

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

June 19, 2013

The City Council of the City of Grand Junction convened into regular session on the 19th day of June, 2013 at 7:00 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 Deputy City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin. City Manager Rich Englehart was absent.

Council President Susuras called the meeting to order. Councilmember Chazen led the Pledge of Allegiance, followed by a moment of silence.

Presentation

May Yard of the Month

Kami Long, Chair of the Forestry Board, announced the winner of the May Yard of the Month as being Marcia Hutson, at 642 Grandview Drive. Ms. Hutson could not be present.

Proclamation

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

Councilmember Boeschstein read the proclamation. Jim Hamlin with the St. Baldrick’s Foundation was present and introduced a number of people who are part of the organization, and a representative from Edgewater Tap and Grill, the host of the event. He thanked the City Council for the proclamation and their support, noting Councilmember Chazen will be attending the event and will speak. He thanked Chris Gillespie, Major Mortgage, NBC Grand Communications, Powderhorn Resort, Rocky Mountain Health Plans, and St. Mary’s Hospital. He noted the St. Mary’s Blood Mobile will be on site for the event.

Council Comments

Councilmember Boeschstein said he and other Staff members went to Ouray, Colorado, for Western Colorado Philanthropy Days to scout for grants for various City projects including the Avalon Theatre and Las Colonias Park. The City was well received by several foundations in attendance, including the Boettcher Foundation and Colorado Department of Local Affairs. He noted the event is held once every three years.

Councilmember Chazen said he attended a Matchett Park community meeting on June 6, 2013. Over sixty residents attended, as well as Staff. Comment forms were available for residents to fill out, and he complimented Staff for how the meeting was conducted. He attended an Associated Government of Northern Colorado (AGNC) meeting on June 12, 2013 in Parachute, Colorado. The presentation was on enterprise zones; he found it interesting that they have a virtual incubator. On June 18, 2013, he attended the Visitor and Convention Bureau (VCB) Board meeting; representatives from the Monument and Bureau of Land Management (BLM) attended. He was impressed with the stewardship of the VCB of their funds. He complimented VCB Staff for all their hard work to bring in tourism.

Citizen Comments

Clark Carroll, 1240 Cannell Avenue, said he would like to speak regarding University expansion. He apologized for not including the former City Manager and the City Attorney in his pursuit of problem solving. He did not want to blindside the Staff or City Council with his issue. Therefore he will remove himself from the public comment and being on record. After meeting with City Staff he will report back in public comment. He then ended with a quote from the Maverick, a university publication, page 18, *"Perhaps newly elected officials, managers or staff aren't sure where to start when they encounter a sticky problem. Why not partner with the experienced officials?"*

Ed Kowalski, 2871 Orchard Avenue, addressed the City Council regarding traffic on Orchard Avenue. The area he lives in is both under City and County jurisdiction. There are two churches and one elementary school. When the school day ends, there are many children, parents, and other pedestrians, and he is concerned with their safety. Inevitably, the Interstate will eventually connect with 29 Road and traffic and noise issues will worsen. He asked that additional signage be installed along with other precautions necessary to help slow traffic.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1-8 and then moved to adopt the Consent Calendar. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

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]

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

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

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

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

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

5. **Library Utility Easement Vacation, Located at 502/530/550 Grand Avenue** [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

6. **Municipal Recreation Agreement with the Bureau of Reclamation**

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

7. **Water Lease Agreement with the Northern Colorado Water Conservancy District**

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

8. **State of Colorado Nutrients Grant Request**

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Contract for Avalon Theatre Renovation Project

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.

Deputy City Manager Tim Moore presented this item, a follow up to the Special Meeting held June 14, 2013 where the item was discussed. He referred City Council to the Staff report and Resolution that reinstates the commitment of funds for the Avalon Theatre Project and authorizes the City Manager to sign contracts with FCI Constructors, Chamberlin Architects, and other incidental providers. Mr. Moore noted that although Staff did not prepare a presentation, Staff members involved with the project were present to answer questions.

Councilmember Chazen expressed his concern by reading a statement: *“About a year ago on June 20, 2012 the prior Council approved Resolution 27-12 which committed the City of Grand Junction to spend three million dollars on improvements to the Avalon Theatre. At our last Council meeting on June 5, 2013 this Council suspended Resolution 27-12 in order to have time for public comment and analysis. Since then there were a series of work sessions. During the June 14, 2013 session, the question was posed to the Council that if the project moved forward, which of three options would be best? Although there was unanimous consensus, for the \$7.6 million dollar Option B, I believe the financial risks inherent to this project were never resolved. On June 14, 2013 there was never a vote to recommit funds. Tonight, we are considering a resolution, that among other things does the following: it commits the City to spend \$3 million dollars on the Avalon project; it vacates the suspension and amends Resolution 27-12; it authorizes the City to accept funds from the DDA and Avalon Theatre Foundation; it acknowledges the City as building owner bears the legal and financial responsibility for the project; it authorizes the City to solicit grants; it authorizes the City to enter into construction contracts not to exceed \$7.6 million dollars; and it authorizes the City management to negotiate contracts with our financial partners in the amount of \$3 million dollars from the DDA and \$1.1 million dollars from the Avalon Foundation. Analysis of the resolution uncovers the situation where the City can potentially commit itself to a \$7.6 million dollar project before agreements with our financial partners are in place. Partners who are responsible for a major portion of the total project cost. For me, this alone is a fatal flaw.*

