

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

**OCTOBER 17, 2001**

The City Council of the City of Grand Junction convened into regular session the 17<sup>th</sup> day of October, 2001 at 7:32 p.m. in the City Auditorium. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Janet Terry, Reford Theobold, Jim Spehar and President of the Council Cindy Enos-Martinez. Also present were City Manager Arnold, City Attorney Wilson and City Clerk Stephanie Tuin.

Council President Enos-Martinez called the meeting to order and Councilmember Theobold led in the pledge of allegiance. The audience remained standing for the invocation by Miriam Greenwald, Lay Leader, Jewish Community Congregation Ohr Shalom.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING OCTOBER 21, 2001 AS "READ AROUND THE WORLD DAY" IN THE CITY OF GRAND JUNCTION

PROCLAIMING NOVEMBER 4-10, 2001 AS "CELEBRATION OF FAMILIES WEEK" IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

APPOINTMENTS TO THE RIVERFRONT COMMISSION

Councilmember Theobold moved to reappoint Mark Gardner and Lenna Watson and appoint Chris Kanaly and Richard Gerhardt to the Riverfront Commission for three year terms. Councilmember Spehar seconded the motion. The motion carried.

**PRESENTATIONS**

**WALKER FIELD AIRPORT AUTHORITY PRESENTS COMMERCIAL AIR SERVICE BENCHMARK REPORT**

Craig Springer, Chairman of the Walker Airport Authority, listed other members present and staff present. Mr. Springer gave a brief overview of the development of the report and then introduced the Director of Walker Airport, Corrine Nystrom.

Ms. Nystrom distributed the bound report and then addressed the highlights of the report. She pointed out that Grand Junction does compare favorably to other airports of its size.

Councilmember Kirtland stated that as a member of the Authority, he is very impressed with the work ethic of this group. They have put a lot of hours into this report, a number of

new issues since the 11<sup>th</sup> of September and indicated that a lot of the data contained in this report should be very useful to the Council.

Councilmember Theobald inquired if the report included cost of airport services and a comparison of those costs to other area airports. Ms. Nystrom referred the Council to page 5 of the report. Councilmember Spehar asked Ms. Nystrom if Grand Junction will lose any seats in the transition from United Express to Sky West. Ms. Nystrom indicated that there should not be a loss of seats.

Councilmember Spehar asked about the parking situation. Ms. Nystrom replied that there is no end to the security measure in sight. Ms. Nystrom indicated that the airport has asked the FAA to take another look at it. She stated that although Walker Field must comply with directives from the FAA, those directives are sometimes meant for larger airports, and can sometimes be adapted differently.

### **CONSULTANT DR. JERRY MOORMAN REPORTS RESULTS OF CITIZEN SURVEY**

Dr. Jerry Moorman reviewed the citizen survey report for the Council. It was a massive research project, but there is a very high degree of accuracy in the data. The survey showed overall that Grand Junction is viewed favorably.

### **CONSENT CALENDAR**

It was moved by Councilmember McCurry, seconded by Councilmember Butler and carried by a roll call vote to approve the Consent Calendar items #1 through #8.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the October 1, 2001 Workshop and the Minutes of the October 3, 2001 Regular Meeting*

2. **Setting a Hearing for the Supplemental Appropriation Ordinance for the Budget Year 2001**

A second supplemental appropriation ordinance is adopted every year at this time to fine-tune the budget and to appropriate contingency amounts to ensure the proper level of appropriation authority by fund.

Proposed Ordinance Making Supplemental Appropriations to the 2001 budget of the City of Grand Junction

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 7, 2001*

3. **Purchase of Parking Meters**

The Purchasing Office solicited 3 bids and publicly advertised in the Daily Sentinel to purchase parking meters per the requirements of City Purchasing Policy and the

City's minimum specifications. A total of 3 bids were received representing the three parking meter manufacturers. All bids were found to be responsive and met the minimum requirements of the specifications. The responsive bids received are:

|                       |                     |              |
|-----------------------|---------------------|--------------|
| Tri State Meter (POM) | Higley, Arizona     | \$ 34,830.59 |
| Duncan Ind.           | Harrison, Arkansas  | \$ 35,176.75 |
| Mackay Meters         | Nova Scotia, Canada | \$ 39,740.00 |

The industry has changed from a mechanical to a digital electronic clock mechanism. All of the above manufacturers use a flashing red LCD read out that shows the EXPIRED warning. However, Tri State (POM) the low bidder, is the only manufacturer that also provides an option of a mechanical EXPIRED warning for an additional \$25.00 for each meter.

The City Customer Service Manager determined that the LCD EXPIRED WARNING could not always be read from the traffic cart and the cost of the mechanical flag is justified and offset by the additional cost of lost time by the parking attendant. The requirement for a mechanical flag makes this procurement a Sole Source, because no other manufacturer provides a unit with this feature. This increases the total Tri State (POM) bid to \$38,380.59.

