

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

July 5, 2023

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 5th day of July 2023 at 5:30 p.m. Those present were Councilmembers Scott Beilfuss, Cody Kennedy, Jason Nguyen, Randall Reitz, Dennis Simpson, Council President Pro Tem Abe Herman, and Council President Anna Stout.

Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Amy Phillips, Deputy City Clerk Selestina Sandoval, Community Development Director Tamra Allen, Sustainability Coordinator Jennifer Nitzky, Parks and Recreation Director Ken Sherbenou, General Services Director Jay Valentine, and Interim Planning Supervisor Nicole Galehouse.

Council President Stout called the meeting to order, and student Emily Harrington led the Pledge of Allegiance, followed by a moment of silence.

Proclamations

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

Council President Pro Tem Herman read the proclamation. Parks and Recreation Director Ken Sherbenou accepted the proclamation with several members of his staff.

Presentations

American Water Works Association Best of the Best Water Taste Test Award

Utilities Director Randi Kim gave a background on the award and lauded her staff for their qualifications, expertise and work that helped win the recognition.

Appointments

To the Historic Preservation Board

Councilmember Beilfuss moved and Councilmember Reitz seconded to appoint Shannon Power and Dustin Anzures to the Historic Preservation Board for terms expiring December 31, 2026. Motion carried by unanimous voice vote.

Citizen Comments

Bruce Lohmiller spoke about reporting suspicious individuals to avoid mass shootings,

welfare checks and Biden's loan forgiveness program.

City Manager Report

City Manager Caton attended the Colorado Municipal League (CML) Conference and was part of the Executive Board for the last four years. He stated he didn't run for another term and thanked Council for allowing him to serve. He spoke of how he and Mayor Stout presented on the Council-Manager and Mayor-Manager relations in municipal government and how the presentation was well attended. He invited the public to attend the next Coffee with the City Manager along with Community Development Director Tamra Allen on Thursday, July 20th at 7:30 a.m. at My Favorite Muffin.

Council Reports

Councilmember Nguyen gave an update on the Grand Valley Regional Transit Committee.

Councilmember Kennedy attended the CML Conference where he focused on housing presentations.

Councilmember Reitz spoke of the 4th of July fireworks at Lincoln Park and how well attended it was.

Councilmember Beifuss attended the Mutual Aid community update, the Commission on Arts and Culture meeting, Conservation Colorado meeting, the Elementary School Declining Enrollment Committee and the focus group facilitated by the Colorado Trust at the Day Center to identify ways they can help with homelessness in the community.

Council President Stout said Associated Governments of Northwest Colorado is hosting an Infrastructure, Investment and Jobs Act Development Summit, she attended and presented at CML and was elected to the Executive CML Board to continue to give the Western Slope a voice. She was also appointed to the Transportation Planning Region (TPR) Boundaries Study Advisory Committee and spoke of how Grand Junction has a high functioning TPR which is not the case with all municipalities. She said she is going to Sister City El Espino, El Salvador and that the U.S. Embassy will be featuring the trip.

CONSENT AGENDA

Council President Pro Tem Herman requested that item 3.a. be removed from the consent agenda. Councilmember Beifuss requested that item 5.a. be removed as well. Council President Pro Tem Herman moved, and Councilmember Kennedy seconded to adopt Consent Agenda items #1, #2, #3b, and #4. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Minutes of the June 12, 2023 Special Workshop
- b. Summary of the June 21, 2023 Regular Meeting

2. Continue Public Hearings

- a. Legislative
 - i. An Ordinance Authorizing a Supplemental Appropriation for Counseling and Education Center - ***To be referred to the Agenda Committee for commitment to a future City Council Work Session***

3. Procurements

- a. Contract Approval for the Architect/Engineer for the Community Recreation Center – ***Moved to the Regular Agenda***
- b. Award of Contract for Pomona Elementary School/Kronkright Sports Complex Parking Lot Landscaping and Irrigation Project

4. Resolutions

- a. A Resolution Authorizing Agreement with CDOT for Traffic Maintenance
- b. A Resolution Authorizing the City Manager to Submit a Grant Request to the Department of Local Affairs for the Community Recreation Center
- c. A Resolution Amending Resolution No. 37-22 Pertaining to Cannabis Business Fees/Setting Fees for Modification of Premises and Change of Trade Name Applications

