

**GRAND JUNCTION CITY COUNCIL
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, AUGUST 7, 2002, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Eldon Coffey, Retired Minister

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING AUGUST 17, 2002 AS "GRAND JUNCTION HIGH SCHOOL'S CLASS OF 1962 DAY" IN THE CITY OF GRAND JUNCTION

APPOINTMENTS

TO THE RIVERFRONT COMMISSION

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO BOARD MEMBERS FOR THE DOWNTOWN DEVELOPMENT AUTHORITY

SCHEDULED CITIZEN COMMENTS

***** CONSENT CALENDAR *****

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Minutes of the Special Meeting of June 24, 2002, the Summary of the July 15, 2002 Workshop and the Minutes of the July 17, 2002 Regular Meeting

2. Contract for Painting Stadium Stands[Attach 2](#)

Contract for painting of the metal stadium stands at Stocker Stadium and Suplizio Field. The project consists of steam cleaning stands, treating rust areas and painting all previously painted areas of the metal stands including hand rail and area underneath. The Stadium was last painted in 1997.

The following bids were opened on July 18, 2002:

Contractor	From	Bid Amount
Westwind Painting	Grand Junction	\$58,419.00
DeHaven Painting	Grand Junction	\$69,680.00

Action: Authorize the City Manager to Sign a Contract for Painting the Stadium Stands with Westwind Painting Contractors for \$58,419.00.

Staff presentation: Joe Stevens, Director of Parks and Recreation

3. Contract for Engineering Options for the Riverside Parkway Project[Attach 3](#)

This project consists of analyzing the Colorado River in the area of HWY 50 and the Union Pacific Railroad to determine if the proposed Riverside Parkway can be constructed under the existing bridges. The analysis will identify and address issues associated with various agencies including the U.S. Fish and Wildlife, U.S. Army Corps of Engineers, the Federal Emergency Management Agency and Colorado Division of Wildlife.

Action: Authorize the City Manager to Sign a Contract for the Hydraulic Analysis and Design for the Riverside Parkway with Owen Ayres and Associates, Inc. Not to Exceed the Amount of \$288,000.

Staff presentation: Tim Moore, Public Works Manager

4. Contract for 2002 Street Pavement Overlays[Attach 4](#)

Bids were received and opened on July 30, 2002 for the 2002 Pavement Overlays construction project. The low bid was submitted by Old Castle SW Group dba United Companies of Mesa County in the amount of \$619,496.00.

The following bids were opened on July 30, 2002:

Old Castle SW Group	\$619,496.00
Elam Construction Inc.	\$664,664.00
Engineer's Estimate	\$730,911.75

Action: Authorize the City Manager to Execute a Construction Contract for 2002 Street Pavement Overlays with Old Castle SW Group in the Amount of \$619,496

Staff presentation: Tim Moore, Public Works Manager

5. **Setting a Hearing on the Gerick Annexation, Located at 324 Quail Drive** [File # ANX-2002-136] [Attach 6](#)

The Gerick Annexation is an annexation comprised of 1 parcel of land on 4.5293 acres located at 324 Quail Drive. The owner is seeking annexation as part of their request for an administrative review of a simple subdivision for a proposed new single family residence, pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 76-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Gerick Annexation Located at 324 Quail Drive

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Gerick Annexation, Approximately 4.5293 Acres, Located at 324 Quail Drive

**Action: Adopt Resolution No. 76-02 and Proposed Ordinance on First Reading Setting a Hearing for September 18, 2002*

Staff presentation: Ronnie Edwards, Associate Planner

6. **Setting a Hearing on Amending the Zoning and Development Code Regarding Design Standards for the B-1 Zone District** [File # TAC-2002-131] [Attach 7](#)

The following amendments to the Zoning and Development Code pertaining to the Neighborhood Business (B-1) zone district and the sign code are proposed
 1) revise the application of the zone district to the Growth Plan Future Land Use Map; 2) refine and clarify the scale, scope and intensity of land uses intended in a neighborhood business center; and 3) expand performance standards to address neighborhood compatibility concerns.

Proposed Ordinance Amending the Zoning and Development Code Pertaining to Neighborhood Business (B-1) Zone District and Sign Code

Action: Adopt Proposed Ordinance and Set a Hearing for August 21, 2002

Staff presentation: Kristen Ashbeck, Senior Planner

7. **Revocable Permit for Boomer’s Located 436 Main Street** [File # RVP-2002-147] [Attach 8](#)

Boomer’s Restaurant and Nightclub, to be located at 436 Main Street, is requesting approval of a Revocable Permit for a required grease trap in the alley right-of-way behind this location.

Resolution No. 57-02 – A Resolution Concerning the Issuance of a Revocable Permit to Janet Gardner and Chester L. Allen dba as Boomers Located at 436 Main Street

**Action: Adopt Resolution No. 57-02*

Staff presentation: Lori Bowers, Senior Planner

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

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

8. **Award of Grant for COPS in Schools Program** [Attach 5](#)

The U.S. Department of Justice *awarded* the Grand Junction Police Department a grant to provide funds toward salaries and benefits for a School Resource

Officer who will be assigned to work in and around schools under the COPS in Schools grant program.

Action: Authorize the City Manager to Accept the COPS in Schools Grant Award of \$125,000 to Assist in the Funding of One School Resource Officer over a Three-year Period

Staff presentation: Greg Morrison, Police Chief

9. **Public Hearing - Transfer of the City's 2002 PAB Allotment to CHFA**

[Attach 10](#)

The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fifth time in 2002 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Ordinance No. 3453 – An Ordinance Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of City Of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

**Action: Adopt Ordinance No. 3453 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director
Dan Wilson, City Attorney

10. **Public Hearing - Reconsidering the Rezone Request for Valley Meadows North Development** [File #RZP-2002-019] **CONTINUED FROM THE JULY 17, 2002 MEETING** [Attach 11](#)

Reconsideration and second reading of the Rezoning Ordinance for the Valley Meadows North property Located at the North End of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family - 4 (RSF-4).

Ordinance No. 3452 – An Ordinance Rezoning the Valley Meadows North Property, Located at the North End of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

**Action: Adopt Ordinance No. 3452 on Second Reading*

Staff presentation: Lisa Gerstenberger, Senior Planner

11. **Discussion of Ethical Standards for Members Serving on City Boards and Commissions** [Attach 9](#)

A discussion of standards for advisory boards and City groups, as well as for the members of City Boards and Commissions that have final administrative decision-making duties.

Staff presentation: Dan Wilson, City Attorney

12. **NON-SCHEDULED CITIZENS & VISITORS**

13. **OTHER BUSINESS**

14. **ADJOURNMENT**

**Attach 1
Minutes of Previous Meetings**

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

JUNE 24, 2002

The City Council of the City of Grand Junction, the Board of Trustees for the Town of Palisade, the City Council of the City of Fruita, the Board of Directors for the Grand Junction Drainage District and the Board of County Commissioners for Mesa County, convened into a special session the 24th day of June, 2002, at 7:45 p.m. in the Adobe Creek Room at Two Rivers Convention Center, 159 Main Street. Grand Junction Councilmembers present were Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Cindy Enos-Martinez. Absent was Councilmember Harry Butler. City Staff present were City Manager Kelly Arnold, City Attorney Dan Wilson, Assistant City Manager Dave Varley, Public Works Manager Tim Moore, Utilities Manager Greg Trainor, and Utilities Engineer Trent Prall.

Mesa County Commissioners Jim Baughman, Doralyn Genova and Chair Kathy Hall were present along with County Attorney Lyle Dechant, Engineer Mike Meininger, Paralegal Donna Ross, and Clerk to the Board Bert Raley. Fruita City Councilmembers in attendance were Mayor Jim Adams, Mel Mulder, Ken Dodgion, Dave Karisny, Nick Kohls, Trinidad Silva, their engineer and City Clerk Margaret Steelman. Palisade Trustees present were Mayor Dean Smith, Galen Wallace, Patty Hammond, Geraldine Burdick, Fesalene Ashurst, Bill Christopher, staff Bonnie Pearson and Town Clerk Judy Lockwood. The Grand Junction Drainage District was represented by Board members Jim Adams (also Fruita Mayor), David Courtney, Art Bulla, Manager John Ballaugh and Clerk Donna Garlitz.

Some members of the public were also present: Doug Fassbinder, Mr. and Mrs. Scott and Daily Sentinel Reporter Mari Vader.

Mike Meininger of Mesa County Engineering Department, summarized the purpose for the meeting, the purpose being to address valley-wide stormwater issues in a joint effort rather than as five separate entities. He presented a slide show which touched upon Clean Water Act regulations that will require permitting for the City of Grand Junction, Mesa County and perhaps the other entities as well. The permit is to address stormwater and its associated pollution of the water systems.

Another reason for the entities coming together to address stormwater issues are the number of items in common that must be addressed such as a backlog of operations and maintenance, capital improvements and some of the flooding problems.

Mr. Meininger then identified the numerous drainage districts and the other jurisdictions along with the 28 different drainage basins that cross these jurisdictional lines and stated a big problem is knowing who to call when there is a problem.

Mr. Meininger concluded by stating the primary goal is to form a steering committee to address some of these issues by making recommendations for long range valley-wide storm water management. He and other staffers set a goal of having a final report from the Steering Committee by August, 2003. He identified some possible options that might come out of such a report.

A committee of 12 to 15 members with staff facilitating was proposed and a list of 9 for steering committee appointments was handed out for initial consideration.

Grand Junction Councilmember Kirtland felt more information was needed and more direction would need to be given to the Committee members before sending this effort out.

Mr. Meininger noted that on March 10, 2003 the discharge permits will be needed. On the other items, whether to address the flooding issues and how to address them is the question.

Mr. Trent Prall, City Utilities Engineer, added that for the Phase II Stormwater Regulations he suggests a best practices approach with control over development, structural controls, and public education (e.g. adopt-a-stream program).

Grand Junction Councilmember Jim Spehar inquired who will be responsible for complying with regulations. Mr. Meininger replied that it will depend on whether a stormwater utility is formed. Mr. Prall suggested that would be in the future, for the time being intergovernmental agreements will probably be used. Councilmember Spehar asked if the proposed Committee will look at all the basins and prioritize them? Mr. Meininger replied no. Mr. Spehar suggested that expectations should then be set based on what's affordable.

Drainage District Manager John Ballaugh stated that they are looking for a way to prioritize the issues, that is, what kind of organization can address stormwater, and how aggressively do they want to attack these issues.

Grand Junction City Councilmembers were concerned that the Committee should be getting clear and neutral direction so that they could form recommendations.

Mesa County Commission Chair Kathy Hall called for a conclusion to the discussion and a vote from each entity as to the formation of a Steering Committee. Mesa County, the City of Fruita, the Town of Palisade and the Grand Junction Drainage District each

and separately adopted the proposed resolution forming the Steering Committee. The City of Grand Junction declined to make a decision that night, stating more information and time to consider the information provided that night was needed. The Grand Junction Council decided to discuss it further on July 15th with possible adoption on July 17th.

Grand Junction Councilmember Bill McCurry left the meeting 8:20 p.m.

The meeting adjourned at 8:22 p.m. The Grand Junction City Council went into workshop session.

GRAND JUNCTION CITY COUNCIL WORKSHOP

July 15, 2002

The City Council of the City of Grand Junction, Colorado, met on Monday, July 15, 2002 at 7:10 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobald and President of the Council Cindy Enos-Martinez.

Summaries and action on the following topics:

1. **DOWNTOWN DEVELOPMENT AUTHORITY/CITY OF GRAND JUNCTION MEMORANDUM OF UNDERSTANDING:** City Council and DDA discussed an MOU that defines the relationship between the two entities and outlines their respective responsibilities. Bruce Hill, DDA Chair, thanked the Council for all their support and supported the adoption of the proposed MOU. The crafting of the document clarified positions and is good timing with the new director coming on board. Harold Staf, new DDA Director, addressed the Council and echoed Mr. Hill's sentiments. City Manager Kelly Arnold referred Council to item 11 and said once the MOU is adopted, the drafting of agreements referred to will be documented, such as the things that Parks does downtown. Councilmember Kirtland expressed a desire not to create a paper mill, i.e., so the DDA Director is not spending an enormous amount of time documenting all these things. He also disagreed with the language of "roughly equivalent" being used to refer to the DDA's personnel policy. Councilmember Terry explained the evolution of the document. The DDA has the option to create their own personnel policy. Councilmember Terry added that because there is oversight by the City's Human Resources there need to be similarity between the two policies. City Attorney Wilson advised that other terminology can be used. In terms of the reporting, Councilmember Terry expressed that once the reports are defined that they will not be onerous to produce.

Councilmember Kirtland disagreed with 7 b, the annual letter that states that DDA employees are not City employees. Both Councilmember Terry and Theobald stated that it has been an issue and is underscored by the fact that the employees get a paycheck through the City's payroll.

Action summary: The City Council directed Staff to put the proposed MOU on the Wednesday agenda, under the Consent Calendar.

2. **STORM WATER COMMITTEE RESOLUTION:** City Council will discuss

a resolution forming a valley-wide stormwater committee that was presented at a joint workshop June 24. Public Works Director Mark Relph summarized the request. First the new regulations coming into law will be addressed by Staff and the City will be in compliance. The next issue is the lack of infrastructure throughout the City for drainage. However, a tremendous effort on the part of Council has been made in recent years to budget funds to eliminate drainage problems like separation of the combined sewer and storm drainage. The third issue is the maintenance valley-wide and the overlap of the various jurisdictions. A grant has been applied for to bring in a consultant to explore options for addressing various stormwater management and capital needs long-term. The steering committee being proposed is to help guide, along with the consultant, the development of a work plan for the future.

Action summary: Staff was directed to review the proposed list of appointees and ensure that the slots that were originally identified were filled. Staff was further directed to add the proposed Resolution creating a Stormwater Management Committee to the Consent Calendar on Wednesday's agenda.

3. **CITY-OWNED RANCH LAND:** City Council reviewed historical use of this land in order to provide direction on developing a policy on future use. Utilities Manager Greg Trainor reviewed the City's properties in the Kannah Creek area on the Grand Mesa and detailed the various water rights in the City's control. City Manager Arnold summarized that the purpose of the overview is to start a process whereby City Council could develop some guiding policies for these properties.

Action summary: Councilmember Spehar expressed that he does not feel a great pressure for any change in the current policy. He did question Staff bringing requests for conservation easements to Council when there is no net benefit to the City. Councilmember Terry said that is exactly why there needs to be a policy in place to help guide Staff when they are approached with these types of requests. Councilmember Spehar concurred and said it could be that such requests are not brought to Council unless there is some leverage item included. City Manager Arnold said the policy could include other things, like what uses are not allowed on these properties. Councilmember Terry said a definition of conservation easement should be included. Mr. Trainor said that in 1990 when the Sommerville Ranch was purchased, Staff was inundated by realtors and developers wanting to purchase the property. Once Council adopted a resolution stating that the property will not be sold, the inquiries stopped.

Councilmember Kirtland asked about the conversion for the water rights on Sommerville Ranch. City Attorney Wilson stated that the due diligence work is in process to have a consumptive use, albeit agricultural right now. Once enough of the agricultural use has been historic, then the conversion can begin. The objectors will be those in the Whitewater Creek basin, junior right holders but still would have to be made whole if the water was to be converted to municipal use. Mr. Trainor identified some of the conversions that have already taken place. Total consumption on the Sommerville Ranch is being documented. There are ways of moving up the City's junior rights on the priority list by trading rights and then abandoning those senior stock water rights for example.

Staff will be drafting some proposals for Council to consider regarding policies for these properties.

The meeting adjourned at 8:55 p.m.

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

July 17, 2002

The City Council of the City of Grand Junction convened into regular session on the 17th day of July 2002, at 7:33 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Reford Theobald, and President of the Council Cindy Enos-Martinez. Councilmember Janet Terry was absent. Also present were City Manager Kelly Arnold, City Staff Attorney Stephanie Rubenstein and City Clerk Stephanie Tuin.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Kirtland led in the pledge of allegiance. The audience remained standing for the invocation by Gary Cake, More than Words Ministry

APPOINTMENTS

APPOINTMENTS TO DOWNTOWN DEVELOPMENT AUTHORITY

Councilmember Spehar moved to reappoint PJ McGovern and appoint Larry Botkin to the Downtown Development Authority for four-year terms. Councilmember McCurry seconded. Motion carried.

