

Grand Junction, Colorado

April 20, 1983

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of April, 1983, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Robert Holmes, Karl Johnson, Christine Kreissler, Gary Lucero, and President of the Council Louis Brach. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

The President of the Council Louis Brach called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Councilman Robert Holmes.

MINUTES

Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried, the minutes of the regular meeting April 6, 1983, were approved as submitted.

PLAQUES OF APPRECIATION PRESENTED TO LOUIS BRACH AND KARL JOHNSON BY MAYOR PRO-TEM FRANK DUNN AND COUNTY COMMISSIONER MAXINE ALBERS

PROCLAMATION DECLARING MONTH OF MAY "THINK TWICE" MONTH - PROCLAMATION ACCEPTED BY SHANNON MC GEE, PRESIDENT OF YOUTH WHO CARE

NORTH AVENUE ASSOCIATION REQUEST FOR ASSISTANCE FOR DEVELOPMENT OF A SPECIAL IMPROVEMENT DISTRICT FOR PLANNING - APPROVED - \$5000 SEED MONEY AUTHORIZED

Darel Sutton, 904 North 7th Street, representing the North Avenue Association, appeared before Council to request seed money in the amount of \$5000 so the Association can pursue the formation of a district for improvements from the overpass to approximately 29 Road. They need financial assistance now to have special meetings with the property owners and tenants in order to nail down the problems along North Avenue and how to approach the improvement district. They also need help in circulating petitions to be sure they can form the district. The City Manager noted \$100,000 of unallocated revenue sharing monies in the budget for Council's consideration on this request. Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, \$5000 of seed money was authorized to the North Avenue Association for assistance in the development of the special improvement district.

TOM HARRISON APPOINTED TO A 2-YEAR UNEXPIRED TERM ON THE DOWNTOWN DEVELOPMENT AUTHORITY - TERM EXPIRES JUNE, 1985

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried, Tom Harrison was appointed to serve the unexpired term of Pat Gormley on the Downtown Development Authority.

LIQUOR-BEER - APPLICATIONS TO RENEW LICENSES APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the applications by the following businesses to renew liquor and beer licenses were approved:

7-Eleven Store, 1134 N. 12th Street (3.2% Beer)

Stop 'N Save No. 1, 213 N. 1st Street (3.2% Beer)

Teller Arms Liquor Shoppe, 2353 Belford (Retail Liquor Store)

LIQUOR - APPLICATION BY GRANDMET SITE SERVICES, INC., TO REGISTER DAVID SIMS AS MANAGER OF THE ASPEN TREE RESTAURANT AT WALKER FIELD TERMINAL 2828 H ROAD - APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Grandmet Site Services, Inc., to register David Sims as manager of the Aspen Tree Restaurant at Walker Field Terminal, 2828 H Road, was approved.

HEARING - PROPOSED ORDINANCE - RIGHT-OF-WAY VACATION ON HORIZON DRIVE ADJACENT TO LOT 1, BLOCK 1, GRAND JUNCTION TECHNOLOGICAL CENTER SUBDIVISION

A hearing was held after proper notice on the petition by Gordon Buchner, ARIX, to vacate a 40-foot section of Horizon Drive adjacent to Lot 1, Block 1, Grand Junction Technological Center Subdivision. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING A RIGHT-OF-WAY IN THE CITY. Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - DEVELOPMENT IN H.O. ZONE - PROFESSIONAL OFFICE AND TENANT SPACE - GRAND JUNCTION TECHNOLOGICAL CENTER SUBDIVISION

A hearing was held after proper notice on the petition by Gordon Buchner, ARIX, for professional office and tenant space on approximately 2.9 acres in a Highway-Oriented zone at Lot 1, Block 1, of Grand Junction Technological Center Subdivision. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the development in the H.O. zone was approved.

HEARING - PROPOSED ORDINANCES - ZONING BRACH ANNEXATION RSF-8 AND C-1, N OF HWY 340, W OF POWER ROAD

A hearing was held after proper notice on the proposal to zone Brach Annexation north of Highway 340, west of Power Road, to RSF-8 and C-1. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinances were read: ORDINANCES AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried with Councilman BRACH ABSTAINING, the proposed ordinances were passed for publication.

HEARING - PROPOSED ORDINANCE - ZONING GRAFF ANNEXATION RSF-4, W OF 29 ROAD, 1/4 MILE S OF F ROAD

A hearing was held after proper notice on the proposal to zone Graff Annexation, west of 29 Road, one-quarter mile south of F Road, to RSF-4. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - ZONING VENEGAS ANNEXATION C-1, W OF 25 ROAD, S OF HIGHWAY 6 & 50

A hearing was held after proper notice on the proposal of zone Venegas Annexation west of 25 Road, south of Highway 6 & 50, to the zoning category C-1. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilwoman Kreissler, seconded by Councilman Lucero and carried, the proposed ordinance was passed for publication.

