

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

WEDNESDAY, APRIL 2, 2003, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Pastor Gary Cake, More Than Words Ministry

APPOINTMENTS

RATIFY APPOINTMENTS TO THE RIVERVIEW TECHNOLOGY CORPORATION
BOARD OF DIRECTORS

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO REAPPOINTED MEMBER OF THE COMMISSION ON ARTS AND CULTURE

SCHEDULED CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings** [Attach 1](#)
Action: Approve the Summary of the March 3, 2003 Workshop and the Minutes of the March 5, 2003 Regular Meeting
2. **Setting a Hearing on Zoning the Hubbartt Annexation Located at 2976 Gunnison Avenue** [File #ANX-2003-008] [Attach 2](#)

The Hubbartt Annexation is comprised of 1 parcel of land consisting of 1.2731 acres located at 2976 Gunnison Avenue. The petitioner is requesting a zone of Light Industrial (I-1), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its February 25, 2003 meeting.

Proposed Ordinance Zoning the Hubbartt Annexation to Light Industrial I-1
Located at 2976 Gunnison Avenue

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** Indicates New Item

* Requires Roll Call Vote

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Ronnie Edwards, Associate Planner

3. **Setting a Hearing on Zoning the Seriani Annexation Located at 2986 Gunnison Avenue** [File #ANX-2003-025] [Attach 3](#)

The Seriani Annexation consists of 0.68 acres of land that is located at 2986 Gunnison Avenue and is currently being used as a storage yard for their concrete business. The petitioner's intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business in spring 2003. The proposed annexation is considered to be a serial annexation and can be legally described as Lot 12, Banner Industrial Park. The proposed zoning is I-1, Light Industrial.

Proposed Ordinance Zoning the Seriani Annexation, Lot 12, Banner Industrial Park to Light Industrial (I-1) Located at 2986 Gunnison Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Scott D. Peterson, Associate Planner

4. **Setting a Hearing on Zoning the Fairway Pines Annexation Located at 2970 B Road** [File # ANX-2003-021] [Attach 4](#)

The Fairway Pines Annexation is requesting that a zoning of RSF-4 be applied to the 6.4295 acres. The Planning Commission at its March 11, 2003 hearing recommended approval of the zone of annexation.

Proposed Ordinance Zoning the Fairway Pines Annexation to the Residential Single Family – 4 Dwelling Units Per Acre (RSF-4) District Located at 2970 B Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Pat Cecil, Development Services Supervisor

5. **Setting a Hearing on Zoning the Fruitvale Estates Annexation, Located at 3083 E ½ Road (Orchard Avenue)** [File # ANX-2003-023] [Attach 5](#)

The Fruitvale Estates Annexation is requesting that a zoning of RSF-4 be applied to the 4.3815 acres. The Planning Commission at its March 25, 2003 hearing recommended approval of the zone of annexation.

Proposed Ordinance Zoning the Fruitvale Estates Annexation to the Residential Single Family – 4 dwelling Units Per Acre (RSF-4) District Located at 3083 E ½ Road (Orchard Avenue)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Pat Cecil, Development Services Supervisor

6. **Setting a Hearing on Zoning the Grand Meadows South Annexation, Located at 466 30 Road** [File # ANX-2003-010] [Attach 6](#)

First reading of the zoning ordinance to zone the Grand Meadows South Annexation Residential Multi-Family-5 (RMF-5), located at 466 30 Road.

Proposed Ordinance Zoning the Grand Meadows South Annexation to Residential Multi-Family-5 (RMF-5), Located at 466 30 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Lisa E. Cox, Senior Planner

7. **Setting a Hearing on Zoning the Summit Meadows West Annexation, Located at 3134 and 3138 D ½ Road** [File # ANX-2003-016] [Attach 7](#)

First reading of the zoning ordinance to zone the Summit Meadows West Annexation Residential Multi-Family-5 (RMF-5), located at 3134 and 3138 D ½ Road.

Proposed Ordinance Zoning the Summit Meadows West Annexation to Residential Multi-Family-5 (RMF-5), Located at 3134 and 3138 D 1/2 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Lisa E. Cox, Senior Planner

8. **Setting a Hearing on Spanish Trails, Filing 3, Right-of-Way and Easement Vacation** [File # FPP-2002-204] [Attach 8](#)

A request to vacate a portion of the 24 ¼ Road Right-of-Way and emergency access easement in the proposed Spanish Trails, Filing 3

a. Proposed Ordinance Vacating a Portion of the 24 ¼ Road Right-of-Way

- b. Proposed Ordinance Vacating an Emergency Access Easement in Spanish Trails

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Kathy Portner, Planning Manager

9. **Setting a Hearing on Zoning Redlands Mesa, Phase III** [File # FPP-2002-211] [Attach 9](#)

A request to approve Planned Development zoning for Redlands Mesa, Phase III, to allow 61 single family lots.

Proposed Ordinance Zoning Land Located South and West of the Ridges Known as Redlands Mesa, Phase III to Planned Development (PD)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Kathy Portner, Planning Manager

10. **Setting a Hearing on Rezoning The Cottages at The Commons Assisted Living Facility Located at 625 27-1/2 Road** [File # RZ-2003-026] [Attach 10](#)

Hilltop Health Service Corporation proposes to construct twenty (20) two-bedroom Cottages as Phase 2 of the four-phase Commons project in progress at 625 27-1/2 Road. This project requires that the approved Final Plan and Planned Development zoning ordinance be amended.

Proposed Ordinance Amending Ordinance No. 3263 Pertaining to the Commons Assisted Living Facility, 625 27-1/2 Road (Formerly 616 27-1/2 Road)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Kristen Ashbeck, Senior Planner

11. **Purchase of Police Vehicles** [Attach 12](#)

Purchase of five (5) Crown Victoria Police Vehicles.

Action: Authorize the City Purchasing Manager to Purchase Five (5) Crown Victoria Police Vehicles from Western Slope Automotive for the Amount of \$119,365.00

Staff presentation: Julie M. Hendricks, Buyer
Ronald L. Watkins, Purchasing Manager

12. **Sole Source and Purchase of 2 Greenmaster 3100 Mowers** [Attach 13](#)

This purchase is being requested by the Parks Department, the Division of Golf, to replace two old outdated mowers.

Action: Authorize the City Purchasing Manager to Purchase Two Toro Greenmaster 3100 Triplex Mowers from L.L. Johnson Distributing Company for the Amount of \$20,213.00 each for a Total Purchase of \$40,426.00

Staff presentation: Julie M. Hendricks, Buyer
Ronald L. Watkins, Purchasing Manager

13. **Sole Source and Purchase of 1 Sidewinder Mower** [Attach 14](#)

This purchase is being requested by the Parks Department, the Division of Golf, to replace two old outdated mowers with a single better suited mower.

Action: Authorize the City Purchasing Manager to Purchase one Toro Groundmaster Mower from L.L. Johnson Distributing Company for the Amount of \$28,995.00

Staff presentation: Julie M. Hendricks, Buyer
Ronald L. Watkins, Purchasing Manager

14. **Re-Authorizing the Exchange of Real Estate with the Western Colorado Botanical Society** [Attach 15](#)

The proposed exchange will allow the Botanical Society to own the land upon which the Society's offices and Children's Library are located.

Resolution No. 30-03 – A Resolution Re-Authorizing the Exchange of Real Estate with the Western Colorado Botanical Society

**Action: Adopt Resolution No. 30-03*

Staff presentation: Mark Relph, Public Works and Utilities Director

15. **Concrete Repair for Street Overlays** [Attach 16](#)

Bids were received and opened on March 7, 2003 for Concrete Repair for Street Overlays. Vista Paving Corporation submitted the low bid in the amount of \$279,008.18.

Action: Authorize the City Manager to Sign a Construction Contract with Vista Paving Corporation for Concrete Repair for Street Overlays in the Amount of \$279,008.18

Staff presentation: Tim Moore, Public Works Manager

16. **New Sidewalk Construction 2003** [Attach 17](#)

Bids were received and opened on March 6, 2003, for the New Sidewalk Construction 2003. The low bid was submitted by Reyes Concrete Construction, Inc. in the amount of \$143,347.20.

Action: Authorize the City Manager to Sign a Contract with Reyes Construction for the New Sidewalk Construction 2003 Project in an Amount of \$143,347.20

Staff presentation: Tim Moore, Public Works Manager

17. **Skyway Sewer Improvement District Change Order No. 1 to Construction Contract** [Attach 18](#)

Approval of Change Order #1 in the amount of \$119,831.05 to Mendez, Inc. the Contractor for the Skyway Sewer Improvement District. This Change Order would include reconstruction of an additional 2100 lineal feet of ten foot wide concrete trail within the Colorado River State Park at Connected Lakes. Total trail reconstruction for the project will be 2900 lineal feet.

Action: Authorize the City Manager to Sign a Change Order to the Contract with Mendez Construction to Reconstruct the Concrete Trail Within the Colorado River State Park at Connected Lakes in the Amount of \$119,831.05

Staff presentation: Mark Relph, Public Works and Utilities Director

18.*** **Setting a Hearing on Bond Ordinance for Community Hospital** [Attach 23](#)

The City of Grand Junction has been requested to authorize tax exempt bonds not to exceed \$3,025,000 on behalf of Community Hospital. The proposed ordinance accomplishes the issuance of these bonds for the 501 C (3) hospital. The bonds are not an obligation of the City nor do they in any way use our credit rating.

Proposed Ordinance Authorizing the Issuance and Sale of City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project), Series 2003, In the Aggregate Principal Amount not to Exceed \$3,025,000; Making Determinations as to Sufficiency of Revenues and as to Other Matters Related to the Project and Approving the Form and Authorizing the Execution of Certain Documents Relating Thereto

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Ron Lappi, Administrative Services and Finance Director

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

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

19. **Public Hearing – Rezoning the World Harvest Church Property Located at 2826 F Road** [File # RZ-2002-236] [Attach 20](#)

Second reading of the rezone ordinance for the World Harvest Church property located at 2826 F Road, from RMF-8 to RMF-12.

Ordinance No. 3507 – An Ordinance Rezoning Lot 2, of the Harvest Subdivision Located at 2826 F Road from RMF-8 to RMF-12

**Action: Adopt Ordinance No. 3507 on Second Reading*

Staff presentation: Lori V. Bowers, Senior Planner

20. **Public Hearing – Tobacco Ordinance Addressing the Problem of Teenage Smoking** [Attach 21](#)

In February 1999, City Council adopted Ordinance No. 3095, addressing the problem of teenage smoking. The ordinance will sunset in February 2004 if no further action is taken by City Council. This ordinance will make the provisions of Ordinance No. 3095 permanent.

Ordinance No. 3508 – An Ordinance Amending Chapter 24 of the City of Grand Junction Code of Ordinances

**Action: Adopt Ordinance No. 3508 on Second Reading*

Staff presentation: Stephanie Rubinstein, City Staff Attorney

21. **Water Service Agreement: Reeder Mesa Livestock Water Company** [Attach 22](#)

Water Service Agreement between the City of Grand Junction and the Reeder Mesa Livestock Water Company for the City to provide water service from the Kannah Creek Water System.

Action: Authorize the City Manager to Sign a Water Service Agreement with Reeder Mesa Livestock Water Company once Finalized

Staff presentation: Mark Relph, Public Works and Utilities Director

22. **Construction Management/General Contractor Services for the Redlands Fire Station #5** [Attach 11](#)

Professional Construction Management/General Contractor (CM/GC) services for the construction of the new Redlands Fire Station #5. CM/GC and the architect will participate with the City Fire Department, Public Works Department, and Community Development Department to insure the final design and construction of the facility complies with Fire Department requirements, within budget and within the projected schedule. They shall fully collaborate with TSP, the architectural firm.

Action: Authorize the City Manager to Sign a Contract with FCI Constructors, Inc. of Grand Junction, Colorado, to Provide Professional Construction Management/General Contractor (CM/GC) Services to Build the City of Grand Junction Redlands Fire Station #5 for a Total Estimated Cost of \$ 207,105.60

Staff presentation: Ron Watkins, Purchasing Manager
Mike Curtis, Project Engineer

23.*** **Fire Act Grant – FEMA** [Attach 24](#)

The 2003 federal Fire Act Grant process is open for applications. The Fire Department plans to submit an application for the 2003 Fire Act Grand program for the purchase of an ambulance to be used at fire station #5. The ambulance is needed for EMS operations in the Redlands area.

Action: Authorize the Fire Department to Apply for a 2003 Fire Act Grant for the Purchase of an Ambulance.

Staff presentation: Rick Beaty, Fire Chief

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

25. **OTHER BUSINESS**

26. **ADJOURNMENT**

**Attach 1
Minutes of Previous Meeting**

**GRAND JUNCTION
CITY COUNCIL WORKSHOP**

March 3, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, March 3, 2003 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Bill McCurry, Jim Spehar, Reford Theobald and President Pro Tem Dennis Kirtland. Councilmember Janet Terry and President of the Council Cindy Enos-Martinez entered at 7:04 and 7:05 p.m. respectively.

Summaries and action on the following topics:

1. **SMOKING IN PUBLIC PLACES:** There were a number of students from Bookcliff Middle School who were present to request the City Council adopt an ordinance that will prohibit smoking in public places. They presented petitions and a draft ordinance. Council discussed the options and possible timelines.

Action summary: The City Council directed Staff to research what other cities have done, schedule meetings with the students and the Tobacco Council to get their input, and to meet with downtown restaurant owners. Councilmember Spehar asked that this item be on the next workshop for Council to determine a plan for this item.

2. **HANSON PROPERTY CLEANUP:** Presentation of Award by APWA President Brian Pettet, Colorado Chapter. Public Works & Utilities Director Mark Relph and Street Superintendent Doug Cline introduced this item. Dave Van Wagoner, Streets Division, had videoed the job and it won an award with APWA. An award was presented to the City Council as well as individuals involved.
3. **STRATEGIC PLAN REVIEW AND UPDATE:** City Manager Kelly Arnold referred to the brief report for this month on air quality (one action step) and efficient transportation (two action steps). Public Works & Utilities Director Mark Relph reported that the City's air quality is good. Next, for the Grand Valley Transit funding long term, a number of alternatives are being considered. Thirdly, in regard to swapping maintenance responsibilities with CDOT, the conclusion is it is not a good idea to make any trades at this time. Lastly, an update not in the packet is a confirmation that the youth group would like Council to attend a meeting upstairs this Friday at 3:10 p.m.
4. **GRAND JUNCTION ECONOMIC PARTNERSHIP:** GJEP updated the

City Council on the status of an approved project and addressed Council on a new effort. Denny Granum, GJEP Board member, discussed a project for an aircraft manufacturing company in the final stages of negotiations. The average wage will be \$22,000 annually based on 34 hours per week with an excellent benefit package. Approximately 400 jobs are planned. The incentive request is for \$600,000. The vesting period for this company is five years but that does not even start until they get to full employment which they have four years to do. If this company falls below the agreed level, they have to repay the incentive amount in full.

Regarding the update on the previous request from CMGT, it has taken some time to get their financial partners in place. The GJEP has given the company a deadline of March 28th. It is looking optimistic. Mr. Wade Haerle, GJEP board member, affirmed that the incentive is not disbursed until the jobs are created.

Action summary: Council directed the consideration of the incentive be put on the Wednesday agenda (March 5th) with GJEP making a full presentation of all the issues that have been brought out this evening for the public's benefit.

5. **GROWTH PLAN UPDATE REVIEW PROCESS:** Community Development Director Bob Blanchard presented the City Council different options for reviewing Growth Plan updates. City Manager Arnold asked the Council for direction on how they want to proceed on this item. He suggested Council review the housekeeping items and accept them. City Council can identify the policy items that they want to discuss in detail. The discussion items and the policy items may be discussed separately.

Action summary: Council decided on the presented Option 1 which is to review the housekeeping items as a group and review the discussion and policy items at a public meeting with testimony being taken. City Council scheduled two Special Meetings, March 26th, 6:30 – 10:30 p.m., limiting presentations to 5 minutes and April 9th, 6:30 p.m. immediately following the canvassing of the election results.

6. **GRAND JUNCTION PRIORITIES:** Discussion of City Council's priorities to be presented to the County Commissioners at the March 13th meeting. City Manager Kelly Arnold referred to his memo of possible topics and asked City Council for feedback.

Action summary: City Council determined that Mayor Enos-Martinez will lead the discussion on the 13th, starting with the Strategic Plan, and the City Manager and the Mayor will assign topics to the other Councilmembers. Councilmembers Terry and Theobald will not be present. Council did express their desire to have the Annual Persigo

meeting scheduled and a separate meeting to address the Regional Transportation impact fee with the County Commissioners.

ADJOURNED at 9:58 p.m.

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

March 5, 2003

The City Council of the City of Grand Junction convened into regular session on the 5th day of March 2003, at 7:35 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Bill McCurry, Dennis Kirtland, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Tuin.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember McCurry led in the pledge of allegiance. The audience remained standing for the invocation by Elder Ken Lowe of the River of Life Alliance Church.

PROCLAMATIONS / RECOGNITIONS

There were none.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO NEWLY APPOINTED MEMBER OF THE GRAND JUNCTION FORESTRY BOARD

Appointee Ian H. Gray was present and received his certificate.

TO REAPPOINTED MEMBER OF THE COMMISSION ON ARTS AND CULTURE

The appointee was not present.

SCHEDULED CITIZEN COMMENTS

Councilmember Terry asked to add an item, making it Item #21, to the agenda, to allow Council to continue deliberation regarding the City's water issues in the Grand Mesa Slopes area.

Councilmember Spehar asked that Item #2 of the Consent Calendar be taken off the Consent Calendar and be placed as first item under "Items Needing Individual Consideration".

Kristin Winn, Communications Coordinator, addressed Council and told of her participation in Ouray at the annual Mayors Challenger's Cup competition she had attended on behalf of the Mayor. She said she brought back a trophy, winning second place.

CONSENT CALENDAR

It was moved by Councilmember Spehar and seconded by Councilmember Kirtland to approve Consent Items #1 through 10, as amended with #2 being removed and placed as first item under Items for Individual Consideration. Motion carried.

1. Minutes of Previous Meetings

Action: Approve the Summary of the February 19, 2003 Workshop and the Minutes of the February 19, 2003 Regular Meeting

**2. Amending the Sewer Back-Up Policy
Moved to "Items Needing Individual Consideration"**

The purpose of this policy is to respond to a Council request to consider other financial limits and processes when responding to sewer backup claims. This Policy is adopted via Resolution.

3. Commission on Arts and Culture Funding Recommendations for Arts and Cultural Events and Projects

Through an application and granting program, the GJ Commission on Arts and Culture makes funding recommendations to City Council to help support cultural events, projects, and programs throughout Grand Junction as a means of improving both the quality and quantity of cultural activities and opportunities for local citizens.

Action: Approve Recommendations as Presented

4. GOCO Grant Agreement

The City of Grand Junction applied for and has been awarded \$150,000 for the Canyon View Park development. The resolution 1), authorizes the City Manager to sign the grant agreement and 2), authorizes the expenditure of funds as necessary to meet the terms and obligations of the grant agreement and application.

Resolution No. 28-03 – A Resolution Concerning the Agreement Between the City of Grand Junction and The State Board of the Great Outdoors Colorado Trust Fund and the Project Known as the Canyon View Park

Action: Adopt Resolution No. 28-03

5. Application to Colorado Historical Society State Historical Fund for Historic Survey

Pursuant to the recently-adopted City of Grand Junction *Strategic Plan 2002-2012*, the community has identified a goal being to “facilitate efforts that sustain the historic character of the community”. To that end, Objective 26 of the *Plan* further states that “By 2004, complete Phase Three of the historic survey. The purpose of this application for a grant through the Colorado Historical Society State Historical Fund is to implement this objective. The total cost of the survey is \$100,000, \$60,000 from the State Historical Fund and \$40,000 match from the City.

