's, the City Council continues to rely on staff and a member of Council to monitor legislative and policy action during the General Assembly sessions. The 2019 session is no exception.

City Councilmember Duncan McArthur, who presently serves on the CML Policy Committee, shall be the designated Council Liaison and Assistant to the City Manager Greg LeBlanc is the designated staff member for the 2019 session. In addition to Mr. LeBlanc, the other professional City staff will be providing their expertise to evaluate actions proposed by, coming to or pending before the General Assembly in 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE GRAND JUNCTION CITY COUNCIL THAT the City does hereby express its support for the CML 2018-2019 Policy Statement as guidance for the 2019 legislative policy of the Grand Junction City Council; and,

FURTHERMORE, be it resolved that the City Council does authorize and direct Councilmember McArthur, with the assistance of City staff to work with CML in support of the policy agenda as the same is reflected in bills, resolutions and measures before the Colorado General Assembly during its 2019 session(s).

GRAND JUNCTION CITY COUNCIL

Barbara Traylor Smith
Mayor and President of the City Council

ATTEST:

Wanda Winkelmann
City Clerk

2019 Legislative Agenda

The following paragraphs provide the key elements of the 2019 Legislative Agenda. Although the legislative agenda should remain flexible due to the unknown nature of bills introduced in the State Legislature, the general concepts and direction are provided here. The City of Grand Junction will address Federal legislation on a case-by-case basis with priority given to items that directly affect City services not otherwise addressed by the State.

Partnerships & Intergovernmental Relationships – The City views partnership in its broadest sense and not only through the lens of delivering municipal services. Therefore, the City will focus on these areas:

Local Control – In order to consider local conditions and address local desires, community issues and needs should be addressed locally. State government interference can undermine home rule and local control. It is in the City's best interest to preserve its own local control on issues that affect its citizens and therefore, the City will endorse legislation that supports and sustains this principle and oppose legislation that conflicts with the autonomy of cities and towns.

Intergovernmental Cooperation – Citizens are best served when officials of all levels of government respect the roles of each entity and work toward common solutions. The City will support increased dialogue and cooperation among federal, state and local officials (including other municipalities, counties, special districts and school districts) and the development of cooperative intergovernmental solutions to common problems.

Fiscal Responsibility – Fiscal responsibility is paramount to City operations and the City must be as effective in identifying sources of revenues as it is in prioritizing spending.

Sales & Use Tax – The primary revenue sources for municipalities are local sales and use taxes. Sales and use taxes have enabled municipalities to fund public services and improvements and keep municipal property taxes relatively low. Appropriate actions at federal, state and local levels should preserve or enhance these local revenues. The City will support the retention of authority for all municipalities to set local tax rates and for home rule municipalities to collect their own taxes and determine their own tax base.

Property Tax & the Gallagher Amendment – Recent forecasts by legislative economists expect the residential assessment rate to fall again in 2019. In Western Colorado, where home values are growing more slowly than the along Front Range, homeowners will see the tax rate lower without a commensurate increase in property value. This will strain the budgets of local governments and special districts that rely on property taxes to provide public services. The City will support measures that help to bridge the property tax divide between the Front Range and the Western Slope.

Public Safety – Grand Junction is a stand-alone regional hub with urban challenges not common in other communities on the Western Slope of Colorado. Establishing public safety programs to meet current and anticipate future needs will require the City to partner with other agencies, analyze best practices, and evaluate current workloads. The City will support local control of local emergency services and involvement of the state as a resources to local governments in the areas of information, coordination, funding, and training. The City will also encourage measures that promote assistance programs that address the needs and contributing factors of homelessness.

Planning & Infrastructure – To ensure infrastructure is appropriately planned for and areas of new or expanded infrastructure is congruent with the areas that are planned for growth, city plans must be relevant and reflective of the community’s vision and needs. The City will systematically utilize its fiscal resources to ensure existing infrastructure is adequately maintained and that planned revenues align with the maintenance and construction of existing and future infrastructure. Given the potential for significant growth in the community, we must focus on planning for future infrastructure needs that can support quality of life, economic growth, and core municipal service delivery. Building and maintaining infrastructure can be a key ingredient to both attracting businesses as well as attracting and retaining workforce talent.

Transportation – The ability to move around the community with relative ease is important to maintaining the overall quality of life of Grand Junction residents. The City will continue to support legislation that works towards solutions for improving the condition and capacity of our existing roadway network, which includes solutions for roadway expansion. Legislation that supports projects that expand the transportation system based on traffic models that project population growth, travel routes, and future impacts to the transportation network will be preferred.

Economic Development – The City will take proactive steps to help mitigate the effects of peaks and valleys in economic activity and will continue to outsource economic development activities through support of its economic development partners. The City will support efforts that promote economic development and any comprehensive efforts among state and local governments and the private sector for economic development.

Broadband – Communication and technology infrastructure was identified by City Council as an essential tool for the development of commerce and industry leading to long-term economic competitiveness for the City of Grand Junction. Grand Junction voters approved an override of Colorado Senate Bill 05-152 in April 2015 by a majority, allowing the City to use City resources and infrastructure to provide broadband capabilities that compete with private providers. The City will continue to support measures that improve broadband service to our area.



Grand Junction City Council

Regular Session

Item #5.a.

Meeting Date: December 19, 2018

Presented By: Brandon Stam, DDA Executive Director

Department: Downtown GJ Business Improvement District

Submitted By: Brandon Stam

Information

SUBJECT:

Downtown Grand Junction Business Improvement District's 2018 Annual Report and 2019 Operating Plan and Budget

RECOMMENDATION:

The DGJBID Board reviewed and approved the 2019 Operating Plan and Budget and recommends City Council approval.

