

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

SEPTEMBER 21, 2005

The City Council of the City of Grand Junction convened into regular session on the 21st day of September 2005, at 7:10 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Doody led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Mark Quist, New Life Church.

Council President Hill announced that today he, along with Judge Palmer and Communications Coordinator Sam Rainguet hosted 60 third graders in this room and invited them to watch tonight's broadcast.

PRESENTATION OF CERTIFICATES OF APPOINTMENTS

TO THE RIVERFRONT COMMISSION

Kathy Herzog was present to receive her certificate. Lesley Blumberg was not present.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING OCTOBER 2005 AS "PHYSICAL THERAPY MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAIMING OCTOBER 1, 2005 AS "OKTOBERFEST DAY" IN THE CITY OF GRAND JUNCTION

PROCLAIMING OCTOBER 2005 AS "KIDS VOTING MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAIMING OCTOBER AS "BREAST CANCER AWARENESS MONTH" IN THE CITY OF GRAND JUNCTION AND MESA COUNTY

APPOINTMENTS/ENDORSEMENTS

RATIFY APPOINTMENTS TO THE URBAN TRAILS COMMITTEE

Councilmember Beckstein moved to ratify the re-appointment of Paul Darr, Timothy Fry, and Denise McGinnis and ratify the appointment of Dr. Kenneth Lane to the Urban Trails

Committee with terms ending June 30, 2008. Councilmember Spehar seconded the motion. Motion carried.

RESOLUTION NO. 152-05 – A RESOLUTION ENDORSING COUNCIL PRESIDENT BRUCE HILL’S APPLICATION FOR A LEADERSHIP POSITION ON THE NLC COMMUNITY AND ECONOMIC DEVELOPMENT STEERING COMMITTEE AND DIRECTING THAT A LETTER OF ENDORSEMENT BE SENT TO NLC ON THE CITY COUNCIL’S BEHALF

Council President Pro Tem Palmer moved to adopt Resolution No. 152-05. Councilmember Coons seconded. Motion carried.

CITIZEN COMMENTS

Ron Kelley, no address provided, addressed the City Council regarding emergency preparedness and asset protection. He shared the following observations: various occurrences around the country, Hurricane Katrina, evacuation in Galveston. Mr. Kelly read a letter from Editor Kim Bullen, Mesa County Emergency Management Director and highlighted some items in the letter. He questioned whether any of what she said was being done. He said in August, 2004 he came to a Strategic Plan, neighborhood meeting and there was nothing about emergency planning. He noted that Grand Junction is vulnerable to flooding and most citizens do not know what to do in the case of an emergency. He asked who is in charge for the various emergencies that could occur and asked why Grand Junction is not prepared. He advised and submitted some comments in writing to the City Manager a year ago and he did not receive a response.

Council President Hill asked Mr. Kelly to provide his comments to City Manager Arnold and asked that Mr. Kelley be provided a copy of the community’s Emergency Management Plan.

CONSENT CALENDAR

It was moved by Councilmember Coons, seconded by Council President Pro Tem Palmer and carried by roll call vote to approve Consent Calendar Items #1 through #8.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the September 7, 2005 Special Session and the Minutes of the September 7, 2005 Regular Meeting

2. **Asphaltic Road Material (Road Oil)**

The purchase of Asphaltic Road Material (Road Oil) required for the City chip seal projects for the year 2005 is estimated at 72,000 gallons of HFMS-2P.

Action: Authorize the Purchase of an Estimated 72,000 Gallons of Asphaltic Road Materials on an as-needed basis for the Budgeted Amount of \$78,000.00 for the Year 2005

3. **Change Order #4 to the Contract for the Duck Pond Park Lift Station Elimination Project**

Approve contract change order #4 for fill of annular space between casing pipe and 24" sewer carrier pipe to Mendez, Inc. in the amount of \$22,904.00 to the Duck Pond Park Lift Station Elimination Project construction contract for a revised contract amount of \$2,143,663.59. There has already been \$120,159.59 approved for Change Orders 1, 2, and 3.