Action: Authorize the City Manager to Sign the Application to the Colorado Historical Society State Historical Fund for the Historic Survey

6. Setting a Hearing for the Fruitvale Estates Annexation, South of E½ Road (Orchard Ave.), North of Hoover Drive (3083 E ½ Road) [File # ANX-2003-023]

The Fruitvale Estates Annexation is an annexation comprised of 1 parcel of land located on the south side of E ½ Road, north of Hoover Drive, comprising a total of 4.3815 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 23-03 – 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, Fruitvale Estates Annexation, Located at 3083 E ½ Road

Action: Adopt Resolution No. 23-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fruitvale Estates Annexation, Approximately 4.3815 Acres, Located at 3083 E ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

7. Setting a Hearing for the World Harvest Church Rezone Located at 2826 F Road [File # RZ-2002-236]

First reading of the rezone ordinance for the World Harvest Church property located at 2826 F Road, from RMF-8 to RMF-12. The Harvest Subdivision consists of 17.018 acres of land. Lot 2 is approximately 2.996 acres in size. The

applicants request that Lot 2 of this subdivision be rezoned to a higher density to accommodate a multi-family, group living facility.

Proposed Ordinance Rezoning Lot 2, of the Harvest Subdivision Located at 2826 F Road from RMF-8 to RMF-12

Action: Adopt the Proposed Ordinance on First Reading and Set a Hearing for April 2, 2003

8. **Partial Vacation of a Sanitary Sewer Easement --- Lot 5, Mesa Mall Subdivision (Target) Located at 2424 U.S. Highway 6&50** [File # VE-2002-247]

The applicant proposes to vacate a portion of a 20 ft. wide sanitary sewer easement located on Lot 5, Mesa Mall Subdivision. In order to allow the proposed 15,272 sq. ft. expansion of the present building as submitted, a portion of an existing sanitary sewer easement located on the north side of the building must be vacated and abandoned. A new easement will be dedicated by separate instrument and filed at the Mesa County Courthouse to show the new easement and rerouted sanitary sewer location which will be directly to the north of the proposed expansion. The Planning Commission recommended approval at its February 25, 2003 meeting.

Resolution No. 24-03 – A Resolution Vacating a Portion of a 20' Wide Sanitary Sewer Easement Located on Lot 5, Mesa Mall Subdivision, Known as: 2424 U. S. Hwy. 6 & 50 (Target)

Action: Adopt Resolution No. 24-03

9. **Setting a Hearing on Tobacco Ordinance**

In February 1999, City Council adopted Ordinance No. 3095, addressing the problem of teenage smoking. The ordinance will sunset in February 2004 if no further action is taken by City Council. This ordinance will make the provisions of Ordinance No. 3095 permanent.

Proposed Ordinance Amending Chapter 24, Section 21, of the City of Grand Junction Code of Ordinances, Regulating Tobacco Products

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 2, 2003

10. **Award Contract for the Purchase of Event Marquee at Two Rivers Convention Center**

Replace the Two Rivers Convention Center event marquee sign with a new event marquee sign and electronic reader board. The sign will display current

and upcoming events at Two Rivers Convention Center, Avalon Theater and the Downtown Shopping Park. This project is a joint venture with the City of Grand Junction and the Downtown Development Authority. The design and construction materials will complement the remodeled convention center and the downtown area.

***Action:** Authorize the City Manager to Sign a Contract with Platinum Sign Company of Grand Junction in an Amount of \$81,777 plus a \$2,223 Contingency for Electrical Service for the Construction and Installation of Event Marquee at Two Rivers Convention Center*

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

Amending the Sewer Back-Up Policy

The purpose of this policy is to respond to a Council request to consider other financial limits and processes when responding to sewer backup claims. This Policy is adopted via Resolution.

Resolution No. 22-03 – A Resolution Amending the Persigo Sewer System’s Policy Regarding Payments for Sewer Back-Ups

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the reason for the request to update the policy came from last year’s sewer back-up when it became evident that the policy was woefully inadequate. He said the new proposal allows for an initial \$750 cleanup assistance fee and a maximum of \$2,500 total payout for damages.

Councilmember Spehar pointed out that the term and the need for this policy might be short-lived as the City is embarking upon a project to eliminate the combined sewers in the downtown area.

Councilmember Kirtland asked that the policy be reviewed periodically to ensure the policy stays current, so the situation that occurred last year with an inadequate policy being in place, will not occur again.

Public Works and Utilities Director Mark Relph responded that a tickler system would be put in place to ensure a five-year Sewer Back-Up Policy review.

Upon motion made by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 22-03 was adopted.

Grand Junction Economic Partnership Incentive Request

Authorizing an incentive of \$600,000 to the Grand Junction Economic Partnership to be used for the creation of approximately 400 new jobs at Adam Aircraft over the next four years.

Resolution No. 29-03 – A Resolution Authorizing an Economic Development Incentive to Grand Junction Economic Partnership for \$600,000 for the Benefit of a New Manufacturing Facility Starting Up in Grand Junction

Denny Granum, who is a Grand Junction Economic Partnership Board Member and Chair of the Prospect Committee, introduced this item. Ann Driggers, who is the Executive Director of the Grand Junction Economic Partnership, followed with a PowerPoint presentation. She reviewed the history of the Adam Aircraft Company, the resumes of the company's principals, the construction and cost of the aircraft, and the pending orders for the aircraft.

Ms. Driggers detailed the owners' investment of \$6,500,000. She explained that the Adam Aircraft facility would eventually provide about 400 jobs in Grand Junction that would pay at minimum \$23,000 annually. She said the company would begin operations at Walker Field Airport in a facility as small as 20,000 square feet and expand over time to about 100,000 square feet, which would benefit the community.

President of the Council Enos-Martinez noted that the County is also being asked to participate in the incentive to the Grand Junction Economic Partnership and that it will make a decision on Monday, March 10th.

Councilmember Theobald questioned the participation of the USDA in the partnership. Councilmember Spehar stated that the USDA is guaranteeing part of the loan.

Mr. Granum explained that the USDA has a program to improve rural areas and Grand Junction qualifies for that program. He cautioned Council that negotiations are still ongoing and that the incentive request is just one of the pieces in the negotiations and the relocation is still not a certainty. He then asked Mr. Kirk Rider, an attorney, to explain to everyone how the funds will be distributed to the company.

Mr. Rider said the requirements and obligations are the same as other incentive packages. However, unlike the other packages, if the company fails to meet their obligations in any way, the entire incentive amount has to be repaid rather than just the portion not vested. He said there is an additional risk to the City's \$600,000 since this payment would be pledged as collateral for a future loan with Alpine Bank. He told Council that the Grand Junction Economic Partnership would also obtain a personal guarantee from each business owner and file a second lien on the company's assets.

Councilmember Terry questioned the additional risk to the City and asked why this agreement is structured that way.

Councilmember Theobald summarized the discussion and said that everyone wants the new company to succeed. He asked if risk wasn't a factor, and the company was an established company relocating, would the incentive figures be the same, and how competitive are Grand Junction's incentive figures compared to other communities.

Mr. Granum replied that the incentive package would be the same. Mr. Rider said usually incentives are given up front, but this prospect has to earn the incentive and has to meet its obligations.

Mr. Granum agreed and said that this is a different deal and pointed out that the management team is impressive as well as the amount of money invested in the company by Rick Adam. He explained, the closer Adam Aircraft gets to the final approval of its aircraft by the Federal Aviation Administration, the lower the risk will be to the City.

Councilmember Spehar supported the incentive by saying that manufacturing jobs are hard to come by; Adam Aircraft will pay good wages, good benefits, and that the County is also participating in the incentive package. He said he can picture possible spin-offs from this venture and he acknowledges the risk involved.

Mr. Granum agreed and told Council that for the very same reasons, the Grand Junction Economic Partnership has analyzed the company and this request carefully.

Councilmember Kirtland acknowledged the expertise of the Grand Junction Economic Partnership and said he agrees with Councilmember Spehar.

Councilmember Terry praised the work performed and scrutiny of the Grand Junction Economic Partnership over these incentives. She asked for an explanation why the City should pledge the funds especially since there is an immediate risk for the City of losing the funds. She said she is also concerned that if Adam Aircraft defaults on the loan with Alpine Bank, the City will lose the incentive funds since they are pledged as collateral for the loan.

Mr. Granum responded that every deal the partnership is doing is different just as this one is. He explained that in the Reynolds Polymer deal, a check was issued up front with few safety nets, but in this deal, the money is being used as collateral for a loan pending with Alpine Bank. He said in this case the funds would be disbursed by the bank per the detailed business plan. He said Alpine Bank would administer the funds. He reiterated that Mr. Rick Adam is also putting up \$1,000,000 security. Mr. Granum told Council the Partnership is as careful as it can be.

Councilmember Spehar noted that not only has the Grand Junction Economic Partnership scrutinized this request, but so have several other entities, e.g. Alpine Bank, the State of Colorado, and the USDA.

Councilmember Theobald expressed his discomfort with this request. He said even if this company succeeds, its success will be huge, but he still has some discomfort with the request.

Councilmember Spehar agreed with Councilmember Theobald but related why he is supporting the request.

Councilmember Terry stated that a primary reason for going forward with the request is that 75% of the future employees will be from this area, but agreed with Councilmembers Theobald and Spehar.

Mr. Granum added that the aircraft manufacturing plant would be a great employment opportunity for Grand Junction's young people.

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 29-03 was adopted.

Award of Construction Contract for the Combined Sewer Elimination Project Phase I, Water Line Replacements

This project is the first of six Combined Sewer Elimination Project contracts and is proposed to replace over 21,400 feet of water lines ranging in size from 6" to 24" in the downtown area. On February 18, 2003, MA Concrete Construction of Grand Junction Colorado submitted a low, qualified, bid of \$1,534,747.70 to complete the work.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained that this contract is one of two contracts that will be presented tonight, and is a part of a much larger investment. The project is for four contracts for the Combined Sewer Elimination Project, plus two waterline projects that will be in conjunction with the Combined Sewer Elimination Project. Jeff Nimon, who is with MA Concrete, the contractor chosen for this project, was present. Mr. Relph said this contract is for four miles of waterline.

Councilmember Spehar asked how the project was divided among the various phases.

Mr. Relph said because of extensive discussions with local contractors and many other local entities and their back-up for the balanced system the City has implemented, he is pleased to say that the system is working well as shown by the many competitive bids the City has received. He said he is looking forward to working with MA Concrete on this first and many other contracts.

It was moved by Councilmember Kirtland and seconded by Councilmember Spehar to authorize the City Manager to sign a construction contract for \$1,534,747.70 for the Combined Sewer Elimination Project Phase I, Water Line Replacements with M.A. Concrete. Motion carried.

Award of Construction Contract for the Combined Sewer Elimination Project, Phase I, Basin 10

This project is the second of six contracts associated with the Combined Sewer Elimination Project. This contract will construct 2,685 feet of storm sewer and a storm water quality facility. On February 25, 2003, Mendez, Inc. of Grand Junction submitted a low, qualified, bid of \$386,239.05 to complete the work.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained that this is the first of the actual combined sewer elimination project. He said Mendez, Inc. was selected as the contractor for this project and that Dan Mendez is present.

President of the Council Enos-Martinez asked if Mendez, Inc. is a local company and if the company has done work for the City in the past. Mr. Relph answered yes to both questions.

It was moved by Councilmember Kirtland and seconded by Councilmember McCurry to authorize the City Manager to sign a construction contract for \$386,239.05 for the Combined Sewer Elimination Project Phase I, Basin 10 with Mendez, Inc. Motion carried.

Award of Design Contract for Fire Station #5

Professional architectural services for the design and construction collaboration for the construction of the new Redlands Fire Station #5. Construction collaboration consists of the architect's participation with the City Fire Department, Public Works Department, Community Development Department and the hired Construction Management Firm to insure the final design and construction of the facility complies with the requirements of the Fire Department, is completed within budget and within the projected schedule. Four (4) top ranked firms were interviewed from the ten (10) qualification proposals received:

- | | |
|--------------------------|--------------------------|
| ▪ TSP Five, Inc. | Denver, Colorado |
| ▪ Blythe Design + | Grand Junction, Colorado |
| ▪ RMW Architecture | Denver, Colorado |
| ▪ Vaught/Frye Architects | Fort Collins, Colorado |

Ron Watkins, Purchasing Manager, reviewed this item. He explained the selection process to Council and the audience.

It was moved by Councilmember Theobald and seconded by Councilmember Kirtland to authorize the City Manager to sign a design contract for \$143,600 with TSP Five, Inc. for the design and construction of Fire Station #5. Motion carried.

Request for Rehearing - Zoning the Red Tail Ridge Annexation, Located at the South End of Buena Vista Drive [File #ANX-2002-230]

The petitioners for the Red Tail Ridge Annexation requested that a zoning of RSF-4 be applied to the 9.88 acres. The City Council zoned the property to the RSF-2 zone district on February 19, 2003 following the public hearing on the zoning associated with the annexation. The petitioner, who was not present at the hearing, is requesting a rehearing of the zoning request in order to present their justification for a RSF-4 zoning on the property.

Bob Blanchard, Community Development Director, reviewed this item. He explained the request, the reasons for the rehearing request, and listed the criteria for a rehearing.

Ted Ciavonne of Ciavonne & Associates was present. He explained how the miscommunication happened, which resulted in their non-attendance at the last public hearing. He also stated that he felt that some items needed to be disputed, that other items needed to be clarified, and asked Council that a rehearing of the zoning request be granted.

Councilmember Spehar supported a rehearing and noted that it will be fully noticed before the hearing. Councilmembers Theobald and Terry agreed.

It was moved by Councilmember Theobald and seconded by Councilmember Spehar to grant the rehearing of the zoning request and provide for Public Notice and schedule a Public Hearing date on April 16, 2003. Motion carried.

Public Hearing – 23 Road Right-of-Way Vacation and Conveyance of an Access Easement Across City Property [File #VR-2002-224]

The applicant proposes to vacate the 23 Road right-of-way in conjunction with an administrative review of a simple subdivision. In order to prevent a parcel from becoming landlocked upon vacation of 23 Road, the applicant is required to secure an access easement across City property. The easement will be temporary. The parcel which would be accessed via the easement will likely be sold to the adjoining property owner to the west. The Planning Commission recommended approval concerning the right-of-way vacation on January 14, 2003.

a. Vacating Ordinance

Ordinance No. 3506 - An Ordinance Vacating 23 Road Right-Of-Way North of the Colorado River to River Road Known as 2301 River Road

b. Easement Resolution

Resolution No. 25-03 – A Resolution Concerning the Granting of a Non-Exclusive Access Easement to the Bureau of Land Management Across City Property Located North of the Colorado River and West of Redlands Parkway

The public hearing was opened at 8:45 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She explained that the request is in relationship to a proposed expansion and an expansion requirement to improve the road. She said the easement will then provide access to one of the lots and that other options were discussed with the applicant. Ms. Edwards summarized the review criteria for the right-of-way vacation. She said Staff recommends approval of the right-of-way vacation request.

Dan Wilson, City Attorney, suggested that the Vacating Ordinance and Easement Resolution be tied together by adding a line to the ordinance reading, "Vacation effective upon recordation of the access easement".

Councilmember Spehar asked about the other options. Ms. Edwards said all three options are viable and could be supported by Staff, but the applicant chose this option.

Mr. Blanchard agreed that all three options are viable and that one alternative would be along the right-of-way. He said it is anticipated that this access will be replaced by another access through Lot 2.

Mr. Wilson said it is a paper access only and vehicles are not allowed the access at this point onto the Parkway and the reason is for backup only.

Councilmember Theobald asked if the City required the applicant to build 23 Road. Ms. Edwards replied yes. Councilmember Theobald questioned that if it is not on the street plan, how can the City require improvements.

Mr. Wilson explained that there is an already dedicated right-of-way and therefore the City can require improvements. He said the right-of-way is already existing but unimproved.

Ms. Edwards added that the right-of-way would be under water eventually. She said the value of the right-of-way is \$70,000 and the value of the easement is \$1,000.

Ed Settle, of 2661 Suburban Lane, the applicant, was present and had nothing to add except that he has been working on this project for 6 months and that the BLM has never used this property.

There were no public comments.

The public hearing was closed at 9:00 p.m.

Upon motion made by Councilmember Terry, seconded by Councilmember Kirtland, and carried by a roll call vote, Resolution No. 25-03 was adopted and Ordinance No. 3506 was adopted and ordered published on Second Hearing as amended.

Amendment to the Special Improvement District Between Grand Junction Rimrock General Improvement District and the Developer

This resolution amends the agreement between the City Council (acting as the Board of Directors for the Rimrock Marketplace General Improvement District (GID)) and THF Grand Junction, the owner and developer of Rimrock.

Ron Lappi, Administrative Services and Finance Director, reviewed this item. He noted that the developer has signed the proposed agreement and remitted a \$60,000 deposit. He explained the amendment and the inclusion of the Eskie parcel.

Resolution No. 26-03 – A Resolution Approving an Amendment to the Special Improvement District Agreement Between the City of Grand Junction Rimrock Marketplace General Improvement District and THF Grand Junction Development, LP

Upon motion made by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 26-03 was adopted.

Downtown Partnership Agreement

The Downtown Development Authority (DDA) and the Downtown Association (DTA) are joining in forming a Downtown Partnership to work together in building a program to promote vitality and economic activity in the downtown area. The City Council recently approved the expenditure of \$75,000 from the parking fund for 2003.

Harold Stalf, DDA Executive Director, reviewed this item. Mr. Stalf explained the agreement for services is the “meat” of what they have been discussing for the last several months.

Councilmember Terry thanked Mr. Stalf for his work and said it clarifies operations and activities downtown.

Councilmember Spehar said he was pleased the City is participating and he has always thought there was a need for a unified effort to attract people to downtown.

Councilmember Kirtland noted that the downtown merchants are also contributing funds toward this effort.

Mr. Stalf said the plan is for the project to be self-sustaining in three years.

Councilmember Spehar moved to authorize the City Manager to sign the agreement with the Downtown Development Authority and the Downtown Association for the Downtown Partnership. Councilmember McCurry seconded. The motion carried unanimously.

Pollution Discharge Permit Application

The request is to authorize the City Manager to submit the National Pollution Discharge Elimination System (NPDES) Phase II permit application to the Colorado Department of Health and Environment. The permit application is in response to regulations that take effect March 10, 2003.

Trent Prall, Utility Engineer, reviewed this item. He explained the permit is in response to the regulations that will take effect next week. He said the first step in Phase II is an education campaign and the City is in the process of packaging a storm water program.

Mr. Prall said Trail Hosts found the two most significant spills into the river. He said that the program is in place and most of the discharge detention and elimination pieces are

in place. He informed Council that mapping, a discharge detection program and an ordinance are yet to be completed.

Mr. Prall said under the run-off control and other outstanding items there will be more additions to the ordinance like the Storm Water Management Plan for construction sites, along with construction site inspections and enforcements. He explained the construction inspections would be labor intensive because each site, as well as any new sites, have to be inspected annually.

