

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

June 20, 2001

The City Council of the City of Grand Junction, Colorado, convened into regular session the 20th day of June, 2001, at 7:30 p.m. at the City Hall Auditorium, 250 N. 5th Street. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry and President of the Council Cindy Enos-Martinez. Reford Theobald was absent. Also present were City Manager Kelly Arnold, Assistant City Attorney John Shaver, and Deputy City Clerk Teddy Martinez.

Council President Enos-Martinez called the meeting to order and Councilmember Butler led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Michael Torphy, Grand Junction Church of Religious Science.

RECOGNITIONS

PRESENTATION BY COMMANDER H. PATRICIA ELSBERRY OF THE ROBBINS-MC MULLEN POST #37, THE AMERICAN LEGION DEPARTMENT OF COLORADO PLAQUE TO MIKE VENDEGNA AND CITY PARKS STAFF FOR CREATING A VETERANS MEMORIAL GARDEN AT CROWN POINT CEMETERY

APPOINTMENTS TO THE HISTORIC PRESERVATION BOARD

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried, William Jones was reappointed and Dennis Pretti and Louise Wagner were appointed to three-year terms on the Historic Preservation Board.

PRESENTATION OF CERTIFICATE OF APPOINTMENT TO NEWLY APPOINTED MEMBER OF THE PLANNING COMMISSION

Mike Denner was present to receive his Certificate of Appointment to the Planning Commission.

CONSENT ITEMS

Upon motion by Councilmember McCurry, seconded by Councilmember Kirtland and carried, the following Consent Items #1 through 15 were approved:

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the June 4, 2001 Workshop and the Minutes of the Regular Meeting June 6, 2001

2. **Purchase of One 2001 Type III Ambulance for Fire Department**

This purchase is to replace the existing 1990 Ford/Collins Ambulance. The following responsive bids were received:

<u>Bidder</u>	<u>From</u>	<u>Manufacturer</u>	<u>Amount</u>
EDM	Lincoln, NE	Road Rescue	\$ 91,260
EDM (alternate 1)	Lincoln, NE	Road Rescue	\$ 83,527
EDM (alternate 2)	Lincoln, NE	Road Rescue	\$116,186
EDM (alternate 3)	Lincoln, NE	Road Rescue	\$ 93,325
Rocky Mtn Emergency Vehicles	Denver, CO	Life Line	\$ 92,447

Action: Approve Purchase of One 2001 Type III Life Line Ambulance on a Ford Chassis from Rocky Mountain Emergency Vehicles, Denver, in the Amount of \$92,447

3. **2001 Pavement Overlays**

The following bids were received on June 12, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Elam Construction	Grand Junction	\$624,610.80
United Companies	Grand Junction	\$644,531.60
Engineer's Estimate		\$622,638.91

Action: Award Contract for 2001 Pavement Overlays to Elam Construction in the Amount of \$624,610.80

4. **2002 Unified Planning Work Program**

The Unified Planning Work Program describes planning tasks and personnel costs and also budgets funds for the FY 2002 running from October 1, 2001 through September 30, 2002.

Resolution No. 62-01 – A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 2002 Unified Planning Work Program (UPWP)

Action: Adopt Resolution No. 62-01 and Approve the City's Local Match of \$11,715

5. **Treated Water Supply Contract with John Whiting**

The agreement will provide treated water from the City's Kannah Creek Water System to John Whiting and five existing homes at 100 Whiting Road. The water will come through a master water meter which will be read and billed by the City. Water rates will be the same as other users of the Kannah Creek Water System.

Action: Authorize the City Manager to Sign the Treated Water Supply Contract with John Whiting

6. **Sewer Trunk Extension Funds for the Design and Construction of the 26 Road Trunk Sewer Extension**

This project was originally approved by Council on September 5, 1994. The project was designed, however, due to a key developer backing out, the 26 Road Trunk Extension was never constructed. Due to new development proposed along the corridor, the project is being recommended for a design update in 2001 and construction in early 2002 contingent upon the developer depositing adequate funds to cover their share of the required trunk extension fees.

Action: Authorize Staff to Move Forward with Design Update, Easement Acquisition and Receiving Bids

7. **Monument Meadows Sewer Improvement District Construction Contract**

The owners of real estate located in the vicinity south of South Broadway, west of South Camp Road, along Avenal Lane and McKinley Drive, have petitioned the Mesa County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The Mesa County public hearing for the proposed resolution to create the sewer improvement district will be held on June 25, 2001.