RESOLUTION NO. 21-83 OF FINDINGS AND DECISION RE: APPLICATION BY CSW COMPANY FOR HOTEL-RESTAURANT LIQUOR LICENSE AT BUENA VIDA, UNITS 118-120, VALLEY PLAZA SHOPPING CENTER, 2454 HIGHWAY 6 & 50 - APPROVED

The following Resolution was read:

RESOLUTION NO. 21-83

OF DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE BY

CSW COMPANY FOR BUENA VIDA AT 2454 HIGHWAY 6 & 50, GRAND JUNCTION, COLORADO.

A public hearing having been held on April 6, 1983, on the application by CSW Company for a hotel-restaurant liquor license for Buena Vida located at 2454 Highway 6 & 50, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. The hearing on the application for a hotel-restaurant liquor license was held on April 6, 1983, after proper notice thereof under the Liquor Code.

2. The survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet in that 462 persons so stated, while 104 felt the needs were being met by other outlets.

3. No one appeared at the hearing in opposition to the issuance of the license and no petitions or letters of disapproval were received by the Council in opposition to the issuance of the license.

4. The character of the applicant is good as determined by checking done by the Police Department and by letters attesting to said good character, the applicant being the officers of the corporation making the application.

5. The evidence supports the position that the license should issue both under the Liquor Code and the previous practice of the City Council.

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

That the Hotel-Restaurant Liquor License applied for by CSW Company for Buena Vida located at 2454 Highway 6 & 50, Grand Junction, be issued.

PASSED and ADOPTED this 20th day of April, 1983.

/s/ Louis R. Brach

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilwoman Kreissler, seconded by Councilman Dunn and carried by roll call vote with Councilman HOLMES voting NO,

the Resolution was passed and adopted as read.

HEARING RE: 1983 AMENDMENTS TO THE DDA PLAN OF DEVELOPMENT - RESOLUTION - CONTINUED TO MAY 4, 1983, FOR PROPER ADVERTISING OF HEARING

HEARING - APPLICATION BY GRAND JUNCTION AREA CHAMBER OF COMMERCE FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT MAY 27, 1983, 5 P.M. TO MIDNIGHT, AT TWO RIVERS PLAZA, FOR THE JUCO CLUB ANNUAL BANQUET - 1ST PERMIT - APPROVED

A hearing was held after proper notice on the application by the Grand Junction Area Chamber of Commerce for a malt, vinous and spirituous liquor special events permit on May 27, 1983, from 5 p.m. to 12:00 midnight at Two Rivers Plaza, 159 Main Street, for the JUCO Club annual banquet. Dick Maynard, 607 26 Road, spoke for the granting of the permit. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the application was approved.

HEARING - APPLICATION BY MOOSE LODGE #270 FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT MAY 12, 1983, 6:30 P.M. TO 1:30 A.M. - SPONSORING MESA COLLEGE ALUMNI CONCERT - 1ST PERMIT - APPROVED

A hearing was held after proper notice on the application by Moose Lodge #270 for a malt, vinous and spirituous liquor special events permit for May 12, 1983, 6:30 p.m. to 1:30 a.m. sponsoring Mesa College Alumni Concert. John Krizman was present for the application. There were no opponents, letters or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, the application was approved.

BIDS - AWARD OF CONTRACT - PARKS MAINTENANCE BUILDING, ASPHALT CONTRACTORS OF GRAND JUNCTION - \$18,486

Continued from the April 4, 1983, City Council meeting was the bid proposal for the paving of an area at the Parks Maintenance Building. Councilwoman Clark stated that due to the financial concerns of the City, she was not in favor of going ahead with this paving this year. Councilman Dunn stated that he asked the City Manager if he felt this was a needed project and the City Manager assured him that it was, so he was in favor of going ahead with the project. Councilwoman Kreissler stated that it can be assumed that all the items placed in the budget were needed items. Councilman Johnson said that in spite of the concerns about trying to reduce the budget to a level that can be accommodated by the anticipated cuts at this point in time, he did not think that \$18,000 was going to make or break that budget. His experience has been that if the project is delayed it will cost a lot more in a year or two and, therefore, any savings. Councilman Lucero stated that when this was presented at the last meeting, the Council

chose to wait until it had a chance to look at budget revisions. This item did not turn up and since the City Manager is recommending approval, it would seem a waste of time and energy if Council denied it at this time. Councilman Brach said that he viewed the area, and he felt it was an item that merits attention. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried by roll call vote with Councilmembers CLARK and HOLMES voting NO, the bids were accepted and the contract for the paving of an area at the Parks Maintenance Building was awarded Asphalt Contractors of Grand Junction in the amount of \$18,486.