5. Other Action Items

- a. Consider Appointing a Resiliency and Sustainability Plan Steering Committee – ***Moved to the Regular Agenda***

REGULAR AGENDA

Consider Appointing a Resiliency and Sustainability Plan Steering Committee

Staff and the consultant, Design Workshop and Spirit Environmental, recommended a steering committee be formed to guide the direction of the Resiliency and Sustainability

Plan, including informing what elements of environmental sustainability and community resiliency are the most critical to the near- and long-term future of Grand Junction and that the plan takes into consideration attributes, opportunities and concerns relevant to the Grand Junction community. Selected members will serve as a sounding board to discuss overall plan direction, review project deliverables, vet ideas, and promote greater community involvement. Most importantly, the Steering Committee will help ensure the final plan is inclusive, focuses on equitable distribution of resources, and reflects a diverse set of perspectives. The Steering Committee composition should include individuals with a passion for sustainability and resiliency reflected in their work, hobbies, or lifestyles. The City put out a call for applications to the broader community to solicit candidates interested in serving on the Community Steering Committee. A total of 35 applications were received.

This item was pulled by Councilmember Beilfuss to get clarification on the consideration and makeup of the group of individuals that were chosen for the committee as there were concerns some members may be lobbyists that may advocate for their special interests.

City Manager Caton gave a history on this item including workshops, memos and correspondence between staff and Council.

Community Development Director Tamra Allen spoke of the solicitation process, and why people from certain industries (Home Builders Association and Oil and Gas) were requested to provide representation due to their skills and expertise.

Conversation ensued regarding the advantage of including professionals, and diversifying the member base, possible interference from industries, the purpose of the committee (large picture goals vs. implementation of sustainability) and how the voices from industries would impact that, importance of including representatives from industries to make sure all voices are heard, and to provide practical application to ideas. It was clarified that members were participating as individuals with experience and expertise rather than as representatives of their respective industries, so no disclosure was required, although the committee has discretion to ask for such disclosures for transparency if it chooses.

The Council expressed interest in adding a transportation industry representative and Ms. Allen stated they had an applicant that may fill that need if Council chose to add her.

Council President Pro Tem Herman moved, and Councilmember Nguyen seconded to adopt staff's suggestions for the Resiliency and Sustainability Plan Steering Committee with the addition of Danielle S. (actual name unknown at the time of the meeting). Motion carried by unanimous voice vote.

Contract Approval for the Architect/Engineer for the Community Recreation Center

Barker Rinker Seacat (BRS) with partner architect Chamberlin Architecture has been selected by the evaluation committee through a qualifications-based recruitment, Request for Proposals (RFP) process. Subconsultants to BRS include Austin Civil Engineering, DHM Landscape Architecture, JVA Structural Engineering, the Ballard Group Mechanical and Plumbing Engineers, RH Electrical Engineers, Group 14 Sustainability engineers and Blundell Cost Estimators.

BRS would work with the City and the Construction Manager General Contractor (CMGC) to be selected later this summer and early fall. The project would then move toward design with a goal of breaking ground in the middle of 2024 and CRC completion by the end of 2025.

Council President Pro Tem Herman stated that he requested this item be pulled off consent because it was an item of great interest to the community and not because he had any concerns.

Parks and Recreation Director Ken Sherbenou presented this item.

Conversation ensued regarding the negotiated fee and how the decrease in the required insurance played the biggest part in the change.

Councilmember Reitz moved and Councilmember Nguyen seconded to authorize the City Purchasing Division to enter into a Professional Services Contract with Barker Rinker Seacat Architecture for Architect/Engineer (AE) Design and Construction Services of the Community Recreation Center (CRC) at Matchett Park in the not-to-exceed amount of \$4,094,163. Motion carried by unanimous voice vote.

An Ordinance Amending the Zoning and Development Code Section 21.04.030 Use Specific Standards, Specifically Subsection (h) Short-Term Rentals, and Section 21.10.020 Terms Defined in the Grand Junction Municipal Code

Staff proposed these amendments to the City's short-term rental (STR) regulations based on direction from the 2020 One Grand Junction Comprehensive Plan and staff recommendations related to the 2021 Grand Junction Housing Strategy report.

Short-term rentals have a growing presence in Grand Junction. STR's offer a mix of benefits and burdens to the City. The benefits include additional income for property owners and additional lodging tax revenue for the City. On the other hand, STR's may also strain the local housing market by removing housing options from residents and weakening the social networks of local neighborhoods.

