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**CITY COUNCIL AGENDA
WEDNESDAY, JUNE 19, 2013
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

Call to Order
(7:00 p.m.)

Pledge of Allegiance
Moment of Silence

Presentation

May Yard of the Month

Proclamation

Proclaiming the Week of June 23, 2013 as “St. Baldrick’s Foundation Week” in the City of Grand Junction

Council Comments

Citizen Comments

Revised June 19, 2013

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

***** CONSENT CALENDAR ***®**

- 1. **Minutes of Previous Meeting** [Attach 1](#)

Action: Approve the Minutes of the June 5, 2013 Regular Meeting

- 2. **Setting a Hearing on the Colorado Mesa University Right-of-Way Vacation, a Portion of the Intersection at Texas and Cannell Avenues** [File #VAC-2013-114] [Attach 2](#)

Colorado Mesa University is requesting to vacate a portion of the intersection of Texas and Cannell Avenues with retention of a utility easement.

Proposed Ordinance Vacating a Portion of the Texas and Cannell Avenues Right-of-Way and Retaining a Utility Easement over the Northern 25' Located in the Colorado Mesa University Area

Action: Introduce a Proposed Ordinance and Set a Public Hearing for July 3, 2013

Staff presentation: Scott D. Peterson, Senior Planner

- 3. **Setting a Hearing on Zoning the Heritage Church Annexation, Located at 2935 Patterson Road** [File #ANX-2013-105] [Attach 3](#)

A request to zone the Heritage Church Annexation, consisting of one parcel of 0.68 acres located at 2935 Patterson Road to an R-O (Residential Office) zone district.

Proposed Ordinance Zoning the Heritage Church Annexation to R-O (Residential Office), Located at 2935 Patterson Road

Action: Introduce a Proposed Ordinance and Set a Public Hearing for July 3, 2013

Staff presentation: Brian Rusche, Senior Planner

- 4. **Setting a Hearing on Zoning the Perry Annexation, Located at 2884 B Road** [File #ANX-2013-104] [Attach 4](#)

A request to zone the 4.712 acre Perry Annexation, consisting of one parcel located at 2884 B Road, to an R-4 (Residential 4 du/ac) zone district.

Proposed Ordinance Zoning the Perry Annexation to R-4, (Residential – 4 DU/Ac), Located at 2884 B Road

Action: Introduce a Proposed Ordinance and Set a Public Hearing for July 3, 2013

Staff presentation: Brian Rusche, Senior Planner

5. **Library Utility Easement Vacation, Located at 502/530/550 Grand Avenue** [Attach 5](#)
[File #VAC-2013-29]

Request approval to vacate a utility easement retained as part of the east/west alley vacation approved with Ordinance No. 1467.

Resolution No. 39-13—A Resolution Vacating a Public Utility Easement, Located at 502/530/550 Grand Avenue (Mesa County Public Library)

®Action: Adopt Resolution No. 39-13

Staff presentation: Senta Costello, Senior Planner

6. **Municipal Recreation Agreement with the Bureau of Reclamation** [Attach 6](#)

A one year Agreement between the City of Grand Junction and the Bureau of Reclamation for the delivery of surplus water from Green Mountain Reservoir for recreational purposes in the Colorado River between Palisade and Loma, Colorado.

Action: Authorize the City Manager to Sign the Agreement with the Bureau of Reclamation for Delivery of Surplus Water

Staff presentation: Greg Trainor, Public Works, Utilities and Planning Director
Terry Franklin, Utilities Manager

7. **Water Lease Agreement with the Northern Colorado Water Conservancy District** [Attach 7](#)

A perpetual Agreement between the City of Grand Junction and the Northern Colorado Water Conservancy District for the annual delivery of 5,412.5 acre feet of Colorado-Big Thompson Project Water for non-consumptive municipal - recreational purposes in the Colorado River between Palisade and Loma, Colorado.

Action: Authorize the City Manager to Sign the Agreement with the Northern Colorado Water Conservancy District for Water Delivery

Staff presentation: Greg Trainor, Public Works, Utilities and Planning Director
Terry Franklin, Utilities Manager

8. **State of Colorado Nutrients Grant Request** [Attach 8](#)

This is a request to approve a resolution authorizing the City Manager to submit a planning grant application to the Colorado Department of Public Health and Environment (CDPHE) for \$80,000. The purpose of the grant application is to provide funding for an engineering consultant to evaluate wastewater treatment plant upgrade options in order to meet recently adopted State nutrient limits.

Resolution No. 40-13—A Resolution Authorizing the City Manager to Submit a Nutrients Program Planning Grant Request to the Colorado Department of Public Health and Environment Water Quality Improvement Fund

®Action: Adopt Resolution No. 40-13

Staff presentation: Dan Tonello, Wastewater Services Manager

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

*** 9. **Contract for Avalon Theatre Renovation Project** [Attach 9](#)

Since 2008 the City, DDA and the Avalon Theatre Foundation Board have been working toward transforming the Avalon Theatre into a fully functioning performing art center. As a result of a three phase master plan, design work and construction documents were completed for the first phase (also known as the “Core” project) to address life safety, accessibility and improved public amenities. The Core Project was bid earlier this year. FCI Constructors was the most responsive and responsible low bid and have since been working with the project team to bring construction alternatives to be discussed with City Council.

Resolution No. 43-13—A Resolution Concerning Funding for the Avalon Theatre Renovation Project

®Action: *Adopt Resolution No. 43-13*

Staff presentation: Tim Moore, Deputy City Manager

10. **Public Hearing—2013 Community Development Block Grant (CDBG) Program Year Action Plan** [File #2013 CDBG] [Attach 10](#)

The City will receive approximately \$352,950 CDBG funding for the 2013 Program Year which begins September 1st. The purpose of this hearing is to adopt the 2013 Annual Action Plan which includes allocation of funding for 14 projects as a part of the Five-Year Consolidated Plan.

Resolution No. 41-13—A Resolution Adopting the 2013 Program Year Action Plan as a Part of the City of Grand Junction Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

®Action: *Hold a Public Hearing and Adopt Resolution No. 41-13*

Staff presentation: Tim Moore, Deputy City Manager
Kristen Ashbeck, Senior Planner/CDBG Administrator

11. **Request from the Grand Junction Rockies for Three Fireworks Displays at Suplizio Field** [Attach 11](#)

There have typically been two fireworks displays annually at Suplizio Field including Memorial Day (JUCO) and July 4th (City). Last year, due to fire restrictions in Mesa County, the City show was moved to Labor Day weekend in conjunction with a home game for the Grand Junction Rockies. This proved to be quite popular with local fans with nearly 7,000 visitors in attendance. The Rockies would like to continue offering a special show on Labor Day weekend, as well as two additional Friday night games. The City sponsored show will be held this year on July 4th, and the Rockies will be traveling on that date.

Action: *Consider Approval of a Request from the Grand Junction Rockies for Fireworks Displays in Conjunction with Regularly Scheduled Games on Friday, July 12; Friday, August 9; and Sunday, September 1*

Staff presentation: Rob Schoeber, Parks and Recreation Director
Tim Ray, General Manager, Grand Junction Rockies

12. **Contract for Lincoln Park Tennis Court and Track Renovation** [Attach 12](#)

This contract will complete the phase of the Lincoln Park Renovation project that includes renovations to the Lincoln Park Tennis Court complex and the track facility. Both facilities have significant wear and do not meet standards for competitive use.

Action: Authorize the City Purchasing Division to Enter into a Construction Contract with Mays Concrete, Inc. for the Park Tennis Court and Track Renovation in the Amount of \$614,508.35

Staff presentation: Rob Schoeber, Parks and Recreation Director
Jay Valentine, Internal Services Manager

13. **Public Hearing—Karis House Annexation and Zoning, Located at 536 29 Road** [File #ANX-2013-141] [Attach 13](#)

A request to annex and zone 0.207 acres, located at 536 29 Road. The Karis House Annexation consists of one parcel, including portions of 29 Road and Formay Avenue rights-of-way. The total annexation area contains 0.494 acres of which 0.289 acres or 12,627 sq. ft. is right-of-way. The requested zoning is R-8 (Residential – 8 units per acre) which is consistent with the current County zoning of RSF-8 (Residential Single-Family – 8 units per acre).

Resolution No. 42-13—A Resolution Accepting a Petition for the Annexation, Making Certain Findings, Determining that Property Known as the Karis House Annexation, Located at 536 29 Road, is Eligible for Annexation

Ordinance No. 4588—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Karis House Annexation, Approximately 0.494 Acres, Located at 536 29 Road

Ordinance No. 4589—An Ordinance Zoning the Karis House Annexation to R-8 (Residential – 8 Units Per Acre), Located at 536 29 Road

®Action: Adopt Resolution No. 42-13 and Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance Nos. 4588 and 4589

Staff presentation: Lori V. Bowers, Senior Planner

14. **Non-Scheduled Citizens & Visitors**
15. **Other Business**
16. **Adjournment**

Attach 1

Minutes of Previous Meeting

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

June 5, 2013

The City Council of the City of Grand Junction convened into regular session on the 5th day of June, 2013 at 7:04 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Rick Brainard, Martin Chazen, Jim Doody, Phyllis Norris, and Council President Sam Susuras. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Councilmember Doody led the Pledge of Allegiance, followed by an invocation by Pastor Mike Ferguson, Providence Reformed Evangelical Church.

Proclamations

Proclaiming the Month of June and Wednesday June 26, 2013 as “Bike Month and Bike to Work Day” in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Elizabeth Collins said that Grand Valley Bikes is proud to be a part of Bike Month and encouraged all to register for this program. Julie Sabin, on behalf of the Urban Trails Committee, thanked the City Council for the City’s support of Bike Month.

Proclaiming the Month of June 2013 as “Adult Protection Awareness Month” in the City of Grand Junction

Councilmember Chazen read the proclamation. Tanya Harbert of Mesa County Human Services introduced herself and Cameron Ray from the Adult Protection Team. They are proud to announce they have had success working with local law enforcement and have turned some cases over to the District Attorney’s Office. They were also able to get Senate Bill 111 passed and it will go into effect July 1, 2014. It changes mandatory reporting for certain members of the community.

Proclamation Celebrating the Life and Contributions of Councilmember Harry R. Butler

Mayor Susuras announced this proclamation which will be framed and hung in City Hall with Councilmember Butler’s picture. He recognized Councilmember Butler’s family in attendance. He then read the proclamation. Mrs. Butler addressed the City Council and thanked everybody for their kindness.

Council Comments

Councilmember Boeschstein said he and his family are really going to miss Harry Butler.

Mayor Pro Tem Chazen said he visited the Forestry Board; he lauded their work and noted how it is such a great public/private partnership. He described how one company in the arbor business offered free pruning services at the Arbor Day Festival to people in the community who needed assistance with pruning in their yards. He said he appreciated the services that were offered to those in need and thanked those who provided the service.

Citizen Comments

Clark Carroll, 1240 Cannell Avenue, said he speaks publicly to fix some of the ills of society. He addressed public education. He would like to see universities and people avoid pitfalls of sociopathic development. He also spoke in order to protect at-risk adults. He addressed educational finance. Recently the Governor suggested a tax on marijuana to create funding for education. He would like to see funds earmarked for the university that will reduce the debt of students. He would also like to see money earmarked for at-risk adults. He encouraged growth and expansion. He shared a story about Burl Arthur Erickson; he wants to carry on Mr. Erickson's legacy.

Seth Anderson, 1412 Ouray Avenue, distributed a proposal for his vision for Las Colonias Park. He then introduced himself as the owner of Loki. He gave his condolences to the Butler family for their loss. He noted his proposal is ahead of the planning for the Las Colonias Park, however, he has put together a group of local businesses to help build an amphitheatre at Las Colonias Park. He described his vision and said there is a community spirit to help fund it. He noted the park needs to be built first and the amphitheatre would be built last. He said the amphitheatre should be a strong artistic symbol and should be built by local businesses.

John Williams, local resident and artist, said a hundred people including business and property owners have come to him saying they are upset that Rick Brainard won't step down. He said the City Council should treasure the town. Many have asked him to come and speak and ask Mr. Brainard to step down. If Mr. Williams had a personal problem and was on a board, he would step down.

Anne Landman, 671 Moonridge Circle, offered condolences on the death of Councilmember Butler. She referred the City Council to a copy of an internet page where Diane Schwenke with the Chamber of Commerce shared a derogatory joke against atheists. Many in Grand Junction have found Ms. Schwenke's joke offensive. It is cyber-bullying. Ms. Landman started the Western Slope Atheists and Freethinkers. She has heard frequently that atheists are afraid to admit their belief for fear they will be shunned. She described citizens who are atheist as educated, volunteers in the community,

business owners, and great participants of this community; they do not deserve the bigotry. She notified the President of the Board of Directors for the Chamber of her concerns but has not received a response or an apology. By its inaction, the Chamber is supporting Ms. Schwenke. If the City Council continues to support the Chamber, then they too are supporting the bigotry. She asked the City to pull its membership with the Chamber of Commerce until Ms. Schwenke apologizes or is no longer the President.

Poppy Woody, President of the North Avenue Business Association, expressed condolences for the loss of Councilmember Butler. She then lauded the work and support of the City Council and Staff, including Dave Thornton, Kathy Portner, Tim Moore, and Lisa Cox, for all the help they have given their Association. They are looking to complete the repairs on North Avenue this year, complete the urban renewal plan, and set the stage for future public and private partnerships. Their goals are to promote economic revitalization, beautification and upkeep of North Avenue, and return it to a vibrant residential and business area. North Avenue is the third largest contributor to the City's sales tax revenue, but it is down 20% due to the deterioration of the North Avenue Corridor. However, the goals for this corridor can, with the help of the City, become a reality.

CONSENT CALENDAR

Councilmember Doody read the Consent Calendar items #1-6 and then moved to approve the Consent Calendar. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the May 22, 2013 Regular Meeting and May 29, 2013 Special Meeting

2. **Setting a Hearing on Zoning the Karis House Annexation, Located at 536 29 Road** [File #ANX-2013-141]

A request to zone the 0.207 acre Karis House Annexation consisting of one parcel located at 536 29 Road, to R-8 (Residential – 8 units per acre) zone district.

Proposed Ordinance Zoning the Karis House Annexation to R-8 (Residential – 8 Units Per Acre), Located at 536 29 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 19, 2013

3. **Contract for the North Avenue Accessibility Improvements Project, Along North Avenue between 1st Street and 29 Road** [File #CDBG-2012-14]

This request is to award a construction contract for the North Avenue Accessibility Improvements Project. The scope of the project consists of construction of accessible ramps and segments of concrete sidewalk at various locations where these pedestrian improvements are substandard or non-existent.

Action: Authorize the City Purchasing Division to Sign a Contract with All Concrete Solutions, LLC in the Amount of \$52,677.63 for the North Avenue Accessibility Improvements Project

4. **Contract for CDOT Maintenance of Traffic Control Devices**

The CDOT Maintenance Contract for Traffic Control Devices provides the City with annual reimbursement for City forces to maintain traffic signals, signs, striping and marking on State Highways within City limits.

Resolution No. 36-13—A Resolution Authorizing an Agreement Between the City of Grand Junction and the Colorado Department of Transportation (CDOT) to Perform Traffic Maintenance Services on State Highways

Action: Adopt Resolution No. 36-13

5. **Contract for the 2013 Sewer Line Replacement Project**

This request is to award a construction contract for the sewer line replacement project at various locations within the Persigo 201 boundary. This annual program replaces aging sewer lines that have surpassed their design life. In all, a total of 12,070 lineal feet of sewer main line will be replaced as part of this project.

Action: Authorize the City Purchasing Division to Enter into a Contract with Sorter Construction, Inc. of Grand Junction, CO for the 2013 Sewer Line Replacement Project for the Bid Amount of \$1,234,564

6. **Amending Council Committee Assignments for 2013 - 2014**

On May 6, 2013 the City Council reviewed and determined who on the City Council would represent the City Council on various boards, committees, commissions, authorities, and organizations. The proposed resolution amends those assignments.

Resolution No. 38-13—A Resolution Amending Resolution 30-13 Appointing and Assigning City Councilmembers to Represent the City on Various Boards, Committees, Commissions, Authorities, and Organizations

Action: Adopt Resolution No. 38-13

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Appeal of the Planning Commission's Decision Regarding the Department of the Interior Conditional Use Permit for Properties Located at 445 West Gunnison Avenue and 302 West Ouray Avenue (CUP-2013-69) [File #APL-2013-209]

Appeal of the Planning Commission's approval of a Conditional Use Permit (CUP-2013-69) for offices, located within an existing and expanded structure, with an accessory fleet vehicle and outdoor storage yard located on 4.374 acres at 445 West Gunnison Avenue and 302 West Ouray Avenue for the Department of the Interior, all within a C-1 (Light Commercial) zone district.

John Shaver, City Attorney, introduced this item. He provided an overview of the item. This comes to Council as an appeal of the Planning Commission's decision. This appeal is on the record. The City Council is to determine whether the appeal has been satisfied, and not substitute their opinion for the Planning Commission's decision. He listed the four criteria:

- (A) The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, State or federal law; or
- (B) The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
- (C) The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- (D) The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion.

Councilmember Doody inquired if the El Poso residents who are appealing understood those criteria. City Attorney Shaver deferred to Senior Planner Brian Rusche as he has had contact with the appeal group.

Council President Susuras asked about the Council's options. City Attorney Shaver said the Council can either reverse the decision, deny the appeal thus affirming the decision, or remand the matter back to the Planning Commission.

A member of the public approached the microphone and asked for the opportunity to speak. He was denied as the matter must stand on the record.

Councilmember Doody asked if the El Poso neighborhood group was aware of how this proceeding would proceed.

Senior Planner Brian Rusche confirmed the process was communicated to the appellant for El Poso, Juanita Trujillo.

Council President Susuras asked why it was stated in the minutes that this would be a buffer between the commercial and residential areas. Mr. Rusche said the application contains landscaping and other improvements to the property that make it function as a buffer, whereas now, it is a vacant lot.

Councilmember Norris asked if the entire plan was presented at the neighborhood meeting. Mr. Rusche said the applicant did provide drawings showing their intent at the first meeting. At the second meeting, drawings were available that had been revised based on comments received at the first meeting. The drawings submitted with the application were available to the public.

Councilmember Boeschstein noted that outdoor storage is allowed in the C-2 zone but not in zone C-1 where this property lies. Mr. Rusche said the legal department determined that the outdoor storage is an accessory use to the office use. Councilmember Boeschstein asked if it was considered to have the outdoor storage at another location. Mr. Rusche said he did not recall if that had been discussed.

Due to lack of a motion, Council President Susuras asked City Clerk Stephanie Tuin to call the roll and for each Councilmember to either affirm, reverse, or remand the decision. The roll call vote was to affirm the Planning Commission's decision, with Councilmember Boeschstein voting to remand.

Public Hearing—Peony Heights Annexation and Zoning, Located at 612 Peony Drive [File # ANX-2013-96]

A request to annex and zone 0.92 acres, located at 612 Peony Drive. The Peony Heights Annexation consists of one parcel, including portions of the Peony Drive and Broadway (Hwy. 340) rights-of-way. The total annexation area contains 1.12 acres of which 0.20 acres or 8,818 sq. ft. is right-of-way. The requested zoning is the R-5 (Residential – 5 du/ac) zone district.

The public hearing was opened at 8:00 p.m.

Lisa Cox, Planning Manager, reviewed the Blended Residential Land Use Category Map. She provided the background of the development of the Blended Map which was part of the Comprehensive Plan. The purpose is to simplify the way the City Council looks at

land use categories. The Blended Map is a broad map which only applies to residential land use categories; it is a way to provide housing choice and flexibility. She explained the three categories. It groups compatible densities; any incompatibility would be mitigated with site design. The Blended Map is unique and was the reason the City Planning Department received an award.

Scott Peterson, Senior Planner, presented this item. He described the site, the location, and the request. He explained how the Blended Map was used to determine what zoning could be applied to this property. The applicant is requesting R-5 zoning, which is compatible with existing land uses to the north and to the south of the annexation area. The properties located immediately to the north and south contain duplex (two-family) housing units. If and when these two properties are annexed into the City, an R-5 zoning will be needed to make the properties conform to the zoning. In the R-4 zoning district, duplex units are not allowed except on corner lots; the two properties north and south of the proposed annexation would therefore be nonconforming if they were annexed and zoned R-4. The two properties are also large enough to redevelop with an additional duplex unit on each lot. Creating additional duplex housing units is consistent with the goals and vision of the Comprehensive Plan and encouraged when and where appropriate. Mr. Peterson stated the application meets the goals and criteria of the Zoning and Development Code and the annexation meets the State requirements for annexation. He therefore recommends approval.

Councilmember Norris asked if R-5 would allow a larger housing complex. Mr. Peterson said with the 5 units per acre maximum, a duplex would be the largest allowed.

There were no public comments.

The public hearing was closed at 8:18 p.m.

Resolution No. 37-13—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Peony Heights Annexation, Located at 612 Peony Drive and Including Portions of the Peony Drive and Broadway (Hwy. 340) Rights-of-Way, is Eligible for Annexation

Ordinance No. 4586—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Peony Heights Annexation, Approximately 1.12 Acres, Located at 612 Peony Drive and Including Portions of the Peony Drive and Broadway (HWY 340) Rights-of-Way

Ordinance No. 4587—An Ordinance Zoning the Peony Heights Annexation to R-5, (Residential – 5 DU/AC), Located at 612 Peony Drive

Councilmember Brainard moved to adopt Resolution No. 37-13 and adopt Ordinance Nos. 4586 and 4587 and ordered them published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Purchase of a Single Axle 5-Yard Dump Truck with a Magnesium Chloride Spray Tank

This request is for the purchase of a scheduled equipment replacement of a single axle 5-yard dump truck with a magnesium chloride spray tank.

Jay Valentine, Internal Services Manager, introduced this item. He noted the action is to purchase the dump truck with two options, a diesel option and a compressed natural gas (CNG) option. He provided the history of why two options are brought forward, starting with a resolution supporting the Conserving Our Resources Efficiently (CORE) efforts. The City also has a CNG filling station. Due to that resource and infrastructure now in place, when the City bids out a vehicle, the City requests both options. Bids were received from five different companies with 19 different configurations. The diesel option was the lowest bid.

Council President Susuras asked about the life cycle of a dump truck. Mr. Valentine said the life cycle is fifteen years. Council President Susuras noted that it would take 26.8 years to pay off the CNG option yet the truck would be replaced after fifteen years.

Councilmember Norris asked if the operating cost of the CNG facility is reduced as more vehicles use the facility. Mr. Valentine said more vehicles filling with CNG does reduce the cost.

Councilmember Norris asked if he expects CNG to cost less in the future. Mr. Valentine said he does not know, but there is currently a \$2.22 difference per gallon of CNG compared with diesel fuel.

Councilmember Brainard asked if the analysis is based on current or future price. Mr. Valentine said it is always based on the current price, as the future cannot be predicted.

Councilmember Doody recalled a previous discussion and there was an issue with the scrubber and burning diesel emissions. He asked if that is the case with the proposed truck.

Mr. Valentine said with the high particulate filter that is on all diesel engines, regeneration has to occur. The previous discussion did not include a manual regeneration process, which is a different technology.

Councilmember Chazen noted the difference in cost at \$47,602 and based on the incremental final cost it takes 26.8 years to amortize that difference. Mr. Valentine said yes, at the end of fifteen years the cost difference would be about \$21,000.

Council President Susuras said he talked with Lee at the Kenworth dealership in Fruita, who said catalytic converters are designed so that after trucks are parked they need to run for about an hour in order to burn off the excess collection. He suggested that Lee

make a presentation on this item at a Council workshop to help Council understand the difference between a CNG versus diesel vehicle.

Councilmember Doody agreed with Council President Susuras that it would be interesting and educational to have this presentation.

Councilmember Boeschstein said the City is committed to clean energy. It's not just the cost of the fuel for consideration, it is also the cost of air pollution from diesel engines. Diesel has to be brought in from overseas and CNG is domestic. He therefore supports CNG vehicles. He noted this item could have been on the consent agenda.

Councilmember Doody said the City Council needs to discuss and continue their education of the new technology.

Council President Susuras said he agrees with the goal of clean energy but it is not always the best decision when it comes to the financial side.

Councilmember Chazen moved to authorize the City Purchasing division to purchase a single Axle 5-yard Dump Truck with a Magnesium Chloride Spray Tank from Transwest Freightliner, Grand Junction, CO, with the Kois Brothers diesel option. The motion died due to lack of a second.

Councilmember Boeschstein moved to authorize the City Purchasing division to purchase a single Axle 5-yard Dump Truck with a Magnesium Chloride Spray Tank from Transwest Freightliner, Grand Junction, CO, with the Kois Brothers CNG option. Councilmember Doody seconded the motion. Motion carried 4 to 2 with Councilmember Chazen and Council President Susuras voting NO.

Avalon Theatre Project

Since 2008 the City, Downtown Development Authority (DDA) and the Avalon Theatre Foundation Board have been working to transform the Avalon Theatre into a fully functioning performing art center. As a result of a three phase master plan, design work and construction documents were completed for the first phase (core) to address life safety, accessibility and improved public amenities. This core project was put out to bid earlier this year. FCI Constructors proposed were the most responsive and responsible low bid and have since been working with the project team to bring construction alternatives to the City Council.

City Manager Rich Englehart introduced this item. He took the opportunity to express Staff's appreciation for the actions taken regarding the passing of Councilmember Butler; he will be missed. He noted this item was to be presented at the workshop on Monday. This project has been ongoing for eight years and this is the proposal. He said the presentation will start with Downtown Development Authority Director Harry Weiss. The

second presenter will be Daniel Gartner, Chamberlin and Associates, who will speak to the alternatives. City Manager Englehart thanked Daniel Gartner and FCI Construction for the time and effort in developing these alternatives based on City Council's direction at a workshop in April. He noted that Trent Prall, City Engineer, is present to answer questions. Stuart Taylor, Manager of Two Rivers and the Avalon, will address business models. Jay Valentine, Internal Services Manager, is present to help answer questions on the business models; he is Administration's representative on large capital projects. Lastly, Robin Brown, Avalon Theatre Foundation Development Director, will speak.

DDA Director Harry Weiss provided a comprehensive history of the Avalon. Beginning in 1923 when the Avalon first opened, it was a locally owned stock holder corporation. In 1947 it reopened as Cooper Theatre, and closed as a theatre in the mid 1980's. In the mid 1970's the community advocated for a performing arts center. The Two Rivers Convention Center (TRCC) was successful and there was discussion about building a performing arts center next to TRCC. This turned out to be a little too optimistic at the time. Sights were turned back to the Avalon Theatre as a performing arts theatre. In 1994, the City acquired the theatre and the DDA managed operations until 2002. The City has a total capital investment through 2009 of \$260,000. In 2005, the Avalon Theatre Advisory Committee Feasibility Study took place. In 2009, the DDA, along with the Grand Junction Symphony, funded a master plan to transform the Avalon into a state-of-the-arts venue, and in 2010, this plan was presented to City Council. In 2012, the City and the DDA each committed \$3 million, with the Avalon Theatre Foundation Board committing to raise \$1 million.

Council President Susuras said it was his recollection that the Avalon Theatre Foundation Board committed to raising \$2 million, not \$1 million.

Councilmember Boeschstein agreed the number has fluctuated and they expected private fundraising was to raise at least \$1 million, if not more. Councilmember Doody agreed but noted the resolution does state \$1 million.

Councilmember Chazen recalled from work sessions earlier in the year, a number closer to \$2 million.

Councilmember Norris agreed with Councilmember Chazen, recalling a number closer to \$2 million.

Robin Brown, Avalon Theatre Foundation Development Director, clarified that on the Phase One construction estimates of \$7 million to \$8.5 million, the Foundation was going to raise the difference.

Mr. Weiss said a renewed Avalon would draw many people from different geographical areas. He noted that this is a strategic plan to diversify visitation and economic development as a whole.

Daniel Gartner, Chambelin Architects, said he has worked on the Avalon ever since he came to Grand Junction twenty years ago. He feels this is the opportunity for the Avalon Theatre to go in the direction it should. He displayed the full build out concept drawing. He agreed that the full build out cannot be afforded now so they came up with another alternative. They are hoping to build the "core project" which includes remodeling the main hall, adding a large addition which includes the multipurpose room, expanded restrooms, and a lobby. The second floor of the core project was described. The core project came in at \$8.6 million which was too rich, so they evaluated other alternatives. Value engineered Alternative A came to \$8.2 million. Still too high so they evaluated three other alternatives. Alternative B includes building only the shell of the core project, which includes renovating the existing building. The auditorium and finishes would be completed in the existing building, but to the east only the exterior walls and roof would be built and not finished inside. This would allow it to be finished in the future as funds are available.

Council President Susuras asked if Alternative B would include the elevator. Mr. Gartner said the shaft would be there but not the elevator. Mr. Gartner stated the old part of the building would be able to be occupied. Council President Susuras asked if this would violate the Americans with Disability Act (ADA). Mr. Gartner stated this alternative is not in full compliance with the ADA. Council President Susuras asked whether, once renovation is started, one is required to comply with the ADA.

Mr. Gartner continued: Alternative C includes building just the elevator and the bathrooms in the new addition; they would be completed and available for use. This alternative would be compliant with the ADA and Building Code. He showed a concept of how Alternative C would look from the outside.

Councilmember Chazen asked what triggers the ADA and whether the City is obligated to make the building ADA compliant. Mr. Gartner said the risk is someone will sue the City because of ADA non-compliance. There are a lot of buildings not in compliance, however, it is legally required by the ADA that all new construction must be in compliance. It is also required that public accommodations be provided in existing buildings. In the existing building, it was determined that the single restroom on the main floor provides reasonable accommodation and there is existing access for wheelchairs.

Councilmember Chazen asked how long the building has been operating under the existing circumstances. Mr. Gartner answered since 1994, when a new façade was completed and the building was made compliant per Building Code.

Councilmember Norris asked how much seating would be available in Option C. Mr. Garner said each alternative would yield 1,100 seats while there are about 967 seats available now.

Stuart Taylor, Manager of the Two Rivers Convention Center and Avalon Theatre, proposed some different business models based on the alternatives. He reviewed the

current use. The number of events in 2011 and 2012 were about the same but there was greater attendance in 2012. 30% of the on-line ticket purchases were by out-of-county attendees. Even with "Dinner and a Movie", where tickets are free, revenues are still made from concession sales.

Mr. Taylor noted that Alternative A would increase the number of events by 18% and the number of attendees by 31%. Cultural amenities are what many people look at when considering relocating to Grand Junction.

Mr. Taylor addressed the impact the renovation of the Avalon would have on the community regarding jobs.

Councilmember Chazen reviewed the numbers and the costs and questioned whether it makes sense.

Internal Services Manager Jay Valentine said perhaps it may not make sense financially, but what that revenue generates is for the public service and public good for the community.

Councilmember Chazen asked about the projected revenue. Mr. Valentine referred to the trickle-down effect.

Councilmember Chazen asked about the labor costs and questioned if the full cost is in the report. Mr. Valentine said this model does include all the costs. The difference is mostly part-time labor. Councilmember Chazen asked if it is reasonable to think this facility can be run with two people.

Mr. Taylor described how the part-time labor force is balanced with work at Two Rivers Convention Center.

Councilmember Chazen asked about the cost of movies and why those numbers are the same. Mr. Taylor said it only goes up slightly if the multipurpose room is available.

Councilmember Doody suggested that having a roundtable with Ron Wilson of Sandstone might help develop more efficiencies for running the Avalon.

Council President Susuras called a recess at 9:25 p.m.

The meeting reconvened at 9:33 p.m.

Robin Brown, Development Director for the Avalon Theatre Foundation, said she was pleased to be at this point in the process. She announced the Avalon Theatre Foundation Board has raised over \$1 million as pledged. She said they have only just started the fundraising. The Foundation is pleased to work with Chamberlin and FCI.

Councilmember Chazen asked when the other pledges will be coming in. Ms. Brown said they will come in over the next four years. Councilmember Chazen asked how much will be available by the end of the year. Ms. Brown distributed a spreadsheet that answered Councilmember Chazen's question. Councilmember Chazen noted that by year end they would have about \$340,000.

Councilmember Norris noted the big difference between the bid and the value added alternatives. Mr. Valentine said the FCI bid was based on the Westlake, Reed documents. After the bid process, FCI was able to find areas where the bids could be lowered due to value engineering.

City Manager Englehart noted that if one of the options presented tonight is not used, the bidding process will be reopened, and the contractual arrangements that have been made would be terminated.

Councilmember Chazen asked how the financing would be bridged from 2014 to 2016. Mr. Valentine said the City would bridge that as a long term receivable based on a written agreement.

Council President Susuras asked if that would be funded out of the rainy day fund. Mr. Valentine said it would be funded out of the City's portfolio. It would be recorded as revenue the year the City received the note.

Councilmember Doody asked if FCI has done the value engineering out of their pocket. Mr. Valentine said yes, currently the City is using them on an hourly basis.

Councilmember Boeschstein said looking at the proposal simply as a cash flow issue is not the correct way to look at it because the building is deficient by not being ADA or life safety compliant.

City Manager Englehart said this is the conclusion of the presentation.

Council President Susuras asked about the Grand Junction Symphony involvement.

Ms. Brown said the Symphony has been and will continue to be involved.

Karen Hildebrandt, 285 Chinle Court, came to the podium. She said she has been involved in the project for over ten years. As a board member of the Symphony, they thought due to cost of a new free standing facility, they began to look at the Avalon. They look at the project for the cultural community overall. She also supports it as a downtown property owner, and feels the investment the City is willing to make will come back to the City in sales tax revenue.

Kurt Gustafson, Symphony Director, said they understand the Symphony will not be able to perform with the completion of the core project. They feel they have to get to Plan A

before they can get to Plan B. They could use the Avalon with a reduced orchestra for an event.

Council President Susuras asked how many people in the audience would be performed to.

Kelly Henderson, Grand Junction Symphony Executive Director, said the average attendance goes from 1,100 to 1,450, it depends on the event. They could do two performances to accommodate all the attendees (a matinee). As an organization, getting into the Avalon is important to their employees and the money generated from this goes directly back out to the community.

Councilmember Chazen noted that the complete project is \$14 to \$16 million and asked about the City's obligation projected for the rest of the project.

