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**CITY COUNCIL AGENDA
WEDNESDAY, MARCH 19, 2014
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
Invocation – New Haven Pentecostal Holiness Church,
Reverend Bob Carey

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

Proclamation

Proclaiming April 1, 2014 as “Mayor’s Day of Recognition of National Service” in the City of Grand Junction [Attachment](#)

Presentation

Presentation of Gold Leaf Award to Grand Junction Parks and Recreation on behalf of the International Society of Arboriculture

Appointment

To the Grand Junction Regional Airport Authority

Revised March 14, 2014

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

Certificates of Appointment

To the Forestry Board

To the Commission on Arts and Culture

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of the Previous Meetings** [Attach 1](#)

Action: Approve the Summary of the March 3, 2014 Workshop and the Minutes of the March 5, 2014 Regular Meeting

2. **Setting a Hearing on the 2014 Supplemental Appropriation Ordinance** [Attach 2](#)

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction for major capital projects.

Proposed Ordinance Making Supplemental Appropriations to the 2014 Budget of the City of Grand Junction

Action: Introduce a Proposed Ordinance and Set a Public Hearing for April 2, 2014

Staff presentation: Jodi Romero, Financial Operations Director

3. **Setting a Hearing for the Kelley Drive Rezone, Located at 2607 and 2609 Kelley Drive** [File #RZN-2014-59] [Attach 3](#)

Request to rezone two (2) parcels, totaling 2.749 acres located at 2607 and 2609 Kelley Drive from an R-R (Residential Rural) to an R-1 (Residential 1 du/ac) zone district.

Proposed Ordinance Rezoning 2.749 Acres from R-R (Residential Rural) to R-1 (Residential 1 DU/AC) Located at 2607 and 2609 Kelley Drive (Kelley Drive Rezone)

Action: Introduce a Proposed Ordinance and Set a Public Hearing for April 2, 2014

Staff presentation: Brian Rusche, Senior Planner

4. **Vacation of 10' Utility Easement, Located at 531 Maldonado Street** [File #VAC-2013-490] [Attach 4](#)

Request to vacate a 10' public utility easement on 2.388 acres in a C-1 (Light Commercial) zone district. The easement is no longer necessary due to the relocation and abandonment of the water line historically located within the easement.

Resolution No. 06-14—A Resolution Vacating a 10' Utility Easement Located at 531 Maldonado Street

®Action: Adopt Resolution No. 06-14

Staff presentation: Senta Costello, Senior Planner

5. **Colorado Information Sharing Consortium Intergovernmental Agreement** [Attach 5](#)

In 2007, the Grand Junction Police Department became a founding partner in the Colorado Information Sharing Consortium (CISC), designed to further the sharing of information between law enforcement agencies within the State of Colorado through the use of "Coplink." The CISC was originally based on a Memorandum of Understanding, but now seeks to obtain legal status through an Intergovernmental Agreement.

Action: Authorize the City Manager to Sign an Intergovernmental Agreement between the City of Grand Junction and All Other Members of the Colorado Information Sharing Consortium

Staff presentation: John Camper, Chief of Police

6. **Motor Control Center Replacement for Persigo WWTP Phase II** [Attach 6](#)

The Persigo Wastewater Treatment Facility is currently 30 years old. As a result of its age many of the electrical components have exceeded their useful life expectancy. This request is to authorize the Purchasing Division to enter into a contract with CAM Electric to provide a new replacement motor control center for the Plant Water Pump Station Building.

Action: Authorize the Purchasing Division to Enter into a Contract with CAM Electric to Provide a New Replacement Motor Control Center for the Plant Water Pump Station Building located at the Persigo Wastewater Treatment Plant in the amount of \$54,550

Staff presentation: Dan Tonello, Wastewater Services Manager
Jay Valentine, Internal Services Manager

7. **Lincoln Park Moyer Pool Filter Replacement** [Attach 7](#)

Parks and Recreation is seeking approval for replacement of the Lincoln Park Moyer Pool filter system. The current system is 28 years old and has exceeded its life expectancy.

Action: Authorize the Purchasing Division to Enter into a Contract with CEM Sales and Service to Provide and Install a New Replacement Pool Filtration System at Lincoln Park Moyer Pool in the Amount of \$124,000

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

8. **Purchase Four All Wheel Drive (AWD) Utility Police Special Services Vehicles** [Attach 8](#)

This purchase of four AWD utility vehicles will replace four police sedan patrol vehicles. As part of the Fleet Replacement Program, these new units will continue to be used as patrol vehicles in the Police Department.

Action: Ratify the Purchase of Four AWD Utility Police Special Services Vehicles from Spradley Barr Ford of Greeley, CO in the Amount of \$155,288

Staff presentation: Jay Valentine, Internal Services Manager

9. **Aggregate and Road Material for the Streets Division for 2014** [Attach 9](#)

This request is for the purchase of approximately 7,000 tons of 3/8" Chips aggregate for the City's Streets Division for 2014. This aggregate will be used as chips for the 2014 Chip Seal project.

Action: Authorize the Streets Division to Enter into a Contract with Whitewater Building Materials Corp. to Provide Aggregate and Road Materials for the Streets Division for an Estimated Amount of \$115,500

Staff presentation: Darren Starr, Streets and Solid Waste Manager
Jay Valentine, Internal Services Manager

10. **Dump Truck Rentals with Drivers for the City Spring Cleanup Program 2014** [Attach 10](#)

This request is for the award of a contract for the rental of dump trucks with drivers to haul debris and refuse to designated collection sites as part of the City's Annual Spring Cleanup Program for 2014.

Action: Authorize the Purchasing Division to Enter into a Contract with Colorado West Contracting, Inc. to Provide Thirteen Dump Trucks with Drivers for the Duration of the Two Weeks for the City Spring Cleanup Program, for an Estimated Amount of \$70,000

Staff presentation: Darren Starr, Streets and Solid Waste Manager
Jay Valentine, Internal Services Manager

11. **Resolution Opposing the Public Trust Doctrine Initiatives Relative to Water Stewardship** [Attach 11](#)

Resolution No. 07-14—A Resolution in Support of the Colorado Water Stewardship Project and in Opposition to Public Trust Doctrine Initiatives

®Action: Adopt Resolution No. 07-14

Presentation: Sam Susuras, President of the Council

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

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

12. **Public Hearing—Droskin Rezone, Located at 2726 Patterson Road** [File #RZN-2013-547] [Attach 12](#)

Request to rezone 0.375 acres located at 2726 Patterson Road from an R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district.

Ordinance No. 4624—An Ordinance Rezoning 0.375 Acres from R-8 (Residential 8 DU/AC) to R-O (Residential Office), Located at 2726 Patterson Road (Droskin Rezone)

®Action: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4624

Staff presentation: Brian Rusche, Senior Planner

13. **Grand Junction Regional Airport Authority Request for City Council Consent to Rescind Federal Aviation Administration Grant #3-08-0027-51** [Attach 13](#)

In August of 2013, the Federal Aviation Administration (FAA) awarded the Airport Improvement Program Grant #3-08-0027-51 (AIP-51) to fund a portion of Terminal Building Phase I (the "Building") at the Grand Junction Regional Airport.

Before drawing on the grant, and in an exercise of caution, the Board of the Grand Junction Regional Airport Authority has proposed re-classifying certain areas within the Building to ensure the FAA grant eligibility percentage is in all respects proper.

The Airport Authority Board agrees that this is the most straightforward approach; however, prior to requesting the FAA rescind the grant, the Airport is requesting consent from both the City Council and the County Commissioners.

Action: Authorize the Mayor to Sign a Letter Consenting to the Rescission of the FAA Grant AIP-51

Presentation: Steve Wood, Airport Authority Board Chairman
Amy Jordan, Interim Airport Manager

14. Las Colonias Park Amphitheater Design Grant Request[Attach 14](#)

This is a request to authorize the City Manager to submit a request to the Colorado Department of Local Affairs for a maximum \$180,000 grant for final design and phasing options for the Las Colonias Park Amphitheater.

Resolution No. 08-14—A Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' (DOLA) Energy and Mineral Impact Assistance Program for Design of the Proposed Las Colonias Park Amphitheater

®Action: *Adopt Resolution No. 08-14*

Staff presentation: Rob Schoeber, Parks and Recreation Director

15. Non-Scheduled Citizens & Visitors**16. Other Business****17. Adjournment**

Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, *in the City of Grand Junction there are four National Service Programs, all funded by the Corporation for Nation and Community Service; and*

WHEREAS, *in the four programs are AmeriCorps, Foster Grandparents, Senior Companion, and RSVP; and*

WHEREAS, *Mesa County RSVP, Inc. has served Mesa County for 41 years, placing seniors ages 55 and older in meaningful volunteer positions throughout the community, and whose volunteers provide an annual average of 88,431 hours of service; and*

WHEREAS, *Mesa County AmeriCorps program has been active in Mesa County for 14 years, currently has an average of 33 active members who will volunteer an average of 34,000 hours this year; has over 350 alumni who have provided more than 530,000 hours of service; and*

WHEREAS, *St. Mary's Hospital Foster Grandparent and Senior Companion Programs have served Mesa County for 41 years and 24 respectively, and keep low-income senior volunteers active and productive, who give an average of 87,500 hours of service annually throughout the City and County; and*

WHEREAS, *the volunteers for these four programs provide a combined annual benefit to our community of over 250,000 hours of service; and*

WHEREAS, *in 2012, the Independent Sector valued an hour of volunteer service on a national level to be \$22.14 an hour; and*

WHEREAS, *by using this value, these hours of service reflect a contribution of approximately \$5,535,000 given freely, with honorable intentions and charitable results to Mesa County; and*

WHEREAS, *Mayors from Cities all across the nation today are honoring these National Service Programs and their legions of dedicated volunteers.*

NOW, THEREFORE, I, Sam Susuras, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim April 1, 2014 as

"MAYOR'S DAY OF RECOGNITION OF NATIONAL SERVICE"

in the City of Grand Junction and call upon all the citizens of Grand Junction to pay tribute to the lives and contributions of these generous-spirited volunteers who do so much good in our City and County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 19th day of March, 2014.


Mayor



GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

March 3, 2014 – Noticed Agenda Attached

Meeting Convened: 1:00 p.m. in the City Auditorium

Meeting Adjourned: 5:05 p.m.

Council Members present: All. Staff present: Englehart, Moore, Shaver, Romero, Schoeber, Camper, Hazelhurst, Watkins, Valentine, Tice, Guillory, Prall, Moberg, Portner, Rainguet, and Tuin.

Agenda Topic 1. Legislative Update

Revenue Supervisor Elizabeth Tice highlighted bills of interest. Although not yet introduced, there is a bill that is being drafted that expands the presumptive eligibility of firefighters for worker's compensation claims to include heart and circulatory conditions. CML is planning to oppose the bill. It will have a financial impact on the City and will apply to all firefighters who have been on the job more than five years.

The Business Person Property Tax Credit bill has bi-partisan support and will allow a State income tax credit for five years for businesses that owe \$25,000 or less. This will affect approximately 650 businesses in Grand Junction.

Other bills mentioned and discussed briefly included HB 1007, agricultural burns and fireworks, HB 1034, wine packaging, SB 017, agricultural water for irrigation, as well as another possible ballot issue on water law, a construction defect bill (not yet introduced), a bill about enterprise zones, and the on-line sales tax.

Agenda Topic 2. Economic Development/Visioning/Capital Plan

The discussion began with Ms. Tice reviewing economic indicators – including natural gas prices, drill permits, construction permits, foreclosures sales and filings, real estate transactions, and the labor market.

Next Ms. Tice distributed the latest sales tax revenue report which showed a decrease in both sales and use tax. She provided several possible reasons for the decline.

City Manager Rich Englehart then referred to the National League of Cities document provided to the City Council (*The Role of Local Elected Officials in Economic Development*) and reviewed some of the factors a company would take into account when considering relocating and what the role of the local government should be. Relocation factors would include: workforce, geography, quality of life, and costs. The role of the local government includes providing infrastructure, such as utilities, transportation, and available land; controlling the cost of doing business by making the jurisdiction business friendly; ensuring a low tax burden; providing

incentives; and investing in the quality of life by providing public safety, infrastructure, recreation/culture/entertainment, and tourism.

City Manager Englehart then identified the City's partners in economic development as the State, the County, and a number of community partners. Both the State and the County impact the infrastructure and regulatory environment as well as play a role in providing tools such as incentives, grants, tax credits, and workforce.

Regarding the redrawing of the Enterprise Zones, mentioned in the Legislative Update, Deputy City Manager Tim Moore advised that the matter will be delayed until next year at the State level but the City will continue to be engaged in the process.

Councilmembers mentioned Industrial Development Inc. (IDI), the School District, the Manufacturers Council, the Visitor and Convention Bureau, and the Airport as additional partners that should be listed.

City Manager Englehart then reviewed the Economic Development (ED) Priorities identified in the 2011 ED document: collaboration with the partners, input from local business, a strengths, weaknesses, opportunities, and threats (SWOT) analysis, and defining goals. These priorities have been accomplished and the goals for Mesa County were determined as: become an epicenter for energy innovation, create and promote a community brand, and support growth of existing businesses.

City Manager Englehart noted some of the accomplishments toward these goals. Energy innovation includes having a CNG filling station and using CNG in fleet vehicles. The utilization of the methane gas from the Persigo Plant is still in the works. The City also made a trip to Houston to visit their innovation center. Regarding the branding, elements of the City's branding efforts are as a baseball city, as a bicycling destination, agri-tourism, and the improvements in the downtown.

Changes made in order to promote existing businesses include discussions around tax policy relative to the business personal property tax and a variety of sales tax exemptions adopted including beetle-killed tree products, collector coins, aviation parts and components, Colorado magazines, sales by schools, and most recently vending machine sales. A number of items supported or funded by the City for existing businesses include the City's GIS system, on-line development submittal software, community alert system, support for the Incubator, and the contribution toward the "maker space" at the Incubator site. There have also been a number of changes made to the planning process. He asked Deputy City Manager Moore to elaborate.

Deputy City Manager Moore identified a number of changes that have been made to the Development Code that save applicants time in getting their project through the application process: no more public hearing requirement at final plat; the Director has discretion to make administrative adjustments; the adjacency rule which allows for a zone change without the accompanying Comprehensive Plan change where the adjacent zone is the same; elimination of the preliminary plan step for Planned Development (they will have an outline development

plan and then a final plan step); Director discretion on non-conformancies; and the availability of electronic submittals. All of these process changes save weeks in the processing time. Although there have been positive comments on these changes, due to the slowdown in development, the changes have not been put to a lot of use yet. These changes make Grand Junction a lot more flexible than other cities.

In addition, the City created the Economic Development Division which works directly with inquiries relative to new development or existing business expansion. A website with a number of helpful tools and links has been created. Mr. Moore asked Greg Moberg of that Division to elaborate.

Mr. Moberg explained the type of information available through their Division including: assistance in the use of a site (they stop short of designing the project); a vacancy inventory for businesses looking for locations; access to a number of mapping and graphics programs; assistance with challenges a developer may be facing; links to the different departments and agencies the company may need to contact; and outreach to community partners on the tools and resources available.

In conclusion, City Manager Englehart stated the priorities are still the same: public safety, infrastructure, and economic development. He is seeking direction from the Council on where to focus going forward and the right balance for the City as far as involvement in economic development.

Comments from Councilmembers included: availability of broadband and cell phone coverage is critical; a desire to discuss economic development with Grand Junction Economic Partnership (GJEP) and their marketing strategy; a way to get participation from the wineries in marketing even though they are not in the City proper; seek grants for business development; and pursue the 29 Road interchange.

It was noted that the fact that Grand Junction has a Comprehensive Plan is an added incentive to industries looking to locate here. The development of a business park was also discussed.

Most of the discussion centered on marketing and prospecting for new business. The five areas of focus for GJEP were discussed with the suggested additions of arts and culture, manufacturing, and any type of safe industry, not limiting the possibilities. Hiring a contractor to promote Grand Junction was also discussed.

City Manager Englehart noted that the discussion leads into the visioning and capital planning. He is hearing that improving infrastructure and the quality of life are still important with public safety being of the utmost importance. He said the missing piece seems to be the marketing to industries aspect. He said he will set up a meeting with GJEP and Staff will look for grant possibilities for business development. As far as helping existing businesses grow, that falls under the economic gardening concept.

Due to time constraints, Board Reports and Other Business were not addressed. There was no further business and the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, MARCH 3, 2014, 1:00 P.M.
CITY AUDITORIUM
250 N. 5TH STREET**

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

- 1. Legislative Update**
- 2. Economic Development/Visioning/Capital Plan**
- 3. Board Reports**
- 4. Other Business**

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

March 5, 2014

The City Council of the City of Grand Junction convened into regular session on the 5th day of March, 2014 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, 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 Norris led the Pledge of Allegiance, followed by a moment of silence.

Appointments

Councilmember Chazen moved to re-appoint Kamie Long and Shirley Nilsen to the Forestry Board for three year terms and appoint Elizabeth Neubauer as an alternate to the Forestry Board for a three year term with all terms expiring November 2016. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Councilmember Boeschstein moved to re-appoint Lancer Livermont and appoint Laura Bradley and Deanna Pickman to the Commission on Arts and Culture for three year terms with all terms expiring February 2017. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Council Comments

Councilmember Traylor Smith congratulated the Grand Junction Housing Authority on their annual meeting and encouraged everyone to take a look at their annual report.

Councilmember McArthur said he went to the Energy Forum and banquet. It was interesting meeting various people from different areas of the world; some may bring their ideas to fruition.

Councilmember Chazen went to the Young Entrepreneurs Group sponsored by the Chamber of Commerce. These are young people that actually start their own companies. He encouraged anyone to attend.

Councilmember Norris said she attended the Incubator meeting and the Maker Space project which is funded in part by the City is almost ready to open up.

Councilmember Boeschstein said he too attended the Energy Forum. On February 27 he went to the meeting with the Canadian Counsel at the Chamber of Commerce. On

February 26 he went to the Commission on Arts and Culture Meeting. On February 25 he went to the Purchase and Development Rights meeting at Mesa Land Trust. He also attended the Vagrancy Committee meeting on February 20.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Norris read and then moved to approve the consent Calendar Items 1 through 3. Councilmember Traylor Smith seconded. Motion carried by roll call vote.

1. **Minutes of the Previous Meetings**

Action: Approve the Summaries of the February 19, 2014 and the February 24, 2014 Workshops and the Minutes of the February 19, 2014 Regular Meeting and the Minutes of the February 24, 2014 Special Meeting

2. **Setting a Hearing on the Droskin Rezone, Located at 2726 Patterson Road**
[File #RZN-2013-547]

Request to rezone 0.375 acres located at 2726 Patterson Road from an R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district.

Proposed Ordinance Rezoning 0.375 Acres from R-8 (Residential 8 DU/AC) to R-O (Residential Office), Located at 2726 Patterson Road

Action: Introduce a Proposed Ordinance and Set a Public Hearing for March 19, 2014

3. **Contract for the 2014 Asphalt Overlay Project**

This request is to award a construction contract for the asphalt resurfacing project along arterial roads throughout the City of Grand Junction. A total of 3 locations were selected.

Action: Authorize the City Purchasing Division to Enter into a Contract with Oldcastle SW Group Inc., dba United Companies of Mesa County of Grand Junction, CO for the 2014 Asphalt Overlay Project in the Amount of \$ 498,795.00

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Resolution Concerning Contracting to Complete Full Scope Build-out of the Avalon Theatre Core Renovation Project

The City has contracted with FCI Constructors, Inc. to renovate the Avalon Theatre as well as build the shell addition to the east of the existing Theatre. As directed by City Council, the City Manager sought and secured additional funding to move toward completion of the Core renovation project that Council authorized.

Additional funding was obtained through a \$1 million Department of Local Affairs (DOLA) grant as well as continued private fundraising. With those funds, additional work above and beyond what was called for in the current contract will be performed.

The cost to complete the Core project is \$9.65 million. In order to complete the project the existing contract with FCI Constructors, Inc. ("FCI") and other equipment and service providers must be amended.

Rich Englehart, City Manager, presented this item. He reviewed the recent workshop session to discuss the additional scope for the Avalon Theatre Project. Staff was directed to bring forward the change order for formal consideration. The current scope is under budget and on time. The proposal before them is an added scope. The new HVAC will be on the new addition. The additional scope includes a complete re-roofing of the building, a fire suppression system, and finishing the Americans with Disabilities Act (ADA) accessible restrooms. There is also a new concession stand and a completed multi-purpose room where movies will be shown and it will be wired for teleconferencing. The stairway in the front will be completed for access to the mezzanine and upper level. The new scope also includes the rooftop terrace, although it will not be covered as shown in the initial concept drawing.

City Manager Englehart then reviewed the timeline for the project starting in June 2013 with the full core project for \$8.6 million. The current project was a reduced scope for \$7.59 million which meant the addition was only going to be a shell. Additional funding was sought and with a DOLA grant and other grants, additional funding of \$1.06 million was obtained. Staff then asked the contractor to provide a cost for the completed Core Project which is estimated at \$9.65 million. The Commission on Arts and Culture is recommending that \$80,000 from the One Percent for the Arts Program be committed to the project. With that and other resources, there is an \$840,000 gap in funding. It is thought that funding will come through the "Take a Seat" Campaign and the Naming Rights Campaign as well as other Avalon Theatre Foundation (ATF) fundraising. The new scope is 12.2% more than the original cost for the Core Project but costs have increased.

Council President Susuras asked if the Avalon Theatre Foundation has committed to raising \$500,000 of the \$840,000. City Manager Englehart said yes, the Foundation

has started to campaign for these funds. Council President Susuras asked if this would leave a \$340,000 shortage for the City. Mr. Englehart confirmed.

Councilmember Traylor Smith asked for clarification on the business function of the shell of the originally approved reduced core. City Manager Englehart said even though the DOLA grant allowed for a little more completion on the shell, the shell would not be useable as a part of the business model.

Councilmember McArthur asked if the main floor could be used if construction were stopped. Mr. Kiser, FCI Constructors, said the multi-purpose room would be unfinished. There would be access to the elevator and a portion of the lobby would be finished.

Councilmember Chazen asked if the project does not go forward, would any part of the new building be useable without the fire suppression.

Stan Kiser, 136 Vista Grande, FCI Constructors, said that although it stands right now is fully sprinkled, it is not acceptable for occupancy because it does not have an HVAC system. If the bottom floor were to be completed, that would bring it all up to current code for occupancy. For the cost saving options on the multi-purpose room, there would be no finishes but it could still be used as a staging area for productions but would not be leasable space.

Councilmember Chazen said he was under the impression that even without the fire suppression, that part of the building would be usable. Mr. Kiser said only a small section by the elevator would be useable.

Councilmember Chazen asked what is the cost of the re-roof of the Avalon Theatre. Mr. Kiser said it would be about \$50,000.

Councilmember Chazen asked where the \$80,000 funds from Arts and Culture is coming from. City Manager Englehart said there are \$101,000 reserved for One-Percent of the Arts money which was approved by Council. Councilmember Chazen asked what the source of the \$101,000 was. City Manager Englehart said \$25,000 was from Public Safety Building, however the majority has come from various public projects that was put into reserve over the years.

Councilmember Norris asked for confirmation that currently the \$7.59 million project is done. City Manager Englehart said yes, that phase is currently under construction. Councilmember Norris asked for confirmation regarding the reduced core; it would be just the top level that would be unfinished with a DOLA grant to get through the reduced first core. City Manager Englehart said when fully utilized, it would leave the second floor and the terrace unfinished. Mr. Kiser confirmed and said the first core consists of just finishing the first floor and did not include the second floor restrooms or lobby space. Councilmember Norris asked if the second floor were not finished, would the

mezzanine be useable. Mr. Kiser said the mezzanine in the old Avalon is useable. Councilmember Norris asked if the \$9.65 million will completely finish the first phase. Mr. Kiser said this would complete Phase 1, inside the addition at all levels.

Councilmember Doody asked Mr. Kiser to advise what he had stated in a meeting previous to approval of Phase 1 regarding the increase in cost when constructing in phases. Mr. Kiser explained how these costs increase. Over ten months, prices have gone up because of inflation. There is also a loss on volume discounts for purchases of construction materials. Councilmember Doody said the projections for increase in cost were originally between 10% and 15%. Mr. Kiser said the increase in cost projection has so far been kept at 12%.

Councilmember Doody asked City Manager Englehart about the risk of the initial core project which was \$1.4 million and now it is \$840,000, so the exposure is less. Mr. Englehart said yes the exposure is less.

Councilmember Doody asked for confirmation that the Avalon Theatre is part of the business plan. City Manager Englehart said this is correct, included in this plan is full use of the multipurpose room which is also included in the business plan.

Stuart Taylor, General Manager of Two Rivers Convention Center and the Avalon Theatre, discussed the business plan noting they were asked to put together a very aggressive business plan. They broke down the rooms, projected the number of events, meals, and equipment rentals, for a total revenue of \$580,000. With total expenses of \$392,000, there would be an operating profit of \$188,000. These figures are using all segments of the building and employing an aggressive business model as directed.

Councilmember Doody noted that if the core project were to be fully done, it would have a positive affect for businesses on Main Street. Mr. Taylor said he believes it would. Councilmember Doody said he believes this would also positively impact the economic development in the areas adjacent to Main Street as well.

