

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

**June 5, 2002**

The City Council of the City of Grand Junction convened into regular session on the 5<sup>th</sup> day of June 2002, at 7:39 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobald 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 Spehar led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Zeke Leija, Zion Assembly of God.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAMATION DECLARING THE WEEK OF JUNE 17 THROUGH JUNE 23, 2002 AS "BETA SIGMA PHI WEEK" IN THE CITY OF GRAND JUNCTION

**SCHEDULED CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

It was moved by Councilmember Terry, seconded by Councilmember Theobald and carried by a roll call vote, to approve the Consent Items #1 through #14 with Mayor Enos-Martinez and Councilmember Kirtland abstaining from item #14.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the May 13, 2002 Workshop, the Minutes of the May 15, 2002 Regular Meeting and the May 29, 2002 Special Meeting*

2. **Contract for West Scenic Sewer Improvement District**

This contract would include construction of over 1,270 feet of sanitary sewer within the existing Scenic Drive Subdivision located north of the intersection of West Scenic Drive and Highway 340. Bids were received and opened March 11, 2002. Skyline Construction submitted the low bid in the amount of \$76,567.90.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Skyline Contracting	Grand Junction	\$ 76,567.90

Sorter Construction	Grand Junction	\$ 86,386.00
Taylor Constructors	Grand Junction	\$ 90,502.50
M.A. Concrete Construction	Grand Junction	\$103,412.60
RW Jones Construction	Fruita, CO	\$230,988.00
Engineer's Estimate		\$ 71,098.00

*Action: Authorize the City Manager to Execute a Construction Contract for the West Scenic Sewer Improvement District with Skyline Construction in the Amount of \$76,567.90 Contingent on Formation of the District by Mesa County on June 13, 2002*

3. **Contract for Skyway Sewer Improvement District**

This contract would include construction of over 27,800 feet of sanitary sewer within the existing Skyway Subdivision located northeast of the intersection of 23 Road and E Road. Bids were received and opened on April 9, 2002. Mendez Construction submitted the low bid in the amount of \$1,902,875.15.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Mendez Construction	Grand Junction	\$1,902,875.15
M.A. Concrete Construction	Grand Junction	\$2,125,841.80
Skyline Construction	Grand Junction	\$2,230,591.10
Precision Excavating	Hayden, CO	\$2,538,307.07
Engineer's Estimate		\$2,011,666.25

*Action: Authorize the City Manager to Execute a Construction Contract for the Skyway Sewer Improvement District to Mendez Construction in the Amount of \$1,902,875.15 Contingent on Formation of the District by Mesa County on July 18, 2002*

4. **Contract for 2002 Waterline Replacements/12<sup>th</sup> Street Waterline**

Bids were received and opened on May 21, 2002. M.A. Concrete Construction submitted the low bid in the amount of \$325,491.60. The project consists of the replacement of 1350 LF of 8-inch PVC waterline on 12<sup>th</sup> Street from North Avenue to Elm Avenue, 650 LF of 6-inch PVC waterline on Glenwood from 12<sup>th</sup> Street to 13<sup>th</sup> Street, and 650 LF of 6-inch PVC waterline on Bunting from 12<sup>th</sup> Street to 13<sup>th</sup> Street. The project is needed to ensure adequate fire flows to Mesa State's new fine arts building.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M.A. Concrete Construction	Grand Junction	\$325,491.60

Taylor Constructors	Grand Junction	\$417,036.00
Engineer's Estimate		\$316,389.00

*Action: Authorize the City Manager to Execute a Construction Contract for the 2002 Waterline Replacements (12<sup>th</sup> Street Waterline) to M.A. Concrete Construction in the Amount of \$325,491.60*

5. **Contracts for Track Replacement, Stocker Stadium**

Phase I construction consists of removing the existing track and curb, excavating the sub-grade, preparing the new sub-grade, back filling, compaction and a new asphalt mat. Phase II construction consists of track surfacing, striping and certification for newly constructed Stocker Stadium running track.

