

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

March 21, 2001

The City Council of the City of Grand Junction, Colorado, convened into regular session the 21st day of March, 2001, at 7:30 p.m. at the City Hall Auditorium, 250 N. 5th Street. Those present were Cindy Enos-Martinez, Earl Payne, Jim Spehar, Janet Terry and President of the Council Gene Kinsey. Jack Scott and Reford Theobold were absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Enos-Martinez led in the Pledge of Allegiance. The audience remained standing during the invocation by Scott Hogue, First Baptist Church.

PRESENTATION OF THREE AWARDS FROM THE HOSPITALITY SALES AND MARKETING ASSOCIATION INTERNATIONAL TO THE GRAND JUNCTION VISITORS AND CONVENTION BUREAU

Debbie Kovalik, VCB Director, explained the three awards and presented them to City Council.

PRESENTATION OF CERTIFICATES OF APPOINTMENT TO NEWLY APPOINTED MEMBERS OF THE COMMISSION ON ARTS AND CULTURE

Joan Meyers, Bill Whaley and Seth Brown were present to receive their certificates.

CONSENT ITEMS

Upon motion by Councilmember Enos-Martinez , seconded by Councilmember Payne and carried by roll call vote, the following Consent Calendar Items #1 through 11:

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the March 5, 2001 Workshop and the Minutes of the Regular Meeting March 7, 2001

2. **Purchase of Six 2001 Police Vehicles**

The following bids were received:

Western Slope Auto	Grand Junction, CO	\$129,456
Hellman Motor Company	Delta, CO	\$130,062

Action: Approve Purchase of Six New 2001 Ford Crown Victoria Police Interceptor Vehicles from Western Slope Auto in the Amount of \$129,456

3. **Purchase of Four 2001 ½-Ton 4 x 2 Pickups**

The following bids were received:

Western Slope Auto	Grand Junction, CO	\$53,096
Hellman Motor Company	Delta, CO	\$56,665
Western Slope Chrysler	Grand Junction, CO	\$53,330
Fuoco Motor Company	Grand Junction, CO	\$57,921

Action: Approve Purchase of Four 2001 ½-Ton 4 x 2 Pickups from Western Slope Auto in the Amount of \$53,096

4. **Construction of Canyon View Baseball Field Restrooms**

The restroom is needed to accommodate those persons participating in sports activities in the north east area of Canyon View Park. The building is approximately 1,700 square feet built with 8" concrete block walls. The Park Improvement Advisory Board (PIAB) has identified restrooms for the east side of Canyon View Park as a high priority.

The following responsive bids were received for the project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Tusca II Inc.	Grand Junction	\$191,900
Vostatek Const.	Clifton	\$203,583
John Dyer Const.	Grand Junction	\$208,269
K & G Enterprises, Inc.	Grand Junction	\$234,510
Quality Const.	Grand Junction	\$248,275
R. W. Jones Inc.	Fruita	\$265,000

Action: Award Construction Contract for Canyon View Baseball Field Restrooms to Tusca II Inc. in the Amount of \$191,900

5. **Sole Source Purchase of a Wide Area Mower for the Division of Parks Operations**

City Council authorization for the sole source purchase from L.L. Johnson, Inc. of Denver, one Toro wide area mower for \$35,890; the same price as was bid in March, 2000. This mower will be used throughout the parks system.

Action: Approve Sole Source Purchase of a Toro Wide Area Mower from L.L. Johnson, Inc. in the Amount of \$35,890

6. **24½ Road Sidewalk Improvement Project**

The following bids were received on March 6, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
United Companies	Grand Junction	\$68,290.00
Precision Paving	Grand Junction	\$63,674.03
BPS Concrete	Grand Junction	\$61,374.72
G & G Paving	Grand Junction	\$61,000.00
Vista Paving, L.L.C.	Grand Junction	\$58,996.54
Engineer's Estimate		\$75,360.00

Action: Award Contract for 24½ Road Sidewalk Improvement Project to Vista Paving, L.L.C., in the Amount of \$58,996.54

7. **Asphaltic Road Material (Road Oil) for 2001 City Chip Seal Projects**

The City of Grand Junction requests utilizing prices from the State of Colorado Department of Transportation bid prices to purchase approximately 162,000 gallons of road oil for 2001.

