

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

September 20, 2006

The City Council of the City of Grand Junction convened into regular session on the 20th day of September 2006, at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, and President of the Council Jim Doody. Absent was Councilmember Jim Spehar. Also present were Interim City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Bob McFadden, "The Place".

Proclamations / Recognitions

Proclaiming October 2006 as "Breast Cancer Awareness Month" in the City of Grand Junction and Mesa County

Proclaiming September 21, 2006 as "International Day of Peace" in the City of Grand Junction

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Palmer read the list of items on the Consent Calendar.

It was moved by Councilmember Hill, seconded by Councilmember Beckstein and carried by roll call vote to approve Consent Calendar items #1 through #7. Councilmember Coons had entered a letter into the record that she abstained from Item #2, due to her employment at St. Mary's.

Councilmember Hill welcomed the Mesa State College students in attendance and pointed out that citizens can address City Council in two ways and explained how.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the September 6, 2006 Regular Meeting

2. **Revocable Permit to St. Mary's Hospital, Located at 710 Wellington Avenue for a Sign and Landscaping** [File #VE-2006-082]

A request to maintain an existing free-standing sign, landscape wall and landscaping in the N. 7th Street right-of-way adjacent to 710 Wellington Avenue.

Resolution No. 113-06 – A Resolution Concerning the Issuance of a Revocable Permit to St. Mary's Hospital Located at 710 Wellington Avenue

Action: Adopt Resolution No. 113-06

3. **Setting a Hearing on Zoning the Abeyta-Weaver Annexation, Located at 3037 D ½ Road, 432 and 436 30 ¼ Road** [File #ANX-2005-188]

Request to zone the 12.82 acre Abeyta-Weaver Annexation, located at 3037 D ½ Road, 432 and 436 30 ¼ Road, to RMF-8 (Residential Multi-Family 8 du/ac) and CSR (Community Services and Recreation).

Proposed Ordinance Zoning the Abeyta-Weaver Annexation to RMF-8 and CSR, Located at 3037 D ½ Road, 432 and 436 30 ¼ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for October 4, 2006

4. **Continue the Public Hearing for the Baldwin Annexation, Located at 2102 and 2108 Highway 6 & 50** [File #ANX-2006-182]

A request to continue the Baldwin Annexation to the October 4, 2006 City Council meeting. The request to continue is to allow additional time to clarify boundary issues with the adjacent neighbor to the north.

Action: Continue the Adoption of the Resolution Accepting the Petition for the Baldwin Annexation and Public Hearing to Consider Final Passage of the Annexation and Zoning Ordinances to the October 4, 2006 City Council Meeting

5. **Setting a Hearing to Rezone Mirada Court, Located 600 ft. East of Mirada Court** [File #RZ-2006-161]

Request to rezone the 5 acre property located 600 feet east of Mirada Court from RSF-E (Residential Single Family, Estate) to RSF-4 (Residential Single Family, 4 units per acre).

Proposed Ordinance Rezoning the Property Known as the Mirada Court Rezone to RSF-4, (Residential Single Family, 4 Units per Acre) Located 600 Feet East of Mirada Court

Action: Introduction of Proposed Ordinance and Set a Hearing for October 4, 2006

6. **Setting a Hearing on Zoning the Pine E Road Commercial Annexation, Located at 3046 and 3048 E Road** [File #ANX-2006-211]

Request to zone the 3.48 acre Pine E Road Commercial Annexation, located at 3046 and 3048 E Road, to B-1 (Neighborhood Business).

Proposed Ordinance Zoning the Pine E Road Commercial Annexation to B-1, Located at 3046 and 3048 E Road

Action: Introduction of Proposed Ordinance and Set a Hearing for October 4, 2006

7. **Reauthorizing the Visitor and Convention Bureau Contracts for Marketing Services with Lodging Properties outside the City Limits**

On October 16, 1996, Council adopted Resolution No. 101-96 authorizing the expansion of the Visitor & Convention Bureau's (VCB's) marketing programs to include lodging properties outside the Grand Junction City limits for a period of 5 years. The program was reviewed annually and was re-authorized for an additional 5 years October 3, 2001 when Council adopted Resolution No. 101-01. This program has been successful and the VCB Board recommends that it be continued.