RATIFY REAPPOINTMENTS TO THE BUILDING CODE BOARD OF APPEALS

Councilmember Kirtland moved to ratify the reappointments of Thomas Cronk, David Reinertsen and Ray Rickard to the Building Code Board of Appeals. Councilmember McCurry seconded. Motion carried.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

TO THE PARKS AND RECREATION ADVISORY BOARD

The Mayor presented Certificates of Appointment to Bob Cron and Tom Dixon.

PROCLAMATIONS

**PROCLAIMING AUGUST 6, 2002 AS "NATIONAL NIGHT OUT" IN THE CITY OF
GRAND JUNCTION**

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, to approve Consent Items #1 through #14.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the June 24, 2002 Workshop and the Minutes of the June 26, 2002 Regular Meeting.

2. **Setting a Hearing to Transfer the City's 2002 PAB Allotment to CHFA**

The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fifth time in 2002 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Proposed Ordinance Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of City Of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

Action: Adopt Proposed Ordinance of First Reading and Set a Hearing for August 7, 2002

3. **Downtown Development Authority Memorandum of Understanding Regarding Its Relationship with the City**

A Memorandum of Understanding between the City of Grand Junction and the Downtown Development Authority which supplements the DDA's bylaws and rules and outlines the relationship between the two parties and the duties and responsibilities of each party.

Action: Authorize the City Manager to Sign the Memorandum of Understanding with the DDA

4. **FY 2003 Unified Planning Work Program and FY 2003 Consolidated Planning Grant Annual Certifications and Assurances**

Approve and sign a Joint Resolution with Mesa County and the City of Grand Junction adopting 1) the FY 2003 Unified Planning Work Program (UPWP), and 2) the FY 2003 Consolidated Planning Grant Annual Certifications and Assurances.

Resolution No 65-02 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 2003 Unified Planning Work Program and the Fiscal Year 2003 CPG Certifications and Assurances

Action: Adopt Resolution No. 65-02

5. **Contract for the Signal Communication Project Phase 1A**

The Signal System Communications Phase 1A consists of the installation of fiber optic cable to connect the Transportation Engineering building at the City Shops with 14 signals on Highway 340, I70B and F Road at the mall. This is the first of several projects that will eventually connect the traffic signals as well as provide a fiber optic line between city, county and state facilities. The intent is to permit the City of Grand Junction to control the signal timing from their facilities via a fiber optic connection.

The following bids were opened on July 2, 2002:

Bidder	From	Bid Amount
W.L. Contractors	Arvada, CO	\$398,929.5
Mastec	Colorado Springs, CO	\$303,398.50
Hidden Peak Electric	Murray, UT	\$221,122.00
Sturgeon Electric	Henderson, CO (has GJ Office)	\$173,505.60
Temple & Petty	Grand Junction, CO	\$214,918.80

Action: Authorize the City Manager to Sign a Construction Contract for the Signal System Communications Phase 1A with Sturgeon Electric in the Amount of \$173,505.60

6. **CDOT Grant Contract for Broadway Beautification**

Adoption of a Resolution Accepting \$275,440 in Funds from CDOT (FHWA) to Landscape the Broadway (Hwy. 340) Median from the Colorado River West to E. Mayfield Dr. and for the City and the Broadway Beautification Committee to match those funds with \$40,860 and \$28,000, respectively.

Resolution No. 66-02 – A Resolution Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation to utilize FHWA (Federal Highway Administration) Funds to Improve the Median along Broadway (Hwy. 340) from the Colorado River West to E. Mayfield Dr.

Action: Adopt Resolution No. 66-02

7. **Construction Contract for Purdy Mesa By-pass**

Bids were received and opened July 9, 2002. Skyline Contracting, Inc. submitted the only bid in the amount of \$86,000.00. The project generally consists of a reconfiguration of the Juniata Reservoir outlet works. Construction will include installation of two concrete vaults, valving and other appurtenances, and installation of approximately 600 lineal feet of 16" C-905 PVC water line. Completion of the project will enable city staff to divert water from the Juniata Reservoir directly to the Purdy Mesa raw water flow line bypassing the Purdy Mesa Reservoir. This will allow for better control of water quality at the water treatment plant.

The following bids were opened on July 9, 2002:

Bidder	From	Bid Amount
Skyline Contracting, Inc.	Grand Junction	\$86,000.00
Engineer's Estimate		\$62,570.00

Action: Authorize the City Manager to Sign a Construction Contract for the Purdy Mesa By-pass with Skyline Contracting, Inc., in the Amount of \$86,000

8. **Use of Xcel Undergrounding Funds for Bookcliff Avenue**

Xcel Energy requests authorization from the City of Grand Junction to use underground funds (one percent funds) to remove the overhead utilities along Bookcliff Ave., between 9th Street and 11th Street, and place them underground.

Resolution 67-02 – A Resolution Authorizing Public Service Company of Colorado dba Xcel Energy to Remove the Overhead Utilities Along Bookcliff Avenue Between 9th Street and 11th Street, and Place Them Underground and to use 1% Funds

Action: Adopt Resolution No. 67-02

9. **Revocable Permit – Proposed Home Loan and Investment located at 205 North 4th Street** [File #SPR-2002-119]

The applicant requests a revocable permit to install streetscape improvements within a portion of the public rights-of-way for North 4th Street and Rood Avenue. The request is made in conjunction with a site plan review to construct a new 39,074 square foot Home Loan and Investment office building at 205 North 4th

Street. A streetscape design plan similar to portions of the streetscape on Main Street is proposed on the 4th Street and Rood Avenue frontages in front of the building. Staff recommends approval.

Resolution No. 68-02 – A Resolution Concerning the Issuance of a Revocable Permit to the Home Loan and Investment Company

Action: Adopt Resolution No. 68-02

10. **Vacation of Temporary Turnaround Easement in Brookside Subdivision Filing No. 3 Northwest of F ½ Road and Ox-Bow Road** [File #FPP-2002-052]

The petitioner is requesting to vacate a temporary turnaround easement for the westerly end of Brookside Drive to allow for extension of the street without encumbering adjacent lots with the additional easement.

Resolution No. 69-02 – A Resolution Vacating a Temporary Turnaround Easement for Brookside Drive

Action: Adopt Resolution No. 69-02

11. **Contract to Purchase Natural Gas**

Purchase of Natural Gas for the Two Rivers Convention Center and Orchard Mesa Swimming Pool from AM Gas Marketing Group. This recommendation is a result of a COOP Request For Proposal solicited in behalf of Mesa County, City of Grand Junction and Mesa County School District #51. Three solicitations were received.

- AM Gas Marketing Corp. Aspen, Colorado
- E-prime Energy Marketing, Inc. Denver, Colorado
- Serviceco Denver, Colorado

AM Gas Marketing Corporation was found to be the most responsive/responsible proposer based on price and other criteria considered for award.

Action: Authorize the City Purchasing Manager to Enter into a Contract Agreement with A M Gas Marketing Corporation to Provide Natural Gas for Two Rivers Convention Center and Orchard Mesa Swimming Pool as per the Terms and Conditions of the Cooperative Solicitation Estimated at \$65,000.

12. **Award of Bid for Folding Chairs and Carts – Two Rivers Convention Center**

Bid award to Virco Manufacturing for replacement of Two Rivers Convention Center chairs and storage carts. Two responsive offers were received. Bid details are as follows:

Virco Manufacturing	Torrance, CA	\$98,070
Office Depot	Erie, CO	\$145,620

Action: Authorize the Purchase of 1500 Folding Chairs and 30 Carts from Virco Manufacturing in the Amount of \$98,070.

13. **Amending Resolution No. 37-02 Concerning the Adoption of the Local Match Funding for Grand Valley Transit Public Services for FY 2002-2005**

Both the Town of Palisade and the City of Fruita prefer the formula endorsed by the Grand Junction City Council. This resolution will acknowledge that all three municipalities expect to evaluate future County requests for transit funding based on this revised approach.

Resolution No. 70-02 – A Resolution Amending Resolution No. 37-02 that Stated the City of Grand Junction’s Fund Commitment for Grand Valley Transit Services for Fiscal Years 2002-2005

Action: Adopt Resolution No. 70-02

14. **Formation of the Grand Valley Stormwater Steering Committee**

The formation of a Stormwater Management Steering Committee was discussed at a meeting on June 24, 2002. Mesa County, the City of Fruita, the Town of Palisade and the Grand Valley Drainage District all adopted resolutions authorizing the formation of the Grand Valley Steering Committee. The purpose of the Committee is to provide direction for storm water management.

Resolution No. 74-02 – A Resolution of the City Council of the City of Grand Junction to Create a Stormwater Management Steering Committee

Action: Adopt Resolution No. 74-02

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

Mayor Enos-Martinez announced that Item #15 (Legal and Ethical Standards) has been postponed and Item #23 (Valley Meadows North) has been continued to August 7, 2002.

Legal and Ethical Standards for Members Serving on City Boards and Commissions

Resolution adopting standards for advisory boards and City groups, as well as for the members of City Boards and Commissions that have final administrative decision-making duties.

Resolution No. 57-02 - A Resolution Clarifying the Ethical Standards for Members of the City's Boards, Commissions and Other Groups
This item has been postponed.

Public Hearing – Statler Annexations No. 1, 2, and 3 Located at 2134 Buffalo Drive and Zoning the Statler Annexations 1, 2, and 3 Located at 2134 Buffalo Drive [File #ANX-2002-110]

The 5.846-acre Statler Annexation area consists of one parcel of land, approximately 5.775 acres in size. The remaining acreage is comprised of right-of-way along Buffalo Drive, from South Camp Road.

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

Lori Bowers, Associate Planner, reviewed the item and the zoning request in one presentation.

The applicant, Rod Statler, 2134 Buffalo Drive, was present. He had no additional information to add.

There were no public comments.

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

a. Accepting Petition

Resolution No. 71-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as the Statler Annexation Area is Eligible for Annexation – A Serial Annexation Comprising Statler Annexation No. 1, Statler Annexation No. 2 and Statler Annexation No. 3

b. Annexation Ordinances

Ordinance No. 3441 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 1, Approximately 0.020 Acres Right-of-Way Located along Buffalo Drive

Ordinance No. 3442 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 2, Approximately 0.051 Acres Right-of-Way Located along Buffalo Drive

Ordinance No. 3443 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 3, Approximately 5.775 Acres

c. Zoning Ordinance

Request to zone Statler Annexation, consisting of one parcel of land, approximately 5.775 acres in size. The requested zoning is RSF-E (Residential Single Family- Estate, not to exceed 1 unit per 2 acres). There is a single-family residence on this lot. The applicants are in the simple subdivision process to create a new vacant lot.

Ordinance No. 3444 – An Ordinance Zoning the Statler Annexation to Residential Single Family, Estate (RSF-E) Located at 2134 Buffalo Drive

Upon motion made by Councilmember Spehar, seconded by Councilmember Theobold, and carried by a roll call vote, Resolution No. 71-02 was adopted, and Ordinances No. 3441, 3442, 3443 and No. 3444 were adopted on Second Reading and ordered published.

Public Hearing - Request for a Variance, Statler Annexation Located at 2134 Buffalo Drive, From Section 6.2E Sanitary Sewer System [File #ANX-2002-110]

Rod Statler, owner of the property known as the Statler Annexation is requesting a variance to the requirement of a sanitary sewer system due to the size of the existing lot(s) and the location of sanitary sewer in this area. There is a single-family residence on this lot serviced by a septic system. The applicants are in the simple subdivision process to create one additional lot. Sewer is currently 1,000 feet away from the subject property.

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

Lori Bowers, Associate Planner, reviewed this item. She stated the reason for the request for variance and that Mr. Statler was present to address the recommendation for denial. The Planning Commission and Staff can only recommend denial due to the criteria that needs to be met.

Ms. Bowers stated that the only similar variance request was for the Hill Annexation and even though the variance was granted, a dry sewer line was required and when sewer became available they would have to connect.

Councilmembers asked for clarification since in the past the requirement was only to connect if sewer was within 400 feet. Ms. Bowers stated that in the new Code, it is required if they are annexed into the City.

Councilmember Theobold asked if all the criteria needed to be met. City Staff Attorney Stephanie Rubenstein stated that the Code is written with an “and” and yes all the criteria need to be met.

There was a discussion as to where the 400 feet requirement was and it was unknown until tonight that there was a conflict.

Councilmembers discussed the rationale for installing the dry sewer lines. Councilmember Spehar was concerned that there would come a time when the septic systems would fail and therefore it makes sense to install dry sewer lines.

Rod Statler, 2134 Buffalo Drive, stated that the soil is very conducive for septic systems and the requirement to put in a 1000-foot sewer line would be cost prohibitive but putting in dry lines to the property line would be fine with him.

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

Upon motion made by Councilmember Theobold, seconded by Councilmember Spehar, and carried by a roll call vote, Council granted the variance request with the requirement to install dry sewer lines to the property line.

Mayor Enos-Martinez stated that for items #19 and #20, both she and Councilmember Kirtland, would recuse themselves from the discussion. Councilmember Theobold took over presiding over the hearing.

Public Hearing - Mesa County Human Services Annexations 1 & 2 Located at 510 29 ½ Road and Zoning the Mesa County Human Services Annexation Located at 510 29 ½ Road [File #ANX-2002-100]

Resolution for Acceptance of Petition to Annex and Second reading of the annexation ordinance for the Mesa County Human Services Annexation located at 510 29 ½ Road and including a portion of North Avenue and 29 ½ Road rights-of-way. The 7.64-acre Mesa County property consists of three parcels of land.

Councilmember Theobold opened the public hearing at 8:02 p.m.

Ronnie Edwards, Associate Planner, reviewed this item and the zoning request in one presentation.

Nobody representing the County was in attendance.

There were no public comments.

The public hearing was closed at 8:05 p.m.

a. Accepting Petition

Resolution No. 72-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Mesa County Human Services Annexation, A Serial Annexation Comprising Mesa County Human Services Annexation No. 1 and Mesa County Human Services Annexation No. 2 is Eligible for Annexation, Located at 510 29 ½ Road and Including a Portion of 29 1/2 Road and North Avenue Rights-of-Way

b. Annexation Ordinances

Ordinance No. 3445 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa County Human Services Annexation No. 1 Approximately .765 Acres Located on a Portion of 510 29 ½ Road and Includes a Portion of 29 ½ Road and North Avenue Rights-of-Way

Ordinance No. 3446 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa County Human Services Annexation No. 2 Approximately 6.875 Acres Located at 510 29 ½ Road and Includes a Portion of the 29 ½ Road Right-of-Way

c. Zoning Ordinance

The Mesa County Human Services Annexation is three parcels of land consisting of 6.56 acres located at 510 29 ½ Road, and includes a portion of 29 ½ Road and North Avenue rights-of-way. The petitioner is requesting a zone of General Commercial (C-2), which is equivalent to the existing Mesa County Zoning. Planning Commission recommended approval at its June 11, 2002 meeting. The owners have signed a petition for annexation as part of a proposed simple subdivision and site plan review for a new community services building, which is an administrative review.

Ordinance No. 3447 - An Ordinance Zoning the Mesa County Human Services Annexation to General Commercial (C-2) Located at 510 29 ½ Road

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 72-02 was adopted, and Ordinances No. 3445, 3446 and No. 3447 were adopted on Second Reading and ordered published.

Mayor Enos-Martinez and Councilmember Kirtland returned to their seats at the dais.

Public Hearing - Feix Annexations No. 1, 2, and 3, Located at 229 Jacquie Road and Zoning the Feix Annexation, Located at 229 Jacquie Road [File # ANX-2002-114]

The Feix Annexations No. 1, 2 and 3 is a serial annexation comprising 3 parcels of land including portions of the right-of-way for Kathy Jo Lane and Jacquie Road along with acreage located at 229 Jacquie Road, comprising a total of 5.386 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

Mayor Enos-Martinez opened the public hearing at 8:06 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item and the zoning request in one presentation.

The applicant was not in attendance.
There were no public comments.

