

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

July 5, 1995

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5th day of July, 1995, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, David Graham, R.T. Mantlo, Janet Terry, Reford Theobald and President of the Council Ron Maupin. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Maupin called the meeting to order and Councilmember Afman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Mark Harris, New Horizons Foursquare Church.

APPOINTMENT TO PLANNING COMMISSION

Upon motion by Councilmember Afman, seconded by Councilmember Graham and carried, Paul Coleman was appointed to fill an unexpired term (October, 1996) on the Grand Junction Planning Commission.

CONSENT ITEMS

Mayor Maupin announced that Consent Item 5 was removed from the agenda for future consideration and Item 8 was removed for individual consideration. Upon motion by Councilmember Mantlo, seconded by Councilmember Theobald and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 2, and Councilmember **GRAHAM ABSTAINING** on Items 3 and 6, the following Consent Items 1-4, 6-7 and 9 were approved:

1. **Approving** the minutes of the Regular Meeting June 21, 1995
2. **Award of Contract** - 1995 Accessibility Improvements
Recommended Award: Mays Concrete Construction - \$178,371

The following bids were received on June 28, 1995:

<u>Bidder</u>	<u>From</u>	<u>Bid</u>
Mays Concrete Construction	Grand Junction	\$178,371.00
M.A. Concrete Construction	Grand Junction	\$183,737.00
Fred Cunningham Construction	Grand Junction	\$226,236.10

Engineer's Estimate
\$126,119.20

3. **Authorizing** the Preparation, Printing and Distribution of the First Supplement to the New Code of Ordinances

The Code of Ordinances, Sec. 1-10, provides "By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by motion of the city council." Six months have passed since the adoption of the new Code of Ordinances and six ordinances amending the Code have been adopted by the City Council since then. The amendments to the Code are to be distributed to all bookholders.

4. **Proposed Ordinance** - An Ordinance Vacating a Portion of the Right-of-Way of Ewing Drive, Located North of E Road and Approximately 1/4 Mile East of 23 Road [File #FP 95-84]

South Rim Filing #3 is located east of the Redlands Parkway at the east end of South Rim (formerly Greenbelt) Drive and consists of approximately 16.3 acres. The petitioner recently received Final Plat/Plan approval for Filing #3 consisting of 40 single family lots. The platting of this filing will also require a right-of-way vacation for an unbuilt portion of Ewing Drive on the south end of the parcel. The right-of-way vacation request is consistent with the preliminary plan which the City accepted as part of the annexation agreement for this subdivision. With this vacation, adequate right-of-way for a turn-around on Ewing Drive will remain.

a. First Reading of Proposed Ordinance

5. **Proposed Ordinance** - An Ordinance Zoning the Monument Valley Annexation RSF-2, RSF-4 and PR-1.6 [File #ANX-95-71] - **REMOVED FOR FUTURE CONSIDERATION (WAITING FOR RECORDS FROM MESA COUNTY)**

6. *** Resolution No. 68-95** - A Resolution of the City Council of the City of Grand Junction Giving Notice That a Tract of Land Known as the Ute Enclave Annexation Located Off of South Camp Road Consisting of Approximately 5.84 Acres Will Be Considered for Annexation to the City [File #ANX-95-116]

The Ute Enclave consists of 5.84 acres of land, located approximately 1300 feet east of South Camp Road and approximately 2700 feet north of Monument Valley Subdivision Filing #5. This area is totally surrounded by the City limits and is eligible for annexation under State Statutes.

7. *** Resolution No. 69-95** - A Resolution Accepting a Grant for Federal-Aid Off-System Funding for Hazard Elimination Project STM M555-006 - Street Lighting on Highway I-70B and North Avenue

On April 5, 1995, the City Council dedicated contingency funds to utilize federal MPO grant funds for the installation of street lights on Highway 6 & 50 from Independent Avenue to First Street, plus North Avenue from 29 Road to I-70B. The Colorado Department of Transportation (CDOT) requires adoption of this resolution to meet the contract requirements and thereby enter into an agreement to construct the facilities.