City Manager Englehart said the resolution clearly states that \$3 million is the maximum the DDA and City are willing to put in.

Councilmember Brainard asked when the Foundation has to have the \$1 million. City Manager Englehart said it should be on hand or committed within the dates of the resolution.

Council President Susuras opened the public hearing at 8:43 p.m.

John Cunningham with the Centennial Band has been involved in discussions with the architects and one of the users of the Avalon. The Band has used the Avalon about 125 times. They want to have rehearsal space as promised. The City's support is needed and appropriate going forward with the value engineered alternative. The stage needs to be expanded and the building needs to have the ADA renovations. The Avalon Theatre is utilized by the whole community.

Bobbie Alpha, 843 25 Road, a member of the Avalon Foundation Board, said this is a facility, a public building for the enjoyment and the spread of culture and community events. It brings people to Grand Junction and brings taxes through the downtown businesses. She is also on the Mesa County Concert Association and they have had season ticket holders sell out at 1,500. Currently they perform at the Grand Junction High School Auditorium.

Roger McClellan, president of the Bookcliff Chorus, said music saves lives. The folks that are dedicated to the symphony work with altruistic purposes to provide this enjoyment. He asked the Council to look at the human cost of not doing it.

Scott Hildebrandt, 775 Jade Lane, supports proposals A and C and believes a major modification would require ADA compliance. He said Grand Junction High School is not the proper venue for all these events. Having a first rate performing arts center is important to the City of Grand Junction. He addressed the regional attraction of having a

performing arts center. He said when the project starts, people will start donating. He encouraged the City Council to take the first step.

Tim Findley, long time resident, said Harry Butler gave his life for this community and urged the Council to remember that. Mr. Findley has only been in the Avalon Theatre one time. He addressed spending money on a business that cannot sustain itself. He did not feel a venue this substantial was in the right location. He said the City will be holding the bag if the promises are not fulfilled. He said the Downtown is the grand jewel of the City but there are others, like North Avenue and Mesa Mall.

Kerry Norton, moved here eight years ago. He is a member of the Concert Association and was negative about the use of the High School Auditorium. He said when the Avalon attracts big names, it is sold out. The City needs a theatre that will sell out shows.

Robert Noble, 1031 Ouray, offered his sympathies and condolences for the loss of Harry Butler. Regarding the Avalon, the seats in the High School auditorium are designed for children and the discomfort of the seats detracts from the performances. He has a friend in a wheelchair and she has complained about the lack of accessibility of the Avalon. It is an important issue. There are forty-four performing groups in the valley that are being denied a venue. He fears if the transformation of the Avalon does not take place, it will be abandoned and become another White Hall.

Don Caldera, Red Ranch Drive, two year resident of Grand Junction, Director of the Symphony and on the cabinet for the Avalon Cornerstone Project, said the value added engineered phase will make an 1,100 seat facility. Over the last eight or ten months there have been many needed meetings. He personally has made over 250 contacts, and there is skepticism whether the project will start. He said the City Council is at a very gestative moment. He begged the City Council to get it started stating they will be amazed at the fundraising as it goes forward.

Kevin McCarney, who resides in Mesa County, said the value added project leaves a \$1.1 million shortfall. The sales tax revenue is down. He loves the arts but the money is not there. The efforts needed are to concentrate on getting the Western Slope economy going.

John Halvorson, 711 Galaxy Drive, Chairman of the Avalon Foundation Board, congratulated the City Council on their serious consideration of this project. There are a lot of people waiting in the wings to see if the first stage will get underway. He is optimistic and sees good virtue in this project. Regarding the symphony, he was a long-time member of the Symphony Board. They will be able to use the multipurpose room for rehearsal. The project will help attract bigger names, and many will come from Las Vegas to Denver. He described the existing dressing rooms and back stage which are in an adjacent building outside the Avalon. He encouraged support.

David Wall, 2297 Tall Grass Drive, owner of Snob Productions, has worked with every single group in the room and helped make their shows come to life. He urged the Council to do it right, not half way. With the transformation of the Avalon, the opportunity is there and would jumpstart the economy.

Andy Comisky, 1337 Rood Avenue, grew up here and has resided here the last three years. He endorsed the comments of looking at the quality of life for the future generations. He asked Council to vote with their heart.

Peggy Adams, 507 22 ¼ Road, long time resident and a great lover of Grand Junction, said she really loves the downtown and the Avalon and has been a great customer of the Avalon. She has been to the Avalon many times. She described many of the events. She gave a check to the Avalon; she is conservative and is about common sense, but she is also for putting money where one's mouth is.

Harry Griff, 2636 Chestnut Drive, said he has been involved with Avalon and Las Colonias for the last twenty-five years. It is not a \$16 million project, it is an \$8.5 million project. Everything after that is to get the Symphony into the Avalon. They have the opportunity to raise money to get the Symphony in; the City is not on the hook for anything over \$8.5 million. If the City and the DDA stay with their commitments, the Foundation has a \$2 million obligation and they have grants possible. He said Alternative C should be the choice. He said there has to be a facility to book acts as they come to town. Raising the seating from 900 to 1,100 is a significant improvement. The amphitheatre at Las Colonias will seat 10,000. Both of these are the most cost-effective ways to have these two types of facilities. He said the economy is coming back and the cost will go up. He encouraged City Council to go forward.

Rob Van Gogh, a property owner at 618 and 620 Main Street, encouraged the City Council to vote favorably for the Avalon project. He challenged the new members as this is their first opportunity to see this from the legislative viewpoint. He said they should think for the greater good. He noted it is impossible to please all the people all the time. Every matter that comes before the City Council must be scrutinized by the City Attorney for conflicts of interest.

Earle Mullen, 702 Tranquil Trail, referred to the statement at the top of the agenda to become the most livable community west of the Rockies by 2025. If the Avalon project is approved, that time frame will be moved up. He said the decision should be weighing the benefits with the cost, not against each other. No performing arts center makes money. Yes the money is important but it is not the end-all, be-all. He will be a contributor if he sees this project go forward. One of the virtues of the refurbishment, is it will bring a diversity of things to the community. There will be something for everyone. Culture and entertainment are important considerations for people moving to the community. He encouraged the Council to rise to the occasion.

Ron Maupin, 2440 Wellington Court, said it boils down to the quality of life. It is what makes Grand Junction a great place to live. He has used the Avalon since he was six years old.

Kathy Hall, 663 Cordial Court, said she is the fundraising co-chair and they are not finished raising funds. Many are waiting to make sure the City Council commits. She listed many of the projects that have improved the community over the last thirty years. She said it would be a disaster to have that building empty at that end of town. She asked those that are in favor to stand up. The Avalon Theatre has had many sold out performances.

There were no additional public comments.

Councilmember Brainard thanked those present for showing up. He said he wants to do this, but is disappointed in the lack of a longer view toward all of the arts and not just the Avalon. He would like to see a better business plan. There needs to be a more aggressive business strategy and if it gets funded tonight, a better business plan needs to be developed.

Councilmember Chazen said his position has not changed. He likes the project but the financing does not make sense. He said this a commercial venture and venue. When it crosses that line, it is his job to make sure the citizens have a rate of return. He loves the arts but questions whether this is the right time and the highest and best use of these funds.

Councilmember Norris said she has gone to the Avalon all of her life. She would love to see the project happen but the sales tax revenue is down 3%. She said she does not think it can be afforded and she feels it is not the right time. She would like to see this go back to Staff to see how it can be workable.

Councilmember Doody said Councilmember Butler was going to vote in favor of this project. Councilmember Doody thinks this is a great project but agrees there needs to be a better business plan. He thinks this is the right location. Other properties will develop nearby if this project goes forward. The businesses will generate more revenues. The City just gave Colorado Mesa University (CMU) \$7 million; that investment is hard to measure, but it was the right thing to do. He will vote in favor of the Avalon Project.

Councilmember Boeschstein said he is also in favor and it is important to do something. He referenced the Lincoln Park renovation and the Police Station renovation, which were debt; this project is not debt. There is a local contractor ready to go to work and that will create jobs. The improvements need to be made. It is not just an elite facility, it is a community theatre. The City needs to act like a metropolitan area. The Avalon is sustainable and has been in the black for the last two years.

Councilmember Brainard directed a question to City Manager Englehart; he understands the pressure to make a decision due to FCI waiting, but how much time is there to deliberate?

City Manager Englehart said the 60-day extension has expired with FCI, and he cannot answer to how long they will wait.

Stan Kiser, from the Redlands and FCI, said he asked all the subcontractors about extending an additional 60 days and got buy-in from all but two, and he thinks FCI would honor their bid.

Councilmember Brainard said he would like to see the project come to fruition but the business plan doesn't add up and he felt it was too conservative.

City Manager Englehart said the model put forward was the most conservative estimate; they would need to know what alternatives to move toward in order to better estimate the numbers.

Councilmember Chazen asked how much is allocated for 2013. City Manager Englehart said the \$3 million is over two years, and can be allocated in various ways.

Council President Susuras questioned the resolution conflicting with the \$3 million allocation versus the 2013 budget that he was part of approving. City Manager Englehart said the \$3 million has been earmarked.

Council President Susuras said the project keeps getting presented differently and he feels it is confusing. He is afraid the City will be left on the hook. He does not want to see the Avalon as a dark building, however, the Avalon Committee has not come through with their fundraising. He asked if the DDA would commit to the back funding.

DDA Director Weiss said the DDA is disinclined to provide a guarantee until the City comes through with a commitment.

Council President Susuras said he thought this seemed like a "stand off".

Councilmember Chazen asked how much the City has already spent on this project.

City Manager Englehart said City Council committed \$100,000 for the feasibility study early on. He said City Council has always been made aware that this is a \$3.1 million project. He deferred additional financial questions to Mr. Valentine.

Mr. Valentine confirmed what City Manager Englehart said; the City has spent \$241,000, the DDA has spent \$401,000, and the Avalon Theatre Foundation Board has spent \$230,933.

Councilmember Chazen asked if there has been any thought of taking the City out of ownership or operation of the Avalon Theatre. City Manager Englehart said that is a policy question that requires City Council discussion and direction.

Council President Susuras asked for confirmation from City Manager Englehart, that one of three options needs to be decided on.

Councilmember Boechenstein noted that this is a decision to enter into negotiations, not sign a contract. City Manager Englehart confirmed this would be for contractual negotiations and it would not exceed the \$3 million City commitment.

Councilmember Doody asked City Manager Englehart if the motion were to be affirmed, would Council need to look at Alternative Options B and C. City Manager Englehart said yes.

Councilmember Boeschstein moved to direct the City Manager to enter into negotiations with FCI Constructors and Chamberlin Architects for contracts not to exceed the City's commitment of \$3,000,000 for Alternative B. The motion died for lack of a second.

Councilmember Doody moved to direct the City Manager to enter into negotiations with FCI Constructors and Chamberlin Architects for contracts not to exceed the City's commitment of \$3,000,000 for Alternative C. Councilmember Boeschstein seconded. The motion failed 3 to 3 with Councilmembers Norris, Chazen and Council President Susuras voting NO.

Councilmember Doody asked City Attorney Shaver for a legal interpretation of this last vote. City Attorney Shaver said because the vote was tied 3 to 3 the motion was defeated, therefore, Resolution No. 27-12 would remain in effect, although it would not preclude further Council discussion.

Councilmember Norris asked City Attorney Shaver to confirm if the City Council was still in the same place because Council has not directed the City Manager to move forward with a direction. City Attorney Shaver said yes.

Councilmember Norris moved to amend Resolution No. 27-12 to allow time to review the project and time to decide. Councilmember Brainard seconded the motion. Motion carried 4 to 2 with Councilmembers Boeschstein and Doody voting NO.

Council President Susuras asked if that was all that was needed from Council at this point. City Attorney Shaver said there are two questions: 1) is the intention for Council or Staff review and what are the expectations and 2) what are Council's intentions relative to the amendment.

Councilmember Norris said her intention was to suspend the decision at this point, although she would like more discussion to determine if there can be a better plan for this project.

Councilmember Boeschstein asked if this means a rebid process. City Attorney Shaver noted that the City is not under contract with FCI at this time. It would be a decision for FCI to determine if they want to continue a relationship with the City.

Councilmember Brainard said he would like to see all entities come together and see an optimistic version and see where the reality lies.

Councilmember Doody asked for clarification from Councilmember Brainard, asking if he meant on how the Avalon will operate.

Councilmember Brainard said he would like more clarification on revenue generation from an optimistic view.

Councilmember Doody asked if this was indeed the operating cost of the Avalon. City Manager Englehart said yes.

Councilmember Brainard said he would really like to see the DDA and the Avalon Foundation offer Council information on what it could look like optimistically from a revenue standpoint. He would like to see the upside view in order to instill confidence that this project will be a viable operation.

Council President Susuras asked if he was wanting to see a five year performance proposal.

Councilmember Brainard said instead of a conservative view he wanted to see the optimistic view.

Council President Susuras said it is not that the Avalon Project should not go forward, but perhaps a fresh view and perspective is necessary. He noted that Councilmember Boeschstein is on the Avalon Foundation Committee, and he would like to see Councilmember Norris on this committee as well since she has business experience and would be very qualified to report back to City Council. He said this was the first time he has heard this project report. He asked City Manager Englehart and City Attorney Shaver if there was enough direction to go forward.

City Manager Englehart said with the understanding that the price given by FCI will not hold past a certain point, Staff is directed to present an optimistic business model instead of a conservative approach to this project. If this is correct, Staff can put a different presentation together for Council.

City Attorney Shaver said this would be considered a suspension of Resolution No. 27-12 because the amendment has not been specified.

Council President Susuras confirmed this is direction preferred. He again noted his desire for Councilmember Norris to sit on the Avalon Project committee.

Non-Scheduled Citizens & Visitors

Harry Griff, 2636 Chestnut Drive, said he wanted the City Council to understand the disconnect of what just happened. He has sat in on meetings for the last five years and everyone but City Council knows what is going on with these plans.

Steve Thoms, 627 Rushmore Drive, former DDA Chair and Avalon Advisory Committee and Foundation Board, said he has been involved for years and there has been City Council representatives on these committees. City Staff has done an amazing job coming up with a conservative plan. They are being forthright and the City Council has pushed it all aside. He said it is ridiculous. No direction has been given to City Staff. He asked City Council to be more specific about what they want the entities involved to do. He urged the City Council not to let the downtown rot.

Diane Admire, member of the Avalon Foundation Board and historian for the Avalon at the museum, said she has a number of surveys conducted by the City of Grand Junction about the Avalon. It's not about money, it's about the arts. She urged them to give it some thought and to remember what Councilmember Butler thought of the project.

Todd Hildebrandt said the Council should be ashamed of their lack of vote and that many people stayed late for this meeting just to have City Council push it off. He thought Councilmember Norris was in favor of this project.

Other Business

There was none.

Adjournment

The meeting adjourned at 11:46 p.m.

Stephanie Tuin, MMC
City Clerk



Date: June 6, 2013
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior Planner/1447
 Proposed Schedule: 1st Reading: June 19, 2013
2nd Reading: July 3, 2013
 File #: VAC-2013-114

Attach 2

CITY COUNCIL AGENDA ITEM

| |
|--|
| Subject: Colorado Mesa University Right-of-Way Vacation, a Portion of the Intersection at Texas and Cannell Avenues |
| Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for July 3, 2013 |
| Presenter(s) Name & Title: Scott D. Peterson, Senior Planner |

Executive Summary:

Colorado Mesa University is requesting to vacate a portion of the intersection of Texas and Cannell Avenues with retention of a utility easement.

Background, Analysis and Options:

The applicant, Colorado Mesa University, wishes to vacate a portion of the Texas and Cannell Avenue intersection (1,048 sq. ft. – see attached vacation exhibit) in order to accommodate a new dormitory building for the campus which has been constructed within the existing right-of-way.

The surrounding properties are all owned by Colorado Mesa University and the proposed vacation of a portion of this intersection will not impede traffic, pedestrian movement or access along Cannell Avenue.

With the vacation, the City of Grand Junction (“City”) shall retain a Utility Easement to cover the existing water line, sanitary sewer and storm drain infrastructure that bisects the northern 25’ portion of the requested right-of-way vacation.

How this item relates to the Comprehensive Plan Goals and Policies:

Vacating this excess right-of-way supports the University in their building expansion development, provides additional housing for college students, enhances a healthy, diverse economy and supports a vibrant City Center, therefore, the proposed right-of-way vacation implements and meets the following goals from the Comprehensive Plan:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Policy C: The City and Mesa County will make land use and infrastructure decisions consistent with the goal of supporting and encouraging the development of centers.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested right-of-way vacation at their June 11, 2013 meeting.

Financial Impact/Budget:

None.

Legal issues:

None.

Other issues:

None.

Previously presented or discussed:

N/A.

Attachments:

Staff Report / Background Information
Site Location Map / Aerial Photo Map
Comprehensive Plan Future Land Use Map / Existing Zoning Map
Right-of-Way Vacation Exhibit
Right-of-Way and Building Encroachment Exhibit
Ordinance

| BACKGROUND INFORMATION | | | | | |
|-------------------------------------|--------------|--|-----|--|----|
| Location: | | Texas and Cannell Avenues, portion of intersection (1,048 +/- sq. ft.) | | | |
| Applicant: | | Colorado Mesa University | | | |
| Existing Land Use: | | City street right-of-way | | | |
| Proposed Land Use: | | Colorado Mesa University dormitory building expansion | | | |
| Surrounding Land Use: | North | Colorado Mesa University properties | | | |
| | South | Colorado Mesa University properties | | | |
| | East | Colorado Mesa University properties | | | |
| | West | Colorado Mesa University properties | | | |
| Existing Zoning: | | R-8 (Residential – 8 du/ac) | | | |
| Proposed Zoning: | | N/A | | | |
| Surrounding Zoning: | North | R-8 (Residential – 8 du/ac) | | | |
| | South | R-8 (Residential – 8 du/ac) | | | |
| | East | R-8 (Residential – 8 du/ac) | | | |
| | West | R-8 (Residential – 8 du/ac) | | | |
| Future Land Use Designation: | | Business Park Mixed Use | | | |
| Zoning within density range? | | X | Yes | | No |

Section 21.02.100 of the Grand Junction Zoning and Development Code:

The vacation of a portion of the existing right-of-way shall conform to the following:

- a. *The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.*

Granting the request to vacate a portion of the existing right-of-way does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City. The proposed vacation would not impede traffic movement along Cannell Avenue. A Utility Easement will be retained to allow for the continuation and access of existing utilities as a condition of approval.

Therefore, this criterion has been met.

- b. No parcel shall be landlocked as a result of the vacation.*

No parcels will be landlocked as a result of this vacation request. Texas Avenue right-of-way immediately to the east of the requested vacation area has been previously vacated (City Ordinance #4431) and easements granted for the existing utility infrastructure. A new Utility Easement will be retained with this application to allow for the continuation and access of existing utilities.

Therefore this criterion has been met.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.*

Access will not be restricted to any parcel. All adjacent properties are owned by Colorado Mesa University and a Utility Easement will be retained to cover all existing utilities that are impacted by the proposed right-of-way vacation.

Therefore this criterion has been met.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).*

There will be no adverse impacts on the health, safety and/or welfare of the general community. All adjacent properties are owned by Colorado Mesa University and a Utility Easement will be retained to cover all existing utilities that are impacted by the proposed right-of-way vacation. The area is part of the larger existing CMU campus with future changes or modifications to access, right-of-way and utility location changes anticipated. With the current and future expansion of the University campus, additional educational services and opportunities will be available to the community.

Therefore this criterion has been met.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Zoning and Development Code.*

The provision of adequate public facilities and services will not be inhibited to any property. All adjacent properties are owned by Colorado Mesa

University and a Utility Easement will be retained to cover all existing utilities that are impacted by the proposed right-of-way vacation. No adverse comments concerning the proposed right-of-way vacation were received from the utility review agencies during the staff review process.

Therefore this criterion has been met.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*

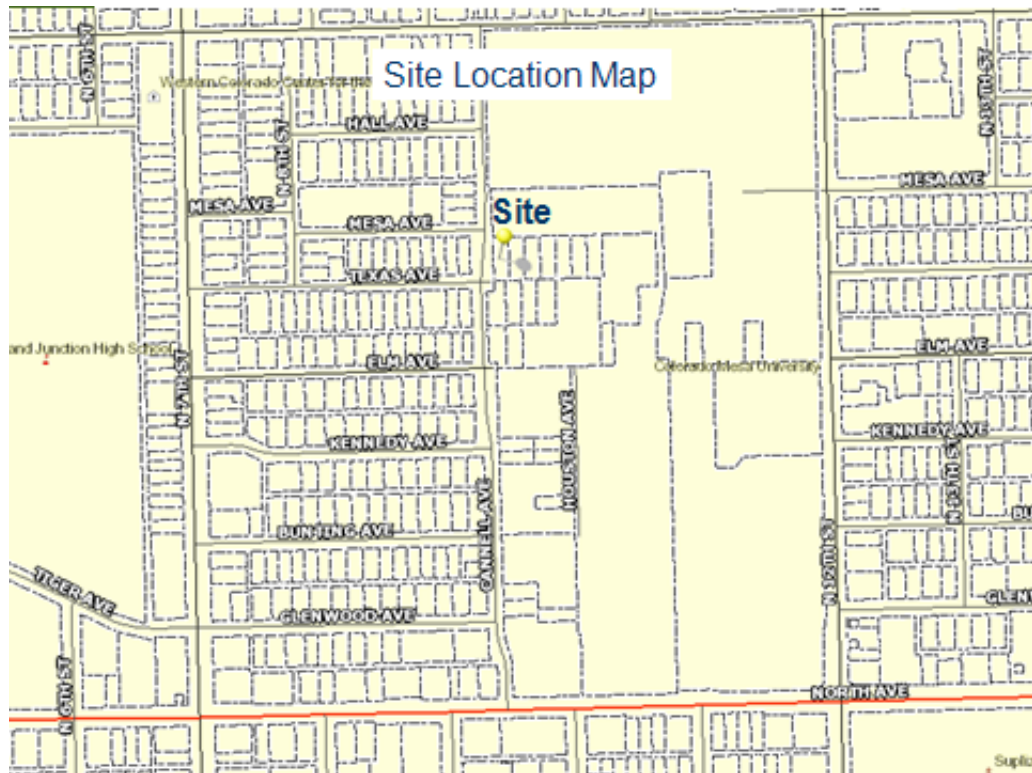
Maintenance requirements for the City will not change as a result of the proposed partial right-of-way vacation. A Utility Easement will be retained to allow for the continuation and access of existing utilities. The benefit to the City is the expansion of CMU and its mission to educate and by enhancing and preserving Grand Junction as a regional center. The right-of-way is already encumbered by CMU's new dormitory building, so vacation is needed by CMU as part of this campus expansion.

Therefore this criterion has been met.

PLANNING COMMISSION RECOMMENDATION:

After reviewing the Colorado Mesa University application, VAC-2013-114 for the vacation of a portion of public right-of-way, the Planning Commission made the following findings of fact and conclusions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Zoning and Development Code have all been met, specifically items a through f.
3. With the vacation, the City retains a utility easement over the northern 25' to allow for the continuation and access of existing utility infrastructure.



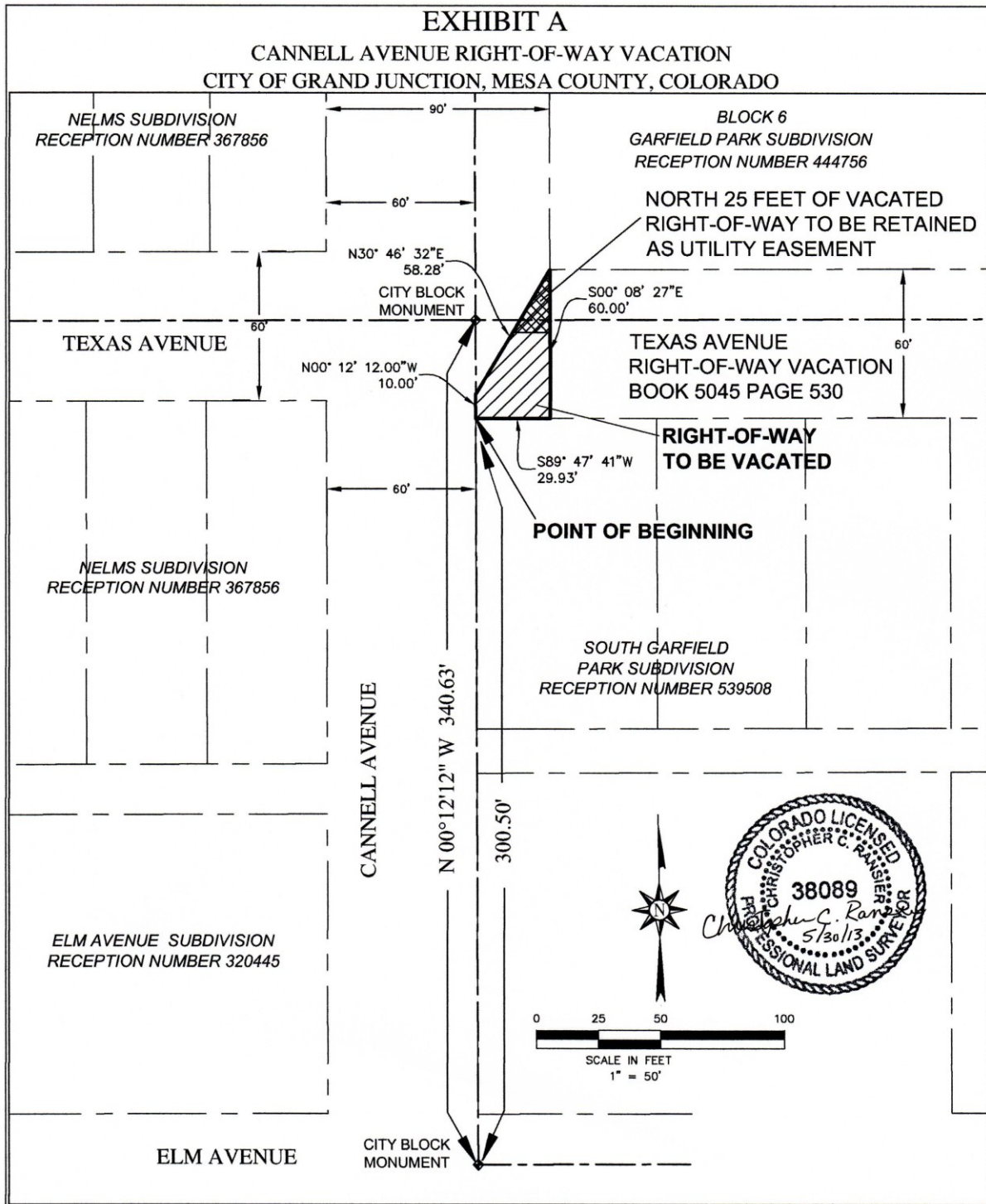
Comprehensive Plan Future Land Use Map



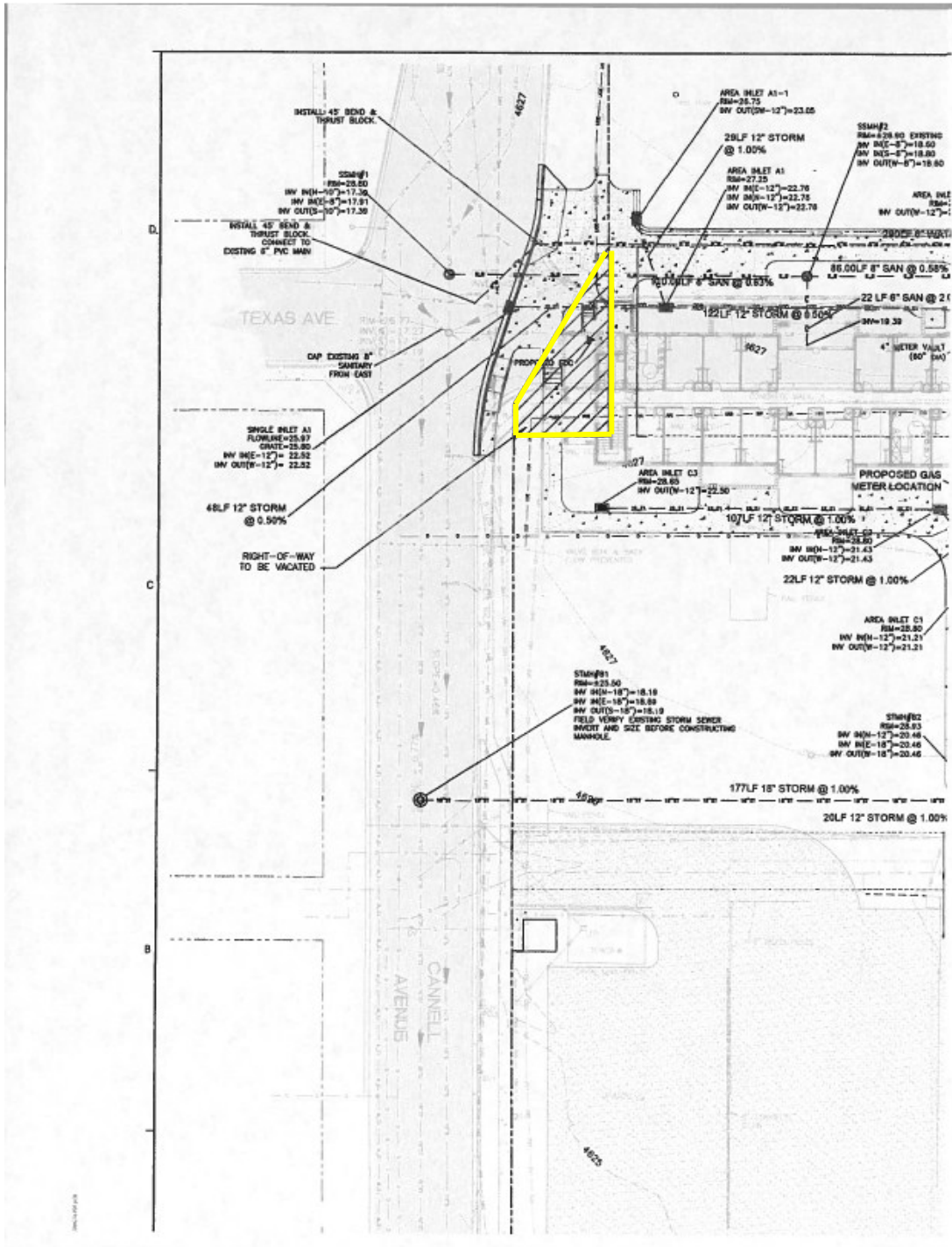
Existing Zoning Map



Right-of-Way Vacation Exhibit:



Right-of-Way Vacation and Building Encroachment Exhibit:



CITY OF GRAND JUNCTION

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF THE TEXAS AND CANNELL AVENUES
RIGHT-OF-WAY AND RETAINING A UTILITY EASEMENT OVER THE NORTHERN 25'
LOCATED IN THE COLORADO MESA UNIVERSITY AREA**

RECITALS:

Colorado Mesa University has requested the vacation of a portion of the Texas and Cannell Avenues intersection (1,048 sq. ft.) in order to accommodate a new dormitory building for the campus which has been constructed within the existing right-of-way.

The surrounding properties are all owned by Colorado Mesa University and the proposed vacation of a portion of this intersection will not impede traffic or public access along Cannell Avenue.

With the vacation, the City of Grand Junction ("City") reserves a utility easement over the northern 25' of the area for the existing water, sanitary sewer and storm drain infrastructure that bisects the northern portion of the requested right-of-way vacation.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code with the reservation of the utility easement as described within this ordinance.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved with the retention of an easement for the utilities.

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

The following described dedicated right-of-way for is hereby vacated with an easement for utilities retained as described below:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A Portion of the Cannell Avenue Road Right-of-Way dedicated on the plat Garfield Park Subdivision as recorded in Plat Book 6 Page 23 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows:

Commencing at the City Block Monument at the intersection of Elm Avenue and Cannell Avenue whence the City Block Monument at the intersection of Texas Avenue and Cannell Avenue bears North 0 degrees 12 minutes 12 seconds West, a distance of 340.63 feet, with all bearings herein being relative thereto; thence along the East Right-of-Way line of Cannell Avenue North 0 degrees 12 minutes 12 seconds West, a distance of 300.50 feet to the POINT OF BEGINNING; thence North 0 degrees 12 minutes 12 seconds West, a distance of 10.00 feet; thence North 30 degrees 46 minutes 32 seconds East, a distance of 58.28 feet, to the Southwest corner Block 6 of Garfield Park Subdivision; thence South 0 degrees 08 minutes 27 seconds East, a distance of 60.00 feet, to the North line of South Garfield Park Subdivision; thence South 89 degrees 47 minutes 41 seconds West, a distance of 29.93 feet to the POINT OF BEGINNING.

And retaining a utility easement over the northerly 25' of this description for the purpose of installing, maintaining and repairing water, sanitary sewer and storm drainage structures and facilities.

Said parcel containing an area of 1,048 square feet more or less, as described herein and depicted on "EXHIBIT A"

Introduced for first reading on this _____ day of _____, 2013 and ordered published in pamphlet form.

PASSED and ADOPTED this _____ day of _____, 2013 and ordered published in pamphlet form.