Action: Approve Purchase of 162,000 Gallons of Asphaltic Road Material from Koch Performance Asphalt in an Approximate Amount of \$142,000

8. **Amendment to the FY 2001-2006 MPO Transportation Improvement Program**

The Grand Junction/Mesa County MPO is applying for \$400,000 in Section 5309 grant funding for the restoration of the existing historic train station. The resolution and amendment are necessary to apply for the grant.

Resolution No. 24–01 – A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of Administrative Amendment to the 2001-2006 Transportation Improvement Program

Action: Adopt Resolution No. 24–01

9. **Designating the Richard Warren Motor Company Building (749 Main Street) in the City Register of Historic Sites, Structures and Districts**

[File #HBD-2001-02.01]

Integrated Partners, LLC, as the owner of the Richard Warren Motor Company Building located at 749 Main Street, is requesting the building be designated as historic in the City Register of Historic Sites, Structures and Districts

Resolution No. 25–01 – A Resolution Designating the Richard Warren Motor Company Building at 749 Main Street in the City Register of Historic Sites, Structures and Districts

Action: Adopt Resolution No. 25–01

10. **Acquisition of Lots 11 and 12, Block 122, City of Grand Junction (159 Colorado Avenue)**

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire Lots 11 and 12, inclusive, Block 122, of the City of Grand Junction, also known as 159 Colorado Avenue

Resolution No. 26–01 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property, by Either Negotiation or Condemnation, for Municipal Public Facilities

Action: Adopt Resolution No. 26–01

11. **City Scholarship Program**

City Council is proposing the establishment of the City of Grand Junction Scholarship program to cover the annual cost of full tuition, books and fees to attend Mesa State College for an Associate of Applied Science (A.A.S.) technical degree and certificate for three students. The UTEC Scholarship Committee will award the scholarships to residents of the City of Grand Junction based on criteria and priorities determined.

Action: Approve the Establishment of the City of Grand Junction Scholarship Program

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

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

PUBLIC HEARING - TRAVER ANNEXATION NO. 1 AND TRAVER ANNEXATION NO. 2, LOCATED AT 2980 ROOD AVENUE AND 2986 D ROAD [FILE #ANX-2001-011]

The 31.98-acre Traver Annexation consists of two parcels of land located at 2980 Rood Avenue and 2986 D Road, including a portion of the D Road right-of-way.

The public hearing opened at 7:43 p.m.

Kristen Ashbeck, Senior Planner, Community Development Department, reviewed this item, noting it is a serial annexation. The annexation was triggered by the Persigo Agreement when the property owner decided to subdivide and develop the property. The Preliminary Plan is currently under review and will be heard by the Planning Commission within the next month. The property owner signed a petition for annexation. The annexation meets all State statutory requirements and Staff recommends approval.

There were no public comments. The public hearing was closed at 7:45 p.m.

a. Resolution Accepting Petition

Resolution No. 27-01 – A Resolution Accepting A Petition For Annexation, Making Certain Findings, Determining That Property Known As Traver Annexation No. 1 And Traver Annexation No. 2, A Serial Annexation Located At 2980 Rood Avenue And 2986 D Road, And Including A Portion Of The D Road Right-Of-Way, Is Eligible For Annexation

b. Annexation Ordinances

(1) Ordinance No. 3332 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Traver Annexation No. 1, Approximately 0.54 Acres, Located at 2986 D Road, and Including a Portion of the D Road Right-of-Way

(2) Ordinance No. 3333 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Traver Annexation No. 2, Approximately 31.44 Acres, Located at 2986 D Road and 2980 Rood Avenue, Including a Portion of the D Road Right-of-Way

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 27-01 was adopted, and Ordinances No. 3332 and No. 3333 were adopted on second reading and ordered published.

