

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

OCTOBER 19, 2005

The City Council of the City of Grand Junction convened into regular session on the 19th day of October 2005, at 7:05 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 Beckstein led in the pledge of allegiance. The audience remained standing for the invocation by Scott Hogue, First Baptist Church.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

TO THE URBAN TRAILS COMMITTEE

Dr. Ken Lane was present to receive his certificate.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING NOVEMBER 20 – 26, 2005 AS “FAMILY WEEK” IN THE CITY OF GRAND JUNCTION

RECOGNITION OF NEIGHBORHOOD ASSOCIATION – GRAND VIEW NEIGHBORHOOD

Assistant to the City Manager Sheryl Trent introduced the Grand View neighborhood representatives Shirley McCabe and Mark and Milly Gardner. She then described the neighborhood and the location. The neighborhood organization had a picnic and barbeque to meet and greet their neighbors. This has qualified them to be recognized by the City’s Neighborhood Program and qualifies them for the matching grants monies available. The representatives thanked the City Council for their support. Councilmember Beckstein read their certificate of recognition and presented it to them.

CITIZEN COMMENTS

Council President Hill recognized that the State Treasurer Mark Hillman was visiting. Mr. Hillman addressed the Council and complimented the Council on Grand Junction’s vibrancy.

CONSENT CALENDAR

It was moved by Councilmember Coons, seconded by Councilmember Doody and carried by roll call vote to approve Consent Calendar Items #1 through #12.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the September 19, 2005 Additional Workshop, the Summary of the October 3, 2005 Workshop and the Minutes of the October 5, 2005 Regular Meeting

2. **Setting a Hearing on Amendments to the Municipal Code Regarding Unclaimed and Contraband Property**

Chapter 20, Section 29 of the Grand Junction Code of Ordinances governs whether and how the police department may retain, hold or dispose of objects and articles of property that come into its custody. Subsection (3) deals with potentially harmful or contraband items. This provision is outdated, referring to items which are no longer considered contraband, dangerous or illegal, and failing to make reference to more modern contraband. The proposed amendment updates the Code.

Proposed Ordinance Amending Part of Chapter 20 of the City of Grand Junction Code of Ordinances Relating to Conversion and Disposal of Property by the Police Department

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

3. **Setting a Hearing on Revising and Refining the Zoning and Development Code**

The Zoning and Development Code ("Code") was updated in January 2002 and has been amended by various ordinances since that time. With the passing of each ordinance the Code was codified. It was determined that not all printings of the Code after codification were the same. Three (3) different versions of the Code were found to be printed and in circulation for use. Each purported to have the most recent updates. This ordinance is to revise the Code to conform to the ordinances that have passed since January 2002 with some changes for clarification.

Proposed Ordinance Revising the Zoning and Development Code for the City of Grand Junction to be Published in Pamphlet Form

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

4. **Purchase of Windows for Replacement at Orchard Mesa Community Center Pool**

Labor, materials and equipment necessary to remove existing windows and install new windows at the Orchard Mesa Community Center Pool. The first phase of the project is to replace 27 windows in 2005 and the second phase is to replace an additional 25 to 30 windows as required in 2006.

Action: Authorize the City Manager to Execute a Contract with G.R.O., Inc. Construction in Denver for the New Windows at the Orchard Mesa Community Center Pool in the Amount of \$58,550.00

5. **Purchase of Software Interface for the Police Department**

Request is being made by the Police Department to purchase updated VisionTek software and programming for the Field Based Reporting System (FBR). VisionTek is the original equipment manufacturer and there are no regional distributors. VisionTek has been the vendor for the Mobile Data Computers (MDC) and field computing applications for the last six years. This software is an upgrade and enhancement of existing products and programs in place since 1991.

Action: Authorize the Purchasing Division to Purchase VisionTek Software and Programming for the Police Department in the Amount of \$77,600

6. **Purchase of Tasers for the Police Department**

Request is being made by the Police Department to purchase an additional 42 X26 Tasers. The X26 Taser is a less lethal weapon utilized by law enforcement agencies world wide. It is only available through one Colorado authorized dealer, Davidson's Law Enforcement. This purchase of tasers will complete a program started with a Local Law Enforcement Block Grant in 2003 when the Department purchased 26 tasers for Patrol Operations.

Action: Authorize the Purchasing Division to Purchase 42 each X26 Tasers with Cartridge Holders for the Police Department in the Amount of \$37,128

7. **Purchase of Events Management Software System for Two Rivers Convention Center**

Request is being made by Two Rivers Convention Center to purchase an Events Management software program for the Convention Center and Avalon Theatre from Ungerboeck Systems International. The software will schedule facilities, book events, create room layouts and allow users to view the calendar from multiple ports.