ARCHITECTURAL AND CONSTRUCTION MANAGEMENT AGREEMENTS FOR POLICE BUILDING EXPANSION - AGREEMENTS DENIED - NEW COMMITTEE TO BE FORMED FOR RECOMMENDATIONS ON PROCESS

This item was tabled at the last Council meeting. The City Manager summarized and recommended favorable consideration and awarded the Contract to Dana Larson Roubal & Associates in the amount of \$57,049 for architectural design and engineering services and to Paul J. Henich & Associates \$24,000 for construction management.

Larry Boyd, 261 West Fallen Rock Road, representing the Associated Builders and Contractors, addressed the problem of the way the City Manager handles the selection of professional services in regard to municipal construction projects. According to Mr. Boyd, ABC is over one-hundred members strong on the Western Slope with each employer employing on the average of twenty-five people, and that represents a rather large amount of the tax-paying citizens that feel their tax dollars perhaps are being wasted unnecessarily. It was brought to the attention of ABC that on the proposed Police Building expansion, it had been suggested that the City pay as much as 37% more for the construction management and professional services in regard to the project. Mr. Boyd stated that it also seems somewhat strange that if this information is correct, that the lower bidder was qualified to do a twelve-million-dollar school project but not qualified to do a \$500,000 expansion. Mr. Boyd said that there seems to be something very odd about this. He suggested to the City Council that this situation be thoroughly reviewed before a decision is rendered, and to avoid an apparent problem such as this in the future he felt a set of guidelines need to be established for the selection of professional services involving municipal construction projects using tax dollars. He added further that ABC feels very strongly that any funds being spent by City Management should not be spent behind closed doors. In closing Mr. Boyd offered, on behalf of ABC who are professionals in construction, to work hand-in-hand with the City Council, City Managers, or if the Council sees fit, a Committee to establish the guidelines required and so badly needed in this time of poor economy so all can say our tax dollars are being spent wisely.

Councilman Johnson responded that as a member of the Committee that reviewed the proposals that were made, he thought that with only one exception all of the people who were involved

complimented the City on its method of selecting architectural consultants, not only on this project but in the past. With regard to the comment about spending money behind closed doors, Councilman Johnson stated that in the eight years on the Council and in all of his experience prior to that in attending Council functions, there has never been any of that, and he has no knowledge of any money being spent behind closed doors. Every appropriation has been approved in open Council meetings.

Councilman Dunn stated that all members of Council agree that this is a most-needed project. According to Councilman Dunn, the question is not the need for the project, but rather the question is with the process and whether it is correct. He stated that he would be willing to postpone these Agreements for a period of two weeks to see if a better process can be put forward.

Mayor Brach pointed out and clarified that these Agreements were tabled two weeks ago. He asked Councilman Dunn if he wants to reject all bids and start over.

Councilman Dunn said that was what he was saying.

Councilwoman Kreissler said that it seemed to her the Council is in agreement that it wants a Police Building; it is in agreement that it needs some work on the process. She thought it fair to put the two together. She also thought more than two weeks was necessary to look at the project, and that they need more than two weeks to make a presentation to Council, and Council needs more time to absorb what they are telling Council. She did not think it fair to try to postpone this particular project and go with a new one. Therefore, Councilwoman Kreissler moved not to postpone and to award the Agreements as outlined by the City Manager. Councilman Johnson seconded the motion.

Councilman Holmes stated that it seemed to him "there is something rotten in Denmark." It is true that there may not be monies spent behind closed doors as far as appropriations, but there certainly is something that's not coming up when two and two are put together that equals four and it causes some concern as to just why some of these things that are happening are happening, and if there is an opportunity to get the same kind of work accomplished for a considerable number of thousands of dollars less than what this particular award or this consideration would be, it would seem only appropriate, matter of fact, very consistent with that which the City Manager has come forth in the way of suggestions for budgetary cuts, the Council's lip service to wanting to cut back, that it would indeed put its money where its mouth is and start saying what it means and stop talking out of both sides of the mouth. He believed that the citizenry are entitled to that kind of performance. He said that if indeed the work on the Police Building has to hang in limbo until such things can be established, then he thought it wouldn't hurt for it to hang in limbo that much longer if it needs to be determined if Council can do a process differently that will result in funds that will be

saved. Councilman Holmes said that he, for one, is getting sick and tired of giving away and handing out that which rightfully belongs to the citizens that Council represents and it seems in so many cases so anxious to do so. He suggested, at the expense of putting a hold on this project, that a hold be put.

Councilman Lucero stated that this is a very critical item and that space is necessary, the sooner the better. His view of the situation is that it is not precisely known what is needed in the remodeling, that it is being approached on a piecemeal basis, and that until such time as it can be precisely defined as to what is needed in the building and how to attack the problem, he thought that puts Council in a better position of knowing just exactly what it wants and puts the contractor in a better position of knowing just exactly what he is bidding, and he thought that until it can be precisely defined what is needed at the Police Building, this item be postponed until those issues can be addressed.