The public hearing was closed at 8:09 p.m.

a. Accepting Petition

Resolution No. 73-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as the Feix Annexation (A Serial Annexation Comprising of Feix Annexation No's 1, 2 And 3) is Eligible for Annexation Located at 229 Jacquie Road and Containing Portions of the Kathy Jo Lane and Jacquie Road Rights-Of-Way

b. Annexation Ordinances

Ordinance No. 3448 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 1, Approximately 0.063 Acres, Located in the Kathy Jo Lane Right-of-Way

Ordinance No. 3449 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 2, Approximately 0.102 Acres, a Portion of the Kathy Jo Lane Right-of-Way

Ordinance No. 3450 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 3, Approximately 5.221 Acres, Located at 229 Jacquie Road and Including a Portion of the Kathy Jo Lane and Jacquie Road Rights-of-Way

c. Zoning Ordinance

The Feix Annexation, comprised of 4.68 acres, is located at 229 Jacquie Road. The petitioner is requesting a zone of RSF-4, which conforms to existing County zoning and the Growth Plan Land Use designation for the site. The Planning Commission, on June 11, 2002, recommended approval of the zoning to the City Council.

Ordinance No. 3451 – An Ordinance Zoning the Feix Annexation to Residential Single Family-4 Dwelling Units per acre to (RSF-4) District, Located at 229 Jacquie Road

Upon motion made by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 73-02 was adopted, and Ordinances No. 3448, 3449, 3450 and No. 3451 were adopted on Second Reading and ordered published.

Public Hearing - Reconsidering the Rezone Request for Valley Meadows North Development [File #RZP-2002-019]

A request to continue this item to August 7, 2002 has been received.

Reconsideration and second reading of the Rezoning Ordinance for the Valley Meadows North property Located at the North End of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family - 4 (RSF-4).

The public hearing was opened at 8:10 p.m.

Upon motion made by Councilmember Theobald, seconded by Councilmember McCurry, and carried, Council approved the request to continue this item to August 7, 2002.

The hearing was closed at 8:11 p.m.

Policy for Use of City Hall Grounds

In order to address requests to use the grounds of City Hall for non-governmental activities, the City Council will consider adopting a policy.

City Manager Kelly Arnold reviewed this item. He explained the Policy has been drafted as a result of a recent request from the First Baptist Church to hold a four-day vigil to memorialize the September 11 event on City Hall grounds. After reviewing the law, Staff has submitted the proposal for Council's consideration.

Jan Hogue, First Baptist Church, stated that the ceremony would also include City Fire and Police Officers reading from the Bible.

Councilmembers expressed their regret that although they appreciate the church's desire, they cannot approve their request.

Councilmember Butler asked if they could still assemble on the sidewalk. Staff advised that an organized event requires a right-of-way permit.

Resolution No. 75-02 – A Resolution Adopting a Policy for the Use of City Hall Grounds for Other than Governmental Functions

Upon motion made by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 75-02 was adopted with the stipulation that the memo prepared by the City Attorney would be attached to the Resolution and made a part thereof.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

Upon motion made by Councilmember McCurry, seconded by Councilmember Spehar the meeting was adjourned at 8:20 p.m.

Stephanie Tuin, CMC
City Clerk

**Attach 2
Painting the Stadium Stands**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Painting Stadium Stands					
Meeting Date		August 7, 2002					
Date Prepared		July 24, 2002				File #	
Author		Rex D. Sellers			Senior Buyer		
Presenter Name		Joe Stevens			Director of Parks & Recreation		
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: Painting of the metal stadium stands at Stocker Stadium and Suplizio Field. The project consists of steam cleaning stands, treating rust areas and painting all previously painted areas of the metal stands including hand rail and area underneath. The Stadium was last painted in 1997.

The following bids were opened on July 18, 2002

Contractor	From	Bid Amount
Westwind Painting	Grand Junction	\$58,419.00
DeHaven Painting	Grand Junction	\$69,680.00

Budget:

Budget for Painting of Park Facilities is \$67,000.00

Action Requested/Recommendation:

Authorize the City Manger to sign a contract for painting the Stadium Stands with Westwind Painting Contractors for \$58,419.00.

Attachments: N/A

Background Information: Solicitation was advertised in the Daily Sentinel and sent to the local construction plan rooms. There were sixteen (16) companies that were sent a solicitation package. Seven (7) interested painting companies attended the bidders

briefing and tour. A public bid opening was held on July 18, 2002. There were two (2) responsive responsible bids received. Westwind submitted the low bid.

Attach 3
Engineering Options for the Riverside Parkway Project
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Engineering Options for the Riverside Parkway				
Meeting Date		August 7, 2002				
Date Prepared		July 22, 2002			File # N/A	
Author		T. Kent Harbert, Project Engineer				
Presenter Name		Tim Moore, Public Works Manager				
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
		<input type="checkbox"/>				Individual Consideration

Summary: This project consists of analyzing the Colorado River in the area of HWY 50 and the Union Pacific Railroad to determine if the proposed Riverside Parkway can be constructed under the existing bridges. The analysis will identify and address issues associated with various agencies including the U.S. Fish and Wildlife, U.S. Army Corps of Engineers, the Federal Emergency Management Agency and Colorado Division of Wildlife.

Budget: The Hydraulic Analysis and Design is a portion of the \$10.2 million Highway 340 to Highway 50 Section of the Riverside Parkway project, which spans 7 years. This year's budget for this project will be supplemented with \$85,000 from the 2071 Fund (Traffic Capacity Payments). \$60,000 will go toward the first phase of the Hydraulic Analysis and Design contract. The balance will pay for additional work requested of Kimley-Horn relating to the Design/Action Committee.

For 2003 the project budget is \$1.34 million of which \$228,000 is proposed to be spent on the next two phases of the Hydraulic Analysis and Design. The cost of these phases may vary depending upon the preliminary findings and the requirements of the State and Federal agencies. One task, the filing of the Letter of Map Revision with FEMA, will be performed after construction has been completed to close out hydraulic components of the project.

Action Requested/Recommendation: Authorize the City Manager to sign a Contract for the **Hydraulic Analysis and Design for the Riverside Parkway** with Owen Ayres & Associates, Inc. in the amount not to exceed \$288,000.

Attachments: Revised 207 Fund Financial Plan (Proposed)

Background Information: The Hydraulic Analysis and Design for the Riverside Parkway consists of analyzing the Colorado River in the proximity of the Highway 50 and Union Pacific Railroad bridges to determine if the proposed roadway can be constructed under the bridges. The analysis will include identifying and addressing the concerns and requirements expressed by the US Army Corps of Engineers, the Federal Emergency Management Agency, US Fish and Wildlife, Colorado Division of Wildlife and the Colorado Water Conservation Board. If the proposed route of the roadway is feasible, the consultant will assist in the design of a new levee or flood wall, the preparation of any required mitigation plans and the completion of permit applications.

Statements of Qualifications were received from four qualified engineering firms to perform this work. Two firms were interviewed and Ayres Associates of Fort Collins was selected as the firm most qualified to meet the needs of the City.

Kimley-Horn and Associates took the Riverside Parkway project through the conceptual design phase, analyzing several options for the alignment of the roadway. Their recommendation for the area where the parkway will connect to State Highway 50 is to construct the new roadway under the Highway 50 and Union Pacific Railroad bridges, utilizing these existing structures. However, if a roadway is constructed at the proposed location it will encroach on the floodway of the Colorado River. It is necessary to determine, first, if the floodway can be constricted without adverse effects to other properties and, if that can be accomplished, to identify and quantify any mitigation that may be required by various affected State and Federal agencies. The purpose of this contract is to provide the answers and justifications necessary to address these issues.

If the floodway issue is a “fatal flaw” and cannot be accomplished, then the rest of the contract will be cancelled and none of those funds will be expended. We will then have to turn our attention to viable solutions at one of the other locations along Highway 50.

Fund 207 / Transfers-Out

	Actual 1999	Actual 2000	Proposed 2001	2002	2003	2004	2005	2006	2007	2008	2009
TCP											
F22900	227,840										
F01700		382,206	400,000	300,000	200,000	200,000	200,000	250,000	250,000	300,000	250,000
F02200, 29 Road											
F04600, Riverside											
F24300, Ute/Pikini											
F42200, 29 Road Viaduct											
F01700, 27.5 Road		1,900		85,000							
F04600, Riverside Bypass											
TOTAL TCP	227,840	384,106	400,000	385,000	200,000	200,000	200,000	250,000	250,000	300,000	250,000
OTHER											
F01300	1,960										
F01700	90,143										
F02100	75,000			50,000							
F02200, 29 Road	1,125										
F02600	19,500										
F02900	200,000										
F03800, 24 Road	90,000	93,428									
F31700	115,000										
F32200	45,000		150,000		160,000	100,000	200,000				
F10400, Bookcliff											
F04600, Riverside											
F24300, Ute / Pikini											
F42200, 29 Road Viaduct											
F48800, Traffic											
F01700, 27.5 Road		374,366		75,000							
F10400, Bookcliff				85,000							
F15200, Independent Ave.				35,000							
F38900, G Road Intersection 25 Road					190,000	100,000	200,000				
TOTAL OTHER	387,728	467,784	150,000	245,000	390,000	360,000	400,000	250,000	250,000	300,000	250,000
TOTAL TRANSFERS-OUT	615,568	851,900	550,000	630,000	590,000	560,000	600,000	500,000	500,000	600,000	500,000

Fund 207 / Transfers-Out

	Actual 1999	Actual 2000	Proposed 2001	2002	2003	2004	2005	2006	2007	2008	2009
TCP											
F22900	227,840										
F01700		382,206	400,000	390,000	200,000	200,000	200,000	250,000	250,000	300,000	250,000
F02200, 28 Road											
F04600, Riverside											
F24300, Ute/Piklin											
F42200, 29 Road Viaduct											
F01700, 27.5 Road		1,900		85,000							
F04600, Riverside Bypass											
TOTAL TCP	227,840	384,106	400,000	385,000	200,000	200,000	200,000	250,000	250,000	300,000	250,000
OTHER											
F01300	1,960										
F01700	90,143										
F02100	75,000			50,000							
F02200, 29 Road	1,125										
F02600	19,500										
F02900	200,000										
F03800, 24 Road	90,000	93,428									
F31700	115,000										
F32200	45,000		150,000								
F10400, Bookcliff					190,000	100,000	200,000				
F04600, Riverside											
F24300, Ute / Piklin											
F42200, 29 Road Viaduct											
F48600, Traffic											
F01700, 27.5 Road		374,366		75,000							
F10400, Bookcliff				85,000							
F15200, Independent Ave.				35,000							
F38900, G Road Intersection 25 Road					190,000	100,000	200,000				
TOTAL: OTHER	387,728	467,784	150,000	245,000	190,000	300,000	400,000	250,000	250,000	300,000	250,000
TOTAL TRANSFERS-OUT	615,568	851,890	550,000	630,000	390,000	300,000	400,000	250,000	250,000	300,000	250,000

Attach 4
2002 Street Pavement Overlays
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		2002 Pavement Overlays					
Meeting Date		August 7, 2002					
Date Prepared		July 25, 2002				File #	
Author		Kent Marsh			Project Engineer		
Presenter Name		Tim Moore			Public Works Manager		
Report results back to Council		X	No		Yes	When	
Citizen Presentation		X	Yes		No	Name	
	Workshop			Formal Agenda	X	Consent	Individual Consideration

Summary: Bids were received and opened on July 30, 2002 for the **2002 Pavement Overlays** construction project. The low bid was submitted by Old Castle SW Group dba United Companies of Mesa County in the amount of **\$619,496.00**.

Budget:

2001 Pavement Overlays

Project Costs:

Construction	\$619,496.00
City Inspection and Administration (Estimate)	\$30,000.00
Total Project Costs	\$649,496.00

Funding Sources:

Fund 2011	\$735,000.00
Fund 301	\$7,583
Total Project Funding	\$742,583.00
Budget Balance	\$93,087.00

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for the **2002 Pavement Overlays** with **Old Castle SW Group** in the amount of \$619,496.00.

Attachments: 2002 Street Pavement Overlays List

Background Information: This project generally consists of surface planning (milling) City streets with 2" of Hot Bituminous Pavement. The City's computerized pavement management system was used to prioritize street maintenance needs, and to identify which streets would benefit the most from a new overlay. Some of the parameters used to identify streets in need of an overlay are pavement quality, ride quality, structural adequacy and surface distress.

The 2002 Pavement Overlays project includes approximately 45,000 square yards of milling and 12,500 tons of hot bituminous pavement. Work on this project is scheduled to begin on August 19, 2001 and will continue for 8 weeks with an anticipated completion date of October 11, 2001.

The Contractor shall furnish Payment and Performance Bonds, each in an amount at least equal to that specified in the contract, as security for the faithful performance and payment of all Contractor's obligations under the Contract Documents. These Bonds will remain in effect for the duration of the Warranty Period as specified in the Special Conditions.

Bids:

Old Castle SW Group	\$619,496.00
Elam Construction Inc.	\$664,664.00

CITY OF GRAND JUNCTION
STREET PAVEMENT OVERLAYS 2002
Proposed List of Locations

Local/Residential

1. 10th Street – Belford Avenue to North Avenue
2. 22nd Street – Orchard Avenue to Bookcliff Avenue
3. 27 ³/₄ Road – Highway 50 to B ¹/₂ Road
4. Belford Avenue – 10th to 11th Street
5. Chipeta Avenue – 12th to 13th Street
6. Rockaway Avenue – Hale Avenue to Fairview Avenue
7. Walnut Avenue – 12th to 13th Street
8. West Ute Avenue – West of Chuluota Avenue
9. Sunset Lane – Independent to end of street

Collectors/Arterial

10. 23rd Street – North Avenue to Bunting Avenue
11. 28 Road – Hawthorne Avenue to Cortland Avenue
12. 7th Street – Horizon Drive to G Road
13. 7th Street – North Avenue to Center Avenue

**Attach 5
COPS in Schools Grant**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Grant Award for Cops in Schools						
Meeting Date		August 7, 2002						
Date Prepared		July 30, 2002				File #		
Author		Harry Long			Police Captain			
Presenter Name		Greg Morrison			Police Chief			
Report results back to Council		X	No		Yes	When		
Citizen Presentation			Yes	X	No	Name		
	Workshop	X	Formal Agenda			X	Consent	Individual Consideration

Summary: The U.S. Department of Justice *awarded* the Grand Junction Police Department a grant to provide funds toward salaries and benefits for a School Resource Officer who will be assigned to work in and around schools under the COPS in Schools grant program.

Budget: This is a Federal Program that will fund up to \$125,000 per officer for salaries and benefits, over a three-year grant period. The fiscal impact to the City equates to a \$29,347 match towards salaries and benefits during the three year period, \$37,098 for a patrol vehicle and personnel operating expenses (uniforms, radio, body armor, weapon etc.), and approx. \$12,413 for annual on-going vehicle expenses which includes vehicle accrual and maintenance, fuel, mobile data computer accrual and maintenance. Currently the City has budgeted \$25,000 in the 2002 Budget for matching salary and benefits and personnel operating expenses. Since this is a Federal Grant it is not impacted by TABOR.

Action Requested/Recommendation: Authorize the City Manager to accept this COPS in Schools Grant *Award* of \$125,000 to assist funding of one School Resource Officer over a three year period.

Attachments:

1. COPS in Schools Award (Dept. of Justice Document)
2. Dept. of Justice Financial Analysis of Budgeted Costs Document

Background Information: The Police Department applied for this COPS Grant in June, 2001 after receiving City Council approval. The officer requested in this grant

would allow the department to assign one School Resource Officer in each of the three middle schools. Currently the Police Department has three officers assigned to the School Resource Program with one assigned to Grand Junction High School, one assigned to Orchard Mesa Middle School and one dividing time between East and West Middle Schools. This grant would provide for a fourth School Resource Officer thereby allowing each middle school to have an officer devoted full time.



U. S. Department of Justice
Office of Community Oriented Policing Services
COPS in Schools Award

Application Organization's Name: Grand Junction Police Department

Grant #: 2002SHWX0173

ORI #: CO03901

Vendor #: 846001592

Law Enforcement Executive Name: Chief Greg . Morrison

Address: 625 Ute Avenue

City, State, Zip Code: Grand Junction, CO 81501

Telephone: (970) 244-3554

Fax: (970) 244-3617

Government Executive Name: City Manager Kelly Arnold

Address: 250 North 5th Street

City, State, Zip Code: Grand Junction, CO 81501

Telephone: (970) 244-1503

Fax: (970) 244-1456

Award Start Date: March 1, 2002

Award End Date: February 28, 2005

Award Amount: \$ 125,000

Number of Officers: Full Time: 1

Part Time: 0

APR 17 2002

Carl R. Peed
 Director

Date

By signing this award, the signatory officials are agreeing to abide by the Conditions of Grant Award found on the reverse side of this document:

Signature of Law Enforcement Executive with the authority to accept this grant award.