The following bids were received on March 13, 2001:

Contractor	From	Bid Amount
Skyline Contracting	Grand Junction	\$61,426.00
Ben Dowd Excavating	Grand Junction	\$64,045.45
Sorter Construction	Grand Junction	\$92,573.00
Palisade Constructors	Palisade	\$92,885.10
RW Jones Construction	Fruita	\$96,611.84
Ewing Trucking	Edwards, CO	\$125,505.00
Engineer's Estimate		\$63,563.50

Action: Authorize the City Manager to Execute a Construction Contract Pending Mesa County Commissioners Passing a Resolution to Create the Improvement District, for the Monument Meadows Sewer Improvement District with Skyline Contracting, Inc., in the Amount of \$61,426

8. **Design Services for Redlands Village North**

The following bids were received on May 29, 2001:

<u>Consultant</u>	<u>From</u>	<u>District</u>	Sewer Fund for <u>Vineyards Lift Station</u>	<u>Total Lump Sum Fee</u>
Williams Engineering	Fruita	\$113,000	\$5,000	\$118,000
Rolland Engineering	Grand Jct	\$129,280	\$5,000	\$134,280
Sear-Brown	Denver	\$136,060	\$4,250	\$140,310

Action: Authorize the City Manager to Execute a Design Services Contract for the Redlands Village North Sewer Improvement District with Williams Engineering in the Amount of \$118,000 Contingent upon County Commissioner Approval

9. **Revoking the Revocable Permit Granted to Thomas M. Mingus and Joanne Mingus for Landscape Improvements in the Right-of-Way at the Northwest Corner of 29 Road and North Avenue**

The proposed action will revoke a permit that authorized the installation of a sign and landscape improvements in public right-of-way at the northwest corner of 29 Road and North Avenue.

Resolution No. 63-01 – A Resolution Revoking a Revocable Permit Granted to Thomas M. Mingus and Joanne Mingus

Action: Adopt Resolution No. 63-01

10. **Revocable Permit for Redlands Mesa Entry Feature** [File #RVP-2001-100]

A request for a revocable permit for an entry sign and landscaping in the right-of-way of West Ridges Boulevard for Redlands Mesa Subdivision.

Resolution No. 64-01 – A Resolution Concerning the Issuance of a Revocable Permit to Redlands Mesa Master Association

Action: Adopt Resolution No. 64-01

11. **Setting a Hearing on Vacating Right-of-Way at Mesa State College**
[File #VR-2001-081]

First reading of the ordinance to vacate an alley between the north/south running streets of College Avenue and Houston Avenue and the east/west running streets of Bunting Avenue and Elm Avenue.

Proposed Ordinance Vacating 296.84 Linear Feet of Alley Right-of-Way that Runs North and South between College Avenue and Bunting Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 11, 2001

12. **Vacating Sewer and Irrigation Easements in Independence Ranch Filing 7**
[File #VE-2001-107]

The applicant proposes to vacate a 20-foot wide sanitary sewer easement and relocate it within the future street right-of-way, in conjunction with approval of the Independence Ranch Filing 7 subdivision approval. A 10-foot wide irrigation easement dedicated in Filing 6 is also requested to be vacated and will be relocated on the plat for Filing 7. Staff recommends approval with a condition.

- (1) Resolution No. 65-01 – A Resolution Vacating a Sanitary Sewer Easement in Conjunction with Independence Ranch Subdivision Filing 7 Located at 20½ and F¾ Roads
- (2) Resolution No. 66-01 – A Resolution Vacating an Irrigation Easement in Conjunction with Independence Ranch Subdivision Filing 7 Located at 20½ and F¾ Roads

Action: Adopt Resolution No. 65-01 and Resolution No. 66-01

13. **Setting a Hearing on Monument Valley Filing 7 Annexation, Located on the East Side of South Camp Road East of Wingate Elementary School**
[File #ANX-2001-125]

The 56.789-acre Monument Valley Filing 7 Annexation consists of one parcel of land located on the east side of South Camp Road east of Wingate Elementary School.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 67-01 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Monument Valley Filing 7 Annexation Located at the East Side of South Camp Road, East of Wingate Elementary School

Action: Adopt Resolution No. 67-01 and Set a Hearing for August 15, 2001

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Valley Filing 7 Annexation, Approximately 56.789 Acres Located on the East Side of South Camp Road East of Wingate Elementary School

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 15, 2001

14. Setting a Hearing on Zoning Laser Junction Annexation to I-1 and CSR, Located at 2547 River Road [File #ANX-2001-099]

Request to zone the Laser Junction Annexation to I-1 and CSR, located at 2547 River Road and including a portion of the River Trail. This approximately 3.606-acre annexation consists of one parcel of land.

Proposed Ordinance Zoning Laser Junction Annexation to I-1 and CSR, Located at 2547 River Road Including a Portion of the River Trail

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 11, 2001

15. Setting a Hearing on Amending Chapter 36, Section 2, of the Code of Ordinances Relative to Golf Carts on Certain Public Rights-of-Way

In 1990, City Council passed Ordinance No. 2474 which permitted golf carts to be driven on public right-of-way to and from golf courses. A new golf course, Redlands Mesa, has requested that its golf course be included as well. The Council finds that the public interest will be served by including Redlands Mesa Golf Course to allow driving of golf carts on public streets which are included in the designated area.