Councilmember Boeschstein asked how revenues would be affected if the terrace and multipurpose room are not finished. Mr. Taylor said it would have a dramatic effect. If the project is not completely finished, it would come down to one event per night, whereas with a completed project simultaneous events could be held in one night. Councilmember Boeschstein noted that complications can arise from running an event at the Theatre and having a movie at the same time without a black box theatre. Mr. Taylor said just the one event can run without the black box theatre. He noted that there have been calls to reserve the Avalon for wedding receptions and concerts, although nothing has been booked as of yet.

Councilmember McArthur asked if there is more to come with Phase 2. Mr. Englehart said the direction from Council was not to lose vision of what all this means to the community; the complete build-out Phase 2 portion is specifically for the ability of the entire Grand Junction Symphony to play there. The current phase allows for a reduced symphony. The grand vision is to blow out the back of the wall for stage expansion. Councilmember McArthur asked for an estimate for the cost of the grand vision. Mr. Englehart said it will take a total of about \$12-18 million for the grand vision to be entirely completed.

Councilmember Chazen asked if \$188,000 operating profit projections take into account all overhead involved or does this also involve Two Rivers Convention Center carrying part of the overhead. Mr. Taylor said this projection has taken into account overhead for just the Avalon. Councilmember Chazen said of the original \$7.59 million project, the original risk for the City was \$390,000, and he asked what was originally approved? City Manager Englehart said \$7.59 million was the approved figure. Councilmember Chazen asked if the City has to come up with the \$840,000 shortfall for the full core project, where will the funds come from? City Manager Englehart said some suggestions are: unallocated resources that amount to \$500,000, budget tightening and labor savings in 2013 amounted to another \$900,000, there is the reserve fund (but he would not recommend using reserves), and there may be more savings toward the end of 2014.

Councilmember Chazen asked if the Avalon Theatre Foundation is indeed committing \$500,000.

John Halvorson, President of the Avalon Theatre Foundation, said the Board has set a goal to raise the additional \$500,000. Regarding assurance that the funding will be there, the Foundation has already raised \$1.1 million. If Council approves expansion of the scope of this project, it will encourage more fundraising and more investors. The commitment is good people with a good fundraising plan and a commitment to raise the funds. Some of that money may come from grants which look for City participation, Downtown Development Authority's (DDA's) involvement, and private individuals. There has been good community support. Some grants have already been applied for and are still in the works.

Councilmember Chazen acknowledged that there has been reasonable assurance provided that the City will receive the original \$300,000 back by the end of the year from the Foundation, but noted this is \$500,000 in addition to the current fundraising efforts. Mr. Halvorson said there is a positive track record and faith in the community.

Councilmember Traylor Smith asked how many citizens have contributed funds so far. Mr. Halvorson said there have been about 375 individuals.

Councilmember Norris asked Mr. Taylor if there was a profit figure predicted if the multi-use rooms were not built out. Mr. Taylor said with the current business plan the figure is about \$3,000.

Councilmember Chazen said in Council Workshops last June, the pro formas showed a \$40,000 annual profit for the old Avalon Theatre.

Mr. Taylor said there have been profitable years and years of loss. Over the last four years there has been a loss and, for 2012 it was an \$11,000 loss.

Councilmember Chazen said based on the 2012 figures, the City would be going from an \$11,000 loss to a \$3,000 profit with a multi-million dollar renovation. Mr. Taylor confirmed this. Mr. Taylor said the reduced core project would not increase the number of events, however there could be more attendance and more concessions; there was no way to project that dollar amount. The Avalon only gets straight rent along with concessions for events.

Council President Susuras asked City Manager Englehart what Council's commitment to Phase II of the Avalon Theatre is. Mr. Englehart said it is zero.

Council President Susuras asked for a poll of the audience in the auditorium and asked who was for and who was against the change order. The greatest majority of the fully occupied room was in favor and four raised their hands in opposition. He then asked for five delegates from each side to step to the podium to make a public comment. He asked Harry Weiss, DDA Executive Director, and a representative from the Avalon Foundation to speak, and in addition three individuals from the public to speak on behalf of going forward with the change order.

Harry Weiss, DDA Executive Director, said the DDA has long been an advocate for renovation of the Avalon and having a high quality performing arts complex in the Downtown District. Two years ago, the challenge was to raise upwards of \$12 million to start the project in 2017. The DDA Board's intention was to be the lead in this process. The process of getting the project to a point and doing it in phases was smart but comes with risk. Ultimately the decision to buildout in phases is most rational, and has managed to fit in with how the money has flowed, however it leaves the question of chasing a number, and the challenge of capturing a number. This route will be more costly. This is an economic development program for downtown, and an anchor for Main Street. On February 27th the DDA Board directed him to look at how the funding has been financed. The DDA Board took out taxable bonds that are costing \$421,000 per year, and the Board is trying to capitalize on that and will continue to look for other funds.

Martha Barrett Scott, lives downtown, said this is a wonderful community. The Avalon is the cornerstone and it does not make sense to not finish this project. It will bring

business, events, and people.

Council President Susuras noted Ms. Scott had given Council a letter which is on file.

Kirk Rider, 872 Quail Run, has previously lived downtown. He thinks downtown is the heart of Western Colorado. He is proud to urge Council to take this step to finish this first phase. This has been a rollercoaster ride for the fundraisers. Energetic fundraisers just got the naming opportunity schedules just last month and the best prospects have not yet been approached; this step will prime them for that extra \$500,000, and this isn't the end. The expanded stage is a key part and will allow big productions. FCI Constructors are so professional, he has no doubt about their ability to deliver.

Joseph Coleman, 2554 Patterson, said the downtown is the soul of the City. He owns properties out by the Mall and on Horizon Drive. Every now and then the Council gets the opportunity to make a stand and make the soul better. He urged completion. Everyone has performed and everyone wants it finished.

Jodi Coleman Niernberg, DDA Chair, owns two businesses downtown; one of them is a restaurant, BIN 707. She also owns a small real estate firm and would love to be able to include the Avalon as one of the suggestions she makes when visitors ask her where to go. She recently leased property at 623 Main Street because of the excitement about the Avalon. She hopes the Avalon will be finished. She and her husband scraped together \$1,000 for a seat and hopes others will too. She and other owners believe a completed Avalon will help fill up empty store fronts. She thanked Council for consideration, and congratulated the work of FCI Constructors.

Kevin McCarty, 525 Arrow Court, he said he predicts fiscal danger. He is aware of the \$840,000 plus \$470,000 and the reality is that the Avalon Foundation still needs to raise \$400,000 to give back to the City, which leaves \$1.6 million in exposure for the City. The economy is down. He believes the City should have built an event center instead of renovating the Avalon Theatre. He has been a professional fundraiser before, and he hopes the Foundation can raise the funds, however there is a difference between pledges and money in the bank.

Richard Schultz, 362 ½ Martello Drive, said he is not opposed to the Avalon but City keeps spending money on this facility. Is this the end or will it be like Two Rivers Convention Center where the City ended up taking ownership. He is also concerned that this is not the full buildout, as there is still the need to take out the back end of the stage area. He is concerned about the fiscal responsibility.

Councilmember Traylor Smith said although she was not on Council during the time it was decided this project would go forward, at this point the City is in this. She does not think the Avalon would be usable if not finished. Of the \$840,000 shortage, there has

been \$470,000 that could be set aside for other things such as economic development. She challenged the community to vote with their dollars. This is a generous community, and if Phase 1 and Phase 2 are important, everyone needs to step up, whether it be \$10 or \$10,000. She challenged the community to raise the other \$840,000 and an additional \$469,000 that could be used for economic development, so that tax dollars are not being used. She is going to donate \$250 to the Avalon Foundation tonight. She asked that those who are in favor to step forward and donate.

Councilmember Norris agreed with Councilmember Traylor Smith, noting all need to step up; it has been disappointing that only 380 people have so far. This is economic development, people come to town to see downtown, visitors love to stay downtown. This project will bring in more shows, fill more stores, and the City will see 7th Street built-out. Phase 1 needs to be completed and until that is done, she cannot think about Phase 2. She supports this move forward and wants to finish what was started.

Councilmember McArthur said if the City does nothing, the Avalon Theatre would be completed. He recommended the first movie shown at the Avalon be "The Money Pit". It is not the project that he is against, it the financing. He is a contractor and loves to build things, but has never started a project without having the money first. It's a hard thing to gamble with other people's money. Many commercial projects are done in phases, and there are other City projects that are not being done that will also end up costing more. He gave kudos to the fundraisers, but he is not willing to gamble.

Councilmember Boeschstein said he is in favor of this project going forward, and has been out in the community to encourage contributions. He and his wife are lowly civil servants and have managed to scrape up \$1,000 for the Avalon project. The City is now considered a metropolitan area and it is fitting to have a first class performing arts center. The Avalon Theatre has widespread community support and can still raise more money. The naming opportunities have just started, and people need to step up. This building will be brought up to Americans with Disabilities Act (ADA) standards and life safety standards. This project will revitalize this part of the City and will go along with other improvements the City has been involved with of late including Stocker Stadium and the Public Safety Building, plus funds contributed toward Colorado Mesa University (CMU), hospital expansions, the North Avenue Association, Horizon Drive Business Association, and recent adoption of the Greater Downtown Plan. Having a historic and modernized theatre will be a stimulous to the whole economy. He is happy to support this project going forward.

Councilmember Chazen complimented all the partners involved in the project. The Avalon Theatre Foundation continues to raise money and certain individuals have stepped forward with substantial financial support. He gave kudos to the Downtown Development Authority (DDA), Department of Local Affairs (DOLA), and other grantors for the generous contributions to this project. He thanked FCI Constructors for coming in under budget, on time, and gathering information for the meeting tonight. This is not a runaway project. Nothing said should be misconstrued or detract from the hard work

of the City's partners. Again, one year later, the City is wrestling with the financing for this project. Money has been asked for, and it is not guaranteed the City will see it back. About 80% of the funding for this project is government money, and it drains City resources by \$4 million. This may also crowd out other City projects. He believes on a fundamental level this is a commercial venture, this is a place for various groups to have events to meet a profit objective. This should have been treated like a church fund raising project. The City should step back and let the fundraisers do their work. He will be voting against the resolution.

Councilmember Doody thanked FCI Constructors and Chamberlin Architects, Westlake Reed, and the City Staff for all the work that has been done. He has reviewed the history: Downtown Development Authority (DDA) put in \$3 million, the Avalon Theatre Foundation was putting in \$1 million, the City was going to put in \$1 million, which amounts to \$5 million, but there was no \$5 million project. The City has stepped up. Mr. Coleman said it best, downtown is the soul of the City, and because of this project there is excitement. The Reimer family has built three hotels. There is opportunity with this project. He agreed with Councilmember Traylor Smith's challenge to punch it in.

Resolution No. 04-14—A Resolution Authorizing the City Manager to Sign Contract Adjustments Concerning Completion of the Avalon Theatre Renovation Project

Councilmember Doody moved to adopt Resolution No. 04-14. Councilmember Boeschstein seconded the motion.

Council President Susuras said partners have contributed over \$8 million and it would be unconscionable to decry the full use of the building. Yes, it will cost more but there will then be full use. The City is responsible for the building. The Navy Seals have a saying when going into combat, "Are you going to feed the fear dog or feed the courage dog?" He will be voting yes in favor of the resolution, and will match Councilmember Traylor Smith's contribution.

Motion carried by roll call vote with Councilmembers McArthur and Chazen voting NO.

Council President Susuras called a recess at 8:30 p.m.

The City Council meeting reconvened at 8:36 p.m.

Colorado Law Enforcement and Fire Training Center Grant Request

This request is for authorization to submit a request to the Mesa County Federal Mineral Lease District for a \$400,000 grant for the development of the Colorado Law Enforcement and Emergency Services Training Center. The grant application is due March 15, 2014.

Rich Englehart, City Manager, presented this item. He explained the grant structure and noted that the City applied to this agency last year for a different project but it was not awarded. The City Council allocated a \$100,000 cash match. The grant will cover 70% of the project, and the City will commit \$57,000. The rest will come from in-kind services and from Colorado Mesa University (CMU) properties they have purchased. This phase is for the model block for purposes of training for both Police and Fire Departments. The grant will cover half of the roadway, paving only a portion, phase 1 burn props, a fuel tank, and a concrete pad for the future burn tower. Other entities will be submitting letters of support as well.

Council President Susuras asked if the County is going to sign on. City Manager Englehart said due to the structure of the granting authority the County has to stay at arm's length.

City Attorney Shaver said it is just for the grant process that the County has to stay at arms length; after this process is over, the Mesa County Sheriff's Office will be part of the training facility.

Fire Chief Ken Watkins said if the grant is awarded, it will allow some fire training. The burn props are commercially made: one is a car fire prop with propane piped in, and can be directed to different parts of the car; the other is a hazardous materials prop (a tank that can be lit); and the third is a propane tree, which will teach firefighters how to shut off gas valves during an incident. A future phase is for concrete for the training tower. There is great support from other Fire Chiefs all over the County who will write letters in support of this. There are no foreseen competing grants from other Fire Departments.

Councilmember Norris asked if the training area on D Road will continue to be used.

Chief Watkins said the D Road property is leased from the State; there is a three story building for high rise and hose training, and a self contained breathing maze. There was a plan to build other props there but due to the location training was very limited. The training facility in Whitewater allows for more latitude, and the plan is to eventually move away from the D Road site.

Councilmember Boeschstein asked if there will be water and sewer at the Whitewater property? Chief Watkins said porta potties will be used for sewer. Constructing a water supply is the next phase. For the smaller props, truck water can be used, but when the classroom phase is built there will be a need for a regular water supply.

City Manager Englehart said the City is also looking at an Economic Development Administration (EDA) grant for water. The intent is to have classrooms there at some point. Clifton Water is having discussions on a water tank as well.

Councilmember Boeschstein asked if County review is needed. City Manager Englehart said if there is any review to take place, yes.

Councilmember Chazen asked if the burn building is far enough away from the Model Airplane Club so as not to create a conflict. Chief Watkins said yes, it will be quite a distance away.

Councilmember McArthur asked how many houses are available to haul to this area and burn? Chief Watkins said there are currently four available now and there will be up to twelve in the next year. Councilmember McArthur asked what happens after there are no more houses to burn? Chief Watkins said this location will not be primary for burn training; the new area will be used for other primary exercises for Police and Fire.

Councilmember Traylor Smith asked how many agencies will be using this training area. Chief Watkins said all law enforcements agencies in the County, as well as smaller agencies like DeBeque and Collbran. The State Patrol is already using the track. All eleven fire agencies will use the facility. It is anticipated it will be of interest to others as well such as agencies from Garfield and Delta Counties.

City Manager Englehart made an application to Garfield County for federal funds but was unsuccessful, however, there were letters of support from that area. There will be a tactical team, and there will be a fee structure developed. This training facility will be able to generate funds to maintain the facility.

Resolution No. 05-14—A Resolution Authorizing the City Manager to Submit a Grant Request to the Mesa County Federal Mineral Lease District for the Development of the Colorado Law Enforcement and Emergency Services Training Center

Councilmember Chazen moved to adopt Resolution No. 05-14. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Chazen said interviews had been conducted for the Arts and Culture Commission and there were only three applicants for four seats. There is a provision for a Councilmember to serve, and he would like to see if anyone is interested.

Councilmember Boeschstein said he has been informally attending, and would be happy to be formally appointed to this Commission.

Councilmember Norris asked if there is a need for another member from Council or if it needs to be re-advertised.

Councilmember Traylor Smith said she is not certain there is a need to have a Councilmember fill this spot, however, if no citizens come forward to fill this vacancy, then a Councilmember should be appointed.

Council President Susuras said he would prefer to see citizens involved as much as possible.

City Attorney Shaver said the Council could appoint Councilmember Boeschstein as a temporary member, then advertise and fill the position with a citizen.

Council President Susuras said he would like to wait to see if a citizen comes forward to fill the vacancy. The rest of Council agreed.

City Clerk Stephanie Tuin said she would readvertise.

Adjournment

The meeting adjourned at 9:08 p.m.

Stephanie Tuin, MMC
City Clerk



Date: 3/13/14
 Author: Sonya Evans
 Title/ Phone Ext: Finance
 Supervisor xt.1522
 Proposed Schedule: March 19th, 2014
 2nd Reading
 (if applicable): April 2nd, 2014
 File # (if applicable): _____

Attach 2

CITY COUNCIL AGENDA ITEM

| |
|---|
| Subject: 2014 Supplemental Appropriation Ordinance |
| Action Requested/Recommendation: Introduction of Proposed Ordinance and Setting a Public Hearing for April 2, 2014 |
| Presenter(s) Name & Title: Jodi Romero, Financial Operations Director |

Executive Summary:

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction for major capital projects.

Background, Analysis and Options:

Supplemental appropriations are required to ensure adequate appropriation by fund. Capital projects that are budgeted and appropriated in a prior year but are not completed in that year, require the funds be re-appropriated in the next year in order to complete the project. Also if a new project or a change of project scope is authorized by City Council a supplemental appropriation is also required for the legal authority to spend the funds required.

This 2014 supplemental appropriation is required in order to appropriate additional funds for the completion and scope expansion of the Avalon Theatre Core Renovation Project as approved by Council on March 5th, 2014. There are also several project carry-forwards from 2013 as well as a few new projects funded by associated revenues for 2014 as detailed below by fund:

The **General Fund 100** requires a supplemental appropriation of \$923,012; \$843,012 for the establishment of Avalon Theatre Core Contingency authorized by Resolution No. 04-14; and \$80,000 for the transfer of 1% For the Arts to the Major Capital Improvements Fund for the Avalon project.

The **Parkland Expansion Fund 105** requires a supplemental appropriation of \$21,284 for transfer to the Sales Tax Capital Improvement Fund for the carryforward of the 2013 approved Matchett Park Master Plan.

The ***Sales Tax Capital Improvements Fund*** requires a supplemental appropriation of \$566,673 for the carryforward of several 2013 approved projects as well as fully funded new projects. The carryforward projects consist of Contract Street Maintenance \$195,670; Wingate Park Pump and Irrigation System \$150,176; Lincoln Park Pool ADA Renovation \$8,408; Matchett Park Master Plan \$82,670; and a transfer of \$29,967 to the Storm Drainage Improvement Fund for the 2013 approved Avalon and Coorstek Inlet projects. The new projects consist of 24 ½ Road drainage project for the GVT station for \$21,782 fully funded by the County; improvements to Lincoln Park tennis courts area of \$18,000 paid for in full with a USTA Grant; and improvements to the Lincoln Park track and field areas to comply with NCAA standards approved and fully funded by PIAB for \$60,000 (cost of project includes outside contract, materials, and City staff time).

The ***Storm Drainage Improvements Fund*** requires a supplemental appropriation of \$29,967 for the carryforward of two 2013 approved projects; the Avalon storm drainage project for \$3,967; and the Coorstek Inlet project for \$26,000.

The ***Major Capital Improvements Fund*** requires a supplemental appropriation of \$2,559,631 for carryforward of 2013 approved projects and the scope expansion of the Avalon Theatre Core Renovation Project. The remaining building contingency authorized in 2013 will be carried forward in the amount of \$240,780 for continued acoustical work on the Public Safety Building; \$856,791 will be carried forward from the scope of the Avalon project authorized but not completed in 2013; and \$1,462,060 is required for the scope expansion of the Avalon project authorized by City Council via resolution No. 04-14.

The ***Transportation Capacity Improvements Fund*** requires a supplemental appropriation of \$239,967 for the carryforward of the 2013 approved I-70/Exit 26 Interchange project.

The ***Water Fund*** requires a supplemental appropriation of \$234,181 for the carryforward of 2013 approved projects and the expansion of the Water Tank Painting project heard and approved by City Council on February 19th, 2014. The carryforward consists of \$7,513 for Flowline/Pipe replacement; \$25,217 for the Somerville/Anderson Ranch improvements; and \$177,278 for the Water Tank Painting project. The amount needed for the scope expansion of the Water Tank Painting project is \$24,173.

The ***Equipment Fund*** requires a supplemental appropriation of \$1,260,869 for 2013 approved equipment purchases that were not received in 2013. There were seven items including a fire truck, a trash truck, and two dump trucks.

The ***Communications Center Fund*** requires a supplemental appropriation of \$575,917 for the carryforward of 2013 approved projects. They consist of \$11,350 for paging equipment; \$67,492 for CAD system; \$272,145 for 800 MHZ Radio Infrastructure in Collbran (grant funded); and \$224,930 for a repeater in the Redlands.

The ***Sewer System Fund*** requires a supplemental appropriation of \$605,754 for the carryforward of 2013 approved projects; \$195,260 for the Persigo Influent Slide Gate Replacement; and \$410,494 for sewer line replacements.

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

This action is needed to meet the plan goals and policies.

Board or Committee Recommendation:

None

Financial Impact/Budget:

The supplemental appropriation ordinance is presented to ensure adequate appropriation by fund.

Legal issues:

The ordinance has been drawn, noticed, and reviewed in accordance with the Charter.

Other issues:

None known at this time

Previously presented or discussed:

The 2013 capital projects were reviewed and approved as part of the budget development process and adoption of the 2013 Budget. The Avalon Theatre Core Project was last discussed by City Council on March 5th, 2014.

Attachments:

Proposed Supplemental Appropriation Ordinance for 2014 Budget

ORDINANCE NO. ____

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2014
BUDGET OF THE CITY OF GRAND JUNCTION**

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2014, to be expended from such funds as follows:

| Fund Name | Fund # | Appropriation |
|---|---------------|----------------------|
| General | 100 | \$ 923,012 |
| Parkland Expansion | 105 | \$ 21,284 |
| Sales Tax Capital Improvements | 201 | \$ 566,673 |
| Storm Drainage Improvements | 202 | \$ 29,967 |
| Major Capital Improvements | 204 | \$ 2,559,631 |
| Transportation Capacity Improvements | 207 | \$ 239,967 |
| Water | 301 | \$ 234,181 |
| Equipment | 402 | \$ 1,260,869 |
| Communication Center | 405 | \$ 575,917 |
| Joint Sewer System | 900 | \$ 605,754 |

INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2014.

TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2014.

Attest:

President of the Council

City Clerk



Date: March 12, 2014
Author: Brian Rusche
Title/ Phone Ext:
Senior Planner / 4058
Proposed Schedule: 1st
Reading, March 19, 2014
2nd Reading: April 2, 2014
File #: RZN-2014-59

**Attach 3
CITY COUNCIL AGENDA ITEM**

| |
|---|
| Subject: Kelley Drive Rezone, Located at 2607 and 2609 Kelley Drive |
| Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for April 2, 2014 |
| Presenter(s) Name & Title: Brian Rusche, Senior Planner |

Executive Summary:

Request to rezone two (2) parcels, totaling 2.749 acres located at 2607 and 2609 Kelley Drive from an R-R (Residential Rural) to an R-1 (Residential 1 du/ac) zone district.

Background, Analysis and Options:

The requested rezone includes two (2) parcels, located at 2607 and 2609 Kelley Drive. Both parcels were created in 1956 as Lot 3 and Lot 4, respectively, of the replat of Sunny Knoll Subdivision. The residence at 2607 Kelley was constructed in 1976. Lot 4 was recently sold. The new owner of 2609 Kelley Drive has obtained a permit to construct a new residence.

Both parcels were annexed in 2000 as part of the G Road North Enclave and were zoned RSF-R, now known as R-R (Residential Rural), at the time of annexation.

The applicants are requesting a rezone to the R-1 (Residential 1 du/ac) zone district. The primary reason is to reduce the building envelope on each lot to allow for future accessory structures that are not feasible within the current building envelope. The R-R (Residential Rural) zone establishes a minimum side yard and rear yard setback of 50 feet. This restricts the building envelope to essentially the center of each lot.

The request to rezone the property to R-1 (Residential 1 du/ac) would allow the construction of accessory structure(s) closer to the corner(s) of the lot(s) with a 5 foot side yard and 10 foot rear yard setback for accessory structures.

The rezone will also resolve an existing nonconformity in that the minimum lot size will be one (1) acre; the properties are 1.298 and 1.459 acres, respectively.

Neighborhood Meeting:

A neighborhood meeting was held on February 4, 2014. Six neighbors attended, expressing general support for the proposal to rezone the property. Regarding the impact of the rezone to the keeping of agricultural animals on adjacent properties, these existing rights will not be impacted by the zone change, consistent with the "first in time" provision in GJMC Section 21.04.030(a).

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

The Comprehensive Plan Future Land Use designation of the property is Residential Low (0.5-2 du/ac). The proposed zoning of R-1 (Residential 1 du/ac) will implement this land use designation and is consistent with the Comprehensive Plan.

This request is consistent with the following Goals and Policies of the Comprehensive Plan:

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

The proposed rezoning of the property will create an opportunity for customary accessory structures on two existing residential lots, adding value to each.

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 properties are sufficiently large enough to have residences that are similar in size and scale to the neighborhood, but are constrained from constructing customary accessory structures to accompany these residences, reducing the value of the properties.

Goal 7: New development adjacent to existing development should transition itself by incorporating appropriate buffering.

The purpose of the R-1 (Residential 1 du/ac) zone is to provide for low density residential uses in close proximity to existing large lot single-family development. Properties to the north and west are already zoned R-1, while properties to the east will remain zoned Estate and Rural, making R-1 an appropriate transition between the two.

Board or Committee Recommendation:

The Planning Commission unanimously recommended approval of the requested R-1 (Residential 1 du/ac) zone district at their regular meeting on March 11, 2014.

Financial Impact/Budget:

This rezone action has no direct financial impact on the City budget.

Legal issues:

The keeping of agricultural animals on adjacent properties, specifically 2611 Kelley Drive, will not be impacted by the zone change, consistent with the “first in time” provision in GJMC Section 21.04.030(a).

