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**CITY COUNCIL AGENDA
WEDNESDAY, NOVEMBER 5, 2014
250 NORTH 5TH STREET
6:30 P.M. – ADMINISTRATION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order
(7:00 P.M.)

Pledge of Allegiance
Invocation – Associate Pastor Scott Hendrickson, Liberty Baptist Church

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

Presentation

Deputy Chief Nordine to present a Forensic Video Analyst Certification to Jordan Huslig with the Grand Junction Police Department

Proclamations

Proclaiming the Month of November 2014 as “Pulmonary Hypertension Awareness Month” in the City of Grand Junction [Attachment Supplemental Documents](#)

Proclaiming the Month of November 2014 as “Hospice and Palliative Care Month” in the City of Grand Junction [Attachment](#)

Proclaiming November 11, 2014 as “A Salute to all Veterans 2014” in the City of Grand Junction [Attachment](#)

Proclaiming November 1-7, 2014 as “National Health Professionals Week” in the City of Grand Junction [Attachment](#)

Appointments

To the Planning Commission/Zoning Board of Appeals

Citizen Comments

[Supplemental Documents](#)

Council Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of the Previous Meetings** [Attach 1](#)

Action: Approve the Summaries for the October 6, 2014 and the October 13, 2014 Workshops, and the Minutes from the October 15, 2014 Special Session and October 15, 2014 Regular Meeting

2. **Setting a Hearing on the Salt Flats Comprehensive Plan Amendment and Rezone, Located at the Northeast Corner of 28 Road and Grand Avenue** [File #CPA-2014-230 and RZN-2014-231] [Attach 2](#)

A request to change the Comprehensive Plan - Future Land Use Designation from Residential High Mixed Use to Commercial on 10.09 acres and a request to rezone 26.49 acres from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district, located at the northeast corner of 28 Road and Grand Avenue.

Proposed Ordinance Amending the Comprehensive Plan from Residential High Mixed Use to Commercial and Rezoning Property from C-1 (Light Commercial) to R-24 (Residential 24+ du/ac) for Property known as the Salt Flats Located at the Northeast Corner of 28 Road and Grand Avenue

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for November 19, 2014

Staff presentation: Brian Rusche, Senior Planner

3. **Setting a Hearing Amending Sections of the Zoning and Development Code to Create a New Form-based Zoning District and to Amend Development Standards Applicable to Form Districts** [File #ZCA-2014-283] [Attach 3](#)

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC), to create a new form district to implement the “Mixed Use Opportunity Corridor” land use designation of the Comprehensive Plan, to establish development standards for the new form district, and to amend general form districts standards.

Proposed Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) to Create a New Form-Based Zoning District that will Implement the Mixed Use Opportunity Corridor Future Land Use Designation of the Comprehensive Plan and to Amend Development Standards Applicable to the Form Districts

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for November 19, 2014

Staff presentation: David Thornton, Principal Planner

4. **CDBG Subrecipient Contracts with West Springs Hospital and the Salvation Army for Previously Allocated Funds within the 2014 Community Development Block Grant (CDBG) Program Year** [File #CDBG-2014-06 and 2014-07] [Attach 4](#)

The Subrecipient Contracts formalize the City’s award of \$31,164 to West Springs Hospital and \$25,000 to the Salvation Army allocated from the City’s 2014 CDBG Program as previously approved by Council. The grant funds will be used to purchase specialized furnishings for patient rooms at West Springs Hospital and remodel the meal service kitchen at the Salvation Army’s main facility.

Action: Authorize the City Manager to Sign the Subrecipient Contracts with West Springs Hospital for \$31,164 and the Salvation Army for \$25,000 from the City's 2014 CDBG Program Year Funds

Staff presentation: Kristen Ashbeck, Community Services Coordinator/CDBG Administrator

5. **Contract for Leach Creek Open Channel Tree and Brush Removal 2014-2015** [Attach 5](#)

This request is to award a contract for the cutting of trees in the Leach Creek drainage channel located approximately between the intersections of 25 Road and G Road, and 26 ½ Road and Catalina Drive, a distance of approximately 2.8 miles which is split into 8 sections. This contract shall include the cutting and removal/chipping of trees within 15' on both sides of the center of the stream in the drainage channel.

Action: Authorize the City Purchasing Division to Enter into a Contract with Enviro Land Management, LLC of Whitewater, CO for the 2014-2015 Leach Creek Tree Cutting Project in the Amount of \$125,000

Staff presentation: Greg Lanning, Public Works and Utilities Director
Jay Valentine, Internal Services Manager
Darren Starr, Streets and Solid Waste Manager

6. **Outdoor Dining Lease for Mesa Theater and Club, LLC, Located at 538 Main Street** [Attach 6](#)

Mesa Theater and Club, LLC, is leasing the Mesa Theater property and business located at 538 Main Street from the current owner Mesa Theater and Lounge, LLC. As a new business entity, Mesa Theater and Club, LLC, is requesting a first-time Outdoor Dining Lease for an area measuring 350 square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The outdoor dining area comprises the same enclosed sidewalk dining area that is currently occupied by Mesa Theater and Lounge, LLC.

Resolution No. 32-14—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Mesa Theater and Club, LLC dba Mesa Theater and Club

®Action: *Adopt Resolution No. 32-14*

Staff presentation: Harry M. Weiss, DDA Executive Director

7. **Sole Source Equipment Purchase of Digester Gas Flare Equipment at the Persigo Waste Water Treatment Plant** [Attach 7](#)

This request is to approve a sole source purchase of methane gas flare equipment from LFG Specialties, LLC. Pending approval, this equipment will be installed in conjunction with the new BioCNG scrubbing equipment at the Persigo Waste Water Treatment Plant (WWTP) later this winter. The flare equipment being replaced was installed when the plant was constructed in 1983 and is well beyond its service life.

Action: *Authorize the City Purchasing Division to Purchase Methane Gas Flare Equipment from LFG Specialties, LLC in the Amount of \$82,900*

Staff presentation: Greg Lanning, Public Works and Utilities Director
Jay Valentine, Internal Services Manager

8. **Renewable Fuel Credit Management Services** [Attach 8](#)

Blue Source will coordinate all of the activities required to generate, document, register, market, and monetize the Renewable Identification Numbers (RIN's) achieved by the Persigo Waste Water Treatment Plant BioGas project.

Action: *Authorize the Purchasing Division to Enter into a Contract with Blue Source to Provide Services Required to Register, Generate, and Market Renewable Identification Numbers*

Staff presentation: Jay Valentine, Internal Services Manager

9. **Horizon Drive Association Business Improvement District (HDABID) 2015 Operating Plan and Budget** [Attach 9](#)

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30th each year. The City Council then approves or disapproves the plan and budget by December 5th. The plan was reviewed by the Horizon Drive Association Business Improvement District Board and submitted within the required timeline.

Action: *Approve the Horizon Drive Association Business Improvement District's 2015 Operating Plan and Budget*

Staff presentation: Chuck Keller, HDABID President
Vara Kusal, District Manager

10. **Vacate a 20' Sewer Easement Located at 2619 H Road** [Attach 10](#)

A request to vacate a 20' sewer easement on a 3.069 +/- acres parcel in a Residential – Rural (R - R) zone district located at 2619 H Road. The easement will be relocated along the edge of the property instead of crossing diagonally.

Resolution No. 33-14—A Resolution Vacating a 20' Sewer Easement Located at 2619 H Road

®Action: *Adopt Resolution No. 33-14*

Staff presentation: John Shaver, City Attorney

*** * * * END OF CONSENT CALENDAR * * * ***

*** * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * * ***

11 **Public Hearing—Fire Station No. 4 Annexation and Zoning , Located at 2880 B ½ Road** [File #ANX-2014-341] [Attach 11](#)

A request to annex and zone the 4.760 acre Fire Station No. 4 Annexation, located at 2880 B ½ Road, to R-4 (Residential 4 du/ac). This property consists of 1 parcel, contains 1.21 acres of B ½ Road right-of-way, and is being annexed into the City.

Resolution No. 34-14—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fire Station No. 4 Annexation, Located at 2880 B ½ Road is Eligible for Annexation

Ordinance No. 4641— An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fire Station No. 4 Annexation, Approximately 4.760 Acres, Located at 2880 B ½ Road and including a Portion of the B ½ Road Right-of-Way

Ordinance No. 4642— An Ordinance Zoning the Fire Station No. 4 Annexation to R-4 (Residential 4 du/ac), Located at 2880 B ½ Road

®Action: *Adopt Resolution No. 34-14 and Adopt Ordinance No. 4641 and Ordinance No. 4642 on Final Passage and Order Final Publication in Pamphlet Form*

Staff presentation: Senta Costello, Senior Planner

12. **Public Hearing—Amending Industrial Pretreatment Regulations Regarding Limits for Metals in Industrial Wastewater Discharge** [Attach 12](#)

The Persigo Industrial Pretreatment Program is revising the Mass Based Local Limits for Metals discharged to the Persigo Wastewater Treatment Facility from local industries to continue to meet State and Federal wastewater discharge permit requirements. Federal regulations require a reading of the proposed changes to the Code, public notice by the US Environmental Protection Agency (USEPA) and final approval at a hearing. The City adoption of the final ordinance is contingent on USEPA final approval, anticipated in the near future. It is anticipated the revision will not result in any impacts to permitted Industrial Users, based on historical monitoring data.

Ordinance No. 4640—An Ordinance Amending Section 13.04.370 (D) of the Grand Junction Municipal Code Pertaining to Industrial Pretreatment Regulations Concerning Mass-Based Local Limits

®Action: Adopt Ordinance No. 4640 on Final Passage and Order Final Publication in Pamphlet Form Contingent on USEPA Final Approval

Staff presentation: Greg Lanning, Public Works and Utilities Director
John Shaver, City Attorney

13. **Public Hearing—Proietti Annexation and Zoning, Located at 782 24 Road** [File #ANX-2014-321] [Attach 13](#)

A request to annex and zone the Proietti Annexation, located at 782 24 Road. The Proietti Annexation consists of one 8.939 acre parcel and no public right-of-way. The requested zoning is a C-1 (Light Commercial) zone district.

Resolution No. 35-14—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Proietti Annexation, Located at 782 24 Road is Eligible for Annexation

Ordinance No. 4643— An Ordinance Annexing Territory to the City of Grand Junction, Colorado Proietti Annexation, Approximately 8.939 Acres, Located at 782 24 Road

Ordinance No. 4644— An Ordinance Zoning the Proietti Annexation to C-1 (Light Commercial), Located at 782 24 Road

®Action: Adopt Resolution No. 35-14 and Adopt Ordinance No. 4643 and Ordinance No. 4644 on Final Passage and Order Published in Pamphlet Form

Staff presentation: Brian Rusche, Senior Planner

14. **Commercial Catalyst Grant Program—North Avenue Revitalization** [Attach 14](#)

In the continuing efforts to revitalize North Avenue, City Council will consider creating and funding a new Commercial Catalyst Grant Program to help fund streetscape and building façade projects on North Avenue. The grant program will require a 50% match from the property/business owner with grant amounts up to \$10,000 per property. Projects meeting the requirements of the program and approved by City Council will be funded on a first come first serve basis.

Resolution No. 36-14—A Resolution Establishing the Commercial Catalyst Grant Program for North Avenue

®Action: Adopt Resolution No. 36-14, Assigning a Council Member to Sit on the Catalyst Committee, and Approving a 2014 Budgeted Line Item of \$50,000 to Fund the Program

Staff presentation: Tim Moore, Deputy City Manager
David Thornton, Principal Planner

15. **Contract for City of Grand Junction CNG Slow-Fill/Time-Fill Fueling Station Expansion Project** [Attach 15](#)

This request is to authorize the City Purchasing Department to award a contract with Ward Alternative Energy, LLC of Commerce City, CO for the expansion of the City's CNG Fueling Station. There are currently ten time-fill stations that service 18 City CNG vehicles and four Grand Valley Transit (GVT) vehicles. Four more CNG vehicles and four more GVT vehicles are expected in the next two months.

Action: Authorize the City Purchasing Division to Enter into a Contract with Ward Alternative Energy, LLC of Commerce City, CO in the Amount of \$463,361, for the Expansion of the City's CNG Fueling Station to Include an Additional 10 Fueling Stations

Staff presentation: Tim Moore, Deputy City Manager
Jay Valentine, Internal Services Manager
Bret Guillory, Engineering Program Supervisor

16. **Non-Scheduled Citizens & Visitors**
17. **Other Business**
18. **Adjournment**



Grand Junction

State of Colorado

PROCLAMATION

- WHEREAS, *the health of our community is the foundation for a caring and productive society, and our future rests with our ability to adequately treat, and ultimately find cures for, individuals who are afflicted with a variety of illnesses including pulmonary hypertension; and*
- WHEREAS, *pulmonary hypertension (PH) is a rare, chronic, progressive life-threatening lung disease marked by elevated blood pressure in the lungs; and*
- WHEREAS, *without treatment, PH patients live an average of 2.8 years past diagnosis; and*
- WHEREAS, *multiple treatments are available for PH but it takes patients an average of nearly 3 years to be accurately diagnosed. This delay in diagnosis has not changed in the past twenty years; and*
- WHEREAS, *PH patients who are diagnosed earlier have a longer life-expectancy; and*
- WHEREAS, *education can help with early diagnosis and funding for research can help find a cure; and*
- WHEREAS, *LiPHe in the Grand Valley is a local support group with the mission of fostering a caring, educated, and supportive community for pulmonary hypertension patients and their families through the assistance of the Pulmonary Hypertension Association, a nonprofit organization that seeks ways to prevent and cure pulmonary hypertension, and to provide hope for the PH community through support, education, advocacy, and awareness.*

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the month of November 2014 as

“PULMONARY HYPERTENSION AWARENESS MONTH”

in the City of Grand Junction and urge all the citizens to recognize the seriousness of this disease and the meritorious work of the Pulmonary Hypertension Association to find a cure.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 5th day of November, 2014.

Mayor





Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, *HopeWest is dedicated to profoundly changing the way our community experiences serious illness and grief—one family at a time; and*

WHEREAS, *HopeWest provides extraordinary, family-centered care that inspires and enriches people's lives, transforming forever the way they perceive illness, death and grief; and*

WHEREAS, *For the past 10 years, HopeWest has provided compassionate, comprehensive end-of-life care to more than 2,500 patients and families each year; and*

WHEREAS, *HopeWest is made possible through the generosity of our community, nearly 1,300 volunteers, and more than 300 staff dedicating their time and talent to our organization; and*

WHEREAS, *Hospice and Palliative Care Month is a unique opportunity to increase the public's awareness of HopeWest and acknowledge the community that makes it all possible.*

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim November, 2014 as

"HOSPICE AND PALLIATIVE CARE MONTH"

in the City of Grand Junction and ask that the City Council encourage the support and participation of friends, neighbors, colleagues, and fellow citizens in hospice activities and programs now and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 5th day of November, 2014.

Mayor





Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, our Veterans have made sacrifices and worked diligently to keep our nation free; and

WHEREAS, it is right for our community and our Nation to seek ways in which to recognize and show our appreciation for those men and women who have faithfully served our country; and

WHEREAS, the citizens across the United States will be celebrating Veteran's Day on November 11, 2014; and

WHEREAS, it is proper for citizens to honor our Veteran's service to our country and there will be a Veterans Day parade on Saturday, November 8, 2014 in Grand Junction beginning at 2:00 p.m. on Main Street; and

WHEREAS, this event will be the 22nd annual local parade and salute to our Veterans.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim November 11, 2014 as

"A SALUTE TO ALL VETERANS 2014"

in the City of Grand Junction.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 5th day of November, 2014.

Mayor





Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, HOSA, representing Future Health Professionals, is a national Career and Technical Student Organization that has over 165,000 members and several million alumni. Formerly known as Health Occupation Students of America, HOSA rebranded its image three years ago to better reflect the diversity of the students and the many careers available in health care; and

WHEREAS, HOSA has been active on the Western Colorado Community College (WCCC) campus for many years; and

WHEREAS, HOSA students provide community service, they train in leadership and professionalism as well as compete in over 55 different events at both the state and national level. The students at WCCC have logged over 7,000 community service hours with an economic impact of over \$147,000 to the community during the last school year; and

WHEREAS, members from the local HOSA Chapter have been recognized as State Champions the last six years and National Champions the last five years; and

WHEREAS, HOSA is in its 7th year of sponsoring a teenager in the Philippines, helping him with funding for his education and healthcare; and

WHEREAS, this year the local chapter is having its inaugural Leadership Academy where 16 students will interact with local community leaders to learn about different leadership styles; and

WHEREAS, students are selling First Aid kits for home, auto, outdoors, and businesses to raise funds for their organization. They are taking orders through December 1st; and

WHEREAS, the first week of November is nationally recognized as HOSA Week.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim November 1st through 7th 2014 as

“NATIONAL HEALTH PROFESSIONALS WEEK”

in the City of Grand Junction.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 5th day of November, 2014.

Mayor



Minutes

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY October 6, 2014 – Noticed Agenda Attached

Meeting Convened: 5:05 p.m. in the City Auditorium

Meeting Adjourned: 8:09 p.m.

Council Members present: All. Staff present: Englehart, Shaver, Moore, Finlayson, Hazelhurst, Tice, Gilbertson, and Tuin.

Agenda Topic 1. Web Site Upgrades – Demonstration

Management and Legislative Liaison Elizabeth Tice stated that a new design for the web site was a group effort with Information Technology Director Jim Finlayson, Web Analyst CJ O'Hara, and herself. They looked at two areas for the web site; one being design and the other being content. For the design, it is currently in the preliminary stages until further information is gathered from marketing and economic development partners and the ultimate goal would be moving the City's entire website into a new design. For content, they surveyed best practices that other cities have on their local government economic development websites. Special emphasis will be put on economic development partners, establishing a newsfeed that would link to stories of new development, expansion, etc., adding success stories of local entrepreneurs, and having a more thorough matrix with cost of doing business.

Industrial Land Analysis

Large industrial parcels and parks were identified, the location of utilities were determined for each parcel, contact information was gathered, and property details were determined such as distances from the property to I-70, to Highway 50, to the airport, etc. By doing all of that, it could help the property be more marketable. They will be able to link the property information to the realtors. Ms. Tice displayed the preliminary web site and said that some of the areas that they are focusing on are business climate (such as tax exemptions, incentives, workforce training and development, and cost of doing business), site selection (links directly to Grand Junction Economic Partnership (GJEP) where commercial sites are available), permitting processes, and a link to Industrial Developments, Inc. (IDI).

Ms. Tice demonstrated the preliminary website which they were hoping may be able to go live within 30 days. She stated that GJEP's website hosts the industrial and commercial properties availability. By clicking on the parcel identification, it will link directly to the City's Geographical Information System (GIS) which would allow for all of the additional layers available. She displayed what information could be obtained for each parcel such as whether the utilities are

located on or off the property, what size lines, water line pressure, adjacent fire hydrant flow, sewer provider, line size, utility location, and electrical information. Ms. Tice said that any input regarding the website from the Realtors Association would be beneficial.

City Manager Englehart advised City Council that Information Technology Director Jim Finlayson has been working with CenturyLink and Charter to identify internet access from a broadband standpoint.

Lethbridge/Innovation Districts

Ms. Tice informed City Council that recently the GIS group hosted a GIS conference which drew in a lot of people and vendors. One vendor of interest was Lethbridge in Alberta, Canada. Their economic development site has a neat teconnect building which houses a business cluster and lists all of the businesses within the cluster. It attracts industries and it gives entrepreneurs resources. Ms. Tice introduced the Business Incubator (BIC) Executive Director Jon Maraschin to review something similar that the Business Incubator is working on.

Mr. Maraschin said that the Incubator started to work on ideas to replicate an innovation hub to foster startups in Grand Junction. The first step was the GJMakerSpace 3D Innovation Center (which is supported by Western Colorado Community College (WCCC)) in 2014. There are a lot of young people who want to start a business but they have no money. The Incubator is proposing an Accelerator program which is a six month program where the Incubator funds the business to help it get started. They are working on an idea to use strengths from the BIC, WCCC, and the Western Colorado Manufacturing Alliance (WCMA) to create a technology/manufacturing accelerator for a strong pathway for business formations and job creations. Key elements would be education, innovation space, business incubation, and advisory/mentoring. To get this space ready, it could cost \$24,000 to \$35,000 per year. An ideal location would be at 750 Main Street. If the program proves to be successful, BIC would need to acquire better space and additional staff with appropriate skills to optimize the program. It is important to get the community pushing forward with technology. Right now the community is ranked 19th in the country for high technology startups. According to Harvard Business Review Study a month or two ago, there are over 600,000 college students studying entrepreneurship in this country.

Agenda Topic 2. Marketing Plan

City Manager Englehart advised that a survey was sent out to Economic Development (ED) partners and three questions were asked regarding where the community is now and where it should go regarding marketing. The results showed a need for a stronger collaborative effort in marketing and branding. It was decided that the City and County would put out a Request for Proposals (RFP) for a marketing plan. Goals and outcomes for economic development, having a unified voice for marketing, and implementation strategies were all put into the RFP

and twelve responses were received. A process was established to evaluate the RFP's. Management and Legislative Liaison Elizabeth Tice was selected as the main contact person.

Ms. Tice reviewed the process of evaluating the RFP's and identified which ED partners took part in the process. There were two main strategies that were looked at in the RFP; branding and marketing plan development and advertising and promotional material development. A very reputable approximately 86 year old company out of Nashville, TN (with a presence in Denver), North Star, is the company that ended up unanimously on top. Some of their main deliverables are: 1) their brand development which they offer a combination of a vision of the community, the perception of consumers and influences, and a competitive strategy; 2) asset alignment which is matching industries with specific economic assets; 3) industry intelligence which will identify clusters, relationships between industries, critical site selection factors, and workforce needs; and 4) creativity to develop concepts, logos, and visual identity of brand, content recommendations, and a targeted marketing message. Ms. Tice encouraged City Council to go to North Star's website where it lists other cities that they have done business with including, Montrose tourism, Lansing, MI, a town in Alaska, and Lodi, CA. They target mid-size communities. There was some discussion regarding the outcome of references checked and benchmarks. Grand Junction Chamber of Commerce Executive Director Diane Schwenke advised that several of the previous clients of North Star's have received awards in the economic development industry for outstanding marketing.

Councilmember Chazen asked if the marketing materials and execution strategies are part of the RFP. City Manager Englehart said that the strategies are part of the RFP but not the materials. He also stated that the RFP's for the Cluster Analysis are due on October 7th.

When asked what the cost is Ms. Tice responded \$137,000 and it will be requested that City Council fund it possibly over a two year time frame. Mesa County has expressed interest and may be willing to contribute. City Manager Englehart said it would come out of the ED fund and if the cluster RFP goes forward, Department of Local Affairs could be asked if there is a component of funding from them for that.

There was some discussion about including Fruita, Palisade, Powderhorn, the Forest Service, etc. in the collaboration of the plan and the implementation of the plan since they all contribute to the community.

City Manager Englehart advised City Council that the direction Staff is asking for them is to place this item on the agenda to procure North Star and then Staff will move forward working with ED Partners and defining roles. City Council agreed to place this item on the October 15th City Council meeting agenda. City Manager Englehart said that he will also get with Mesa County to get this on their agenda as well.

Agenda Item 3: Commercial Catalyst Pilot Program

Management and Legislative Liaison Elizabeth Tice advised that in July they surveyed local government and ED organizations to find out what the greatest needs are in the business community for economic development incentives. The biggest results were the need for façade improvements grants which she explained could be modeled after the program that the Downtown Development Authority (DDA) has. It could be a partnership program that is authorized on a project by project basis. The proposal modifies the façade improvements grants model that works well for DDA to include pedestrian safety investments because that is a main focus of the North Avenue Owners Association. Ms. Tice advised that eligible projects would include repair, restoration, or installation of exterior masonry, stucco, or siding, exterior awnings, windows, trim, and doors, lighting and signage, removal of nonconforming structures, pedestrian safety, sidewalks, and park strips. She stated that all improvements must be permanent. She reviewed the proposed criteria which included having to be a commercial property. A matching grant of up to \$10,000 per request would be available. Proposed are two years/rounds of funding. Applications will be reviewed on a first come, first served basis and must conform with North Avenue Overlay. Funding will be on a reimbursement basis.

Deputy City Manager Tim Moore explained the Overlay and the process the City used to develop it.

There was a lengthy discussion on the criteria requirement for the conformity with North Avenue Overlay, the process for reviewing and processing the applications, the total of the funding, and funding options for the program over the proposed two years.

City Attorney John Shaver advised Council that Staff would also need procedural direction from them on whether or not Council wants to make decisions on individual projects or have some other process for decision-making. City Attorney Shaver advised City Council that Community Development Block Grant (CDBG) monies could not be used for these façade improvement projects because of the restriction of those funds.

City Council was in agreement to go forward with the proposal on the program and bring it back to City Council for adoption. The funding will come from Council's Economic Development Fund.

Agenda Topic 4 – Vendor Compensation

City Manager Englehart advised Council that this item was discussed at the retreat held at HopeWest. Staff has a lot more information for them at this time and turned the discussion over to Management and Legislative Liaison Elizabeth Tice.

Ms. Tice explained that Sales Tax Vendors are sometimes compensated by the taxing authority, the State and/or the local government, for their duties and responsibilities in remitting sales tax (referred to as a Vendors Fee as well as Vendors Compensation). It is a certain percentage of tax that is retained by the vendor before remitting payment of taxes. The City's uncapped percentage for the fee is 3.33% of the amount of sales tax being returned. In 1983, City Council adopted an ordinance that reduced the vendors fee from 5% to 3.33% and the additional 1.67% of the tax was transferred to Visitor and Convention Bureau (VCB) for tourism. She advised that the State and many local governments have reduced and/or eliminated those fees and she listed some of those. Out of 46 states that have sales tax, 19 of those do not offer any form of compensation to the vendors. They surveyed the home-rule municipalities in Colorado and found that 29 municipalities do not offer any compensation, 32 municipalities offer a lower compensation than Grand Junction currently does, 6 municipalities offer the same rate of compensation as Grand Junction, and 1 municipality offers a higher rate of compensation. The City of Grand Junction has the most generous compensation rate out of the 20 most populated cities in Colorado. She provided examples of how much compensation is given on an annual basis for several municipalities including Grand Junction.

There was a lengthy discussion held on what the effects on the Sales Tax Vendors would be if a cap on the compensation were to be put in place and the challenges to small businesses completing the sales tax returns.

Ms. Tice said what they are proposing is placing a cap on the compensation and capturing the savings and putting it toward Economic Development. She broke down the 2013 vendor compensation expense and advised that there was \$1.35 million total vendor compensation expense which was \$395 average compensation per account. She stated that there are some vendors that don't take the vendors fee. If there were a \$100 cap, it would result in a \$700,000 savings, a \$200 cap would result in \$535,000 savings, and a \$500 cap would result in a \$350,000 savings. Ms. Tice explained what the tracking mechanism would be so that the savings would not get lost in the general fund.

Councilmember Chazen expressed concern the cap on compensation could have an effect on black box revenue (TABOR). City Attorney Shaver advised that it is not black box revenue because it is sales tax imposed on the sale and results in a change to the fee, i.e. the City is actually paying a fee on the sales tax, resulting in a reduction of the expenses.

Councilmember Susuras asked City Attorney Shaver when the Vendors Fee was implemented. City Attorney Shaver said he believes it has been around since the 1950's if not before to compensate for the imposition of filing taxes.

There was discussion on the affect on businesses and whether or not placing a cap on the compensation would hurt small businesses. Although a cap may not affect most small

businesses, it was pointed out that some small businesses handle large ticket items and a cap could affect them.

Staff was directed to bring back more detail to a workshop to include the actual sales of retail businesses and the effect on businesses by zip code with a cap on the vendor fee at both \$200 and \$500.

Agenda Topic 5 – International Economic Development Council Conference

Addressed as last item.

Agenda Topic 6 – Global Petroleum Show

Management and Legislative Liaison Elizabeth Tice advised Council that the Chamber's Energy and Economic Development Committee has been doing some great research and brainstorming in terms of economic development towards companies that are related to the energy industry. The thought is to have a community coalition attend the Global Petroleum conference which is attended by a lot of energy companies. GJEP has committed to being a partner for this conference and several local businesses will be going as well. Grand Junction Chamber of Commerce Executive Director Diane Schwenke said that one of the community's unique features is that there are so many energy resources within this region. They are looking at the possibility of building on the manufacturing base and as an example she used the Halliburton remanufacturing facility. The committee has a mix of industry, energy services, and regular business representatives. They have looked at the CNG opportunities which led to looking at the Global Petroleum Show. If the committee could have at least 12 representatives, thus having a community presence, at the show to react with potential customers, it could be beneficial. Because it is in June of 2015, it could be an opportunity to roll out some elements of the Economic Development Marketing Plan. They are requesting \$15,000 of City funds be allocated to help cover a booth space at the show.

BIC Executive Director Jon Maraschin encouraged Council to look at increasing that contribution to help the ED partners with expenses to be able to go to the show.

City Council will consider including this in the 2015 budget.

Agenda Topic 5 – International Economic Development Council (IEDC) Conference

City Manager Englehart advised City Council that instead of going to the International City Manager Association Conference, he and Ms. Tice looked at going to the IEDC Conference in Fort Worth, TX starting October 19th. It offers a lot of opportunities and asked Council if they had any objections.

Chamber of Commerce Executive Director Diane Schwenke said she goes to this conference every year and highly recommends it.

Council had no objections.

Agenda Topic 7 – Other Business

City Manager Englehart introduced Tatiana Gilbertson who is the City's new Revenue Supervisor.

City Manager Englehart asked City Council for direction on putting the sale of Fire Station #4 on the market. The sale is part of the budget. Persigo is a potential buyer for it but there could be other potential buyers as well. There was discussion regarding other properties that would be better for Persigo to purchase in the Orchard Mesa area but they have not found another suitable property.

City Council felt it was best to hold off on putting the Fire Station #4 property on the market at this time.

City Manager Englehart mentioned the Mesa County Commissioners' request for a joint budget meeting. No one on Council expressed support of having a joint budget meeting. He also mentioned it may be a good idea to discuss the Persigo Agreement in the near future.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
MONDAY, OCTOBER 6, 2014**

**WORKSHOP, 5:00 P.M.
CITY AUDITORIUM
250 N. 5TH STREET**

To become the most livable community west of the Rockies by 2025

[Supplemental Document](#)

1. Web Site Upgrades – Demonstration

- Industrial Land Analysis
- Lethbridge
- Innovation Districts

[Supplemental Document](#)

2. Marketing Plan

3. Commercial Catalyst Pilot Program

4. Vendor Compensation

5. International Economic Development Council Conference

6. Global Petroleum Show

[Supplemental Document](#)

7. Other Business

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
October 13, 2014 – Noticed Agenda Attached

Meeting Convened: 5:05 p.m. in the City Auditorium

Meeting Adjourned: 8:25 p.m.

Council Members present: All Council. Staff present: Englehart, Shaver, Moore, Romero, Evans, Tice, Valentine, Starr, Watkins, Camper, Hazelhurst, Schoeber, Lanning, Kovalik, and Tuin.

Agenda Topic 1. The CMU presentation was removed from the agenda and will come back at a later date.

Agenda Topic 2. Budget Workshop

City Manager Rich Englehart introduced this item. He provided an update on the general fund: overall revenues were increased by 1%, labor cost will increase by less than 1% (that increase is due to health insurance increasing), internal service charges are expected to increase by 11%, mostly due to Public Safety infrastructure support; operating expense is expected to increase by 2%, part of that is the cost of the municipal election; and the subsidy to Two Rivers Convention Center is expected to increase.

Mr. Englehart advised that there will be more detail when the Council is reviewing the Capital agenda item. Staff has developed an “A” list and a “B” list where Council can move projects around. More detail on the operating budget will be provided at the November 17th Workshop.

City Council’s Economic Development Fund

Financial Operations Director Jodi Romero distributed worksheets on the 2014/2015 Economic Development, Partnerships, Sponsorships, and Memberships, a backup explanation sheet, and letters for new requests. The first eleven items are membership items and each one was discussed on the importance to City Council. Management and Legislative Liaison Elizabeth Tice mentioned the Colorado Communications and Utility Alliance is a new membership. She said Jim Finlayson, IT Manager, recommended the City’s involvement with this organization.

The next section listed economic development items as well as partnerships and sponsorships. Items 12 through 27 were discussed and Staff was directed as follows: #12, CMU Campus Expansion, defer to mid-year 2015, look at revenues at that point and decide; #13, CMU

classroom building, - include; #14 Grand Valley Transit – include; #15 Downtown Business Improvement District – include; #16 Epic Rides, third year of three year commitment, – include but Council wants a report on the economic impact; #17 Standing Sponsorships – include; #18 One time items – nothing budgeted for 2015; #19 Housing Resources – include; #20 Kids Voting – include; #21 Business Incubator – include, #22 Grand Junction Economic Partnership – include (City Manager said there will be a signed agreement this year); #23 Riverfront Commission – include; #24 Western Slope Center for Children – include; #25 Western Slope Center for Children for SANE Nurse – include; #26 Mesa Land Trust – include; and #27 Catholic Outreach for St. Martin project – pay out of this year’s (2014) Economic Development contingency.

Items #28 through #31 are 2014 expenditures. Item #31, Foreign Trade Zone for \$50,000 was expected to be used in 2014 to hire a consultant familiar with the process of becoming a foreign trade zone. They will be able to analyze the risks, costs, and rewards.

Item #32, Commercial Catalyst Pilot Program, also known as the Façade Improvement Program, has 2014 and 2015 funding allocated and Council supported its funding. Item #33, the Economic Development Marketing Plan coming before Council on October 15th, has funding allocated in 2014. Item #34 is the Global Petroleum Conference in 2014 discussed at the October 6th workshop. Item #35, Mesa Land Trust for 2014, was for the Bookends Project. There is an additional request from them listed below for 2015 and a letter has been provided.

Item #36 is the Economic Development Contingency which could increase by whatever amount is left in 2014. Item #37 is the annual transfer of the sales tax increment (TIF) to the Downtown Development Authority (DDA) included here for discussion. The discussion was whether there may be more flexibility with the spending of the funds if they are not transferred to the DDA but spent on projects downtown by the City. TIF funds are restricted to public projects whereas the City spending is not. Ideas will be discussed with the DDA. It was left in for the time being.

Items #38 through #40, new Mesa Land Trust requests, were discussed by Council. The Council preferred project specific requests, so all the amounts will be taken off the list.

Item #41, the Business Incubator Accelerator Program, was presented at the previous workshop, and is a new request. A more detailed letter, project description, and request was included in the handouts. Although some expressed a desire to have the project more fleshed out, the consensus was to keep it in the budget.

Item #42, the Grand Junction Sports Commission request, is for 2014 and will be discussed in more detail on November 3rd.

Councilmember Chazen expressed a desire to review the budget for the Commission on Arts and Culture grant program.

Councilmember Doody left the meeting.

Agenda Topic 4. Other Business

City Manager Englehart asked to address two items under Other Business to allow Management and Legislative Liaison Tice to make the presentation.

Wild Yellow Billed (WYB) Cuckoo Status

Ms. Tice advised the yellow billed cuckoo bird was recently added to the endangered list. The US Fish and Wildlife Service (USFWS) is proposing designating critical habitat areas across the nation. Nearly the entire Colorado River corridor is proposed for such designation from Palisade to Fruita. This would have a significant impact on the development of the entire area. The designation would increase costs and extend time for project approvals. Congressman Tipton sent a letter to the US Fish and Wildlife Service asking them to extend the comment period for 60 days. If the Service agrees, the City would have an opportunity to supply data. Ms. Tice stated USFWS hasn't taken into consideration the impact this would have on local development. Any project would need USFWS approval. There has been only one WYB cuckoo bird sighting in this area since 1987.

City Attorney Shaver said earlier this year there were changes to the rules on designations regarding destruction or adverse modification and those rules impact this proposed designation. Any comments submitted should be backed by scientific research.

Councilmember Boeschstein said he would bring this up to the Riverfront Commission noting that development of the Riverfront Trail took habitat into consideration when developing the trail.

Council agreed to send a letter supporting Congressman Tipton's request and to coordinate with Associated Governments of Northwest Colorado (AGNC).

Vendor Compensation Program

Ms. Tice distributed a sheet with more analysis regarding the sales tax vendor fee using a \$200 cap and a \$500 cap. The analysis included comparisons between local and non-local vendors, different collection zones, and different business types. Ms. Tice explained that for a change to happen by January 1, 2015, the process would seem rushed, businesses would have a short

time to react to the change, and there is less time for educating the businesses on the change. She proposed studying the matter more in 2015 after implementation of the new sales tax collection software and then considering it for 2016. The Council agreed.

Agenda Topic 2. continued Capital Review

Councilmember Boeschstein asked if the City received a request from the Museum of Western Colorado. He noted the Museum has never received money from the City. There was a mill levy voted on by the voters. There has been quite a debate on the funding. The County has decreased funds and they need help. City Manager Englehart will touch base with County Administrator Tom Fisher to see what the County is doing and then the director, Peter Booth, and bring it back to Council for consideration.

Financial Operations Director Romero introduced this item and explained the Capital projects sheets to Council distinguishing the "A" list from the "B" list for 2015. City Manager Englehart said that they can go through each line item noting Internal Services Manager Valentine has worked with each department on their requests. He advised there will be an opportunity for Council to adjust these items as they go through the lists.

Police Department. City Manager Englehart advised that the first item for Police is the Annex which would be more than just a garage for police equipment. The proposal is to spend \$150,000 in 2015 for planning, with a potential 50-50 Department of Local Affairs (DOLA) grant. The actual construction is in the 2016 budget. Police Chief John Camper advised that the plan is to store the large vehicles, house property and evidence storage, and possible SWAT training.

Other "A" list Police items are the fingerprint machine (current one past useful life), an evidence cabinet that prevents cross contamination of evidence, a forensic recovery evidence device (pulls information from hard drives), and software for logging property and evidence.

It was noted the body camera equipment was moved to 2016 as well as new patrol vehicles. Current police vehicles are replaced as needed through the replacement fund.

Fire Department. Fire Chief Watkins provided an update on the station relocation project. The 2015 budgeted amount is for construction, fixtures, and equipment, not for fire apparatus. Right now they are working with an architect on cost savings in the plans. The potential DOLA grant was talked about at the Colorado Municipal League (CML) meeting. These grants are highly competitive right now; there were 41 requests. City Manager Englehart said the City has maximized its cash match dollars for this application. What is not taken into account is the sale of the existing station to Persigo. He noted that DOLA likes the fact that the City is relocating a building to improve service delivery.

Councilmember Boeschstein asked if this is the proto-type building so the City will be able to re-use this design over again. Chief Watkins said yes, that is part of the proposal. The only thing that could change would be the bays on the building, which side of the building they would be located on due to design and location.

Councilmember Chazen asked about any carry-over in the Capital fund. The response was there is none; all has been allocated.

Council President Norris asked about the quick response vehicle on the "B" list. Chief Watkins said this is item #42. Currently they are driving a pick-up truck; it works okay, but a smaller SUV would work best. Chief Watkins said Council President Norris maybe referring to Item #72 on the 2016 line items which would be a vehicle used for "house calls". Internal Services Manager Valentine is trying to create a revenue stream for such a service first.

The hydraulic stretchers on the "B" list are at end of useful life but they have in-house folks who are working to keep these going. The amount budgeted replaces all 8 of them. There is a potential for a 50/50 grant. The fire pump pit is to test the pumps. They had one at Fire Station No. 1 but due to the remodel and expansion they no longer have it. Currently they hire a contractor once a year to do the testing. The proposal on the list is an in-house project where Public Works does the design.

Public Works Department. Greg Lanning, Public Works Director, began his presentation with a powerpoint presentation and handout. He reviewed the Pavement Conditions Index (PCI) and provided examples of different levels of pavement condition. He noted seventy-five percent of the roads are in good shape. Then he went into the primary components of Street Maintenance including crackfill, chipseal, and then the overlays. Mr. Lanning suggested there may be a level of paving that could be done cost effectively in-house advising that this small niche of work will not be a threat to any contactors. The overlay budget request is \$2 million; there is an additional \$500,000 on the "B" list. There is also an amount for chipseal and crackfill. There was a discussion on whether these amounts are sufficient to maintain the current road condition. Mr. Lanning noted that there will be a slight decrease in the index annually at these spending levels. However, the City will employ a number of cost saving measures such as coordinating with the utility funds on line replacements so those enterprise funds help pay, trying a micro surface technique, using the rejuvenation product tested this year, and doing in house "micro" paving as well as piggybacking with Mesa County when possible.

City Manager Englehart noted that with the \$500,000 campus expansion funds being deferred, that amount can be added to the overlay budget.

Lastly, Mr. Lanning noted the two utility enterprise funds, water and sewer, will continue to replace aging lines as their capital projects.

City Manager Englehart brought up the stormwater Leech Creek project. The National Guard worked on the project three years, 3-4 weeks each time, and it is still far from complete. Staff estimates it will cost \$525,000 to finish it. The project needs to be completed to avoid a catastrophic spill over. There were three spillovers this year. The National Guard will not be able to come back as they have other commitments but their efforts had a \$650,000 value. City Manager Englehart said he will bring this back to the Council for consideration at final balancing.