EXECUTIVE SUMMARY:

Annually the DGJBID is required to file an Operating Plan and Budget with the City Clerk by September 30th. The City Council then approves or disapproves the plan and budget. The plan was reviewed by the DGJBID Board and submitted within the required timeline. After further review by City staff, the plan was found to be reasonable.

BACKGROUND OR DETAILED INFORMATION:

In 2005, the City Council created the Downtown Grand Junction Business Improvement District (BID), approved their 2006 Operating Plan and Budget, conducted a mail ballot election to create a Special Assessment, and then turned over the board to the DDA. State Statutes (31-25-1212 C.R.S.) require business improvement districts to submit an operating plan and budget. The municipality shall approve or disapprove the operating plan and budget.

FISCAL IMPACT:

The City of Grand Junction makes an annual Payment In Lieu of Tax (PILT) to the BID.

In 2018 the City paid \$15,269 to the BID; that amount remains unchanged in the City's 2019 adopted budget.

SUGGESTED MOTION:

I move to approve the Downtown Grand Junction Business Improvement District's 2019 Operating Plan and Budget.

Attachments

1. Downtown Grand Junction Operating Plan and Budget

DOWNTOWN DEVELOPMENT AUTHORITY

Department Overview

The Downtown Development Authority (DDA) was established in 1981 by the City of Grand Junction after receiving approval through a special election of the Downtown property owners and businesses. The Authority was the first such organization in the State of Colorado and this private-sector initiative exemplifies the strong dedication and support which has helped to shape Downtown Grand Junction. The primary responsibility of the DDA is to support and facilitate economic development efforts to enhance the vitality of the Downtown community through capital investment and construction.

2019 Personnel

DOWNTOWN GRAND JUNCTION			
POSITION	2017 ADOPTED	2018 ADOPTED	2019 BUDGET
DDA/BID Director	1.00	1.00	1.00
Communications & Marketing Coordinator	0.00	0.00	1.00
Downtown Event Coordinator	1.00	1.00	1.00
Administrative Specialist	0.00	1.00	1.00
Total Positions	5.00	4.00	4.00

2018 Accomplishments

- Partnership with City to issue \$15 million in bonds and spend \$4 million in DDA funds towards the development of the Las Colonias Business Park and the renovation of the Two Rivers Convention Center. Both of these projects are catalytic projects that will revitalize these corridors and leverage significant private investment into the DDA boundaries. Construction of phase began in 2018.
- Purchase and sale agreement with Regeneration development to redevelop old R-5 and White Hall sites into mixed-use residential with construction expected to commence in 2019. Utilization of R-5 building as community asset for that can't be rented out. Similar to the Smiley Building in Durango. Development of Downtown housing has been identified as a long-term goal by the DDA Board since 2015 when the Downtown Housing Study was completed.
- Started implementation and outreach for the Plan of Development update. This includes a Board Retreat, joint City Council and Planning Commission meeting and outreach meetings to various community stakeholders. The project is projected to be completed around May 2019.
- 2018-2019 Art on the Corner (AOTC) welcomed 16 new sculptures to Downtown. The DDA implemented improvements to the program based upon the AOTC committee recommendations which included partnering with City Parks and Recreation to get permanent pieces repaired and relocate when necessary, install pieces that are in storage, update signage for temporary and permanent pieces, paint pedestals and working with artists to ensure their input is given. Additionally, the DDA utilized a curator and increased the artist compensation to make the event more competitive with other communities.
- Downtown beautification and maintenance efforts in coordination with City Departments which includes but is not limited to animal control services and additional lighting for safety in breezeways and purchase of new holiday lights. Also worked with City Parks and Recreation to implement murals in Downtown which led to the murals on the parking garage and looking at future locations for public art.

- Coordination with statewide DDA's to create DDA Best Practice Guide in partnership with Downtown Colorado Inc.
- Continued utilization of façade grants years with \$100,000 being awarded to rehabilitate buildings in Downtown GJ. These grants leveraged significant private sector money that was invested in rehabilitating buildings within the DDA boundaries.
- Special projects including installation of two bicycle repair stations and the Street Beats and Electric Art Programs.
- Funding and partnership with City to have dedicated Downtown police presence.
- Applied and received Colorado Creative District Certification with Colorado Creative Industries. Downtown GJ joins 22 other Creative Districts throughout Colorado. The program bring additional funding, marketing and resources to our Downtown in order to highlight the Creative assets in Downtown GJ.

2019 Objectives

- The City will contribute \$954,921 towards the Las Colonias and TRCC projects while the DDA will contribute \$266,666 towards both projects which are set to commence in 2019. We are anticipating distributing \$9 million for construction in 2019 and \$6 million in 2019. The 2019 recommended budget projects an ending fund balance of \$6.1 million in the capital fund which will be held for the finalization of the Las Colonias and TRCC projects in 2019.
- A \$250,000 contingency is being recommended to earmark funds for planned and potential projects including an update to the Plan of Development, potential wayfinding activity, and potential economic development funding for current projects in the development stages now. The DDA Board also has the flexibility to utilize these contingency funds for any unforeseen projects that might occur in 2019.
- The DDA will continue participation in the downtown police patrol by paying \$220k towards the cost of three full-time officers Downtown.
- The 2019 recommended budget adds \$500,000 to the fund balance projecting an ending fund balance of \$2 million.
- Development of Creative District Goals and Projects for 2019.
- Continued growth and expansion of Art on the Corner including possibly looking at ways to purchase more public art.
- Special projects focused on improving Downtown vibrancy which could include pedestrian improvements as well as maintenance and beautification efforts.
- The debt proceeds for the Las Colonias and Two Rivers Convention Center will come into the capital fund at the end of 2017 and the first part of 2018. The funds will be held and drawn as construction progresses throughout 2019.
- Interest will be earned by the DDA on the monies as they are held in the fund.