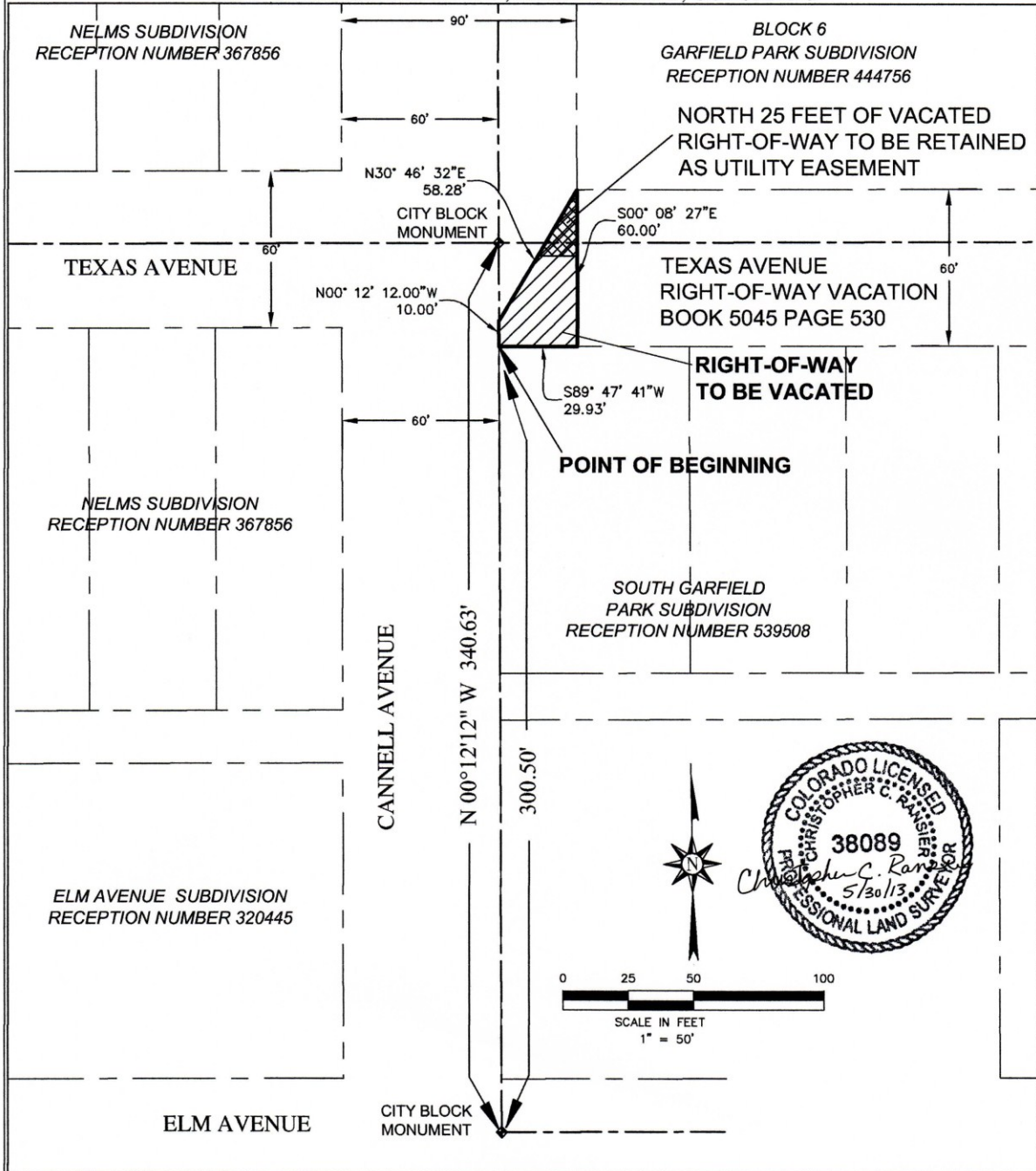
ATTEST:

President of City Council

City Clerk

EXHIBIT A

CANNELL AVENUE RIGHT-OF-WAY VACATION CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO





Attach 3

CITY COUNCIL AGENDA ITEM

Date: May 30, 2013

Author: Brian Rusche

Title/ Phone Ext:

Senior Planner x. 4058

Proposed Schedule: 1st Reading;

Wednesday, June 19, 2013

2nd Reading

(if applicable): Wednesday, July 3, 2013

File #: ANX-2013-105

| |
|--|
| Subject: Zoning the Heritage Church Annexation, Located at 2935 Patterson Road |
| Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for July 3, 2013 |
| Presenters Name & Title: Brian Rusche, Senior Planner |

Executive Summary: A request to zone the Heritage Church Annexation, consisting of one parcel of 0.68 acres located at 2935 Patterson Road to an R-O (Residential Office) zone district.

Background, Analysis and Options:

The 0.84 acre Heritage Church Annexation consists of one parcel of 0.68 acres at 2935 Patterson Road and 0.16 acres (6940 square feet) of the 29 3/8 Road right-of-way. The property owner, Heritage Church of Grand Junction, has relocated and has requested annexation into the City and is requesting the R-O zoning to market the property for a use other than a church. The existing County zoning is RSF-4 (Residential Single Family – 4 du/ac), which would allow a Religious Assembly use, but few other nonresidential use(s).

Under the 1998 Persigo Agreement between the City and Mesa County, any proposed development within the Persigo 201 Boundary that requires a change in zoning is considered annexable. Since the church is attempting to market the property for a use other than a church, a rezoning is necessary and, therefore, the property must be annexed by the City of Grand Junction. The consideration of the rezoning is concurrent with the annexation of the property.

Land annexed to the City must be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the Comprehensive Plan.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium (4 -8 du/ac). The proposed zoning of R-O (Residential Office) will implement this land use designation and is consistent with the Comprehensive Plan.

The property is also located within the Mixed Use Opportunity Corridor that extends the entire length of Patterson Road. The only zoning that implements the Mixed Use

Opportunity Corridor is a Mixed-Use Form District, which the applicant has elected not to pursue at this time.

The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met. See attached Staff Report/Background Information for additional detail.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed zone of annexation meets with Goals 3, 6 and 12 of the Comprehensive Plan as follows:

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

The proposed zoning of the property will create an opportunity for appropriate reuse and/or redevelopment of the property in a manner that is consistent with the Comprehensive Plan.

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

The proposed zoning will create an opportunity for appropriate reuse of the existing vacant building.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop, and enhance a healthy, diverse economy.

The proposed zoning provides an opportunity for redevelopment of a tax exempt property into a productive economic use.

Board or Committee Recommendation: On May 28, 2013 the Planning Commission forwarded a recommendation of approval of the R-O (Residential Office) zone district.

Financial Impact/Budget: None.

Legal issues: None.

Other issues: A Neighborhood Meeting was held on February 21, 2013. No citizens attended this meeting, only members of the church.

City Staff has received calls from residents of the adjacent neighborhoods inquiring about what uses could be allowed if the property is rezoned. The applicant has not identified a buyer or tenant and is requesting the rezone solely to market the property. An R-O zone would allow professional offices, single or multifamily residential use, including group living, as well as community services, such as daycare or religious assembly. An administrative review will be required to establish any new use, except for another church.

Previously presented or discussed: A Resolution Referring the Petition for Annexation was adopted on May 22, 2013.

Attachments:

1. Staff report/Background information
2. Annexation Map
3. Aerial Photo Map
4. Comprehensive Plan - Future Land Use Map
5. Existing Zoning Map
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

| | | | | |
|---|--------------|--|------------|-----------|
| Location: | | 2935 Patterson Road | | |
| Applicants: | | Heritage Church of Grand Junction | | |
| Existing Land Use: | | Church (vacant) | | |
| Proposed Land Use: | | Allowed uses within the R-O (Residential Office) zone district | | |
| Surrounding Land Use: | North | Single-family detached Residential | | |
| | South | Single-family detached Residential | | |
| | East | Single-family detached Residential | | |
| | West | Single-family detached Residential | | |
| Existing Zoning: | | County RSF-4 (Residential Single Family – 4 du/ac) | | |
| Proposed Zoning: | | R-O (Residential Office) | | |
| Surrounding Zoning: | North | PD (Planned Development) | | |
| | South | County RSF-4 (Residential Single Family – 4 du/ac) | | |
| | East | County RSF-4 (Residential Single Family – 4 du/ac) | | |
| | West | PD (Planned Development) | | |
| Future Land Use Designation: | | Residential Medium (RM) Density (4-8 du/ac) Mixed Use Opportunity Corridor (Patterson Road) | | |
| Blended Residential Land Use Categories Map: | | Residential Medium (4 – 16 du/ac) | | |
| Zoning within density range? | | X | Yes | No |

ANALYSIS:

1. Background:

The 0.84 acre Heritage Church Annexation consists of one parcel of 0.68 acres at 2935 Patterson Road and 0.16 acres (6940 square feet) of the 29 3/8 Road right-of-way.

The property owner, Heritage Church of Grand Junction, has relocated and has requested annexation into the City and is requesting the R-O zoning to market the property for a use other than a church. The existing County zoning is RSF-4 (Residential Single Family – 4 du/ac), which would allow a Religious Assembly use, but few other nonresidential use(s). Under the 1998 Persigo Agreement between the City and Mesa County, any proposed development within the Persigo 201 Boundary that requires a change in zoning is considered annexable. Since the church is attempting to market the property for a use other than a church, a rezoning is necessary and, therefore, the property must be annexed by the City of Grand Junction. The consideration of the rezoning is concurrent with the annexation of the property.

Zone of Annexation

Land annexed to the City must be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the Comprehensive Plan.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium (4 -8 du/ac). The proposed zoning of R-O (Residential Office) will implement this land use designation and is consistent with the Comprehensive Plan.

The property is also located within the Mixed Use Opportunity Corridor that extends the entire length of Patterson Road. The only zoning that implements the Mixed Use Opportunity Corridor is a Mixed-Use Form District, which the applicant has elected not to pursue at this time.

Neighborhood Meeting

A Neighborhood Meeting was held on February 21, 2013. No citizens attended this meeting, only members of the church.

City Staff has received calls from residents of the adjacent neighborhoods inquiring about what uses could be allowed if the property is rezoned. The applicant has not identified a buyer or tenant and is requesting the rezone solely to market the property. An R-O zone would allow professional offices, single or multifamily residential use, including group living, as well as community services, such as daycare or religious assembly. An administrative review will be required to establish any new use, except for another church.

2. Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:

Zone of Annexation: The requested zone of annexation to the R-O (Residential Office) zone district is consistent with the Future Land Use Map designation of Residential Medium (4-8 du/ac). The existing County zoning is RSF-4 (Residential Single Family – 4 du/ac). Section 21.02.160(f) of the Grand Junction Zoning and Development Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth.

In addition to a finding of compatibility with the Comprehensive Plan, one or more of the following criteria set forth in Section 21.02.140 (a) of the Code must be met in order for the zoning to occur:

- (1) *Subsequent events have invalidated the original premises and findings.*

The Comprehensive Plan, adopted in 2010, designated the property as Residential Medium. This designation is unchanged from the 1996 Growth Plan designation.

The R-O (Residential Office) zone district has been available since 2000 as an option within the Residential Medium designation for use in transitional corridors between single-family residential and more intensive uses (according to the 2000 ZDC).

The applicant is requesting the R-O zoning to market the property for a use other than a church. The church has relocated and the property is in transition, having been a church for many years.

The Comprehensive Plan introduced a Mixed-Use Opportunity Corridor along Patterson Road, in order to implement Goal 3 of the Plan, which calls for spreading growth throughout the community. In particular, the Plan calls for the creation of opportunities to reduce trips and provide services within designated centers throughout the community. The Patterson Corridor is one of those areas.

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.

The character of the adjacent neighborhoods consists of single-family residences built within the last two or three decades.

Recent development along Patterson Road includes the Maverik convenience store at the northwest corner of 29 ½ Road. A retail development has been proposed for the northeast corner of Patterson and 30 Roads.

The applicant is requesting the R-O zoning to market the property for a use other than a church. The church has relocated and the property is in transition, having been a church for many years.

This criterion has not been met.

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

There are public utilities already connected to the existing building, including potable water provided by the Ute Water Conservancy District, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility). Utility mains are adjacent to the subject parcel that can be utilized to facilitate new use(s) or construction that may occur as a result of the proposed zoning.

The property is a corner lot, with full-motion access to Patterson Road, a major arterial, from 29 3/8 Road.

Community facilities, including four gas stations and a grocery store, restaurant(s), a bank, and other neighborhood facilities and uses are within one-quarter mile walking distance of the subject parcel.

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.

The Purpose of the R-O Zone is to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Examples of areas already zoned R-O include the 800 Block of Grand Avenue, several blocks on the eastern edge of Downtown, offices along N. 1st Street north of North Avenue on corner lots adjacent to residential subdivisions, and parcels near St. Mary's and Community Hospitals.

The R-O Zone is a unique zone within the City and allows professional offices and multifamily residential to join with single family residential uses and others that may be found in a residential zone, including group living, as well as community services, such as daycare or religious assembly. Though the R-O introduces nonresidential uses, it does not permit retail and does have specific architectural standards intended to make buildings compatible in scale and appearance to a residential environment. The existing church is an example of a building that is compatible with a residential environment.

Recently, parcels along Patterson Road, particularly in proximity to existing commercial uses, have been considered for rezoning to R-O on a case-by-case basis, including 602 N. 7th Street (RZN-2011-483) and 2674 Patterson Road (RZN-2012-408), both from R-4 to R-O.

The nearest existing R-O zone to the subject property is over one-half mile west at 2872 Patterson Road. This property is still a single-family residence, which is permitted in the R-O zone.

Recent development along Patterson Road includes the Maverik convenience store at the northwest corner of 29 ½ Road. Other retail development has been proposed for the northeast corner at 30 Road. While there are commercial properties available for sale or lease throughout the community, there are no other properties along the corridor within one mile of the subject property for small scale office or service businesses that are not already devoted to that use.

As of May 7, 2013 there was a total of 97.65 acres of R-O zoned property within the City. This represents 1.8% of the total acreage zoned for non-residential development (planned developments excluded).

This criterion has been met.

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

The proposed R-O zone would implement Goal 3, 6, and 12 of the Comprehensive Plan by creating an opportunity for appropriate reuse of the existing vacant building and/or an opportunity for redevelopment of a tax exempt property into a productive economic use.

This criterion has been met.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Comprehensive Plan designations for the subject property.

- a. R-4 (Residential – 4 du/ac)
- b. R-5 (Residential – 5 du/ac)
- c. R-8 (Residential – 8 du/ac)
- d. R-12 (Residential – 12 du/ac)
- e. R-16 (Residential – 16 du/ac)
- f. MXR-3, 5 (Mixed Use Residential)
- g. MXG-3, 5 (Mixed Use General)
- h. MXS-3, 5 (Mixed Use Shopfront)

While the previous use of the building as a church (Religious Assembly) is permitted in all Residential zone districts, the applicant would like to market the property for uses other than a church. The R-4 through R-16 zones are inconsistent with the applicant's request, since a church use would not require annexation into the City.

The Mixed Use districts are considered form-based zones which emphasize buildings close to the sidewalk and a mix of uses. While the existing structure does not meet these standards, the Code does permit incremental improvements to the property so long as they bring the property closer to conformance with the standards of the zone. The Mixed Use districts, as evidenced by its name, permit a variety of uses, including retail and entertainment. These uses may not be compatible with the adjacent single-family development.

The Purpose of the R-O Zone is to provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment. This niche of land uses is underrepresented east of 29 Road, an area which is largely developed with single-family residences. It is my professional opinion that introducing the R-O zone to this property will achieve not only the goals of the Comprehensive Plan

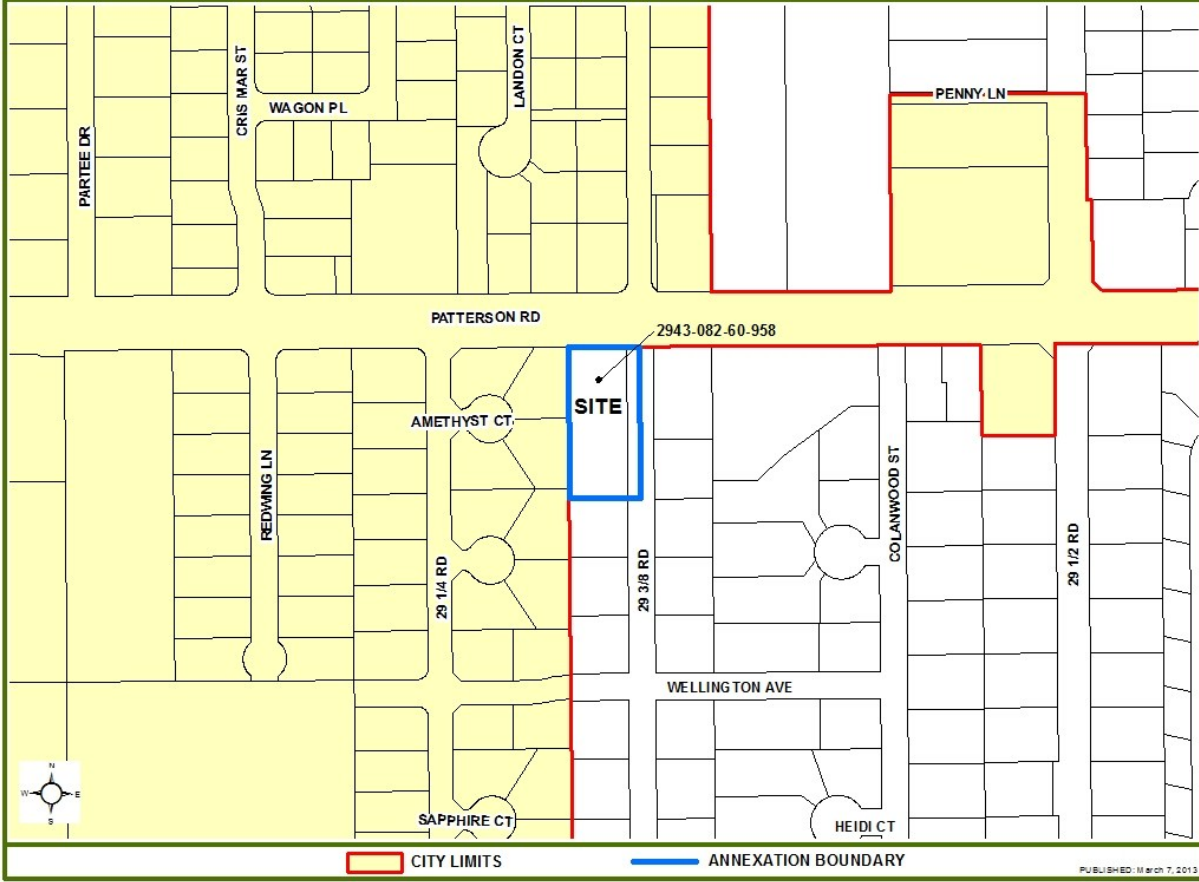
but will provide a suitable transition for this property that, through its established development standards provides compatibility with the adjacent neighborhood.

PLANNING COMMISSION RECOMMENDATION:

After reviewing the Heritage Church Annexation, ANX-2013-105, for a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

4. The requested zone district of R-O (Residential Office) is consistent with the goals and policies of the Comprehensive Plan and implements the Future Land Use Map designation of Residential Medium (4-8 du/ac).
5. The applicable review criteria in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code, specifically criteria 3, 4 and 5, have been met.

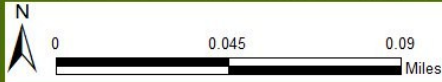
HERITAGE CHURCH ANNEXATION



CITY LIMITS

ANNEXATION BOUNDARY

Aerial Photo Map

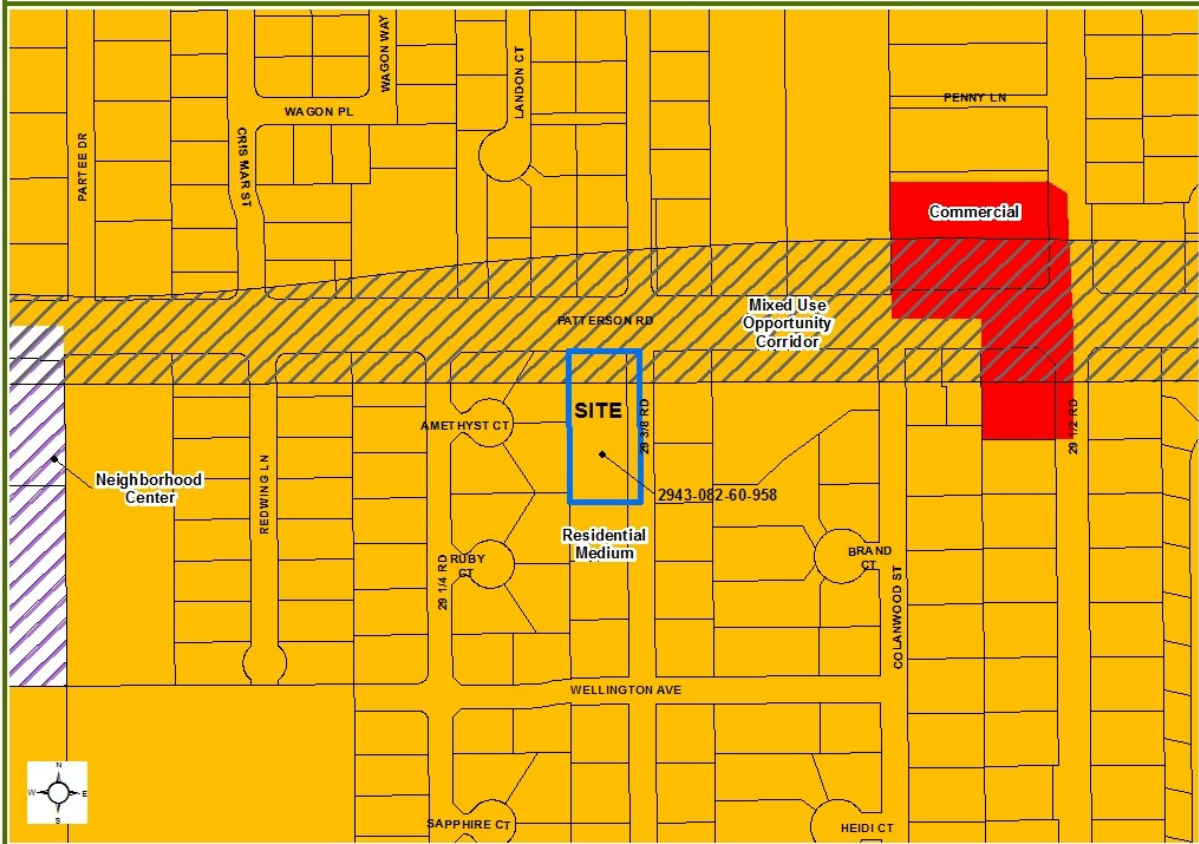


Printed: 5/1/2013

1 inch = 156 feet



HERITAGE CHURCH ANNEXATION FUTURE LAND USE



ANNEXATION BOUNDARY

ZONING MAP



Printed: 5/16/2013

1 inch = 188 feet



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE
HERITAGE CHURCH ANNEXATION
TO R-O (RESIDENTIAL OFFICE)**

LOCATED AT 2935 PATTERSON ROAD

Recitals

The Heritage Church Annexation consists of one parcel of 0.68 acres at 2935 Patterson Road and 0.16 acres (6940 square feet) of the 29 3/8 Road right-of-way.

The property owner, Heritage Church of Grand Junction, has relocated and has requested annexation into the City and a zoning of R-O (Residential Office) to facilitate the sale, reuse, and/or redevelopment of the property.

Under the 1998 Persigo Agreement between the City and Mesa County, any proposed development within the Persigo 201 Boundary that requires a change in zoning is considered annexable. Since the church is attempting to market the property for a use other than a church, a rezoning is necessary and, therefore, the property must be annexed by the City of Grand Junction. The consideration of the rezoning is concurrent with the annexation of the property.

The proposed zoning of R-O (Residential Office) implements the Future Land Use Map designation of Residential Medium (RM) Density (4-8 du/ac) of the Comprehensive Plan.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Heritage Church Annexation to the R-O (Residential Office) zone district finding that it conforms with the Future Land Use Map of the Comprehensive Plan, furthers the Comprehensive Plan's goals and policies, is generally compatible with land uses located in the surrounding area and meets the zoning criteria found in Section 21.02.140 of the Grand Junction Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-O (Residential Office) zone district is in conformance with the applicable criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code, implements and is consistent with the Comprehensive Plan and is compatible with the surrounding neighborhood.

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

The following property be zoned R-O (Residential Office):

HERITAGE CHURCH ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 8, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 1, Heritage Church Subdivision as same is recorded in Book 4705, Page 986, Public Records of Mesa County, Colorado and assuming the North line of the NE 1/4 NW 1/4 of said Section 8 bears N 89°58'53" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°58'53" E along the North line of said Lot 1 and its Easterly projection, a distance of 132.00 feet to a point in the centerline of 29-3/8 Road; thence S 00°04'58" E along said centerline, a distance of 277.60 feet; thence S 89°58'53" W, along the South line of said Lot 1 and its Easterly projection, a distance of 132.00 feet to the Southwest corner of said Lot 1; thence N 00°04'58" W, along the West line of said Lot 1, a distance of 277.60 feet, more or less, to the Point of Beginning.

CONTAINING 36,643 Square Feet or 0.84 Acres, more or less, as described.

LESS 0.16 acres (6940 square feet) of public right-of-way.

INTRODUCED on first reading the ___ day of ____, 2013 and ordered published in pamphlet form.

ADOPTED on second reading the ___ day of ____, 2013 and order published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Attach 4

CITY COUNCIL AGENDA ITEM

Date: May 30, 2013

Author: Brian Rusche

Title/ Phone Ext:

Senior Planner x. 4058

Proposed Schedule: 1st Reading:

Wednesday, June 19, 2013

2nd Reading

(if applicable): Wednesday, July 3, 2013

File #: ANX-2013-104

| |
|--|
| Subject: Zoning the Perry Annexation, Located at 2884 B Road |
| Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for July 3, 2013 |
| Presenters Name & Title: Brian Rusche, Senior Planner |

Executive Summary: A request to zone the 4.712 acre Perry Annexation, consisting of one parcel located at 2884 B Road, to an R-4 (Residential 4 du/ac) zone district.

Background, Analysis and Options:

The 4.712 acre Perry Annexation consists of one vacant parcel located at 2884 B Road. The property owner, Eric Perry, has requested annexation into the City and a zoning of R-4 (Residential 4 du/ac) to facilitate the construction of a residential subdivision, to be known as Chipeta Heights West.

Under the 1998 Persigo Agreement between the City and Mesa County, proposed development within the Persigo Wastewater Treatment boundary that results in the subdivision of land into more than one additional residential lot requires annexation into the City.

Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium Low (2 – 4 du/ac). The requested zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met. See attached Staff Report/Background Information for additional detail.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed zone of annexation meets with Goals 3 and 5 of the Comprehensive Plan in the following ways:

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

The proposed zoning of the property will create an opportunity to develop the vacant parcel in a manner consistent with adjacent residential development.

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.

The proposed zoning of the property will create an opportunity for additional housing units to be brought to market, which may include single family detached and two family dwelling units.

Board or Committee Recommendation: On May 28, 2013 the Planning Commission forwarded a recommendation of approval of the R-4 (Residential 4 du/ac) zone district.

Financial Impact/Budget: None.

Legal issues: None.

Other issues: A Neighborhood Meeting was held on February 20, 2013. Residents of the adjacent Granite Springs and Chipeta Heights subdivisions were in attendance and asked questions about the proposed subdivision design and the impact of future construction. Meeting minutes are attached.

A letter was subsequently received from some residents of the Granite Springs Subdivision asking about access through the proposed subdivision, along with covenants about fencing. Staff has contacted a representative of Granite Springs to discuss questions regarding the proposed subdivision design, which will be addressed as part of an administrative review of the subdivision.

Previously presented or discussed: A Resolution Referring the Petition for Annexation was adopted on May 22, 2013.

Attachments:

1. Staff report/Background information
2. Annexation Map
3. Aerial Photo Map
4. Comprehensive Plan - Future Land Use Map
5. Existing Zoning Map
6. Neighborhood Meeting Minutes
7. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

| | | | | |
|---|--------------|--|------------|-----------|
| Location: | | 2884 B Road | | |
| Applicants: | | Eric Perry | | |
| Existing Land Use: | | Vacant | | |
| Proposed Land Use: | | Residential subdivision | | |
| Surrounding Land Use: | North | Single-family detached Residential | | |
| | South | Single-family detached Residential | | |
| | East | Single-family detached Residential | | |
| | West | Single-family detached Residential | | |
| Existing Zoning: | | County RSF-4 (Residential Single Family – 4 du/ac) | | |
| Proposed Zoning: | | R-4 (Residential 4 du/ac) | | |
| Surrounding Zoning: | North | County RSF-4 (Residential Single Family – 4 du/ac) | | |
| | South | County RSF-4 (Residential Single Family – 4 du/ac) | | |
| | East | R-4 (Residential 4 du/ac) | | |
| | West | County RSF-4 (Residential Single Family – 4 du/ac) | | |
| Future Land Use Designation: | | Residential Medium Low (RML) Density (2-4 du/ac) | | |
| Blended Residential Land Use Categories Map: | | Residential Low (Rural – 5 du/ac) | | |
| Zoning within density range? | | X | Yes | No |

ANALYSIS:

2. Background:

The 4.712 acre Perry Annexation consists of one vacant parcel located at 2884 B Road. The property owner, Eric Perry, has requested annexation into the City and a zoning of R-4 (Residential 4 du/ac) to facilitate the construction of a residential subdivision, to be known as Chipeta Heights West.

Under the 1998 Persigo Agreement between the City and Mesa County, proposed development within the Persigo Wastewater Treatment boundary that results in the subdivision of land into more than one additional residential lot requires annexation into the City. The City shall zone newly annexed areas with a zone that implements the Comprehensive Plan Future Land Use Map.

Zone of Annexation

Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium Low (2 – 4 du/ac). The requested zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

Neighborhood Meeting

A Neighborhood Meeting was held on February 20, 2013. Residents of the adjacent Granite Springs and Chipeta Heights subdivisions were in attendance and asked questions about the proposed subdivision design and the impact of future construction. Meeting minutes are attached.

A letter was subsequently received from some residents of the Granite Springs Subdivision asking about access through the subdivision (both permanent and temporary during construction), along with covenants about fencing. Staff has contacted a representative of Granite Springs to discuss questions regarding the subdivision design, which will be addressed as part of the administrative review of the subdivision.

2. Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:

Zone of Annexation: The requested zone of annexation to the R-4 (Residential 4 du/ac) zone district is consistent with the Future Land Use Map designation of Residential Medium Low (2-4 du/ac). The existing County zoning is RSF-4 (Residential Single Family – 4 du/ac). Section 21.02.160(f) of the Grand Junction Zoning and Development Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district. The request for R-4 is consistent with the Comprehensive Plan and the maximum density is equal to the existing County zoning.

In addition to a finding of compatibility with the Comprehensive Plan, one or more of the following criteria set forth in Section 21.02.140 (a) of the Code must be met in order for the zoning to occur:

- (1) *Subsequent events have invalidated the original premises and findings.*

The requested annexation and zoning is being triggered by the Persigo Agreement (1998) between Mesa County and the City of Grand Junction in anticipation of development. The Persigo Agreement defines Residential Annexable Development to include any proposed development that requires approval of a subdivision plat resulting in the creation of more than one additional lot or parcel (GJMC Section 45.02.020.e.1.xi). The property owner wishes to develop the property in the near future for a residential subdivision of single-family detached dwelling units.

Based on the requirement for annexation found within the Persigo agreement, the property cannot be developed as a subdivision in unincorporated Mesa County, despite its RSF-4 (Residential Single-Family 4 du/ac) zoning.

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.

The adjacent properties on the north and east have been subdivided and developed, beginning with Granite Springs Filing No. 5 in 2005 and Chipeta Heights in 2007, thereby changing the character of the area from large vacant or agricultural parcels to developed neighborhoods. There are approximately 22 vacant lots remaining in Chipeta Heights. Both of these subdivisions are zoned for a maximum of four (4) dwelling units per acre.

This criterion **has** been met.

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

There are public utilities already stubbed to the property from Granite Springs and Chipeta Heights, including potable water provided by the Ute Water Conservancy District, sanitary sewer service maintained by the Orchard Mesa Sanitation District, and electricity from Grand Valley Power (a franchise utility). Utility mains were stubbed to the subject parcel in anticipation of future development and will be extended into the property as part of the development of the parcel.

The property will derive access from Basalt Street and Meadow Vista Street. Existing access to B Road will be terminated. While neighbors on Basalt Street expressed an interest in having the subdivision take access from B Road (see neighborhood meeting minutes) this would be inconsistent with City transportation policies.

The property is within the Mesa View Elementary school attendance boundary. Mesa View is approximately three-quarters of a mile east on B Road.

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.

Several large parcels of land on Orchard Mesa east of 28 ½ Road and north of US Highway 50 were annexed and zoned R-4 between 2000 and 2010. Some of these developments did not materialize, including Osprey Subdivision (east of

Mesa View Elementary), Mesa Crest South Subdivision (now owned by the Bureau of Reclamation), Pumpkin Ridge II Subdivision (south side of Unawep at 29 Road), Mountain View Estates (2922 B ½ Road), Orchard Park Subdivision (Jon Hall Road at 29 ½ Road) and Orchard Estates (south of Jon Hall Road).

Those subdivisions that were constructed have seen their inventories of platted lots slowly absorbed by the market. The adjacent Chipeta Height Subdivision, in which Mr. Perry is building homes, has 22 vacant lots, only 3 of which are owned by Mr. Perry.

While there are several acres of land appropriately zoned for single-family residences throughout the community, the applicant has submitted a subdivision plan for the subject property in a manner that supports the Comprehensive Plan and would like to bring additional housing units to the market for this area of the community.

This criterion **has** been met.

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

The proposed R-4 zone would implement Goals 3 and 5 of the Comprehensive Plan by creating an opportunity to develop a vacant parcel and bring additional housing units to the market in a manner consistent with adjacent residential development.

This criterion **has** been met.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also implement the Comprehensive Plan designation for the subject property.

- i. R-R (Residential – Rural)
- j. R-E (Residential – Estate)
- k. R-1 (Residential – 1 du/ac)
- l. R-2 (Residential – 2 du/ac)
- m. R-5 (Residential – 5 du/ac)

The intent of the R-4 (Residential 4 du/ac) zone is to provide for medium-low density single-family uses where adequate public facilities and services are available. This zone is consistent with the adjacent subdivisions to the north and east. If the property were zoned less than R-4, the allowed density would be less than the present County zoning; this is inconsistent with Section 21.02.160(f) of the Grand Junction Zoning and Development Code, which states that generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district. In contrast, the R-5 zone district would allow density that exceeds that of the

surrounding neighborhoods. It is my professional opinion that this zone is the best choice for this property.