Separately, at a fundamental level, I believe this is a commercial venture. We are not building a pool or park, this is not a place for kids to play, or adults who enjoy a few quiet moments surrounded by nature. The Avalon is a place for various groups, even non-profit groups, to produce events designed to meet a budget or profit objective. For this type of venue, I believe the City has an obligation to treat its citizens as investors and operate the facility at a profit. If this cannot be achieved, we should not make the investment. The open and transparent discussions in the past two weeks have exposed the financial risks in this venture. The City has no assurance that the Foundation will raise their share of the money. If the Foundation fails to perform, the City will be on the hook for any shortfall. The original project was estimated to cost \$7.1 million dollars, that was Option C. The project is now estimated to cost \$7.6 million dollars. There is no guarantee that the grant money will be available to cover the difference. There are no credible pro-forma projections showing the new Avalon Theatre will operate at a profit, and in the background, we have a City that through May of this year is \$1.4 million dollars below budget for sales tax collections, which is a significant shortfall. We have a City with deferred infrastructure maintenance and we have a City with competing capital projects. Now is not the time to engage in a \$7.6 million dollar project with this level of risk. This resolution does nothing to address the financial risk of the Avalon project, and therefore, I will oppose this resolution. I want to thank everyone involved for the review process, your efforts are genuinely appreciated. And let it be said, if we proceed, we go forward with our eyes wide open. Thank you."

Councilmember Norris said they have had a lot of meetings and have asked many questions. Anything they do is a risk, however, Option B will allow them to apply for grants; there is a good possibility of receiving grant funds, and she believes the Avalon Foundation will be able to raise the funds needed. She supports going forward.

Councilmember Doody said the Council has talked about this for 364 days; he has confidence in the Avalon Theatre Foundation raising funds and looks forward to the continued partnership with the DDA. He said Councilmember Boeschstein went to Ouray recently to see about securing a grant and returned with positive feedback. He will support going forward. He thanked former Mayor Teresa Coons, former Mayor Bill Pitts, and Councilmember Boeschstein for having the vision to push this forward.

Councilmember Boeschstein said there has been overwhelming support from the community for the Avalon project. If the project were delayed, it would cost more money down the road. He believes a new Avalon is needed to become the most livable community west of the Rockies. He believes the finished Avalon will reap revenue and will increase downtown business profits. He believes grant funds will come through and he supports moving forward.

Council President Susuras said the City owns the Avalon building and he believes the Avalon Foundation will raise the funds needed. He does not want to see the Avalon go dark and vacant. The Avalon is essential for the vitality of the downtown area. The downtown area attracts many visitors and he will support it going forward.

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

Councilmember Doody moved to adopt Resolution No. 43-13. Councilmember Norris seconded the motion. Motion carried by roll call vote with Councilmember Chazen voting NO.

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

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.

The public hearing opened at 7:38 p.m.

Tim Moore, Deputy City Manager, introduced this item noting it is a follow up from a number of meetings with the City Council.

Senior Planner/CDBG Administrator Kristen Ashbeck presented this item. She reviewed the process and how the 2013 Program Year Action Plan is required to be adopted as part of the Five-Year Consolidated Plan. The funding comes from the Department of Housing and Urban Development. The 2013 allocation is \$352,950. She reviewed the various items that can be included and listed the organizations in each of the categories, noting how the funding meets CDBG and City goals. The City is accepting an amount for Program Administration services; it is allowed up to 20% but the City is accepting less.

The program will also be completing some 2012 projects that have yet to close. The Homeless Shelter grant from last year is being revised to allow for remodeling instead of a new building.

The report has been out for public comment since June 5, 2013 and will remain available for thirty days.

Councilmember Boeschstein inquired if sidewalks on Orchard Avenue are included as related to the citizen who spoke earlier on this topic. Ms. Ashbeck confirmed that this project is in the budget.

There were no public comments.

The public hearing was closed at 7:45 p.m.

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

Councilmember Chazen moved to adopt Resolution No. 41-13. Councilmember Brainard seconded the motion. Motion carried by roll call vote.

Request from the Grand Junction Rockies for Three Fireworks Displays at Suplizio Field

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.

Rob Schoeber, Parks and Recreation Director, introduced this item. He said last year the City had to cancel the fireworks display due to fire danger. The event was rescheduled in conjunction with the Rockies game on Labor Day 2012 and was the most well attended game of the season. It was such a popular event, the Rockies would like to make fireworks a part of some of their games.