*Action: Authorize the Senior Buyer to Purchase Parking Meters from Tri State in an Amount of \$38,380.59*

4. **I-70B Access Study Contract with Colorado Department of Transportation**

A City Council Resolution approving and authorizing the City Manager to sign contracts for the project identified as C M555-017, I-70B Access Study, SUB-13870 for traffic access and management study on I-70B from 24 Road to 1<sup>st</sup> and Grand Avenue. This contract is for a total of \$96,000. Two developers along I-70B have contributed \$10,000 each and the City will provide \$35,000 to fund this work. CDOT's portion will be \$41,000. The City has already received the funds from the two developers. This study will recommend means and methods of controlling access along this corridor to optimize traffic capacity on the existing infrastructure.

Resolution No. 104-01 - A Resolution Accepting a Grant for the Federal-aid Funds for the Transportation Equity Act for the 21<sup>st</sup> Century of 1998 (TEA-21) for the Project Identified as CM555-017, I-70B Access Study, Sub-13870 for the Traffic Access and Management Study on I-70B From 24 Road, to 1<sup>st</sup> and Grand Avenue in the City of Grand Junction

*Action: Adopt Resolution No. 104-01*

5. **10 yd. Tandem Axle, Dump Truck**

This purchase is to replace the existing unit #1141, 1992 GMC, 5 yard dump truck. The Purchasing Office solicited 5 bids from our active bidder's list and publicly advertised in the Daily Sentinel to purchase one ten yard dump truck per the requirements of City Purchasing Policy and the City's minimum specifications. A total of 7 bids were received from 4 local truck dealers. All bids were found to be responsive and met the minimum requirements of the specifications. The responsive bids received are:

|                                 |                    |              |
|---------------------------------|--------------------|--------------|
| • Transwest Freight Liner       | Grand Junction, CO | \$ 92,504.37 |
| • Hanson Equipment, Inc.        | Grand Junction, CO | \$ 97,216.00 |
| • Hanson Equipment, Inc., Alt#1 | Grand Junction, CO | \$100,013.00 |
| • MHC Kenworth                  | Grand Junction, CO | \$ 93,280.00 |
| • Mesa Mack                     | Grand Junction, CO | \$ 77,872.00 |
| • Mesa Mack, Alt #1             | Grand Junction, CO | \$ 78,377.00 |
| • Mesa Mack, Alt #2             | Grand Junction, CO | \$ 79,555.00 |

*Action: Authorize the City Purchasing Manager to Purchase One Mack 10 yard, Tandem Axle Dump Truck from Mesa Mack Sales and Service, Grand Junction, Colorado for the Low Bid Amount of \$77,872.00.*

6. **Setting Ambulance Service Fee**

The ambulance service fee has not been revised since September of 1998. Fees for 1999 and 2000 were virtually the same as in 1998; however, this year, 2001, an increase in dispatching costs will impact the ambulance fee.

Payment of the fee is necessary to pay costs incurred in dispatching ambulances, administering the ambulance service permitting program and coordinating Fire Department and ambulance service EMS. All users of dispatch services share the cost of those services. The ambulance service fee is the method whereby the ambulance service pays a portion of the costs associated with their use of those services.

Resolution No. 105-01 – A Resolution Amending Resolution 53-98 Concerning and Establishing the Ambulance Service Permit Fee

*Action: Adopt Resolution No. 105-01*

7. **Revocable Permit - Willow Brook Subdivision located at the Northeast Corner of 26 Road and Patterson Road** [File #RVP-2001-093]

Robert H. Streit and Rebecca Rudy Winchester of 308 Willowbrook Road request a revocable permit for landscaping and a fence located within the road right-of-way. The full cul-de-sac turnaround has never been constructed for this

subdivision. After meeting with residents of the Willowbrook Subdivision, the Public Works Department has agreed to construct a modified "T" turnaround within the right-of-way that will be sufficient for most vehicles to turn without backing. The remaining right-of-way will remain landscaped.

Resolution No. 106-01 – A Resolution Concerning the Issuance of a Revocable Permit to Robert H. Streit and Rebecca Rudy Winchester

*Action: Adopt Resolution No. 106-01*

8. **Grant Award to Mesa Youth Services, Inc. (PARTNERS) for the City's 2001 Program Year, Community Development Block Grant Program for Parking Lot and Landscaping Construction**

This contract formalizes the City's Award of \$15,000 to PARTNERS for parking lot and landscaping construction for Partners Activity Center at 12th Street and Colorado Avenue. These funds were allocated from the City's 2001 Community Development Block Grant Program.

*Action: Authorize City Manager to Sign the Subrecipient Contract with Mesa Youth Services, Inc. (PARTNERS)*

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

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

**Public Hearing - Rezoning St. Mary's Campus, 776 Bookcliff Avenue**

[File #RZF-2001-146]

Second reading of the Rezoning Ordinance to rezone a portion of St. Mary's Hospital property from Neighborhood Business (B-1) zone district, to Planned Development (PD) zone district, located south of Wellington Avenue and east of 7th Street.

