

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

February 4, 2009

The City Council of the City of Grand Junction convened into regular session on the 4th day of February 2009 at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, Doug Thomason, and Council President Gregg Palmer. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Coons led in the Pledge of Allegiance.

Citizen Comments

There were none.

Council Comments

Councilmember Todd reported on a conference she went to for the Colorado Water Congress. Water discussions include water basins, climate changes, ditch rights, sharing water, and other water issues. She announced that this year's "Water Buffalo" award, also known as the Wayne Aspinall Award, went to Tilman Bishop. The competition is high and she wanted the public to know that Grand Junction's own Tillie Bishop won this year. She also read a quote from Hank Brown who spoke at the conference relative to change.

CONSENT CALENDAR

Councilmember Hill read the Consent Calendar, amending the action for Item #3, the 22 Road Bridge Replacement, that it be subject to the final agreement with GVIC, and then moved to approve items #1 through #3, with the amendment to item #3. Councilmember Todd seconded the motion. Motion carried by roll call vote.

1. **Setting a Hearing on Rezoning the Twelfth and Patterson Center (City Market)** [File #RZ-2008-323]

Request to rezone 3.62 +/- acres located at 1212, 1228, 1238, 1308, 1310, 1314, 1320, and 1324 Wellington Avenue Known as the Twelfth and Patterson Center from R-8 (Residential – 8 du/ac.) to B-1, (Neighborhood Business) Zone District.

Proposed Ordinance Rezoning the Property Known as the Twelfth and Patterson Center from R-8 (Residential – 8 du/ac.) to B-1, (Neighborhood Business) Zone District Located at 1212,1228, 1238,1308,1310,1314,1320, and 1324 Wellington Avenue

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for February 18, 2009

2. **Setting a Hearing on a Request from GCK, LLC, for Inclusion Into Downtown Development Authority Boundaries**

GCK, LLC, has requested inclusion into the DDA for the entire property located at 105 W. Colorado Avenue. At the current time, the eastern portion of the property is included in the Authority; the westernmost portion is not. A land use application has been submitted to the City to “replat” four existing tax parcels into one lot, as well as to vacate a portion of public right-of-way around the site, and to request a Growth Plan Amendment for a portion of the site. In order to consolidate parcels, it is required that all lots are either in or out of the DDA; the applicant has requested the addition of all parcels. The request has been considered and approved by the DDA Board of Directors.

Proposed Ordinance of the City Council of Grand Junction, Colorado Approving Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 18, 2009

3. **Construction Contract Award for the 22 Road Bridge Replacement**

Bids were received on Wednesday, January 28, 2009 for replacement of the 22 Road Bridge crossing the Ranchman’s Ditch. Mays Concrete, Inc. submitted the low bid in the amount of \$127,362.

Action: Authorize the City Manager to Sign a Construction Contract with Mays Concrete Inc. for the 22 Road Bridge Replacement in the Amount of \$127,362

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Energy Performance Contract Project Proposal

Staff will present an update of the CORE (Conserving Our Resources Efficiently) committee work and present the facility improvement measures recommended by the technical energy audit completed for City facilities and the proposed Performance Contract with Johnson Controls (JCI) to implement the measures.

Kathy Portner, Neighborhood Services Manager, explained the presentation. She said she will lead off the discussion by providing an update on the activities of the CORE committee. Then Terry Franklin, Utilities and Streets Deputy Director, will detail the audit and provide details on going forward with the contract. Lastly, Jay Valentine, Assistant Financial Operations Manager, will speak to the financing of the project. Others present were Scott Hockins, Purchasing Supervisor, and Jim Stavast, Facilities Manager. Also present were representatives from Johnson Controls.

Ms. Portner spoke to some of the accomplishments in 2008 of the CORE committee. First she addressed transportation and fuel efficiency accomplishments in 2008 and goals for 2009. She then addressed recycling, reducing waste, and reusing efforts. She provided statistics from the GJRCI, the City's recycling facility. There are additional efforts planned for 2009 including recycling at all events and additional recycling drop-off facilities.

Next, Ms. Portner spoke to how purchasing policies have been amended to include a "green" component. An updated purchasing policy is planned for 2009 adoption. In the water conservation area, there is the DRIP program and then landscaping changes to be more focused on xeriscaping.

Lastly, there is an employee education component along with incentives, mandates and competitions to encourage conservation. There is a community outreach element too.

The City received a new energy communities grant which allowed the City to partner with Fruita, Palisade, and Mesa County. It has allowed Fruita and Palisade to participate in the energy audit, pay for the solar panels at Two Rivers Convention Center and to help with the CNG plant (natural gas).

Terry Franklin, Deputy Utilities and Streets Systems Director, first addressed the goals of the energy performance contract including lowering energy bills among other things. He explained how the energy audit took place. Buildings that won't be around in fifteen years were not audited since that is the payback term. From the audit, savings were identified in the areas of electric usage, natural gas, and water usage. Many fixtures

will either be retrofitted or replaced. Another conservation effort will include a liquid pool cover which is a chemical that creates a film on the pool surface which prevents evaporation and thus saving heating costs as well as water conservation.

Jay Valentine, Assistant Financial Operations Manager, explained that this project has a guaranteed payback. That is one of the reasons these contracts have become so popular. The repayment is from the cost savings. There will be a 3% return over fifteen years.

Councilmember Coons asked if the City is collaborating with any other private organizations in this effort. Ms. Portner said the City has worked with Alpine Bank's Green Team, also with School District 51, Mesa County, Fruita, and Palisade.

Councilmember Todd asked if Ms. Portner is aware of an effort in Santa Fe; it was an effort to replace toilets with low flow fixtures including builders being required to replace old flush toilets. Ms. Portner was not aware of this particular effort.

Councilmember Thomason asked about the liquid pool cover, if it has been around long enough to have long term testing. Mr. Franklin mentioned a few cities that have been using the chemical and that it is considered safe.

Councilmember Hill asked for clarification on the payback. Mr. Valentine listed the various pieces: the total amount of the project is just over \$2 million, there is \$225,000 available in grants, \$99,000 in rebate incentives which goes against project costs, there is also a buy down component (capital avoidance cost), for example, a lot of the light fixtures need to be replaced and this cost as well as some other projects were already in the City budget for 2009 regardless of whether the City moves forward with the Energy Project. The amount actually being financed is \$1.3 million and after the first year the cash flows increase. Years 13 and 14 is when the 3% gain is realized.

Councilmember Doody recalled the kick off of the group being the Alpine Bank's Green Team presentation. He lauded the group and the leadership. He supported the efforts and the contract.

Councilmember Coons moved to authorize the City Purchasing Division to enter into a Contract with Johnson Controls, Inc. (JCI) in the amount of \$2,046,342 for the completion of the City Facilities Energy Performance Contract. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing - Regarding the Regulation and Licensing of Massage Parlors

In an ongoing effort to monitor and police community nuisance and criminal activities, the Grand Junction Police Department and the City Attorney have become aware of

some growth in criminal activities related to massage parlor establishments. City Staff believes that it would be in the best interests of the community if City Council would consider a new City ordinance to regulate and license massage parlors. Those establishments can be a front for criminal activity. With licensing as proposed, law enforcement will have greater opportunity to monitor businesses before problems arise.

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

John Shaver, City Attorney, presented this item. He explained the reasoning for the proposal and the increase in the number of massage parlors in the community. The ordinance will provide a process similar to the liquor licensing process. He is not suggesting all massage parlors are engaging in criminal activity but the ordinance will require proper identification and management thus reducing the opportunity for abuse.

Lydia Helms, 327 N. 7th Street, is a certified massage therapist and she agrees that there are other activities occurring under the guise of massage but she noted the State is currently developing a process of licensing massage therapists. She felt that this ordinance creates another level of regulation.

Councilmember Todd asked if the State regulation has the same detail that is included in the ordinance. Ms. Helms said she was not aware. She felt that her profession was being penalized.

City Attorney Shaver said the ordinance exempts massage therapists as defined in State law.

There were no other public comments.

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

Councilmember Hill asked City Attorney Shaver to clarify the distinction between massage therapists and massage parlors under Colorado law. Massage parlors do not employ those that have been trained as therapists. The ordinance fills the gap for those that do not have the formal education for massage therapists. That is when the distance to schools, churches, etc. come into play. City Attorney Shaver concurred.

Councilmember Coons referred to Section 10-320 as to places and the distance restrictions. She was unclear about the distance from residential use; is that zoned residential or just residential use? City Attorney Shaver said it is with 1,000 feet of the residential use. Then in Section 10-360 there are references to "good moral character" and asked about the definition of that term. City Attorney Shaver said that term comes from the Colorado Liquor Code and one that is not of good moral character is usually a person who has been convicted of a serious felony offense, something that is a moral

offense as well as a criminal offense; it is a term of law. An aggregate of misdemeanors could also be considered. It is not the only consideration. Other factors would include rehabilitation and how long ago the offense took place, or if it was a juvenile offense.

Council President Palmer asked if there is a sunset or a periodic review of the ordinance. City Attorney Shaver stated that as drafted, it is not included. Staff can certainly bring back a review to the City Council in the future.

Councilmember Hill said his concerns ended once he read the State definition and that created a lot of clarity as to the State's role so he now sees how this ordinance intertwines with the State law. It aids the legal and police departments to monitor activities and ensure the activities are legal and to a standard. No additional burden is added to the profession of massage therapists.

Councilmember Coons agreed and she liked that the ordinance is modeled after the liquor licensing procedure. She was at first concerned there would be unintended consequences but her concerns have been alleviated.

Ordinance No. 4324—An Ordinance Regulating and Licensing Massage Parlors

Councilmember Thomason moved to adopt Ordinance No. 4324 and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Council President Palmer asked when the ordinance would be in effect. City Attorney Shaver answered, depending on publication dates, it will be in effect in about 32 days.

Public Hearing - DeRush Mini Storage Rezone, Located at 2179 H Road [File #RZ-2008-319]

Request to rezone 4.60 acres located at 2179 H Road, from C-2 (General Commercial) to I-1 (Light Industrial) zone district.

The public hearing was opened at 7:57 p.m.

Senta L. Costello, Senior Planner, presented this item. She described the site, the location, and the request. She asked that the Staff Report and attachments be entered in to the record. The zoning criteria have been met. The Planning Commission and Staff recommend approval. The applicant is present but does not wish to make a presentation.

Council President Palmer asked about the difference between the two different zone districts. Ms. Costello explained that the main differences are the allowed uses and the

amount of landscaping required. The landscaping requirement was the primary reason for the rezone request. The C-2 zone would have required almost an acre of landscaping. In this case the landscaping would have been adjacent to the detention pond area at the back of the property and there were issues with the availability of water.

There were no public comments.

The public hearing was closed at 8:00 p.m.

Ordinance No. 4325—An Ordinance Rezoning DeRush Mini Storage Unit Property from C-2 (General Commercial) to I-1 (Light Industrial), Located at 2179 H Road

Councilmember Todd moved to adopt Ordinance No. 4325 and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:02 p.m.

Stephanie Tuin, MMC
City Clerk