Action: Authorize the City Manager to Approve Contract Change Order #4 to the Duck Pond Lift Station Elimination Project in the Amount of \$22,904.00 with Mendez, Inc. for Filling Annular Space between Casing and Sewer Carrier Pipe with Fly Ash Material

4. **Setting a Hearing to Rezone Lots 1 & 2, Chiroconnection Simple Subdivision from RMF-8, Residential Multi-Family – 8 Units/acre to RO, Residential Office, Located at 1705 & 1715 N. 1st Street** [File # RZ-2005-153]

The petitioner, William C. Weimer, is requesting approval to rezone two properties located at 1705 & 1715 N. 1st Street from RMF-8 to RO. The two properties total 0.41 acres. The Planning Commission recommended approval at its September 13, 2005 meeting.

Proposed Ordinance Rezoning the Property Known as the Weimer Properties Rezone Located at 1705 & 1715 N. 1st Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2005

5. **Setting a Hearing for the Ankarlo Annexation Located at 385 31 5/8 Road** [File #ANX-2005-194]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 10.31 acre Ankarlo Annexation consists of 1 parcel.

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

Resolution No. 153-05 – 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, Ankarlo Annexation, Located at 385 31 5/8 Road and a Portion of the 31 5/8 Road Right-of-Way

Action: Adopt Resolution No.153-05

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ankarlo Annexation, Approximately 10.31 Acres, Located at 385 31 5/8 Road and a Portion of the 31 5/8 Road Right-of-Way

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 2, 2005

6. **Setting a Hearing for the Emmanuel Baptist Church Annexation Located at 395 31 5/8 Road** [File #ANX-2005-215]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.36 acre Emmanuel Baptist Church Annexation consists of 1 parcel.

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

Resolution No. 154-05 – 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, Emmanuel Baptist Church Annexation, Located at 395 31 5/8 Road

Action: Adopt Resolution No. 154-05

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Emmanuel Baptist Church Annexation, Approximately 4.36 Acres, Located at 395 31 5/8 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 2, 2005

7. Setting a Hearing on an Ordinance Amending the Dog Regulations, Chapter 6 of the Code of Ordinances

Amendments to Article III (Dogs and Cats) of Chapter 6 (Animals) of the Grand Junction Code of Ordinances concerning impoundment and licensing of dogs, control of dangerous dogs, exceptions to the prohibition of dogs at large, a surcharge on fines for dog at large and correction of scriveners' errors are proposed.

Proposed Ordinance Amending Parts of Chapter 6, Article III of the City of Grand Junction Code of Ordinances Relating to Licensing and Impoundment of Dogs, Dogs at Large, Control of Dogs, Dangerous Dogs, A Surcharge on Fines for the Purpose of Funding Dog Park(s) and Correction of Scriveners' Errors and Authorize the Publication in Pamphlet Form

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2005

8. Request for Incentives for Colorado Bureau of Investigation

The Grand Junction Economic Partnership is requesting consideration of an incentive in the amount of \$200,000 for the Colorado Bureau of Investigation (CBI) to relocate to the City of Grand Junction. This incentive would be based on a written agreement between the parties and is based on the intent of CBI to move, hire, and retain a certain number of employees for a specified period of time.

Resolution No. 157-05 – A Resolution Authorizing an Economic Incentive for the Colorado Bureau of Investigation for \$200,000 to Relocate to the City of Grand Junction

Action: Adopt Resolution No. 157-05

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Advertising Services Contract for the Visitor and Convention Bureau**

The general scope of this contract includes professional advertising, marketing and promotional services with the primary purpose of promoting Grand Junction as a visitor destination. Agencies were required to submit a plan that focused on utilizing the budget available focusing on advertising, but also included the integration of public relations, research, and promotions. This contract is for a period of one year starting on January 1, 2006 through December 31, 2006 and can be renewed annually for a period not to exceed 3 additional years.

Ronald Watkins, Purchasing Manager, and Debbie Kovalik, Executive Director, Visitor and Convention Bureau, reviewed this item. Mr. Watkins described the bid process. Ms. Kovalik said this is the fifth time bids have been done in the last fifteen years and said it was time to review the contract, as the last contract was a five-year renewal. The VCB Board decided last year to split the advertising services from the internet component. Ms. Kovalik said that a majority of visitors that come to Grand Junction have used the VCB website prior to coming to visit. She said the VCB Board, key VCB staff, as well as other City staff sat on the interview panel and said three companies bid on the project and made presentations. The committee felt that Hill and Company had the highest level of experience and competitive abilities, plus financial abilities, and a good track record. The VCB is recommending Hill and Company be awarded the contract in an amount not to exceed \$325,000.