Councilmember Traylor Smith left the meeting at 8:30 p.m.

Agenda Topic. Other Business continued.

Utilities Engineer Bret Guillory updated the City Council on the construction of the biogas pipeline. He said they are currently working with a design contractor and received a \$500,000 grant which should be finalized in the next week. Final completion should be the end of February or the first part of March.

City Manager Englehart suggested the November 3rd workshop start at 3:00 p.m. instead of 5:00 p.m. to allow a longer period of time for budget discussion including a portion of the operating budget.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
MONDAY, OCTOBER 13, 2014**

**WORKSHOP, 5:00 P.M.
CITY AUDITORIUM
250 N. 5TH STREET**

To become the most livable community west of the Rockies by 2025

- 1. GJ Sports Commission – CMU Presentation**

- 2. Budget Workshop**
Capital
City Council's Economic Development Fund

- 3. Board Reports**

- 4. Other Business**

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

OCTOBER 15, 2014

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, October 15, 2014 at 5:00 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bennett Boeschstein, Marty Chazen, Jim Doody, Duncan McArthur, Barbara Traylor Smith, Sam Susuras, and President of the Council Phyllis Norris. Also present were City Manager Rich Englehart, City Attorney John Shaver, Deputy City Manager Tim Moore, and Management and Legislative Liaison Elizabeth Tice, and Kelly Flenniken, Executive Director with Grand Junction Economic Partnership.

Councilmember Traylor Smith moved to go into Executive Session to Discuss for determining a position for negotiations and/or developing a strategy for negotiations and/or instructing negotiators under section 402 (4)(e) of the open meetings law relative to an economic development prospect. Councilmember Chazen seconded the motion. Motion carried.

The City Council convened into executive session at 5:12 p.m.

Stephanie Tuin, MMC
City Clerk

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

October 15, 2014

The City Council of the City of Grand Junction convened into regular session on the 15th day of October, 2014 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Sam Susuras, Barbara Traylor Smith, and Council President Phyllis Norris. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Boy Scout Troop 358 was in the audience and led the Pledge of Allegiance, followed by a moment of silence.

Presentations

September Yard of the Month

Forestry Supervisor Tom Ziola was present. Mr. Ziola thanked Council for their support of this program, specifically Mayor Pro Tem Chazen for participating on the Forestry Board and being one of the judges this year. He introduced Forestry Board Chair Kamie Long and thanked her for her leadership. Ms. Long presented the September Yard of the Month to Ted and Linda Koeman located at 856 S. Haven Crest Court. The winners were not able to attend. Ms. Long said they were happily surprised to have been chosen. She thanked Council for their support and mentioned the Forestry Board and Parks and Recreation will be holding a workshop on trees in December. Everyone is invited to attend.

Councilmember McArthur asked for the Yard of the Month selection process to be explained. Ms. Long explained all yards within the City limits may be nominated by the owner or someone else. Three people are chosen to evaluate the visual appearance of the yard that can be viewed from the street. The judges use the following criteria: overall appearance, neatness as evidenced by pruning, trimming, and shaped foliage, and defined lawns, borders, and flowerbeds.

American Planning Association (APA) Colorado Chapter 2014 Merit Award Honoring the City for its North Avenue Zoning Overlay District and Public Process

This award was presented by David Thornton, Principal Planner. Mr. Thornton introduced Poppy Woody from the North Avenue Owners Association, and read the reason for the award. Mr. Thornton thanked everyone involved for their hard work, in particular Councilmember Susuras and the North Avenue Owners Association. He said it was a pleasure to present this award to Council.

Ms. Woody said this was a very emotional planning process and she appreciated the effort and outcome on North Avenue.

Proclamations**Proclaiming October 19, 2014 as “CROP Hunger Walk Day” in the City of Grand Junction**

Councilmember Boeschstein read the proclamation. Present to receive the proclamation was Joel Prudhomme, Communities Responding to Overcome Poverty (CROP) Representative. Also present were Judy and David Herr. Mr. Prudhomme said this is the 27th year a CROP walk has been held in the Grand Valley. He detailed some of their fundraising efforts, goals, and needs within the community. He thanked the City Council.

Proclaiming the Week of October 15, 2014 to October 24, 2014 as "Teen Driver Safety Week" in the City of Grand Junction

Councilmember Traylor Smith read the proclamation. Present to receive the proclamation was Robin Beagle and Steve Kendrick from State Farm Insurance. Mr. Kendrick said this is the third year State Farm has had this program. He explained the effectiveness of this program and some of the prizes that will be awarded. He then asked for community help so that R-5 can gain enough votes to win one of the cash awards. Delta High School won \$25,000 last year. Ms. Beagle introduced Stacy Almarez and Jasmine from R-5 School; they described the situation at R-5 School and how this award could help. Jasmine said the money could go toward so many things that would help the school and the teachers, both of which have provided needed support for the students. Jasmine asked for community support and said anyone can help by voting once a day through October 24th on www.celebratemydrive.com. Ms. Beagle invited anyone who does not have a computer to come to their State Farm office to vote and then thanked the City Council.

Proclaiming the Week of November 2, 2014 to November 8, 2014 as “Childhood Cancer Awareness Week” in the City of Grand Junction

Mayor Pro Tem Chazen explained the significance of the purple shirts and encouraged purchasing a shirt to support the Delaney Donates Foundation. Mayor Pro Tem Chazen read the proclamation. Present to receive the proclamation was Ken Watkins, Grand Junction Fire Chief, who was accompanied by Delaney's grandparents Suzie and Rick Smith. Chief Watkins thanked the City Council for their support and donations, and thanked the City Clerk staff for their support. Chief Watkins explained Pink October and introduced Richard Rupp, Palisade Fire Chief, in the audience. He asked Mr. Smith, retired Fire Battalion Chief, to speak to Childhood Cancer. Mr. Smith said Delaney would have like to have attended but is in Denver Children's Hospital. He explained how the Foundation started and evolved, and thanked the other fire departments in Mesa County for their support. There are about 380 names and signatures on the Pink Fire Truck which is housed at the Palisade Fire Station. The Foundation has been able to help quite a few families through this and a number of other fundraising events. He thanked the City Council on behalf of Delaney. Although it has been a roller coaster ride over the last four years, she is doing real well and has a fantastic team helping her. She has also done some work in Washington, D.C. in support of Childhood Cancer Awareness.

Councilmember McArthur applauded all their efforts to support kids with cancer, their families, and how special they have made this little girl feel.

Citizen Comments

Bruce Lohmiller, 445 Chipeta Avenue #25, addressed the City Council regarding a note from the Governor he then sent to City Attorney Shaver regarding the reluctance to prosecute based on the due diligence issue. He wanted to know if any decision had been made regarding his proposal for Whitman Park. He said the director of HomewardBound is looking at setting up a warming tent.

Rich Schultz, 362 ½ Martello Drive, said he had about half a dozen questions. He asked the status of the American Civil Liberties Union lawsuit on the panhandling ordinance that was passed several months ago, how much money has been spent and is anticipated to be spent on attorney fees for this case. He mentioned a shooting on Grand Avenue that happened several weeks ago where a man was shot about ten times; he asked what occurred, and if the City is in litigation over this. There has not been any media coverage of this case. His third question was how much has been spent in the Downtown Development District on recent projects, such as the Avalon Theatre, Two Rivers Convention Center, and the Main Street and Colorado Avenue reconstruction.

Ronald Pollard, 2044 Jordan Court, addressed the City Council regarding a multi-purpose vehicle project. He thanked the Council for allowing him to do some “discreet begging” and then presented his idea to allow a different class of vehicle on the roads. These are multipurpose vehicles that are sometimes called, All Terrain, Side-by-Side, Utility, or Off Highway vehicles. He distributed pictures and reviewed all the safety equipment and standard features that make it safe for driving on public roads. He researched what other cities and states allow, and found several Colorado cities and towns have begun to authorize the use of these vehicles as allowed by the State. Mr. Pollard said owners would be willing to buy a permit that would allow them to drive these cars on public roads; the State will not issue license plates for these vehicles. He gave the City Manager additional information for him to consider. Mr. Pollard’s plea is to stop vehicle profiling and grant the freedom to create a new opportunity.

Council President Norris recognized students in attendance from a Colorado Mesa University (CMU) public safety class and thanked Boy Scout Troup 358 for leading the Pledge of Allegiance.

Council Comments

Councilmember Traylor Smith attended the opening of the CMU Art Gallery on October 3rd. The gallery is in the same space as the Downtown Development Authority (DDA) offices and the art will be displayed there. On October 4th she went to STRIVE’s fourth annual “Rollin’ on the River” fundraising event and then went downtown to celebrate “Oktoberfest” with Mayor Pro Tem Chazen who tapped the keg as part of the official start and read the proclamation for the honorary Mayor. Councilmember Traylor Smith also attended the Colorado Municipal League (CML) meeting that was held in Parachute. The discussion centered on regional problems and how best to solve them. She then attended the Housing Colorado Conference dinner in Beaver Creek where the Grand Junction Housing Authority’s (GJHA) Next Step program received their 2014 Eagle Award.

Mayor Pro Tem Chazen attended the DDA Business Improvement District (BID) meeting where they reviewed the 3rd quarter financials and some of the financial plan for the BID. On October 2nd many from Council toured the newly remodeled HomewardBound facility.

The inside is utilitarian with nothing fancy, but it will serve its purpose well. They did a good job, especially with the restricted funding.

Councilmember Boeschstein also attended "Oktoberfest" and on October 15th he attended two events: Community Hospital's groundbreaking ceremony and the Horizon Drive Authority Business Improvement District meeting. He then commented on how strong the medical service industry is in the valley and how the City partners with them, in part through infrastructure upgrades. He is looking forward to the upcoming Horizon Drive roundabouts and the "Art on the Street" project which will be similar to "Art on the Corner" on Main Street.

Councilmember McArthur attended the Housing Now Colorado conference in Vail. There were about 600 attendees and the topics revolved around affordable housing. Grand Junction was featured in a number of program discussions, by two speakers, Doug Karl from HomewardBound and Harry Weiss from the DDA, and the GJHA was presented with their Eagle Award in recognition of their Next Step program. Councilmember McArthur stated his primary reason for attending was to learn more about permanent support housing; he was encouraged to find there are private partnerships forming to help with these issues and projects such as HomewardBound's upcoming family housing unit.

He is hoping to tour similar facilities that are under construction in Boulder and Fort Collins; he will report back to the Homeless and Vagrancy Committee.

Council President Norris mentioned the City was a pacesetter for the United Way fundraising campaign. She expressed her appreciation to City employees for raising \$64,000 and supporting the community through United Way. She too attended the Community Hospital ground breaking ceremony and went to the CML meeting in Parachute with Councilmember Traylor Smith. The City will be highlighted in several CML ads highlighting how the community worked together to raise funds for the Avalon Theatre project. She is looking forward to seeing the ads.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1 through #5 and then moved to adopt the Consent Calendar. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of the Previous Meeting**

Action: Approve the Minutes of the October 1, 2014 Regular Meeting

2. **Setting a Hearing on Zoning the Fire Station No. 4 Annexation, Located at 2880 B ½ Road** [File #ANX-2014-341]

A request to zone the 4.760 acre Fire Station No. 4 Annexation, located at 2880 B ½ Road, to R-4 (Residential 4 du/ac). This property is being annexed into the City.

Proposed Ordinance Zoning the Fire Station No. 4 Annexation to R-4 (Residential 4 du/ac), Located at 2880 B ½ Road

Action: Introduction of a Proposed Zoning Ordinance and Set a Public Hearing for November 5, 2014

3. **Setting a Hearing on Zoning the Proietti Annexation, Located at 782 24 Road**
[File #ANX-2014-321]

A request to zone the Proietti Annexation, consisting of one parcel of 8.939 acres, located at 782 24 Road, to a C-1 (Light Commercial) zone district.

Proposed Ordinance Zoning the Proietti Annexation to C-1 (Light Commercial),
Located at 782 24 Road

Action: Introduction of a Proposed Zoning Ordinance and Set a Public Hearing for November 5, 2014

4. **CDBG Subrecipient Contract with Hilltop Community Resources, Inc. for Previously Allocated Funds within the 2014 Community Development Block Grant (CDBG) Program Year** [File #CDBG-2014-04]

The Subrecipient Contract formalizes the City's award of \$10,320 to Hilltop Community Resources, Inc. Allocated from the City's 2014 CDBG Program as previously approved by Council. The grant funds will be used to expand services at the Latimer House, particularly for children's programs and activities.

Action: Authorize the City Manager to Sign the Subrecipient Contract with Hilltop Community Resources, Inc. For \$10,320 from the City's 2014 CDBG Program Year Funds

5. **2014 Street Overlay and Paving Project - Change Order #2**

The City contracted with United Companies for the 2014 Street Overlay and Paving Project. This request is to authorize the second change order to the contract for repair of a portion of 29 Road between Kathy Jo Lane and 241 29 Road damaged in part by a Ute Water Conservancy District water line break. The City has negotiated and recently finalized an agreement with Ute Water to pay their portion of the damage due to the water line break. If approved, this work will be completed this month.

Action: Authorize the City Manager to Sign Change Order #2 with Old Castle SW Group Inc., dba United Companies, in the Amount of \$182,429.71

ITEMS FOR INDIVIDUAL CONSIDERATION

Ambulance Billing Services Contract

This request is to authorize the City Purchasing Division to contract with Wittman Enterprises (WE) of Rancho Cordova, California for ambulance billing services at a cost of 4.9% of net collections.

Ken Watkins, Grand Junction Fire Chief, introduced this item. He explained it is a user fee based service. The fees are set by the County Commissioners every year. This

service is one of the larger revenue generators for the City. There are currently four finance technicians in the ambulance billing department. Medical billing services are complex due in large part to the City's diverse payer mix, complying with federal and financial regulations, and patient confidentiality issues. From 2006 to 2010, the City contracted for billing services. At that same time the Fire Department EMS services were also contracted. In 2011 Emergency Medical Services (EMS) became a core service of the City's Fire Department and billing services were again reviewed with the following goals in mind: improved customer service, reduced expenses, and increased revenues. At that time the decision was made to bring the billing services in-house. This year, the Fire Department partnered with Finance and Human Resources to re-evaluate the process; considerations were maintaining service levels with increased volume, adapting and complying with the changing healthcare system, and looking for ways to increase efficiency with the increased volume. The evaluation produced two recommendations: either to hire a full time supervisor with a financial and medical billing background, or to take the operation to the next level through out-sourcing. Also a pilot program was instituted that has made positive operational changes in the field; one person per shift deals with training, patient care, compliance issues, and most importantly, properly processing the patient care reports with all the appropriate signatures. In order to make a complete comparison of in-house versus third party billing, there was a Request for Proposal (RFP) sent out. Once the RFP's were reviewed, the decision was made to outsource the billing which will enable the Fire Department to concentrate on and maintain a high level of their core services which are patient care and customer service. Customer service was a key consideration and out sourcing the billing will allow the Fire Department to keep one person in the office for face to face billing questions. These changes will also allow the capacity for growth by maintaining the pilot program in the field, improving services to local healthcare facilities, reducing operational costs, and possibly increasing revenue. This has been a difficult decision because it will require elimination of two and possibly three positions. Staff is working with Human Resources to reassign or help transition those who are currently in these positions. There were 14 responses to the RFP; Wittman Enterprises (WE) has been selected as the finalist based on their specialized knowledge of the healthcare laws, they handle ambulance billing exclusively, and efficiency. They serve over 100 clients and process over 375,000 claims annually with 117 employees. Cost of the service will be 4.9% of net collections. Councilmember Traylor Smith asked how many organizations do specialized EMS billing. Chief Watkins said this is a growing industry. In August he saw 12 -15 exhibitors at the International Fire Chief's Conference, which surprised him. Councilmember Traylor Smith noticed WE customers are all located in western states. She then asked if there are more providers in the country than just the ones that submitted RFP's to the City. Chief Watkins said there probably are hundreds that do this type of work, but those that submitted an RFP were based in the west. He commented that the City of Westminster uses WE and are happy with them. Councilmember Traylor Smith asked if Westminster felt WE was keeping up with the Affordable Care Act (ACA) changes. Chief Watkins clarified that the City Fire Department is up-to-date with the ACA, but these companies specialize in this type of billing.

Councilmember Doody agreed with the decision to outsource the billing. He then asked how the City compares with the national rate of collection. Chief Watkins said the payer

mix contributes to the rate of collection. The economy and the City's payer mix both factor largely in the collection rate; the City has a high percentage of Medicare and Medicaid clients, making collection amounts less because of contractual arrangements, and with the depressed economy more people have enrolled in Medicaid; the ACA might help. Other communities may have a higher collection rate if their payer mix relies more on private insurance. Councilmember Doody remembered the collection rate in 2010 was around 29%, but thought the current rate was higher. Ms. Romero said it is currently 60-67% over the net amount after contractual rates.

Councilmember Chazen agreed maintaining compliance is complex and difficult. He asked if WE gave any type of compliance guarantee, for example, if there is a billing error, will they re-bill and cover any liability. Chief Watkins explained that their employees have specific jobs, and if a bill is processed improperly, it will be rejected and an employee will figure out why; it usually gets worked out over time.

City Attorney John Shaver said the liability is inherent with breaches of confidential and privileged information and the agreement does address those factors, especially if it is willful or wanton. However, with the fluid nature of the ACA and HIPAA (Health Insurance Portability and Accountability Act) and the HITECH (Health Information Technology for Economic and Clinical Health) Act, there is not express indemnity for a mistake unless it is willful, wanton, or a breach. Councilmember Chazen asked if the new procedure of capturing data from the field is in place as part of the transition to outsource, and will it place a burden on the field personnel. Chief Watkins said the field personnel would be required to capture the data whether the billing was processed internally or outsourced. The requirements for the position are the same. This is an important piece which requires a lot of training to ensure accuracy, especially in the patient narrative and gathering all the required signatures. Regarding the administrative piece, WE uses the same billing software as the City, so no additional training will be required to use the client portal. Councilmember Chazen asked how long the contract stipulates the 4.9% collection fee will be in effect. Chief Watkins said that rate is contracted for three years, but the contract is renewed annually with an option to renew for another two years for a total of five years.

Councilmember Boeschstein asked what the City's cost is to transport vagrant and homeless individuals. Chief Watkins referred to EMS Chief John Hall and asked if Councilmember Boeschstein was asking about multiple transports on one individual. EMS Chief Hall said since they began billing in 2005, the City has written off about \$1.5 million. However with the ACA, hospitals are very diligent about enrolling these folks in Medicaid and since this change the City has been reimbursed pennies on the dollar; before the City did not receive any reimbursement.

Councilmember Boeschstein mentioned that not all vagrant and homeless transports are being taken to St. Mary's Hospital.

Councilmember McArthur asked how WE deals with write-offs and if they are addressed in the agreement. Chief Watkins said write-offs are common in many communities and WE does their best to collect, which is why the pay structure is based on net collections. Councilmember McArthur asked where they are located. Chief Watkins said they are

based in Rancho Cordova, California, and the City will continue to use a local collection company for debt WE is unable to recover. Councilmember McArthur asked how their fee compares to the cost of in house billing. Chief Watkins said the fee will be a little higher than the cost of the two eliminated positions.

Council President Norris asked what the cost comparison was to add a supervisor versus outsourcing. Chief Watkins said the cost for WE is estimated at \$122,000 in 2015, which is roughly the same as the salary and benefits of the two eliminated positions. The cost of adding a supervisor would be about \$80,000 which would increase the cost of billing in-house by that amount. Council President Norris surmised the City would be ahead if it proceeded with the contract. Chief Watkins concurred and mentioned there would be other cost savings through decreased training and operating costs in the amount of \$35,000 - 40,000 per year. Also adding a supervisor would not fully deal with all the issues they are looking to solve, such as complying with regulations and future growth. He also added there is a possibility to reduce their staff by another employee or split the employee's time between billing and other administrative functions.

Council President Norris asked Chief Watkins to review the customer service piece. Chief Watkins began by saying the City had two big issues with the former private contractor. One was clients didn't understand why payments were mailed to a different city, which will probably be the same with this company, but they are looking into a solution. A bigger complaint was our client's inability to speak directly to a person. If the City is able to outsource with WE, there will still be an administrative person that will be able to access a client portal and help customers. An 800 number option will also be added and WE guarantees the calls will be answered within a short amount of time. Council President Norris asked if the City currently uses a collection agency and if that would change. Chief Watkins said the City will continue using a local collection agency for debts WE is unable to collect after a certain amount of time; WE is only a billing company.

Councilmember Traylor Smith asked if a person answered their 800 number or if the caller would be funneled through a menu system. Chief Watkins said a live person answers the number.

Council President Norris stated this is not a public hearing, but said a citizen would like to make a comment and asked them to step up to the podium.

Dennis Simpson, 2306 E. Piazza Place, commented on the staff report. He read that the City would save \$36,000 by out sourcing the billing and therefore eliminating two positions. He felt it is a good idea, and it was a big mistake to bring the billing in house in 2010. He wanted to comment most on the statement in the report that said WE can save the City 10-20% due to their specialization, experience, and efficiency. If true, it is very possible that the City will have left one-half million dollars per year on the table and has therefore lost two million dollars over the last four years by keeping the billing in-house. He suggested Council look for a company to audit existing systems in order to identify cost savings in other areas and processes. He thinks this would not cost the City

anything, but feels a company would be willing to be paid based on a percentage of the cost savings they found.

Councilmember Chazen moved to authorize the City Purchasing Division to enter into a contract with Wittman Enterprises for Ambulance Billing Services. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Economic Development Branding and Marketing Plan Contract

This request is to authorize the Purchasing Division to award a contract to North Star Destination Strategies for an Economic Development (ED) Branding and Marketing Plan. City Manager Rich Englehart introduced this topic, and explained Elizabeth Tice's position as Marketing and Legislative Liaison, and Deputy City Manager Tim Moore's role in this project. Mr. Englehart asked Mr. Moore to provide an update on the internal contributions to ED.

Deputy City Manager Tim Moore explained the internal functions of the planning side as it relates to ED; the Planning Division's primary role is to efficiently review and approve new development projects measured against the City Council's goals. Planning works with a large spectrum of customers and the goal is to walk each of them completely through the process in order to reach their goal. For smaller businesses, some costs may be prohibitive, and many times a team member is assigned to their project helping them pull maps, compose narratives, and anticipate problems. An example of this collaboration is the Silo Adventure Center located at 715 S. 7th Street; the owners had a vision of a climbing wall business at this site. They had the opportunity of talking with Councilmember Susuras and his wife and were directed to the Planning Division where they were able to lend them assistance. Larger businesses that build all over the country typically already have a template and design, and have a plan as well as the background to get through the process. The City's goal in these situations is to be available for anything they do need and make sure they meet City goals. An example of this is the new Federal Express Ground building which will be a 48,000 square foot building when completed. After their plans were approved, they had to make changes. They came back to the Planning Department and within two days the Planners had the needed changes made and approved. There are also unique projects such as the Home Depot parking lot; they carved out an area of their parking lot to subdivide. When it sold; the Planning team helped the new owners utilize and maximize the site. This is the type of exceptional customer service the Planning Division strives to provide and positive feedback has been received from all these customers. The second way the Planning Division helps provide ED opportunities is looking for roadblocks in the Zoning and Development Code and finding ways to streamline the process. Mr. Moore pointed out one project in a mixed use rezone; the Code provisions were not flexible and didn't allow outdoor display and storage. Council reviewed the situation and changed Zoning and Development Code based on what is best for the community; as a result the Planning Division has received two dealership plans that look to provide forty, \$55,000 a year jobs. Mr. Moore explained the difference between major and minor site plans, and mentioned they are reviewing other changes that may allow different types of form based zoning, and longer periods of time to complete all phases of a project. The Planning Division will be proposing an addition to the Zoning and Development Code to allow vacation home

rentals; this is currently being reviewed by the Planning Commission (PC) with the hope of presenting it to Council soon. These are some of the ways the Planning Division works internally to encourage ED.

Councilmember McArthur mentioned that having a mixture of housing types is one of the City's goals. The housing market continues to make adjustments regarding house sizes, energy efficiency, and housing types. He asked if it is time to revisit lot size requirements within subdivisions, keeping in mind how easements dictate lot size. Mr. Moore agreed saying they have talked about mixed use housing projects, and he will add this to the list of things being considered by the PC including addressing roadblocks in the Zoning and Development Code. Councilmember McArthur said a feature of form based zoning is flexibility and the City should make that option available in exchange for other requirements making it more desirable for a wider range of people.

Councilmember Boeschstein appreciates what Mr. Moore has done, but cautioned him there can be nice multifamily projects and disastrous ones. The key to good projects is site plan review.

Elizabeth Tice, Marketing and Legislative Liaison, addressed the proposal to enter into a contract for a branding and marketing plan. Ms. Tice mentioned one of the goals of the Economic Development Plan passed by City Council in May was to market the strengths of the community. She reviewed the plan to solicit a company for marketing which included discussions with the ED partners and the community; they reviewed what they are currently doing, their strengths, and what they saw as future opportunities. Areas identified as needing more attention were community wide marketing and support. She listed the items included in the Request for Proposal (RFP). The RFP was written so that tasks could be split between companies. She listed the proposal evaluation criteria and the experience of the companies submitting proposals. The list was narrowed down to four and their references were checked. North Star Destination Strategies (NSDS) emerged as the top company. She identified their strengths. Ms. Tice explained the company's proposed process which includes education and buy in, research and planning, insights, creativity, action, and a 12 month evaluation.

Councilmember Traylor Smith mentioned this is a unique company and clarified these services are not available locally. She asked about the components of the creativity phase, and wanted to make sure this is not part of the implementation phase. Ms. Tice said she is correct; the City will be able to consider local options to implement the findings for the creativity phase. Councilmember Traylor Smith then asked if NSDS would do the industry cluster analysis and if it included all the components the City wanted. Ms. Tice said they confirmed with the company president that the cluster analysis will include all the areas the City wanted. Councilmember Traylor Smith asked why the analysis is important. Ms. Tice said this type of analysis has been done individually, but not as a community, so it has not been a thorough analysis. This cluster analysis will allow the community to see where areas overlap and what other businesses can be brought into the cluster that would benefit the area.

Councilmember Doody commended Ms. Tice on the good work.

Councilmember Chazen expressed his appreciation for the work done by Ms. Tice, Staff, and the ED Partners. They have all taken this to heart, and it is nice to see this group effort produce results. He then asked if this is passed, will the ED Partners be working concurrently to prepare for the plan execution and when will results be seen. Ms. Tice said all the ED Partners are excited about the outcome and will be ready to deploy resources upon completion of the plan. During the process, they will be able to track research and survey results which will allow them to understand existing perceptions. She did ask NSDS which part of the process takes the most time and if there is a way to speed up the process without compromising the integrity. The company president reviewed the options and felt the project time could be cut by 20 to 25%. Councilmember Chazen asked if the \$137,000 cost will be paid solely by the City or if the other participants will be contributing. Ms. Tice is waiting to hear from the County about their ability to contribute but the other partners have no plans to contribute financially. Community Development Manager Kathy Portner has identified a couple of grants that could be reasonably obtained, a Department of Local Affairs (DOLA) grant in the amount of \$25,000 which can be applied for in December and a Federal Economic Development Agency (EDA) grant that is a 50-50 match up to \$80,000 looks promising. Councilmember Chazen again thanked her and he looks forward to supporting this.

Councilmember Boeschstein thanked Ms. Tice and mentioned he had worked on these types of plans and received grants. He let her know that EDA grants are only awarded to metropolitan areas so the County would have to participate in order to be considered. He then asked if the City will be doing a plan for the whole County since the other ED Partners are not participating. If this plan is just for the City, he feels it is too limiting and would like to know if Fruita, Palisade, De Beque, and Powderhorn are partners. He mentioned Fruita's business park at the site of the old refinery and their mountain biking as well as Palisade's fruit and wine industry which should be included. Ms. Tice apologized for not explaining the full intent of this plan; it is meant to be as complete and regional as possible. Fruita and Palisade will always be a part of the discussion and analysis. One person from the City and County are on the ED Committee and even though Fruita and Palisade will not be on the Committee, they will be part of the process. Councilmember Boeschstein said he will support this and hopes it will be a regional study.

Councilmember McArthur asked if the City had approached the others about participating financially. Ms. Tice said they had approached the County and the other ED Partners. She is waiting to hear back from the County, but the others do not have the funding. However, they would be willing to forgo grant opportunities in support of the City's grants. Councilmember McArthur asked to what extent their participation will be. Ms. Tice said the ED Partners will be considered stakeholders and be involved in the discussions and surveys. She has also reached out to the local councils and Rich Sales of Palisade and the new Fruita City Manager will also be on board. Councilmember McArthur feels the City needs to go forward with this.

Mr. Englehart said the execution is the most important part of this process; the other entities will be contributing to the marketing dollars.

Council President Norris asked for the partners to be named. Ms. Tice listed the partners: Mesa County, Colorado Mesa University, Grand Junction Economic Partnership, the Business Incubator, the Chamber, and the Workforce Center.

Council President Norris mentioned the City has always been a partner with the others in the valley and this is just one step in the ED Plan. She thanked Ms. Tice and Mr. Moore.

Councilmember Traylor Smith moved to authorize the Purchasing Division to enter into a contract with North Star Destination Strategies for an Economic Development Branding and Marketing Plan in an amount of \$137,000. Councilmember Boeschenstein seconded. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 9:22 p.m.

Stephanie Tuin, MMC
City Clerk



Date: October 21, 2014
 Author: Brian Rusche
 Title/ Phone Ext: Senior Planner/4058
 Proposed Schedule: 1st Reading:
November 5, 2014
 2nd Reading: November 19, 2014
 File #: CPA-2014-230 and RZN-2014-
231

Attach 2

CITY COUNCIL AGENDA ITEM

Subject: Salt Flats Comprehensive Plan Amendment and Rezone, Located at the Northeast Corner of 28 Road and Grand Avenue.
Action Requested/Recommendation: Introduce Proposed Ordinance and Set Public Hearing for November 19, 2014
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary: A request to change the Comprehensive Plan - Future Land Use Designation from Residential High Mixed Use to Commercial on 10.09 acres and a request to rezone 26.49 acres from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district, located at the northeast corner of 28 Road and Grand Avenue.

Background, Analysis and Options:

The subject property is north of the terminus of Grand Avenue on the east side of 28 Road. The property is often referred to as the “Salt Flats” due to the presence of alkali on the surface of the property. The property was annexed to the City as part of the Files Annexation in 1972. Despite its central location, development has essentially passed over this parcel.

The property is currently zoned C-1 (Light Commercial), which permits a wide variety of land uses, including retail, office, multi-family residential, and light manufacturing. In 2010, the Comprehensive Plan designated the future land use of the property as Residential High Mixed Use. This designation rendered the existing zoning inconsistent with the future land use map.

In 2011, the future land use designation of the Mesa Gardens neighborhood on the west side of 28 Road was changed from Residential High Mixed Use to Residential Medium High (Ordinance 4485). The justification for this change was preservation of the existing character of the neighborhood, along with the presence of vacant property with the same designation (the subject property) across 28 Road. This action reduced the amount of land available in the community for higher density residential uses.

The property is bounded on all four sides by public right-of-way (ROW). 28 Road is a minor arterial from the signalized intersection at the I-70 Business Loop north to its merger with east/west Orchard Avenue. Other ROW includes an abandoned stretch of Grand Avenue on the south, a half-section of Gunnison Avenue on the north, and an unbuilt route for 28 ¼ Road on the east. The 28 ¼ Road alignment is significant in that, once built, will create an arterial from the I-70 Business Loop north to Patterson Road

and into Matchett Park. It is anticipated that the existing signalized intersection at 28 Road would be moved to 28 ¼ Road to facilitate creation of this route.

In 2012, an amendment to the Grand Valley Circulation Plan was adopted that represents a preferred alternative to provide access through the subject property. This amendment created a curvilinear connection from Grand Avenue to Chipeta Avenue (approximately 1/8 of a mile), endorsed a connection between 28 and 28 ¼ Road along the Gunnison Avenue alignment (1/4 mile north of Grand), as well as an undefined north/south connection between these two east/west routes. This amendment, coupled with 28 Road on the west and the 28 ¼ Road arterial on the east, divided the property into three “quadrants”.

The purpose of this proposal is to bring the zoning into conformance with the future lands use map, while preserving the property owner’s development potential. To that end, this application proposes the following:

- 1) Amend the Comprehensive Plan change the Future Land Use Designation for that area south of the adopted Grand Avenue extension from Residential High Mixed Use to Commercial, encompassing approximately 10.041 acres. This amendment would leave the existing C-1 (Light Commercial) zoning in place, which would be consistent with a Commercial future land use if the amendment is adopted.
- 2) Rezone approximately 28.055 acres, which is the balance of the property, from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district. This rezone, if adopted, would implement the Residential High Mixed Use future land use designation.

After a review of the request, the Planning Commission found that the review criteria in Section 21.02.130 and Section 21.02.140 of the Grand Junction Municipal Code have all been met. See attached Staff Report for additional detail.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

The proposed amendment and associated rezone attempt to balance the potential addition of more residential units while retaining sufficient area for service and commercial uses.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

There is very little vacant land that is centrally located and zoned for higher density residential development. The proposed rezone will provide additional area for infill development with access to transportation and commercial services.

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle...and freight movement while protecting air, water and natural resources.

The amended Grand Valley Circulation Plan addresses this criterion and the concerns of the adjacent neighbors. This amendment and rezone honor the decision made relative to circulation and will align the land use designations with the Plan to achieve this goal.

Goal 12: Being a regional provider of goods and services the City will sustain, develop and enhance a healthy, diverse economy.

The proposed amendment will maintain sufficient commercial development area to service the added residential density anticipated by the proposed rezone. Reducing the overall commercial area will reduce the potential cannibalization of existing commercial development on North Avenue, as well as provide additional rooftops (customers) for the remaining commercial space.

How this item relates to the Economic Development Plan:

Goal: Be proactive and business friendly. Streamline processes and reduce time and costs to the business community while respecting and working within the protections that have been put into place through the Comprehensive Plan.

The inconsistency between the Comprehensive Plan and the zoning of the property creates uncertainty for potential development. The proposed amendment and rezone is the proper forum for addressing this problem and, if adopted, will eliminate this inconsistency. The owners of the property have been contemplating for years the need to divide the property, which they can proceed to do with certainty if the proposed changes are approved.

Board or Committee Recommendation: On October 14, 2014 the Planning Commission forwarded a recommendation of approval of both requests.

Financial Impact/Budget: Property tax levies and municipal sales/use tax will be collected, as applicable, for any new development on the property.

Legal issues: The form of the ordinance has been reviewed and approved by the City Attorney.

Other issues: A neighborhood meeting was held on May 7, 2014. The majority of the questions were about the potential closure of the 28 Road/I-70 Business Loop signalized intersection and how that would impact access to the neighborhoods on the west and business on 28 Road.

The Grand Valley Circulation Plan does not address who or how the proposed configuration will be constructed. The future developers of the subject property will participate in making these improvements, likely in conjunction with the City and the Colorado Department of Transportation (CDOT). Future development and/or capital improvement projects will include notice to neighbors per established policies.

Previously presented or discussed: No.

Attachments:

1. Staff Report
2. Neighborhood Meeting summary
3. Site Location Map
4. Aerial Photo
5. Grand Valley Circulation Plan Map
6. Comprehensive Plan - Future Land Use Map
7. Blended Residential Map
8. Zoning Map
9. Ordinance

BACKGROUND INFORMATION					
Location:		North of Grand Avenue between 28 and 28 ¼ Road			
Applicants:		Mountain Property Holdings LLC			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential and Commercial			
Surrounding Land Use:	North	Residential and Commercial			
	South	Commercial			
	East	Industrial			
	West	Residential			
Existing Zoning:		C-1 (Light Commercial)			
Proposed Zoning:		C-1 (Light Commercial) on 10.09 acres R-24 (Residential 24 du/ac) on 26.49 acres			
Surrounding Zoning:	North	C-1 (Light Commercial) PD (Planned Development) - Niagara Village			
	South	C-2 (General Commercial)			
	East	I-1 (Light Industrial)			
	West	R-8 (Residential 8 du/ac)			
Future Land Use Designation:		Residential High Mixed Use Adjacent to Commercial on the south side of Grand			
Blended Residential Land Use Categories Map (Blended Map):		Residential High (16-24+ du/ac)			
Zoning within density/intensity range?		X	Yes – using adjacency rule		No

ANALYSIS:

Background:

The subject property consists of approximately 38 acres at the terminus of Grand Avenue on the east side of 28 Road. The property is often referred to as the “Salt Flats” due to the presence of alkali on the surface of the property.

Development pattern and existing conditions:

Aerial photos indicate that the property was home to some type of track during the 1950s and 60s. The property was annexed to the City as part of the Files Annexation in 1972. The property has been completely vacant since the late 1980s.

Mesa Gardens, a single-family residential neighborhood, developed on the west side of 28 Road in the late-1950s at what was then the edge of the City. To the south is the former home of Grand Valley Power (originally the Rural Electric Association or REA), built in 1950. Industrial development with access to the I-70 Business Loop exists to the east. North Avenue, also known as US Highway 6, saw commercial development during the 1960s and 1970s. Multi-family development, including apartments and manufactured home parks, filled in lands between Belford and Gunnison Avenues through the mid-1990s.



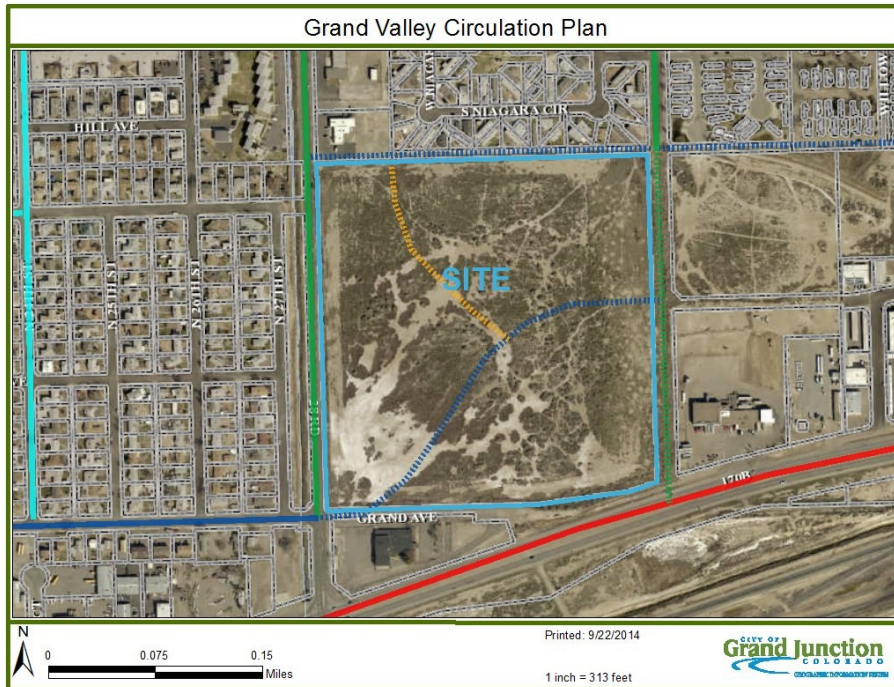
Land use decisions:

The 1996 Growth Plan designated the future land use of the subject property as commercial. The property is currently zoned C-1 (Light Commercial), which permits a wide variety of land uses, including retail, office, multi-family residential, and light manufacturing. Despite its central location, development has essentially passed over this parcel. In 2010, the Comprehensive Plan designated the future land use of the property as Residential High Mixed Use. This designation rendered the existing zoning inconsistent with the future land use map. In 2011, the future land use designation of the Mesa Gardens neighborhood and adjacent parcels, totaling 37.25 acres, was changed from Residential High Mixed Use (same as the subject parcel) to Residential Medium High (Ordinance 4485). The justification for this change was preservation of the existing character of the neighborhood, along with the presence of vacant property with the same designation (the subject property) across 28 Road. This action reduced the amount of land available for higher density residential uses.

Transportation:

One reason development has eluded this property is the relative lack of accessible transportation infrastructure. The property is bounded on all four sides by public right-of-way (ROW). 28 Road is a minor arterial from the signalized intersection at the I-70 Business Loop north to its merger with east/west Orchard Avenue. This is the only

constructed road that abuts the property and it does not meet the standards of a minor arterial, as it clearly lacks sidewalks, bike lanes, and center turn lanes between Grand and North Avenues. Other ROW includes an abandoned stretch of Grand Avenue on the south, a half-section of Gunnison Avenue on the north behind Niagara Village, and an unbuilt through route for 28 ¼ Road on the east. The 28 ¼ Road alignment is significant, in that it is anticipated that the existing signalized intersection with I-70 Business Loop will eventually move to 28 ¼ Road, thereby creating an arterial from the highway north to Patterson Road and even further north, depending on the outcome of the Matchett Park development.