8. **Approving** the Recommendation by VCB for Funding Four Special Events in 1995 for a Total Amount of \$9,950 - **REMOVED FOR FULL DISCUSSION**
9. **Approving** Contract between the City of Grand Junction Police Department and Mesa State College for Police and Law Enforcement Services in the Amount of \$48,047

This contract is to provide police services to Mesa State College, by the Grand Junction Police Department, in accordance with the terms set forth in the original agreement signed in 1992. This agreement provides a minimum of one full-time police officer who will be assigned to patrol the main campus of Mesa State College forty hours per week during the 1995/1996 school year (August to May). During the three months when the college is not in session the Grand Junction Police Department utilizes the officer for normal patrol functions. Based on these terms the college funds three quarters of the cost of a police officer and vehicle with the remaining cost funded by the City. This agreement is for one year and is renewable on an annual basis.

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

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

APPROVING THE RECOMMENDATION BY VCB FOR FUNDING FOUR SPECIAL EVENTS IN 1995 FOR A TOTAL AMOUNT OF \$9,950

Applications for four events were received. Upon review of the applications, the VCB Board recommends the following funding awards:

Avalon Theater, Inc. - Senior Theater (3/96)	\$1,250
Kokopelli Marathon (10/1/95)	\$2,500
Norwest Bicycle Classic (7/22-23/95)	\$5,000
Desert Sun Half Iron Triathlon/Duathlon (7/9/95)	\$1,200

Debbie Kovalik, VCB Director, reviewed the criteria for each event. She stated the VCB Board feels this is a good way to promote the Grand Junction area by marketing special events. The best events would encourage overnight stays. Extra consideration is given for the length and duration of each event. The monies are restricted to promotion of each event in other geographic areas to encourage visitors. Additional consideration is given to people who are non-profit groups. Twenty-two application forms were picked up with only five filled out and returned. The above four applications are being recommended for funding by the Board.

The VCB Board rates and reviews each application. A report from each funded application is required within 60 days of the event which itemizes the funds that were expended. Each board member is assigned an event which they attend, then report back to the board upon completion. No owner of an event can apply for more than two events per year. If funds are received by an owner of an event, it cannot be received for more than three years. The funds are acquired through the lodging tax.

Councilmember Graham asked why the City should fund the Norwest Bicycle Classic and Desert Sun Half Iron Triathlon/Duathlon if expenses (publicity) are already incurred for these events. He would rather encourage them to apply for another grant next year. Ms. Kovalik stated this was a major discussion of the Board. The Board felt the same group that organized this event had previously been funded. Their continuity and the way they handled the previous event certainly lent evidence that the event was exhibiting exactly the predominant themes which were the reasons why VCB funded the special event. Out of all the applications, it best supported all the ideals of what is needed for the event structure. This organizer also knew, understood and met all the criteria. For example, they had adequate workers compensation insurance. The Board structured the recommendation based on the applicant submitting everything that matched the criteria. The Board approved funding the applicant for \$1200 based on the

applicant submitting the appropriate expenditures and insurance documents. Upon the completion of the event, which is this weekend, the Board will review the applicant's funds and expenditures of up to \$1200. If he did not spend money marketing the event outside of this market, as deemed necessary, the Board would then withdraw the approved funding amount. If the City fails to approve the funding, Ms. Kovalik did not feel it would prevent the applicant from conducting the event next year. The applicant knows the funding is contingent upon City Council approval. The Board felt the application matched and followed all the criteria and guidelines, and should not be penalized based on the date of the event.

Councilmember Afman stated a lot of work goes into evaluating each application. The Board members review them on an individual basis and then come back and discuss them quite thoroughly.

Councilmember Graham stated as it is in Council's discretion to have the benefit of both worlds, he could not see why it should fund an event that has already been advertized.

Councilmember Baughman stated he is not as concerned with this funding as it is derived from the lodging tax rather than general tax dollars. This is a specific fund from the VCB's source of funds.

Upon motion by Councilmember Theobald, seconded by Councilmember Afman and carried with Councilmember **GRAHAM** voting **NO**, the recommendation by VCB for funding four special events in 1995 for a total amount of \$9,950 was approved.