2019 Expenditures

DOWNTOWN DEVELOPMENT AUTHORITY				
	2017 ACTUAL	2018 BUDGET	2018 PROJECTED	2019 BUDGET
Labor & Benefits				
Salaries/Wages	\$ 121,424	\$ 131,410	\$ 131,410	\$ 130,502
Benefits	21,764	23,672	23,672	24,096
Taxes	9,853	10,287	10,287	9,988

Workers Compensation	792	792	792	882
Other Compensation	11,666	-	-	-
Total Labor & Benefits	\$ 165,499	\$ 166,161	\$ 166,161	\$ 165,468
Operating Expenditures				
Charges and Fees	\$ 67,146	\$ 71,200	\$ 71,200	\$ 11,400
Contract Services	119,847	289,317	289,317	332,725
Equipment	5,541	3,000	3,000	2,500
Grants and Contributions	48,193	9,030,500	9,030,500	6,064,774
Operating Supplies	6,789	5,300	5,300	7,000
Professional Development	5,832	8,000	8,000	8,000
Rent	10,150	10,150	10,150	10,150
Repairs	45,092	5,000	5,000	6,000
Utilities	34,218	39,900	39,900	42,900
Total Operating	\$ 342,719	\$ 9,462,367	\$ 9,462,367	\$ 6,485,449
Interfund Charges				
Administrative Overhead	\$ 26,367	\$ 24,537	\$ 25,901	\$ 25,609
Information Technology	-	415	415	502
Liability Insurance	4,663	4,663	4,663	7,013
Medical Programs	-	-	-	6,207
Total Interfund	\$ 31,030	\$ 30,687	\$ 30,687	\$ 40,043
Capital Outlay				
Capital Equipment	\$ 500,000	\$ -	\$ -	\$ -
Other Projects	28,462	120,000	120,000	120,000
Total Capital	\$ 528,462	\$ 120,000	\$ 120,000	\$ 120,000
Debt Service				
Interest Expense	\$ 226,655	\$ 393,441	\$ 393,441	\$ 765,617
Principal	5,620,000	900,000	900,000	878,120
Total Debt Service	\$ 5,846,655	\$ 1,293,441	\$ 1,293,441	\$ 1,643,737
Contingency and Reserves				
Contingency	\$ -	\$ 500,000	\$ 500,000	\$ 250,000
Total Contingency and Reserves	\$ -	\$ 500,000	\$ 500,000	\$ 250,000
TOTAL EXPENDITURES	\$ 6,914,365	\$ 11,572,656	\$ 11,572,656	\$ 8,704,697

Note: The chart above combines Fund 103 – Operations, 203 – Capital, and 611 – Debt Service

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

Overview

In late 2005, business and property owners within the boundaries of the Business Improvement District (BID) voted to impose a special assessment which would fund marketing, promotions, public relations, advertising and special events. The BID affects Downtown Grand Junction commercial property owners only and excludes residential properties. The BID is roughly within the following boundaries: the railroad tracks on the west to 8th Street on the east, and from Ouray Avenue on the north to Ute Avenue on the south.

2018 Accomplishments

- 69 businesses located in Downtown from 2017-2018 along with 14 properties that were sold within the district.
- Events saw record attendance starting with thousands of attendees at the three-day Grand Junction Off-Road and Downtown Music Festival and ending with the 20,000 attendees at the Downtown Parade of Lights.

- We started accepting SNAP (formerly food stamps) at the Downtown Farmers Market and our farmers redeemed approx. \$5,000 in SNAP for fresh produce in 2018. Sponsorship dollars raised for our events were up 51% from the year before.
- Increase in gift card sales by roughly 10%.
- Hosted Downtown Institute event with Downtown Colorado Inc. aimed at helping businesses and property owners learn strategies to improve business and take advantage of event traffic.
- Hosted Quarterly Downtowner Meetings with property owners, businesses and other stakeholders. These meetings provide updates of Downtown happenings as well as the opportunity for networking among Downtown constituents.

2019 Objectives

- Continue to work with Downtown businesses and property owners to provide educational and networking opportunities.
- Continue to engage members through committees and meetings in order to foster greater member involvement.
- Continue to partner with Colorado Mesa University to draw students and their parents to the downtown core.
- Fine-tune all events with a special focus on improving newer events such as the Art Festival, Tour de Rock, Spooktacular and the 4th of July parade and increasing capacity of more established events.
- Increase and expand sponsorship revenue for Downtown events that better reflects the costs of the events and provides the BID with more financial sustainability.
- Continue to rollout and expand the Downtown brand, including better signage and banners. Work with the DDA on expanding Wayfinding for the Downtown area.
- Expand ways to offer marketing opportunities to Downtown businesses specifically focused on digital marketing.
- Partnership with Visit Grand Junction to draw visitors to Downtown and expand awareness of Downtown GJ on a regional and statewide level.

2019 Expenditures

711 DOWNTOWN BUSINESS IMPROVEMENT DISTRICT					
	2017 ACTUAL	2018 BUDGET	2018 PROJECTED	2019 BUDGET	
Labor & Benefits					
Salaries/Wages	\$ 101,733	\$ 112,378	\$ 112,378	\$ 106,585	
Benefits	17,052	19,658	19,658	31,257	
Taxes	7,140	8,601	8,601	8,156	
Workers Compensation	471	471	471	501	
Total Labor & Benefits	\$ 126,396	\$ 141,108	\$ 141,108	\$ 146,499	
Operating Expenditures					
Charges and Fees	\$ 3,320	\$ 2,000	\$ 2,000	\$ 2,150	
Contract Services	174,666	162,898	162,898	163,906	
Cost of Goods Sold	1,436	1,000	1,000	1,000	
Equipment	934	-	-	-	
Operating Supplies	6,215	4,775	4,775	8,775	
Professional Development	772	-	-	3,300	
Repairs	136	500	500	500	

Uniforms and Gear		472	-	-	300			
Total Operating Expenditures	\$	187,952	\$	171,173	\$	171,173	\$	179,931
Interfund Charges								
Information Technology	\$	499	\$	650	\$	650	\$	-
Total Interfund Charges	\$	499	\$	650	\$	650	\$	-
TOTAL EXPENDITURES	\$	314,846	\$	312,931	\$	312,931	\$	326,430





Grand Junction City Council

Regular Session

Item #5.b.