*Action: Authorization for the City Manger to Sign Contracts with a) American Civil Constructors for Track Removal and Replacement, Phase I in the Amount of \$199,000.00; and, b) Southwest Recreational Industries, Inc. for Phase II in the Amount of \$122,315.00*

6. **Participation Agreement with Patterson Road Development (Village Park Subdivision) for Reconstruction of 28 ¼ Road Entranceway**

In 1997 the City indicated its willingness to work with the developer to construct the full width of 28 ¼ Road for north of Patterson and to adjust the radii on the south side of that intersection. This document reduces to writing the agreement between the City and the developer of the subdivision regarding these improvements along 28 ¼ Road.

*Action: Authorize the City Manager to Sign an Agreement to Reimburse Patterson Road Development, LLC, for the Described Improvements along 28 ¼ Road at Patterson and to the North Thereof*

7. **Joint Resolution Concerning FY2003 Regional Transportation Planning Contract (RPC)**

A joint Resolution between Mesa County and the City of Grand Junction adopting the FY2003 Regional Transportation Planning Contract (RPC). The work under this contract consists of regional transportation planning; the contract period is July 1, 2002 through June 30, 2003. Mesa County is a co-signer to this agreement.

Resolution No. 49-02 – A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 2003 Regional Transportation Planning Contract

*Action: Adopt Resolution No. 49-02*

8. **Selenium Water Quality Grant Application**

The City of Grand Junction is applying for a \$75,000 grant from the Environmental Protection Agency (EPA). The grant proposal will study selenium and other water quality parameters in the Grand Valley and resulting impacts of these parameters on the City of Grand Junction wastewater discharge into Persigo Wash. It is recommended the grant award be sole-source to sub-recipient URS Corporation, who put together the original grant application to EPA and are recognized as national experts in this concept.

*Action: Approve Grant Application; Approve URS Corporation as Sole-Source Grant Sub-Recipient for the \$75,000 Grant*

9. **Advertising Services Contract Renewal**

Annual renewal of a contract with Hill & Company Integrated Marketing and Advertising to provide advertising services to the VCB.

*Action: Authorize the City Manager to Sign a Contract with Hill & Company Integrated Marketing and Advertising in the Amount of \$360,000*

10. **Setting a Hearing on the Feix Annexations No. 1, 2, and 3, Located at 229 Jacquie Road** [File # ANX-2002-114]

The Feix Annexations No. 1, 2 and 3 is a serial annexation comprising 3 parcels of land including portions of the right-of-way for Kathy Jo Lane and Jacquie Road along with acreage located at 229 Jacquie Road, comprising a total of 5.386 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 50-02 – 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, Feix Annexation Located at 229 Jacquie Road

b. **Set a Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 1, Approximately 0.063 Acres, Located in the Kathy Jo Lane Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 2, Approximately 0.102 Acres, a Portion of the Kathy Jo Lane Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 3, Approximately 5.221 Acres, Located at 229 Jacquie Road and Including a Portion of the Kathy Jo Lane and Jacquie Road Rights-of-Way

*Action: Adopt Resolution No. 50-02 and Proposed Ordinances on First Reading Setting a Hearing for July 17, 2002*

11. **Setting a Hearing on the Vacation of a Portion of the Right-of-Way for Crosby Road** [File #VR-2002-105]

The petitioner is requesting approval of a vacation of a portion of the dedicated right-of-way for Crosby Road, located between the Union Pacific RR right-of-way and 25 ½ Road. The Planning Commission reviewed the request on May 28, 2002, and recommended approval of the vacation to the City Council.