REQUEST TO BRING SPEAKER TO GRAND JUNCTION FOR YOUTH ON "MEXICAN INDEPENDENCE DAY" IN SEPTEMBER, 1995

Shirley Otero, 360 Belford Avenue, is the organizer of the National Independence Day activities which are held at Reid Park in Fruita, Colorado. She stated Edward James Olmos, an actor and advocate of "At Risk Youth", is willing to come to Grand Junction for three speaking engagements on Saturday, September 16 at Reid Park, Sunday, September 17 at Grand Junction High School Auditorium and Sunday afternoon, September 17 at Liff Auditorium, Mesa State College. All events are open and free to the public. Mr. Olmos will address the importance of staying in school, youth violence, and other issues facing today's youth. The Mesa State College Elections and Forums Committee has pledged \$1500, School District #51 has pledged \$1000, the Pepsi Cola Co. has pledged \$500 and Sundstrand has pledged \$200, a total of \$3200 committed,

which is half the amount due by the 10th of July. There are requests out to Public Service Co., Rocky Mountain Sur, Norwest Bank, and Bank One. Ms. Otero's organization is conducting fund raising activities. She feels it is very important to bring in someone that students can identify with. Mr. Olmos comes from much the same background as some of the kids that are in trouble. She would personally like to see some of her tax dollars go to someone that will reach the young people. As a community, and as parents, Ms. Otero feels we have a responsibility to bring Mr. Olmos into our community.

Councilmember Graham apologized for being late to the workshop where Ms. Otero reviewed this request earlier. He felt Ms. Otero speaks from the heart and very frankly. He gave his views on several topics which he thinks were glossed over together in this appropriations request. He believes the concerns raised by Ms. Otero are legitimate and her goals are very worthwhile. No one will deny there is a problem with youth, generally speaking, in this country. He does not think it has to be labeled in regards to any race or creed. He thinks part of the problem is the bankruptcy of the public education system in our country. That is where the biggest failures are occurring. It has less to do with race than it has to do with some very mediocre minds and some very poor doctrines like outcome based education, which are destroying traditional education. He admires Mr. Olmos as a speaker and actor. He has seen several of his films and feels he is a very effective and charismatic person. He pointed out that Mr. Olmos, as an entertainer, also promotes Mr. Olmos. His presence here would be well compensated. From the standpoint of one sincere person to another, somebody who is seen perhaps on the City Council, an inordinate trust and reliance on the advice of experts or consultants. It is surprising the amount the City pays consultants and people to come and speak. There is a certain risk of expecting that his presence will have a material impact upon the broader problems that Ms. Otero has spoken of. Councilmember Graham was skeptical about Mr. Olmos having a material impact. He first thought this particular appropriation was in relation to the Mexican Independence Day. He referred to past French, Italian and Japanese history. He felt the question is not so much one of "Do we celebrate diversity? Do we open ourselves up to new experiences?" It's more a question of "What do we expect government, even City government, to subsidize in whole or in part?" It would not be unreasonable to have an expectation of receiving a subsidy for this project beyond its obvious merit. The City Council has historically demonstrated its susceptibility and vulnerability to special requests for special funding for special interest groups. The reason he requested this issue be removed

from the consent agenda and discussed in public was because not only did he have some views, but he also wanted to give Ms. Otero an opportunity to get up in front of the Council and audience and express her view. Councilmember Graham felt Ms. Otero expressed her view very effectively and very pointedly. He hoped that she would take his disagreement with the principal of funding this event in the spirit in which it is intended, and for the reasons he has stated.

Ms. Otero feels that kids don't have a lot of faith in the City Council. They don't believe it is willing to do anything for youth. There is no teen center. A lot of kids hang out at her house. She stated the public elects councilmembers to do something for the community. She also noted that people will come from out of state and outlying areas for this event, and will fill the hotels, restaurants, buy food and gas, etc. This activity will definitely bring money into the community. The fact that Mr. Olmos is an entertainer is part of the attraction to the kids. She feels \$1000 is not a lot of money to ask of this Council for such a project.

Councilmember Theobald felt Mr. Olmos is very committed to his topic, knows what he is talking about, and lives and breathes this subject rather than just being a celebrity making hay off of his success as an accomplished actor. He thinks the \$6400 fee for a two-day stay and giving three speeches is a very fair price. He thinks this is a good program and Mr. Olmos is a good man. He supports this request.

Councilmember Mantlo noted the City and Mesa County is concerned about the area youth. He stated \$6.5 million has been committed to building a recreation sports center on 24 and G Road.

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmembers **GRAHAM** and **BAUGHMAN** voting **NO**, the City Manager was authorized to disburse \$1000 from the Contingency Fund to bring Edward James Olmos to Grand Junction on September 16 and 17, 1995.