Gregory T. Morrison, Chief of Police

Typed Name and Title of Law Enforcement Executive.

7-29-02

Date

Signature of Government Executive with the authority to accept this grant award.

Typed Name and Title of Government Executive.

Date

Award ID: 67350

CONDITIONS OF GRANT AWARD

1. The funding under this project is for the payment of entry-level SALARIES AND APPROVED FRINGE BENEFITS for three years for newly hired, additional sworn career law enforcement officers or rehired officers. Any portion of salaries above entry level must be provided for by the grant recipient. Overtime, training, weapons, communication equipment, vehicles or other items cannot be paid for with COPS funding.
2. COPS in Schools grant funds must be used to hire one or more new, additional career law enforcement officers, beyond the number of officers that would be hired or employed by the grantee in the absence of the grant. Unless authorized in writing by the COPS Office, grant funds may not be applied to the salary or benefits of an officer hired by a grantee prior to the Award Start Date listed on the front of this document.
3. Your agency is expected to implement the retention plan submitted with your application to retain each of the additional sworn officer positions funded by the COPS in Schools program. The COPS Office will monitor retention for one full locally funded budget cycle after the expiration of the grant award.
3. Your agency is required to initiate or enhance community policing through the activities identified in your COPS in Schools grant application, including school resource officer duties. Significant changes to the community policing activities identified in the application must be approved by the COPS Office.
5. Officers funded under this grant may only be involved in activities or perform services that exclusively benefit your agency and the population that it serves. If your agency receives police services through a contractual arrangement, your agency is responsible for ensuring that the hiring of the officer results in officer deployment into a partner school within your jurisdiction.
6. The grantee acknowledges its agreement to comply with the assurances and certifications submitted with the COPS in Schools application.
7. Your agency will be responsible for submitting Programmatic Progress Reports and quarterly Financial Status Reports. As those reports become due, your Grant Program Specialist and Staff Accountant can assist you with these forms and information necessary for compliance.
8. Requests for extensions of the grant award period that merely involve additional time, not additional funding, should be submitted to your Grant Program Specialist no earlier than 90 days before the grant end date.
9. The grantee agrees to allow the Department of Justice or the Comptroller General access to and the right to examine records and documents related to the grant.
10. The grantee agrees to comply with all requirements imposed by the Department of Justice as a condition or administrative requirement of the grant; with the program guidelines; with the requirements of OMB Circulars A-87 (governing cost calculations) and A-133 (governing audits); with the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; with 28 CFR Part 66 (Uniform Administrative Requirements); with the provisions of the current edition of the appropriate COPS grant owner's manual; and with all other applicable laws, orders, regulations or circulars.
11. Grantees that have 50 or more employees and grants over \$500,000 (or over \$1,000,000 in grants over an eighteen-month period), must submit an acceptable Equal Employment Opportunity Plan ("EEOP") or EEOP short form (if grantee is required to submit an EEOP under 28 CFR 42.302), that is approved by the Office of Justice Programs, Office for Civil Rights within 60 days of the award start date. For grants under \$500,000, but over \$25,000, or for grantees with fewer than 50 employees, the grantee must submit an EEOP Certification. Grantees of less than \$25,000 are not subject to any EEOP requirement.
12. The grantee agrees to complete and keep on file, as appropriate, and Immigration and Naturalization Service Employment Eligibility Verification Form (I-9). The form is to be used by recipients of Federal funds to verify the persons are eligible to work in the United States.
13. COPS in Schools grantees are required to send each school resource officer(s) (SRO) deployed into a partner school as a result of receiving a COPS in Schools grant, and one school administrator to one COPS in Schools Training.



U. S. Department of Justice
Office of Community Oriented Policing Services (COPS)
 Grants Administration Division

1100 Vermont Avenue, NW
 Washington, DC 20530

Memorandum

To: Grèg Morrison, Chief
 Grand Junction Police Department

From: Robert A. Phillips, Assistant Director, Grants Administration
 Dorothy Ivory, Grant Program Specialist, Grants Administration
 Daniel Tedla, Staff Accountant, Finance Division

Re: Approved Budget, COPS in Schools

A financial analysis of budgeted costs has been completed. Costs under this award appear reasonable, allowable, and consistent with existing guidelines.

ORI: CO03901		Grant Number: 2002SHWX0173		OJP Vendor Number: 846001592	
Year 1 - Costs Per					
Full-Time Officer:	Approved	Changes	Change		
		Breakdown	Reason		
Annual Base Salary	\$38,580.00	\$0.00			
Fringe Benefits:	\$11,466.00	\$0.00			
Social Security	\$0.00	\$0.00	Exempt per Application		
Medicare	\$559.00	\$0.00	1.45% of the base salary		
Health Insurance	\$4,813.00	\$0.00			
Life Insurance	\$121.00	\$0.00			
Vacation	\$0.00	\$0.00			
Sick Leave	\$0.00	\$0.00			
Retirement	\$4,109.00	\$0.00			
Worker's Compensation	\$806.00	\$0.00			
Unemployment	\$0.00	\$0.00	Exempt per Application		
Long-Term Disability	\$401.00	\$0.00			
Dental	\$657.00	\$0.00			
	\$50,046.00	\$0.00			

Full-Time Officer Costs:		Total Changes:	\$0.00
Project Costs Per Officer:		Total Project Costs:	
Salaries and Fringe Benefits:	\$154,347.00	Salaries and Fringe Benefits:	\$154,347.00
Federal Share:	\$125,000.00	Federal Share:	\$125,000.00
Applicant Share:	\$29,347.00	Applicant Share:	\$29,347.00
	Total Officers:	Salaries and Fringe Benefits:	\$154,347.00
	03/19/2002 S-0 1	Federal Share:	\$125,000.00
Grand Total:		Applicant Share:	\$29,347.00
(Amounts have been rounded to the nearest dollar.)			

Budget Cleared Date: 03/15/2002

Overall Comments:

The amount of the award reflects the maximum amount allowable (\$125,000 per officer for three years, or the total project cost per officer for three years, whichever is less). No contact was made.

Attach 6
Set hearing on Gerick Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a Hearing for the Gerick Annexation located at 324 Quail Drive					
Meeting Date	August 7, 2002					
Date Prepared	July 22, 2002				File #ANX-2002-136	
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop		Formal Agenda	X	Consent	Individual Consideration

Summary: The Gerick Annexation is an annexation comprised of 1 parcel of land on 4.5293 acres located at 324 Quail Drive. The owner is seeking annexation as part of their request for an administrative review of a simple subdivision for a proposed new single family residence, pursuant to the 1998 Persigo Agreement with Mesa County.

Budget: N/A

Action Requested/Recommendation: Approve the Resolution of Referral, first reading of the annexation ordinance, exercise land use jurisdiction immediately and set a hearing for September 18, 2002.

Attachments:

1. Staff Report
2. Annexation Map
3. Resolution of Referral
4. Annexation Ordinance

Background Information: See attached Staff Report

BACKGROUND INFORMATION				
Location:		324 Quail Drive		
Applicants:		Edwin and Elizabeth Gerick		
Existing Land Use:		Residential Single Family		
Proposed Land Use:		Residential Single Family		
Surrounding Land Use:	North	Residential Single Family		
	South	Residential Single Family		
	East	Residential Single Family		
	West	Residential Single Family		
Existing Zoning:		County RSF-4		
Proposed Zoning:		City RSF-1		
Surrounding Zoning:	North	County RSF-4		
	South	PUD (Planned Unit Development)		
	East	PUD (Planned Unit Development)		
	West	County RSF-4		
Growth Plan Designation:		Residential Low (1/2 – 2 acres/du)		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

It is staff's professional 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 Mesa County Human Services 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 owners consent.

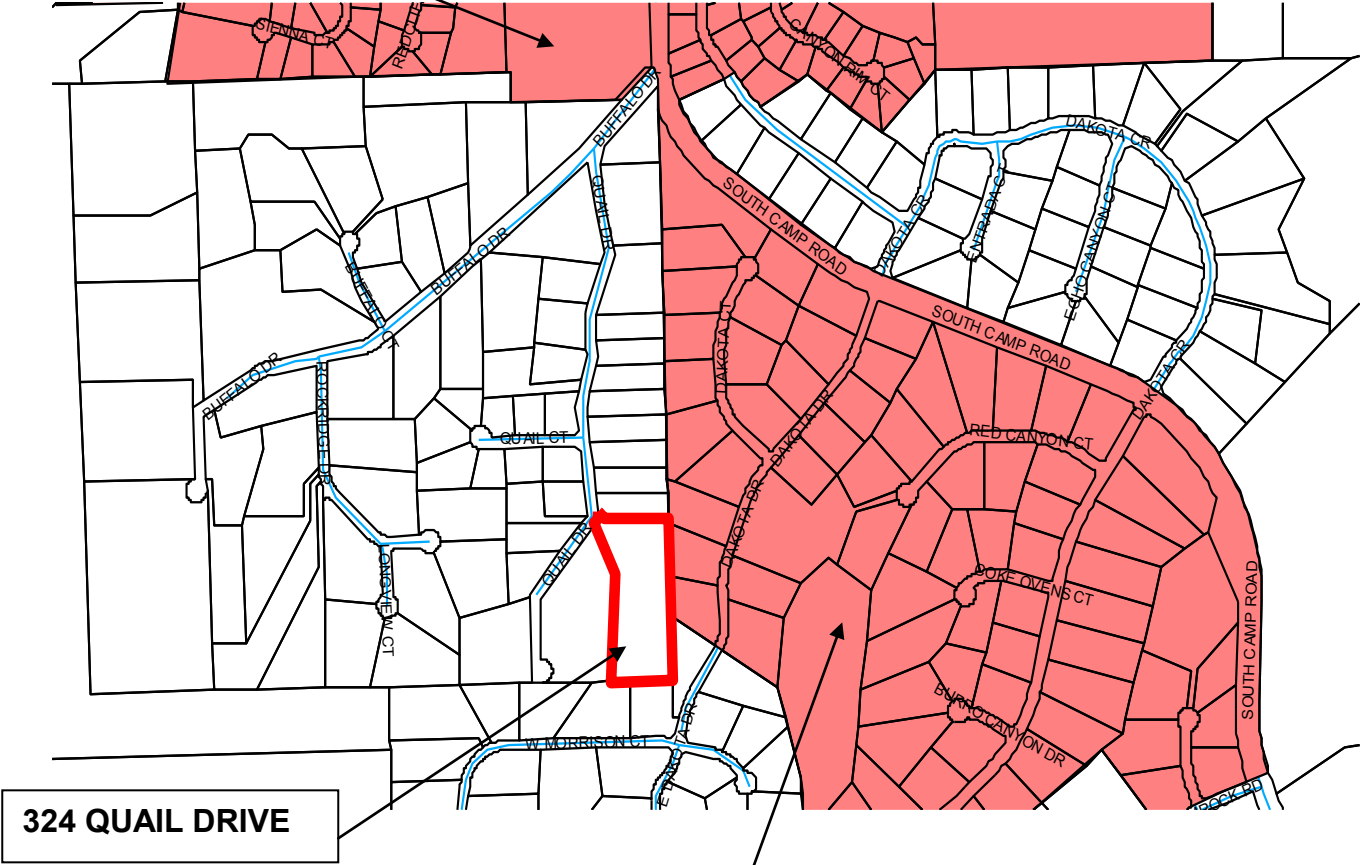
<u>GERICK ANNEXATION SUMMARY</u>		
File Number:		ANX-2002-136
Location:		324 Quail Drive
Tax ID Number:		2947-354-05-012
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		4.5293 acres for annexation area
Developable Acres Remaining:		4.5293 acres
Right-of-way in Annexation:		None; See Map
Previous County Zoning:		RSF-4
Proposed City Zoning:		RSF-1
Current Land Use:		Single Family Residential
Future Land Use:		Single Family Residential
Values:	Assessed:	= \$ 33,850
	Actual:	= \$ 369,830
Census Tract:		1401
Address Ranges:		318 to 324 Quail Drive
Special Districts:	Water:	Ute Water District
	Sewer:	Grand Junction
	Fire:	Grand Junction Fire District
	Drainage:	Redlands Drainage District
	School:	District 51

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
August 7, 2002	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
August 13, 2002	Planning Commission considers Zone of Annexation
September 4, 2002	First Reading on Zoning by City Council
September 18, 2002	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
October 20, 2002	Effective date of Annexation and Zoning

GERICK ANNEXATION LOCATION MAP

CANYON VIEW SUBDIVISION



MONUMENT VALLEY SUBDIVISION

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 7th day of August, 2002, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,**

GERICK ANNEXATION

LOCATED AT 324 QUAIL DRIVE

WHEREAS, on the 7th day of August, 2002, 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:

A certain parcel of land lying in Tract 39 of Section 35, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Lot 12, Longview East Subdivision, as same is recorded in Plat Book 13, Page 391, Public Records of Mesa County, Colorado

Contains 4.5293 Acres (197,298.52 Square Feet), more or less, as described

or less, to the POINT OF BEGINNING.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 18th day of September, 2002, in the auditorium of the Grand Junction City Hall, located at 250 N. Fifth Street, Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to

be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any 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; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 7th day of August, 2002.

Attest:

City Clerk

President of the Council

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk _____

<i>PUBLISHED</i>
August 9, 2002
August 16, 2002
August 23, 2002
August 30, 2002

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

CITY OF GRAND JUNCTION, COLORADO

GERICK ANNEXATION

APPROXIMATELY 4.5293 ACRES

LOCATED AT 324 QUAIL DRIVE

WHEREAS, on the 7th day of August, 2002, 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 18th day of September, 2002; 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:

A certain parcel of land lying in Tract 39 of Section 35, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Lot 12, Longview East Subdivision, as same is recorded in Plat Book 13, Page 391, Public Records of Mesa County, Colorado

Contains 4.5293 Acres (197,298.52 Square Feet), more or less, as described.
be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 7th day August, 2002.

ADOPTED and ordered published this _____ day of _____, 2002.

Attest:

City Clerk

President of the Council

Attach 7
Set Hearing on B-1 Zone District Amendment
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Design Standards for the B-1 Zone District					
Meeting Date		August 7, 2002					
Date Prepared		July 31, 2002			File: TAC-2002-131		
Author		Kristen Ashbeck		Senior Planner			
Presenter Name		Kristen Ashbeck		Senior Planner			
Report Results Back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The following amendments to the Zoning and Development Code pertain to the Neighborhood Business (B-1) zone district and the sign code are proposed 1) revise the application of the zone district to the Growth Plan Future Land Use Map; 2) refine and clarify the scale, scope and intensity of land uses intended in a neighborhood business center; and 3) expand performance standards to address neighborhood compatibility concerns.

Budget: N/A

Action Requested: Approval of the proposed ordinance to revise the Zoning and Development Code pertaining to the B-1 zone district and set a hearing for August 21, 2002.

Planning Commission Recommendation (7/23/02 – 5-0): Approval of the proposed amendments to the Zoning and Development Code pertaining to the B-1 zone district and the sign code with recommendations to revise the signage lighting, hours of operation and spacing requirements.

Attachments:

1. Staff Analysis

2. Letters from Interested Citizens
3. Table 3.5 Use / Zone Matrix
4. Proposed Ordinance

STAFF ANALYSIS

In September 1999, City Council passed Resolution 107-99 revising the following policies and action item of the Growth Plan below.

- 1) Policy 1.6: *The City and County may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories.*
- 2) Policy 11.2: *The City and County will limit commercial development into stable residential neighborhoods. In areas designated for residential development the City and County may consider inclusion of small scale neighborhood commercial development that provides retail and service opportunities in a manner compatible with surrounding neighborhoods in terms of scale and impact.*
- 3) Action Item 5: *Revise development regulations to permit neighborhood service and retail uses in residential areas subject to appropriate compatibility standards and size and spacing limitations.*

To this end, after reviewing several proposals for various uses within areas shown as residential on the Growth Plan Future Land Use Map since then, City Council directed staff to re-examine the Neighborhood Business (B-1) zone district to implement these policies and action item.

The proposed Zoning and Development Code revisions are included as Attachment 4. The intent of the revisions is to:

- 1) expand the applicability of the B-1 zone district to include several categories of residential densities;
- 2) rename and refine the definition of the B-1 zone district to more clearly define the scale and scope of business that the district intends to provide; and
- 3) expand the performance standards already provided in the B-1 district and other applicable sections of the Code to address neighborhood compatibility concerns.