The public hearing opened at 8:15 p.m.

Rob Jenkins, 1000 9<sup>th</sup> Street, an architect, reviewed the overall St. Mary's Campus Plan. The request is to rezone this property to Planned Development in order to unite all the properties under one plan. He feels all seven requested criteria have been met.

Mayor Enos-Martinez inquired about two doctor's office properties. Mr. Jenkins stated those properties will remain under the ownership of the physicians.

Lisa Gerstenberger, Senior Planner, then reviewed this item. Ms. Gerstenberger explained the reason for the request to Planned Development with an underlying zone of B-1. She said staff does find that the rezone criteria have been met. She referred to a

statement in the ordinance that the PD zone will be in accordance with the plans, which are being developed.

There were no public comments.

The public hearing closed at 8:22 p.m.

Councilmember Theobold thanked St. Mary's for their cooperation with the realignment of 7<sup>th</sup> Street.

Councilmember Terry stated she is a member of the parish and her son attends Holy Family School. She wanted this to be part of the record, although there is no connection with this application.

Ordinance No. 3380 - An Ordinance Rezoning a Portion of St. Mary's Hospital Property from Neighborhood Business (B-1) to Planned Development, Located South of Wellington Avenue and East of 7<sup>th</sup> Street

Upon motion by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by roll call vote, Ordinance No. 3380 was approved on second reading.

**Public Hearing - Rezoning Rocky Heights Estate Subdivision, Off Escondido Circle**

[File #RZP-2001-155]

Second reading of the Rezoning Ordinance to rezone the Rocky Heights Estates Subdivision from Residential Single Family Rural (RSF-R) zone district, to Planned Development, 1.32 units per acre (PD 1.32) zone district and Community Services and Recreation (CSR) zone district, located off Escondido Circle. Rocky Heights Estates contains approximately 16 acres.

The public hearing was opened at 8:24 p.m.

Rob Katzenberger of LanDesign, reviewed this item. Mr. Katzenberger clarified a discrepancy in the number of units per acre, which is due to the remaining developable land divided by the number of units. He stated the units have been clustered and other recreational amenities have been provided. He detailed other reasons the development qualifies for the Planned Development zoning.

Lisa Gerstenberger, Senior Planner, reviewed this item and reiterated that a significant amount of open space is being dedicated to the Audubon Society. Many portions of the property would not be suitable for development but have benefit to the public if left open to the public. She reviewed that the rezone criteria have been met.

Councilmember Theobold asked if the density in the Growth Plan refers to gross or net density. Ms. Gerstenberger stated that it refers to gross density, but that it does allow for removal of certain areas from the calculation.

Councilmember Kirtland asked for clarification of the purpose of Tract C. Ms. Gerstenberger indicated that it would be a rock roll out trench for the significant number of rocks and boulders above. This is the safety net for boulders and rocks to end up in. It will be maintained by the HOA and inspected annually,

Councilmember Kirtland asked if there would be restriction to prevent transit into the residential yards that border the public area. Ms. Gerstenberger indicated that there will be limited use by public because there will be no further trail development. The rock roll out trench will also be a deterrent but residents will also be allowed to have fencing in the building envelopes.

Councilmember Theobald concluded that there will be fencing allowed along the building envelopes but not along the property line. Gerstenberger answered yes, to protect adjacent views. The intention is to leave the balance of lot in a natural state. The fencing requirement is actually being required by the residents, not imposed by the City

Councilmember Theobald asked what size are the lots to the north. Ms. Gerstenberger indicated that they are 2.65 acres per unit.

There were no public comments.

The public hearing closed at 8:44 p.m.

Ordinance No. 3381 - An Ordinance Rezoning the Rocky Heights Estates Subdivision from Residential Single Family Rural (RSF-R) to Planned Development, 1.32 units per acre (PD 1.32) and Community Services and Recreation (CSR), Located off Escondido Circle

It was moved by Councilmember Theobald, seconded by Councilmember McCurry, and carried by roll call vote to adopt Ordinance No. 3381 on second reading.

**Public Hearing - Vacation of Right-of-Way in Tuscany Village, 641 27 ½ Road** [File #VR-2001-145]

Second reading of the ordinance vacating a portion of the 27 ½ Road right-of-way located at 641 27 ½ Road.

Mayor Enos-Martinez opened the public hearing at 8:45 p.m.

Mr. Wayne Lizer, Architect for the project, reviewed the request and the reason for the request.

Councilmember Terry asked if the wall is in the landscaping plan and would it be landscaped. Mr. Lizer answered yes; it will be approximately 5 feet high.