Other issues:

There are no other issues.

Previously presented or discussed:

This item has not been presented or discussed at a previous City Council meeting or workshop.

Attachments:

Background Information/Analysis/Findings and Conclusions
Site Location Map
Aerial Photo Map
Comprehensive Plan Map
Existing City Zoning Map
Blended Residential Map
General Project Report
Neighborhood Meeting summary
Animal Regulations section
Ordinance

| BACKGROUND INFORMATION | | | |
|---|--------------|--|----|
| Location: | | 2607 and 2609 Kelley Drive | |
| Applicants: | | Mark and Angela Bunnell (2607) Stephen Stremel (2609) | |
| Existing Land Use: | | Single-family Residential | |
| Proposed Land Use: | | Single-family Residential | |
| Surrounding Land Use: | North | Single-family Residential | |
| | South | Single-family Residential | |
| | East | Single-family Residential | |
| | West | Single-family Residential | |
| Existing Zoning: | | R-R (Residential Rural) | |
| Proposed Zoning: | | R-1 (Residential 1 du/ac) | |
| Surrounding Zoning: | North | R-1 (Residential 1 du/ac) | |
| | South | PD (Planned Development) | |
| | East | R-E (Residential Estate) | |
| | West | R-1 (Residential 1 du/ac) | |
| Future Land Use Designation: | | Residential Low (0.5-2 du/ac) | |
| Blended Residential Land Use Categories Map (Blended Map): | | Residential Low (Rural – 5 du/ac) | |
| Zoning within density range? | X | Yes | No |

ANALYSIS:

Background:

The requested rezone includes two (2) parcels, located at 2607 and 2609 Kelley Drive. Both parcels were created in 1956 as Lot 3 and Lot 4, respectively, of the replat of Sunny Knoll Subdivision. The residence at 2607 Kelley was constructed in 1976. It appears that the home and both lots, along with unplatted property to the south for a total of 2.749 acres, were under common ownership for a number of years. Lot 4 was recently sold and therefore separated from the rest of the property. The new owner of 2609 Kelley Drive has obtained a permit to construct a new residence.

Both parcels were annexed in 2000 as part of the G Road North Enclave and were zoned RSF-R, now known as R-R (Residential Rural), at the time of annexation.

The applicants are requesting a rezone to the R-1 (Residential 1 du/ac) zone district. The primary reason is to reduce the building envelope on each lot to allow for future accessory

structures that are not feasible within the current building envelope. The R-R (Residential Rural) zone establishes a minimum lot size of five (5) acres and a minimum side yard and rear yard setback of 50 feet. This restricts the building envelope to essentially the center of each lot, as illustrated in the General Project Report.

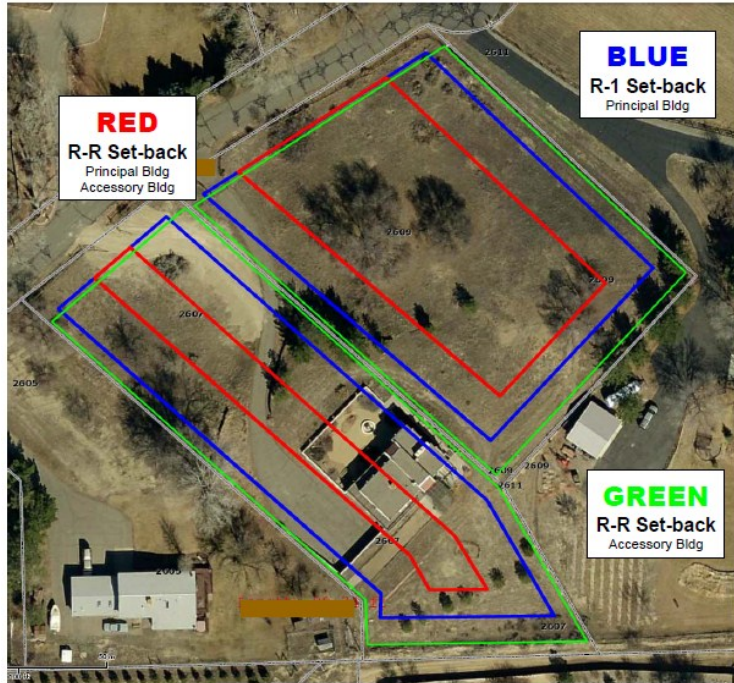


Figure 3 - Impact of Building Set-backs: R-R versus R-1

The request to rezone the property to R-1 (Residential 1 du/ac) would allow the construction of accessory structure(s) closer to the corner(s) of the lot(s) with a 5 foot side yard and 10 foot rear yard setback for accessory structures.

The rezone will also resolve an existing nonconformity in that the minimum lot size will be one (1) acre; the properties are 1.298 and 1.459 acres, respectively.

The proposed rezone will reduce a legal nonconformity at 2907 Kelley, where the existing residence (principal structure) is less than 50 feet from the side property line. The proposed residence at 2609 Kelley will meet the current R-R standards, which require the larger setback for principal structures (50' side and 50' rear yard) than the proposed R-1 zone (15' side yard and 30' rear yard). The residence will be fully conforming to the R-1 standards by having a larger than required setback should the zone change be approved.

The purpose of the R-1 (Residential 1 du/ac) zone district, as outlined in Grand Junction Municipal Code (GJMC) Section 21.03.070(c)(1) is “to provide areas for low density residential uses in less intensely developed areas. R-1 tracts should abut or be in close proximity to existing large lot single-family development, making R-1 an appropriate transition district between rural and higher density areas”.

Neighborhood Meeting:

A neighborhood meeting was held on February 4, 2014. Six neighbors attended, expressing general support for the proposal to rezone the property in order to make room for accessory structures on each lot. A question was asked regarding the impact of the rezone to the keeping of agricultural animals, specifically at the property at 2611 Kelley Drive, which has established animal enclosures and a lease for agricultural grazing. These rights will not be impacted by the zone change, consistent with the “first in time” provision in GJMC Section 21.04.030(a).

Consistency with the Comprehensive Plan:

This request is consistent with the following Goals and Policies of the Comprehensive Plan:

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

The proposed rezoning of the property will create an opportunity for customary accessory structures on two existing residential lots, adding value to each.

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 properties are sufficiently large enough to have residences that are similar in size and scale to the neighborhood, but are constrained from constructing customary accessory structures to accompany these residences, reducing the value of the properties.

Goal 7: New development adjacent to existing development should transition itself by incorporating appropriate buffering.

The purpose of the R-1 (Residential 1 du/ac) zone is to provide for low density residential uses in close proximity to existing large lot single-family development. Properties to the north and west are already zoned R-1, while properties to the east will remain zoned Estate and Rural, making R-1 an appropriate transition between the two.

The Comprehensive Plan Future Land Use designation of the property is Residential Low (0.5-2 du/ac). The proposed zoning of R-1 (Residential 1 du/ac) will implement this land use designation and is consistent with the Comprehensive Plan.

Section 21.02.140 of the Grand Junction Zoning and Development Code:

Zone requests must meet at least one of the following criteria for approval:

(1) Subsequent events have invalidated the original premise and findings;

The Comprehensive Plan, adopted in 2010, designated the property as Residential Low, with a density range of 0.5 to 2 dwelling units per acre, which translates into one-half to two acre lots.

The existing zoning on the property, which originated from its annexation into the City in 2000, is Residential Rural, which requires five acre lots. The existing properties are 1.298 and 1.459 acres, respectively.

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 area consists of large lot and estate properties, each with a single-family residence. The construction of a new residence on Lot 4 will be the first development to the area in many years. The two subject lots are the only ones which do not meet the minimum lot size of their zone, as the lots were created prior to the zoning. While the size of the lots has remained the same since 1956, the owners are requesting the rezone to allow customary accessory structures (similar to their neighbors) to accompany their residences.

The east end of the cul-de-sac includes larger estate properties, including land designated, through fencing, for livestock grazing. Agricultural animals are permitted in both the Rural and R-1 zone, pursuant to GJMC Section 21.04.030(a). Specifically, the property at 2611 Kelley Drive has established animal enclosures and a lease for agricultural grazing, which will not be impacted by the new residence or the zone change, consistent with the "first in time" provision in the above section.

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 connected to the existing residence, including potable water provided by the Ute Water Conservancy District, sanitary sewer service maintained by the City, and electricity from Grand Valley Power (a franchise utility). The new residence will be connecting to these utilities as well.

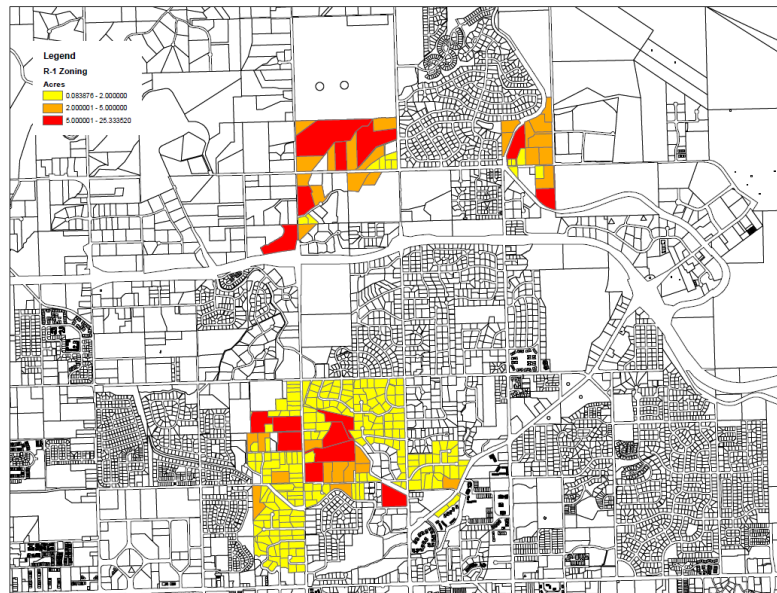
The property is near the end of a cul-de-sac, which has direct access to 26 Road (1st Street), which extends south into the City via an overpass on I-70. H Road is to the north, which extends east to the Grand Junction Regional Airport. A church and future park (Saccomanno) are located at the intersection of 26 ½ Road (7th Street) and H Road east of the site.

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;

R-1 zoned properties within the City are located in two distinct groups: a one (1) square mile section centered along 26 Road between Patterson Road and G Road, and north of I-70 along 26 Road to H Road then east to 27 ¼ Road. Three (3) individual parcels on the Redlands are also zoned R-1.

As of February 13, 2014 there was a total of 461.9 acres of R-1 zoned property within the City [comprising 263 parcels – 8 of which are institutional/tax exempt]. Since the maximum density within this zone is one (1) dwelling unit per acre, the R-1 zone can legally accommodate only 462 dwelling units. The 2010 census showed Grand Junction with 26,170 housing units (with more constructed since). Therefore, the share of dwelling units allocated to R-1 properties is less than 1.77% of the entire existing housing stock.



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-1 zone would implement Goal 3, 5, and 7 of the Comprehensive Plan as described earlier.

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-R (Residential Rural)
- b. R-E (Residential Estate)
- c. R-2 (Residential – 2 du/ac)

- d. R-4 (Residential – 4 du/ac)
- e. R-5 (Residential – 5 du/ac)

The existing lots exceed the maximum density of the existing Rural zone district.

The Estate zone district has similar standards as the R-1 zone, but is used for properties that may not have access to sanitary sewer.

The R-2 through R-5 zones would increase the density and be inconsistent with the character of the neighborhood. No new lots will be created as a result of the zone change to R-1; only the setback standards will change.

It is my professional opinion that extending the R-1 zone to these properties will achieve not only the goals of the Comprehensive Plan but will provide a suitable transition for that, through established development standards, provides compatibility with the adjacent neighborhood.

If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made supporting the recommendation.

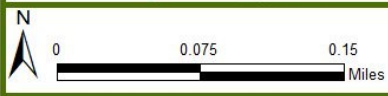
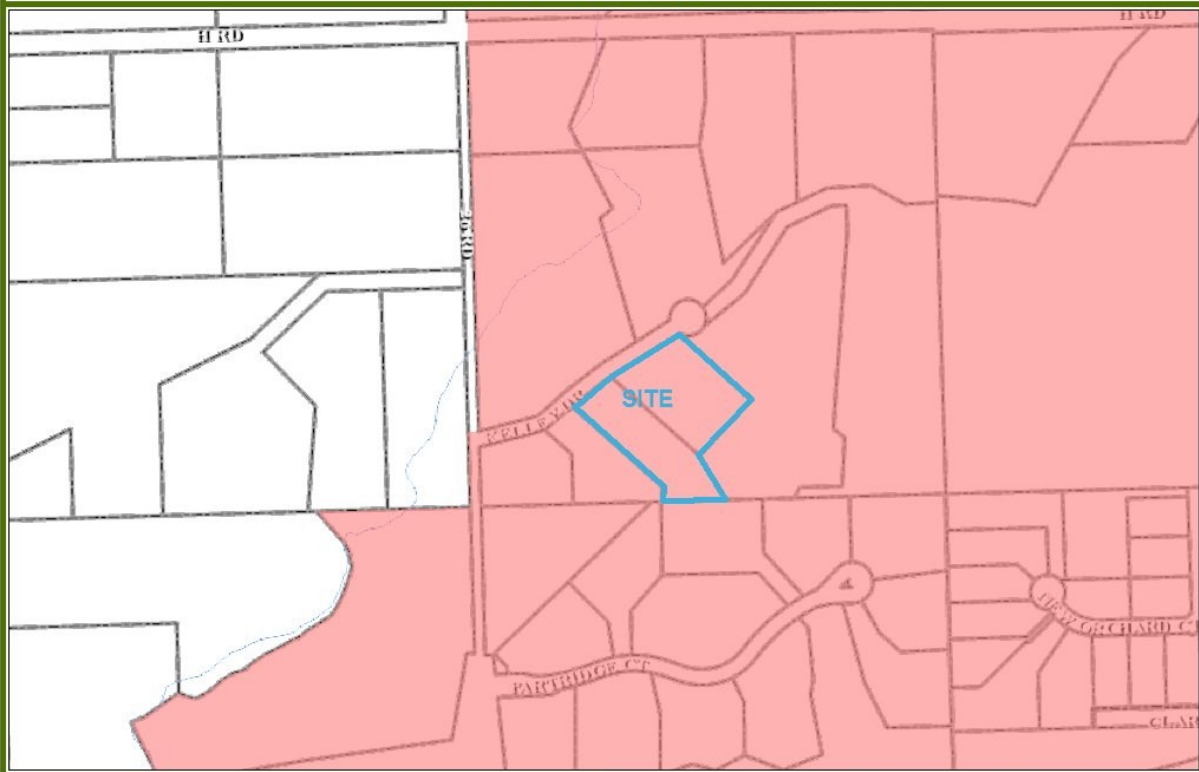
FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Kelley Drive Rezone, RZN-2014-59, a request to rezone the property at 2607 and 2609 Kelley Drive from R-R (Residential Rural) to R-1 (Residential 1 du/ac), the following findings of fact and conclusions have been determined:

The requested zone is consistent with the goals and policies of the Comprehensive Plan.

The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

Site Location Map

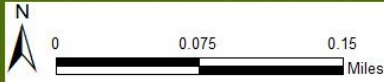
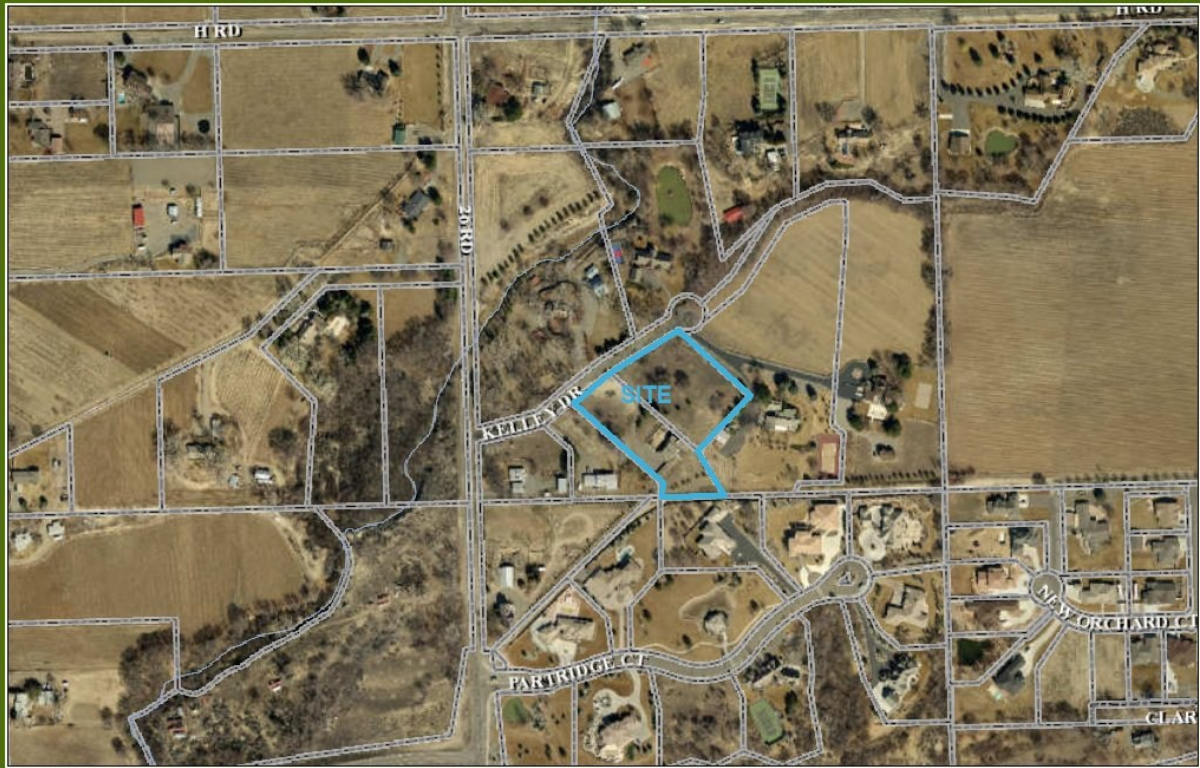


Printed: 2/18/2014

1 inch = 313 feet



Aerial Photo Map

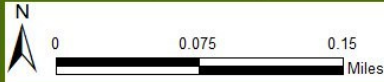
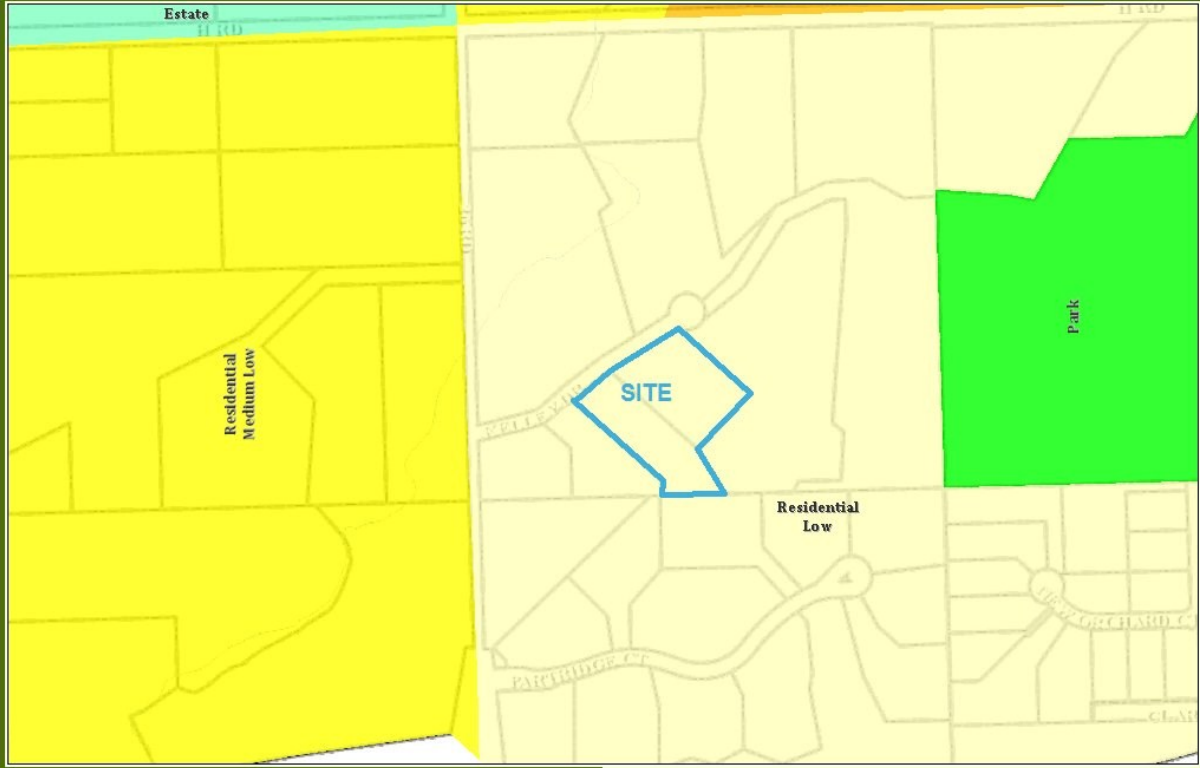


Printed: 2/18/2014

1 inch = 313 feet



Comprehensive Plan Future Land Use Map

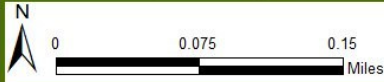
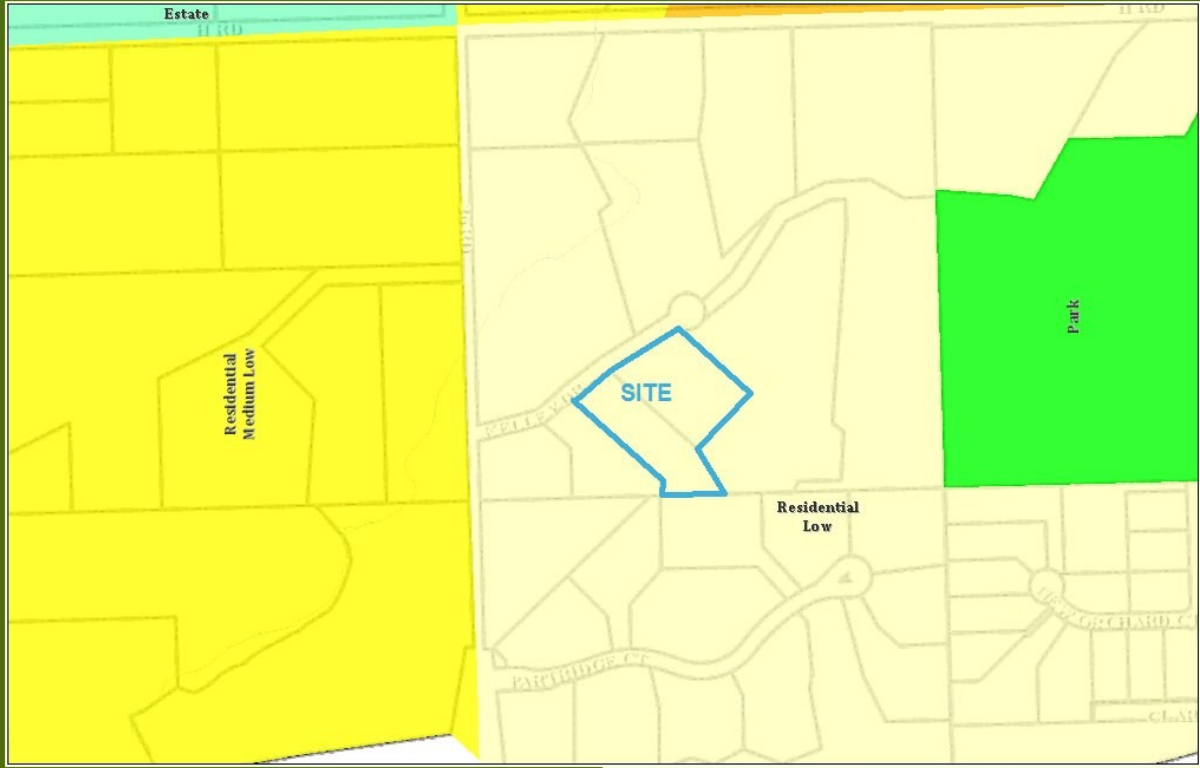