Mr. Prall said the last minimum measures are pollution prevention measures for municipal operations, and that the City has some of the best management practices which are part of the program. He said additions are more prevention techniques at other City facilities, inspections and employee training. Mr. Prall said there is a requirement that the City make steady progress towards having the entire program up and running. He said in 2015, the EPA will reevaluate the effectiveness of the program and possibly impose water quality standards.

President of the Council Enos-Martinez asked in which language the brochures would be published.

Mr. Prall replied that the brochures would be in English and Spanish.

Councilmember Kirtland asked about the storm water facilities at the airport. Mr. Prall said those facilities are not in this program but they are trying to redesign those basins to make them more efficient.

Resolution No. 27-03 – A Resolution of the City Council of the City of Grand Junction to Submit a NPDES Phase II Permit Application to the Colorado Department of Health and Environment

Upon motion made by Councilmember Butler, seconded by Councilmember Kirtland, and carried by a roll call vote, Resolution No. 27-03 was adopted.

Guidelines Regarding Use of Grand Valley Canals for Recreational Purposes

City staff and the Urban Trails Board continue to communicate with the GVIC Board regarding the use of GVIC canals for recreational purposes. The attached can serve as a “first step” to continuing efforts to reach mutual agreement.

Dan Wilson City Attorney, reviewed this item. He said he and members of the Urban Trails Committee addressed the Board of Directors of the Canal Company regarding the use of the canal banks for trails. He explained that the result of those meetings is that the philosophy now is “less is better”. He said originally trailheads and signs were going to be provided, but the canal company doesn’t want them. The canal company wants to discourage users from outside the Grand Valley, but is willing to allow existing uses to continue. The Board of the GVIC is asking that the people using the trails utilize the trails on the north side of the canals, which are not used as much by their maintenance crews and therefore minimize interference with their operation. Mr.

Wilson said he wants to compliment Joe Stevens for the great job he's done answering the GVIC's questions. He then said that the co-chairs of the Urban Trails Committee are present.

Jamie Lummis, who lives at 3047 Dakota Circle, and who is one of the co-chairs of the Urban Trail Committee, addressed Council to thank the City for their support and to thank the GVIC board for its cooperation, especially Jim Grisier. He said it has been slow going but lots of progress has been made.

Robert Traylor, the other co-chair of the Urban Trails Committee, who lives at 535 Bookcliff Drive, was also present but had nothing to add.

Councilmember Butler asked about the liability. Mr. Lummis said the City would take over the liability for recreational use of the trails but that there are statutory limits. He said this would also benefit the homeowners since it'll positively affect their homeowners liability insurance.

Councilmember Theobald said the statute Mr. Lummis is referring to was adopted by the legislature at the request of one person in one city for one particular project, and that this person is present and the project is still around (in reference to Grand Junction).

The motion was made by Councilmember Spehar to approve the City's continued discussions with Grand Valley Irrigation Company as they pertain to the use of the canals for public recreational purposes. Councilmember Terry seconded. The motion carried unanimously.

Continuation of Discussion on the Watershed on the Grand Mesa Slopes Areas

The Council had earlier discussions with representatives of the BLM and added this continuation to the agenda.

Councilmember Spehar asked the City Attorney Dan Wilson what options Council had.

Mr. Wilson said the Environmental Assessment Report has not been received, but is expected in mid-March, and he is hopeful to have input and Council can question if the plan meets the City's standards. He said the City then has 30 days to appeal. He said Council could ask for a more comprehensive analysis, a more detailed EA report, or an EIS (Environmental Impact Statement), which is a much longer process. Mr. Wilson said if the director does not agree, then Council could go to the Interior Board of Appeals and within a few months receive an administrative decision; the next step after that is the Federal District Court. He said Council met with Katherine Robertson earlier and Council was able to express its concerns about the watershed issues to her. He said Council has until Monday to submit written comments on the compressor installation issue.

Councilmember Spehar asked that Council make comments on improving the compressor, lines, and connections of the Transcolorado Pipeline in hopes of obtaining a more detailed explanation of why it is appropriate in an exploration context.

Mr. Wilson said there are cumulative impacts about how the regulations describe it. He said another item for Council to comment on would be the other values. He said they are not directly related to watershed but indirectly to wildlife, noise, and aesthetic aspects. He suggested Council reconvene the Grand Mesa Slopes Steering Committee to obtain its support and then ask the BLM to delay its decision. The Steering Committee could discuss and review whether the City should focus on those other values. He said he is looking for instructions from Council whether the comments should be limited to watershed issues only or to the other items as well.

Councilmember Kirtland and other Councilmembers felt that only the watershed issues should be addressed and if the Steering Committee brings up other issues that's fine.

City Manager Kelly Arnold noted that the Steering Committee has met as recently as last October but not on this issue. He said the request was made to the BLM to reconvene that group as advisors for this process. Ms. Robertson advised Mr. Arnold that a reconvene of that group did not happen. Mr. Arnold said if the exploration is successful, then the permitting could happen quickly, and the POD could be filed as early as June.

Councilmember Terry commented there are competing interests and that the City has no say on some of them. She recommended the City concentrate its efforts on items they can affect. She said she does not want to butt heads with the BLM, but instead take advantage of the resources and the people that are available to them and work with the Steering Committee.

Councilmember Spehar agreed to the extent that Council should concentrate on the watershed issues. He said there is a need to honor the existing leases on the City ranch properties and there is a focus on some specific areas in the BLM plan that speak of the watershed issues. He said another avenue is to proceed with a watershed protection ordinance and review how other communities with the same or similar situations have handled the issue.

Councilmember Kirtland said he wants the City to be active on this issue, and he felt the City did not take advantage of the Grand Mesa Slopes Steering Committee and other opportunities that were available to the City 18 months ago and valuable time has been lost. He said decisions must be made without delays due to appeal timelines.

Councilmember Spehar suggested Council comment on the issue and see what the result is, then bring it back for further discussion before going forward with an appeal. He said that with respect to the drought issues, due to the foresight of previous Councils, the City was not in bad straits at the height of at last summer's drought. Councilmember Spehar said he would like to continue that tradition.

Councilmember Theobold said he agreed with most of what was said and that Councilmember Spehar has hit the focus that the Council needs to maintain. Councilmember Theobold said the City has a lot of interest there, and is only one entity that has an interest in protecting the watershed. The other interests are the interests of other entities. He said he agrees with Councilmember Spehar to comment, and then appeal if needed. He said the City's silence has put the City in this position in the first place.

City Attorney Wilson said that the watershed is the primary focus and to comment on all aspects would be conflicting because the other interests are in the plan.

Councilmember Spehar agreed that there are other issues but the watershed is the primary issue, but so are the lease issues and the ranching activities.

City Attorney Wilson said the central purpose of the EA and EIS is to take the competing values and discuss them. He said the question is what are the impacts and not to have one issue over the other issue, and then if issues can't be resolved, then mitigate. He said the Federal Government requires that those issues be sought out and completely discussed and that the EA does not do that. He said the BLM is required to analyze the no-action alternative and that the Steering Committee is included in the decision process.

Councilmember Terry responded that there is competing law. Mr. Wilson said the EA does not acknowledge that water is of a high value.

Councilmember Spehar thought Council should also be involved in the Grand Mesa Slopes Committee discussions. He felt Council needs to get the comments in and be prepared to have the discussions and a long-term involvement in the Steering Committee. He recommended going forward with drafting a watershed protection ordinance.

City Attorney Wilson said he supports having a watershed protection ordinance on the books and he will present Council with a draft at its first meeting in April.

Councilmember Spehar suggested using watershed protection ordinances from various ski towns as examples.

Councilmember Terry asked Mr. Wilson to supply Council with a summary of this discussion in the form of a policy statement. She also asked him to guide the Committee and to provide a plan for underbrush mitigation.

City Attorney Wilson replied that he would provide Council with an explanation of the law that he is referring to.

Councilmember Kirtland asked who the members of the Grand Mesa Slopes are. City Attorney Wilson answered that the members are the City, the BLM, the County, private landowners, recreational interests, and the Town of Palisade.

City Manager Kelly Arnold thanked Council and suggested a letter from the Mayor to Grand Mesa Slopes to reconvene. He said he would like to invite Council to participate in the draft comments.

Councilmember Spehar suggested involving the Town of Palisade since the town also has watershed issues.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

City Council President Enos-Martinez called for the meeting to be adjourned. The meeting was adjourned at 10:25 p.m.

Stephanie Tuin, CMC
City Clerk

Attach 2
Zoning Hubbartt Annexation

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|--|------------|----------------------|--------------------------|--------------------|--|---------------------------------|
| Subject | Zoning the Hubbartt Annexation located at 2976 Gunnison Avenue | | | | | | |
| Meeting Date | April 2, 2003 | | | | | | |
| Date Prepared | March 14, 2003 | | | | File #ANX-2003-008 | | |
| 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 | X | Formal Agenda | X | Consent | | Individual Consideration |

Summary: The Hubbartt Annexation is comprised of 1 parcel of land consisting of 1.2731 acres located at 2976 Gunnison Avenue. The petitioner is requesting a zone of Light Industrial (I-1), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its February 25, 2003 meeting.

Budget: N/A

Action Requested/Recommendation: Adopt the ordinance zoning the Hubbartt Annexation.

Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City and County Zoning Map
5. Annexation Map
6. Zoning Ordinance

Background Information: See attached Staff Report

| BACKGROUND INFORMATION | | | |
|-------------------------------------|--------------|--------------------------------|------------|
| Location: | | 2976 Gunnison Avenue | |
| Applicants: | | Rodney and Kay Hubbartt | |
| Existing Land Use: | | Vacant | |
| Proposed Land Use: | | Auto Body Repair Shop | |
| Surrounding Land Use: | North | Residential | |
| | South | Vacant | |
| | East | Gymnastics Center | |
| | West | Residential | |
| Existing Zoning: | | County I-2 | |
| Proposed Zoning: | | City I-1 | |
| Surrounding Zoning: | North | County I-2 | |
| | South | County I-2 | |
| | East | City I-1 | |
| | West | County I-2 | |
| Growth Plan Designation: | | Commercial/Industrial | |
| Zoning within density range? | | N/A | Yes |
| | | | No |

Staff Analysis:

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City’s Growth Plan Future Land Use Map. The proposed zoning of I-1 conforms to the Future Land Use Map.

I-1 ZONE DISTRICT

- The I-1 does conform to the recommended future land use on the Growth Plan Future Land Use Map currently designated Commercial/Industrial.
- Zoning this annexation with the I-1 zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The property is adjacent to existing industrial zoning and uses.

ZONING AND DEVELOPMENT CODE CRITERIA:

Section 2.14.F: “Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with the existing County zoning.”

Section 2.6.A. Approval Criteria. In order to maintain internal consistency between this Code and the Zoning Maps, map amendments and rezones must demonstrate conformance with all of the following criteria:

- a. The existing zoning was in error at the time of adoption

The existing Mesa County zoning of I-2, Heavy Industrial, was not in error at the time of adoption. The annexation and rezone request of I-1, Light Industrial, is consistent with the current land use classification of Commercial/Industrial as shown on the Future Land Use Map.

- b. 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 subject property is located in an area that is being developed in a commercial manner consistent with the Growth Plan. All public utilities are located adjacent to the parcel.

- c. 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 proposed rezone to I-1 is within the allowable commercial/industrial land use category 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 I-1 zone district, therefore this criterion is met.

- d. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code and other City regulations and guidelines

The proposal conforms with the Growth Plan. The proposed I-1 zone is equivalent to existing land use and meets the requirements of this Code.

- e. 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 I-1 zone district.

- f. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs

Not applicable. This proposal is to allow a County industrial designation to be changed to a City designation.

- g. The community or neighborhood will benefit from the proposed zone.

The proposed zone will benefit the neighborhood as it is allowing vacant land to be developed with appropriate uses.

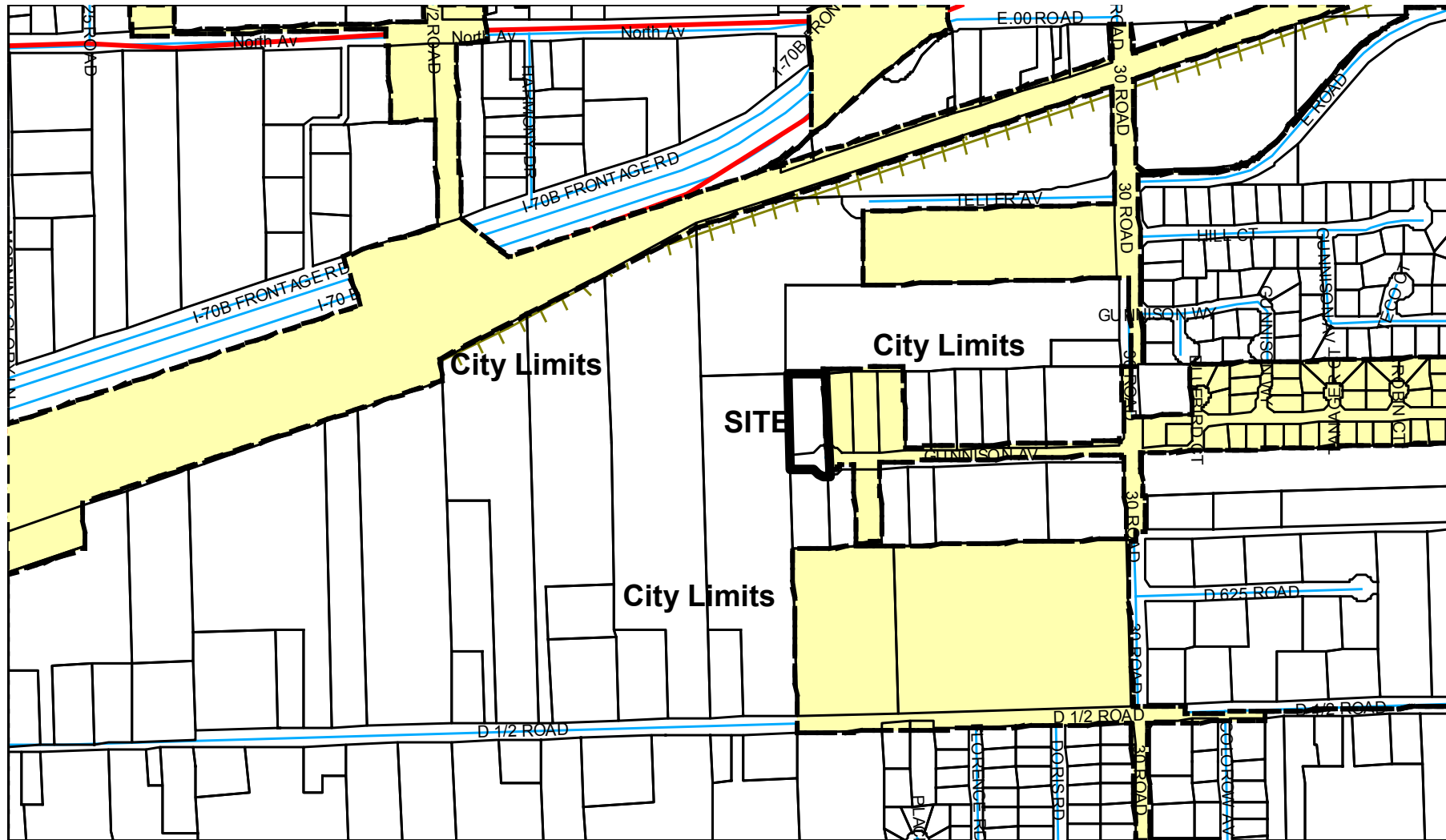
| <u>HUBBARTT ANNEXATION SUMMARY</u> | | |
|---|------------------|--|
| File Number: | | ANX-2003-008 |
| Location: | | 2976 Gunnison Avenue |
| Tax ID Number: | | 2943-171-07-007 |
| Parcels: | | 1 |
| Estimated Population: | | 3 |
| # of Parcels (owner occupied): | | 1 |
| # of Dwelling Units: | | 0 |
| Acres land annexed: | | 1.2731 acres for annexation area |
| Developable Acres Remaining: | | 1.0139 acres |
| Right-of-way in Annexation: | | 151.32' of Gunnison Avenue; See Map |
| Previous County Zoning: | | I-2 |
| Proposed City Zoning: | | I-1 |
| Current Land Use: | | Vacant |
| Future Land Use: | | Auto Body Repair Shop |
| Values: | Assessed: | = \$ 18,040 |
| | Actual: | = \$ 62,200 |
| Address Ranges: | | 2976 Gunnison Avenue |
| Special Districts: | Water: | Ute Water District |
| | Sewer: | Central Grand Valley Sanitation |
| | Fire: | Grand Junction Rural Fire District |
| | Drainage: | Grand Junction Drainage District |
| | School: | District 51 |

The following annexation and zoning schedule is being proposed.

| <u>ANNEXATION SCHEDULE</u> | |
|-----------------------------------|--|
| February 19, 2003 | Referral of Petition (30 Day Notice), First Reading, Exercising Land Use |
| February 25, 2003 | Planning Commission considers Zone of Annexation |
| April 2, 2003 | First Reading on Zoning by City Council |
| April 16, 2003 | Acceptance of Petition and Public hearing on Annexation and Zoning by City Council |
| May 18, 2003 | Effective date of Annexation and Zoning |