Meeting Date: December 19, 2018

Presented By: Vara Kusal, Executive Director Horizon Drive Association Business Improvement District

Department: Horizon Drive Association Business Improvement District

Submitted By: Vara Kusal

Information

SUBJECT:

Horizon Drive Association Business Improvement District's 2018 Annual Report and 2019 Operating Plan and Budget

RECOMMENDATION:

Approve the Horizon Drive Association Business Improvement District's 2019 Operating Plan and Budget.

EXECUTIVE SUMMARY:

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30th each year. The City Council then approves or disapproves the plan and budget by December 5th. The plan and budget were approved by the Horizon Drive Business Improvement District Board. The Operating Plan and Budget were discussed with City Council at the November 5, 2018 Workshop.

BACKGROUND OR DETAILED INFORMATION:

In 2004, the City Council created the Horizon Drive Association Business Improvement District, approved the 2005 Operating Plan and Budget and appointed the board. State Statutes (31-25-1212 C.R.S.) require business improvement districts to annually submit an operating plan and budget. The municipality shall approve or disapprove the operating plan and budget by December 10th so the BID can file its mill levy certification with the County Assessor by December 10th.

FISCAL IMPACT:

The preliminary assessed valuation of the Horizon Drive Business Improvement District is \$38,848,260. The District will assess a 5.0 mill levy which is expected to generate approximately \$194,241.

There is no direct fiscal impact to the City. The City partners with the Horizon Drive Business Improvement District on improvement projects within the district as approved in the City's annual capital budget.

SUGGESTED MOTION:

I move to approve the Horizon Drive Association Business Improvement District's 2019 Operating Plan and Budget.

Attachments

1. HDBID 2019 Budget and Operating Plan



HORIZON DRIVE **District**

Gateway to Grand Junction

Service & Operating Plan 2019

INTRODUCTION

The Horizon Drive District (the “District”) is comprised of commercial properties within the general geographic areas of Horizon Drive between G Road and H Road. The District was formed in 2004 under Colorado Revised Statute 31-25-1201, which allows Business Improvement Districts to be formed within municipalities of Colorado, and to levy and collect ad valorem taxes on commercial property within the boundaries of the District. The City of Grand Junction oversees the District and appoints the Board of Directors.

As a gateway to Grand Junction, the District is often the first and lasting impression people have of the City of Grand Junction. As such, City government also takes an active role and fiscal partnership in the maintenance and improvements to the District.

The Horizon Drive District is home to more than 200 businesses, including 72% of the City’s lodging, and most recent studies reveal an overall economic impact of \$300 million annually. The District sees 7 million cars annually and connects the community and travelers to the Regional Airport, Downtown, Colorado Mesa University and points between.

The mission of the Horizon Drive District is to build community, enhance the beauty and advocate the economic vitality of the Horizon Drive District.

During the year 2018, the District’s efforts focused on meeting the stated goals and projects adopted in the 2017 Strategic Plan as follows:

Capital Improvement Projects:

- Phase 2 of the Corridor Improvement Project – South of I-70 to G Road
- Phase 3 Landscaping – Curb buffer zone north of I-70 to the airport
- Horizon Drive Trail
- Gore Area Landscaping
- Art on Horizon

VISIT THE DISTRICT
WWW.HORIZONDRIVEDISTRICT.COM

970.985.1833

P.O. Box 4191 Grand Junction, CO 81502

Ongoing Projects:

Shuttle bus to downtown and special events
District expansion
Development of residential projects / other
Marketing
Safety and Public Safety

In accordance with the Board's stated objectives, the District adopts the following general Service & Operating Plan for 2019:

2019 GOALS

1. Improve Safety – Continue focus on mitigating pedestrian safety hazards, improve pedestrian connectivity between District businesses, plan for critical growth and necessary safety improvements, as well as enhance overall safety, traffic flow, and efficiency of travel. Construction of three pedestrian crosswalks with pedestrian-activated yellow flashing lights will begin November 13 in the section of Horizon Drive where three pedestrian fatalities have occurred in recent years between G Road and Visitor's Way. We thank City Council and CDOT for their support on this important safety improvement.
2. Stimulate Economic Development – Encourage development of un-developed parcels, as well as improvements on existing parcels within the District, to enlarge the tax base and economic impact for the benefit of Grand Junction, as a direct result of infrastructure improvements.
3. Enlarge the District – Continue efforts to strategically enlarge the District by voluntary annexation of adjacent parcels and nearby parcels that logically benefit from and fit within the District sphere of influence. Progress towards accomplishing this objective have been enhanced by the substantive and tangible improvements to the District in Phase 1 that demonstrate benefits to potential stakeholders.
3. Improve the District Image and neighborhood identity. The District is the "Gateway to Grand Junction," as well as a distinct neighborhood continuing to define its identity. The District is currently developing and implementing a multi-tier strategy to promote its distinct image and develop the unique District neighborhood aesthetic. These objectives are critical to the District as the "front door" to Grand Junction. The plan to create a unified look for the corridor by landscaping the curb buffer zone from the airport to where Phase 1 ended north of I-70 with the same landscaping rock was completed in March of 2018.
4. Horizon Drive Trail Master Plan – An important step was completed in 2018 with the development of the Horizon Drive Master Plan. The plan has been approved by the Horizon Drive District board and the Urban Trails committee. The plan will next be submitted to the Planning Commission, the City Council.