Printed: 2/18/2014

1 inch = 313 feet



Comprehensive Plan Future Land Use Map

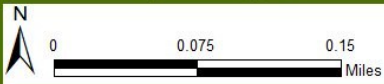
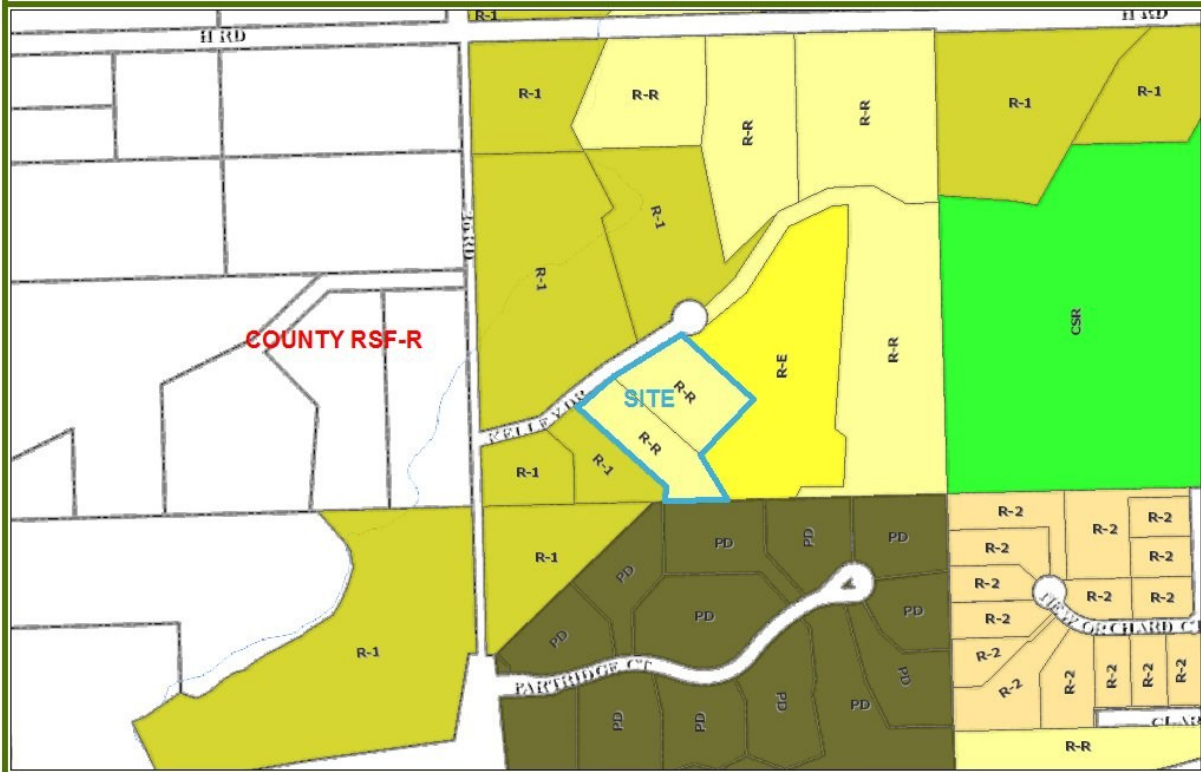


Printed: 2/18/2014

1 inch = 313 feet



Zoning Map

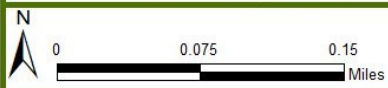
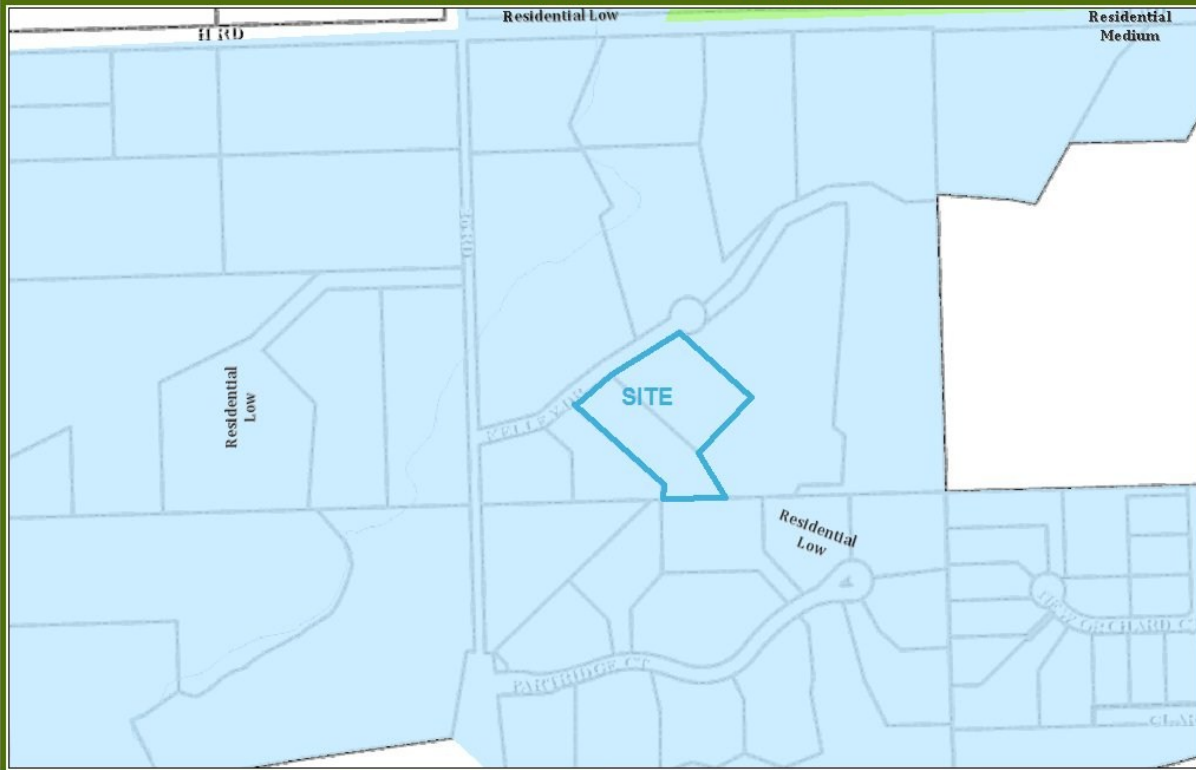


Printed: 2/18/2014

1 inch = 313 feet



Blended Residential Land Use Category Map



Printed: 2/18/2014

1 inch = 313 feet



Rezone 2607 and 2609 Kelley Drive

from R-R to R-1

A. Project Description

A1. Location

See Figures 1 and 2

A2. Acreage

See Figure 2

A3. Proposed use

Existing use = residential, R-R zoning

Proposed use = residential, R-1 zoning

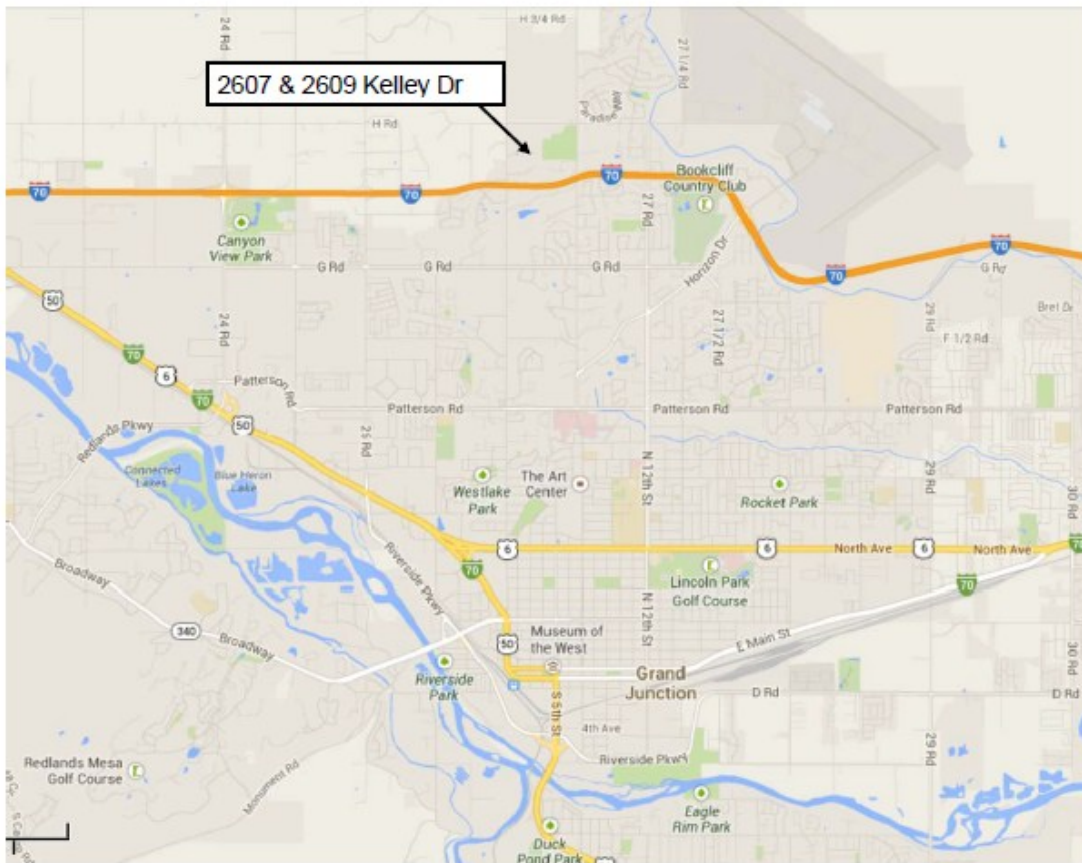


Figure 1 - Location Map



Figure 2 - Location Map (Zoom In)

B. Public Benefit

The properties are currently zoned R-R, which requires a minimum lot size of 5-acres. As shown in Figure 2, neither of the lots meet the 5-acre minimum. R-1 zoning is more appropriate for these properties considering that they are 1.30-acres and 1.45-acres. The rezone will not allow for additional residential units to be constructed. These two lots will only have one residential house per lot with or without the rezone.

In addition, the R-R zoning building set-backs (20-ft for the front & 50-ft for the sides & rear) are geared toward 5-acre minimum lots. When applied to these lots that are significantly smaller than 5-acres, the R-R building set-backs would require the principal building (house) and accessory building (shed) to be crammed into the middle of the lot. The building set-backs for R-1 zoning are more suited to these smaller lots, such that the principal building (house) and accessory building (shed) can be spread out a little, creating a better visual appeal for the surrounding neighbors. Figure 3 shows the building set-backs for R-R and R-1.



Figure 3 - Impact of Building Set-backs: R-R versus R-1

C. Neighborhood Meeting

A neighborhood meeting was held Tuesday, February 4, 2014 at 5:30 pm at 2607 Kelley Drive. The attached sign-in sheet shows the attendees.

D. Project Compliance, Compatibility, and Impact

D1. Adopted plans and/or policies

Refer to Section B for the justification for the rezone.

D2. Land use in the surrounding area

See Figure 4

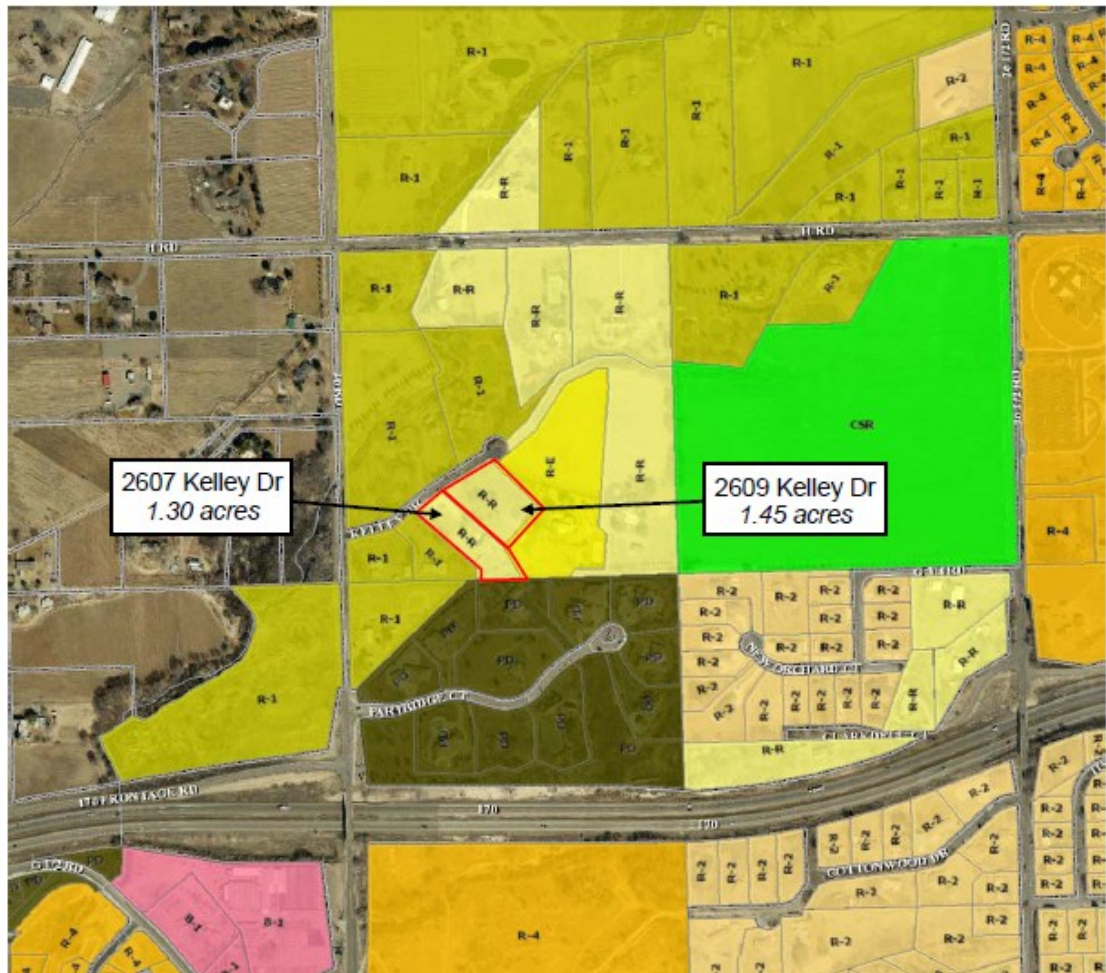


Figure 4 - Adjacent Land Use (Zoning)

D3. Site access and traffic patterns

Both properties have access to Kelley Drive, which then connects to 26 Road.

The requested rezone from R-R to R-1 will not increase the number of residential units; there will only be two residential units with or without the rezone. This means that there will be no change or impact to the following items:

D4. Availability of utilities, including proximity of fire hydrants

D5. Special or unusual demands on utilities

D6. Effects on public facilities

D10. Site soils and geology

D11. Impact of project on site geology and geological hazards

The properties are residential so the following items are not applicable:

D7. Hours of operation

D8. Number of employees

D9. Signage plans

E. Approval Criteria in Zoning & Development Code

(1) Subsequent events have invalidated the original premise and findings

As shown in Figure 4, much of the property in this area is zoned R-1, such that the rezone to R-1 will be consistent with the zoning in this area.

(2) The character and/or conditions of the area has changed such that the amendment is consistent with the Plan

As shown in Figure 4, much of the property in this area is zoned R-1, such that the rezone to R-1 will be consistent with the zoning in this area.

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

Not applicable; the requested rezone from R-R to R-1 will not increase the number of residential units; there will only be two residential units with or without the rezone. This means that there will be no change or impact to public or community facilities.

(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

Not applicable; the major factor behind the requested rezone is to change the required building set-backs to better match the lot size.

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

The R-R zoning building set-backs (20-ft for the front & 50-ft for the sides & rear) are geared toward 5-acre minimum lots. When applied to these lots that are significantly smaller than 5-acres, the R-R building set-backs would require the principal building (house) and accessory building (shed) to be crammed into the middle of the lot. The building set-backs for R-1 zoning are more suited to these smaller lots, such that the principal building (house) and accessory building (shed) can be spread out a little, creating a better visual appeal for the surrounding neighbors. Figure 3 shows the building set-backs for R-R and R-1.

F. Development Schedule and Phasing

2607 Kelley Drive: There is an existing house on this lot; there are no immediate plans for constructing an accessory building (shed).

2609 Kelley Drive: This is a vacant lot; the owner plans to construct a house and an accessory building (shed) as soon as possible.

Neighborhood Meeting – February 4, 2014 @ 5:30 pm

Proposed Kelley Drive Rezone

Located at 2607 and 2609 Kelley Drive

Existing Zoning is R-R (Residential Rural)

Proposed Zoning is R-1 (Residential 1 du/ac)

Future land Use Designation is Residential Low (0.5 – 2 du/ac)

Please Sign In

| Name | Address | Contact info |
|--------------------|------------------------|--------------|
| Billy Baker | 2611 Kelley | 2426199 |
| Donna Baker | 2611 Kelley | 2426199 |
| Steve Stramel | 2609 Kelley | 640-3312 |
| Brian Rusche | 250 N. 5th St. | 256-4058 |
| Herb & Beth Mooney | 2613 Kelley Dr | 241-9832 |
| Mark Bunnell | 2607 Kelley Dr. | 433-7673 |
| Angela Bunnell | 2607 Kelley Dr. | 433-7673 |
| Stella Shauks | 2606 Kelley Dr. | 243-8656 |
| Vernon Kiz | 2610 Kelley Dr. | 241-1496 |

From: Steve Stremel <shomesllc@gmail.com>
To: Brian Rusche <brianr@ci.grandjct.co.us>
Date: 2/5/2014 8:14 AM
Subject: neighborhood meeting

On 2/4/14 @ 5:30pm we held a neighborhood @ 2607 Kelley Dr. Six property owners were present, Mark Bunnell and I explained why we are requesting that our lots be rezoned from "RR" to "R-1", that is so we can build a secondary structure closer to the property line then 50' as is required in the R-R zoning, changing to the R-1 zoning would let the secondary structure be within 10' of the property line.

One neighbor was concerned it would changed the fact that they have some farm animals, You told them that they not be impacted as they would be grandfather in with their rights.

No one else had concerns about the rezoning and seem to be in favor of the change.

Thanks for attending, Steve Stremel

21.04.030 Use-specific standards.

(a) Animal Regulations.

(1) Purpose and Scope.

(i) This subsection provides rules and regulations for the keeping of agricultural animals, household pets and other animals. Keeping of animals shall not become a nuisance, hazard and/or create a public health problem.

(ii) Animal uses such as feedlots, zoos, kennels and veterinary/animal hospitals are specifically identified in the use table and shall be administered by the provisions of this chapter.

(2) Nonconforming Use. The existing, lawful use of a premises or structure, used for the keeping of animals, which is not in conformance with the provisions of this code, may be continued, subject to the following:

(i) No use may be expanded or enlarged, except in conformance with this code;

(ii) If a nonconforming use is discontinued for 12 consecutive months, any future use shall conform to this code; and

(iii) Having written proof of the existence of the use shall be the responsibility of the occupant or property owner.

(3) Agricultural Animals (see Definitions).

(i) The CSR, R-R, R-E, R-1 and R-2 districts shall not have more than one large agricultural animal per one-quarter acre of land and shall be subject to the fencing requirements of this chapter. In these districts, all types of fowl (e.g., chickens, turkeys, ducks, and geese) shall be allowed, subject to the confinement provisions of this subsection.

(ii) In all other districts, a maximum of one large agricultural animal (e.g., horse, sheep, cow, mule or burro) shall be allowed per one-half acre of land.

(iii) Agricultural animals shall be subject to the following provisions:

(A) All large agricultural animals kept on a parcel shall be fenced so that they are no closer than 100 feet from any residential structure on another property. For the purposes of this section, the first in time shall be the first in right. Written permission, if the animal were not first in time, for a lesser distance may be obtained from the property owner, or if not owner occupied, from the occupant.

(B) No person shall keep, house, or shelter one or more pig in any zone district other than R-R unless such person has obtained a conditional use permit in accordance with the provisions of GJMC [21.02.110](#).

(C) Small animals (e.g., chickens and rabbits), which are kept outside the residence, shall be confined by a fence, cage, or pen so as to be no closer than 20 feet from a principal residential structure on an adjoining property. A maximum of six adult animals shall be allowed on parcels of one-half an acre or less. On parcels greater than one-half an acre, 15 adult animals shall be allowed per acre.

(D) In the R-R district, the number of agricultural animals and small animals allowed under this subsection may be exceeded with a conditional use permit (see GJMC [21.02.110](#)). If the conditional use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING 2.749 ACRES FROM R-R (RESIDENTIAL RURAL)
TO R-1 (RESIDENTIAL 1 DU/AC) LOCATED
AT 2607 AND 2609 KELLEY DRIVE (KELLEY DRIVE REZONE)**

Recitals:

The requested rezone includes two (2) parcels, located at 2607 and 2609 Kelley Drive. Both parcels were created in 1956 as Lot 3 and Lot 4, respectively, of the Replat of Sunny Knoll Subdivision.

Both parcels were annexed in 2000 as part of the G Road North Enclave and were zoned RSF-R, now known as R-R (Residential Rural), at the time of annexation.

The R-R (Residential Rural) zone establishes a minimum lot size of five (5) acres and a minimum side and rear yard setback of 50 feet. This restricts the building envelope to essentially the center of each lot. The request to rezone to R-1 (Residential 1 du/ac) would allow the construction of accessory structure(s) closer to the corner(s) of the lot(s) rather than in the center of the lot. The rezone will also resolve an existing nonconformity in that the minimum lot size will be one (1) acre; the properties are 1.298 and 1.459 acres, respectively.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the property from R-R (Residential Rural) to the R-1 (Residential 1 du/ac) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, Residential Medium, and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-1 (Residential 1 du/ac) zone district to be established.

The Planning Commission and City Council find that the R-1 (Residential 1 du/ac) zoning 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 shall be rezoned R-1 (Residential 1 du/ac):

Lot 3, SUNNY KNOLL SUBDIVISION, according to the replat thereof and beginning at the Southeast Corner of Lot 3, Sunny Knoll Subdivision, a found No.4 Rebar from whence the Southeast Corner NW 1/4 NW 1/4 Section 35, Township 1 North, Range 1 West of the Ute Meridian bears South 79°41 '08" East 682.74 feet; thence South 28°23'06" East 135.54 feet to the South Line of said NW 1/4 NW 1/4, Section 35; thence along said South line North 89°43' West 170.10 feet; thence North 36.64 feet to the Southwest Comer of Lot 3, Sunny Knoll Subdivision; thence North 52°16' East 133.6 feet to the Southeast Comer of said Lot 3 and the Point of Beginning, County of Mesa, State of Colorado.

AND

LOT 4 of REPLAT OF SUNNY KNOLL SUBDIVIDION, according to the official plat thereof recorded June 7, 1959 in Plat Book No. 9 at Page 8 at Reception No. 670182, County of Mesa, State of Colorado.

INTRODUCED on first reading the ___ day of ___, 2014 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2014 and order published in pamphlet form.

ATTEST:

City Clerk

Mayor



**Attach 4
CITY COUNCIL AGENDA ITEM**

Date: February 18, 2014
Author: Senta Costello
Title/ Phone Ext: Senior Planner /
x1442
Proposed Schedule: March 19, 2014
2nd Reading (if applicable): N/A
File # (if applicable): VAC-2013-490

| |
|---|
| Subject: Vacation of 10' Utility Easement, Located at 531 Maldonado Street |
| Action Requested/Recommendation: Approve a Resolution to Vacate a 10' Utility Easement |
| Presenter(s) Name & Title: Senta Costello, Senior Planner |

Executive Summary:

Request to vacate a 10' public utility easement on 2.388 acres in a C-1 (Light Commercial) zone district. The easement is no longer necessary due to the relocation and abandonment of the water line historically located within the easement.

Background, Analysis and Options:

The property was annexed in 1969 as part of the West Lilac Park Annexation. Historically the property has been zoned residentially until 2010 when it was rezoned from R-8 (Residential 8 du/ac) to C-1 (Light Commercial).

In 2012, the Grand River Mosquito Control District submitted an application to construct facilities on the site to house their offices, storage and maintenance buildings. That application was approved in January 2014.

The property is Lot 10 Block 6 of the Six and Fifty West Subdivision Filing No. Two recorded in 1978. On that plat, a 10' utility easement was created along the south line of Lot 10, Block 6 along with other easements within the subdivision. The easement contained an 8" water line. In 2013, it was determined that the water line could be rerouted within public right-of-way, the existing line abandoned in place rendering the easement unnecessary as there are no other utilities located in the easement. Work to relocate the water line and abandon the old line was completed in the fall of 2013.

The applicant is now requesting to vacate the easement, removing an unnecessary encumbrance on the property.

A neighborhood meeting was held at the current Grand River Mosquito Control District office located at 650 W Gunnison Ave. 9 neighbors attended the meeting. Zane

McCallister was present representing the Mosquito District and Mark Austin, as the engineer/consultant for the Mosquito District. Senta Costello was present representing the City of Grand Junction. Questions raised by the neighbors included status of the water line within the easement and the overall status of the project. Mark Austin confirmed for the neighbors that the water line had been rerouted and the old line abandoned per City of Grand Junction standards and the new line accepted as constructed for future maintenance. Mr. Austin then gave an overview of the status of the project, anticipating construction to begin this spring. The balance of the meeting involved discussion of other projects within the neighborhood.

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

The request does not conflict with the Comprehensive Plan because the easement is no longer needed, is not pertinent to the Grand Valley Circulation Plan and the property is not located within any other plan boundary.

Board or Committee Recommendation:

The Grand Junction Planning Commission met on February 25, 2014 and forwarded a recommendation of approval to City Council.

Financial Impact/Budget:

There is no financial impact.

Legal issues:

Legal staff has reviewed the proposal and has no concerns or issues.