Proposed Ordinance Vacating a Portion of Crosby Road Located Between the Union Pacific Railroad Right-of-Way and 25 ½ Road

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

12. **Setting a Hearing on the Statler Annexations No. 1, No. 2 and No. 3 Located at 2134 Buffalo Drive** [File #ANX-2002-110]

The 5.846-acre Statler Annexation area consists of one parcel of land, approximately 5.775 acres in size. The remaining acreage is comprised of right-of-way along Buffalo Drive, from South Camp Road. There is a single-family residence on this lot. The applicants are in the simple subdivision process to create a new vacant lot. The owner of the property has signed a petition for annexation.

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

Resolution No. 51-02 – 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, Statler Annexation Located at 2134 Buffalo Drive

b. **Set a Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 1, Approximately 0.020 Acres Right-of-Way Located along Buffalo Drive

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 2, Approximately 0.051 Acres Right-of-Way Located along Buffalo Drive

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 3, Approximately 5.775 Acres Located at 2134 Buffalo Drive

*Action: Adopt Resolution No. 51-02 and Proposed Ordinances on First Reading Setting a Hearing for July 17, 2002*

13. **Setting a Hearing on Vacating Ouray Avenue Between 5<sup>th</sup> and 6<sup>th</sup> Streets and Vacating Several Alley Rights-of-Ways for the Mesa County Public Library Expansion** [File #VR-2002-079]

Request for approval of the first reading ordinances vacating Ouray Avenue between 5<sup>th</sup> and 6<sup>th</sup> Streets; approval of the vacation of the east/west alley between 5<sup>th</sup> and 6<sup>th</sup> Streets, north of Ouray; the remainder of two north/south alley ways between Grand Avenue and Ouray Avenue; the remainder of the east/west alley between 5<sup>th</sup> and 6<sup>th</sup> Streets, south of Ouray Avenue. This is the 2-block area from Grand Avenue, north to Chipeta Avenue, between 5<sup>th</sup> and 6<sup>th</sup> Streets. Proposal is to facilitate the new design of the Mesa County Public Library, in conformance with the approved Master Plan.

Proposed Ordinance Vacating Ouray Avenue Between 5<sup>th</sup> and 6<sup>th</sup> Streets and Establishing a 30-Foot Utility Easement; Vacating the East/West Alley Between 5<sup>th</sup> and 6<sup>th</sup> Streets, North of Ouray Avenue and Establishing Utility and Ingress/Egress Easements; Vacating the Remainder of the North/South Alleyway Between Grand Avenue and Ouray Avenue; Vacating the Remainder of the of the East/West Alley Between 5<sup>th</sup> and 6<sup>th</sup> Streets, South of Ouray Avenue and Vacating and Relocating the Utility Easement in this Area

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

14. **Setting a Hearing on the Mesa County Human Services Annexations 1 & 2 Located at 510 29 ½ Road** [File #ANX-2002-100]

The Mesa County Human Services Annexation No. 1 and No. 2 is a serial annexation comprised of 3 parcels of land and a portion of the North Avenue and 29 ½ Road rights-of-way on 7.64 acres located at 510 29 ½ Road. Mesa County, the petitioner, is seeking annexation as part of their request for an administrative

review of a simple subdivision and site plan review for a proposed new community services building to house Mesa County's Department of Health and Human Services, pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 52-02 – 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, Mesa County Human Services Annexation Located at 510 29 ½ Road and Including a Portion of 29 1/2 Road and North Avenue Rights-of-Way

**b. Set a Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Mesa County Human Services Annexation No. 1 Approximately .765 Acres Located on a Portion of 510 29 ½ Road and Includes a Portion of 29 ½ Road and North Avenue Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa County Human Services Annexation No. 2 Approximately 6.875 Acres Located at 510 29 ½ Road and Includes a Portion of the 29 ½ Road Right-of-Way

*Action: Adopt Resolution No. 52-02 and Proposed Ordinances on First Reading Setting a Hearing for July 17, 2002*

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

**Property Boundary Line Resolution/Orchard Mesa Burkey Park**

The Orchard Mesa Burkey Park was gifted to the City of Grand Junction in 1967. At that time, of the approximately 15 acres gifted, the two properties to the north had encroached onto the northern 23 feet of the western half of Burkey Park. A Quitclaim Deed from the City to the two adjoining property owners is appropriate.