SERVICES AND IMPROVEMENTS OFFERED BY THE DISTRICT

- Plan for future growth and enhance the District with long range planning of improvements.
- Represent the District in decisions that may impact the area.
- The District is allowed to make and contemplate a broad range of public improvements including, but not limited to: streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off street parking facilities, benches, restrooms, information booths, public meeting facilities, and all incidentals, including relocation of utility lines.

GOVERNANCE OF THE DISTRICT

- The Board of Directors is appointed by the Grand Junction City Council.
- The Board of Directors appoints management staff in accordance with District Bylaws.

POWERS OF THE DISTRICT

- The power to levy taxes against taxable commercial property.
- To consider and, if deemed necessary, provide services within the District including but not limited to:
 - Management and planning
 - Maintenance of improvements, by contract if necessary
 - Promotion or marketing
 - Organization, promotion and marketing of public events
 - Activities in support of business recruitment, management and development
 - Snow removal or refuse collection / recycling
 - Design assistance
- To acquire, construct, finance, install and operate public improvements and to acquire and dispose of real and personal property.
- To refund bonds of the district.
- To have management, control and supervision of business affairs of the district.
- To construct and install improvements across or along any public street, alley or highway and to construct work across any stream or watercourse.
- To fix, and from time to time increase or decrease, rates, tolls, or charges for any services or improvements. Until paid, such charges become a lien on commercial property in the District, and such liens can be foreclosed like any other lien on real or personal commercial property.
- The power to sue and to be sued, to enter into contracts and incur indebtedness, to issue bonds subject to statutory authority.

2019 BUDGET

Please see attached 2019 Budget.

2019 Budget

General Fund	2018 Budget	2018 Actuals YTD	2018 Actuals Projected	2019 Budget
FUND BALANCE - Beg. Year	141,473	141,473	141,473	171,058
ESTIMATED REVENUE				
BID's Mil Levy	215,408	192,952	215,408	215,119
Interest	50	12	15	20
Refund, Phase 1				
TOTAL REVENUES	215,458	192,964	215,423	215,139
BUDGETED EXPENDITURES				
GENERAL Operating Expenses:				
Administration				
Financial	3,000	1,920	2,540	3,000
Audit	2,700	2,650	2,650	2,700
Insurance	2,600	2,565	2,565	2,600
Legal	5,000	3,150	4,800	7,000
Payroll Expenses & Ins	66,920	54,156	72,304	76,632
Operations				
Rent & other	7,500	6,202	7,500	7,500
Marketing & Comm.	10,000	3,052	6,000	5,000
Shuttle bus wrap				5,000
Maintenance/repair	5,000	576	1,500	5,000
TOTAL GENERAL Operating Expens	102,720	74,271	99,859	114,432
DISTRICT Services:				
Horizon Drive Corridor				
Planning & Design	4,500	3,851	4,500	50,000
Art on Horizon				8,000
Phase 3 Landscaping	25,000	21,800	21,800	
Broadband	5,000			5,000
Public safety	2,000	1,000	1,000	2,000
Trash Cans	6,000			
TOTAL DISTRICT Services	42,500	26,651	27,300	65,000
CAPITAL Outlay:				
Debt Service	58,679	58,679	58,679	58,679
RAMP Matching Funds				
Light Fixtures				
TOTAL CAPITAL Expense:	58,679	58,679	58,679	58,679
TOTAL EXPENSES	203,899	159,601	185,838	238,111
Net Income	11,559	33,363	29,585	-22,972
FUND BALANCE - End Year	153,032	174,836	171,058	148,086
Reserve Balance (Years of General Operating Expense in Fund Balance)	1.49			1.29



Grand Junction City Council

Regular Session

Item #6.a.

Meeting Date: December 19, 2018

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction Regular Municipal Election on April 2, 2019, Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder to Conduct Said Election

RECOMMENDATION:

Staff recommends adoption of the resolution.

EXECUTIVE SUMMARY:

The purpose of this item is to enter into an Intergovernmental Agreement (IGA) with Mesa County for the conduct of the April 2, 2019 Regular municipal election.

BACKGROUND OR DETAILED INFORMATION:

The Municipal Election Code, which has been adopted by the City of Grand Junction, authorizes mail ballot elections. Mesa County, through the attached IGA, will print, mail, and tabulate the ballots for the April election. The estimated costs for the April 2019 election is \$50,000.

FISCAL IMPACT:

Attached to the IGA is a schedule of costs for the April 2019 election, which totals \$49,785.00. Staff budgeted \$61,000 for this election.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 87-18, a resolution authorizing a Mail Ballot

Election in the City of Grand Junction for the Regular Municipal Election on April 2, 2019 and authorizing the City Clerk to sign the intergovernmental agreement with Mesa County Clerk and Recorder to conduct said Election.

Attachments

1. IGA and Cost Estimate April Election
2. Resolution Calling April 2019 Election

**INTERGOVERNMENTAL AGREEMENT
CITY OF GRAND JUNCTION
REGULAR MUNICIPAL ELECTION - APRIL 2, 2019**

The following represents the Intergovernmental Agreement ("Agreement") between the Mesa County Clerk and Recorder hereinafter referred to as ("Clerk") and the City of Grand Junction hereinafter referred to as ("Political Subdivision"), the Agreement is authorized by C.R.S. 29-1-201.