In 2012, an amendment to the Grand Valley Circulation Plan was adopted that represents a preferred alternative to provide access to and through the subject property. This amendment created a curvilinear connection from Grand Avenue to Chipeta Avenue (approximately 1/8 of a mile), endorsed a connection between 28 and 28 ¼ Road

along the Gunnison Avenue alignment (1/4 mile north of Grand), as well as an undefined north/south connection between these two east/west routes. This amendment, coupled with 28 Road on the west and the 28 ¼ Road arterial on the east, divided the property into three “quadrants”.

It is important to note that the Grand Valley Circulation Plan is adopted by both the City and the County, with input from the Regional Transportation Planning Office (RTPO). It is, however, a plan and does not address who and how these roads will be constructed.

Goal:

The purpose of this proposal is to bring the zoning into conformance with the future lands use map, while preserving the property owner’s development potential. To that end, this application proposes the following:

- 1) Amend the Comprehensive Plan change the Future Land Use Designation for that area south of the adopted Grand Avenue extension from Residential High Mixed Use to Commercial, encompassing approximately 10.041 acres. This amendment would leave the existing C-1 (Light Commercial) zoning in place,

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy A: To create large and small “centers” throughout the community that provide services and commercial areas.

While not specifically designated a “center” on the Future Land Use Map, the property is centrally located with residential and industrial uses adjacent. The proposed amendment and associated rezone attempt to balance the potential addition of more residential units while retaining sufficient area for service and commercial uses.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Policy B: Encourage mixed-use development and identification of locations for increased density.

There is very little vacant land that is centrally located and zoned for higher density residential development. The proposed rezone will provide additional area for infill development with access to transportation and commercial services.

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle...and freight movement while protecting air, water and natural resources.

Policy E: When improving existing streets or constructing new streets in residential areas, the City...will balance access and circulation in neighborhoods with the community’s need to maintain a street system which safely and efficiently moves traffic throughout the community.

The amended Grand Valley Circulation Plan addresses this criteria and the concerns of the adjacent neighbors. This amendment and rezone honor the decision made relative to circulation and will align the land use designations with the Plan to achieve this goal.

Goal 12: Being a regional provider of goods and services the City will sustain, develop and enhance a healthy, diverse economy.

Policy B: The City will provide appropriate commercial...development opportunities.

The proposed amendment will maintain sufficient commercial development area to service the added residential density anticipated by the proposed rezone. Reducing the overall commercial area will reduce the potential cannibalization of existing commercial development on North Avenue, as well as provide additional rooftops (customers) for the remaining commercial space.

Consistency with the Economic Development Plan:

Goal: Be proactive and business friendly. Streamline processes and reduce time and costs to the business community while respecting and working within the protections that have been put into place through the Comprehensive Plan (Page 9).

The inconsistency between the Comprehensive Plan and the zoning of the property creates uncertainty for potential development. The proposed amendment and rezone is the proper forum for addressing this problem and, if adopted, will eliminate this inconsistency. The owners of the property have been contemplating for years the need to divide the property, which they can proceed to do with certainty if the proposed changes are approved.

Section 21.02.130 and 21.02.140 of the Grand Junction Municipal Code

Pursuant to Section 21.02.130(d)(1)(v), the Director has the authority to process a rezone without a separate plan amendment if the property is adjacent to the land use designation that would support the requested zone district. The southern portion of this property abuts the Commercial designation.

A plan amendment is proposed as part of this request in order to maintain consistency within the Plan. Section 21.02.130(c)(1) provides criteria for amending the Comprehensive Plan. These criteria are the same as those cited in Section 21.02.140, which applies to rezone requests. Therefore, the criteria will address both the plan amendment and rezone.

Section 21.02.140(a) states: *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

- 1) *Subsequent events have invalidated the original premises and findings; and/or*

The Comprehensive Plan, adopted in 2010, designated the property as Residential High Mixed Use.

The Comprehensive Plan was intended to provide flexibility with land use designations. This is a property that could have been designated with several different possible future land uses and been consistent with the goals and policies of the Comprehensive Plan.

The existing zoning on the property is C-1 (Light Commercial), which was based on the 1996 Growth Plan designation of Commercial. The inconsistency between the Comprehensive Plan and the zoning of the property creates uncertainty for potential development.

The 2012 amendment to the Grand Valley Circulation Plan divided the property into three “quadrants”.

The purpose of this proposal is to bring the zoning into conformance with the future land use map, while preserving the property owner's development potential. The combination of a plan amendment and rezone, using the circulation plan as the boundary, will eliminate the inconsistency and allow the owner to proceed with development options.

This criterion has been met.

- 2) *The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or*

The property is surrounded by single family and multi-family residential, commercial and industrial uses. Despite its central location, development has essentially passed over this parcel. One reason is the relative lack of improved transportation infrastructure, despite being bounded on all four sides by public right-of-way (ROW).

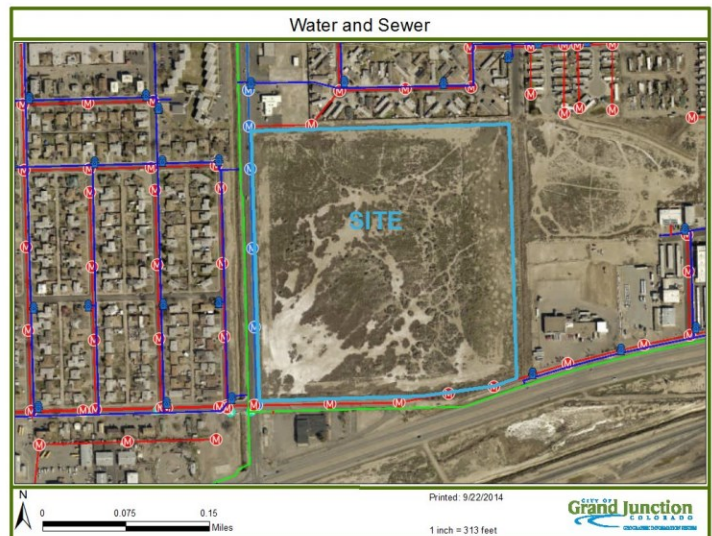
The inconsistency between the Comprehensive Plan and the zoning of the property creates uncertainty for potential development. The owners of the property have been marketing the property, but future development can proceed with certainty only if the proposed changes are approved.

This criterion has been met.

- 3) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*

28 Road is a minor arterial from the signalized intersection at the I-70 Business Loop north to its merger with east/west Orchard Avenue. Other ROW includes an abandoned stretch of Grand Avenue on the south, a half-section of Gunnison Avenue on the north behind Niagara Village, and an unbuilt through route for 28 ¼ Road on the east. The 28 ¼ Road alignment is significant, in that it is anticipated that the existing signalized intersection with I-70 Business Loop will eventually move to 28 ¼ Road, thereby creating an arterial from the highway north to Patterson Road and even further north, depending on the outcome of the Matchett Park development.

There are public utilities with capacity to serve future development, including potable water provided by the City of Grand Junction, sanitary sewer service maintained by the City, and electricity from Xcel Energy



(a franchise utility). Utility mains are adjacent to the subject parcel and can be utilized and/or upgraded as necessary by the developer to facilitate new use(s) or construction that may occur as a result of the proposed zoning.

This criterion has been met.

- 4) *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*

The City of Grand Junction Economic Development Plan, adopted by the City Council in May 2014, identifies 1167 acres of C-1 (Light Commercial) zoned property within the city limits, the largest category of Mixed Use Districts representing 38.2% of all commercially zoned land area (including Planned Development).

In 2011, the future land use designation of the Mesa Gardens neighborhood and adjacent parcels, totaling 37.25 acres, was changed from Residential High Mixed Use (same as the subject parcel) to Residential Medium High (Ordinance 4485).

The justification for this change was preservation of the existing character of the neighborhood, along with the presence of vacant property with the same designation (the subject property) across 28 Road. This action reduced the amount of land available for higher density residential uses.

The proposed amendment will maintain sufficient commercial development area to service the added residential density anticipated by the proposed rezone. Reducing the overall commercial area will reduce the potential cannibalization of existing commercial development on North Avenue, as well as provide additional rooftops (customers) for the remaining commercial space.

There is very little vacant land that is centrally located and zoned for higher density residential development. The proposed rezone will provide additional area for infill development with access to transportation and commercial services.

This criterion has been met.

- 5) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

As discussed earlier, the proposed amendment and rezone is consistent with and further Goals 3, 5, 9, and 12 of the Comprehensive Plan and goals of the Economic Development Plan.

This criterion has been met.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential High Mixed Use for the subject property:

- a. R-16 (Residential - 16 du/ac)
- b. R-24 (Residential - 24 du/ac)
- c. R-O (Residential Office)
- d. B-1 (Neighborhood Business)

If the proposed Comprehensive Plan amendment to Commercial is approved, the following zone districts would also be consistent with that Comprehensive Plan designation, in addition to retaining the C-1 (Light Commercial) zoning for the subject property:

- a. R-O (Residential Office)
- b. B-1 (Neighborhood Business)
- c. C-2 (General Commercial)
- d. MU (Mixed Use)

The Comprehensive Plan was intended to provide flexibility with future land use designations. This is a property that could have been designated with several different possible future land uses and been consistent with the goals and policies of the Comprehensive Plan. As a result, there are plenty of options available for zoning the property using the authority found in Section 21.02.130(d)(1)(v) if the property is adjacent to the land use designation that would support the requested zone district.

It is my professional opinion that the proposed amendment and rezoning is the best option for resolving the inconsistency between the Comprehensive Plan and the zoning of the property, while preserving the property owner's development potential.

If the City Council chooses an alternative zone designation, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATIONS:

After reviewing the Salt Flats Comprehensive Plan Amendment – CPA-2014-230, a request to Amend the Comprehensive Plan change the Future Land Use Designation for that area south of the adopted Grand Avenue extension from Residential High Mixed Use to Commercial, encompassing approximately 10.041 acres, the following findings of fact and conclusions have been determined:

1. The proposed amendment to the Commercial designation on the Future Land Use Map is consistent with the goals and policies of the Comprehensive Plan;
2. The review criteria in Sections 21.02.130 and 21.02.140 of the Grand Junction Municipal Code have been met.

After reviewing the Salt Flats Rezone – RZN-2014-231, a request to Rezone approximately 28.055 acres, from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district, the following findings of fact and conclusions have been determined:

3. The requested R-24 Zone District is consistent with the goals and policies of the Comprehensive Plan and the Residential High Mixed Use Future Land Use designation; and
4. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.



222 North 7th Street Grand Junction, CO 81501
PH 970-241-0745 FX 970-241-0765 www.clavonne.com

Neighborhood Meeting Notice Letter

Mailing Date: April 22, 2014

RE: A Neighborhood Meeting for the 36 acres of vacant land on the northeast corner of 28 Road and Grand Avenue

Dear Property Owner:

This letter is to notify you that on **Wednesday (May 7th, starting at 5:30 pm**, a neighborhood meeting will be held to update you on a proposed change to the **Future Land Use Plan and Zoning** for the above noted property at 28 Road and Grand Avenue, Grand Junction, Colorado. This meeting will be held at **Garden Village Apartments** in the **Community Building, 2601 Belford Avenue**, Grand Junction, Colorado 81501.

Currently on this property, the Future Land Use Plan designation of RHMU (36 acres of Residential High Mixed Use) and the current Zoning of C1 (36 acres of Commercial) are in conflict. This project proposes a correction of this conflict through a mixture of approximately 26 acres of Residential (R24) and 10 acres of Commercial (C1), requiring changes to both the Future Land Use Plan and the Zoning Plan.

The neighborhood meeting is an opportunity for adjacent property owners to learn more about the project, ask questions, and submit written statements to the Owners Representative (Clavonne Roberts & Associates, Inc.), and the City of Grand Junction staff.

The applicant (Mountain Property Holdings, Inc.) will be submitting applications for this project to the City of Grand Junction for the noted changes to the Future Land Use Plan, along with the corresponding Rezone. As a neighbor of this property you will be notified of public hearings and pending development applications (if any) by mail.

The list of property owners being notified for this neighborhood meeting was supplied by the City of Grand Junction and derived from current records of the Mesa County Assessors. As those records are not always current, please feel free to notify your neighbors of this meeting date so that all may have the opportunity to participate.

If you are not available to attend this meeting, you can provide written comment to ted@clavonne.com or the City of Grand Junction Planning Department at brianr@gjcity.org.

We look forward to seeing you at this meeting.

Sincerely,

Ted Clavonne, PLA
Clavonne, Roberts and Associates, Inc

MDC 40 Neighborhood Meeting Notes
Wednesday, May 7th 2014 @ 5:30 PM

Out of 160 notices, 9 people were in attendance, not including Ciavonne, Roberts and the City of Grand Junction staff.

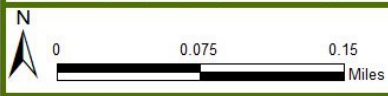
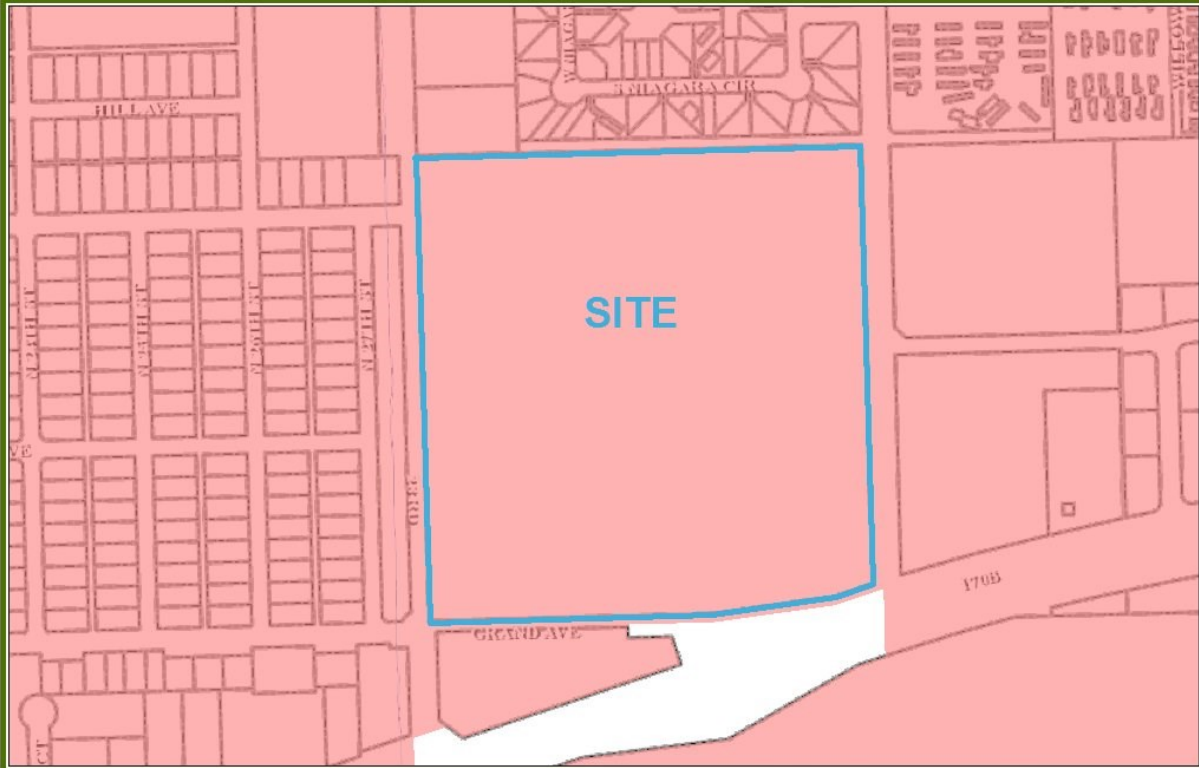
The questions during the meeting were:

- What is the estimated time of completion of the new roads? Would they come first, or would the development come first?
- Are there any subdivision plans yet?
- Is Gunnison to go thru to 28 road?
- Will there be commercial/retail allowed on the residential/high mixed use side?
- When would be the soonest the development could start?
- Could 28 Road stay open for a right in, right out only situation? Worried for businesses on 28 Road if closed at I-70 business loop...

28 Road & Grand Avenue
Neighborhood Meeting Sign-In Sheet
May 7, 2014

Name	Address	Phone #
DAN WILSON	607 25 RD #201	248 5800
Ray Lupp	2624 GUNNISON	242 1103
Dee Zuehlhart	1176 28 Rd	243-6026
LeRoy Zuehlhart	476 28 Rd	243-6026
John Kuechy	3442 G Rd	464 2768
Joe Audino	2420 GUNNISON	250-6508
Roger Lutkiewicz	549 N 27 th	243-2229
CIMONNE ROBERTS & Assoc.	222 N th 7 th	241-0745
Rosean Chaparro	519 N 27 th	242-8188

Location Map

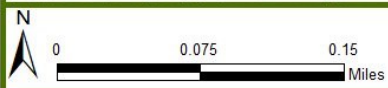


Printed: 9/22/2014

1 inch = 313 feet



Aerial Photo (2014)

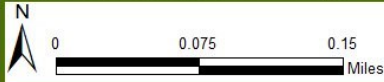


Printed: 9/22/2014

1 inch = 313 feet



Grand Valley Circulation Plan

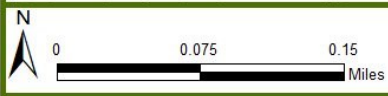


Printed: 9/22/2014

1 inch = 313 feet



Blended Residential Land Use Category

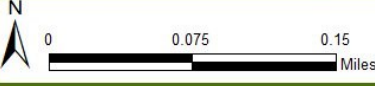


Printed: 9/22/2014

1 inch = 313 feet



Zoning Map



Printed: 9/22/2014

1 inch = 313 feet



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN
FROM RESIDENTIAL HIGH MIXED USE TO COMMERCIAL**

AND

**REZONING PROPERTY FROM C-1 (LIGHT COMMERCIAL)
TO R-24 (RESIDENTIAL 24 + DU/AC)**

**FOR PROPERTY KNOWN AS THE SALT FLATS
LOCATED AT THE NORTHEAST CORNER OF 28 ROAD AND GRAND AVENUE**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of changing the Comprehensive Plan designation from Residential High Mixed Use to Commercial, encompassing approximately 10.09 acres, finding that the proposed amendment is consistent with the goals and policies of the Comprehensive Plan and meets the criteria found in Section 21.02.130 of the Grand Junction Municipal Code.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of rezoning approximately 26.49 acres, from a C-1 (Light Commercial) to an R-24 (Residential 24 du/ac) zone district, finding that it conforms with the land use designation of Residential High Mixed Use as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing, the Grand Junction City Council finds that the Comprehensive Plan designation of Commercial is in conformance with the stated criteria in the Comprehensive Plan for an Amendment to the Land Use Map and the criteria in Title 21 Section 02.130 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-24 (Residential 24 + du/ac) zone district is in conformance with the stated criteria of Sections 21.02.140 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property shall be designated Commercial on the Future Land Use Map of the Comprehensive Plan:

COMMERCIAL DESCRIPTION

A portion of that real property located in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, as demonstrated at Book 992, Page 40, Mesa County records, and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 18, whence the Northwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18 bears North 00°00'17" West, a distance of 1315.60 feet, for a basis of bearings with all bearings contained herein relative thereto; thence South 89°55'08" East, a distance of 50.00 feet to the Southwest corner of the affected parcel; thence South 89°55'08" East, a distance of 143.23 feet to the POINT OF BEGINNING; thence along a non-tangent curve to the left, having a delta angle of 49°48'59", a radius of 320.00 feet, an arc length of 278.23 feet, a chord length of 269.55 feet, and a chord bearing of North 65°14'20" East; thence North 40°37'04" East, a distance of 714.16 feet; thence along a non-tangent curve to the right, having a delta angle of 49°11'38", a radius of 319.99 feet, an arc length of 274.74 feet, a chord length of 266.38 feet, and a chord bearing of North 65°12'50" East; thence North 89°48'36" East, a distance of 145.16 feet, to a point on the West right-of-way line of 28 $\frac{1}{4}$ Road, as described in Book 679, Page 16, Mesa County records; thence South 00°05'34" West, a distance of 657.92 feet along said West right-of-way line to a point on the North line of the Colorado State Department of Highways right-of-way as described in Book 616, Page 416, Mesa County records; thence, along said North highway right-of-way line the following three (3) courses: (1) South 72°58'19" West, a distance of 133.56 feet; (2) South 83°23'22" West, a distance of 356.00 feet; (3) North 89°55'8" West, a distance of 217.00 feet; thence South 00°04'52" West, a distance of 30.00 feet, to the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18; thence North 89°55'08" West, a distance of 380.54 feet along said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18 to the POINT OF BEGINNING.

Said parcel having an area of 10.09 Acres, as described.

The following property shall be zoned R-24 (Residential 24 + du/ac):

RESIDENTIAL DESCRIPTION

A portion of that real property located in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, Township 1 South, Range 1 East of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, as demonstrated at Book 992, Page 40, Mesa County records, and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 18, whence the Northwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18 bears North 00°00'17" West, a distance of 1315.60 feet, for a basis of bearings with all bearings contained herein relative thereto;

thence South 89°55'08" East, a distance of 50.00 feet to a point on the East right-of-way line of that parcel for right-of-way for 28 Road as described in Book 713, Page 352, Mesa County records and being the POINT OF BEGINNING; thence North 00°00'17" West, a distance of 1315.52 feet, along the East line of said right-of-way for 28 Road; thence South 89°49'36" East, a distance of 1240.92 feet, along the North line of said SW¼ NW¼ of Section 18 to a point on the West right-of-way line of 28¼ Road, as described in Book 679, Page 16, Mesa County records; thence South 00°05'34" West, a distance of 544.83 feet, along said West right-of-way line; thence South 89°48'36" West, a distance of 145.16 feet; thence along a curve to the left, having a delta angle of 49°11'38", a radius of 319.99 feet, an arc length of 274.74 feet, a chord length of 266.38 feet, and a chord bearing of South 65°12'50" West; thence South 40°37'04" West, a distance of 714.16 feet; thence along a non-tangent curve to the right, having a delta angle of 49°48'51", a radius of 320.00 feet, an arc length of 227.23 feet, a chord length of 269.55 feet, and a chord bearing of South 65°14'20" West; thence North 89°55'08" West, a distance of 143.23 feet to the POINT OF BEGINNING.

Said parcel having an area of 26.49 Acres, as described.

INTRODUCED on first reading the ____ day of ____, 2014 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2014 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: October 20, 2014
 Author: David Thornton
 Title/ Phone Ext: Principal Planner
/ 1450
 Proposed Schedule: November 5,
2014
 2nd Reading: November 19, 2014
 File # ZCA-2014-283

Attach 3
CITY COUNCIL AGENDA ITEM

Subject: Amending Sections of the Zoning and Development Code to Create a New Form-based Zoning District and to Amend Development Standards Applicable to Form Districts
Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for November 19, 2014
Presenter(s) Name & Title: David Thornton, Principal Planner

Executive Summary:

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC), to create a new form district to implement the “Mixed Use Opportunity Corridor” land use designation of the Comprehensive Plan, to establish development standards for the new form district, and to amend general form districts standards.

Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code (GJMC). City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning and Development Code. The proposed amendments will enhance the responsiveness of the Code to the concerns of citizens and enhance its effectiveness. City Council also recently developed an Economic Development Plan. The proposed amendments will help to implement this Plan by providing more options for mixed use development along the Mixed Use Opportunity Corridors.

Form Districts

The Form District section of the GJMC was adopted as part of the 2010 Code update. Prior to the 2010 adoption, form-based zoning was not an option in the City of Grand Junction.

The purpose of adding Form Districts to the GJMC was to create zones that implemented several new Future Land Use designations of the Comprehensive Plan including the Neighborhood Center, Village Center, Downtown Mixed Use and Mixed Use Opportunity Corridors.

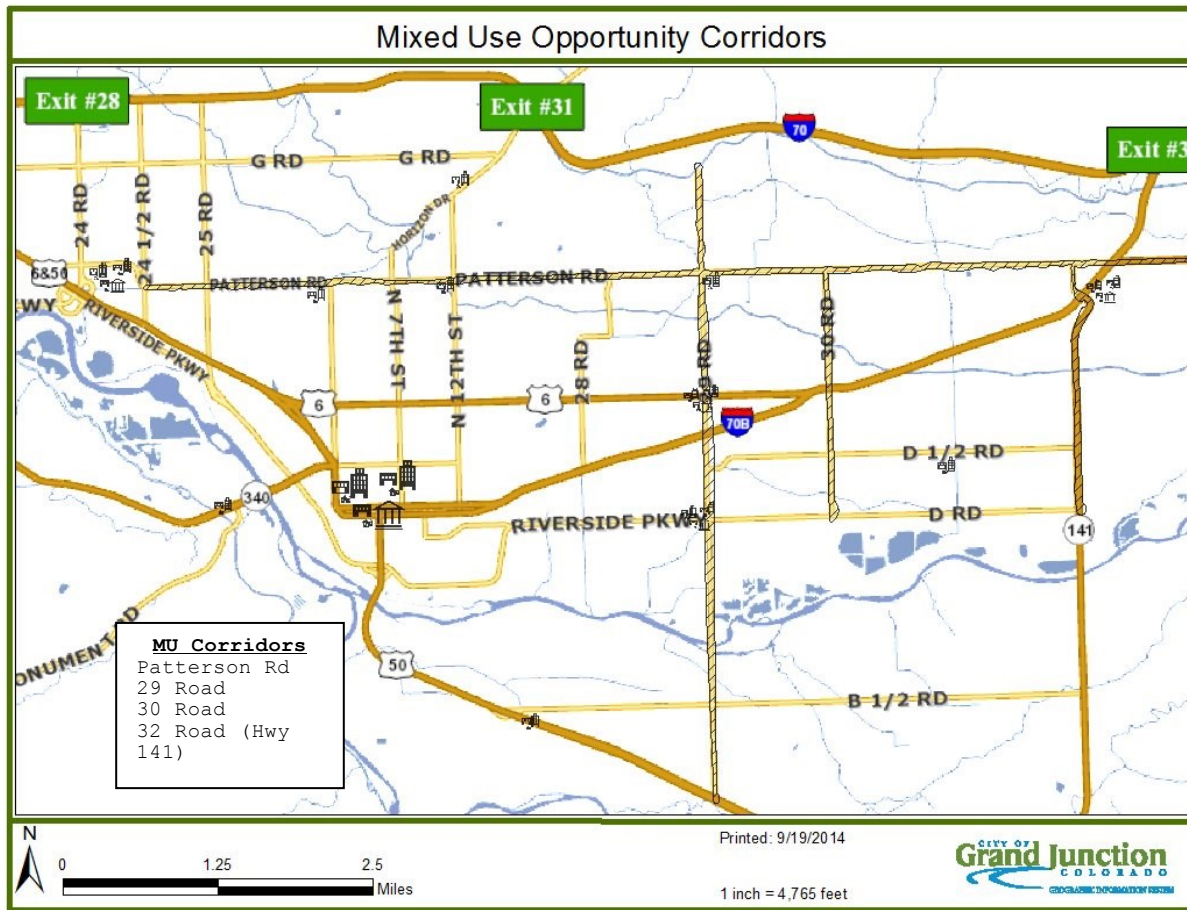
Form-based zoning differs from conventional zoning in several unique ways. Conventional zones (R-4, C-1, I-1, etc.) traditionally focus on the separation of land-uses and regulating development intensity through dimensional standards (e.g., dwellings per acre, height limits, setbacks, parking ratios, etc.). This type of zoning regulation encourages the utilization of single use applications (R-4 for single family residential, C-1 for retail sales and services and I-1 for general industrial) making conventional zones more “use” focused. Required parking standards combined with minimum building setback requirements encourage parking to be placed in the front of buildings creating developments that are more autocentric and less pedestrian friendly.

Form-based codes encourage a connection between streets, buildings and public spaces. This connection is accomplished through consideration of such things as building form, scale and massing rather than strict adherence to dimensional standards. Moreover, form-based codes encourage the mixing of uses on a single site. By reducing front setbacks and bringing the building forward to the street a more pedestrian-friendly development is achieved that can be less autocentric.

The existing form-based zoning districts in the Zoning and Development Code are the Mixed Use Residential (MXR), Mixed Use General (MXG) and Mixed Use Shopfront (MXS) form districts. Within the three types of form districts five building types are allowed: Shopfront, General, Apartment, Townhouse and Civic. These three form districts are designed to implement the Neighborhood Center, Village Center and Downtown Mixed Use future land use designations of the Grand Junction Comprehensive Plan by creating pedestrian-friendly urban areas where higher density mixed uses and mixed but compatible building types promote less dependence on the automobile when used in combination with each other to create mixed use centers that transition in scale (intensity and density) to existing neighborhoods.

Mixed Use Opportunity Corridors

The Mixed Use Opportunity Corridors established in the Comprehensive Plan include several major arterial roads in the urban area including Patterson Road, 29 Road, 30 Road and 32 Road (see map on next page). These corridors are automobile-dependent with existing residential neighborhoods built along and behind them and do not generally follow the same development pattern contemplated for the Mixed Use Centers. To accommodate the automobile corridor environment, a different type of form-based zoning is being requested to implement the Mixed Use Opportunity Corridor concept of the Comprehensive Plan.



New zoning - Creating a new Form District - MXOC

The City organized a committee that met several months that included representatives from the development community, two City Council members, and staff. The Committee looked at the form-based zone districts and how they are working. Along the Mixed Use Opportunity Corridors there has been interest in developing commercial and residential projects. With the existing three form districts (MXR, MXG and MXS) they found the three districts do not recognize these corridors as arterial streets and therefore do not accommodate development in ways that is more automobile oriented with less emphasis on being pedestrian oriented that is otherwise crucial in the village and neighborhood centers and downtown.

Committee Recommendations

The Committee’s recommendation is to create a fourth form district exclusively for the Mixed Use Opportunity Corridor. Exclusive in that future rezoning along these corridors would no longer rezone to the other three Form Districts. The proposed new district, called Mixed Use Opportunity Corridor (MXOC), is a three-story district, meaning that building height would be capped at 3 stories. This 3 story cap is already in place along the Mixed Use Opportunity Corridors with the three form districts and is not proposed to change with the new form district.

The proposed amendments (see attached Ordinance) to the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code are intended to add the new MXOC form district and apply it only to the Mixed Use Opportunity Corridors. In

addition, changes have been made affecting all form district standards. The proposed MXOC zoning district will also have the following standards and requirements amending Code Section 21.03.090

The Mixed Use Opportunity Corridor (MXOC) district is intended to:

- (1) Create mixed use development(s) along the corridor in a pedestrian friendly environment.
- (2) Provide for a transition from nonresidential to existing neighborhood residential uses.
- (3) Recognize these corridors as Arterials Streets and therefore auto centric. As such a front entry door facing the street is not required, but encouraged for pedestrian traffic.

Proposed standards include:

- (1) Combine access between two or more sites whenever possible and limit access on the Arterial Street.
- (2) Establish standards for access.
 - (i) When the site is adjacent to a Local or Collector Street, the primary access shall be provided on the lower order street. Additional access points may be allowed based on traffic safety.
- (3) Establish standards for parking, deliveries and pick up areas, and trash service.
 - (i) Parking, Deliveries/Pick up Areas and Trash Service areas are not permitted between the building and the primary street.
- (4) Establish standards for signage.
 - (i) Signage Standards shall conform to the sign code except all freestanding signs shall be monument style signs with a maximum height of 15 feet.
- (5) Establish architectural standards.
 - (i) Architectural Standards: Any façade of a new building along the corridor shall have visually interesting architectural features and patterns that are designed to reduce mass and scale and reflect the desired vision of constructing buildings at a human scale with urban design features attractive to the motoring public, the surrounding neighborhood, as well as those on bike and foot. The building façade shall exhibit a minimum of three of the following seven architectural design elements.
 - (A) Variation in materials, material modules, expressed joints and details, surface relief and texture to break up building forms and wall surfaces. Such detailing may include sills, headers, belt courses, reveals, pilasters, window bays or similar features for all sides of the building.
 - (B) Façade articulation/variation such as recessed or projecting bays or pilaster / column projections a minimum of every 30 feet for all sides of the building.

(C) Variation in roof lines/roof materials in order to add interest to and reduce the scale of buildings or expanses of blank wall. This can be accomplished through design elements such as overhangs/eaves, recesses/projections, raised cornice parapets over doors or bays and peaked roof forms.

(D) Façade feature(s) on the primary street side (corridor) that emphasizes the primary building entrance through projecting or recessed forms, detail, color and/or material.

(E) Outdoor patio in combination with or without outdoor seating located between the building and the primary street (corridor).

(F) Ground story transparency of at least 50% in the form of windows and/or door(s) for facades facing all public street frontages.

(G) Other architectural and landscaping features that achieve the goals of the overall form base code vision/concept as determined by the Director.

The proposed amendments also include:

1. Establishing the proposed MXOC as a form district in the Code. See section 21.03.020(c).
2. Adding the MXOC form district and the Mixed Use Opportunity Corridors land use designation to the table found in 21.03.020(d) "Districts to Implement the Comprehensive Plan". Additional text to clarify this table has also been added to section 21.03.020(d).
3. Amending Section 21.02.140(c) to reference the new MXOC form district and to clarify where in the corridors the MXOC is an appropriate zone and where other form districts are preferred.
4. Allowing all five building types (Shopfront, General, Apartment, Townhouse and Civic) in the proposed MXOC district. See section 21.03.090(f)
5. Requiring all form-based zone districts to screen mechanical equipment regardless of location, roof or ground. See section 21.03.090(f)(10) for new requirement.
6. Requiring no maximum Front Setback for the MXOC district, with use of the setback area regulated by 21.03.090(h)(2).
7. Removing drainage facilities, waterways and pedestrian areas from the calculation of required street façade in all 4 form districts. See 21.03.090(g)
8. Establishing no minimum ground floor transparency in the MXOC district. This will be regulated by 21.03.090(h)(4)(ii) where it will be an optional choice of the seven architectural design elements. Also see 21.03.090(g).
9. Not requiring a street facing entrance in the MXOC district. See 21.03.090(g).
10. Not requiring the MXOC district to adhere to Section 21.03.090(i) regarding additions and new buildings on nonconforming sites.
11. Landscaping standards for the proposed MXOC district will be the same as required in the other 3 form districts. See section 21.06.040(i)
12. Buffering standards for the MXOC district will be the same as those required for the Residential Office (RO) zone district. See section 21.06.040(k)

Findings of Fact/Conclusions:

After reviewing ZCA-2014-283, Amendments to the Zoning and Development Code (Title 21 of the GJMC) to add the Mixed Use Opportunity Corridor (MXOC) form district, the following findings of fact and conclusions have been determined:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.
3. The Staff report adequately addresses in writing the reasons for the proposed amendments.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy 3B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Current standards discourage mixed use developments along Mixed Use Opportunity Corridors which limits opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled. The proposed amendments would provide a specific form district (MXOC) that respects the corridor and neighborhood surrounding it. The vision of the Comprehensive Plan is to become the most livable community west of the Rockies by 2025. Achieving this vision includes providing limited neighborhood commercial opportunities near existing residential neighborhoods. Establishing commercial activity at a few locations along the City's major arterials streets provides shopping opportunities and reduces distance and travel time for residential areas a short distance away.

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

The proposed MXOC Zone District will be required to meet the same quality buffering standards found in the City's Residential Office (RO) zone district

How this item relates to the Economic Development Plan:

The amendments to the Form Districts supports the City's 2014 Economic Development Plan; specifically Section 1.5 Supporting Existing Business: Streamline processes...while working within the protections that have been put in place through the Comprehensive Plan. Action Step: Be proactive and business friendly and review

development standards and policies to ensure that they are complimentary and support the common mission.

Board or Committee Recommendation:

On October 14, 2014, the Planning Commission recommended approval of the proposed amendments with the findings, facts and conclusions listed in the staff report.

Financial Impact/Budget:

No financial impacts have been identified.

Legal issues:

The City Attorney has reviewed and approved the form of the ordinance.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This proposed text amendment has not been discussed or previously presented to the full City Council.

Attachments:

1. Planning Commission draft minutes – will be available at 2nd Reading
2. Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) TO CREATE A NEW FORM-BASED ZONING DISTRICT THAT WILL IMPLEMENT THE MIXED USE OPPORTUNITY CORRIDOR FUTURE LAND USE DESIGNATION OF THE COMPREHENSIVE PLAN AND TO AMEND DEVELOPMENT STANDARDS APPLICABLE TO THE FORM DISTRICTS

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions. The City Council has also recently developed an Economic Development Plan and desires that the zoning and development code be reviewed and amended where necessary and possible to facilitate economic development.

Form-based zoning districts, or form districts, are zoning districts which emphasize the character of the built environment more than separation of uses as the organizing principle for compatible development. The form districts provided in the Zoning and Development Code implement the Neighborhood Center, Village Center and Downtown Mixed Use future land use designations of the Comprehensive Plan. These areas are planned as pedestrian-friendly urban centers where higher density mixed uses and mixed but compatible building types promote less dependence on the automobile.

The Comprehensive Plan also designates Mixed Use Opportunity Corridors, which are areas designated for mixed use, but they are along major arterial streets, such that the existing form district standards do not quite fit the concept of the Mixed Use Opportunity Corridors, which are more automobile-centric than the neighborhood, village and downtown centers.

Therefore it is desirable to amend the Zoning and Development Code to create a new form district to implement the Mixed Use Opportunity Corridors which accommodate mixed uses but with a somewhat more automobile-centric concept and layout.

Due to significant interest in developing along these corridors, a committee of developers, two City Council members and City staff worked together to create the Mixed Use Opportunity Corridor (MXOC) form district and applicable standards for such development.

After public notice and a public hearing as required by the Charter and Ordinances of

the City, the Grand Junction Planning Commission recommended adoption of the proposed amendments, finding the proposed amendments consistent with the vision, goals and policies of the Comprehensive Plan.

Following public notice and a public hearing as required by applicable law, the Grand Junction City Council finds and determines that the proposed amendments implement the vision, goals and policies of the Comprehensive Plan, and that they are in the best interest of the community and its citizens, and should be adopted.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Subsection 21.02.140(c)(2) is amended to as follows (deletions struck through, additions underlined):

(2) Mixed Use Opportunity Corridors. ~~Areas~~ Residentially-zoned property within a Mixed Use Opportunity Corridor designated on the Future Land Use Map in the Comprehensive Plan that are currently zoned for residential purposes may be rezoned ~~for more intense use (including nonresidential uses); provided, that~~ to the Mixed Use Opportunity Corridor form district (MXOC) if the property is not also within a Village or Neighborhood Center, or to one of the other form districts of GJMC 21.03.090 if the property is also within a Village or Neighborhood Center, ~~are utilized so long as~~ and the depth of the lot measured perpendicular to the corridor is at least 150 feet. ~~During consideration of the application of-~~ When considering a rezone to a form district, the City Council shall consider the following:

- (i) The extent to which the rezoning furthers the goals and policies of the Comprehensive Plan; and
- (ii) The extent to which the proposed rezoning would enhance the surrounding neighborhood by providing walkable commercial, entertainment and employment opportunities, as well as alternative housing choices.

All other parts of Section 21.02.140(c) shall remain in full force and effect.

Subsection 21.03.020(c) (Table of Zoning Districts) and Subsection 21.03.020(d) (Table of Districts to Implement the Comprehensive Plan) are amended as follows (deletions struck through; additions underlined):

(c) Districts.

Residential Districts	
R-R	Residential - Rural
R-E	Residential - Estate
R-1	Residential - 1
R-2	Residential - 2
R-4	Residential - 4
R-5	Residential - 5
R-8	Residential - 8
R-12	Residential - 12
R-16	Residential - 16
R-24	Residential - 24
Mixed Use Districts	
R-O	Residential - Office
B-1	Neighborhood Business
B-2	Downtown Business
C-1	Light Commercial
C-2	General Commercial
CSR	Community Services and Recreation
M-U	Mixed Use
BP	Business Park Mixed Use
Industrial Districts	
I-O	Industrial/Office Park
I-1	Light Industrial
I-2	General Industrial
Form Districts	
MXR-	Mixed Use Residential
MXG-	Mixed Use General
MXS-	Mixed Use Shopfront
<u>MXOC</u>	<u>Mixed Use Opportunity Corridor</u>

(d) Districts to Implement the Comprehensive Plan. The following table shows which zoning district(s) appropriately implement(s) a given future land use designation of the Comprehensive Plan. A dot indicates that the zone district implements the corresponding future land use designation and is therefore an appropriate option for zoning or rezoning of land within that designated area on the future land use map of the Comprehensive Plan; the absence of a dot indicates that the zone district is not an appropriate option for zoning or rezoning of land within the corresponding future land use designation.