Council President Pro Tem Palmer inquired about the services to be billed to the City as stated in the proposal. Ms. Kovalik referred to the contract and said the billing will be to the VCB as well as the City. Council President Pro Tem Palmer asked if Hill and Company have been awarded the contract since 1990. Ms. Kovalik said that is true but because of Hill and Company's performance and their experience, they scored very high in their rating, so there would need to be a very compelling reason to select another contractor.

Councilmember Coons inquired about the low number of bidders from the local market. Ms. Kovalik said that the contract requires the management of a large budget and any successful bidder must demonstrate the ability to handle that size of budget. Ms. Kovalik said the larger agencies tend to not respond to the request for a proposal since Grand Junction is still considered a small market. She noted the example of Colorado Springs, where there are a number of large agencies which would have some of the qualifications required by VCB, such as membership in organizations that provide marketing materials to outside areas, but smaller local companies would probably not pursue such memberships.

Councilmember Doody moved to authorize the City Manager to sign a contract with Hill and Company in the amount not to exceed \$325,000 for 2006 advertising services for the Visitor and Convention Bureau. Councilmember Beckstein seconded the motion. Motion carried.

Web Site Marketing Contract for the Visitor and Convention Bureau

The general scope of this contract includes professional internet marketing services with the primary purpose of promoting GJVCB's website as the official site for vacation planning information about the Grand Junction area. Agencies were required to submit a plan that focused on utilizing the budget available focusing on hosting the web site, maintaining the current site, enhancements and search engine optimization. This contract was part of the advertising contract, but was pulled out for this solicitation due to the ever expanding and changing web environment. This contract is for a period of one year starting on January 1, 2006 through December 31, 2006 and can be renewed annually for a period not to exceed 3 additional years.

Debbie Kovalik, Executive Director, Visitor and Convention Bureau, reviewed this item. She related to how this component was separated from the general advertising contract and said Hill and Company has been doing the internet marketing in the previous contracts. She said VCB is very dependent on search engines and others besides Google are becoming more and more competitive. Therefore, the need is becoming more and more advanced. She said two agencies bid and made presentations, Miles Media and Hill and Company. Both companies were basically tied in their rating points but the selection committee is recommending Miles Media to bring more knowledge and expertise to the City.

Councilmember Doody asked about the point system used. Ms. Kovalik described the specific ratings and the system used.

Council President Pro Tem Palmer moved to authorize the City Manager to sign a contract with Miles Media Group in the amount not to exceed \$75,000 for 2006 web site marketing for the Visitor and Convention Bureau. Councilmember Coons seconded the motion. Motion carried.

Amending the 24 Road Corridor Subarea Plan [File# GPA-2005-148]

A request to amend the 24 Road Corridor Subarea Plan in the Mixed Use designation to reduce the minimum residential density from 12 units per acre to 4 units per acre; delete the requirement for residential development; and allow for large-scale retail development.

Council President Hill asked City Attorney John Shaver to explain this matter before Council so that viewers as well as Council will be clear on the options available to City Council. Council President Hill related the request that went to the Planning Commission. He said the Planning Commission recommended a review of the 24 Road Corridor Plan by a Citizens Review Committee. He listed the options available to the City Council: approve the Planning Commission recommendations to form a Citizen Review Committee, remand the matter back to Planning Commission for a specific review, or decide that no review is necessary.

City Attorney John Shaver distinguished between the procedural and specific request. The Planning Commission recommended the plan be referred to a Citizens Review Committee. The Plan Administration chapter of the Growth Plan does recommend that changes to the Plan be referred to a Citizens Committee. Mr. Shaver said City Council can give specific direction to such a Committee, either to review the whole thing or just the specifics in the request or narrow their review further. Once the Citizens Committee makes a recommendation, the recommendations should then go to the Planning Commission and then onto the Growth Plan Amendment before the City Council. Mr. Shaver said it is a Growth Plan Amendment process first, not just a Code Amendment process.