City Attorney Dan Wilson briefed Council on the history of Burkey Park in Orchard Mesa and how the City came into possession of the property. At one point, the City Attorney believed that adverse possession existed on the portion of the property in question when the law was in affect (prior to 1967). The current Lamplight Trailer Park was built after 1958. The earliest aerial photograph in the City's possession was taken in 1958, but whether the fence line is there cannot be determined from the current photograph. Another photo will be required to determine that, but that will take six weeks.

Wilson stated he feels there is reasonable evidence that the fence existed and advised Council that it is safe to go forward with the Quitclaim Deed as proposed.

Councilmember Butler moved to authorize the Mayor to sign a Quitclaim Deed to the two property owners to the north. Councilmember McCurry seconded. Motion carried.

**Public Hearing - Beagley Annexations No. 1, 2 and 3, Located at 3049 Walnut Avenue and Zoning the Beagley Annexation Located at 3049 Walnut Avenue** [File #ANX-2002-084]

Resolution for Acceptance of Petition to Annex and Second Reading of the Annexation Ordinance for the Beagley Annexations No. 1, 2 and 3 Located at 3049 Walnut Avenue and Including a Portion of the F Road, Grand Valley Drive and Walnut Avenue Rights-of-Way. The 5.92-acre Beagley Annexation consists of one parcel of land.

The petitioner is requesting a zone of RSF-4, which conforms to the Growth Plan. Planning Commission recommended approval at its May 14, 2002 meeting. The owners have signed a petition for annexation as part of a proposed simple subdivision to create one new residential lot, which is in administrative review.

The public hearing was opened at 7:56 p.m.

Ronnie Edwards, Associate Planner, reviewed this item and the zoning in one presentation.

The applicant was present but had nothing to add.

There were no public comments.

The public hearing closed at 8:00 p.m.

**a. Accepting Petition**

Resolution No. 53-02 – A Resolution Accepting 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 Beagley Annexation Located at 3049 Walnut Avenue and Including a Portion of F Road, Grand Valley Drive and Walnut Avenue Right-of-Way

**b. Annexation Ordinance**

Ordinance No. 3432 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Beagley Annexation No. 1, Approximately 0.153 Acre, a Portion of the F Road Right-of-Way



Ordinance No. 3433 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Beagley Annexation No. 2, Approximately 1.028 Acres, a Portion of the F Road and Grand Valley Drive Rights-of-Way

Ordinance No. 3434 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Beagley Annexation No. 3, Approximately 4.739 Acres, Located at 3049 Walnut Avenue and Including a Portion of Grand Valley Drive and Walnut Avenue Rights-of-Way

**c. Zoning Ordinance**

Ordinance No. 3435 – An 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

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 53-02 was adopted, and Ordinances No. 3432, 3433, 3434 and No. 3435 were adopted on Second Reading and ordered published.

**Public Hearing – 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.

The public hearing was opened at 8:01 p.m.

Bob Blanchard, Community Development Director, reviewed this item and explained the significant changes being made to the Zoning and Development Code. Removing timelines are the main affect.

He explained that over about two months, meetings were held with developers and other interested parties.

The Mayor indicated that the current five-day response time was insufficient. Mr. Blanchard agreed and said the change of that item was well received.

Councilmember Terry asked for further clarification for the viewing audience. Mr. Blanchard explained the current process versus the new proposed process and how the changes to the time frames benefit the process.

The public hearing was closed at 8:12 p.m.

Ordinance No. 3436 – An Ordinance Amending the Zoning and Development Code Development Review Process

Upon motion made by Councilmember Kirtland, seconded by Councilmember Butler, and carried by a roll call vote, Ordinance No. 3436 was approved on Second Reading and ordered published.