Councilman Johnson said that those criteria cannot be determined until there is an architectural design. The architects that were asked to submit proposals were supplied with an outline of the functions that would be accommodated in this remodeling process. They were asked to submit proposals as to how they would accommodate that remodeling to not only provide those functions but he thought equally important was to maintain operations with the Police Department during the remodeling period because this is an unusual and very complex remodeling project in that there is a twenty-four-hour, seven-day-a-week operations down there and you can't just move people out and remodel it and then move them back in. There is no place to move them. So there is a two-stage problem: first, to get the architectural design that will provide the functions that the administration at the Police Department determines is needed and then to put it out to the Contractor to build it. Architects work on a different format. They determine how many hours it is going to take them to make that design and what's involved not only in drawing the floor plan but the mechanical, electrical, plumbing, and all of the things that have to go into it so the contractor will know when he submits a bid just what he is being asked to do.

Councilman Lucero responded that it seemed to him the City could accomplish the same thing through a different method and that is to have the architect and the people involved sit down and define precisely what it is they are looking for and then put it out to bid.

Councilman Johnson stated that that is exactly what the process would have been. The City hasn't talked to a contractor yet, a Construction Contractor, only to architects. He pointed out that when the architect comes up with a design that is approved by the City Council and by the Administration, it will then be submitted to a contractor so that he can bid on the construction. A contractor is not going to bid on Construction until he knows specifically what he is being asked to build.

The City Manager noted that there appeared to be plenty of dissension among the Council members. He commented that the project needs to be done. However the Council determines to deal with it during this meeting, he requested Council to give Administrative the opportunity to go ahead and do the project between now and the end of the year.

Councilwoman Clark noted that in the past she has suggested changing the process currently being used for selecting architects and engineers. She did not feel it is too late to do that in this process and still be able to begin the construction of the project in 1983.

Roll was called upon the motion to award the Architectural and Construction Management Agreements for the Police Building expansion with the following result:

Councilmembers voting YES: JOHNSON, KREISSLER, BRACH.

Councilmembers voting NO: CLARK, HOLMES, DUNN, LUCERO.

A majority of Council having voted NO, the President declared the motion lost.

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried, the City Administration was instructed to review this project and proceed in obtaining alternate proposals by whatever means are available; if the group present at this meeting have some specified proposals as to methods for making a selection of professional nature should be considered.

Mayor Brach said that anybody in Grand Junction can "chicken bid". Once the price is known, anybody can come in behind and say "I can do it cheaper." He said he did not know whether a better price can be negotiated or not, but he was sure they could because they know now what the high price will be. Maybe next time will be different.

Councilwoman Kreissler said that the City needs to differentiate between what it is doing on this project and what it is doing as process. As the City goes forward, she thought that should be kept in mind as it is doing both.

City Manager Wysocki suggested that Mr. Phipps be placed on this Committee to deal with this problem.

Mayor Brach said that since there will be a new Council it would be best for the new Mayor to appoint the Committee. He recommended, however, that since Council did not really take the advice of the Committee he appointed that the whole Council sit in on negotiations. That way, he said, everybody will know what is going on.

Jim Pearce, 454 N. Sherwood, Architect with the firm of Dana Larson Roubal & Associates, the firm involved in the contract being considered, applauded members of Council who scrutinize the contracts before them in the best interest of the City. He stated that he also found himself somewhat asking questions after having gone through a two-month selection process. He asked what exactly the next steps might be. He understood the concerns of the people who talked previously regarding the selection process, and he offered to make available any of the architectural recommendations from the AIA or any other Institute regarding that. He also offered to answer any questions Council might have regarding his firm's fees and its participation in the project to date.

Councilman Johnson asked if, as a professional architect, Mr. Pearce would normally submit his services on a bid basis as a Construction Contractor would on a project.

Mr. Pearce answered "No." Mr. Pearce continued that he thought some of the people present were concerned about the selection process -- first, to notify the firms that the project is coming up, the second is to request proposals from those, third is to interview, and the fourth is to negotiate a contract. He stated there are some deviations from that process, and he would be the first to admit that. One name of one firm was left off the list, and how the short list was made. He stated that after the last meeting when this issue was discussed . . .

Mayor Brach suggested that Mr. Pearce not expose his tricks as he may be called on to do this over again, and his competitor was sitting behind him.

Mr. Pearce justified the hourly rate for the task to be performed in the negotiated contract as less than the fees being utilized by the School District, less than the fees being utilized by the Housing Authority, and less than the fees being utilized by the County. So he did not feel that the hourly rates being charged in the contract were excessive in any way.

Mayor Brach pointed out that it was a dead issue and suggested that Mr. Pearce save his energy as he will be called upon to resubmit another proposal.