1. PURPOSE: Pursuant to the terms of this Agreement, the Clerk and the Political Subdivision agree to the scheduling and conducting of a mail ballot Municipal Election on April 2, 2019 ("Regular Municipal Election") subject to the duties of the Political Subdivision. The Regular Municipal Election may involve more than one political subdivision with overlapping boundaries, and the Clerk has designated Tim Long, whose telephone number is (970) 244-1749, as the "Contact Officer" to act as the primary liaison between the Clerk and the Political Subdivision for the purposes of the Election. The Contact Officer shall act under the authority of the Clerk. The Political Subdivision has appointed Wanda Winkelmann as its Designated Election Official ("DEO") who will have primary responsibility for election procedures that are the responsibility of Political Subdivision. The Municipal Election shall be held under the provisions of the Municipal Election Code (Title 31, Article 10 of the Colorado Revised Statutes) except as otherwise required by rules promulgated by the Secretary of State.
2. PRECINCTS and VOTING LOCATIONS: Polling locations for the deposit of voted Mail Ballots, not returned through the United States Postal Service, will be those established by the Clerk. A walk-in ballot distribution site for hand-delivered mail-in ballots will be open at the Mesa County Elections Division, 200 S. Spruce Street, ("MCCS Building") beginning on March 11, 2019, each business day thereafter from 8:00 a.m. to 5:00 p.m. through April 1, 2019 and on Election Day, April 2, 2019 from 7:00 a.m. until 7:00 p.m.

The ballot drop box locations for voted ballots not returned through the United States Postal Service will be those designated by the Clerk as follows:

- Ballot Box at City Hall
- Mesa County Elections Division at MCCS Building
- Mesa County Recording Office at MCCS Building

3. APPOINTMENT OF ELECTION JUDGES: All election judges and/or deputy clerks shall be appointed and trained by the Clerk, except as otherwise required by the City Charter or the Municipal Election Code.
4. LEGAL NOTICES: Publication of any required legal notices concerning Political Subdivision's election which are to be published prior to certification of the ballot content to the Clerk shall be the responsibility of the Political Subdivision. A copy of the published legal notice shall be submitted to the Clerk for her records. Publication of notices required by the City Charter and the Municipal Election Code which are to be published after certification of the ballot contents to the Clerk, shall be the responsibility of the Political Subdivision. Additional notices shall be the responsibility of the Political Subdivision.

If Political Subdivision is submitting a ballot issue concerning the creation of any debt or other financial obligation as contemplated in Article X, Section 20 of the Colorado Constitution, the Political Subdivision shall post notice of financial information as set forth in C.R.S. §1-7-908 on the Political Subdivision's website or, if the Political Subdivision does not maintain a website, at the Political Subdivision's chief administrative office no later than **March 13, 2019**, which is 20 days before the Municipal Election.

5. RECEIVING AND PROCESSING OF PETITIONS: Any necessary petition process for the Political Subdivision shall be the responsibility of same. The Clerk shall provide voter registration lists as required and requested by the City Clerk on behalf of the Political Subdivision.
6. BALLOT CONTENT: In accordance with C.R.S. 1-5-203(3)(a), the ballot content must be certified to the Clerk by Political Subdivision, in its exact form, no later than 5:00 p.m. on Friday, **February 1, 2019**. The ballot content may be delivered to the Clerk at the Elections Division, 200 S. Spruce Street, Grand Junction, CO 81501 or be mailed in sufficient time to arrive by such date to the Elections Division, P.O. Box 20,000, Grand Junction, CO 81502-5009. Time is of the essence. Ballot contents shall also be submitted in electronic format in MS Word. It is understood that the Municipal Election Code requires the mailing of ballots between the 22nd and 15th day prior to the election.

7. RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION: The Political Subdivision is solely responsible for the process of receiving written comments and summarizing such comments as are required by Section 20 of Article X of the Colorado Constitution ("TABOR").
8. RECEIVING OF PETITION REPRESENTATIVE'S SUMMARY OF COMMENTS: Receipt of the summary of comments from the petition representatives shall be the sole responsibility of the Political Subdivision. Pursuant to C.R.S. § 1-7-903(3), the summary of comments must be filed with the Political Subdivision no later than Friday, **February 15, 2019**.
9. PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUE ELECTIONS: Pursuant to C.R.S. § 1-7-904, the Political Subdivision shall certify the "Tabor Notice" information and the final and exact summary of comments concerning its ballot issue(s) to the Clerk no later than 5:00 p.m. on **February 19, 2019**, for inclusion in the ballot issue mailing as required by Section 20, Article X, of the Colorado Constitution. Data shall be transmitted to the Clerk in MS Word format. The Clerk shall coordinate the text for the ballot issue mailing for all participating Mesa County political subdivisions into one notice. Said ballot issue mailing shall be prepared and mailed by the Clerk in accordance with Article X, Section 20(3)(b) of the Colorado Constitution at least 30 days prior to the election, which deadline, pursuant to C.R.S. § 1-1-106(5), shall be **March 1, 2019**.
10. PREPARATION FOR MUNICIPAL ELECTION: The Clerk shall be responsible for preparing and printing the ballots and sample ballots for the Regular Municipal Election. Pursuant to the Grand Junction City Charter, 500 sample ballots will be printed and provided to the City Clerk no later than March 28, 2019 per City Charter §21. The Clerk will provide the DEO of the Political Subdivision with a proof of said ballot prior to printing for her final approval.
11. CONDUCT OF MUNICIPAL ELECTION: The Clerk shall be responsible for the conduct of the Regular Municipal Election, pursuant to Title 31, Article 10 of the Colorado Revised Statutes.
12. ABSENTEE VOTING: Completed applications for absentee ballots shall be transmitted to the Clerk at the following address for processing: Mesa County Elections Division, P.O. Box 20,000, Grand Junction, CO 81502-5009, or hand-delivered to the Mesa County Elections Division office at 200 S. Spruce Street, MCCS Building, Grand Junction, CO 81501. The Clerk shall, upon receipt of such a request, mail a ballot

package to the eligible elector in accordance with C.R.S. 31-10-1002.