PUBLIC HEARING - ZONING TRAVER ANNEXATION TO RSF-4, LOCATED AT 2980 ROOD AVENUE/2986 D ROAD [FILE #ANX-2001-011]

The 31.98-acre Traver Annexation located at 2980 Rood Avenue/2986 D Road consists of two parcels of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use map and recommendation for residential land uses between 4 and 7.9 units per acre for this area.

The public hearing opened at 7:46 p.m.

Petitioner Mr. Rich Traver, Foresight Associates, had no specific comments.

Kristen Ashbeck, Community Development Department, reviewed the item. The proposed zoning is at the low end of the density range per the Growth Plan. The proposed zone is consistent with the Plan submitted by the petitioner. The density will be 3 and 3.5 units/acre. Planning Commission found the proposal to meet the criteria of Sections 2.6 and 2.14 of the Zoning and Development Code, and recommended approval of the zone of Traver Annexation.

There were no public comments. The public hearing closed at 7:49 p.m.

Ordinance No. 3334 – An Ordinance Zoning the Traver Annexation to Residential Single Family with a Maximum Density of 4 Units per Acre (RSF-4) Located at 2980 Rood Avenue and 2986 D Road

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3334 was adopted on second reading and ordered published.

PUBLIC HEARING - AMENDING CHAPTER 36 OF THE CITY CODE OF ORDINANCES REGARDING UNSAFE BACKING

On December 6, 2000, the 1995 Model Traffic Code was adopted, which included a provision referring to backing a car in such a manner so as not to be unsafe. The current reading of this section refers only to backing when it occurs on public or private parking lots, the shoulder of any road, or a controlled-access highway. This amendment removes the "controlled-access" portion of the ordinance, making this section of the Code one that

can be charged throughout the City, protecting all citizens, no matter where they may be travelling.

The public hearing opened at 7:49 p.m.

City Attorney Dan Wilson reviewed this item. The 1995 Model Traffic Code was recently adopted by City Council. This amendment includes unsafe backing onto a shoulder or a roadway, a more typical circumstance where this comes up, rather than the provisions in the 1995 Model Traffic Code.

There were no public comments. The public hearing closed at 7:50 p.m.

Ordinance No. 3335 – An Ordinance Amending Chapter 36, Section 36-38(b) of the Code of Ordinances of the City of Grand Junction, Colorado Regarding Unsafe Backing

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3335 was adopted on second reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

Property at 159 Colorado Avenue

Julie Fisher, 234 27 Road, spoke regarding the Colorado Catfish condemnation qualifications. She asked what was the purpose of this property. City Attorney Dan Wilson said it is a public benefit to be used for Two Rivers expansion, specifically parking improvements to serve that area of town.

Mayor Kinsey made it clear that Consent Item #10 is not a condemnation action, it merely authorizes City legal counsel to prepare for those proceedings if negotiations are not successful on the property, thus not to lose an option. A decision has not been made on condemnation.

City Attorney Wilson said this action authorizes City staff to negotiate in good faith. If negotiations fail, then this would be the action of the Council saying this is a public benefit. It is an important public step. The City is trying to negotiate to acquire the property for fair market value. He noted Council does not want to get into a debate tonight, but wants to reach a deal with the property owner.

Ms. Fisher said she didn't believe the people of the City would support eminent domain for a parking lot.

City Attorney Wilson said the City is required by State Statute to pay fair market and the City is getting it appraised. The property owner is also getting his own appraisal.

Ms. Fisher said a parking lot is not for the public good, in contrast to perhaps a highway or viaduct.

Councilmember Terry said this Council gives serious consideration to any condemnation action. She noted Council postponed this item two weeks ago hoping the issue could be resolved. They are operating in good faith with the public. This is part of a major plan, and not due to lack of planning on the City's part. Council doesn't take this step lightly.

Ms. Fisher felt as a citizen it is her obligation to show concern about this situation.

Councilmember Terry assured Ms. Fisher condemnation is not something Council wants to do.