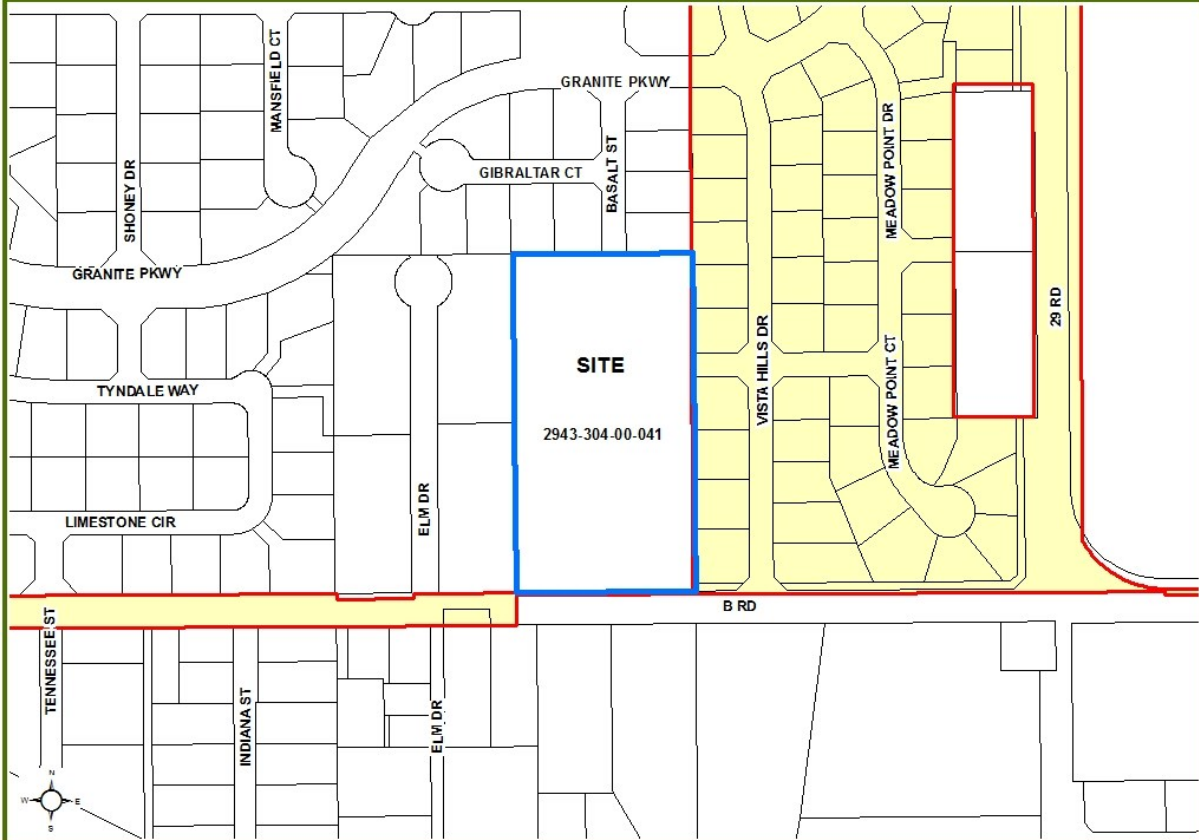
If the Council chooses to not approve the request and instead approves one of the alternative zone designations, specific alternative findings must be made as to why the Council is approving an alternative zone designation.

PLANNING COMMISSION RECOMMENDATION:

After reviewing the Perry Annexation, ANX-2013-104, for a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

6. The requested zone district of R-4, (Residential – 4 du/ac) is consistent with the goals and policies of the Comprehensive Plan and implements the Future Land Use Map designation of Residential Medium Low (2-4 du/ac).
7. All review criteria in Section 21.02.140(a) of the Grand Junction Zoning and Development Code have been met.

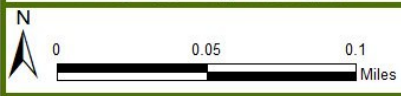
PERRY ANNEXATION



CITY LIMITS

ANNEXATION BOUNDARY

Aerial Photo Map

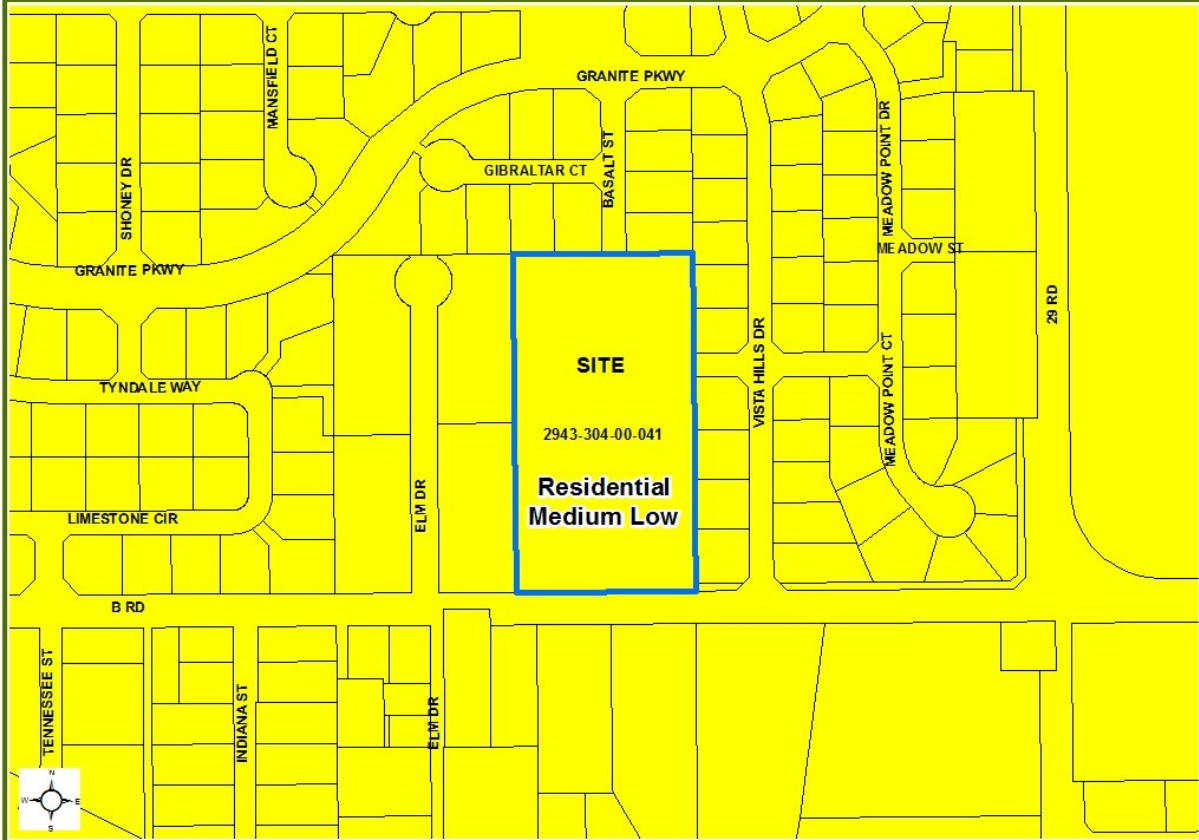


Printed: 5/2/2013

1 inch = 200 feet

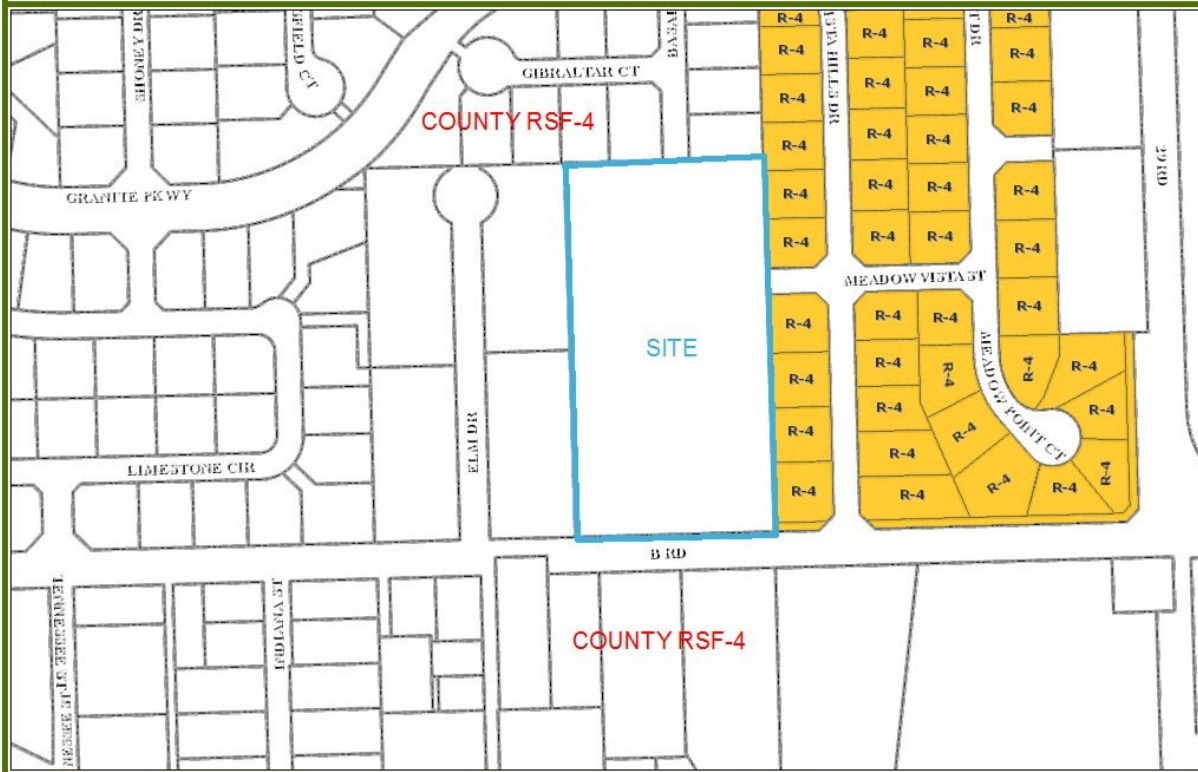


PERRY ANNEXATION FUTURE LAND USE



— ANNEXATION BOUNDARY

ZONING MAP



Printed: 5/14/2013

1 inch = 188 feet





Austin Civil Group, Inc.

Land Planning • Civil Engineering • Development Services

February 21, 2013

Mr. Brian Rusche, Planner
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

Re: Chipeta Heights West Neighborhood Meeting Summary

Dear Mr. Rusche:

The neighborhood meeting for this project was held yesterday at 6:00 P.M. at the Jockey Club building at the Mesa County Fairgrounds. The meeting was attended by approximately 14 people. A copy of the attendance sign in sheet is attached and a summary of the meeting items is listed below:

1. The meeting started at 6:00 P.M. and was attended by ___ homeowners. Mark Austin with Austin Civil Group, Inc. conducted the meeting and the property owner, Eric Perry, was also in attendance. Brian Rusche with the City of Grand Junction Planning Department was also in attendance.
2. Mark Austin stated the 4.7-acre property is currently in Mesa County and the as part of a development of the parcel, it is required to be annexed into the City of Grand Junction. The applicant will be requesting a zoning of R-4, which is similar to the existing properties to the north and east of this development.
3. The property owner, Eric Perry, is the builder that has constructed several homes in the Chipeta Heights Subdivision that abuts this property to the East.
4. Mark Austin explained the stormwater detention process for the subdivision that that Chipeta Heights Subdivision stubbed a pipe to this location to collect stormwater if this property developed. We will be connecting to this system which discharges into the Orchard Mesa Drain.
5. Neighbors in Granite Falls were concerned that annexation of this property would require their subdivision to be annexed into the City. Brian Rusche with the City explained this is not the case and their subdivision is not in the City of Grand Junction. Brian discussed the Persigo Agreement to the homeowners and also discussed the enclave process.

Mr. Brian Rusche
February 21, 2013
Page 2 of 2

6. Some of the neighbors would prefer to have Basalt Court extend to B Road. Mark Austin explained that B Road is classified as a "major collector" roadway and as such the City has an intersection spacing criterion that restricts the number of accesses allowed onto the roadway and we could not be able to comply with this spacing requirement. The City does have a variance request process for the spacing requirement but it would be almost impossible to justify a variance for another access location when the property has the ability to connect to existing stubbed residential streets.
7. The existing irrigation system was a big topic at the meeting. There was a consensus with all property owners the existing system has lots of problems. Granite Falls Subdivision completed some piping improvements near the highway and there's a cost recovery in place to help pay for these improvements. Mr. Perry indicated that he received a bill for his portion of the work and that according to the Granite Springs HOA, he owns approximately 25 percent of the water in this lateral and Granite Springs has 33 percent. Mark Austin recommended the property owners consider forming a "lateral association". Orchard Mesa Irrigation District has brochures to help walk ditch owners through the process of incorporating. Mark Austin indicated that once they incorporate, there's a much better opportunity to get assistance from government programs such as the NRCS to help design irrigation pipelines and to also help with installation costs. There's money out there for these types of programs because open ditches are creating a selenium problem with the water and piping the open drains helps mitigate these issues.
8. Mark Austin indicated the 4.7-acre property will proposed to take their irrigation water from the SE corner of the property, next to B Road. They are not proposing to take irrigation water from the SW corner where there are a couple of existing irrigation take outs, including Granite Springs.
9. Brian Rusche explained the annexation process requires approximately 4 months to complete but the City will allow the property owner to submit and review the proposed development plan while the annexation process is occurring.

If you have any corrections or additions, please let me know.

Sincerely,
Austin Civil Group, Inc.



Mark Austin, P.E.
President

Attachment: Attendance Sheet

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE PERRY ANNEXATION
TO R-4, (RESIDENTIAL – 4 DU/AC)**

LOCATED AT 2884 B ROAD

Recitals

The 4.712 acre Perry Annexation consists of one parcel located at 2884 B Road. The property owner has requested annexation into the City of Grand Junction and a zoning of R-4 (Residential 4 du/ac). Under the 1998 Persigo Agreement between the City and Mesa County, proposed development within the Persigo Wastewater Treatment boundary that results in the subdivision of land into more than one additional residential lot requires annexation into the City and shall be zoned consistent with the Comprehensive Plan. The proposed zoning of R-4 (Residential – 4 du/ac) implements Residential Medium Low (2-4 du/ac) designation found on the Future Land Use Map of the Comprehensive Plan.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Perry Annexation to the R-4 (Residential – 4 du/ac) zone district finding that it conforms with the Future Land Use Map designation of the Comprehensive Plan, furthers the Comprehensive Plan's goals and policies, is generally compatible with land uses located in the surrounding area and meets the zoning criteria found in Section 21.02.140 of the Grand Junction Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-4 (Residential – 4 du/ac) zone district is in conformance with the applicable criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code, implements and is consistent with the Comprehensive Plan and is compatible with the surrounding neighborhood.

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

The following property be zoned R-4 (Residential – 4 du/ac).

PERRY ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Bounded on the East by the West line of Chipeta Heights Subdivision, as same is recorded in Book 4462, Page 931, Public Records of Mesa County, Colorado, said line also being the West line of Chipeta Heights Annexation, City of Grand Junction Ordinance No. 3886, as same is recorded in Book 4133, Page 24, Public Records of Mesa County, Colorado; Bounded on the North by the South line of Granite Springs Filing No. 5, as same is recorded in Book 3902, Page 70, Public Records of Mesa County, Colorado; Bounded on the West by the East line of Fuller Subdivision, as same is recorded in Plat Book 9, Page 143, Public Records of Mesa County, Colorado, and, Bounded on the South by the North line of Chipeta Pines Annexation No. 2, City of Grand Junction Ordinance No. 3191, as same is recorded in Book 2646, Page 301, Public Records of Mesa County, Colorado, said line also being the North line of B Road right of way, being a line 30.00 feet North of and parallel with the South line of the SE 1/4 SE 1/4 of said Section 30.

INTRODUCED on first reading the ____ day of ____, 2013 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2013 and order published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: May 31, 2013
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner / x1442
 Proposed Schedule: June 19, 2013
 2nd Reading (if applicable): N/A
 File # (if applicable): VAC-2013-29

Attach 5

CITY COUNCIL AGENDA ITEM

| |
|---|
| Subject: Library Utility Easement Vacation, Located at 502/530/550 Grand Avenue |
| Action Requested/Recommendation: Adopt a Resolution Vacating a Public Utility Easement |
| Presenter(s) Name & Title: Senta Costello, Senior Planner |

Executive Summary:

Request approval to vacate a utility easement retained as part of the east/west alley vacation approved with Ordinance No. 1467.

Background, Analysis and Options:

The east/west alley located in Block 73, City of Grand Junction contained a public sewer line and XCEL power lines. A utility easement was retained as part of the vacation of a portion of the east/west alley located south of Lots 5-11 and north of Lots 22-28 in 1973. Subsequently, the building was expanded over the top of the easement with the utilities still in place. With the current expansion/remodel of the library, all utilities have been relocated, eliminating the need for the easement. The XCel Energy lines have been relocated on the site with a new easement provided and the sewer line rerouted within the N 6th Street right-of-way.

How this item relates to the Comprehensive Plan Goals and Policies:

The following Goals and Policies of the Comprehensive Plan will be implemented:

- Goal 6: Land use decisions will encourage preservation and appropriate reuse.
- Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.
 - Policy B – The City and County will provided appropriate commercial and industrial development opportunities.

The relocation of the utilities eliminates the need for the easement and facilitates the continued use of this property by the property owner, allowing the owner's proposed upgrades to the site, so that the owner will not need to relocate.

Board or Committee Recommendation:

Planning Commission forwarded a recommendation of approval at it June 11, 2013 hearing.

Financial Impact/Budget:

N/A

Legal issues:

Legal staff has reviewed the request and has no concerns.

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Background Information / Staff Report
Site Location Map / Aerial Photo Map
Future Land Use Map / City Zoning Map
Resolution

| BACKGROUND INFORMATION | | | | |
|------------------------------|-------|--|-----|----|
| Location: | | 502/530/550 Grand Ave | | |
| Applicants: | | Owner: Mesa County Public Library – Eve Tallman Representative: Dave Detwiler | | |
| Existing Land Use: | | Library | | |
| Proposed Land Use: | | Library | | |
| Surrounding Land Use: | North | Vacant/Senior Center/Offices | | |
| | South | Parking Lot/Offices | | |
| | East | Vacant | | |
| | West | Church | | |
| Existing Zoning: | | B-2 (Downtown Business) | | |
| Proposed Zoning: | | B-2 (Downtown Business) | | |
| Surrounding Zoning: | North | B-1 (Neighborhood Business) | | |
| | South | B-2 (Downtown Business) | | |
| | East | B-1 (Neighborhood Business)/R-8 (Residential 8 du/ac) | | |
| | West | B-1 (Neighborhood Business)/R-O (Residential Office) | | |
| Future Land Use Designation: | | Downtown Mixed Use | | |
| Zoning within density range? | | X | Yes | No |

The vacation of the easement shall conform to the following:

- g. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

See above

- h. No parcel shall be landlocked as a result of the vacation.
 - No other parcels are affected by the relocation of the utilities or the vacation of the easement.
- i. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.
 - Access will not be affected by the relocation of the utilities or the vacation of the easement.

- j. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).
- The provision of public facilities and services to any property will not be reduced. The easement has existed under the building for many years with problematic access; the relocation of the utilities and vacation of the easement will eliminate the problem. The applicant has worked with the City of Grand Junction and XCEL Energy on the relocation of the utility lines located within the easement to ensure proper relocation. The sewer line has been relocated and installed in its new location in compliance with City standards. Sewer service will continue as before to all affected properties.
- k. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.
 - The provision of services to any property will not be inhibited. The applicant has worked with the City of Grand Junction and XCEL Energy on the relocation of the utility lines located within the easement to ensure proper relocation. The sewer line has been relocated and installed in its new location in compliance with City standards. Sewer service will continue as before to all affected properties.
- l. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.
 - The vacation of the easement will allow the owner to continue to operate on this property using existing infrastructure rather than relocating which would potentially increasing demands on infrastructure or creating a need for new/additional infrastructure.

After review of the project, all conditions for vacation of a public easement have been met.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Library Utility Easement Vacation application, VAC-2013-29 for the vacation of a public utility easement, I make the following findings of fact and conclusions:

- 8. The requested utility easement vacation is consistent with the Comprehensive Plan.

9. The review criteria in Section 21.02.100.c of the Zoning and Development Code have all been met.

Site Location Map



Aerial Photo Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map



CITY OF GRAND JUNCTION

RESOLUTION NO. __-13

A RESOLUTION VACATING A PUBLIC UTILITY EASEMENT

LOCATED AT 502/530/550 GRAND AVENUE

(MESA COUNTY PUBLIC LIBRARY)

RECITALS:

A vacation of the dedicated public utility easement has been requested by the property owners.

The east/west alley located in Block 73, City of Grand Junction contained a public sewer line and XCEL power lines. A utility easement was retained as part of the vacation of a portion of the east/west alley located south of Lots 5-11 and north of Lots 22-28 in 1973. Subsequently, the building was expanded over the top of the easement with the utilities still in place. With the current expansion/remodel of the library, all utilities will be relocated, eliminating the need for the easement. The XCEL Energy lines will be relocated on the site and the sewer line rerouted within the N 6th Street right-of-way.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100.c of the Zoning and Development Code, as long as the conditions described below are met.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated public utility easement is hereby vacated subject to the listed conditions:

2. Applicants shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and dedication documents.

The following public utility easement is shown on "Exhibit A" as part of this vacation of description.

Dedicated public utility easement to be vacated:

As parcel of land being part of the vacated alley, Ordinance No. 1467, Book 1003, Page 161, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 11, Block 73, City of Grand Junction; thence North 00°02'28" East, a distance of 10.00 feet; thence North 89°56'02" West, a distance of 157.61 feet; thence South 00°02'28" West, a distance of 20.00 feet; thence South 89°56'02" East, a distance of 157.61 feet; thence North 00°02'28" East, a distance of 10.00 feet to the POINT OF BEGINNING.

Said parcel having an area of 3152 square feet, as described.

ADOPTED this _____ day of _____, 2013.

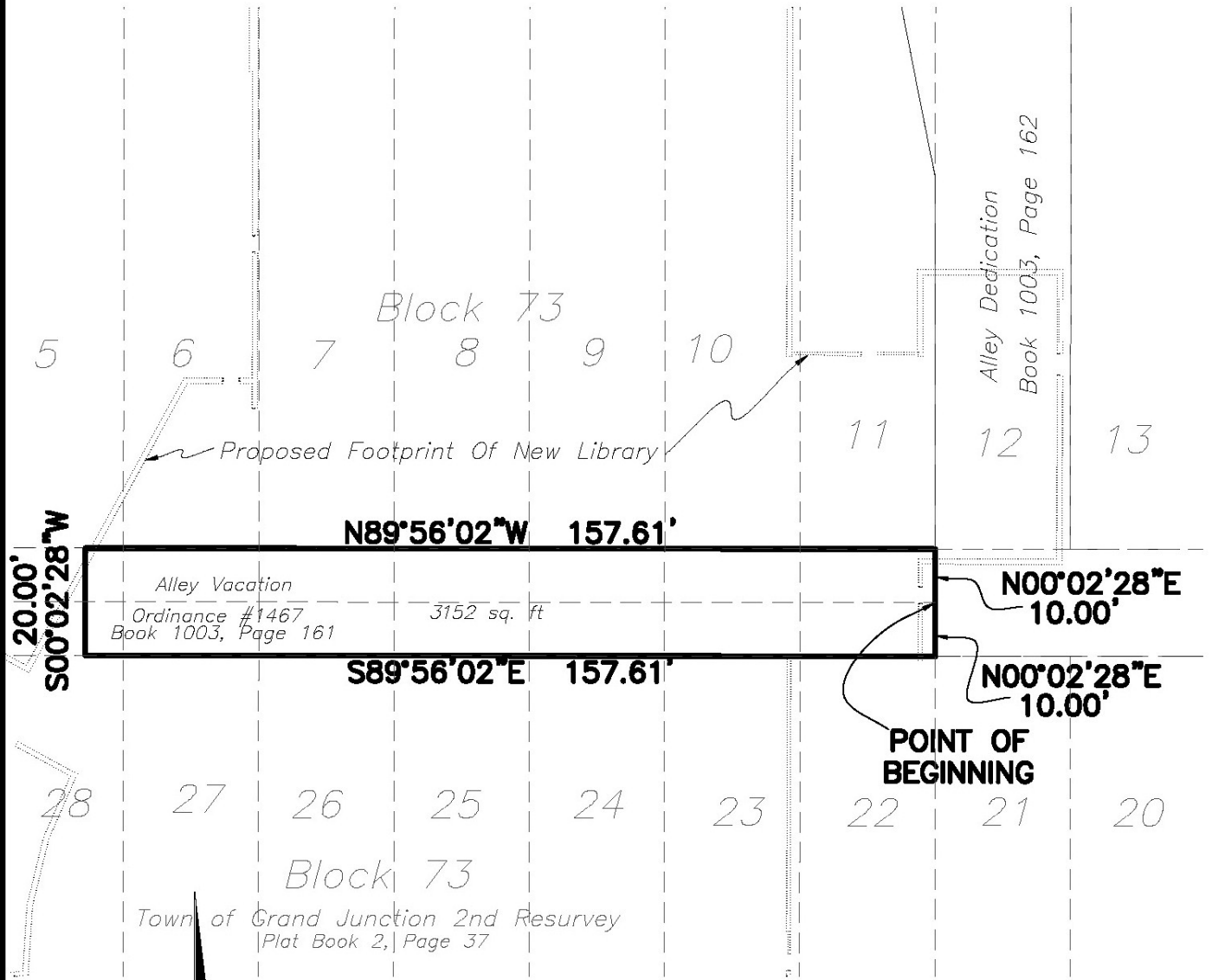
ATTEST:

President of City Council

City Clerk

EXHIBIT A

20.00' EASEMENT VACATION



SCALE: 1" = 30'



High Desert Surveying, LLC

1673 Highway 50 Unit C
Grand Junction, Colorado 81503

Tele: 970-254-8649 Fax: 970-241-0451

| | | | | |
|-----------------|-------|-------|-------|----|
| PROJ. NO. 12-15 | Drawn | APP'D | SHEET | OF |
| DATE: Nov, 2012 | rsk | skw | 1 | 1 |



Attach 6

Date: May 13, 2013
 Author: Terry Franklin
 Title/ Phone Ext: Utilities
 Manager- ext. 1495
 Proposed Schedule: June 19, 2013
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

CITY COUNCIL AGENDA ITEM

| |
|---|
| Subject: Municipal Recreation Agreement with the Bureau of Reclamation |
| Action Requested/Recommendation: Authorize the City Manager to Sign the Agreement with the Bureau of Reclamation for Delivery of Surplus Water |
| Presenter(s) Name & Title: Greg Trainor, Public Works, Utilities and Planning Director Terry Franklin, Utilities Manager |

Executive Summary:

A one year Agreement between the City of Grand Junction and the Bureau of Reclamation for the delivery of surplus water from Green Mountain Reservoir for recreational purposes in the Colorado River between Palisade and Loma, Colorado.

Background, Analysis and Options:

The Colorado River Recovery program is a common effort by Colorado water users, the State of Colorado, other Colorado River basin states, and the Federal government to insure recovery of endangered fish species. The users and the states and their water projects are protected by participation in this common effort. Without the common recovery program, water users would have to perform individual efforts to recover the fishes, including delivery of water to the Colorado River.

Under the Colorado River Recovery Program for the Endangered Fish Species, the Colorado River between Palisade Colorado and the confluence of the Gunnison River (“The 15-Mile Reach”) is considered critical habitat for the endangered fish species. Under the programmatic biological opinion (PBO) covering the depletions of water from existing and future water projects on the Colorado River, annual target flows were determined for the 15-Mile Reach. One method to assist in meeting the target flows is the delivery of surplus water from Green Mountain Reservoir to the Grand Valley.

The successful delivery of surplus water is an action item in the PBO and meets the “sufficient progress” criteria established by the Recovery Program for Colorado Water users.

In 2007, the Grand Valley municipalities signed a second five-year agreement with the Bureau of Reclamation that would allow the municipalities to call for surplus water from

Green Mountain Reservoir. This water would be delivered to the Grand Valley for non-consumptive, municipal recreational uses in the Colorado River between Palisade and Loma. The delivery of this water for recreation would have a supplemental benefit for the fish by increasing the flows of the Colorado River at Grand Junction.

The Agreements have been in effect between 2001 and 2012 and have been successful. This one year agreement is a stop gap for 2013 until a long term (40 year) agreement can be negotiated between the parties.

Surplus water is declared "surplus" during weekly meetings of the water users and Bureau of Reclamation.

There is no charge to the municipalities for delivery of this water.

The delivery of water meets one of the criteria for "sufficient progress" in meeting the recovery goals for the endangered fish species.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Municipal Recreation Agreement

ORIGINAL

Contract No. 13XX6C0116

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Colorado-Big Thompson Project**

THIS CONTRACT, is made this _____ day of _____, 2013, pursuant to the Act of June 17, 1902 (32 Stat. 388; 43 USC § 391), and all Acts amendatory thereof or supplementary thereto, and more particularly pursuant to the Act of August 9, 1937 (50 Stat. 564, 595), which incorporates Senate Document 80, 75th Congress; and Section 9 (c)(2) of the Act of August 4, 1939 (53 Stat. 1187; 43 USC § 485(h)) as amended; among the UNITED STATES OF AMERICA, hereinafter referred to as the "United States," represented by the Contracting Officer executing this agreement; and the CITY OF GRAND JUNCTION, hereinafter referred to as the "Municipality"; jointly referred to as the "Parties," for furnishing surplus water from Green Mountain Reservoir.

I. PURPOSE

This Contract is for delivery of up to 10,000 acre-feet of surplus water out of Green Mountain Reservoir that the United States determines is available and not needed to produce power at the Grand Valley Power Plant. The water will be delivered for non-consumptive municipal recreation uses in and adjacent to the reach of the Colorado River extending from the existing locations of the Grand Valley Irrigation Company Diversion Dam to the Loma Boat Ramp.

II. TERM

This Contract becomes effective on the date executed and shall remain in effect through December 31, 2013, and it is expressly agreed and understood that the furnishing of water herein is temporary for the term of this contract and shall not be considered as binding the United States to furnish water to the Municipality after the end of said period.

III. LIMITATIONS AND DELIVERY OF WATER

A. Water provided pursuant to this contract will be limited to no more than 10,000 acre-feet and will be provided from the 66,000 acre-foot Historical User Pool (HUP) in Green Mountain Reservoir on an "if and when" basis as determined by the United States acting by and through the Bureau of Reclamation, hereinafter "Reclamation."

B. The water will only be provided if the existing beneficiaries of the HUP will not be impacted.

C. In accordance with Section 5.a. of the Orchard Mesa Check Case (Case No. 91CW247, District Court, Water Division No. 5, State of Colorado) HUP Surplus Water will first be delivered to the Grand Valley Power Plant. To the extent there is HUP Surplus Water in excess of the existing capacity and needs of the Grand Valley Power Plant, up to 10,000 acre-feet of water will be released from Green Mountain Reservoir to be delivered to the Colorado River as near as practicable to the upstream point of the 15-Mile Reach (section of the Colorado River from the Grand Valley Irrigation Company diversion dam to the confluence of the Gunnison River) which will augment flows for the recovery of the endangered Colorado River fish species.

D. The delivery of the “if and when” water pursuant to this Contract will be made into the Blue River at the outlet works of Green Mountain Reservoir, hereinafter “Reservoir” or by exchange with other sources of supply. All such exchanges shall be in accordance with state and Federal laws and regulations including, if required, approval by the State of Colorado Division 5 Engineer, hereinafter “Engineer.”

E. All delivery of the “if and when” water pursuant to this Contract into the Blue River shall be subject to the limitations of the outlet capacity of the Reservoir.

F. The United States shall not be responsible for the control, carriage, use, handling, or distribution of water delivered beyond the outlet works of the Reservoir or other point of release. This Contract provides “if and when” water, and in no event shall any liability accrue against the United States or any of its officers, agents or employees for any damage, direct or indirect, arising from shortage of water service on account of operation, drought, or any other causes.

G. The Engineer’s office will administer the delivery of water pursuant to this Contract and ensure that the water released is delivered to its intended purpose and not diverted by intervening water users.

H. Reclamation will inform the Municipality of scheduled meetings of the Managing Entities so they may attend in person, by telephone, or otherwise and provide comment during the discussions. “Managing Entities” means Reclamation, and the following entities with whom Reclamation consults in managing releases of water from the HUP pursuant to the Green Mountain Operating Criteria: the Grand Valley Water Users Association; Orchard Mesa Irrigation District; Grand Valley Irrigation Company; Colorado Division of Water Resources; Colorado Water Conservation Board and the Fish and Wildlife Service.

IV. WATER SERVICE CHARGES

The release of water pursuant to this Contract is not firm, but is provided on an “if and when” available basis. It is a mutual benefit to the Parties, which assists with the recovery of the endangered fish as well as provides non-consumptive municipal recreation benefits to the

Municipality. The Contracting Officer will not charge the Municipality for the “if and when” water made available pursuant to this Agreement.

V. USE OF WATER

A. “If and when” water made available pursuant to this Contract shall be used by the Municipality for non-consumptive municipal recreation purposes.

B. “If and when” water made available pursuant to this Contract shall not be diverted by the Municipality from the Colorado River.

C. Water made available pursuant to this Contract does not constitute a firm supply, but rather an “if and when” available supply. It is explicitly recognized that there will be times when “if and when” water is not available due to hydrologic or other conditions as determined by Reclamation, in consultation with the Managing Entities. Reclamation will coordinate the timing and amount of releases with the Fish and Wildlife Service.

D. The Municipality agrees that the provision of this water is “if and when” and shall not be used to obtain direct economic benefits from the release and delivery of this water for municipal recreation purposes.

E. No lease, sale, donation, transfer, exchange, or other disposition of any of the water provided pursuant to this Contract may be made.

VI. AMENDMENT

This Contract may be amended only by a fully executed written agreement by the Parties.