Action: Authorize the Purchasing Division to Purchase the Ungerboeck Software Program for Two Rivers Convention Center in the Amount of \$56,996

8. **Construction Contract for the Hallenbeck Reservoir #1 & #2 Outlet Rehabilitations**

The project will utilize "trenchless technology" to install cured-in-place-pipe (CIPP) to rehabilitate 228 feet of 18 inch corrugated metal pipe (Hallenbeck Reservoir #1) and 102 feet of 14 inch steel pipe (Hallenbeck Reservoir #2).

Action: Authorize the City Manager to Sign a Construction Contract for the Hallenbeck Reservoir #1 and #2 Outlet Works Rehabilitation Project with Western Slope Utilities, Inc. in the Amount of \$72,656

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

Introduction of a proposed zoning ordinance to zone the Emmanuel Baptist Church Annexation RSF-4, located at 395 31 5/8 Road.

Proposed Ordinance Zoning the Emmanuel Baptist Church Annexation to RSF-4, Located at 395 31 5/8 Road

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

10. **Vacation of a Utility Easement Located at 3060 D Road in the River Run Subdivision** [File #PP-2005-073]

The proposed River Run Subdivision contains 22 single family lots on 5.19 acres. This request is to vacate the existing 20 foot utility easement located along the westerly boundary of the parcel as it exists and replace it with a 10 foot multi-

purpose easement, except along the westerly boundary of the proposed Lot 9, which will be replaced with a 15 foot multi-purpose easement.

Resolution No. 162-05 – A Resolution Vacating a Utility Easement on Lot 1, of the Junction East Subdivision, Located at 3060 D Road, in Order to Accommodate the Proposed River Run Subdivision

Action: Adopt Resolution No. 162-05

11. **Horizon Drive Business Improvement District Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Horizon Drive Association Business Improvement District filed their 2006 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Action: Approve Horizon Drive Association Business Improvement District's 2006 Operating Plan and Budget

12. **2006 Auto Theft Prevention Program Grant Application**

In 2003, the General Assembly created the Automobile Theft Prevention Authority consisting of representatives of law enforcement, the insurance industry, prosecutors, business leaders, elected officials and others who have an interest in reducing motor vehicle thefts in Colorado. The Prevention Authority was given the power to make grants available for the purpose of reducing motor vehicle thefts. Grant resources come from a trust fund established by the legislature. Voluntary contributions constitute the resources of that fund. No tax dollars are involved in the grants program. Applications are now being accepted from agencies in order to combat auto thefts through a variety of programs: Public Awareness/Education, Enforcement, Training, Prosecutorial Support, First-Time Offenders and Emergency Assistance.

Action: Authorize the Police Department to Apply for Funds Provided Through the 2006 Colorado Automobile Theft Prevention Authority Grant Process

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Sublet of Space Leased by KRMJ**

KVNF-FM of Paonia would like to relocate their FM translator to the antenna and building on the Grand Mesa currently being used by KRMJ. This relocation is being requested in order to improve their coverage of the Grand Valley. City Council authorization is required under the lease that KRMJ has with the City of Grand Junction as their equipment is located on City property.

David Varley, Assistant City Manager, reviewed this item and gave Councilmembers some of the background of the lease with KRMJ.

Council President Hill noted the time element as the installation needs to take place prior to snow fall on the Mesa.

Councilmember Thomason moved to allow Rocky Mountain PBS to sub-let space in the KRMJ transmitter building and tower on the Grand Mesa to KVNF-FM of Paonia, Colorado. Councilmember Beckstein seconded the motion. Motion carried.

Public Hearing – Amending the Smoking Ordinance

Ordinance No. 3540 regulating smoking in public places was adopted on July 2, 2003 and went into effect on January 1, 2004. Since that date, questions have arisen regarding the terms and the intent of the ordinance. Amending the smoking ordinance as the ordinance was codified is proposed to clarify its intent, its meaning, and its enforcement.

The public hearing was opened at 7:23 p.m.

John Shaver, City Attorney, reviewed this item. He referred to the strike out version provided to the City Council. He reviewed the primary changes that will allow interpretation of the ordinance to become clearer prior to the effective date of January, 2006. One of the difficult sections was the definition of an attached bar. Other areas addressed were the physically enclosed definitions and the outdoor areas with a roof or canopy. That definition is clarified. Lastly, the definitions for bowling alleys were unclear and those specific areas have now been defined. Other changes may be needed later, particularly as challenges and questions arise relative to exceptions.

