

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

October 1, 2014

The City Council of the City of Grand Junction convened into regular session on the 1st day of October, 2014 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Duncan McArthur, Sam Susuras, Barbara Traylor Smith, and Council President Phyllis Norris. Councilmember Jim Doody was absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

Proclamations

Proclaiming October 4, 2014 as “Oktoberfest Day” in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Present to receive the proclamation were Jim Witt, President of the German American Club of Western Colorado, and Isaiah Repetti, German Student from Fruita Monument High School and this year’s Burgermeister. Mr. Witt, on behalf of the German American Club, thanked the City Council and announced this is the 34th year of the festival. He described some of the music and food that will be available. The festival will be held Saturday, October 4th from 11 a.m. to 7 p.m. He acknowledged Isaiah's mom Amy Rogers. Isaiah thanked Jami Jones, the teacher who nominated him, and said he will be at the German booth all day.

Proclaiming the Month of October as "Walk to School Month" in the City of Grand Junction

Councilmember Traylor Smith read the proclamation. Present to receive the proclamation were Sharon Tenace, Physical Education Teacher for Thunder Mountain Elementary, and Elizabeth Collins, Co-chair of Urban Trails Committee. Ms. Collins, who is also the coordinator of the Safe Routes to Schools Program, announced that by the end of the school year over half of School District 51 elementary schools will have taught courses in safe ways to walk to school. She introduced Ms. Tenace and explained her role in Walk to School Month. Ms. Tenace said they are working on safe routes, education, and safe areas. She said two children have been hit by cars in the last three years. She thanked the City and the Safe Routes to School Committee.

Proclaiming October 2014 as “Housing America Month” in the City of Grand Junction

Councilmember McArthur read the proclamation. Present to receive the proclamation was Jody Kole, Grand Junction Housing Authority (GJHA) Director. Ms. Kole said the GJHA and several other non-profit organizations are partnering this month to recognize and celebrate what they do. She described some of the efforts to educate the public as to what they do and how the community benefits. On October 30th there will be a tour of some affordable housing units in the valley. Information will be coming out soon. Other activities are scheduled throughout the month and information can be found on the GJHA website.

Citizen Comments

Brent Britton, 373 Ridges Blvd., addressed the City Council concerning the high irrigation assessment for the Desert Ridge Homeowners Association (HOA) in the Ridges. He represents the HOA. This HOA is a 40 unit multi-family subdivision and each month they pay \$438.90 in fees for 3.59 acres. That is \$10.97 per month per unit. Desert Ridge is one of the only multi-family HOA's in the Ridges and are paying a higher percentage even in the months the irrigation isn't used. He asked if their rates or the districts pay structure could be changed.

Bruce Lohmiller, 445 Chipeta Avenue #25, addressed the City Council regarding Freedom of Speech and Press and said he has been in contact with City Attorney John Shaver about some of these issues. Mr. Lohmiller also mentioned the newspaper printed a prayer for due diligence and one from his brother and sister-in-law about honoring their father's last wishes.

Poppy Woody, 3406 C ½ Road, Palisade, a property and business owner along North Avenue and President of the North Avenue Owners Association (NAOA), thanked Council and the City for the recent median clean-up between 1st and 12th Streets. She, along with the NAOA, are looking forward to working with the City on future enhancements and revitalizations along the North Avenue corridor.

Council Comments

Councilmember McArthur attended the grand re-opening of the Avalon Theatre and the unveiling of the Legends of the Grand Valley sculpture honoring the Enstrom's. At the sculpture unveiling, someone mentioned it would have been nice to have had past Councilmembers that were involved in the acquisition of the Avalon recognized. He listed those Councilmembers: Linda Afman, Jim Baughman, David Graham, R.T. Mantlo, Ron Maupin, Reford Theobold, and John Tomlinson. Councilmember McArthur

also participated and volunteered at the Grand Valley Catholic Outreach Soup Kitchen on September 28th. He mentioned that one doesn't have to be Catholic to help at the Catholic Outreach Soup Kitchen.

