

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

**December 14, 2009**

The City Council of the City of Grand Junction convened into regular session on the 14<sup>th</sup> day of December 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, and Council President Bruce Hill. Councilmember Linda Romer Todd was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

Council President Hill called the meeting to order. Councilmember Kenyon led in the Pledge of Allegiance followed by a moment of silence.

**Proclamations**

Proclaiming December 15, 2009 as “Bill of Rights Day” in the City of Grand Junction

Proclaiming December 18, 2009 as “International Day of the Migrant” in the City of Grand Junction

**Appointments**

Councilmember Palmer moved to appoint Kevin Reimer to the Downtown Development Authority/Downtown Grand Junction Business Improvement District for a term to expire June, 2013. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Certificates of Appointments**

Lyn Benoit, Gregory Williams, Rob Burnett, Richard Schoenrad, and Ebe Eslami were present to receive their Certificates of Appointment to the Planning Commission/Zoning Board of Appeals

**Council Comments**

There were none.

**Citizen Comments**

There were none.

**CONSENT CALENDAR**

Councilmember Coons read the Consent Calendar and then moved to approve items #1 through #8. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the November 30, 2009 Regular Meeting and the Minutes of the November 30, 2009 and December 2, 2009 Special Sessions*

2. **Setting a Hearing Zoning the LaHue Annexation, Located at 514 Morning Glory Lane** [File #ANX-2009-214]

A request to zone the 0.32 acre LaHue Annexation, located at 514 Morning Glory Lane to R-8 (Residential 8 du/ac).

Proposed Ordinance Zoning the LaHue Annexation to R-8 (Residential 8 DU/Acre), Located at 514 Morning Glory Lane

*Action: Introduction of a Proposed Ordinance and Set a Hearing for January 6, 2010*

3. **Setting a Hearing for the James Annexation, Located at 514 30 Road** [File #ANX-2009-241]

A request to annex 1.29 acres, located at 514 30 Road. The James Annexation consists of one parcel.

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

Resolution No. 95-09—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, James Annexation, Located at 514 30 Road

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, James Annexation, Approximately 1.29 Acres, Located at 514 30 Road

Action: *Introduction of a Proposed Ordinance and Set a Hearing for February 1, 2010*

4. **Amended Property Tax Resolution for the Ridges Metropolitan District for Levy Year 2009**

The original resolution that set the mill levies of the Ridges Metropolitan District needs to be re-authorized due to the Amended Certification of Values received from the County on December 1, 2009. The Ridges levy is assessed for the debt service only.

Resolution No. 96-09—A Resolution Ratifying the Levying of Taxes by Resolution No. 94-09 for the Year 2009 in the Ridges Metropolitan District

Action: *Adopt Resolution No. 96-09*

5. **2010 Mesa County Animal Control Services Agreement**

The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for animal control services within the City limits. The City pays the County a percentage of the Mesa County Animal Services' budget based upon the City's percentage of total calls for service.

Action: *Approve and Authorize the Mayor to Sign the 2010 Agreement between Mesa County and the City of Grand Junction Pertaining to Animal Services*

6. **Website Services Contract Renewal for the Visitor and Convention Bureau**

This is the fifth and final year of the contract originally approved by Council on September 21, 2005 that resulted from the RFQ/RFP issued in 2005. The contract for website services is renewed annually in conjunction with adoption of the City's annual budget and the VCB's Marketing Plan for the upcoming year. VCB staff is requesting approval by Council of the 2010 Contract with Miles Media Group for website services.

Action: *Authorize the City Manager to Execute a Contract with Miles Media Group in the Amount of \$150,000 for Advertising Services for the Period January 1, 2010 – December 31, 2010*

7. **Advertising Services Contract Renewal for the Visitor and Convention Bureau**

This is the fifth and final year of the contract originally approved by Council on September 21, 2005 that resulted from the RFQ/RFP issued in 2005. The contract for advertising services is renewed annually in conjunction with adoption of the City's annual budget and the VCB's Marketing Plan for the upcoming year. VCB staff is requesting approval by Council of the 2010 Contract with Hill Marketing for advertising services.