VII. TERMINATION

A. The Contracting Officer may terminate this Contract at any time upon providing 60 calendar days notice.

B. The Municipality may terminate this Contract at any time upon providing 60 calendar days notice.

VIII. ENVIRONMENTAL COMPLIANCE

The National Environmental Policy Act (NEPA) compliance for this Contract was evaluated and documented by the Eastern Colorado Area Office.

IX. STANDARD ARTICLES

The standard articles applicable to this Contract are listed below. The full text of these standard articles is attached as Exhibit A and is hereby made a part of this Contract by this reference.

1. Contingent on Appropriation or Allotment of Funds
2. Officials Not to Benefit
3. Books, Records, and Reports
4. Rules, Regulations, and Determinations
5. Equal Employment Opportunity
6. Compliance with Civil Rights Laws and Regulations
7. Protection of Water and Air Quality
8. Contract Drafting Considerations

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

THE UNITED STATES OF AMERICA

By _____
Area Manager
Bureau of Reclamation
Eastern Colorado Area

(CORPORATE SEAL)

CITY OF GRAND JUNCTION

By _____
Title: City Manager

STATE OF COLORADO

COUNTY OF MESA

On _____, 2013, before me, _____
appeared

The person(s) whose name(s) (is)(are) subscribed to the within instrument and known to me to have executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year in this acknowledgment first above written.

(SEAL)

Notary Public

My commission expires:

Exhibit A

STANDARD CONTRACT ARTICLES

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

1. The expenditure or advance of any money or the performance of any obligation by the United States under this Agreement shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Parties from any obligations under this Agreement. No liability shall accrue to the United States, in case funds are not appropriated or allotted.

OFFICIALS NOT TO BENEFIT

2. No member of, or Delegate to Congress, Resident Commissioner, or official of the Parties shall benefit from this Agreement other than as a water user or landowner in the same manner as other water users or landowners.

BOOKS, RECORDS, AND REPORTS

3. Subject to applicable Federal laws and regulations, each party to this agreement shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this agreement.

RULES, REGULATIONS, AND DETERMINATIONS

4. a. The parties agree that the delivery of water or the use of Federal facilities pursuant to this Agreement is subject to Reclamation law, as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Reclamation law.

b. Reclamation shall have the right to make determinations necessary to administer this Agreement that are consistent with the expressed and implied provisions of this Agreement, the laws of the United States and the State of Colorado, and the rules and regulations promulgated by the Secretary of the Interior. Such determinations shall be made in consultation with the Parties to this Agreement.

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this Contract, the Contractor agrees as follows:

5. a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, or national origin. The Contractor

will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, disability, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the United States setting forth the provisions of this nondiscrimination clause.

b. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, or national origin.

c. The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the United States, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

e. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

f. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this Contract or with any of such rules, regulations, or orders, this Contract may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965 or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

g. The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the

Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

6. a. The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 USC §2000d), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 USC §6101, *et seq.*), Title III of the Americans with Disabilities Act of 1990, and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

b. These statutes require that no person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this Contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

c. The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article and that the United States reserves the right to seek judicial enforcement thereof.

d. Complaints of discrimination against the Contractor shall be investigated by the United States' Office of Civil Rights.

PROTECTION OF WATER AND AIR QUALITY

7. a. Project facilities used to make available and deliver water to the Contractor shall be operated and maintained in the most practical manner to maintain the quality of the water at the highest level possible as determined by the Contracting Officer: *Provided*, That the United States does not warrant the quality of the water delivered to the Contractor and is under no obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractor.

b. The Contractor shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Colorado; and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of water by the Contractor; and shall be responsible for compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or project water provided by the Contractor within the Contractor's Project Water Service Area.

c. This article shall not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

CONTRACT DRAFTING CONSIDERATIONS

8. This Contract has been, negotiated and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this Contract pertains. Articles I through VIII of this Contract have been drafted, negotiated, and reviewed by the parties, and no one party shall be considered to have drafted the stated articles.



Attach 7

Date: June 6, 2013
 Author: Terry Franklin
 Title/ Phone Ext: Utility
 Manager- ext. 1495
 Proposed Schedule: June 19, 2013
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

CITY COUNCIL AGENDA ITEM

| |
|---|
| Subject: Water Lease Agreement with the Northern Colorado Water Conservancy District |
| Action Requested/Recommendation: Authorize the City Manager to Sign the Agreement with the Northern Colorado Water Conservancy District for Water Delivery |
| Presenter(s) Name & Title: Greg Trainor, Public Works, Utilities and Planning Director Terry Franklin, Utility Manager |

Executive Summary:

A perpetual Agreement between the City of Grand Junction and the Northern Colorado Water Conservancy District for the annual delivery of 5,412.5 acre feet of Colorado-Big Thompson Project Water for non-consumptive municipal - recreational purposes in the Colorado River between Palisade and Loma, Colorado.

Background, Analysis and Options:

The Colorado River Recovery program is a common effort by Colorado water users, the State of Colorado, other Colorado River basin states, and the Federal government to insure recovery of endangered fish species. The users and the states and their water projects are protected by participation in this common effort. Without the common recovery program, water users would have to perform individual efforts to recover the fishes, including delivery of water to the Colorado River.

Under the Colorado River Recovery Program for the Endangered Fish Species, the Colorado River between Palisade, Colorado and the confluence of the Gunnison River ("The 15-Mile Reach") is considered critical habitat for the endangered fish species. Under the programmatic biological opinion (PBO) covering the depletions of water from existing and future water projects on the Colorado River, annual target flows were determined for the 15-Mile Reach.

As part of the PBO, water users' committed to deliver 10,825 acre-feet/year which is divided equally between east and west slope water user entities. This is the east slopes permanent supply for that commitment.

The successful delivery of this water is an action item in the PBO and meets the "sufficient progress" criteria established by the Recovery Program for Colorado Water users.

There is no charge to the City for delivery of this water.

The delivery of water meets one of the criteria for “sufficient progress” in meeting the recovery goals for the endangered fish species.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Northern Lease Agreement

COOPERATIVE WATER LEASE AGREEMENT

This Cooperative Water Lease Agreement (“Lease Agreement”) is made and entered into as of the last date of execution of the Parties, is by and between the Northern Colorado Water Conservancy District, whose address is 220 Water Avenue, Berthoud, Colorado 80513 (“Northern Water”), and the City of Grand Junction, whose address is 250 North 5th Street, Grand Junction, Colorado 81501 (“Grand Junction”) (individually a “Party” and collectively the “Parties”).

RECITALS

1. Northern Water has 5,412.5 acre feet of Colorado-Big Thompson Project Water (“5412 Water”) that it desires to lease to Grand Junction for non-consumptive municipal-recreation uses in and adjacent to the reach of the Colorado River extending from the existing locations of the Grand Valley Irrigation Company Diversion Dam to the Loma Boat Ramp (“Authorized Uses”).
2. Grand Junction desires to lease the 5,412 Water from Northern Water for the Authorized Uses.
3. The purpose of this Lease Agreement is to provide the 5,412 Water to Grand Junction for the Authorized Uses in a manner that will also augment flows to contribute to the recovery of endangered Colorado River fish species.
4. The Colorado River Recovery Program (Recovery Program) was established and signed in 1988 by Reclamation, Western Area Power Administration, the U.S. Fish and Wildlife Service (Service), and the States of Colorado, Utah and Wyoming for the recovery of four endangered native fish species in the Upper Colorado River.
5. The reach of the Colorado River in the Grand Valley from its confluence with the Gunnison River upstream 15 miles to the Grand Valley Irrigation Company diversion dam (15 Mile Reach) has been designated by the Recovery Implementation Program (RIP) as critical habitat for two of the endangered fish covered by the RIP.
6. In 1999 the Service issued a Final Programmatic Biological Opinion (PBO) covering the operations and water depletions of existing projects. One of the action items listed in the PBO and in the Recovery Implementation Program Recovery Action Plan (RIP RAP) is the enhancement of flows in the 15 Mile Reach in a manner that does not interfere with or adversely affect the yield of upstream water supply projects.
7. Grand Junction is working to improve and planning to further improve the Colorado River between Palisade and Fruita, and Grand Junction is agreeable to entering into this Lease Agreement to enhance recreational uses and indirectly enhance flows for the endangered fish in the Colorado River in the 15 Mile Reach as described in the March 2012 Environmental Assessment for this aspect of the RIP RAP.

8. The Parties understand that, while the enhanced flows are made available for municipal-recreation uses they are also supportive of the mutual benefits to other purposes including endangered fish species habitat enhancement in the 15 Mile Reach.

AGREEMENT

9. Lease of Water. Northern Water hereby leases to Grand Junction, and Grand Junction hereby leases from Northern Water, 5,412.5 acre-feet of water annually for the Authorized Uses. No lease, sale, donation, transfer, exchange, or other disposition of any of the 5,412 Water provided pursuant to this Lease Agreement may be made by Grand Junction without the written consent of Northern Water.
10. Consideration for Water. Grand Junction shall not pay Northern Water for the 5,412 Water. Northern Water's consideration for the 5,412 Water is that Grand Junction lease of the 5,412 Water will achieve other important objectives of Northern Water. The Parties acknowledge and agree that the consideration is adequate and supports the making and enforcement of this Agreement.
11. Term of Agreement. This Lease Agreement shall be perpetual, and shall survive regardless of the status of the endangered fish in the Upper Colorado River or the status of the RIP RAP.
12. Water Delivery. The 5,412 Water shall be delivered to the Colorado River at the downstream end of the outlet of Granby Dam upon the mutual agreement of Northern and Grand Junction. The 5,412 Water shall be delivered at a minimum rate of 20 cfs and a maximum rate of 100 cfs, unless otherwise agreed to by the Parties. Grand Junction shall place the 5,412 Water to beneficial use for the Authorized Uses after deduction of transit losses as determined by the Division Engineer for Water Division 5. Water shall only be delivered by Northern Water for beneficial use for the Authorized Uses. Grand Junction shall not divert the 5,412 Water from the Colorado River at any point above the downstream terminus of the 15 Mile Reach. The Parties anticipate that the release pattern will depend on the type of hydrologic year (dry or average or wet) and targeted stream flow in the Colorado River downstream of Granby Reservoir during late summer and early fall. The Parties will meet with other interested parties each spring to discuss a recommended release pattern for the 5,412 Water.
13. Water Measurement. Northern Water shall be responsible for measuring the 5,412 Water at the point of delivery to the Colorado River at the downstream end of the outlet of Granby Dam at the time that it is delivered.
14. Water Quality. The Parties expressly recognize and agree that the 5,412 Water is non-potable and is not intended for human or animal consumption. Northern Water makes no warranty or representation to Grand Junction regarding the quality of the 5,412 Water.
15. Force Majeure. Northern Water's obligation to deliver the 5,412 Water shall be limited to the Water Delivery point identified in Paragraph 12 of this Lease Agreement. Northern Water's obligation to deliver the 5,412 Water is further limited by the physical and legal

availability of water in Granby Reservoir and the actual capacity of the Granby Reservoir Outlet Works. In the event that Colorado state law or water administration changes in the future so that the 5,412 Water cannot be delivered as contemplated by this Lease Agreement, the Parties shall meet and confer and seek in good faith to develop new arrangements to accomplish the purposes of this Lease Agreement.

16. Default. Each and every term and condition hereof shall be deemed to be a material element of this Lease Agreement. In the event either Party should fail or refuse to perform according to the material terms of this Lease Agreement, such Party may be declared in default thereof by the other Party by a written notice.
17. Remedies. In the event a Party has been declared in default hereof, such defaulting Party shall be allowed a period of 5 days within which to correct, or commence correcting, said default. In the event that the default has not been corrected or begun to be corrected, or the defaulting Party has ceased to pursue the correction with due diligence, the Party declaring default may elect to (a) terminate the Lease Agreement; (b) treat the Lease Agreement as continuing and require specific performance; or (c) avail itself of any other remedy at law or equity. In the event of a termination of this Lease Agreement for any reason, Northern Water shall use its best efforts to enter into another contractual arrangement that will result in the delivery of the 5,412 Water to the 15 Mile Reach for beneficial use in accordance with applicable law.
18. Laws, Regulations and Permits. Each Party shall comply with all applicable federal, state and local codes, statutes, rules, regulations, ordinances, permits and orders in its operations under this Lease Agreement.
19. No Third Party Beneficiary. This Lease Agreement is intended to benefit only the Parties hereto, and no other person or entity is intended by the Parties hereto to be a third party beneficiary of this Lease Agreement.
20. Notice. All notices required to be given under this Lease Agreement shall be in writing, and shall be deemed to have been duly given (a) when delivered to the other Party to whom addressed, or (b) upon receipt when sent by United States mail, postage prepaid, as certified or registered mail, properly addressed as follows, or (c) upon confirmation when sent by facsimile transmission and receipt is confirmed by return facsimile transmission:

If to the Northern Water:

Northern Colorado Water Conservancy District
220 Water Avenue
Berthoud, Colorado 80513
Telephone: 970-532-7700
Fax: 970-532-0942
Attention: Eric Wilkinson, General Manager

If to Grand Junction:

City of Grand Junction
250 North 5th Street

Grand Junction, Colorado 81501
Telephone: 970-244-1564
Fax: 970-256-4022
Attention: Greg Trainor, Public Works & Utilities Director

or to such other persons or addresses as the foregoing addressees may have designated by written notice.

21. Entire Agreement. This Lease Agreement constitutes the entire agreement between the Northern Water and Grand Junction regarding the subject matter hereof and replaces all prior written or oral agreements and understandings. It may be altered, amended, or repealed only by a duly executed written instrument.
22. Governing Law. This Lease Agreement shall be interpreted in accordance with, and be governed by, applicable Colorado or federal law.
23. Severability. If any provision of this Lease Agreement shall be held invalid or unenforceable, the remainder of this Lease Agreement shall not be affected thereby, and there shall be deemed substituted for the affected provision, a valid and enforceable provision as similar as possible to the affected provision.
24. Headings for Convenience. The headings and captions in this Lease Agreement are for convenience only and shall not be considered in interpreting the provisions hereof.

IN WITNESS WHEREOF, the Parties have executed this Lease Agreement as of the last day and year written below.

NORTHERN COLORADO WATER CONSERVANCY
DISTRICT

By: _____
Title: _____
Date: _____

CITY OF GRAND JUNCTION

By: _____
Title: _____
Date: _____



Attach 8

Date: June 13, 2013
 Author: Eileen List
 Title/ Phone Ext: Industrial Pretreatment
Supv. 256-4164
 Proposed Schedule: June 19, 2013
 2nd Reading: _____
 File # (if applicable): _____

CITY COUNCIL AGENDA ITEM

| |
|--|
| Subject: State of Colorado Nutrients Grant Request |
| Action Requested/Recommendation: Approve a Resolution to Submit a Grant Request to the Colorado Department of Public Health and Environment Water Quality Improvement Fund for Funding to Evaluate Wastewater Treatment Plant Upgrades to Meet the Recently Adopted Nutrient Limits |
| Presenter(s) Name & Title: Dan Tonello, Wastewater Services Manager |

Executive Summary:

This is a request to approve a resolution authorizing the City Manager to submit a planning grant application to the Colorado Department of Public Health and Environment (CDPHE) for \$80,000. The purpose of the grant application is to provide funding for an engineering consultant to evaluate wastewater treatment plant upgrade options in order to meet recently adopted State nutrient limits.

Background, Analysis and Options:

The Persigo Wastewater Treatment Facility is the largest Publicly Owned Treatment Works (POTW) on the western slope of Colorado. The Persigo Facility discharges into Persigo Wash and then into the Colorado River, which are both designated under the Endangered Species Act (ESA) as critical aquatic habitat for four federally Threatened- and Endangered-listed fish species.

As a result of the critical ESA aquatic habitat designation the Persigo Facility currently has very stringent discharge permit limits.

CDPHE in 2012 determined that the control of nutrients (such as nitrogen and phosphorus) is necessary to protect the environment, public health and the beneficial uses of Colorado waters. Nutrients are commonly found in domestic sewage and are believed to be responsible, in addition to other environmental factors, for increasing algae levels which can degrade water quality.

In 2012 CDPHE established Regulation #85, Nutrients Management Control, requiring large POTWs to meet effluent discharge limits for nutrients, effective 2013. The Persigo

Wastewater Treatment Facility is one of those facilities that will be required to meet nutrient limits.

In 2013 the Nutrients Grant Program was created by the Colorado General Assembly to assist wastewater facilities with the costs associated with Regulation #85. Staff seeks Council approval to submit a grant request to apply for a \$80,000 Planning Project Grant. The Planning Grant requires a 20% local match, or \$16,000, that would be provided from the 2013 sewer fund budget for a project total of \$96,000.

The purpose of receiving funding for the Planning Project Grant would be to evaluate Persigo Facility discharge options to determine which one is the most financially and operationally feasible to meet future nutrients limits. The discharge options are to either upgrade the Persigo Facility to remove nutrients through additional biological treatment, or to install a gravity diffuser system in the Colorado River to receive additional stream dilution credits not available on Persigo Wash.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 11: Public facilities and services for our citizens will be a priority in planning for growth.

This project will assure the continued operation of Persigo Wastewater Treatment Plant in compliance with all federal and state regulations, serving the public health, safety and welfare, and meeting the needs of existing and future growth.

Board or Committee Recommendation: N/A

Financial Impact/Budget: The required match of 20% is \$16,000 and is included in the 2013 sewer fund budget for consulting services for this project.

Legal issues: N/A

Other issues: N/A

Previously presented or discussed: N/A

Attachments:

Proposed Resolution

**CITY OF GRAND JUNCTION, COLORADO
RESOLUTION NO. ____-13**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A NUTRIENTS
PROGRAM PLANNING GRANT REQUEST TO THE COLORADO DEPARTMENT OF
PUBLIC HEALTH AND ENVIRONMENT WATER QUALITY IMPROVEMENT FUND**

RECITALS.

The Persigo Wastewater Treatment Facility will be required to meet future nutrient discharge limits due to regulations passed by the Colorado Department of Public Health and Environment (CDPHE) in 2012. Staff seeks Council approval to submit a Nutrients Grant Program Planning Grant request to the CDPHE Water Quality Improvement Fund in the amount of \$80,000. The required 20% local match of \$16,000 for consultant services will be provided from the 2013 sewer fund budget.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby authorize the City Manager to submit a Nutrients Program Planning Grant request to the Colorado Department of Public Health and Environment Water Quality Improvement Fund.

Dated this ____ day of _____ 2013.

President of the Council

ATTEST:

City Clerk



Date: 6/3/13
Author: Jay Valentine
Title/ Phone Ext: X1517
Proposed Meeting Date:
6/17/13

Attach 9 CITY COUNCIL AGENDA ITEM

Subject: Contract for Avalon Theatre Renovation Project

Action Requested/Recommendation: Authorize the City Manager to Negotiate Contracts with FCI Constructors and Chamberlin Architects and Incidental Service Providers.

Presenter(s) Name & Title: Tim Moore, Deputy City Manager

Summary:

Since 2008 the City, DDA and the Avalon Theatre Foundation Board have been working toward transforming the Avalon Theatre into a fully functioning performing art center. As a result of a three phase master plan, design work and construction documents were completed for the first phase (also known as the "Core" project) to address life safety, accessibility and improved public amenities. The Core Project was bid earlier this year. FCI Constructors was the most responsive and responsible low bid and have since been working with the project team to bring construction alternatives to be discussed with City Council.

Background, Analysis and Options:

The City sent out an RFP in February 2013 and bid opening was on March 28, 2013. Three bids were received and FCI Constructors, Inc. came in as the most responsive and lowest bid. The City Project Team met with FCI Constructors, Inc., to value engineer the project in order to better represent the funds available. At the City Council Workshop on June 14 direction was given to construct the alternative B which would include auditorium improvements and a "shelling out" of new space. As additional funds are raised, the shell will be finished and put into service.

Board or Committee Recommendation:

The City Council thoroughly reviewed the options and directed that a resolution be drafted and scheduled for June 19.

Financial Impact/Budget:

The estimated expenditures for the Project stands at \$7.6 million and is funded by the City, DDA and private donations raised through the Avalon Theatre Foundation Board.

Legal issues:

Upon approval by the City Council, Contracts will be negotiated.

Other issues:

NA

Previously presented or discussed:

March 7, 2012 - Council authorizes contract for Architectural Services for the Avalon Theatre Addition and Renovation.

June 20, 2012 – City Council authorizes \$3.0 million (\$1.5 million in 2013, \$1.5 million in 2014) toward the Avalon.

October 17, 2012 – City Council Authorizes WRL to take “core” scope to final design.

January 14, 2013 – Avalon Theatre Update to City Council by Avalon Theatre Foundation Board

April 1, 2013 – Avalon Theatre Update after bids were received.

June 5, 2013 – City Council Suspends Resolution No. 27-12.

June 14, 2013 – City Council discussion of construction options.

Attachments:

Resolution

RESOLUTION NO. __-13

A RESOLUTION CONCERNING FUNDING FOR THE AVALON THEATRE RENOVATION PROJECT

RECITALS:

On June 20, 2012 the City Council approved Resolution No. 27-12. That Resolution, a copy of which is attached and incorporated by this reference as if it is fully set forth, committed on certain conditions three million (\$3,000,000.00) dollars to the renovation of the Avalon Theatre.

Subsequent to the adoption of Resolution No. 27-12 the membership of the City Council changed. Consistent with the Council's legal and ethical obligations to be responsible stewards of the public's funds it reconsidered the Avalon project in general and the commitment made by Resolution No. 27-12 in particular. On June 5, 2013 the City Council suspended Resolution No. 27-12.

After receiving significant public comment and engaging in its own thorough analysis, the City Council has determined that it will honor the commitment made by Resolution No. 27-12 and furthermore, to avoid inflationary increases and impart certainty to the project, direct that the renovation project proceed apace.

NOW, THEREFORE, BE IT AGREED AND RESOLVED BY THE GRAND JUNCTION CITY COUNCIL THAT THE CITY AFFIRM ITS COMMITMENT TO FUNDING THE AVALON RENOVATION IN ACCORDANCE WITH RESOLUTION NO. 27-12, THE FOREGOING RECITALS AND THE DIRECTION TO THE CITY MANAGER SET FORTH HEREIN ALL OF WHICH SHALL SERVE TO AMEND RESOLUTION NO. 27-12 AND GIVE IT FULL LEGAL EFFECT:

- 1) By this Resolution the suspension of Resolution No. 27-12 on June 5, 2013 shall be deemed vacated and of no further effect. Resolution No. 27-12 is hereby reinstated as amended.
- 2) The City of Grand Junction, the Grand Junction Downtown Development Authority (DDA) and the Avalon Theatre Foundation Board (Foundation) have designated cash and/or financial pledges that will equal or exceed the cost of design, construction, construction oversight and administration and as such the condition of Resolution No. 27-12 regarding the raising and committing of funds for the renovation project (identified currently as "Option B") is and shall be deemed satisfied and/or waived;
- 3) Notwithstanding paragraph 2) above the City Council does authorize and direct the City Manager to secure and deposit in the accounts of the City the funds of and from the DDA, the Foundation, the donors and all others that have participated and/or promised to participate in the funding of the project;
- 4) The City Council acknowledges and agrees as the owner of the Avalon Theatre and the party that bears the legal responsibility for the same, that it

will by contract be obligated to and be responsible for the entire cost of the renovation project.

- 5) Furthermore, in order to minimize the possibility of expenditure by the City of funds in excess of three million dollars (\$3,000,000.00) the City Council does authorize and direct the City Manager to pursue, solicit and appeal to any and all sources of funds, including but not limited to grants, gifts and bequests from the Colorado Department of Local Affairs, the Boettcher and Gates Foundations and any and all other philanthropic, altruistic and benevolent grant/funding agencies.
- 6) Pursuant to and in accordance with the foregoing, the City Council authorizes and directs the City Manager to negotiate and enter into contracts with FCI Constructors Inc., Chamberlin Architects and incidental service providers in an amount not to exceed seven million six hundred thousand dollars (\$7,600,000.00) for the renovation of the Avalon Theatre in a form the same or substantially similar to that now known as Option B.
- 7) Pursuant to and in accordance with the foregoing, the City Council authorizes and directs the City Manager to negotiate and enter into contracts with the DDA and the Foundation to secure no less than \$3,000,000 (three million dollars) from the DDA and an amount to be determined from the Foundation anticipated to be no less than one million one hundred thousand dollars (\$1,100,000.00.)
- 8) The City Council expresses its thanks to the DDA and the Foundation.
- 9) The City Council extends its sincere appreciation to all citizens that have participated in the deliberations of and/or otherwise been involved in this important community matter.

PASSED AND ADOPTED THIS ____TH DAY OF _____, 2013.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 27-12

A RESOLUTION CONCERNING THE ALLOCATION OF FUNDING FOR THE AVALON THEATRE RENOVATION PROJECT

RECITALS:

In the mid 1970's the City Council established a Citizen's Task force to investigate and make recommendations about a performing arts center in Grand Junction. That committee determined that the rehabilitation of the Avalon Theatre (formerly the Cooper) had many community benefits. An initial assessment was performed but due to the economic collapse of the early 1980's the project was put on hold.

As the economy stabilized in the late 1980's the Avalon project was renewed; the building was found to be strong and goals were set to rehabilitate and reuse the building for performing arts. The effort was widely supported because it would strengthen downtown by adding activity and entertainment.

In 1994 the City acquired the Theatre.

In 1996 the original 1923 facade was restored and the building began to host performance arts and movies more regularly. Since that time some minor improvements have been accomplished; however, the vision of the Theatre being remodeled has been elusive.

Many well intentioned citizens, consultants and others groups including but not limited to the Avalon Foundation Board, the Cinema at the Avalon, the Avalon Theatre Advisory Board, the Downtown Development Authority and Westlake, Reed and Lefkosky offered advice, suggestions, plans and recommendations on how to achieve the goal. For a number of reasons, until very recently, the goal has been unattainable.

In 2010 the DDA, the Grand Junction Symphony Orchestra and the City entered into an agreement by which the Symphony would become the primary tenant of the Theatre. Included in that agreement were commitments for matching funds from the DDA and private fund raising commitments. That agreement has now been modified and due in large measure to the DDA's offer to fund rather than match contributions, there is a functional and functioning starting point for making the vision a reality.

In 2012 the Avalon Foundation Board and the DDA agreed to commission architectural services for the Theatre. That work resulted in programming two phases of a renovation project; a phase known as the "core facility" renovation and the "enhanced facility" or "buildout" renovation phase. The cost of the core facility is work is projected to be 6 million; the complete or enhanced renovation is estimated to be 14 million.

On June 18, 2012 the City Council and the DDA Board met in joint session. At that time the DDA restated its commitment to fund 3 million of the core facility renovation. The City Council indicated its support of the project and directed City staff to prepare a resolution for the Council to consider at its June 20, 2012 meeting.

NOW, THEREFORE, BE IT AGREED AND RESOLVED BY THE GRAND JUNCTION CITY COUNCIL THAT THE CITY COMMIT FUNDING FOR 2013 IN ACCORDANCE WITH THE FOREGOING RECITALS AND THE FUNDING FORMULA SET FORTH HEREIN BELOW:

Grand Junction Downtown Development Authority \$3,000,000.00

City of Grand Junction \$3,000,000.00

Private fund raising, grants and philanthropy for the core renovation \$1,000,000.00

Private fund raising, grants and philanthropy for the enhanced renovation \$7,000,000.00

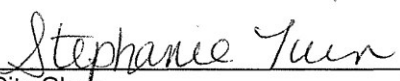
FURTHERMORE, be it resolved that the improvements not be contracted for unless and until all of the funds have been raised and committed to the core renovation project.

Adopted this 20th day of June, 2012.



President of the Council

ATTEST:



City Clerk

Date: June 6, 2013
Author: Kristen Ashbeck
Title/ Phone Ext: Senior Planner x1491
Proposed Schedule:
Hearing – June 19, 2013
File #: 2013 CDBG

CITY COUNCIL AGENDA ITEM

| | |
|--|--|
| Subject: 2013 Community Development Block Grant (CDBG) Program Year Action Plan | |
| Action Requested/Recommendation: Hold a Public Hearing and Adopt a Resolution Approving the 2013 CDBG Program Year One-Year Action Plan | |
| Presenter(s) Name & Title: | Tim Moore, Deputy City Manager Kristen Ashbeck, Senior Planner/CDBG Administrator |

Executive Summary: The City will receive approximately \$352,950 CDBG funding for the 2013 Program Year which begins September 1st. The purpose of this hearing is to adopt the 2013 Annual Action Plan which includes allocation of funding for 14 projects as a part of the Five-Year Consolidated Plan.

Background, Analysis and Options: CDBG funds are a Department of Housing and Urban Development (HUD) entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The City's 2013 Program Year will begin September 1, 2013. For each CDBG Program Year, a new One-Year Action Plan is completed and adopted as part of the Five-Year Consolidated Plan. Applications for funding were solicited and received by the City in March. The City has received \$775,975 in grant requests. The City will receive approximately \$352,950 for the 2013 Program Year. On May 22, 2013 the Grand Junction City Council approved the 2013 funding requests totaling \$352,950. A summary of the projects to be funded is included on the following page.

How this item relates to the Comprehensive Plan Goals and Policies:

The projects proposed for CDBG funding meet the following goals of the Comprehensive Plan.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy. Projects to be funded through the CDBG program will provide facilities and services that enhance our community, particularly for the benefit of low and moderate income citizens and special needs populations.

Board or Committee Recommendation: N/A

Financial Impact/Budget: Expected 2013 CDBG appropriation will be approximately \$352,950.

Summary of Funding:

| | PROPOSED PROJECT | RECOMMENDED FUNDING | FUNDS LEVERAGED |
|----|--|----------------------------|------------------------|
| 1 | Program Administration | \$43,000 | N/A |
| 2 | Foster Grandparent Program | \$10,000 | \$311,888 |
| 3 | Senior Companion Program | \$12,000 | \$216,264 |
| 4 | Marillac Care for Homeless Persons | \$10,000 | \$78,785 |
| 5 | Counseling and Education Center | \$7,000 | \$42,500 |
| 6 | Giving Adolescents New Goals After School Program | \$4,700 | \$6,300 |
| 7 | Hospice Camp Good Grief | \$9,242 | \$11,202 |
| 8 | Marillac Dental Equipment | \$23,190 | - |
| 9 | Parenting Place Building Rehabilitation | \$20,000 | \$27,759 |
| 10 | Head Start Building Security Upgrades | \$28,050 | \$26,950 |
| 11 | Hilltop Opportunity Center Roof/HVAC | \$86,840 | \$40,000 |
| 12 | Partners Van Purchase | \$15,000 | \$12,000 |
| 13 | Mesa County Services Building Kitchenette Improvements | \$15,221 | \$3,126 |
| 14 | Nisley Elementary Neighborhood Sidewalk Improvements | \$68,707 | - |

Total Allocation: \$352,950

Total Funds Leveraged: \$776,774

Legal issues: N/A

Other issues: N/A

Previously presented or discussed: City Council heard and approved the projects to be funded at its May 22, 2013 meeting.

Attachments:

- A. 2013 Program Year Action Plan
- B. Resolution to Adopt the 2013 Program Year Action Plan

Third Program Year Annual Action Plan

Community Development Block Grant
Program



HUD - CDBG

2013

The City of Grand Junction's 2013 Community Development Block Grant (CDBG) Annual Action Plan was produced by the Grand Junction Neighborhood Services Office.

For more information on the plan contact:

Si necesita esta información en español, por favor póngase en contacto con:

Kristen Ashbeck
Senior Planner/CDBG Administrator
City of Grand Junction
Economic Development and Sustainability Division
250 North 5th Street
Grand Junction, Colorado 81501

(970) 244-1491
kristena@gjcity.org

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INTRODUCTION

In 1996 the US Department of Housing and Urban Development (HUD) established Grand Junction as a community entitled to receive Community Development Block Grant (CDBG) funds. Every five years the City prepares and adopts a new five-year consolidated plan. The current Five-Year Consolidated Plan was adopted by the Grand Junction City Council in June 2011. In addition, each year the City prepares and adopts a program year action plan, which becomes a part of the five-year consolidated plan. Applications for CDBG funds are made available to all interested parties in February with a March deadline for each Program Year. Applications that are funded become a part of the respective program year action plan. The 2013 Program Year Annual Action Plan outlines how the City of Grand Junction intends to spend CDBG funds during the time period from September 1, 2013 through August 31, 2014.

The objectives and proposed outcomes identified in the 2013 Annual Action Plan are to address decent housing, human services and non-housing community development needs. Specific proposed outcomes and objectives for the 2013 Program Year that reflect the City's Five-Year Consolidated Plan objectives are summarized in the table on the following page and discussed in detail in the 2013 Program Year Annual Action section on starting on page 11.

COMMUNITY PROFILE

Grand Junction, Colorado is located in Western Colorado 250 miles from Denver. It is the largest city in Western Colorado, the County seat for Mesa County and home of Colorado Mesa University. It is the economic and service center for communities in Western Colorado and Eastern Utah. The 2010 census reports the Grand Junction population as 58,566.

Until the recent nation-wide recession, the area's economy demonstrated strong growth but housing market appreciation continues to exceed wage increases. These trends are expected to continue in the foreseeable future, making the need for affordable housing one of many issues facing local government in Grand Junction.