BIDS - AWARD OF CONTRACT - REMODELING CITY HALL - CARVER CONSTRUCTION - \$166,400

Bids were received and opened April 8, 1983, on the City Hall remodeling project. Bidders were:

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Jonvil Corporation\$187,000\$2,700\$189,700			
Maranatha Construction\$184,481\$2,849\$187,330			
Francis Constructors, Inc.\$185,000\$2,000\$187,000			
David J. Peterson Companies\$179,268\$1,100\$180,368			
Delbert McClure Construction\$175,437\$3,000\$178,437			
Carver Construction\$165,600\$900\$166,400			
Estimate\$181,000			

Staff recommended award of contract to the apparent low bidder, Carver Construction, for its bid of \$166,400. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the bids were accepted and the contract for remodeling City Hall was awarded Carver Construction for its bid of \$166,400.

HEARING - PROPOSED ORDINANCE TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE TO ADD SECTION 3-19-11, ANNEXATION POLICIES

A hearing was held after proper notice on the proposal to amend the Grand Junction Zoning and Development Code by adding Section 3-19-11, Annexation Policies. There were no letters, opponents, or

counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE ADOPTING POLICIES FOR ANNEXING LANDS TO THE CITY OF GRAND JUNCTION. Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

INTERGOVERNMENTAL AGREEMENT BETWEEN CITY AND COUNTY

Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried, the Intergovernmental Agreement between the City and the County was approved.

The President declared a five-minute recess. Upon reconvening all Council members were present.

DOWNTOWN HOTEL AGREEMENT - PRELIMINARY - MARANATHA DEVELOPMENT CORPORATION - SHERATON

Skip Grkovic, Executive Director of the Downtown Development Authority, reviewed the preliminary development agreement between the City and Maranatha Development Corporation for the location of a hotel facility in the downtown area.

Comments were had from Tom LaCroix, Attorney for the developer; Joe Skinner, Attorney for the Downtown Development Authority; John Quest, ARIX, Architect; Marcia Neal, Chairman of the Downtown Development Authority. Kirk Rider, 1050 Gunnison Avenue, supported the Council's acceptance of the Agreement.

Councilman Holmes stated that considering this agreement and taking action at this meeting after having only thirty-eight hours or so to review it was inadequate. He felt that Two Rivers belongs to the citizenry of Grand Junction, and by way of this agreement the Council would be giving away Two Rivers for 50 to 100 years.

Councilman Johnson pointed out that this preliminary agreement was necessary so that application can be made to the Federal Government for UDAG funds. The agreement is contingent upon obtaining those funds.

Loren Zipse, 1215 Grand, requested that Council publish the plat in the paper as soon as possible or somewhere so the citizenry would know what the City is doing.

There were no opponents to the preliminary agreement for the hotel.

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried by roll call vote with Councilman HOLMES voting NO, the preliminary development agreement was approved and the President of the Council was authorized to sign.

Councilman Lucero submitted the following points for direction and further review by the City Manager and the Downtown Development Authority:

City retain development and plan approval;

City's use of Two Rivers;

Parking costs outlined;

Tax increment monies and their use in development -- how they are to be spent;

Should HUD approval be acquired, specific performance dates need to be set for the Developer;

City needs to protect itself in the event of a sale as it concerns Two Rivers, parking agreements and lots that the City will purchase or lease, Code requirements that may come into play;

A more precise definition of the three percent net rent;

Control of those monies to be used for public improvements.

Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried, the above concerns plus the concerns of other members of Council be written down and given to the City Manager for consideration.

Councilwoman Clark assumed that now the initial negotiations are completed that Council would have more lead time in future negotiations.

RESOLUTION NO. 24-83 OF INDUCEMENT FOR MARANATHA DEVELOPMENT CORPORATION IN THE AMOUNT OF \$10,000,000 - APPROVED - DDA - SHERATON HOTEL PROJECT

The following Resolution was read:

RESOLUTION NO. 24-83

RESOLUTION GIVING PRELIMINARY APPROVAL TO A PROJECT UNDER THE COUNTY AND MUNICIPALITY DEVELOPMENT REVENUE BOND ACT AND AUTHORIZING PREPARATION OF NECESSARY DOCUMENTS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO (the "Issuer"), as follows:

1. It is hereby found, determined and declared as follows:

1.1. It is the intent of the State of Colorado (the "State") to authorize counties and municipalities to finance, acquire, own, lease, improve and dispose of properties to the end that such counties and municipalities may be able to promote industry and

develop trade or other economic activity by inducing profit or non-profit corporations, federal governmental offices, hospitals and agricultural, manufacturing, industrial, commercial or business enterprises to locate, expand or remain in this State, to mitigate the serious threat of extensive unemployment in parts of the State, to secure and maintain a balanced and stable economy in all parts of the State or to further the use of the State's agricultural products or natural resources.

1.2. It is the further intent of the State to authorize counties and municipalities to finance, refinance, acquire, own, lease, improve and dispose of properties to the end that pollution may be ameliorated and controlled, more adequate hospital care may be provided, more adequate residential housing facilities for low- and middle-income families and persons may be provided, more adequate facilities for disposing of sewage and solid waste and furnishing water, energy and gas may be provided, more adequate facilities for sports events and activities and recreation activities, conventions and trade shows may be provided, more adequate airports, mass commuting facilities, parking facilities or storage or training facilities may be provided and more adequate research, product-testing and administrative facilities may be provided, all of which promote the public health, welfare, safety, convenience and prosperity of the State.

