

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

February 18, 2004

The City Council of the City of Grand Junction convened into regular session on the 18th day of February 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Councilmember Dennis Kirtland was absent. Also present were City Manager Kelly Arnold, Acting City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Jim Spehar called the meeting to order. Councilmember McCurry led in the pledge of allegiance. The audience remained standing for the invocation by Howard Hays, First Church of the Nazarene.

APPOINTMENTS

To the Commission on Arts and Culture

Councilmember Butler moved to reappoint Karen Kiefer and Joan Meyers and appoint Lora Quesenberry to the Commission on Arts and Culture for three year terms until February, 2007. Councilmember Enos-Martinez seconded. Motion carried.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

To Planning Commission

Tom Lowery was present to receive his certificate.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember McCurry, seconded by Councilmember Butler, and carried by a roll call vote, to approve Consent Calendar Items #1 through #8 except for items #2 and #7 which were moved to items under Individual Consideration.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the February 2, 2004 Workshop and the Minutes of the February 4, 2004 Regular Meeting

2. **Purchase of 1% for the Arts Sculpture for Fire Station #5**

THIS WAS MOVED TO INDIVIDUAL CONSIDERATION

The Commission on Arts and Culture recommends that the City Council approve commissioning a bronze sculpture for the new Redlands Fire Station #5 through the 1% for the Arts Program.

3. **Setting a Hearing for the Vacation of 10' of the 100' Width Right-of-Way on Horizon Drive Located Adjacent to Lots 2 & 3, Foursquare Minor Subdivision at 638 Horizon Drive** [File #VR-2003-182]

The petitioners, Ronald & Lee Ann Unfred, are requesting approval to vacate ten feet (10') of a 100' width right-of-way adjacent to Lots 2 & 3, Foursquare Minor Subdivision in order to improve the internal vehicular circulation on their lot(s) for their proposed Bed & Breakfast Inn. A 20' Multi-Purpose Easement will be dedicated to cover the existing underground utilities in the area. The Planning Commission recommended approval at its February 10th, 2004 meeting.

Proposed Ordinance Vacating 10' of the 100' Width Right-of-Way on Horizon Drive Located Adjacent to Lots 2 & 3, Foursquare Minor Subdivision Known as: 638 & 640 Horizon Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for March 3, 2004

4. **Setting a Hearing to Rezone 0.95 Acres from PD, (Planned Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) Located at 2558 & 2560 Patterson Road** [File #RZ-2003-278]

The petitioners, Dave & Lisa Proietti, are requesting approval to rezone two (2) properties located at 2558 & 2560 Patterson Road from PD & RMF-8 to RO. The two (2) properties total 0.95 acres. The Planning Commission recommended approval at its February 10th, 2004 meeting.

Proposed Ordinance Rezoning the Property Known as the Proietti Rezone Located at 2558 & 2560 Patterson Road

Action: Introduction of Proposed Ordinance and Set a Hearing for March 3, 2004

5. **Setting a Hearing on the Landmark Baptist Church Annexation Located at 3015 D Road** [File # ANX-2004-016]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.779 acre Landmark Baptist Church annexation consists of 1 parcel.

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

Resolution No. 15-04 – 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, Landmark Baptist Church Annexation, Located at 3015 D Road

Action: Adopt Resolution No. 15-04

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Landmark Baptist Church Annexation, Approximately 4.779 Acres Located at 3015 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for April 7, 2004

6. **Setting a Hearing on the Intent to Create Music Lane Area Sanitary Sewer Improvement District No. SS-46-04**

A majority of the owners of real estate located west of 26 Road between Meander Drive and F ½ Road (including Music Lane) have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the Septic Sewer Elimination Program (SSEP) to help reduce assessments levied against the affected properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district. A Public Hearing is scheduled for April 7, 2004

Resolution No. 16-04 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Music Lane Area Sanitary Sewer Improvement District No. SS-46-04, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same, and Giving Notice of a Hearing

Action: Adopt Resolution No. 16-04

7. **Resolution for GOCO Grant Application – Wingate Park**

THIS ITEM WAS MOVED TO INDIVIDUAL CONSIDERATION

Adoption of resolution authorizing a \$200,000 grant application to be submitted to Great Outdoors Colorado (GOCO) for development at Wingate Park.

8. **Setting a Hearing for Amending the Ordinance on Sidewalk Permits in the Downtown Shopping Park**

This amendment to the ordinance will result in a reduction of many of the fee’s charged and collected by the DDA with the expectation that it will result in an increase in outdoor activity along Main Street during the summer months.

Proposed Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Permits for Activities in the Downtown

Action: Introduction of Proposed Ordinance and Set a Hearing for March 3, 2004

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

Purchase of 1% for the Arts Sculpture for Fire Station #5

The Commission on Arts and Culture recommends that the City Council approve commissioning a bronze sculpture for the new Redlands Fire Station #5 through the 1% for the Arts Program.

Allison Sarmo, Cultural Arts Coordinator, displayed and described the recommended sculpture for selection. Doug Clary, Chairman for the Commission on Arts and Culture, echoed Ms. Sarmo and stated that the sculpture is a beautiful piece of art.

Councilmember Butler asked if there will be an agreement stating there will be no other similar piece within 200 miles. Mr. Clary confirmed such a stipulation will be on the commission.

Councilmember McCurry moved to authorize the City Manager, City Attorney, and the Commission on Arts and Culture to Negotiate a Contract with Colette Pitcher to Create and Install a Life-sized Bronze Fire Fighter at the Redlands Fire Station. Councilmember Palmer seconded. Motion carried.

Design and Construction Contracts (Items a – c may be awarded under one motion)**a. Signal Communications Design Contract**

Award of a Professional Services Design Contract for Signal Communications Design Phase 1C to Kimley-Horn & Associates, Inc. in the amount of \$60,700.00. Phase 1C will connect traffic signals on Patterson Road from 25 Road to 30 Road to the existing fiber optic cable network that was constructed for phases 1A and 1B.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the purpose of a Professional Services Design Contract for Signal Communications Design Phase 1C. This project will be designed to reduce congestion. The contract tonight is just for the design.

Councilmember Enos-Martinez asked if all of the signals in the system can be monitored from the City Shops. Mr. Relph confirmed that all signals on the system will be.

Councilmember Hill asked if additional fiber-optic is being laid at the same time for communication. Mr. Relph replied affirmatively.

It was moved by Councilmember Enos-Martinez to authorize the City Manager to Execute a Design Contract for Signal Communications Design Phase 1C to Kimley-Horn and Associates, Inc. in the Amount Not to Exceed \$60,700.00. Councilmember Butler seconded. Motion carried.

b. 25 ½ Road Reconstruction Phase 1 Utilities

Award of a Construction Contract for the 25 ½ Road Reconstruction Phase I Utilities to M. A. Concrete Construction in the amount of \$785,551.47. The 25 ½ Road Reconstruction Phase I Utilities project is the first phase of a project that will improve 25 ½ Road from the north side of Independent Avenue to the south side of Patterson Road. A new City storm drain will be constructed, existing City sewer and water lines will be replaced as needed, and all irrigation crossings will be replaced.

Mark Relph, Public Works and Utilities Director, reviewed this item. He stated that the project has been on the City's CIP budget for ten years. It is a significant project. The hill on 25 ½ Road at Orchard Avenue will be cut down by seven feet. The road will be closed for a period of time, about two months. He explained how the new storm drain will be replaced as well as other utilities at the same time. Mr. Relph described some of the issues the department is facing with this project; the road being closed will affect emergency access which is important with the fire station located on that road and the school as well as the ball fields. A temporary road with recycled asphalt will be

constructed to allow for additional access. October 2004 is the projected completion date.

Mr. Relph said that in communicating with the affected property owners, they have had very positive feedback. Face to face communication has occurred with every property owner but one. Newsletters have been distributed and two open houses have been held.

In speaking to Sam's Club, the City has offered to rebuild the entrance and facilitate truck traffic. The owner of the trailer park has been very accommodating. One trailer will need to be moved slightly. The landlord of Independent Plaza has been involved in the discussions. Every effort is being made to avoid disruption of irrigation and access.

Councilmember Enos-Martinez asked about the tennis club owners. Mr. Relph did not have specific information on discussions with them but they will have access.

Councilmember McCurry inquired about the daycare operation. Mr. Relph assured Council that discussions have occurred with that facility.

Council acknowledged and appreciated the efforts made by the department to contact all affected owners.

Councilmember Hill asked how the new road will look. Mr. Relph said it will be three lanes with bike lanes on each side. At the intersection there will be a left-turn pocket. Parking at and adjacent to the school will also be improved.

Councilmember Hill inquired about additional storm drainage being incorporated into the project. Mr. Relph said that measures are being taken to be able to accommodate more drainage as determined.

It was moved by Councilmember Butler to authorize the City Manager to Execute a Construction Contract for 25 ½ Road Reconstruction, Phase 1 Utilities to M.A. Concrete Construction in the Amount of \$785,551.47. Councilmember Enos-Martinez seconded. Motion carried.

c. Design and Construction of Wingate Park

The Design/Build Contractor shall be responsible for the complete design and construction of Wingate Park. The selected contractor shall meet with the Parks Planner to review the conceptual idea of the park, participate in meetings as requested, complete subsurface investigation and provide Landscape Architectural and Engineering design services and complete construction of the park. The City will be responsible for land use and sharing agreements with the School District.

Joe Stevens, Parks and Recreation Director, reviewed this item. He explained how the process worked and how the neighborhood and the school representatives were involved. It was decided that the park would be built as a design-build process. The City has had several successful projects built using this process. Two finalists were selected from the RFP process, one local and one from Littleton. The reason the Littleton firm was selected was due to their experience and resources, along with a list of other items. The selection of the Littleton firm was unanimous. A guaranteed maximum price will still need to be negotiated. The firm's fees are reviewed prior to selection. The final engineering and design is not complete which is why the maximum price has not been finalized.

Councilmember Hill inquired why all four respondents were not in the final interview. Mr. Stevens explained that there was a clear demarcation between the two firms selected and the two not selected. The two selected were very qualified. Had their presentation not been adequate, the other two not selected would have been brought in.

Council President Spehar asked if all firms were privy to the maximum budget. Mr. Stevens replied that they were, with the caveat that a grant would be applied for, and if they were awarded the grant, there may be additional budget available.

Councilmember Palmer asked how the budget for this park was determined. Mr. Stevens said the plan developed in the mid-1990's was updated by the elements by the Parks Planner. The main changes to the original design were the interpretive programs, working with the schools and the buffer needed between the park and the homes. Additional requests in the area meetings were a skate park, additional parking, tennis courts and restrooms.

Mr. Stevens said they went into the process stating that there was \$580,000 in the budget to build a park. The design-build process will also allow the heavy construction to take place in the summer when school is not in session. The school/park share concept will require an intergovernmental agreement with the school.

Councilmember Hill expressed concern about the local contractor who was not selected but appeared to be capable and had been used in the past.

Councilmember Enos-Martinez suggested that Council should direct Staff to look hard at any local contractors that have the expertise required when possible.

Council President Spehar said that message has not been sent to staff and that most money has been spent with local contractors but staff needs to be allowed to take advantage of particular expertise required on certain projects if the best contractor is not local. Contractors have stated that they do not want local preference because then they will be subject to that preference in other communities. To change the contractor preference, it would have to be done for all projects and not just a particular project.

Mr. Stevens advised that one member of the team is a local firm and American Civil Contractors will be using local contractors. American Civil Contractors really excels in the finishing work. He stated his high regard for the other firm, Clark and Company.

Councilmember Palmer noted the process as a double-edged sword. Council has the charge to get the best expertise and there are advantages to having global companies as well as local companies.

Council President Spehar said that the subject of local contractor bids versus non-local contractor bids can certainly be a matter of discussion but not at this time in awarding this contract. It is not known how much of this contract will actually go out of town. Mr. Stevens said he can share the spread of local versus non-local when they come back with the guaranteed maximum price.

It was moved by Councilmember Enos-Martinez to authorize the City Manager to Execute a Contract with American Civil Constructors (ACC) to Design and Build the City of Grand Junction Wingate Park in an Amount Not to Exceed \$580,000. Councilmember McCurry seconded. Motion carried with Councilmember Hill and Councilmember Palmer voting **NO**.

Resolution for GOCO Grant Application – Wingate Park

Adoption of resolution authorizing a \$200,000 grant application to be submitted to Great Outdoors Colorado (GOCO) for development at Wingate Park.

Joe Stevens, Parks & Recreation Director, reviewed the grant request and what it will be used for. He explained that it may give the City some more funding for some of the additional items being requested.

