



Remote Meeting Instructions for the August 25, 2020, Special City Council Meeting:

In order to comply with all health orders and State guidelines intended to stop the spread of the COVID-19 (Coronavirus), **no physical location, including the City Council Chambers, will be set up for viewing or participating in this Worksession. Because this is a Special Meeting with no Citizen Input or Public Hearing items, no public input will be accepted in any format, written or otherwise.**

The **only** way to view this Special Meeting is to follow the instructions below to watch the YouTube live stream.

- From your laptop or computer, click the following link or enter it manually into your Web Browser: (www.youtube.com/CityofGreeley)
- Clicking the link above will take you to the City of Greeley's YouTube Channel.
- Once there, you will be able to view the Special Meeting!

Please contact the City Clerk's Office with any questions you might have at 970-350-9740. Thank you!



Mayor
John Gates

Councilmembers

Tommy Butler
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Kristin Zasada
At-Large

Ed Clark
At-Large

A City Achieving
Community Excellence

Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

City Council Special Meeting Agenda

August 25, 2020 at 6:00 PM

This meeting will be conducted remotely and will occur prior to the scheduled Worksession. (See instructions on previous page to view the YouTube live stream.)

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Introduction and first reading of an ordinance amending the Greeley Municipal Code by extending the effective automatic termination date of the "Downtown Open Consumption Area"
5. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances
6. Adjournment

Council Agenda Summary

August 25, 2020

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

August 25, 2020

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

August 25, 2020

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

Council Agenda Summary

August 25, 2020

Agenda Item Number 4

Key Staff Contact: Becky Safarik, Assistant City Manager, 970-350-9785

Title:

Introduction and first reading of an ordinance amending the Greeley Municipal Code by extending the effective automatic termination date of the "Downtown Open Consumption Area"

Summary:

In response to an effort to limit the spread of the COVID-19 virus, the State issued orders that closed or limited the operation of nearly every form of gathering of persons, including retail stores and restaurants. As the spread of the virus slowed and health care providers were able to manage patient care at less than capacity levels, the State relaxed its orders on physical distancing to allow a staged and measured reintroduction of the movement of its residents by allowing the limited reopening of stores, offices, restaurants, and certain public spaces. Re-opening guidance was provided to limit interactions between persons, promote cleaning and disinfection of touch points, and requiring face coverings, taking temperatures of employees and patrons and other measures.

In June, in response to a request from Downtown restaurants to facilitate the consumption of alcohol in a limited seating area on and near the 8th and 9th Street Downtown Plazas to attract patrons in a manner compliant with State orders, the City Council adopted a limited Open Consumption ordinance for the Downtown. Among its provisions, the ordinance included an automatic revocation date of September 12, 2020, in line with the then State Orders.

As the State's management of the COVID virus has met some success in limited its spread, there are indications the Governor may extend its permissions for outdoor gatherings beyond the earlier September date. Wishing to continue its efforts to provide a flexible outdoor dining and drinking space, downtown businesses have requested that the City likewise extend the effective period for the allowance of the Downtown Open Container area.

Council has expressed a willingness to consider such an extension, but has also asked for some feedback from downtown businesses and residents concerning the experience with the Open Container provisions since it was enacted in June. Due to the short period in which to place this matter on Council's agenda docket, staff will pursue gathering such information prior to the public hearing and final reading of the ordinance extending the deadline, which would be at a specially called Council meeting as part of the September 8th Council Work Session. The Downtown

Development Authority has agreed to lead the effort to get area feedback for this review.

If approved by Council, staff will attend to collateral administrative permits and approvals necessary to continue to use the plazas and the 8th Avenue right-of-way.

Due to the pending automatic sunset of the existing ordinance, the proposed ordinance amending the deadline has been drafted to be effective immediately upon publication, rather than the customary "5 days following publication".