Proposed Ordinance Amending Chapter 36 of the Code of Ordinances of the City of Grand Junction, Colorado Allowing Limited Golf Cart Travel Near Redlands Mesa Golf Course

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 11, 2001

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

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

Mayor Enos-Martinez announced Item #21 on the regular agenda, "**Lease-Purchase for Fire Equipment**" has been replaced with "**Accepting the Cornerstones of Law & Liberty Design and Text**".

REVISE VCB SPECIAL EVENTS POLICY

Revisions to the Visitors and Convention Bureau Special Events Policy are being recommended.

Debbie Kovalik, VCB Executive Director, introduced Wade Haerle, VCB Board Chair, and Peggy Page, VCB Board Vice-Chair. Ms. Kovalik explained the history of the special events policy. In 1992 the VCB began funding special events and set aside a dedicated amount of money in the budget for that purpose. This is the 10th year the VCB will be awarding special events funding. Over that 10-year period of time, 39 events were funded for a total of \$195,192. These events encourage overnight stays, establish a long-term investment in the community, are unique to the area and can be identified as the signature of the area. These events would adequately report evaluations of their economic impact. They accomplish and promote tourism in Grand Junction, and encourage attendance from the general public.

Wade Haerle, VCB Chairperson, said the recommendations were developed during the VCB Board retreat with discussions in breakout groups and presentations by David Varley, Assistant City Manager involving the Two Rivers Convention Center.

He made comments on the following recommended revisions:

- (1) Lift the 3-year funding restriction - There are several good events in the Grand Valley that should continue to receive funding from this source. Because they are 3 years old doesn't mean the Grand Junction VCB does not want to be a part of the event.

- (2) Accept applications only in November of each year, thus eliminating the June funding cycle - Running two cycles is difficult and more complicated. This cycle is slower than the November cycle and the Board would more accurately know how much money will be spent on special events.
- (3) Designate the "shoulder season" as March, April and October and not take away funds from events during the peak season - Accepting applications only in November of each year would eliminate the June funding cycle. The hotel rooms are not being filled during the peak months. The VCB wants to promote more visitations during the high season.
- (4) Require that the Funding Agreement and attachments be submitted 60 days prior to the event rather than 30 days - This is mainly for liability issues. If proper insurance is not provided, there could be liability to the City and/or VCB. That criteria has been added.

Councilmember Terry asked how much is funded every year. Mr. Haerle said \$37,000.

Councilmember Terry asked if the 3-year criteria was lifted, would there be any shoulder season criteria established for periodically reevaluating the event to assure it meets the stated objectives. Mr. Haerle said yes, new events still receive more points than existing events. Currently, events over 3 years are being restricted and the VCB wants to bring those events back into the system.

Councilmember Terry asked if the VCB considers large events with sufficient marketing capabilities such as Country Jam for its special funding. Mr. Haerle said they are eligible and forms are mailed to them every year; funding would be considered. The VCB does work in partnership with those events by providing web site information and other VCB services.

Councilmember Terry asked if was it fair to say that "need" is a consideration on how funding is balanced. Mr. Haerle said that it was part of the criteria. The main criteria is if the event is going to market Grand Junction and the Grand Valley. The number of days of the events, number of people, economic affect, etc. is also considered.

Councilmember Spehar asked what other types of events are funded in addition to the Wine Festival and Mountain Bike Festival. Mr. Haerle responded the Celtic Festival, Rimrock Run, Tour of the Vineyards, Southwest Fest, Air Show, Apple Jubilee, etc.

Peggy Page, VCB Vice-Chairperson stated the Celtic Festival is an example of the 3-year limit. They have limited funding and attendance has increased due to the outside marketing.

Ms. Kovalik said the original VCB Board put the special event funding mechanism in place ten years ago. It was initially designed to stimulate new events because there were

not many of these events. Since then, there have been over 90 applicants interested in this area. The VCB is seeing the need for more events and wants to make sure the vision and purpose of the marketing dollars remain consistent with stimulating tourism in the Grand Valley.

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried, the recommendation to revise the VCB Special Events Policy was approved.

PUBLIC HEARING - 24 ROAD AREA TRANSPORTATION PLAN

The Land Use Code adopted last year now requires a Planning Commission recommendation and Council action to amend the Major Street Plan. Planning Commission reviewed the Plan at their May 8th meeting and recommended adoption of the Plan. Staff is specifically requesting Council adoption of the Plan as part of the City's Major Street Plan.

The public hearing opened at 8:05 p.m.

Tim Moore, Public Works Manager, reviewed this item. Last year the impact of the Land Use Plan changed around the 24 Road area which will significantly impact the transportation needs in that area. A transportation study was conducted for the area between I-70 and Patterson Road and 23 Road and 24½ Road. The purpose of this study was to understand what the land use looked like and what needs to be done to handle transportation needs in the future.

Mr. Moore discussed the plan. Transportation needs were studied through 2020 and also what transportation needs might be after 2020. The proposed Land Use Plan has what is considered to be a 50-year build. Subsequently, transportation needs were looked at through 2020 and also what might happen after 2020.