Interim Planning Supervisor Nicole Galehouse presented this item.

Conversation ensued regarding the impact of short-term rentals causing the removal of long-term rental units, concerns on requirements listed in the amendments, whether the City identified STR's that aren't registered (the City uses a third party to find those addresses that are advertised as STR's and send a compliance officer to educate that person on the registration process) whether the ten percent cap is too high considering the housing issue (the cap that only applies to downtown), whether it was considered to limit the number of STR's per entity (no), or to limit number of STR's per block to maintain character (that avenue was explored and they received a lot of pushback from STR holders), and legal defensibility of counts (residential lots, not units are used).

There was interest from Council to potentially lower the downtown cap.

A recess was taken to calculate the numbers on different percentage caps at 6:53 p.m.

The meeting resumed at 7:07 p.m.

Numbers were calculated and presented to Council for 5, 7, 8, 9 and 10% for primary residential unit STR's in the downtown area. There was general consensus for the 7% cap.

The public hearing opened at 7:13 p.m.

Kevin Bray attended the neighborhood meetings and was concerned that the voices and comments expressed at those meetings were being invalidated by Council changing the cap that was recommended by staff.

The public hearing closed at 7:16 p.m.

Council responded that it does listen to public comments and engagement, but as policy makers they need to take all evidence into consideration.

Council President Stout wanted the record to reflect that she had been prepared to approve the ordinance as originally presented by staff but her acceptance of the lower downtown cap was due to the majority of Council coming to a consensus on the lower number.

Council President Pro Tem Herman moved, and Councilmember Reitz seconded to adopt Ordinance No. 5163, an ordinance amending the Zoning and Development Code Section 21.04.030 Use Specific Standards, specifically subsection (h) Short-Term Rentals, and Section 21.10.020 Terms Defined in the Grand Junction Municipal Code as amended per discussion on final passage and ordered final publication in pamphlet form. Motion carried 5-2 with Councilmembers Beilfuss and Kennedy voting no.

Council President Stout left the meeting at 7:22 p.m.

A Resolution Accepting the Petition for the Annexation of 8.33 Acres of Land and Ordinances Annexing and Zoning the Apple Glen West Annexation to R-5 (Residential – 5.5 du/ac), Located North of Appleton Elementary, West of Green Apple Drive, and East of 23 ½ Road

Brian Bray, acting under authority from the property owner, Mesa County School District 51, requested annexation of land and a zone of annexation to R-5 (Residential – 5.5 du/ac) for the Apple Glen West Annexation. The approximately 8.33-acre annexation is located north of Appleton Elementary, west of Green Apple Drive, and east of 23 ½ Road. The subject property is undeveloped.

The property is Annexable Development per the Persigo Agreement. Annexation is being sought in anticipation of developing this property. The proposed zone district of R-5 is consistent with the Residential Low (3 to 5.5 du/ac) Land Use category of the Comprehensive Plan.

Nicole Galehouse presented this item.

Kevin Bray spoke on behalf of the applicant.

The public hearing opened at 7:31 p.m.

There were no public comments.

The public hearing closed at 7:31p.m.

Councilmember Nguyen moved and Councilmember Kennedy seconded to adopt Resolution No. 57-23, a resolution accepting a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, the Apple Glen West Annexation, approximately 8.33 acres, located north of Appleton Elementary, west of Green Apple Drive, and east of 23 ½ Road. Motion carried by unanimous roll call vote.

Councilmember Kennedy moved and Councilmember Simpson seconded to adopt Ordinance No. 5164, an ordinance annexing territory to the City of Grand Junction, Colorado, Apple Glen West Annexation, approximately 8.33 acres, located north of Appleton Elementary, west of Green Apple Drive, and east of 23 ½ Road, on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

Councilmember Reitz moved and Councilmember Nguyen seconded to adopt Ordinance No. 5165, and ordinance zoning the Apple Glen West Annexation to R-5 (Residential - 5.5 du/ac) zone district, from Mesa County zoning of Residential Single Family – Rural (RSF-R) on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Simpson asked if the section on Impact Fees in the Zoning & Development Code would be brought to Council separately to review before the entire Zoning & Development Code is brought forward for approval and if the City Election topic would be discussed at a future workshop. Staff said they would be.

Adjournment

The meeting adjourned at 7:34 p.m.

Amy Phillips, CMC
City Clerk