Councilmember Coons asked about those establishments he has worked with and what problems have arisen. Mr. Shaver said most establishments have gone smoke-free and said the Code Enforcement Division has also worked with a variety of establishments.

Council President Hill thanked Mr. Shaver for bringing this forward and making these clarifications.

Council President Pro Tem Palmer said this ordinance is timely with the upcoming implementation.

The public hearing was closed at 7:30 p.m.

Councilmember Coons said there has been a real shift in the community's perception on smoking in public places and so many establishments have now gone smoke-free. She is pleased with the shift.

Ordinance No. 3829 – An Ordinance Amending Chapter 16, Article VI, Section 16-127, of the Code of Ordinances (Smoking)

Council President Pro Tem Palmer moved to adopt Ordinance No. 3829 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Ace Hardware Annexation and Zoning, Located at 2140 Broadway
[File # ANX-2005-177]

Acceptance of a petition to annex and consider the annexation and zoning for the Ace Hardware Annexation. The Ace Hardware Annexation is located at 2140 Broadway, is a 3 part serial annexation and consists of 1 parcel on 2.3 acres. The zoning being requested is B-1.

The public hearing was opened at 7:31 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the site, the location, the current use of the parcel, and the surrounding uses as well as the request.

Council President Pro Tem Palmer inquired why the staff report said the original request was for C-1 zoning. Ms. Costello said that was the original request but after discussions, the applicant changed the request to B-1 and Planning Commission did agree.

There were no public comments.

The public hearing was closed at 7:37 p.m.

a. Accepting Petition

Resolution No. 163-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Ace Hardware Annexations #1, #2, and #3, Located at 2140 Broadway and Including a Portion of the Highway 340 Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3830 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #1, Approximately 0.03 Acres, Located Within the Highway 340 Right-of-Way

Ordinance No. 3831 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #2, Approximately 0.03 Acres, Located Within the Highway 340 Right-of-Way

Ordinance No. 3832 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #3, Approximately 2.24 Acres, Located at 2140 Broadway and Including a Portion of the Highway 340 Right-of-Way

c. Zoning Ordinance

Ordinance No. 3833 – An Ordinance Zoning the Ace Hardware Annexation to B-1, Located at 2140 Broadway

Council President Pro Tem Palmer moved to adopt Resolution No. 163-05 and Ordinances No. 3830, 3831, 3832, and 3833 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Abeyta-Weaver Annexation, Located at 3037 D ½ Road and 432 30 ¼ Road [File # GPA-2005-188]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Abeyta-Weaver Annexation, located at 3037 D ½ Road and 432 30 ¼ Road. The 12.82 acre Abeyta-Weaver Annexation consists of 2 parcels.

The public hearing was opened at 7:38 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the site, the location, the current use of the parcel, and the surrounding uses. The zoning request will come to Council at a later date.

There were no public comments.

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

a. Accepting Petition

Resolution No. 164-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Abeyta-Weaver Annexations #1 and #2, Located at 3037 D ½ Road and 432 30 ¼ Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3834 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Abeyta-Weaver Annexation #1, Approximately 0.07 Acres, Located at 3037 D ½ Road

Ordinance No. 3835 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Abeyta-Weaver Annexation #2, Approximately 12.75 Acres, Located at 3037 D ½ Road and 432 30 ¼ Road

Councilmember Beckstein moved to adopt Resolution No. 164-05 and Ordinances No. 3834 and 3835 on Second Reading and ordered them published. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Disposal of City Owned Real Estate

This action will permit the City to dispose of three pieces of excess City property as previously discussed at City Council workshops.

Mark Relph, Public Works and Utilities Director, reviewed this item. There are three properties for the Council to grant approval for disposal. The first parcel is near the airport. The City retained ownership and now Walker Field Airport will take ownership of the property. The second parcel is on Webster Road in Orchard Mesa; he said Council wanted to give that parcel to Habitat for Humanity, so they will take title. The third piece is in Monument Village, which was an overflow area for the lagoons and is no longer needed. The adjacent owner, Michael Queally, will purchase the property for \$1,500 with the condition that he combine it with the rest of his property.

Council President Pro Tem Palmer said this has been one of his goals to dispose of the City's surplus property and giving a lot to Habitat for Humanity is wonderful.

Council President Pro Tem Palmer moved to authorize the City Manager to execute three Special Warranty Deeds for the identified properties. Councilmember Thomason seconded the motion. Motion carried.

