

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

APRIL 2, 2003

The City Council of the City of Grand Junction convened into regular session on the 2nd day of April 2003, at 7:34 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Bill McCurry, Dennis Kirtland, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and Deputy City Clerk Debbie Kemp.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Theobold led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Gary Cake of the More Than Words Ministry.

APPOINTMENTS

**RATIFY APPOINTMENTS TO THE RIVERVIEW TECHNOLOGY CORPORATION
BOARD OF DIRECTORS**

Councilmember Theobold moved to ratify the appointment of Jim Widdows for a 3 year term and Janet Terry for the remainder of a 3 year term to the Riverview Technology Corporation Board of Directors. Councilmember Spehar seconded the motion. Motion carried.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO REAPPOINTED MEMBER OF THE COMMISSION ON ARTS AND CULTURE

The appointee Pamela Blythe was present and received her certificate.

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

Councilmember Kirtland moved to approve Consent Calendar Items #1 through 13 and Items #15 through 18, and which include the contracts for the following items:

- Concrete Repair for Street Overlays with Vista Paving Corporation in the Amount of \$279,008.18
- New Sidewalk Construction 2003 Project with Reyes Construction in the Amount of \$143,347.20
- Skyway Sewer Improvement District Change Order No. 1 with Mendez, Inc. in the Amount of \$119,831.05

Councilmember Terry seconded the motion. President of the Council Enos-Martinez asked for a roll call vote. The motion carried by a vote of 6 – 1 with Councilmember Terry abstaining from Item #18.

Item #14 was previously removed from the Consent Calendar (to be considered at a subsequent meeting).

1. Minutes of Previous Meetings

Action: Approve the Summary of the March 3, 2003 Workshop and the Minutes of the March 5, 2003 Regular Meeting

2. Setting a Hearing on Zoning the Hubbartt Annexation Located at 2976 Gunnison Avenue [File #ANX-2003-008]

The Hubbartt Annexation is comprised of 1 parcel of land consisting of 1.2731 acres located at 2976 Gunnison Avenue. The petitioner is requesting a zone of Light Industrial (I-1), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its February 25, 2003 meeting.

Proposed Ordinance Zoning the Hubbartt Annexation to Light Industrial I-1 Located at 2976 Gunnison Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

3. Setting a Hearing on Zoning the Seriani Annexation Located at 2986 Gunnison Avenue [File #ANX-2003-025]

The Seriani Annexation consists of 0.68 acres of land that is located at 2986 Gunnison Avenue and is currently being used as a storage yard for their concrete business. The petitioner's intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business in spring 2003. The proposed annexation is considered to be a serial annexation and can be legally described as Lot 12, Banner Industrial Park. The proposed zoning is I-1, Light Industrial.

Proposed Ordinance Zoning the Seriani Annexation, Lot 12, Banner Industrial Park to Light Industrial (I-1) Located at 2986 Gunnison Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

4. **Setting a Hearing on Zoning the Fairway Pines Annexation Located at 2970 B Road** [File # ANX-2003-021]

The Fairway Pines Annexation is requesting that a zoning of RSF-4 be applied to the 6.4295 acres. The Planning Commission at its March 11, 2003 hearing recommended approval of the zone of annexation.

Proposed Ordinance Zoning the Fairway Pines Annexation to the Residential Single Family – 4 Dwelling Units Per Acre (RSF-4) District Located at 2970 B Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

5. **Setting a Hearing on Zoning the Fruitvale Estates Annexation, Located at 3083 E½ Road (Orchard Avenue)** [File # ANX-2003-023]

The Fruitvale Estates Annexation is requesting that a zoning of RSF-4 be applied to the 4.3815 acres. The Planning Commission at its March 25, 2003 hearing recommended approval of the zone of annexation.

Proposed Ordinance Zoning the Fruitvale Estates Annexation to the Residential Single Family – 4 dwelling Units Per Acre (RSF-4) District Located at 3083 E½ Road (Orchard Avenue)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

6. **Setting a Hearing on Zoning the Grand Meadows South Annexation, Located at 466 30 Road** [File # ANX-2003-010]

First reading of the zoning ordinance to zone the Grand Meadows South Annexation Residential Multi-Family-5 (RMF-5), located at 466 30 Road.

Proposed Ordinance Zoning the Grand Meadows South Annexation to Residential Multi-Family-5 (RMF-5), Located at 466 30 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

7. **Setting a Hearing on Zoning the Summit Meadows West Annexation, Located at 3134 and 3138 D½ Road** [File # ANX-2003-016]

First reading of the zoning ordinance to zone the Summit Meadows West Annexation Residential Multi-Family-5 (RMF-5), located at 3134 and 3138 D½ Road.

Proposed Ordinance Zoning the Summit Meadows West Annexation to Residential Multi-Family-5 (RMF-5), Located at 3134 and 3138 D½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

8. **Setting a Hearing on Spanish Trails, Filing 3, Right-of-Way and Easement Vacation** [File # FPP-2002-204]

A request to vacate a portion of the 24¼ Road Right-of-Way and emergency access easement in the proposed Spanish Trails, Filing 3

- a. Proposed Ordinance Vacating a Portion of the 24¼ Road Right-of-Way
- b. Proposed Ordinance Vacating an Emergency Access Easement in Spanish Trails

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for April 16, 2003

9. **Setting a Hearing on Zoning Redlands Mesa, Phase III** [File # FPP-2002-211]

A request to approve Planned Development zoning for Redlands Mesa, Phase III, to allow 61 single-family lots.

Proposed Ordinance Zoning Land Located South and West of the Ridges Known as Redlands Mesa, Phase III to Planned Development (PD)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

10. **Setting a Hearing on Rezoning The Cottages at The Commons Assisted Living Facility Located at 625 27½ Road** [File # RZ-2003-026]

Hilltop Health Service Corporation proposes to construct twenty two-bedroom Cottages as Phase 2 of the four-phase Commons project in progress at 625 27½ Road. This project requires that the approved Final Plan and Planned Development zoning ordinance be amended.

Proposed Ordinance Amending Ordinance No. 3263 Pertaining to the Commons Assisted Living Facility, 625 27½ Road (Formerly 616 27½ Road)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

11. **Purchase of Police Vehicles**

Purchase of five Crown Victoria Police Vehicles.

Action: Authorize the City Purchasing Manager to Purchase Five Crown Victoria Police Vehicles from Western Slope Automotive in the Amount of \$119,365.00

12. **Sole Source and Purchase of 2 Greenmaster 3100 Mowers**

This purchase is being requested by the Parks Department, the Division of Golf, to replace two old outdated mowers.

Action: Authorize the City Purchasing Manager to Purchase two Toro Greenmaster 3100 Triplex Mowers from L.L. Johnson Distributing Company in the Amount of \$20,213.00 each for a Total Purchase of \$40,426.00

13. **Sole Source and Purchase of 1 Sidewinder Mower**

This purchase is being requested by the Parks Department, the Division of Golf, to replace two old outdated mowers with a single better-suited mower.

Action: Authorize the City Purchasing Manager to Purchase one Toro Groundmaster Mower from L.L. Johnson Distributing Company in the Amount of \$28,995.00

14. Re-Authorizing the Exchange of Real Estate with the Western Colorado Botanical Society

This item was removed from the Consent Calendar and will be rescheduled on a later agenda.

The proposed exchange will allow the Botanical Society to own the land upon which the Society's offices and Children's Library are located.

15. Concrete Repair for Street Overlays

Bids were received and opened on March 7, 2003 for Concrete Repair for Street Overlays. Vista Paving Corporation submitted the low bid in the amount of \$279,008.18.

Action: Authorize the City Manager to Sign a Construction Contract with Vista Paving Corporation for Concrete Repair for Street Overlays in the Amount of \$279,008.18

16. New Sidewalk Construction 2003

Bids were received and opened on March 6, 2003, for the New Sidewalk Construction 2003. The low bid was submitted by Reyes Concrete Construction, Inc. in the amount of \$143,347.20.

Action: Authorize the City Manager to Sign a Contract with Reyes Construction for the New Sidewalk Construction 2003 Project in an Amount of \$143,347.20

17. Skyway Sewer Improvement District Change Order No. 1 to Construction Contract

Approval of Change Order #1 in the amount of \$119,831.05 to Mendez, Inc. the Contractor for the Skyway Sewer Improvement District. This Change Order would include reconstruction of an additional 2100 lineal feet of ten foot wide concrete trail within the Colorado River State Park at Connected Lakes. Total trail reconstruction for the project will be 2900 lineal feet.

Action: Authorize the City Manager to Sign a Change Order to the Contract with Mendez Construction to Reconstruct the Concrete Trail Within the Colorado River State Park at Connected Lakes in the Amount of \$119,831.05

18. Setting a Hearing on Bond Ordinance for Community Hospital

The City of Grand Junction has been requested to authorize tax-exempt bonds not to exceed \$3,025,000 on behalf of Community Hospital. The proposed ordinance accomplishes the issuance of these bonds for the 501 C (3) hospital. The bonds are not an obligation of the City nor do they in any way use our credit rating.

Proposed Ordinance Authorizing the Issuance and Sale of City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project), Series 2003, in the Aggregate Principal Amount not to Exceed \$3,025,000; Making Determinations as to Sufficiency of Revenues and as to Other Matters Related to the Project and Approving the Form and Authorizing the Execution of Certain Documents Relating Thereto.

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *******Public Hearing – Rezoning the World Harvest Church Property Located at 2826 F Road** [File # RZ-2002-236]

Second reading of the rezone ordinance for the World Harvest Church property located at 2826 F Road, from RMF-8 to RMF-12.

The public hearing was opened at 7:39 p.m.

Lori Bowers, Senior Planner reviewed this item.

Brian Hart, 244 7th Street, LanDesign, representing the applicant said he agrees with the Staff's recommendation and appreciates Council's approval of the rezone request.

There were no public comments.

The public hearing was closed at 7:45 p.m.

Ordinance No. 3507 – An Ordinance Rezoning Lot 2, of the Harvest Subdivision Located at 2826 F Road from RMF-8 to RMF-12

Upon motion made by Councilmember Spehar, seconded by Councilmember Theobold, and carried by a roll call vote, Ordinance No. 3507 was adopted on Second Reading and ordered published.

Public Hearing – Tobacco Ordinance Addressing the Problem of Teenage Smoking

In February 1999, City Council adopted Ordinance No. 3095, addressing the problem of teenage smoking. The ordinance will sunset in February 2004 if no further action is taken by City Council. This ordinance will make the provisions of Ordinance No. 3095 permanent.

The public hearing was opened at 7:45 p.m.

Stephanie Rubinstein, City Staff Attorney, reviewed this item. She explained that this Ordinance repeals the sunset rule provision of Ordinance No. 3095 and makes tobacco possession by anyone under the age of 18 illegal.

Councilmember Theobold clarified that Ordinance No. 3508 relates only to the repeal of the sunset provision of Ordinance No. 3095, and that it prohibits the possession of tobacco by persons under the age. He said this ordinance is not related in any way to the current drive in the community or the forthcoming proposal to Council to make all public places within the City limits a smoke-free environment.

The public hearing was closed at 7:49 p.m.

Ordinance No. 3508 – An Ordinance Amending Chapter 24 of the City of Grand Junction Code of Ordinances

Upon motion made by Councilmember Theobold, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3508 was adopted on Second Reading and ordered published.

Water Service Agreement: Reeder Mesa Livestock Water Company

Water Service Agreement between the City of Grand Junction and the Reeder Mesa Livestock Water Company for the City to provide water service from the Kannah Creek Water System.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the major principals of this contract, and the past and future use of the system including the fee schedule.

Councilmember Terry thanked Utilities Manager Greg Trainor and City Attorney Dan Wilson for their hard work to finalize the agreement. She said she knows that the parties involved have been working to resolve this issue for many years.

Councilmember Theobold stated that this project has been a topic that has been wrestled with for years and he is happy to see that it is in the final stage.

City Attorney Wilson stated that this is the last piece of the process and that the work of the last couple of years has finally solved the problems.

Councilmember Spehar moved to authorize the City Manager to sign a Water Service Agreement with Reeder Mesa Livestock Water Company for the City to provide water service from the Kannah Creek Water System. Councilmember Theobold seconded the motion. Motion carried.

Construction Management/General Contractor Services for the Redlands Fire Station #5

Professional Construction Management/General Contractor (CM/GC) services for the construction of the new Redlands Fire Station #5. CM/GC and the architect will participate with the City Fire Department, Public Works Department, and Community Development Department to insure the final design and construction of the facility complies with Fire Department requirements, within budget and within the projected schedule. They shall fully collaborate with TSP, the architectural firm.

Ron Watkins, Purchasing Manager, reviewed this item and requested that FCI Constructors, Inc. be awarded the contract to build the Redlands Fire Station #5.

President of the City Council Enos-Martinez said she is excited that a fire station finally will be built in the Redlands.

City Manager Kelly Arnold explained that due to the State's budget problems, the funding of the grant to construct the fire station will be delayed. He said the City may not know for at least a month when the grant will be funded, but that the City still needs to move ahead and build the fire station. He recommended discussing alternatives at a future Council Workshop.

Councilmember Theobold moved to authorize the City Manager to sign a contract with FCI Constructors, Inc. of Grand Junction, Colorado, to provide professional construction management/general contractor (CM/GC) services for the City of Grand Junction's Redlands Fire Station #5 for a total estimated cost of \$ 207,105.60. Councilmember McCurry seconded the motion. Motion carried.

Fire Act Grant – FEMA

The 2003 federal Fire Act Grant process is open for applications. The Fire Department plans to submit an application for the 2003 Fire Act Grant program for the purchase of an ambulance to be used at Fire Station #5. The ambulance is needed for EMS operations in the Redlands area.

Rick Beaty, Fire Chief, asked that Council authorize the Fire Department to submit a grant application for \$100,000 to purchase an ambulance. He said April 11, 2003 is the grant application deadline. Chief Beaty informed Council the City would be required to match the grant by 30 percent.

Councilmember Kirtland moved to authorize the Fire Department to apply for a 2003 Fire Act Grant to purchase an ambulance. Councilmember Theobald seconded the motion. Motion carried.

NON-SCHEDULED CITIZENS & VISITORS

Mr. David Dawson, 5290-G Arapahoe Avenue, Boulder, Colorado, addressed Council to introduce a non-profit organization that was created in 1990, which provides a radio reading service for the blind. He said the organization's small staff consists mostly of volunteers who donate their time to operate the studios. He said their goal is to continually expand this service throughout the State.

Mr. Dawson said he is in Grand Junction to promote this service to the blind and has met with various groups (i.e. radio and television stations, blind people) in town. He said he signed up quite a few people in the City for this free service. He showed Council one of the converted radios used by the reading service. He said he hoped that in the future the public access channel could also be used for this purpose.

Mr. Dawson told Council he would leave informational material explaining the service and he thanked the Councilmembers for their consideration and the opportunity to familiarize the public with this reading service for the blind.

OTHER BUSINESS

There was none.

ADJOURNMENT

City Council President Enos-Martinez called for the meeting to be adjourned. The meeting was adjourned at 8:15 p.m.

Debbie Kemp
Deputy City Clerk