Councilmember Boeschstein also attended the Avalon Theatre grand re-opening. He agreed and appreciated what Councilmember McArthur said about the previous Councilmembers; many have contributed over the years. The Avalon Theatre is a wonderful thing for the community and he is glad to be a part of it. There are a number of events Council has attended recently, one of which was the dedication of the Bookends Project on Monument Road. October 1st he attended the Business Incubator meeting; they invited the Council to attend their meetings or have a meeting at the Incubator facility.

Councilmember Chazen attended the Associated Governments from Northwest Colorado meeting in Rifle on September 18th. Frank Hutfless, the Garfield County Attorney, had an interesting presentation about RS-2477 and Garfield County's approach to access over government lands. They are working with the Bureau of Land Management and energy companies in a collaborative approach. The Grand Junction Rotary Clubs purchased an Avalon Theatre paver and celebrated with a nice ceremony called Rotary on the Rooftop, which was held on the Avalon Theatre terrace. On September 23rd Councilmember Chazen attended the Grand Junction Economic Partnership quarterly meeting where Elizabeth Tice, Management and Legislative Liaison for the City, had a great presentation on one of the City's Requests for Proposal for marketing services. He also had the opportunity to spend an hour with three third grade classes from Pomona Elementary School on September 24th. They had really good questions; he thanked the school for the invitation.

Councilmember Traylor Smith attended a Colorado Mesa University (CMU) presentation on HB 14-1319 on September 18th. This is sweeping legislation that determines how higher education will be paid. She said it was interesting to hear the perspective of CMU staff on how to balance maintaining accessibility and increasing graduation rates. September 20th she went to the Wine Fest in Palisade and the Grand Junction Symphony's first performance at the newly re-opened Avalon Theatre. On September 25th Councilmember Traylor Smith went to Water Partner's thank you BBQ and thanked those that make the City's water safe. She also attended the Legends of the Grand Valley sculpture unveiling; it was a delightful event that ended on the rooftop terrace of the Avalon Theatre which made it very special.

Councilmember Susuras said he received an invitation from Steve Smith, GIS (Geographic Information Systems) Analyst for the City, to give a welcome address at the GIS GeCo conference that was held at Two Rivers Convention Center. They were 270 GIS professionals from a five state area who attended. Councilmember Susuras and his wife have taken two GIS classes from Mr. Smith and they consider him to be the

Guru of GIS. The City has a premier GIS system which is used by realtors and other professionals.

Council President Norris notified everyone that the joint City and County meeting scheduled for October 2nd had been canceled. She commented on what a great job and how quickly City crews updated the medians on North Avenue from 1st to 12th Streets. She attended third grade classes at Orchard Elementary. The kids had been studying city government and had good questions. Council President Norris mentioned how she appreciates all citizen comments; they are welcome anytime and Council is open to hearing them.

CONSENT CALENDAR

Councilmember Susuras moved to adopt the Consent Calendar and then read Consent Calendar items #1 through #3. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

1. **Minutes of the Previous Meeting**

Action: Approve the Minutes of the September 17, 2014 Regular Meeting

2. **Setting a Hearing on the Proietti Annexation, Located at 782 24 Road**

[File #_ANX-2014-321]

A request to annex 8.939 acres, located at 782 24 Road. The Proietti Annexation consists of one parcel and no public right-of-way.

Resolution No. 31-14-A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Proietti Annexation, Located at 782 24 Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Proietti Annexation, Approximately 8.939 Acres, Located at 782 24 Road

Action: Adopt Resolution No. 31-14 and Introduction of a Proposed Annexation Ordinance and Set a Public Hearing for November 5, 2014

3. **Design Services Contract for Fire Station #4**

This request is for authorization from the City Council to contract for architect design services for a new fire station to be constructed on a portion of the property located at 2880 B ½ Road.