Lisa Gerstenberger, Senior Planner, reviewed this item. The City recently widened this roadway; excess land was left after the road was reconstructed. The roadway centerline was based on the existing center. The developer wants to take advantage of the excess right-of-way. The wall will be stucco style and will be landscaped. The criteria (2.11) have been met and the city standards for road right-of way will be retained.

Councilmember Theobald asked how many lanes are in the roadway. Ms. Gerstenberger said she would defer to Public Works staff, but there was no one from Public Works in the audience. She stated that the projection was with future growth in mind and therefore she felt there were enough lanes.

Councilmember Terry stated that she thinks there is limited access already due to the development.

Councilmember Spehar stated that he agrees, and is not concerned about losing 5 to 10 feet of roadway. Given that this is recent construction there should not be a problem in the future.

City Manager Arnold asked if Public Works has had a chance to make comments on this development. Ms. Gerstenberger indicated that they have and that there were no negative comments and that Public Works staff supports the request.

Mr. Lizer indicated that the property to the north and the south narrows back down to 60 feet, and the vacation request area is the only wider area.

There were no public comments.

The public hearing closed at 8:55 p.m.

Ordinance No. 3382 - An Ordinance Vacating a Portion of 27 ½ Road Right-of-Way Located at 641 27 ½ Road, Tuscan Village Subdivision

Upon a motion by Councilmember Terry, seconded by Councilmember Kirtland, and carried by roll call vote Ordinance No. 3382 was approved.

**Public Hearing - Vacation of Right-of-Way, Village Park, Medians in 28 ¼ Road Right-of-Way** [File #VR-2001-144]

The applicant requests to vacate portions of 28 ¼ Road right-of-way north of F Road that constitute the future landscaped medians in the center of the street. The purpose of the vacation is to transfer ownership and maintenance responsibility for the landscaping in the median islands to the Village Park Homeowner's/Property Owner's Association. A public ingress-egress easement and multi-purpose easement for future utilities or traffic control devices will be retained in the medians.

The public hearing opened at 8:55 p.m.



Rich Livingston, attorney representing the applicant, asking for a vacation and in turn giving property to the city. He described the area. The City said they could not maintain landscaped medians, yet it is highly visible and will be the primary entry to the park once it is constructed. While looking at alternatives, he suggested the HOA take ownership of the medians and maintain them with the available water from the developer. With the enlargement of the detention drainage area for their project on the south of this subdivision they are asking the City to take over ownership of that as it already owns and maintains the existing facility.

Bill Nebeker, Senior Planner, concurred with Mr. Livingston's presentation. He added that the City will be retaining an ingress/egress and utility and maintenance easements in the medians. Staff finds that the criteria in 2.11 are met.

Councilmember Terry asked if Staff has defined how the maintenance of the drainage area will be accomplished. Mr. Nebeker stated that the applicant will seed it and then Public Works will maintain it.

Councilmember Terry noted that the current facility is not being maintained. City Manager Arnold said he knows that is an issue. Councilmember Terry indicated that maybe it would be discussed during budget meetings.

There were no public comments.

The public hearing closed at 9:04 p.m.

Ordinance No. 3383 - An Ordinance Vacating Portions of the 28 ¼ Road Right-of-Way North of F Road to Allow Maintenance of the Vacated Area by the Village Park Home/Property Owner's Association

It was moved by Councilmember Theobald, seconded by Councilmember McCurry, and carried on roll call vote to adopt Ordinance No. 3383 on second reading.

**Public Hearing - Vacation of Easements, Redlands Marketplace Filing #2, 2516 Broadway** [File #VE-2001-143]

The applicant has requested to vacate a public right-of-way and recreational easement for the riverfront trail that was dedicated on the Redlands Marketplace final plat. When the trail was reconstructed as part of the improvements to the subdivision and shopping center, it was placed outside of the easement. A new easement is being dedicated by separate instrument. The vacation will not become effective until the new easement is dedicated.

The public hearing was opened at 9:05 p.m.

Bill Nebeker, Senior Planner reviewed this item. He indicated the planned location of the trail versus the actual location. He indicated that the change of location was discovered

after the work was done. He stated that there is no compelling reason to relocated the trail, but will be easier to rededicate. Actually the grassy area is better than the original plan with river rock.

There were no public comments.

The public hearing closed at 9:07 p.m.

Ordinance No. 3384 - An Ordinance Vacating a Public Right-of-Way and Recreational Easement Located in Redlands Marketplace Subdivision at Highway 340 (Broadway) and Power Road

Upon motion by Councilmember Terry, seconded by Councilmember Kirtland, and carried by roll call vote Ordinance No. 3384 was adopted on second reading.

A recess was called at 9:09 p.m.

Council was back in session at 9:17 p.m. All members of Council were present.

**Public Hearing - Amending the Zoning and Development Code Regarding Transit Shelters and Benches Standards** [File #TAC-2001-175]

The proposed amendments will clarify the allowable exemptions to the sign regulations for signs located on City-approved transit shelters and benches and establish specific standards relating to the installation and maintenance of and allowable advertising on transit shelters and benches.

The public hearing opened at 9:17 p.m.

Community Development Director Bob Blanchard reviewed this item. In February of this year Mesa County signed a contract with Outdoor Promotions and suddenly benches and shelters began to appear around town. It was discovered that these benches and shelters were placed in the City without any process being followed. Many of the benches were not placed at bus stops so were placed inappropriately.

In meeting jointly with the other entities, three issues were identified. First there was safety. Placing the benches in right-of-way will require revocable permits. During the review process Staff will check on the placement and make sure they are in the proper locations on the transit routes. If the bench and shelter can't be placed in the right-of-way, then the contractor will have to bring forth an approval from the adjoining property owner. There will also be requirements regarding the benches being placed on concrete pads and adequately secured for the safety of passengers.

Secondly is the issue of maintenance. This will require general repair, graffiti removal, and leveling of concrete pads. The contractor will be required to do maintenance and

repair within twenty-four hours of any request made. This is in addition to the weekly maintenance required.

Thirdly is the physical location. They are required to be within the right-of-way and in accordance with setbacks based on the adjacent travel lanes.

Lastly is advertising, which is the main issue at the present. If stops change, benches have to be moved and advertising is not allowed in residential areas, the downtown shopping park or in the historic district. Mesa County limits the placement but allows advertising in all areas. The proposed ordinance contains the Planning Commission recommendations.

Councilmember Terry asked if Council has a copy of all examples given. Mr. Blanchard indicated that there could be some mixed zoning on some streets. He gave some examples. Councilmember Terry asked if advertising would be allowed on Patterson in areas zoned commercial. Mr. Blanchard answered yes, it would be.

Councilmember Kirtland asked if the number of bench locations is 205 but only half would be allowed to have advertising. Mr. Blanchard indicated that he heard under 100 would have advertising. City Manager Arnold said that 110 locations allowing advertising would be eliminated.

Councilmember Theobald asked what the procedure is since the contractor had not gone through process. Mr. Blanchard stated that the contractors would either remove the benches or process a revocable permit while the bench remains. City Manager Arnold had all benches not at stops removed.

Councilmember Theobald asked if the others were allowed to remain. Mr. Blanchard indicated that they were pending the decision on this issue. Councilmember Theobald asked what the process was for places where advertising is not permitted. Mr. Blanchard indicated the contractor had been cited through code enforcement, but the City did not prosecute.

Councilmember Theobald asked if there had been complaints about inequities. Mr. Blanchard indicated there had not been complaints about citing but there has been regarding the bidding for the building of the benches and shelters. Councilmember Theobald asked who handled that bid process. Mr. Blanchard stated that it was through Mesa County.

Councilmember Terry asked how the setback requirements were determined, and stated that 10 foot seems excessive. Councilmember Theobald stated that the setbacks are based on safety.

Councilmember Terry asked how the ten-foot set back measurement was determined. Mr. Blanchard said the City agreed with the County, but that it can be reduced to five feet if there are physical reasons for reduction.

Councilmember Theobold asked if this ordinance is to permit advertising by amending the sign code.

Mr. Blanchard stated that there is a section that deals with sign code exemptions and a section dealing with performance standards, which is new, that establishes the performance standards for the contractor controlling the benches and shelters. Councilmember Theobold asked if it applies generally, not just with the present issue. Mr. Blanchard indicated that it is general in nature.

Gary Young, Outdoor Promotions, introduced himself and thanked Council for the opportunity to be at this meeting. He stated this opportunity should have taken place earlier. His company has been doing this work for 17 years around the State of Colorado. He indicated the reason for his long period in business is the diligence and maintenance they have taken with their benches and shelters over the years. He stated the merits of this program, and detailed the chronology of how his business became involved with Grand Valley Transit by responding to an RFP from the Transportation Steering Committee. He stated that he thought Grand Valley Transit had authority to decide where the bus stops, benches and shelters would be placed. After working with GVT for some weeks and actually placing some of the benches, he was informed that he had not gone through the proper procedures and began working with the City's Community Development Department.

Mr. Young stated that although the benches have remained, the only two shelters his company has placed are the two on Mesa State Campus. Mesa County put the other shelters that are presently in place there. He also assured the Council that he understands how important a good working relationship is and that he intends to have that relationship with all of the authorities involved: the City of Grand Junction, Mesa County and GVT authorities.

Mr. Young offered the cost and the required maintenance and noted that they revenue-share back from the program. The advertising is how Outdoor Promotions is able to provide this program. Through the proposal Outdoor Promotions has submitted, they are committing \$500,000 to put in the benches and shelters, provide lighting and maintain these stops. In addition they will spend approximately \$54,000 to maintain these bus stops. There is also revenue-sharing, some of which will return to the City.

Unless advertising is allowed, Outdoor Promotions will not place benches or shelters. He offered alternative language that would not allow benches in front of someone's house but would let them do what they want by allowing advertising only where it is fenced or landscaped off. He stated that the advertising does not intrude into neighborhoods and that benches do not need to be anchored. He also feels that concrete pads are not needed.

He asked that the ordinance language be changed and that the concrete pads be deleted. If one is stolen it is the company's responsibility.

Councilmember Spehar asked how many of the 254 benches are in the City. Mr. Young stated approximately 80% of the 250 benches. Councilmember Spehar asked how many are negatively impacted by the no-advertising rule. Mr. Young stated that about 110, roughly half of them would be impacted.

Councilmember Kirtland asked Mr. Young if he has analyzed what effect the proposal made by Staff would have on the number of benches and shelters that he would maintain in Grand Junction. Mr. Young indicated that all would be added back in.

Councilmember Butler asked if Mr. Young's advertising could conform to Code without being so flashy in color. Mr. Young indicated they could impose color restrictions.

Jim Yankovich, superintendent for Colorado West Leasing and Contracting which is a subcontractor for Outdoor Promotions, shared his comments with Council. He indicated that most of the comments he has received from citizens are thank yous, and that they want more benches. "These structures sure are nice, what a great idea". He indicated that he has told people there will be advertising on the benches and every person said, "Of course you'll have to have advertising."

Councilmember Terry asked if any people want a bench in front of their home.

Mr. Yankovich stated that at about 20<sup>th</sup> and Orchard the residents asked to have a bench with advertising on their property. He indicated that he has only had two negative reactions out of 150 people.

Tambra Wishart, Transit Coordinator for Mesa County, shared her experiences and supported continuation of the program. Ms. Wishart stated that there are 213 bus stops in the City and that 110 are not eligible for advertising. She indicated that the only routes that will be eligible are Horizon Drive, North Avenue and the route out to the Mall.

Mayor Enos-Martinez asked who solicited RFP's and how many responses were received. Ms. Wishart indicated that Mesa County Purchasing issued the RFP's and they received three proposals.

Councilmember Spehar indicated that the revenue wouldn't be able to be kept by the City of Grand Junction due to TABOR limitations. Ms. Wishart indicated that the revenue would go to GVT. Councilmember Spehar asked if revenue is needed by GVT why were fares reduced this past week. Ms. Wishart stated that the fare reduction was done because there is no longer any way to distinguish between the shuttle and the circulator routes any more. The circulators were \$.50 and the shuttles were \$1.00 but now there is no difference so all routes were reduced to \$.50. She also stated that revenue is only 6% of operating costs and therefore the affect was minimal.

Terri Binder, 2148 Redcliff Circle, as a former member of the original transportation board, wanted to comment. From her prior experience with RTD in the metro area,

advertising sounded like a good idea. From her experience this proposal is one of the best public-private partnerships she has encountered. Ms. Binder outlined some of the benefits of Outdoor Promotions' proposal.

Mark Gamble, Colorado West Outdoor Advertising, stated that this is an issue of fairness. He stated that the new land use code has negatively impacted his business considerably. He stated that he supports the bus benches and shelters, but has a problem with the application of the sign code to the bus benches, as it would allow advertising to be on a lot more roadways than it is presently and yet is the same advertising mode as his business. Mr. Gamble pointed out that there was no one present at this meeting who opposed advertising on the bus benches which indicated to him that there is not much opposition to this form of advertising.

Councilmember Theobald asked Mr. Gamble if he had submitted a bid on the contract for the bus benches/shelters. Mr. Gamble stated that he had not been notified of the RFP. Councilmember Terry indicated that it had been advertised in the local newspaper.

Councilmember Terry asked the Community Development Director to explain the issue Mr. Gamble has set forth. Mr. Blanchard stated that the difference is the amenities the benches offer to the public.

Councilmember Theobald asked if there is a need for concrete pads and anchoring at the bench sites. Mr. Blanchard said that Staff feels strongly about concrete pads, maintenance, and leveling of the benches. He stated that some people can't walk on gravel and anchoring the benches would make them weigh a lot, which would help keep them in place and keep them from being stolen.

Councilmember Theobald asked if there are any kinds of industry standards for weight or design of bus benches. Mr. Blanchard said there is not.

Councilmember Kirtland asked if Outdoor Promotion's proposal has gone through the Planning Commission process. Mr. Blanchard indicated it has not, nor has it gone through Staff. He indicated the concern is preventing Outdoor Advertising from intruding into residential areas before a decision is made on the proposal.

The public hearing closed at 10:55 p.m.

Councilmember Theobald stated that there has been a lot of testimony at the meeting that has nothing to do with this issue. He feels there are really only three issues, which are; the history of the sign code, the short history with this contractor, and safety. Councilmember Theobald stated that he believes the proposal presented by Staff is appropriate.

Councilmember Kirtland stated that he and Councilmember Butler are on the Metropolitan Planning Organization, which has been considering these things for a few months. He supports the GVT, but the issue of outdoor advertising will have an effect

on the sign code from now on. He stated that he wishes this had occurred in a different manner, because the City Council will take the rap for the elimination of 50% of the benches in town without having had a chance to consider everything.

Councilmember Terry indicated she agrees the dilemma for Council is that they can't do the benches without the advertising. The goal is to try to make the transit system accessible to the community without compromising the sign code.

Councilmember Theobold stated he feels Council has been presented a situation that may not be the only option, and possibly not an accurate presentation. He feels there is room for someone to provide the benches with advertising only on those in legitimate areas.

Councilmember Spehar also stated that the City just quadrupled its investment in the GVT. He said he still questions the fare reduction and wonders if that money could have gone to the placement of benches. He feels location and safety are the issue and does not want to go backwards on the issues of the sign code.

Councilmember Terry asked if the proposed ordinance assumes all benches will have advertising. Mr. Blanchard indicated the answer is no, there is verbiage directing the placement of the advertising.

Councilmember Terry stated she wants the distance and screening restrictions in the ordinance along with the restriction on advertising in residential neighborhoods.

Councilmember Spehar asked what would be needed to include those restrictions in the Ordinance.

City Attorney Wilson stated that to add screening and distance is a consideration. It would involve language that would allow a case by case determination and include a revocable permit process. He indicated that Council could adopt the ordinance and add standards within the revocable permit.

Councilmember Terry asked if there is a definition of the word "screening" in the ordinance so that it wouldn't be necessary to have to see each one case by case.

City Attorney Wilson indicated that would remove the ability to have exceptions. Mr. Blanchard stated that exceptions could be built into the Ordinance.

**Ordinance No. 3385 - An Ordinance Amending the Zoning and Development Code Standards for Transit Shelters and Benches**

It was moved by Councilmember Theobold, seconded by Councilmember McCurry, and carried by roll call vote with Councilmember Butler voting NO, to approve Ordinance No. 3385, with the following additions: in Item No. 2, after the words "shelters and benches" add the words AND PADS AND SUPPORT; In Item No. 11, change it to read 3 FEET.

**Revocable Permit for GVT Bus Shelters to be located in City Right-of-way, [File #RVP-2001-128]**

Consideration of a Resolution authorizing the issuance of a Revocable Permit to allow the Petitioner to install transit shelters along the newly adopted GVT routes in City right-of-way. This application is for 28 shelters along a Principal Arterial, Patterson Road and the Minor Arterial of Horizon Drive, North Avenue, North 1st Street, North 7th Street, and North 12th Street.

Councilmember Theobold suggested making the permits generically, rather than specific to this contractor. City Attorney Wilson said it should something such as the transit designee in order to apply to anyone holding the bid.

Councilmember Theobold stated that Council should table the matter tonight and rework the two suggestions; to address language on residential screening and address the permittee (all or nothing installation).

Lori Bowers, Community Development, Associate Planner, stated that there are 28 shelters proposed for local permit, five of the permits are in residential and they meet the current code. In 1999, the Code was amended to allow advertising on City approved shelters.

City Attorney Wilson asked if this includes residential zones. Ms. Bowers stated they would be allowed anywhere.

Councilmember Theobold stated that this Council item would indicate that the rules have changed, and it will unravel the previous item that was just adopted. City Attorney Wilson stated that what this does is to amend the item that was just passed.

Councilmember Spehar asked if Council could approve only those that are allowed under new amendment that was just passed and not approve the five that are in residential areas.

Councilmember Theobold stated that if Council wants to examine the "all or nothing restriction" and have benches everywhere regardless of whether there is advertising, then Council should not take any action on this item tonight. If Council forbids those with advertising it undermines the incentive to provide those without.

Councilmember Theobold asked how many are already constructed. Ms. Bowers answered that none were.

Councilmember Kirtland stated that the benches were not an issue with the MPO committee because they were not addressed. However the shelters were anticipated and already in the Code and better than benches. Therefore would it be better to continue with shelters. It would provide a better standard for the riders. He doesn't



want to anticipate a problem between the City and the County about who is taking care of what shelter or bench because one body and not the other have approved some.

Councilmember Theobald stated that if action were taken on this item tonight they wouldn't have another chance to guarantee that all the benches are installed.

City Attorney Wilson stated that if Council wants to grandfather in the five that have been processed last spring under the old Code, then allow advertising in shelters in residential zone, Council needs to amend what Council just did in Item No. 14, because that decision prohibits the right to have advertising in a residential zone.

Councilmember Spehar stated that Council could approve all not without allowing advertising in residential areas.

Resolution No. 107-01 - A Resolution Concerning the Issuance of a Revocable Permit to Outdoor Promotions, Inc.

Upon motion by Councilmember Theobald, seconded by Councilmember Spehar, and carried by roll call vote with Councilmembers Butler and Kirtland voting NO, to approve Resolution No. 107-01 with the conditions that all 28 shelters must conform to the sign code with no advertising in residential areas, and that either all must be built or none built.

### **Monthly Parking Passes in the Downtown**

This resolution amends the resolution creating new fines and fees for the parking system effective January 1, 2002. It implements a monthly pass program for those downtown workers and owners who would like the benefit of a pass program but may not wish to commit to an annual pass as already authorized and implemented by Resolution 71-01. The monthly pass would be offered at \$30 and be available on a calendar month.

Ron Lappi, Administrative Services Director, reviewed this request. He advised that the monthly parking pass would have additional administrative costs and therefore the monthly pass should be \$30/month. He justified the cost being proposed because of the additional administrative costs the City.

P.J. McGovern, representative of the DDA board, agreed with Mr. Lappi. He apologized for suggesting the \$30 pass and thinks it should be \$25. The goal of the monthly parking pass is to sell as many as possible. The less obvious benefit of the monthly pass is that those people will park in the four and ten-hour metered spaces leaving even more free and 2-hour spaces for shoppers. The second item to discuss is target market. Mr. McGovern feels the employees who will purchase this pass are the minimum wage earners who are very price conscious. Mr. McGovern's six reasons for a \$25 monthly pass are:

1. The \$25 pass is a 42% premium whereas the \$30 pass is a 70% premium.

2. \$25 is an appropriate cost between the daily cost of parking and the administrative costs incurred by the City.
3. The average reserve parking space in downtown is \$30/month. The monthly pass should be somewhat less.
4. It is easier to raise the cost of monthly pass holders than to raise the cost of daily parking in the future.
5. It is better to have good market penetration in the beginning and then raise rates, if necessary, than to have little participation in the beginning because the price is too high.
6. Every monthly pass that is sold is the equivalent of a \$7.50 premium to the City over the cost of daily parking via the meter.

Mr. Lappi stated that the \$25 negates the annual pass because it is what the annual pass will amount to, therefore no one will purchase the annual pass.

Councilmember Terry stated that the issue is to promote employees parking in long-term parking rather than at regular meters. Also, at \$25/month it is more than metered parking.

Councilmember Butler stated that \$30 is only \$1 a day, which is not bad for not having to feed the meter.

Councilmember Kirtland stated that the real advantage is to be able to go and come during the workday without having to feed the meter again, or lose the money already in the meter.

Councilmember Spehar agreed with Mr. Lappi, there would be no incentive to buy an annual pass. Mr. McGovern restated that the theory is to get people to use the pass and get off of Main Street, therefore the \$25 is sufficient.

Resolution No. 108-01 - A Resolution Amending Resolution Number 71-01 That Established New Parking Fines and Fees for the City of Grand Junction, By Providing For Monthly Parking Passes.

Upon motion by Councilmember Terry, seconded by Councilmember Spehar, and carried by roll call vote with Councilmember Butler voting NO, to approve Resolution 108-01 changing the amount of the monthly pass to \$25.

### **Two Rivers Convention Center Policies, Procedures and Fees**

The City of Grand Junction will be re-opening the convention center in December 2001. One immediate goal is to create an upbeat environment. This not only extends to the facility's physical presence but also includes operating procedures, appropriate staff training, and most importantly the manner in which the convention Center accommodates customers. The report provides details about proposed fees, charges, and operating policies and raises several issues that require Council direction.

*Action: This item was tabled until the workshop on 10-29-01*

It was moved by Councilmember Theobald, seconded by Councilmember McCurry, and carried to table Item 17 until a workshop on October 29, 2001, cancel executive session and adjourn.

**EXECUTIVE SESSION** to discuss property negotiations - canceled

**ADJOURNMENT**

The meeting adjourned at 11:54 p.m.

Stephanie Tuin, CMC  
City Clerk

Form A

CITY OF GRAND JUNCTION  
SOLE SOURCE JUSTIFICATION FORM

Date: 10/16/01 Requested By: Jos. Rouero  
Department: ADM Division: CUSTOMER SERVICE  
Vendor Name: TRI STATE Net Cost Delivered: \$ 38,300

P.O.N (MANUFACTURER)

SOLE SOURCE JUSTIFICATION  
(INITIAL ALL ENTRIES THAT APPLY)

Material/Service Description: PARKING METERS

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. JA - 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. JA - 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.

- Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

I recommend that competitive procurement be waived and that the service or material described herein be purchased as a sole source.

Departmental Approval:

Signed: [Signature] [Signature] [Signature]  
title title date

**Purchasing Approval:**

Based on the above and attached documents, I have determined this to be a sole source with no other vendor practicably available.

Purchasing Manager Approval: [Signature] date: 10, 11, 01

**Final Authorization**

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 Manager*