Assistance through expenditure of CDBG funds will be directed to areas of low and moderate income concentrations, such as the Orchard Mesa, Riverside, El Poso, Downtown, and Central Grand Junction neighborhoods. These correspond to the red areas shown on Figure 1 CDBG Low to Moderate Income Map. All of the CDBG-eligible areas are within areas of minority concentration shown in Figure 2, although one of the areas with the highest concentration of minority population is east and outside of the Grand Junction city limits. Investments will be allocated geographically according to HUD regulations. CDBG funding must meet national objective requirements of serving low and moderate income persons.

| HUD-Defined Objectives | One Year Proposed Outcome of Activity |
|---|---|
| CDBG program administration and furthering fair housing | Administer CDBG program including staff salary, sub-recipient monitoring, reporting, public participation, training and fair housing activities |
| Increase sustainability of suitable living environment | Reimburse seniors for travel expenses to/from work/delivery locations as Foster Grandparents or Senior Companions |
| Increase sustainability of suitable living environment | Provide integrated medical and dental care for 55 homeless persons and counseling sessions for 20 more low income persons |
| Increase sustainability of suitable living environment | Provide 38 youth with after school tutoring and activities at low-moderate income housing facilities and provide 40 low-moderate income youth with grief counseling services |
| Increase sustainability of suitable living environment | Complete remodel of The Parenting Place; security upgrades to Head Start facilities; replace roof and heating and cooling systems at the Opportunity Center; and improve the Mesa County community services building kitchenette facility |
| Increase sustainability of suitable living environment | Upgrade dental equipment at clinic that provides services to low-moderate income and homeless persons |
| Increase sustainability of suitable living environment | Purchase 12-person van to be used for transportation of at-risk youth to group activities with adult mentors |
| Increase sustainability of suitable living environment | Provide public infrastructure improvements for area-wide neighborhood benefit |

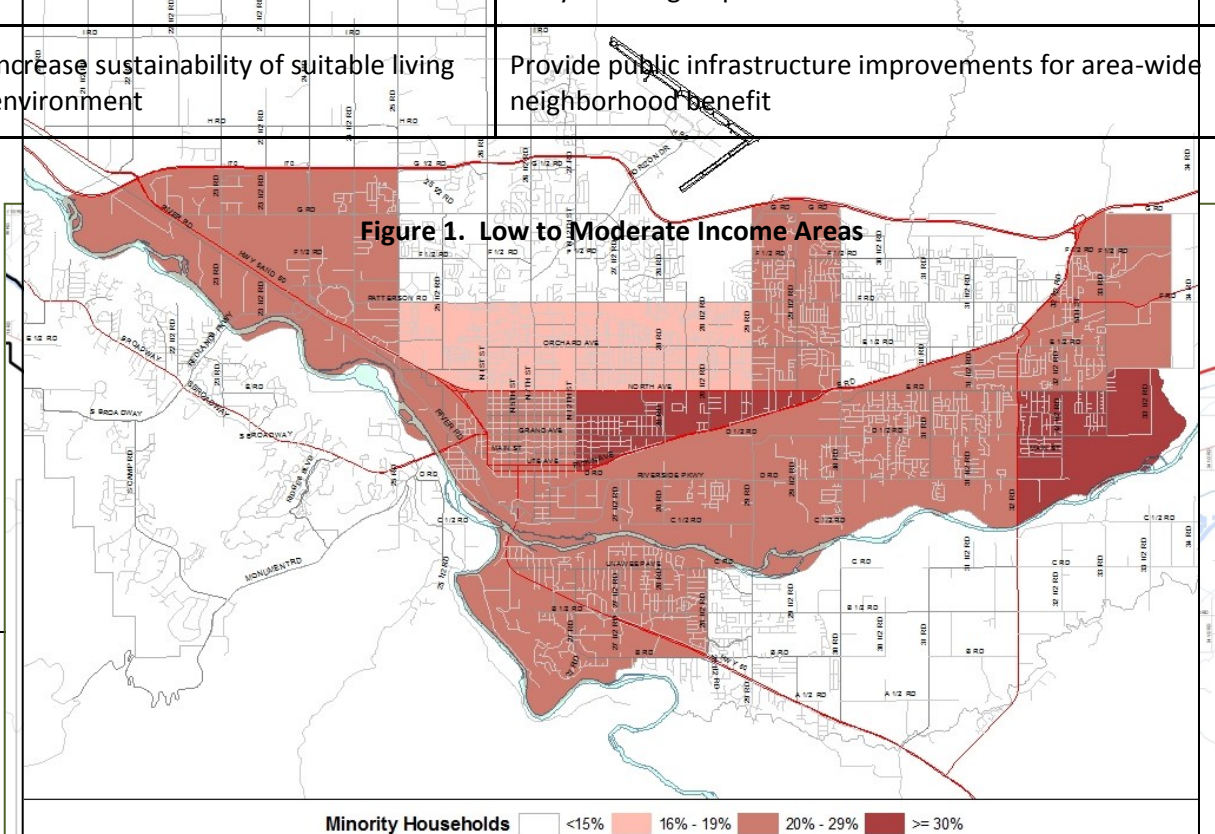


Figure 2. Minority Households

INSTITUTIONAL STRUCTURE AND CDBG PROGRAM ADMINISTRATION

The City's *CDBG Consolidated Plan* is done every five years, along with the *Analysis of Impediments to Fair Housing* study. Both of these reports were completed and adopted in 2011. Grand Junction will carry out its Consolidated Plan through a combination of public, private, and non-profit organizations that specialize in serving the identified needs of this plan and other needs of the low and moderate income residents of Grand Junction. Highly effective non-profit organizations deliver a wide array of services to Grand Junction citizens. The City depends upon these private agencies to meet the needs of the low and moderate income population.

The Neighborhood Services Division of the Public Works and Planning Department will continue to administer the CDBG program by following the City's Public Participation Plan and by following the federal regulations that govern the program. In this role, the City will disburse CDBG funds, oversee their effective use and compliance with federal regulations, submit required reports to HUD including the Consolidated Annual Performance Evaluation Report (CAPER) and maintain performance data in the Integrated Disbursement and Information System (IDIS).

The City of Grand Junction will use adequate and timely techniques to ensure the community development projects are compliant with CDBG requirements. This includes continued monitoring of sub-recipients for program objectives and outcomes and compliance with federal regulations such as environmental assessments. Labor standards will be adhered to when applicable. The City uses telephone, e-mail, mail and site visits to ensure program compliance and a contact log is maintained in each activity file. Performance measures will be determined and entered into HUD IDIS. Longer term compliance is required through language in the standard CDBG Subrecipient Agreement executed between the City and each subrecipient prior to use of CDBG funds.

CONSOLIDATED PLAN

The 2011 Five-Year Consolidated Plan integrates economic, physical, environmental, community and human development activities in Grand Junction in a comprehensive and coordinated manner so that agencies, groups, and all citizens can work together to improve the quality of life of its residents. Consolidated Plan objectives and specific needs have been identified along with actions that define how the community will respond over the life of the five year consolidated plan.

The Consolidated Plan has three Objectives:

1. Create a Suitable Living Environment
 - a. Need for Non-Housing Community Development Infrastructure
 - b. Need for Neighborhood Program
 - c. Special Needs Populations and Other Human Service Needs
 - d. Youth

2. Provide Decent Affordable Housing

- a. Increase inventory of affordable housing units
- b. Lead-based paint hazards
- c. Prevent and Reduce Homelessness

3. Create Economic Opportunities

- a. Childcare
- b. Economic Development

Development of the 2011 Consolidated Plan was a community effort, managed by the City of Grand Junction. The City held eight formal consultations with representatives of various organizations, including many of those listed below, who met in committee and special focus groups to formulate the 2011 Five-Year Consolidated Plan. The Plan committee played a major role in identifying the needs of the low and moderate income persons in the Grand Junction area. Drafts of the planning document and portions of the plan were sent out electronically and in paper to committee members and others for review and feedback. Many organizations participated in the development the Consolidated Plan including:

- Grand Junction Housing Authority
- Housing Resources of Western Colorado
- Grand Valley Catholic Outreach
- Mesa County Partners
- The Treehouse Center for Youth
- Center for Independence
- Mesa County Health Department
- Mesa County Human Services Department
- School District 51
- WestCap
- St. Mary's Hospital
- Grand Junction Economic Partnership

- Business Incubator
- Latin Anglo Alliance
- Riverside Task Force
- Colorado West Mental Health
- Hilltop Community Resources

PAST PERFORMANCE

The past performance of the City of Grand Junction and its CDBG subrecipients has been thorough and timely. Many persons with low and moderate income have benefited through housing activities, human services and community development capital construction. A summary of the CDBG activities for Program Years within the current Five-Year Consolidated Plan (2011 and 2012) are outlined below.

2011 Program Year – All Projects Completed unless otherwise noted

- Program Administration - \$30,000
- Grand Valley Catholic Outreach St. Martin Place - \$50,000
- Business Incubator Center Small Business Loans- \$50,000 (underway)
- Grand Junction Housing Courtyard Apartments Rehabilitation - \$101,205
- Mesa Developmental Services Group Home Remodel - \$9,924.22
- Center for Independence Kitchen Remodel - \$30,475
- Strong Families, Safe Kids Parenting Place Remodel - \$9,371
- St. Mary's Senior Companion Program - \$8,000
- St. Mary's Foster Grandparent Program - \$10,000

2012 Program Year – All Projects Underway unless otherwise noted

- Program Administration - \$5,000
- St. Mary's Foster Grandparent Program - \$10,000
- St. Mary's Senior Companion Program - \$8,000
- St. Mary's Gray Gourmet Program - \$11,125
- Counseling and Education Center Low Income Counseling Services - \$7,000 (completed)

- Karis The House Acquisition - \$85,000 (completed)
- Homeless Shelter Remodel - \$109,971
- Grand Valley Catholic Outreach T-House Rehabilitation - \$12,638 (completed)
- Mesa Developmental Services Program Office Remodel - \$25,000 (completed)
- Parenting Place Rehabilitation - \$14,080
- St. Mary's Gray Gourmet Kitchen Remodel - \$5,500
- 6th Street Sewer Realignment - \$27,500 (completed)
- 6th Street Pedestrian Safety and Parking Improvements - \$60,536 (completed)
- North Avenue Accessibility Improvements - \$25,000

All Consolidated Plan Objectives will be monitored and reported to the US Department of Housing and Urban Development (HUD) by their outcomes. This outcome and performance based measurement includes 1) availability/accessibility; 2) affordability; and 3) sustainability, promoting livable and viable communities.

Though the competition for CDBG funds has continually increased since program inception and the amount of annual CDBG funds continues to decrease, the City will continue to make an effort to balance disbursement of these funds between the various needs of the community over the course of the five-year Consolidated Plan.

CITIZEN PARTICIPATION

The City adopted a Citizen Participation Plan in 2011 to describe citizen involvement in the Five-Year Consolidated Plan (Plan) and annual Program Year Action Plans processes. The Economic Development and Sustainability Division of the City of Grand Junction, as lead agency for the development of the Consolidated Plan and Program Year Action Plan, has invited human service agencies and citizen involvement in Plan creation. The findings and needs identified by those who serve and work with the very low- to moderate-income populations are the basis of the Plan's development. The City has met the requirements of the Citizens Participation Plan by publishing public notices and holding public meetings.

A meeting was held in February 2013 to educate and receive input from the public. Invitations were mailed to over 85 citizens and human service providers throughout the Grand Valley. Additionally, an advertisement was placed in the Grand Junction *Daily Sentinel* inviting citizens to attend and participate. Efforts to broaden public participation included invitations to and working with agencies that serve minority, disabled and special needs populations regarding preparation of CDBG applications for funding. These agencies include the Latin-Anglo Alliance, Riverside Educational Center, Head Start, the Center for Independence, Strive (formerly Mesa Developmental Services), Hilltop Community Resources, Audio Information Network Foster Grandparents, Gray Gourmet, and the Senior Companion program. Of these, applications were received from Head Start, Strive, Hilltop Community Resources, the Audio Information Network, Foster Grandparents, and the Senior Companion program. In total, the City received twenty-two requests for CDBG funding that totaled \$775,975.

On May 22, 2013 a public hearing before City Council was conducted to discuss funding for 2013 and determine which projects would be funded out of the applications received and reviewed by the City. On June 19, 2013 City Council conducted a public hearing to seek public comment and consider adoption of the 2013 One Year Annual Action Plan. The City of Grand Junction will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities to participate in City Council meetings but none were requested for either the May 22 or June 19, 2013 public meetings.

A 30-day public review period occurred from June 5 to July 8, 2013. The Annual Action Plan was available in the City Economic Development and Sustainability office, the City Clerk's office and the City's web site. A note in Spanish language was included on the cover page that the office of Economic Development and Sustainability should be contacted if someone requested the document in the Spanish language. Google Translate is also available on the City's website for any document or information that appears on the web site. The City also has phone translation services available as requested.

Legal notices for both public meetings were placed in the local newspaper (Appendix B). The notices were provided in both English and Spanish. In addition, the legal notice for the Annual Action Plan public hearing included a statement regarding the location of the public hearing. "City Hall is accessible to people with disabilities. The City of Grand Junction will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities to participate in City Council meetings. If you are planning to attend the public meeting and require special assistance, please notify the City Clerk's office at 970-244-1509 at least one day in advance to the meeting. TDD access available through Colorado Relay at 711."

These opportunities for public input comply with the City's CDBG Citizen Participation Plan. Other than those who spoke at the May 22, 2013 meeting, no public comments were received.

Addressing Obstacles to Meeting Underserved Needs

Obstacles to meeting underserved needs are addressed in the following sections, however, limited funding and the increasing demand for services by a growing population are the community's major obstacles. Additionally, there is ongoing need to publicize available programs to those in need. The City encourages local non-profits who serve low to moderate income persons to apply for various funding sources through their respective programs by writing letters of support and identifying appropriate projects consistent with the Five-Year Consolidated Plan.

2013 PROGRAM YEAR ANNUAL ACTION PLAN

The purpose of the Program Year Action Plan is to identify One-Year Strategies for each of the Objectives set in the Five-Year Consolidated Plan. The Consolidated Plan strategies are accomplished by utilizing a variety of resources including the annual allocation of CDBG funds. For each program year, a new one-year action plan is completed and adopted as part of the Five-Year Consolidated Plan. On May 22, 2013 the Grand Junction City Council approved 2013 CDBG funding requests totaling \$352,950 for the following fourteen projects, which will be made a part of the 2013 Action Plan. The total amount to be allocated is based on an estimate of the City's allocation for the 2013 Program Year. Also refer to Appendix A for Table 3A Annual Objectives and Table 3C Consolidated Plan Listing of Projects for additional information on the 2013 Program Year activities.

Geographic Distribution and Allocation Priorities

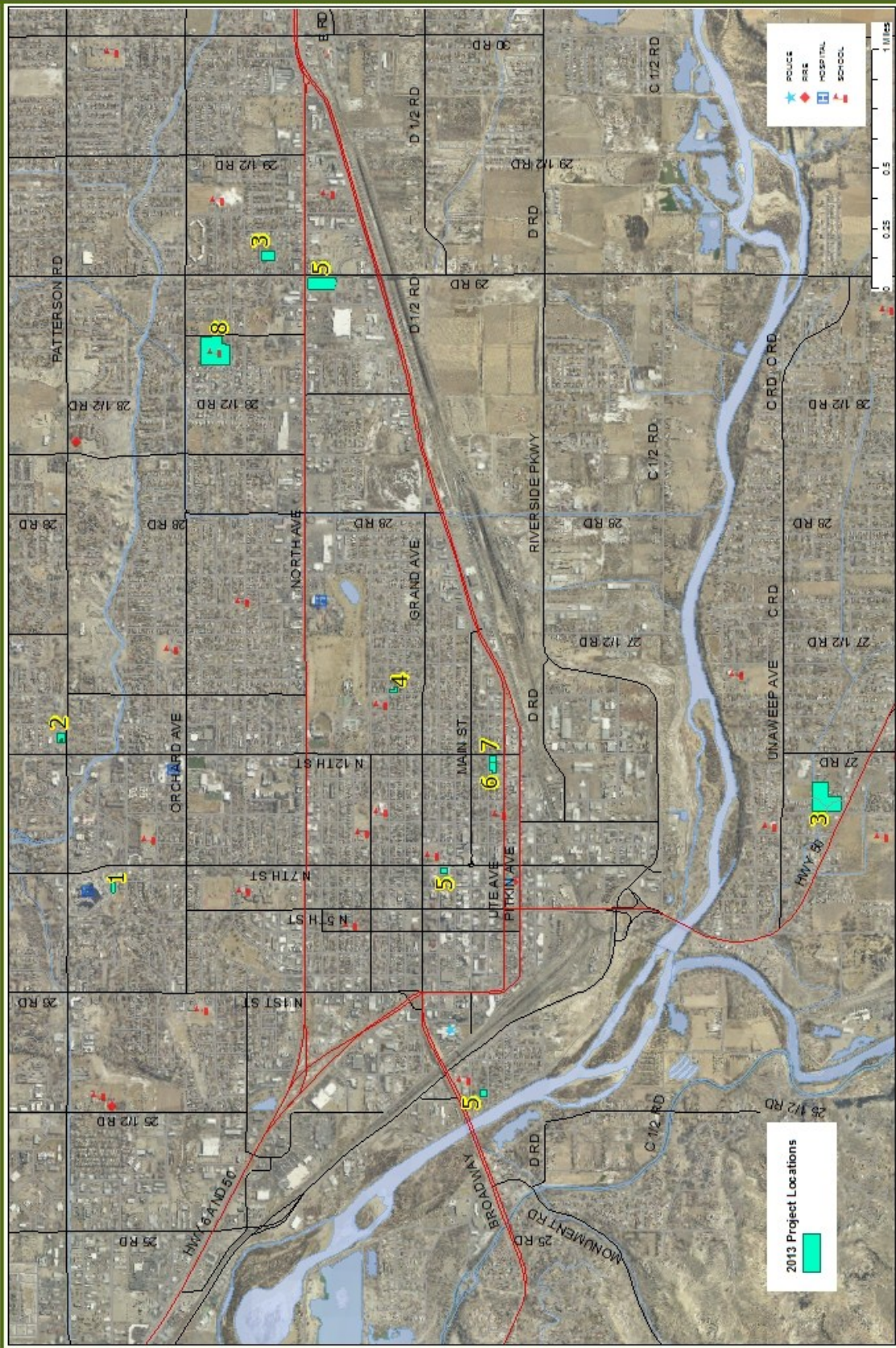
HUD Table 3C has been completed for each project to be funded in the 2013 CDBG Program Year. The Tables are included in Appendix A. Figure 3 shows the location of the CDBG projects funded for the 2013 Program Year. The City of Grand Junction does not limit the use of CDBG funds to any specific geographical location within the City. Nor does the City of Grand Junction limit the use of CDBG funds to any specific groups based on race, minority or ethnic concentration. All funds will be used to serve persons with low to moderate income who live within the Grand Junction city limits. Areas of low to moderate income households are more prevalent in the central and east/southeast parts of the city (refer to Figure 1). Areas of racial/minority concentration are more prevalent in the central and eastern parts of the city (refer to Figure 2).

CDBG allocation priorities are based on need, income level of persons to be served and whether or not a proposed activity meets one of the national objectives and the City's objectives outline in the Five-Year Consolidated Plan. All CDBG funds received from HUD during the 2011-2015 timeframe will be used to address at least one of the priority need categories outlined in the Five-Year Consolidated Plan.

Obstacles to meeting underserved needs include, but are not limited to:

- The decrease in financial support available to the local government and local organizations to address identified needs.
- The number of foreclosures within the community caused by job loss and other factors, increasing the number of households in need of housing and other services.
- The disparity of wage level and housing costs, increasing poverty, increasing unemployment and an aging population demanding more services.

City of Grand Junction CDBG 2013 Action Plan Projects



| No. | Project | Location | No. | Project | Location | No. | Project | Location |
|-----|-------------------------------|--------------------|-----|------------------------------|--------------------|-----|------------------------------|-------------------|
| 1 | Merrillac Homeless Care/Equip | 2635 N 7th St | 4 | Parenting Piece Remodel | 1505 Chipeta Ave | 6 | Opportunity Center Remodel | 1129 Colorado Ave |
| 2 | CECLaw/Income Counseling | 2708 Patterson Rd | 5 | Head Start Security | 2897 North Ave | 7 | Partners Van Purchase | 1169 Colorado Ave |
| 3 | GANG After School Program | 2800 Bunting Ave | 8 | Nisley Neighborhood Sidewalk | 285 N 7th St | 8 | Nisley Neighborhood Sidewalk | 543 28 3/4 Rd |
| | | 1975 Barcelons Way | | | 688 W Colorado Ave | | | |
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| Activity | Sub-Recipient Agency | HUD Objective | National Objective | One Year Goal—Proposed Outcome | CDBG Funding |
|------------------------------------|-------------------------------------|---------------|---------------------------|---|--------------|
| Public Facility Improvement | Marillac Clinic | SL-3 | Low-Mod Clientele | Purchase 2 new/upgrade dental x-ray machines for existing dental clinic | \$23,190 |
| Public Facility Remodel | Strive/Parenting Place | SL-3 | Low-Mod Clientele | Replace cooler, windows, flooring and other improvements at The Parenting Place facilities | \$20,000 |
| Public Facility Remodel | Rocky Mountain SER Head Start | SL-3 | Low-Mod Clientele Youth | Security upgrades at 3 Head Start facilities | \$28,050 |
| Public Facility Remodel | Hilltop Community Resources | SL-3 | Low-Mod Limited Clientele | Replace heating and cooling system at the Opportunity Center | \$86,840 |
| Public Facility | Mesa Youth Services (Partners) | SL-1 | Low-Mod Clientele Youth | Purchase 12-passenger van to transport participants in the One-to-One Mentoring program | \$15,000 |
| Public Facility Remodel | Mesa County Health Department | SL-3 | Low-Mod Clientele | Remodel kitchenette a main program office for Cooking Matters program | \$15,221 |
| Public Infrastructure Improvements | City of Grand Junction | SL-1 | Low-Mod Area Benefit | Construct curb, gutter and sidewalk along Orchard Avenue and 28-3/4 Road – walking route to Nisley Elementary | \$68,707 |
| Subtotal Capital Projects | | | | | \$309,950 |
| Senior Services | Foster Grandparent Program | SL-3 | Low-Mod Clientele | Add 10-15 new senior volunteers to provide services to at-risk youth. | \$12,000 |
| Senior Services | Senior Companion Program | SL-3 | Low-Mod Clientele | Add senior volunteers to provide services to homebound elderly persons. | \$10,000 |
| Homeless Services | Marillac Clinic | SL-3 | Homeless | Provide integrated health care services to 55 homeless individuals | \$10,000 |
| Mental Health Services | Counseling and Education Center | SL-3 | Low-Mod Clientele | Provide counseling services to an additional 20 low income persons | \$7,000 |
| Youth Services | Giving Adolescents New Goals (GANG) | SL-3 | Low-Mod Youth | Provide after school tutoring and activities to students residing in low-mod housing complexes | \$4,700 |
| Youth Services | Hospice | SL-3 | Low-Mod Clientele | Funding for Camp Good Grief – grief program for youth | \$9,242 |

| | | | | | |
|--|------------------------|-------------------------------------|-------|--|-----------------------|
| | | | Youth | | |
| | | | | Subtotal Public Services | \$52,942 |
| Program Administration | City of Grand Junction | | | Administer CDBG program including sub-recipient monitoring, reporting, public participation, staff salary and training and fair housing activities | \$43,000 |
| | | | | 2013 CDBG Funds | \$352,950 |
| HUD Defined—Outcome / Objective Codes | | Availability / Accessibility | | Affordability | Sustainability |
| Decent Housing | | DH-1 | | DH-2 | DH-3 |
| Suitable Living Environment | | SL-1 | | SL-2 | SL-3 |
| Economic Opportunity | | EO-1 | | EO-2 | EO-3 |

Administration and Planning

The City will allocate \$43,000 to cover costs of general program administration including staff salary and training, public outreach, advertising and fair housing activities.

Need for Non-Housing Community Development Infrastructure

Nisley Elementary Neighborhood Pedestrian Improvements

There are no busses that serve Nisley Elementary School thus, all students must walk or bicycle to school or find alternate transportation. There are segments of both Orchard Avenue and 28-3/4 Road that are primary walking routes to the school that do not have sidewalks along them, thus present a safety concern in the neighborhood. This project will utilize \$68,707 in CDBG funds to construct approximately 1,065 linear feet of curb, gutter and sidewalk along the south side of Orchard Avenue and the east side of 28-3/4 Road near the school.



Special Needs Populations and Other Human Service Needs

St. Mary’s Hospital Foster Grandparent Program



This program places low income senior volunteers in school, day care, Head Start, preschool, and safe house facilities to help children with special needs. Funding in the amount of \$10,000 will be used to reimburse 7 new city resident volunteers for gas and mileage to be able to serve 1,650 children. \$311,888 in funding has been secured from other sources including the Corporation for National and Community Service, United Way and several private foundations.

St. Mary’s Hospital Senior Companion Program

Utilizing senior volunteers, the program provides weekly transportation services for elderly or disabled city residents who can no longer drive. Funding in the amount of \$12,000 will be used to expand services within the City limits to a total of 250 clients and will be used for reimbursement for gas and mileage. An additional \$216,264 from the Corporation for National and Community Service, the Area Agency on Aging and several private foundations will be used for the project.



Marillac Clinic Integrated Care for Homeless Persons

Marillac Clinic serves low and moderate income, uninsured and underinsured individuals and families who pay a portion of the cost of medical and dental services. Many of the persons served are homeless. CDBG funding in the amount of \$10,000 will help pay for integrated care including dental, optical, medical and mental health services for the homeless population in Grand Junction. Marillac Clinic will provide an additional \$78,000 in funding towards these services from other public and private sources.



Counseling and Education Center (CEC) Low Income Counseling Services

This program provides counseling services for low income citizens. Funds in the amount of \$7,000 will be used to help pay for 140 counseling sessions for an estimated 20 more persons. The number of persons served is directly related to the amount of funding received. In 2012, CEC served 342 low and moderate income clients. The funding will allow for a 6% increase in the program. CEC will leverage \$42,500 from other funding sources towards these services.

Giving Adolescents New Goals (GANG) After School Tutoring and Enrichment Activities

GANG works with children in low income housing/neighborhoods through after school programs that offer homework assistance/tutoring, art camps and sports camps. The programs are currently offered at two Grand Junction Housing Authority properties within the City limits - Courtyard and Linden Pointe Apartments. CDBG funds in the amount of \$4,700 will be used for learning aides and supplies to improve these programs and serve approximately 40 youth. GANG will provide \$4,000 in matching funds, primarily from local donations.

Hospice Child and Teen Grief Program – Camp Good Grief

Hospice works with children ages 4 to 18 who have suffered a loss by death and provides them with positive coping skills through several programs. CDBG funds in the amount of \$9,242 will be used to support these services to 40 more children from families of low or moderate income who reside in the City of Grand Junction through participation in Camp Good Grief. Hospice will leverage \$11,202 from other funding sources for the program.



Public Facilities

Marillac Clinic Dental Equipment Upgrade

Marillac Clinic serves low and moderate income, uninsured and underinsured individuals and families who pay a portion of the cost of medical and dental services. Many of the persons served are homeless. CDBG funding in the amount of \$23,190 will be utilized to purchase 2 new dental x-ray machines in order to improve dental services.



STRIVE - The Parenting Place Energy Improvements

The Parenting Place, operating under STRIVE (formerly Mesa Developmental Services), provides programs that serve low-income families with special needs, with prenatal education, parenting classes and information, and child abuse prevention. The Parenting Place owns the property at 1505 Chipeta Avenue and utilizes the two buildings on the property for services and for its program office. \$20,000 in CDBG funds will be used for repairs to both buildings, including a swamp cooler, new energy efficient doors and windows, new exterior trim, new flooring and a new sewer service line. CDBG funds in the amount of \$14,080 will be used for a new roof and siding on one of the buildings. The remainder of project costs (\$27,759) will be provided by STRIVE.



Rocky Mountain SER Head Start Facility Security Improvements

Head Start prepares children for kindergarten by enhancing the social and cognitive development of a child through the provision of educational, health, nutritional, social and other services, primarily to low-moderate income families, 67% of which are Hispanic/Latino. Head Start will utilize \$28,050 in CDBG funding to make security improvements at three of its facilities within the city limits (2897 North Avenue, 235-A North 7th Street and 648 West Colorado Avenue). Head Start will match the grant with \$26,950 leveraged from other sources.



Hilltop Community Resources The Opportunity Center Roof and HVAC Replacement

Hilltop Community Resources, Inc. owns and operates The Opportunity Center at 1129 Colorado Avenue. The programs housed at the Center primarily serve at-risk youth receiving services to stay in school, prevent pregnancy, parenting group sessions, and job training and employment. Hilltop will utilize \$86,840 CDBG funds and \$40,000 in other funding to replace the roof materials and replace and upgrade the heating, ventilation, and air conditioning (HVAC) units of the Center. New systems will decrease operating cost of the programs by increasing energy efficiency of the building.



Mesa Youth Services (Partners) Vehicle Purchase

The Partners One-to-One Mentoring Program provides trained, screened and supervised mentors, tutors and positive role models for youth who are in need of additional support and come from high risk environments. Over 100 youth are referred to Partners annually. The program provides at least 2 monthly free activities to both youth on the waiting list for a mentor as well as those matched with a mentor. CDBG funds in the amount of \$15,000 will be used to purchase a 12-passenger van for transporting program participants to and from these activities since providing transportation is often difficult for the families of the participants. Partners will match the grant with \$12,000 in funding from the Johnson Foundation.



Mesa County Community Services Building Kitchenette Improvement

The Mesa County Health Department operates the Cooking Matters program that addresses the need to foster increased household stability and income and well as improve household financial and health planning. Cooking Matters is a cooking-based nutrition education program that empowers low income individuals with improved nutritional knowledge, eating habits, and financial planning so they can more effectively provide for themselves and their families.



CDBG funds in the amount of \$15,221 will be used to remodel and purchase and install new appliances to the kitchenette used for the program at the Community Services Building at 510 29-1/2 Road. Mesa County will match the CDBG grant with \$3,126 in funds and in-kind services.

HOUSING

Housing Needs

Population growth in Grand Junction has significantly exceeded growth in the number of affordable housing units. The median sales price in Mesa County of an existing single family home is \$169,000 (Trulia Real Estate Overview) which is an 11% increase over the median sales price one year ago. According to the State of Colorado Department of Local Affairs, the average rental rate for the Grand Junction market area is \$554 with a vacancy rate of 11.8% for the first quarter of 2013.

Currently, Mesa County is experiencing a relatively high unemployment rate at 8.2 percent. With very little job growth, Mesa County agencies are experiencing an overwhelming need for their services. The Grand Junction Housing Authority (GJHA) currently has over 1,500 families on its waiting list, of which approximately a quarter reports as homeless. Mesa County Valley School District 51 reports approximately 300 children were considered homeless this school year.

The City of Grand Junction has no public housing. The Grand Junction Housing Authority has 30 units of public housing which is addressed in the Five-Year Consolidated Plan. The City will not be spending any CDBG funds on public housing in the 2013 Program Year but will continue to support the housing entities in the community in their pursuit of other funding sources.

Specific Housing Objectives

The *Grand Valley Housing Strategy* was released in April 2009. The study is the product of a public-private initiative to create long-term, sustainable solutions for housing challenges in the Grand Valley. Grand Valley jurisdictions, in partnership with private and non-profit entities, are seeking to address barriers to housing investment, while also capitalizing on market opportunities and attending to product voids through development of a comprehensive housing strategy. The recommendations of the *Strategy* are to:

- Improve the process for developing housing projects
- Provide community outreach
- Maximize public and non-profit resources to leverage private investment
- Focus, monitor and adjust the strategy over time as conditions change

Early implementation steps of the *Grand Valley Housing Strategy* occurred during the 2010 Program Year through the City's support of infrastructure costs for a housing project that added 12 new affordable living units for elderly, disabled seniors. In 2011, CDBG funds were also used towards the rehabilitation of a 27-unit apartment complex owned and operated by the Grand Junction Housing Authority. There were no applications for new housing in the 2012 or 2013 Program Year but the City has provided support for the Grand Junction Housing Authority's Village Park project which is a 72-unit low and moderate income housing development currently under construction. CDBG Program Year 2006 funds were used to facilitate acquisition of the Village Park property.

Non-Homeless Special Needs Housing

Due to the fact that Grand Junction is the largest community on Colorado's Western Slope and Eastern Utah, medical and other special needs services are provided here that are not available in smaller communities. As a consequence, the percentage of the special needs population in Grand Junction is

higher than surrounding communities at approximately 12 percent of the total population. The ability of persons with chronic mental illness, physical and developmental disabilities, and HIV/AIDS to compete in the housing market for appropriate housing at an affordable price is limited in many cases by their lack of income and also by their need for special housing accommodations.

The City of Grand Junction will be funding the Senior Companion program that facilitates keeping frail and elderly persons in their homes and in an independent living situation. In addition, the City is supportive of human service agencies in the community that provide housing and services to non-homeless special needs populations and regularly provides letters of support and consistency with the Consolidated Plan when they apply for outside funding, including other HUD grants.

These projects are described in greater detail on pages 15 through 18 of this report.

Housing Opportunities for People with AIDS

No CDBG funds are being allocated for HOPWA in the 2013 Program Year. WestCAP will continue to be the local agency receiving HOPWA funding through DenverCAP and will continue to serve this population with existing programs. All HOPWA goals and programs are reported through DenverCAP.

Barriers to Affordable Housing

The City of Grand Junction prepared a new (2011) Analysis of Impediments to Fair Housing Choice (AI) during the 2010 Program Year and identified several impediments from the previous (2006) AI that still exist as well as several new impediments. Each year, the City's Consolidated Annual Performance and Evaluation Report (CAPER) details progress made on these concerns in areas of both affordable housing and fair housing activities.

In addition, the City continues to work with the Fair Housing and Equal Opportunity (FHEO) office to strengthen the alignment between funded activities and its fair housing activities and continue to improve the distinction between barriers to affordable housing and impediments to fair housing. A summary of the actions that will take place during the 2013 Program Year to remove barriers and impediments identified in the 2011 AI are listed below.

- A portion of the CDBG program administration resources will be used to improve information available to citizens regarding fair housing issues. The City estimates that approximately \$4,000 of its 2013 Program Year funds will be dedicated to Fair Housing activities through funding, staff time, staff resources and in-kind contributions by housing and other local agencies pertinent to furthering fair housing in Grand Junction.
- The Grand Junction Housing Authority (GJHA) is constructing the first phase of its Village Park property and anticipates completion of 72 low to moderate income apartment units in the Fall of 2013. The second phase of the project will include approximately 80 senior apartments. While the City is not supporting this project with 2013 CDBG funds, the City helped to fund the initial acquisition of the property with 2006 Program Year CDBG funds and has committed general funds to the project.