He stated that usually with GOCO grants, there are very strong partnerships. Although the partnerships are not as strong as the Legacy/Riverfront GOCO grants, there are a number of groups such as soccer clubs and tennis clubs that support it. The deadline for the grant application is March 3, 2004 and the City will not be advised of the award of the grant until mid June. If successful, the guaranteed maximum price will probably have to be amended in order to include those additional elements. There is some stiff competition in Mesa County for this round of applications although the department is very hopeful. Balancing the match can be tricky. A shift of resources may have to occur to make it work.

City Manager Kelly Arnold asked for confirmation that this grant application will not delay the park construction. Mr. Stevens said there would be no delay except for any new elements if the grant is awarded.

Resolution No. 17-04 – A Resolution Supporting and Authorizing the Submittal of a Grant Application Between Great Outdoors Colorado (GOCO) and the City of Grand Junction for the Development of Wingate Park

Councilmember Palmer moved to adopt Resolution No. 17-04. Councilmember McCurry seconded. Motion carried by roll call vote.

Consider the Rehearing of the Valley Meadows North Rezone

Consideration of a request for a rehearing of the rezone application for the Valley Meadows North property located at the north end of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4).

Bob Blanchard, Community Development Director, reviewed the request for the rehearing received on January 30, 2004 from Bob Knight, Co-President for the Valley Meadows East Homeowners Association. The original hearing was on January 21, 2004. The Zoning and Development Code requires three criteria must be met in order for the rehearing to be granted. The request must be from an attendee at the original public hearing for zoning. Bob Knight was present. The request must be within ten days and the request was received on January 30th, so it was timely. The response from the developer's attorney Rich Livingston argued that the request was not filed within the ten days but it is date stamped as being received on January 30, 2004. The last criterion is that the Council must find that they may have failed to consider or misunderstood or information was not provided that would have been required for the decision to be made.

Councilmember Butler asked if a Councilmember voting in the majority must make the motion to consider. Acting City Attorney Shaver confirmed and advised that if any public testimony is considered that only be taken in regard to rehearing criteria. No motion is required to kill the request.

The Council determined that no public testimony is required and that the written material is sufficient.

No motion was made which denied the request for rehearing.

Consider the Repeal of Resolution No. 75-02 and Adopt Guidelines for Use of City Hall Grounds for Limited Public Forums

City Council has reconsidered the limitations on public speech and assembly resulting from the adoption of Resolution 75-02 in July of 2002.

John Shaver, Acting City Attorney, reviewed the revised facilities guidelines that will allow a limited public forum to occur on the front area of City Hall being designated as the Outdoor Assembly Area. He advised that the guidelines have been reviewed with the City Clerk. The resolution does not specifically adopt the guidelines but does repeal the previous resolution and designates the Outdoor Public Assembly Area.

Councilmember Palmer inquired if there are laws and regulations in place right now that would prohibit any unauthorized use or activity. Mr. Shaver said that there are references now in place in the resolution and the adoption of this resolution will make the area a designated public forum.

Councilmember Hill asked about the area on the west side of the building. Mr. Shaver responded that the sidewalk has never been excluded. Councilmember Hill would like it expanded to all hardscape area. Mr. Shaver said the purpose of the designated area was to eliminate the Cornerstone area specifically.

Council President Spehar clarified that they are repealing the resolution and the map is part of the administrative policy only. Mr. Shaver concurred.

City Manager Arnold asked the Council to advise him now if there is any change to be made to the Administrative Policy.

Resolution No. 18-04 - A Resolution Repealing Resolution 75-02 and Adopting a Policy for the Use of City Hall Facilities and the Designated Outdoor Assembly Area

It was moved by Councilmember Hill, carried by Councilmember Spehar and carried by a roll call vote to adopt Resolution No. 18-04.

Councilmember Hill then asked the City Manager to amend the policy to include the hardscape area on the west side of the building.

Council President Spehar asked if there is any objection.

Councilmember Butler objected but no others were voiced so an additional map of the west area will be incorporated into the policies.

City Manager Arnold asked for confirmation that there is no objection to Policy #17 which encourages for-profit users to use other facilities. There were no objections from Council.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

To Planning Commission

Travis Cox was now present to receive his certificate of appointment.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Stephanie Tuin, MMC
City Clerk