The 50-year program needs additional improvements.

- (1) The North-South Corridor is 24 Road. To use it as North-South long term, 24 Road would need to be 7 lanes. Staff suggested improving the existing infrastructure. Council did not want to plan a 7-lane anywhere in the City, so alternatives were researched.
- (2) Within 20 years there will be problems with Patterson Road between 24 and 24½ Roads and west of 23½ Road. The 24 Road interchange is budgeted and planned for in about 5 years. There is also a partnership with the State of Colorado to improve the interchange. In the long term, a period of 7 years, there will be a new interchange and an additional 2 lanes added to 24 Road. In a long term, trying to split traffic with some inter-change improvements (35 years out), two things might work.

CDOT has a process to provide access off an interstate system. They seem to feel this might be premature at this point and recommended the City begin doing some detailed planning. The two major options discussed were:

- (1) Creating a 23½ Road and a 24½ Road with a full path so that both would have interstate access. In that case, 24 Road could be kept to a 5-lane cross section. 23½ Road would also be 5 lanes, but it gets away from the heavy traffic congestion of 7 lanes. This would keep them as 5-lane roads each. By preserving right-of-way on 23½ Road and planning some access to I-70 the City may be able to take care of these issues.
- (2) The East/West situation: one suggestion was to create an F½ Road Parkway to serve as a by-pass to the existing Patterson Road alignment. Patterson Road would jog to the North, take an F½ Road alignment and alleviate some of the congestion around the existing Patterson Road. The model demonstrated the need for 7 lanes of traffic on Patterson Road if something else isn't done.

These were two major improvements identified that had not been planned for. In discussing the section of F½ Road, it is important to identify the curvature and the radius of those curves for purposes of preserving right-of-way. Part of the budget process this year would be securing money for a feasibility study for identifying this corridor to help understand the radius on the curves. Follow-up of this study next year would identify more specific improvements to F½ Road between 24½ and 25½ Roads.

Mr. Moore asked Council to adopt this plan as part of the Major Street Plan to help preserve rights-of-way, notify property owners and work with CDOT.

Councilmember Terry asked if the F½ Road Parkway study would involve discussion with property owners. Mr. Moore said yes, there would be a detailed education component of the process, including advertising on local radio and in the local newspaper, etc. They will follow through in a similar fashion.

Councilmember Terry asked if the outcome of the study would identify options for right-of-way acquisition. Tim Moore said this was Staff's goal. The study should identify those options.

Councilmember Terry asked if this was for this year. Mr. Moore said Staff wants to discuss this during the budget process this year.

There were no public comments. The hearing was closed.

Councilmember Terry commented on the outcome seen this evening. She was excited about some of the possibilities proposed in the plan. This had been a contentious area,

with Council being behind the 8-ball for several years. She commended Staff for all the hard work and coming up with viable solutions.

Councilmember Spehar agreed. Even though this may not be the final design for F $\frac{1}{2}$ Road, the options included are preferable to adding 3 additional lanes to what was designed to be a 4-lane road. It's a major step forward.

Councilmember Terry wanted to make sure people are aware that this plan is not intended to relieve traffic on Patterson Road east of this area. It is for improving the circulation in respect to this particular area only. Mr. Moore said that was a fair assessment. The concern was specific to that section of Patterson Road which is already very congested between 7th and 12th Streets and between 1st and 7th Streets. Comments were made from people in this area on how this parkway concept might make things worse. The model was reviewed and no change was cited in the 20-year build plan, and does not change what is going on east of 25 Road.

Upon motion by Councilmember Kirtland, seconded by Councilmember Spehar and carried, the 24 Road Area Transportation Plan was adopted as an amendment to the Major Street Plan.

PUBLIC HEARING - VACATING PORTIONS OF ROAD RIGHT-OF-WAY FOR THE LEGENDS SUBDIVISION LOCATED AT THE INTERSECTION OF 28 $\frac{1}{2}$ ROAD AND PATTERSON ROAD [File #VR-2000-238]

The project petitioners are requesting the vacation of two portions of road right-of-way located at the intersection of 28 $\frac{1}{2}$ Road and Patterson Road and that portion of unimproved 28 $\frac{1}{2}$ Road right-of-way located north of the Grand Valley Canal.

The hearing opened at 8:20 p.m.

Pat Cecil, Development Services Supervisor, Community Development Department, reviewed this item. The northerly portion of the right-of-way that is being requested to be vacated was actually a condition of approval for the Legends Subdivision located on the east side of 28 $\frac{1}{2}$ Road at Patterson Road. The intersection is unsafe with really poor sight distance. The developer for The Legends will be constructing a new roadway connecting Falls Drive through the Legends Subdivision to connect with Patterson Road. This is a much safer location. Applicants for the northerly vacation also talked about the southerly portion which is not shown on the major road plan. There are no plans in the future for providing a bridge across the Grand Valley Canal. The southerly portion of 28 $\frac{1}{2}$ Road south of the canal is currently built out. It isn't practical to increase traffic on that subdivision. The Planning Commission recommended City Council approve the vacation of the portions of right-of-way subject to the 3 conditions listed in the staff report.