Councilmember Beckstein inquired as to what the time frame would be with the Citizens Review Process. Mr. Shaver said it is within the Councils' purview to place a time frame on the process. City Manager Kelly Arnold said it would depend on the scope of the questions; it took two years to develop the initial plan. Councilmember Beckstein asked how that time frame would be affected if the City Council takes the matter up tonight and makes a decision. Mr. Shaver said that is an option but it would not be his recommendation.

Councilmember Doody asked about the make-up of a Citizens Committee. Mr. Shaver said it would be staff's recommendation that the original committee that created the plan be reconstituted. The City Council can adjust that as they see fit, the Growth Plan does not dictate that but makes broad recommendations as to the composition.

Council President Hill asked for Council's preference. It was decided to hear the representative of the applicant.

Tom Volkmann, attorney representing the property owners in the 24 Road area, stated he recalled the luncheon meeting where this matter was discussed a few months ago. He read that the Growth Plan indicates a major policy review should occur every three to five years. With a steering committee, there is certainly a timing factor, but they do not have other problems with the Plan besides those in the specific request. He urged the Council to narrow the focus of the Committee. He asked that a time frame be a consideration. He also asked the Council to ensure that the recommendations can in fact be

implemented. He said he could argue that this is not a major policy review but he would rather that Council keep in mind the time factor. He advised that the Planning Commission had the opportunity to address the specific request so it would be inappropriate to send it back to them.

Councilmember Spehar advised that Council is certainly not going to guarantee that any recommendation that comes forward will be approved and going back to the Planning Commission is the process that is expected. He said creating another big box corridor is a major change so it would have to go through the appropriate process. He agreed to make the process as short as possible but not by cutting pieces out.

Mr. Volkmann again repeated that they have already appeared before the Planning Commission and they did not make the specific recommendations but instead sent it forward with a recommendation for a Citizens Committee.

Council President Pro Tem Palmer said it is very appropriate to go to the community and ask them. If the current plan is not working then that should be addressed.

Councilmember Beckstein asked for clarity in that these specific items being asked to be changed did not come forward through the committee that originally created the Plan, rather these items were added on after the Citizens Steering Committee put forth their recommendation. She said it was clarified that if sent to a Citizens Committee, their recommendations would then have to go to the Planning Commission. Mr. Volkmann conceded and apologized for not being clear.

Councilmember Thomason asked if the matter could be sent to a new committee. Mr. Shaver said that is an option, however, the reconvening of the previous committee might be more expedient.

Councilmember Doody asked about the specific three items not being included in the original plan. Councilmember Spehar said it is not uncommon for the final decision-makers to add some final items; the residential requirement was not a staff recommendation but actually was put forth by them. Mr. Volkmann agreed and noted that is not inappropriate, it just did not come forward from the original committee.

Councilmember Spehar inquired how long the process was initially. Kathy Portner, Planning Manager, advised it was just over a year, with the help of a consultant.

Council President Pro Tem Palmer inquired if six months would be a reasonable time frame. Ms. Portner deferred to Community Development Director Bob Blanchard. Mr. Blanchard advised that at the present, there is no long range planning projects being done due to the current work load and said how long will depend on how the review is focused.

Councilmember Beckstein asked if any of the items were put forth to the original committee, discussed and they declined inclusion. A Steering Committee member Jeff Over said they spent a year working on the plan and thought their recommendation was an excellent plan. He said the three things were not contentious issues and the committee did not feel they should be included. Mr. Over said the plan was changed and no housing requirement was in their recommendation. He said the Steering Committee was upset at the modifications. He did not feel it should go back to the community, their original recommendation was not followed so what would change.

Councilmember Coons felt the process was legal and appropriate. She felt the request would be a significant enough change that Council should stay true to the process by sending it back to a Citizens Committee, narrowing the focus to the three items and she agrees with reconstituting the original committee for expedience sake. The reason she feels the study should be focused on the three items is that the City has changed since the original plan and it is appropriate to take a look at those three items.

Council President Pro Tem Palmer supported reviewing the Plan and he supported the Planning Commission's recommendation of a Citizens Committee, as he agrees the community has changed. However, he thought the entire plan should be reviewed rather than just the three items.

Councilmember Spehar agreed with Council President Pro Tem Palmer and he agreed with a plan being reviewed every five years. He noted that Council is asking for advice from the committee, not deferring the decision-making authority and the Steering Committee should not have different expectations. He agreed with the entire plan being reviewed as the community and the overall needs of the community have changed.