*Action: Authorize the City Manager to Execute a Contract with Hill Marketing in the Amount of \$415,000 for Advertising Services for the Period January 1, 2010 – December 31, 2010*

8. **521 Drainage Authority Revised IGA**

A revised Intergovernmental Agreement (IGA) to allow the Authority to take over Grand Junction's Colorado Discharge Permit System (CDPS) Stormwater Discharge Permit and to provide greater enforcement capability on construction sites.

*Action: Authorize the Mayor to Sign the Revised IGA on Behalf of the City of Grand Junction*

### ITEMS NEEDING INDIVIDUAL CONSIDERATION

**Public Hearing—Matthews Enclave Annexation and Zoning, Located along the Colorado River West of 25 Road and South of the Riverside Parkway** [File #ANX-2009-209]

A request to annex 10.53 acres of enclaved property, including 0.83 acres of public right-of-way located along the Colorado River west of 25 Road and south of the Riverside Parkway. The Matthews Enclave consists of one privately-owned parcel and portions of two publicly-owned parcels, which are requested to be zoned CSR (Community Services and Recreation) zone district.

Under the 1998 Persigo Agreement with Mesa County the City is to annex all enclave areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The Matthews Enclave has been enclaved since January 16, 2005.

The public hearing was opened at 7:21 p.m.

Brian Rusche, Senior Planner, presented this item. He described the request, the site, and the location. He asked that the Staff Report and attachments be entered into the record. The request meets the criteria of the Zoning and Development Code and the Planning Commission has recommended approval.

There were no public comments.

The public hearing was closed at 7:22 p.m.

**a. Annexation Ordinance**

Ordinance No. 4398—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Matthews Enclave Annexation, Located along the Colorado River West of 25 Road and South of the Riverside Parkway, Consisting of Approximately 10.53 Acres

**b. Zoning Ordinance**

Ordinance No. 4399—An Ordinance Zoning the Matthews Enclave Annexation to CSR (Community Services and Recreation), Located along the Colorado River West of 25 Road and South of the Riverside Parkway

Councilmember Kenyon moved to adopt Ordinance Nos. 4398 and 4399 and ordered them published. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

**Persigo Energy Performance Contract Project Proposal**

Staff will present the facility improvement measures recommended by the technical energy audit completed for Persigo Wastewater facility and the proposed Performance Contract with Johnson Controls, Inc. (JCI) to implement the measures.

Greg Trainor, Utilities, Streets and Facilities Director, introduced Staff and gave a background on the operating system improvements for 2010. He said that Staff was here to talk about the continuation of improvements for the City of Grand Junction. The Johnson Controls Contract will add to additional work planned for 2010. The improvements include compressed natural gas, fuel for trash trucks, a CNG fill station along with other improvements.

Terry Franklin, Utilities, Streets, and Facilities Deputy Director, talked about energy, compact fluorescent bulbs, and water. He asked that Council authorize this contract with Johnson Controls so that the Persigo plant will benefit from the energy savings that other City facilities have had in the past year. The contract includes replacing nine air handling units, 514 lighting fixtures inside and outside will be replaced, major street lights will be

upgraded, and water conservation measures will be employed by retro fitting toilets and sinks.

Councilmember Palmer asked if the pay-off time frame is fifteen years as he thinks this is a long period of time. Mr. Franklin replied that yes, it is standard as that was the agreement set for pay off with the other City facilities upgrades. Although the City could pay this off in a shorter amount of time, the energy cost savings realized will pay for all these projects in a fifteen year time frame. The majority of the savings will be in the heating unit upgrades. Councilmember Palmer asked, when calculating the net cost savings over the next fifteen years, has maintenance, repair, and replacement for these upgrades been taken into consideration or does this just account for the initial replacements? Mr. Franklin replied that it is just for the initial upgrades, although with the new heating units there will not be a lot of maintenance involved.

Councilmember Coons asked if this contract was in the 2010 budget. Mr. Franklin responded that this had been included in the budget.

Councilmember Palmer moved to authorize the City Purchasing Division to enter into a contract with Johnson Controls, Inc. (JCI) in the amount of \$505,296 for the completion of the Persigo Wastewater Facility Energy Performance Contract. Councilmember Beckstein seconded the motion. Motion carried.

### **800 MHz Radio Purchase with Motorola (Sole Source)**

The Grand Junction Regional Communications Center (GJRCC) has completed upgrading the existing radio towers to 800MHz. This action will allow public safety system users on the valley floor to use the State of Colorado Digital Trunked Radio System. Funds in the amount of \$1,083,152 have been awarded through grants, seized funds and budgeted funds, for the purchase of portable and mobile radios. Because only partial funding was available, the GJRCC staff and the Grand Junction Emergency Telephone Service Authority Board (ETSAB) have developed a transition plan that will convert the following agencies, in part, to 800 MHz; Grand Junction Police and Fire, Mesa County Sheriff, Fruita Police, Collbran Marshal, DeBeque Marshal, Palisade Police, and the GJRCC.

Troy Smith, Deputy Chief of Police, presented this item and said the GJ Regional Communication Center is preparing to upgrade their public safety radios. He gave a history of the background of the Communication Board's recommendation and purchase of the sole source with Motorola which are used by all emergency personnel. Over the past year and a half funding has been a priority to begin the transition to the new system. He asked that the funding be approved to continue this upgrade transition.

President of the Council Hill asked Deputy Chief Smith to go through the funding sources as it a very impressive list. Deputy Smith said there are nine different funding sources, \$100,000 from the American Recovery and Reinvestment Act (ARRA), \$100,000 from the Justice Assistance Grant (JAG), two local JAG grants that had remaining balances which will be put towards this purchase, \$300,000 from the Law Enforcement Forfeiture Fund, \$152,000 from the Grand Junction Regional Communication Budget, \$326,000 from the State's Homeland Security Fund, \$50,000 in the Police Operating Budget, and \$11,549 in the City's Fleet Equipment Replacement Fund.

Councilmember Kenyon congratulated Deputy Chief Smith on the assembly of the grants/funds and said he was happy to hear of the completion of the towers and asked how much more funding it will take for the City to achieve the goal so that Council can start to budget for this. Deputy Chief Smith stated that 680 portable radios are still needed to complete the need. For the mobile radios, 306 more are needed to complete the needs of the Police Department. There is a significant amount yet to be purchased and Staff intends to pursue some of the same grant funding in 2010. An assessment has been done by in-house radio technicians/state radio technicians and this assessment shows that an additional three more towers will be needed in the County in order to realize the same amount of coverage under the current system. The towers cost is approximately \$1 million a piece. The Communications Board has authorized the design and development of one of those three towers with existing funds in the 911 balance. This tower will be in Rabbit Valley. If this tower is completed in 2010, there will be approximately \$2 million left in infrastructure in addition to the radios still required.

Councilmember Palmer asked if there will be any dead spots or lapses in coverage because there will only be one tower built right now as opposed to the three proposed. Deputy Chief Smith answered yes, this will leave some dead spots. The Mesa County Sheriff's Department will be operating on both radio systems for a period of time in order to counteract this situation. Councilmember Palmer asked if there is a deadline on when the switch over must be complete. Deputy Chief Smith answered the deadline is January 1, 2013 which is when the existing VHF radio licenses will expire. Councilmember Palmer said Council then has until this date to budget for these expenditures. Deputy Chief Smith responded affirmatively.

Councilmember Coons asked if this is a collaborative effort with other agencies and the County. Deputy Chief Smith said other agencies are looking to their local budgets, although no funding has been provided currently. City Manager Laurie Kadrach has been meeting with other managers in the community and everyone is working together to get this project completed. Deputy Chief Smith clarified that the funds being requested will buy radios in part and transitionally for the GJ Police Department, GJ Fire Department, Mesa County Sheriff's Office, Fruita Police Department, the Collbran Marshall, the DeBeque Marshall, the Palisade Police Department, and the GJ Regional Staff (radios on the console). They will still have to operate on both systems for some Counties.

Councilmember Coons asked about the State Patrol being on the same system. Deputy Chief Smith replied that they are on the State's radio system. The State Patrol has different requirements as they are rarely inside of buildings.

Councilmember Palmer asked if the City is able to buy these radios in bulk now and if, down the road, the pricing be secured throughout the completion of this transition? Deputy Chief Smith replied that this pricing is only secured through the end of 2009, although he is surmising that as technology increases every year, pricing tends to go down, so there may be a possibility of getting better pricing over the next three years.

Council President Hill thanked Deputy Chief Smith and said he appreciated the presentation. He asked if there were any further questions.

There were no further questions.

Councilmember Beckstein moved to authorize the City Purchasing Division to enter into a Contract/Purchase Order with Motorola to purchase 800 MHz radios in an amount not to exceed \$1,083,152. Councilmember Palmer seconded the motion. Motion carried.

### **Transportation Impact Fee Review**

In December 2007 the City Council delayed the increase in Transportation Capacity Payments (TCP) for commercial and industrial development. The TCP is the City's transportation impact fee. With this action the City Council is to consider whether to further delay increasing the commercial and industrial fees.

Laurie Kadrach, City Manager, presented this item as it is more than a housekeeping measure. She reviewed the discussion of 2007 regarding the fees and how they were not enough at that time to address the escalating costs. There was a public hearing on this topic and the increase was granted for the residential fees. An increase in commercial and industrial fees, however, was not approved. Discussions and meetings were held but then due to the downturn of the economy at the end of 2008 no action was taken. A report was brought to Council during the budgeting process. Since then the question has come up by members of the community if the Council is going to implement this fee increase that could/should have been implemented in 2007? The purpose of the discussion tonight is to have closure on the 2007 proposal. City Manager Kadrach believes that the 2007 pricing would not be accurate as it was based on construction costs at that time. There has also been discussion that those fees should have been set higher, because of this the residential fee has been raised incrementally over what was recommended originally.

Council President Hill provided additional background of when the fees should have gone into effect. He stated discussion needs to be held to raise these fees, although



he did not know if January 1, 2010 is the time to implement this increase. He said the 2010 budget was not based on that commercial increase going into effect next year either. City Manager Kadrich concurred, stating this was not budgeted for 2009 nor was there adjustments made for 2010.

Councilmember Beckstein asked for clarification on if this was a motion to continue the TCP discussion.

Council President Hill clarified that there was a motion made that if no additional action was taken, the increase would take effect January, 2009. However, it was never implemented and was not budgeted into the 2010 budget. This is a motion to consciously state that Council is aware that the TCP did not go into effect.

Councilmember Kenyon said he needed more clarification. City Manager Kadrich clarified by stating the motion that was made in December 2007 would have directed Staff to implement a fee increase in 2009, absent anything to change that, this fee should be implemented. City Manager Kadrich said this is a question left to Staff and the community is wondering when this will happen.

Councilmember Kenyon made a motion to further delay the increase for another year. Councilmember Coons seconded the motion.

Councilmember Palmer commented that he has long been an opponent to the TCP program because it was set up to help defray costs, and to cover actual costs of development so that commercial and industrial pay for the infrastructure that was necessary, and it has not done that. Knowing this, the rates have not been increased to cover what is required. He feels that the residents of the community are helping to subsidize this to a certain extent. There needs to be a realization that there is a cost for commercial and industrial development. There is work to be done with the stakeholders to understand the cost and that there is a fair and rightful charge to the developers. He is uncomfortable with the taxpayers having to subsidize these costs.

Councilmember Pitts asked if this was stated in an amount increase or a percentage increase? He feels inclined to agree with Councilmember Palmer's view. He also feels there should be action taken instead of discussion.

Councilmember Hill clarified for Councilmember Pitts that there was an affirmative motion that was supposed to have gone into effect January 2009 which, at that time was really a one year delay to analyze the situation. That did not happen because it was a busy year and for other various reasons. For 2010, the motion can be made to go with what the original vote was and continue the delay or defeat this motion. He stated that Councilmember Coons has a workshop scheduled for this upcoming

January for further discussion about the fees and to gather more information in order to make this decision.

Roll was called on the motion. Motion carried 4 to 2 with Councilmembers Palmer and Pitts voting NO.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 7:56 p.m.

Juanita Peterson, CMC  
Deputy City Clerk