**Growth Plan Amendment for ISRE Property Located at 2990 D ½ Road**

[File #ANX-2002-049]

The ISRE property is a single parcel of land consisting of 14.149 acres located at 2990 D ½ Road. The petitioner is requesting to amend the Future Land Use Map of the Growth Plan to redesignate the property from Residential Medium-Low (2-4 units per acre) to Residential Medium (4-8 units per acre).

Kristen Ashbeck, Senior Planner, reviewed this item. She noted that the item for consideration does not include the rezone.

She reviewed the Growth Plan Amendment criteria and stated that she feels the criteria have been met.

Councilmember Theobold asked how the property to the south is developed. Ms. Ashbeck replied it is built at 5 to 6 units per acre.

The applicant was present but had nothing to add.

Resolution No. 54-02 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Redesignate Approximately 13 acres known as the ISRE Property Located at 2990 D-1/2 Road from Residential Medium Low (2 to 4 units per acre) to Residential Medium (4 to 8 units per acre)

Upon motion made by Councilmember Theobold, seconded by Councilmember Kirtland, and carried by a roll call vote, Resolution No. 54-02 was adopted.

**Two Rivers Convention Center/Avalon Operations**

Proposal to operate the Avalon Theater as an extension of Two Rivers Convention Center, beginning July 1. Full report includes transition plan from current to proposed operation.

Joe Stevens, Parks & Recreation Director, reviewed the current proposal for the City Parks and Recreation Department to take over operations of the Avalon Theater under the management of the Two Rivers Convention Center Manager. The proposal is for three years with a review of the operations afterwards. Mr. Stevens outlined the additional staff requirement and the anticipated City subsidy.

Councilmember Terry asked for clarification on the additional staffing. Mr. Stevens explained that the duties would be assigned as a Crew Leader, 75% to the Avalon Theater and 25% to Two Rivers Convention Center; the manager would be a 50-50 position between the two facilities; and one administrative staff person would be spending 15% of his time at the Avalon Theater and the remaining 85% at Two Rivers Convention Center.

Councilmember Kirtland expressed, that with the success of Two Rivers, there will be some economies of scale, and if the City does not agree to take over the operation of the Avalon Theater, the Avalon Theater may not be able to continue to operate.

Councilmember Spehar added that this proposal would allow the Avalon Board to concentrate on raising capital funds.

Councilmember Kirtland noted that there would be a higher level of service expectations once the City takes over. Mr. Stevens said matching fees to the level of service is probably the hardest balance to achieve, as was the case for Two Rivers Convention Center.

Councilmember Terry suggested an interim advisory group should be formed for the initial time period. City Manager Arnold said he had considered expanding the duties of the Two Rivers Advisory Board and perhaps recruit one more person. The board has not responded that they are willing to oversee the Avalon Theater in addition to Two Rivers Convention Center.

Councilmember Terry urged that such a board be followed through and that after six-months, a status report be submitted to Council.

Ed Lipton, Chair of Avalon Board, said there is a liaison between the Staff and the Avalon Board. The Board intends to leave things in order for the City. The \$200,000 renovation is being completed and Mr. Lipton invited the Council to stop in and visit the facility.

Councilmember Theobald wants the management relationship between the Avalon Theater and the City to work, but expressed reservations that a private entity involvement had not been explored. He was distressed at the statement that if the City doesn't take over the operation, the Avalon Theater will close; and lastly, the subsidy which was originally to stop at five years is now in its 8th year and will now triple, and he feels it will never end. He hopes the Council will remember the original intent after three years have passed.

Councilmember Spehar said the City owns this property and therefore the request is different than the other takeover requests received in the past.