Site Location Map

Figure 1



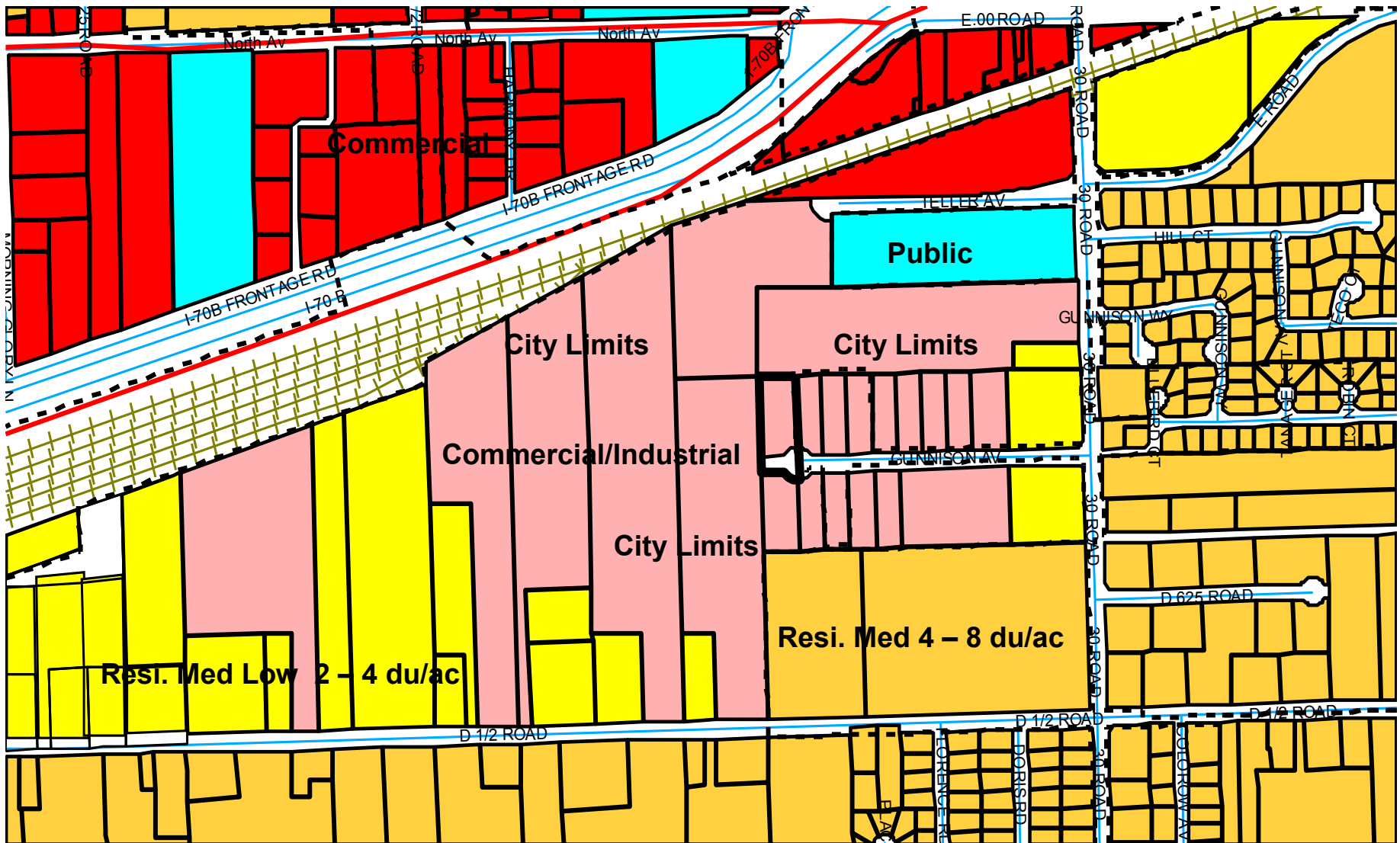
Aerial Photo Map

Figure 2



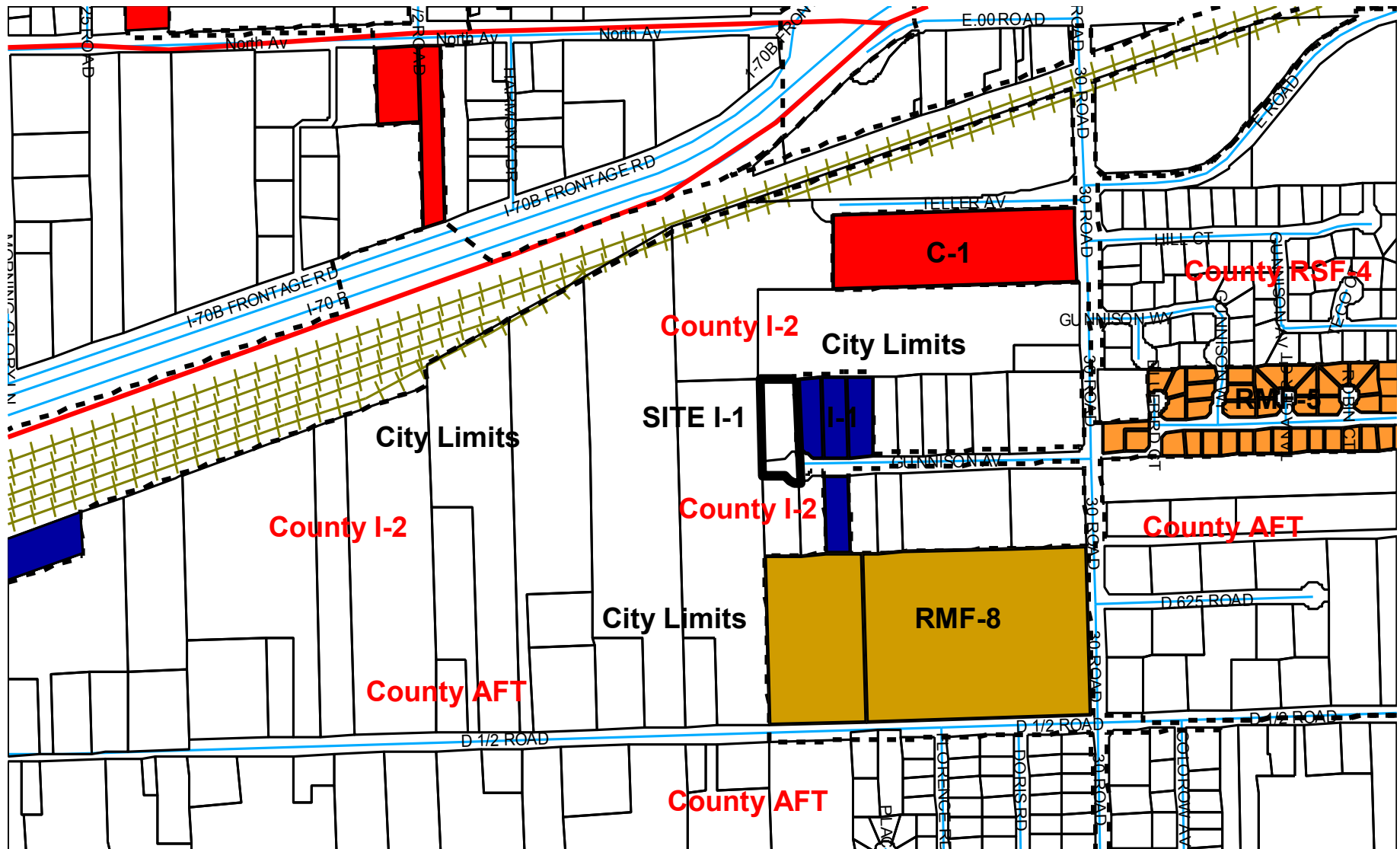
Future Land Use Map

Figure 3



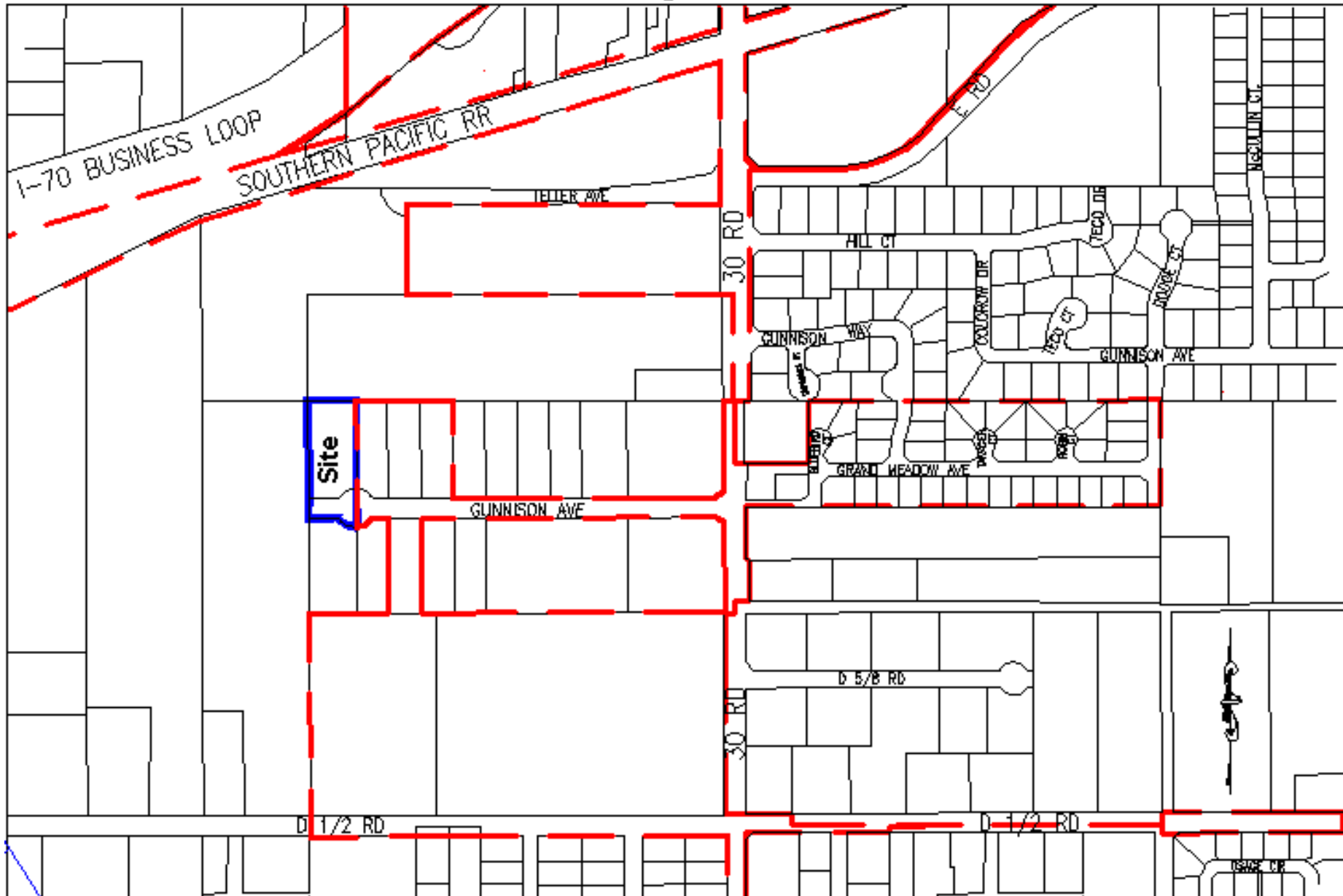
Existing City and County Zoning

Figure 4



HUBBARTT ANNEXATION

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE HUBBARTT ANNEXATION TO
LIGHT INDUSTRIAL I-1**

LOCATED AT 2976 GUNNISON AVENUE

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an I-1 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds the I-1 zone district be established for the following reasons:

- This zone district meets the criteria of Section 2.14.F of the Zoning and Development Code by being identical to or nearly identical to the former Mesa County zoning for each parcel and conforms to the adopted Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The following property shall be zoned Light Industrial (I-1) zone district

Includes the following tax parcel: 2943-171-07-007

HUBBARTT ANNEXATION

A parcel of land lying in the NE 1/4 of Section 17, T1S, R1E of the U.M., County of Mesa, State of Colorado, being all of Lot 7 in Banner Industrial Park, recorded in Plat Book 11, Page 362.

CONTAINING 1.0139 Acres (44,164.69 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 _____ day _____, 2003.

PASSES and ADOPTED on second reading this _____ day of _____, 2003.

Attest:

City Clerk

President of the Council

Attach 3
Zoning Seriani Annexation
CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|---|-----|--------------------------|-----|---------------------------|----------------|---------------------------------|
| Subject | Setting a Hearing for Zoning the Seriani Annexation located at 2986 Gunnison Avenue | | | | | | |
| Meeting Date | April 2, 2003 | | | | | | |
| Date Prepared | March 24, 2003 | | | | File #ANX-2003-025 | | |
| Author | Scott D. Peterson | | Associate Planner | | | | |
| Presenter Name | Scott D. Peterson | | Associate 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 Seriani Annexation consists of 0.68 acres of land that is located at 2986 Gunnison Avenue and is currently being used as a storage yard for their concrete business. The petitioner’s intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business in spring 2003. The proposed annexation is considered to be a serial annexation and can be legally described as Lot 12, Banner Industrial Park. The proposed zoning is I-1, Light Industrial.

Budget: N/A

Action Requested/Recommendation: Approve first reading of the zoning ordinance and set a hearing for April 16, 2003.

Attachments:

- 7. Background Information/Staff Analysis
- 8. Site Location Map
- 9. Aerial Photo Map
- 10. Future Land Use Map
- 11. Existing City & County Zoning Map
- 12. Annexation Map
- 13. Proposed Ordinance for City Council action

| BACKGROUND INFORMATION | | | |
|-------------------------------------|--------------|---|------------|
| Location: | | 2986 Gunnison Avenue | |
| Applicants: | | Michael & Mary Jane Seriani, Owners | |
| Existing Land Use: | | Storage yard | |
| Proposed Land Use: | | Office/shop building for concrete business | |
| Surrounding Land Use: | North | Vacant | |
| | South | Industrial (RW Specialties Inc.) | |
| | East | Vacant (Storage yard) | |
| | West | Vacant | |
| Existing Zoning: | | I-2 (County) | |
| Proposed Zoning: | | I-1 | |
| Surrounding Zoning: | North | I-2 (County) | |
| | South | I-2 (County) | |
| | East | I-2 (County) | |
| | West | I-2 (County) | |
| Growth Plan Designation: | | Commercial/Industrial | |
| Zoning within density range? | | N/A | Yes |
| | | | No |

Staff Analysis:

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City’s Growth Plan Future Land Use Map. The proposed zone district of I-1 would be in keeping with the Persigo Agreement and the Growth Plan Future Land Use Map.

I-1 ZONE DISTRICT

- The proposed Light Industrial (I-1) zoning is consistent with the Growth Plan Future Land Use Map for this area. Currently, the Growth Plan Future Land Use Map indicates this area of Gunnison Avenue to be commercial/industrial in character
- Zoning this annexation as Light Industrial (I-1), meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The property is bordered on all four (4) sides to current County heavy industrial zoning, north, south, east, & west. The proposed annexation is consistent with recent annexations in the area along Gunnison Avenue of light industrial (I-1).

ZONING AND DEVELOPMENT CODE CRITERIA:

Section 2.14.F: “Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with the existing County zoning.”

Section 2.6.A. Approval Criteria. In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

1. The existing zoning was in error at the time of adoption;

The existing Mesa County zoning of I-2 is currently not consistent with the Growth Plan as this area is identified as commercial/industrial in character, not industrial on the Future Land Use Map. The proposed annexation is consistent with recent annexations in the area along Gunnison Avenue of light industrial (I-1) and also the Growth Plan Future Land Use Map.

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 currently developed and zoned in a commercial/industrial manner. All public utilities are located adjacent to the property.

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 proposed development of an office/shop building would not create adverse impacts to the adjacent existing commercial/industrial areas as all development applications will be required to meet or exceed all City standards regarding street access, parking, landscaping, drainage, lighting and other infrastructure and design items.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code, and other City regulations and guidelines.

The proposed zoning is equivalent to the existing land uses in the area and meets the requirements of the Zoning and Development Code and Growth Plan.

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 I-1 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; and**

Not applicable. This proposal is to zone property to be in conformance with the current land uses along Gunnison Avenue.

7. **The community or neighborhood will benefit from the proposed zone.**

The proposed zone will benefit the area as it is allowing the subject property to be equivalent to the surrounding area.

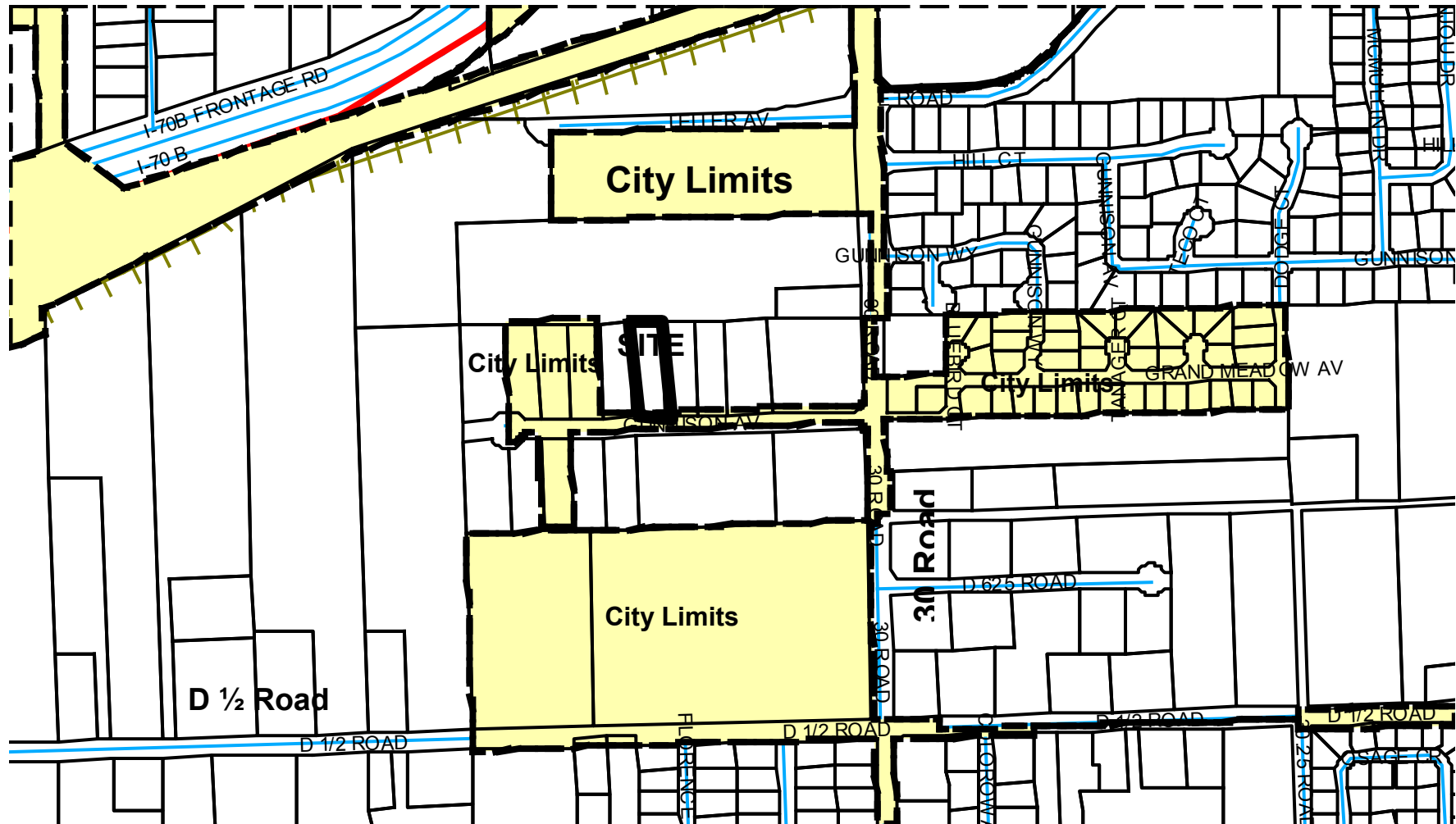
FINDINGS AND CONCLUSIONS:

1. Consistent with the Growth Plan Future Land Use Map as allowed under the Persigo Agreement.
2. Consistent with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zoning for the Seriani Annexation to Light Industrial (I-1) at their February 25, 2003 meeting.