Zoning District	Comprehensive Plan Land Use Designation																	
	RESIDENTIAL								NONRESIDENTIAL									
	Low				Medium		High											
	Rural	Estate	RL	RML	RM	RMH	RH-MU	UR RH-MU	Commercial	NC-MU	VC-MU	DT-MU	MIXED USE OPPORTUNITY CORRIDOR*	Industrial	C/I	BP-MU	P & OS	Conservation/Mineral
RR	•	•	•	•														•
R-E	•	•	•	•														
R-1	•	•	•	•														
R-2	•	•	•	•														
R-4	•	•	•	•	•	•												
R-5	•	•	•	•	•	•												
R-8					•	•			•	•						•		
R-12					•	•			•	•						•		
R-16						•	•	•	•	•	•					•		
R-24+							•	•		•	•					•		
R-O					•	•	•	•	•	•	•	•				•		
B-1							•	•	•	•								
B-2											•							
C-1								•	•	•	•							
C-2								•						•				
CSR	•															•	•	•
M-U								•						•	•			
BP														•	•			
I-O														•	•	•		
I-1														•	•			
I-2														•				
MXR-3																		
MXG-3									•	•	•							
MXS-3																		
MXR-5																		
MXG-5										•	•							
MXS-5																		
MXR-8																		
MXG-8											•							
MXS-8																		
<u>MXOC</u>												•*						

*The Mixed Use Opportunity Corridor future land use designation of the Comprehensive Plan “overlays” other future land use designations, according to and as shown on the

Comprehensive Plan Future Land Use Map. Therefore, in addition to the MXOC form district, other zone districts which implement the *underlying* future land use designation may also be appropriate in a given area of the Mixed Use Opportunity Corridor. Also, implementation of the Mixed Use Opportunity Corridor future land use designation is limited by Section 21.02.140(c)(2).

All other parts of Section 21.03.020 shall remain in full force and effect.

Section 21.03.090(a) (Form Districts - Intent) is amended as follows (deletions struck through; additions underlined):

21.03.090 Form districts.

(a) **Intent.** The form districts are intended to implement the Neighborhood Center, Village Center, Downtown Mixed Use future land use designations and Mixed Use Opportunity Corridors of the Comprehensive Plan. The form districts are intended to create pedestrian-friendly urban areas where higher density mixed uses and mixed building types promote less dependence on the automobile. The form districts are intended to be used in combination to create mixed use centers. The centers are intended to transition in scale to existing neighborhoods. The Comprehensive Plan Neighborhood Center designation is implemented with the three-story districts, the Village Center designation is implemented with the three- and five-story districts, and the Downtown Mixed Use designation is implemented with the three-, five- and eight-story districts. The Mixed Use Opportunity Corridor designation is implemented with the MXOC, a three-story form district districts as limited by Section 21.02.140(c)(2); in addition, because the Mixed Use Opportunity Corridor overlays other future land use designations as shown on the Comprehensive Plan Future Land Use Map, other zone districts which implement the underlying future land use designation would also be appropriate zoning options in a given area of the Mixed Use Opportunity Corridor.

Section 21.03.090 (e), (f), (g), (h) and (i) are amended to create a new subsection “(e)” generally describing the Mixed Use Opportunity Corridor (MXOC) form district and to add standards applicable to the form districts and particularly the MXOC form district; also, accordingly, subsection designations (e), (f), (g), (h) and (i) are changed to (f), (g), (h), (i) and (j) to accommodate the new subsection “(e),” as follows (deletions struck through, additions underlined):

(e) Mixed Use Opportunity Corridors (MXOC) district is intended to:

(1) Create mixed use development(s) along the corridor in a pedestrian friendly environment while accommodating the more automobile-centric nature of the areas due to the fact that these corridors are primarily along arterial streets;

(2) Provide a transition from nonresidential to existing neighborhood residential uses, and respect the limitations set forth in Section 21.02.140(c)(2);

(3) Combine access between two or more sites whenever possible to restrict the number of access points along the arterial street; and

(4) Establish standards for access, parking, delivery and pickup areas, trash service, signage, building entry, and architecture that reflect the somewhat more automobile-centric nature compared to the other form districts.

(e f) District Standards.

(1) Building Type by District.

District	Building Type				
	Shopfront	General	Apartment	Townhouse	Civic
Mixed Use Residential (MXR-)			•	•	•
Mixed Use General (MXG-)		•	•	•	•
Mixed Use Shopfront (MXS-)	•				
<u>Mixed Use Opportunity Corridor (MXOC)</u>	⋮	⋮	⋮	⋮	⋮

(2) Height.

Intensity	District	Height Stories (min.)	Height Stories (max.)	Height Feet (max.)
Low	MXR-3, MXG-3, MXS-3, <u>MXOC</u>	1	3	50
Medium	MXR-5, MXG-5, MXS-5	2	5	65
High	MXR-8, MXG-8, MXS-8	2	8	100

(3) Building Entrances. The following building entrance requirements apply to shopfront, general and apartment building types:

- (i) An entrance providing both ingress and egress, operable during normal business hours, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

(ii) The entrance separation requirements provided for the building type must be met for each building, but are not applicable to adjacent buildings.

(iii) An angled entrance may be provided at either corner of a building along the street to meet the street entrance requirements, provided any applicable entrance spacing requirements can still be met.

(iv) A minimum of 50 percent of a required entrance must be transparent.

(v) A required fire exit door with no transparency may front on a primary, side, or service street.

(vi) A street-facing entrance is not required in the MXOC.

(4) Parking.

(i) On-site surface parking must be located behind the parking setback line.

(ii) Structured parking must contain active uses on the ground story along any primary street for the first 30 feet of the building measured from the street-facing facade.

(iii) The required street frontage may be interrupted to allow for a maximum 30-foot-wide vehicular entrance to a parking structure or area.

(5) Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard, behind the parking setback line.

(6) Open Space.

(i) Public Parks and Open Space Fee. The owner of any multifamily or mixed use project in a form district shall be subject to the required parks impact fee.

(ii) Open Space Requirement. Multifamily or mixed use developments in a form district shall be required to pay 10 percent of the value of the raw land of the property as determined in GJMC 21.06.020(b).

(7) Outdoor Storage and Display. Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).

(8) Awning Standards. Awnings and other façade enhancements are encouraged. One or more awnings extending from the building may be erected. Awnings shall be at least 8 feet above the sidewalk and shall be at least 4 feet

wide, along the building frontage, and shall not overhang into the right-of-way more than 6 feet. Awnings shall otherwise meet with the requirements of the Grand Junction Municipal Code and Colorado Department of Transportation (CDOT) regulations.

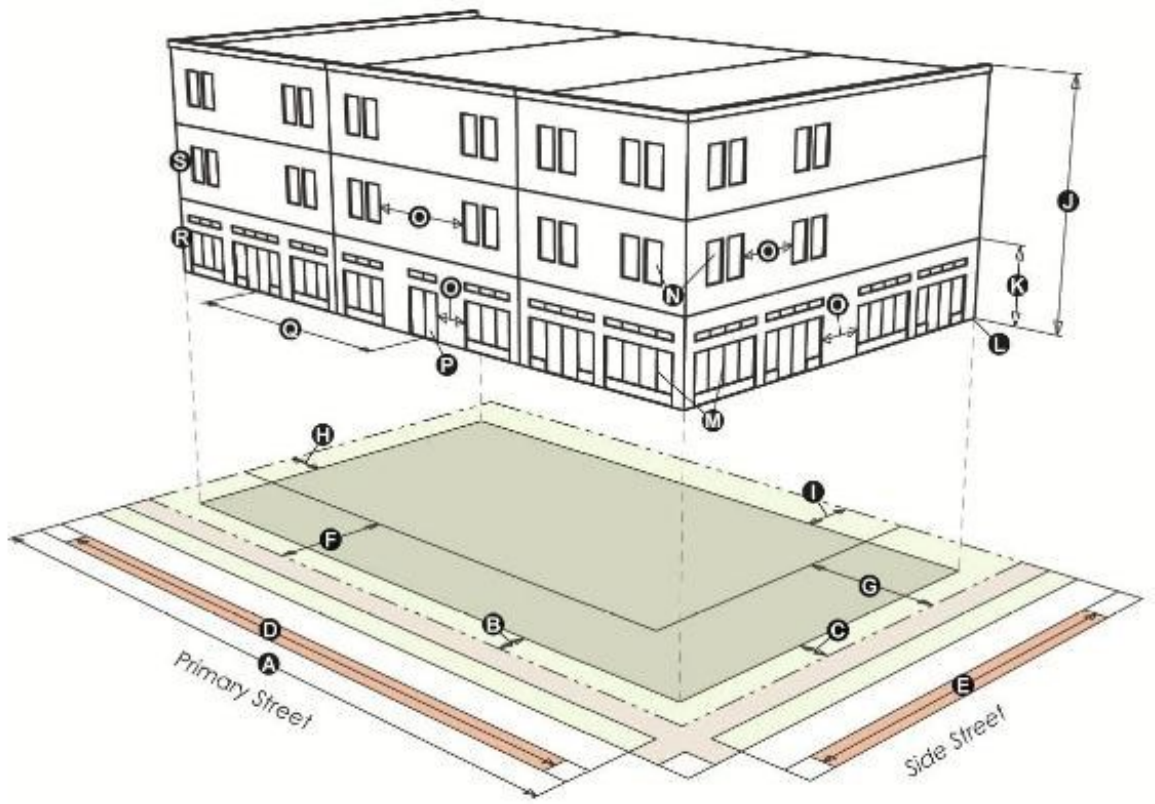
(9) Landscaping and Buffering.

- (i) No landscaping / screening buffer is required between adjacent properties zoned Mixed Use.
- (ii) No street frontage landscaping is required when the setback for a building is ten (10) feet or less.
- (iii) Street trees are required at a rate of one tree per eighty (80) feet. Street trees may be planted in the right-of-way with City approval.
- (iv) All other landscaping regulations of the Grand Junction Municipal Code shall apply.

(10) Mechanical Equipment. Screening of mechanical equipment either located on the roof or on the ground is required.

(f g) **Building Types.** See the building types on the following pages.

(1) Shopfront. A building form intended for ground floor retail sales and service uses with upper-story residential or office uses. Lodging and indoor recreation and entertainment uses would also be allowed. High transparency (in the form of windows and doors) is required on the ground floor to encourage interaction between the pedestrian and the ground story space. Primary entrances are prominent and street facing except that street-facing entrances are optional in MXOC.



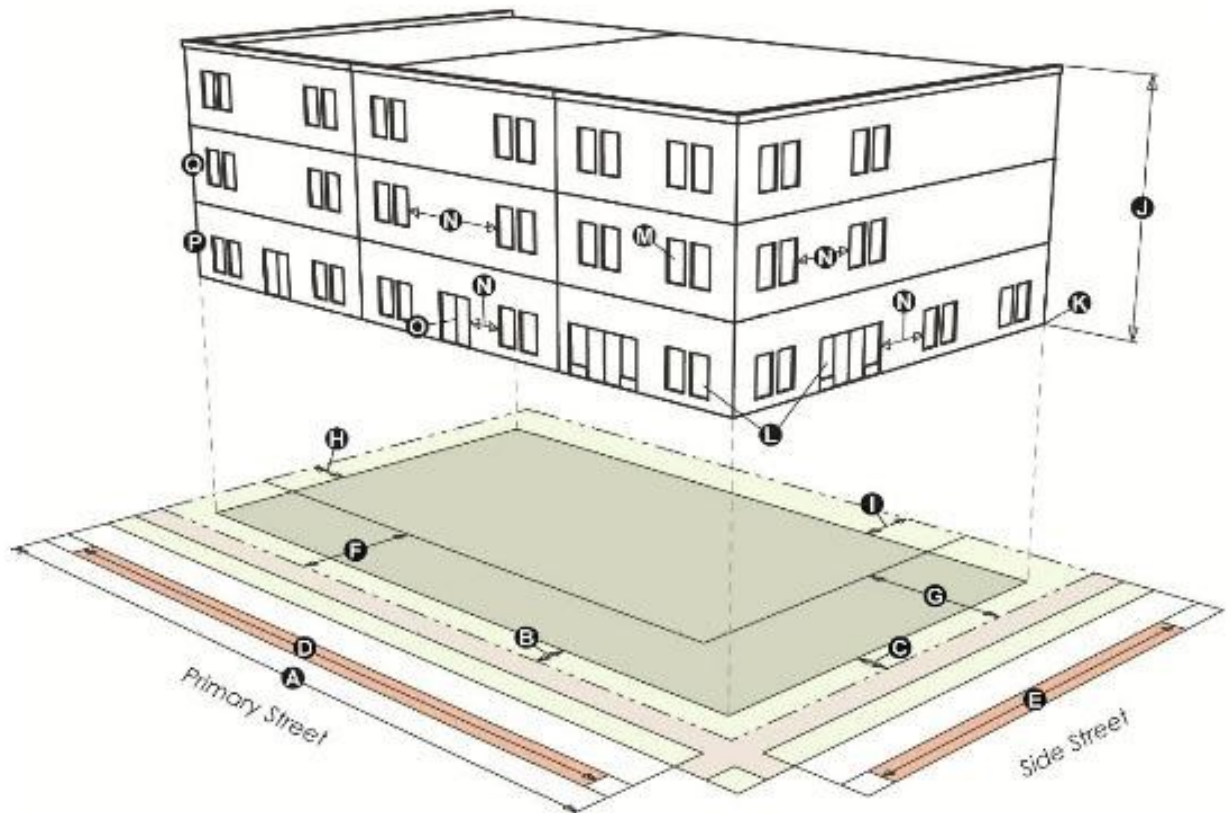
	MXS- 3 MXOC	MXS- 5	MXS- 8		MXS-3 MXOC	MXS- 5	MXS- 8
LOT				HEIGHT			
Area (min. ft. ²)	4,000	5,000	n/a	Ⓜ Stories (max.)	3	5	8
ⓐ Width (min. ft.)	40	50	n/a	Ⓜ Feet (max.)	50	65	100
Lot coverage (max.)	75%	75%	n/a	Ⓝ Ground story height (min. ft.)	15	15	15
				Ⓞ Ground story elevation (min. ft.)	0	0	0
FRONT SETBACK AREA							
ⓑ Primary street (min./max. ft.) *	0/10	0/10	0/10	BUILDING façade			
ⓒ Side street (min./max. ft.)	0/10	0/10	0/10	Ⓜ Ground story transparency (min.) ***	60%	60%	60%
				Ⓝ Upper story transparency (min.)	20%	20%	20%
REQUIRED STREET FAÇADE **				Ⓞ Blank wall area (max. ft.)	30	30	30
ⓓ Primary street (min.)	85%	85%	85%	Ⓟ Street-facing entrance required ***	yes	yes	yes
ⓔ Side street (min.)	40%	40%	40%	Ⓠ Street entrance spacing	n/a	n/a	50
PARKING SETBACK							
Ⓠ Primary street (min. ft.)	30	30	30	ALLOWED USE			
Ⓡ Side street (min. ft.)	10	10	10	Ⓡ Ground story	Commercial, Institutional and Civic		
SIDE/REAR SETBACKS				Ⓢ Upper story	Commercial, Institutional and Civic, Residential		
Ⓢ Side, interior (min. ft.)	5	5	5				
Ⓣ Rear (min. ft.)	15	10	0				

* No maximum front setback in MXOC

** Excludes drainage facilities, waterways, and pedestrian areas

***Not required in MXOC

(2) General. A building form intended for ground floor office and personal services uses (but does not include sales, repair or entertainment oriented uses) with upper-story residential or office. Transparency (in the form of windows and doors) is required on the ground floor to encourage interaction between the pedestrian and the ground story space; however, required transparency is lower than that for a shopfront building form. Primary entrances are prominent and street facing except that street-facing entrances are optional in MXOC.



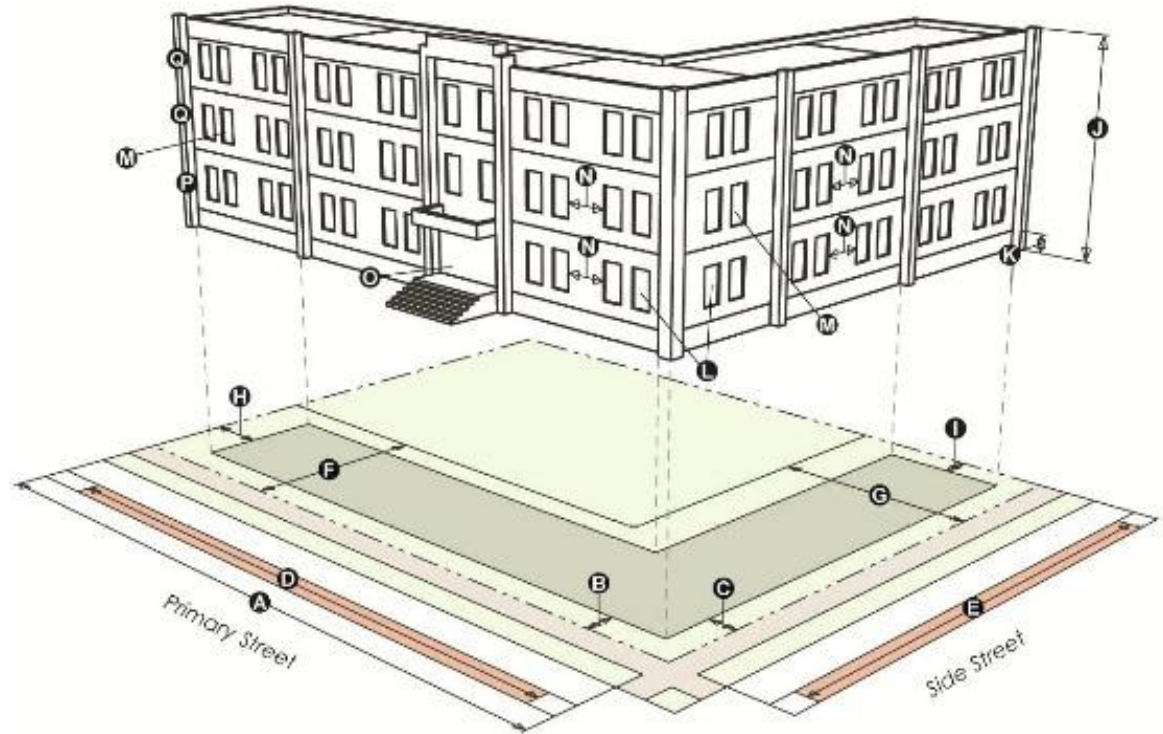
	MXG-3 MXOC	MXG-5	MXG-8		MXG-3 MXOC	MXG-5	MXG-8
LOT				HEIGHT			
Area (min. ft. ²)	4,000	5,000	n/a	Ⓜ Stories (max.)	3	5	8
Ⓜ Width (min. ft.)	40	50	n/a	Ⓜ Feet (max.)	50	65	100
Lot coverage (max.)	75%	75%	n/a	Ⓜ Ground story elevation (min. ft.)	0	0	0
FRONT SETBACK AREA				BUILDING façade			
Ⓜ Primary street (min./max. ft.)*	0/10	0/10	0/10	Ⓜ Ground story transparency *** (min.)	40%	40%	40%
Ⓜ Side street (min./max. ft.)	0/10	0/10	0/10	Ⓜ Upper story transparency (min.)	20%	20%	20%
REQUIRED STREET FAÇADE **				Ⓜ Blank wall area (max. ft.)	30	30	30
Ⓜ Primary street (min.)	80%	80%	80%	Ⓜ Street-facing entrance required ***	yes	yes	yes
Ⓜ Side street (min.)	40%	40%	40%	ALLOWED USE			
PARKING SETBACK				Ⓜ Ground story	Commercial, Institutional and Civic		
Ⓜ Primary street (min. ft.)	30	30	30	Ⓜ Upper story	Commercial, Institutional and Civic, Residential		
Ⓜ Side street (min. ft.)	10	10	10				
SIDE/REAR SETBACKS							
Ⓜ Side, interior (min. ft.)	5	5	5				
Ⓜ Rear (min. ft.)	15	10	5				

* No maximum front setback in MXOC

** Excludes drainage facilities, waterways, and pedestrian areas

***Not required in MXOC

(3) Apartment. A building form containing three or more dwelling units consolidated into a single structure. An apartment contains internal common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The building often shares a common entrance. Primary building entrance is generally through a street-facing lobby.



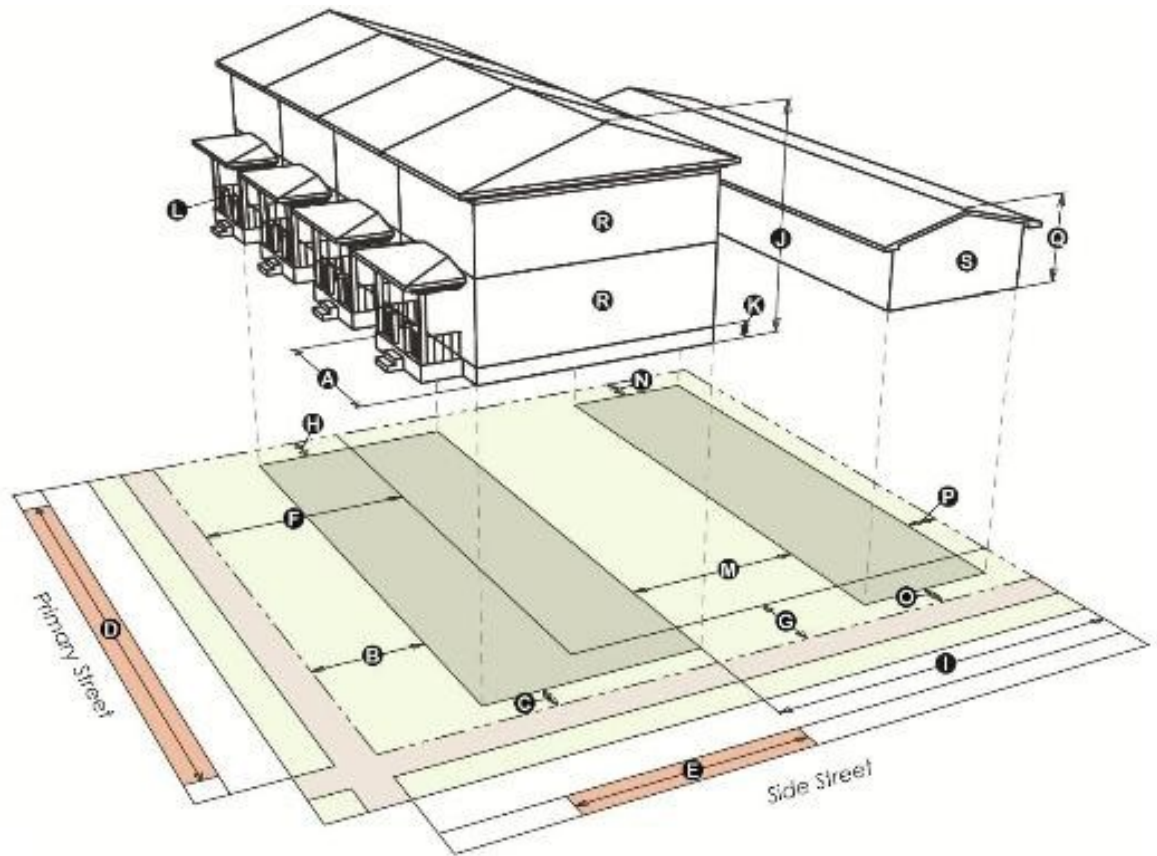
	MXG-3 MXR-3 <u>MXOC</u>			MXG-5 MXR-5 <u>MXOC</u>			MXG-8 MXR-8 <u>MXOC</u>		
	6,000	6,000	6,000	3	5	8	3	5	8
LOT	HEIGHT								
Area (min. ft. ²)	6,000	6,000	6,000	Ⓐ Stories (max.)	3	5	8		
Ⓐ Width (min. ft.)	60	60	60	Ⓐ Feet (max.)	50	65	100		
Lot coverage (max.)	75%	75%	75%	Ⓚ Ground story elevation (min. ft.)	0	0	0		
FRONT SETBACK AREA				BUILDING façade					
				Ground story					
Ⓟ Primary street (min./max. ft.)*	0/15	0/15	0/15	Ⓛ transparency (min.)***	20%	20%	20%		
Ⓠ Side street (min./max. ft.)	0/15	0/15	0/15	Ⓜ Upper story transparency (min.)	20%	20%	20%		
REQUIRED STREET FAÇADE **				Ⓝ Blank wall area (max. ft.)	30	30	30		
Ⓡ Primary street (min.)	75%	75%	75%	Ⓞ Street-facing entrance required***	yes	yes	yes		
Ⓢ Side street (min.)	35%	35%	35%	ALLOWED USE					
PARKING SETBACK				Ⓟ Ground story	Residential				
Ⓣ Primary street (min. ft.)	30	30	30	Ⓠ Upper story	Residential				
Ⓤ Side street (min. ft.)	10	10	10						
SIDE/REAR SETBACKS									
Ⓡ Side, interior (min. ft.)	5	5	5						
Ⓢ Rear (min. ft.)	15	10	5						

* No maximum front setback in MXOC

** Excludes drainage facilities, waterways, and pedestrian areas

***Not required in MXOC

(4) Townhouse. A building form with multiple dwelling units located side-by-side on a single zone lot and consolidated into a single structure that relates to the scale of surrounding houses. Each unit is separated by a common side wall. Units are not vertically mixed. Each unit has its own external entrance.



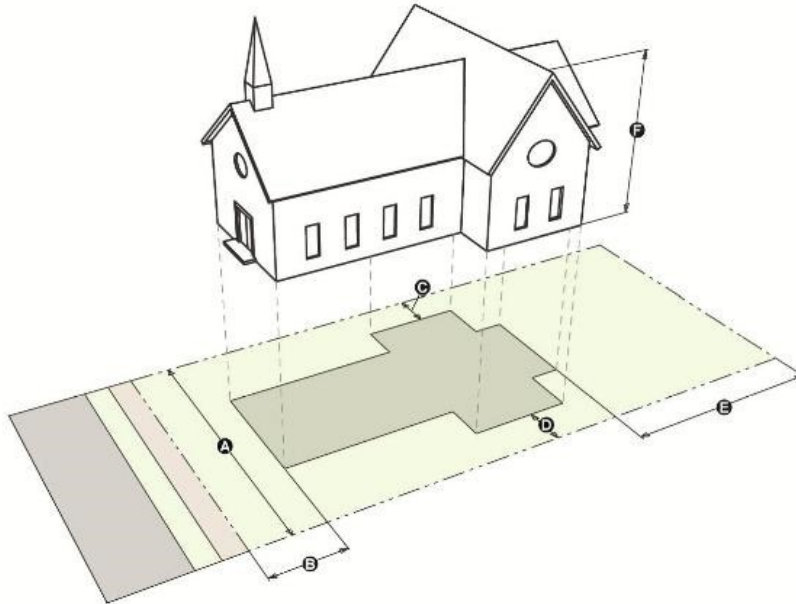
	MXG-3, MXR-3, MXOC		MXG-3, MXR-3, MXOC
LOT		HEIGHT	
Area (min. ft. ²)	1,200	Ⓜ Stories (max.)	3
Ⓜ Unit width (min. ft.)	16	Ⓜ Feet (max.)	50
Lot coverage (max.)	75%	Ⓜ Ground story elevation (min. ft.)	1.5
FRONT SETBACK AREA		BUILDING FACADE	
Ⓜ Primary street (min./max. ft.) *	0/15	Ⓜ Street-facing entrance required ***	yes
Ⓜ Side street (min./max. ft.)	0/15	ACCESSORY STRUCTURE SETBACKS	
REQUIRED STREET FAÇADE **		Separation from primary	
Ⓜ Primary street (min.)	75%	Ⓜ structure (min. ft.)	10
Ⓜ Side street (min.)	35%	Ⓜ Side, interior (min. ft.)	5
PARKING SETBACK		Ⓜ Side, street (min. ft.)	10
Ⓜ Primary street (min. ft.)	30	Ⓜ Rear (min. ft.)	5
Ⓜ Side street (min. ft.)	10	ACCESSORY STRUCTURE HEIGHT	
SIDE/REAR SETBACKS		Ⓜ Stories (max.)	2
Ⓜ Side, interior (min. ft.)	5	Ⓜ Feet (max.)	30
Ⓜ Rear (min. ft.)	10	ALLOWED USE	
		Ⓜ All stories	Residential
		Ⓜ Accessory structure	Accessory uses, Accessory dwellings

* No maximum front setback in MXOC

** Excludes drainage facilities, waterways, and pedestrian areas

***Not required in MXOC

(5) Civic. A building form containing civic, religious, institutional or public uses. In order to provide a visual landmark, the civic building form is permitted to be set back further than other building forms. Civic buildings are commonly placed on prominent sites.



MXG-3	MXG-5	MXG-8
MXR-3	MXR-5	MXR-8
<u>MXOC</u>		

LOT

Area (min. ft. ²)	10,000	10,000	10,000
A Width (min. ft.)	100	100	100
Lot coverage (max.)	80%	80%	80%

SETBACKS

B Front (min. ft.)	15	15	15
C Side, interior (min. ft.)	5	5	5
D Side, street (min. ft.)	10	10	10
E Rear (min. ft.)	15	15	15

HEIGHT

F Stories (max.)	3	5	8
F Feet (max.)	50	65	100

ALLOWED USE

All stories	Institutional and Civic
-------------	-------------------------

(g h) Mixed Use Opportunity Corridors. See GJMC 21.02.140(c)(2). In addition to the standards established in subsections 21.03.090(f) and (g) above, except as specifically modified therein for the MXOC zone district, standards for the MXOC shall be as follows:

- (1) Access. When the site is adjacent to a local or collector street, the primary access shall be on the lower order street. Additional access points may be allowed based on traffic safety, as determined by the City's development engineer. Whenever possible, access between two or more sites shall be combined and access points restricted on arterial streets.
- (2) Parking, delivery/pick-up areas, trash service. Parking, delivery and pick-up, and trash service areas are not permitted between the building and the primary street (corridor).
- (3) Signage. Signage shall conform to Section 21.06.070(g)(3) except that all freestanding signs shall be monument style signs with a maximum height of 15 feet.
- (4) Architectural standards.
 - (i) Any façade of a new building along the corridor shall have visually interesting architectural features and patterns that are designed to reduce mass and scale and reflect the desired vision of construction; buildings at a human scale with urban design features attractive to the motoring public, the surrounding neighborhood, bicyclists and pedestrians.
 - (ii) The building façade shall exhibit a minimum of three of the following seven architectural design elements:
 - (A) Variation in materials, material modules, expressed joints and details, surface relief and texture to break up building forms and wall surfaces. Such detailing may include sills, headers, belt courses, reveals, pilasters, window bays or similar features for all sides of the building.
 - (B) Façade articulation/variation such as recessed or projecting bays or pilaster / column projections at a minimum of every 30 feet for all sides of the building.
 - (C) Variation in roof lines / roof materials in order to add interest to and reduce the scale of buildings or expanses of blank wall. This can be accomplished through design elements such as overhangs, eaves, recesses, projections, raised cornice parapets over doors or bays and peaked roof forms.
 - (D) Façade features on the primary street (corridor) that emphasize the primary building entrance through projecting or recessed forms, detail, color and/or material.
 - (E) Outdoor patio in combination with or without outdoor seating located between the building and the primary street (corridor).
 - (F) Ground story transparency of at least 50% in the form of windows and/or door(s) for facades facing all public street frontages.

(G) Other architectural and landscaping features that achieve the goals of the overall form district vision or concept, as determined by the Director.

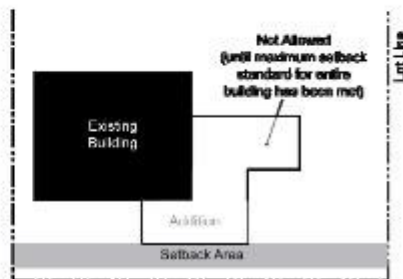
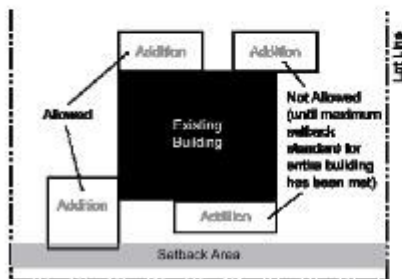
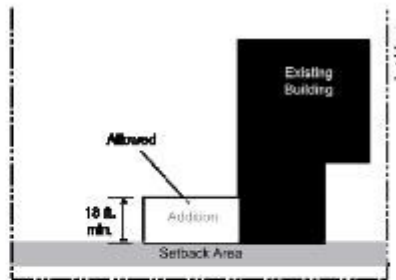
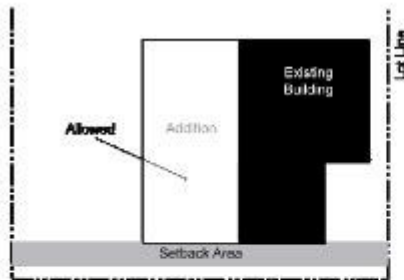
(H i) Additions and New Buildings on Nonconforming Sites.

(1) Applicability. This subsection (i) applies to any development in a form district where a maximum setback applies, except in MXOC.

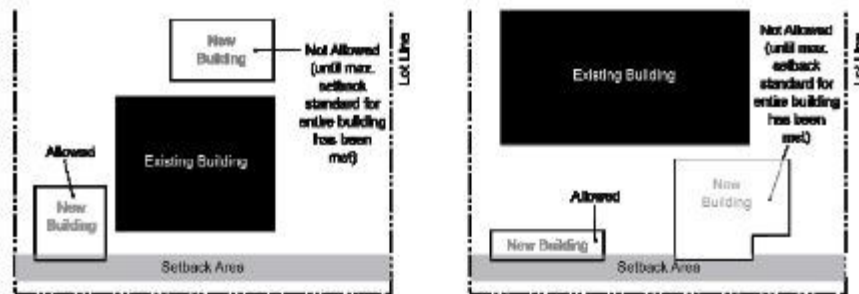
(2) Permitted Additions. Where an existing building is being expanded, the setback area and required building frontage standards apply to the ground level, street-facing facade of the entire addition as set forth below.

(1) Applicability. Any development in a form district where a maximum setback applies.

(2) Permitted Additions. Where an existing building is being expanded, the setback area and required building frontage standards apply to the ground level, street-facing facade of the entire addition as set forth below.



(3) Permitted New Buildings. Where a new building is being constructed on a site with a nonconforming existing building, the setback area and required building frontage standards apply to the ground level, street-facing facade of the entire new building as set forth below.



(i) **Use Categories Allowed in Form Districts.** For the purposes of the form districts, the following use restrictions specific to the form districts are established. The references are to the use categories included in the use table in GJMC 21.04.010.

(1) Residential. Allows household living; home occupation; and group living use categories.

(2) Institutional and Civic. Includes colleges and vocational schools; community service; cultural; day care; hospital/clinic; parks and open space; religious assembly; funeral homes/mortuaries/crematories; safety services; schools; utility, basic; utility, corridors use categories, but not detention facilities use category.

(3) Commercial. Includes entertainment event, major; lodging; office; recreation and entertainment, outdoor; recreation and entertainment, indoor; and retail sales and service (except adult entertainment) use categories. Does not include self-service storage; vehicle repair; vehicle service, limited; parking, commercial; or entertainment event, outdoor use categories.

(4) Industrial. Includes only the telecommunications facilities use category, but not manufacturing and production, industrial services, contractors and trade shops, oil and gas support operations, junk yard, impound lot, heavy equipment storage/pipe storage, warehouse and freight movement, waste-related use, wholesale sales, agricultural, aviation or surface passenger terminal, mining use categories.

All other parts of Section 21.03.090 shall remain in full force and effect.

Section 21.06.040(i), Landscaping Requirements (table) is amended to add MXOC, as follows (addition underlined):

21.06.040(i) Landscaping Requirements.

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on
Single-family residential (R zones)	As required for uses other than single-family residential; and as required in subsections (b)(16) and (g) of	As required for uses other than single-family residential; and landscape buffer and public right-of-way
R-5, R-8, R-12, R-16, R-24, R-0, B-1, C-1, C-2, I-O, CSR, MU	One tree per 2,500 square feet of improved area, with no more than 20 percent of the total being ornamental trees or evergreens. One five-gallon shrub per 300 square feet of improved area	Buffer, parking lot, street frontage perimeter, foundation plantings and public right-of-way
B-2	One tree per 2,500 square feet of improved area, with no more than 20 percent of the total being ornamental trees or evergreens. One five-gallon shrub per 300 square feet of improved area	Parking lot, park strip (in right-of-way)
I-1, I-2	As required in subsection (h) of this section and in other subsections of this section where applicable	Street frontage, parking lots, buffers and public right-of-way
<u>MXR, MXG, MXS, MXOC</u>	One tree per 3,000 square feet of improved area, with no more than 20 percent of the total being ornamental trees or evergreens. One five-gallon shrub per 300 square feet of improved area. Plantings must be evenly distributed throughout the	Buffer, parking lot, street frontage perimeter, foundation plantings and public right-of-way
Facilities: mining, dairy, vineyard, sand or gravel operations, confined animal feeding operation, feedlot, forestry commercial, aviation or surface passenger	One tree per 5,000 square feet of improved area. One five-gallon shrub per 600 square feet of improved area	Perimeter, buffer and public right-of-way

All other parts of Section 21.06.040 shall remain in full force and effect.

Section 21.06.040(k) shall be amended to add MXOC, as follows (addition underlined):

21.06.040(k) Buffering Between Zoning Districts.

Zoning of Proposed Development	Zoning of Adjacent Property																	
	SF	R-5	R-8	R-12 R-16	R-24	R-O & MXOC	B-1	B-2	C-1	C-2 I-O	I-1	I-2	M-U	CSR	BP	MXR-	MXG-	MXS-
SF (Subdivisions)	-	-	-	-	-	-	F	-	F	W	W	W	F	-	F	-	-	-
R-5	-	-	-	-	-	-	F	-	F	W	W	W	-	-	F	-	-	-
R-8	-	-	-	-	-	F	F	-	F	W	W	W	F	-	F	A	-	-
R-12 & R-16	-	-	-	-	-	-	F	-	W	W	W	W	F	-	F	A	-	-
R-24	-	-	-	-	-	-	F	-	W	W	W	W	F	-	F	A	-	-
RO & MXOC	A	A	A	A	A	-	A or F	-	A or F	W	W	W	A or F	-	A or F	A	-	-
B-1	F	F	F	A or F	A or F	A or F	A or F	-	A or F	A or F	A or F	A or F	A or F	-	A or F	A	-	-
B-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C-1	A&W	W	W	W	W	W	-	-	-	-	-	-	-	-	-	-	-	-
C-2 & I-O	W	W	W	W	W	W	F	-	-	-	-	-	A or F	A or F	A or F	A&W	-	-
I-1	W	W	W	W	W	W	F	-	-	-	-	-	A or F	B&W	A or F	B&W	A or F	A or F
I-2	B&W	W	W	W	W	W	F	-	-	-	-	-	A or F	B&W	A or F	B&W	A or F	A or F
M-U	A or F	A or F	A or F	A or F	A or F	A or F	A or F	-	A or F	A or F	A or F	A or F	-	-	-	-	-	-
CSR3 ¹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BP	A or F	A or F	A or F	A or F	A or F	A or F	A or F	-	-	-	-	-	-	-	-	A or F	A or F	A or F
MXR-	-	-	-	-	-	-	F	-	-	W	W	W	F	-	F	-	-	-
MXG-	-	-	-	-	-	-	F	-	-	W	W	W	F	-	F	-	-	-
MXS-	-	-	-	-	-	-	F	-	-	W	W	W	F	-	F	-	-	-

Notes
•A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six feet.
•Where alleys or streets separate different zone districts, the Director may approve increased landscaping rather than requiring a wall or fence.
•The Director may modify this table based on the uses proposed in any zone district.
¹ Gravel operations subject to buffering adjacent to residential.

All other parts of Section 21.06.040 shall remain in full force and effect.

INTRODUCED on first reading the _____ day of _____, 2014 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the _____ day of _____, 2014 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: October 21, 2014
 Author: Kristen Ashbeck _____
 Title/ Phone Ext: Community Services
 Coordinator / x1491
 Proposed Schedule: Approval
November 5, 2014; Execute
agreements following approval
 Files: CDBG 2014-06 and 2014-07

Attach 4
CITY COUNCIL AGENDA ITEM

Subject: CDBG Subrecipient Contracts with West Springs Hospital and the Salvation Army for Previously Allocated Funds within the 2014 Community Development Block Grant (CDBG) Program Year
Action Requested/Recommendation: Authorize the City Manager to Sign the Subrecipient Contracts with West Springs Hospital for \$31,164 and the Salvation Army for \$25,000 from the City’s 2014 CDBG Program Year Funds
Presenter(s) Name and Title: Kristen Ashbeck, Community Services Coordinator/CDBG Administrator

Executive Summary: The Subrecipient Contracts formalize the City’s award of \$31,164 to West Springs Hospital and \$25,000 to the Salvation Army allocated from the City’s 2014 CDBG Program as previously approved by Council. The grant funds will be used to purchase specialized furnishings for patient rooms at West Springs Hospital and remodel the meal service kitchen at the Salvation Army’s main facility.