Upon motion made by Councilmember Butler, seconded by Councilmember Spehar, and carried by a roll call vote, with Councilmember Theobald voting **NO**, Council

approved the recommended Operational Plan, including appropriate Budget Allocation and Staff Additions, to enable the Parks & Recreation Department to fully operate the Avalon Theater in complement to its existing Two Rivers Convention Center operations for the remainder of 2002 and full year of 2003.

**Final Hearing – CDBG 2002 Program Year Action Plan, a Part of the 5-Year Consolidated Plan**

Final adoption of the 2002 Program Year Action Plan. This annual plan is required by the Department of Housing and Urban Development (HUD) for the use of CDBG funds. The Action Plan includes the CDBG projects for the 2002 Program Year approved for funding on May 15, 2002.

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

David Thornton, Principal Planner, gave an overview of the Action Plan and the funding recommendations for this program year.

Councilmember Kirtland explained the funding of City projects and the concerns that came up. He further stated that he would like Council to look at some programs for neighborhood improvements like El Poso that would be apart from the CDBG. The Mayor said Staff has started to address that.

Councilmember Spehar felt this was appropriate. He pointed out that in alternate years CDBG funds are allocated to City projects that address some of the problems in these areas. He agreed with the suggestion that Staff address other ways to help those neighborhoods.

Councilmember Terry said she would vote “no” to reflect the concerns mentioned by Councilmembers Kirtland and Spehar and the use of CDBG funds for City projects. She respects the other side’s opinion, but cannot support the plan.

Councilmember Butler agreed with Councilmember Terry, but said he will vote in favor of the plan.

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

Resolution No. 55-02 – A Resolution Adopting the 2002 Program Year Action Plan as a Part of the City of Grand Junction’s 2001 Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Upon motion made by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by a roll call vote, with Councilmember Terry voting **NO**, Resolution No. 55-02 was adopted.

**Grant Application between Great Outdoors Colorado (GOCO) and the Riverfront Commission to Initiate the Development of Las Colonias Park and Community Separators**

At the May 13, 2002 Council Workshop, the Riverfront Commission made a presentation for their next GOCO Legacy Grant application which is due June 17, 2002. The presentation centered on the development of Las Colonias Park as part of the continuation of the Riverfront Greenway Legacy Project throughout Mesa County. The application also included funding Community Separators between the City of Fruita and the Town of Palisade. The discussion focused on partnerships for the grant application. To outline the extent of the City of Grand Junction's partnership in the grant, a resolution similar to the attached resolution should be adopted.

City Manager Arnold reviewed the status of the proposal and the revised information that has been supplied to Council. He pointed out the area of Las Colonias Park that could be developed through this grant and how the City is quantifying the local match. The other part of the grant is for the community separators (buffer areas). Mr. Arnold recommended that over the next two years the City budget \$400,000 cash, \$442,000 towards the clarity basins, and \$130,000 towards the community separators. He said the deadline for the grant application is June 17<sup>th</sup>. He further explained the need for Council to adopt a resolution at this meeting committing their support for the project and identifying the source of the funds.

Councilmember Terry wanted to clarify that the total commitment was \$972,000 over two years.

Councilmember Spehar wanted to propose a slightly different proposal due to the TABOR committee position and the direction they have had from Council on educating the public on the budget constraints due to TABOR. Another consideration is the letter from the Parks and Recreation Advisory Board on changing priorities and impacting the budget. His proposal would change the City's cash contribution to \$350,000, still leaving the local match at over 50%. He identified the funding sources for this match. He noted that the Parks & Recreation Director disagrees and would rather deduct the monies from a major project rather than take a percentage from the minor parks and land acquisition line item. He then stated the total amount the City has dedicated to the Riverfront Commission projects.

He also wanted to bring two more items the Council's attention. He urged the establishment of some sort of procedure that would require applications to be presented to the Parks and Recreation Advisory Board for their review early on in the process for proposals such as this one. The Parks and Recreation Advisory Board would then give their recommendation to City Council. And lastly, Councilmember Spehar advised the City Council not to include the Arts Center commitment in the application for the grant, since it is not prudent at this time, and it will not help the grant application. Since the Arts Center does not have funding identified, the City should leave that site commitment

open as a site for a Cultural Facility and have the Arts Commission facilitate discussions of possibilities.