Action: Authorize the City Purchasing Division to Enter into a Contract with Chamberlin Architects in the Amount of \$153,840

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing - South Dominguez Estates Rezone, Located at 2921 E 7/8 Road

Request to rezone 4.39 +/- acres from R-4 (Residential - 4 du/ac) to R-8 (Residential - 8 du/ac) zone district in anticipation of the proposed South Dominguez Estates residential subdivision.

The public hearing was opened at 7:41 p.m.

Tim Moore, Deputy City Manager, introduced this item. He explained the request and how and when it was identified for this density in the Comprehensive Plan (CP); the infrastructure has been planned in that area to support the proposed density. He noted the next step will be submission of a site plan application and Staff will then review the plan and all the elements that go along with that including site circulation, ingress and egress for emergency services, detention basins, and how storm water drains. These specific items will not be considered tonight. He then turned it over to Mr. Peterson.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The applicant is South Dominguez Estates, LLC. The Planning Commission (PC) did recommend approval at their September 9, 2014 meeting. This step is to gain approval of the overall density.

The applicant held a neighborhood meeting in March, 2014. There were eight in attendance. Concerns expressed were the impact of additional traffic, subdivision access, and density; these will be addressed in detail once the subdivision application is submitted. One of the roads, E 7/8 is only one lane, so they intend to prevent ingress and egress along E 7/8; Dawn Drive and Bookcliff Avenue will provide access. Mr. Peterson reviewed the road patterns in the area and noted the CP designates this area for four to eight units per acre.

Mr. Peterson stated the criteria and findings of the Planning Commission in recommending approval of the rezone: the rezone is consistent with the goals and policies of the CP, the review criteria has been met, and the requested zone of R-8 implements the existing Comprehensive Plan Future Land Use designation of Residential Medium. He also listed the facilities and services already available in the area, and described the existing zoning in the surrounding areas. Mr. Peterson also stated the request met the goals and intent of the Economic Development Plan.

He reported on the written comments received as well as the telephone calls (nine against the proposed density citing traffic concerns).

Councilmember Boeschstein asked if there is a plan to develop the two parcels to the north. Mr. Peterson said in 2008 the north property was named Dominguez Estates and received preliminary plan approval but due to the economy those projects were not done and the allowed time has expired. Each of the two parcels now has new owners, and the owner of the south property would like to develop it, hence the rezone request. Councilmember Boeschstein asked if the parcel to the north will extend Wellington Avenue. Mr. Peterson said Wellington Avenue will connect through both properties, Dawn Drive, and out to 29 Road. Councilmember Boeschstein asked if a traffic study has been done. Mr. Peterson answered not yet. Councilmember Boeschstein then asked if the roads can handle the additional traffic. Mr. Peterson cited the CP; there is adequate infrastructure to handle the increase.

Councilmember McArthur questioned if the streets within the project will be private. Mr. Peterson said the streets will be dedicated to the City as public rights-of-way. Councilmember McArthur stated concerns had been raised regarding left hand turns onto Patterson Road; then asked if there will be an alternative route. Mr. Peterson said there will be.

Council President Norris asked what the zoning is in the adjacent neighborhoods. Mr. Peterson said the County zoning designation is a bit misleading in this area because there are four-plexes on both Dawn Drive and Dawn Court, which makes the density around 12 units per acre. According to the County, this area was zoned under an old Code allowing that density.

Council President Norris then asked if the area zoned R-5 is within the City limits. Mr. Peterson said it is and it is zoned for single family detached homes at 5 units per acre. Council President Norris asked what "PD" stood for on the map. Mr. Peterson said "PD" stands for planned development and represents the Safeway development that is zoned as a commercial district. Council President Norris asked if another area is zoned for residential single family detached homes. Mr. Peterson said it is.