13. TABULATION OF BALLOTS: All processes relating to the tabulation of ballots shall be the responsibility of the Clerk. An unofficial abstract of votes will be provided to the political subdivision upon completion of the counting of all ballots on election night.
14. CANVASS OF VOTES: The canvass of votes will be the responsibility of the Political Subdivision, pursuant to its Charter and shall be completed no later than April 4, 2019. The Political Subdivision shall issue its certificate(s) of election of candidates upon receipt of the official results from the Clerk.
15. ALLOCATION OF COST OF ELECTION: The Political Subdivision shall reimburse the Clerk for the TABOR notice and election costs incurred by the Clerk pursuant to this Agreement. Such reimbursement shall be made to the Clerk within thirty days of receipt of billing from the Clerk. The Clerk's determination regarding such costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable.
16. INDEMNIFICATION: To the extent authorized by law, Political Subdivision agrees to indemnify and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to any actions, errors or omissions of Political Subdivision in completing its responsibilities relating to the Regular Municipal Election.
17. AGREEMENT NOT EXCLUSIVE: The Clerk may enter into other substantially similar agreements with other cities for the conduct of other elections.
18. VENUE: Venue for any court action arising out of or under this Agreement shall be in the District Court of Mesa County, Colorado.

THIS AGREEMENT has been executed by the parties hereto as of the dates and year written below.

MESA COUNTY
CLERK AND RECORDER

CITY OF GRAND JUNCTION

By: Tina Peters, Clerk & Recorder

By: Wanda Winkelmann, City Clerk

Date

Date

City of Grand Junction 2019 Municipal Election Costs

2019

POSTAGE

Ballot Packets	\$	10,400.00
TABOR Notice	\$	7,750.00
	\$	18,150.00

PRINTING

Ballot Packets	\$	24,000.00
Tabor Notice	\$	2,650.00
	\$	26,650.00

**Ballot packets for current registered voters

PERMANENT STAFF OT

	\$	1,410.00
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REGULAR STAFF (Dedicated Time)

(17.09 x 6 x 17)	\$	1,743.00
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TEMPORARY STAFF

(10.20 x 4 x 40)	\$	1,632.00
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FLEET VAN

	\$	200.00
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TOTAL

	\$	49,785.00
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RESOLUTION NO.

**A RESOLUTION AUTHORIZING A MAIL BALLOT ELECTION IN
THE CITY OF GRAND JUNCTION FOR THE REGULAR MUNICIPAL ELECTION
ON APRIL 2, 2019, AND AUTHORIZING THE CITY CLERK TO SIGN THE
INTERGOVERNMENTAL AGREEMENT WITH MESA COUNTY CLERK AND
RECORDER TO CONDUCT SAID ELECTION**

RECITALS.

Pursuant to City Charter §3, the regular election for the City of Grand Junction is scheduled for April 2, 2019.

The City Council finds that conducting the election by mail ballot is the most efficient method for that election.

The City Council has designated the City Clerk as the Designated Election Official (DEO) for the special election.

The Municipal Election Code 31-10-101 *et seq*, C.R.S., authorizes mail ballot elections for municipal elections.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

1. The Regular Municipal Election for the City of Grand Junction is scheduled for April 2, 2019 and will be conducted by mail ballot.
2. That the City Clerk is hereby authorized to enter into an Intergovernmental Agreement with the Mesa County Clerk and Recorder for the conduct of said election (Exhibit A).

Approved this ____ day of December, ____.

President of the Council

ATTEST:

City Clerk



Grand Junction City Council

Regular Session

Item #6.b.

Meeting Date: December 19, 2018

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: John Shaver

Information

SUBJECT:

An Ordinance Placing a Charter Amendment Concerning Cable Television Franchises and the Authorized Length of Leases on the Election Ballot for the Regular Municipal Election and Set a Public Hearing for January 16, 2019

RECOMMENDATION:

Staff recommends adoption of the ordinance.

EXECUTIVE SUMMARY:

The purpose of this item is for City Council formal action regarding possible Charter amendments.

BACKGROUND OR DETAILED INFORMATION:

Pursuant to §151 of the Grand Junction City Charter, the Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado, and more than one Charter amendment or measure may be submitted to the voters in any one election.

City Council will be discussing possible Charter amendments at the December 17, 2018 workshop. Should direction be provided to staff to bring the amendment(s) forward, staff will update the staff report with additional information.

A. Charter amendment governing renewal of cable television franchise.

Staff recommends a ballot question because of the doctrine of federal preemption

found in the Supremacy Clause of the United State Constitution. That clause provides:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof... shall be the supreme Law of the Land; and the Judges and every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

A state or local law or action is preempted where (1) Congress expressly states it intends to preempt; (2) the federal regulation is so pervasive that it leaves no room for it to be supplemented; and/or (3) the federal interest is so dominant that it precludes enforcement of lower laws on the same subject.* Because of a Federal preemption the City Charter needs to be amended.

Specifically, Federal law** provides that "...any provision of law of any State, political subdivision, or agency thereof, or franchising authority, or any provision of any franchise granted by such authority, which is inconsistent with this chapter shall be deemed to be preempted and superseded." Therefore, the requirement of a vote of the electorate to renew a cable television franchise frustrates the provisions of Title VI of the Communications Act of 1934, in the following ways:

(1) there is a direct conflict between federal law and the City's Charter provision (§119) requiring a vote of the electorate for renewal of a cable franchise***.; and,

(2) in addition, federal law**** imposes several specific requirements on franchising authorities to which the electorate has nor could have no obligation to adhere, including but not limited to unreasonable refusals to grant or renew a franchise and ordering a cable operator to discontinue provision of a service. Because the voters' discretion in these and other matters restricted by the Communications Act is unfettered, there is a conflict with federal law and with the overall Congressional intent in enacting the Communications Act.