- The City will continue implementation of its Comprehensive Plan and updated Zoning and Development Code that help remove impediments/barriers including enhanced neighborhood input, improved development flexibility to create a variety of housing options, and a streamlined development review process.
- 2013 CDBG-funded human services activities that will improve the self-sufficiency of special needs persons: Foster Grandparent Program, Senior Companion Program, and the Counseling and Education Center.
- 2013 CDBG-funded capital improvements that improve facilities and agencies that serve low and moderate income individuals, families and youth and help them attain fair and affordable housing thereby may impact housing choice for these Grand Junction residents:
 - Strive The Parenting Place remodel will provide additional opportunities for families with children and provide education on housing rights
 - The Mesa County Health Department Cooking Matters program fosters increased household stability and income, improves household financial and health planning and empowers low income individuals with improved nutritional knowledge, eating habits, and financial planning so they can more effectively provide for themselves and their families.
- The local transit system expanded its operating hours in 2012 to be more available to persons using the bus to travel to locations for training/education opportunities, employment and services and at various times of the day. The service will continue to be improved during the 2013 Program Year.
- The City will continue to work with the Grand Junction Economic Partnership (GJEP), the Business Incubator, the Downtown Development Authority and the Chamber of Commerce to promote opportunities to develop new businesses or expand existing ones and to improve wage levels in the Grand Junction area. The City recently established the Economic Development and Sustainability Division that will work with these partners to further economic development in the community.

Lead-Based Paint

The City of Grand Junction estimates that 10,000 housing units in Grand Junction were constructed prior to 1978 and that a high percentage of these homes may contain lead-based paint. While it is not known the number of the homes containing lead-based paint that are occupied by low- to moderate-

income residents, it is known that older homes are typically more affordable and that a high percentage of these older housing units are occupied by low- and moderate-income persons.

All activities funded with CDBG dollars through the City of Grand Junction must comply with federal regulations concerning lead-based paint. Lead-based paint reduction regulations are incorporated into all legal agreements between the City and grant sub-recipients. Any residential units or facilities constructed prior to 1978 involved in a CDBG activity must undergo a lead-based paint evaluation by a certified inspector. Any CDBG-funded rehabilitation or demolition activities must comply with lead-safe regulations and mitigation practices.

The number of cases of children with elevated levels of lead in their blood has dropped significantly over the last decade. In a 4-year period between 1996 and 1999 there were 165 children tested in Mesa County and eleven were at levels greater than 10ug/dL. During 2008-2009, only 3 children tested at levels above 10ug/dL per 2008 guidelines. Two of those tested were due to contact with contaminated soil. The State of Colorado no longer supports a significant lead-based paint testing program state-wide. Thus, Mesa County Health Department does not proactively tests persons unless there is reason to believe that a person has been exposed to lead.

Actions to be Taken

- 1) Housing Resources of Western Colorado and the Grand Junction Housing Authority will continue to meet the requirements of the Federal Rule.
- 2) The City of Grand Junction will investigate, identify, coordinate and/or support additional efforts to address this potential health hazard. This includes complying with the Federal Rule as it applies to the expenditure of CDBG funds on the 2013 activities to which it applies.
- 3) The Grand Junction Housing Authority will continue to provide information to residents concerning potential hazards of lead-based paint.

HOMELESS

Homeless Needs

Homelessness presents a growing challenge to Grand Junction. The combination of low local wages, high unemployment rate and rising housing costs is making a growing percentage of the general population vulnerable to loss of housing, and making it much more difficult for the homeless to work their way off of the streets. In addition, the high percentage of individuals and families without health insurance benefits makes many households vulnerable to housing loss in the event of an expensive major illness.

Prior to 2000, local data collection about the homeless had been primarily anecdotal and informal, as there had not been a coordinated community effort to build local demographic statistics. Although it is very difficult to accurately determine the number of homeless, the Grand Junction community has regularly attempted to provide a count since 2000. The most recent point in time survey was conducted in January 2013 and resulted in an estimated population of 360 homeless persons. Local groups believe that the actual number of homeless in Grand Junction is greater because the survey did not include “couch surfers” or those who found a hotel or place to stay. The results show that 11% of

the homeless are under 18, while 24% are under 25. Nearly half of the individuals who took the survey said they have some sort of disability, with chronic physical illness being the most common.

The Grand Valley Coalition for the Homeless will continue to study the results of the latest survey so they can find the best way to solve the homeless problem. The Coalition has identified that the priority homeless needs are for an emergency shelter, transitional housing, case management, and housing placement for individuals and families. The Continuum of Care Plan, completed in the summer of 2001 by the Coalition, is still being used and implemented. It is intended to provide a continuous network of housing and service support for persons working to permanently leave the streets.

Specific Homeless Prevention Elements

The City will only receive CDBG funds that could be used to address homeless needs and to prevent homelessness. For the 2013 Program Year Action Plan, funds will be allocated to the Marillac Clinic for integrated medical care and dental equipment that serve homeless populations.

In addition, the City of Grand Junction is supportive of the community's homeless providers. The Colorado Coalition for the Homeless is responsible for the Balance of State Continuum of Care (CoC) for the Grand Junction Community. Grand Valley Catholic Outreach opened a 23-unit apartment complex in 2008 that is used for permanent housing for the homeless and completed a similar project for 16 units for homeless veterans in late 2011. GVCO is currently developing plans to complete a third such housing complex that will ultimately provide 24 more apartments that will be available as permanent housing for currently homeless individuals. As these projects are completed, they are reported through the MHIS system by the Colorado Coalition for the Homeless as part of the 10-year plan to end chronic homelessness. Obstacles include lack of sufficient CDBG funding to help fund these and other needed projects that help the homeless population of Grand Junction.

The City will also continue to support the various homeless providers with letters of support and letters of consistency with the Consolidated Plan as they compete for and request outside funding including other federal and state grants for homeless activities including prevention.

Discharge Coordination

Local agencies in the community have their own discharge coordination policies. For example, Homeward Bound has policies in place to accommodate most people who are released from publicly funded institutions. The Grand Junction Community Homeless Shelter is available so that no one needs to be discharged to the streets. This would include persons discharged from correctional facilities, foster care, mental health facilities and health care facilities. For the vast majority of the persons in this situation, the Grand Junction Community Homeless Shelter is a viable alternative to sleeping on the streets. For those discharged from health care facilities with need for follow-up care or a recuperation period, there is a policy allowing limited daytime shelter at the Grand Junction Community Homeless Shelter during periods of recovery. Other alternatives to homelessness for this population in Mesa County include the Freedom House, for formerly incarcerated persons, and the Rescue Mission.

Anti-Poverty Strategy

The Anti-Poverty Strategy is an effort to reduce the number of people earning low- to moderate-income wages and at risk of homelessness. This Strategy, described in the 2011 Five-Year Consolidated Plan, outlines community activities to:

- Collect data regarding poverty levels and local demographics to better identify the problem and monitor trends;
- Focus on a continuum of prevention and intervention strategies/activities by age group to prevent/deter persons from entering poverty situations;
- Encourage efforts to raise earned income levels;
- Maintain a strong diversified economic base;
- Increase the employability of recipients of public benefits;
- Attract higher paying employers to Grand Junction;
- Increase access to employment through expansion of the service area and hours of operation of the public transportation system and through the availability of responsible affordable childcare;
- Foster increased household stability through educational programs, drug and alcohol rehabilitation programs, and services to persons with special needs;
- Support efforts to reduce the possibility of catastrophic expense through the provision of essential healthcare to the uninsured and the availability of effective public transportation to reduce the dependence of low-income persons on private automobiles and their associated costs.
- Focus affordable housing development near employment centers.

Actions to be taken during the 2013 Program Year to reduce the number of poverty level families include the following:

a) Collect data regarding poverty levels and local demographics to better identify the problem and monitor trends including the following:

- Point in Time Homeless Survey
- Mesa County Human Services data
- School District 51 data including Free and Reduced Lunch statistics
- Grand Junction Housing Authority depth of poverty data

b) Continue Work on an Anti-Poverty Coalition

- Economic Development Partners and other stakeholders continue to work on issues and forming an Anti-Poverty Coalition. The Coalition would ultimately be responsible for implementing the Community's Anti-Poverty Strategy. Currently, a number of agencies and groups provide programs and services that improve poverty status including the Grand Valley Catholic Outreach, the Red Cross and the Grand Valley Interfaith Network.

c) The community homeless shelter is currently developing a new strategy to re-examine its role in the continuum of care that will focus attention on the shelter as a beginning rather than an end on moving individuals and families on a path from homelessness to self-sustainability in housing and employment.

COMMUNITY DEVELOPMENT

Public Facilities and Improvements

Community Development Block Grant (CDBG) funds are limited with the City currently receiving approximately \$370,000 annually. Generally the City provides infrastructure and urban services and community development needs through its general funds and programs such as its Capital Improvement Program (CIP) and Parks and Recreation programs and projects. Over the past 17 years, the City has used approximately 27% of the CDBG funds received towards projects in eligible low and moderate income neighborhoods. Through the life of the 2011 Consolidated Plan, it is anticipated that CDBG funds may be spent on similar eligible infrastructure and community development projects with the following priorities located within low and moderate income neighborhoods.

- Pedestrian connections/sidewalks for safe routes to school, area shopping and places of employment
- Drainage improvements, particularly to alleviate flooding
- Street improvements/reconstruction
- Park improvements and facilities

For the 2013 CDBG Program Year, \$68,707 has been allocated to construct curb, gutter and sidewalk where none currently exists along Orchard Avenue and 28-3/4 Road that are critical walking routes to Nisley Avenue Elementary School within a low-moderate income neighborhood.

Other Community Development and Services Needs

Through development of the Consolidated Plan, the community identified needs in the following community development areas: Transportation, Medical Services, Child Care and Youth. The high priority non-housing community development need addressed in the Community Development Needs table include a homeless facility for youth, a homeless facility for families and the need for child care services. In the past 5 years, the City funded the Riverside Task Force and the Riverside Educational Center for projects related to child education and day care needs and funds have been allocated several years for the Foster Grandparent Program which serves early and elementary-aged children with special programs at various child care and education locations.

In addition, the City of Grand Junction also supports homeless facilities and a variety of community services and programs, many of which are eligible for CDBG funding. Such projects funded for the 2013 Program Year are:

- Marillac Clinic Purchase Dental X-Ray Equipment
- Strive Parenting Place Remodel
- Rocky Mountain SER Head Start Facility Security Upgrades
- Hilltop Opportunity Center Remodel
- Partners Van Purchase
- Mesa County Health Department Kitchenette Remodel
- Counseling and Education Center Counseling Services
- Marillac Clinic Integrated Medical Services
- Hospice Camp Good Grief

These projects are described in detail on pages 15 through 18 of this report.

Long-Term Community Development Objectives

Through the use of long-term CDBG funding, the City anticipates funding many different non-housing community development activities as it has done in the past (refer to project listing for the past 2 years on pages 8 and 9). All such activities will meet the CDBG program’s three objectives: 1) provide decent housing; 2) create a suitable living environment; and 3) create economic opportunities for low and moderate income persons.

APPENDIX A: HUD TABLES

Table 3A Summary of Specific Annual Objectives

| Decent Housing with Purpose of New or Improved Availability/Accessibility (DH-1) | | | | | | | |
|--|---|------------------------|-----------------|---------------------------------|------------------------|----------------------|--------------------------|
| Specific Objective | | Source of Funds | Year | Performance Indicators | Expected Number | Actual Number | Percent Completed |
| DH 1.1 | NA | | 2011 | | | | % |
| | | | 2012 | | | | % |
| | | | 2013 | | | | % |
| | | | 2014 | | | | % |
| | | | 2015 | | | | % |
| | | | MULTI-YEAR GOAL | | | | |
| Decent Housing with Purpose of New or Improved Sustainability (DH-3) | | | | | | | |
| DH 3.1 | NA | | 2011 | | | | % |
| | | | 2012 | | | | % |
| | | | 2013 | | | | % |
| | | | 2014 | | | | % |
| | | | 2015 | | | | % |
| | | | MULTI-YEAR GOAL | | | | |
| Suitable Living Environment with Purpose of New or Improved Availability/Accessibility (SL-1) | | | | | | | |
| SL 1.1 | a) Purchase van for one-to-one mentoring program | CDBG and private | 2011 | a) Complete van purchase | a) 1 | | % |
| | b) Improve pedestrian and accessibility facilities along neighborhood street | | 2012 | | | | % |
| | | | 2013 | | | b) Appx 1,065 lf | % |
| | | | 2014 | b) Complete street improvements | | | % |
| | | | 2015 | | | | % |
| | | | MULTI-YEAR GOAL | | | | |
| Suitable Living Environment with Purpose of New or Improved Sustainability (SL-3) | | | | | | | |
| SL 3.1 | a) Support volunteers for senior and child service programs | CDBG and private | 2011 | a) Additional persons served | a) 50 | | % |
| | b) Provide additional counseling and medical sessions for low income and homeless persons | | 2012 | | | b) 75 | % |
| | | | 2013 | b) Additional persons served | c) 40 | | % |
| | | | 2014 | c) Additional persons served | d) 5 | | % |
| | | | 2015 | | | | % |
| | | | MULTI-YEAR GOAL | | | | |
| d) Improve dental clinic, daycare, family and young adult services centers | | | | | | | |

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name: City of Grand Junction

Priority Need: Program Administration

Project Title: Program Administration

Description: CDBG Funds will be used towards subrecipient oversight, staff salary and training, public participation, fair housing activities and general program administration for the 2013 Program Year.

Objective category: Suitable Living Environment Decent Housing Economic Opportunity
Outcome category: Availability/Accessibility Affordability Sustainability

Location/Target Area: City-Wide

Street Address: NA

City, State, Zipcode: Grand Junction Colorado 81501

| | |
|--|---|
| Objective Number NA | Project ID TBD by IDIS |
| HUD Matrix Code 21A and 31B | CDBG Citation 570.206 |
| Type of Recipient Local Government | CDBG National Objective |
| Start Date (mm/dd/yyyy) 9/1/2013 | Completion Date (mm/dd/yyyy) 8/31/2014 |
| Performance Indicator Successful Administration | Annual Units |
| Local ID 2013-01 | Units Upon Completion |

Funding Sources:

| | |
|------------------|-----------------|
| CDBG | \$43,000 |
| ESG | |
| HOME | |
| HOPWA | |
| Total Formula | |
| Prior Year Funds | |
| Assisted Housing | |
| PHA | |
| Other Funding | |
| Total | \$43,000 |

The primary purpose of the project is to help: the Homeless Persons with HIV/AIDS Persons with Disabilities Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name: City of Grand Junction

Priority Need: Senior and Youth Services

Project Title: St. Mary's Foundation Foster Grandparent Program

Description: The Foster Grandparent Program places low income seniors in school, daycare, Head Start, preschool and safehouse facilities to help children with special needs. CDBG funding will be used to reimburse 10-15 new volunteers for gas and mileage to be able to serve a total of 1,650 children.

Objective category: Suitable Living Environment Decent Housing Economic Opportunity
Outcome category: Availability/Accessibility Affordability Sustainability

Location/Target Area: City-Wide

Street Address: NA – City Limits

City, State, Zipcode: Grand Junction Colorado 81501

| | | | | |
|---|--|-------------------------|------------------|----------|
| Objective Number SL-3 | Project ID TBD by IDIS | Funding Sources: | CDBG | \$10,000 |
| HUD Matrix Code 05A and 05D | CDBG Citation 570.201(e) | | ESG | |
| Type of Recipient Non-Profit | CDBG National Objective Low-Mod Limited Clientele | | HOME | |
| Start Date (mm/dd/yyyy) 9/1/2013 | Completion Date (mm/dd/yyyy) 12/31/2014 | | HOPWA | |
| Performance Indicator Persons Served | Annual Units | | Total Formula | |
| Local ID 2013-02 | Units Upon Completion | | Prior Year Funds | |
| | | | Assisted Housing | |
| | | PHA | | |
| | | Other Funding | \$311,888 | |
| | | Total | \$321,888 | |

The primary purpose of the project is to help: the Homeless Persons with HIV/AIDS Persons with Disabilities Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name: City of Grand Junction

Priority Need: Senior Services

Project Title: St. Mary's Foundation Senior Companion Program

Description: The Senior Companion Program enables low to moderate active seniors to assist other low income frail, elderly persons so that these persons can continue to live at home rather than in an assisted living facility. In 2012, services were provided to 341 clients, using 62 volunteers. CDBG funds will be used to reimburse volunteers for mileage expenses incurred for traveling to and from their client's home and for travel to provide other services to the client.

Objective category: Suitable Living Environment Decent Housing Economic Opportunity
Outcome category: Availability/Accessibility Affordability Sustainability

Location/Target Area: City-Wide

Street Address: NA – City Limits
City, State, Zipcode: Grand Junction Colorado 81501

| | | | | |
|---|--|-------------------------|------------------|----------|
| Objective Number SL-3 | Project ID TBD by IDIS | Funding Sources: | | |
| HUD Matrix Code 05A | CDBG Citation 570.201(c) | | CDBG | \$12,000 |
| Type of Recipient Non-Profit | CDBG National Objective Low-Mod Limited Clientele | | ESG | |
| Start Date (mm/dd/yyyy) 9/1/2013 | Completion Date (mm/dd/yyyy) 12/31/2014 | | HOME | |
| Performance Indicator Persons Served | Annual Units | | HOPWA | |
| Local ID 2013-03 | Units Upon Completion | | Total Formula | |
| | | | Prior Year Funds | |
| | | Assisted Housing | | |
| | | PHA | | |
| | | Other Funding | \$216,264 | |
| | | Total | \$238,264 | |

The primary purpose of the project is to help: the Homeless Persons with HIV/AIDS Persons with Disabilities Public Housing Needs

**Table 3C
Consolidated Plan Listing of Projects**

Jurisdiction's Name: City of Grand Junction

Priority Need: Homeless Services

Project Title: Marillac Clinic Integrated Care for Homeless Persons

Description: Marillac Clinic serves low and moderate income, uninsured and underinsured individuals and families who pay a portion of the cost of medical and dental services. Many of the persons served are homeless. CDBG funding in the amount of \$10,000 will help pay for integrated care including dental, optical, medical and mental health services for the homeless population in Grand Junction. Marillac Clinic will provide an additional \$78,000 in funding towards these services from other public and private sources.

Objective category: Suitable Living Environment Decent Housing Economic Opportunity
Outcome category: Availability/Accessibility Affordability Sustainability

Location/Target Area: City-Wide

Street Address: 2333 North 6th Street
City, State, Zipcode: Grand Junction Colorado 81501

| | | |
|---|--|---|
| Objective Number SL-3 | Project ID TBD by IDIS | Funding Sources: CDBG \$10,000 ESG HOME HOPWA Total Formula Prior Year Funds Assisted Housing PHA Other Funding \$78,785 Total \$88,785 |
| HUD Matrix Code 05M | CDBG Citation 570.208(a)2 | |
| Type of Recipient Non-Profit | CDBG National Objective Low-Mod Limited Clientele | |
| Start Date (mm/dd/yyyy) 9/1/2013 | Completion Date (mm/dd/yyyy) 12/31/2014 | |
| Performance Indicator Persons Served | Annual Units | |
| Local ID 2013-04 | Units Upon Completion | |
| | | |

The primary purpose of the project is to help: the Homeless Persons with HIV/AIDS Persons with Disabilities Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name: City of Grand Junction

Priority Need: Mental Health Services

Project Title: Counseling and Education Center (CEC) Low Income Counseling Services

Description: This program provides counseling services for low income citizens. CDBG funds will be used to help pay for 107 counseling sessions for an estimated 20 more persons. The number of persons served is directly related to the amount of funding received. In 2012, CEC served 342 low and moderate income level clients. The funding will allow for a 6% increase in the program.

Objective category: Suitable Living Environment Decent Housing Economic Opportunity
Outcome category: Availability/Accessibility Affordability Sustainability

Location/Target Area: City-Wide

Street Address: 2708 Patterson Road

City, State, Zipcode: Grand Junction Colorado 81506

| | | |
|---|--|--|
| Objective Number SL-3 | Project ID TBD by IDIS | Funding Sources: CDBG <u>\$7,000</u> ESG _____ HOME _____ HOPWA _____ Total Formula _____ Prior Year Funds _____ Assisted Housing _____ PHA _____ Other Funding <u>\$42,500</u> Total <u>\$49,500</u> |
| HUD Matrix Code 050 | CDBG Citation 570.208(a)(2) | |
| Type of Recipient Non-Profit | CDBG National Objective Low Mod Clientele | |
| Start Date (mm/dd/yyyy) 9/1/2013 | Completion Date (mm/dd/yyyy) 12/31/2014 | |
| Performance Indicator Persons Served | Annual Units | |
| Local ID 2013-05 | Units Upon Completion | |
| | | |

The primary purpose of the project is to help: the Homeless Persons with HIV/AIDS Persons with Disabilities Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name: City of Grand Junction

Priority Need: Youth Services

Project Title: Giving Adolescents New Goals (GANG) After School Tutoring and Enrichment Activities

Description: GANG works with children in low income housing/neighborhoods through after school programs that offer homework assistance/tutoring, art camps and sports camps. The programs are currently offered at two Grand Junction Housing Authority properties within the City limits - Courtyard and Linden Pointe Apartments. CDBG funds in the amount of \$4,700 will be used for learning aides and supplies to improve these programs and serve approximately 40 youth. GANG will provide \$4,000 in matching funds, primarily from local donations.

Objective category: Suitable Living Environment Decent Housing Economic Opportunity
Outcome category: Availability/Accessibility Affordability Sustainability

Location/Target Area: GJHA Low-Moderate Income Housing Developments

Street Addresses: 1875 Barcelona Way and 2910 Bunting Avenue
City, State, Zipcode: Grand Junction Colorado 81501

| | | | | |
|---|--|-------------------------|------------------|---------|
| Objective Number SL -3 | Project ID TBD by IDIS | Funding Sources: | CDBG | \$4,700 |
| HUD Matrix Code 05D | CDBG Citation 570.208(a)(1) | | ESG | |
| Type of Recipient Non-Profit | CDBG National Objective Low Mod Clientele | | HOME | |
| Start Date (mm/dd/yyyy) 9/1/2013 | Completion Date (mm/dd/yyyy) 12/31/2014 | | HOPWA | |
| Performance Indicator Persons Served | Annual Units | | Total Formula | |
| Local ID 2013-06 | Units Upon Completion | | Prior Year Funds | |
| | | | Assisted Housing | |
| | | PHA | | |
| | | Other Funding | \$6,300 | |
| | | Total | \$11,000 | |

The primary purpose of the project is to help: the Homeless Persons with HIV/AIDS Persons with Disabilities Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name: City of Grand Junction

Priority Need: Youth Services

Project Title: Hospice Teen Grief Program

Description:

Hospice works with children ages 4 to 18 who have suffered a loss by death and provides them with positive coping skills through several programs. CDBG funds in the amount of \$9,242 will be used to support these services to 40 more children from families of low or moderate income who reside in the City of Grand Junction through participation in Camp Good Grief. Hospice will leverage \$11,202 from other funding sources for the program.

Objective category: Suitable Living Environment Decent Housing Economic Opportunity
Outcome category: Availability/Accessibility Affordability Sustainability

Location/Target Area: City-Wide

Street Address: NA

City, State, Zipcode: Grand Junction Colorado 81501

| | |
|---|--|
| Objective Number SL-3 | Project ID TBD by IDIS |
| HUD Matrix Code 05D | CDBG Citation 570.208(a)(1) |
| Type of Recipient Non-Profit | CDBG National Objective Low Mod Clientele |
| Start Date (mm/dd/yyyy) 9/1/2013 | Completion Date (mm/dd/yyyy) 12/31/2014 |
| Performance Indicator Persons Served | Annual Units |
| Local ID 2013-07 | Units Upon Completion |

Funding Sources:

| | |
|------------------|----------|
| CDBG | \$9,242 |
| ESG | |
| HOME | |
| HOPWA | |
| Total Formula | |
| Prior Year Funds | |
| Assisted Housing | |
| PHA | |
| Other Funding | \$11,202 |
| Total | \$20,444 |

The primary purpose of the project is to help: the Homeless Persons with HIV/AIDS Persons with Disabilities Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name: City of Grand Junction

Priority Need: Low-Mod Income

Project Title: Marillac Clinic Dental Equipment

Description: Marillac Clinic serves low and moderate income, uninsured and underinsured individuals and families who pay a portion of the cost of medical and dental services. Many of the persons served are homeless. CDBG funding in the amount of \$23,190 will be utilized to purchase 2 new dental x-ray machines in order to improve dental services.

Objective category: Suitable Living Environment Decent Housing Economic Opportunity
Outcome category: Availability/Accessibility Affordability Sustainability

Location/Target Area: City Wide

Street Address: 2333 North 6th Street
City, State, Zipcode: Grand Junction Colorado 81501

| | | |
|---|--|---|
| Objective Number SL-3 | Project ID TBD by IDIS | Funding Sources: CDBG <u>\$23,190</u> ESG _____ HOME _____ HOPWA _____ Total Formula _____ Prior Year Funds _____ Assisted Housing _____ PHA _____ Other Funding _____ Total <u>\$23,190</u> |
| HUD Matrix Code 03P | CDBG Citation 570.208(a)(2) | |
| Type of Recipient Non-Profit | CDBG National Objective Low-Mod Clientele | |
| Start Date (mm/dd/yyyy) 9/1/2013 | Completion Date (mm/dd/yyyy) 12/31/2014 | |
| Performance Indicator Purchase Equipment | Annual Units | |
| Local ID 2013-08 | Units Upon Completion | |

The primary purpose of the project is to help: the Homeless Persons with HIV/AIDS Persons with Disabilities Public Housing Needs

APPENDIX B: HEARING LEGAL NOTICES, MINUTES AND RESOLUTION

(to be inserted upon City Council action 6/19/2013)

PUBLIC HEARING
 2013 Community Development Block Grant (CDBG) Program
 Wednesday - May 22, 2013
 7:00 P.M.
 City Hall Auditorium
 250 North 5th Street
 City Council will receive input regarding community needs and funding priorities for CDBG funds for the City's 2013 Action Plan, a part of the 2011 Five-Year Consolidated Plan.
 The City will receive approximately \$352,950 in CDBG funds from the U.S. Department of Housing and Urban Development for the 2013 program year which begins September 1, 2013.
 City Council will consider which activities and programs to fund and will prioritize and recommend levels of funding for CDBG projects for the 2013 program year.
 City Hall is accessible to persons with disabilities. The City of Grand Junction will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities to participate in City Council meetings. If you are planning to attend the public hearing, please notify the City Clerk's Office at 970-244-1509 at least one day in advance of the meeting. TDD access is available through Colorado Relay at 711.
 For information about the meeting, please call 970-244-1491
AUDIENCIA PUBLICA
 2013 Programa de Community Development Block Grant (CDBG)
 Miércoles - 22 de mayo 2013
 19:00
 City Hall Auditorio
 250 North 5th Street
 Ayuntamiento recibirá información respecto a las necesidades de la comunidad y las prioridades de financiamiento de los fondos CDBG para el Plan de Acción de la Ciudad de 2013, una parte del Plan Quinquenal Consolidado 2011.
 La ciudad recibirá aproximadamente \$ 352,950 en fondos CDBG del Departamento de Vivienda y Desarrollo Urbano de los EE.UU. para el año 2013 del programa que comienza el 1 de septiembre 2013.
 El Ayuntamiento tendrá en cuenta que las actividades y los programas de fondos y dará prioridad y recomendar los niveles de financiación para proyectos de CDBG para el programa del año 2013.
 City Hall es accesible a personas con discapacidad. La ciudad de Grand Junction será, previa solicitud, a las ayudas y servicios apropiados que conducen a una comunicación efectiva para las personas con discapacidad calificadas para participar en las reuniones del Consejo de la Ciudad. Si usted está planeando asistir a la reunión pública y requieren asistencia especial, notifique a la Oficina del Secretario Municipal al 970-244-1509 al menos un día antes de la reunión, por favor. Acceso TDD está disponible a través de Relay Colorado al 711.
 Para obtener información acerca de la reunión, por favor llame 970-244-1491
 Published: May 7, 2013.

ación de los fondos CDBG para el Plan de Acción de la Ciudad de 2013, una parte del Plan Quinquenal Consolidado 2011.
 La ciudad recibirá aproximadamente \$ 352,950 en fondos CDBG del Departamento de Vivienda y Desarrollo Urbano de los EE.UU. para el año 2013 del programa que comienza el 1 de septiembre 2013.
 El Ayuntamiento tendrá en cuenta que las actividades y los programas de fondos y dará prioridad y recomendar los niveles de financiación para proyectos de CDBG para el programa del año 2013.
 City Hall es accesible a personas con discapacidad. La ciudad de Grand Junction será, previa solicitud, a las ayudas y servicios apropiados que conducen a una comunicación efectiva para las personas con discapacidad calificadas para participar en las reuniones del Consejo de la Ciudad. Si usted está planeando asistir a la reunión pública y requieren asistencia especial, notifique a la Oficina del Secretario Municipal al 970-244-1509 al menos un día antes de la reunión, por favor. Acceso TDD está disponible a través de Relay Colorado al 711.
 Para obtener información acerca de la reunión, por favor llame 970-244-1491
 Published: May 7, 2013.

STATE OF COLORADO

County of (Mesa)

Terry Laubhan

Being duly sworn, says that I am Legal Secretary of The Daily Sentinel, a daily newspaper, published and duly printed in The County of Mesa, State of Colorado; that said newspaper has a general circulation in said County and has been continuously and uninterruptedly published therein, during a period of at least fifty-two consecutive weeks next prior to the first publication of the annexed notice; that said newspaper is a newspaper within the meaning of the act of the general Assembly of the State of Colorado, entitled "An Act to regulate the printing of legal notices and advertisements," and amendments thereto; that the notice of which the annexed is a printed copy taken from said newspaper, was published in said newspaper, and in the regular and entire issue of every number thereof once a week for 1 successive week; that said notice was so published in said newspaper proper and not in any supplement thereof, and that first publication of said notice as aforesaid, was on the 7th day of May, 2013, and the last, on the 7th day of May, 2013. Copies of each number of said paper in which said notice and/or list was published were delivered by carriers or transmitted by mail to each of the subscribers of said newspaper, The Daily Sentinel, according to the accustomed mode of business in this office.



Subscribed and sworn to before me, this 8th day of May, 2013

Karen McLeish

KAREN McLEISH
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID 20134002084
 MY COMMISSION EXPIRES JANUARY 17, 2017

KAREN McLEISH
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID 20134002084
 MY COMMISSION EXPIRES JANUARY 17, 2017

APPENDIX C: LOCAL GOVERNMENT CERTIFICATIONS AND APPLICATION FOR FEDERAL ASSISTANCE

(to be inserted upon City Council Action 6/19/2013)

RESOLUTION NO. __-13

A RESOLUTION ADOPTING THE 2013 PROGRAM YEAR ACTION PLAN AS A PART OF THE CITY OF GRAND JUNCTION FIVE-YEAR CONSOLIDATED PLAN FOR THE GRAND JUNCTION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

RECITALS.

WHEREAS, the City of Grand Junction was designated as an Entitlement Community by the U.S. Department of Housing and Urban Development in 1996;

WHEREAS, this designation entitles Grand Junction to an annual grant of funds under the CDBG Program;

WHEREAS, to be eligible for funding, the City of Grand Junction must submit an annual Program Year Action Plan to be adopted as part of the City's Five-Year Consolidated Plan which serves as a federally-required planning document that guides community development efforts in Grand Junction;

WHEREAS, the primary objective of the City's Consolidated Plan and CDBG Program is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;

WHEREAS, the planning process in developing the 2013 Program Year Action Plan included an emphasis on Citizen Participation and interagency involvement;

WHEREAS, the Five-Year Consolidated Plan included a process of setting local priority needs and objectives through a coordinated effort with non-profit and government agencies in the community that serve the low income and special needs populations; and

WHEREAS, the Five-Year Consolidated Plan established a strategic plan that addresses the priority needs, goals and strategies identified by the community that will be undertaken between 2011 and 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO that the CDBG 2013 Program Year Action Plan, as a part of the 2011-2016 Five-Year Consolidated Plan is hereby adopted.

Adopted this _____ day of _____, 2013.

City Clerk

President of City Council



Attach 11

Date: May 27, 2013
Author: Rob Schoeber
Title/ Phone Ext: Parks & Recreation
Director/3881
Proposed Schedule: June 19, 2013
2nd Reading
(if applicable): _____
File # (if applicable): _____

CITY COUNCIL AGENDA ITEM

| |
|---|
| Subject: Request from Grand Junction Rockies for Three Fireworks Displays at Suplizio Field |
| Action Requested/Recommendation: Consider Approval of a Request from the Grand Junction Rockies for Fireworks Displays in Conjunction with Regularly Scheduled Games on Friday, July 12; Friday, August 9; and Sunday, September 1 |
| Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director Tim Ray, General Manager, Grand Junction Rockies |

Executive Summary:

There have typically been two fireworks displays annually at Suplizio Field including Memorial Day (JUCO) and July 4th (City). Last year, due to fire restrictions in Mesa County, the City show was moved to Labor Day weekend in conjunction with a home game for the Grand Junction Rockies. This proved to be quite popular with local fans with nearly 7,000 visitors in attendance. The Rockies would like to continue offering a special show on Labor Day weekend, as well as two additional Friday night games. The City sponsored show will be held this year on July 4th, and the Rockies will be traveling on that date.

Background, Analysis and Options:

All fireworks shows at Lincoln Park require a coordinated effort involving Parks, Golf Course, Police Department, Traffic Control and Security. Based upon the proposed size of this show, the golf course will not be impacted by the clear zone presented by the fireworks contractor. The fireworks will be staged and launched from the practice field located east of Suplizio Field. If approved, this area will not be available for overflow parking on these proposed nights. North Avenue will be closed directly north of the stadium for a brief time during the show which is projected to last 11 minutes each night. Parks staff has consulted with the fireworks contractor and a local traffic control company to ensure compliance with previously determined plans.