Ted Ciavonne, Ciavonne, Roberts, and Associates, Inc. was present representing the owner and developer. He thanked Staff for the presentation. He did not have a lot to add, but felt Deputy City Manager Moore's introduction was important in distinguishing this solely as a rezone. At the PC meeting the neighbor's concerns about the site plan were apparent. Mr. Ciavonne said his client is offering to hold another neighborhood meeting during the site plan application process to address the issues with which the neighbors are concerned; these questions can't be answered at this time.

Teresa Anderson, 2908 E 7/8 Road and 2910 E 7/8 Road, said as a community, and some have signed paperwork, they truly believe this rezone is putting a high density situation in

the middle of residential area with single family homes. The biggest concern is increased traffic on 29 ¼ and Patterson Roads, that are already congested, and with the development there may be another 300 cars during peak times. A traffic study should be done before the rezone approval. Wait times can be as much as 20 to 30 minutes to get out onto Patterson Road. Additional concerns are the dirty conditions and high crime rates on Dawn Court and Dawn Drive. Every night a police or ambulance is there; most people will choose to use 29 ¼ Road rather than travel Dawn Drive. Ms. Anderson asked that the neighborhood meeting be held before the final decision on the rezoning is made.

Verda, 596 Redwing Lane, asked if the duplexes will be owner or renter occupied; her preference is owner occupied.

Debra Miles, 2925 Sapphire Court, is opposed to the rezoning based on the density issues. She is concerned if this rezone is approved, the property to the north will also be rezoned to R-8 which will increase density even more. She has signatures from many neighbors that would be directly impacted. She submitted that information to the City Clerk.

Lenore Zamudio, 591 ½ Redwing Lane, is concerned this will negatively impact the area, with an increased crime rate, drugs, and theft, which will devalue properties and compromise the safety of their children playing outside. Other concerns are pollution, traffic flow, and duplexes; all of these will contradict the idea of a peaceful, nice looking neighborhood. People and traffic are already a problem; getting on Patterson Road is difficult. There are much better areas for a multi-family development. She handed a letter to the City Clerk.

Mary Stewart, 2911 E 7/8 Road, said there are a lot of children who live on Dawn Court and Dawn Drive who walk to school, many by themselves. There are no sidewalks, and increased traffic will endanger those walking to Nisley Elementary. This needs to be addressed.

The public comment section was closed at 8:11 p.m.

Councilmember Traylor Smith asked Deputy City Manager Tim Moore if it is possible to schedule the next neighborhood meeting before the final rezone decision. Mr. Moore suggested that the next meeting would be most helpful if it is scheduled after the rezoning approval and during the site plan review, which is the next phase; neighborhood concerns would be able to be addressed more completely when this information is available. He also mentioned that once the rezoning is approved and the different studies are completed, there may be some findings that limit the number of units per acre; the study findings will be considered during the site plan review.

Councilmember Boeschstein feels Wellington Avenue needs to be connected to this property before any development. He reasoned average daily traffic is calculated at ten

trips per dwelling unit, multiplied by 32, which is 320 more trips through these local streets, which none can handle that capacity. He will vote no.

Councilmember Chazen asked what Wellington Avenue connects to on the east side. Mr. Peterson responded it dead ends just past 29 ¾ Road.

Council President Norris clarified that Wellington Avenue does not connect to 29 ½ Road. She said since the neighborhood does not want rezoning, she will vote no.

Councilmember McArthur noted traffic flow for the area is a design issue, and development of both properties is needed to connect Wellington Avenue to 29 ½ Road. This would provide additional access for higher traffic demands, and could provide relief to 29 Road alleviating some of the current wait times. The design issues are not part of the zoning review. The CP took five years to develop, and this rezoning meets the requirements. People need to be able to depend on the consistency of the process, and the criteria of the CP. There are design issues, and these issues can be addressed at the neighborhood meeting the property owner is willing to have. He will support the rezoning.