B. Charter amendment governing lease of City property.

In order to promote the highest and best use of City property, staff recommends allowing the voters to consider increasing the maximum term of leases from 25 years to 99 years. A lease term of 25 years is not considered as commercially reasonable as terms longer than 25 years and a term up to ninety-nine years is commercially preferred. Longer terms could promote use of City property for the benefit of the public. If the lease term under the Charter is extended, the provisions of any lease, including the term, would continue to be discretionary within the maximum. The City Council would consider and approve any lease and decide the appropriate period up to 99 years.

* Within this third category, the U.S. Supreme Court and the 10th Circuit have elaborated: if it is impossible for a private party to simultaneously comply with both the local and the federal law (Ray v. Atlantic Richfield Co., 435 U.S. 151, 98 S.Ct. 988, 55 L.Ed.2d 179 (1978)), or if the local law stands as an obstacle to the accomplishment and execution of the purposes and objectives of Congress (Keith v. Rizzuto, 212 F.3d 1190, 1193 (10th Cir. 2000), quoting Southwestern Bell Wireless Inc. v. Johnson County Bd. of County Commissioners, 199 F.3d 1183, 1189-90 (10th Cir. 1999)), or if the state or local action is a material impediment to or thwarts the federal policy in a material way (Mount Olivet Cemetery Ass'n. v. Salt Lake City, 164 F.3d 480, 489 (10th Cir. 1998)), the law is preempted.

** 47 U.S.C. §556(c)

*** Voters cannot be a "governmental entity empowered by Federal, State or local law to grant a franchise" as required by 47 U.S.C. §522(10).

**** 47 U.S.C. §541

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to introduce an ordinance placing Charter Amendments to comply with Federal Law governing renewal of cable television franchises and to change the authorized length of leases of public property from twenty-five to ninety-nine years on the election ballot for the regular Municipal Election to be held the 2nd day of April, 2019 and set a public hearing for January 16, 2019.

Attachments

1. ORD-2019 CHARTER AMENDMENTS BALLOT QUESTION

ORDINANCE NO. _____

**AN ORDINANCE PLACING CHARTER AMENDMENTS TO COMPLY WITH
FEDERAL LAW GOVERNING RENEWAL OF CABLE TELEVISION FRANCHISES
AND TO CHANGE THE AUTHORIZED LENGTH OF LEASES OF PUBLIC PROPERTY
FROM TWENTY-FIVE TO NINETY-NINE YEARS ON THE ELECTION BALLOT FOR THE
REGULAR MUNICIPAL ELECTION TO BE HELD THE 2nd DAY OF APRIL, 2019**

Recitals.

Pursuant to §151 of the Grand Junction City Charter, the Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado, and more than one Charter amendment or measure may be submitted to the voters in any one election.

The City Council has reviewed the City Charter and found that the provision for renewal of cable television franchises is out-of-date and preempted by and/or in conflict with federal law by requiring a vote of the electorate to approve and/or authorize franchise renewal.

The City Council has determined that the provision limiting leases of public property to a term of twenty-five years may be unduly restrictive and that increasing the term from twenty-five to ninety-nine years may benefit the public by allowing the highest and best use of public property and contributing to economic development in the community. Leasing of any public property is permissive and within the sole and sound discretion of the City Council.

Therefore, the City Council desires to present to the City voters two changes to the City Charter, allowing the voters to determine if the changes would be in the best interest of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a question of proposed amendment to Section 119 of the Charter to bring the provisions of the Charter governing renewal of cable television franchises into compliance with federal law by eliminating the requirement that a renewal of such franchise be subject to a vote of the electorate, as follows, be placed on the April 2, 2019 ballot. Proposed amendment(s) are shown with underlined text :

119. Amendment, Renewal, Extension or Enlargement of Franchise.

No amendment, renewal, extension or enlargement of any franchise, or grant of rights or powers previously or heretofore granted to any corporation, persons, or association of persons, shall be made except in the manner and subject to all conditions provided in this article for the making of original grants and franchises, except that renewal of any cable television franchise shall not be subject to a vote of the registered electors, but shall be made in accordance with applicable federal law.

City of Grand Junction __

Shall there be amendment to the Grand Junction City Charter Section 119 concerning the process for renewal of cable television franchises in the City to bring the Charter provision into compliance with federal law by eliminating the requirement that such renewal be subject to a vote of the electorate?

_____ FOR THE AMENDMENT

_____ AGAINST THE AMENDMENT

2. That a question of proposed amendment to Section 124 of the Charter to increase the length of the allowed term of lease of public property from twenty-five to ninety-nine years, as follows, be placed on the April 2, 2019 ballot:

124. Term Not Longer Than Twenty-Five Years--Compensation.

No franchise, lease or right to use the streets or the public places, or property of the city, shall be granted by the city, except as in this Charter provided, for a longer period than ~~twenty-five~~ ninety-nine years. Every grant of a franchise shall fix the amount and manner of the payment of the compensation to be paid by the grantee, for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise, but this provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any licenses, charges, or impositions not levied on account of such use.

City of Grand Junction ____

Shall there be an amendment to the Grand Junction City Charter Section 124 increasing the authorized term for lease of public property from twenty-five to ninety-nine years?

_____ FOR THE AMENDMENT

_____ AGAINST THE AMENDMENT

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED THIS 19th DAY OF DECEMBER, 2018.

PASSED AND ADOPTED THIS ____ DAY OF JANUARY, 2019.

Barbara Traylor Smith
President of the City Council

Attest:

Wanda Winkelmann
City Clerk