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	N/A
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	N/A
What fund of the City will provide Funding?	N/A
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

At the time this ordinance was prepared, the Governor had not yet defined the anticipated extension period for such outdoor restaurant uses. As such, staff has suggested a 60-day extension to the current deadline to offer maximum flexibility and limit the need for multiple extensions. The City can always act to terminate the Downtown Open Container ordinance prior to such time if deemed warranted.

Other Issues and Considerations:

City Council will need to vote to set a special Council meeting to hold the public hearing and final reading of this ordinance as part of the September 8th Council work session to extend the period for the Downtown Open Container area to operate in order to avoid the automatic termination of the area as of September 12th.

Applicable Council Priority and Goal:

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

1. Introduce the ordinance as presented;
2. Amend the ordinance and introduce as amended;
3. Deny the ordinance;
4. Continue consideration of the ordinance to a date certain

Council's Recommended Action:

A motion to introduce the ordinance and schedule a public hearing at a special Council meeting for September 8, 2020.

Attachments:

Ordinance

Map of Downtown Open Container Area

CITY OF GREELEY, COLORADO
ORDINANCE NO. ____, 2020

AN ORDINANCE AMENDING SECTION 6.16.271 OF THE GREELEY MUNICIPAL CODE
REGARDING OPEN CONTAINERS OF ALCOHOL IN CERTAIN AREAS

WHEREAS, Section §44-3-901(1)(i)(I)(VII) of the Colorado Revised Statutes authorizes a person who is at least twenty-one years of age to consume alcohol beverages in any public place, other than a public right of way, when specifically authorized by a municipal ordinance; and

WHEREAS, on June 5, 2020 Governor Polis temporarily suspended the prohibition on public right of ways being included in authorized public consumption areas; and

WHEREAS, on June 23, 2020 the Greeley City Council enacted Ordinance No. 14, 2020 which, among other things, authorized open containers of alcohol in designated areas until September 12, 2020; and

WHEREAS, the use of public property downtown to allow expanded restaurant seating combined with the ordinance allowing open containers of alcohol to be possessed and consumed in designated areas downtown has had a positive effect on downtown businesses and City Council believes that continuing this ordinance for an additional period of time will assist businesses in the downtown area to recover from economic losses suffered due to the COVID-19 pandemic; and

WHEREAS, the City Council believes that a sunset provision on the ordinance allowing open containers of alcohol beverages on public property in a designated downtown area is important since this ordinance has been determined by City Council to be necessary due to the COVID-19 pandemic and the related state restrictions on service inside restaurants; and

WHEREAS, the City Council has determined that this ordinance is in the best interests of the citizens of the City of Greeley, Colorado.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GREELEY, COLORADO, AS FOLLOWS:

Section 1. Section 6.16.271(d) of the Greeley Municipal Code is amended as set forth below:

6.16.271 – Authorizing Open Containers of alcohol in certain areas.

- (d) This section shall be automatically repealed at 12:01 a.m. on November 13, 2020, unless otherwise extended by City Council.

Section 2. This ordinance, being deemed of immediate importance, shall become effective upon its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF
SEPTEMBER, 2020.

ATTEST:

CITY OF GREELEY, COLORADO

City Clerk

Mayor

DOWNTOWN OPEN CONSUMPTION AREA DESCRIPTION:



“Downtown Open Consumption Area” is that area beginning and including the sidewalk right-of-way extending from the west curb line of 8th Avenue to and including the sidewalk right-of-way to the east curb line of 9th Avenue, and between and including the sidewalk right-of-way and from the north edge of the sidewalk right-of-way of 8th Street to and including the sidewalk right-of-way to the south edge of the sidewalk right-of-way on 9th Street, also including the area known as the Chase Plaza, and, including that portion of sidewalk on the west side of 8th Avenue from the 9th Street Plaza south 200 feet.

Council Agenda Summary

August 25, 2020

Agenda Item Number 5

Title

Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances

Council's Recommended Action

A motion to approve the above authorizations.

Council Agenda Summary

August 25, 2020

Agenda Item Number 6

[Title](#)

Adjournment