Councilmember Susuras asked Councilmember Boeschstein how he, as a planner, would connect Wellington Avenue. Councilmember Boeschstein said it was stated earlier that the property to the north will have a connection.

Councilmember Boeschstein said the CP is a guide to the future and zone changes but the impact of traffic and neighborhood issues also need to be considered. Unless the road connections can be improved, the impact for this rezone is negative.

Councilmember Susuras mentioned infill is also being promoted.

Councilmember Boeschstein agreed, but does not feel there will be adequate access to the site for this development.

Councilmember Traylor Smith asked for clarification to make sure the decision being asked for now is only for rezoning in accordance with CP, and the site plan will address all the issues heard tonight. Deputy City Manager Moore said that is correct.

Councilmember Boeschstein asked if this project would come back before the Council. Deputy City Manager Moore said there would be no other hearing before Council.

Ted Ciavonne said he and the property owner attended the first neighborhood meeting and provided full transparency. They could have just talked about rezone, not shown a site plan, not shown approved road connections, and possible future road connections to the north. Since they are not in control of the property to the north, the E 7/8 Road connection was deleted based on comments from the PC meeting. This property will have two connections and in the future will have three. Postponing the project until the north connection is available does not support the CP, and there has to be a starting

point. Regarding the density of Dawn Court and Dawn Drive, even though the County says it is zoned R-8; the density is the same as R-12. A transition is needed and this project can help by raising the bar and possibly encourage some redevelopment of Dawn Drive solving some of the problems the County's zoning has caused. He appreciated Councilmember McArthur's comments on how the development may subtract traffic by adding options to turn left at lights. He restated they are following the process and are unable to address the specific issues until after the decision tonight because they won't know where they are going with the project yet. He asked Council for approval and to please keep in mind this request is only for rezoning.

Council President Norris asked Deputy City Manager Moore if the CP took into consideration the concerns of the neighborhood. Mr. Moore said the CP was adopted with a lot of community input and comment. The questions being posed tonight are suited to being answered during the site plan review.

Councilmember Traylor Smith asked Deputy City Manager Moore to describe the site plan process to help folks understand what will be considered and what input the community will have. Mr. Moore explained that access in and out for both residents and emergency vehicles will be scrutinized and be put into the site plan that is presented to the neighborhood.

Councilmember Chazen asked how the second community meeting will play into the approval process and if the comments from the meeting have any weight in the final site plan. Deputy City Manager Moore said the comments would be considered during the site plan review and the hope is to reach a consensus, giving credence to the issues they can deal with. Scott Peterson added, if the rezoning is approved the applicant will move forward with the subdivision application and those within 500 feet of the project boundaries will be notified. The public can appeal an administrative decision of the Planning Department for consideration by the PC.

Councilmember Boeschstein asked if Council could give a conditional approval subject to the site plan being brought back to Council for a public hearing.

Councilmember Susuras responded saying Staff needs to be trusted to look at all the concerns and know they won't do anything detrimental.

City Attorney John Shaver responded to a previous question regarding the CP and how it reflects the community's expectations. From a legal perspective the CP reflects those expectations having defined the property for medium density residential use of 4 to 8 units per acre. The inherent concepts of the CP are that if there is not adequate infrastructure or compatibility the density will be lower. At this time it is unknown what it is going to look like, but there is a process with options to develop a compatible site plan, and if approved tonight there will be opportunities to comment and appeal decisions; this decision does

not have to be a “done deal”. He reiterated the certainty that this property is zoned for residential use.

Council President Norris mentioned again that the CP is only a guide. City Attorney Shaver stated that in policy and legal precedent there is an “establishment of expectation” that areas remain similar in nature; not necessarily the same.

The public hearing was closed at 8:20 p.m.