The Parks and Recreation Department along with the Police Department receive a number of concerns annually related to excessive noise during special events at the Park. The proposed displays will follow immediately after each game. It is estimated

that start times for each show will be as follows:

| | |
|---------------------|-----------|
| Friday, July 12 | 9:15-9:45 |
| Friday, August 9 | 9:15-9:45 |
| Sunday, September 1 | 9:00-9:30 |

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

2012 was the inaugural season for the Rockies in Grand Junction. They provided a recreational opportunity that proved to be popular among local residents and visitors to the area. Special promotions such as give-aways and fireworks displays help to enhance their fan support base.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

None

Legal issues:

N/A

Other issues:

N/A

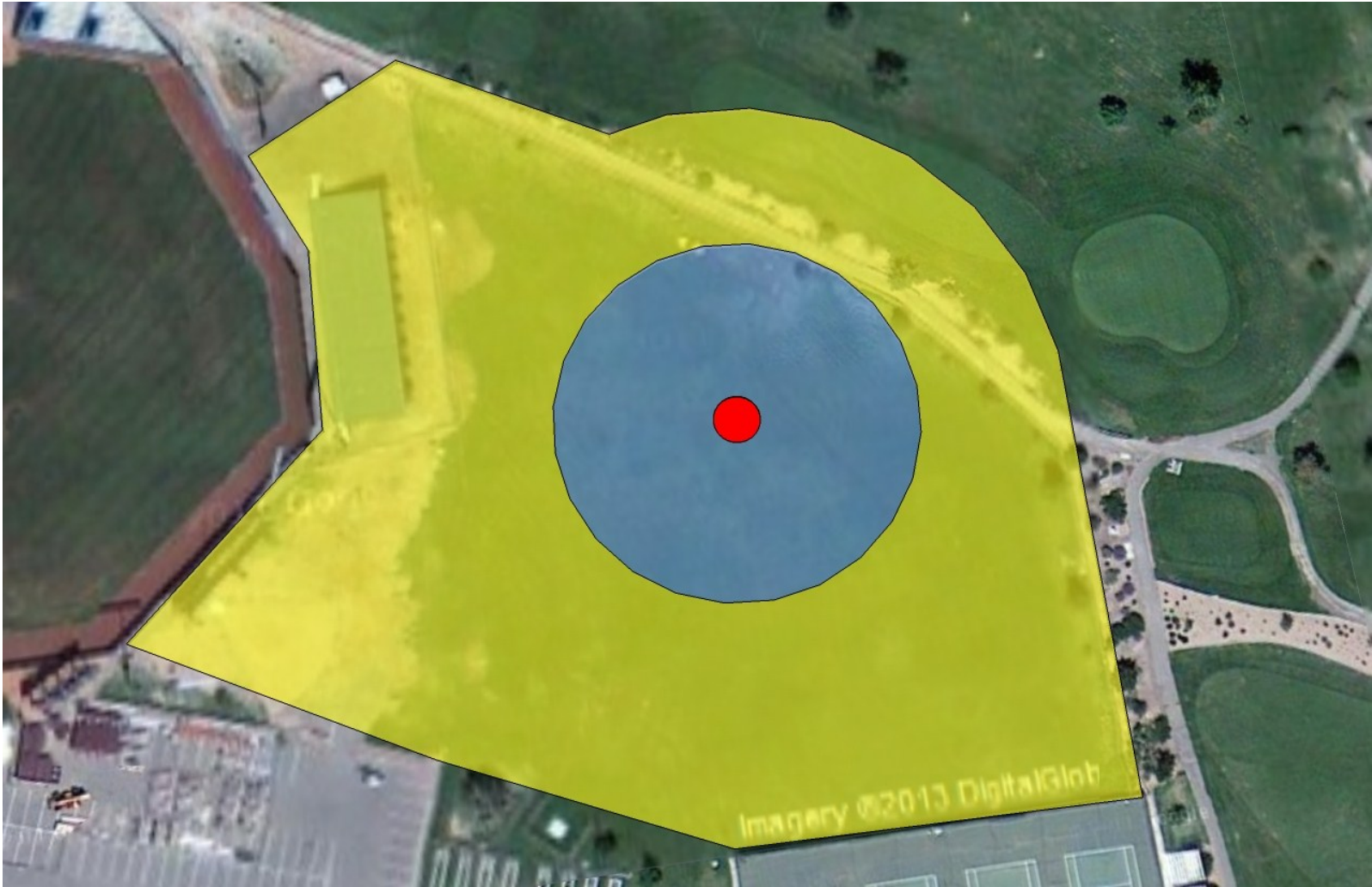
Previously presented or discussed:

N/A

Attachments:

Map of launch zone

Launch Zone





Attach 12

Date: June 5, 2013
 Author: Traci Wieland
 Title/ Phone Ext: Recreation
Supt./ 254-3846
 Proposed Schedule: June 19, 2013
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

CITY COUNCIL AGENDA ITEM

| |
|--|
| Subject: Contract for Lincoln Park Tennis Court and Track Renovation |
| Action Requested/Recommendation: Authorize the City Purchasing Division to Enter into a Construction Contract with Mays Concrete, Inc. for the Park Tennis Court and Track Renovation in the Amount of \$614,508.35 |
| Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director Jay Valentine, Internal Services Manager |

Executive Summary:

This contract will complete the phase of the Lincoln Park Renovation project that includes renovations to the Lincoln Park Tennis Court complex and the track facility. Both facilities have significant wear and do not meet standards for competitive use.

Background, Analysis and Options:

Lincoln Park Tennis/Pickleball Courts

City Council directed Parks and Recreation to correct the poor and unsafe amenities throughout the parks system, as identified in the 2011 Parks Inventory Master Plan. Funds were allocated to correct these failing amenities in Lincoln Park in the 2012 and 2013 budget. Because of Lincoln Park’s size, location, surrounding neighborhoods, and diverse community-wide user groups, City staff conducted an internal master planning process to determine specific design elements for the projects. The tennis court renovation project is included in Phase III of Lincoln Park Redevelopment project. This phase included a complete tennis court renovation to address the issues with the cracks in the asphalt surfacing. It was decided to convert the courts into post-tensioned concrete instead of an overlay of asphalt. Post-tensioned concrete tennis courts are the preferred method for new construction, with a much longer life expectancy than asphalt.

Post-tension concrete has an expected life of 50 years whereas an asphalt overlay would last 6 to 8 years before an overlay would be warranted.

The community participation process provided important feedback regarding the existing layout of the courts and other park amenities. After completion of the courts at Canyon View Park and Colorado Mesa University, the need for competitive tennis venues was full-filled leaving a void for a developmental/multipurpose facility. The

community desired a facility with regulation tennis, tennis for young children, and pickleball. Parking concerns were also expressed, and the horseshoe players provided feedback that a more conducive site was needed for the pits. This feedback provided a roadmap for changing the existing court structure and layout into the following:

- Four, 36' QuickStart tennis courts providing youth the opportunity to “play to learn” as opposed to “learn to play” on smaller courts with more age appropriate equipment. QuickStart tailors the game to kids 10 and under for maximum success at an early age.
- Four regulation tennis courts with blended 60' QuickStart courts to provide multiple opportunities for kids and adults to play. The regulation courts are usable for competitive and league play while the 60' QuickStart lines provide a learning progression from the 36' courts.
- Four pickleball courts for the growing population of pickleball players in the Grand Valley. Pickleball is played with a wooden paddle and whiffleball on a court similar in size to the 36' QuickStart court. It combines the elements of badminton, tennis, and table tennis providing an enjoyable for seniors and players of all ages.
- Parking will replace the existing horseshoe pits. The horseshoes will be moved to the northeast corner of Canyon View Park off of the 24 ½ Road entrance. This relocation along with the new layout will create approximately 90 new parking spaces. Asphalt millings from several of the existing tennis courts will be used as the base layer for the existing horseshoe area saving approximately \$45,000 in asphalt costs.

Lincoln Park Track

Track is an integral part of school athletics and the Lincoln Park Stocker Stadium is host to nearly every school track program in the valley as well as many regional track meets. In addition, hundreds of daily exercisers use the track no matter the season and weather.

Donald Smith, CTB, LLC Sports Facility Consultant was hired to evaluate the track condition and provide specifications for the renovation process. Mr. Smith was the consultant when the track was reconstructed in 2002. At that time, it was estimated the new surface would have a life expectancy of seven years. The track has held up far longer than expected but is now showing significant signs of wear and tear. If the track is resurfaced now and is maintained to the standards that it has since 2002 the life expectancy will be another seven to 10 years, saving hundreds of thousands of dollars it would cost for a complete reconstruct.

A formal solicitation was advertised in the Daily Sentinel, posted on the City's website and sent to the Western Colorado Contractors Association. Three companies submitted responsive bids for this project:

| Company | Location | Amount |
|----------------------------|--------------------|---------------|
| Mays Concrete Construction | Grand Junction, CO | \$614,508.35 |
| Vista Paving Corp. | Grand Junction, CO | \$634,070.52 |
| Renner Sports Surfaces | Denver, CO | \$685,085.00 |

This project is scheduled to begin July 8, 2013 with completion in September, 2013.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

The suggested improvements at the tennis courts and track would enhance the visual appeal of the park completing Phase III of the overall park redevelopment.

Board or Committee Recommendation:

The Parks and Recreation Advisory Board has been involved in the planning and implementation of the Lincoln Park Redevelopment project since it was first discussed in 2010.

Financial Impact/Budget:

This phase of the Lincoln Park Renovation project is funded by Conservation Trust Funds, capital improvement funds and donations from the Parks Improvement Advisory Board and the Pickle Ball players. Since the current appropriation does not cover the total project costs, and since there is adequate fund balance in the fund, a supplemental appropriation from the Conservation Trust fund will be required. A \$50,000 USTA grant is also anticipated and, if awarded, would offset the amount of additional Conservation Trust funds needed. The project budget is shown below.

Sources

| | |
|--|------------------|
| 2013 Conservation Trust Funds | \$397,597 |
| 2013 Sales Tax Capital Improvement Funds | 125,000 |
| Donation from PIAB | 50,000 |
| Donation from Pickle Ball | 6,200 |
| Additional Conservation Trust Funds Needed | <u>63,526</u> |
| Total Project Sources | \$642,323 |

Expenditures

| | |
|--|------------------|
| Construction Contract Mays Concrete | \$614,508 |
| Relocation of 6" Water Line | 8,000 |
| Parking Lot Chip Seal | 3,615 |
| Benches | 6,200 |
| Tennis Court Milling | <u>10,000</u> |
| Total Project Expenditures | \$642,323 |

Legal issues:

N/A

Other issues:

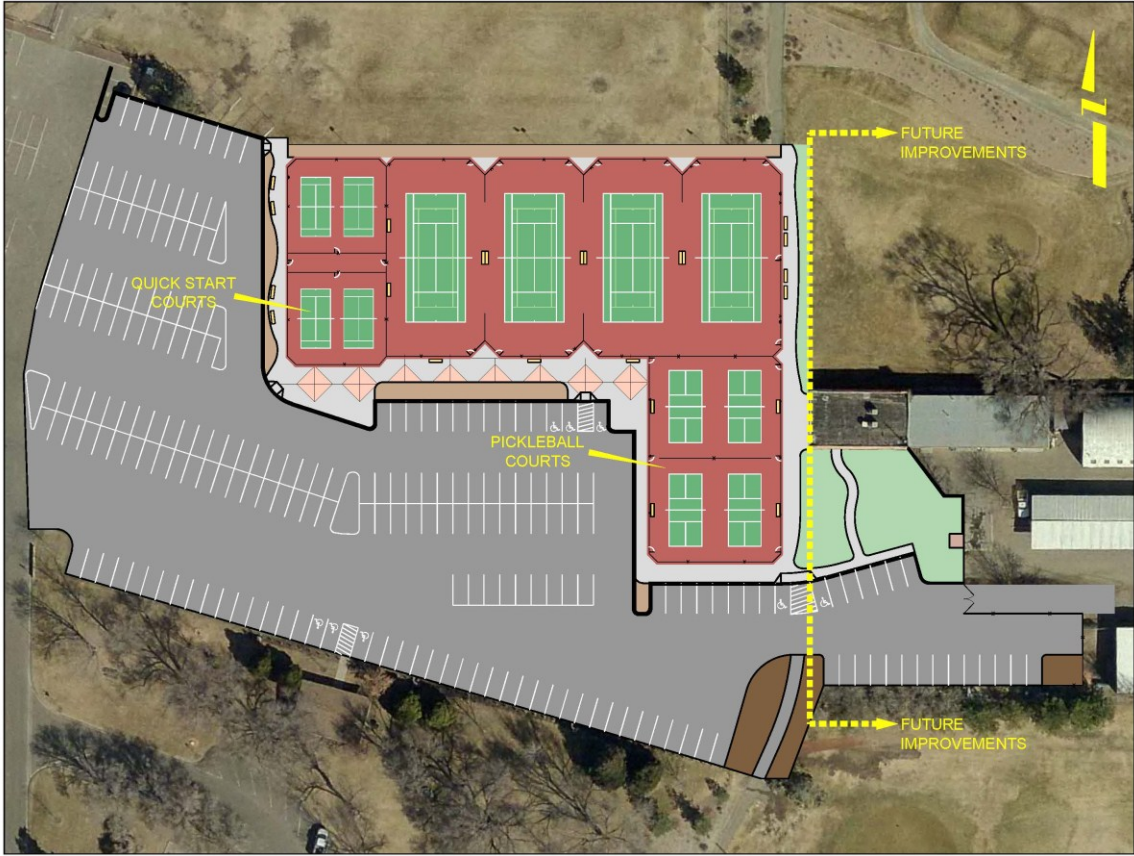
N/A

Previously presented or discussed:

The Lincoln Park Redevelopment Project was presented to City Council November 19, 2012.

Attachments:

Tennis/Pickleball Court Layout





Attach 13

CITY COUNCIL AGENDA ITEM

Date: June 5, 2013
 Author: Lori V. Bowers
 Title/ Phone Ext: Senior Planner / 4033
 Proposed Schedule: Resolution Referring Petition, May 1, 2013. 1st
 Reading Zoning: June 5, 2013
 2nd Reading: June 19, 2013
 File #: ANX-2013-141

| |
|---|
| Subject: Karis House Annexation and Zoning, Located at 536 29 Road |
| Action Requested/Recommendation: Adopt a Resolution Accepting the Petition for the Karis House Annexation, Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Annexation and Zoning Ordinances |
| Presenter(s) Name & Title: Lori V. Bowers, Senior Planner |

Executive Summary:

A request to annex and zone 0.207 acres, located at 536 29 Road. The Karis House Annexation consists of one parcel, including portions of 29 Road and Formay Avenue rights-of-way. The total annexation area contains 0.494 acres of which 0.289 acres or 12,627 sq. ft. is right-of-way. The requested zoning is R-8 (Residential – 8 units per acre) which is consistent with the current County zoning of RSF-8 (Residential Single-Family – 8 units per acre).

Background, Analysis and Options:

Karis, Inc. purchased the property in 2009. Prior to this the property was owned by the Community Mennonite Church. Known as The Asset House, this facility is an existing two-year transitional program for homeless individuals and couples. In exchange for a modest sliding scale rent, residents receive housing, utilities, meals and assistance in moving towards self-sufficiency. The program also provides assistance from on-site house managers and a case manager who visits bi-weekly.

The request for annexation is due to their desire to coordinate City services and obtain CDBG funds to remodel and update the existing 9 units of transitional housing and construct an addition for 2 more units.

The subject property is a second property for Karis, Inc. They currently operate a home for homeless youth within the city. This facility has been provided previous CDBG funding. Karis, Inc. is now requesting funding for the Asset House (subject parcel), which upon annexation will be eligible for funding.

To date, there have been no complaints or comments regarding this proposal. A neighborhood meeting was held on April 29th. A summary of the meeting is within the Staff report below.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Annexation of the Karis House will be consistent with the Comprehensive Plan, the existing county zoning, and will allow the use of a rooming and boarding house to continue within the guidelines of the City's Zoning and Development Code.

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.

The Asset House meets a very specific need in the community. It provides shelter to its occupants for minimal rent, and ensures that its residents are fed and have access to a weekly case manager and a live-in house manager.

Board or Committee Recommendation:

The Planning Commission considered the zoning designation of R-8 (Residential – 8 units per acre) for the Annexation on May 14, 2013. They forward a recommendation of approval for the R-8 designation.

Financial Impact/Budget:

None.

Legal issues:

There are none.

Other issues:

None.

Previously presented or discussed:

This item was on the Consent Agenda June 5th, 2013.

Attachments:

1. Staff report/Background information
2. Site Location Map; Aerial Photo Map
3. Comprehensive Plan Map; Existing City and County Zoning Map
4. Annexation Map
5. Resolution Accepting Petition
6. Annexation Ordinance
7. Zoning Ordinance

| STAFF REPORT / BACKGROUND INFORMATION | | | | |
|---------------------------------------|--------------|---|------------|-----------|
| Location: | | 536 29 Road | | |
| Applicants: | | Karis Inc., property owner/applicant | | |
| Existing Land Use: | | Boarding or Rooming House | | |
| Proposed Land Use: | | Boarding or Rooming House | | |
| Surrounding Land Use: | North | Multi-family Apartments | | |
| | South | Residential Duplex-Triplex | | |
| | East | Single-family Detached Residential | | |
| | West | Single-family Detached Residential | | |
| Existing Zoning: | | County RMF-8 (Residential Multi-family – 8 du/ac) | | |
| Proposed Zoning: | | R-8 (Residential – 8 units per acre) | | |
| Surrounding Zoning: | North | County RMF-8 (Residential Multi-family – 8 du/ac) | | |
| | South | County RMF-8 (Residential Multi-family – 8 du/ac) | | |
| | East | County RMF-8 (Residential Multi-family – 8 du/ac) | | |
| | West | R-8 (Residential – 8 units per acre) | | |
| Future Land Use Designation: | | Residential Medium (4 to 8 Du/Ac) | | |
| Zoning within density range? | | X | Yes | No |

Staff Analysis:

ANNEXATION:

This annexation area consists of 0.494 acres of land and is comprised of one parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Karis House Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

f) No land held in identical ownership is being divided by the proposed annexation;

g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed.

| <i>ANNEXATION SCHEDULE</i> | |
|-----------------------------------|---|
| May 1, 2013 | Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use |
| May 14, 2013 | Planning Commission considers Zone of Annexation |
| June 5, 2013 | Introduction Of A Proposed Ordinance on Zoning by City Council |
| June 19, 2013 | Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council |
| July 21, 2013 | Effective date of Annexation and Zoning |

| KARIS HOUSE ANNEXATION SUMMARY | | |
|---------------------------------------|----------------------------------|--|
| File Number: | | ANX-2013-141 |
| Location: | | 536 29 Road |
| Tax ID Number: | | 2943-083-01-985 |
| # of Parcels: | | one |
| Estimated Population: | | 10 |
| # of Parcels (owner occupied): | | 0 |
| # of Dwelling Units: | | 1 |
| Acres land annexed: | | 0.494 |
| Developable Acres Remaining: | | 0 |
| Right-of-way in Annexation: | | 0.289 or 12,627 square feet |
| Previous County Zoning: | | RMF-8 (Residential Multi-family – 8 du/ac) |
| Proposed City Zoning: | | R-8 (Residential – 8 units per acre) |
| Current Land Use: | | Rooming/Boarding House |
| Future Land Use: | | Rooming/Boarding House |
| Values: | Assessed: | \$45,310.00 |
| | Actual: | \$203,650.00 |
| Address Ranges: | | 536 29 Road |
| Special Districts: | Water: | Ute Water Conservancy District |
| | Sewer: | Within the 201 Boundary |
| | Fire: | Grand Junction Rural Fire |
| | Irrigation/ Drainage: | Grand Valley Irrigation / Grand Valley Drainage District |
| | School: | School District #51 |
| | Pest: | None |

Zone of Annexation

The requested zone of annexation to the R-8 (Residential – 8 units) zone district is consistent with the Comprehensive Plan designation of Residential Medium. The existing County zoning is RMF-8 (Residential Multi-family – 8 units). Section 21.02.160(f) of the Grand Junction Municipal Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district. The request is consistent with the Comprehensive Plan designation of Residential Medium density and the R-8 zoning is equal to the existing County zoning of RMF-8.

Neighborhood Meeting

To date, there have been no complaints or negative comments regarding the annexation or zoning of the subject parcel. A neighborhood meeting was held on April 29th at the Asset House. The meeting was attended by five neighbors, three Karis, Inc. board members, and the resident manager of the Asset House. Comments regarding the facility were positive. Neighbors wondered if their property would be automatically annexed with this proposal. The answer was provided that no they would not. One neighbor requested information regarding annexation to consider the possibility of annexing his property into the City. There were also some comments regarding the anticipated future traffic on 29 Road.

Section 21.02.140(a) of the Grand Junction Zoning and Development Code:

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Grand Junction Municipal Code:

(1) *Subsequent events have invalidated the original premises and findings.*

Response: The original premises and findings are still valid. The requested annexation and zoning is being triggered by the Persigo Agreement between Mesa County and the City of Grand Junction in anticipation of development. The Persigo Agreement states that new development requires annexation of land from unincorporated Mesa County into the City prior to development.

This criterion has not been met.

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

Response: The character of the area and the condition of the area has not changed. The only significant change is the request for annexation by the applicant. The zoning will remain consistent with the current county zoning. The annexation and zoning are consistent with all the elements of the Plan: the goals and policies; the future land use map and the blended residential map. The residential character of the area remains the same.

This criterion has not been met.

(3) *Public and community facilities are adequate to serve the type and scope of land use proposed.*

Response: There are adequate public and community facilities available to serve this type of land use. There is a 12 inch gravity feed sewer line in both 29 Road and Formay Avenue. This property is in the Ute Water Conservation District and Xcel Energy is the utility provider. 29 Road is classified as a principal arterial and has a striped bike lane. Any future expansion of the proposed use will be adequately served.

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.

Response: The “land use” requesting annexation into the City is existing (rooming or boarding house). There is an adequate supply of property currently zoned R-8 in this area. The surrounding neighborhood to the west, which is within the City limits, is zoned R-8; most of the land to the east, in unincorporated Mesa County, is zoned RMF-8, a comparable zoning district. This zoning request is due to annexation into the City in accordance with the Persigo Agreement and not due to a shortage of suitably designated land.

This criterion has not been met.

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

Response: The Karis House developed as a rooming or boarding house serves the community with a much needed service, housing. Rent is not free but based on an individual’s income. By annexing the property into the City and zoning it consistently with the Persigo Agreement and the Comprehensive Plan, the applicant will be able to coordinate services offered and administered by the City, through the Federal government such as CDBG funding.

This criterion has been met.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Comprehensive Plan designation for the subject property.

- a. R-4 (Residential – 4 units)
- b. R-5 (Residential – 5 units)
- c. R-12 (Residential – 12 units)
- d. R-16 (Residential – 16 units)
- e. R-O (Residential Office)

If the City Council chooses to recommend an alternative zone designation, specific alternative findings must be made as to why the Council is recommending an alternative zone designation.

PLANNING COMMISSION RECOMMENDATION:

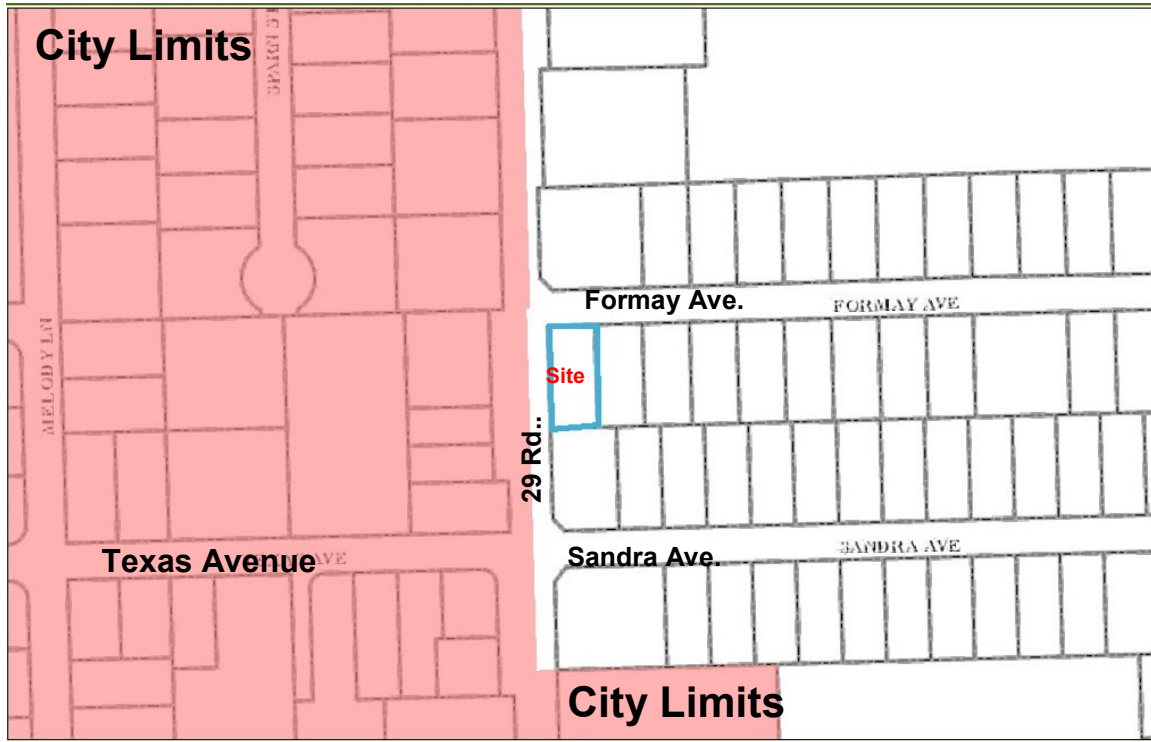
After reviewing the Karis House Annexation, ANX-2013-141, for a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.

2. The applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.

Site Location Map

536 29 Road



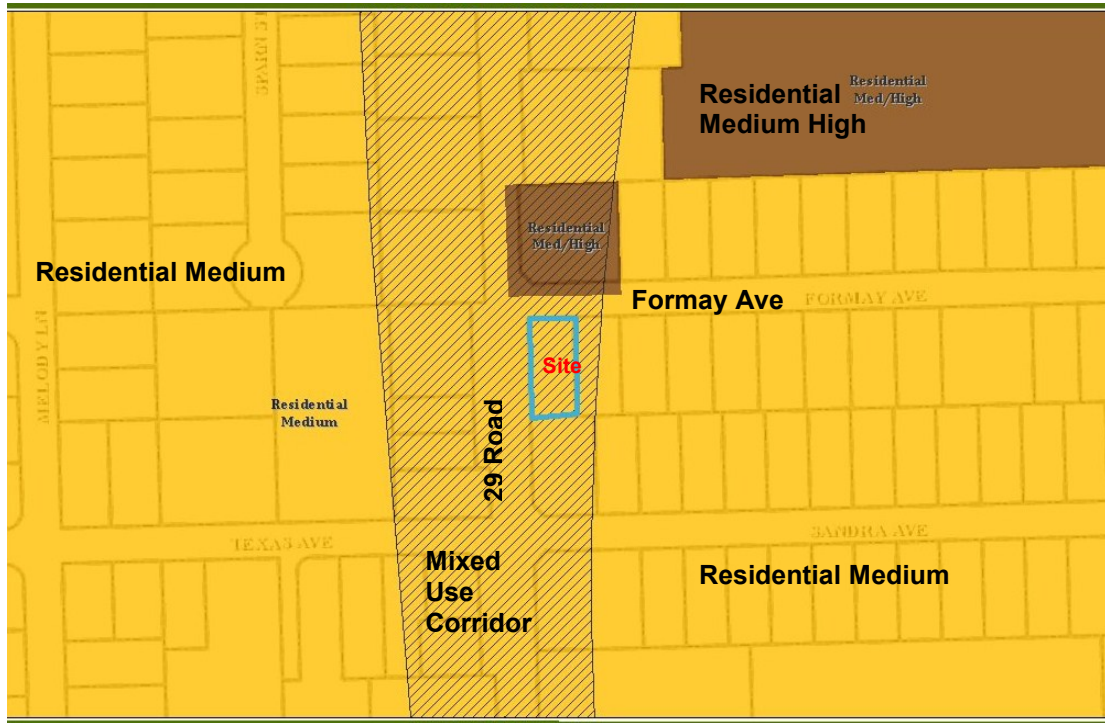
Aerial Photo Map

536 29 Road



Comprehensive Plan Map

536 29 Road



Existing City and County Zoning Map

536 29 Road



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING A PETITION FOR THE ANNEXATION,
MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

KARIS HOUSE ANNEXATION

LOCATED AT 536 29 ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 1st day of May, 2013, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

KARIS HOUSE ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 8, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 39, Formay Subdivision, as same is recorded in Plat Book 8, Page 4, Public Records of Mesa County, Colorado and assuming the West line of the NW 1/4 SW 1/4 of said Section 8 bears N 00°03'15" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°46'41" W along the South line, and its Westerly extension, of said Lot 39, a distance of 94.65 feet to a point on the West line of the NW 1/4 SW 1/4 of said Section 8; thence N 00°03'15" W, along the West line of the NW 1/4 SW 1/4 of said Section 8, also being the East line of the Central Fruitvale Annexation, City of Grand Junction Ordinance 1133, a distance of 172.36 feet; thence S 89°45'54" E, along the South line of Arbors Annexation, City of Grand Junction Ordinance 3700, as same is recorded in Book 3803, Page 843, Public Records of Mesa County, Colorado, a distance of 5.00 feet; thence N 00°03'15" W, along the East line of said Arbors Annexation, being a line 5.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 8, a distance of 157.69 feet; thence N 89°46'41" E, a distance of 25.00 feet to a point being the Northwest corner of Lot 1 of said Formay Subdivision; thence S 00°03'15" E along the West line of said Lot 1, a distance of 122.42 feet; thence S 42°15'25" E, a distance of 23.67 feet to a point on the South line of said Lot 1 and the North right of way for Formay Avenue; thence N 89°46'41" E, along the South line of said Lot 1, a distance of 48.75 feet; thence S 00°03'21" E, along the East line of said Lot 39, and its Northerly projection, a distance of 190.00 feet, more or less, to the Point of Beginning.

CONTAINING 21,535 Square Feet or 0.494 Acres, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of June, 2013; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the day of , 2013.

President of the Council

Attest:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

KARIS HOUSE ANNEXATION

APPROXIMATELY 0.494 ACRES

LOCATED AT 536 29 ROAD

WHEREAS, on the 1st day of May, 2013, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 19th day of June, 2013; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

KARIS HOUSE ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 8, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 39, Formay Subdivision, as same is recorded in Plat Book 8, Page 4, Public Records of Mesa County, Colorado and assuming the West line of the NW 1/4 SW 1/4 of said Section 8 bears

N 00°03'15" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°46'41" W along the South line, and its Westerly extension, of said Lot 39, a distance of 94.65 feet to a point on the West line of the NW 1/4 SW 1/4 of said Section 8; thence N 00°03'15" W, along the West line of the NW 1/4 SW 1/4 of said Section 8, also being the East line of the Central Fruitvale

Annexation, City of Grand Junction Ordinance 1133, a distance of 172.36 feet; thence S 89°45'54" E, along the South line of Arbors Annexation, City of Grand Junction Ordinance 3700, as same is recorded in Book 3803, Page 843, Public Records of Mesa County, Colorado, a distance of 5.00 feet; thence N 00°03'15" W, along the East line of said Arbors Annexation, being a line 5.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 8, a distance of 157.69 feet; thence N 89°46'41" E, a distance of 25.00 feet to a point being the Northwest corner of Lot 1 of said Formay Subdivision; thence S 00°03'15" E along the West line of said Lot 1, a distance of 122.42 feet; thence S 42°15'25" E, a distance of 23.67 feet to a point on the South line of said Lot 1 and the North right of way for Formay Avenue; thence N 89°46'41" E, along the South line of said Lot 1, a distance of 48.75 feet; thence S 00°03'21" E, along the East line of said Lot 39, and its Northerly projection, a distance of 190.00 feet, more or less, to the Point of Beginning.

CONTAINING 21,535 Square Feet or 0.494 Acres, more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 1st day of May, 2013 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2013 and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE KARIS HOUSE ANNEXATION
TO R-8 (RESIDENTIAL – 8 UNITS PER ACRE)**

LOCATED AT 536 29 ROAD

Recitals:

The Asset House, owned and operated by Karis, Inc., is a boarding or rooming house currently operating in Mesa County. The request to annex and zone the house will help facilitate and coordinate services and possible future funding to continue the use. In the Zoning and Development Code a boarding and/or rooming house means a building containing a single dwelling unit and three or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value. Boarding and/or Rooming Houses are an allowed use in the R-8 zoning district.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Karis House Annexation to the R-8 (Residential – 8 units per acre) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 (Residential – 8 units per acre) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned R-8 (Residential – 8 units per acre).

KARIS HOUSE ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 8, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 39, Formay Subdivision, as same is recorded in Plat Book 8, Page 4, Public Records of Mesa County, Colorado and assuming the West line of the NW 1/4 SW 1/4 of said Section 8 bears N 00°03'15" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°46'41" W along the South line, and its Westerly extension, of said Lot 39, a distance of 94.65 feet to a point on the West line of the NW 1/4 SW 1/4 of said Section 8; thence N 00°03'15" W, along the West line of the NW 1/4 SW 1/4 of said Section 8, also being the East line of the Central Fruitvale Annexation, City of Grand Junction Ordinance 1133, a distance of 172.36 feet; thence S 89°45'54" E, along the South line of Arbors Annexation, City of Grand Junction Ordinance 3700, as same is recorded in Book 3803, Page 843, Public Records of Mesa County, Colorado, a distance of 5.00 feet; thence N 00°03'15" W, along the East line of said Arbors Annexation, being a line 5.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 8, a distance of 157.69 feet; thence N 89°46'41" E, a distance of 25.00 feet to a point being the Northwest corner of Lot 1 of said Formay Subdivision; thence S 00°03'15" E along the West line of said Lot 1, a distance of 122.42 feet; thence S 42°15'25" E, a distance of 23.67 feet to a point on the South line of said Lot 1 and the North right of way for Formay Avenue; thence N 89°46'41" E, along the South line of said Lot 1, a distance of 48.75 feet; thence S 00°03'21" E, along the East line of said Lot 39, and its Northerly projection, a distance of 190.00 feet, more or less, to the Point of Beginning.

CONTAINING 21,535 Square Feet or 0.494 Acres, more or less, as described.

INTRODUCED on first reading the 5th day of June, 2013 and ordered published in pamphlet form.

ADOPTED on second reading the ____ day of _____, 2013 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk