

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

May 15, 2002

The City Council of the City of Grand Junction convened into regular session on the 15th day of May 2002, at 7:33 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Reford Theobald, Janet Terry, Jim Spehar and President of the Council Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and City Clerk Stephanie Tuin.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Kirtland led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Dan Wilkenson, Liberty Baptist Church.

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING THE WEEK OF MAY 20 THROUGH MAY 26, 2002 AS "EMERGENCY MEDICAL SERVICES WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE WEEK OF MAY 12 THROUGH MAY 18, 2002 AS "CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME/MYALGIC ENCEPALOPATHY AWARENESS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE WEEK OF MAY 20 THROUGH MAY 27, 2002 AS "BUCKLE UP AMERICA WEEK" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF CERTIFICATE OF APPOINTMENT

TO PLANNING COMMISSION MEMBER

Certificate of Appointment was presented to Bill Pitts.

TO FORESTRY BOARD MEMBERS

Certificates of Appointment were presented to Mitch Elliot and Mike Heinz.

TO DOWNTOWN DEVELOPMENT AUTHORITY DIRECTOR

Certificate of Appointment was presented to Harry Griff.

TO DDA REPRESENTATIVE TO THE HISTORIC PRESERVATION BOARD

Appointee was not present and no Certificate of Appointment was presented.

Boy Scout Troop 328 was recognized and welcomed by the Mayor.

SCHEDULED CITIZEN COMMENTS

Debbie Kovalik, Director of the Visitor and Convention Bureau, reported on the success of the Hidden Treasures Travel Expo, which was held at the Two Rivers Convention Center. She said thousands visited the Expo and she was pleasantly surprised at how popular and successful the event was. The 60+ exhibitors even ran out of brochure materials. Due to this year's success, next year's expo is already being planned for the first week in May.

Gordon Williams, 446 Meadows Way, addressed the Council and read a letter he had written to Joe Stevens, Director of the Parks and Recreation Department, regarding dog parks. He then read some information from dogpark.com. He asked Council to consider establishing a dog park in Grand Junction.

CONSENT CALENDAR

Councilmember Spehar asked that item #9 be moved to individual consideration.

It was moved by Councilmember Spehar, seconded by Councilmember Terry, and carried by a roll call vote, to approve Consent Calendar items 1 through 8.

1. Minutes of Previous Meetings

Action: Approve the Summary of the April 29, 2002 Workshop and the Minutes of the May 1, 2002 Regular Meeting

2. Contract for Independent Avenue Improvements Phase II – Streets

Bids were received and opened on April 23, 2002. M. A. Concrete Construction submitted the low bid in the amount of \$876,212.17.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M. A. Concrete Construction, Inc.	Grand Junction	\$876,212.17
Elam Construction	Grand Junction	\$988,764.92
<u>United Companies</u>	<u>Grand Junction</u>	<u>\$1,020,180.40</u>
Engineer's Estimate		\$1,082,933.90

Action: Authorize the City Manager to Execute a Construction Contract for the Independent Avenue Street Improvements - Phase II with M.A. Concrete Construction in the Amount of \$876,212.17

3. **Contract for Bunting Avenue Storm Drain Asphalt and Concrete Replacement**

The Bunting Avenue Storm Drain Asphalt and Concrete Replacement will replace substandard curb, gutter and sidewalk along Bunting Avenue from 21st to 18th Street after the new storm drain is installed. Bids were opened on April 26, 2002 as follows:

Contractor	From	Bid Amount
Reyes Construction	Grand Junction	\$66,299.28
BPS Concrete	Grand Junction	\$59,725.15
G and G Paving	Grand Junction	\$54,934.88
<u>Vista Paving Corporation</u>	<u>Grand Junction</u>	<u>\$52,755.68</u>
Engineer's Estimate		\$50,369.71

Action: Authorize the City Manager to Execute a Construction Contract for the Bunting Avenue Concrete and Asphalt Replacement with Vista Paving Corporation in the Amount of \$52,755.68

4. **Setting a Hearing on Zoning Beagley Annexation Located at 3049 Walnut Avenue** [File #ANX-2002-084]

The Beagley Annexation is a single parcel of land consisting of 5.92 acres located at 3049 Walnut Avenue and including a portion of the F Road, Grand Valley Drive and Walnut Avenue rights-of-way. The petitioner is requesting a zone of Residential Single Family, 4 units per acre (RSF-4), which conforms to the Future Land Use Map of the Growth Plan. Planning Commission recommended approval at its May 14, 2002 meeting.

Proposed Ordinance Zoning the Beagley Annexation to Residential Single Family with a Density Not to Exceed Four Units per Acre (RSF-4) Located at 3049 Walnut Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 5, 2002

5. **Rename Rio Grande Drive to Camino del Rey Drive in the Mantey Heights Subdivision** [File #MSC-2002-083]

Resolution to rename a section of Rio Grande Drive to Camino del Rey Drive beginning at the undeveloped portion of the street 470' south of F Road and continuing to where the street intersects Santa Fe Drive.

Resolution No. 45-02 – A Resolution Renaming a Section of Rio Grande Drive to Camino del Rey Drive Beginning 470 Feet South of Patterson Road and Ending at Santa Fe Drive Located in Mantey Heights Subdivision

Action: Adopt Resolution No. 45-02

6. **Setting a Hearing on Rezoning of Appleton Corners Property Located at 797 24 Road** [File #RZ-2002-051]

First reading of the Rezoning Ordinance to rezone 1.85 acres from Residential Single Family Rural (RSF-R) to Neighborhood Business (B-1). The applicant has no current plan to develop the property but would like to rezone the property in order to market it for future development.

Proposed Ordinance Rezoning the Appleton Corners Property Located at 797 24 Road from Residential Single Family Rural (RSF-R) to Neighborhood Business (B-1)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 26, 2002

7. **Setting a Hearing on Rezoning of the Lewis Property Located at 2258 South Broadway** [File #GPA-2001-178]

First reading of the Rezoning Ordinance to rezone 1.83 acres from Residential Single Family 4 (RSF-4), 2-4 units per acre and Community Services and Recreation (CSR), to Neighborhood Business (B-1) and Community Services and Recreation (CSR). The applicant wants to develop the property as a car wash.

Proposed Ordinance Rezoning the Lewis Property Located at 2258 South Broadway from Residential Single Family 4 (RSF-4) and Community Services and Recreation (CSR), to Neighborhood Business (B-1) and Community Services and Recreation (CSR)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 26, 2002

8. **Setting a Hearing on Amending the Zoning and Development Code Regarding the Development Review Process** [File #TAC-2002-112]

The proposed amendments remove the development review process timelines from the Zoning and Development Code and make changes to which development applications require General Meetings.

Proposed Ordinance Amending the Zoning and Development Code Development Review Process

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 5, 2002

9. **Incentive Request from Grand Junction Economic Partnership**
[Moved to Individual Consideration]

This group requested a cash incentive grant for a company that would move to Grand Junction and create thirty new jobs. The company is International Paperbox Machine Company that makes machines to manufacture boxes.

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

Incentive Request from Grand Junction Economic Partnership

This group requested a cash incentive grant for a company that would move to Grand Junction and create thirty new jobs. The company is International Paperbox Machine Company that makes machines to manufacture boxes.

Wade Haerle and Steve Ausmus of Grand Junction Economic Partnership explained the incentive request and gave details on the company. They further explained that the hourly wage of twelve dollars plus benefits is based on the minimum floor of the Living Wage rate of ten dollars and sixty cents per hour.

Upon motion made by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote, the Incentive Request for \$69,000 for International Paperbox Machine Company was approved.

Public Hearing - CDBG 2002 Action Plan, Part of the 5-year Consolidated Plan

City Council will consider which activities and programs to fund and will prioritize and recommend levels of funding for CDBG projects for the 2002 Program Year.

The public hearing was opened at 8:06 p.m.

David Varley, Assistant City Manager, reviewed the history of the City's CDBG entitlement funds and the recommendations for this year's CDBG entitlement funds. He noted that there would be another public hearing on June 5th before the final action plan is adopted.

Councilmember Spehar asked Mr. Varley to list each of the funding requests, the recommendations and the amounts, which Mr. Varley did.

Councilmember Butler asked if the El Poso project would be funded another way. Mr. Varley said the one in Orchard Mesa has been scheduled two years out but the others have not.

Shirley Koch, Center for Independence, stated that even though her entity is not being funded, she appreciates the opportunity to apply. She suggested the committee make site visits when considering the funding requests.

Frank Jimenez, 320 W. Grand Avenue, of the El Poso project, asked for additional consideration for his project. Council stated their reasons for the recommendations.

Sister Karen Bland from the Catholic Family Outreach thanked Council and Staff for their support.

Jody Kole, Grand Junction Housing Authority, 1011 N. 10th Street, thanked Council for their continued support.

Joanne O'Fallon, Western Slope Center for Children, 259 Grand Ave, thanked Council for the funding of their project.

Sharon Sturgess, Director of the Western Region Alternative to Placement (WRAP), 1129 Colorado Avenue, also thanked Council for their support.

Juanita Trujillo, 319 W. Ouray, said she grew up in the El Poso neighborhood, which now has six Latino families and two Anglo families. She stated that they brought new houses down and rebuilt several houses. She asked Council for further support for her neighborhood.

John Mok-Lamme, Director of the Grand Junction Community Homeless Shelter, located at 2853 North Avenue, expressed his thanks to the Council for their funding grant.

Councilmember Theobald said Council's choices should not be interpreted as a lack of support for those not funded, but they had received three-times the requests than they had money to fund.

The public hearing was closed at 8:34 p.m.

Upon motion made by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by a roll call vote, with Councilmember Terry voting **NO**, Council approved the CDBG City Council Subcommittee Recommendations for Funding Seven Projects for the City's 2002 CDBG Program Year Action Plan and Set a Final Hearing for June 5, 2002. Councilmember Terry felt that monies from the annual CDBG Entitlement funds should not be used to fund City projects.

Public Hearing – Larson Annexation Located at 2919/2921 B ½ Road [File #ANX-2002-054]

The annexation consists of annexing 13.562 acres of land including portions of the 29 Road, B Road and B 1/2 Road rights-of-way. The property owners have requested annexation in conjunction with a preliminary plan application.

The public hearing was opened at 8:35 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item and recommended approval.

Mike Joyce with Development Concepts, located at 2764 Compass Drive, supported Staff's recommendation.

There were no public comments.

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

a. Accepting Petition

Resolution No. 46-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Larson Annexation, a Serial Annexation Comprising of Larson Annexations No. 1, 2 and 3, Located at 2919/2921 B ½ Road and Containing Portions of the 29 Road, B Road and B ½ Road Rights-of-Way, is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3395 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Larson Annexation No. 1, Approximately 0.015 Acres, Located in the B Road and 29 Road Rights-of-Way

Ordinance No. 3424 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Larson Annexation No. 2, Approximately 1.921 Acres, A Portion of the 29 Road Right-of-Way

Ordinance No. 3425 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Larson Annexation No. 3, Approximately 11.626 Acres, Located at 2919/2921 B ½ Road and Including a Portion of the B ½ Road Rights-of-Way

Upon motion made by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by a roll call vote, Resolution No. 46-02 was adopted, and Ordinances No. 3395, No. 3424 and No. 3425 were adopted on Second Reading and ordered published.

Public Hearing - Zoning the Larson Annexation Located at 2919/2921 B ½ Road
[File #ANX-2002-054]

The Larson Annexation consists of three parcels of land totaling 7.8 acres. The petitioner is requesting a zone of RSF-4, which conforms to the Growth Plan and adjacent County zoned lands. The Planning Commission recommended approval of the zoning at it's April 23, 2002 meeting.

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

Pat Cecil, Development Services Supervisor, reviewed this item.

Mike Joyce of Development Concepts located at 2764 Compass Drive, supported Staff's review.

There were no public comments.

The public hearing was closed at 8:40 p.m.

Ordinance No. 3426 - An Ordinance Zoning the Larson Annexation to Residential Single Family – 4 dwelling Units per Acre (RSF-4) District Located at 2919/2921 B ½ Road

Upon motion made by Councilmember Terry, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3426 was adopted on Second Reading and ordered published.

Mayor Enos-Martinez recused herself from the next two items due to her current contract with the developer. During this time Mayor Pro Tem Kirtland presided.

Public Hearing - Zambrano Annexation Located at 657 20 ½ Road and Zoning Zambrano Annexation Located at 657 20 ½ Road [File #ANX-2002-053]

Resolution for Acceptance of Petition to Annex/Second Reading of the Annexation Ordinance for the Zambrano Annexation located at 657 20 ½ Road. The 11.282-acre Zambrano Annexation consists of one parcel of land.

The public hearing was opened at 8:41 p.m.

Bill Nebeker, Senior Planner, asked the permission of Mayor Pro Tem Kirtland to combine the Annexation and Zoning requests. He reviewed these items including the zoning request and stated that staff is working with the applicant so that two accesses are provided to the parcel. If that cannot be worked out, an appeal would be forthcoming.

Richard Krohn, Attorney, 744 Horizon Court, represented the applicant. He said he believes the requirements are met.

There were no public comments.

The public hearing was closed at 8:46 p.m.

a. Accepting Petition

Resolution No. 47-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Zambrano Annexation is Eligible for Annexation Located at 657 20 ½ Road

b. Annexation Ordinance

Ordinance No. 3427 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Zambrano Annexation Approximately 11.282-acres, Located at 657 20 ½ Road

c. Zoning Ordinance

Ordinance No. 3428 - An Ordinance Zoning the Zambrano Annexation Residential Single Family – Four (RSF-4) Located at 657 20 ½ Road

Upon motion made by Councilmember Theobold, seconded by Councilmember Butler, and carried by a roll call vote, Resolution No. 47-02 was adopted, and Ordinances No. 3427 and No. 3428 were adopted on Second Reading and ordered published.

The Mayor returned to preside over the remainder of the meeting.

Public Hearing - ISRE Annexation Located at 2990 D ½ Road and Request for Zoning Located at 2990 D ½ Road [File #ANX-2002-049]

The ISRE Annexation area consists of a 14.149-acre parcel of land located at 2990 D 1/2 Road. The property owner has requested annexation into the City as the result of proposing a Growth Plan Amendment for the property to be considered by City Council at a later date. Under the Persigo Agreement all such types of development require annexation and processing in the City.

The public hearing was opened at 8:49 p.m.

Kristen Ashbeck, Senior Planner, reviewed both items.

Councilmember Terry asked for clarification on the combination review. City Attorney Wilson said the combined review is for convenience and only if there is no perceived controversy.

Council wanted to continue to have the option for keeping items separate, both on the agenda and for review and public comment purposes.

Lisa Comstock, whose address is 1134 24 Road, ISRE, LLC, applicant, asked for approval of the requests.

There were no public comments.

The public hearing was closed at 8:51 p.m.

a. Accepting Petition

Resolution No. 48-02 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as ISRE Annexation Located at 2990 D ½ Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3429 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, ISRE Annexation Approximately 14.149-acres, Located at 2990 D ½ Road

c. Zoning Ordinance

Ordinance No. 3430 - An Ordinance Zoning the ISRE Annexation to Residential Single Family with a Maximum Density of 4 units per acre (RSF-4) Located at 2990 D 1/2 Road

Upon motion made by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 48-02 was adopted, and Ordinances No. 3429 and No. 3430 were adopted on Second Reading and ordered published.

Public Hearing - Amending the Parking Ordinance

This Ordinance prohibits parking in the “planting strip” which is defined as that area between the back of curb of any street and the edge of the sidewalk closest to the street or if there is no curb then from the edge of asphalt of any street and the edge of the sidewalk.

The public hearing was opened at 8:53 p.m.

Dan Wilson, City Attorney, reviewed this item. He noted two typographical errors in the ordinance.

Councilmember Kirtland asked about an enforcement plan.

Chief of Police Greg Morrison explained that with passing the ordinance there would be a three-part phase-in; with the first phase being to educate the public; the second phase would be a warning period; and the third phase would be ticket enforcement.

Councilmember Butler noted that when the students return in the fall, re-education would be needed. Chief Morrison agreed with him.

There were no public comments.

The public hearing was closed at 8:58 p.m.

Ordinance No. 3431 - An Ordinance Amending Chapters 36 and 40 of the City of Grand Junction, Colorado Code of Ordinances Related to Parking

Upon motion made by Councilmember Butler, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3431 was adopted on Second Reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION – Update and Discussion on Persigo Agreement

It was moved by Councilmember Theobald, seconded by Councilmember Spehar to go into executive session for the Purpose of Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators, Relative to Amending Existing Contracts Under C.R.S. Section 24-6-402 (4)(e) Regarding the Persigo Agreement. The Mayor announced that Council would not be returning to regular session.

ADJOURNMENT

The meeting adjourned into executive session at 9:01 p.m.

Stephanie Tuin, CMC
City Clerk