Councilmember Doody supports the idea of the Citizens Review Committee. He would be most interested in focusing on the three items. He felt the vision that Council placed on the 24 Road property should be considered.

Councilmember Beckstein agreed with a Citizens Review Committee focusing on just the three items. She was concerned that perhaps the landowners' ideas, as well as the Steering Committee recommendation, were not addressed completely. Only three items are hindering the development, so she does not see it as a major change. She would like a time limit placed on the review and agrees with the original committee being reconstituted with new members as needed.

Councilmember Thomason agreed with going to a Citizens Review Committee and that their recommendations are taken more seriously. He favored a broad look at the Plan but with special emphasis on the three issues. He does not want to hinder the project any more.

Council President Hill asked Councilmember Thomason to favor either a limited or a broad approach. Mr. Thomason said a narrow approach because of time concerns.

Council President Hill noted that six Councilmembers are in favor of sending the matter to a Steering Committee. Council President Hill supported that Council send the three focused items to a Steering Committee and asked Council about a time line and selection of the Committee.

City Attorney Shaver said one method is to continue this item to a certain date to get a status report or another approach is to ask Staff to make a suggestion on the time frame.

Council President Hill asked about appointment of the Steering Committee. Mr. Shaver suggested they have the staff approach the previous committee and come forward with a recommendation.

Council President Pro Tem Palmer moved to review the 24 Road Corridor Subarea Plan as a major policy change process, forming a Citizens Review Committee pursuant to Chapter 6, Section D of the Growth Plan with an emphasis on the three items in the application with a report due in six months. Councilmember Spehar seconded the motion.

There was discussion on the motion with the clarification made that Council President Pro Tem Palmer was not limiting the scope of the review.

Councilmember Beckstein did not think a broad approach would be feasible in six months. She thought it needed to be limited in scope; these three items are the concerns only. Council President Pro Tem Palmer countered that because it is a major corridor is the reason he supports a broader approach. He then called for the question.

Council President Hill asked the Council to vote on calling the question. It was passed to call the question 4 to 3.

The vote was taken by roll call. The motion failed with Councilmembers Beckstein, Coons, Doody, and Council President Hill voting NO.

Councilmember Coons moved to accept the Planning Commission's recommendation and refer the matter to a Citizens Review Committee, specifically to address the three concerns: reduction of the minimum density requirement, the requirement for residential development and to allow for large-scale retail development in the context of the impact on the vision; and that the committee be convened within a month, with monthly reports back to Council and a final recommendation due in six months.

Councilmember Spehar said he will vote against the motion as it is inappropriate to narrow the focus. Council President Pro Tem Palmer agreed, noting it won't do fair justice to the area.

Councilmember Beckstein will be voting for this motion, the original focus is not going to be impacted as the original plan did not include these items in question.

Vote was taken by roll call. The motion carried with Council President Pro Tem Palmer and Councilmember Spehar voting NO.

Council President Hill called a recess called at 9:16 p.m.

The meeting reconvened at 9:30 p.m.

Regarding the constitution of the Steering Committee, City Attorney Shaver inquired if the appointment of the Committee should be delegated to the City Manager. Councilmember Spehar wanted to ensure that the property owners are fairly represented and the Committee is balanced. He suggested delegation and then have the recommendation brought back to Council. The rest of City Council agreed.

Request to Rehear Pomona Commons Rezone for Property Located at 589 25 ½ Road [File #RZ-2005-163]

Consideration of a request to rehear the August 17, 2005 consideration of a rezone for property known as Pomona Commons located at 589 25 ½ Road. The applicant had requested a rezone from RMF-5 to RMF-12. Council zoned the property RMF- 8.

Bob Blanchard, Community Development Director, reviewed this item. He described the property which is surrounded by a mobile home park, Paradise Hills. He reviewed the actions taken previously. He then reviewed how a rehearing request is an option for City Council with the consideration of three criteria. The requestor must be present or on the record, since the requestor is the applicant, he is on the record. Secondly, that the request was filed in a timely matter and was received in a timely matter. Thirdly, the Council must find that they failed to consider all information or misunderstood pertinent facts. Mr. Blanchard said the motion maker to rehear the matter must come from a Councilperson who voted in favor of the action approved.