Resolution No. 118-06 – A Resolution Authorizing the VCB to Enter into Contracts for its Services

Action: Adopt Resolution No. 118-06

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Rood Avenue Parking Structure Site Construction Contract

Bids have been received for construction of the Rood Avenue Parking Structure (Bid Package 1). The Scope of Bid Package 1 is for excavation and site utilities; concrete filled pipe piles; cast in place post tension concrete structure; surveying and layout; traffic

control; weather protection for concrete construction; general conditions for the entire project; anticipated liability insurance premium cost for entire project; anticipated general contractor performance and payment surety bond cost for entire project; prorated contractor contingency; and prorated contractor's overhead and fee.

Mark Relph, Public Works and Utilities Director, reviewed this item. He advised this is the first bid package for this project and said the package is for the foundation and the concrete work. He said the recommendation is to award the contract to Shaw Construction in the amount of \$5,366,072. Once the final design, including the façade is decided, then the guaranteed maximum price can be determined. Mr. Relph said the cost of inflation is affecting this project as well as every other Public Works project. The rate of inflation is estimated at 1 to 2% per month. Mr. Relph assured Council that there will be sufficient funds to pay for this parking garage project.

Councilmember Thomason asked about the impact of driving the pilings to the surrounding buildings. Mr. Relph responded that open houses were held with the surrounding property owners and said pile driving was addressed. Mr. Relph said that is typically a concern but generally does not end up being an issue.

Councilmember Coons inquired about the two end buildings that will be developed. Mr. Relph said those will be built later as development comes into the downtown area.

Councilmember Hill said he supported the decision to go forward with the additional fourth floor in order to build at today's prices rather than have to face inflated construction costs later. He also asked the Interim City Manager David Varley to put this item on the bin list for continued discussion on the sale of the City property located at 3rd and Main Street. Mr. Varley said the RFP is ready to go, they are ironing out the last details and then the request will be sent out.

Councilmember Palmer asked Mr. Relph to explain the guaranteed maximum price concept and how that protects the City from additional inflation. Mr. Relph pointed out the enormous amount of detail that is involved in this project. He said there is a contingency in the budget, but under this scenario the contractor accepts the risk of price increases. Councilmember Palmer lauded the project and expressed how pleased he is that this project is occurring.

Councilmember Hill moved to authorize the City Manager to execute a construction contract for bid package #1 with Shaw Construction in the amount of \$5,366,072. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing – Assessments Connected with Alley Improvement District No. ST-06

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

- East/West Alley from 5th to 6th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Main Street and Rood Avenue
- East/West Alley from 11th to 12th, between Main Street and Rood Avenue
- North/South Alley from 23rd to 24th, between Grand Avenue and Ouray Avenue
- East/West Alley from 17th to 18th, between Hall Avenue and Orchard Avenue
- North/South Alley from 22nd to Linda Lane, between Orchard Avenue and Walnut Avenue
- North/South Alley from 21st to 22nd, between Walnut Avenue and Bookcliff Avenue

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

Mark Relph, Public Works and Utilities Director, reviewed this item. He reviewed the processed as it is laid out in the Staff report. He advised there is a three year waiting list for this program and said it is a very popular program. The City pays the majority of the cost with the property owners participating in the rest of the cost. Once the City Council acts on this ordinance, the property owner can pay the entire assessment within thirty days. If they chose not to, the assessment will be placed on their property tax bill.

Councilmember Palmer inquired how long it has been since the City raised the cost per abutting foot for the property owner. Mr. Relph said it has been a long time and with the increasing cost of materials the City is actually paying about 75% of the cost. He said the City also replaces all of the utility lines and the property owner is not assessed for that cost whatsoever.

There were no public comments.

The public hearing was closed at 7:35 p.m.

Ordinance No. 3969 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-06 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 Palmer moved to adopt Ordinance No. 3969 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Colvin Annexation and Zoning, Located at 2940 B ½ Road [File #ANX-2006-204]

Request to annex and zone 9.98 acres, located at 2940 B ½ Road, to RSF-4 (Residential Single Family, 4 du/ac). The Colvin Annexation consists of 1 parcel and is a two part serial annexation.

The public hearing was opened at 7:36 p.m.

Kathy Portner, Assistant Director for Community Development, reviewed this item. She described the location, the site and the surrounding uses and zoning. She then identified the Future Land Use designation of the property, the surrounding property, and stated the requested zoning. She advised City Council that the request meets the requirements of the Growth Plan and the Zoning and Development Code. She said both the Planning Commission and Staff recommend approval.

The applicant's representative, Traci Moore, Development Construction Services, was present to answer questions but had nothing to add.

There were no public comments.

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

a. Accepting Petition

Resolution No. 119-06 – A Resolution Accepting a Petition for the Annexation, Making Certain Findings, Determining that Property Known as the Colvin Annexation, Located at 2940 B ½ Road and Including a Portion of the B ½ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3970 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Colvin Annexation #1, Approximately 0.36 Acres, Located at 2940 B ½ Road and Including a Portion of the B ½ Road Right-of-Way

Ordinance No. 3971 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Colvin Annexation #2, Approximately 9.62 Acres, Located at 2940 B ½ Road

c. Zoning Ordinance

Ordinance No. 3972 – An Ordinance Zoning the Colvin Annexation to RSF-4, Located at 2940 B ½ Road

Councilmember Palmer moved to adopt Resolution No. 119-06 and Ordinance Nos. 3970, 3971, and 3972 on Second Reading and ordered them published. Councilmember Thomason seconded the motion. Motion carried.

Public Hearing – Pine E Road Commercial Annexation, Located at 3046 and 3048 E Road [File #ANX-2006-211]

Request to annex 3.48 acres, located at 3046 and 3048 E Road. The Pine E Road Commercial Annexation consists of two parcels.

The public hearing was opened at 7:40 p.m.

Kathy Portner, Assistant Director for Community Development, reviewed this item. She noted only the annexation is for consideration at this time and the zoning was set for public hearing earlier on the Consent Calendar.

Traci Moore, Development Construction Services, was present representing the applicant. She had nothing to add but was available for questions.

There were no public comments.

The public hearing was closed at 7:42 p.m.

Councilmember Hill recalled that this area was re-designated under the Future Land Use Map after the plan was adopted. This is the first piece to develop under that change and pointed out that it is commercial property adjacent to residential.

a. Accepting Petition

Resolution No. 120-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pine E Road Commercial Annexation, Located at 3046 and 3048 E Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3973 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pine E Road Commercial Annexation, Approximately 3.48 Acres, Located at 3046 and 3048 E Road

Councilmember Hill moved to adopt Resolution No. 120-06 and Ordinance No. 3973 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning and Development Code Text Amendments Concerning Multifamily Development [File #TAC-2006-215]

A request to amend the Zoning and Development Code pertaining to multifamily development, including attached units.

The public hearing was opened at 7:44 p.m.

Kathy Portner, Assistant Director of Community Development, introduced the request. She said Ted Ciavonne and Joe Carter with Ciavonne, Roberts and Associates, will make the presentation as they have requested the change. She pointed out that many times provisions need to be adjusted once developments come up that fall under these provisions. Ms. Portner said Mr. Ciavonne and Mr. Carter may be back at a later time for additional amendments.

Ted Ciavonne explained the reasons for the request. He said there are disincentives in the Code that prevent development of “townhomes” under the Code. Mr. Ciavonne said there are imbalances in lot widths and lot sizes.

Councilmember Palmer asked if it is a definition problem. Mr. Ciavonne said to some extent, but there are different fire codes for condos versus townhomes and said there are also financing issues. Councilmember Palmer asked if the Fire Department is ok with the changes. Mr. Ciavonne said the change in the Code is to meet the fire code. He said the proposal eliminates the minimum lot size for attached housing in certain zone districts (RMF-8, RMF-12, RMF-16, and RMF-24). Mr. Ciavonne said there should be a concern with setbacks for the middle units and said the minimum lot size reduction could resolve

that. He said the request also makes the open space requirement the same for townhomes and condominiums.

Mr. Ciavonne reviewed three main issues with Council. He said the first issue is the square footage penalty fee for simple lots versus the common ownership, second is the inconsistent open space requirement between the two, and the third is the density inequity. Mr. Ciavonne said the density cannot be achieved with the minimum densities under a fee simple development. He said the request is to eliminate the fee simple lot penalty, balance the open space requirements, and make the density between fee simple and common lots equal.

Councilmember Palmer was concerned that developers would then be pressuring the City to exceed the maximum allowed density. Mr. Ciavonne said that can only happen if a density bonus is granted and those provisions are met.

Joe Carter, Ciavonne, Roberts and Associates, addressed other changes and some adjustments to the definitions that would bring them more in line with the building code. He said the proposal calls for the elimination of Floor Area Ratio (FAR) and to change the setback for rear loaded homes (garages in back) from 20 feet to 15 feet. He said there are provisions regarding the garage doors where the lot width has been reduced and set a minimum façade width for the garage door to prevent a garage façade with an exception of when the garage is setback from the front of the house. Mr. Carter then reviewed the changes to the definition sections pointing out that the changes will make the definitions more in line with the building code. He explained the difference between the terms for units on individual lots and multifamily when there are multiple units on one lot. He said for two units on the same lot vertically are being proposed to be called stacked dwellings. Mr. Carter concluded by identifying all the groups in their proposal.

Mr. Ciavonne advised Council that they have had a favorable response from these groups at the Planning Commission meetings.

Councilmember Palmer asked if setbacks and parking requirements are changing. Mr. Ciavonne said the parking remains the same and the only setback change is the front with a rear load garage.

Council President Doody asked what happens to existing townhomes that are to be renovated. Mr. Ciavonne said those concerns will be addressed on a case by case basis. He said it will probably be a challenge because the utilities might be a problem and the Building Department will have issues with fire walls.

Councilmember Hill asked City Attorney John Shaver if there is anything in the proposal that he sees as a problem. City Attorney Shaver said that he has gone over it closely and analyzed it as it is a fundamental change. He said Staff has had no experience with this

product, but the market has made these fee simple products popular. He agreed that the Code as written had unintended consequences.

Councilmember Hill said he is pleased that the community brought this forward and said not only will this help with affordable housing, it also falls under infill/redevelopment policy and furthers that goal.

There were no public comments.

The public hearing was closed at 8:31 p.m.

Councilmember Coons agreed with Councilmember Hill and had not realized the current Code was creating a disincentive to an affordable product. She supports this as fitting the vision of furthering affordable housing.

Councilmember Palmer thanked the applicant and Staff for their efforts. He supports consistency, efficiency, and fairness. He encouraged Staff to continue working on bettering the Code.

Councilmember Beckstein said she is pleased to see citizens working with City Staff to come up with necessary changes. She is supportive of the change.

Councilmember Thomason said he cannot see a potential downside to making the changes. He would support the change.

Council President Doody thanked Staff for all of their efforts and lauded the partnership with the citizens to get an end result to satisfy the needs of the community.

Ordinance No. 3974 – An Ordinance Amending Various Sections of the Zoning and Development Code Pertaining to Multifamily Development

Councilmember Coons moved to adopt Ordinance No. 3974 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Hill referred to a letter from the Town of Palisade requesting \$100,000 to help fund the proposed water park. He said other funding sources include the Town of Palisade, Mesa County grants, and some private funding.

Council President Doody advised that a fish ladder at the same location is being planned for construction and said if that is constructed without the water park going forward, the water park will not happen. He listed various benefits of a water park to the valley.

Councilmember Palmer advised Council that he spoke with a number of community members. He said that he heard many different opinions, but concluded that helping with this project is another tool in the economic development belt. He supports helping Palisade to fund this amenity.

Councilmember Coons said Council recently met with the Vision 20/20 team in their effort to update the Strategic Plan. She said the City must think valley-wide and the whole as a community. She said \$100,000 is a small percentage of the City's budget compared to the Town of Palisade's budget and said Palisade has agreed to take on the perpetual maintenance of the facility.

Councilmember Beckstein expressed concerns with setting a precedent due to the City's own overruns for construction. However, looking at the economic development and tourism, this project would benefit the community. She said the funds to be used could come from the severance tax and said all entities are being approached for support. Even with reservations, she supports the request.

Councilmember Thomason said the economic impact fact causes him to support the request.

Councilmember Hill appreciated Palisade for asking the City of Grand Junction to be a part of the project. It adds an amenity that draws visitors to the area and said the money will leverage other dollars into the community.

Council President Doody noted that he is sure Palisade will acknowledge the City's contribution when they dedicate the park. He supports the request.

Councilmember Coons moved to support the Town of Palisade's request to create the water park by providing up to \$100,000 in funding. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Adjournment

The meeting adjourned at 8:40 p.m.

Stephanie Tuin, MMC
City Clerk