1.3. Scarborough Group, an Illinois Partnership to be formed (the "Partnership"), has advised this City Council that it desires to construct an approximately 200-room hotel upon land within the corporate limits of the City of Grand Junction, Colorado, and adjacent to an existing convention center and to acquire and install equipment therein and to make certain other improvements thereon (the "Project").

1.4. The existence of the Project within the corporate limits of the Issuer shall contribute to the promotion of industry and development of trade and other economic activity in the Issuer and the State, shall contribute to securing and maintaining a balanced and stable economy in the Issuer and the State and shall contribute to furtherance of the use of the State's agricultural products or natural resources, all of which promote the public health, welfare, safety, convenience and prosperity of the Issuer and the State.

1.5. The Issuer has been advised that conventional, commercial financing to pay the capital cost of the Project is available at such costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but that with the aid of municipal financing and its resulting lower borrowing cost the Project is economically more feasible.

1.6. The Issuer is authorized by Colorado Revised Statutes 1973, Sections 29-3-101 et seq., as amended (the "Act"), to issue its revenue bonds, notes or other obligations for the purpose of defraying the cost of financing, acquiring, improving and

equipping any project consisting of any land, building or other improvement and all real or personal properties and any undivided or other interest in any of the foregoing, except inventories, raw materials and other working capital, whether or not in existence, suitable or used for or in connection with any manufacturing, industrial, commercial, agricultural or business enterprises or any utility plant, hospital, health-care or nursing-home facilities, pollution control facilities, residential facilities for low- and middle-income families, sewage or solid waste disposal facilities, facilities for the furnishing of water, energy or gas, sports and recreational facilities available for use by members of the general public convention or trade show facilities, airports, facilities for the loading or unloading of unprocessed agricultural products or raw materials, mass commuting facilities, railroad facilities, parking facilities, storage or training facilities, research, product-testing and administrative facilities and facilities for private institutions of higher education and is authorized to enter into financing agreements in connection therewith with other parties, such as the Partnership; the issuance of such bonds, notes or other obligations by the Issuer would be a substantial inducement to the Partnership to acquire, construct and install the Project within the corporate limits of the City of Grand Junction, Colorado.

2. On the basis of information given the Issuer to date, it appears that it would be of benefit to the inhabitants of the Issuer to issue its commercial development revenue bonds, notes or other obligations under the provisions of the Act, to finance the Project of the Partnership at a cost presently estimated not to exceed \$10,000,000.

3. The Project is hereby given preliminary approval by the Issuer, and the issuance of bonds, notes or other obligations for such purpose and in such amount is hereby approved, subject to the mutual agreement of this body, the Partnership and the initial purchaser or purchasers of the bonds, notes or other obligations as to the details of the bond issue and provisions for the payment of said bonds, notes or other obligations. In all events, it is understood, however, that the bonds, notes or other obligations and interest coupons, if any, appurtenant thereto shall never constitute the debt or indebtedness of the Issuer within the meaning of any provision or limitation of the State Constitution and statutes or the home rule charter of the Issuer and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers.

4. The Issuer's attorney is authorized to initiate and assist in the preparation of such documents as may be appropriate to the Project.

/s/ Louis R. Brach

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

ORDINANCE NO. 2116 - AMENDING THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT

Proofs of Publication were received on all Ordinances proposed for final passage. Copies of the Ordinances proposed for final passage were submitted in writing to the City Council prior to the meeting.

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the following entitled proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY.

There were no comments. Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2116, and ordered published.

ORDINANCE NO. 2117 - AMENDING PORTIONS OF SECTION 4, 5, 7 AND 9 OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE

Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried, the following entitled proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE AMENDING SECTIONS OF CHAPTER 32 OF THE CODE OF ORDINANCES CONCERNING PLANNING AND ZONING GOALS IN THE DOWNTOWN DEVELOPMENT AREA OF THE CITY, ADOPTING MEASURES AND PLANS TO CARRY OUT THOSE GOALS, CHANGING CERTAIN STRUCTURE HEIGHTS PERMITTED IN VARIOUS ZONES, PROVIDING FOR VARIANCES FROM THOSE HEIGHTS, CHANGING CERTAIN REGULATIONS AS TO PLANNED DEVELOPMENTS IN THE CITY, AND PROVIDING FOR PLANNING COMMISSION REVIEW OF CERTAIN ACTIONS.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the Ordinance was passed, adopted, numbered 2117, and ordered published.