APPROPRIATION REQUEST FROM MESA COUNTY HOUSING REHABILITATION PROGRAM IN THE AMOUNT OF \$2,000

Mr. Dan Whalen requested matching funding for low-moderate income housing rehabilitation program for all of Mesa County. The Division of Housing has requested this program be multi-jurisdictional. The program has been used in the City of Grand Junction for three years, and one year with the Town of DeBeque.

Approval has been received from Collbran, Fruita, Palisade and Mesa County. Colorado National Bank has committed \$10,000 of matching money, \$250 from each of the small towns, and \$4500 from Mesa County. Because of past participation by the City, \$2000 is being requested instead of \$4,000. Mr. Whalen explained the monies are loaned out at approximately 3% interest. The payments are tailored to the needs of the individuals so they are affordable for the borrower. Many of the applicants are on a fixed income and have no other resources.

Upon motion by Councilmember Theobold, seconded by Councilmember Afman and carried by roll call vote with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, the \$2,000 request for the Housing Rehabilitation Program was approved.

PUBLIC HEARING - ORDINANCE NO. 2850 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - MONUMENT VALLEY ANNEXATION, APPROXIMATELY 249.82 ACRES, LOCATED AT MONUMENT VALLEY FILINGS 4 & 5, AND PROPERTIES BETWEEN 385 AND 448 ALONG S. CAMP ROAD [FILE #ANX-95-71] - CONTINUED TO JULY 19, 1995, MEETING

Upon motion by Councilmember Mantlo, seconded by Councilmember Theobold and carried, this item was continued to July 19, 1995, City Council meeting.

PUBLIC HEARING - ORDINANCE NO. 2851 - AN ORDINANCE ZONING BROOKWOOD ANNEXATION PR4.4 [FILE #ANX-95-55]

This subdivision was annexed on June 7, 1995 and staff recommends zoning the area PR4.4 utilizing existing bulk requirements.

A hearing was held after proper notice. Mike Pelletier, Community Development Department, was present to answer questions of Council. He stated the proposed PR4.4 zoning is exactly the same as the current County zoning.

Councilmember Terry commended Staff on coming up with the City/County zoning comparison. She found it quite helpful.

There were no other comments. Upon motion by Councilmember Theobold, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 2851 was adopted on final reading and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2852 - AN ORDINANCE ZONING MAYS

ANNEXATION RSF-4 [FILE #ANX-95-69]

This annexation was approved on second reading June 21, 1995. Staff recommends RSF-4 zoning because it is the most equivalent City zone to the current County zone.

A hearing was held after proper notice. Mike Pelletier, Community Development Department, was present to answer questions of Council. There were no comments. Upon motion by Councilmember Mantlo, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2852 was adopted on final reading and ordered published.

OTHER BUSINESS

Councilmember Mantlo felt Council needs to get the word out that a recreation center is in the City's plans. He volunteered to donate \$1000 to start a fund to build a recreation center in Grand Junction.

Councilmember Afman stated councilmembers have visited some of the recreation centers on the front range. She felt the effort must be regional. The County and other special interest groups need to be involved.

Mayor Maupin and Councilmember Theobald suggested there may be an existing building that could be used for the young people during the interim.

Councilmember Afman suggested getting student groups together to present to Council what they want, instead of Council guessing what the students desire.

Councilmember Graham suggested conferring with Joe Stevens, Parks & Recreation Director, regarding youth needs.

Mayor Maupin hopes the Parks Department will get information out to the student councils. He feels there are activities for the youth in the area of sports, but no actual youth center.

Councilmember Mantlo felt there are various different groups of young people that need a youth center.

Mayor Maupin requested the help of the Parks Board to facilitate such a meeting and determine the real needs of the area youth.

CML CONFERENCE

On behalf of the City Council, Councilmember Theobald extended his compliments and appreciation to Barb Bowman, Visitors and Convention Bureau, for her exemplary job of orchestrating the CML Conference held in June. The conference was a great success.

ADJOURNMENT

Upon motion by Councilmember Mantlo, seconded by Councilmember Baughman and carried, the meeting was adjourned into executive session at 8:35 p.m. to discuss pending litigation and property negotiations.

Stephanie Nye, CMC
City Clerk