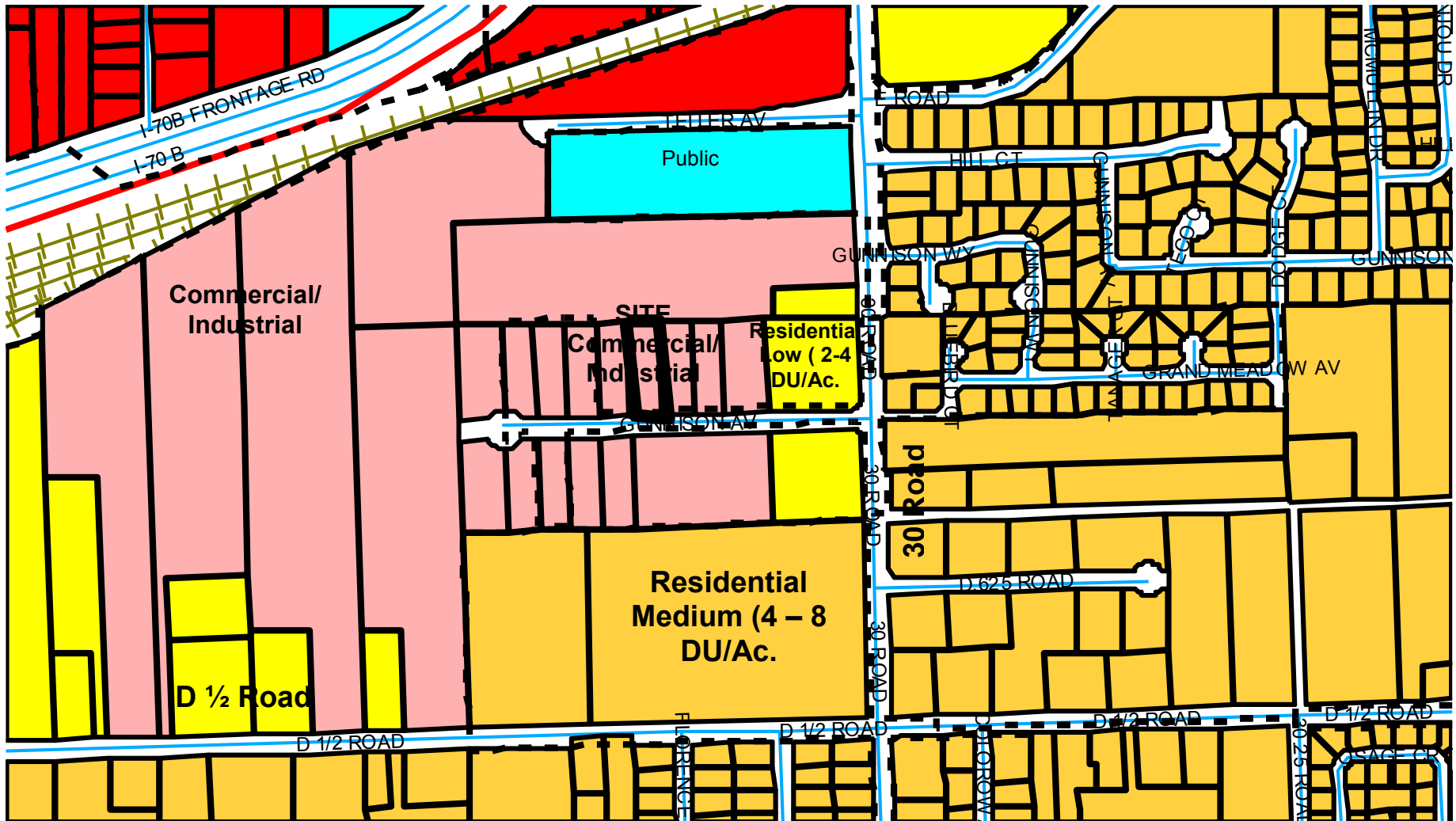
Site Location Map

Figure 1



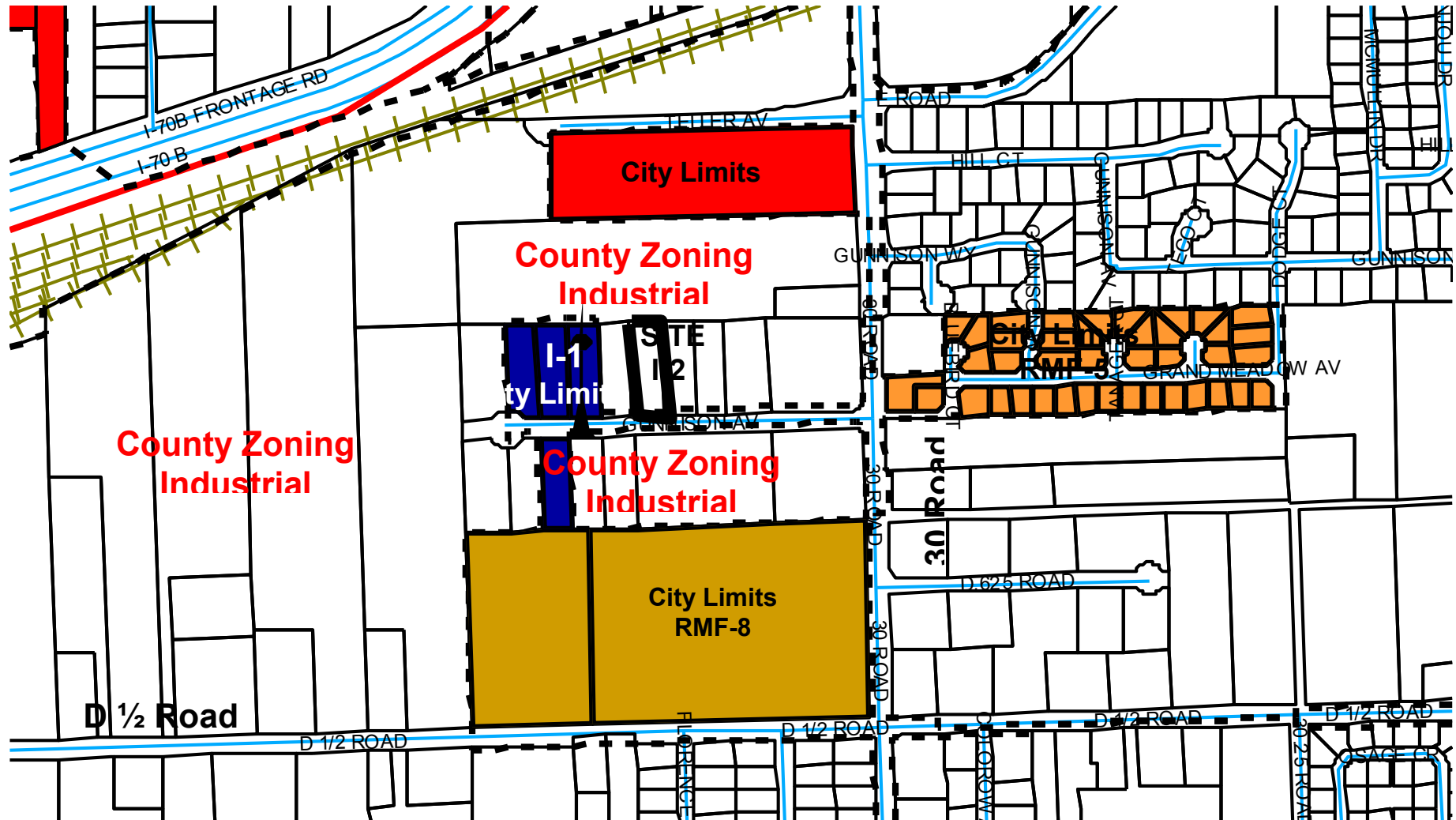
Future Land Use Map

Figure 3



Existing City and County Zoning

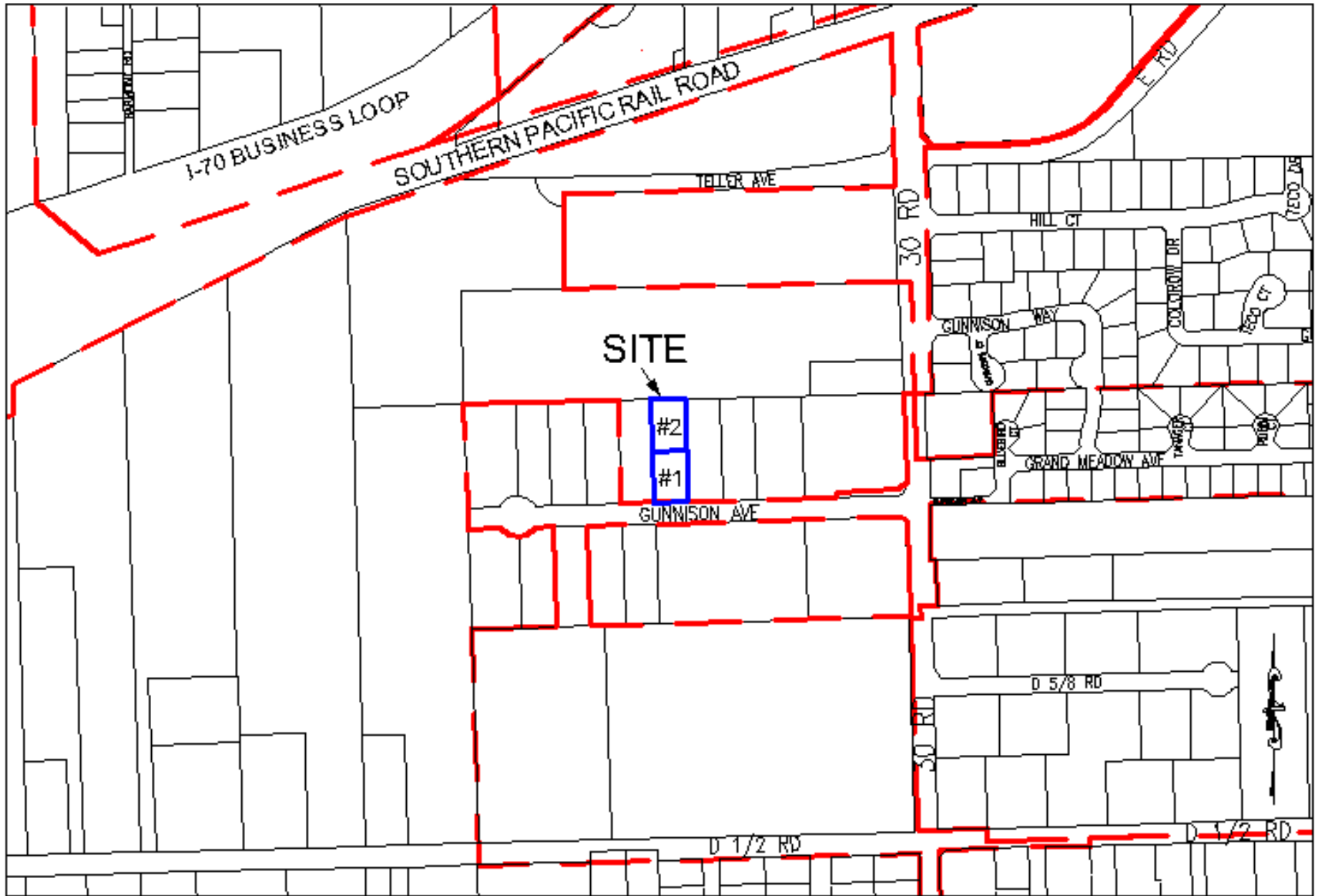
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

SERIANI ANNEXATIONS #1 & #2

Figure 5



--- City Limits — Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE SERIANI ANNEXATION –
LOT 12, BANNER INDUSTRIAL PARK**

TO LIGHT INDUSTRIAL (I-1)

LOCATED AT 2986 GUNNISON AVENUE

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an I-1 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that an I-1 zone district be established for the following reasons:

- The zone district meets the criteria of Section 2.14.F of the Zoning and Development Code by conforming to the current Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The following property shall be zoned Light Industrial (I-1) zone district

Includes the following tax parcel: 2943-171-07-012

Lot 12, Banner Industrial Park, Mesa County, Colorado

Introduced on first reading on the 2nd day April, 2003.

PASSED and ADOPTED on second reading this _____ day of _____, 2003.

Attest:

City Clerk

President of the Council

Attach 4
Zoning Fairway Pines Annexation
CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|---|-----|---------------------------------|--------------------|------|----------------|---------------------------------|
| Subject | Zoning the Fairway Pines Annexation, located at 2970 B Road | | | | | | |
| Meeting Date | April 2, 2003 | | | | | | |
| Date Prepared | March 26, 2003 | | | File #ANX-2003-021 | | | |
| Author | Pat Cecil | | Development Services Supervisor | | | | |
| Presenter Name | Pat Cecil | | Development Services Supervisor | | | | |
| 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 Fairway Pines Annexation is requesting that a zoning of RSF-4 be applied to the 6.4295 acres. The Planning Commission at its March 11, 2003 hearing recommended approval of the zone of annexation.

Budget: N/A

Action Requested/Recommendation: Conduct the first reading of the ordinance and set a public hearing date of April 16, 2003 for the second reading of the ordinance.

Attachments:

1. Staff report/Background information
2. General Location Map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map
6. Annexation map
7. Ordinance

Background Information: See attached Staff Report/Background Information

| STAFF REPORT/BACKGROUND INFORMATION | | | | |
|--|-------|---|-----|----|
| Location: | | 2970 B Road | | |
| Applicants: | | Furukawa Family Trust – Petitioner Nicholas Construction – Developer Thompson-Langford Corp. - Representative | | |
| Existing Land Use: | | Two existing residences with accessory buildings | | |
| Proposed Land Use: | | Residential subdivision | | |
| Surrounding Land Use: | North | Golf Course (Chipeta Golf Course) | | |
| | South | Mesa View Elementary School | | |
| | East | Chipeta Pines Residential Subdivision | | |
| | West | Golf Course (Chipeta Golf Course) | | |
| Existing Zoning: | | RSF-R (County) | | |
| Proposed Zoning: | | RSF-4 (City) | | |
| Surrounding Zoning: | North | PUD (County) (Golf Course) | | |
| | South | RSF-R (County) (Mesa View Elem. Sch.) | | |
| | East | PD (City) (Approx. .25 DU/AC) | | |
| | West | PUD (County) (Chipeta Golf course) | | |
| Growth Plan Designation: | | Residential Medium Low 2-4 DU/AC | | |
| Zoning within density range? | | X | Yes | No |

Rezoning: The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of 2-4 dwelling units per acre. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the rezoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 as follows:

1. The existing zoning was in error at the time of adoption;

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request.

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, ect.;

Response: The zoning request is in conjunction with an annexation request and is a result of the annexation.

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 nuisances;

Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the preliminary plan goes forward.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;

Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;

Responses: Adequate public facilities are available or will be supplied at the time of further development of the property.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and

Response: Not applicable.

7. The community or neighborhood will benefit from the proposed zone.

Response: Not applicable.

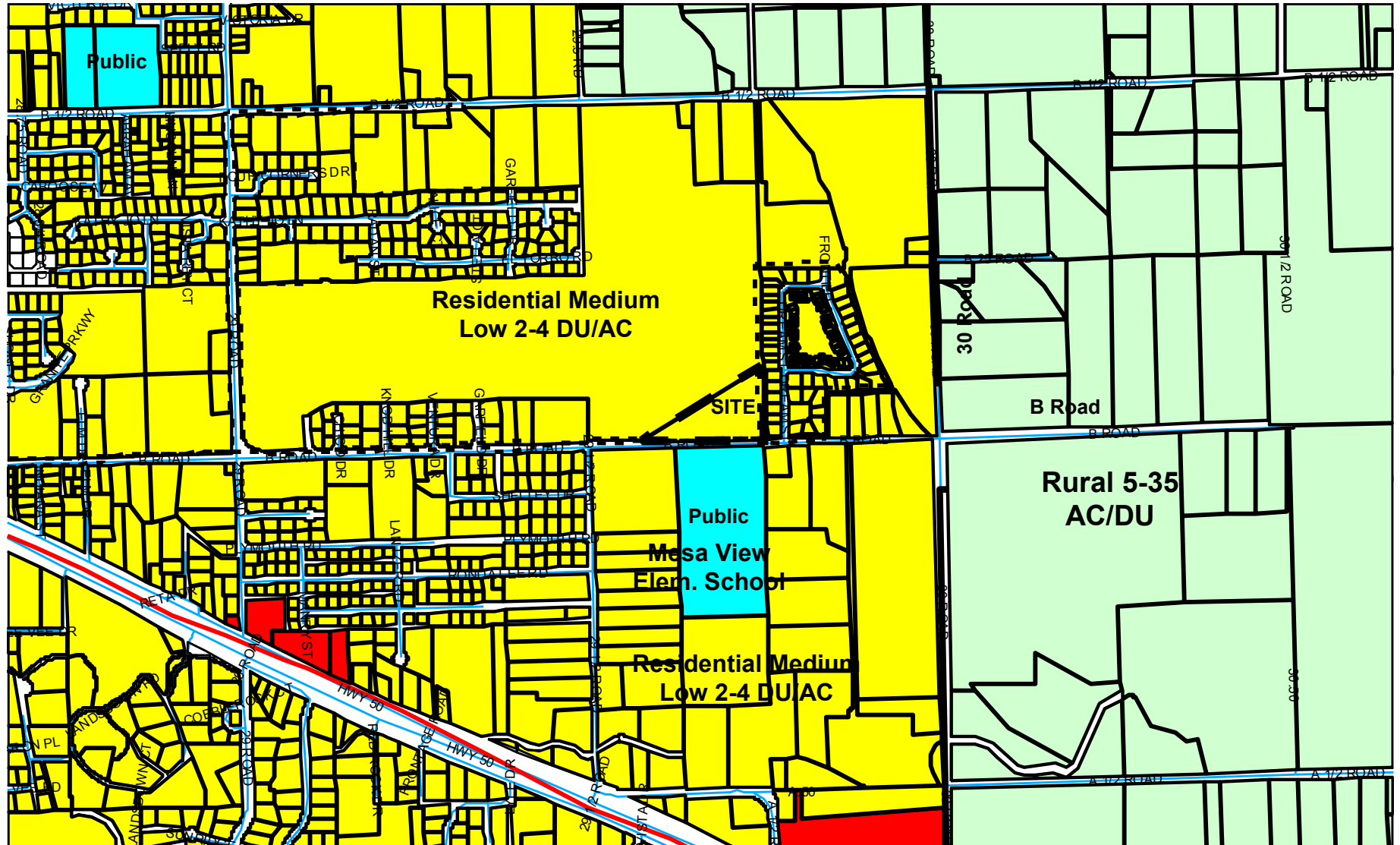
Drainage: A detention basin will collect storm water generated as a result of development.

Access/Streets: The project site fronts on and will take access from B Road.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.14 and 2.6 of the Zoning and Development Code.