As noted in the attached March 18, 2002 letter from Mr. Larry Beckner, a Code amendment has been discussed with Council to state that the B-1 zone would implement the high, medium high and medium density residential and commercial future land use classifications of the Growth Plan. Currently the Code states that B-1 would only implement the residential high density land use classification. Staff agrees that this revision is acceptable and in keeping with the policies of the Growth Plan to include non-residential uses within residential areas.

In researching commercial development and shopping centers in order to create the proposed performance standards, it became apparent that the type of development intended in the B-1 district was not a Neighborhood Business Center as defined by the shopping center industry. Typically, a Neighborhood Business Center includes major tenants such as supermarkets or super drug stores. As indicated by the maximum

building size allowed in the B-1 district alone (30,000 square feet), it is clear that the intent of the B-1 zone district is development of a smaller scale. Thus, the amendment proposes to rename the B-1 district Limited Neighborhood Business (currently titled Neighborhood Business).

In proposing to change the applicability of the B-1 zone district (1 above), it was recognized by staff and City Council that, if non-residential uses were to be allowed within a greater spectrum of residential neighborhoods, then the performance standards of the B-1 zone district should be refined to better address neighborhood compatibility concerns. The performance standards and proposed amendments to the sign code address compatibility of zone location, spacing and size, site design, uses and mix of uses, architectural design, pedestrian character and site amenities.

One item that was specifically discussed by the Planning Commission was the spacing requirement between B-1 areas and other commercial areas. The existing Code states: *New B-1 districts should be located at least eight-tenths (8/10th) of a mile from another business or commercial zone district.* The proposed amendment is worded: *New B-1 districts shall be located at least ¾-mile from another business or commercial zone district and at least 1.5 miles from another B-1 zone district or limited neighborhood business center.* Planning Commission discussed the appropriateness of the language regarding spacing being a mandatory, specific number and recommended that the word *shall* be revised to *should* in the proposed Code amendment.

Planning Commission also discussed the use of neon lighting on signage within a B-1 zone district. After reviewing the Code it was found that such lighting is generally not expressly prohibited. Therefore, since this type of lighting does not seem compatible with a residential neighborhood, it is recommended that neon lighting be specifically prohibited in the B-1 zone district.

Another item that is pointed out in the letters from interested citizens (Beckner, July 9, 2002) is a concern with the hours of operation for establishments within a B-1 zone district. This standard, from 5 am to 11 pm was as currently stated in the Code, no changes were proposed. However, the letter brings up a valid point regarding the compatibility of these hours with residential areas. Planning Commission discussed this point and recommended that the hours be stated from 6 am to 10 pm.

LETTERS FROM INTERESTED CITIZENS



Development Construction Services, Inc.

(970) 242-3674 • Fax: (970) 256-9570 • email: dcsinc@gj.net • www.developmentconstructionservices.com

The Starting Place

619 Main Street, Suite 110
Grand Junction, CO 81501

Monday, July 22, 2002

Ms. Kristen Ashbeck
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

**RE: Proposed B-1 Amendment – TAC-2002-131 Zoning and Development Code Revisions
Planning Commission Meeting July 23, 2002**

Dear Kristen:

Concerning the above referenced item on the agenda, I would like to make the comments below.

As it appears I will be unable to attend the meeting of July 23, 2002, due to a family funeral in Denver on the same day, Kristen, I would greatly appreciate your forwarding my comments below to the planning commission and making this letter apart of the official record. I may have someone read this letter on my behalf, however I would still like it to be apart of the Planning Commission Packet.

I have read and reviewed the proposed amendment and would suggest that the Planning Commission recommend denial of this document as written, to the City Council, for the following reasons:

- a) There are several negative impacts to a variety of businesses who might well fit within the "Neighborhood Business Center" designation. In order for these centers to be a success, the restrictions placed are too broad, specifically referencing the restrictions on 3.a. Spacing, 3b. Required storefronts, 3b. drive-through facilities, 3c. Site Design and various other comments on architectural restrictions. Some of the guidelines previously listed may well be applied as individual project comments, but as a code amendment allow for little flexibility and creativity for tenant mix and services.
- b) There has been no time for review by many of those impacted. To my knowledge no public notice, written announcement or even a posting at the planning office was made concerning this amendment. Further input for code amendments should be allowed.
- c) The B-1 zone has historically been the stepping stone, which has allowed for growth into new areas of our community, often zoned residential. Though I appreciate staffs desires to make these moves with well designed centers, sensitive to neighborhood needs, different neighborhoods vary in the needs for services, and the items referenced in item a) above, do not allow for this uniqueness of neighborhoods. If some of these standards are based on standards developed in other communities, I would suggest we look closer at our own community and what the "actual needs and uses" of our business partners are. In contacting 6 local bank Presidents over the past couple weeks, those contacted have indicated that the lack of a drive-through facility of some type for this community specifically would make a remote bank non profitable and thus not viable. Other services, such as Pharmaceutical, Grocery and even Ice Cream stores, which greatly service neighborhoods, have well established history of drive-through needs.

**Proposed B-1 Zoning Amendment
Ms. Kristen Ashbeck – City of Grand Junction
Community Development Department**

**July 22, 2002
Page 2 of 2**

- d) Please consider further how broad and insensitive the total restriction of drive-through use may be. For elderly and handicap patients who may not drive a standard vehicle, however, may have use of a motorized cart, golf cart or other wheeled device, a drive through could be the most efficient and effective use of their time, and would provide them more freedom of access. A neighborhood which is built as a golf community, and encourages more and more use of golf carts, deems a drive-through facility a highly functional community use, lessening other vehicular traffic. If air pollution is the concern, signage requiring engines be shut off might well service the goal and serve as a transition solution as this community grows.

Again, I would recommend the denial of this B-1 Amendment for the reasons stated above.

Kristen, I recognize staff prefers to have some direction in the code that provides them with guidelines for enforcement. I believe the restrictions previously mentioned do not provide guidelines, but overly restrictive regulations that need reconsidered and modified. I would be glad to take time in participate in that review and assist in collecting other information to develop these standards, as there are many other needs not mentioned in this letter.

Again, I apologize for my absence and appreciate your willingness to listen and work with the concerns of others and myself on this issue. I would like to thank you, and the Planning Commission for your time and willingness to listen.

Sincerely,



Jana Bingham Gerow

President

Development Construction Services, Inc.

619 Main Street Suite 110

Grand Junction, CO 81501

**BECKNER, ACHZIGER, McINNIS
& RAAUM, LLC**

Attorneys at Law

Larry B. Beckner
John A. Achziger
Bruce R. Raam

Caré McInnis Raam
(of counsel)

Suite 850, Alpine Bank Building
225 North Fifth Street
P.O. Box 220
Grand Junction, Colorado 81502
Telephone: (970) 245-4300
Telefax: (970) 243-4358

July 9, 2002

The City of Grand Junction
Planning Department
Attn. Bob Blanchard
250 North 5th Street
Grand Junction, Colorado 81501

Re: Design Performance Standards for B-1 Zone

Dear Mr. Blanchard:

Since December of last year, I have made numerous requests on the Planning Department and the City Council to participate in the drafting of design performance standards for B-1 zones and to be provided with a copy of any drafts as they are generated by your department. Through sources outside of the City, I have been provided with a copy of your June 24, 2002 draft. This is a matter of considerable importance to my client and I do wish to participate.

That being said, I do have several comments with respect to your draft. As you are aware, I represent the Bank Of Grand Junction and the potential development of its property at the corner of 27 1/2 Road and Patterson. The proposal for that corner is to provide a development that is compatible with the surrounding properties and which would include a small drive thru banking facility. The existing language of the city zoning and development code uses the B-1 zone to implement the residential high density of future land use classifications of the growth plan. In discussions with various members of the City Planning Department and with the legal staff of the City, it was concluded that it was appropriate to include other residential classifications for B-1 development in order to conform with resolution number 107-99 adopted by the City of Grand Junction on September 1, 1999. The appropriate language of that resolution provides that "The City and County may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories." The Bank of Grand Junction seeks to include residential medium high and residential medium densities as classified in the growth plan as appropriate areas for B-1 zones.

RECEIVED

JUL 10 2002

COMMUNITY DEVELOPMENT
DEPT.

Bob Blanchard
July 9, 2002

The site at 27 ½ Road and Patterson is a prime site for a small B-1 development. Immediately adjoining the property to the north is the new Hilltop Commons which will provide assisted living for senior citizens. The buildings in the Commons are massive in comparison to the previously existing residential neighborhood. A limited B-1 development on the corner parcel would be dwarfed by the adjoining Commons structures. In addition, throughout the application process, the Bank Of Grand Junction has tendered to the City Planning Department and the City Council letters and petitions from over 400 individuals supporting the project. A large majority of those signatures and letters were from property owners in the immediate vicinity. Only one person appeared at any of the hearings to speak in opposition to the project and to the best of our knowledge there is not one single letter or petition in opposition to the proposed project.

Despite this history, the guidelines developed by the Planning Department for B-1 zones will prohibit the proposed development on the 27 ½ Road and Patterson parcel. There are three items in your draft which cause considerable concern.

First, your spacing requirement requires new B-1 districts to be located at least three quarters (¾) of a mile from other business or commercial zone districts and at least one and a half (1 ½) miles from other B-1 zone districts. This property at 27 ½ Road is one half mile (½) from other commercial developments at the corner of 12th Street and Patterson. These requirements prohibit any kind of commercial development at 27 ½ Road.

Second, your tenant mix requires a minimum of three different store fronts. Although this matter will most likely not impact the Bank's plan since the Bank could revise its plan to include three different store fronts, I would submit that the Planning Department should consider requiring a minimum of two different store fronts. The concept of a B-1 development is for small commercial developments.

Finally, the proposed standards prohibit the use of any drive thru facilities. No banking institution can exist today without a drive thru facility.

I find it curious that the standards allow for the construction of gas stations in a B-1 zone which have a very high volume of drive thru traffic (reference the paragraph on canopies) yet prohibit a drive thru facility that would be used by a bank. In our numerous meetings and conversations with residents in the Spring Valley area we were told over and over again that the residents did not want to see any kind of convenience store or gas station

Bob Blanchard
July 9, 2002

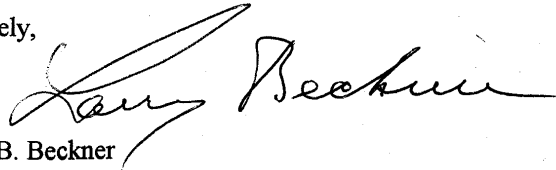
going on that corner and that they were very much in favor of a small banking facility including a drive thru facility.

I would also like to comment on two other matters which do not directly affect the Bank development but which I believe deserve additional consideration. Under your hours of business, you allow deliveries no earlier than 5:00 AM and a closing no later than 11:00 PM. Banking hours are typically from 7:30 AM until 5:30 PM five days a week and only on Saturday mornings. Accordingly, these restrictions on hours of business would not impact any banking facility. However, it appears that allowing deliveries as early as 5:00 AM and operations as late as 11:00 PM will significantly adversely impact surrounding residential areas. Allowing a broader range of business activities during normal business hours should be far preferable to the surrounding neighborhood than allowing a more restricted type of business activity with more extensive hours.

The last item concerns the restriction on materials and colors. You require that natural color and texture materials be used. If the intent is to blend the facility into the surrounding neighborhood, I would suggest that you leave the restrictions fairly broad. There may be neighborhoods where B-1 zones are appropriate and where natural color and texture materials would be out of character.

As always, I am available to meet with you or any members of your staff to discuss any issues dealing with the B-1 zone.

Sincerely,



Larry B. Beckner

LBB:abu
cc: Grand Junction City Council
Dan Wilson, City Attorney

BECKNER, ACHZIGER, McINNIS
& RAAUM, LLC

Attorneys at Law

Larry B. Beckner
John A. Achziger
Bruce R. Raaum

Caré McInnis Raaum
(of counsel)

Suite 850, Alpine Bank Building
225 North Fifth Street
P.O. Box 220
Grand Junction, Colorado 81502
Telephone: (970) 245-4300
Telefax: (970) 243-4358

March 18, 2002

Cindy Enos-Martinez, Mayor
City of Grand Junction
250 North 5th Street
Grand Junction, Colorado 81501

RE: Amendment to B-1 Zone

Dear Madam Mayor:

On December 3, 2001, I appeared before the Grand Junction City Council on behalf of the Bank of Grand Junction seeking an amendment to the language of the B-1 zone which is found in paragraph 1 of Section 3.4 B of the City of Grand Junction Zoning and Development Code. For your quick reference, I am enclosing a copy of that page from the Code. Our request was to include two other growth plan densities, the "medium high density" and the "medium density".

After my presentation, the City Planning Department stated to the Council that they acknowledged a language change needed to be made to the B-1 zone to accommodate our request. However in accordance with the language of Revise Policy 11.2 c of the Growth Plan, the staff requested additional time to develop "appropriate compatibility standards and size and spacing limitations." A copy of Resolution No. 107-99 is enclosed for your quick reference. The staff advised counsel that they would have proposed language within approximately three months.

The Bank of Grand Junction is still interested in pursuing an amendment to the B-1 zone language. By a copy of this letter being sent to the Planning staff, I am requesting that drafts of any proposed language modification to the B-1 zone be forwarded to me for review and comment.

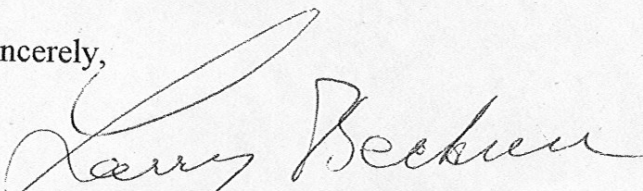
Cindy Enos-Martinez

March 18, 2002

Page 2

I appreciate the willingness of the staff and the Council to review the Bank's request for modification of the language in the B-1 zone.

Sincerely,



Larry B. Beckner

LBB:ms

Encls.

xc: Kathy Portner-Planning Department
Dan Wilson-City Attorney
Bob Johnson-Bank of Grand Junction

B. B-1: Neighborhood Business

1. **Purpose.** To provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and non-residential uses. B-1 implements the residential high density and *commercial* future land use classifications of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the B-1 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code and other development standards in this Code, the following intensity and density provisions shall apply:
 - a. Minimum lot size shall be 10,000 square feet, except where a continuous commercial center is subdivided;
 - b. Non-residential intensity shall not exceed a floor area ratio (FAR) of 0.5;
 - c. Unless a CUP is approved the maximum building size shall not exceed 30,000 square feet for office or any mixed uses, and 15,000 square feet for retail;
 - d. Maximum gross density shall not exceed 16 dwellings per acre, excluding retail and office; and,
 - e. Minimum net density shall not be less than eight dwellings per acre if the only uses are residential.
4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **Performance Standards.**
 - a. **Location.** B-1 Zones are to be limited to the intersection of any arterial or collector street with another collector or arterial street; however, existing retail and office uses which form an existing center as of the effective date of this Code are allowed as B-1.
 - b. **Parking.** Business uses shall be designed and operated so as not to increase on-street parking in front of neighborhood dwellings. On-site parking shall be provided.
 - c. **Hours of Business.** No use in this district shall open or accept deliveries earlier than 5:00 a.m. nor close later than 11:00 p.m. "Close" includes no customers on-site, no deliveries and no illumination of signs.
 - x d. **Service Entrances.** Business service entrances, service yards and loading areas shall be located only in the rear or side yard.

B-1 Summary	
Primary Uses	Offices, Retail, Services
Max. Intensity	0.5 FAR, 16 units/acre
Max. Bldg. Size	30,000 sq. ft. for office 15,000 sq. ft. for retail
Min. Density	8 units/acre

- e. **Mixed Use.** Any mix of residential and non-residential uses on one lot or parcel shall be located in the same structure. X *Bank*
- f. **Outdoor Storage and Display.** Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as elsewhere provided in this Code.
- g. **Rezone Application.** For the purpose of a rezone application to a B-1 district, the Planning Commission should consider the distance from other commercial and business zoning. New B-1 districts should be located at least eight-tenths (8/10th) of a mile from another business or commercial zone district. X

CITY OF GRAND JUNCTION, COLORADO

Resolution No. 107-99

AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION

Recitals:

After using the Growth Plan for over two years the staff has discovered several areas on the Future Land Use Map and the text which have been problematic. Staff has recommended the following changes to the map and the text.