Other issues:

None

Previously presented or discussed:

No

Attachments:

Staff Report
Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing Zoning Map
Resolution

BACKGROUND INFORMATION

| | | | |
|------------------------------|-------|--|-----|
| Location: | | 531 Maldonado | |
| Applicants: | | Grand River Mosquito Control District – Zane McCallister | |
| Existing Land Use: | | Vacant Commercial | |
| Proposed Land Use: | | Office/Storage/Maintenance for GRMCD | |
| Surrounding Land Use: | North | Office/Service businesses | |
| | South | Single Family Residential | |
| | East | Single Family Residential | |
| | West | Railroad | |
| Existing Zoning: | | C-1 (Light Commercial) | |
| Proposed Zoning: | | C-1 (Light Commercial) | |
| Surrounding Zoning: | North | C-1 (Light Commercial) | |
| | South | R-8 (Residential 8 du/ac) | |
| | East | R-8 (Residential 8 du/ac) | |
| | West | I-1 (Light Industrial) | |
| Future Land Use Designation: | | Commercial | |
| Zoning within density range? | | X | Yes |
| | | | No |

ANALYSIS

Background

The property was annexed in 1969 as part of the West Lilac Park Annexation. Historically the property has been zoned residentially until 2010 when it was rezoned from R-8 (Residential 8 du/ac) to C-1 (Light Commercial).

In 2012, the Grand River Mosquito Control District submitted an application to construct



The applicant is now requesting to vacate the easement, removing an unnecessary encumbrance on the property.

Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the easement shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.
 - i. The request does not conflict with the Comprehensive Plan because the easement is no longer needed, is not **Abandoned Waterline** **Easement** pertinent to the Grand Valley Circulation Plan and the property is not located within any other plan boundary.

Therefore, this criterion has been met.

- b. No parcel shall be landlocked as a result of the vacation.
 - i. There are no parcels that will be landlocked as a result of the vacation.

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.
 - i. There are no parcels that utilize the area of the easement for access and elimination of the easement will not eliminate or restrict access to any properties.

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).
 - i. The easement contained a public water line. The line was re-routed in 2013 within public right-of-way, the new line has been inspected and accepted and the old line abandoned. Utility services are now being provided by the new line. Vacation of the easement will not have adverse impacts on the general community or quality of public services.

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 Municipal Code.
 - i. The services provided by the water line that existed within the easement are now provided by the rerouted line within the right-of-way. Adequate services will not be inhibited by the easement vacation.

Therefore, this criterion has been met.

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

- i. The vacation will remove actual or perceived responsibility for public improvements on private property. Maintenance and repairs of the line can now be made easily with the access to the new water line relocated in the right-of-way.

Therefore, this criterion has been met.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Grand River Mosquito Control District easement vacation application, VAC-2013-490 for the vacation of a public utility easement, I make the following findings of fact and conclusions:

1. The requested easement vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Resolution

Site Location Map



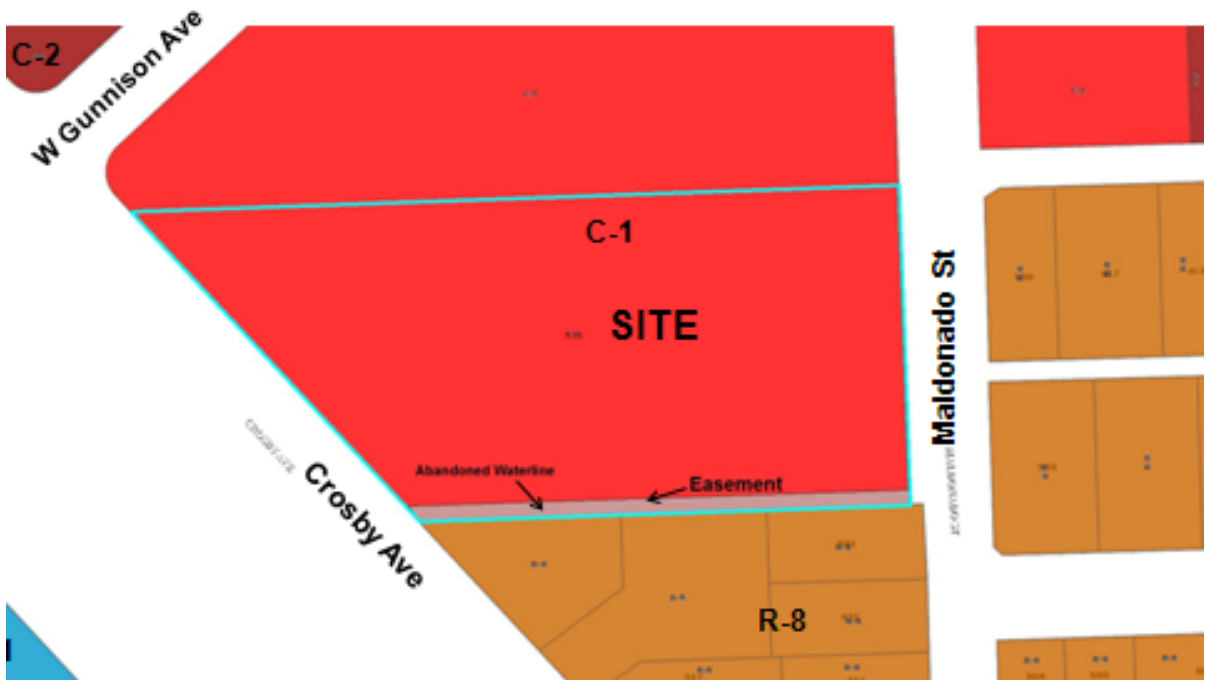
Aerial Photo Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map



CITY OF GRAND JUNCTION

RESOLUTION NO.

**AN RESOLUTION VACATING A 10' UTILITY EASEMENT
LOCATED AT 531 MALDONADO STREET**

RECITALS:

A vacation of the dedicated easement for has been requested by the adjoining property owners.

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 Municipal Code.

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 easement for utilities is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Resolution.

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

Dedicated easement to be vacated:

A parcel of land located in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 15, Township 1 South, Range 1 West of the Ute Meridian, Grand Junction, Mesa County, Colorado and being more particularly described as follows:

That ten foot (10.0') utility easement lying North of the South line of Lot 10, Block Six, Six and Fifty West Subdivision, Filing No. Two, as shown on the plat recorded in Plat Book 12, Page 101, Mesa County records, beginning at the West side of the ten foot (10.0') utility easement along the East lot line of said Lot 10 and terminating at the East line of the fifteen foot (15.0) Utility and Irrigation Easement lying along the West lot line of said Lot 10.

Introduced for first reading on this _____ day of _____, 2014.

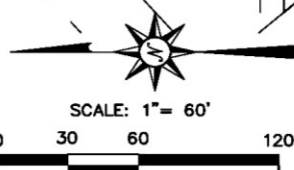
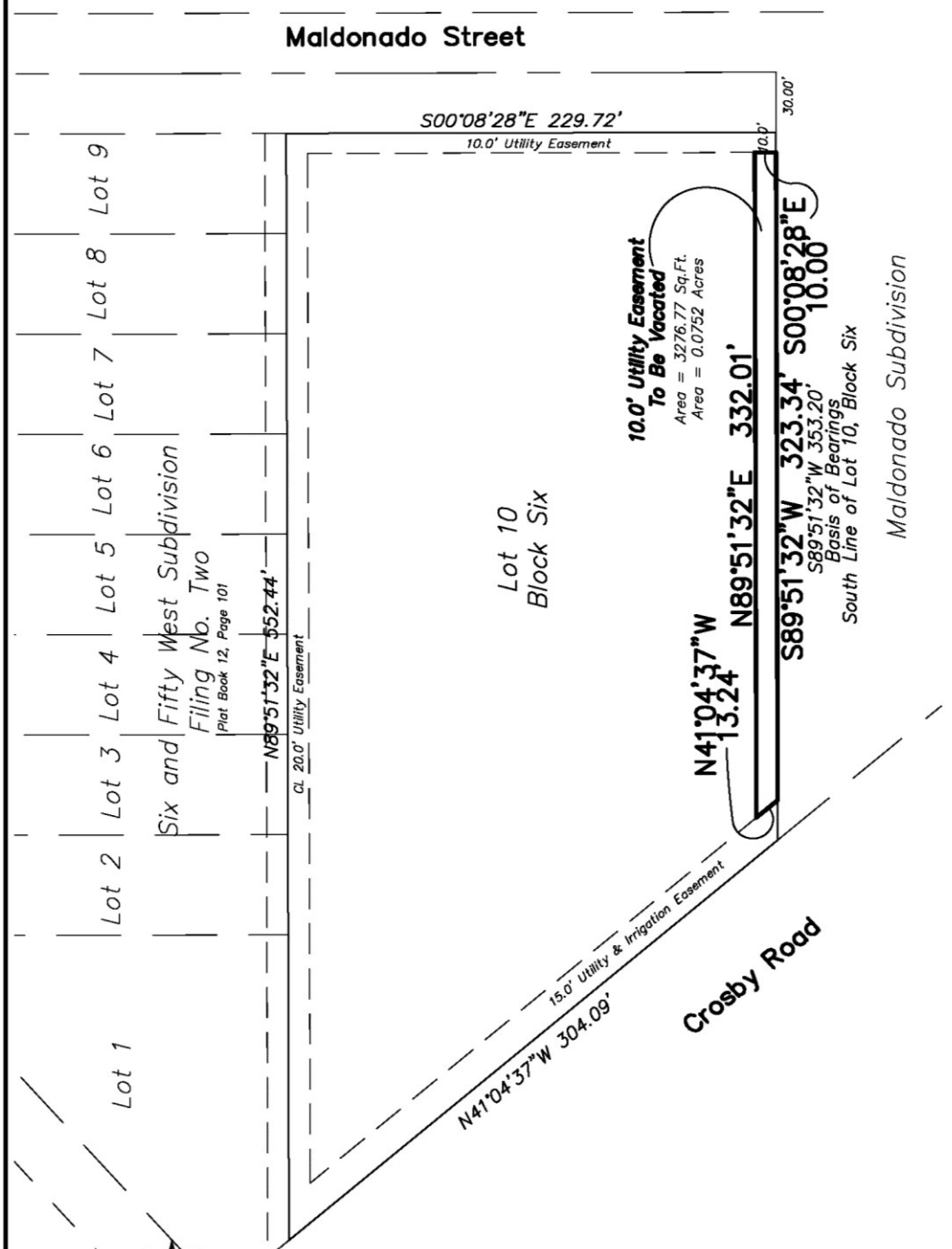
PASSED and ADOPTED this _____ day of _____, 2014.

ATTEST:

President of City Council

City Clerk

EXHIBIT A EASEMENT VACATION



High Desert Surveying, LLC
 1673 Highway 50 Unit C
 Grand Junction, Colorado 81503
 Tele: 970-254-8649 Fax: 970-241-0451

| | | | | |
|---------------------|-------|-------|-------|----|
| PROJ. NO. 13-90 | Drawn | APP'D | SHEET | OF |
| DATE: January, 2014 | rsk | skw | 1 | 1 |



**Attach 5
CITY COUNCIL AGENDA ITEM**

Date: March 5, 2014

Author: John Camper

Title/ Phone Ext: x. 5100

Proposed Schedule: March 19,
2014

2nd Reading

(if applicable): _____

File # (if applicable): _____

| |
|---|
| Subject: Colorado Information Sharing Consortium Intergovernmental Agreement |
| Action Requested/Recommendation: Authorize the City Manager to Sign an Intergovernmental Agreement between the City of Grand Junction and All Other Members of the Colorado Information Sharing Consortium |
| Presenter(s) Name & Title: John Camper, Chief of Police |

Executive Summary:

In 2007, the Grand Junction Police Department became a founding partner in the Colorado Information Sharing Consortium (CISC), designed to further the sharing of information between law enforcement agencies within the State of Colorado through the use of “Coplink.” The CISC was originally based on a Memorandum of Understanding, but now seeks to obtain legal status through an Intergovernmental Agreement.

Background, Analysis and Options:

The Colorado Information Sharing Consortium (CISC) was created in 2007 to further the information sharing capability of law enforcement agencies throughout the State of Colorado, through the use of “Coplink.” Coplink is a software product that connects disparate police records management systems, allowing detectives and other police employees to conduct inquiries, explore tips, generate leads, and solve crime.

Grand Junction became one of eight founding partner agencies that created the Colorado Information Sharing Consortium (CISC), and the City now hosts the “Colorado West” node which includes numerous participating agencies west of the Continental Divide. Through funding from counties, cities, E-911 boards, and federal grant sources, the CISC has built one of the most robust and comprehensive data sharing systems in the country. Today there are 87 member agencies in the CISC, representing 8,409 certified officers and deputies statewide. The system is routinely accessed hundreds of times each day by detectives, crime analysts, and police officers who look up suspects and develop criminal leads.

Prior to the implementation of Coplink, in order for any agency to find out what information was held in another agency’s records system, a detective would have to call

each agency directly, explain the details of the case they were working, and ask that a data inquiry be conducted by that agency. Today the investigating officer can directly access the data of multiple agencies and make queries of that data. Numerous examples exist throughout Colorado testifying to the effectiveness of Coplink.

The original CISC was formed via a memorandum of understanding (MOU) between the participating agencies. The current CISC, because it is based on merely an MOU, has no legal status or authority. The purpose of creating a governmental authority under Colorado Revised Statutes is to allow the CISC to legally enter into contracts to purchase updated products for a statewide entity, to pursue grant opportunities to fund new and improved technologies and systems, and to provide governmental immunity.

The Intergovernmental Agreement (IGA) being presented is the document designed to create the needed governmental authority. This proposal is simultaneously being brought forward to other elected bodies by the 87 sheriffs and police chiefs across Colorado who agencies use this crucial data system to fight crime.

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.*

All law enforcement agencies in the Grand Valley are members of the Colorado Information Sharing Consortium, to include the Grand Junction Police Department, the Mesa County Sheriff's Office, the Colorado State Patrol, the Fruita Police Department, and the Palisade Police Department.

Goal 11: *Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.*

The Colorado Information Sharing Consortium enhances the safety of the Grand Valley through improved sharing of criminal information amongst agencies throughout the state. The police department's capacity to solve crime is greatly enhanced, thus adding to a safe and healthy economy.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

The City's entry into the Colorado Information Sharing Consortium was fully funded back in 2007. The City now pays only maintenance expenses amounting to approximately \$5,750 per year; paid by Information Technology, and then charged back to the Grand Junction Police Department through intrafund service charges. Other agencies within the Colorado West node pay maintenance expenses as well, through the City of Grand Junction Information Technology Department serving as the host. It is not anticipated that this action will have any financial impact.

Legal issues:

The Colorado Information Sharing Consortium retained counsel to draft the agreement, and it has been further approved by the Grand Junction City Attorney as to content and form.

Other issues:

No other issues have been identified.

Previously presented or discussed:

Although Coplink and the Colorado Information Sharing Consortium has been previously discussed with City Council, this particular request to move to an Intergovernmental Agreement has not.

Attachments:

Intergovernmental Agreement

**INTERGOVERNMENTAL AGREEMENT
OF THE
COLORADO INFORMATION SHARING CONSORTIUM**

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**INTERGOVERNMENTAL AGREEMENT
OF THE
COLORADO INFORMATION SHARING CONSORTIUM**

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is effective as of the [_____] day of [_____], 2014 (the "Effective Date," as further defined below) by and between the Adams County Sheriff's Office, the Arapahoe County Sheriff's Office, the City of Aurora, the Colorado Department of Public Safety of the State of Colorado, the City of Colorado Springs, the City of Commerce City, the City and County of Denver, the Douglas County Sheriff's Office, the City of Grand Junction, the Board of County Commissioners of the County of Jefferson, the Board of County Commissioners of the County of Mesa, and all other entities or agencies that sign this Agreement consistent with the requirements herein (individually a "Party" and collectively the "Parties").

RECITALS

WHEREAS, the Parties are each authorized to lawfully provide, establish, maintain, and operate law enforcement services;

WHEREAS, Part 2 of Article 1, Title 29 of the Colorado Revised Statutes (the "C.R.S.") encourages and authorizes intergovernmental agreements for the joint and cooperative provision of public services;

WHEREAS, C.R.S. § 29-1-203 authorizes governments to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each and to establish a separate legal entity to do so;

WHEREAS, 21 U.S.C. § 873 and regulations promulgated thereunder authorize certain agencies within the Federal government to cooperate with local, state, tribal, and Federal agencies for the purpose of exchanging certain information;

WHEREAS, the Parties, along with other Colorado law enforcement entities, have previously entered into a nonbinding and voluntary memorandum of understanding (the "MOU") to jointly develop the statewide Colorado Information Sharing Consortium (the "CISC") with the purpose and intent of sharing law enforcement information, primarily through a software product known as COPLINK;

WHEREAS, the Parties, along with the other signatories of the MOU, have determined that it is in the public's best interest to formalize the CISC into a legal entity in order to permit the CISC to enter into contracts and utilize economies of scale for the purchase of future services, products, and maintenance and to enter into information sharing agreements with jurisdictions outside the State of Colorado;

WHEREAS, the Parties and other signatories of the MOU have agreed to organize and operate a separate legal entity pursuant to C.R.S. § 29-1-203(4), which shall be known as the Colorado Information Sharing Consortium; and

WHEREAS, the Parties intend for other entities or agencies to join as Parties to this Agreement by signing a separate signature page to this Agreement consistent with the requirements herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

DEFINITIONS

1. Definitions. In addition to the above defined terms, the following terms shall have the meaning ascribed to them.
 - a. “Assigned Employee” shall mean a Party’s employee assigned to work full- or part-time on behalf of the CISC.
 - b. “Board” shall mean the Board of Directors of the CISC.
 - c. “Data” shall mean facts, detailed information, police report narratives, supplemental report narratives, other text-related information as determined and released by each Party’s internal information sharing policy, and other materials provided by a Party to the CISC. “Data” shall not mean Intelligence Information (defined below).
 - d. “Director” shall mean a director on the Board of the CISC.
 - e. “Effective Date” shall be the date written in the preamble, which shall be the date on which the sixth Party signed this Agreement.
 - f. “Intelligence Information” shall mean evaluated data relevant to the identification of criminal activity engaged in by an individual or organization reasonably suspected of involvement in criminal activity that meets criminal intelligence system submission criteria as set forth in Part 23 of Title 28 of the Code of Federal Regulations. Intelligence Information is a criminal justice record pursuant to C.R.S. § 24-72-302(4).
 - g. “Manager” shall mean a person who is assigned to manage the day-to-day operations of the CISC.
 - h. “Representative” shall mean the chief law enforcement officer of each Party or the person designated by the chief law enforcement officer of each Party.

CREATION OF THE COLORADO INFORMATION SHARING CONSORTIUM

2. Creation of the CISC. Pursuant to C.R.S. § 29-1-203(4), the Parties hereby create a separate legal entity known as the Colorado Information Sharing Consortium, or CISC, which shall have the powers, authorities, duties, privileges, immunities, rights, and responsibilities as set forth herein.
3. Principal Place of Business. The principal place of business of the CISC shall be 15001 East Alameda Parkway, Aurora, CO 80012, unless and until otherwise established from time to time by the Board.

4. CISC Purpose. The purpose of the CISC is to facilitate the sharing of Data and Intelligence Information between the Parties and non-Party governmental entities and agencies authorized by the Board.

DATA SHARING AGREEMENT

5. Data Sharing. Each Party shall share Data with the Parties and with non-Party governmental entities or agencies authorized by the Board.

6. Data Use. Shared Data shall only be used for law enforcement purposes consistent with the welfare and protection of the general public.

7. Personnel Authorized to Access Data. Only the Parties' employees and employees of non-Party governmental entities or agencies authorized by the Board shall be allowed to access the Data. All persons with access to the Data must first pass an adequate background screen. The Board shall determine what constitutes an adequate background screen for the purpose of access to Data.

8. Data Security. The Parties and any non-Party governmental entities or agencies authorized by the Board shall maintain, enforce, and follow security requirements for the Data as specified by the Board, including requirements on network configuration and network access.

9. Data Custody and Control. Each Party shall retain custody and control and shall remain the official custodian of any Data shared by that Party. The CISC shall not have custody and control and shall not be the official custodian of any Data. The CISC shall not release any Data pursuant to a request under Part 2 or Part 3 of Article 72, Title 24, C.R.S. or pursuant to a subpoena unless specifically ordered to do so by a court of competent jurisdiction.

10. Data Accuracy. The Parties understand that the Data shared by the Parties may not be accurate. The Board may set standards and requirements for Parties to correct inaccurate Data.

11. Intelligence Information.

a. No Obligation to Share. No Party shall be required to share Intelligence Information and may deny a request to share Intelligence Information for any reason.

b. Standard for Sharing. When Intelligence Information is disseminated through the CISC, it shall be disseminated consistent with Part 23 of Title 28 of the Code of Federal Regulations.

c. Policies and Procedures. The Board may set policies and procedures regarding Intelligence Information use, receipt, maintenance, security, and dissemination not inconsistent with Part 23 of Title 28 of the Code of Federal Regulations.

d. Intelligence Information Custody and Control. All Intelligence Information shall remain the sole proprietary information of the Party contributing that Intelligence Information. Each Party shall retain custody and control and shall remain the official custodian of any Intelligence Information shared by that Party. The CISC shall not have custody and control and shall not be the official custodian of any Intelligence Information. The CISC shall not release any Intelligence Information pursuant to a

request under Part 2 or Part 3 of Article 72, Title 24, C.R.S. or pursuant to a subpoena unless specifically ordered to do so by a court of competent jurisdiction.

POWERS OF THE COLORADO INFORMATION SHARING CONSORTIUM

12. Powers of the CISC. In order to enable the CISC to carry out its functions and provide the services described herein, the CISC shall have the power:

- a.** Acquire Property. To acquire, hold, lease (as lessor or lessee), sell, or otherwise dispose of any legal or equitable interest in real or personal property;
- b.** Add Parties. To approve other governmental entities or agencies authorized to lawfully provide, establish, maintain, or operate law enforcement services to join the CISC on the conditions determined by the Board;
- c.** Adopt Rules and Regulations. To adopt rules and regulations regarding the exercise of its powers and the carrying out of its purposes;
- d.** Apply for Grants. To apply for and receive grants in its own name;
- e.** Conduct Business. To conduct its business and affairs for the benefit of the Parties and their residents;
- f.** Contract. To enter into, make, and perform contracts of every kind;
- g.** Engage Agents. To engage, employ, or appoint agents, including but not limited to accountants, architects, attorneys, consultants, employees, engineers, and managers and to pay the direct and indirect reasonable costs of such agents for services rendered to the CISC;
- h.** Fees and Charges. To assess, fix, maintain, and revise fees and charges for functions, services, or facilities provided by the CISC or to cover the cost of operating and managing the CISC; however, pursuant to paragraph 28, neither the CISC nor any Party shall have the power to compel a Party to pay any fees, rates, or charges;
- i.** Incur Debt. To incur debts and obligations, deliver bonds or notes for monies borrowed or other obligations of the CISC, and to secure the payment of such bonds or obligations, except that no party shall be liable for any debts or obligations of the CISC;
- j.** Legal Process. To litigate, arbitrate, or mediate in its own name;
- k.** Receive Contributions. To receive contributions of gifts, grants, or services; and
- l.** Terminate a Party's Participation in this Agreement. To terminate or limit a Party's participation in this Agreement.

13. Restrictions on Powers of the CISC. The CISC shall not have the power:

- a.** Eminent Domain. To take property by eminent domain;

- b. Obligate Payment. To obligate a Party to pay any money to the CISC or to another Party, except that the CISC may enter into contracts with Parties for the payment of money; or
- c. Tax. To impose taxes.

BOARD OF DIRECTORS

14. Board of Directors. The governing body of the CISC shall be the Board, in which all administrative and legislative power of the CISC is vested. The purpose of the Board is to set policy for the CISC and decide important issues of the CISC.

15. Number of Directors, Term, and Term Limits. There shall be eleven (11) Directors on the Board. Six (6) Directors shall have terms that expire on March 31 of every even numbered year. Five (5) Directors shall have terms that expire on March 31 of every odd numbered year. There shall be no limit to the number of terms an individual may serve as a Director.

16. Eligibility, Appointment, Removal, and Vacancies. Each Director must be an employee of a Party. If a Director is no longer employed by a Party, the Director shall no longer be a Director. A Director may resign at any time and for any reason by giving two weeks prior written notice to the Board. A vacant Director position shall be filled by majority vote of the Representatives as soon as practicable.

a. Initial Appointment. The initial Directors shall be appointed by the Representatives of the eleven named Parties listed in the preamble of this Agreement. The Representatives of the first six (6) named Parties that agree to and sign this Agreement shall each appoint one Director, whose terms shall expire on March 31, 2016. The Representatives of the next five (5) named Parties that agree to and sign this Agreement shall each appoint one Director, whose terms shall expire on March 31, 2015.

b. Subsequent Appointment. After the initial Directors' terms expire, all subsequent Directors shall be appointed by a majority vote of the Representatives.

17. Compensation. A Director shall not receive compensation for the Director's service to the CISC. The Board may provide for reimbursement to a Director, Representative, or other person for actual and reasonable expenses incurred while performing duties for the CISC. At no time shall a Director or a Representative be considered an employee of the CISC.

18. Action by the Board at a Meeting. Meetings of the Board may be held at any place that a majority of the Directors on the Board may determine. Directors may attend the meeting in person or by conference telephone or similar communications equipment, and such participation at a meeting shall constitute attendance. The following rules shall apply.

a. Quorum. The attendance of at least a majority of the Directors of the Board shall constitute a quorum for the transaction of business.

b. Voting. The affirmative vote of a majority of the Directors on the Board that are present at any meeting at which there is a quorum shall be an act of the Board, unless a supermajority is specified herein or by rules adopted by the Board.