Council President Hill asked if Council wants to hear from the applicant. Councilmember Spehar said the applicant's letter was clear.

No motion was made to rehear the matter. Council President Hill stated for lack of a motion, the matter was denied. City Attorney Shaver said by virtue of the Zoning and Development Code section 218.D.a, if no motion is made the request is denied.

Public Hearing – Vacating a Portion of the Public Sidewalk Right-of-Way, Located at 201 and 205 Colorado Avenue [File #VR-2005-204]

In order to accomplish the sale of the property at 201 and 205 Colorado Avenue, formerly known as the Cheers building, to Shane and Tyler Burton, a portion of the public sidewalk right-of-way needs to be vacated.

The public hearing was opened at 9:39 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He noted the reason for the request is that the building is encroaching upon the right-of-way by .43 feet. In order to complete the sale of the building, that right-of-way needs to be vacated.

There were no public comments.

The public hearing was closed at 9:40 p.m.

Ordinance No. 3825 – An Ordinance Vacating a Portion of the Public Sidewalk Right-of-Way Located at 201 and 205 Colorado Avenue

Councilmember Thomason moved to hold a public hearing and consider final passage and final publication of Ordinance No. 3825. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing – Vacating Right-of-Way Previously Dedicated through the City-owned Painted Bowl Property, Located Northwest of Monument Road and Mariposa Drive [File # FP-2005-167]

Redlands Mesa, Filing 7, requires connection of West Ridges Boulevard to Mariposa Drive through the City-owned Painted Bowl property. In 1975, a Resolution was passed by the City Council dedicating a public roadway over and across the Painted Bowl property to provide access to the Ridges. The City Council recently adopted a resolution approving designation of a portion of the Painted Bowl property as right-of-way upon the vacation of the right-of-way previously granted. The recent designation better aligns with the connection for West Ridges Boulevard.

The public hearing was opened at 9:41 p.m.

Kathy Portner, Planning Manager, reviewed this item. She described the need for the right-of-way and the history of the access.

Connie Whalen, broker associate with Redlands Mesa said they agree with the Planning Department that the new access will be better and safer.

The public hearing was closed at 9:44 p.m.

Ordinance No. 3826 – An Ordinance Vacating Right-of-Way Dedicated Across the City-owned Painted Bowl Property

Councilmember Spehar moved to hold a public hearing and consider final passage and final publication of Ordinance No. 3826. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Amendment to Action Plan for 2004 CDBG Program Year and Three Subrecipient Contracts for Projects within the City's 2004 and 2005 Program Years Community Development Block Grant (CDBG) Program [File #'s CDBG 2004-11, CDBG 2005-03, CDBG 2005-05]

The amendment to the 2004 CDBG Action Plan is to utilize the grant funds to replace the roof instead of replacing windows at the Hope Haven facility. The Subrecipient Contracts formalize the City's award of a total of \$52,500 to various non-profit organizations and agencies allocated from the City's 2004 and 2005 CDBG Program as previously approved by Council.

The public hearing was opened at 9:45 p.m.

Dave Thornton, CDBG Program Manager, reviewed this item. He explained the four items under consideration. First, there is a plan amendment to the 2004 Action Plan as the recipient has asked to use the money for another purpose. Hope Haven House has asked to put the money toward a roof project. He said CDBG guidelines require a public hearing process for a Plan change. The other three items are three subrecipient contracts with three agencies. They are Hope Haven, Partners to purchase a van, and Housing Resources for their new transitional housing for homeless veterans in order to install handicap accessible ramps.

Ray Coca, representing Partners, said thank you.

The public hearing was closed at 9:48 p.m.

Council President Pro Tem Palmer moved to approve the amendment to the City's CDBG 2004 Action Plan for the revision and authorize the City Manager to sign the three subrecipient contracts. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Design Contract for I-70/Horizon Drive Interchange Landscape Improvements Project

Carter & Burgess, Inc. were selected through a Qualifications Based Selection (QBS) process to design the I-70/Horizon Drive Interchange Landscape Improvements Project. Six proposals were received. Based on an evaluation of the proposals, three firms were invited to make presentations to the selection committee. Carter & Burgess, Inc. was the preferred firm to provide these professional design services.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained that the recently formed Business Improvement District has been a partner in the planning of this project. The themes used for the design of this project will mirror the designs for the Riverside Parkway. He explained the evaluation process and criteria for selecting a contractor and lauded the performance and experience of Carter & Burgess. He said the hope is to complete the design process yet this year. He noted members of the Business Improvement District are present.