Ordinance No. 4639 – An Ordinance Rezoning the Proposed South Dominguez Estates Subdivision from R-4 (Residential - 4 Du/Ac) to R-8 (Residential - 8 Du/Ac), Located at 2921 E 7/8 Road

Councilmember Susuras moved to adopt Ordinance No. 4639 and ordered it published in pamphlet form. Councilmember McArthur seconded the motion. Motion carried by roll call vote with Councilmember Boeschstein and Council President Norris voting NO.

CDBG Subrecipient Contracts with St. Mary’s Senior Companion Program, Marillac Clinic, and Homeward Bound of the Grand Valley for Previously Allocated Funds within the 2014 Community Development Block Grant (SDBG) Program Year

The Subrecipient Contracts formalize the City’s award of \$10,000 to St. Mary’s Senior Companion Program; \$60,000 to the Marillac Clinic; and \$1,500 to HomewardBound of the Grand Valley allocated from the City’s 2014 CDBG Program as previously approved by Council. The grant funds will be used to reimburse gas and mileage expenses to senior volunteers; rehabilitate the Marillac Clinic; and provide energy improvements to the community homeless shelter.

Kristen Ashbeck, Community Services Coordinator/CDBG Administrator, presented this item. She explained that this is the next step in the CDBG Program year. HUD (Housing and Urban Development) has released the funds so the next step is to finalize the contracts with the subrecipients. There are three before the City Council: \$10,000 for the Senior Companion Program to reimburse volunteer mileage expenses, \$60,000 for the Marillac Clinic to remodel their client lobby and administrative space, and \$1,500 for HomewardBound of the Grand Valley to replace the front door. Some representatives of the subrecipient agencies are in the audience.

Doug Karl, Executive Director of HomewardBound, said this is the final piece of a major renovation. There will now be one main entrance into the shelter on the south side of the building. The door will complete the energy improvements and he appreciates the opportunity to be able to have this done.

Councilmember Traylor Smith moved to authorize the City Manager to sign the Subrecipient Contracts with St. Mary’s Senior Companion Program for \$10,000; Marillac Clinic for \$60,000; and HomewardBound of the Grand Valley for \$1,500 from the City’s

2014 CDBG Program Year Funds. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

The City Council took a break at 8:39 p.m. The meeting reconvened at 8:43 p.m.

Contract for the Safe Routes to Schools Improvement Project

This request is to award a construction contract for the installation of curb, gutter, and sidewalk on Orchard Avenue and 28 ³/₄ Road adjacent to Nisley Elementary and B ¹/₂ Road near Dos Rios Elementary. These areas are primary walking routes that currently do not have sidewalks, thus presenting safety concerns.

Greg Lanning, Public Works and Utilities Director, presented this item. He referred to the description of both projects that was provided in the materials for the meeting. One of the projects connects to the B ¹/₂ Road overpass; the City was just awarded a grant to complete that project. All Concrete Solutions, LLC had the lowest bid. Most of the funds are from the CDBG funds. The project should be completed by Christmas.

Councilmember Traylor Smith asked if the west side of the Orchard Avenue sidewalk and the section that goes to the school is connected to the existing sidewalk. Mr. Lanning said it will.

Councilmember Boeschstein commented it is a great project, and thanked Staff for bringing it forward.

Councilmember Susuras said it is not a solution to all the sidewalk needs, but it is a good start.

Councilmember Chazen mentioned the school staff has expressed their support and many parents have asked when the project will be completed.

Councilmember McArthur said this is a good solution, and asked if there were more of these projects in the wings. Mr. Lanning said the Safe Routes Program must have a long list of requests.

Kathy Portner, Community Development Manager, said the Urban Trails Committee would like to take on projects they see as priority needs, such as the Safe Routes to School Program. They will be sure to have some projects like this on next year's CDBG allocation list.

Councilmember Chazen moved to authorize the City Purchasing Division to enter into a contract with All Concrete Solutions, LLC of Grand Junction, CO for the Safe Routes to Schools Improvement Project in the amount of \$254,600.69. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:52 p.m.

Stephanie Tuin, MMC
City Clerk