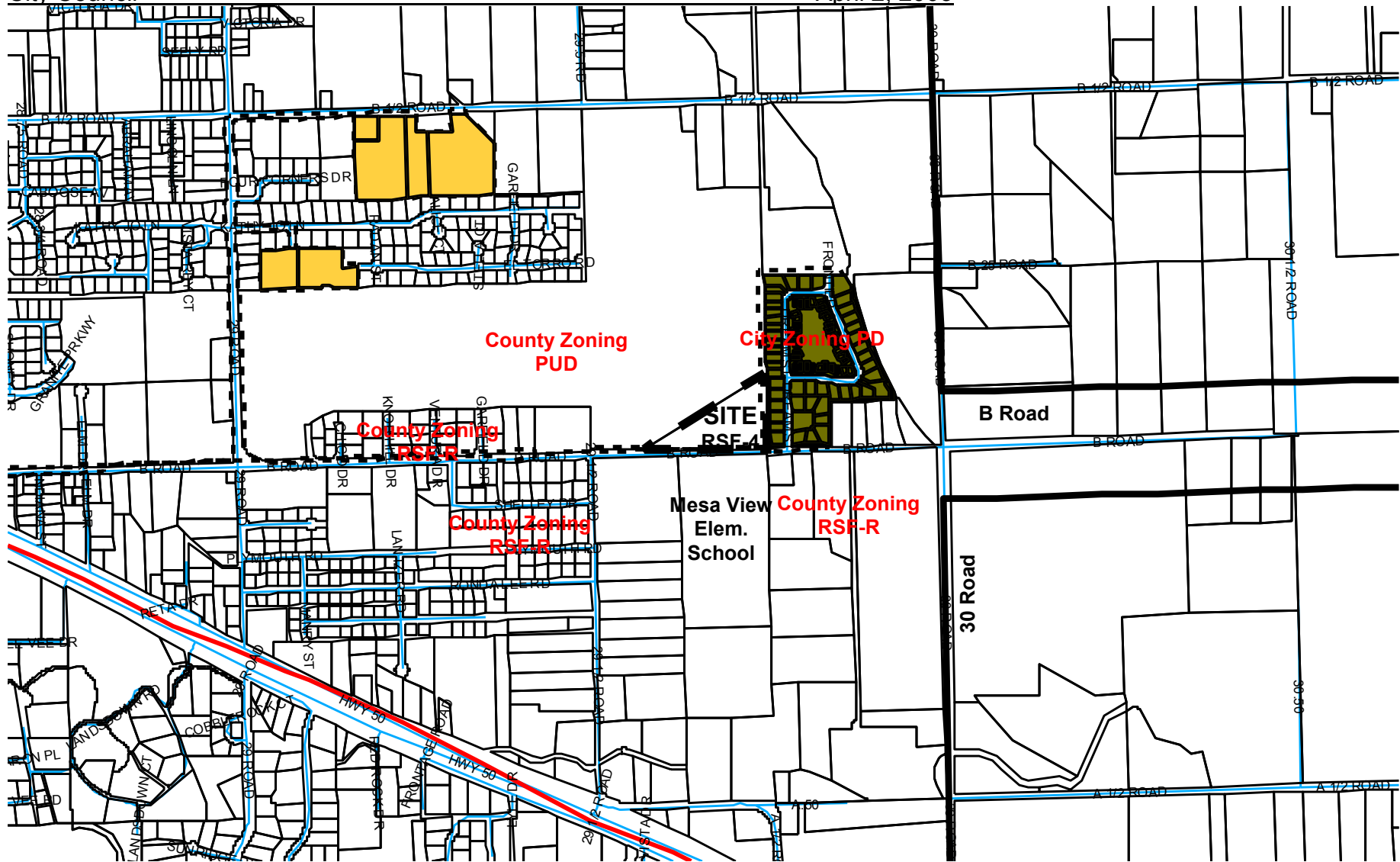
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

An Ordinance Zoning the Fairway Pines Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) district

Located at 2970 B Road

Recitals:

After public notice and public hearings as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-4 zone district to the annexation.

After public notice and public hearing before the Grand Junction City

Council, City Council finds that the RSF-4 zone district be established for the

following reasons:

- This zone district meets the criteria of Section 2.14. F. of the Zoning and Development Code.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The following property shall be zoned Residential Single Family – 4 dwelling units per acre (RSF-4) district:

Includes the following tax parcel: 2943-294-00-144

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the SW 1/4 SE 1/4 of said Section 29 and assuming the South line of the SW 1/4 SE 1/4 of said Section 29 bears S 89°52'01" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N

00°05'43" W along the East line of the SW 1/4 SE 1/4 of said Section 29 a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°52'01" W along a line 5.00 feet North of and parallel to, the South line of the SW 1/4 SE 1/4 of said Section 29 a distance of 921.92 feet; thence N 00°07'59" W a distance of 28.00 feet to a point on the North Right of Way for B Road, as same is recorded in Book 1319, Page 33, Public Records of Mesa County, Colorado; thence N

58°59'12" E a distance of 1074.64 feet, more or less, to a point on the East line of the SW 1/4 SE 1/4 of said Section 29, also being the West line of Chipeta Pines Subdivision, as same is recorded in Plat Book 17, Pages 171 and 172, Public Records of Mesa County, Colorado; thence S 00°05'43" E along the East line of the SW 1/4 SE 1/4 of said Section 29, a distance of 579.56 feet, more or less, to the Point of Beginning.

CONTAINING 6.4295 Acres (280,068.54 Sq. Ft.), more or less, as described.

Introduced on the first reading this 2nd day of April, 2003.

PASSED and ADOPTED on second reading this _____ day of _____, 2003.

President of Council

ATTEST:

City Clerk

Attach 5
Zoning Fruitvale Estates Annexation
CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|--|-----|---------------------------------|--------------------|------|----------------|---------------------------------|
| Subject | Zoning the Fruitvale Estates Annexation, located at 3083 E ½ Road (Orchard Avenue) | | | | | | |
| Meeting Date | April 2, 2003 | | | | | | |
| Date Prepared | March 26, 2003 | | | File #ANX-2003-023 | | | |
| Author | Pat Cecil | | Development Services Supervisor | | | | |
| Presenter Name | Pat Cecil | | Development Services Supervisor | | | | |
| 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 Fruitvale Estates Annexation is requesting that a zoning of RSF-4 be applied to the 4.3815 acres. The Planning Commission at its March 25, 2003 hearing recommended approval of the zoning.

Budget: N/A

Action Requested/Recommendation: Conduct the first reading of the ordinance and set a public hearing date of April 16, 2003 for the second reading of the ordinance.

Attachments:

- 8. Staff report/Background information
- 9. General Location Map
- 10. Aerial Photo
- 11. Growth Plan Map
- 12. Zoning Map
- 13. Annexation map
- 14. Ordinance

Background Information: See attached Staff Report/Background Information

| STAFF REPORT/BACKGROUND INFORMATION | | | |
|--|-------|---|-----|
| Location: | | 3083 E ½ (Orchard Ave.) Road | |
| Applicants: | | Disraeli Development, Inc. – Petitioner Thompson-Langford Corp. - Representative | |
| Existing Land Use: | | Undeveloped | |
| Proposed Land Use: | | Residential subdivision | |
| Surrounding Land Use: | North | Residential | |
| | South | Commercial | |
| | East | Residential and Commercial | |
| | West | Residential | |
| Existing Zoning: | | RSF-4 (County) | |
| Proposed Zoning: | | RSF-4 (City) | |
| Surrounding Zoning: | North | RSF-4 (County) | |
| | South | B-2 (County) and C-1 (City) | |
| | East | RSF-4 and PD (commercial) (County) | |
| | West | RSF-4 (County) | |
| Growth Plan Designation: | | Residential Medium Low 2-4 DU/AC | |
| Zoning within density range? | | X | Yes |
| | | | No |

Rezoning: The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of 2-4 dwelling units per acre. The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the rezoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 as follows:

- The existing zoning was in error at the time of adoption;

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request.

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, ect.;

Response: The zoning request is in conjunction with an annexation request and is a result of the annexation.

6. 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 nuisances;

Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the preliminary plan goes forward.

7. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;

Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

8. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;

Responses: Adequate public facilities are available or will be supplied at the time of further development of the property.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and

Response: Not applicable.

8. The community or neighborhood will benefit from the proposed zone.

Response: Not applicable.

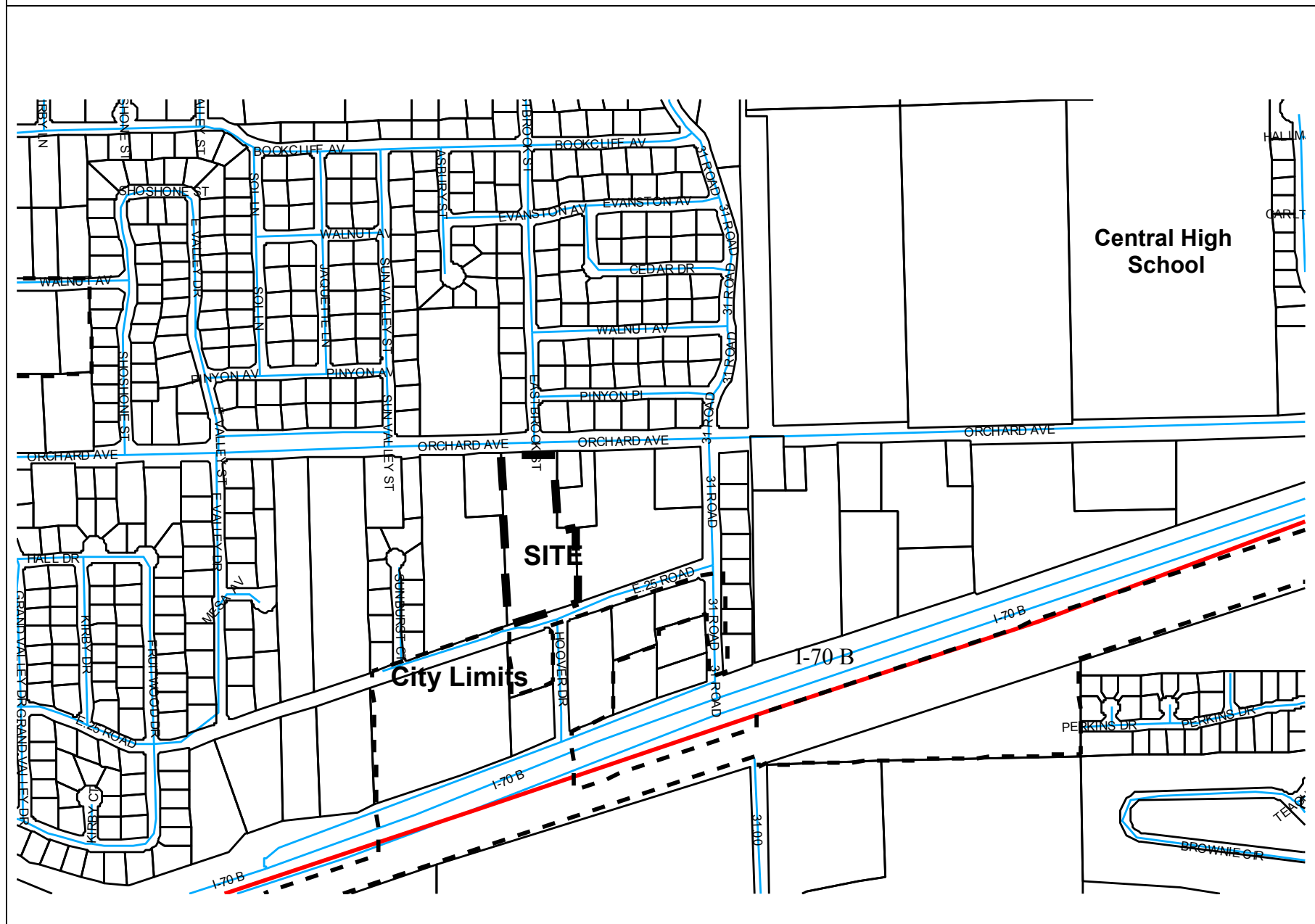
Drainage: A detention basin will collect storm water generated as a result of development.

Access/Streets: The project site fronts on and will take access from E ½ (Orchard Avenue) Road. An additional access point will be developed to the property to the west.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.14 and 2.6 of the Zoning and Development Code.

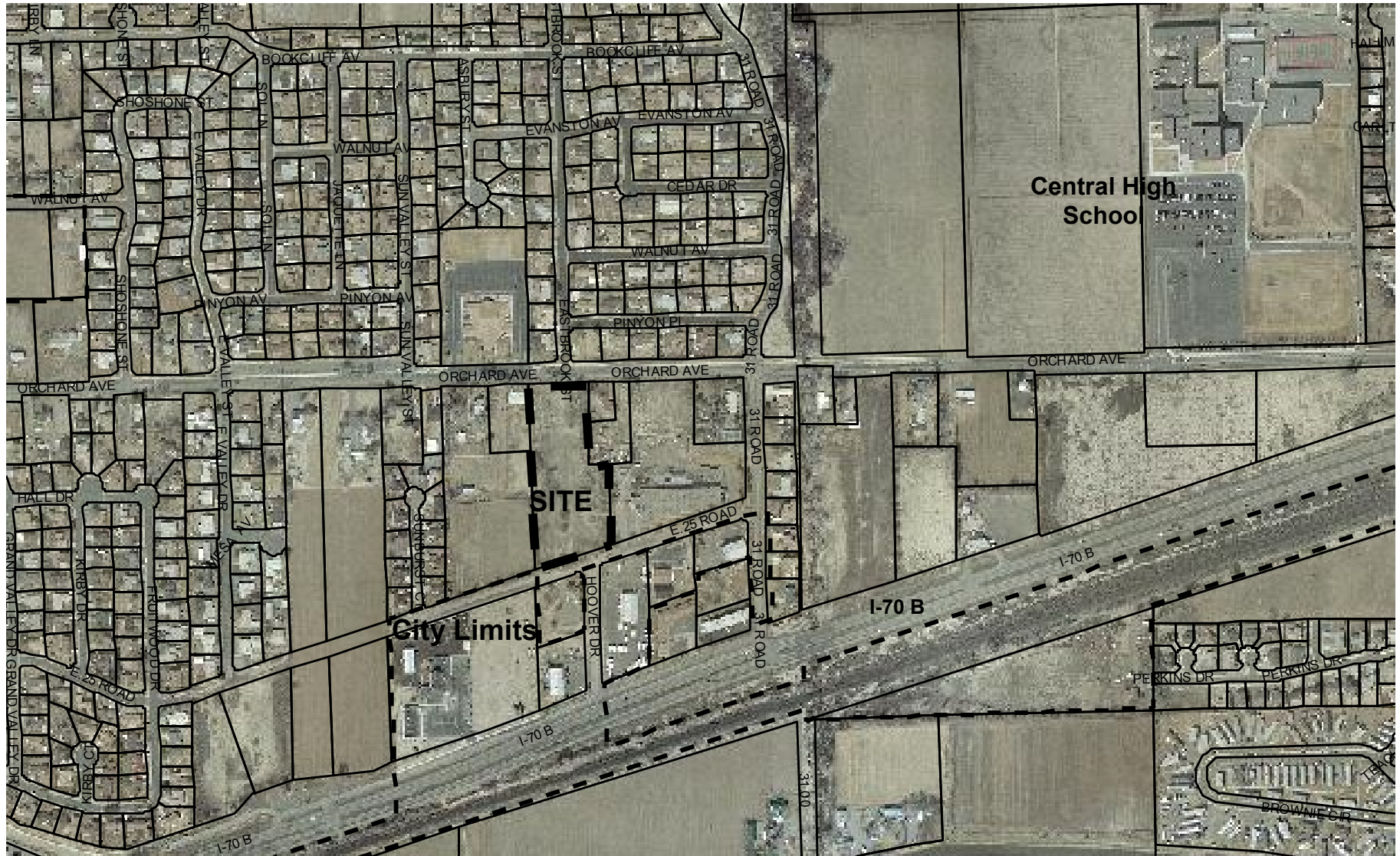
Site Location Map

Figure 1



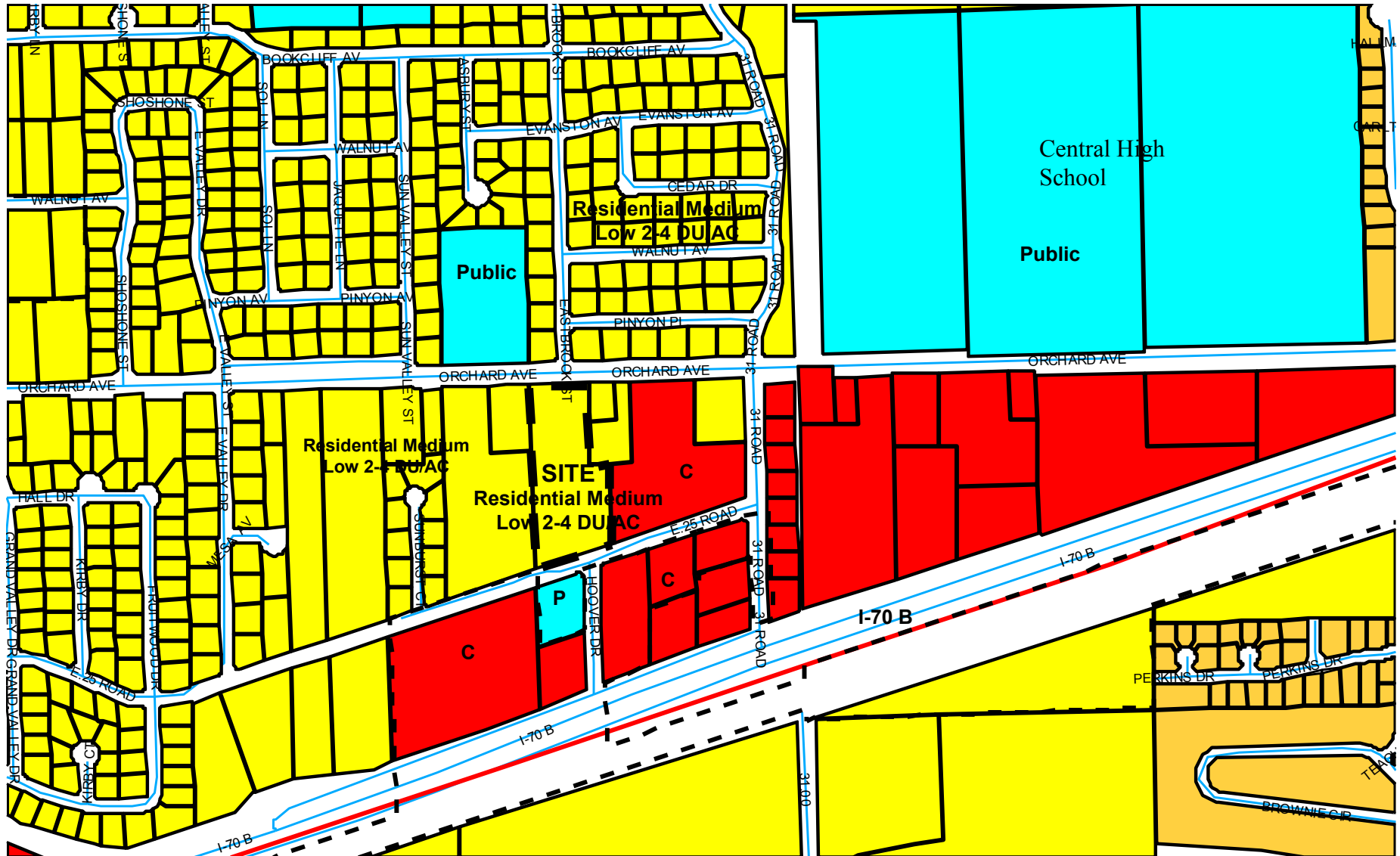
Aerial Photo Map

Figure 2



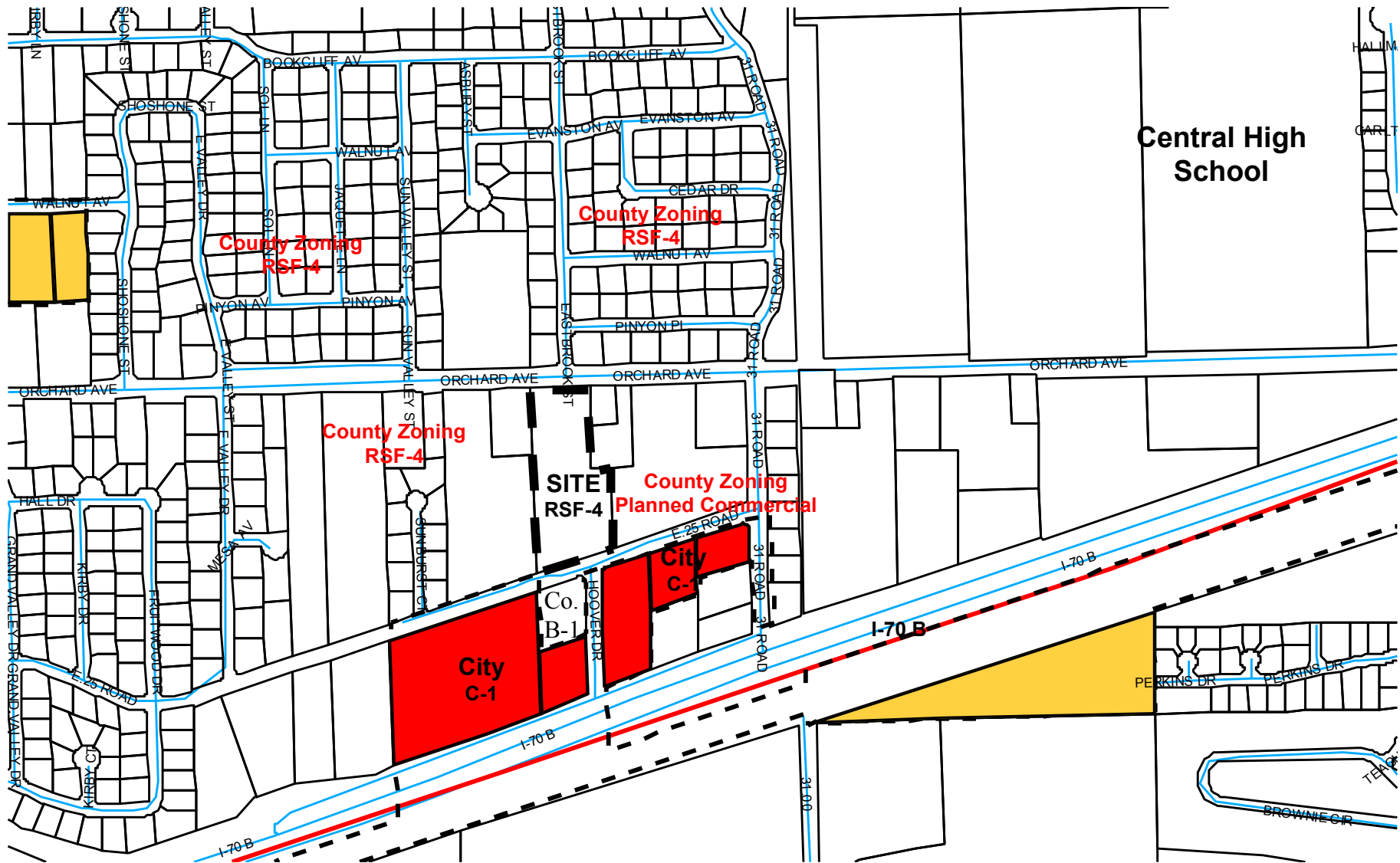
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION, COLORADO**ORDINANCE No. _____****An Ordinance Zoning the Fruitvale Estates Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) district****Located at 3083 E ½ Road (Orchard Avenue)**Recitals:

After public notice and public hearings as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-4 zone district to the annexation.

After public notice and public hearing before the Grand Junction City

Council, City Council finds that the RSF-4 zone district be established for the following reasons:

- This zone district meets the criteria of Section 2.14. F. of the Zoning and Development Code.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.
- The proposed zoning is consistent with the existing County zoning.

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

The following property shall be zoned Residential Single Family – 4 dwelling units per acre (RSF-4) district:

Includes the following tax parcel: 2943-094-00-135

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of the SE 1/4 of said Section 9, and assuming the North line of the SE 1/4 of said Section 9 bears N 89°57'41" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°57'41" W along the North line of the SE 1/4 of said Section 9, a distance of 776.57 feet to the POINT OF BEGINNING; thence

from said Point of Beginning, S 00°02'19" W a distance of 335.59 feet; thence S 89°57'41" E a distance of 77.74 feet; thence S 00°07'41" E a distance of 367.81 feet; thence N 73°05'04" E along a line 1.00 feet North of and parallel with, the South right of way for E 1/4 Road, as same is recorded in Plat Book 9, Page 41, Public Records of Mesa County, Colorado, a distance of 608.96 feet to a point on the East right of way for 31 Road, as same is shown on the Plat of East Park, as recorded in Plat Book 11, Page 173, Public Records of Mesa County, Colorado; thence S 00°09'02" E along said East right of way, a distance of 1.04 feet; thence S 73°05'04" W along the South right of way for said E 1/4 Road, a distance of 911.57 feet to a point being the Northwest corner of Lot 4, Plat of 31 Road Business Park, as same is recorded in Plat Book 12, Page 353, Public Records of Mesa County, Colorado; thence N 00°02'50" E along the East line of the Gamble/Sage Annexation, Ordinance Number 3347, City of Grand Junction, Colorado, a distance of 62.70 feet to a point on the North right of way for said E 1/4 Road; thence N 73°05'04" E along said North right of way, a distance of 0.90 feet; thence N 00°07'41" W a distance of 729.73 feet, more or less, to a point on the North line of the SE 1/4 of said Section 9; thence S 89°57'41" E along the North line of the SE 1/4 of said Section 9, a distance of 212.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.3815 Acres (190,857.07 Sq. Ft.), more or less, as described.

Introduced on the first reading this 2nd day of April, 2003.

PASSED and ADOPTED on second reading this _____ day of _____, 2003.

President of Council

ATTEST:

City Clerk

**Attach 6
Zoning Grand Meadows South Annexation**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-----|----------------------|-----|----------------------------|---------------------------------|
| Subject | Zoning the Grand Meadows South Annexation, located at 466 30 Road | | | | | |
| Meeting Date | April 2, 2003 | | | | | |
| Date Prepared | March 24, 2003 | | | | File # ANX-2003-010 | |
| Author | Lisa E. Cox | | Senior Planner | | | |
| Presenter Name | As above | | As above | | | |
| Report results back to Council | X | No | | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | X | Formal Agenda | X | Consent | Individual Consideration |

Summary: First reading of the Zoning ordinance to zone the Grand Meadows South Annexation Residential Multi-Family-5 (RMF-5), located at 466 30 Road.

Budget: N/A

Action Requested/Recommendation: Approve first reading of the zoning ordinance.

Attachments:

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Annexation Map (Figure 5)
7. Zoning Ordinance

Background Information: See attached staff report

CITY OF GRAND JUNCTION

MEETING DATE: April 2, 2003

CITY COUNCIL

STAFF PRESENTATION: Lisa E. Cox, AICP

AGENDA TOPIC: Grand Meadows South Annexation, ANX-2003-010.

SUMMARY: First reading of the Zoning ordinance to zone the Grand Meadows South Annexation Residential Multi-Family-5 (RMF-5), located at 466 30 Road.

| STAFF REPORT / BACKGROUND INFORMATION | | | |
|---------------------------------------|-------|--|-----|
| Location: | | 466 30 Road | |
| Applicant: | | Terry Lawrence dba Darter, LLC, Owner | |
| Existing Land Use: | | Single Family Residence | |
| Proposed Land Use: | | Residential | |
| Surrounding Land Use: | North | Residential | |
| | South | Residential | |
| | East | Residential | |
| | West | Industrial/Residential | |
| Existing Zoning: | | RSF-R (Mesa County) | |
| Proposed Zoning: | | RMF-5 (Residential Multi-Family, not to exceed 5 units/acre) | |
| Surrounding Zoning: | North | RMF-5 (City) | |
| | South | RSF-R (Mesa County) | |
| | East | RSF-R (Mesa County) | |
| | West | RSF-R (Mesa County) | |
| Growth Plan Designation: | | Residential Medium, 4-8 units/acre | |
| Zoning within density range? | | X | Yes |
| | | | No |

Action Requested/Recommendation: Recommend that City Council approve first reading of the Zoning ordinance.

Staff Analysis:

ZONING OF ANNEXATION:

The proposed zoning for the Grand Meadows South Annexation is the Residential Multi-family, 5 units/acre (RMF-5) zone district. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-5 zone district. Section 2.14(F), Zoning of Annexed Properties, of the Zoning and Development Code, states that land annexed into the City shall be zoned in accordance

with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

REZONING CRITERIA:

The annexed property or rezone 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.** This property is being annexed into the City and has not been previously considered for zoning, therefore, there has not been an error in zoning.
- 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 with developing residential uses. The request for Residential Multi-family, 5 units/acre (RMF-5) zoning is in keeping with the Growth Plan and Section 2.14, Annexations, of the Zoning and Development Code.
- 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 RMF-5 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 proposed 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 proposal is in conformance with the Growth Plan, and the policies and requirements of the Zoning and Development Code and other City regulations and guidelines.
- 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 and services are available at this time or will be installed with development of the site.
- 6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.** An adequate supply of land is available in the community, however, it is located in the County and has not yet developed. This area is designated as Residential Medium, 4-8 units/acre on the Future Land Use Map of the Growth Plan. In accordance with Section 2.14, Annexations, of the Zoning and Development Code, the Residential Multi-family, 5 units/acre (RMF-5) zone district is appropriate for this property when it develops.

7. The community or neighborhood will benefit from the proposed zone.

The surrounding neighborhood and community would benefit from the proposed rezone by providing a development which meets the goals and policies of the Growth Plan.

STAFF RECOMMENDATION

Staff recommends approval of the Residential Multi-Family, 5 dwelling units per acre (RMF-5) zone district, with the finding that the proposed zone district is consistent with the Growth Plan land use designation, and with Section 2.6(a) of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION

Approval of the Residential Multi-Family-5 (RMF-5) zone district for the following reasons:

- RMF-5 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- RMF-5 zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

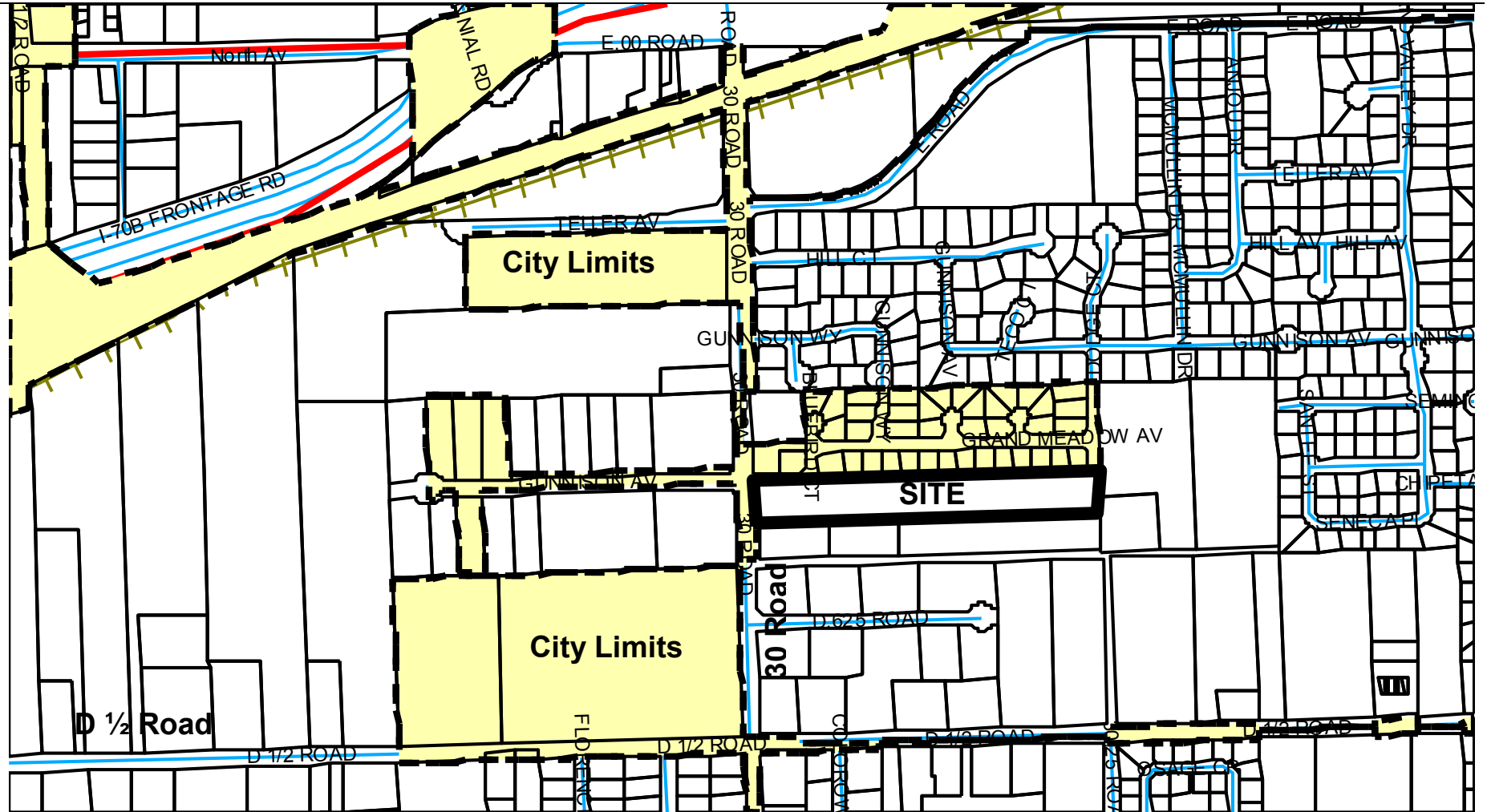
Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning Map (Figure 4)
5. Annexation Map (Figure 5)
6. Zoning Ordinance

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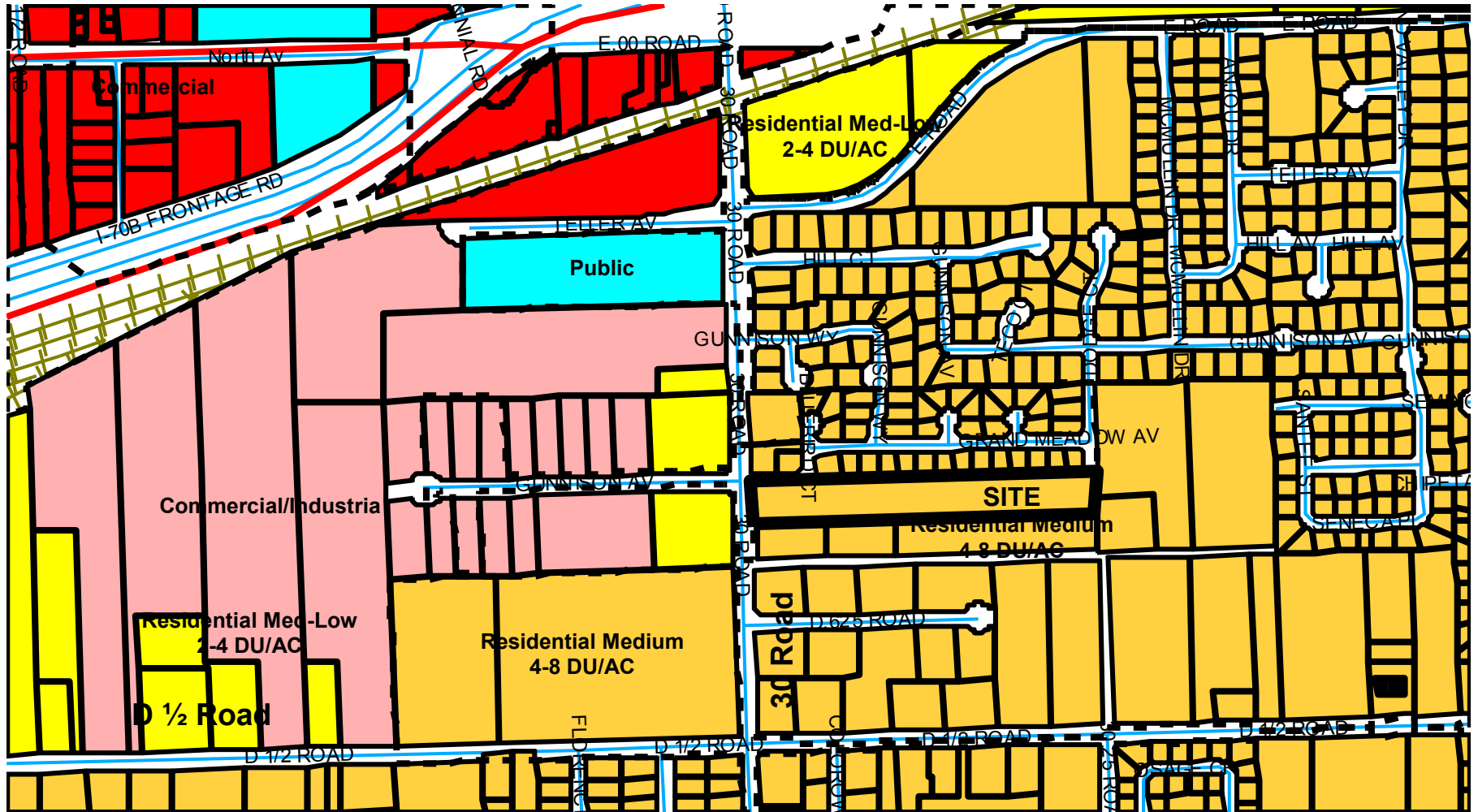
Site Location Map

Figure 1



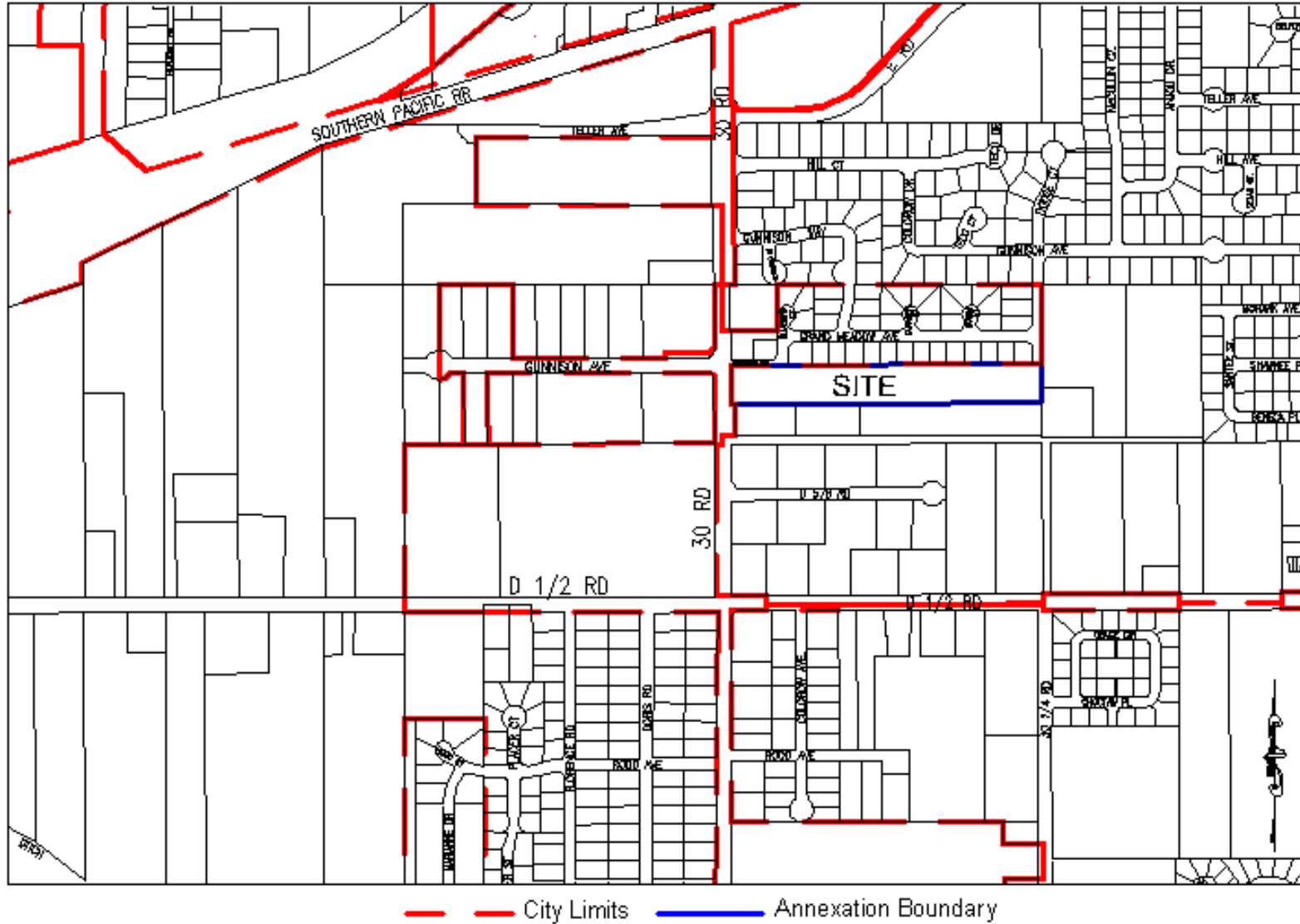
Future Land Use Map

Figure 3



GRAND MEADOWS SOUTH ANNEXATION

Figure 5



CITY OF GRAND JUNCTION, COLORADO**ORDINANCE No. _____****An Ordinance Zoning the Grand Meadows South Annexation to
Residential Multi-Family-5 (RMF-5),
Located at 466 30 Road**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 Grand Meadows South Annexation to the RMF-5 zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate lands uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established.