Councilmember Chazen asked who is financially responsible for the fireworks displays. Mr. Schoeber said it is the responsibility of the event organizer. In this case, the Rockies would be taking the financial responsibility.

Councilmember Chazen asked if any notification is given to the surrounding neighborhood. Mr. Schoeber said notification is not typically given for the two traditional displays per year, however, for any non-traditional displays that have a high noise volume, they would give notification.

Councilmember Norris noted it must be understood that if there are fire restrictions, even if fireworks have been purchased, the event will not take place. Mr. Schoeber agreed this is a good point.

General Manager of the Grand Junction Rockies Tim Ray said he is ready for the Mayor to throw out the honorary first pitch at the first game. They are excited about their second year. They take pride in taking care of their customers who are the fans, and they do their best to make game day the best family experience possible. Fireworks will add to their events. The crowd last Labor Day set a 74-year record for the Pioneer League in baseball attendance, and they want to offer this type of event again. He understands the danger of fire and they will follow all guidelines of the City, the County, and the State. They will send out flyers to the surrounding neighborhood to notify them of the upcoming events.

Councilmember Boeschstein moved to approve 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. Councilmember Brainard seconded the motion. Motion carried by roll call vote.

Contract for Lincoln Park Tennis Court and Track Renovation

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.

Rob Schoeber, Parks and Recreation Director, introduced this item. This is the third and final phase of the Lincoln Park renovation. It has two major components: the tennis courts and the track facility. The tennis courts will be replaced with post-tensioned concrete that will last fifty years. The reconfiguration will include pickleball courts which is an up-and-coming sport. The reconfiguration will eliminate the horseshoe courts and add approximately 100 new parking spaces. The second component is the track overlay and repaint. There is a one-month window to complete the project.

Jay Valentine, Internal Services Manager, presented this item. Initially the two projects were going to be bid out separately as they are specialty construction but they found the two could be combined and therefore save the City money. Three bids were received with Mays Concrete being the low bid, however, an additional allocation is needed from Conservation Trust Funds. There is a pending grant which could off-set some of the additional appropriation.

Councilmember Norris asked where the additional funding comes from. Mr. Valentine said Conservation Trust Funds come through the Colorado Lottery; the City receives an

annual allocation based on population. There is some unallocated fund balance and this project fits the criteria for these funds.

Councilmember Chazen asked if there are sufficient funds in reserve to cover this project. Mr. Valentine confirmed this.

Councilmember Chazen moved to authorize the City purchasing department 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. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing—Karis House Annexation and Zoning, Located at 536 29 Road [File #ANX-2013-141]

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).

The public hearing was opened at 8:02 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. Ms. Bowers described the history of the property, the current use, and the reason for the annexation request: so they can qualify to apply for future CDBG funds to remodel and upgrade the housing. The request meets Goals 1 and 5 of the Comprehensive Plan. The zoning request of R-8 is consistent with existing County zoning and the Comprehensive Plan, and meets the criteria of the Zoning and Development Code. The Planning Commission considered this criteria when reviewing the application and forwarded a recommendation of approval for the zoning. Ms. Bowers detailed the comments and inquiries she received; no negative comments or concerns were submitted.

Councilmember Norris noted annexing one property at a time makes the City limits very spotty.

Councilmember Boeschstein asked the applicant about the complaints received on one of their other properties.

Mr. John Mok-Lamme, the owner, said they try to be good neighbors. They met with police to try to mitigate some of the issues. They reached out to the neighborhood and

they have Staff ready to respond to any concerns. They talked with the teens in the program about preferred neighborhood traffic patterns. Services offered have included landscaping services, and to meet with anyone who may have an issue at anytime. He recently spoke with a neighbor who shared that he is happy to live next to them. They are committed to being good neighbors.

Council President Susuras asked for information on the three programs offered by Karis, Inc.

Mr. Mok-Lamme said Candlewood Community Apartments is a residential two-year program for families. The Asset House is a step out of homelessness, typically for middle aged adults; for a very small amount one can move into this housing and be supported for up to two years. The Teen Shelter House is the only licensed teen house in the State, and provides psychological services to teens. The program is designed to unite teens with their families or support growth towards self-sufficiency.

Council President Susuras thanked Mr. Mok-Lamme for the services rendered to this community.

Councilmember Chazen asked Ms. Bowers about the part of 29 Road being annexed and the reason for that. Ms. Bowers said it is to obtain contiguity and meet State requirements for annexation.

There were no public comments.

The public hearing was closed at 8:15 p.m.

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

Councilmember Doody moved to adopt Resolution No. 42-13, and Ordinances Nos. 4588 and 4589 and ordered them published in pamphlet form. Councilmember Brainard seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:17 p.m.

Stephanie Tuin, MMC
City Clerk