- c. Minutes. Minutes of each meeting and a record of each decision shall be kept by the Board.
19. Committees. The Board may designate one or more committees that shall serve at the pleasure of the Board. Any committees shall have the powers and responsibilities granted by the Board to that committee.
20. Alternates and Absentee Voting. A Director may appoint an alternate who will have the same voting rights as the Director when participating in Board meetings in the absence of the Director. Alternates must be employed by a Party. Absentee voting, where a Director votes without attending a meeting (whether in person or by other communications equipment) or without appointing an alternate, is not allowed.
21. Representative's Right to Attend Meetings. Each Representative, or an alternate, shall have the right to attend, whether in person or by conference telephone or similar communications equipment, any meeting of the Board and to voice opinions on any matter concerning the CISC.

MANAGEMENT OF THE CISC

22. CISC Manager.
- a. Appointment. Upon request from the Board, the Representatives shall jointly nominate one or more persons to be the Manager and submit those persons' names to the Board. Based on those nominations, the Board shall select one or more persons to be the Manager. The appointment of a Manager shall be contingent upon the approval of the Representative of the Party employing the Manager.
- b. CISC Manager. The Manager shall manage the day-to-day operations of the CISC and undertake and execute the Board's instructions and directions. The Manager shall have the administrative authority necessary to perform the tasks and responsibilities assigned pursuant to this Agreement. The Board may grant to the Manager any additional administrative authority as the Board deems necessary. The Manager shall attend all meetings of the Board and follow the Board's instructions and directions.
- c. Eligibility and Employment. The person(s) serving as the Manager must be an employee of a Party at all times during that person's tenure as the Manager. The Manager shall not be considered an employee of the CISC. The Board may hire an employee of the CISC under terms written and negotiated by the Board to perform the duties of the Manager under the supervision and direction of the Board.
- d. Term. The Manager's term is expected to last for two (2) years, but the actual length (whether longer or shorter) shall be determined by agreement between the Board and the Representative of the Party employing the Manager. Whether the Manager works full- or part-time on CISC matters shall be determined by agreement between the Board and the Representative of the Party employing the Manager. The Board may remove the Manager at any time and for any reason. The Representative of the Party employing the Manager may recall the Manager at any time and for any reason by giving sixty (60) days prior written notice to the Board, unless the Representative and the Board agree to other notification requirements.

e. Compensation. The Party employing the Manager shall bear the full cost of the Manager. The CISC shall not be obligated to reimburse the Party employing the Manager for the cost of the Manager. However, the Board may assess an annual fee on the Parties to reimburse the Party employing the Manager (or the CISC, if the CISC hires an employee to perform the duties of the Manager) for all or part of the costs associated with employing the Manager. As is stated in paragraph 28 of this Agreement, and consistent with that paragraph, no Party is obligated to pay any annual fees but may be denied access to the CISC or face other non-monetary penalties.

23. Additional Assistance from Assigned Employees.

a. Appointment. The Board may seek an Assigned Employee from the Parties. Upon request from the Board, any Representative may volunteer one or more Assigned Employees to work full- or part-time on behalf of the CISC. The Board may accept or decline the person volunteered to become an Assigned Employee.

b. Assigned Employees. Each Assigned Employee shall work under the supervision and direction of the Manager. Each Assigned Employee shall have the administrative authority necessary to undertake and execute the tasks and responsibilities assigned by the Manager and the Board. The Board may grant to any Assigned Employee any additional administrative authority as the Board deems necessary. An Assigned Employee shall attend meetings of the Board if and when the Board or the Manager requests that Assigned Employee's presence.

c. Eligibility and Employment. Any person serving as an Assigned Employee must be an employee of a Party at all times during that person's tenure as an Assigned Employee. The Assigned Employee shall not be considered an employee of the CISC. The Board may hire one or more full- or part-time employees of the CISC under terms written and negotiated by the Board to work under the supervision and direction of the Manager and the Board.

d. Term. The Assigned Employee's term shall be determined by agreement between the Board and the Representative of the Party employing the Assigned Employee. Whether the Assigned Employee works full- or part-time on CISC matters shall be determined by agreement between the Board and the Representative of the Party employing the Assigned Employee. The Board may remove the Assigned Employee at any time and for any reason. The Representative of the Party employing the Assigned Employee may recall the Assigned Employee at any time and for any reason by giving thirty (30) days prior written notice to the Board, unless the Representative and the Board agree to other notification requirements.

e. Compensation. The Party employing an Assigned Employee shall bear the full cost of that Assigned Employee. The CISC shall not be obligated to reimburse the Party employing the Assigned Employee for the cost of the Assigned Employee. However, the Board may assess an annual fee on the Parties to reimburse the Party employing the Assigned Employee (or the CISC, if the CISC employs an employee to perform the duties of the Assigned Employee) for all or part of the costs associated with employing the Assigned Employee. As is stated in paragraph 28 of this Agreement, and consistent

with that paragraph, no Party is obligated to pay any annual fees but may be denied access to the CISC or face other non-monetary penalties.

FINANCIAL

24. Deposits and Expenditures. All funds of the CISC shall be deposited to the credit of the CISC in an interest bearing account. No payments or withdrawals of such funds in an amount over five hundred dollars (\$500) shall be allowed without prior approval of the Board and the written authorization of two (2) Directors. Payments or withdrawals of such funds in amounts up to and including five hundred dollars (\$500) may be authorized by the Manager.
25. Fiscal Agent. The Board may request that a Party or other entity be the fiscal agent for the CISC.
26. Fiscal Year. The fiscal year of the CISC shall be January 1 through December 31 of each year.
27. No Multiple Year Fiscal Obligations. The Parties do not intend to create a multiple year fiscal obligation for any Party by virtue of this Agreement. The Parties acknowledge that any future monetary obligations of any Party are subject to sufficient appropriations by each Party and such appropriations are not guaranteed to be made.

RIGHTS OF PARTIES

28. No Duty to Pay Membership, Annual, or Other Fees. No Party shall be required by this Agreement to pay any membership, annual, or other fees or charges imposed by the Board. The sole remedy for the failure of a Party to pay any fees or charges shall be, at the Board's discretion, (a) exclusion from the CISC, (b) denial of Data and Intelligence Information sharing with other Parties through the CISC, (c) loss of any or all of the privileges and rights of a Party, (d) termination of the non-paying Party's participation in this Agreement, or (e) any combination of the foregoing as determined by the Board.
29. Voluntary Assumption of Debts. A Party may voluntarily elect to be liable, in whole or in part, for any or all of the debts, liabilities, or obligations of the CISC at the sole discretion of that Party.
30. Financial Responsibility. The CISC shall not be required to pay any Party's costs associated with acquiring or maintaining any hardware or licensed software necessary for that Party to participate in the CISC. The Board may agree to pay for expenses incurred by a Party that, in furtherance of the CISC's purposes, (a) maintains goods for use by other Parties or (b) provides services to other Parties.
31. Examination of Records. Any authorized agent of a Party, including an authorized auditor or his or her representative, has the right to access and the right to examine any pertinent fiscal books, documents, papers, and records of the CISC involving fiscal transactions for three (3) years after the date of the fiscal transaction.

32. Addition of New Parties.

a. Law Enforcement Requirement. All Parties, and any entity or agency that becomes a Party, must be governmental entities or agencies that are authorized to lawfully provide, establish, maintain, and operate law enforcement services.

b. Signatories of the MOU. All entities and agencies that signed the MOU prior to the Effective Date are vested with approval to become Parties by signing a separate signature page to this Agreement that states that the new Party agrees to the terms and conditions of this Agreement. Upon delivery of the signed signature page to the Manager, satisfaction of any conditions imposed by the Board, and payment of any CISC membership fees, if applicable, such entity or agency shall be a Party.

c. Non-Signatories of the MOU. Any entity or agency that did not sign the MOU prior to the Effective Date may become a Party by (i) gaining approval of the Board and (ii) signing a separate signature page to this Agreement that states that the new Party agrees to the terms and conditions of this Agreement. Upon delivery of the signed signature page to the Manager, satisfaction of any conditions imposed by the Board, and payment of any CISC membership fees, if applicable, such entity or agency shall be a Party.

d. CISC Membership Fee. Any entity or agency that signed the MOU prior to the Effective Date and paid a CISC membership fee at that time shall not be required to pay an additional membership fee in order to join the CISC. Any entity or agency that (i) signed the MOU prior to the Effective Date but did not pay a CISC membership fee at the time or (ii) did not sign the MOU prior to the Effective Date may be required to pay a CISC membership fee in an amount determined by the Board as a condition of becoming a Party.

33. Right to Terminate Participation. A Party may terminate its participation in this Agreement by giving written notice to the Board at least sixty (60) days prior to the date of termination, unless the Board and a specific Party have agreed on a different notice period.

GENERAL PROVISIONS

34. Amendments. This Agreement shall not be amended unless seventy-five percent (75%) of the Representatives approve such amendment in writing. The sole remedy for any Party that disagrees with any amendments is to terminate its participation in this Agreement.

35. Construction and Interpretation. The table of contents and the section and other headings and subheadings contained in this Agreement are solely for the purpose of reference, are not part of the agreement of the Parties, and shall not in any way affect the meaning or interpretation of this Agreement.

36. Duplicate Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be considered an original. The signature of any Party to any counterpart shall be deemed a signature to, and may be appended to, any other counterpart.

37. Entire Agreement. This Agreement embodies the entire understanding and agreement among the Parties concerning the CISC and supersedes any and all prior negotiations, understandings, or agreements, including the MOU.

38. Governing Law. This Agreement shall be governed by and construed under the laws of the State of Colorado to the extent not inconsistent with Federal law.

39. Indemnification. Without waiving the protections, limitations, and requirements of the Colorado Governmental Immunity Act in Article 10, Title 24, C.R.S., each Director, Representative, Manager, Assigned Employee, officer, agent, and volunteer shall be provided with a legal defense and indemnification as provided by that person's employer to the extent not inconsistent with Federal law.

40. Mediation. In the event of a dispute between the Parties regarding the interpretation of this Agreement or regarding any issue arising under this Agreement, the Parties hereby agree to the following mediation procedure. First, the disagreeing Parties will submit the issue to the Representatives, who will mediate the disagreement and try to devise an acceptable solution. If that process fails, the disagreeing Parties will submit the issue to the highest elected officials of each Party (e.g., the Mayor of a city or the County Commissioners of a county) who will mediate the disagreement and try to devise an acceptable solution. The highest elected official of each Party may approve a designee to mediate on behalf of that Party. The Parties agree to mediate in good faith. If any disagreeing Party requests a mediator, the disagreeing Parties shall jointly select a mediator and share the cost of the mediator equally. Decisions by the Board are not subject to mediation. This paragraph shall apply to the extent not inconsistent with Federal law.

41. No Third-Party Beneficiaries. Nothing in this Agreement shall be deemed to create any third-party benefits or beneficiaries or create a right or cause of action for the enforcement of this Agreement's terms in any entity or person not a Party to this Agreement including any agents, employees, officers, or volunteers of any Party or any entity with whom the CISC contracts.

42. Severability. In the event that any of the terms, covenants, or conditions of this Agreement or their application shall be held invalid as to any Party, entity, or person by a court of competent jurisdiction, (a) the remainder of this Agreement shall not be affected thereby, (b) such determination shall not affect or impair the validity or enforceability of any other provision, and (c) the remaining provisions shall be interpreted and applied so far as possible to reflect the original intent and purpose of this Agreement.

43. Term. The term of this Agreement shall be unlimited and shall extend until terminated as provided herein.

44. Termination. This Agreement may be terminated upon agreement in writing of seventy-five percent (75%) of the Representatives. Upon termination of the CISC, any monetary funds held by the CISC shall be distributed, after paying the debts and obligations of the CISC, to the Parties proportionate with the number of sworn law enforcement officers employed by each Party. Additionally, upon termination of the CISC, any non-monetary assets shall become the property of the Party in possession of those assets.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the Effective Date.

The Adams County Sheriff's Office

By: _____

Name: Doug Darr _____

Title: Adams County Sheriff _____

Date: _____

Attest: _____

Name: _____

The Arapahoe County Sheriff's Office

By: _____

Name: David C. Walcher _____

Title: Arapahoe County Sheriff _____

Date: _____

Attest: _____

Name: _____

The City of Aurora

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____

Name: _____

The Colorado Department of Public Safety

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____

Name: _____

The City of Colorado Springs

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____

Name: _____

The City of Commerce City

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____

Name: _____

The City and County of Denver

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____

Name: _____

The Douglas County Sheriff's Office

By: _____

Name: David Weaver

Title: Douglas County Sheriff

Date: _____

Attest: _____

Name: _____

The City of Grand Junction

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____

Name: _____

The Board of County Commissioners of the County of Jefferson

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____

Name: _____

The Board of County Commissioners of the County of Mesa

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____

Name: _____



Date: 03/05/14
 Author: Dan Tonello
 Title/ Phone Ext: Wastewater Services Manager/4171
 Proposed Schedule: 03/19/14

 2nd Reading
 (if applicable): _____

**Attach 6
 CITY COUNCIL AGENDA ITEM**

| |
|--|
| Subject: Motor Control Centers Replacements for Persigo WWTP Phase II |
| Action Requested/Recommendation: Authorize the Purchasing Division to Enter into a Contract with CAM Electric to Provide a New Replacement Motor Control Center for the Plant Water Pump Station Building located at the Persigo Wastewater Treatment Plant in the amount of \$54,550 |
| Presenter(s) Name & Title: Dan Tonello, Wastewater Services Manager Jay Valentine, Internal Services Manager |

Executive Summary: The Persigo Wastewater Treatment Facility is currently 30 years old. As a result of its age many of the electrical components have exceeded their useful life expectancy. This request is to authorize the Purchasing Division to enter into a contract with CAM Electric to provide a new replacement motor control center for the Plant Water Pump Station Building.

Background, Analysis and Options:

The Persigo treatment facility is comprised of eight individual unit processes that provide different levels of treatment to the wastewater before being discharged to the Colorado River. Each of these processes requires electricity that is supplied through a Motor Control Center (MCC). As a result of the treatment facilities age and the corrosive environment in which the equipment operates, the MCC's throughout the facility need to be replaced.

During 2010, the MCC's in three of the unit processes were replaced, leaving five more still needing replacement. This request for the replacement of the Plant Water Pumping Station MCC will allow staff to work toward total MCC replacement over the next several years.

A formal Invitation for Bid was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's website, advertised in The Daily Sentinel, and sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association (WCCA). Two companies submitted formal bids, all of which were found to be responsive and responsible, in the following amounts:

| Company | City, State | Price for Plant Water Pump Station Building |
|-------------------|---------------|---|
| CAM Electric | Montrose, CO | \$54,550.00 |
| Sturgeon Electric | Henderson, CO | \$54,860.42 |

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.

Providing adequate wastewater treatment is essential to the development and maintenance of a healthy diverse economy.

Board or Committee Recommendation:

None.

Financial Impact/Budget:

\$764,584 is currently budgeted in the Persigo Joint Sewer System fund for plant backbone improvements of which \$80,000 has been specifically allocated for this project.

Legal issues:

A contract in a form and with content acceptable to the City Attorney will be used for the purchase if it is authorized.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The goal to replace all eight MCC's over the next several years was presented to City Council during the fall of 2010.

Attachments:

None.



Date: March 6, 2014
 Author: Larry Manchester
 Title/ Phone Ext: Recreation
 Supervisor, 254-3844
 Proposed Schedule: March 19,
2014
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

**Attach 7
 CITY COUNCIL AGENDA ITEM**

| |
|---|
| Subject: Lincoln Park Moyer Pool Filter Replacement |
| Action Requested/Recommendation: Authorize the Purchasing Division to Enter into a Contract with CEM Sales and Service to Provide and Install a New Replacement Pool Filtration System at Lincoln Park Moyer Pool in the Amount of \$124,000 |
| Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director Jay Valentine, Internal Services Manager |

Executive Summary:

Parks and Recreation is seeking approval for replacement of the Lincoln Park Moyer Pool filter system. The current system is 28 years old and has exceeded its life expectancy.

Background, Analysis and Options:

The current Lincoln Park Moyer Pool filters are the original ones installed in 1986. Over the past 28 years, extensive components have been replaced, including the filter media. Some of these components have been replaced twice, and the existing filters have exceeded their life expectancy of 20 years. In addition, the age of the parts is causing stress and deterioration of the lateral lines, which results in sand and gravel in the pool and return lines. This causes problems with the overall efficiency of the sanitation and circulation systems of the pool. Although the system is still operational, a complete system failure is possible which would require closure of the facility for at least six weeks. This planned replacement was included within the 2014 capital budget.

A formal Invitation for Bid was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City’s website, advertised in The Daily Sentinel, and sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association (WCCA), as well as a short list of vendors. One company submitted a formal bid, of which was found to be responsive and responsible for an amount of \$129,025. This amount, however, was over the Parks budgeted amount of \$125,000. Therefore, it was necessary to enter negotiations with the CEM,

to modify some of the work that Parks personnel would take on in order to lower the price by approximately \$5,000. The final successful negotiated price for this project is in the following amount:

| Company | City, State | Final Negotiated Price for Pool Filtration System Replacement |
|---------------------|--------------|---|
| CEM Sales & Service | Sheridan, CO | \$124,000 |

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 existing filtration system at Lincoln Park Moyer Pool requires replacement as it has exceeded its life expectancy. This replacement will maintain and improve the quality of the water.

Board or Committee Recommendation:

None

Financial Impact/Budget:

Funding for this project is from Conservation Trust Fund and aquatics operating fund (general fund).

An add alternate to remove the existing filters was included in the bid. CEM bid \$19,750 which included employees from the Front Range performing the work. City staff will remove and dispose of the old filters for \$2,500 (\$1,000 will be funded with the remaining project budget and the remaining \$1,500 will be funded through the existing aquatics maintenance fund).

| | Conservation Trust Fund | Aquatics Operating Fund |
|-------------------------------------|-------------------------|-------------------------|
| Filtration System Replacement | \$124,000 | \$0 |
| Removal and Disposal of Old Filters | \$1,000 | \$1,500 |
| Total | \$125,000 | \$1,500 |
| Total Project Cost | \$126,500 | |

Legal issues:

None

Other issues:

No other issues have been identified.

Previously presented or discussed:

This project is a planned capital improvement project and was discussed throughout the development of the 2014 budget.

Attachments:

None



**Attach 8
CITY COUNCIL AGENDA ITEM**

Date: 3/7/14

Author: Kimberly Swindle

Title/ Phone Ext: PD Financial Analyst
x5119

Proposed Schedule: March 19, 2014

2nd Reading

(if applicable): _____

_____ File # (if applicable):

| |
|--|
| Subject: Purchase Four All Wheel Drive (AWD) Utility Police Special Services Vehicles |
| Action Requested/Recommendation: Ratify the Purchase of Four AWD Utility Police Special Services Vehicles from Spradley Barr Ford of Greeley, CO in the Amount of \$155,288 |
| Presenter(s) Name & Title: Jay Valentine, Internal Services Manager |

Executive Summary:

This purchase of four AWD utility vehicles will replace four police sedan patrol vehicles. As part of the Fleet Replacement Program, these new units will continue to be used as patrol vehicles in the Police Department.

Background, Analysis and Options:

These vehicles are replacements to the fleet and will be purchased through accruals in the Fleet Replacement Fund. More than any other vehicle in the City’s fleet, Police vehicles are in constant use and driven through adverse conditions which diminish the life span of the units. The replacement of these vehicles will help ensure the equipment maintains the highest practical state of suitability, reliability, safety, and efficiency.

The Fleet Services Division administers the equipment replacement program and vehicle operating budgets. This includes evaluation and determination of equipment replacement, preparation of specifications which ensure acquisition of effective equipment and asset management of all equipment from purchase through disposal.

All vehicles and equipment with a purchase or replacement value of \$5,000 and above and all vehicles or equipment that requires registration and licensing shall be included in the Fleet accrual fund.

At the end of their useful life of 95,000 miles, these police vehicles, according to policy, will either be sold at public auction, donated to other law enforcement agencies and/or academies or retained as maintenance only reserve vehicles.

A formal Invitation for Bids was completed via the Rocky Mountain Bid System, an on-line site for government agencies to post solicitations, and advertised in The Daily

Sentinel. E-mail notifications were also sent to selected local dealers. Two vendors responded in accordance with specified requirements.

| Company | Location | Amount |
|--------------------|-----------------|---------------|
| Spradley Barr Ford | Greeley CO | 155,288.00 |
| Autonation Ford | Littleton CO | 160,028.00 |

The recommendation is to award to the bidder, Spradley Barr Ford, Greeley, Colorado in the amount of \$155,288.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

This purchase is budgeted and will be funded out of the Fleet Replacement Fund.

Legal issues:

A contract in a form and with content acceptable to the City Attorney will be used for the purchase if it is authorized.

Other issues:

No other issues have been identified.

Previously presented or discussed:

Although not specifically discussed, vehicle replacements were part of the 2014 budget discussions.

Attachments:

None.



Date: 03/05/14
 Author: Duane Hoff Jr.
 Title/ Phone Ext: Senior Buyer/ x-1545
 Proposed Schedule: 03/19/14
 2nd Reading
 (if applicable): _____

**Attach 9
 CITY COUNCIL AGENDA ITEM**

| |
|--|
| Subject: Aggregate and Road Material for the Streets Division for 2014 |
| Action Requested/Recommendation: Authorize the Streets Division to Enter into a Contract with Whitewater Building Materials Corp. to Provide Aggregate and Road Materials for the Streets Division for an Estimated Amount of \$115,500 |
| Presenter(s) Name & Title: Darren Starr, Streets and Solid Waste Manager Jay Valentine, Internal Services Manager |

Executive Summary:

This request is for the purchase of approximately 7,000 tons of 3/8” Chips aggregate for the City’s Streets Division for 2014. This aggregate will be used as chips for the 2014 Chip Seal project.

Background, Analysis and Options:

Each year the City’s Streets Division conducts repairs and maintenance of numerous streets and roads in its jurisdiction. The aggregate and road materials are used for chip sealing as well as providing a stronger longer lasting base on which to apply the chip seal process. This method of maintenance and repair not only extends the life of the existing road or street at a greatly reduced price compared with re-asphalting process, but also provides citizens and tourists safer roads.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations), advertised in The Daily Sentinel, posted on the City’s website, sent to the Western Colorado Contractors Association (WCCA) and the Grand Junction Chamber of Commerce. Two companies submitted a formal bid for the 3/8” Chips aggregate, which were found to be responsive and responsible, in the following amounts:

| Firm | Location | Amount |
|------------------------------------|--------------------|---------------|
| Whitewater Building Materials Corp | Grand Junction, CO | \$ 115,500 |
| Elam Construction | Grand Junction, CO | \$ 117,250 |

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

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

Providing chip seal repair to distressed street areas will help to ensure smooth and safer traffic flow, while extending the life of the roadways and realizing significant cost savings.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

\$877,600 budgeted in the Sales Tax Capital Improvement fund for the Chip Seal Program. Program costs are estimated as follows:

Estimated Chip Seal Project Costs:

| | |
|-------------------------------------|-------------------|
| 3/8 inch Chips (this request) | \$ 115,500 |
| Chip Seal Oil (Est.) | \$ 620,000 |
| Crack-fill material Est.) | \$ 130,000 |
| Total Estimated Project Cost | \$ 865,500 |

Legal issues:

A contract in a form and with content acceptable to the City Attorney will be used for the purchase if it is authorized.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This purchase was discussed during the 2014 budget process.

Attachments:

None.



Date: 3-5-14

Author: Duane Hoff Jr.

Title/ Phone Ext: Senior Buyer/ 1545

Proposed Schedule: 3-19-2014

2nd Reading

(if applicable): _____

File # (if applicable):

**Attach 10
CITY COUNCIL AGENDA ITEM**

| |
|---|
| Subject: Dump Truck Rentals with Drivers for the City Spring Cleanup Program 2014 |
| Action Requested/Recommendation: Authorize the Purchasing Division to Enter into a Contract with Colorado West Contracting, Inc. to Provide Thirteen Dump Trucks with Drivers for the Duration of the Two Weeks for the City Spring Cleanup Program, for an Estimated Amount of \$70,000 |
| Presenter(s) Name & Title: Darren Starr, Streets and Solid Waste Manager Jay Valentine, Internal Services Manager |

Executive Summary:

This request is for the award of a contract for the rental of dump trucks with drivers to haul debris and refuse to designated collection sites as part of the City’s Annual Spring Cleanup Program for 2014.

Background, Analysis and Options:

Each year the City’s Streets Division conducts its Annual City Spring Cleanup Program. The Cleanup program provides hauling and disposal of debris and refuse that citizens wish to dispose of, at no cost to the citizens. The renting of dump trucks with drivers is required to complete the two week cleanup, which runs from April 14, 2014 – April 25, 2014 (with the 1st week being dedicated to the north half of the City and the 2nd week being dedicated to the south half of the City). It is estimated we will need each truck, and driver, 36 hours each week, for an estimated total of 940 hours at straight time.

A formal Invitation for Bid was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City’s website, advertised in The Daily Sentinel, and sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association (WCCA). Two companies submitted formal bids, all of which were found to be responsive and responsible, in the following amounts:

| Company | City, State | Straight Time Per/hr |
|---------------------------|--------------------|----------------------|
| Colorado West Contracting | Grand Junction, CO | \$74.50 |
| Upland Companies | Grand Junction, CO | \$75.00 |

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

The Spring Clean-up program is budgeted in the General Fund in the Streets and Stormwater division of Public Works. The estimated Spring Clean-up project costs are as follows:

| | |
|---|------------------|
| Dump Truck/Driver Rental (current request) | \$ 70,000 |
| City Labor and Benefits (est.) | \$ 54,000 |
| Printing and Postage (est.) | \$ 5,000 |
| Operating Supplies (est.) | \$ 5,900 |
| Land Fill Costs (est.) | \$ 45,000 |
| Rental of Skid Loaders (previously bid) | \$ 27,810 |
| <u>Roll-Off Dumpster Service (previously bid)</u> | <u>\$ 47,700</u> |
| Total Estimated Spring Clean-up Project Cost | \$255,410 |

Legal issues:

A contract in a form and with content acceptable to the City Attorney will be used for the purchase if it is authorized.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This project was discussed during the 2014 budget process.