Councilmember Terry asked Mr. Cecil if the northerly vacation request was a condition of approval by Staff. Mr. Cecil responded it was a condition of approval by the Planning Commission.

Councilmember Terry stated her concern on the wording, asking if Council does not approve the vacation, then would the site plan not go through. Mr. Cecil said the vacation was not triggered until Filing 4 of the subdivision. Basically, if Council did not approve the vacation, the applicant would have to come back to Staff to process the condition or delete it.

Councilmember Terry again stated her concern about the timing and order in which it had come to City Council. Assistant City Attorney John Shaver said essentially, the City and applicant are in agreement. It was a condition that it be vacated, but not necessarily the developer's condition.

Councilmember Spehar assumed the reason this was brought before Council now is that after 3 filings the traffic level has become a problem with an unsafe intersection. Mr. Cecil stated that there are 6 or 7 homes in Filing 1 and at this point there is no problem. With more filings, though, the potential for problems increases.

There were no public comments. The hearing was closed.

Upon motion by Councilmember McCurry, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 3354 Vacating the Portions of 28½ Road Located between Patterson Road and the Grand Valley Canal was adopted on second reading and ordered published.

**SITE SPECIFIC DEVELOPMENT PLAN FOR MESA VILLAGE MARKETPLACE
LOCATED AT THE NORTHEAST CORNER OF 24 ROAD AND F ROAD**

[FILE #VE-2000-061-A]

Request for approval of a Site Specific Development Plan for a commercial development comprised of a 141,954 square foot retail commercial center on approximately 12.71 acres. The SSDP is for and contains one lot. As part of the project, a new signalized intersection at Patterson (F) Road and the new entrance road (Market Street) will be constructed with the extension of the new road to the project's northerly property line.

Pat Cecil, Community Development Department, reviewed this item. This project has been in the system for some time. Traffic problems have been resolved and Acting Planning Director Kathy Portner has approved the project. This is a request for a Site Specific Development Plan for vesting Phase 2 of the project. The project was approved under the old Code with old Code conditions. Vesting would extend the life of the project

approximately 6½ years past the date of approval. Staff recommends approval of the Site Specific Development Plan.

Councilmember Spehar asked if the 6½ years is the normal timeframe. Mr. Cecil said it was not. The current Code allows an extension to 2004 and would give 3 more years beyond that through the vesting process.

Councilmember Spehar asked if the 6½-year term provision was in the old Code and if not, how it was determined. Assistant City Attorney Shaver stated it was a negotiated term.

Councilmember Spehar asked Assistant City Attorney Shaver if this could be compared to terms and other agreements the City has negotiated. Mr. Shaver stated there have been very few of these cases. He could recall only 2 other Site Specific Development Plans; the terms were for residential developments. None were for commercial developments. Rimrock Marketplace has been in the negotiation process for approximately 6 years.

Councilmember Spehar asked if Rimrock had been back in to extend the 6 years. Mr. Shaver said they have had various applications for several Conditional Use Permits that are not applicable to this project.

City Manager Kelly Arnold said he negotiated this term. The rationale he agreed to was based on the fact that this parcel has been sitting there with attempts being made to reach an agreement for many years in the past. In addition, there was sensitivity to the fact that there were two other development opportunities in the past, and now there is not. The developer conveyed to Mr. Arnold that he would need to start fresh to be able to market and develop with a zero start time. Mr. Arnold agreed to this. If and when any development begins, the 5-year clock rolls back, the 1½ years to do the outlot developments, with 5 years past that initial 1½ to do the big developments.

Councilmember Terry asked Mr. Cecil to indicate the outlots and asked if this is dealing with everything on the map. Mr. Cecil explained it is for the retail center only; the other lots are not part of the vesting agreement.

Mr. Shaver said the development of the 2 sites triggers the time period for the 121,000 square foot building.

Mr. Arnold stated it is truly a 6½-year vesting consideration toward the request. He agreed to this because the developer must do something within 1½ years on the 2 outlots with the balance within 5 years. The development must occur in context with them building out that lot. They must put in the improvements when they do anything within the large piece.

Councilmember Terry asked what are the implications and what exactly does the agreement say. Mr. Arnold stated that this site plan essentially has an effective life of 6½ years.

Councilmember Terry wanted to ensure Council was being prudent in their decision.

Assistant City Attorney Shaver explained the key element is it protects the developer's rights to develop the project under the old Code, that is, go forward with the current plan.

Councilmember Terry asked if there are other details that will also be guaranteed. Mr. Shaver said this is like any other administrative review in that Staff will look at parking, access issues and all of the other issues to be dealt with and approved. The only unique portion is the request to have the protection to be able to build under the old Code.