ORDINANCE NO. 2118 - RIVER ROAD ANNEXATION - RAILROAD RIGHT-OF-WAY IN SECTION 9, T1S, R1W, SW OF HIGHWAY 6 & 50

Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried, the following entitled proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

There were no comments. Upon motion by Councilman Holmes, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed, adopted, numbered 2118, and ordered published.

RESOLUTION NO. 22-83 - ADOPTING THE PLANNED DOWNTOWN DEVELOPMENT MANUAL

The following Resolution was read:

RESOLUTION NO. 22-83

ADOPTING THE PLANNED DOWNTOWN DEVELOPMENT MANUAL.

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

That the Planned Downtown Development Manual, a copy of which is attached hereto, is hereby adopted as an addendum to Chapter 32 of the Code of Ordinances of the City of Grand Junction, the Zoning and Development Code. (Manual in DDA File.)

PASSED and ADOPTED this 20th day of April, 1983.

/s/ Louis R. Brach

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 23-83 SIMPSON ENCLAVE ANNEXATION, 589 25-1/2 ROAD - PROPOSED ORDINANCE

The following Resolution was read:

RESOLUTION NO. 23-83

WHEREAS, the City Council of the City of Grand Junction has considered the annexation to the City of land situate in the County of Mesa, State of Colorado, described as:

Beginning at a point 605 feet North of the SE Cor of the NE4 of the NW4 of Sec 10, T1S, R1W, Ute Meridian; thence W 280 ft, thence N 310 ft, thence E 280 ft, thence S 310 ft to Beginning; and

Beginning 605 ft N and 280 ft W of the SE Cor of the NE4 of the NW4 of Sec 10, T1S, R1W, Ute Meridian; thence W 30 ft, thence N

310 ft, thence E 30 ft, thence S 310 Ft to Beginning;

and

WHEREAS, Council has determined, and does hereby determine, that said lands have been surrounded by the City for a period exceeding three years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 20th day of April, 1983.

/s/ Louis R. Brach

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried by roll call vote, the Resolution was passed and adopted as read.

The following entitled proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. Upon motion by Councilman Lucero, seconded by Councilwoman Kreissler and carried, the proposed ordinance was passed for publication.

RESOLUTION NO. 25-83 - REPLATTING PORTIONS OF THE CEMETERIES ON ORCHARD MESA

The following Resolution was read:

RESOLUTION NO. 25-83

CONCERNING THE REPLATTING OF CERTAIN AREAS IN CITY-OPERATED CEMETERIES.

WHEREAS, the City of Grand Junction, in its operation of the Orchard Mesa, Municipal, Masonic, Oddfellows and Catholic cemeteries, has caused to be prepared a replatting of certain areas formerly designated as walkways or roadways within those cemeteries; and

WHEREAS, it is necessary to file a plat evidencing the replatting and describing the grave spaces determined in the replatting;

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

That the appropriate officers of the City are hereby authorized to execute the plat to permit the replatting of the areas described.

PASSED and ADOPTED this 20th day of April, 1983.

/s/ Louis R. Brach

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried by roll call vote, the Resolution was passed and adopted as read.

METROPOLITAN PLANNING ORGANIZATION (MPO) CONTRACT - APPROVED

Ken Glover appeared before Council to request approval of the contract with the Colorado Highway Department for funding of a Metropolitan Planning Organization (MPO) for the Grand Junction urbanized area. Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried, the contract was approved and the Mayor was authorized to sign.

BUDGET REVISIONS - REDUCTIONS IN 1983 BUDGET

The City Manager submitted the following memorandum for Council's consideration:

MEMORANDUM

TO: Honorable City Council

FROM: James E. Wysocki, City Manager

RE: Reductions in 1983 Budget

DATED: April 18, 1983

As previously reported, the sales tax revenues for the City of Grand Junction are not coming in as predicted for the 1983 budget. John Tasker has indicated a \$786,000 short-fall (City and County sales tax), coupled with highway user tax and the State's delaying the disbursement of monies from the sale of automobile accessories totaling another \$115,000. The City's anticipated shortfall would be approximately \$900,000. The staff has put together a plan to have a reasonable General Fund balance for the beginning of the

1984 budget year and the beginning of the 1985 budget year. It should be noted that we will be reviewing these figures again shortly in preparing for the 1984 budget.

We are suggesting a reduction of 21 full time positions throughout the City's operations (see attachment "A"). Other operational reductions were made which will result in service reductions in parks maintenance, street cleaning, utility grounds maintenance and changing to part-time janitorial services in some instances. Lincoln Park pool would be closed at 8 p.m. in the evening instead of the anticipated 9:00 p.m. (this will allow private parties to begin earlier). Capital project delays include the Purdy Mesa valve and pipeline reroute, proposed recreation center (and accompanying bond payment for \$385,000). This also assumes that we would design Fire State #5 yet in 1983 but delay the building and equipping of the structure until 1984. It is further assumed that this station would be manned within the present, existing staff and would not require the additional 9 people which were anticipated at the end of the 1983 budget and for the entire 1984 budget.