Attachments:

None.

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF THE COLORADO WATER STEWARDSHIP PROJECT AND IN OPPOSITION TO PUBLIC TRUST DOCTRINE INITIATIVES

RECITALS:

The Colorado Water Congress has implemented its *Colorado Water Stewardship Project* as the means to educate the Colorado citizenry about the serious ramifications to the beneficial use, management, and administration of Colorado's water resources that could result from the adoption of a public trust doctrine. With this resolution the City Council of the City of Grand Junction expresses its support of and for the *Colorado Water Stewardship Project* ("*Project*" or "*the Project* .")

In addition to its support of *the Project*, the City Council expresses its opposition to Initiative 83 and the other several initiatives which have been proposed in recent years that would amend the Colorado Constitution to impose a public trust doctrine on Colorado water and water resources.

In Grand Junction and the Grand Valley agriculture is the primary user of water; our orchards, farms and ranches and the people that own and operate them are integral to our economy and heritage. The public trust doctrine initiatives could take away those users' rights to their water and in turn damage agriculture and the agricultural industry of the community and in turn the State. Secure and reliable water rights are essential to business, jobs and the economy. These initiatives will create uncertainty and hurt the economy.

As well as being concerned about the agricultural interests the City Council is concerned about water that is being used in communities. Many Colorado cities including Grand Junction have acquired, through the long standing legal process known as prior appropriation, water supplies that are critical for their residents. The public trust initiatives will put cities' use of water in jeopardy.

The initiatives attack private property rights in both the water and land; the historical, legal use of land and water would be rendered uncertain and in the hands of courts, lawyers and lawsuits. The initiatives will be costly in many new and unnecessary ways.

The initiatives may undermine Colorado's existing environmental protections, which require an amount of water flow in streams and rivers and maintaining certain lake levels and may allow more of Colorado's water to go to downstream states than interstate compact requires.

Coloradans have built water projects and managed our water for more than 150 years, which has grown and sustained our economy and improved our quality of life. These initiatives will jeopardize the historical operation of those projects and make improvements impossible.

Colorado Supreme Court Justice Hobbs in his dissenting opinion in *In re Title, Ballot Title and Submission Clause for 2011-12 #3*, wrote that such an initiative "would drop what amounts to a nuclear bomb on Colorado water rights and land rights" and "would strip members of the public, cities, farms and families throughout this state of their most valuable economic interests."

NOW THEREFORE BE IT RESOLVED, that the City Council supports the Colorado Water Stewardship Project and its efforts to educate the public of the adverse effects of the adoption of a public trust doctrine would have on the beneficial use, management, and administration of Colorado's water resources; and

BE IT FURTHER RESOLVED that the City Council opposes adoption of a public trust doctrine as unwise and unnecessary and finds that it would be disruptive to the fair and responsible allocation and stewardship of Colorado's scarce water resources and would result in an unwarranted taking of vested property interests.

ADOPTED THIS _____ day of _____, 2014.

GRAND JUNCTION CITY COUNCIL

Sam Susuras

Mayor and President of the City Council

ATTEST

Stephanie Tuin

City Clerk



Date: February 12, 2014
Author: Brian Rusche
Title/ Phone Ext:
Senior Planner / 4058
Proposed Schedule: 1st
Reading, March 5, 2014
2nd Reading: March 19, 2014
File #: RZN-2013-547

Attach 12
CITY COUNCIL AGENDA ITEM

| |
|--|
| Subject: Droskin Rezone, Located at 2726 Patterson Road |
| Action Requested/Recommendation: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Zoning Ordinance |
| Presenter(s) Name & Title: Brian Rusche, Senior Planner |

Executive Summary:

Request to rezone 0.375 acres located at 2726 Patterson Road from an R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district.

Background, Analysis and Options:

The subject property is a single-family residence on approximately 0.375 acres.

The applicant currently has a dental practice at 900 North Avenue and acquired the subject property in 2006. The applicant would like to relocate his practice to the subject property and proposes to utilize the existing structure. The existing location on North Avenue is being considered for purchase by Colorado Mesa University, thus creating the impetus for relocation.

The request to rezone the property to R-O (Residential Office) would allow the existing structure to be used for a dental office, which is not permitted within the R-8 zone.

Neighborhood Meeting:

A neighborhood meeting was held on September 23, 2013. Two citizens attended, expressing general support for the proposal to rezone the property in order to facilitate the dental office.

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

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.

This request is consistent with the following Goals and Policies of the Comprehensive Plan:

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

The proposed rezoning 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 property is a single-family residence that is currently used as a rental home. This use can continue until such time as the applicant is ready to move forward with the reuse of the structure for a dental office.

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

The rezone of this property to an R-O (Residential Office) zone district would allow the owner, who has an existing dental practice, to continue providing services to his patients at a new location.

Board or Committee Recommendation:

The Planning Commission unanimously recommended approval of the requested R-O (Residential Office) zone district at their regular meeting on February 11, 2014.

Financial Impact/Budget:

This rezone action has no direct financial impact on the City budget.

Legal issues:

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law.

Other issues:

There are no other issues.

Previously presented or discussed:

First Reading of the zoning ordinance was on March 5, 2014.

Attachments:

Background Information/Analysis/Findings and Conclusions
General Project Report
Neighborhood Meeting summary
Site Location Map
Aerial Photo Map
Comprehensive Plan Map
Existing City Zoning Map
Blended Residential Map
Ordinance

| BACKGROUND INFORMATION | | | | | |
|---|--------------|---|-----|--|----|
| Location: | | 2726 Patterson Road | | | |
| Applicants: | | Craig and JoAnn Droskin | | | |
| Existing Land Use: | | Single-family residence | | | |
| Proposed Land Use: | | Dental office | | | |
| Surrounding Land Use: | North | Single-family Residential | | | |
| | South | Grand Villa Assisted Living | | | |
| | East | Single-family Residential | | | |
| | West | Larchwood Inn PARC (Post Acute Rehab Center) | | | |
| Existing Zoning: | | R-8 (Residential 8 du/ac) | | | |
| Proposed Zoning: | | R-O (Residential Office) | | | |
| Surrounding Zoning: | North | R-8 (Residential 8 du/ac) | | | |
| | South | R-16 (Residential 16 du/ac) | | | |
| | East | R-8 (Residential 8 du/ac) | | | |
| | West | R-O (Residential Office) | | | |
| Future Land Use Designation: | | Residential Medium (4-8 du/ac) Mixed Use Opportunity Corridor (Patterson Road) | | | |
| Blended Residential Land Use Categories Map (Blended Map): | | Residential Medium (4-16 du/ac) | | | |
| Zoning within density range? | | X | Yes | | No |

ANALYSIS:

Background:

The subject property is a single-family residence on approximately 0.375 acres. According to the County Assessor, the residence was constructed in 1924, but aerial photos do not appear to show the residence until the 1950s, suggesting that the residence was moved to the site. The property is currently zoned R-8 (Residential – 8 du/ac).

The applicant currently has a dental practice at 900 North Avenue and acquired the subject property in 2006. The applicant would like to relocate his practice to the subject property and proposes to utilize the existing structure, as described in the General Project Report. The existing location on North Avenue is being considered for purchase by Colorado Mesa University, thus creating the impetus for relocation.

A neighborhood meeting was held on September 23, 2013. Two citizens attended, expressing general support for the proposal to rezone the property in order to facilitate the dental office.

The request to rezone the property to R-O (Residential Office) would allow the existing structure to be used for a dental office, which is not permitted within the R-8 zone.

The purpose of the R-O (Residential Office) zone district 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. New construction, including additions and rehabilitations, in the R-O district must be designed with residential architectural elements and shall be consistent with existing buildings along the street. "Consistent" means operational, site design and layout, and architectural considerations, which are outlined in Grand Junction Municipal Code (GJMC) Section 21.03.070(a)(3).

Consistency with the Comprehensive Plan:

This request is consistent with the following Goals and Policies of the Comprehensive Plan:

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

The proposed rezoning 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 property is a single-family residence that is currently used as a rental home. This use can continue until such time as the applicant is ready to move forward with the reuse of the structure for a dental office.

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

The rezone of this property to an R-O (Residential Office) zone district would allow the owner, who has an existing dental practice, to continue providing services to his patients at a new location.

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.

Section 21.02.140 of the Grand Junction Zoning and Development Code:

Zone requests must meet at least one of the following criteria for approval:

(1) Subsequent events have invalidated the original premise and findings;

The Comprehensive Plan, adopted in 2010, designated the property as Residential Medium. The Comprehensive Plan also introduced a new 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 throughout the community.

The R-O (Residential Office) zone district is 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 seeking to exercise this option on his property, citing the recent expansion of medical care services to the west as evidence of a transition underway along this section of Patterson Road.

The applicant is requesting the R-O zoning to reuse an existing residence as a dental office, in order to continue providing services to his patients, as his existing location has been identified for acquisition by Colorado Mesa University.

This criterion has been met.

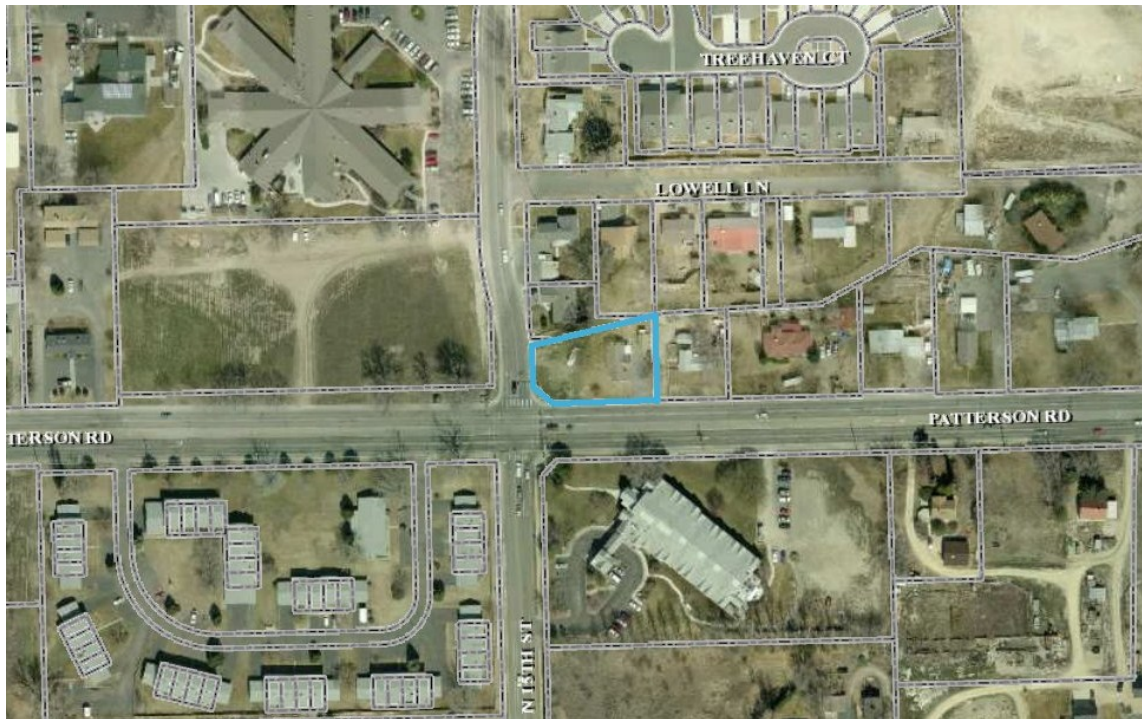
(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan;

Applicant response: We feel that this proposed rezone is appropriate as the character and/or condition of the area has changed such that the amendment is consistent with the plan. For example, the Larchwood long term care facility across 15th street from our property has added a new building of similar character and service within the last 5 years. This lot on the Northwest corner of the intersection was a vacant lot prior to the recent addition. Also, the Grand Villa long term care facility across Patterson on the Southeast corner of the intersection was not present at the time our building was constructed. Since establishment of original zoning designations, much of the immediate surrounding area has changed to facilities that provide health care.

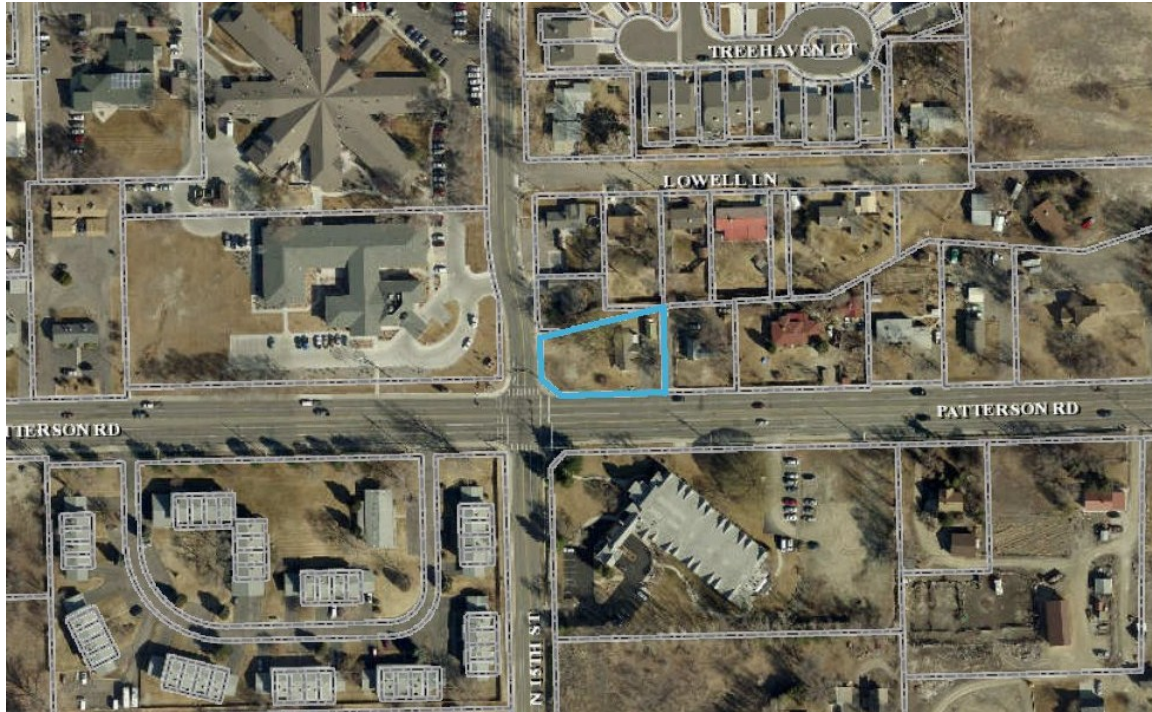
The two developments cited by the applicant are significantly larger in size and scale than the subject property and the existing residence. Aerial photos support this finding that the character of the intersection has changed.



1986



2008



2012

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 connected to the existing residence, including potable water provided by the City of Grand Junction, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility).

The property is on the corner of a signalized intersection. It is noted that during the plan review for the dental office the existing vehicular access to Patterson Road and North 15th Street will be evaluated and may be modified in order to meet current standards.

Retail, service, and restaurant uses, along with two churches and a park, are within one-quarter mile walking distance of the subject parcel. Grand Valley Transit provides bus service along Patterson Road, with a stop in each direction on N. 15th Street in front of Larchwood Inn. St. Mary's Hospital main campus is three-quarters of a mile west and Fire Station #2 is one mile east, all accessible from Patterson 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;

Applicant Response: In addition, we propose the rezone because an inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use. We currently operate our dental clinic in the facility I own on 900 North Avenue. But with expansion of Colorado Mesa University, we have been asked to sell our dental office and find another comparable location. There are literally no suitable free standing properties available in a high visibility location like the one we currently own on 900 North Avenue. Our proposed rezone, remodel, and move would allow us to continue to serve our western slope dental patients like we have for the last seventeen years. Although there are a few medical condominium suites available near the hospital, it is my experience that having an office that is not near the hospital is nonthreatening, and helps alleviate anxiety of phobic patients.

Along the Patterson Road corridor within one mile of the subject property are nodes of R-O zoning, though only a few parcels are utilized as small scale office or service businesses, with the remainder devoted to apartments and/or long-term care facilities. The R-O Zone is a unique zone which 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. Examples of these uses can be found within walking distance of the subject property.

As of January 8, 2014 there was a total of 98.33 acres of R-O zoned property within the City. This represents less than 2% of the total acreage zoned for non-residential development (planned developments excluded).

The nature of the R-O zone district is to provide a range of uses that function as a transition between single-family residential neighborhoods and more intensive uses, so it is implemented as needed in appropriate transition areas.

Changing the zoning of the subject property to the R-O zone district will add acreage to the zone district in a transitioning corridor and will serve as a buffer between the larger long-term care facilities to the west and south and the traditional single-family residential to the north and east.

This criterion has been met.

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

Applicant Response: Finally, we feel that the community or area, as defined by the presiding body, will derive benefits from the proposed amendment. As a dentist in private practice we spend a significant amount of time serving an aging population. It is clear that transportation of elderly patients from long term care facilities can be difficult. We feel that our proposed dental office location should facilitate access for the high population of elderly individuals that live in adjacent care facilities. In addition, Patterson road is a major corridor of our community, and the proposed improvements

will dramatically improve the esthetics of the property reflecting well on our city in general.

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. Examples of all of these uses can be found within walking distance of the subject property. It also has specific architectural standards intended to make buildings compatible in appearance to a residential environment. The adjacent Larchwood Inn and PARC (Post Acute Rehab Center) addition is a recent example of a building built to these standards. The applicant has indicated his desire to improve the aesthetics of the existing residence as part of its conversion to a dental office.

The proposed R-O zone would implement Goal 3, 6, and 12 of the Comprehensive Plan as described earlier. In addition to the reasons cited by the applicant, the proposed relocation will allow the applicant to sell his existing practice to Colorado Mesa University, which will facilitate the growth of the university campus.

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:

- f. R-4 (Residential – 4 du/ac)
- g. R-5 (Residential – 5 du/ac)
- h. R-8 (Residential – 8 du/ac)
- i. R-12 (Residential – 12 du/ac)
- j. R-16 (Residential – 16 du/ac)
- k. MXR-3, 5 (Mixed Use Residential)
- l. MXG-3, 5 (Mixed Use General)
- m. MXS-3, 5 (Mixed Use Shopfront)

The R-4 through R-16 zones are inconsistent with the applicant's request, since the goal is to relocate a dental office, which is not a use by right in any of these zones.

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 considered as 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. Performance standards within this zone are intended to make buildings compatible and complementary in scale and appearance to a residential environment. As noted earlier, other former residences along Patterson Road in proximity to St. Mary's Regional Medical Center have been rezoned for office use(s), primarily due in part to that very proximity. The subject property, though farther from St. Mary's, is in proximity to several facilities that provide care for the elderly, as noted by the applicant.

It is my professional opinion that extending 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 established development standards, provides compatibility with the adjacent neighborhood.

If the Planning Commission chooses to recommend one of the alternative zone designations, specific alternative findings must be made as to why the Planning Commission is recommending an alternative zone designation the City Council.

If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made supporting the recommendation.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Droskin Rezone, RZN-2013-547, a request to rezone the property at 2726 Patterson Road from R-8 (Residential 8 du/ac) to R-O (Residential Office), the following findings of fact and conclusions have been determined:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

21.02.140 Code Amendment and Rezoning

(a) **Approval Criteria**

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

- (1) Subsequent events have invalidated the original premise and findings; and/or
- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
- (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; and/or
- (5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

GENERAL PROJECT REPORT

Project description: Rezone of 2726 Patterson rd from R8 to RO

Purpose of project: Remodel existing single family dwelling to serve as a family dental practice

I Craig Droskin, come before the City of Grand Junction with the request for a zoning change for the property I own at the address of 2726 Patterson road. We are currently petitioning for a zone change from R8 to RO, though it has been suggested that a change to B1 could be another option. In the following project report I will: 1) provide details of our plans; 2) Show that the project makes sense due to the changed character and/or condition of the area such that the amendment is consistent with the plan; 3) Suggest that there is inadequate supply of suitably designated land available in the community, as defined by the presiding body, to accommodate the proposed land use; 4) Submit that community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The purpose for this zoning change is to facilitate a remodel of the existing single family dwelling thereby converting it to a family practice dental office. The existing structure built in the 1940s would be fully upgraded to serve this purpose, and would be given an exterior facelift that would blend nicely with surrounding long term nursing facilities and single family homes. The empty portion of the lot that is currently dirt with no landscaping serves as a parking area for the college students that rent the house on the property. (See Figure 1 for photos of existing condition of property). Our building plan includes paving a portion of this vacant dirt parking area and landscaping the boarder. The facelift on the existing building and the current parking area will certainly be a dramatic improvement to the esthetics

of the property. We plan to use exterior finishes and landscaping similar to properties located on 601 28 ¼ Rd. (see Figure 2 for proposed exterior finish.) (See Figure 3 for proposed remodel blueprint)

We feel that this proposed rezone is appropriate as the character and/or condition of the area has changed such that the amendment is consistent with the plan. For example, the Larchwood long term care facility across 15th street from our property has added a new building of similar character and service within the last 5 years. This lot on the NorthWest corner of the intersection was a vacant lot prior to the recent addition. Also, the Grand Villa long term care facility across Patterson on the SouthEast corner of the intersection was not present at the time our building was constructed in the 1940s. Since establishment of original zoning designations, much of the immediate surrounding area has changed to facilities that provide health care. (see Figure 4 for photos of nursing facilities on NW and SE corners)

In addition, we propose the rezone because an inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use. We currently operate our dental clinic in the facility I own on 900 North Avenue. But with expansion of Colorado Mesa University, we have been asked to sell our dental office and find another comparable location. There are literally no suitable free standing properties available in a high visibility location like the one we currently own on 900 north avenue. Our proposed rezone, remodel, and move would allow us to continue to serve our western slope dental patients like we have for the last seventeen years. Although there are a few medical condominium suites available near the hospital, it is my experience that having an office that is not near the hospital is nonthreatening, and helps alleviate anxiety of phobic patients.

Finally, we feel that the community or area, as defined by the presiding body, will derive benefits from the proposed amendment. As a dentist in private practice we spend a significant amount of time serving an aging population. It is clear that transportation of elderly patients from long term care facilities can be difficult. We feel that our proposed dental office location should facilitate access for the high population of elderly individuals that live in adjacent care facilities. In addition, Patterson road is a major corridor of our community, and the proposed improvements will dramatically improve the esthetics of the property reflecting well on our city in general.

In conclusion, I have illustrated with the above project report that our proposed rezone is a great fit for the City and area, and makes sense due to the following: changed character and/or condition of the area such that the amendment is consistent with the plan; there is inadequate supply of suitably designated land available in the community, as defined by the presiding body, to accommodate the proposed land use; and finally the community or area, as defined by the presiding body, will derive benefits from the proposed amendment and resulting improvements to the property.

APPENDIX

Fig 1. 2726 Patterson showing existing house and adjacent dirt SW area used for parking by renters.



Fig 2. Proposed exterior finish and landscaping of project similar to 601 28 ¼ Rd shown below.



