

MSA04PKG

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	CONTRACT (AGREEMENT)
NAME OF CONTRACTOR: JUNCTION	MESA COUNTY AND THE CITY OF GRAND
SUBJECT/PROJECT:	OPERATION AND MAINTENANCE AGREEMENT OF THE CITY/COUNTY PARKING FACILITY (PARKING GARAGE)
LOCATION:	538 WHITE AVENUE
PARCEL#:	2945-143-05-935
CITY DEPARTMENT:	PUBLIC WORKS
YEAR:	2004
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

MEMORANDUM OF AGREEMENT FOR OPERATION AND MAINTENANCE

THIS MEMORANDUM OF AGREEMENT is entered into this 22nd day of November, 2004, by and between Mesa County and the City of Grand Junction, acting through their respective administrators.

WHEREAS, the County of Mesa and the City of Grand Junction previously entered into Agreement MCA 2003-111 for the construction, maintenance, ownership and operation of a parking facility (Parking Garage), now known as the Mesa County - City of Grand Junction Parking Garage; and,

WHEREAS, Paragraph 2.G. of Agreement MCA 2003-111 provides as follows:

Within six (6) months after Closing, as hereafter described, the Parties shall enter into an operation and maintenance agreement, not inconsistent with the terms of this Agreement, further clarifying the procedure for operation and maintenance of the Parking Garage.

NOW, THEREFORE, it is agreed as follows:

I. Management Information

A. Management—Location and Hours

Mesa County Facilities and Parks Department is responsible for the overall maintenance, supervision and control of the Parking Garage. The Department is located at 315 North Spruce, Grand Junction, CO 81501. Office hours are 7:30 a.m. to 5:00 p.m. with PAGER services after hours.

County Contact

Facilities and Parks-7:30 a.m. to 5:00 p.m. Monday-Friday 970-244-3230
Pager Number 970-257-4311

City Contact

City of Grand Junction Fleet/Facilities-8:00 a.m. to 4:30 p.m. Monday-Friday
Facility Crew Leader 970-244-1566
Fleet/Facility Manager 970-244-1569

B. Hours of Garage Operation

The Parking Garage is a 24 hour - 7 day a week operation.

C. Smoking

No smoking is allowed in the Parking Garage per Mesa County Resolution 93-39 and City Ordinance No. 3540.

II. Building Access

A. General Access Information

The Parking Garage will generally be locked. Access to eligible employees will be via a card access system. The County shall determine morning and evening hours when the Parking Garage rollup door will remain open for set periods of time, to allow easier entry and exit by users.

Each County and City employee issued an access card shall be responsible for the safety of his/her assigned card. If an access card is lost or stolen the employee to whom the card was issued shall notify the Facilities and Parks Department immediately. Replacement of a lost or stolen card is \$15 and payable to Mesa County. When an employee surrenders his or her parking privilege, for whatever reason, Facilities and Parks must be notified immediately in order to cancel or reprogram the access card and/or reassign the parking space. It will be the responsibility of both Mesa County and City of Grand Junction to confirm name and card access on at least an annual basis.

Unused or returned/recovered City/County cards must be delivered to their respective divisions within each organization. For the County, the cards shall be returned to the Human resources/Personnel Division which shall work directly with the County Facilities and Parks Department to have the parking access cards reprogrammed by County Facilities and Parks. For the City, the cards shall be returned to the Fleet/Facility Division. At the time any cards are returned to the City, the City Fleet/Facility Division will work directly with the City Human Resources representative to have the parking access cards reprogrammed by County Facilities and Parks. The City shall notify County of changes in parking assignments as soon as possible. **In no circumstance, shall an access card be transferred to another employee without following the procedures detailed above.**

All eligible County and City employees will be issued rear window emblem decals designating County or City employee for purposes of verification of permitted parking. The City decals will also include an assigned space number. Vehicles that do not display a City or County decal may be towed at the Owner's Expense.

B. After Hours Building Access

Access to the Parking Garage, except during hours designated by the County in the morning and evening, requires use of an access card. At all times when garage access is controlled, access by the electronic card system is recorded.

From time to time, outside entities may request in writing that the County and/or the City allow after hours use of the Parking Garage. Requests shall be submitted to County Facilities and Parks which shall evaluate the request to determine whether or not granting the request would result in an undue increase in maintenance expenses. County Facilities and Parks shall forward each request, together with a recommendation, to the Board of County Commissioners and the City Council for consideration. No request may be granted unless both the Board of County Commissioners and the City Council consent in writing by resolution or other formal action. Any non City and/or non-County usage shall be strictly permissive; permission may be revoked and terminated by the Board of County Commissioners and the City Council for any reason at any time. To the extent practical, County and City employees will be notified in advance of other allowed usage(s).

Mesa County and the City of Grand Junction have mutually agreed to usage of the Mesa County/City of Grand Junction Parking Garage by the First United Methodist Church (FUMC) on Sunday mornings from 8:00 a.m. to 2:00 p.m. FUMC shall be required to purchase and maintain in effect General Liability Insurance in the amount of \$1,000,000, combined single limit, occurrence format, naming Mesa County/City of Grand Junction as additional insureds there under, specifying the Parking Garage as the area of use during the time and day set forth above. The amount of insurance required is subject to periodic review and revision by County Facilities and Parks.

C. Parking Information

There are five floors in the Mesa County/City of Grand Junction Parking Garage. The Garage has a total of 202 spaces, with six (6) designated as ADA (4 County, 2 City).

See Attachment A, attached hereto and made a part hereof, for County/City assignments per floor.

- Floor 1 40 spaces- 2 City, 38 County
- Floor 2 45 spaces- City of Grand Junction
- Floor 3 45 spaces- City of Grand Junction 23, Mesa County 22
- Floor 4 45 spaces- Mesa County
- Floor 5 27 spaces- City of Grand Junction 10, Mesa County 17

Interior spaces on each floor are sized for compact cars (8’x19’)
Exterior spaces on each floor are standard (9’x21’)

Spaces will be numbered per level beginning with #101 on Level 1, #201 on Level 2, continuing through #522 on the Level 5. Spaces will also be labeled "CO" for Mesa County spaces and "CITY" for City of Grand Junction spaces as shown on Attachment A.

III. Parking Garage Operation and Maintenance

A. Budget

No later than July 1 of each budget year, representatives of Mesa County Facilities and Parks and Grand Junction Fleet/Facilities will conduct a joint inspection of the Parking Garage to review its status and to discuss the maintenance and operation budget for the next year. Mesa County shall prepare and submit the proposed budget to maintain and operate the Parking Garage to Grand Junction no later than September 1, of each budget year and will be subject to mutual agreement of both parties. Mesa County will propose the second year O&M and Capital (as applicable), to accommodate the City's biennial budget process.

B. Work Order Requests

Routine work order requests are handled through Mesa County Facilities and Parks.

County employees should continue to use the County's online work order system. **City** employees should email or call the City Facilities Crew Leader or City Fleet/Facility Manager. City representatives should then contact Mesa County by any of the following methods:

EMAIL to mcooley@co.mesa.co.us

FAX to 970-244-3240

PHONE 970-244-3230 FACILITIES AND PARKS MAIN NUMBER

Emergency maintenance problems occurring before 7:30 a.m. and after 5:00 p.m. weekdays, evenings/ weekends and/or Holidays should be directed to Facilities and Parks Pager: 257-4311.

Work orders are handled on a "first come, first serve" basis unless deemed to be an emergency. Emergency calls should clearly be identified as to individual calling, location and contact number for additional information, if needed. This includes automated roll-up door problems, elevator and/or other. Issues regarding card access should be directed to the Main Number, FAX or e mail during regular business hours.

The City of Grand Junction will be notified as soon as possible of any significant emergencies/expenses falling outside the annual proposed budget.

C. Electrical

If power fails, emergency lighting will activate. Power failures should be reported to Facilities and Parks immediately. In such an event, the rollup door can be opened manually from either side. The County Facilities and Parks Department should be contacted immediately for assistance. County Facilities and Parks staff and/or contractors will conduct, at a minimum, quarterly preventative maintenance (pm) on interior/exterior lighting, elevator and automated roll-up door.

D. Elevators and Stairwells

Elevator malfunctions should be reported to County Facilities and Parks immediately.

The emergency speaker box is located in the elevator and provides 24 hour notification. In the event the emergency button is pressed, 911 will be alerted. A notification call system will be on file with Emergency Dispatch to access County/City personnel.

Stairwells in the Parking Garage are to be kept free at all times. (Bicycles may not be stored in stairwells). **AT NO TIMES SHOULD STAIRWELL DOORS BE PROPPED OPEN.** The exit stairwells as well as garage roadway are important emergency exits during fire or any other emergency. An exit door located in the rear of the garage serves only as an exit and cannot be entered from the exterior of the Garage. In event of fire, the elevator will lock down at Level 1 and cannot be operated by anyone other than Fire Department personnel.

E. Trash Removal

Trash receptacles will be located at each elevator door at each floor level and will be emptied regularly by County Facilities and Parks.

F. Insurance

Extreme caution and care shall be required and used at all times when driving and parking in the Parking Garage. Neither Mesa County nor the City of Grand Junction shall be liable for theft, loss, damage to vehicles or other such claims that arise from use of the Parking Garage. County Facilities and Parks shall post signage notifying all persons entering the Parking Garage that use of the garage is at the user's risk.

The County shall be responsible for maintaining property liability insurance coverage on the Parking Garage in the same matter, to the same limits, and under the same self-insured retention (SIR) limits as the County maintains for property liability insurance on similar County owned property. For any payments paid for a claim within the SIR limit; the County shall pay 60% of such claim expense and City shall pay 40%.

G. Landscaping


County Facilities and Parks will maintain all irrigation systems and landscaping.


IV. Ratification and/or Amendments

This Memorandum of Understanding shall not become effective until ratified by both the Board of County Commissioners of the County of Mesa and the City Council of the City of Grand Junction. Amendments to this Memorandum of Understanding shall be in writing and shall not be effective until ratified by both the Board of County Commissioners of the County of Mesa and the City Council of the City of Grand Junction.

V. No third party rights granted herein.

This Memorandum of Understanding is for the benefit of the County of Mesa and the City of Grand Junction. No rights are granted herein to any third party and this agreement shall not be construed to grant rights to any third party.

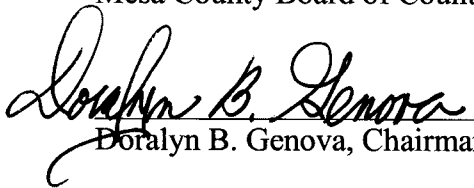

Date: 11/12/04
Robert Jasper
Mesa County Administrator



Date: 11/12/04
Kelly Arnold
Grand Junction City Manager

RATIFIED

Mesa County Board of County Commissioners

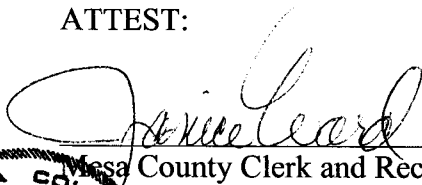
City of Grand Junction

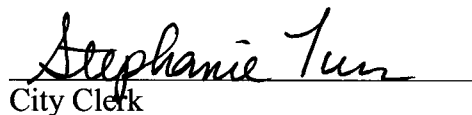

Date: 11-22-2004
Doralyn B. Genova, Chairman


Date: 11-24-04
Bruce Hill, Mayor

ATTEST:

ATTEST:


Mesa County Clerk and Recorder


City Clerk