The Grand Junction Planning Commission met jointly with the Mesa County Planning Commission, in accordance with the "Joint Plan Consistency Review and Plan Amendment Process for the Joint Urban Area Plan", and approved the amendments. The City Council finds that the amendments meet the criteria established for Plan amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE GRAND JUNCTION GROWTH PLAN IS AMENDED IN THE FOLLOWING WAYS:

FUTURE LAND USE MAP AMENDMENTS:

1. Overlay the North Central Valley Plan and Orchard Mesa Plan
2. Redesignate the Rosevale area along the Colorado River at Hidden Lake to Residential Medium-Low (2 to 4 units per acre).
3. Redesignate the Fruitvale/Pear Park area, generally bounded by 29 Road, 32 Road, the Southern Pacific Railroad and D Road, from Residential Low (.5 to 2 units/acre) and Residential Medium-Low (2 to 4 units/acre) to Residential Medium (4 to 8 units/acre).

NOTE: See attached maps.

TEXT AMENDMENTS:

- a. Revise Policy 1.6 to read:

The City and County may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories.

- b. Revise Policy 11.2 to read:

The City and County will limit commercial development into stable residential neighborhoods. In areas designated for residential development the City and County may consider inclusion of small scale neighborhood commercial development that provides retail and service opportunities in a manner compatible with surrounding neighborhoods in terms of scale and impact.

c. Revise Action Item #5 to read:

Revise development regulations to permit neighborhood service and retail uses in residential areas subject to appropriate compatibility standards and size and spacing limitations.

Include a definition of the Urban Growth Boundary as follows:

That area included in the Persigo Wastewater Treatment Plan 201 Service Area as amended and the Clifton Sanitation District #1 and #2 service areas as amended.

Add the following note to the Future Land Use Map:

The Urban Growth Boundary (UGB) coincides with that area included in the Persigo Wastewater Treatment Plant 201 Service Area as amended and the Clifton Sanitation Districts #1 and #2 service areas as amended.

Revise Exhibit V.2 and the Future Land Use Map legend to clarify land use intensities refer to densities and not minimum lot sizes.

PASSED on this 1st day of September, 1999.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ Gene Kinsey
President of Council

3.5 USE/ZONE MATRIX

A. **Principal Uses.** The only uses allowed in any zone or district are those listed in Table 3.5. The use categories listed in the first column of Table 3.5 are described in Chapter Nine. The second column of the use matrix contains an abbreviated definition of the uses. In some cases, use-specific standards are referred to in the last column of the Table. These uses are permitted subject to particular requirements listed under each zone or district.

1. **Allowed Uses.** An **A** indicates that the listed use is allowed by-right within the respective zoning district without the need for a public hearing. If compliance with all City, state and federal requirements are fully met, the Director may allow development, construction and/or use. The text for each zone, the balance of this Code, applicable state and other City regulations and federal requirements supplement Table 3.5 and control if inconsistent or ambiguous. See the maximum building size indicated for each zone district. No person shall begin any use without a written approval of the Director.
2. **Conditional Uses.** A **C** indicates that the listed use is allowed within the respective zoning district only after review and approval of a conditional use permit, in accordance with the review procedures of Chapter Two. Conditional uses are subject to all other applicable standards of this Code.
3. **Prohibited Uses.** A blank space indicates that the listed use is not allowed within the district, unless otherwise expressly allowed by another provision of this Code.

Table 3.5 Use/Zone Matrix

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL												NONRESIDENTIAL												Use-Specific Standard
		RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	T-O	T-1	T-2	CSR	M-U					
Warehouse and Freight Movement - firms involved in the storage or movement of freight	Indoor Operations, Storage and Loading															A	A	A	A			A				
	Indoor Storage with Outdoor Loading Docks															C	A	A	A			C				
	Outdoor Storage or Loading																C	A	A							
	Gas or Petroleum Storage																C	C	C							
	Sand or Gravel Storage																A	A	A				4.3K			
Waste-Related Use - uses that receive solid or liquid wastes from others, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material	All Other																C	C								
	Non-Hazardous Waste Transfer																	C	C	C						
	Medical/Hazardous Waste Transfer Station																	C	C	C			4.3J			
	Solid Waste Disposal Sites																	C	C	C						
	Recycling Collection Point															C	C	C	C	C						
Wholesale Sales - firms involved in the sale, lease or rental of products primarily intended for industrial, institutional or commercial businesses	All Other Waste-Related																	C	C	C						
	Wholesale Business (No Highly Flammable Materials/Liquids)															A	A	A	A			A				
	Agricultural Products																C	A	A			C				
	All Other Wholesale Uses																C	A	A			C				
OTHER	Agricultural																									
	Animal Confinement																									
	Dairy																									
	Confined Animal Feeding Operation, Feedlot																									
	Forestry, Commercial																									
	Pasture, Commercial																									
	Winery																									
	All Other Agriculture																									
	Airports/Heliports																									
	Bus/Commuter Stops																									
	Bus/Railroad Depot																									
	Helipads																									
	All Other Aviation or Surface Passenger Terminal																									
	Oil or Gas Drilling																									
	Sand or Gravel Extraction or Processing																						4.3K			

Table 3.5 Use/Zone Matrix

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL											NONRESIDENTIAL					Use-Specific Standard							
		RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-O		I-1	I-2	CSR	M-U			
Telecommunications Facilities - devices and supporting elements necessary to produce nonionizing electromagnetic radiation operating to produce a signal	All Other Mining	C																							
	Telecommunications Facilities & Support Structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

¹ Only allowed as part of a mixed use development.

² Produce stands are allowed in residential zone districts only for products produced on the premises provided no hazards are created with parking, ingress, egress and signage and the operation does not disrupt the peace, quiet and dignity of the neighborhood. Produce stands in non-residential zone districts may include products produced off-premise and require a Temporary Use Permit.

³ In some zone districts, lots originally platted and zoned for detached dwellings require a Conditional Use Permit for attached units. See Section 3.3.

CITY OF GRAND JUNCTION
Ordinance No. _____
Amending the Zoning and Development Code
Pertaining to the Neighborhood Business (B-1) Zone District and Sign Code

Recitals.

This proposed amendment to the Zoning and Development Code revises the Purpose and Development Standards of the Neighborhood Business (B-1) Zone District, the Use/Zone Matrix and the Sign Code.

The Planning Commission, at its July 23, 2002 hearing, recommended approval of the amendment as revised for spacing and hours of operation.

Now therefore be it ordained by the City Council of the City of Grand Junction that the Zoning and Development Code is hereby amended as follows.

- 1. Revise title of Section 3.4.B. to Limited Neighborhood Business**
(requires revisions throughout Code)
- 2. Revise Section 3.4.B.1 so the last line of the paragraph reads:**
B-1 implements the residential high, residential medium high and residential medium density and commercial land use classifications. B-1 implements the residential high, residential medium high and residential medium density and commercial future land use classifications.
- 3. Revise Section 3.4.B.5., Performance Standards, to read as follows:**
 - a. **Definition and Establishment of Zone District.** The major function of a limited neighborhood business center is to provide goods (food, drugs and sundries) and services to an immediate neighborhood. Most customers come from within walking distance or 5-minute driving distance of their residence. Generally, the residential service area shall be surrounding population of 2,500 to 4,000 persons.

Location/Access. B-1 zone district areas shall be located along and shall have primary access from an arterial or collector street. Limited neighborhood business centers shall not utilize residential streets as their principal access. Retail and office uses that form an existing center as of the effective date of this Code are allowed as B-1 and shall not be considered non-conforming.

Spacing. For the purpose of a rezone application to a B-1 district, the Planning Commission shall consider the distance from all other commercial and business zoning. New B-1 districts should be located at least $\frac{3}{4}$ -mile from another business or commercial zone district and at least 1.5 miles from another B-1 zone district or limited neighborhood business center. Spacing standards shall not apply to areas designated as 'Commercial' on the Growth Plan Future Land Use Plan.

Site Size. There is no established minimum parcel size for a limited neighborhood business center except as required in Table 3.2. However, the site must meet access requirements and be large enough to accommodate the required number of uses (see below). Maximum size of a limited neighborhood business center shall be 8 acres. Site size standards shall only apply to areas designated Residential on the Growth Plan Future Land Use Plan.

b. Land Use

Tenant Mix. Each neighborhood business center shall have a minimum of three (3) different storefronts. A single-use limited neighborhood business center shall not be allowed. In areas designated as Residential on the Growth Plan Future Land Use Plan, drive-through facilities are not allowed.

Mixed Use. Any mix of residential and non-residential uses on one lot or parcel shall be located in the same structure.

Hours of Business. No use in this district shall open or accept deliveries earlier than 6:00 am or close later than 10:00 pm. "Close" means no customers on site, no deliveries and no illuminated signs.

- c. **Site Design.** These site design standards ensure that the physical elements of the site plan for a limited neighborhood business center are arranged: 1) adequately for the purposes of the proposed land use; 2) considering neighborhood character; and 3) to positively contribute to the visual quality of the neighborhood.

Building Location. The maximum front yard setback for placement of a building shall not exceed 50 feet more than the front yard setback required per Table 3.2.

Building Integration. Buildings within a limited neighborhood business center and those on abutting B-1 zoned parcels shall be of similar design and materials and be visually and functionally linked as a cohesive development.

Parking. A minimum of eighty (80) percent of all parking, both that required and additional that a developer may provide, for a limited neighborhood business center shall be located to the rear or side of the buildings. Site design of a

limited neighborhood business center shall not increase on-street parking in front of neighborhood residences.

Pedestrian Character. The site design shall be designed such that pedestrian character and amenities are prominent. Pedestrian amenities: 1) accommodate movement from the neighborhood to the site; and 2) provide safe and convenient pedestrian movement on the site. Pedestrian links between the public sidewalk, parking areas and entrances and between buildings shall be provided. Amenities such as bike racks, street furniture and accessible ramps that encourage and enhance pedestrian circulation are also required.

Circulation Separation. Separate pedestrians and vehicles where possible. Where complete separation of pedestrians and vehicles is not possible, use of special paving, grade separations, pavement marking or striping, bollards, landscaping, lighting, and/or other means to clearly delineate pedestrian areas is required.

Trash Collection Areas. Dumpsters and trash cans shall be placed in the back yard (if alley access) or side yard (if no alley access). Shared trash enclosures that can service several uses or buildings shall be provided. Screening of trash collection areas is required and materials used for the screening wall or fence shall be the same as or compatible with the architectural materials of the building(s) on the site.

Outdoor Storage and Display. Outdoor storage and permanent outdoor displays as defined in the Zoning and Development Code are prohibited in the B-1 zone district. Portable display of retail merchandise may be permitted as elsewhere provided in this Code.

Lighting. Lighting on the limited neighborhood business center site shall be minimized. Security lighting of no greater than 0.2 footcandles in aggregate shall be allowed after the hours of operation described above. Uplighting of architectural or landscape feature(s) may be allowed after hours of operation provided the light is directed toward the building or feature only, and not off of any reflective surface. No outdoor lights shall be mounted more than twenty-five (25) feet above the ground. Lighting fixtures under canopies shall not protrude below the lowest plane of the canopy.

- d. **Architectural Design.** A gradual transition between land uses is encouraged but may not always be possible. When land uses with significantly different visual character are proposed adjacent to each other, every effort should be made to create architectural compatibility through careful consideration of building form, materials and colors. All buildings within a limited neighborhood business center shall have a consistent architectural style.

In areas where the existing architectural character of the neighborhood is less defined or less desirable, the architecture of the new development should present an attractive image and set a standard of quality for future projects or redevelopment in the area.

Building Form. The form of a building is an important consideration in determining whether or not a building is compatible with a neighborhood. Form is defined by the height, bulk, mass and scale of the building. In general, buildings within a B-1 zone district should be similar in form to other buildings in the neighborhood. Buildings can be made compatible through skillful design and careful orientation. Refer to Figure 3.1 below.

Roof Form. Typical roof forms such as sloping roofs, rectangular massing and height similar to the existing residential scale of the neighborhood shall be incorporated. Refer to Figure 3.1 below.

Facades and Fenestration. All sides/facades of a building shall be composed of several bays or sections, which are similar in scale to the residential structures in the surrounding neighborhood. Fenestration shall be visually compatible with surrounding residential structures. Visually compatible includes the relationship of width to height and the provision of windows and/or doors. Refer to Figure 3.1 below.



Figure 3.1 Treatment of Architectural Elements

Materials and Colors. Natural color and texture materials shall be used. A mixture of wood, brick, stucco and stone is encouraged. Metal facades are not allowed.

Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard and shall be screened with

landscaping and/or a screening wall or fence of materials the same as or compatible with the architectural materials of the building(s) on the site.

Canopies. Canopies such as those over gas islands shall be constructed of materials compatible with the primary buildings on the site.

Screening of Mechanical Equipment. Mechanical equipment, whether located on or off of a building shall be screened. The screen material shall include landscaping and/or be made of the same material and be of the same architecture style as the building.

e. **Signage.** See section 4.2.G.1.e. for sign standards in the B-1 District.

3. Revise Table 3.5 to add note 4. To Specific Use Types “Office with Drive-Through” and “All Other Retail Sales and Service” with a note at the end of the table as follows:

4. Drive-through uses are not allowed within a B-1 zone district if the area is designated Residential on the Growth Plan Future Land use Map.

4. Revise Section 4.2.G.1. of the Sign Code to Add the Following:

e. **Neighborhood Business Zone.**

(1) **General.** The neighborhood business zone provides for non-residential uses to be located within a residential area and consequently more restrictive sign regulations are necessary to ensure compatibility of the residential/non-residential uses.

(2) **Types Allowed.** Flush wall signs and freestanding monument signs are allowed.

One (1) “real estate” sign per street frontage not exceeding ten (10) square feet is allowed. A real estate sign may advertise the property for sale, for lease or rent; management signs are not allowed. The total sign allowance for a site shall be additive, meaning the allowance as calculated in item (3) shall be added to the allowance as calculated in item (4). shall be additive; per street frontage, the sign allowance for a flush wall sign as calculated in (3) below shall be added to the allowance for a monument sign as calculated in (4) below.

(3) **Flush Wall Signs.** 0.65 square feet of sign area shall be allowed for each linear foot of building façade for flush wall

signs. Calculation shall be per section 4.2.G.1.e(5)(A) and shall be allowed for each street frontage.

Canopies are considered a building for the calculation of sign allowance. The total of all signage placed on the canopy shall not exceed 20 percent of two times the length of the longest canopy side. For sites with both a building allowance and a canopy allowance, the greater of the two calculations shall determine the total allowance for flush wall signage. The total allowance may be distributed on both the building and the canopy; but in no case shall the signage for the canopy exceed the 20 percent stated above.

- (4) **Freestanding Monument Signs.** One (1) freestanding monument sign per street frontage shall be allowed. Monument signs shall be at least ten (10) feet behind the front property line. Total sign area, excluding real estate signs advertising the property for sale or lease, shall not exceed sixty-four (64) square feet. Monument signs shall not exceed eight (8) feet in height as measured from finished grade/ground elevation. The base or support for a monument sign shall be of the same materials as the building(s) on site.
- (5) **Illumination.** If lighted, signs shall be externally illuminated or interior illuminated with only the text lighted; lighting of the entire cabinet is not allowed. External uplighting of signage is not allowed. Neon lighting is prohibited.
- (6) All light sources shall be shielded to prevent glare.

INTRODUCED on FIRST READING this 7th day of August, 2002.

PASSED and ADOPTED on second reading this _____ day of August, 2002.

ATTEST:

CITY CLERK

MAYOR

**Attach 8
Boomers Revocable Permit**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Revocable Permit for a grease trap in alley right-of-way					
Meeting Date	August 7, 2002					
Date Prepared	August 1, 2002				File # RVP-2002-147	
Author	Lori V. Bowers					
Presenter Name	Lori V. Bowers					
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop		Formal Agenda	X	Consent	Individual Consideration

Summary: Boomer's Restaurant and Nightclub, to be located at 436 Main Street, is requesting approval of a Revocable Permit for a required grease trap in the alley right-of-way behind this location.