Councilmember Terry asked if what gets built is going to look just like this (indicating the presentation). Mr. Shaver responded not necessarily in terms of the building itself. The building may be smaller, but will not exceed 141,954 square feet. The general infrastructure layout will be no different. The Phase 2 building may be slightly different.

Councilmember Spehar said previous discussions have revolved around traffic issues on Patterson and 24 Roads. He asked for a report on how this design impacts the traffic on Patterson and 24 Roads. Mark Relph, Public Works Director, said it has taken several months to conclude that in the actual traffic analysis there are two things being looked for: 1) level of service at the particular intersection; and 2) the progression of traffic through this corridor.

Mr. Relph said the analysis needs to be completed in a manner that is understood by both the developer and the City. It's not an exact science. The progression and level of service analysis is not all objective. City Staff has a particular methodology when looking at progression and level of service. In the end, all parties were there and finally got an analysis that shows the City it meets City standards for levels of services at the intersection and can meet the intent of the City's progression analysis through the corridor. There will be challenges in managing the development along the 24 Road Corridor Plan and Patterson Road development, and not just because of this project. The frontage road that connects to the north to F½ Road provides alternatives for dispersing the traffic. It has taken many months trying to understand the level of service calculations, progression and all the network. Staff concluded it does meet the City's standards.

Councilmember Terry asked what the standards would be at this intersection. Mark Relph explained it was a Service Level C intersection. The intersection at 24 Road would also be Service Level C. There are individual movements that exceed that. In the long term they are looking at the 20-year horizon regarding Level Service D. Individual movements were becoming a real problem. Staff has been able to resolve that. Staff is

considering having a simpler, more objective way of analyzing corridors such as this. It is shortsighted to rely upon simple levels of service. This is a signalized intersection. The City has worked with the developer to dedicate right-of-way for a roundabout in the future.

Councilmember Terry asked how it would be coordinated with the intersection east of it. Mr. Relph said understanding exactly how that would occur has been the entire progression challenge. Another challenge was what happens when pedestrians are injected long term at the intersection of 24 Road. Council has been looking at a pass system up to Canyon View Park. Today there may not be many pedestrians at that intersection, but long term the City does want to be able to accommodate pedestrian movements. Signalized intersections will serve that purpose. Patterson and 24 Roads cannot handle the increased traffic by themselves.

Mr. Relph stated the progression from 24 Road to 24 ½ Road works because of the time of day. The progression is important at certain times during the day. The traffic flow in the evening is more westbound. The progression is able to work in one direction by “sacrificing” the other. The volume of traffic in the other direction isn’t quite as significant. The timing in the signals is adjusted to accommodate that progression when needed.

Councilmember Spehar asked if it is presumed that when the 2 parcels on the northwest develop, the frontage road will also widen out onto those parcels. Mr. Relph responded yes.

Assistant City Attorney Shaver commented that Section 1-18 of the new Code requires the former Code be extended beyond December 31 of 2004. In addition to the vesting agreement, this agreement would also serve to extend that to comply with the Code.

Upon motion by Councilmember Terry, seconded by Councilmember McCurry and carried by roll call vote, Resolution No. 68-01 Approving a Site Specific Development Plan for Mesa Village Marketplace was adopted.

REIMBURSEMENT FOR POWER ROAD IMPROVEMENTS

Based upon a previous discussion with City Council in the fall of 1999, Regency Center, the developers of Redlands Marketplace (Albertson’s), are now asking that the City reimburse Regency for a portion of the improvements completed on Power Road in the amount of \$122,304.

Tim Moore, Public Works Manager, gave background on this item. In December, 1999 Staff brought the issue of cost recovery and how developers or even the City can be compensated later for improvements put in on adjacent properties. As a result, Council directed Staff to work with Albertson’s developers to come up with a formula for a cost-share on Power Road improvements. The infrastructure improvements are in, Regency

Center would like to be compensated for their efforts. The amount agreed to is \$122,304. The difficulty is that the funding is not included in the City's budget. Mr. Moore presented some options for Council's consideration. Staff would like to see Council enter the cost into the budget process to see what may be available this year or perhaps next year, and develop a 3-year payback by the City.

Councilmember Terry confirmed the reason Council entered into this agreement before had to do with deficiencies in that entire area, especially drainage. These issues had not been handled by the City prior to this development. Mr. Moore said that was correct. They did improve that road beyond the City's requirements. It made no sense for Regency Center to do improvements that didn't work gradewise and would leave an inferior product long term.

Mayor Enos-Martinez asked when the City agrees to this type of partnership, does the City normally have money in the budget, or does it usually wait until after the fact. Mr. Moore said the City has done this in the past, but usually on a much smaller scale. The City has been able to come up with the funds in the budget. Earlier discussions with Regency looked like they were going to go forward with that. The City did not hear from Regency for some time and the funds were reallocated. The 3-year pay back plan has been discussed with Regency.