Background, Analysis and Options:

CDBG 2014-06 West Springs Hospital Improvements

Mind Springs Health provides mental health and substance abuse services and operates the West Springs Hospital. CDBG funding will be used to purchase new, specialized room furnishings for the 32-bed hospital for inpatient psychiatric services.

CDBG 2014-07 Salvation Army Kitchen Remodel

The Salvation Army operates a kitchen at its facility located at 1235 North 4th Street for its feeding programs that are expected to expand by 30% in the coming year. CDBG funds will be used to remodel and improve the kitchen including purchase of commercial grade kitchen equipment.

These agencies are considered subrecipients to the City. The City will pass through portions of its 2014 CDBG Program Year funds to the agencies but the City remains responsible for the use of these funds. The contracts outline the duties and responsibilities of the agencies and ensure that the subrecipients comply with all Federal rules and regulations governing the use of these funds. The contracts must be approved before the subrecipients may obligate or spend any of these Federal funds. Exhibit A of each of the contracts (see attachments) contains the specifics of the projects and how the funds will be used by the subrecipients.

How this item relates to the Comprehensive Plan Goals and Policies:

These projects funded through the 2014 CDBG program year allocation address steps towards the City's Comprehensive Plan Goal listed below.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy. The CDBG projects discussed above will help these agencies continue to provide services to low income, disabled and homeless persons in our community.

How this item relates to the Economic Development Plan: These projects funded through the 2014 CDBG program year allocation indirectly address steps towards the City's Economic Development Plan in that the services provided by the agencies support individuals and households to attain and maintain a stable living environment including housing and employment.

Board or Committee Recommendation: There is no board or committee review of this request.

Financial Impact/Budget: Previously approved 2014 CDBG Program Year Budget

Legal issues: Funding is subject to Subrecipient Contract. The City Attorney has reviewed and approved the form of agreement.

Other issues: There are no other issues regarding this request.

Previously presented or discussed: City Council discussed and approved the allocation of CDBG funding for these projects at its May 21, 2014 meeting.

Attachments:

1. Exhibit A, Subrecipient Contract – West Springs Hospital
2. Exhibit A, Subrecipient Contract – The Salvation Army

Attachment 1
**2014 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH
WEST SPRINGS HOSPITAL**

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, \$31,164.00 from its 2014 Program Year CDBG Entitlement Funds for rehabilitation of patient rooms at West Springs Hospital. The general purpose of the entire program and this project is to meet the special needs of the inpatient clients that receive psychiatric services at West Springs Hospital.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income clientele benefit (570.201(c)). It shall meet this objective by providing the above-referenced services to low/moderate income persons in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.201(e), Public Services.
3. West Springs Hospital is located at 515 28-3/4 Road in Grand Junction. The hospital provides 32 rooms/beds for inpatient services. It is understood that the City's grant of \$31,164 in CDBG funds shall be used for the purchase of new, specialized furnishings for the rooms.
4. This project shall commence upon the full and proper execution of the 2014 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before December 31, 2015.
5. The total projected budget for the program is \$109,223 including funds leveraged from private sources. 56% of the total persons served at West Springs Hospital live within the City limits. Thus, the City's share of the total project cost shall not exceed 56%.
6. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance
7. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

_____ West Springs Hospital

_____ City of Grand Junction

8. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
9. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
10. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ West Springs Hospital

_____ City of Grand Junction

Attachment 2
2014 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS WITH
The Salvation Army

EXHIBIT "A"
SCOPE OF SERVICES

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, \$25,000.00 from its 2014 Program Year CDBG Entitlement Funds for remodel of the Salvation Army kitchen from a church kitchen to a commercial kitchen at its meal site. The Salvation Army provides over 16,000 meals each year to homeless persons and youth in the community.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.208(a)). It shall meet this objective by providing the above-referenced services to homeless persons and youth in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.201(e), Public Services.
3. The Salvation Army operates a feeding program at its primary facility at 1235 North 4th Street. The overall project is to upgrade the existing kitchen to a commercial kitchen, meeting all building, fire and health requirements. It is understood that the City's grant of \$25,000.00 in CDBG funds shall be used for the purchase of commercial grade equipment required for the project including but not limited to: cold tables, stainless steel racks, warm holding cabinet, steam tables, conveyor dishwasher, commercial appliances and a fire hood. Costs associated with any other elements of the project or costs above the grant amount shall be paid for by other funding sources obtained by the Subrecipient.
8. This project shall commence upon the full and proper execution of the 2014 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before December 31, 2015.
5. During a period until December 31, 2020 the use or planned use of the Property may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program and B) the Salvation Army provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Salvation Army decides, after consultation with affected citizens that it is appropriate to change the use of the Property to a use which the City determines does not qualify in meeting a CDBG National Objective, HomewardBound must reimburse the City. After December 31, 2020, the only City restrictions on use of the Property shall be those found within the City's laws, rules, codes and ordinances.

_____ The Salvation Army

_____ City of Grand Junction

6. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
7. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
8. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
9. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
10. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ The Salvation Army

_____ City of Grand Junction



Attach 5

CITY COUNCIL AGENDA ITEM

Date: October 14, 2014
Author: Darren Starr
Title/ Phone Ext: Streets & Solid Waste Manager, ext. 1493
Proposed Schedule: Nov 5, 2014
(if applicable): N/A
File # (if applicable): N/A

Subject: Contract for Leach Creek Open Channel Tree and Brush Removal 2014-2015
Action Requested/Recommendation: Authorize the City Purchasing Division to Enter into a Contract with Enviro Land Management, LLC of Whitewater, CO for the 2014-2015 Leach Creek Tree Cutting Project in the Amount of \$125,000
Presenter(s) Name & Title: Greg Lanning, Public Works and Utilities Director Jay Valentine, Internal Services Manager Darren Starr, Streets and Solid Waste Manager

Executive Summary:

This request is to award a contract for the cutting of trees in the Leach Creek drainage channel located approximately between the intersections of 25 Road and G Road, and 26 1/2 Road and Catalina Drive, a distance of approximately 2.8 miles which is split into 8 sections. This contract shall include the cutting and removal/chipping of trees within 15' on both sides of the center of the stream in the drainage channel.

Background, Analysis and Options:

The Leach Creek drainage channel is a conveyance for storm and irrigation water that flows some 7 miles through urbanized and rural areas within the City limits. Inspection of the drainage channel has revealed significant tree growth throughout the scope of this project. Excessive tree growth within the channel can impede storm and irrigation flows, creating the potential for localized flooding.

Each year a portion of the drainage channels within the City limits are selected by the City Street Systems Division to have obstructive tree growth removed in order to provide sufficient capacity to carry storm and irrigation flows safely to the river. There are 8 total sections to be completed for this project award. The first 4 sections shall be completed in 2014 and the remaining 4 sections shall be completed in 2015, pending 2015 appropriation of funds and budget approval. This project is scheduled to begin in November 2014 with an expected final completion date on or before November 30, 2015.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors

Association, and advertised in The Daily Sentinel. One company submitted a formal bid, which was found to be responsive and responsible in the following amount:

Firm	Location	Amount
Enviro Land Management, LLC	Whitewater, CO	\$125,000

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

How this item relates to the Economic Development Plan:

This project hits in two areas of emphasis. Public Safety, by cleaning areas to reduce flooding, and damage caused by flooding and infrastructure. The contract is to open the ditch to handle additional storm water flows.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

Enviro Land Management, LLC placed a bid of \$15,625 for each of the 8 sections of the channel, totaling \$125,000. This project will span both the 2014 and 2015 budget years, with 4 of the sections being completed in 2014 (\$62,500), and the remaining 4 sections completed in 2015 (\$62,500).

Legal issues:

Signed Property Access Agreements have been obtained from each property owner adjacent to the drainage channel within the scope of this project allowing the City and/or its contractor's access into and to perform work in the drainage channel.

Other issues:

No other issues have been identified.

Previously presented or discussed:

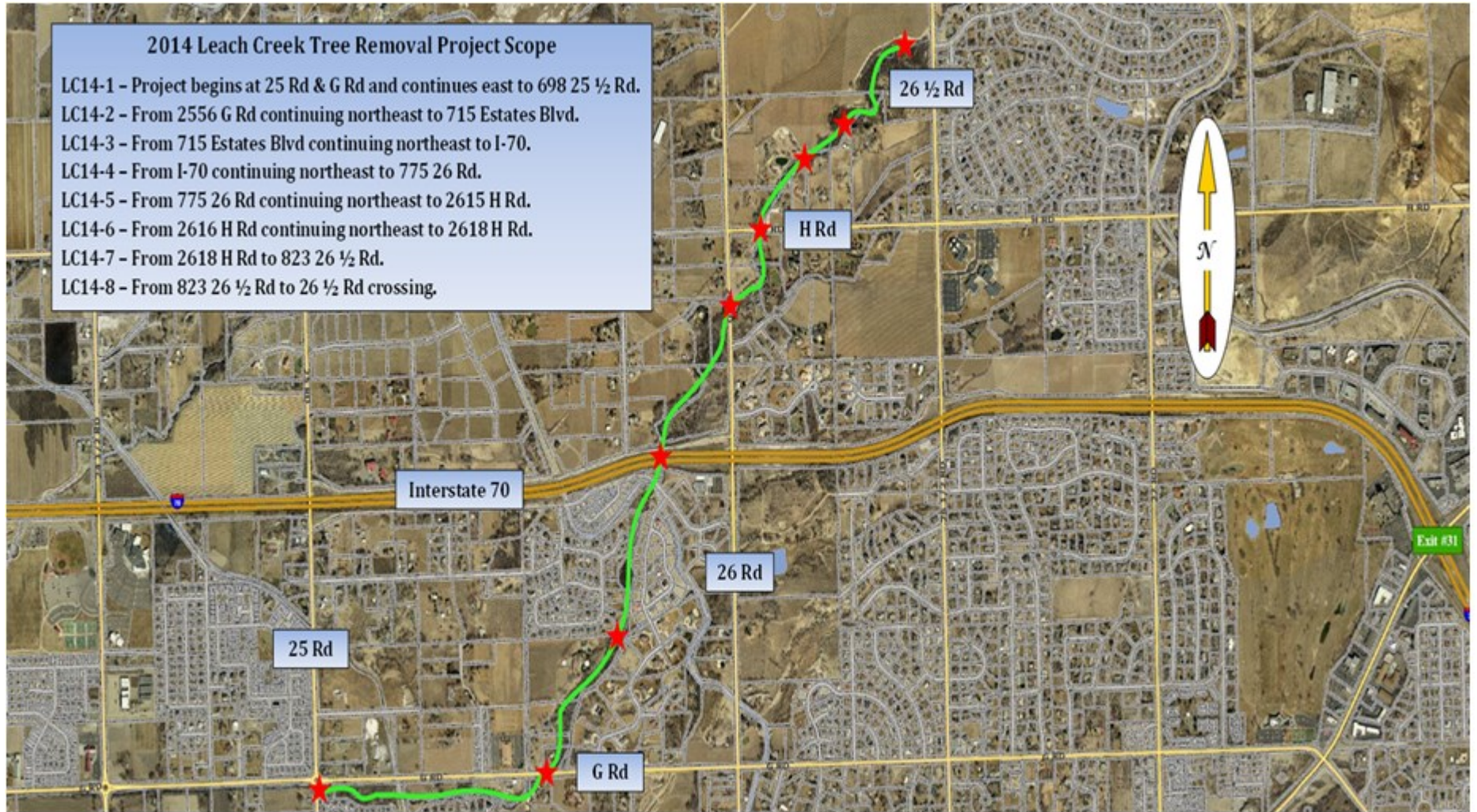
This project was discussed during budget development.

Attachments:

Project Scope Map

2014 Leach Creek Tree Removal Project Scope

- LC14-1 - Project begins at 25 Rd & G Rd and continues east to 698 25 ½ Rd.
- LC14-2 - From 2556 G Rd continuing northeast to 715 Estates Blvd.
- LC14-3 - From 715 Estates Blvd continuing northeast to I-70.
- LC14-4 - From I-70 continuing northeast to 775 26 Rd.
- LC14-5 - From 775 26 Rd continuing northeast to 2615 H Rd.
- LC14-6 - From 2616 H Rd continuing northeast to 2618 H Rd.
- LC14-7 - From 2618 H Rd to 823 26 ½ Rd.
- LC14-8 - From 823 26 ½ Rd to 26 ½ Rd crossing.





Attach 6

CITY COUNCIL AGENDA ITEM

Date: August 5, 2014
Author: Harry M. Weiss
Title/ Phone Ext: DDA Exec
Director / 256-4134
Proposed Schedule: November 5,
2014
2nd Reading: _____
File # _____

Subject: Outdoor Dining Lease for Mesa Theater and Club, LLC, Located at 538 Main Street
Action Requested/Recommendation: Adopt Proposed Resolution
Presenter(s) Name & Title: Harry M. Weiss, DDA Executive Director

Executive Summary:

Mesa Theater and Club, LLC, is leasing the Mesa Theater property and business located at 538 Main Street from the current owner Mesa Theater and Lounge, LLC. As a new business entity, Mesa Theater and Club, LLC, is requesting a first-time Outdoor Dining Lease for an area measuring 350 square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The outdoor dining area comprises the same enclosed sidewalk dining area that is currently occupied by Mesa Theater and Lounge, LLC.

Background, Analysis and Options:

Council approved the expansion of sidewalk dining with liquor service in July 2004. However, at that time, it was made clear that permission to serve alcohol on the sidewalk would require a specific lease of the public right-of-way in order to expand the licensed premise under the business’s individual liquor license. In Spring 2012 Council approved a newly revised standard Lease Agreement that is being used in this instance. Approval of this lease will allow the applicant to apply for expansion of its premises through the proper State and City agencies.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 4: *Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.*

The addition of outdoor dining areas continues to support the vibrant atmosphere of the downtown area, and offers a significant business opportunity for increased sales and greater customer satisfaction.

How this item relates to the Economic Development Plan:

This item relates to two of the three guiding areas of emphasis in the Economic Development Plan: Infrastructure and Economic Development; and two primary roles of the City specific to economic development: “providing infrastructure that fosters and supports private investment,” and “investing in and developing public amenities.”

The DDA has invested in excess of \$21 million in improvements to public facilities in the Downtown core area over the past decade. These investments are intended to produce both a high-quality public realm as a community amenity, and to encourage private business to locate and operate in a manner that takes advantage of these infrastructure improvements. The \$7 million reconstruction of Main Street during the Uplift Project provided expanded pedestrian sidewalks that were intentionally designed to accommodate outdoor dining facilities for restaurant operations. Outdoor dining at Mesa Theatre utilizes this existing infrastructure capacity for expanded economic opportunity by a private business operator while adding to the vibrancy and character of the Downtown district.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

The annual lease rate for the public sidewalk area is \$1.00 per square foot, due at commencement of the lease term.

Legal issues:

No legal issues have been identified.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This has not been previously discussed.

Attachments:

Resolution Authorizing the Lease of Sidewalk Right-of-Way to Mesa Theater and Club, LLC, with supporting documents

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE LEASE OF SIDEWALK
RIGHT-OF-WAY TO MESA THEATER AND CLUB, LLC DBA MESA THEATER AND
CLUB**

Recitals:

The City has negotiated an agreement for Mesa Theater and Club, LLC dba Mesa Theater and Club, to lease a portion of the sidewalk right-of-way located in front of 538 Main Street from the City for use as outdoor dining; and

The City Council deems it necessary and appropriate that the City lease said property to Mesa Theater and Club, LLC dba Mesa Theater and Club.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

The City Manager is hereby authorized and directed to sign the Lease Agreement leasing the City-owned sidewalk right-of-way for an initial term commencing November ____, 2014, and terminating in 2015 on the date concurrent with the expiration of Lessee's Tavern Liquor License, for the rental sum of \$350.00, to Mesa Theater and Club, LLC.

PASSED and ADOPTED this ____ day of _____, 2014.

Attest:

President of the Council

City Clerk

DOWNTOWN OUTDOOR DINING LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement") is made and entered into as of this 6th day of August 2014, by and between THE CITY OF GRAND JUNCTION, COLORADO, a municipal corporation, as Lessor, (hereinafter "City") and, Mesa Theater & Club, LLC, as Lessee, (hereinafter "Lessee"), and the Grand Junction Downtown Development Authority as Lessor's Administrative Agent, (hereinafter "DDA").

RECITALS:

The City by Ordinance No. 3650 and subsequently amended by Ordinance No. 4120 established a Sidewalk Restaurant commercial activity permit for restaurants in the Downtown Shopping Park (DSP) on Main Street, Seventh Street and Colorado Avenue.

In accordance with that authority, the City Council and the DDA desire to make certain areas of the sidewalk in the DSP and at other locations as authorized available by lease to proximate land owners and/or lessees that want to make use of a portion of the public way for outdoor dining with or without alcohol service.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, it is agreed as follows:

1. Demise of Premises.

Option B: The City does hereby lease to Lessee the Premises (hereinafter "Premises") comprising approximately 350 square feet of the public way located in front of and immediately abutting the Lessee's business. The Premises and the location of Lessee's primary business facility are more particularly described in the attached Exhibit A.

A brief description of the Lessee's business is attached as Exhibit B.

2. Term.

The term of this Agreement shall commence on August , 2014. Upon signature by all parties this Agreement supersedes all prior leases, and terminates in 2015 on the date concurrent with the expiration of Lessee's Tavern Liquor License.

3. Rental.

Lessee shall pay rent to Lessor in the total sum of \$350.00, which sum shall be payable in advance at the offices of the City Clerk, Grand Junction City Hall, 250 North 5th Street, Grand Junction, Colorado 81501. If the rent payment is not paid in full when due, a Lease shall not issue.

4. Permitted Uses and Hours of Operation.

Lessee agrees to use the Premises for the purpose of selling and dispensing food and/or beverages to the public. The Premises may be open to the public during Lessee's normal business hours, but in no event shall food and/or beverage service extend beyond 1:00 A.M. Service of alcoholic beverages shall be permitted provided Lessee holds a valid State and City liquor license. Tableside preparation of food shall be permitted pursuant to applicable health and safety regulations; however, fuel-based cooking or food preparation is expressly prohibited in the Premises. Live acoustic music performance is permitted on the Premises, provided any amplification utilized shall not result in a sound level exceeding 55 decibels measured at a distance of 20 feet from any of the Premises boundaries.

5. Assignment or Subletting Prohibited.

Lessee shall not have the right to assign the lease or to sublet the Premises in whole or in part without the prior written consent of the City.

6. Compliance with Legal Requirements.

Lessee shall comply with all applicable requirements of any governmental or quasi-governmental body including City, County, State or Federal agencies, boards, councils and commissions having jurisdiction respecting any operation conducted on the Premises by Lessee or any equipment, installations or other property placed upon, in or about the Premises by Lessee.

Lessee further agrees to comply with all rules of the DDA relating to the use of the Premises. Prior to commencing alcohol service in the Premises, Lessee shall include the Premises in the licensed service area as required by the liquor laws of the State and City.

Lessee shall not discriminate against any worker, employee or job applicant, or any member of the public because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical handicap, status or sexual orientation, family responsibility or political affiliation, or otherwise commit an unfair employment practice.

7. Taxes.

Lessee shall timely list for taxes and pay all tax assessments of whatever kind or nature assessed against or on Lessee's possessory interest, improvements, furnishings, fixtures, inventory, equipment and other property situated or placed upon, in or about the Premises. All such amounts shall be paid prior to delinquency.

8. Utilities.

Lessee shall make arrangements for all utilities, if any, needed at the Premises and is responsible for payment of the fees and charges arising out of the provision and/or use of the utility service(s).

9. Improvements and Personal Property.

All construction, improvements, installations, furniture, fixtures and/or equipment on the Premises shall comply with the following:

a. Lessee may place furniture, fixtures and equipment in the Premises so long as the same do not endanger any passersby or patrons, and are secured to resist wind. No portion of the Lessee's furniture, fixtures or equipment shall extend beyond the boundaries of the Premises nor impede pedestrian traffic on the sidewalk adjoining the Premises. The terms of this paragraph shall be construed to include but not be limited to perimeter enclosures, planters, signs, tables, chairs, shade structures, umbrellas while closed or open and any other fixtures, furniture or equipment placed or utilized by the Lessee. The Lessee may store its fixtures on the Premises at its own discretion and shall accept and retain full responsibility and liability for any damage to or theft of such fixtures. Required perimeter fencing shall be continuously maintained during the term of this Agreement.

b. Lessee shall provide a physical demarcation of the perimeter of the Premises, such as planters or stanchions, subject to DDA approval of the form and location of the same, to facilitate monitoring of potential encroachments beyond the Premises. If alcohol service is permitted in the Premises, the perimeter of the Premises shall be enclosed by a fixed perimeter enclosure no less

than thirty (30) inches in height, the material, design and installation of which shall be approved by the DDA. Openings in the enclosure shall not be less than 44 inches wide. If there is a gate it must swing inward to prevent obstruction of the sidewalk.

c. No gas lighting shall be permitted in the Premises. Battery powered lights, candles in wind-protected enclosures, and low wattage electric lights, such as Christmas lights, shall be allowed. Under no circumstances shall electrical wires, extension cords or similar wiring, cables or conduit extend beyond the Premises into the public way, (easement area or otherwise) nor cross pedestrian paths, nor be placed so as to create a tripping hazard. Any suspended lighting must be securely installed to prevent dislodgement, sagging, or other hazard.

d. Signs are expressly prohibited on the Premises, except for the following: i) menu signs in compliance with the City sign code, and ii) umbrellas that display the Lessee's business logo, and/or the logo of only one business product that is featured and representative of the theme of the business. Signs shall be subject to approval by the DDA and City. Third party business signs and/or identification are expressly prohibited on the Premises.

e. Lessee shall not utilize sidewalk trash and/or recycling receptacles for refuse generated within the Premises. Lessee may provide a private trash and/or recycling receptacle within the Premises provided that it is emptied and maintained on a regular basis.

f. Lessee shall remove any personal property, including but not limited to improvements, enclosures, furniture, fixtures, equipment or structures installed by it or at its direction on the Premises promptly upon expiration without renewal of this Agreement. Failure to remove said property within ten (10) days of expiration shall be deemed an abandonment of said property, and result in ownership thereof transferring to the DDA which shall have the right to dispose of said property as its own.

10. Safe and Sanitary Condition.

Lessee shall at all time keep the Premises in good repair and free from all litter, dirt, debris, snow, and ice, and in a clean and sanitary condition. Lessee shall not permit nor suffer any disorderly conduct or nuisance whatsoever, which would annoy or damage other persons or property by any alteration to the Premises or by any injury or accident occurring thereon. Lessee shall be responsible, subject to applicable law regulating the discharge of contaminants to the sewer for power-washing or steam cleaning the sidewalk surface of the Premises twice yearly.

11. Lessor and Agent not Liable for Damages or Injuries.

Lessor and its Administrative Agent shall not be responsible to Lessee or to any other person or entity for damages or injuries arising out of the Lessee's use of the Premises. Lessor and/or its Administrative Agent are not an insurer for Lessee's activities and Lessee shall obtain appropriate insurance against potential damages, injury, lost profit or advantage and any and all other claims as determined in the Lessee's sole and absolute discretion. Lessee shall indemnify and hold harmless the City of Grand Junction and the DDA and its employees, elected and appointed officials, against any and all claims for damages or personal injuries arising from the use of the Premises.

12. Insurance.

Lessee agrees to furnish Certificate(s) of Insurance at least fifteen (15) days prior to the commencement of the term of this Agreement as proof that it has secured and paid for a policy of public liability insurance covering all public risks related to the leasing, use, occupancy,

maintenance and operation of the Premises. Insurance shall be procured from a company authorized to do business in the State of Colorado and be satisfactory to the City. The amount of insurance, without co-insurance clauses, shall not be less than the maximum liability that can be imposed upon the City under the laws of the State, as amended. Lessee shall name the City and the DDA as named insureds on all insurance policies and such policies shall include a provision that written notice of any non-renewal, cancellation or material change in a policy by the insurer shall be delivered to the City no less than ten (10) days in advance of the effective date.

13. Inspection, Access and Improvements by City and/or DDA.

Lessee agrees to permit the City, its designated representatives, and/or the DDA to enter upon the Premises at any time to inspect the same and make any necessary repairs or alterations to the sidewalks, utilities, meters or other public facilities as the City may deem necessary or proper for the safety, improvement, maintenance or preservation thereof. Lessee further agrees that if the City shall determine to make changes or improvements affecting the Premises which may affect any improvements placed by the Lessee, that the Lessee, by execution of this Agreement, hereby waives any and all right to make any claim for damages to the improvements (or to its leasehold interest) and agrees to promptly remove any furniture, fixtures, equipment and structures as necessary during such construction periods. The City agrees to rebate all rents in the event it undertakes major structural changes that continue for a period in excess of 14 continuous days during a lease period.

14. Delivery and Condition of Premises upon Expiration or Termination.

Lessee agrees to surrender and deliver up the possession of the Premises in substantially the same condition as received, ordinary wear and tear and approved improvements excepted, promptly upon the expiration of this Lease or upon five (5) days' written notice in the case of the termination of this Lease by City by reason of a breach in any provisions hereof.

15. Limitation of Rights Demised.

The City by this demise hereby conveys no rights or interest in the public way except the right to the uses on such terms and conditions as are described herein and retains all title thereto.

16. Sale or Transfer of Lessee's Business Interest

Lessee hereby affirms that Lessee is the owner and/or lessee of the abutting or approximate property and agrees that on sale or other transfer of such interest, Lessee will so notify the City of the transfer in interest and all right and interest under this Lease shall terminate.

17. Attorney's Fees.

If legal action is taken by either party hereto to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party all of its cost, including reasonable attorney's fees. If the City and/or DDA uses in-house counsel to prosecute or defend any action arising out of or under this Agreement the City and/or DDA shall be entitled to recover the value of those services at the prevailing rate of private litigation counsel in Grand Junction.

18. Waiver.

No failure by Lessor to exercise any rights hereunder to which Lessor may be entitled shall be deemed a waiver of Lessor's right to subsequently exercise same. Lessee shall gain no rights nor become vested with any power to remain in default under the terms hereof by virtue of Lessor's failure to timely assert his rights. It is further agreed that no assent, expressed or implied, to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be

a waiver of any succeeding or any other breach.

19. Default.

a. Each and every one and all of the following events shall constitute an Event of Default:

i) If Lessee files a petition in bankruptcy or insolvency or for reorganization under any bankruptcy act or voluntarily takes advantage of any such act or makes an assignment for the benefit of creditors;

ii) if involuntary proceedings under any bankruptcy law, insolvency or receivership action shall be instituted against Lessee, or if a receiver or trustee shall be appointed for all or substantially all of the property of Lessee and such proceedings are not dismissed, or the receivership or trusteeship vacated, within ten (10) days after the institution or appointment;

iii) if Lessee fails to pay any sum due from it in strict accordance with the provisions of this Lease, and/or fails to pay any tax or assessment of the State, City or DDA and does not make the payment within ten (10) days after written notice thereof. For the purposes hereof, all sums due from Lessee shall constitute rentals whether denominated as rentals or otherwise elsewhere herein and Lessee has absolutely no right of offset;

iv) if Lessee fails to fully perform and comply with each and every condition and covenant of this Lease Agreement, and such failure or performance continues for a period of thirty (30) days after notice thereof;

v) if Lessee vacates or abandons the Premises;

vi) if the interest of Lessee is transferred, levied upon or assigned to any other person, firm or corporation whether voluntarily or involuntarily except as herein permitted;

vii) if Lessor, in any four month period during the Term, or spanning consecutive Terms, gives any notice to Lessee pursuant to subparagraphs iii) or iv) above, notwithstanding Lessee's cure of default within the allowable period or periods.

b. Upon the occurrence of any Event of Default as set forth above, Lessor shall have the right, at its option, to utilize any one or more of the following rights:

i) to cancel and terminate this Lease Agreement and all interests of the Lessee hereunder by giving notice of such cancellation and termination not less than ten (10) days prior to the effective date of such termination. Upon the expiration of said ten (10) day period, the Lessee shall have no further rights under this Lease Agreement (but such cancellation shall not serve to release or discharge the damages Lessee owes to Lessor); and/or

ii) to make any payment required of Lessee herein or correct any condition required to be corrected by Lessee, and Lessor shall have the right to enter the Premises for the purpose of correcting any such condition and to remain on the Premises until the complete correction of such condition. However, no expenditure by Lessor on behalf of Lessee shall be deemed to waive or release Lessee's breach hereof and Lessor shall retain all rights to proceed against Lessee as set forth herein; and/or

iii) to reenter the Premises immediately with or without order of court and without claim of trespass, remove the property of Lessee and store such property in a public warehouse or such other location selected by Lessor, all at the expense of Lessee. After such reentry, Lessor shall have the right to terminate this Lease Agreement by giving ten (10) days notice of termination to Lessee, but without such notice, the reentry by Lessor shall not terminate this Lease Agreement. On termination, Lessor may recover from Lessee all damages resulting from Lessee's breach, including the cost of recovery of the Premises and placing them in satisfactory condition; and/or

vi) all other rights and remedies provided by law to a Lessor with a defaulting Lessee including all such money damages as Lessor shall be entitled pursuant to the law of damages.

c. In the event of any conflict between any of the provisions hereof regarding the amount of time that must elapse without cure after notice of breach before the same constitutes an Event of Default, then the provisions establishing the least amount of time to cure after notice shall prevail.

d. Upon any breach hereof, regardless of whether such breach is, or becomes, an Event of Default; Lessor shall be reimbursed by Lessee for any reasonable attorney's fees incurred by Lessor in connection with such breach.

20. Notices and Written Consents.

All notices and written consents required under this Agreement shall be in writing and either hand delivered or mailed by first class certified mail to the following parties:

To Lessor: City of Grand Junction c/o City Attorney
250 North 5th Street
Grand Junction, Colorado 81501

To Lessee: Mesa Theater & Club, LLC
538 Main Street
Grand Junction, CO 81501

To Agent: Downtown Development Authority c/o Executive Director
248 South 4th Street
Grand Junction, CO 81501

Notices shall be deemed served upon posting the same s addressed above and sent as First Class United States mail.

21. Binding Effect and Complete Terms.

The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of and shall be enforceable by Lessor and Lessee and by their respective heirs, successors and assigns. All negotiations and agreements of Lessor and Lessee are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the Lessor and Lessee. This Lease supersedes all prior leases between Lessor and Lessee.

22. Construction of Lease.

This Lease shall not be construed more strictly against either party regardless of which party is responsible for the preparation of the same.

23. Performance Standards.

It is the intention of all parties hereto that the obligations hereunder and actions related hereto will be performed in accordance with the highest standards of commercial reasonableness, common sense and good faith.

24. Authorization of Parties.

Each individual executing this Lease as director, officer, partner, member, or agent of a corporation, limited liability company, or partnership represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of such corporation, limited liability company, or partnership and that reasonable evidence of such authorization will be provided to the other party upon request.



25. Administrative Agent.

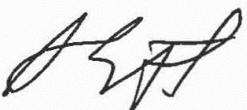
In conformance with the City's delegation of management responsibilities and authority concerning the Downtown Shopping Park and others areas of the public way in downtown Grand Junction, the City designates the DDA to serve as its Agent for the administration and enforcement of this Agreement.

IN WITNESS WHEREOF, the parties have signed and sealed this Lease Agreement, this day and year first above written.

Lessor:

Lessee:

By: Richard Englehart, City Manager
City of Grand Junction

 8-6-2014
By: Eric Smith
Mesa Theatre & Club, LLC

Agent:

By: Harry M. Weiss, Executive Director
Downtown Development Authority

EXHIBIT A

Proposed Lease Area:

The area of sidewalk immediately in front of and abutting
538 Main Street, Grand Junction, CO (Mesa County Parcel Number 2945-143-17-011)
more particularly described in the dimensioned sketch below:

A handwritten signature in black ink, appearing to be the initials 'AL' or similar, located in the bottom right corner of the page.

Exhibit B: Brief Description of Business / DDA Certification: include date, who prepared and lessee signature or initials

Business Name (name of insured): Mesa Theater and Club, LLC

DBA (if needed): Mesa Theater and Club

Applicant / Relationship to Business: Operating Manager / Owner

Contact Phone and Email: 970-412-8605 mtlbooking@gmail.com

Type of Food/Beverage to be served in leased area: Beer/Wine/Whiskey

Days of Operation / Operating Hours: Wednesday - Saturday / Variable by show

How this operation will benefit Downtown Grand Junction:

Continuing to provide a stable night life and bring arts into the community

Number of tables to be used in the leased area: 6 max

Number of chairs to be used in the leased area: 18 max

Semi-permanent or movable structures including carts, stands, signs, etc: _____

One seal with sign

Describe any musical or vocal presentations or effects to be used in the leased area:

Occasionally an acoustic or by permit through Tropic Plaza

Copies of Current

Permits & Licenses Obtained:

State Sales Tax

/

City Sales Tax

/

Liquor License

In processing

Restaurant/Food Service

N/A

Proof of Liability Insurance Coverage Provided? _____

DDA Certification: The Downtown Development Authority hereby finds that this application is proper, that all applicable permits have been obtained or will be obtained, that it is in compliance and will further the goals and objectives of the Plan of Development for Downtown Grand Junction, and that no current application exists for this location.

Signed: _____

Date: _____

If denied, state reason:

Exhibit C: Assurances, Hold Harmless and Indemnity Agreement

The Applicant assures the Downtown Development Authority and the City of Grand Junction that if a lease is issued, s/he will comply with all of the requirements and provisions of Grand Junction City Ordinance 3609, all other applicable ordinances and laws, and the Plan of Development for Downtown Grand Junction. The applicant further assures that s/he has obtained or will obtain all of the necessary and required permits or licenses to engage in the business or activity proposed.

I, S. Eric Smith, applicant for a Lease to conduct activities in the Downtown Shopping Park area, agree that I shall:

(a) Hold harmless the City of Grand Junction, its officers and employees, and the Downtown Development Authority of Grand Junction, its officers and employees, from any claims for damage to property or injury to persons which may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park, and

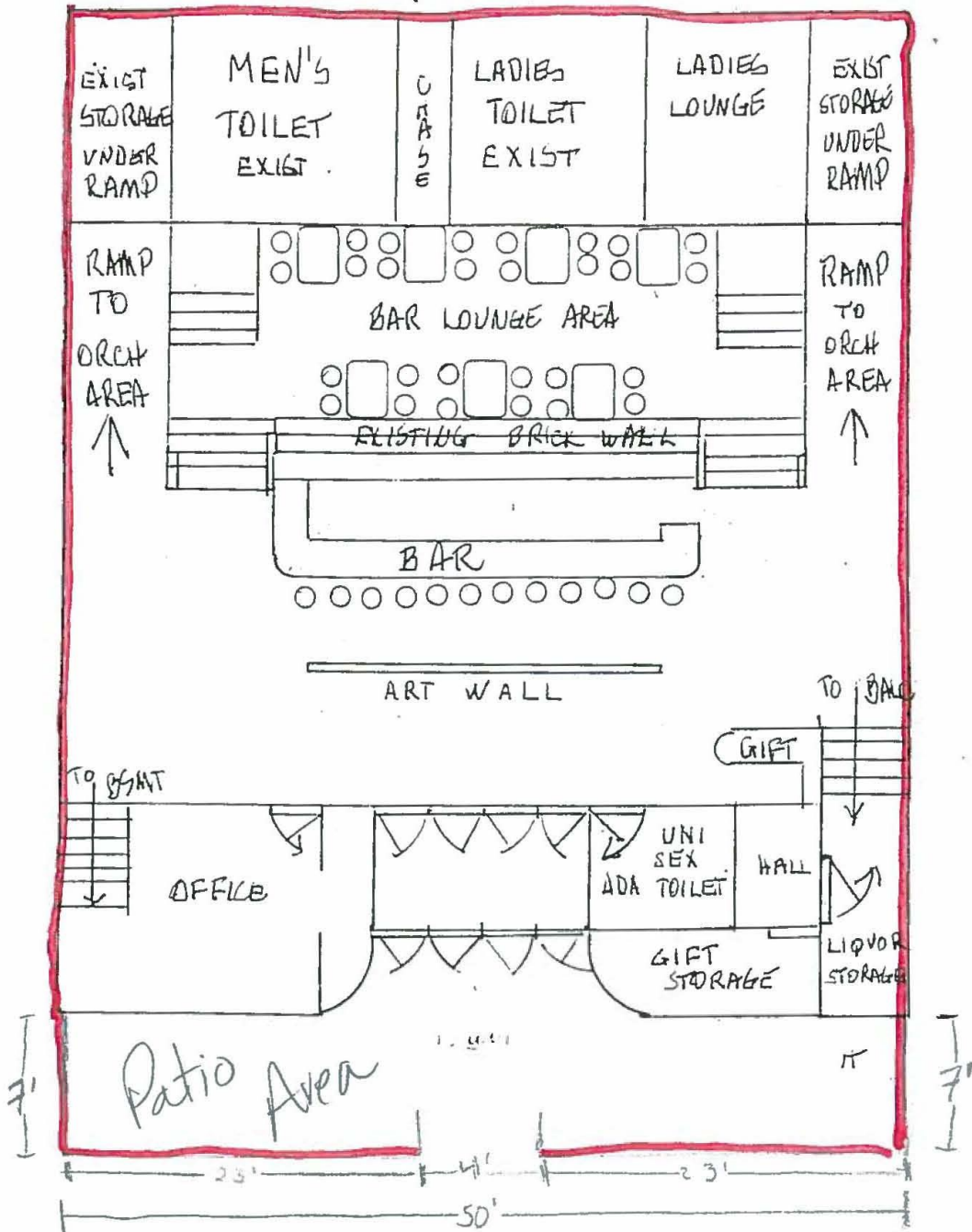
(b) Indemnify the City of Grand Junction, its officers and employees, and the Downtown Development Authority, its officers and employees, against any claim, loss, judgment, or action, or any nature whatsoever, including reasonable attorney fees, that may arise from or be occasioned by any activity carried on by me within the Downtown Shopping Park.

I realize that consideration for this release is the granting of a lease to me by the City of Grand Junction, and I realize and agree that this Hold Harmless/ Indemnity Agreement shall take effect whenever I begin to conduct the type of activities for which the lease has been applied or when the permit is issued, whichever is earlier. I also understand and agree that this agreement shall apply to any activities which I carry on which are done in violation of the terms of this lease.

Executed this 6th day of August, 2017.

Signed: 

MESA THEATER AND CLUB



Outside: (32)
 Lounge: Bar = 12
 Lounge = 78

 110
 - Theater
 Upper 80
 Lower 126

 206

= 284

Proposed diagram



CERTIFICATE OF LIABILITY INSURANCE

MESATHE-02

CINDIS

DATE (MM/DD/YYYY)
10/14/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER Home Loan & Investment Company 205 North 4th Street Grand Junction, CO 81502	CONTACT NAME Cindi Stringer
	PHONE (A/C, No., Ext.) : (970) 243-6600 FAX (A/C, No.) : (970) 243-3914 E-MAIL ADDRESS : cindis@hlic.com
INSURED Mesa Theater & Club, LLC 538 Main St Grand Junction, CO 81501	INSURER(S) AFFORDING COVERAGE NAIC # INSURER A : Essex Insurance Company 39020
	INSURER B :
	INSURER C :
	INSURER D :
	INSURER E :
	INSURER F :

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD/SUBR INSD/ WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	APP57827183	10/10/2014	10/10/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 LIQUOR LIABILITY \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Downtown Development Authority is listed as additional insured with respects to general liability.

CERTIFICATE HOLDER Downtown Development Authority 248 S 4th St Grand Junction, CO 81501	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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MESATHE-02 CINDIS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/14/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Home Loan & Investment Company 205 North 4th Street Grand Junction, CO 81502	CONTACT NAME: Darren Coltrinari
	PHONE (A/C, No, Ext): (970) 243-6600 FAX (A/C, No): (970) 243-3914 E-MAIL: darrenc@hlic.com
INSURED Mesa Theater & Club, LLC 538 Main St Grand Junction, CO 81501	INSURER(S) AFFORDING COVERAGE NAIC #
	INSURER A: Essex Insurance Company 39020
	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSD. WVD	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	X	APP57827183	10/10/2014	10/10/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 LIQUOR LIABILITY \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Grand Junction is listed as additional insured with respects to general liability.

CERTIFICATE HOLDER City of Grand Junction 250 N 5th St Grand Junction, CO 81501	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Attach 7

CITY COUNCIL AGENDA ITEM

Date: October 16, 2014
Author: Bret Guillory, PE
Title/ Phone Ext: Utility Engineer 244-1590
Proposed Schedule: November 5, 2014
2nd Reading
(if applicable): _____

Subject: Sole Source Equipment Purchase of Digester Gas Flare Equipment at the Persigo Waste Water Treatment Plant
Action Requested/Recommendation: Authorize the City Purchasing Division to Purchase Methane Gas Flare Equipment from LFG Specialties, LLC in the Amount of \$82,900
Presenter(s) Name & Title: Greg Lanning, Public Works and Utilities Director Jay Valentine, Internal Services Manager

Executive Summary:

This request is to approve a sole source purchase of methane gas flare equipment from LFG Specialties, LLC. Pending approval, this equipment will be installed in conjunction with the new BioCNG scrubbing equipment at the Persigo Waste Water Treatment Plant (WWTP) later this winter. The flare equipment being replaced was installed when the plant was constructed in 1983 and is well beyond its service life.

Background, Analysis and Options:

Methane gas is generated during the biological process of solids digestion in the digesters at the waste water treatment plant. The methane gas flare is a component of this treatment process needed to dispose of the gas. The existing flare was installed when the plant was built in 1983. It is a very simple piece of equipment that was designed to burn at somewhat constant flow volume of raw methane from the digester. The existing flare has performed well but is beyond its design life and is in need of replacement.

The Bio CNG project which is currently being designed, with plans to construct this winter, includes scrubbing equipment that will clean the methane gas in order to make it a usable CNG product. The byproduct of scrubbing the raw methane is a much less combustible gas. The flare equipment needed to burn the waste from the scrubbing process is more complicated, in that it needs to burn a fuel that is of lower volume and quality. At the same time, the flare must be able to burn greater volumes of raw unscrubbed gas which is much more combustible.

BioCNG, LLC, is the company the City has partnered with in the design build project to clean and compress the raw methane gas from the waste water plant to use as fuel for the City's CNG vehicles. BioCNG evaluated several flare manufacturers based on the need for a flare capable of burning a variable quality and quantity of fuel. BioCNG chose a flare manufactured by LFG, Specialties, LLC which meets this specific need. They approached other flare manufacturers that were unable to meet this specific need, or were able to meet the need but were much more costly. Persigo staff also approached two other well respected flare manufacturers to solicit proposals for a flare that would meet the specific need. Both these manufacturers failed to provide a proposal to supply a flare capable of meeting the specification.

Staff has discussed a sole source purchase of this equipment with the City purchasing department. Based on the specialized performance requirements of this equipment, and the investigation and non-response of other flare manufacturers, the purchasing department supports this sole source purchase.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

This process equipment replacement will guard against failure and ensure longevity for the wastewater treatment system.

How this item relates to the Economic Development Plan:

Section 1.4 - Providing Infrastructure that Enables and Supports Private Investment.

Goal: Continue to make investments in capital projects that support commerce and industry and provide for long-term economic competitiveness.

Public infrastructure is the foundation for economic development. Access to roads, water, sewer, communication technologies, and electricity are all essential to the economy.

Purchase and installation of this new flare equipment will expand the City's ability to safely dispose of wastewater treatment byproducts, and will enhance productivity of this existing fuel resource.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

There are adequate budgeted funds in Fund 902 for purchase of this equipment in coordination with the design/build Bio CNG project. Current appropriations will be adequate to cover this proposed equipment purchase.

Project Costs (Equipment)

<i>Equipment Purchase</i>	<i>\$82,900</i>
<i>Contingency</i>	<i><u>\$5,000</u></i>
<i>Total LFG Equipment Cost</i>	<i>\$87,900</i>

Legal issues:

There are no known legal issues with the procurement; following approval a standard purchase order for the equipment will be executed.

Other issues:

The ability to safely dispose of waste gas from the scrubbing equipment and methane gas from the digester is critical to operation of the waste water treatment plant, and to the operation of the Bio CNG system that will produce fuel for the City and Grand Valley Transit (GVT) fleet.

The need to dispose of, or burn, the waste gas from the scrubbing equipment used to produce the CNG will be ongoing. When the scrubbing equipment is operating, there will be a waste gas that will need to be burned. A flare to burn the waste gas from the scrubber, or raw methane from the digester, will be needed for the duration of the operation of the WWTP. Gas is produced continuously with the treatment of waste water. The flare is a critical piece of equipment to the scrubbing equipment while producing CNG, and a redundant piece of equipment if the scrubbing equipment were to go off line at some point. The need to dispose of the produced methane gas will exist regardless of the CNG project, and the need to burn waste gas from the scrubbing equipment will exist during production of CNG.

The benefit seen with production of CNG from the methane is the avoided use of diesel fuel for fleet vehicles and equipment. Utilization of all the methane produced at the waste water treatment plant equates to a 2.7 million pound carbon emission reduction based on avoided use of diesel fuel for the fleet and GVT vehicles and equipment.

Previously presented or discussed:

This item has been previously discussed in conjunction with the Biogas project.

Attachments:

None.



Date: 10/22/14
 Author: J.D. Valentine
 Title/ Phone Ext: 1517
 Proposed Schedule:
11/5/14
 2nd Reading
 (if applicable): _____

Attach 8

CITY COUNCIL AGENDA ITEM

Subject: Renewable Fuel Credit Management Services
Action Requested/Recommendation: Authorize the Purchasing Division to Enter into a Contract with Blue Source to Provide Services Required to Register, Generate, and Market Renewable Identification Numbers
Presenter(s) Name & Title: Jay Valentine, Internal Services Manager

Executive Summary:

Blue Source will coordinate all of the activities required to generate, document, register, market, and monetize the Renewable Identification Numbers (RIN's) achieved by the Persigo Waste Water Treatment Plant BioGas project.

Background, Analysis and Options:

The Federal Renewable Fuel Standard (RFS) was created under the Energy Policy Act (EPAAct) of 2005, and established the first renewable fuel volume mandate in the United States. The original RFS program (RFS1) required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012.

Under the Energy Independence and Security Act (EISA) of 2007, the RFS program was expanded, requiring 36 billion gallons of fuel to be blended by 2022. RFS2, the EPA's revised regulation, allows biogas that is used as a transportation fuel to be eligible to generate credits (Renewable Identification Numbers, or RINS), which can be purchased by obligated parties (refiners, fuel importer) to meet compliance with EISA.

The City of Grand Junction has begun a design/build project to clean biogas generated at the Persigo Waste Water Treatment Plant (WWTP), and deliver the compressed natural gas (CNG) product to an existing CNG fueling station. The CNG is used to fuel a fleet of Grand Valley Transit busses, the City's growing fleet of CNG capable vehicles.

Since the biogas from the WWTP will be used as a transportation fuel, the City of Grand Junction is eligible to earn renewable fuel credits (types D3 and D5) under RFS2. In order to take advantage of these credits, Blue Source will assist the WWTP with facility registration, RIN creation and management, credit marketing and progress reporting required by the EPA.

A formal Request for Proposal was advertised in the Daily Sentinel, posted on the City’s website, and posted BidNet (an online governmental solicitation distribution website). Three firms submitted proposals. Blue Source was selected for their experience, references, and they had the lowest fee offered.

Firm	Location	Fee
Blue Source	Salt Lake City, UT	30%
Clean Energy Renewable Fuels	Newport Beach, CA	40%
EcoEngineers	Des Moines, IA	\$26,500

EcoEngineers proposed for the engineering services required and did not include the marketing and sale of the RIN Credits.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

The revenue generated from the sale of RIN’s will offset the costs of the bio-fueling infrastructure at the WWTP. Once the costs of this investment are recouped, the revenue generated from the RIN’s will be used to offset costs that would otherwise be charged to customers.

How this item relates to the Economic Development Plan:

Section 1.4 - Providing Infrastructure that Enables and Supports Private Investment.

Goal: Continue to make investments in capital projects that support commerce and industry and provide for long-term economic competitiveness.

Public infrastructure is the foundation for economic development. Access to roads, water, sewer, communication technologies, and electricity are all essential to the economy.

The marketing of RIN credits will go towards the payoff of the infrastructure required to produce the biogas fuel. Once the payoff is achieved, the proceeds from the RIN credits will be used to offset sewer rates which will benefit the Joint Sewer System customers.

Board or Committee Recommendation:

Not applicable

Financial Impact/Budget:

The cost for these services is 30% of the RIN revenue generated.

Legal issues:

If approved the form of the agreement(s) will be reviewed and approved by the City Attorney.

Other issues:

None

Previously presented or discussed:

This topic was discussed at City Council workshops on January 6th and April 14th. It was presented to the Board of County Commissioners on April 30th and at the City Council Meetings on May 7th, May 21st and July 2nd.

Attachments:

No attachments.



Date: September 22, 2014
 Author: Vara Kusal
 Title/ Phone Ext: Manager
 Proposed Schedule: November 5,
2014
 2nd Reading
 (if applicable): _____

Attach 9
CITY COUNCIL AGENDA ITEM

Subject: Horizon Drive Association Business Improvement District (HDABID) 2015 Operating Plan and Budget
Action Requested/Recommendation: Approve the Horizon Drive Association Business Improvement District’s 2015 Operating Plan and Budget
Presenter(s) Name & Title: Chuck Keller, HDABID President Vara Kusal, District Manager

Executive Summary:

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30th each year. The City Council then approves or disapproves the plan and budget by December 5th. The plan was reviewed by the Horizon Drive Association Business Improvement District Board and submitted within the required timeline.

Background, Analysis and Options:

In 2004, the City Council created the Horizon Drive Association Business Improvement District, approved the 2005 Operating Plan and Budget and appointed the board. State Statutes (31-25-1212 C.R.S.) require business improvement districts to annually submit an operating plan and budget. The municipality shall approve or disapprove the operating plan and budget by December 5th so the BID can file its mill levy certification with the County Assessor by December 10th.

How this item relates to the Comprehensive Plan Goals and Policies:

The Horizon Drive Association Business Improvement District meets the following goals and policies of the Comprehensive Plan:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy 3B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

Policy 6A: In making land use and development decisions, the City and County will balance the needs of the community.

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

Policy 8A: Design streets and walkways as attractive public spaces

Policy 8C: Enhance and accentuate the City's "gateways" including interstate interchanges, and other major arterial streets leading into the City.

Policy 8F: Encourage the revitalization of existing commercial and industrial areas.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

How this item relates to the Economic Development Plan:

The Horizon Drive Association Business Improvement District's goals directly relate to the City's Economic Development Plan's three guiding areas of emphasis:

- Public Safety
- Infrastructure
- Economic Development

Specifically, the District's Operating Plan supports the following objectives in the City's Economic Development Plan:

- **1.4 Providing infrastructure that fosters and supports private investment**
 - ✓ Assess existing business parks to determine if there are opportunities for the City to provide improvements.
- **1.5 Supporting existing businesses and keeping costs transparent predictable and as low as possible.**
 - ✓ Research and apply for local, state and federal grants to fund infrastructure and public amenities.
- **1.6 Investing in and developing public amenities**
 - ✓ Enhance and accentuate the city's "gateways" including interstate interchanges and other major arterial streets leading into the city.
 - ✓ Identify and invest in key facilities, recreation, amenities, arts and culture and infrastructure that promote our community and attract visitors.
- **1.7 Marketing the strengths of our community**
 - ✓ Evaluate the success of our current marketing efforts and identify potential opportunities for new or coordinated marketing efforts.

Board or Committee Recommendation:

The Horizon Drive BID Board approved the attached 2015 Budget and Operating Plan on October 15th, 2014.

Financial Impact/Budget:

The City is partnering with the Horizon Drive BID on the matching funds for a Responsible Acceleration of Maintenance and Partnerships (RAMP) grant through the Colorado Department of Transportation (CDOT) for the I-70 Horizon Drive interchange project. The total project costs are estimated at \$5.25 million, the grant is for \$4.2 million and the City and the Horizon Drive BID are sharing the cost of the 20% match evenly at \$525,000 each. The Horizon Drive BID's share is estimated to be \$50,000 in 2014, and the remaining \$475,000 in 2015.

Right-of-way acquisition meetings are currently being held. City Engineers have estimated the funds requiring disbursement in 2014 for ROW acquisition, and these will be from the District portion of matching funds. The HDD board is aware the disbursement of \$50,000 is an estimate and should the cost be higher in 2014, the HDD BID will cover it from funds already reserved for the balance of their match.

Legal issues:

City Council is required by 31-25-1211 CRS to approve or disapprove the BID Budget and Operating Plan. The BID must submit its assessment rate to the County Treasurer by December 10.

Other issues:

There are no other issues.

Previously presented or discussed:

City Council has previously discussed and approved the specifics of the RAMP grant and the matching funds required thereof.

Attachments:

Operating Plan and Budget for 2015 as revised



HORIZON DRIVE **District**

Gateway to Grand Junction

Service & Operating Plan 2015

INTRODUCTION

The Horizon Drive District (the “District”) is comprised of commercial properties within the general geographic areas of Horizon Drive between G Road and H Road. The District was formed in 2004 under Colorado Revised Statute 31-25-1201, which allows Business Improvement Districts to be formed within municipalities of Colorado, and to levy and collect ad valorem taxes on commercial property within the boundaries of the District. The City of Grand Junction oversees the District and appoints the Board of Directors.

As a gateway to Grand Junction, the District is often the first and lasting impression people have of the City of Grand Junction. As such, City government also takes an active role and fiscal partnership in the maintenance and improvements to the District.

The Horizon Drive District is home to more than 200 businesses, including 70% of the City’s lodging, and has an overall economic impact of \$300 million annually. The District sees 7 million cars annually and connects the community and travelers to the Regional Airport, Downtown, Colorado Mesa University and points between.

The mission of the Horizon Drive District is to build community, enhance the beauty and advocate the economic vitality of the Horizon Drive District.

During the year 2014, the District’s efforts focused on advancing the Corridor Improvement Project: Street Improvement Plan. This effort is guided by the strategic plan adopted in fall of 2011 for 2012 and beyond.

In accordance with the Board’s stated objectives, the District adopts the following general Service & Operating Plan for 2015:

2015 GOALS

1. Commence Phase I of the Corridor Improvement Master Plan, which will achieve the following Mission-critical objectives:

VISIT THE DISTRICT
WWW.HORIZONDRIVEDISTRICT.COM

970.985.1833

P.O. Box 4191 Grand Junction, CO 81502

- a. Stimulate Economic Development - Encourage development of undeveloped parcels, as well as improvements on existing parcels within the District, to enlarge the tax base and economic impact for the benefit of Grand Junction, as a direct result of infrastructure improvements.
 - b. Improve Safety- Mitigate pedestrian safety hazards, improve pedestrian connectivity between District businesses, plan for critical growth and necessary safety improvements, as well as enhance overall safety, traffic flow, and efficiency of travel.
2. Continue development of strategy to Enlarge the District. The District plans to strategically enlarge the District by voluntary annexation of adjacent parcels and nearby parcels that logically benefit from and fit within the District sphere of influence. In order to accomplish this objective, the District needs to implement substantive and tangible improvements to the District (Corridor Improvement Plan Phase I) that demonstrates benefits to potential stakeholders.
3. Continue strategy development to Improve the District Image and neighborhood identity. The District serves as a “front door” to Grand Junction, as well as a distinct neighborhood in search of identity. The District anticipates developing and implementing a multi-tier strategy to identify and promote its distinct image, develop and implement design standards consistent with the City of Grand Junction Comprehensive Plan, and the unique District neighborhood aesthetic. These objectives are critical to the District as the “front door” to Grand Junction.

SERVICES AND IMPROVEMENTS OFFERED BY THE DISTRICT

- Plan for future growth and enhance the District with long range planning of improvements
- Represent the District in decisions that may impact the area.
- The District is allowed to make and contemplate a broad range of public improvements including, but not limited to: streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off street parking facilities, benches, restrooms, information booths, public meeting facilities, and all incidentals, including relocation of utility lines.

GOVERNANCE OF THE DISTRICT

- The Board of Directors is appointed by the Grand Junction City Council.
- The Board of Directors appoints management staff in accordance with District Bylaws.

POWERS OF THE DISTRICT

- The power to levy taxes against taxable commercial property.
- To consider and, if deemed necessary, provide services within the District including but not limited to:
 - Management and planning
 - Maintenance of improvements, by contract if necessary
 - Promotion or marketing
 - Organization, promotion and marketing of public events
 - Activities in support of business recruitment, management and development
 - Snow removal or refuse collection / recycling
 - Design assistance
- To acquire, construct, finance, install and operate public improvements and to acquire and dispose of real and personal property.
- To refund bonds of the district.
- To have management, control and supervision of business affairs of the district.
- To construct and install improvements across or along any public street, alley or highway and to construct work across any stream or watercourse.
- To fix, and from time to time increase or decrease, rates, tolls, or charges for any services or improvements. Until paid, such charges become a lien on commercial property in the District, and such liens can be foreclosed like any other lien on real or personal commercial property.
- The power to sue and to be sued, to enter into contracts and incur indebtedness, to issue bonds subject to statutory authority.

2015 BUDGET

Please see attached 2015 Budget.

**Horizon Drive Business Improvement District
Budget 2015**

General Fund Description					
	Actuals (From P&L) 2013	Budgeted Expenditures 2014	YTD (as of 6-30-14) 2014	Estimated Year End 2014	Proposed Budget 2015
FUND BALANCE - Beg. Year	618,910	694,641		694,641	776,609
ESTIMATED REVENUE					
BID's Mil Levy	223,885	183,819	153,672	210,364	214,335
Interest	62	50	31	62	62
TOTAL REVENUES	223,947	183,869	153,703	210,426	214,397
BUDGETED EXPENDITURES					
GENERAL Operating Expenses:					
Elections					
Administration					
Financial	1,877	1,500	1,345	2,690	2,700
Audit	2,600	2,600	2,600	2,600	2,700
Insurance	2,907	2,800	2,924	2,958	3,000
Legal	3,784	5,000	3,325	5,075	5,000
Salaries and Wages (HH / VK)	9,673				
Payroll Expenses (VK)	37,898	50,000	20,625	41,250	50,000
Benefits					
Group Insurance		10,800	3,327	7319	7984
FICA (Social Security)		4,057	1485	2970	3000
Workman's Comp					
Federal Unemployment		136	42	84	100
State Unemployment		949	542	542	550
Medicare		504	347	694	700
Operations					
Rent & other	6,732	10,000	3,577	7,154	7,500
Marketing & Comm.	8,036	15,000	586	2,600	5,000
Maintenance/repair	1,531	5,000	0	2,000	5,000
TOTAL GENERAL Operating Expense:	73,507	103,346	40,725	75,936	88,234
DISTRICT Services:					
Horizon Drive Corridor					
Planning & Design	95,973	85,000	19,522	49,522	85,000
Art on Horizon				3,000	90,000
TOTAL DISTRICT Services	95,973	85,000	19,522	52,522	175,000
Expense Subtotal (General / District)	169,480	188,346	60,247	128,458	263,234
CAPITAL Outlay:					
Debt Service:					
Principal	-	-	-	-	-
Interest	-	-	-	-	-
Bond issuance costs	-	-	-	-	-
RAMP Matching Funds	-	200,000	-	50,000	475,000
TOTAL CAPITAL Expense:	-	200,000	-	-	475,000
TOTAL EXPENSES	148,216	388,346	60,247	128,458	738,234
Net Income	75,731	(204,477)	93,456	81,968	(523,837)
FUND BALANCE - End Year	694,641	490,164		776,609	252,772
Reserve Balance (Years of General Operating Expense in Fund Balance)					2.86



Date: October 13, 2014
Author: Jamie B. Beard
Title/ Phone Ext: Ass't. City Attorney/4032
Proposed Schedule: Nov. 5, 2014
2nd Reading: NA
File #: VAC-2014-375

**Attach 10
CITY COUNCIL AGENDA ITEM**

Subject: Vacate a 20' Sewer Easement Located at 2619 H Road
Action Requested/Recommendation: Approve a Resolution to Vacate a 20' Sewer Easement
Presenter(s) Name & Title: John Shaver, City Attorney

Executive Summary:

A request to vacate a 20' sewer easement on a 3.069 +/- acres parcel in a Residential – Rural (R - R) zone district located at 2619 H Road. The easement will be relocated along the edge of the property instead of crossing diagonally.

Background, Analysis and Options:

As part of the 2014 Sewer Replacement Project (“Project”), the City of Grand Junction (“City”) is replacing an existing 8” Sanitary Sewer line with a new 12” PVC line and a portion of this Project includes the sewer line that crosses diagonally the property at 2619 H Road. As part of the Project, the City will relocate the line to cross the front edge of the property and then follow the western edge. The owners of the property, Joe and Margaret Coleman, are agreeable to the relocation of the sewer line and have agreed to grant a new easement where the sewer line will be relocated with the vacation of this easement. The City is asking for the easement to be vacated upon the relocation of the sewer line and the new easement being granted to the City for the new placement of the sewer.

How this item relates to the Comprehensive Plan Goals and Policies:

No effect as one easement will be vacated with granting of a new easement.

How does this item relate to the Economic Development Plan:

No effect as one easement will be vacated with granting of a new easement.

Board or Committee Recommendation:

The Planning Commission recommended conditional approval of the request at their October 14, 2014 meeting.

Financial Impact/Budget:

No financial impact.

Legal issues:

The proposed vacation request has been prepared by the Legal Division.

Other issues:

There are no other issues.

Previously presented or discussed:

This has not been previously presented or discussed.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Future Land Use Map / Existing Zoning Map
Proposed Vacation Resolution

BACKGROUND INFORMATION					
Location:		2619 H Rd.			
Applicants:		City of Grand Junction for Owner			
Existing Land Use:		Single Family Residential			
Proposed Land Use:		Single Family Residential			
Surrounding Land Use:	North	Single family residential			
	South	Single family residential			
	East	Single family residential			
	West	Single family residential			
Existing Zoning:		R-R (Residential Rural)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R-R (Residential Rural) and R-1 (Residential – 1 du/ac)			
	South	R-R (Residential - Rural) and R-1 (Residential – 1 du/ac)			
	East	R-R (Residential – Rural)			
	West	R-R (Residential – Rural) and R-1 (Residential – 1 du/ac)			
Future Land Use Designation:		Residential Low 0.5-2 du/ac			
Zoning within density range?		X	Yes		No

Section 21.02.100 of the Grand Junction Zoning and Development Code:
Section 21.02.100 (c) of the Grand Junction Zoning and Development Code:

The vacation of the easement shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

Granting the request to vacate this utility easement does not conflict with Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City. As a condition of approval, a new sewer easement shall be granted to the City of Grand Junction where the new line is relocated.

This criterion has been met.

- b. No parcel shall be landlocked as a result of the vacation.

Because this is a vacation of a utility easement and not a vacation of right-of-way, this criterion does not apply. Vacating this sewer easement will not result in any parcel being landlocked.

This criterion has been met.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Vacation of this sewer easement will not affect access to any parcel. As a condition of approval, a new sewer easement shall be granted to the City where the sewer line is being relocated.

This criterion has been met.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the proposed sewer easement vacation. Sewer service will continue for all who rely on the present sewer. It will be a new larger line that can handle more capacity.

This criterion has been met.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Zoning and Development Code.

With an easement being granted for the new location of the line, adequate public facilities and services will not be inhibited to any property. As previously indicated service will actually be improved with greater capacity and new pipes.

This criterion has been met.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The upgrade to the overall sewer system is beneficial to the City and its citizens. The relocation of the sewer line is also advantageous to the Coleman's property.

This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

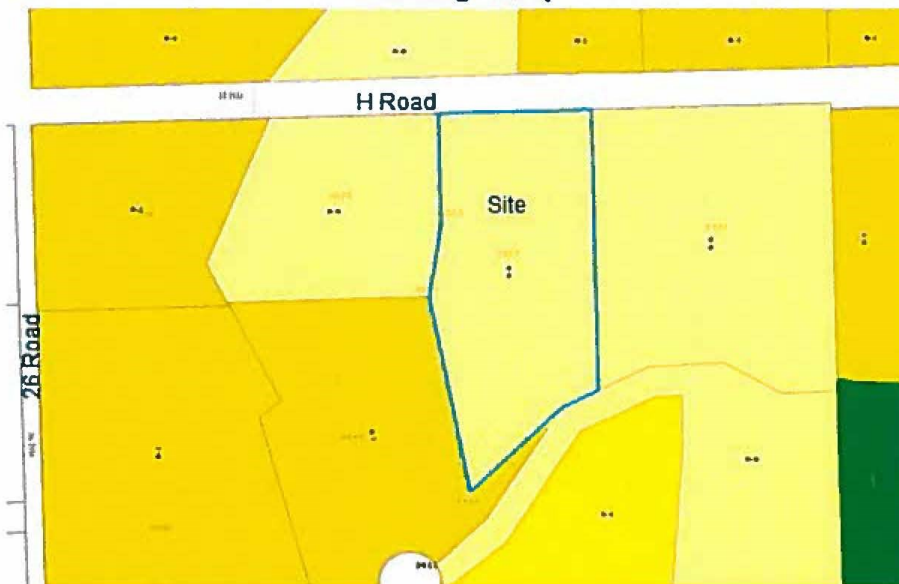
After reviewing the application, VAC-2014-375 for the vacation of a 20' Sewer Easement, the Planning Commissioners made the following findings of fact, conclusions and conditions:

5. With the granting of a new easement for the relocated sewer line, the requested sewer easement vacation is consistent with the Comprehensive Plan.
6. The review criteria in Section 21.02.100 (c) of the Grand Junction Zoning and Development Code have all been met.
7. Approval of the sewer easement vacation is conditioned upon the relocation of the sewer line on the property and a new easement granted by the property owners of 2619 H Road for the relocated line.

Future Land Use Map



Zoning Map



CITY OF GRAND JUNCTION

RESOLUTION NO.

**A RESOLUTION VACATING A 20' SEWER EASEMENT
LOCATED AT 2619 H ROAD**

RECITALS:

As a part of the 2014 Sewer Replacement Project, the City intends to relocate the sewer line that diagonally across the front portion of the property located at 2619 H Road, Grand Junction, Colorado. The sewer line is expected to be upgraded and relocated to cross the front edge of the property along H Road and then to extend south along the west edge of the property. After the sewer is relocated/reconstructed the present easement (where the sewer is being removed from) will no longer be needed. The granting of a new sewer easement is required for the new sewer line.

The City Council finds that the vacation is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 (c) of the Grand Junction Municipal Code.

The Planning Commission, having heard and considered the vacation request, found the criteria of the Code to have been met, and recommended conditional approval. The condition includes the grant of a new sewer easement.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described 20' Sewer Easement is hereby vacated:

All of that certain 20.0 foot wide easement recorded in Book 887, Page 968, Public Records of Mesa County, Colorado, lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 35, Township 1 North, Range 1 West of the Ute Principal Meridian, that lies entirely within that certain parcel of land described in Book 5624, Page 328, Public Records of Mesa County, Colorado.

CONTAINING 7,216 Square Feet or 0.166 Acres, more or less, as described.

The vacation is conditioned upon the following occurring:

The reconstruction of the sewer line on the property at 2619 H Road, Grand Junction, Colorado in the easement area shown on Exhibit A and the recordation of the Grant of Sewer Easement attached as shown on Exhibit C.

The vacation of the easement shown in Exhibit B shall not be effective unless and until the sewer

is constructed in the easement area shown in Exhibit A is fully operational.

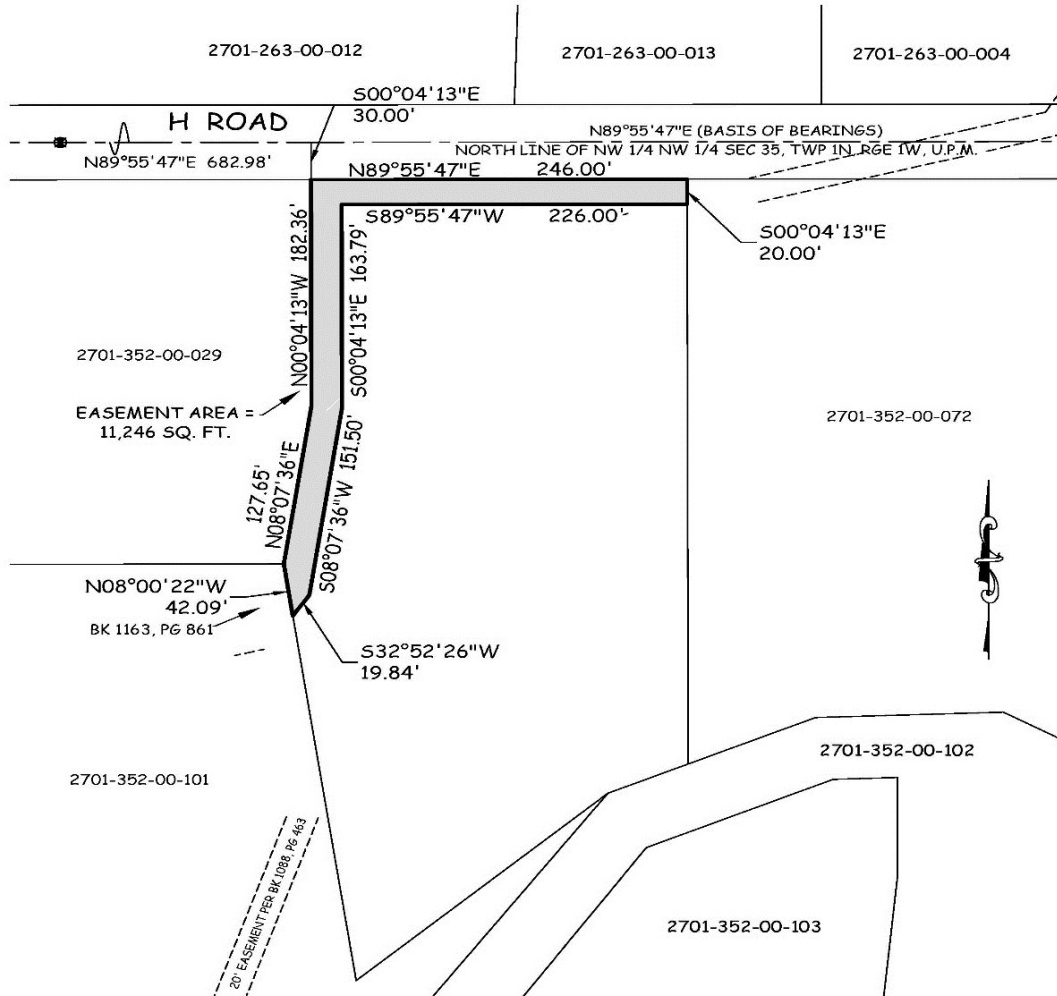
PASSED and ADOPTED this _____ day of _____, 2014.

ATTEST:

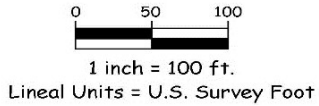
President of City Council

City Clerk

EXHIBIT " A "



- ABBREVIATIONS
- P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - R.O.W. RIGHT OF WAY
 - SEC. SECTION
 - TWP. TOWNSHIP
 - RGE. RANGE
 - U.M. UTE MERIDIAN



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: P.T.K.
 DATE: 03-07-2014
 SCALE: 1" = 100'
 APPR. BY: J.B.

JOSEPH COLEMAN AND
 MARGARET COLEMAN
 2619 H ROAD
 NEW SANITARY SEWER EASEMENT
 2701-352-00-071



EXHIBIT " B "

2701-263-00-012

2701-263-00-013

2701-263-00-004

H ROAD N89°55'47"E (BASIS OF BEARINGS)
NORTHLINE OF NW 1/4 NW 1/4 SEC 35, TWP 1N, R6E 1W, U.P.M.

NW CORNER SEC 35
TWP 1N, R6E 1W, U.P.M.

2701-352-00-029

PORTION OF THE
EXISTING EASEMENT PER
BOOK 887, PAGE 968
CONTAINING 7,216 SQ. FT.

2701-352-00-072

JOSEPH COLEMAN AND
MARGARET COLEMAN
2701-352-00-071
2619 H ROAD
G.J. CO., B1906
(BOOK 5624, PAGE 328)

BK 1163, PG 861

2701-352-00-101

2701-352-00-102

2701-352-00-103

ABBREVIATIONS

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
R.O.W. RIGHT OF WAY
SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE
U.M. UTE MERIDIAN



1 inch = 100 ft.
Lineal Units = U.S. Survey Foot

The sketch and description shown hereon has been derived from subdivision plots and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: P.T.K.
DATE: 03-10-2014
SCALE: 1" = 100'
APPR. BY: J.B.

JOSEPH COLEMAN AND
MARGARET COLEMAN
2619 H ROAD
EXISTING EASEMENT
2701-352-00-071

CITY OF
Grand Junction
COLORADO

GRANT OF SANITARY SEWER EASEMENT

Joseph Coleman and Margaret Coleman, Grantors, whose address is 2548 I Road, Grand Junction, Colorado, 81505, owners of the following described real property in Mesa County, Colorado:

A parcel of land described in Book 4927, Page 415, Public Records of Mesa County, Colorado

for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted and conveyed, and by these presents do hereby grant and convey to the City of Grand Junction, a Colorado home rule municipality, Grantee, whose address is 250 N. 5th Street, Grand Junction, CO 81501, for the use and benefit of the Persigo 201 Sewer System, a Perpetual Easement for the installation, operation, maintenance, repair and replacement of sanitary sewer facilities, on, along, over, under, through and across the following described parcel of land, to wit:

A certain 20.0 foot wide parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 35, Township 1 North, Range 1 West of the Ute Principal Meridian, lying entirely within that certain parcel of land described in Book 4927, Page 415, Public Records of Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 35 and assuming the North line of the NW 1/4 NW 1/4 of said Section 35 bears N 89°55'47" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'47" E, along the North line of the NW 1/4 NW 1/4 of said Section 35, a distance of 682.98 feet; thence S 00°04'13" E, a distance of 30.00 feet to a point on the South right of way for H Road, being the Northwest corner of that certain parcel of land described in Book 4927, Page 415, Public Records of Mesa County, Colorado and also being the POINT OF BEGINNING; thence from said Point of Beginning, N 89°55'47" E, along the South right of way for H Road, a distance of 246.00 feet to the Northeast corner of said parcel of land; thence S 00°04'13" E, along the East line of said parcel of land, a distance of 20.00 feet; thence S 89°55'47" W, along a line 20.00 feet South of and parallel with, the South right of way for H Road, a distance of 226.00 feet; thence S 00°04'13" E, along a line 20.00 feet East of and parallel with, the West line of said parcel of land, a distance of 163.79 feet; thence S 08°07'36" W, along a line 20.00 feet East of and parallel with, the West line of said parcel of land, a distance of 151.50 feet; thence S 32°52'26" W, a distance of 19.84 feet to a point on the West line of said parcel of land; thence N 8°00'22" W, along the West line of said parcel of land, a distance of 42.09 feet; thence N 08°07'36" E, along the West line of said parcel of land, a distance of 127.65 feet; thence N 00°04'13" W, along the West line of said parcel of land, a distance of 182.36 feet, more or less, to the Point of Beginning.

Said easement contains 11,246 Square Feet or 0.258 Acres, more or less, as described herein and depicted on "Exhibit A", attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, together with the right to enter upon said premises with workers and equipment, to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard construction and repair machinery, subject to the terms and conditions contained herein.

SHEET 1 OF 3

The foregoing description was prepared by Peter T. Krick, 250 N 5th St, G.J. CO

The interest conveyed is an Easement for the purposes and uses and upon the terms stated herein. Grantors hereby covenant with Grantee that the Easement shall not be burdened or overburdened by the installation, construction or placement of any improvements, structures or fixtures thereon which may be detrimental to the facilities of Grantee or which may act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement area.

The Easement shall be for the use and benefit of Grantee, its members, employees, agents and contractors or any of its successors in title or interest, and the public for sanitary sewer and related facilities purposes.

Grantors hereby covenant with Grantee that Grantors have good title to the herein described premises; that Grantors have good and lawful right to grant this Easement; that Grantors warrant and forever defend the title and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

This grant is conditioned upon the Grantee vacating and/or releasing all rights and interests that the Grantee has in the easement which is found in the Mesa County Clerk and Recorder's records in Book 887, Page 968. A vacation and/or release shall be recorded with a copy of this document for the condition to be complete.

Executed this 17 day of September, 2014, by Joseph Coleman and Margaret Coleman.

[Signature] 9/17/14
Joseph Coleman date

[Signature] 9-17-14
Margaret Coleman date

State of Colorado)
)ss.
County of Mesa)

The foregoing instrument was acknowledged before me by Joseph Coleman and Margaret Coleman this 17th day of September, 2014.

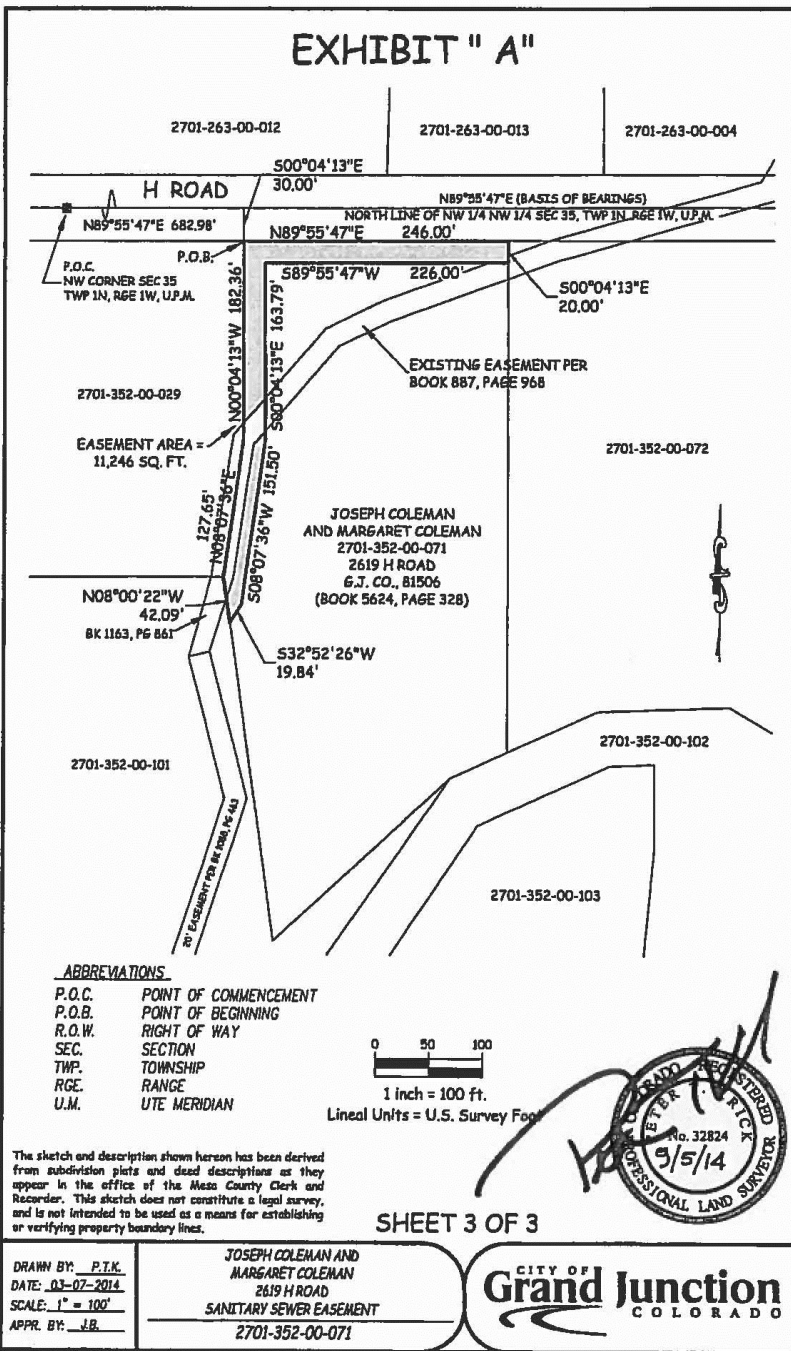
My commission expires January 12, 2015.

Witness my hand and official seal.



[Signature]
Notary Public

EXHIBIT " A "





Attach 11

CITY COUNCIL AGENDA ITEM

Date: October 14, 2014

Author: Senta Costello

Title/ Phone Ext: Senior Planner / x 1442

1st Reading Zoning: October 15, 2014

2nd Reading (if applicable): November 5, 2014

File # (if applicable): ANX-2014-341

Subject: Annexation and Zoning of 4.760 acres, Located at 2880 B ½ Road, to R-4 (Residential 4 du/ac) known as the Fire Station No. 4 Annexation
Action Requested/Recommendation: Adopt Resolution Accepting the Petition for the Fire Station No. 4 Annexation and Adopt the Annexation and Zoning Ordinances on Final Passage and Order Final Publication in Pamphlet Form
Presenters Name & Title: Senta Costello, Senior Planner

Executive Summary:

A request to annex and zone the 4.760 acre Fire Station No. 4 Annexation, located at 2880 B ½ Road, to R-4 (Residential 4 du/ac). This property consists of 1 parcel, contains 1.21 acres of B ½ Road right-of-way, and is being annexed into the City.

Background, Analysis and Options:

The property contains one 3,999 square foot building constructed in 1968 and is used as a church. The property owner has applied to subdivide off a portion of the property.

Neighborhood meeting:

A neighborhood meeting was held September 9, 2014 at 2880 B ½ Road. Seven neighbors attended the meeting. The proposed annexation was the purpose of the neighborhood meeting; however, the neighbors’ concerns centered on the potential future use of a fire station. The issues discussed included how property values were affected by a fire station next door, reduced quality of life due to sirens and lights, high volume traffic from the school and the potential conflicts this could cause with a fire station, what other sites had been considered and why was this one chosen over other properties in the area.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Policy A – City and County land use decisions will be consistent with the Comprehensive Plan Future Land Use Map

The proposed zoning of R-4 (Residential 4 dwelling units/ac) is consistent with the Residential Medium Low 2-4 dwelling units per acre Future Land Use Map designation.

How this item relates to the Economic Development Plan:

The purpose of the recently adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The requested zoning will allow for future residential development of up to 4 dwelling units per acre as well as residential support uses such as schools, churches, library, daycare and public safety services.

Board or Committee Recommendation:

On October 14, 2014 the Planning Commission considered the rezone request for an R-4 (Residential 4 du/ac) zone district and forwarded a recommendation of approval.

Financial Impact/Budget:

The provision of municipal services will be consistent with adjacent properties already in the City.

Legal issues:

The City Attorney's office has reviewed the request and had no concerns.

Other issues:

None

Previously presented or discussed:

The annexation was on the September 17, 2014 City Council agenda for Referral of the Petition and Exercising Land Use Control.

The zone of annexation was on the October 15, 2014 City Council agenda to set the public hearing date for the zoning.

Attachments:

1. Staff report/Background information
2. Site Location Map; Aerial Photo Map
3. Future Land Use Map; Existing City and County Zoning Map
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		2880 B ½ Road			
Applicants:		Reorganized Church of Jesus Christ of Latter Day Saints			
Existing Land Use:		Church			
Proposed Land Use:		Subdivide, church remains, add fire station on new lot			
Surrounding Land Use:	North	Single Family Residential			
	South	Single Family Residential			
	East	Elementary School			
	West	Single Family Residential			
Existing Zoning:		County RSF-4 (Residential Single Family 4 du/ac)			
Proposed Zoning:		City R-4 (Residential 4 du/ac)			
Surrounding Zoning:	North	County RSF-4			
	South	County RSF-4			
	East	County RSF-4			
	West	County RSF-4			
Future Land Use Designation:		Residential Medium Low 2-4 du/ac			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 4.760 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Fire Station No. 4 Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
September 17, 2014	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
October 14, 2014	Planning Commission considers Zone of Annexation
October 15, 2014	Introduction of a Proposed Ordinance on Zoning by City Council
November 5, 2014	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
December 7, 2014	Effective date of Annexation and Zoning

FIRE STATION NO. 4 ANNEXATION SUMMARY

File Number:		ANX-2014-341
Location:		2880 B ½ Rd
Tax ID Number:		2943-301-00-951
# of Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		1
# of Dwelling Units:		0
Acres land annexed:		4.760 acres
Developable Acres Remaining:		Approximately 2.7 acres
Right-of-way in Annexation:		1.21 acres
Previous County Zoning:		RSF-4
Proposed City Zoning:		R-4
Current Land Use:		Residential Medium Low 2-4 du/ac
Future Land Use:		Residential Medium Low 2-4 du/ac
Values:	Assessed:	\$149530
	Actual:	\$515610
Address Ranges:		2880 B ½ Rd even
Special Districts:	Water:	Ute Water District
	Sewer:	Orchard Mesa Sanitation District
	Fire:	Grand Junction Rural Fire District
	Irrigation/Drainage:	Orchard Mesa Irrigation District
	School:	Mesa Co School District #51
	Pest:	Grand River Mosquito Control District

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the R-4 (Residential 4 du/ac) zone district is consistent with the Comprehensive Plan designation of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-4 (Residential Single Family 4 du/ac). Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Comprehensive Plan or the existing County zoning.

Section 21.02.140(a) states: *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

- 1) *Subsequent events have invalidated the original premises and findings; and/or*

The Comprehensive Plan, adopted in 2010, designated the property as Residential Medium Low 2-4 du/ac. The owner wishes to subdivide off a portion of the property to sell, necessitating annexation and rezoning consistent with the 2010 Plan.

This criterion has been met.

- 2) *The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or*

A majority of the neighboring properties in the area are zoned RSF-4 (Residential Single Family 4 du/ac) in the County or R-4 (Residential 4 du/ac) in the City.

This criterion has been met.

- 3) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*

The property is situated with transportation connections to 29 Road and Highway 50 via B ½ Road. The neighborhood has shopping and restaurants in the vicinity and Lincoln Orchard Mesa Elementary School is directly to the east. The property has access to a 10" sewer line and a 4" and 18" water line within the B ½ Road right-of-way.

This criterion has been met.

- 4) *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*

The requested annexation and zoning will allow for future residential development of up to 4 dwelling units per acre, consistent with the neighborhood as well as residential support uses such as schools, churches, library, daycare and public safety services.

This criterion has been met.

- 5) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

The requested zoning supports the following goals of the Comprehensive Plan:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Policy A – City and County land use decisions will be consistent with the Comprehensive Plan Future Land Use Map

The proposed zoning of R-4 (Residential 4 dwelling units/ac) is consistent with the Residential Medium Low 2-4 dwelling units per acre Future Land Use Map designation.

This criterion has been met.

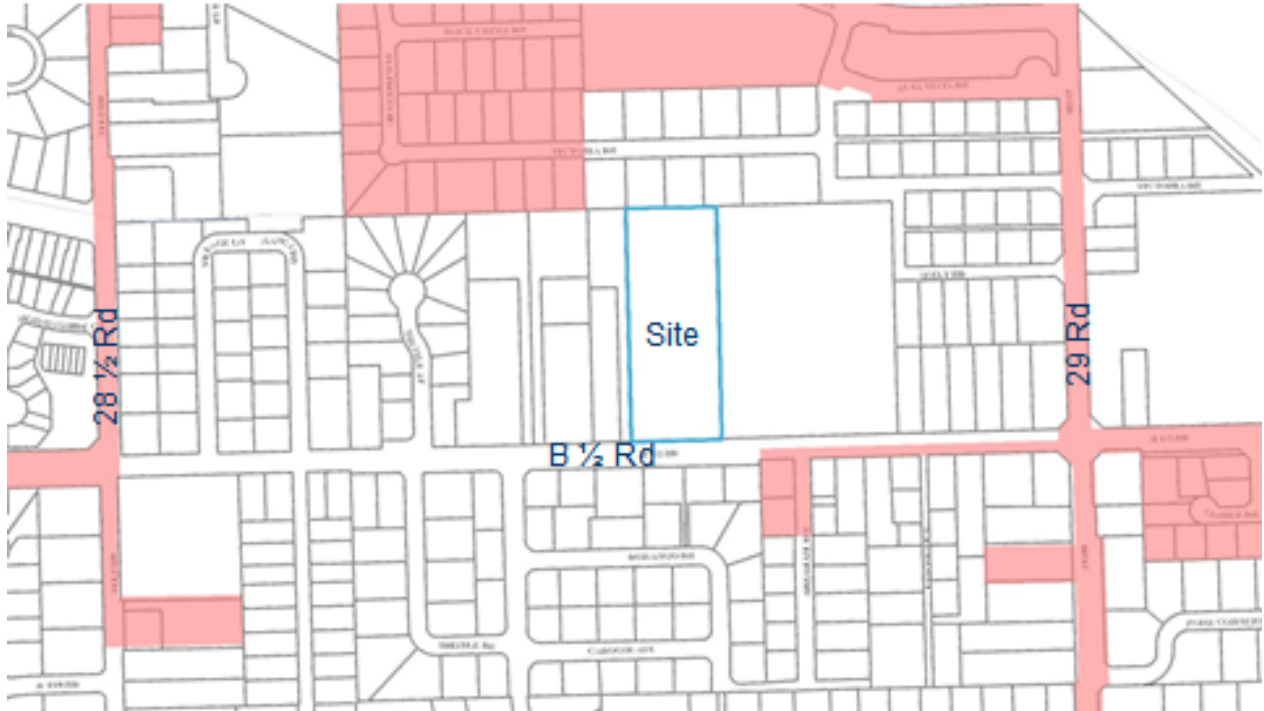
Alternatives: In addition to the zoning that the petitioner has requested, the following zone district would also implement the Comprehensive Plan designation for the subject property.

- a. R-2 (Residential 2 du/ac)

If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-4 (Residential 4 dwelling units/ac) district to be consistent with the Comprehensive Plan, RSF-4 (Residential Single Family 4 du/ac) and Sections 2.6 and 2.14 of the Zoning and Development Code.

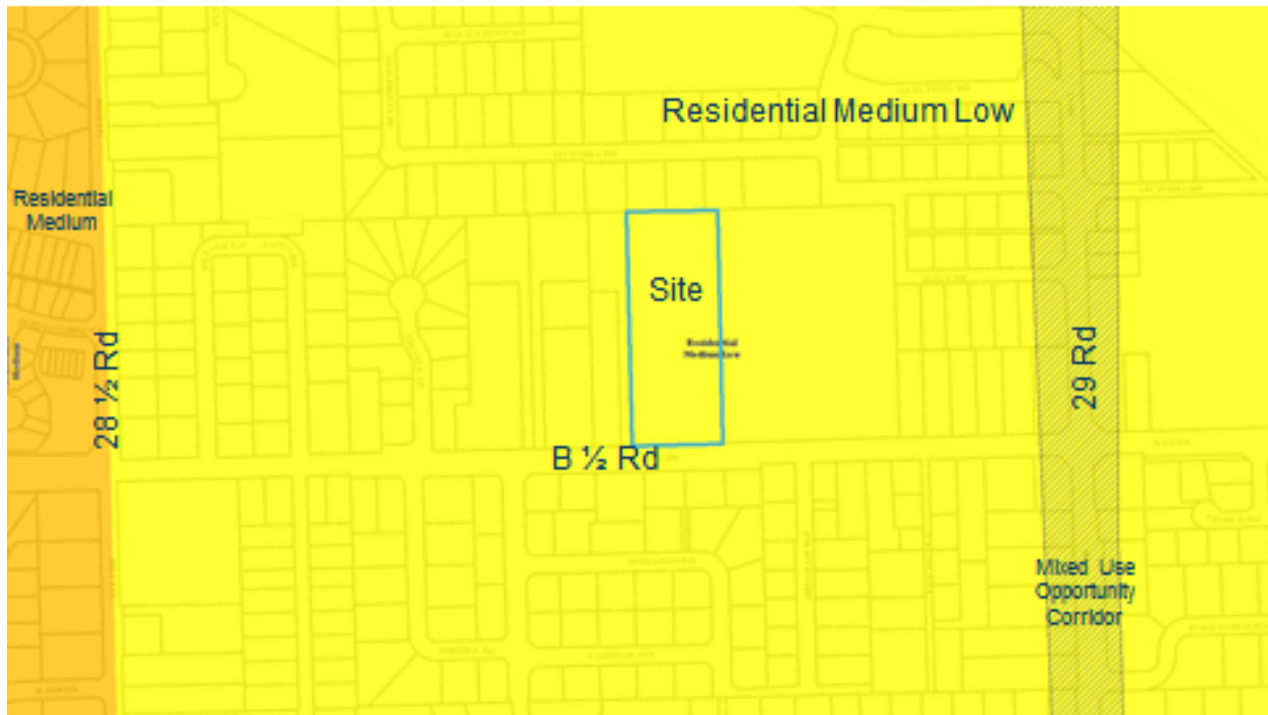
Location Map



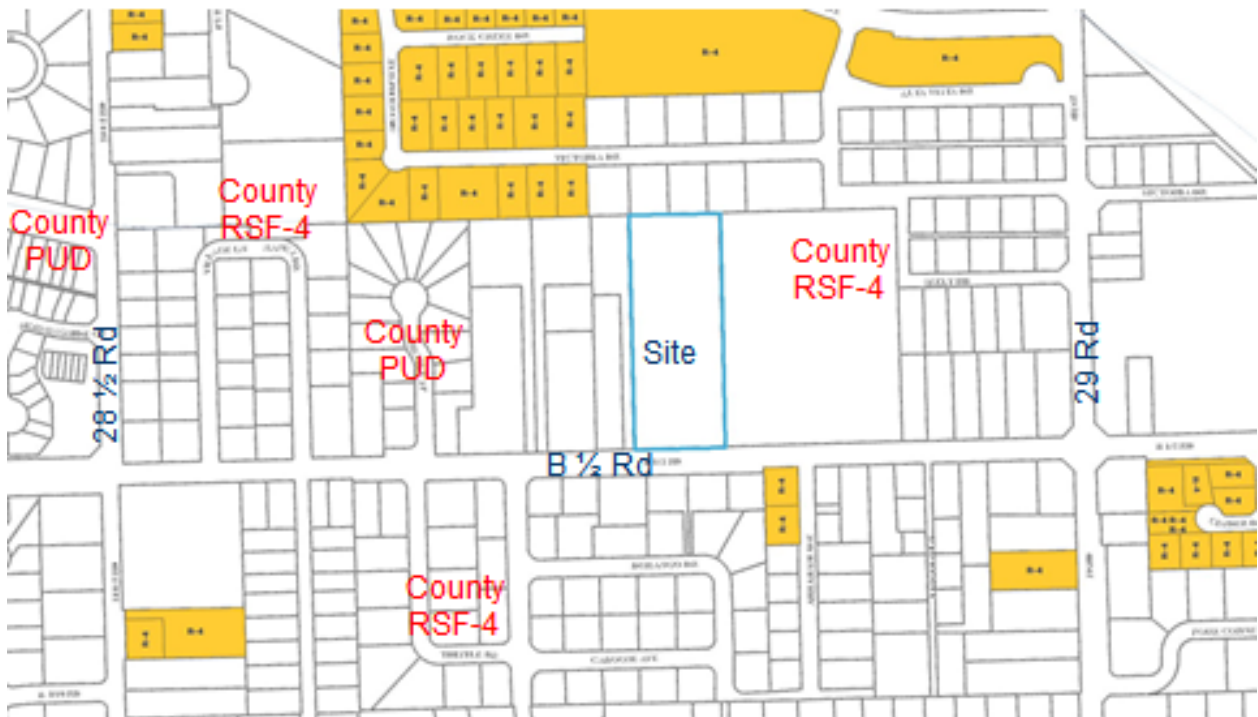
Aerial Map



Future Land Use Map



City and County Zoning Map



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

FIRE STATION NO. 4 ANNEXATION

LOCATED AT 2880 B ½ ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 17th day of September, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

FIRE STATION NO. 4 ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) and the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being a portion of Lot 15 of The Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the East Quarter (E 1/4) Corner of said Section 30 and assuming the South line of the SE 1/4 NE 1/4 of said Section 30 bears S 89°56'51" W with all other bearings shown herein being relative thereto; thence from said Point of Commencement, S 89°56'51" W, along the South line of the SE 1/4 NE 1/4 of said Section 30, a distance of 58.60 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°56'51" W, along the South line of the SE 1/4 NE 1/4 of said Section 30, also being a line of the Rohner Annexation, Ordinance No. 4555, as same is recorded in Book 5376, Page 464, Public Records of Mesa County, Colorado, a distance of 810.11 feet; thence S 00°03'13" E, along a line of said Rohner Annexation, a distance of 40.00 feet to a point being the Northeast corner of Rio Grande Subdivision, as same is recorded in Plat Book 12, Page 94, Public Records of Mesa County, Colorado; thence S 89°56'51" W, along the North line of said Rio Grande Subdivision, being a line 40.00 feet South of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 30, a distance of 450.88 feet to a point on the West line of the NE 1/4 SE 1/4 of said Section 30; thence N 00°16'21" W, along the West line of the NE 1/4 SE 1/4 of said Section 30, a distance of 40.00 feet to a point being the Southwest corner of the SE 1/4 NE 1/4 of said Section 30; thence N 89°56'51" E, along the South line of the SE 1/4 NE 1/4 of said Section 30, a distance of 101.86 feet; thence N 00°07'22" E, along the East line of that

certain parcel of land described in Book 5002, Page 712 and the West line of that certain parcel of land described in Book 793, Page 208, all in the Public Records of Mesa County, Colorado, a distance of 663.38 feet, more or less, to the South line of Church Subdivision No. 2, as same is recorded in Plat Book 11, Page 9, Public Records of Mesa County, Colorado; thence N 89°56'51" E, along the South line of said Church Subdivision No. 2 and the South line of Church Subdivision, as same is recorded in Plat Book 9, Page 144, Public Records of Mesa County, Colorado, a distance of 244.00 feet; thence S 00°07'22" E, along the East line of that certain parcel of land described in Book 793, Page 208, a distance of 633.38 feet, more or less, to a point on the North right of way of B-1/2 Road; thence N 89°56'51" E, along said North right of way, being a line 30.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 30, a distance of 915.32 feet; thence S 00°03'09" E, along a line of said Rohner Annexation, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 207,362 Square Feet or 4.760 Acres, more or less, as described hereon

WHEREAS, a hearing on the petition was duly held after proper notice on the 5th day of November, 2014, and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT;

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2014.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

FIRE STATION NO. 4 ANNEXATION

APPROXIMATELY 4.760 ACRES

**LOCATED AT 2880 B ½ ROAD AND INCLUDING
A PORTION OF THE B ½ ROAD RIGHT-OF-WAY**

WHEREAS, on the 17th day of September, 2014, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 5th day of November, 2014; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

FIRE STATION NO. 4 ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) and the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being a portion of Lot 15 of The Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the East Quarter (E 1/4) Corner of said Section 30 and assuming the South line of the SE 1/4 NE 1/4 of said Section 30 bears S 89°56'51" W with all other bearings shown herein being relative thereto; thence from said Point of Commencement, S 89°56'51" W, along the South line of the SE 1/4 NE 1/4 of said Section 30, a distance of 58.60 feet to the POINT OF BEGINNING; thence from said Point of Beginning,

continue S 89°56'51" W, along the South line of the SE 1/4 NE 1/4 of said Section 30, also being a line of the Rohner Annexation, Ordinance No. 4555, as same is recorded in Book 5376, Page 464, Public Records of Mesa County, Colorado, a distance of 810.11 feet; thence S 00°03'13" E, along a line of said Rohner Annexation, a distance of 40.00 feet to a point being the Northeast corner of Rio Grande Subdivision, as same is recorded in Plat Book 12, Page 94, Public Records of Mesa County, Colorado; thence S 89°56'51" W, along the North line of said Rio Grande Subdivision, being a line 40.00 feet South of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 30, a distance of 450.88 feet to a point on the West line of the NE 1/4 SE 1/4 of said Section 30; thence N 00°16'21" W, along the West line of the NE 1/4 SE 1/4 of said Section 30, a distance of 40.00 feet to a point being the Southwest corner of the SE 1/4 NE 1/4 of said Section 30; thence N 89°56'51" E, along the South line of the SE 1/4 NE 1/4 of said Section 30, a distance of 101.86 feet; thence N 00°07'22" E, along the East line of that certain parcel of land described in Book 5002, Page 712 and the West line of that certain parcel of land described in Book 793, Page 208, all in the Public Records of Mesa County, Colorado, a distance of 663.38 feet, more or less, to the South line of Church Subdivision No. 2, as same is recorded in Plat Book 11, Page 9, Public Records of Mesa County, Colorado; thence N 89°56'51" E, along the South line of said Church Subdivision No. 2 and the South line of Church Subdivision, as same is recorded in Plat Book 9, Page 144, Public Records of Mesa County, Colorado, a distance of 244.00 feet; thence S 00°07'22" E, along the East line of that certain parcel of land described in Book 793, Page 208, a distance of 633.38 feet, more or less, to a point on the North right of way of B-1/2 Road; thence N 89°56'51" E, along said North right of way, being a line 30.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 30, a distance of 915.32 feet; thence S 00°03'09" E, along a line of said Rohner Annexation, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 207,362 Square Feet or 4.760 Acres, more or less, as described hereon.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 17th day of September, 2014 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2014 and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE FIRE STATION NO. 4 ANNEXATION
TO R-4 (RESIDENTIAL 4 DU/AC)**

LOCATED AT 2880 B ½ ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Fire Station No. 4 Annexation to the R-4 (Residential 4 du/ac) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-4 (Residential 4 du/ac) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property be zoned the R-4 (Residential 4 du/ac).

FIRE STATION NO. 4 ANNEXATION

Lots 1 and 2 of the Fire Station No. 4 Subdivision Sec 30 T1S R1E, City of Grand Junction, Mesa County, Colorado containing 3.548 acres.

INTRODUCED on first reading the 15th day of October, 2014 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2014 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: October 20, 2014
 Author: Eileen Gers
 Title/ Phone Ext: Pretreatment
 Supervisor, 256-4164
 Proposed Schedule: Sept. 17, 2014
 2nd Reading (if applicable):
November 5, 2014
 File # (if applicable): _____

Attach 12

CITY COUNCIL AGENDA ITEM

Subject: Amending Industrial Pretreatment Regulations Regarding Limits for Metals in Industrial Wastewater Discharge
Action Requested/Recommendation: Adopt Final Ordinance Contingent upon USEPA Final Approval and Order Published in Pamphlet Form
Presenter(s) Name & Title: Greg Lanning, Public Works and Utilities Director John Shaver, City Attorney

Executive Summary:

The Persigo Industrial Pretreatment Program is revising the Mass-Based Local Limits for Metals discharged to the Persigo Wastewater Treatment Facility from local industries to continue to meet State and Federal wastewater discharge permit requirements. Federal regulations require a reading of the proposed changes to the Code, public notice by the US Environmental Protection Agency (USEPA) and final approval at a hearing. The City adoption of the final ordinance is contingent on USEPA final approval, anticipated in the near future. It is anticipated the revision will not result in any impacts to permitted Industrial Users, based on historical monitoring data.

Background, Analysis and Options:

The USEPA and the Colorado Department of Public Health and Environment (CDPHE) require approved Industrial Pretreatment Program municipalities, such as Grand Junction, to enforce and periodically update the Mass Based Local Limits for Metals.

Title 13 of the Grand Junction Municipal Code (GJMC) Section 13.04.370 (d) Specific Discharge Limitations: Mass Based Local Limits for Metals reflects the total pounds of metals per day that can be allocated safely to all permitted Significant Industrial Users and other Industrial Users by the City without causing harm to the Persigo Wastewater Treatment Facility (Persigo). The City includes each permitted industry’s specific metals allocation in the Industrial User’s Discharge Permit.

The City is decreasing the amount of total pounds of metal per day available to Industrial Users due to stringent discharge standards at Persigo. The stringent limits are due to Persigo’s wastewater discharge to Persigo Wash and the Colorado River, which are designated critical aquatic habitat under the federal Endangered Species Act to protect four fish species.

USEPA requires Persigo to have an Industrial Pretreatment Program to prevent certain pollutants from entering the wastewater system. The pollutants of concern are those

that can interfere with the operation of the wastewater treatment process, pass through the wastewater treatment system without adequate treatment or contaminate treatment plant biosolids.

The City Industrial Pretreatment program was delegated approval authority from USEPA in 1984. The initial version of the City's Pretreatment Regulations were included in the City's Wastewater Code and approved by USEPA at that time. There are currently over 5,000 local businesses included in the Pretreatment Program's database and City Industrial Discharge Permits are issued to 18 industries and 12 waste haulers.

Persigo received its renewed State of Colorado Discharge Permit (Permit) in 2011. The Permit included stringent end-of-pipe wastewater quality discharge standards due to discharge into Persigo Wash and the Colorado River.

The 2011 Permit required the City to perform an evaluation of the City's local limits for metals for arsenic, cadmium, chromium, hexavalent chromium, copper, lead, molybdenum, mercury, nickel, selenium, silver and zinc, based on the stringent discharge standards. A study was conducted and report produced in August, 2014 with a recommendation to revise the local limits and reduce the total available amount of these metals available to Industrial Users. The only exception is for chromium, where previous illegal chromium discharges from chrome metal plating facilities has decreased due to City Pretreatment and USEPA enforcement actions. Treatment plant removal efficiencies for chromium, as well as the allowable loading, have increased as a result.

Previous local metals limits for hexavalent chromium and molybdenum are also being deleted. Local permitted Industrial Users do not discharge hexavalent chromium and as a result there is no reasonable potential for local Industrial Users to discharge hexavalent chromium concentrations that would harm Persigo. A molybdenum local limit would only be needed if the City land-applied its sewage biosolids; the City sends the Persigo sewage biosolids directly to the Mesa County landfill and does not land-apply its biosolids.

City Council held the First Reading of the revised Mass Based Local Limits for Metals on September 17. The revision was then sent to all of the City's permitted Industrial Users for a 30-day public comment period. One comment was received from Capco, which is attached.

Capco stated the concentrations of metals discharged from their facility have consistently been significantly lower than the limits allowed in their current discharge permit and that the new local limits revision would not require changes to Capco's operations. Capco also stated that a reduction in future discharge permit limits would reduce their margin of safety for discharge concentrations and may also require additional equipment or procedures to allow for facility expansion, new processes or increased production rates.

Note that Capco is already required to inform Persigo prior to any planned significant change (ie, facility expansion, new processes or increased production rates) that would have an effect on their wastewater discharge. If Capco chooses to expand in

the future the City will evaluate and issue new appropriate discharge limitations at that time.

The revised Local Limits for Metals were also sent to USEPA for formal approval after City Council's First Reading. USEPA has stated the revised Local Limits have been preliminarily approved and will publicly notice the federal Local Limits for a 30-day period in the near future in order to receive and address any comments prior to issuing final approval. USEPA does not expect to receive any comments on the revision and has stated the federal public notice process may be delayed for a short while as this is the first quarter of federal fiscal year 2015 and the federal budget has not yet been approved.

Due to the delayed federal public notice process Staff is recommending City Council adopt the final ordinance contingent on USEPA final approval.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

The Persigo Wastewater Treatment Plant provides treatment of wastewater for the region. Having a wastewater treatment plant in full compliance with federal and state regulations protects the water quality and natural environment of the Colorado River and helps the City meet its goal of "Becoming the Most Livable Community West of the Rockies."

How this item relates to the Economic Development Plan:

Section 1.4: Providing Infrastructure that Enables and Supports Private Investment

Reducing the Local Limits for Metals enhances the productivity of the Persigo facility by setting metals limits that help protect the treatment plant operational processes.

Board or Committee Recommendation:

Not Applicable

Financial Impact/Budget:

There are no anticipated financial impacts to regulated industries. There may be increased analytical testing required of regulated industries; this will be determined on an individual basis at the time of individual discharge permit renewal.

Legal issues:

This revision results in full compliance with federal 40 CFR 403 Pretreatment regulations.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This was presented at the first reading on September 17.

Attachments:

1. Letter from John Shaver, City Attorney
2. Capco Comment Letter
3. Pretreatment Ordinance with Current and Revised Limits
4. Proposed Ordinance



August 22, 2014

Al Garcia, EPA Region 8 Pretreatment Coordinator
MailCode: 8P-W-WW
1595 Wynkoop
Denver, CO 80202

Re: Industrial Pretreatment -Local Limits for Metals

Dear Mr. Garcia,

Please accept this letter as a statement of my opinion that the proposed revisions to the Grand Junction Municipal Code (GJMC or Code) concerning mass based local limits for metals (attached) are in compliance with applicable law. Specifically it is my opinion that the proposed changes to the GJMC will positively affect the ability of the Persigo Wastewater Treatment Facility to carry out the responsibilities of the Grand Junction Industrial Pretreatment Program in accordance with all applicable federal and state statutory and regulatory requirements.

In accordance with the City Charter and the rights and responsibilities established therein, the City has the legal authority to adopt Codes for the protection of the general health, safety and welfare of the citizens of Grand Junction. The content of the attachment is such a Code.

Following public notice and the required hearings on the proposed Code, the City Council will be duly authorized to adopt the Code. The professional staff of the City, including but not limited to the undersigned, will recommend to the City Council that it approve the proposed Code as written.

Approval of the proposed Code will enhance the commitment of Grand Junction to its Industrial Pretreatment Program and is consistent with the City's CDPS permit.

Should you have any questions or if I may otherwise be of assistance on this or any other matter, please let me know.

OFFICE OF THE CITY ATTORNEY

By: _____


John P. Shaver
City Attorney

Attachment



1328 Winters Avenue / PO Box 1028 / Grand Junction, CO 81502 / Phone (970) 243-8750 / Fax (970) 243-8481

Eileen Gers
 Industrial Pre-Treatment Supervisor, City of Grand Junction
 2145 River Road
 Grand Junction, CO 81505

October 9th, 2014
 Discharge Permit Class I-001

Dear Eileen,

Here are Capco's comments regarding the proposed revisions to the City of Grand Junction's Persigo Wastewater Treatment Facility local limits revisions.

Capco's manufacturing operations include several metal finishing and wastewater treatment processes, rinse water from these processes contain residual metals discharged to the Persigo treatment facility in accordance with Capco's industrial process wastewater discharge permit (see table below).

Process	Nickel	Lead	Chromium	Copper	Zinc	Notes
Nickel-tin plating of steel	X	X	X			Steel alloy (12L15) contains lead, stainless steel alloy (304) contains chromium and nickel
Aluminum anodizing (Type II)			X	X	X	Aluminum alloys (2024, 6061, 7075, A380) contain copper, chromium, and zinc
Aluminum conversion coating (Alodine)			X			Bath contains chromium, aluminum alloys contain copper, chromium, and zinc
Manganese-phosphate coating	X					Manganese-phosphate bath contains nickel, steel alloy(4140) contains chromium
Passivation of manganese-phosphate coated steel			X			Passivation bath and steel alloy (4140) contain chromium
Stainless steel passivation			X			Passivation bath may contain sodium dichromate, stainless steel alloy (303, 420) contains chromium and nickel

Capco's regulated metals discharge concentrations have consistently been significantly lower than the limits established in our discharge permit. Although preliminary estimates of the proposed revisions would not require changes to Capco's operations, a reduction in allowable discharge metals concentrations would reduce our margin of safety for discharges below permit limits. Reduced discharge limits may also require additional equipment or procedures to allow for facility expansion, new processes or increased production rates.

Sincerely,

Bill Cort

Bill Cort
 Environmental Officer

EXISTING CODE LANGUAGE AND PROPOSED CHANGES

13.04.370 Industrial pretreatment program – Prohibited discharges and limitations

(d) Specific Discharge Limitations - Mass-Based Local Limits.

The following table shows ~~mass loadings reflect~~ the total Maximum Allowable Industrial Load (MAIL) in pounds per day that can be allocated to all Significant Industrial Users and other permitted ~~i~~Industrial ~~u~~Users ~~by the City~~. The City, at its sole discretion, ~~will establish~~ ~~includes~~ the industry specific allocation in the Industrial User’s Industrial Discharge Permit as a mass or concentration-based limit. ~~It shall be unlawful for any permitted Significant Industrial User or other Industrial User to discharge or cause to be discharged any waste or wastewater that exceeds the allocations established by the City.~~

Pollutant	Pounds Per Day
Arsenic	12.300 0.86
Cadmium	3.057 0.49
Chromium (Total)	67.685 89.92
Chromium (VI)	2.960
Copper	41.350 12.28
Lead	14.095 6.57
Molybdenum	7.652
Mercury	0.026 0.019
Nickel	23.937 9.07
Selenium	0.278 0.14
Silver	3.015 1.83
Zinc	104.246 53.4

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 13.04.370 (d) OF THE GRAND JUNCTION MUNICIPAL CODE PERTAINING TO INDUSTRIAL PRETREATMENT REGULATIONS CONCERNING MASS-BASED LOCAL LIMITS

RECITALS:

The United States Environmental Protection Agency (USEPA) requires the City's Persigo Wastewater Treatment Facility to have an Industrial Pretreatment Program to prevent certain pollutants from entering the wastewater system. The pollutants of concern are those that can interfere with the operation of the wastewater treatment process, pass through the wastewater treatment system without adequate treatment or contaminate treatment plant biosolids.

The City's Wastewater and Industrial Pretreatment Regulations in Section 13.04.370 (d) of the Grand Junction Municipal Code (Code) is being amended to comply with federal Pretreatment requirements.

In compliance with the USEPA Pretreatment requirements and with USEPA approval, City staff has made the required revisions relating to Industrial Pretreatment to the Grand Junction Municipal Code and now requests that the City Council approve the proposed changes to the Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

1. Section 13-04.370 (d) is hereby amended to read as follows:

(d) Specific Discharge Limitations - Mass-Based Local Limits.

The following table shows the total Maximum Allowable Industrial Load (MAIL) in pounds per day that can be allocated to all Significant Industrial Users and other permitted Industrial Users. The City, at its sole discretion, will establish the industry specific allocation in the Industrial User's Industrial Discharge Permit as a mass or concentration-based limit. It shall be unlawful for any Significant Industrial User or other permitted Industrial User to discharge or cause to be discharged any waste or wastewater that exceeds the allocations established by the City.

Pollutant	Total Maximum Allowable Industrial Load (lbs/day)
Arsenic	0.86
Cadmium	0.49
Chromium	89.92

Copper	12.28
Lead	6.57
Mercury	0.019
Nickel	9.07
Selenium	0.14
Silver	1.83
Zinc	53.4

Introduced on first reading this 17th day of September, 2014.

Adopted on second reading this _____ day of _____, 2014.

Council

President of the

ATTEST:

City Clerk



Attach 13

CITY COUNCIL AGENDA ITEM

Date: October 20, 2014
Author: Brian Rusche
Title/ Phone Ext: Senior Planner/4058
Proposed Schedule: 1st Reading:
October 1, 2014 and October 15, 2014
2nd Reading: November 5, 2014
File #: ANX-2014-321

Subject: Proietti Annexation and Zoning, Located at 782 24 Road
Action Requested/Recommendation: Adopt a Resolution Accepting the Petition for the Proietti Annexation and Adopt the Proposed Annexation and Zoning Ordinances on Final Passage and order Final Publication in Pamphlet Form
Presenter(s) Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to annex and zone the Proietti Annexation, located at 782 24 Road. The Proietti Annexation consists of one 8.939 acre parcel and no public right-of-way. The requested zoning is a C-1 (Light Commercial) zone district.

Background, Analysis and Options:

The property is located north of I-70 on the east side of 24 Road. The property has a single-family residence, which is no longer occupied. The owners have begun planting lavender on the property and would eventually like to open a distillery here. The property owners have requested annexation into the City and a zoning of C-1 (Light Commercial) to facilitate their ideas.

Under the 1998 Persigo Agreement with Mesa County certain proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City. Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. The proposed zoning of C-1 (Light Commercial) implements the Comprehensive Plan Future Land Use Map designation of the property as Village Center Mixed Use.

The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met. See attached Staff Report/Background Information for additional detail.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Annexation of this property will allow for efficient provision of municipal services.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

The property is located within a Village Center, so its annexation and concurrent commercial zoning will implement the “centers” concept within the Comprehensive Plan.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop, and enhance a healthy, diverse economy.

The proposed annexation and zoning is an economic development opportunity as it proactively prepares the property for future commercial development consistent with the Comprehensive Plan.

How this item relates to the Economic Development Plan:

The proposed annexation and zoning is an economic development opportunity as it proactively prepares the property for future commercial development consistent with the Comprehensive Plan (Goal 1.5 – Page 9).

Board or Committee Recommendation:

On October 14, 2014 the Planning Commission forwarded a recommendation of approval of the C-1 (Light Commercial) zone district.

Financial Impact/Budget:

The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

Legal issues:

The City Attorney’s office has reviewed the request and did not have any concerns.

Other issues: A Neighborhood Meeting was held on May 6, 2014. A copy of those in attendance is attached, along with a summary of the meeting.

Previously presented or discussed:

Resolution No. 31-14 Referring the Petition for Annexation was adopted on October 1, 2014

First Reading of the Zoning Ordinance was October 15, 2014.

Attachments:

1. Staff report/Background information
2. Neighborhood Meeting summary
3. Annexation Map
4. Aerial Photo
5. Comprehensive Plan Future Land Use Map
6. Existing City and County Zoning Map
7. Acceptance Resolution
8. Annexation Ordinance
9. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		782 24 Road		
Applicants:		Dave and Lisa Proietti d/b/a Blu Cellar Door, LLC		
Existing Land Use:		Single-Family Residential		
Proposed Land Use:		Commercial		
Surrounding Land Use:	North	Single-Family Residential / Agricultural		
	South	Agricultural		
	East	Agricultural		
	West	Single-Family Residential / Agricultural		
Existing Zoning:		County RSF-R (Residential Single-Family Rural)		
Proposed Zoning:		C-1 (Light Commercial)		
Surrounding Zoning:	North	County RSF-R (Residential Single-Family Rural)		
	South	C-1 (Light Commercial)		
	East	County RSF-R (Residential Single-Family Rural)		
	West	County RSF-R (Residential Single-Family Rural) R-E (Residential Estate)		
Future Land Use Designation:		Village Center		
Zoning within density/intensity range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 8.939 acres of land and is comprised of one parcel and no public right-of-way.

The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement with Mesa County proposed

development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Proietti Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed:

<i>ANNEXATION SCHEDULE</i>	
October 1, 2014	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
October 14, 2014	Planning Commission considers Zone of Annexation
October 15, 2014	Introduction of a Proposed Ordinance on Zoning by City Council
November 5, 2014	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
December 7, 2014	Effective date of Annexation and Zoning

PROIETTI ANNEXATION SUMMARY		
File Number:	ANX-2014-321	
Location:	782 24 Road	
Tax ID Number:	2701-332-00-094	
# of Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	1	
Acres land annexed:	8.939	
Developable Acres Remaining:	8.939	
Right-of-way in Annexation:	None	
Previous County Zoning:	County RSF-R (Residential Single Family – Rural)	
Proposed City Zoning:	C-1 (Light Commercial)	
Current Land Use:	Single-Family Residential	
Future Land Use:	Commercial	
Values:	Assessed:	\$19,920
	Actual:	\$250,290
Address Ranges:	782 24 Road	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201 sewer service boundary
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation Company/ Grand Valley Drainage District
	School:	Mesa County Valley School District #51
	Pest:	Grand River Mosquito Control District

ZONE OF ANNEXATION:

Background:

The property is located north of I-70 on the east side of 24 Road. The property has a single-family residence, which is no longer occupied. The owners have begun planting lavender on the property and would eventually like to open a distillery here. The property owners have requested annexation into the City and a zoning of C-1 (Light Commercial) to facilitate their ideas.

Under the 1998 Persigo Agreement with Mesa County certain proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City. Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. The proposed zoning of C-1 (Light Commercial) implements the Comprehensive Plan Future Land Use Map designation of the property as Village Center Mixed Use.

Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:

Section 21.02.160 of the Grand Junction Municipal Code states: Land annexed to the City shall be zoned in accordance with GJMC Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The proposed zoning of C-1 (Light Commercial) implements the Comprehensive Plan Future Land Use Map designation of the property as Village Center Mixed Use.

Section 21.02.140(a) states: *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

6) *Subsequent events have invalidated the original premises and findings; and/or*

The Comprehensive Plan, adopted in 2010, designated the property as Village Center Mixed Use. The Village Center land use designation was new to this plan and superseded the previous designation of Estate derived from the 1996 Growth Plan.

This criterion has been met.

7) *The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or*

The applicant is requesting a zone district that will implement the Comprehensive Plan Future Land Use Map designation of Village Center, a concept that was introduced in 2010. The Village Center anticipates a mix of uses, including a broad range of commercial and higher density residential.

The Village Center designation extends along 24 Road from interchange at I-70 north to the intersection with H Road. The existing uses along this corridor are single-family and agricultural, which are anticipated to be redeveloped in the future, given the Village Center designation. New development within this corridor includes the Beehive Homes, an assisted living facility with 15 bedrooms at the southwest corner of 24 and H Road(s).

This criterion has been met.

- 8) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*

24 Road is designated as a north/south principal arterial, which connects US Highway 6 & 50 to I-70 and extends north to H Road, which is an east/west principal arterial from 21 to 25 Road. While the majority of the traffic is south of I-70, the designation anticipates additional traffic as the community grows, thereby making the adjacent properties attractive for commercial development.

There are public utilities already connected to the existing building(s), including potable water provided by the Ute Water Conservancy District, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility). Utility mains are adjacent to the subject parcel and can be utilized and/or upgraded as necessary by the developer to facilitate new use(s) or construction that may occur as a result of the proposed zoning.

This criterion has been met.

- 9) *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*

The existing zoning in unincorporated Mesa County is RSF-R (Residential Single-Family Rural), which is inconsistent with the Comprehensive Plan. The requested annexation is the first one to occur within this particular Village Center, one of several identified in various locations across the valley by the 2010 Comprehensive Plan.

The City of Grand Junction Economic Development Plan, adopted by the City Council in May 2014, identifies 1167 acres of C-1 (Light Commercial) zoned property within the city limits, the largest category of Mixed Use Districts representing 38.2% of all commercially zoned land area (including Planned Development). North of I-70, however, only 56 acres of C-1 property is available. Furthermore, only the adjacent parcel of approximately 14 acres could be considered "ready-to-develop", as defined by the Plan, with the remaining parcels lacking direct road access and/or direct utility access. The subject property has both, as discussed in Criterion 3, as well as an existing structure that could be repurposed for commercial purposes, satisfying Goal 6 of the Comprehensive Plan.

This request addresses the inadequate supply of ready to develop, commercially zoned land available with the identified Village Center.

This criterion has been met.

10) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

The proposed annexation and zoning is an economic development opportunity as it proactively prepares the property for future commercial development consistent with Goal 12 of the Comprehensive Plan and Goal 1.5 of the Economic Development Plan

This criterion has been met.

Alternatives: In addition to the C-1 zone district, the following zone districts would also implement the Comprehensive Plan designation of Village Center:

- b. R-8 (Residential – 8 du/ac)
- c. R -12 (Residential – 12 du/ac)
- d. R-16 (Residential – 16 du/ac)
- e. R-24 (Residential – 24 du/ac)
- f. R-O (Residential Office)
- g. B-1 (Neighborhood Business)
- h. MXR – (Mixed Use Residential – 3, 5)
- i. MXG – (Mixed Use General – 3, 5)
- j. MXS – (Mixed Use Shop – 3, 5)
- k. M-U (Mixed Use)

As evidenced by the number of zones above, the Village Center designation can be implemented in a variety of ways.

It is my professional opinion that the C-1 (Light Commercial) zone district is the best choice for this property, given that the adjacent property to the south is also zoned C-1.

If the City Council chooses an alternative zone designation, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION:

After reviewing the Proietti Zone of Annexation, ANX-2014-321, a request to zone the Proietti Annexation to C-1 (Light Commercial), the Planning Commission made the following findings of fact and conclusions:

- 8. The requested zone district of C-1 (Light Commercial) is consistent with the goals and policies of the Comprehensive Plan and implements the Village Center Mixed Use Future Land Use designation.
- 9. The review criteria in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code have all been met.

A ■ C ■ G

Austin Civil Group, Inc.

Land Planning ■ Civil Engineering ■ Development Services

May 7, 2014

Dear Brian,

On May 6, 2014 a neighborhood meeting was held at the Monument Smiles building located at 2558 Patterson Road in Grand Junction, Colorado by Dave and Lisa Proietti and Mark Austin with 8 neighbors attending (please see attached sign in sheet).

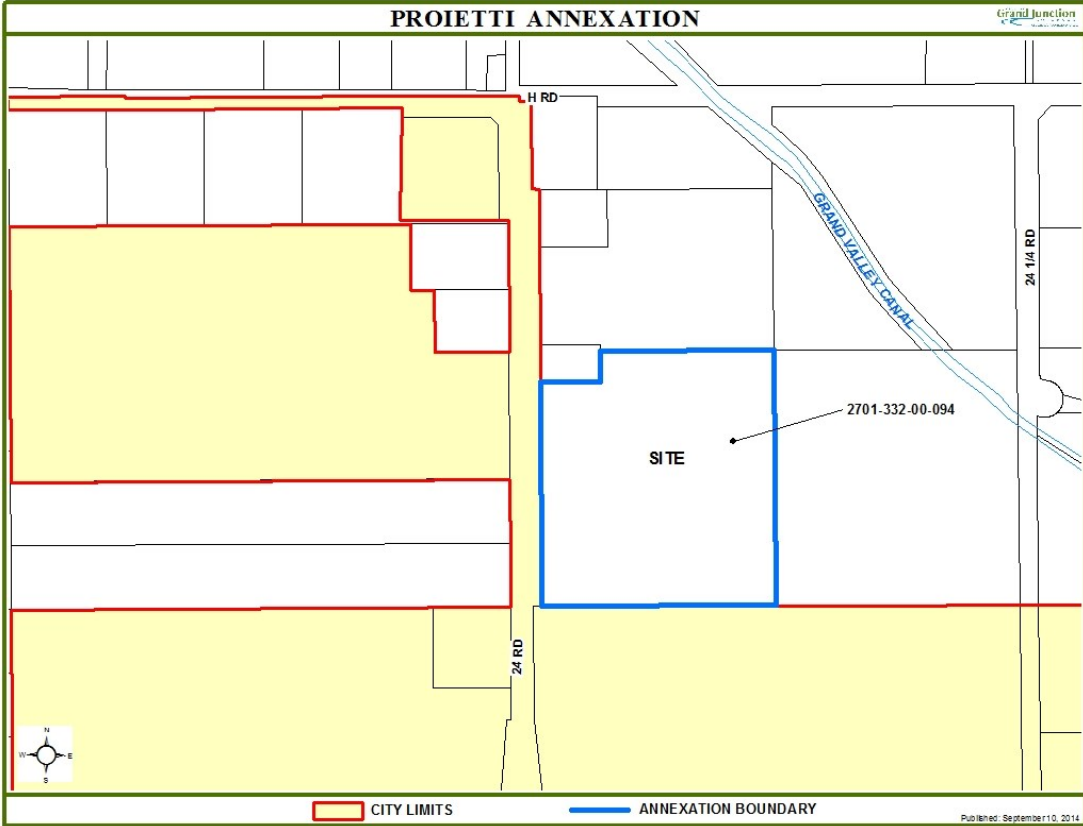
The question of irrigation was discussed and noted that no disruption of irrigation water will happen. There were no negative comments and the meeting was adjourned at 7:00 P. M.

Respectfully submitted,

Mark Austin, P.E.
President

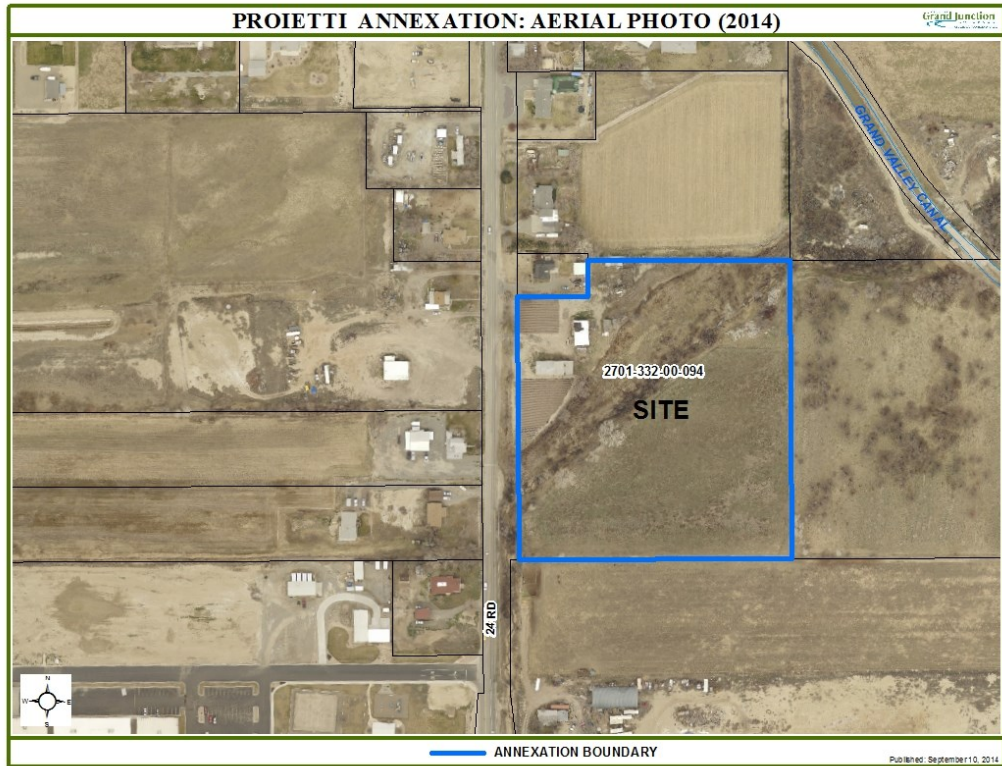
Annexation Map

Figure 1



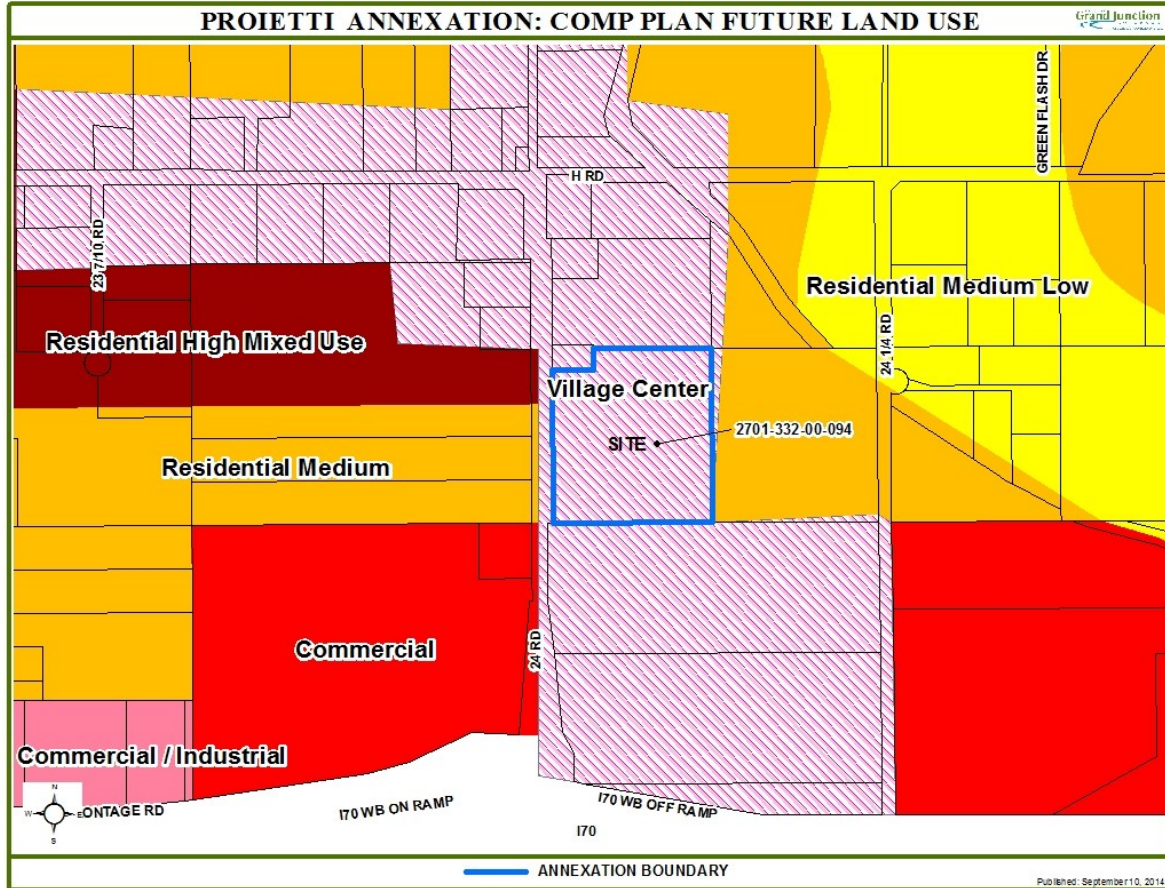
Aerial Photo

Figure 2



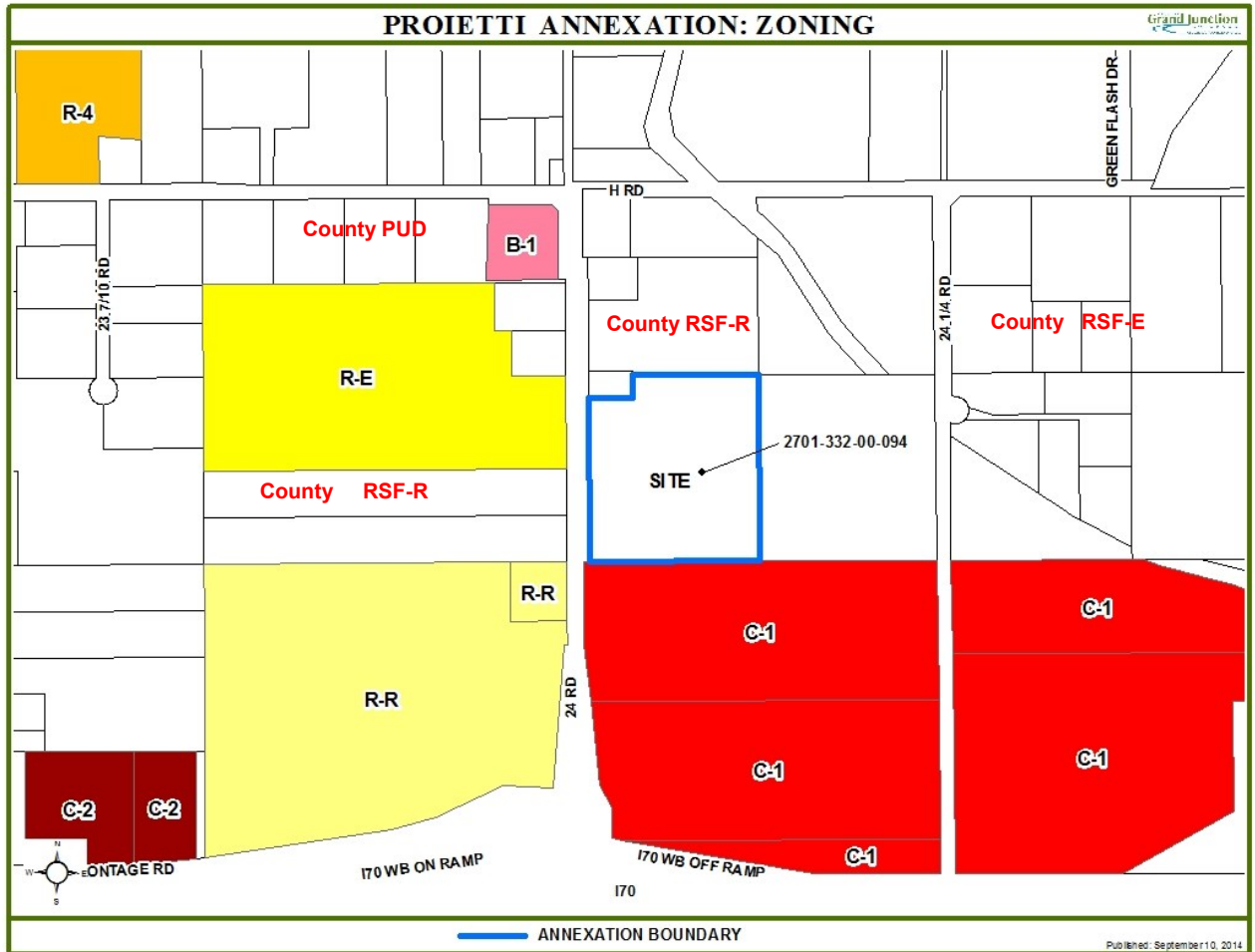
Comprehensive Plan – Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

PROIETTI ANNEXATION

LOCATED AT 782 24 ROAD

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 1st day of October, 2014, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

PROIETTI ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 33, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being a portion of Lot 5, Pomona Park, as same is recorded in Plat Book 1, Page 24, Public Records of Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the NW 1/4 NW 1/4 of said Section 33 and assuming the West line of the NW 1/4 NW 1/4 of said Section 33 bears N 00°03'00" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'33" E, along the South line of the NW 1/4 NW 1/4 of said Section 33, a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°03'00" E along the East right of way for 24 Road, as same is described in Book 1041, Page 325, Public Records of Mesa County, Colorado, a distance of 580.39 feet; thence S 89°48'31" E, along the South line of that certain parcel of land described in Book 3462, Page 933, Public Records of Mesa County, Colorado, a distance of 155.12 feet; thence N 00°07'49" E, along the East line of said parcel of land, a distance of 80.03 feet to a point on the North line of said Lot 5, Pomona Park; thence S 89°49'34" E, along the North line of said Lot 5, a distance of 453.17 feet to a point being the Northeast corner of Lot 5, Pomona Park; thence S 00°01'23" W, along the East line of Lot 5, Pomona Park, a distance of 660.20 feet to a point being the Southeast corner of said Lot 5, Pomona Park; thence N 89°50'33" W, along the South line of Lot 5, Pomona Park, a distance of 608.71 feet, more or less, to the Point of Beginning.

CONTAINING 389,405 Sq. Ft. or 8.939 Acres, more or less, as described hereon

WHEREAS, a hearing on the petition was duly held after proper notice on the 5th day of November, 2014; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED the _____ day of _____, 2014.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

PROIETTI ANNEXATION

APPROXIMATELY 8.939 ACRES

LOCATED AT 782 24 ROAD

WHEREAS, on the 1st day of October, 2014, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 5th day of November, 2014; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

PROIETTI ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 33, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being a portion of Lot 5, Pomona Park, as same is recorded in Plat Book 1, Page 24, Public Records of Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the NW 1/4 NW 1/4 of said Section 33 and assuming the West line of the NW 1/4 NW 1/4 of said Section 33 bears N 00°03'00" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'33" E, along the South line of the NW 1/4 NW 1/4 of said Section 33, a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°03'00" E along the East right of way for 24 Road, as same is described in Book 1041, Page 325, Public Records of Mesa County, Colorado, a distance of 580.39 feet; thence S 89°48'31" E, along the South line of that certain parcel of land described in Book 3462, Page 933, Public Records of Mesa County,

Colorado, a distance of 155.12 feet; thence N 00°07'49" E, along the East line of said parcel of land, a distance of 80.03 feet to a point on the North line of said Lot 5, Pomona Park; thence S 89°49'34" E, along the North line of said Lot 5, a distance of 453.17 feet to a point being the Northeast corner of Lot 5, Pomona Park; thence S 00°01'23" W, along the East line of Lot 5, Pomona Park, a distance of 660.20 feet to a point being the Southeast corner of said Lot 5, Pomona Park; thence N 89°50'33" W, along the South line of Lot 5, Pomona Park, a distance of 608.71 feet, more or less, to the Point of Beginning.

CONTAINING 389,405 Sq. Ft. or 8.939 Acres, more or less, as described hereon

be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 1st day of October, 2014 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2014 and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE PROIETTI ANNEXATION
TO C-1 (LIGHT COMMERCIAL)**

LOCATED AT 782 24 ROAD

Recitals

The Proietti Annexation consists of one parcel of 8.939 acres, located at 782 24 Road. The property owner has requested annexation into the City and a zoning of C-1 (Light Commercial). Under the 1998 Persigo Agreement between the City and Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

The City has also agreed to zone newly annexed areas using a zone district that implements the Comprehensive Plan. The proposed zoning of C-1 (Light Commercial) implements the Comprehensive Plan Future Land Use Map, which has designated the property as Village Center Mixed Use.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Proietti Annexation to the C-1 (Light Commercial) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1 (Light Commercial) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property be zoned C-1 (Light Commercial):

PROIETTI ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 33, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being a portion of Lot 5, Pomona Park, as same is recorded in Plat Book 1, Page 24, Public Records of Mesa County, Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the NW 1/4 NW 1/4 of said Section 33 and assuming the West line of the NW 1/4 NW 1/4 of said Section 33 bears N 00°03'00" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'33" E, along the South line of the NW 1/4 NW 1/4 of said Section 33, a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°03'00" E along the East right of way for 24 Road, as same is described in Book 1041, Page 325, Public Records of Mesa County, Colorado, a distance of 580.39 feet; thence S 89°48'31" E, along the South line of that certain parcel of land described in Book 3462, Page 933, Public Records of Mesa County, Colorado, a distance of 155.12 feet; thence N 00°07'49" E, along the East line of said parcel of land, a distance of 80.03 feet to a point on the North line of said Lot 5, Pomona Park; thence S 89°49'34" E, along the North line of said Lot 5, a distance of 453.17 feet to a point being the Northeast corner of Lot 5, Pomona Park; thence S 00°01'23" W, along the East line of Lot 5, Pomona Park, a distance of 660.20 feet to a point being the Southeast corner of said Lot 5, Pomona Park; thence N 89°50'33" W, along the South line of Lot 5, Pomona Park, a distance of 608.71 feet, more or less, to the Point of Beginning.

CONTAINING 389,405 Sq. Ft. or 8.939 Acres, more or less, as described hereon

INTRODUCED on first reading the 15th day of October, 2014 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2014 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Attach 14

CITY COUNCIL AGENDA ITEM

Date: October 20, 2014

Author: David Thornton

Title/ Phone Ext: Principal

Planner / 1450

Proposed Schedule: November 5, 2014

2nd Reading (if applicable): NA

File # (if applicable):

Subject: Commercial Catalyst Grant Program – North Avenue Revitalization

Action Requested/Recommendation: Adopt a Resolution Establishing the Commercial Catalyst Grant Program for North Avenue, Assigning a Council Member to sit on the Catalyst Committee, and Approving a 2014 Budgeted Line Item of \$50,000 to Fund the Program

Presenter(s) Name & Title: Tim Moore, Deputy City Manager
David Thornton, Principal Planner

Executive Summary:

In the continuing efforts to revitalize North Avenue, City Council will consider creating and funding a new Commercial Catalyst Grant Program to help fund streetscape and building façade projects on North Avenue. The grant program will require a 50% match from the property/business owner with grant amounts up to \$10,000 per property. Projects meeting the requirements of the program and approved by City Council will be funded on a first come first serve basis.

Background, Analysis and Options:

The Commercial Catalyst Grant Program is proposed to improve the streetscape and condition of building facades on North Avenue. Its purpose is to stimulate business, new development, redevelopment and pedestrian safety along the corridor.

The vision for the North Avenue corridor was established in the 2007 and 2011 North Avenue Corridor Plans (“the Plans”). The North Avenue overlay zone encourages development features considered critical to implementing the Plans through guidelines, standards, development incentives and alternative approaches for development and redevelopment. The Plans envision buildings located near the street, front doors that are inviting and readily accessible, signage on the building rather than pole signs, pedestrian facilities, and an inviting streetscape, to create a vibrant environment. The North Avenue overlay supports and implements the Comprehensive Plan goal of making the City a more livable place and is intended to stimulate commercial, pedestrian and other activity in the corridor.

Revitalization activities eligible for funding under the Commercial Catalyst Grant Program include exterior front façade repair, restoration, and upgrades as well as constructing streetscape and pedestrian improvements. In addition, up to \$1,500 of total grant funding can be spent on professional architectural design and engineering services. Approved grant funding will be reimbursed upon project completion.

Additional detail is found under “What Can I Use the Grant For?” section of the four-page Information/Application Packet (attached).

Proposed Review and Approval Process

1. A staff person from the City’s Community Development Division will be assigned to assist each applicant with the application process.
2. Applications can be hand delivered, mailed or submitted electronically to the City of Grand Junction.
3. Completed application packets will be forwarded to the Catalyst Committee, consisting of a staff planner, a City Council member and three North Avenue Owners Association designees to determine eligibility and make a recommendation on funding.
4. The Committee recommendation will be forwarded to City Council for official action. City Council can approve, approve with conditions, or deny the funding request.
5. Projects will be funded on a first come first served basis.

The following is an example of a recently constructed project on North Avenue that would have been eligible for the proposed grant program.

Taco Bell Before and After Example



Before



After

How this item relates to the Comprehensive Plan Goals and Policies:

The new Commercial Catalyst Grant Program supports the Comprehensive Plan’s Guiding Principle, “Sustainable Growth Patterns” encouraging infill and redevelopment on North Avenue and within the City Center Planning Area. It supports Goals 8 and 9 of the Comprehensive Plan and several policies.

Goal 8 Create attractive public spaces and enhance the visual appeal of the community through quality development.

Policy A Design streets and walkways as attractive public spaces.

Policy B Construct streets in the City Center...to include enhanced pedestrian amenities.

Policy F Encourage the revitalization of existing commercial...areas.”

Creating attractive streetscapes, building safer pedestrian facilities with a detached walk and improving exterior facades of older buildings along North Avenue will support Goal 8 and the 3 policies by creating attractive public spaces, enhancing pedestrian amenities and encouraging commercial revitalization.

***Goal 9** Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.*

The grant program will incentivize the development of a well-balanced transportation system that includes detached sidewalks along the corridor.

How this item relates to the Economic Development Plan:

The Commercial Catalyst Grant Program supports the City's 2014 Economic Development Plan; specifically Section 1.5 Supporting Existing Business: Continue to explore opportunities and review requests to assist the business community through tax policies, financing options and financial incentives.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

It is proposed that \$50,000 be allocated from the Economic Development budget in 2014 and 2015.

Legal issues:

With the adoption of the Resolution the City Council will be authorizing the program; recommendations for awards will be made by the committee and the expenditures will be authorized by the Council by separate action.

The City Council will need to select a member to the committee.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This program was discussed at City Council's October 6, 2014 workshop. Council directed Staff to develop a program with a \$50,000 budget for 2014 and \$50,000 budget for 2015.

Attachments:

1. Information/Application Packet
2. Resolution

Information/Application Packet

CITY OF GRAND JUNCTION NORTH AVENUE REVITALIZATION

CITY OF Grand Junction
COLORADO
North Avenue Overlay
Revitalization

COMMERCIAL CATALYST GRANT PROGRAM

AN INCENTIVE PROGRAM TO ENHANCE
THE ONGOING REVITALIZATION
OF NORTH AVENUE

INTRODUCTION TO THE PROGRAM

Goal: To improve the streetscape and condition of building facades on North Avenue.

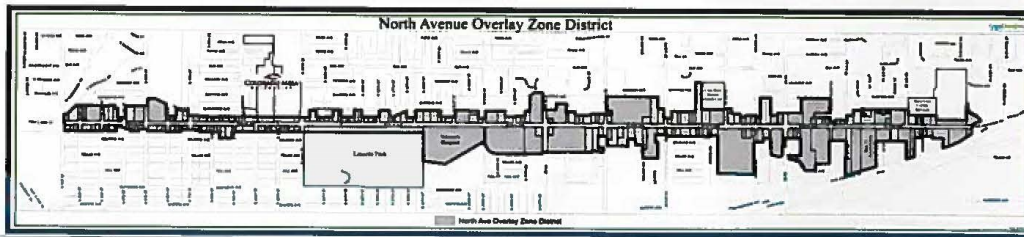
Purpose: To stimulate business, new development, redevelopment and pedestrian safety along the corridor.

Background: The vision for the North Avenue corridor was established in the 2007 and 2011 North Avenue Corridor Plans ("the Plans"). The North Avenue overlay zone encourages development features considered critical to implementing the plans by establishing guidelines, standards, development incentives and alternative approaches for development and redevelopment. The Plans envision buildings located near the street, front doors that are inviting and readily accessible, signage on the building rather than pole signs, more and safer pedestrian facilities, and an inviting streetscape, which will create an environment of vitality and livability. The overlay supports and implements the Comprehensive Plan goal of making the City a more livable place. The overlay's standards and guidelines are intended to stimulate commercial, pedestrian and other activity in the corridor.



ARE YOU ELIGIBLE?

- All nongovernmental commercial property owners abutting North Avenue are eligible.
- Applications will be considered based on visual impact on the surrounding environment. Improvements must be permanent to receive grant funding.
- Applications will be reviewed by the City of Grand Junction. Work cannot commence until the application is approved and all building permits, construction permits, access permits, and work in the right-of-way permits are obtained. The City has sole discretion and final determination to award funds.
- Application must be made by the property owner, or a business owner who has the owner's express written authorization.
- Awards will be limited to one per property. Funding for the program is not guaranteed. The grant requires a 50% match by the applicant. 50% of pre-tax façade, pedestrian safety and street-scape improvements are eligible for grant funding. 50% of the cost (up to \$1,500) for Architectural/Design services may be included in the grant. Maximum grant award is \$10,000 per property.
- Work must be started within three months of the date of approval and must be finished within twelve months of approval.
- All work must be completed before payment is made. New building construction is not eligible.



WHAT CAN I USE THE GRANT FOR?

Façade & Site Improvements

1. Repair, restore, or install exterior masonry, stucco or siding
2. Repair, replace or install exterior awnings, window, trim and doors
3. Upgrade exterior lighting
4. Signage Upgrades (removal of pole sign and signage placed on façade and/or monument sign with maximum height 12 ft.)*
5. Add plaza, fountain, outdoor dining, or other pedestrian features in front or side of building abutting North Avenue*

Pedestrian Safety & Streetscape Improvements

1. Construct detached sidewalk and park-strip running the entire length of the property*
2. Construct "park strip" hardscape features*
3. Renovate front entryway to enhance accessibility

* Implements the Vision, Guidelines and Priorities of the North Avenue Overlay Zone District found in Section 21.07.070 of the Grand Junction Zoning and Development Code

PLEASE NOTE:

INELIGIBLE IMPROVEMENTS INCLUDE

- Non-permanent fixtures and improvements
- Anything not visible from the public right of way unless it is a structural element necessary for façade improvement
- Any element of the proposal deemed to be inconsistent with the comprehensive Plan. City codes, zoning and corridor and area plans

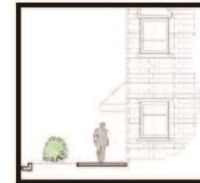
WHAT IF MY BUILDING IS SET BACK FROM THE ROAD?



Creating a streetscape that is envisioned by the North Avenue Corridor Plans and the North Avenue Overlay Zone District is important. Therefore, even if your building is set back from North Avenue and located behind a parking lot, the Commercial Catalyst Grant Program can still work for you. Catalyst funds can be used to

construct streetscape improvements or to enhance the curb appeal of your property.

Whether you opt in to the North Avenue Overlay Standards or not, improvements must conform to City engineering standards and Grand Junction Municipal Code requirements including the dedication of adequate right-of-way.



HOW DO I APPLY FOR A GRANT?

1. Contact Lori Bowers with the City's Community Development Division at 970-256-4016 to set up a meeting. She will assist you through the process.
2. Meet with City Community Development Staff to review your conceptual design and to establish eligibility.
3. Finalize your renovation and streetscape plans by working with architects, engineers,

- and/or builders. Provide a cost estimate with application.
4. Submit the attached application, which will be reviewed by the Catalyst Committee to receive initial acceptance and recommendation.
 5. For eligible costs, provide three bids for public improvements and up to two bids for private improvements.

6. Once the project is approved by City Council, begin work within three months. Keep detailed and accurate accounting of your actual costs.
7. Within 12 months of approval, complete project and submit your final report with invoices and receipts.
8. If all requirements of the grant have been met, receive reimbursement.

ADDING SIMPLE ARCHITECTURAL ELEMENTS, AWNINGS, WINDOW DISPLAY AREAS, SIGNAGE, AND PEDESTRIAN AREAS CAN ENHANCE THE NORTH AVENUE CORRIDOR



Grand Junction Commercial Catalyst Improvement Grant Program APPLICATION

*Please note that application will not be considered until all information
is submitted to the City Community Development Division, 250 N. 5th Street, Grand Junction, CO 81501,
or scan and email to planning@gjcity.org.*

Name of Applicant: _____

Mailing Address: _____

Phone Number(s): _____

Email: _____

Project Address: _____

Business Name: _____ Parcel Number: _____

Work to be performed on Front Façade Improvements and/or Pedestrian Safety & Streetscape (check all that apply):

- Repair, restoration, or installation of exterior masonry, stucco or siding
- Repair, replacement or installation of exterior awnings, window trim and doors
- Exterior lighting upgrades
- Signage upgrades (removal of pole or free-standing sign and new sign placed on facade)
- Addition of a plaza, fountain, outdoor dining or other pedestrian features in front of building and abutting North Avenue
- Construction of detached sidewalks and park-strip running the entire length of the property
- Construction and/or installation of park-strip hardscape features
- Design/ Architect services for project (up to \$1,500)
- Renovation of front entryway to make more accessible
- Other (please describe) _____

Projected Start/ Finish Dates for Project: _____

Total Estimated Cost of Improvements: \$ _____

Grant Program Amount Requested: \$ _____

Grand Junction Commercial Catalyst Grant Program

AGREEMENTS AND CONDITIONS

1. The following information must be submitted with your application: plans drawn to 30 scale; samples or depictions of finishes to be used; photos of existing condition of property; and detailed budget of project including cost estimates by contractors.
2. By submitting and signing this Application, the Applicant certifies and agrees to all terms and conditions of the Program, including:
 - The Applicant is in good standing with the City including payment of all taxes to the City of Grand Junction.
 - The Applicant agrees to adhere to the goals and vision for North Avenue as established in the Comprehensive Plan and the North Avenue Corridor Plans.
 - The Applicant agrees that all improvements to be undertaken will be consistent with all applicable zoning and building codes. Grand Junction Planning Commission or City Council review, where required must be conducted prior to commencement of work on the catalyst project. All permits and other requirements are the Applicant's sole responsibility.
 - The project must be started within three months of approval and completed within twelve months of approval to be eligible for reimbursement. Any work done on the project prior to approval of application is ineligible for reimbursement.
 - Only the work that is described in the application and approved by the Grand Junction City Council shall be eligible for reimbursement. Disbursement of funds will be made only after the entire project is complete and passes required inspections.
 - The Applicant must submit before and after photos of the project, copies of invoices, receipts, and a signed itemized statement of the total cost of the project to the City. All documentation for reimbursement must be provided to the City at time of request, with a maximum of two reimbursements. All receipts must be provided no more than 15 months after the application has been approved.
 - The Applicant understands that he/she is responsible for all construction management, including but not limited to traffic control and any permits required by the Colorado Department of Transportation (CDOT).
 - The project grant award will at all times be within the program guidelines. The amount designated by the City will not be increased due to cost overruns, changes in scope or other changes made or necessitated by the applicant, its agents and/or financiers.
 - It is expressly understood and agreed that the Applicant shall be solely responsible for all safety conditions and compliance with all applicable regulations, codes, and ordinances.
 - The Applicant shall indemnify, protect, defend, and hold harmless the City of Grand Junction and its agents and employees from all claims, damages, lawsuits, costs, and expenses for any property damage, personal injury, or other loss relating in any way to the Grand Junction Commercial Catalyst Grant Program.

Applicant's Signature: _____ Date: _____

Attest: (if LLC, Corporation or Legal Entity other than Sole Proprietorship)

Owner's Signature (if different): _____ Date: _____

Attest: (if LLC, Corporation or Legal Entity other than Sole Proprietorship)

RESOLUTION NO. ____-14

A RESOLUTION ESTABLISHING THE COMMERCIAL CATALYST GRANT PROGRAM FOR NORTH AVENUE

Recitals:

A goal of the City's 2014 Economic Development Plan ("Plan") is to support existing businesses with and through business improvement and/or expansion initiatives. The creation of a façade renovation grant program is one such initiative and with this resolution the City Council seeks to implement the goal as discussed on pages 9-10 of the Plan with the creation of a grant program.

North Avenue is an important commercial corridor in the City. In 2007 and 2011 the City Council adopted two North Avenue Corridor Plans ("Corridor Plans".) Among other things the Corridor Plans encourage development that locates buildings near the street, offers front doors that are inviting and readily accessible, provides for building rather than pole signs, enhances better and safer pedestrian features and affords an inviting streetscape all to help create a vibrant shopping and business environment.

The City Council has carefully considered formulating and funding a grant program which will make funds available to property and business owners to improve the streetscape and building facades on North Avenue and determined that the program will help to stimulate business, new development/redevelopment and realize pedestrian safety improvements in and along the corridor. The City Council sees the grant program as a means to implement the vision of the Corridor Plans and the goals of the Economic Development Plan.

The City Council intends that (1) a Commercial Catalyst Grant Program be established for the North Avenue corridor which will provide partial reimbursement for revitalization projects such as exterior front façade repair, restoration and upgrades; professional architectural and engineering design services; and streetscape and pedestrian improvements; (2) applications for grant funding be evaluated based upon the intent and purposes stated in this Resolution and (3) \$50,000 of the City Council economic development fund will be used to support the grant program.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The Commercial Catalyst Grant Program for North Avenue is hereby established to improve the streetscape and condition of building facades on North Avenue to stimulate business, attract new development, redevelopment and enhance pedestrian activities and safety along the corridor all as generally and specifically provided herein.

The application and other administrative details of and for the Commercial Catalyst Grant Program for North Avenue shall be established by the City Manager with future funding for the program, if any, to be determined by City Council.

PASSED AND APPROVED this _____ day of _____, 2014.

Phyllis Norris
President of the Council

ATTEST:

Stephanie Tuin
City Clerk



Date: 10/22/15

Author: Duane Hoff Jr.

Title/ Phone Ext: Senior

Buyer/1545

Proposed Schedule:

11/05/14

2nd Reading

(if applicable): _____

Attach 15

CITY COUNCIL AGENDA ITEM

Subject: Contract for City of Grand Junction CNG Slow-Fill/Time-Fill Fueling Station Expansion Project
Action Requested/Recommendation: Authorize the City Purchasing Division to Enter into a Contract with Ward Alternative Energy, LLC of Commerce City, CO in the Amount of \$463,361, for the Expansion of the City’s CNG Fueling Station to Include an Additional 10 Fueling Stations
Presenter(s) Name & Title: Tim Moore, Deputy City Manager Jay Valentine, Internal Services Manager Bret Guillory, Engineering Program Supervisor

Executive Summary:

This request is to authorize the City Purchasing Department to award a contract with Ward Alternative Energy, LLC of Commerce City, CO for the expansion of the City’s CNG Fueling Station. There are currently ten time fill stations that service 18 City CNG vehicles and four Grand Valley Transit (GVT) vehicles. Four more CNG vehicles and four more GVT vehicles are expected in the next two months.

Background, Analysis and Options:

There are currently ten time fill stations at the existing CNG fueling facility, and one fast fill station (operated by Monument Oil) located in the City Shops campus. Time fill stations offer an advantage over fast fill in that they provide for slower more efficient and complete filling of CNG fuel tanks. Large vehicles that are less fuel efficient require a more complete fill in order to have enough fuel to be utilized for a full working day.

Currently, the time fill stations are shared by 18 City fleet vehicles and four GVT busses. The vehicles that utilize the time fill station are large pieces of equipment that can take up to eight hours to fill. These vehicles are also only available to fuel at certain times of the day. Solid waste trucks and GVT busses are only available to fuel during off duty hours. City dump trucks that are typically not utilized all day long can be fueled under a more flexible schedule. Currently, Fleet staff has to be very resourceful in accommodating the current number of vehicles by shuttling trucks in and out of the fueling spots, and coordinating fuel times with the GVT busses.

The addition of ten more time fill stations and an additional compressor, (totaling four compressors), will allow more efficient and reliable fuelling of our current, and growing, fleet.

The City currently has 20 CNG vehicles, with two that use fast fill. Four more large City vehicles are expected in the next two months that will utilize the time fill stations. Four more new busses are also expected soon that will utilize time fill stations. The City also has eight smaller vehicles expected that will utilize fast fill. In the next few months the City will have 26 vehicles that will need to utilize a time fill station.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, sent to a secondary list of potential known firms, and advertised in The Daily Sentinel. Two companies submitted formal bids, which were found to be over the project budget, in the following amount:

Firm	Location	Amount
Zeit Energy	Dallas, TX	\$504,540.78
TV Johnson and Son, Inc.	Butler, WI	\$692,700.00

These bid prices were not only over budget, but were considered by the City's Public Works and Utilities Department to be excessive for the amount of work proposed for the project. This solicitation process was therefore cancelled, and the Purchasing Department, with the assistance of the Public Works and Utilities Department, began seeking out additional firms to get a better comparison on the project pricing and options. Of those sought, the best negotiated pricing attainable from a responsive and responsible firm was found in Ward Alternative Energy, LLC of Commerce City, CO for an amount of \$463,361.00.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

This equipment will allow for continued reliable Solid Waste, street maintenance and public transportation services to our community.

How this item relates to the Economic Development Plan:

Section 1.4 - Providing Infrastructure that Enables and Supports Private Investment.

Goal: Continue to make investments in capital projects that support commerce and industry and provide for long-term economic competitiveness.

Public infrastructure is the foundation for economic development. Access to roads, water, sewer, communication technologies, and electricity are all essential to the economy.

Installation of these additional CNG time fill stations, and additional compression, will provide for more efficient and reliable vehicle fueling. This will provide for more reliable Solid Waste and Street System services to the community.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

There are adequate funds budgeted in the Fleet and Solid Waste accounts for this project.

Project Funding

<i>Fleet Services</i>	<i>\$150,111</i>
<i>Solid Waste</i>	<i>\$100,000</i>
<i>DOLA Grant</i>	<i>\$200,000</i>
<i>GVT</i>	<i>\$13,250</i>
<i>Total Funding Available</i>	<u><i>\$463,361</i></u>

Project Costs

<i>Ward Energy, LLC</i>	<i>\$463,361</i>
-------------------------	------------------

Legal issues:

If approved the form of the agreement(s) will be reviewed and approved by the City Attorney.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The Department of Local Affairs grant funding has been discussed with Council previously.

Attachments:

No attachments



THE STRAW CHALLENGE

Most people ask what it feels like to live with pulmonary hypertension... breathing is a struggle. To get an idea simply plug your nose, place a coffee stirrer/straw in your mouth and breathe for one minute. That is similar to what it feels like at rest. Even mild activity is difficult. Try running in place while breathing through the straw for one minute to experience what it can feel like. Thank you for taking The Straw Challenge!

**Sometimes symptoms include
But sometimes they don't**

PHIA 570

LIPHe in the Grand Valley
pulmonary hypertension support

www.SometimesItsPH.org

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 11/5/14
Citizen's Name: Dance Lotumillein
Address: 445 Chipeta Ave #25
Phone Number: _____
Subject: Compliance Motion "Habit Pooled"

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.