Budget: N/A

Action Requested/Recommendation: Approval and acceptance of the Resolution issuing the Revocable Permit

Attachments: Staff Report, Aerial Map, Resolution, Revocable Permit, Agreement

Background Information: Please see attached Staff report

BACKGROUND INFORMATION				
Location:		436 Main Street		
Applicant:		Chester Allen & Janet Gardner		
Existing Land Use:		Frequency Night Club		
Proposed Land Use:		Restaurant & Lounge		
Surrounding Land Use:	North	Parking area for First Federal Savings		
	South	Brown's Shoe, Village Squire		
	East	Hallmark Store		
	West	New Directions		
Existing Zoning:		B-2 (Downtown Business)		
Proposed Zoning:		B-2		
Surrounding Zoning:	North	B-2		
	South	B-2		
	East	B-2		
	West	B-2		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

Project Analysis: The petitioner acquired a Conditional Use Permit (CUP) for a restaurant and lounge where more than 25% of their total sales may be in liquor volume, as defined in the Zoning and Development Code and Administrative Regulation No. 01-1, January 29, 2001. For the petitioner to open the restaurant for business a grease trap must be installed in the alley behind the building. To do so requires a Revocable Permit to be issued by the Council.

A request for a Revocable Permit must be reviewed for conformance with the criteria established by Section 2.17 of the Zoning and Development Code. Staff feels the criteria have been satisfied. The following are the applicants responses.

1. There will benefits derived by the community or area by granting the proposed revocable permit. *The benefit of having this approved will be consistent with opening a restaurant in the downtown area.*

2. There is a community need for the private development use proposed for the City Property. *There is a community need for the private development of an additional downtown business.*
3. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property. *This city property is suitable for the proposed use, a restaurant and lounge. We do not anticipate any conflicting uses for the building.*
4. The proposed use shall be compatible with adjacent land uses. *The nature of this business is compatible with other businesses on Main Street of the same nature.*
5. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas. *The grease trap will be submerged below the surface of the alley and paved over.*
6. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies. *The location of the grease trap has been determined appropriate by the building department, Persigo and the city utilities department.*
7. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two and SSID Manual. *Our application complies with the submittal requirements of the City Charter and the SSID Manual, to the best of our knowledge.*

Staff Findings:

The City Charter gives Council authority to allow private use of public property provided such use is substantiated by resolution. The Revocable Permit essentially gives the adjacent landowner a license to use the public property. The City may revoke the permit and require the landowner to restore the property to its original condition by giving 30 days written notice. The project meets the criteria for a Revocable Permit as set forth in Section 127 of the City Charter, the SSID Manual and Section 2.17 of the Zoning and Development Code.

STAFF RECOMMENDATION: Staff recommends approval of the resolution authorizing the Revocable Permit due to compliance with criteria of Section 2.17 of the Zoning and Development Code, Section 127 of the City Charter the SSID Manual and the goals and policies of the City of Grand Junction's Growth Plan.



RESOLUTION NO. _____

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
JANET GARDNER AND CHESTER L. ALLEN
DBA BOOMER'S LOCATED AT 436 MAIN STREET

Recitals.

1. Janet Gardner and Chester L. Allen, hereinafter referred to as the Petitioners, represent that they are the owners, as joint tenants, of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 24 and 25 in Block 103 of the City of Grand Junction, also known as 436 Main Street and identified by Mesa County Tax Schedule Number 2945-143-16-017,

and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install, operate, maintain and repair an underground grease interceptor within the limits of the following described public alley right-of-way, to wit:

Commencing at the Northeast Corner of Lot 24, Block 103 of the City of Grand Junction; thence WEST along the North boundary line of said Lot 24 a distance of 9.0 feet to the True Point of Beginning; thence WEST along the North boundary line of said Lot 24 a distance of 16.0 feet to the Northwest Corner of said Lot 24; thence leaving the North boundary line of said Lot 24, NORTH a distance of 8.0 feet; thence EAST a distance of 16.0 feet; thence SOUTH a distance of 8.0 feet to the Point of Beginning.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioners for the purposes aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this _____ day of _____, 2002.

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals

1. Janet Gardner and Chester L. Allen, hereinafter referred to as the Petitioners, represent that they are the owners, as joint tenants, of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 24 and 25 in Block 103 of the City of Grand Junction, also known as 436 Main Street and identified by Mesa County Tax Schedule Number 2945-143-16-017,

and have requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioners to install, operate, maintain and repair an underground grease interceptor within the limits of the following described public alley right-of-way, to wit:

Commencing at the Northeast Corner of Lot 24, Block 103 of the City of Grand Junction; thence WEST along the North boundary line of said Lot 24 a distance of 9.0 feet to the True Point of Beginning; thence WEST along the North boundary line of said Lot 24 a distance of 16.0 feet to the Northwest Corner of said Lot 24; thence leaving the North boundary line of said Lot 24, NORTH a distance of 8.0 feet; thence EAST a distance of 16.0 feet; thence SOUTH a distance of 8.0 feet to the Point of Beginning.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioners a Revocable Permit for the purposes aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public alleys, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public rights-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioners, for themselves and for their heirs, successors and assigns, agree that they shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioners or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioners agree that they shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon concurrent execution by the Petitioners of an agreement that the Petitioners and the Petitioner's heirs, successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioners shall, at the sole expense and cost of the Petitioners, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at their own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioners, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2002.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioners:

Janet Gardner

Chester L. Allen

AGREEMENT

Janet Gardner and Chester L. Allen, for themselves and for their heirs, successors and assigns, do hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable Permit; As set forth, indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; Within thirty (30) days of revocation of said Permit, peaceably surrender said public right-of-way to the City of Grand Junction and, at their sole cost and expense, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2002.

Janet Gardner

Chester L. Allen

State of Colorado)
)ss.
County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2002, by Janet Gardner and Chester L. Allen.

My Commission expires: _____

Witness my hand and official seal.

Notary Public

**Attach 9
Ethics for Volunteer Boards**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Ethical Standards for Members Serving on City Boards and Commissions					
Meeting Date		August 7, 2002					
Date Prepared		July 11, 2002				File #	
Author		Dan Wilson			City Attorney		
Presenter Name		Dan Wilson			City Attorney		
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent	X Individual Consideration

Summary: Resolution adopting standards for advisory boards and City groups, as well as for the members of City boards and commissions that have final administrative decision-making duties.

Budget: None

Action Requested/Recommendation: Adopt a resolution setting standards and rules for the various City advisory and similar groups, and more rigorous rules and standards (equivalent to those that apply to the City Council members) for City groups with decision-making powers.

Attachments: The proposed Resolution.

Background Information: The various City boards, committees, commissions and other groups are similar in that the members are typically appointed by the City Council. The power and legal responsibilities of several of such groups rise to the level that their decisions are in some cases legally equivalent to City Council decisions. Other City

entities and City Council appointed groups will also benefit from having guidance and conflict of interest rules.

City of Grand Junction, Colorado

RESOLUTION NO. __-02

A RESOLUTION CLARIFYING THE ETHICAL STANDARDS FOR MEMBERS OF THE CITY'S BOARDS, COMMISSIONS AND SIMILAR GROUPS

Recitals. The various City boards, committees, commissions and other groups are similar in that: the members are typically appointed by the City Council; the mission of each is somehow supportive of the City; and from the perspective of the citizen, the actions and pronouncements of the members of such boards and commissions may be viewed as being the act or pronouncement of the City.

The power and legal responsibilities of several of such City groups rise to the level that the City Council should provide additional guidance and rules, pursuant to the City charter, state and other law.

Members of entities/boards who have one or more of the following powers, duties or opportunities, should be subject to higher scrutiny and care, and will be termed "Authoritative":

- spend money,
- adopt a budget,
- buy or sell property,
- act for or bind the City,
- sue and be sued,
- hire/fire and supervise employee(s),
- make land use decisions, including zoning and/or variances;
- issue and regulate City licenses, including the power to suspend or revoke a right or privilege to do business with or within the City.

The following are Authoritative:

Grand Junction Downtown Development Authority
Walker Field Public Airport Authority (only for the three City appointees)
Grand Junction Housing Authority
Grand Junction Planning Commission
Grand Junction Planning Commission Board of Appeals
Building & Fire Code Board of Appeals
Contractor's Licensing Board
Parks Improvement Advisory Board (only for the City's appointee)
Public Finance Corporation
Riverview Technology Corporation
Grand Junction Forestry Board
Ridges Architectural Control Committee

A member of a body with advisory powers and duties only could normally not make a decision that is an actual conflict of interest, although a question of appearance of impropriety might arise. Such groups that are normally acting through a City employee or another City group will be termed "Advisory" for this resolution.

The following groups and boards are Advisory:

- Commission on Arts and Culture
- Parks and Recreation Advisory Board
- Urban Trails Committee
- Riverfront Commission
- Historic Preservation Board
- Growth Plan members
- Study groups
- Transit Committees/groups
- Visitor & Convention Bureau Board of Directors
- Other *Ad Hoc* Committees

All such members are encouraged to discuss such matters with the City Attorney or the Mayor as soon as the member determines that a situation or circumstances has arisen or is likely to.

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

1. These rules supplement state and other applicable law, including the City Charter, especially § 101 of the Charter.
2. The recitals are a substantive part of these rules.
3. Authoritative boards and the members thereof are subject to the same rules as is the City Council and its members.
4. Rules for members of Authoritative groups and/or commissions are:

- (a) Members are not allowed to contract with the City. The same constraints apply to a member's immediate family and close business associates.¹
 - (b) Members cannot act or be involved in a decision or process when their personal and/or financial interests (direct and/or indirect)² could (or be reasonably perceived to) influence their decision-making.
 - (c) Each member must disclose the conflict or appearance of impropriety (including the potential of either) as soon as possible.
 - (d) If a conflict exists, the member must remove him or herself from further involvement in the decision or the process. If the appearance of impropriety exists, the member may remove him/her self or may seek the guidance of the other members of the board or group. In addition, the member must avoid exercise of any attempt to influence any decision-maker.
5. Advisory boards and members are not subject to the rules that apply to members of Authoritative groups/commissions; except that members of advisory boards and groups must: disclose the conflict or appearance of impropriety as soon as possible; absent oneself from participation or influence regarding the matter.
6. There is no conflict, nor impropriety, for any member of any City board/entity if the matter does not involve the board/entity on which the member serves.
- For example, membership on an Advisory board would not disqualify one's child from bidding on a City Public Works Department contract authorized by the City Council.
 - Another example: Assume that the Arts Commission was expected to recommend to the Parks Director regarding the Director's purchase of a piece of art. If one of the members of the Commission was close friends with the creator of one of the pieces of art, the member should disclose the relationship and avoid further involvement with the process of making recommendations and acquiring the artwork.
 - A third explanatory application: These rules would allow a citizen to bid on a City contract even though a member of the citizen's family served on a City Council

¹ Section 101 of The Charter: "No officer or employee shall solicit or receive any pay, commission, money, or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any dealings with or service for the city, **by himself or by others**, or from or by reason of any improvements, alterations, or repairs required by authority of the city, except his lawful compensation or salary as such officer or employee."

² Section 101 of The Charter: "No officer or employee shall solicit or receive any pay, commission, money, or thing of value, or derive any benefit, profit or advantage, directly or **indirectly**, from or by reason of any dealings with or service for the city, by himself or by others, or from or by reason of any improvements, alterations, or repairs required by authority of the city, except his lawful compensation or salary as such officer or employee."

appointed board if the particular board was unrelated to the bidding process or the involved City department.

7. Disclosure under this resolution is in writing or email, or equivalent, to the Mayor, with a copy to the City Attorney. The City Attorney shall deliver a copy, along with any legal opinion that is made available to the public, to the City Clerk who will keep a public record of all such disclosures.

PASSED and ADOPTED this _____ day of August, 2002.

President of the Council

ATTEST:

Stephanie Tuin
City Clerk

Attach 10
Private Activity Bond Allotment
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		An Ordinance to Transfer the City's 2002 PAB Allotment							
Meeting Date		August 7, 2002							
Date Prepared		July 9, 2002				File #			
Author		Ron Lappi		Admin Svcs Director					
Presenter Name		Ron Lappi & Dan Wilson		Admin Svcs Director & City Attorney					
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X		Formal Agenda			Consent	X	Individual Consideration

Summary: An Ordinance Authorizing the City Manager to Sign an Assignment Agreement with the Colorado Housing and Finance Authority to Transfer the City's \$1,607,963 in 2002 Private Activity Bond Allotment from the City to CHFA. The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fifth time in 2002 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Budget: N/A

Action Requested/Recommendation: Adopt on August 7, 2002 after a public hearing and second reading.

Attachments: the ordinance

Background Information: The City has until September 15, 2002 to commit our tax exempt PAB allotment to a project or it will automatically go to the State for utilization state wide. This year we had several firms interested in using these funds for expansion but none materialized. This authority can be used for small issue manufacturing, single family mortgage revenue bonds, redevelopment bonds, residential rental projects, student loans, exempt facility bonds, and qualified 501 (c) (3) bonds for non-profit hospitals and private universities. CHFA approached us, as well as Mesa County and other local governments, relative to a process to bank our allocation for future housing

needs. The Grand Junction Housing Authority Executive Director, Jody Kole, supports this reserving process at this time.

ORDINANCE NO.

AN ORDINANCE AUTHORIZING ASSIGNMENT TO THE
COLORADO HOUSING AND FINANCE AUTHORITY OF A
PRIVATE ACTIVITY BOND ALLOCATION OF CITY OF GRAND
JUNCTION PURSUANT TO THE COLORADO PRIVATE
ACTIVITY BOND CEILING ALLOCATION ACT

WHEREAS, the City of Grand Junction is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City has an allocation of the 2002 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2002 (the "2001 Allocation"); and

WHEREAS, the City has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2002 Allocation; and

WHEREAS, the City has determined that the 2002 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the City Council of the City has determined to assign \$1,607,963 of its 2002 Allocation to the Authority, which assignment is to be evidenced by an

Assignment of Allocation between the City and the Authority attached hereto as Exhibit A (the "Assignment of Allocation").

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Grand Junction as follows:

1. The assignment to the Authority of \$1,607,963 of the City's 2002 Allocation be and hereby is approved.
2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the City Manager be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as he shall deem necessary or appropriate and not inconsistent with the approval thereof by this ordinance.
3. The City Manager of the City be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the City and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the terms and intent of this ordinance.
4. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.
5. This ordinance shall be in full force and effect upon its passage and approval or as otherwise required by home rule charter.

INTRODUCED ON FIRST READING this 15th day of July, 2002.

PASSED, ADOPTED AND APPROVED this 7th day of August, 2002.

ATTEST:

City Clerk

President of the Council

EXHIBIT A
ASSIGNMENT OF ALLOCATION

This Assignment of Allocation (the "Assignment"), dated this 7th day of September 2002, is between the City of Grand Junction (the "Assignor") and the Colorado Housing and Finance Authority (the "Assignee").

WITNESSETH:

WHEREAS, the Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 1999 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to August 7, 2002 (the "2002 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable housing for low and moderate income persons and families within the City of Grand Junction and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2002 Allocation; and

WHEREAS, the Assignor has determined that the 2002 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 2002 Allocation; and

WHEREAS; the City Council of the Assignor has determined to assign to the Assignee \$1,607,963 of its 2002 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$1,607,963 of its 2002 Allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.

2. The Assignee hereby accepts the Assignment to it by the Assignor of \$1,607,963 of Assignor's 2002 Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds, in one or more series, and to provide mortgage loans in at least the amount of \$1,607,963 to finance single-family housing facilities located in the City of Grand Junction. (The mortgage loans will be subject to all applicable current requirements of Assignee's mortgage revenue bond program, including Assignee's income and purchase price limit.)

3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carry forward purpose.

4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.

5. Nothing contained in this Assignment shall obligate the Assignee to finance mortgage loans in any particular amount or at any particular interest rate or to use any particular percentage of the proceeds of its Revenue Bonds to provide mortgage loans to finance single-family housing facilities located in City of Grand Junction.

6. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the parties hereto have duly executed this Assignment on the date first written above.

CITY OF GRAND JUNCTION

By: _____
City Manager

07/16/02

ATTESTS:

By: _____
City Clerk

COLORADO HOUSING AND FINANCE
AUTHORITY

By: _____
Executive Director

By: _____
Assistant Secretary

August 9, 2002

Colorado Housing and Finance Authority
1981 Blake Street
Denver, CO 80202-1272

Gentlemen:

I am an attorney duly admitted to practice in the State of Colorado (the "State"). I have acted as counsel for the City of Grand Junction ("City") in connection with the assignment by the City to the Colorado Housing and Finance Authority (the "Authority") of the City's allocation of the ceiling on private activity bonds which may be issued in the State during the period from January 1, to December 21, 2000 (the "2000 Allocation"), under Part 17 of Article 32 of Title 24 of the Colorado Revised Statutes (the "Allocation Act"). This assignment is being affected pursuant to an Ordinance adopted by City Council on first reading on August 7, 2002 (the "Ordinance"), and an Assignment of Allocation dated August 7, 2002 (the "Assignment of Allocation"), between the City and the Authority.