Bill Thompson, 634 Ouray Avenue, didn't think this action leads to good negotiations. He asked Council to give it a little more time. Councilmember Payne pointed out that the City is still in negotiations. Councilmember Spehar reiterated Councilmember Terry's statement about postponing this item two weeks ago and noted there is also a deadline where construction begins in April, 2001.

Mr. Thompson suggested waiting and letting the appraisal come in. Councilmember Payne said this will be done.

Ray McGhy, 1826 O Road, has a business inside the City. He was concerned that such proceedings could happen to his business as well. Everyday he is putting money into his business. He asked if the people affected by this expansion have been notified. If he was aware of a condemnation proceeding, he would not put additional money into his business.

Councilmember Terry said Council does not take this job or this responsibility lightly and felt certain Mr. McGhy knew that. She could not give Mr. McGhy a date when this property was first discussed, but it was much longer than two weeks ago.

Councilmember Spehar said a citizen's group worked for quite a while on the expansion of Two Rivers Convention Center. Council reviewed the plans quite a while ago, and decided on some standards to include, one of which was parking. Once Council gave some direction on how much parking was needed in the area, the City immediately contacted the property owners regarding acquisition. The initial discussion was on the building remodel only. Then the parking needs came up and property owners were contacted.

Mr. McGhy said the greater plan was talked about without the people directly affected. From past experience, he felt the property owners directly affected are usually the last ones to find out and become involved.

Councilmember Enos-Martinez asked Mr. McGhy if Mr. Miller, owner of 159 Colorado Avenue, has said he has not been notified. Mr. McGhy said no. Councilmember Enos-Martinez said if Mr. Miller feels he hasn't had a fair time period, then it is up to him to negotiate.

Councilmember Spehar said he felt several in the audience have been misled by Mr. Miller.

Bobby Miller, 3494 F ¾ Road, Palisade, said he did not send anybody up to speak on his behalf. He was concerned that City Manager Kelly Arnold has asked Council to give him eminent domain authority during negotiations. He felt if Mr. Arnold has the power to say "take it or leave it", the negotiation is not on even ground for both parties.

Councilmember Enos-Martinez asked if the attorneys are still in negotiations. Mr. Miller said yes. The City has said it has a completed appraisal. Mr. Miller hired an appraiser approximately two weeks ago. He is currently getting an appraisal that should be complete by the end of the week. Mr. Miller felt eminent domain is threatening.

City Attorney Dan Wilson said the statutes require the City to negotiate in good faith and that includes advising of the possible options. Those options include that if the negotiations are not leading to an agreement, then Council has the authority to go forward with condemnation. He assured Mr. Miller that Council is not going to be party to being a bully. It will negotiate in good faith, in fact the law requires that.

Councilmember Spehar said if Council gets to condemnation, the court sets the value after looking at both appraisals and hearing Mr. Miller's case. After considering Mr. Miller's appraisal along with the City's appraisal, the courts will decide on a fair market value.

Mr. Miller said he felt the reason citizens are attending this meeting is because of the very threat of condemnation, not so much his property in particular.

City Attorney Wilson said it is the City's duty to inform all concerned. It was not meant to be a threat. The notice was mailed to explain to Mr. Miller how the system works. City Attorney Wilson asked to see the purchase agreement from the City Manager allowing only 24 hours in which to answer as stated by Mr. Miller. Mr. Miller said he would supply Mr. Wilson with a copy of the agreement.

Mayor Kinsey appreciated those citizens who came forth tonight. He said things are not always resolved immediately. Councilmember Enos-Martinez said the public's input is important to Council.

Carl David Murphy, 244 Sherman Drive, said he met Mr. Miller for the first time the previous evening. He was somewhat concerned with what he had read in the newspaper. The paperwork says Mr. Miller has until April 2, 2001 to either vacate the building or whatever is left in the building shall become the property of the City. He felt that is a very short time frame. He said all of Mr. Miller's employees have quit because they don't think Mr. Miller will be in business in a few days. He felt Mr. Miller needs more appraisals on his property.