Council President Hill noted that the hope is that the design will blend with the elements being used for the design of the Riverside Parkway, so he is pleased to see the continuity. He said this bid is for design in order to allow the City to bid the project out.

Council President Pro Tem Palmer was pleased with the opportunity to improve one of the City's gateways.

Councilmember Spehar agreed and noted there will be other opportunities to tie those gateway design elements together.

Councilmember Thomason asked about the conceptual designs Council viewed previously. Mr. Relph answered that Carter & Burgess was contracted to create the conceptual drawings; this design will be the specifications in order to take the project to the bidding step.

Council President Hill recognized the Business Improvement District members were present and described some positive comments made at their meetings.

Councilmember Coons moved to authorize the City Manager to execute a contract for design of the I-70B/Horizon Drive Interchange Landscape Improvements Project to Carter

& Burgess, Inc. of Denver in the amount of \$72,400.00. Councilmember Beckstein seconded the motion. Motion carried.

Construction Contract Award for Riverside Parkway Phase I

Riverside Parkway, Phase I generally consists of four miles of new and reconstructed minor arterial roadway and replacement of 12,600 linear feet of sewer line, 11,551 linear feet of irrigation facilities, and 12,200 linear feet of storm drain facilities. Two bids were opened on Tuesday, September 13, 2005.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the significance of this contract considering the enormity of the project. Over 200 line items in each bid were reviewed and the recommendation is to award the bid to SEMA Construction. Mr. Relph identified all the joint projects that are piggybacking on this phase that will be paid for by the various agencies asking for those projects for a total amount of \$5,139,820. He listed the various items included in the contract. If approved, the Notice to Proceed will be issued on October 3rd followed by a groundbreaking ceremony on October 10th.

Councilmember Spehar commended the work taken to get to this point and the cooperation amongst the various entities.

Councilmember Coons thanked Mr. Relph.

Councilmember Thomason echoed those kudos.

Councilmember Doody expressed pride for Mr. Relph's work.

Mr. Relph noted that a number of local contractors will be part of the project.

Councilmember Beckstein was glad that local contractors will be used and commended Mr. Relph.

Council President Pro Tem Palmer moved to authorize the City Manager to sign a construction contract for the Riverside Parkway Phase I to SEMA Construction, Inc., in the amount of \$13,777,777.11. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Purchase of Property at 2911 D Road for the Riverside Parkway Project

The City has entered into a contract to purchase a portion of the property at 2911 D Road from Wilbur C. and Nona F. Vanwinkle. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the property and identified the owners. The amount proposed for purchase is \$107, 588 and said two appraisals were performed. The City's appraisal was based on land use with the zoning being commercial which is the reason for the City's higher appraisal. Only the right-of-way is being purchased as well as the utility easement. He said the total right-of-way is just over an acre and the utility easement is 9,000 square feet.

Councilmember Coons inquired about what the appraiser looks at. Mr. Relph said, although vacant, the property is zoned commercial and that is the best use, especially in light of the future improvements to be made at that location.

Resolution No. 155-05 – A Resolution Authorizing the Purchase of Real Property at 2911 D Road from Wilbur C. and Nona F. Vanwinkle

Councilmember Beckstein moved to adopt Resolution No. 155-05. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Purchase of Property at 2854 Patterson Road for Matchett Park

The City has entered into a contract to purchase the property at 2854 Patterson Road. The contact is contingent on City Council's ratification.

John Shaver, City Attorney, reviewed this item. He explained the request; the parcel is directly to the south of the Matchett Park Property. It was on the market and a price was negotiated and accepted.

Council President Pro Tem Palmer inquired if an appraisal was performed. Mr. Shaver said no, the City's real estate staff reviewed the price and did comparables to form the offer.

Resolution No. 156-05 - A Resolution Authorizing the Purchase of Real Property at 2854 Patterson Road from Timothy W. Smith and Susan F. Smith

Councilmember Coons moved to adopt Resolution No.156-05. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

Council President Hill thanked the representatives from the League of Women Voters that were in attendance.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

Stephanie Tuin, MMC
City Clerk