I have examined, among other things, a copy of the Ordinance. I have also examined the Constitution of the State and such statutes and regulations as I deemed appropriate, including, without limitation, the charter of the City, certificates of public officials and of officers and representatives of the City, and such other documents as I have deemed necessary as a basis for the opinions hereinafter expressed. In the course of such examinations I have assumed the genuineness of all signatures and the authenticity of all documents submitted to me as copies.

Based upon the foregoing, it is my opinion that:

1. The City of Grand Junction is a City, validly existing under the Constitution and the laws of the state.
2. The City of Grand Junction has full legal right, power and authority: (a) to assign its 2002 Allocation, or a portion thereof, in accordance with the Ordinance and the Assignment of Allocation; (b) to adopt the Ordinance; (c) to execute and deliver the Assignment of Allocation; and (d) to perform its obligations under the Ordinance.
3. The adoption or the execution and delivery and the performance of the City of the Ordinance, and the Assignment of Allocation and the performance of obligations thereunder, have been duly authorized by the City. Each have been

07/16/02

duly adopted or executed and delivered by the City and each of them constitute valid and binding obligations of the City enforceable in accordance with the respective terms.

4. The adoption of the Ordinance and the execution and delivery of the Assignment of Allocation, and compliance with the terms, conditions and provisions of each thereof by the City, will not conflict with or result in a breach or violation of any of the terms, conditions or provisions of the Constitution or the laws of the State, local ordinances, resolutions, charter, bylaws, or other regulations, or any other governmental authority of any nature whatsoever as now existing or, to the best of my knowledge, any agreement or instrument to which the City is now a party or by which it is bound, or which could constitute a default thereunder.
5. With respect to the 2002 allocation, or a portion thereof, being assigned to the Authority pursuant to the Ordinance and the Assignment of Allocation, the City has not: (a) issued private activity bonds; (b) assigned the allocation to another "issuing authority" as such term is defined in the Allocation Act; (c) made a mortgage credit certificate election; or (d) treated the allocation as an allocation for a project with a carry-forward purpose.
6. No approval, permit, consent or authorization applicable to the City and not already obtained by the City of any government or public agency, authority or person is required in connection with the adoption, the execution and delivery by the City of, and the performance by it of its obligations under, the Ordinance and the Assignment of Allocation.

This opinion may be relied upon by: (i) the Authority's Bond Counsel in rendering its opinion in connection with the issuance by the Authority of revenue bonds; (ii) each institution which may act as an underwriter of any such revenue bonds; no one else without the written approval of the City.

Regards,

Dan Wilson
City Attorney

cc: Jody Kole, GJ Housing Authority
File

Attach 11
Rezone Valley Meadows North
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Reconsidering the Rezone Request for the Valley Meadows North development							
Meeting Date	August 7, 2002							
Date Prepared	July 31, 2002				File # RZP-2002-019			
Author	Lisa Gerstenberger		Senior Planner					
Presenter Name	Same			Same				
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X		Formal Agenda	X	Consent		Individual Consideration

Continued from the July 17, 2002 Council meeting

Summary: Reconsideration and second reading of the Rezoning Ordinance for the Valley Meadows North property located at the north end of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4). This hearing is in accordance with a settlement of a lawsuit and is for purposes of reconsidering the rezone criteria.

Budget: **N/A**

Action Requested/Recommendation: It is recommended that City Council approve second reading of the Rezoning Ordinance.

Attachments:

1. Site location map
2. Rezone Ordinance

Background Information: See attached report.

AGENDA TOPIC: RZP-2002-019, Valley Meadows North Subdivision.

SUMMARY: Request to rezone from Residential Single Family Rural (RSF-R)* to Residential Single Family-4 (RSF-4)** for approximately 7.65 acres located at the north end of Kapota Street.

<i>BACKGROUND INFORMATION</i>			
Location:		North end of Kapota Street	
Applicants:		Ed Lenhart, Just Companies, Owner Brian Hart, Representative	
Existing Land Use:		Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		RSF-R	
Proposed Zoning:		RSF-4	
Surrounding Zoning:	North	RSF-2	
	South	PD 2.93	
	East	RSF-R	
	West	RSF-4	
Growth Plan Designation:		Residential Medium-Low, 2-4 du/ac	
Zoning within density range?		X	Yes
			No

*RSF-R: Residential Single Family Rural (1 dwelling unit per 5 acres)

**RSF-4: Residential Single Family-4 (2-4 units per acre)

ACTION REQUESTED: Consideration of request to rezone approximately 7.65 acres from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4).

Project Background/Summary

The proposed Valley Meadows North subdivision is located north of F1/2 Road and east of 25 ½ Road. The applicant has requested a rezone from RSF-R to RSF-4 in an

effort to develop the property as a 26 lot single family subdivision on approximately 7.65 acres.

The proposed development has 15' of road frontage on 25 ½ Road which will be utilized for pedestrian access. The only other point of public access is from Kapota Street (located on the southern property line) from the Valley Meadows East subdivision. The proposed density is 3.4 units per acre, which is in keeping with the allowable density levels of the Residential Medium-Low land use classification.

The rezone request from RSF-R to RSF-4 and Preliminary Plan for the proposed Valley Meadows North Subdivision which is to be constructed on this property, has been processed in the following manner:

- Rezone request and preliminary plans submitted and reviewed by City staff and various other review agencies, April 2002
- Planning Commission reviewed and approved both the rezone request and Preliminary Plans at its March 12, 2002 meeting
- An appeal of the Planning Commission decision approving the Preliminary Plan was filed for City Council consideration
- Council denied the rezone request at its May 1, 2002 meeting making the appeal moot
- A lawsuit challenging the denial of the rezone request was filed in early June

This hearing is in accordance with a settlement of a lawsuit and is for purposes of reconsidering the rezone criteria. If the rezone request is approved, the appeal of the Planning Commission approval of the Preliminary Plan will be reinstated.

Access/Streets/Parking

Access for the proposed project will be provided through the Valley Meadows East subdivision via Westwood Drive, Chama Lane, McCook Avenue and/or Kapota Street. Kapota Street will be extended into the proposed development with a street stubbed to the east to provide access for future development.

Several letters from neighbors expressing their concern about access coming only from Kapota Street and increased levels of traffic have been received and are available for review.

Lot Configuration and Bulk Requirements

Lot configuration and bulk standards for the RSF-4 zone district have been utilized in the design process.

Drainage/ Utilities/ Irrigation

Drainage for the proposed development will be handled by a detention pond located in the southwest corner of the property in a tract to be owned and maintained by the Home Owner's Association.

All required utilities are available and will be extended to the site or installed during construction. There is no irrigation water available to this site.

REZONING CRITERIA:

The rezone request must be evaluated using the criteria noted in Section 2.6.A of the Zoning and Development Code. The criteria are as follows:

- 1. The existing zoning was in error at the time of adoption.** The existing zoning of RSF-R, Residential Single Family-Rural, is not consistent with the current land use classification of Residential Medium-Low (2-4 du/ac) as shown on the Future Land Use Map of the Growth Plan. While the RSF-R zone district was applied consciously in 2000, it was recognized that it would likely change as the neighborhood transitioned to a density consistent with the Growth Plan. The Residential Single Family-2 (RSF-2) and Residential Single Family-4 (RSF-4) zone districts implement the Residential Medium-Low land use classification of the Growth Plan.
- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.** The property is located in an area that is developing in a residential manner consistent with the Growth Plan, although some parcels (located to the north and east) have lower density zoning than indicated by the Growth Plan. This property is an example of infill development where a public street and utilities have been stubbed to its southern property line in anticipation of future development. The changes occurring are consistent with the Growth Plan but inconsistent with surrounding zoning.
- 3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances.** The requested rezone to RSF-4 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the RSF-4 zone district, therefore this criterion is met.

4. **The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City regulations and guidelines.** The rezone request has been made to develop the property in a manner consistent with the density range allowed by the Growth Plan. The proposed subdivision has been designed in accordance with the provisions of the Zoning and Development Code and TEDS manual. In reviewing the goals and policies of the Growth Plan, it is apparent that the proposal is consistent with some of the goals and policies, but not all.

Examples of goals and policies of the Growth Plan that support the rezone request include:

Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.

Policy 5.3: The City and County may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is separate from existing urban services (“leap-frog” development) will be discouraged.

Example of a Growth Plan policy that does not support the rezone request:

Policy 24.2: When improving existing or constructing new streets which pass through residential neighborhoods, the City will balance the desires of residents with the need to maintain a street system which safely and efficiently moves traffic throughout the community.

5. **Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development.** Adequate public facilities are currently available and can address the impacts of development consistent with the RSF-4 zone district.
6. **There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.** The neighborhood has a limited amount of land that is undeveloped. The proposed development is considered an infill project which will utilize or extend existing public facilities.

7. **The community or neighborhood will benefit from the proposed zone.** The community will benefit from the infill development of this property and utilization of existing public facilities whether the property is developed at a density as allowed by RSF-4 or RSF-2.

FINDINGS OF FACT/CONCLUSIONS:

Upon review of the request to rezone from RSF-R to RSF-4, staff makes the following findings of fact and conclusions:

1. The request to rezone is consistent with the goals and policies of the Growth Plan.
2. The request to rezone meets the approval criteria of Section 2.6.A of the Zoning and Development Code.

STAFF RECOMMENDATION

Staff recommends approval of the request to rezone with the finding that the request is consistent with the goals and policies of the Growth Plan and the rezone criteria of Section 2.6.A of the Zoning and Development Code:

PLANNING COMMISSION RECOMMENDATION:

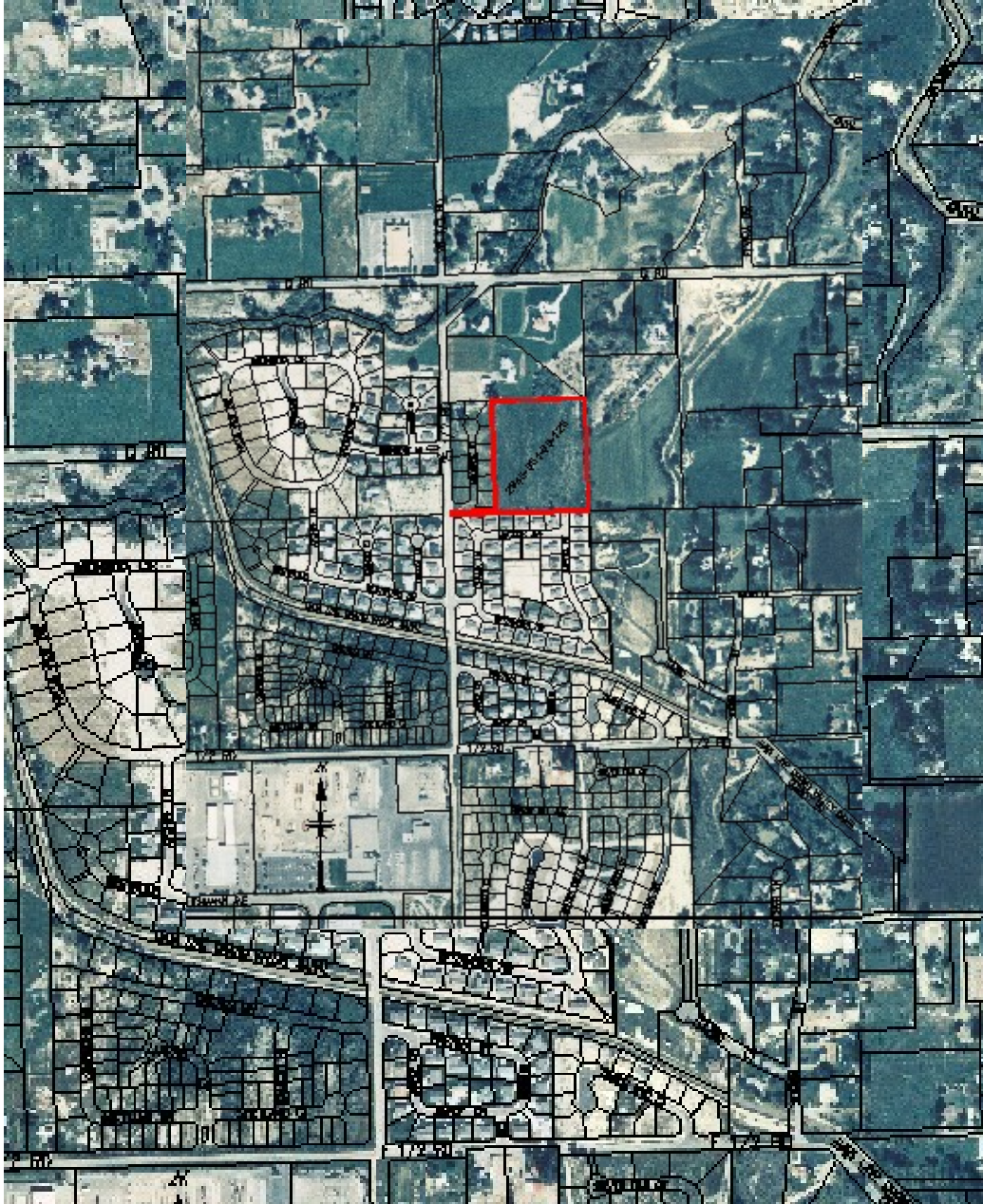
The Planning made a recommendation to approve the request to rezone from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4) with the findings that the request is consistent with the goals and policies of the Growth Plan and meets the criteria of Section 2.6.A of the Zoning and Development Code.

Attachments:

1. Site location map
2. Rezone Ordinance

H:\Projects2002\RZP-2002-019\VMNCityRezone4.doc

Site Location Map



CITY OF GRAND JUNCTION, COLORADO

REZONING ORDINANCE No. ____

**Ordinance Rezoning the Valley Meadows North property,
located at the north end of Kapota Street,
from Residential Single Family Rural (RSF-R)
to Residential Single Family-4 (RSF-4)**

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 rezoning the Valley Meadows North property, located at the north end of Kapota Street, from the from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4), for the following reasons:

1. The zone district is consistent with the goals and policies of the Growth Plan.
2. The zone district meets the criteria found in Section 2.6.A of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Residential Single Family-4 (RSF-4) zone district be established.

The Planning Commission and City Council find that the Residential Single Family-4 (RSF-4) zoning is in conformance with the stated criteria of Section 2.6.A 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 rezoned to the Residential Single Family-4 (RSF-4) zone district:

Parcel One: That part of the S 632.50' of the W 786.00' of the NW1/4 NE1/4 of Sec 3, T1S, R1W of the UM, being more particularly described as follows: Commencing at the N1/4 corner of said Sec 3, and considering the W line of the NE1/4 of said Sec 3 to bear S 00°00'00" W with all bearings contained herein relative thereto; thence S 00°00'00" W along said W line of the NE1/4 of said Sec 3, 688.50'; thence N 89°59'00" E 265.00' to the POB; thence continuing N 89°59'00" E 521.00'; thence S 00°00'00" W 632.50'; thence S 89°59'00" W 521.00'; thence N 00°00'00" E 632.50' to the POB.

Parcel Two: The S 15' of the following described tract: That part of the S 632.50' of the W 786.00' of the NW1/4 NE1/4 of Sec 3, T1S, R1W of the UM, being more particularly

described as follows: Commencing at the N1/4 corner of said Sec 3 and considering the W line of the NE1/4 of said Sec 3 to bear S 00°00'00" W with all bearings contained herein relative thereto; thence S 00°00'00" W along said W line of the NE1/4 of Sec 3, 688.50' to the POB; thence N 89°59'00" E 265.00'; thence S 00°00'00" W 632.50'; thence S 89°59'00" W 265.00' to a point on said W line of the NE1/4 of said Sec 3; thence N 00°00'00" E 632.50' to the POB.

Introduced on first reading this 26th day of June, 2002.

PASSED and ADOPTED on second reading this ____ day of August, 2002.

Mayor

ATTEST:

City Clerk