

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

December 18, 2002

The City Council of the City of Grand Junction convened into regular session on the 18th, day of December 2002, at 7:32 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Bill McCurry, Dennis Kirtland, Jim Spehar, and President of the Council Cindy Enos-Martinez. Councilmembers Janet Terry and Reford Theobold were absent. Also present were City Manager Kelly Arnold and City Clerk Stephanie Tuin.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Butler led in the pledge of allegiance. The audience remained standing for the invocation by Reverend Kathy Richardson of the Sunrise Church of God.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING DECEMBER 15, 2002 AS "BILL OF RIGHTS DAY" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO NEW AND REAPPOINTED MEMBERS OF THE VCB BOARD OF DIRECTORS

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

TO REAPPOINTED MEMBER OF THE HOUSING AUTHORITY BOARD OF DIRECTORS

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

SCHEDULED CITIZEN COMMENTS

There were none.

The Mayor recognized Boy Scout Troop 358 in the audience.

CONSENT CALENDAR

It was moved by Councilmember McCurry, seconded by Councilmember Spehar, and carried by a roll call vote, to approve Consent Items #1 through #22.

1. **Minutes of Previous Meetings**

Action: Approve the December 2, 2002 Regular Meeting and the Minutes of December 12, 2002 Special Meeting

2. **Amending the Special Improvement District Agreement between G.J. Rimrock Marketplace General Improvement District and the Developer**

This resolution amends the agreement Between the City Council (acting as the Board of Directors for the Rimrock Marketplace General Improvement District (GID)) and THF Belleville, the owner and developer of Rimrock.

Resolution No. 120-02 – A Resolution Approving an Amendment to the Special Improvement District Agreement between the City of Grand Junction Rimrock Marketplace General Improvement District and THF Belleville Development, LP

Action: Adopt Resolution No. 120-02

3. **Setting a Hearing to Amend Retirement Plans to Conform to Changes in Federal Law**

The City of Grand Junction, Colorado Employees Retirement Plan, the New Hire Fire Money Purchase Plan and the New Hire Police Money Purchase Plan are being amended to incorporate Internal Revenue Code (IRC) amendments that have recently been passed by Congress. These amendments must be incorporated into the aforementioned Plans.

Proposed Ordinance Adopting Amendments to Retirement Plans for Specified City of Grand Junction Employee Groups

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 5, 2003

4. **Annual Renewal of Advertising Contract with Hill & Company**

This is the 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 \$375,000

5. **Special Event Funding Awards**

Fourteen applications for funding were received. After review and discussion, the VCB Board recommends funding the following 8 events:

\$ 2,000	Fruita Fat Tire Festival
\$ 3,500	Colorado Mountain Winefest
\$ 2,000	Kokopelli Adventure Race
\$ 4,000	Downtown Car Show
\$ 2,000	Wells Fargo Art & Jazz Festival
\$ 1,000	Mesa State College Rodeo
\$ 600	Rim Rock Run
\$ 1,000	Grand Valley Renaissance Faire
\$16,100	TOTAL AWARDS

Action: Approve Funding Awards as Recommended

6. **Amendment to Canyon View Park Design Contract with Winston Associates for Continued Design Services**

The schematic design of Phase II of Canyon View Park has been completed by Winston Associates and a more firm cost estimate has been prepared, thus allowing for the continuation of the design process. The original design contract with Winston Associates allowed for and stated that the contract could be amended for the provision of the remainder of the design documents, i.e.; Design Development, Bidding Documents and Construction Documents.

Action: Authorize the City Manager to Sign a Change Order with Winston Associates in the Amount of \$136,625 for Design of Canyon View Park

7. **Vacating a Temporary Turnaround Easement in the Flint Ridge Subdivision, Located at 2960 D Road** [File #FP-2001-156]

Request to approve a resolution to vacate a temporary turnaround easement in the Flint Ridge Subdivision, located at 2960 D Road.

Resolution No. 121-02 – A Resolution Vacating a Temporary Turnaround Easement Located at the Northern End of Broken Arrow Drive in the Flint Ridge Subdivision Located at 2960 D Road

Action: Adopt Resolution No. 121-02

8. **Setting a Hearing for Zoning the Rowe Annexation, Located at 176 28 1/2 Road** [File #ANX-2002-223]

First reading of the zoning ordinance to zone the Rowe Annexation Residential Single-Family-4 (RSF-4), located at 176 28 1/2 Road.

Proposed Ordinance Zoning the Rowe Annexation to Residential Single Family-4 (RSF-4), Located at 176 28 1/2 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 15, 2003

9. **Setting a Hearing for Zoning the Smith Annexation, Located South of 378 Evergreen Road** [File #ANX-2002-222]

First reading of the zoning ordinance to zone the Smith Annexation Residential Single-Family-4 (RSF-4), located south of 378 Evergreen Road.

Proposed Ordinance Zoning the Smith Annexation to Residential Single-Family-4 (RSF-4), Located South of 378 Evergreen Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 15, 2003

10. **Setting a Hearing for Rice Annexations #1 and #2, Located at 135 Burns Drive** [File #ANX-2002-214]

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Rice Annexations #1 and #2 located at 135 Burns Drive. The 4.8673 acre Rice Annexation is a serial annexation consisting of one parcel of land and a portion of the B Road, 29 1/2 Road, 30 Road, Hwy 50, and Burns Drive right-of-way.

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

Resolution No. 122-02 – 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, Rice Annexation, Located at 135 Burns Drive

Action: Adopt Resolution No. 122-02

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rice Annexation #1, Approximately 3.1399 Acres, Located near 135 Burns Drive Within B Road and 29 ½ Road Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rice Annexation #2, Approximately 1.7278 Acres, Located at 135 Burns Drive and Includes a Portion of 29 ½ Road, 30 Road, Highway 50, and Burns Drive Rights-of-Way

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for February 5, 2003

11. Setting a Hearing for the King Rezone at 2610 Kelley Drive [File #RZ-2002-208]

Petitioner is requesting to rezone a 3.28 acre lot from RSF-R (Residential Single Family – Rural – 1 unit/5 acres) to RSF-1 (Residential Single Family not to exceed 1 units/acre).

Proposed Ordinance Zoning the King Property Located at 2610 Kelley Drive to RSF-1

Action: Adopt Proposed Ordinance and Set a Hearing for January 15, 2003

12. Setting a Hearing for Zoning the Dettmer II No. 2 and No. 3 Annexation, Located at 2918, 2924 and 2926 D ½ Road [File # ANX-2002-221]

The Dettmer II No. 2 and No. 3 Annexation consists of three parcels, totaling 2.95 acres located at 2918, 2924 and 2926 D-1/2 Road. The petitioner is requesting a zone of Residential Single Family 4 units per acre (RSF-4), which will conform to the Growth Plan Future Land Use Map that shows this area as Residential Medium Low with a density range of 2 to 4 units per acre.

Proposed Ordinance Zoning the Dettmer II No. 2 and No. 3 Annexation Residential Single Family With a Maximum Density of 4 Units Per Acre (RSF-4) Located at 2918, 2924 and 2926 D-1/2 Road

Action: Adopt Proposed Ordinance and Set a Hearing for January 15, 2003

13. **Setting a Hearing on Siena View No. 1 and No. 2 Annexation, Located at 2945 D ½ Road** [File #ANX-2002-228]

Siena View Annexation, a serial annexation comprised of 4.6 acres, located at 2945 D ½ Road, has presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately.

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

Resolution No. 123-02 – 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, the Siena View No. 1 and Siena View No. 2 Annexations Located at 2945 D ½ Road

Action: Adopt Resolution No. 123-02

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Siena View No. 1 Annexation, Approximately 0.377 Acres, Located at 2945 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Siena View No. 2 Annexation, Approximately 4.47 Acres, Located at 2945 D ½ Road

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for February 5, 2003

14. **Setting a Hearing for Zoning the Oda Annexation, Located at 2561 River Road** [File # ANX-2002-220]

The Oda Annexation consists of 2 parcels of land on 21.18 acres located at 2561 River Road. The Oda's are requesting annexation as part of a contract with the City. The proposed zoning is I-1 for the Oda property. The second parcel is owned by the City and is adjacent to the Oda property. The City owned land is adjacent to the Colorado River and has a portion of the riverfront trail crossing it. The proposed zoning for the City property is Community Services and Recreation (CSR).

Proposed Ordinance Zoning the Oda Annexation to Light Industrial (I-1) and Community Services and Recreation (CSR) Located at 2561 River Road and Adjacent to the Colorado River

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 15, 2003

15. **Amending the Grand Junction Metro Planning Organization (MPO) Boundary**

Adoption of a joint resolution changing the boundary of the MPO planning area as shown on Exhibits 1 and 2 by adding the limits of Palisade and Fruita, and the areas in-between. The resolution process to change the MPO boundary is required by federal law.

Resolution No. 124-02 – A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Approving Town of Palisade and City of Fruita Membership in the Grand Valley Metropolitan Planning Organization

Action: Adopt Resolution No. 124-02

16. **Intergovernmental Agreement to Create the Grand Valley Regional Transportation Committee**

The Regional Transportation Policy Advisory Committee (RTPAC) is proposing adoption by the City of Grand Junction, the City of Fruita, the Town of Palisade and Mesa County of an Intergovernmental Agreement (IGA) that will replace the 1984 agreement between the City and Mesa County. In addition, this IGA will add Palisade and Fruita as members. The existing RTPAC will be renamed the Grand Valley Regional Transportation Committee and will continue to set policy for the federally required Metropolitan Planning Organization (“MPO”). This IGA provides clearer definition of the roles of this committee, defines membership in the committee and provides operating bylaws and rules for the committee. The existing staff, termed the Regional Transportation Planning Office (“RTPO”) will continue to serve as the staff support for the new GVRTC.

a. Resolution

Resolution No. 133-02 – A Resolution Guiding the City’s Representative to the Grand Valley Regional Transportation Committee

Action: Adopt Resolution No. 133-02

b. Intergovernmental Agreement

Action: Authorize the Mayor to Sign the Intergovernmental Agreement for the Creation of the Grand Valley Regional Transportation Committee

17. Amending the Contract to Exchange Real Estate with Dyer, LLC to Extend the Closing Date

The proposed action will extend the date of closing the City's contract to exchange real estate with Dyer, LLC from December 30, 2002 to January 31, 2003.

Resolution No. 126-02 – A Resolution Extending the Closing Date of that Certain Contract to Exchange Real Estate between the City and Dyer, LLC

Action: Adopt Resolution No. 126-02

18. Lease Extension with Donald Fugate, dba Don's Automotive, Located at 545 Noland Avenue

The proposed action will authorize a one-year extension of the lease of City property at 545 Noland Avenue to Donald Fugate Jr., dba Don's Automotive.

Resolution No. 127-02 – A Resolution Extending the Lease of City Property at 545 Noland Avenue to Donald Fugate, Jr., dba Don's Automotive

Action: Adopt Resolution No. 127-02

19. Lease Extension with Saccomanno, Located at the Southwest Corner of 26 ½ Road and H Road

The proposed action will authorize a one-year farm lease of the City's Saccomanno Park property located at the southwest corner of 26 ½ Road and H Road.

Resolution No. 128-02 – A Resolution Amending and Extending the Farm Lease of the Saccomanno Park Property to Robert H. Murphy

Action: Adopt Resolution No. 128-02

20. **Contract for the Construction of Redlands Village NE Sewer Improvement District Lines**

This contract would construct over 4,900 feet of sanitary sewer within the existing Redlands Village North subdivision located north west of the intersection of the Redlands Parkway and Highway 340.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Sorter Construction	Grand Jct.	\$225,510.00
Downey Excavating	Montrose, CO	\$238,273.00
M.A. Concrete	Grand Jct.	\$240,283.00
RW Jones	Fruita.	\$244,817.00
Precision Excavating	Hayden, CO	\$245,434.40
Skyline Construction	Grand Jct.	\$260,132.00
Bogue Construction	Fruita, CO	\$274,416.70
Spallone Construction	Gunnison, CO	\$277,746.00
Grant Miller, Inc.	Silverthorne, CO	\$352,356.00
Engineer's Estimate		\$247,724.00

Action: Authorize City Manager to Sign a Contract for the Construction of the Redlands Village NE Sewer Improvement District with Sorter Construction in the Amount of \$225,510

21. **USEPA Grant Application "TMDL Development for 303(d) Listed Streams in the Grand Valley"**

The City of Grand Junction is applying for an \$80,000 grant from the USEPA to be contracted to a qualified sub recipient. The grant proposal will provide a detailed characterization of the sources and loads of selenium in Persigo Wash, Adobe Creek and Lewis Wash. Selenium characterization of washes will aid selenium remediation planning and increase understanding to land use planners about the effect of land use on selenium concentrations and loadings in the Grand Valley.

Action: Authorization to Apply for USEPA Grant Application "TMDL Development for 303(d) Listed Streams in the Grand Valley" in the Amount of \$80,000

22. **USEPA Grant Application “Colorado River Endangered Fish Critical Habitat Mixing Zone and Diffuser Study”**

The City of Grand Junction requests authorization to apply for a \$100,000 grant from the USEPA to be contracted to a qualified sub recipient. The grant proposal will provide a detailed mixing zone and diffuser study to assess the ultimate discharge location for the Persigo Wastewater Treatment facility into endangered fish critical habitat in Persigo Wash and the Colorado River.

Action: Authorization to Apply for USEPA Grant Application “Colorado River Endangered Fish Critical Habitat Mixing Zone and Diffuser Study” in the Amount of \$100,000

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

Amending Sewer System Rates for Year 2003

Resolution Amending Persigo System Wastewater Rates for the Year 2003, affecting a 5% Rate Increase on all Wastewater Services provided effective January 1, 2003.

Public Works and Utilities Director Mark Relph reviewed this item.

Councilmember Kirtland asked when the last rate increase occurred. Mr. Relph responded that the last increase was four years ago and that this is a programmed increase.

Resolution No. 125-02 – A Resolution Amending Persigo System Wastewater Rates for the Year 2003

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 125-02 was adopted.

Public Hearing - Special Assessment and Issuance of Bonds for Rimrock Marketplace

This is the second reading of three related ordinances for Rimrock Market Place G.I.D. They authorize creating a special assessment district, bond sale of \$3,980,000, and assessing the properties in the district.

The public hearing was opened at 7:46 p.m.

Administrative Services Director Ron Lappi reviewed this item. He explained the purpose of each of the three ordinances. The first ordinance creates the Rimrock Special Improvement District within the General Improvement District. The second ordinance issues the bonds and the third ordinance will assess the properties. Mr. Lappi said one lot has been sold off and has been excluded.

Councilmember Spehar asked for verification that the City will not be obligated for these bonds. Mr. Lappi confirmed that.

Larry Beckner, the attorney representing MA Concrete Construction, advised Council that an unpaid mechanic's lien of \$122,000 against the Rimrock Development has not been paid in full but that about \$70,000 of it has been paid.

Tom Volkmann, the attorney for the developer, said Mr. Beckner is correct and assured Council the bond for the encumbrance will be superior to the mechanic's lien and that the dispute is on approximately \$50,000 out of a million dollar contract.

The public hearing was closed at 7:52 p.m.

Ordinance No. 3478 – An Ordinance Creating the Rimrock Marketplace Special Improvement District Within the City of Grand Junction Rimrock Marketplace General Improvement District

Ordinance No. 3479 – An Ordinance Concerning the Rimrock Marketplace General Improvement District and Authorizing the Issuance of Special Assessment Bonds

Ordinance No. 3480 – An Ordinance Approving the Whole Cost of the Improvements to be Made in the Rimrock Marketplace Special Improvement District; Assessing a Share of Said Cost Against Each Lot or Tract of Land in the District; and Prescribing the Manner for the Collection and Payment of Said Assessments

Upon motion made by Councilmember Butler, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinances No. 3478, No. 3479 and No. 3480 were adopted on Second Reading and ordered published in pamphlet form.

Public Hearing - 2003 Annual Appropriation

The total appropriation for all thirty-six accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$103,480,492. Although not a planned expenditure, an additional \$2,500,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

The public hearing was opened at 7:53 p.m.

Ron Lappi, Administration Services Director, reviewed this item. He briefly reviewed the totals and the amount of the reserves. He also said the City Manager's salary in the Ordinance reflects his current salary of \$110,000.

There were no public comments.

Councilmember Spehar restated his concern about monies being transferred from parks projects to Canyon View Park.

The public hearing was closed 7:57 p.m.

Ordinance No. 3481 – The Annual Appropriation Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2003 and Ending December 31, 2003

Upon motion made by Councilmember Kirtland, seconded by Councilmember Butler, and carried by a roll call vote, Ordinance No. 3481 was adopted on Second Reading and ordered published.

Parking Meter Fee Changes

A resolution amending Resolution No. 71-01 that established new parking fines and fees. The new resolution provides for a change in the 4 hour meter rates and a new classification as short-term parking. If approved, all 46 current 4 hour meters and an additional 40 meters at 3rd and Main will be changed from 10 cents per hour to 50 cents per hour.

Ron Lappi, Administrative Services Director, reviewed this item. He stated the reason the DDA is requesting the change now is so the meters can be changed while they are covered during the holiday season. Bruce Hill, DDA Board Member, explained that it mostly concerns the DDA lot. He said people are using the spaces for long-term parking instead of the spaces being available to shoppers during business hours. The rate change will discourage long-term parking by employees and provide shoppers with additional time for shopping.

Councilmember Theobald joined the meeting at 8:00 p.m.

Councilmember Spehar asked if the rate being requested is a mid-range. Mr. Lappi replied the rate is the same as for the short term parking rates for one and two hour meters.

Mr. Lappi clarified that the proposed resolution changes the rate only.

Resolution No. 129-02 – A Resolution Amending Resolution Number 71-01 that Established New Parking Fines and Fees for the City of Grand Junction, by Providing for a Change in the 4 Hour Meter Rate

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 129-02 was adopted.

Public Hearing – Krizman Annexation, Located at 626 30 Road [File #ANX-2002-192]

Resolution for Acceptance of the Petition to Annex and Second Reading of the annexation ordinance for the Krizman Annexation No. 1 and No. 2 located at 626 30 Road. The annexation consists of 18.485 acres on one parcel of land.

The public hearing was opened at 8:08 p.m.

Ronnie Edwards, Associate Planner, reviewed this item.

Alan Workman, the broker representing the Krizman family, introduced Brian Hart of Landesign. Mr. Hart said his presentation was specific to the zoning and will address Council then.

There were no comments.

The public hearing was closed at 8:10 p.m.

a. Accepting Petition

Resolution No. 130-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Krizman Annexation is Eligible for Annexation Located at 626 30 Road and Including a Portion of the 30 Road Right-of-Way

b. Annexation Ordinances

Ordinance No. 3482 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Krizman Annexation No. 1, Approximately 9.615 Acres Located at 626 30 Road

Ordinance No. 3483 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Krizman Annexation No. 2 Approximately 8.8697 Acres Located at 626 30 Road and Including a Portion of 30 Road

Upon motion made by Councilmember McCurry, seconded by Councilmember Theobold, and carried by a roll call vote, Resolution No. 130-02 was adopted, and Ordinances No. 3482 and No. 3483 were also adopted on Second Reading and ordered published.

Public Hearing – Zoning the Krizman Annexation, Located at 626 30 Road [File #ANX-2002-192]

The Krizman Annexation No. 1 and No. 2 is a serial annexation comprised of 1 parcel of land on 18.138 acres located at 626 30 Road. The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its November 12, 2002 meeting.

The public hearing was opened at 8:11 p.m.

Ronnie Edwards, Associate Planner, reviewed this item.

Councilmember Theobold asked about the build-out of the property to the north. Ms. Edwards said it was developed as single family.

Brian Hart, LanDesign, 244 N. 7th St, representing the petitioner explained that the property is located ¼ mile north of F Road near 30 Road. He said it is currently zoned RML by the County. He stated the zone requested is consistent with the Growth Plan. He reviewed the surrounding areas as to their zoning and pointed out that RSF-4 zoning is what most of the neighborhoods are zoned at with the exception of the north property, which is zoned RMF-5.

Councilmember Spehar asked about the average lot size in the proposed subdivision. Mr. Hart said the minimum lot size is 8,000 square feet. He explained that he cannot state an average lot size since there is no preliminary plan as of yet.

Kevin Gallegos, who lives at 2998 F ¼ Road and owns property adjacent to the property, distributed a handout and explained his concerns which revolve around lot sizes and traffic. He said most of the surrounding properties are around 10,000 square feet and he would like the new development to be consistent with the existing neighborhood.

Ms. Edwards explained the next step will be the development of a Preliminary Plan. Once that Plan goes to hearing, owners within 500 feet will be notified and a neighborhood meeting will also be required.

The public hearing was closed at 8:21 p.m.

Councilmember Kirtland confirmed that surrounding property owners, including those which are not located within the City limits, will have the opportunity to speak at the public hearing.

Ordinance No. 3484 – An Ordinance Zoning the Krizman Annexation to Residential Single Family with a Density Not to Exceed Four Units Per Acre (RSF-4) Located at 626 30 Road

Upon motion made by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by a roll call vote, Ordinance No. 3484 was adopted on Second Reading and ordered published.

Public Hearing – Zoning of the ISRE Annexation No. 2, Located at 2980 D ½ Road
[File #ANX-2002-176]

The ISRE Annexation No. 2 is a single parcel of land consisting of 5.7 acres located at 2980 D-1/2 Road. The petitioner is requesting a zone of Residential Multifamily, 8 units per acre (RMF-8), which will conform to the Future Land Use Map of the Growth Plan which was recently amended for this parcel. Planning Commission to hear this item at its December 17, 2002 meeting.

The public hearing was opened at 8:22 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item. She noted the numerous hearings that have been held on this property. She noted the owner wants to combine all the properties into one plan. The Planning Commission recommended approval at its December 17th meeting and found it met the criteria.

The petitioner was present but did not wish to speak.

There were no comments.

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

Ordinance No. 3485 – An Ordinance Zoning the ISRE Annexation No. 2 Residential Multifamily with a Maximum Density of 8 Units Per Acre (RMF-8) Located at 2980 D-1/2 Road

Upon motion made by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3485 was adopted on Second Reading and ordered published.

Revoke and Reissue the Revocable Permit for GVT Bus Benches and Transit Shelters [File #RVP-2002-020]

This request is to amend the Revocable Permits for bus benches and shelters along the existing GVT routes. Outdoor Promotions requests twenty (20) new bus benches and nine (9) new transit shelters. The request includes relocating three (3) shelters to replace existing benches. In addition, the staff proposes to allow the Director to approve changes in location of benches and shelters and to allow the Director to approve existing locations in newly annexed areas.

Lori Bowers, Senior Planner, reviewed this item and explained the procedures being proposed. She assured Council that both the advertising versus non-advertising ratio has remained consistent and is in compliance with the agreement.

Ms. Bowers noted that the resolution also authorizes Staff to make changes administratively. She questioned whether advertising should be allowed in a CSR zoning and requested that the subject be revisited when the location is adjacent to residential areas. Ms. Bowers said she is also proposing a form for each new bench or shelter be submitted by the applicant. Another item to be considered is incorporating all the newly annexed areas. She said if benches already exist in new areas, a proposal to require the contractor to bring the bench or shelter up to City standards within thirty days of annexation (effective date) should also be included.

Councilmember Theobald clarified the two policy questions.

Ms. Bowers said the contractor also wants all new benches to be approved administratively rather than a process before Council. Councilmember Theobald felt the newly annexed area policy as proposed is adequate. He felt that advertising should not be allowed in CSR zones. Ms. Bowers stated that some CSR zones are adjacent to B-1 areas. Mr. Theobald said he is less concerned about advertising in commercial areas with the exception of school areas. He said he has no objections with the Director approving administrative issues as site location has never been an issue. Councilmember

Spehar agreed with Councilmember Theobold and the policy for new areas, although he would like an annual update. He agreed with no ads in CSR zoning adjacent to residential areas but does not object to school locations in commercial areas.

Councilmember Kirtland suggested there be a percentage of business versus residential relative to surrounding areas in order to determine the suitability of bench/shelter placement. Community Development Director Bob Blanchard said there is no standard in place but felt the determination will be evident, but if not he would err on the conservative side.

Councilmember McCurry agreed with Councilmember Theobold except that he has no objections to advertisement on benches in school areas. Mayor Enos-Martinez said she agrees.

Ms. Bowers next asked if the Director should oversee all new locations. Council's answer was affirmative. Ms. Bowers explained that the resolution states that advertising in residential areas is prohibited, and the definition of CSR relative to advertising will affect a Code change.

Resolution No. 131-02 – A Resolution Revoking a Revocable Permit Granted to Outdoor Promotions, Inc.

Resolution No. 132-02 – A Resolution Concerning the Issuance of a Revocable Permit to Outdoor Promotions, Inc.

Upon motion made by Councilmember Theobold, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 131-02 and No.132-02 were adopted.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION

Councilmember Spehar moved, Councilmember Kirtland seconded the motion to go into Executive Session to:

- a) determine the City's position, and to instruct the City's negotiators regarding oil and gas leases and related activities on City lands near Grand Mesa, including lands within the Grand Mesa Slopes Special Management area, pursuant to section 402 (4) (e) of Colorado's Open Meetings Act;
- b) determine whether the City Manager should pursue the acquisition of property in the downtown Grand Junction area, pursuant to Section 402 (4)(e) of the Colorado's Open Meetings Act.

ADJOURNMENT

Council adjourned into Executive Session at 8:45 p.m.

Stephanie Tuin, CMC
City Clerk