Joe Stevens, Parks and Recreation Director, explained his difficulty in wrapping this into the current parks budget, his concerns about taking these funds out of the minor parks improvements budget, and which items have been identified for those funds. He suggested a deferral of restroom projects and a slow-down on parkland acquisitions.

Councilmember Spehar suggested that perhaps Bob Cron, the grant writer, address his suggested reduction.

Bob Cron, 310 Dakota Drive, Legacy Coordinator for the 15 Partners on the Greenway Committee asked Council to refocus on the partnerships for the grant application. He pointed out that the clarity ponds might not be eligible since they are not part of Phase I nor are they for recreation. The GOCO board and staff will look at each project element, of which one is Phase I of Las Colonias. He didn't think the City wanted to be a minority shareholder. He said the DDA and the Riverfront Commission wanted the City to match them dollar-for-dollar. He met with the partners last Wednesday, and they pledged their unanimous support to put Las Colonias in the first 50% of the grant.

Councilmember Spehar said he is trying to be sensitive to the City's cash position, and he added that the \$284,000 budgeted for trails reconstruction for 2003, 2004 and 2005 could perhaps be added to the \$350,000.

Mr. Cron explained that cash expenditures are not eligible unless the improvements are in Phase I of the Las Colonias Park.

Councilmember Terry wanted to know from Mr. Cron if the clarity basins are not allowed.

Mr. Cron replied that he received an email from a GOCO representative indicating that the clarity basins will not qualify since they are not a part of Phase I, but might be useable as leverage.

Councilmember Spehar asked if the clarity basins could be used for educational purposes.

Mr. Cron said it would be within the guidelines, but only for leverage and not for matching funds.

Councilmember Terry asked Mr. Cron to reclarify Phase I.

Mr. Cron explained that they reduced their original request of \$600,000 when they heard that the City could contribute \$400,000, and they increased their request to GOCO to \$1,000,000.

Councilmember Spehar wanted to know how the \$50,000 reduction would affect the DDA.

Bruce Hill, Chairman of the Downtown Development Authority, said it was never presented to the DDA Board as a one-to-one match and certainly 42% participation is better than 25%, and of course there would be a better chance of approval at 50%, but their \$200,000 was what the DDA Board wanted to contribute.

Pat Kennedy, 2296 South Arriba Circle, and Lenna Watson 720 Wedge Drive, co-chairs of the Riverfront Commission and members of the Riverfront Foundation, thanked Council for their commitment of \$350,000 and said their \$200,000 commitment was not dependent on a dollar-for-dollar match. Mr. Kennedy said he didn't know how GOCO would react and thanked Councilmember Spehar for his extra effort.

Councilmember Spehar suggested Council pass amended Resolution No. 56-02 excluding Section 3 & 4.

Dan Patton, Executive Director of The Arts Center, living at 414 Eagle Crest Court, said when he got involved two years ago it seemed like a good match when Las Colonias had money budgeted, and it was just a reason to show broader support for the project. He said that if Council eliminates Section 3 regarding discussions with the Arts Center that's fine with him.

Councilmember Spehar suggested continued discussions with other cultural organizations and, if necessary, build a larger facility.

Mr. Patton replied that he had approached the other organizations to look for collaboration, and that the ground work had been laid.

Councilmember Terry wanted to verify that Mr. Patton was still supporting ongoing discussions with other organizations.

Mr. Patton pointed out that the Arts Center should be considered on its own merit, but certainly other organizations could also be approached.

Councilmember Terry asked Mr. Patton if the resolution were to be adopted as proposed by Councilmember Spehar, eliminating negotiations with the Art Center at this time, would he still be supportive.