We should caution the City Council to understand that we have only had an opportunity to check our major General Fund revenues and that we will review other revenue sources while continuing to monitor the major sources in preparation for the 1984 budget and revenue projects. We do not anticipate general revenue sharing funds for 1984 or 1985 nor do we have a figure allocated for proceeds from the Colorado State lottery. These figures are too volatile to try to predict until we are further into these programs.

The staff will continue to seek information and review avenues for the possibility of contracting some of the services that the City now provides. If we can be shown that the services could be provided at a lesser rate and with fewer dollars expended for equipment, we will be making recommendations as we go along. This plan will allow for operational monies for 1984 and 1985 assuming essentially the same rates of expenditures as this reduced budget provides. There are other monies which are ear-marked for specific projects that we would anticipate continuing to develop (Horizon Drive, Patterson Road intersections). Attachment "B" gives a summary explanation of the effect of the various reductions that have been suggested and bottom-line figures that could be expected if all of our assumptions are correct.

ATTACHMENT A

1983 PROPOSED BUDGET CUTS

1983			
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<u>Budget1984</u> <u>Budget</u>				
<u>DepartmentNu</u> <u>mber of</u> <u>PositionsOpe</u> <u>rationsCapit</u> <u>alOperations</u> <u>Only</u>				
Police1\$ 35,510\$ 9,101\$ 5,729				
Fire956,3563 80,000274,71 4				
Public Works481,742 123,50019,98 6				
Shops18,1808 ,180				
Water344,318 60,00023,491				
Sewer129,871				
Trash10,000				
Parks1438,17 51,825,00019 ,416				
Cemetery120, 883				

Pools _____ 1,481 _____ —				
21\$716,516\$2 ,407,601\$351 ,516				

ATTACHMENT B

COMPARISON OF OPERATING EXPENSE AND OPERATING REVENUE

<u>1981</u> <u>1982</u> <u>1983</u> <u>1984</u>				
Operating Expense\$14,6 70,742\$18,02 7,938\$21,816 ,856\$21,816, 856				
Debt Expense2,105 ,2082,351,62 22,910,4512, 910,451				
Less charges to other departments -2,434,468 - <u>2,891,678 -</u> <u>3,850,228 -</u> <u>3,850,228</u>				
Total Operating Expense14,34 1,48117,487,				

88220,877,07 920,877,079				
Total Operating Revenue <u>17,883,570</u> <u>20,208,779</u> <u>21,494,425</u> <u>21,494,425</u>				
Available for capital projects <u>3,542,088</u> <u>2,720,897</u> <u>617,346</u> <u>617,346</u>				
*Less obligational operational expense for 1984 <u>1,438,597</u>				
Operation Revenue Deficit <u>(821,251)</u>				

<u>1983Revised</u> <u>1983With</u> <u>Budget Cuts</u> <u>1983Revised</u> <u>1984</u>				
Operating Expense\$21,8 16,856\$21,81 6,856\$21,485 ,340\$22,572,				

421				
Debt Expense2,910 ,4512,910,45 12,525,4512, 525,451				
Less charges to other departments <u>-3,850,228 -</u> <u>3,850,228 -</u> <u>3,850,228 -</u> <u>3,850,228</u>				
Total Operating Expense20,87 7,07920,877, 07920,160,56 321,247,644				
Total Operating Revenue <u>21,494,425</u> <u>21,494,425</u> <u>20,593,425</u> <u>20,593,425</u>				
<u>Available for capital projects</u> <u>617,346617,3</u> <u>46</u>				
<u>Estimated Operating Revenue</u> <u>Deficit</u> <u>1983(901,000</u> <u>)</u>				

Operating Expense Deficit (283, 654) (654,219)				
Operation Revenue due to Operation cuts 432,862				
Operation Revenue due to capital cuts <u>2,407,60</u> <u>1</u>				
Total <u>2,840,4</u> <u>632,840,463</u>				

Less restricted capital for Fire Station (\$380,000)

Operation revenue for 1985 \$1,806,244*

*Chip and seal, overlays, curb, gutter, sidewalk 1984-85

It was moved by Councilman Johnson, seconded by Councilman Holmes, that the recommendations of the City Manager be approved. It was moved by Councilwoman Clark, seconded by Councilman Dunn, that the motion be amended to put the street sweeping budgeted amount of \$32,000 back in the budget and instruct the City Manager to search another area of the budget to remove \$32,000. Upon voice vote, the amendment to the motion carried. Upon voice vote, the main motion including the amendment was carried.

FAREWELL, KARL AND LOUIE

Council bid a fond farewell to Karl and Louie. Councilman Johnson stated that he has enjoyed his eight years with the City Council, and he offered to come back at any time with a history lesson. Councilman Brach stated that his four years on the Council has been exciting and challenging and has certainly opened up his mind to what City government is all about.

ADJOURNMENT

The President declared the meeting adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk