

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

AUGUST 1 , 2001

The City Council of the City of Grand Junction convened into regular session the 1st day of August, 2001 at 7:32 p.m., at the City Auditorium. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, and President of the Council Cindy Enos-Martinez. Absent was Councilmember Reford Theobald. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Enos-Martinez called the meeting to order and Councilmember McCurry led in the pledge. The audience remained standing for the invocation by Steve Hageman of the Turkish World Outreach.

RECOGNITIONS

Mr. Duke Smith, Colorado Department of Transportation, was in attendance to present the Silver Buckle Award for 2000 to the Grand Junction Police Department. This award is presented annually in recognition of safety on Colorado's highways through the use of seat belts. Grand Junction's Police Department received the award for its ongoing public education and enforcement in the use of seat belts.

Mr. Smith also presented an award to Sgt. Paul Frey for his outstanding leadership and support of this safety campaign.

APPOINTMENTS TO THE PARKS AND RECREATION ADVISORY BOARD

Councilmember Butler moved to reappoint R.T. Mantlo and Nora Hughes and appoint Dennis Derrieux to the Parks and Recreation Advisory Board for three-year terms. Councilmember Terry seconded and the motion carried.

CERTIFICATES OF APPOINTMENT

PRESENTATION OF NEWLY APPOINTED MEMBERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY

Becky Brehmer and Ed Chamberlin were present to receive their certificates. Gregg Palmer was not present.

NEWLY APPOINTED MEMBERS OF THE RIDGES ARCHITECTURAL CONTROL COMMITTEE

Sharon Canella, Frank Rinaldi and Tom Tetting were present to receive their certificates.

CONSENT ITEMS

It was moved by Councilmember McCurry, seconded by Councilmember Spehar and carried to approve Consent items # 1 through 10.

1. Minutes of Previous Meetings

Action: Approve the Summaries of the July 9, 2001, and July 16, 2001 Workshops, the Minutes of the July 11, 2001, Regular Meeting and the Minutes of the July 18, 2001, Regular Meeting.

2. Contract for Signal Communications Design, Phase 2

The contract covers six tasks related to the design of the signal system communications project – review of the schedule and cost estimates in the CIP, design of the next construction project, ongoing support, construction support and project management.

Action: Award the Contract for the Signal Communications Design, Phase 2 to Kimley-Horn & Associates, Inc. in an Amount not to Exceed \$97,500.00.

3. Joint Resolution Approving Amended FY2002 Unified Planning Work Program

Approve and sign a Joint Resolution between Mesa County and the City of Grand Junction adopting the Amended FY 2002 Unified Planning Work Program. The Amended Unified Planning Work Program modifies task A.4 to include a reference to CDOT as a participating entity in the Memorandum of Agreement.

Resolution No. 73-01 – A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Amended Fiscal Year 2002 Unified Planning Work Program (UPWP).

Action: Adopt Resolution No. 73-01

4. Setting a Hearing on Rezoning Colonial Heights Subdivision, Located at SE Corner of 25 Road and G Road [File #RZP-2001-034]

First reading of the rezoning ordinance to rezone the Colonial Heights Subdivision from Planned Development, 4.4 units per acre (PD 4.4) zone district, to Residential Multi-Family-5 (RMF-5), located at SE corner of 25 Road and G Road.

Proposed Ordinance Rezoning the Colonial Heights Subdivision from Planned Development, 4.4 units per acre (PD 4.4) to Residential Multi-Family-5 (RMF-5), Located at SE Corner of 25 Road and G Road

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

5. **Setting a Hearing on Zoning the Parham Annexation, Located at 2960 D Road** [File #ANX-2001-061]

First reading of the zoning ordinance to zone the Parham Annexation from County RSF-R to City RMF-8 (Residential Multi-Family-8), located at 2960 D Road.

Proposed Ordinance Zoning the Parham Annexation Located at 2960 D Road to RMF-8.

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

6. **Setting a Hearing on Zoning the Grand Meadows Annexation, Located at 30 Road and Gunnison Way** [File #ANX-2001-080]

First reading of the zoning ordinance to zone the Grand Meadows Annexation located at 30 Road, south of Gunnison Way, from County RSF-R to City RMF-5 (Residential Multi-Family-5).

Proposed Ordinance Zoning the Grand Meadows Annexation to Residential Multi-Family-5 (RMF-5), Located at 30 Road South of Gunnison Way

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

7. **Setting a Hearing on Appleton Corners Veterinary Clinic Annexations No. 1, No. 2 and No. 3, Located at 797 24 Road and Including Portions of the 24 Road Right-of-Way** [File #ANX-2001-154]

Referral of petition, first reading of the annexation ordinances and exercising land use immediately for the Appleton Corners Veterinary Clinic Annexations No. 1, No. 2 and No. 3 located at 797 24 Road and including portions of the 24 Road right-of-way. The Appleton Corners Veterinary Clinic Annexations No. 1, No. 2 and No. 3 consist of 2.731 acres.

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

Resolution No. 74-01 – 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 – Appleton Corners Veterinary Clinic Annexations No. 1, No. 2 and No. 3, Located at 797 24 Road, and including Portions of the 24 Road Right-of-Way.

Action: Adopt Resolution No. 74-01

b. Set a Hearing on Proposed Ordinances

- i. Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Appleton Corners Veterinary Clinic Annexation No. 1, Approximately 0.004 Acres, Located in the 24 Road Right-of-way South of 797 24 Road.
- ii. Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Appleton Corners Veterinary Clinic Annexation No. 2, Approximately 0.008 Acres, Located in the 24 Road Right-of-way South of 797 24 Road.
- iii. Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Appleton Corners Veterinary Clinic Annexation No. 3, Approximately 2.719 Acres Located at 797 24 Road and including a Portion of the 24 Road Right-of-way.

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for September 5, 2001.

8. Setting a Hearing on Zoning Monument Valley Filing 7

[File #ANX-2001-125]

The applicant proposes a zone of annexation from County PD to City RSF-2 for the 56.7 acre Monument Valley Filing 7 Annexation. A preliminary plan to subdivide the parcel into 87 single-family lots was approved by the Planning Commission at its July 24, 2001 hearing. The Planning Commission recommends approval.

Proposed Ordinance Zoning the Monument Valley Filing 7 Annexation Residential Single Family – 2 (RSF-2), Located on the East Side of South Camp Road, East of Wingate School

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

9. **Setting a Hearing on Rezoning Elm Avenue PD Rezone** [File #RZ-2001-124]

The applicant/owner requests to amend the final plan for the site at 704 Elm Avenue to add a beauty salon as an approved use. Currently only office use is allowed in this planned development zone. The Planning Commission recommends approval.

Proposed Ordinance Zoning a Planned Development Located at 704 Elm Avenue to Add an Additional Allowed Use

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

10. **Revocable Permit for Ridges Entry Sign**

The existing Ridges entrance sign on the west side of Ridges Blvd. and Highway 340 is located within public right-of-way. The Redlands Mesa developer has obtained permission from other affected parties to replace that sign with a new stucco and stone sign. The developer needs a revocable permit to allow the sign.

Resolution No. 75-01 – A Resolution Authorizing the Issuance of a Revocable Permit to Redlands Mesa Master Association.

Action: Adopt Resolution No. 75-01.

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

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

Parking Update from the DDA

Bruce Hill, Board Member of the DDA, and P.J. McGovern, Chair of the DDA, were present to address the Council on the parking proposal.

Bruce Hill stated that since the last Council meeting he personally has gone out and spoken to many business and property owners about the proposal. He stated that he felt it was an opportunity to clarify the plan to many of the owners along Colorado Avenue and make sure everyone in the district area had an opportunity to express their concerns about the proposal.

P.J. McGovern continued that there was an area that was neglected as far as being surveyed. The DDA staff completed canvassing that area for the specific purpose of flushing out any additional issues which had not been voiced. This resulted in thirty-three additional signatures in favor of the proposal. They now also have a letter from the DTA endorsing the project.

Mayor Enos-Martinez stated that the Council appreciates the efforts of both the DDA and the DTA. She then called other business owners to come up and express their opinions.

Michelle Hamilton, 640 Main Street, who owns Downtown Hair Design, and Linda Anthony of Culture Expressions, have never been approached or been asked to sign any kind of a petition by anyone from the DDA. They feel that many customers shop longer than two hours and ticketing discourages shoppers. They support a parking structure, but feel there is a need to get the revenue for construction elsewhere.

Karen Hildebrand, owner of Unique Expressions, supports the change and feels that two hours is long enough. She feels the goal is to have a parking structure downtown.

Ron Maupin, owner of Haggly of Vendors, 510 Main Street, for fourteen years, said this issue has been being discussed for at least the past six years. He is in favor of the increase and feels it is long overdue. He pointed out that this won't solve immediate parking shortage. He feels the need to keep the parking turned over by limiting time to two hours. He supports speeding up the implementation of the parking proposal and structure and that some business owners may be willing to pay an assessment to speed up the construction of the garage. He also suggested that possibly the merchants could offer tokens to customers to offset the cost of parking. Mr. Maupin stated that there have been instances of potential businesses that have not looked at downtown as a location because of inadequate parking.

Councilmember Terry asked for examples of this issue. Mr. Maupin related that Steve Reimer had REI interested in the Bannister building but REI walked away due to the parking situation.

Mr. Maupin asked the City to include in the City newsletter, especially around Christmas time, information on the location of free and long term parking in the downtown area.

Vaughn Park, owner of the Sleep Factory on Colorado Avenue, thanked Mr. Hill and Mr. McGovern for the invitation to their meetings. He stated that he has agreed to disagree with them on this issue. He feels raising violations to this degree will be a detriment to keeping shoppers. ACS's informal internet poll opposed it by 57%. He stated they are pleased that the parking in front of their

store will be free. There is a greater problem downtown, which is that they need more parking. He fears an ugly concrete structure would also be a detriment to his and others' location on Colorado Avenue. He asked that the Council watch carefully how the parking structure appears to both the shoppers and the merchants. He stated that the problem with downtown parking is not the cost, but the non-enforcement of the current codes.

Councilmember Terry indicated that she would like to see more enforcement on the part of the City and asked that with the agreement of the rest of Council, City Manager Kelly Arnold should look into how to accomplish the enforcement. Council concurred. Councilmember Terry also stated that it was overwhelming to hear at the DDA meeting of lost potential tenants downtown because of a perception that there is a lack of available parking, even if a study shows there isn't actually a shortage.

Mayor Enos-Martinez asked Councilmember Butler to read into the record, a letter from a new clothing storeowner who is opposed to this increase. This person feels it will chase shoppers away and doesn't see a need for a structure, and further that there is no parking problem. [See attached.] Councilmember Butler continued that the reason the meters were removed originally was to encourage patrons and just wondered if the new meters will again chase them away.

Administrative Services and Finance Director Ron Lappi explained that there are still 350 free spaces that will not be metered. The 139 new meters are going to be in the outlying areas. Councilmember Terry asked for clarification on the fines and violations, as they will apply in the new code. Mr. Lappi stated that all parking violations for time are going to \$10.

Councilmember Butler asked where the new meters are going to be installed. Mr. Lappi displayed a map and pointed out all of the new areas and detailed what type was going into which areas. Councilmember Butler suggested there would not be much revenue from the new meters on White Avenue.

Councilmember Spehar indicated the one-year test period should show the changes in the parking patterns and allow Council to judge whether there will be adequate revenue stream to support a garage, the result may or may not be the construction of the garage.

Mayor Enos-Martinez said she, as a business owner downtown, is sensitive to the concerns and although the fines seems heavy, she sees the same cars parked in the same spot for hours while other people are trying to find a place to park.

Councilmember Kirtland stated that downtown is unique and very different from the mall. Shoppers do pay for parking when they go to the mall, if only in higher rents to the tenants. Downtowners have to strive for a balance and should start warning

people and begin to educate shoppers of the increases. That will be the key to success, along with better enforcement.

Michelle Hamilton, downtown business owners, asked if the current two-hour meters would be going to ten-hour meters. Administrative Services and Finance Director Ron Lappi stated that some of the currently free two-hour spots will become metered. Councilmember Terry stated that the intent of the two-hour meters is not for employees but for the shoppers, and the point of this new code is to reinforce this among the downtown employees. Ms. Hamilton added that the Avalon closes the whole parking lot off during the day when they have evening events and this makes it harder to find a parking place. She asked if that is allowed.

City Manager Arnold indicated the DDA coordinates the permits for these events and the parking lot is needed for staging, and preparation of equipment for the function.

Ron Maupin, 510 Main St., restated that the two-hour meters are supposed to be for customers not for employees. He stated that most business owners want to get after the employees who are abusing this. He suggested business and employees call the meter man when they notice abuse of the two-hour meters

Vaughn Park, Sleep Factory at 440 Colorado Ave, reiterate the Mayor's concern, he agreed that the key is enforcement. However, he feels the downtown merchants definitely compete with the mall and that they need to approach this with the mindset that if they want to keep the downtown a viable retail area, there must be a solution to the parking situation, but that the new fees and fines are much too excessive.

Councilmember Spehar added that the one lesson in this process has been that the Council has all learned that downtown is more than just Main Street, and all merchants should get adequate representation and have input into decisions being made by Council and the DDA.

Public Hearing – Authorizing an Optional Premises Liquor License for Redlands Mesa Golf Course

Redlands Mesa Golf Course has requested that it be permitted to serve alcohol on the newly opened golf course. Section 12-47-310 Colorado Revised Statutes permits a municipality to pass an ordinance to provide optional premises licenses for restaurants that serve liquor on their premises to include an adjacent recreational facility in their license.

The public hearing was opened at 8:25 p.m.

Staff Attorney Stephanie Rubinstein reviewed this item.

Mayor Enos-Martinez asked for clarification on whether once this ordinance is passed if the next application for optional premises would not need another authorizing ordinance. Staff Attorney Stephanie Rubinstein answered no; each requires its own ordinance.

Councilmember Spehar clarified that this is not a blanket ordinance for all golf course operations.

City Attorney Dan Wilson stated such license is tied to their restaurant liquor license but allows them to serve/possess liquor out on the golf course.

Mayor Enos-Martinez stated that the County Commissioners did a blanket resolution for all optional premises a few years ago. Legal staff said they would review that option.

There were no public comments.

The public hearing closed at 8:30 p.m.

Upon motion by Councilmember McCurry, seconded by Councilmember Terry, and carried by roll call vote, Ordinance No. 3359 - An Ordinance For An Optional Premises License for Redlands Mesa Golf Course was adopted.

Public Hearing – Rezone of Arrowhead Acres II, Filing 2, Located at B ½ Road and Arlington Drive to PD [File #RZ-2001-108]

Request to rezone the Arrowhead Acres II, Filing 2 Subdivision from RMF-5 (Residential Multi-Family, 5 units per acre) to PD (Planned Development).

The public hearing was opened at 8:30 p.m.

Bill Grace, the applicant, summarized the request.

Kathy Portner, Planning Manager, reviewed this request and displayed a photo of the property and structure. The planning clearance was issued with a side yard setback of 14 feet not knowing that it was a corner lot. These were mistakes made on both sides. The application was made for the rezone to the subdivision. She gave the reasons for the request and the impacts. All property owners in the neighborhood signed a petition in favor of the rezone.

Councilmember Spehar asked if there would be any significant traffic or safety problems from this decrease in setback. Ms. Portner answered no; there would be none.

Councilmember Kirtland asked if the houses must front onto a side street. Ms. Portner answered that there is not any garage access from the front street and that all garages still must have 20-foot setbacks.

There were no public comments.

The public hearing was closed 8:37 p.m.

Upon motion by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by roll call vote, Ordinance No. 3360 - An Ordinance Rezoning Arrowhead Acres II, Filing 2, from RMF-5 to PD was adopted.

Public Hearing – Creating the City of Grand Junction Rimrock Marketplace General Improvement District

The creation of a general improvement district for Rimrock Marketplace will lead to an election in November of 2001 of affected property owners (only the owners and developers of Rimrock) to issue Special Assessment Bonds to cover costs of public improvements at the development site. These improvements are estimated to cost \$2.8 million.

The public hearing was opened at 8:38 p.m.

Administrative Services and Finance Director Ron Lappi reviewed this item. This is the first General Improvement District created in the City of Grand Junction that relates to a new State Statute allowing for the creation of a General Improvement District as opposed to a Special Improvement District with which Council is more familiar. It allows the property owners/developer to pay for infrastructure assessments. It will allow Council to consider placing an item on the ballot for only the property owners to vote to issue debt to fund the infrastructure, John Rubinstein, the developer, and Tom Volkman, their Attorney, were present to answer questions.

Councilmember Spehar inquired if this creates any liability for the City. Administrative Services and Finance Director Lappi stated this only creates the district, one that does not have debt or assets. Subsequently, an item will be placed on the ballot, which will undoubtedly pass because it is only voted on by the property owners. Even then the debt is to be paid by assessment to the property owners so the City would not have the public debt.

Councilmember Kirtland asked terms and benefits there are to the property owner.

Mr. Lappi stated that the long term benefits are that the costs will be financed at a tax exempt interest rate, two percent below current market rates, so a lower cost of the infrastructure, on a sizable project of approximately 370,000 square feet, about half the size of current mall. There will be no legal liability for the City.

John Rubinstein, Fairway, Kansas, has been working in Grand Junction since July 1995, but this is the first time in front of Council. He expressed the appreciation of his firm in working the Mr. Lappi and the Planning Commission on this project, which has been challenged by its size with all the traffic problems. With the size of this project and the time and money spent to make it work, it should be a catalyst to create more activity further west of this project.

There were no public comments.

The public hearing was closed at 8:45 p.m.

Councilmember Terry expressed the feeling that this project has been a long time in coming to this point, but is pleased to see this option and opportunity and wanted to thank the Staff for seeing it through. It serves to show some of the issues the City has been dealing with and she was pleased to see another option being tested.

Councilmember Spehar agreed and stated that this is one of the ways the City can participate in creating economic activity without using public money to create private gain.

Upon motion by Councilmember Spehar, seconded by Councilmember Butler, and carried by roll call vote, Ordinance No. 3361 - An Ordinance Creating the City of Grand Junction Rimrock Marketplace General Improvement District; and Providing Other Details Relating Thereto was adopted.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION TO DISCUSS ONGOING NEGOTIATIONS

Councilmember Terry moved to adjourn to executive session. Councilmember Kirtland seconded, and carried. The Council adjourned to executive session and does not plan to return at 8:47 p.m.

ADJOURNMENT

The meeting was adjourned at 8:47 p.m.

Stephanie Nye, CMC
City Clerk



Pollux

Clothing Company

www.polluxdot.com
637 Main Street
Grand Junction, CO 81501
970.242.8050

August 1, 2001

Council Members:

I am a new clothing shop owner on Main Street and I am opposed to the proposed parking fee increases as well as the new parking structure for the following reasons.

First, it is my understanding that all tickets given for expired parking will result in a \$10 ticket rather than the current \$3 ticket. Shoppers who are enjoying Main Street shopping will not return to downtown after receiving a ticket for that amount when they can park for free at the mall for as long as they like. Furthermore, a customer of mine received a \$3 ticket recently and forgot to pay it. In less than one month the fines had accrued in nearly \$100 and she had a warrant out for her arrest. People with more serious violations face less penalties and fines. This practice is not promoting commerce downtown.

The parking structure poses another problem. Its construction will occur during the holiday season forcing traffic to be rerouted downtown. It is going to be difficult enough to attract shoppers downtown as the chains move into and around the mall without the added nuisance of construction.

Finally, I do not see a need for a parking structure. I have never had a problem finding a parking space, even during festivals and parades. I have never had a customer complain of lack of parking.

I ask that you please reconsider the proposed parking increases and structure. It would be a disadvantage to downtown merchants and their customers. Thank you for your consideration.

Sincerely,