William Jarvis, Jr., 401 25 Road, said a lot of property owners in attendance are concerned. Sometimes there are communication problems that Staff has with people. He noticed other property purchases this week for the library and wondered if those purchases required condemnation proceedings. Council explained the library is a special district of its own and has nothing to do with the City.

Patty Barrett, a local realtor, felt the City needs parking. Last year at a Council meeting, there was discussion of the need to go vertical for parking. Attorneys need office space near the new Justice Center. There is no building area to build an office building. She felt parking is not the highest and best use for downtown properties, and felt it was a waste of money. It is too much money for the amount of land because Grand Junction has too high an appreciation rate. She felt using the property the City has and stacking parking is the best use. The land is needed for commerce. The attorneys want to be able to walk to the Justice Center. There is no building area for the office buildings needed. If the City wants to expand the downtown area for business, stacked parking is the answer.

Councilmember Spehar said Council has had ongoing discussion on such parking with the Downtown Development Authority over the past two years. The City has discussed adjusting parking fees, etc. to make it financially feasible to build such a parking facility. They have even discussed a location for such parking. Vertical parking is the most expensive type of parking. Councilmember Spehar said the DDA has chosen the property behind the old Woolworth's building as a possible site for a parking structure. He suggested Ms. Barrett get in touch with Barbara Creasman, the DDA Director, and discuss the parking issue with her.

Ms. Barrett said it is expensive, but it is also the most economical.

Councilmember Terry said Council is concerned about this very issue.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Stephanie Nye, CMC
City Clerk

The
L.L. Johnson
Distributing Company



P.O. BOX 18102 4700 HOLLY STREET DENVER, COLORADO 80218-8400 (303) 320-1270 FAX: (303) 355-8250

March 12, 2001

City of Grand Junction
Attn: Jerry Roberts

Re: Equipment Quote

(1) ea. Toro Groundsmaster 455-D 2-wheel drive rotary mower with 55 hp liquid-cooled diesel engine, 10 1/2' out-front mowing deck, power steering, deluxe seat and ROPS.

.....\$35,890.00

Jerry, the above price is good for 6 months and includes all freight, set-up and delivery to you.

We currently have the above quoted unit in stock and available for immediate delivery.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Don".

Don Swanberg
Western Territory Manager
DS/pc

CITY OF GRAND JUNCTION
SOLE SOURCE JUSTIFICATION FORM

Date: 1-26-01 Requested By: JERRY ROBERTS
Department: PARKS OPERATIONS Division: _____
Vendor Name: L L JOHNSON Net Cost Delivered/Completed: \$ 34,000

SOLE SOURCE JUSTIFICATION
(INITIAL ALL ENTRIES THAT APPLY)

Material/Service Description: TORO GROUNDSMASTER 455 D

- 1. _____ - The Vendor is the original equipment manufacturer and there are no regional distributors:
- 2. _____ - The product, equipment or service requested is clearly superior functionally to all other similar products equipment or service available from another manufacturer or vendor:
- 3. - The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds.
- 4. _____ - No other equipment is available that shall meet the specialized needs of the department or perform the intended function: or
- 5. _____ - Detailed justification is available which establishes beyond doubt that the Vendor is the only source practicably available to provide the item or service required.
- 6. _____ - Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.
- 7. _____ - *Written demonstration and justification is available which reasonably establishes that the sole source selection of the Vendor is in the best interest of the City.*

I, the undersigned, recommend that competitive procurement be waived and that the service or material described herein be purchased as a sole source. Signed: Jerry Roberts Supervisor 1-26-01
name title date

Departmental Approval (Supervisor shall approve if expense less than \$10,000, over \$10,000 signed by Dept. Director):
Signed: [Signature] Director, PIR 1/26/01
name title date

Purchasing Approval:
Based on the above and attached documents, I believe this request to be in compliance with the City's purchasing policies for sole-source determination.

Purchasing Agent Approval: [Signature] Date: 2/7/01

Final Authorization \$10,000 or more:
City Council Approval Required (\$25K and over) yes / no
City Manager Approval Required (\$10K to less than \$25K) yes / no

Attach Justification Documentation and Forward to City Purchasing Agent