Public Hearing – Assessments for Alley Improvement Districts 2005

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 1st to 2nd, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 9th to 10th, between Rood Avenue and White Avenue
- East/West Alley from 9th to 10th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 11th to 12th, between Teller Avenue and Belford Avenue
- North/South Alley from 18th to 19th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 18th to 19th, between Chipeta Avenue and Gunnison Avenue
- North/South Alley from 23rd to 24th, between Ouray Avenue and Gunnison Avenue
- The South ½ off the North/South Alley, 6th Street to 7th Street, between Grand Avenue and Ouray Avenue (Alley Improvement District ST-05, Phase B)

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

Councilmember Coons disclosed that she is a property owner in the Alley Improvement District and will be affected by this.

Mark Relph, Public Works and Utilities Director, reviewed this item. The work has been complete and this step is to approve the assessment to the properties. This is a popular program with a waiting list of up to three years. Petitions were signed in excess of 50% in favor to create the districts.

There were no public comments.

The public hearing was closed at 7:47 p.m.

Councilmember Coons was pleased with the work and the improvement.

Council President Pro Tem Palmer noted that the City does pay a portion of the cost of the improvements. Mr. Relph confirmed and advised that the City does not solicit

neighborhoods for this program, citizens come to the City. When the improvements are made, the City also pays to upgrade the water and sewer lines and work with other utility companies for any upgrade they can make.

Ordinance No. 3836 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement Districts No. ST-05 and ST-05 Phase B in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Councilmember Thomason moved adopt Ordinance No. 3836 on Second Reading and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing – Intent to Create 26 Road and F ½ Road Sanitary Sewer Improvement District No. SS-47-05 and Award Construction Contract

A majority of the owners of real estate located in the area of 26 Road and F 1/2 Road have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties. This is the final step in the formal process required to create the proposed Improvement District. Bids were received for the construction contract on August 2, 2005. M.A. Concrete Construction submitted the low bid.

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

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted this is part of the Septic System Elimination Program (SSEP). The intent is to create this district and he said bids have been received. He said staff is recommending the contract to be awarded to M.A. Concrete Construction. Mr. Relph said there are multiple steps in the process and this step is to create the district.

Councilmember Thomason questioned the amount to be awarded when two amounts appeared in the report. Mr. Relph was not sure and asked the motion be in an amount not to exceed \$108,200 (the higher amount).

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

Resolution No. 165-05 – A Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-47-05, within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Installation of Sanitary Sewer Facilities and Adopting Details, Plans and Specifications for the Same

Council President Pro Tem Palmer moved to adopt Resolution No. 165-05 and authorize the City Manager to enter into a construction contract with M.A. Concrete Construction in an amount not to exceed \$108,200. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Downtown Parking Structure Preconstruction and Management Services Contract

A request for qualifications process was used to select Shaw Construction of Grand Junction as the Construction Manager/General Contractor for the Downtown Parking Structure. Three proposals were submitted and all three firms were interviewed. Shaw Construction was selected over Kiewit Construction Company of Englewood and Roche Constructors, Inc. of Greeley. This Contract is only for Pre-Construction and Management Services. A second contract will be developed and presented once design is complete and a guaranteed maximum price is established.

Mark Relph, Public Works and Utilities Director, reviewed this item. He advised this is the same process for design-build. The reviewing team recommends the award go to Shaw Construction. After preconstruction, a guaranteed maximum price would be prepared for the construction bid. Therefore, another contract will be coming to Council later.

Councilmember Doody asked if there is a general idea of what the garage will look like. Mr. Relph said there are some concepts on the design and function that were used for this bid. The façade is to look like a store front. The contractor is being asked to evaluate different types of structures such as steel, pre-cast, pour on site, etc.

Councilmember Doody asked how many spaces will be in the garage. Mr. Relph responded 324, approximately.

Councilmember Coons asked if the rest of the budget information is based on the entire project. Mr. Relph affirmed that. The guaranteed minimum price concept allows the City to realize additional cost savings if such savings are found by the contractor. Councilmember Coons asked about the incentive for the contractor to save money for the City. Mr. Relph said their books are open to the City, which is the advantage to this approach.

Council President Hill noted the construction can continue through the holidays as the location does not affect any existing parking.

Mr. Relph said another advantage to this approach is to be able to control costs in a very volatile market for cement and other materials.

Councilmember Spehar noted that Shaw did the City-County garage and the current City Hall building by this design-build method which worked out well.

Councilmember Doody asked about the noise and disruption to adjacent properties. Mr. Relph said the City has asked Shaw to look at the cost of drilling instead of driving the pylons to reduce that disruption.

Councilmember Spehar moved to authorize the City Manager to execute a part 1 preconstruction and management services contract for the downtown parking structure with Shaw Construction in the amount of \$41,482. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Stephanie Tuin, MMC
City Clerk