Mr. Patton answered it is not an issue with the Arts Center but that the Parks and Recreation Advisory Board needs to communicate with the Arts Commission.

Councilmember Spehar said the Parks And Recreation Advisory Board needs to make the final recommendation for the Final Master Plan to Council. In addition any discussions of what would be built on the site, would be designated as a site of a

cultural facility and needs to be facilitated by the Arts and Culture Commission and not limited to the Arts Center.

Councilmember Terry thanked Councilmember Spehar and wondered how this moves forward to include the Arts Center on the site. She asked for a timeline on that project.

Councilmember Spehar agreed with Councilmember Terry.

City Manager Arnold suggested exploring that process once the grant application was decided upon, which would be no later than November.

Councilmember Spehar pointed out the timeline request is not dependent on the grant.

Councilmember Terry said she is concerned about mandating the source of the funds, which would not allow Staff to seek those funds elsewhere.

Councilmember Spehar replied that certainly adjustments could be made when CIP is reviewed.

Councilmember Kirtland thanked Councilmember Spehar for his initiative and for looking at the budget philosophy so that Council is true to the TABOR policy, and he supports the suggested \$350,000 commitment.

Councilmember Theobald agreed with Councilmember Terry and hoped the \$50,000 was not the difference between a yes or no vote by GOCO. He said he is sympathetic to Mr. Stevens' concerns about the parks' funding, and he agrees with removing Sections 3 & 4 from the resolution.

City Manager Arnold reminded Council that this resolution was for the grant application only.

Councilmember Terry said there is a real benefit to the clarity basins for this project and rewording the application will hopefully help balance out the \$50,000.

Bob Cron said he is still hopeful about selling the clarity basins as wetlands.

Resolution No. 56-02 - A Resolution Supporting and Authorizing the Submittal of a Grant Application between Great Outdoors Colorado (GOCO) and the Riverfront Commission for the Continuation of the Riverfront Greenway Legacy Project throughout Mesa County

The motion was made by Councilmember Spehar to amend Resolution 56-02 by deleting Sections 3 & 4 and renumbering the amended resolution. The motion was seconded by Councilmember Theobald, and carried by a roll call vote. The amended Resolution No. 56-02 was adopted.



City Manager Kelly said it was an enlightening discussion that he definitely will pass on to the Department Heads. The Council has done a great job with the current budget and with the reality of the budget and Council formatted a procedure on how to do it within the current budget.

Councilmember Terry said they proceeded with caution and figured out a way for this request to work within Council's constraints, but didn't want to be closed to future opportunities when presented.

Councilmember Spehar said to also honor the Parks and Recreation Advisory Board priorities and suggested discussions or a policy, to have applications submitted to the Parks and Recreation Advisory Board with their recommendation for City Council's approval. He also suggested having the City Manager involved right from the start.

City Manager Arnold promised better collaboration of the various teams in the future.

### **NON-SCHEDULED CITIZENS & VISITORS**

There were none.

### **OTHER BUSINESS**

There was none.

### **EXECUTIVE SESSION – To Discuss Property Negotiations and Receive Legal Advice on Pending Litigation**

It was moved by Councilmember Spehar, seconded by Councilmember Theobald, and carried by all ayes, to go into executive session for the following purpose:

- 1) To discuss under C.R.S. 24-6-402(4)(a) the purchase, acquisition, lease, transfer or sale of real, personal or other property, particularly the bus depot under the Open Meetings Act 402(4)(a); and
- 2) Consult with the City Attorney under C.R.S. 24-6-402(4)(b) and to receive legal advice about litigation arising from a land use decision by the City Council under the Open Meetings Act 402(4)(b).

Councilmember Spehar announced that Council would not be returning to regular meeting.

### **ADJOURNMENT**

The meeting adjourned into executive session at 9:56 p.m.

Stephanie Tuin, CMC  
City Clerk