City Manager Arnold recommended it be built into the budget process because it is late into the current fiscal year.

Councilmember Terry asked why not use contingency funds. City Manager Arnold responded that because the request was in mid-year and there was no communication from Regency, he preferred doing things within the budget framework. He felt this could have been planned for by Regency.

Will Damarath, Project Manager with Regency Centers, 1873 S. Belaire, Denver, Colorado, gave background on his company. His company is a public entity, REIT (Real Estate Investment Trust), and has certain obligations to the IRS in terms of how they retain their assets. Regency owns and operates over 230 grocery-anchored neighborhood shopping centers across the country. They generally partner with one of the top 3 grocers in the area. They chose Grand Junction and co-development with Albertsons on the Redlands. All the projects have a low, conservative return. It is public money with \$3 billion in assets, with a conservative return of 10½% to 11% a year. They do not develop properties to sell to make a profit but invest in the long term; underwriting this project with a low return of 10½%. In the planning process, Staff comments revolved around the current traffic signal and level of service and addressed improvements to the traffic signal for future capacity. It was commented that normally only half-street improvements on Power Road would be required. The area of development didn't require additional expansion on Power Road. Had Power Road been up to City standards, they

would have had to place only curb and gutter on their side. During discussions with engineering staff, it was determined the crown didn't exist, and there were drainage problems, etc. The philosophy was that Regency could make half-street improvements but could not just build half the road and make it work. From the inception, their understanding was this was work for the City that Regency would do and get reimbursed. It had always been anticipated this was a City cost and a reasonable request. He originally spoke with then City Manager, Mark Achen, and worked with him in terms of generalities regarding estimated costs of \$50,000. Mr. Damarath assumed the City had planned it in their budget. He did not make a formal request until recently when he had the actual costs. The pay back option of over 3 years was a surprise. Interest for the job is approximately 8% and he explained the interest over the 3 years is \$9600 for the first year, \$6400 for the second, about \$3200 for year three, totaling \$19,200. He felt it is fair to ask reimbursement from the City on the interest portion as well.

Councilmember Terry said she remembered the past discussion that Mr. Damarath just presented. She was not sure why the City was not prepared for the request and did not feel it was right to delay the payments. She respected the City Manager's recommendation. If it can be put into the budget process discussion and be adopted at the end of the year, she would recommend reimbursement in one lump sum, and not spread it out over 3 years.

Councilmember Spehar agreed not spreading payment out over 3 years without taking into consideration the request for interest. He understood the reluctance to not take out one-third or so of the City's contingency half way through the year. He felt it would be appropriate to consider the final 2 bullets in the Staff report: (1) look at the capital fund for any surplus; or (2) look at the entire funding as part of an overall budget process. He suggested adding a third direction that if later in the year there is still a high level of contingency funds that would be an appropriate fund to use.

Councilmember Kirtland asked if the developer is looking for the interest payments from now until the check is cut. Mr. Damarath stated that if a lump sum payment is made soon, he is willing to drop the interest cost.

Public Works & Utilities Director Mark Relph suggested January 1, 2002.

Mr. Damarath said one-third of that would be acceptable. January 1 would be one year's worth of carry amounting to approximately \$9500. The work on Power Road was 85% complete in January, 2001 and finalized in March, 2001. He made the request in early May, 2000. Half of the interest amount would be \$5000, so \$122,000 plus \$5000 is his request.

Mayor Enos-Martinez was concerned with making that kind of interest payment since this is the first notice of the request for payment.

Mr. Damarath stated he was under the impression the request was made in 1999. He assumed he would be paid when the bill was submitted. He is wrapping up the project and would accept a \$5000 interest payment.

Councilmember Kirtland stated he agreed with what Councilmember Spehar recommended. It does look like this could be accomplished.

Councilmember Spehar stated he doesn't want to look at contingency until the 4th quarter. If there were some funds available, it would be an appropriate time to evaluate for excess capital, etc. It looks like a 4th quarter, 2001 budget issue.

Ron Lappi, Administrative Services Director, stated the City will not pay 8% interest. The City does not earn 8% on its investments, and there is no reason for the City to agree to 8% under any circumstances. Regarding paying later in the year or the first of next year, if Council agrees to payment in full, the City will develop the budget and attempt to find funds and include it in the 2002 budget. Unless money is left over in the contingency fund later in the year, the City could pay a Council-approved lump sum in January, 2002.

City Manager Arnold said if Council approves that direction, he will notify Regency. He will see that it is accomplished.

It was moved by Councilmember Spehar and seconded by Councilmember Terry that Resolution No. 69-01 Providing for City Reimbursement of a Portion of the Costs Associated with Improvements to Power Road be approved, and authorize reimbursement to Regency in the amount of \$122,304 with the understanding that the City will evaluate at the beginning of the 4th quarter appropriate sources of funds out of the 2001 budget, if absent of that ability, that it be included in the 2002 budget, the intent being to make a lump sum payment no later than January, 2002.

Councilmember Butler asked if there was any written agreement regarding the reimbursement. City Manager Arnold stated that was part of the confusion. It was discussed in a workshop setting and from Staff's perspective, there was general verbal consensus with Council, but nothing formally written.

Councilmember Butler felt there should have been a written agreement for that amount of money. City Manager Arnold said in the future, he would try to make sure that happens.

Roll was called on the motion with the following result:

AYE: MC CURRY, SPEHAR, TERRY, KIRTLAND, ENOS-MARTINEZ
NO: BUTLER

The motion passed.

ACCEPTING THE CORNERSTONES OF LAW & LIBERTY DESIGN AND TEXT

The City Council subcommittee has been reviewing and now recommends that the City accept the design plan for the Cornerstones of Law & Liberty prepared by Ciavonne & Associates with the integrated text.

Councilmember Terry presented a background, with a draft discussed at the subcommittee level.

Assistant City Attorney Shaver said more discussion or explanation would be appropriate.

Mayor Enos-Martinez indicated where the other monuments would be located.

Assistant City Manager David Varley reviewed the colored version of the diagram.

Councilmember Terry stated this final presentation delineates the configuration of the Law & Liberty Plaza. The monuments will be placed in an arc configuration. At the base of the arc will be historical explanations of the various monuments for educational purposes.

Mayor Enos-Martinez stated this is the recommendation of the subcommittee for final acceptance.

Councilmember Spehar said the final acceptance is being done in the absence of cost or source of funding. The budgeted amount of \$41,000 is for creating the other five monuments and engraving. There has been no source of funding identified for landscaping issues, paving or rockwork in front of monuments. There has been \$2500 in donations. He wondered if it is prudent to do final approval absent any financial consideration.

Councilmember Terry said there are various options to pursue. Several individuals have offered assistance for financing this plaza. It should be pursued and make it publicly known there is now a design and significant interest in financial support. The City will need to solicit that interest. The timing is perfect. Council needs to decide how it will be funded. Council could ask the City Manager to look at the budget for other options available. This could be ready for conclusion by the first of September if orders are placed soon. The City Manager is welcome to offer Council some alternatives. She believed it was appropriate to move forward and accept the design pending verification of available funds.

Councilmember Spehar believed there were less costly options for doing portions of this. It is important that Council adopt a design and he wanted Council to do that. The word "final" troubled him in the absence of any financial information or any identified funding. There may be less expensive ways of doing pieces of this, which he would support. A final design would not be approved in any other situation.

Councilmember Terry stated she used "final" in terms of the design, not the nature of the construction materials. If the City cannot afford the cost identified, then the Council must think back and retract. The design itself is fine.

Mayor Enos-Martinez said a funding option should be added to the motion.

Councilmember Butler said Council should go ahead with the plan. The community was in favor of the project and people will step up and support it. Councilmember McCurry agreed.

City Manager Arnold said there is some potential blending of donations plus public funds. He wanted to establish guidelines so he wouldn't have to come back to Council. He asked Council to give him some guidance on an amount not to exceed; and beyond that, he would come back to Council for further consideration. If Council set a guideline not to exceed \$50,000 in Council contingency, then beyond that, in some point in time, he would need to come back to Council for further consideration. It was important to get the financial obligation set forth tonight.

Councilmember Kirtland asked if Mr. Arnold was recommending up to \$50,000 be put toward the initial phase, and contributions could be over and above that. City Manager Arnold said yes, if the price exceeds that, he would come back to Council. Council concurred.

Assistant City Attorney Shaver said Council would have some flexibility but mostly the authorization is for the design rather than accepting the design as final. He asked if Council wanted to discuss the proposed text. Councilmember Terry said the text still needs consideration.

Upon motion by Councilmember Kirtland, seconded by Councilmember Spehar and carried by roll call vote, the design created by Ciavonne & Associates for the Cornerstones of Law & Liberty was approved and the City Manager and Staff were authorized to implement the plan with a completion date of Labor Day, 2001, using up to \$50,000 from the Council Contingency Fund.

Councilmember Terry asked if Council needed to give more direction for soliciting donations. Mayor Enos-Martinez said this tells some of the groups showing an interest

in the Plaza that Council now has a better idea of costs. It would be appropriate for Council to contact those interested parties.

City Manager Arnold stated he didn't feel Staff should be contacts for outside groups for funds and should stay within typical government function. Councilmember Terry said she was referring to doing some advertising, not contacting individuals for funding.

Councilmember Arnold confirmed it would be more in public relations.

Councilmember Butler asked if Councilmembers could solicit. Mayor Enos-Martinez said yes.

EXECUTIVE SESSION

Upon motion by Councilmember Spehar, seconded by Councilmember McCurry and carried, the meeting adjourned into Executive Session at 9:10 p.m. to discuss contract negotiations and personnel.

ADJOURNMENT

The meeting adjourned at 9:10 p.m. into executive session.

Theresa F. Martinez, CMC
Deputy City Clerk