Fig 3. Blueprint of Proposed remodel layout

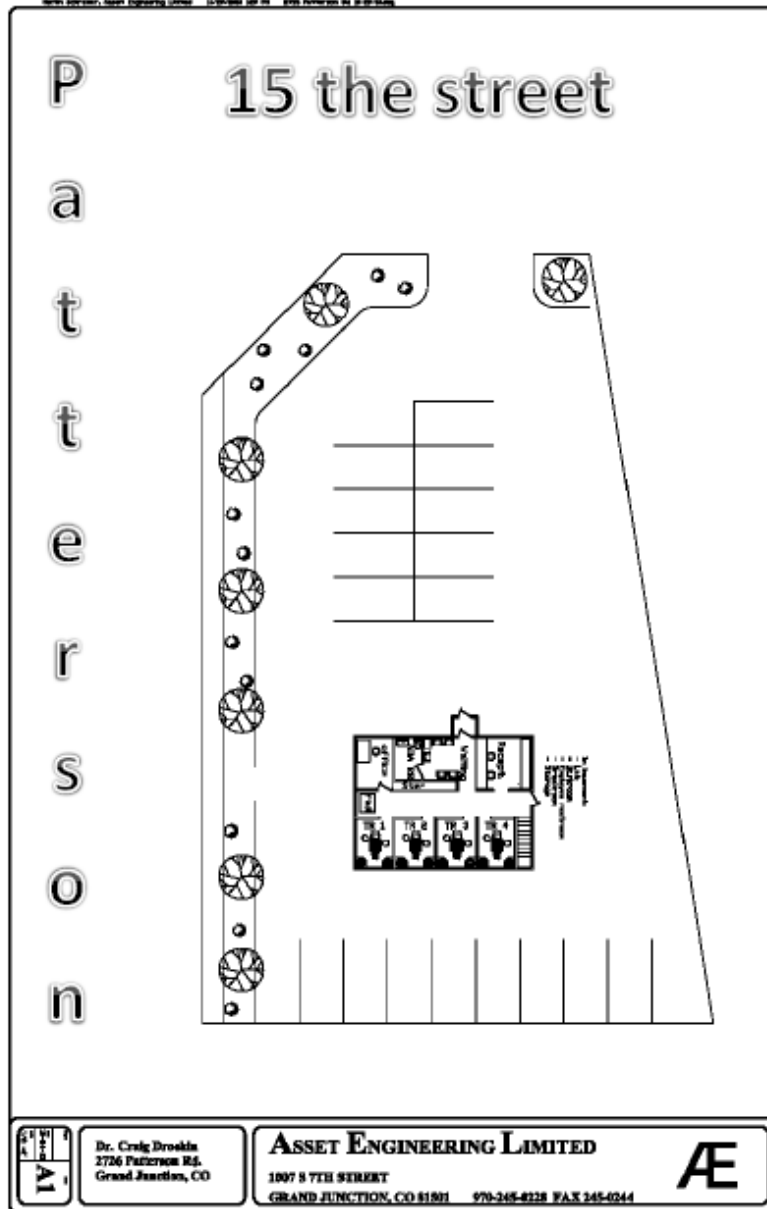


Figure 4. photos of nursing facilities on NW and SE corners



Neighborhood Meeting
Proposed Rezone to B-1
Located at 2726 Patterson

Existing Zoning is R-8

Future land Use Designation is Residential Medium

(adjacent to Commercial and Residential High Mixed Use)

Please Sign In

| Name | Address | Contact info |
|----------------|------------------------|---------------------|
| Brian Rusche | 250 N. 5TH ST. | 258-4058 |
| Don Kosow | 1331 HERMOSA AVE. | 244-0808 |
| SANDY WILLIAMS | 2721 PATTERSON RD #601 | 216-8945 |

From: craig droskin <othermin@msn.com>
To: "brianr@ci.grandjct.co.us" <brianr@ci.grandjct.co.us>
Date: 9/30/2013 8:06 PM
Subject: Droskin rezone 2726 Patterson

9/30/13

Attn zoning committee,

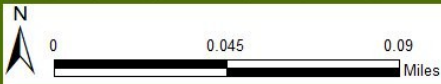
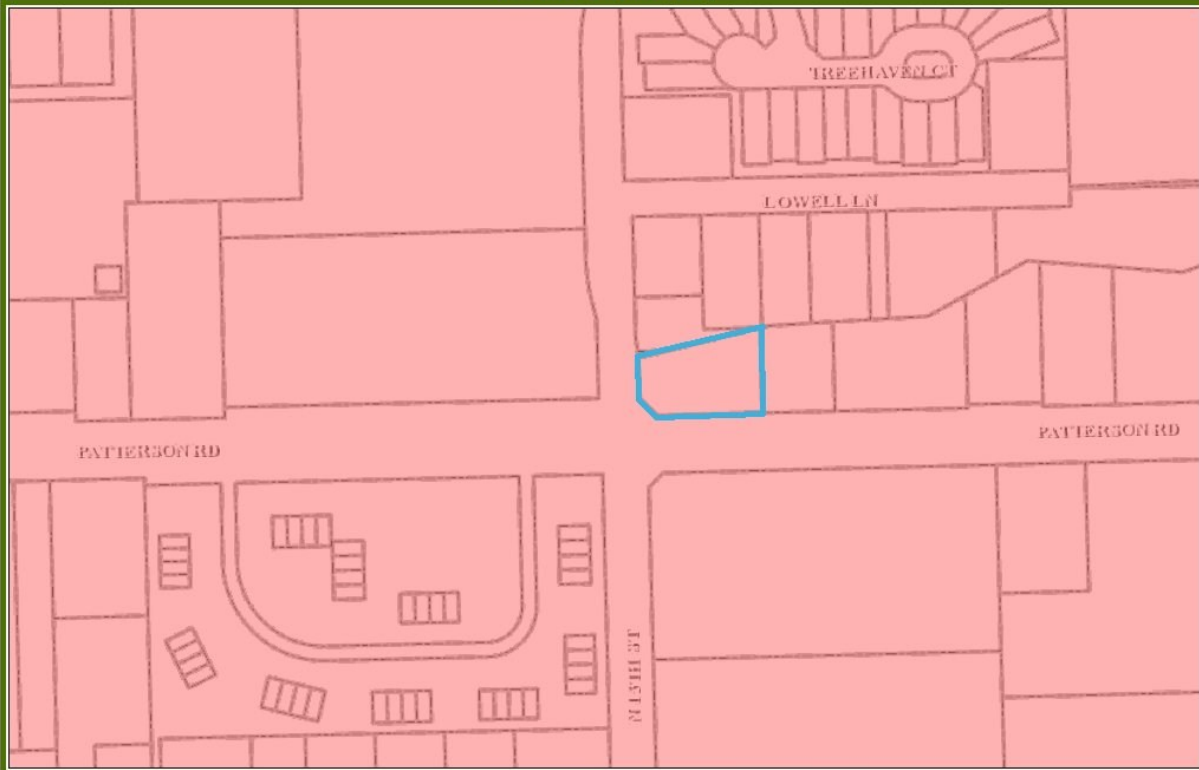
On September 23, 2013 at 6:00PM we held a neighborhood meeting to discuss proposed zoning change for the property at 2726 Patterson. All residents in the area were notified of the meeting according to city planning protocol. The current zoning for the property is R8 and we proposed a change to RO or B1 to facilitate the construction of a new dental office, or a remodel of the current structure enabling it to be used as a dental office.

The neighborhood meeting was held at 900 north avenue, the location of my current dental office. Attendees signed in and expressed support for the proposal. Senior Planner Brian Rusche attended the meeting and provided input.

Thank You,

Craig Droskin

Site Location Map

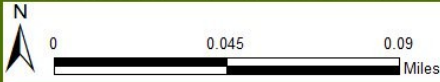
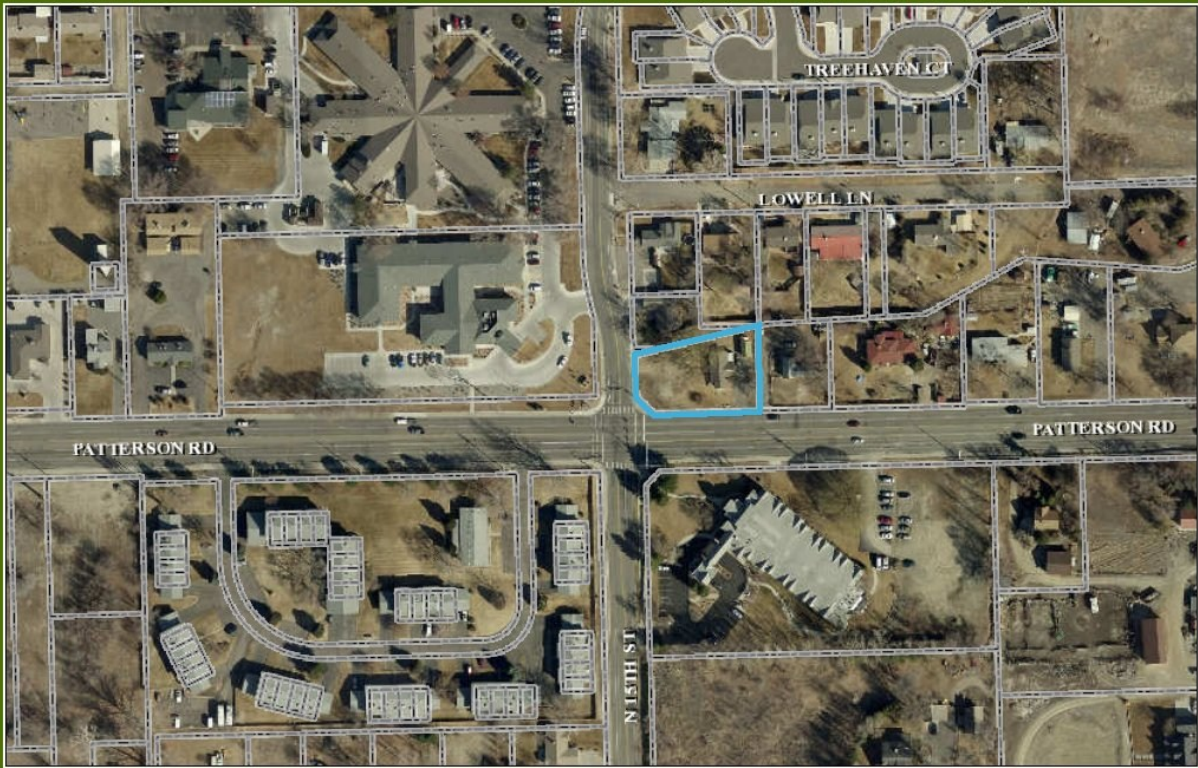


Printed: 1/20/2014

1 inch = 156 feet



Aerial Photo Map

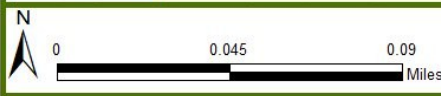
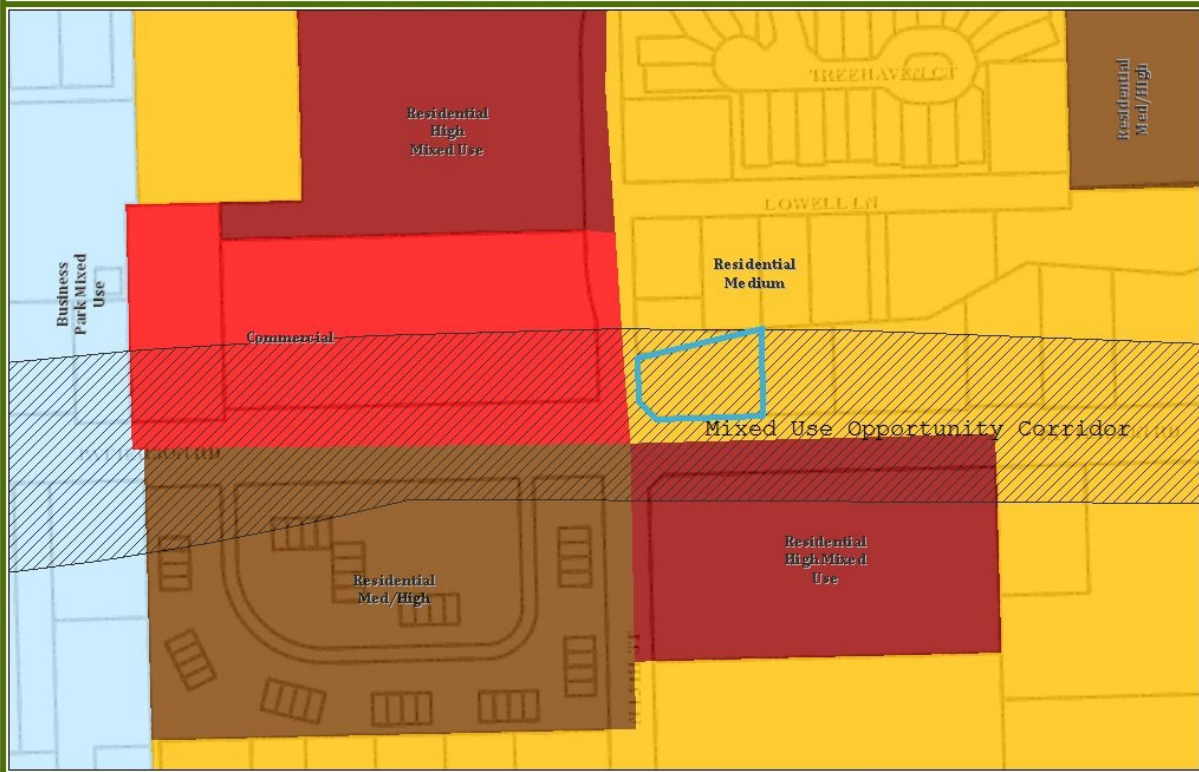


Printed: 1/20/2014

1 inch = 156 feet



Comprehensive Plan Future Land Use Map

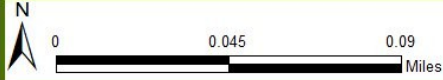


Printed: 1/20/2014

1 inch = 156 feet



Existing City Zoning

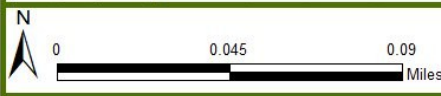


Printed: 1/20/2014

1 inch = 156 feet



Blended Residential Land Use Category



Printed: 1/20/2014

1 inch = 156 feet



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING 0.375 ACRES
FROM R-8 (RESIDENTIAL 8 DU/AC)
TO R-O (RESIDENTIAL OFFICE)**

LOCATED AT 2726 PATTERSON ROAD (DROSKIN REZONE)

Recitals.

The subject property is a single-family residence on approximately 0.375 acres. The property is currently zoned R-8 (Residential – 8 du/ac).

The applicant has a dental practice at 900 North Avenue and acquired the subject property in 2006. The applicant would like to relocate his practice to this property and proposes to utilize the existing structure, as the existing location on North Avenue is being considered for purchase by Colorado Mesa University.

The request to rezone the property to R-O (Residential Office) would allow the existing structure to be used for a dental office, which is not permitted within the R-8 zone.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the property from R-8 (Residential 8 du/ac) to the R-O (Residential Office) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, Residential Medium, and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-O (Residential Office) zone district to be established.

The Planning Commission and City Council find that the R-O (Residential Office) zoning 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 shall be rezoned R-O (Residential Office):

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, THENCE NORTH 105 FEET, THENCE NORTH 77°32' EAST 196.6 FEET, THENCE SOUTH 147 FEET, THENCE WEST 192 FEET TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THOSE PORTIONS THEREOF CONVEYED TO THE CITY OF GRAND JUNCTION, A MUNICIPAL CORPORATION, BY INSTRUMENTS RECORDED OCTOBER 19, 1984 IN BOOK 1513 AT PAGE 302 AND APRIL 18, 1985 IN BOOK 1536 AT PAGE 29, MESA COUNTY, COLORADO.

INTRODUCED on first reading the 5th day of March, 2014 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2014 and order published in pamphlet form.

ATTEST:

City Clerk

Mayor



Date: March 5, 2014
 Author: Amy Jordan
 Title/ Phone Ext: Airport 970-248-8597
 Proposed Schedule: March 19, 2014
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

**Attach 13
 CITY COUNCIL AGENDA ITEM**

| |
|---|
| Subject: Grand Junction Regional Airport Authority Request for City Council Consent to Rescind Federal Aviation Administration Grant #3-08-0027-51 |
| Action Requested/Recommendation: Authorize the Mayor to Sign a Letter Consenting to the Rescission of the FAA Grant AIP-51 |
| Presenter(s) Name & Title: Steve Wood, Airport Authority Board Chairman Amy Jordan, Interim Airport Manager |

Executive Summary:

In August of 2013, the Federal Aviation Administration (FAA) awarded the Airport Improvement Program Grant #3-08-0027-51 (AIP-51) to fund a portion of Terminal Building Phase I (the "Building") at the Grand Junction Regional Airport.

Before drawing on the grant, and in an exercise of caution, the Board of the Grand Junction Regional Airport Authority has proposed re-classifying certain areas within the Building to ensure the FAA grant eligibility percentage is in all respects proper.

The Airport Authority Board agrees that this is the most straightforward approach; however, prior to requesting the FAA rescind the grant, the Airport is requesting consent from both the City Council and the County Commissioners.

Background, Analysis and Options:

On January 13, 2014, Mark Miller of the Federal Aviation Administration - Denver Airports District Office suggested the Airport Authority request that AIP-51 be closed prior to drawing funds, and the then Authority re-apply for a new entitlement grant for an ARFF/Admin building.

In a letter sent by both the City Council and County Commissioners in September 2013, the Airport Authority agreed to notify and obtain the consent of the City and County and as soon as practicable, if it proposes to significantly modify the scope or purpose of an FAA grant-funded project.

The Airport Authority therefore requests the consent of the City and County that AIP-51 be closed prior to drawing funds.

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

Not Applicable.

Board or Committee Recommendation:

The Grand Junction Regional Airport Authority Board of Commissioners voted, unanimously, to rescind AIP-51 at the January 14, 2014 Board Meeting.

Financial Impact/Budget:

AIP-51 was issued for \$3,688,829.

Legal issues:

The City is the co-sponsor of the grant and as such its consent to the proposed change is required.

Other issues:

The grant was secured as funding for construction at the Airport. The Council may discuss the project and if/how rescinding the grant may impact the current project.

Previously presented or discussed:

This has not been discussed with City Council previously.

Attachments:

February 24, 2014 Letter to City Council and County Commissioners

February 26, 2014 Letter to Amy Jordan



February 24, 2014

Sam Susuras, Mayor
City of Grand Junction
205 North 5th Street
Grand Junction, Colorado 81501

John Justman, Chairman
Mesa County Commissioners
544 Rood Avenue

Grand Junction, CO 81501

Re: Request for Consent to Rescind Grant
Grand Junction Regional Airport Authority; City of Grand Junction;
County of Mesa, Colorado
Contract Number: DOT-FA13NM-1074;
Project Number: AIP-3-08-0027-51
Project Description: Construct Terminal Building (Phase I)

Dear Commissioner Acquafresca and Mayor Susuras:

FAA awarded the above-referenced grant to fund a portion of Terminal Building Phase I (the "Building") at the Grand Junction Regional Airport. Before drawing on the grant, and in an exercise of caution, the Board of the Grand Junction Regional Airport Authority has proposed re-classifying certain areas within the Building to ensure the FAA grant eligibility percentage is in all respects proper.

On January 13, 2014, Mark Miller of the Federal Aviation Administration - Denver Airports District Office suggested the Airport Authority request that AIP-51 be closed prior to drawing funds, and the then Authority re-apply for a new entitlement grant for an ARFF/Admin building. The Airport Authority Board agrees that this is the most straightforward approach.

Accordingly, at its meeting last night, the Airport Authority Board authorized a new FAA grant application for \$2,792,162 (FAA's 90% Share), which is a reduction from the \$3,688,829 (FAA's 90% Share) authorized by the current grant. In doing so, the Authority Board confirmed its decision to request that AIP-3-08-0027-51 be closed.

In a letter received sent in September 2013, the Airport Authority agreed to notify and obtain the consent of the City and County and as soon as practicable, if it proposes to significantly modify the scope or purpose of an FAA grant-funded project.

The Airport Authority therefore requests the consent of the City and County that AIP-51 be closed prior to drawing funds, and that the Airport Authority re-apply for a new entitlement grant for the ARFF/Administration building.

Thank you for your consideration of this request for consent.

GRAND JUNCTION REGIONAL AIRPORT AUTHORITY

By: 
Amy Jordan, Interim Director of Aviation.

cc: Authority Board



February 26, 2014

Grand Junction Regional Airport Authority
c/o Amy Jordan, Interim Director of Aviation
800 Eagle Drive
Grand Junction, CO 81506

Via electronic mail addressed to Amy Jordan <ajordan@gjairport.com>

Re: Your February 19, 2014 Letter Concerning AIP -51

Dear Amy,

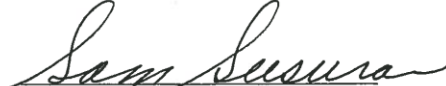
Thank you for your letter of the 19th. Unfortunately it arrived well past our deadline for public notice and the ability to add the request to our meeting that night. Serving on the GJRAA Board I understand the urgency of the request but because Council action will be required both to rescind the current grant and approve a new grant as requested in the letter; however, we must follow our standard processes for public notice, scheduling the item for an open meeting and preparation of background report(s) and supporting information. Rich, John and/or Stephanie can help you schedule the request before Council and will be pleased to assist you with preparation of the background report(s) and supporting information that the Council will need to carefully and fully consider your request.

In addition to the written material that you will provide you should expect to be present at the meeting to answer questions and/or explain the request and supporting documentation. You should among other things be prepared to address 1) whether the proposed action is required and if so by whom and why; 2) why the current grant simply cannot be amended; 3) how the rescission and reapplication [with the uncertainty of a new grant being awarded] effects the current construction project; 4) the plans for completion of the project and how the financial contingencies that arise if the Council approves the request(s) have or have not been accounted for; and 5) what are the options. Certainly there will likely be other questions but answers to these will be very helpful to the Council.

I am confident that the Council understands that the GJRAA Board has voted to end AIP 51 and apply for different grant funding but as you know the City is a co-sponsor of all FAA grants and accordingly the Council will necessarily need and want to fully consider the entirety of the situation. Please also understand that the Council's assent to reapply, if that occurs, does not constitute approval if a replacement grant is awarded by the FAA. The new grant will be subject to consideration by the Council at a noticed public meeting with a similar background information process as is required to further this request. As always please feel free to contact our staff for procedural assistance.

I look forward to seeing the request on an upcoming City Council agenda.

CITY OF GRAND JUNCTION


Sam Susuras, Mayor

pc: City Council
Steve Acquafresca
John Justman
Rose Pugliese
Rich Englehart
John Shaver
Stephanie Tuin



Date: March 7, 2014
 Author: Kathy Portner
 Title/ Phone Ext: Econ Dev & Sustainability, ext. 1420
 Proposed Schedule: Mar. 19, 2014
 2nd Reading
 (if applicable): N/A
 File # (if applicable): N/A

**Attach 14
 CITY COUNCIL AGENDA ITEM**

| |
|--|
| Subject: Las Colonias Park Amphitheater Design Grant Request |
| Action Requested/Recommendation: Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' Energy and Mineral Impact Assistance Program for Design of the Proposed Las Colonias Park Amphitheater |
| Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director |

Executive Summary:

This is a request to authorize the City Manager to submit a request to the Colorado Department of Local Affairs for a maximum \$180,000 grant for final design and phasing options for the Las Colonias Park Amphitheater.

Background, Analysis and Options:

The master plan for the 100 acre Las Colonias Park was adopted by City Council on July 3, 2013. The master plan includes an outdoor amphitheater, trail connections, parking, restroom/shelters, riparian restoration, a wetland area, and other passive park amenities. A Great Outdoors Colorado grant has been submitted for Phase I development to include a restroom/shelter, trail connections, parking improvements and additions, lighting, a native arboretum, and furnishings. Development is expected to begin in the summer of 2014. The Grand Junction Lions Club has pledged a \$300,000 commitment to the development of the outdoor amphitheater, so these grant funds will be used to develop construction documents for the outdoor features, a conceptual plan for the stage and multi-purpose facility, and construction documents for the stage and multi-purpose facility. The estimated cost of this work is \$240,000. The DOLA grant requires a 25% cash match from the City.

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

The Las Colonias Park Amphitheater project supports the following Goal from the Comprehensive Plan:

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions

The development of Las Colonias Park, specifically the amphitheater, furthers the goals of the Greater Downtown Plan and strengthens the vitality of downtown by enhancing the draw to the Riverfront and will catalyze the redevelopment opportunities in the surrounding area.

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

Policy A: Through the Comprehensive Plan policies the City will improve as a regional center of commerce, culture and tourism.

Las Colonias Park Amphitheater will be a significant regional draw for residents and visitors.

Board or Committee Recommendation:

None

Financial Impact/Budget:

| | Option 1 | Option 2 | Option 3 | Option 4 |
|---|------------------|------------------|------------------|------------------|
| Contingency Remaining balance: \$300,000 | \$60,000 | | \$20,000 | |
| Open Space Fund Remaining balance: \$429,000 | | \$60,000 | | \$20,000 |
| CTF Fund Anticipated balance: \$40,000 | | | \$40,000 | \$40,000 |
| 25% City Match | \$60,000 | \$60,000 | \$60,000 | \$60,000 |
| DOLA Request | \$180,000 | \$180,000 | \$180,000 | \$180,000 |
| Total Project | \$240,000 | \$240,000 | \$240,000 | \$240,000 |

*Expenditures from Conservation Trust Fund or Open Space Fund would require supplemental appropriation.

Legal issues:

If awarded, the grant funding documents shall be reviewed and approved by the City Attorney.

Other issues:

None

Previously presented or discussed:

The Las Colonias Park Master Plan was adopted by the City Council on July 3, 2013.

Attachments:

Resolution authorizing application to the Colorado Department of Local Affairs in accordance with the representations made in this report.

**CITY OF GRAND JUNCTION, COLORADO
RESOLUTION NO. ____-14**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT
REQUEST TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS' (DOLA)
ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM FOR FINAL DESIGN
OF LAS COLONIAS PARK AMPHITHEATER**

RECITALS.

The master plan for the 100 acre Las Colonias Park was adopted by City Council on July 3, 2013. The master plan includes an outdoor amphitheater, trail connections, parking, restroom/shelters, riparian restoration, a wetland area, and other passive park amenities. A Great Outdoors Colorado grant has been submitted for Phase I development to include a restroom/shelter, trail connections, parking improvements and additions, lighting, a native arboretum, and furnishings. Development is expected to begin in the summer of 2014. The Grand Junction Lions Club has pledged a \$300,000 commitment to the development of the outdoor amphitheater, so these grant funds will be used to develop construction documents for the outdoor features, a conceptual plan for the stage and multi-purpose facility, and construction documents for the stage and multi-purpose facility.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby authorize the City Manager to submit a \$180,000 grant request in accordance with and pursuant to the recitals stated above to the Department of Local Affairs' Energy and Mineral Impact Assistance Program for final design and phasing options for Las Colonias Park Amphitheater.

Dated this _____ day of _____, 2014.

Sam Susuras
President of the Council

ATTEST:

Stephanie Tuin
City Clerk