The Planning Commission and City Council find that the RMF-5 zoning is in conformance with the stated criteria of Section 2.6 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 RMF-5, Residential Single Family with a density not to exceed 5 units per acre, zone district:

GRAND MEADOWS SOUTH ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of the SW 1/4 NW 1/4 of said Section 16, and considering the East line of the SW 1/4 NW 1/4 of said Section 16 to bear S 00°05'30" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°05'30" E along the East line of the SW 1/4 NW 1/4 of said Section 16 a distance of 329.80 feet to a point being the Southeast corner of Grand Meadows Subdivision, as same is recorded in Plat Book 19, Pages 61 and 62, Public Records of Mesa County, Colorado, said point being the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00° 05'30" E along the East line of the SW 1/4 NW 1/4 of said Section 16, a distance of 165.15 feet; thence S 89°55'30" W

along the South line of the North 165.15 feet of the South-half of the North-half of the SW 1/4 NW 1/4 of said Section 16, a distance of 1292.42 feet to a point; thence N 00°00'00" E along a line 30.00 feet East of and parallel to, the West line of the SW 1/4 NW 1/4 of said Section 16, a distance of 165.15 feet to a point; thence N 89°55'30" E along the North line of the North 165.15 feet of the South-half of the North-half of the SW 1/4 NW 1/4 of said Section 16, also being the South line of said Grand Meadows Subdivision, a distance of 1292.16 feet, more or less, to the Point of Beginning.

CONTAINING 4.8995 Acres (213,421.56 Sq. Ft), more or less, as described.

Housing type, density and bulk standards shall be for the RMF-5 zone district.

—

Introduced on first reading this 2nd day of April, 2003

PASSED and ADOPTED on second reading this ___ day of April, 2003.

Mayor

ATTEST:

City Clerk

**Attach 7
Zoning Summit Meadows West Annexation**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|-----|----------------------|-----|----------------------------|---------------------------------|
| Subject | Zoning the Summit Meadows West Annexation, located at 3134 and 3138 D ½ Road | | | | | |
| Meeting Date | April 2, 2003 | | | | | |
| Date Prepared | March 24, 2003 | | | | File # ANX-2003-016 | |
| Author | Lisa E. Cox | | Senior Planner | | | |
| Presenter Name | As above | | As above | | | |
| Report results back to Council | X | No | | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | X | Formal Agenda | X | Consent | Individual Consideration |

Summary: First reading of the Zoning ordinance to zone the Summit Meadows West Annexation Residential Multi-Family-5 (RMF-5), located at 3134 and 3138 D ½ Road.

Budget: N/A

Action Requested/Recommendation: Approve first reading of the zoning ordinance.

Attachments:

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning (Figure 4)
6. Annexation Map (Figure 5)
7. Zoning Ordinance

Background Information: See attached staff report

CITY OF GRAND JUNCTION**MEETING DATE:** April 2, 2003**CITY COUNCIL****STAFF PRESENTATION:** Lisa E. Cox, AICP**AGENDA TOPIC:** Summit Meadows West Annexation, ANX-2003-016.**SUMMARY:** First reading of the Zoning ordinance to zone the Summit Meadows West Annexation Residential Multi-Family-5 (RMF-5), located at 3134 and 3138 D 1/2 Road.

| STAFF REPORT / BACKGROUND INFORMATION | | | | |
|---------------------------------------|-------|--|-----|----|
| Location: | | 3134 and 3138 D 1/2 Road | | |
| Applicant: | | Diane L. Krieger, Owner Casa Tiara Development, Owner | | |
| Existing Land Use: | | Residential/Agricultural | | |
| Proposed Land Use: | | Residential | | |
| Surrounding Land Use: | North | Residential | | |
| | South | Residential/Agricultural | | |
| | East | Residential/Agricultural | | |
| | West | Residential | | |
| Existing Zoning: | | RSF-R (Mesa County) | | |
| Proposed Zoning: | | RMF-5 (Residential Multi-Family, not to exceed 5 units/acre) | | |
| Surrounding Zoning: | North | PD, approx. 4 units/acre (Mesa County) | | |
| | South | RSF-R/PD (Mesa County) | | |
| | East | RSF-R (Mesa County) | | |
| | West | RSF-4 (Mesa County) | | |
| Growth Plan Designation: | | Residential Medium, 4-8 units/acre | | |
| Zoning within density range? | | X | Yes | No |

Action Requested/Recommendation: Recommend that City Council approve first reading of the Zoning ordinance.**Staff Analysis:****ZONING OF ANNEXATION:**

The proposed zoning for the Summit Meadows West Annexation is the Residential Multi-family, 5 units/acre (RMF-5) zone district. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-5 zone district. Section 2.14(F), Zoning of Annexed Properties, of the Zoning and Development Code, states that land annexed into the City shall be zoned in accordance

with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

REZONING CRITERIA:

The annexed property or rezone 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.** This property is being annexed into the City and has not been previously considered for zoning, therefore, there has not been an error in zoning.
- 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 with developing residential uses. The request for Residential Multi-family, 5 units/acre (RMF-5) zoning is in keeping with the Growth Plan and Section 2.14, Annexations, of the Zoning and Development Code.
- 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 RMF-5 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 proposed 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 proposal is in conformance with the Growth Plan, and the policies and requirements of the Zoning and Development Code and other City regulations and guidelines.
- 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 and services are available at this time or will be installed with development of the site.
- 6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.** An adequate supply of land is available in the community, however, it is located in the County and has not yet developed. This area is designated as Residential Medium, 4-8 units/acre on the Future Land Use Map of the Growth Plan. In accordance with Section 2.14, Annexations, of the Zoning and Development Code, the Residential Multi-family, 5 units/acre (RMF-5) zone district is appropriate for this property when it develops.

7. The community or neighborhood will benefit from the proposed zone.

The surrounding neighborhood and community would benefit from the proposed rezone by providing a development which meets the goals and policies of the Growth Plan.

STAFF RECOMMENDATION

Staff recommends approval of the Residential Multi-Family, 5 dwelling units per acre (RMF-5) zone district, with the finding that the proposed zone district is consistent with the Growth Plan land use designation, and with Section 2.6(a) of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION

Approval of the Residential Multi-Family-5 (RMF-5) zone district for the following reasons:

- RMF-5 zone district meets the recommended land use categories as shown through the Growth Plan, as well as the Growth Plan's goals and policies.
- RMF-5 zone district meets the criteria found in Section 2.6(A) of the Zoning and Development Code.

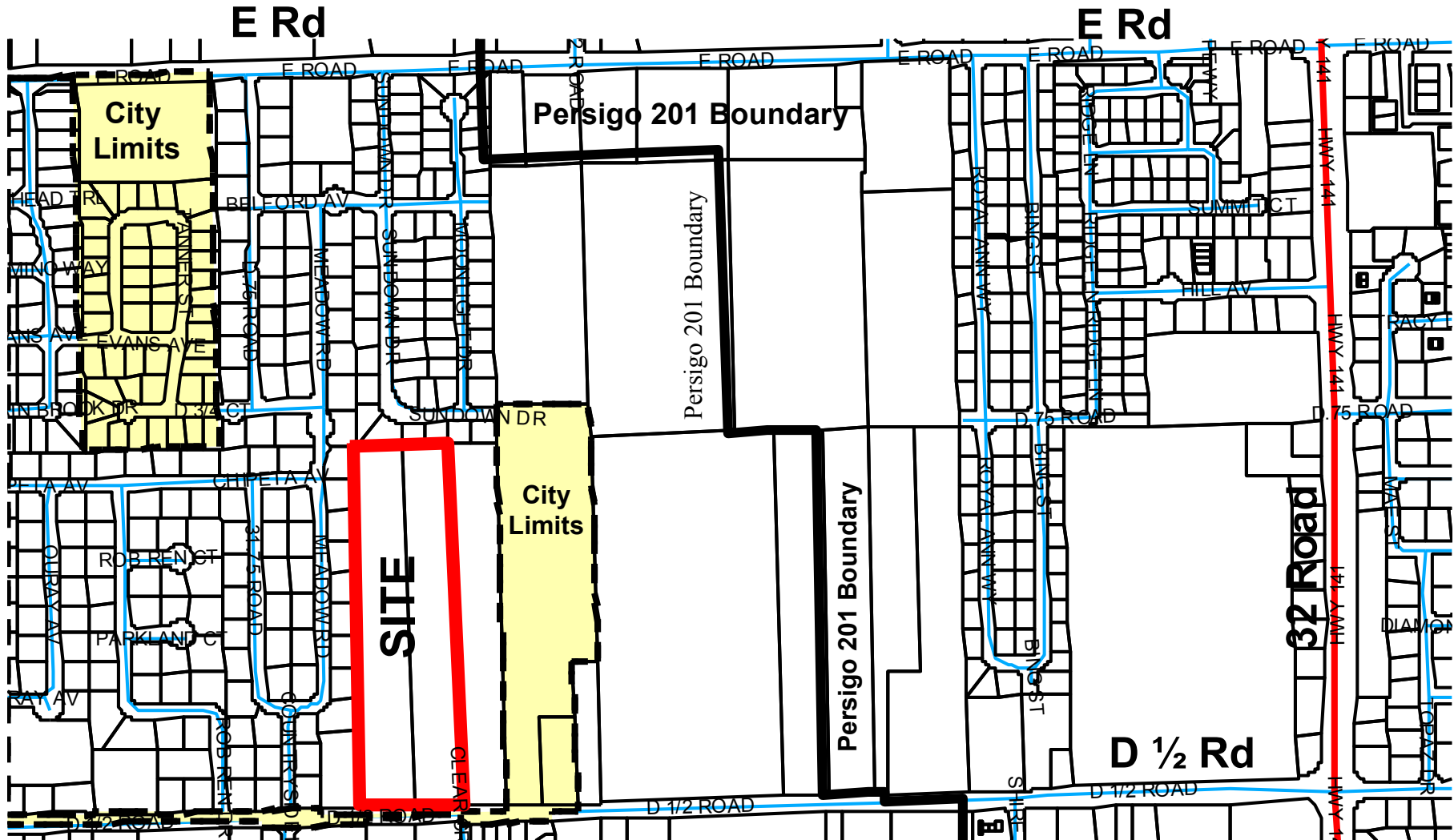
Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning (Figure 4)
5. Annexation Map (Figure 5)
6. Zoning Ordinance

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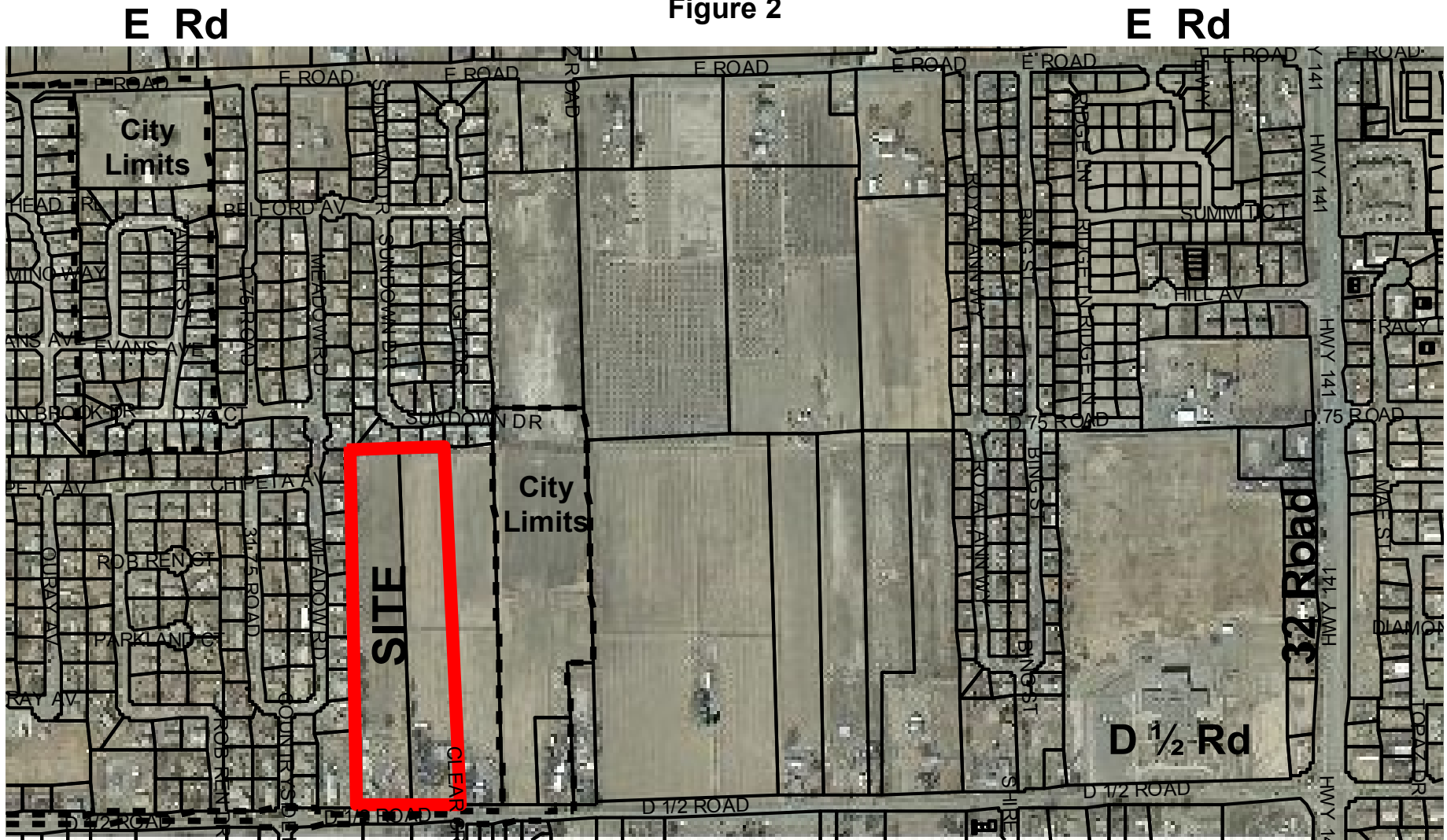
Site Location Map

Figure 1



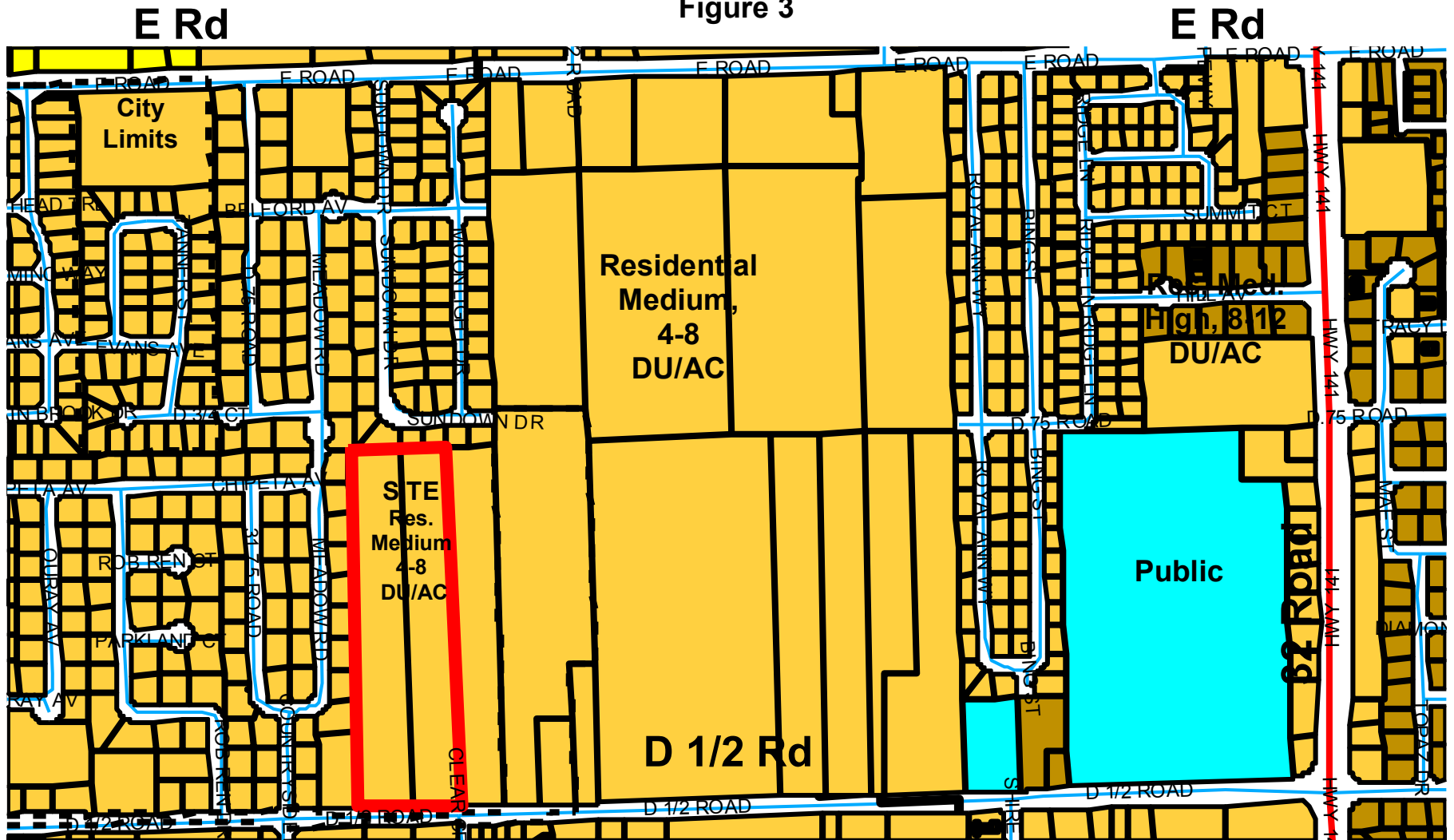
Aerial Photo Map

Figure 2



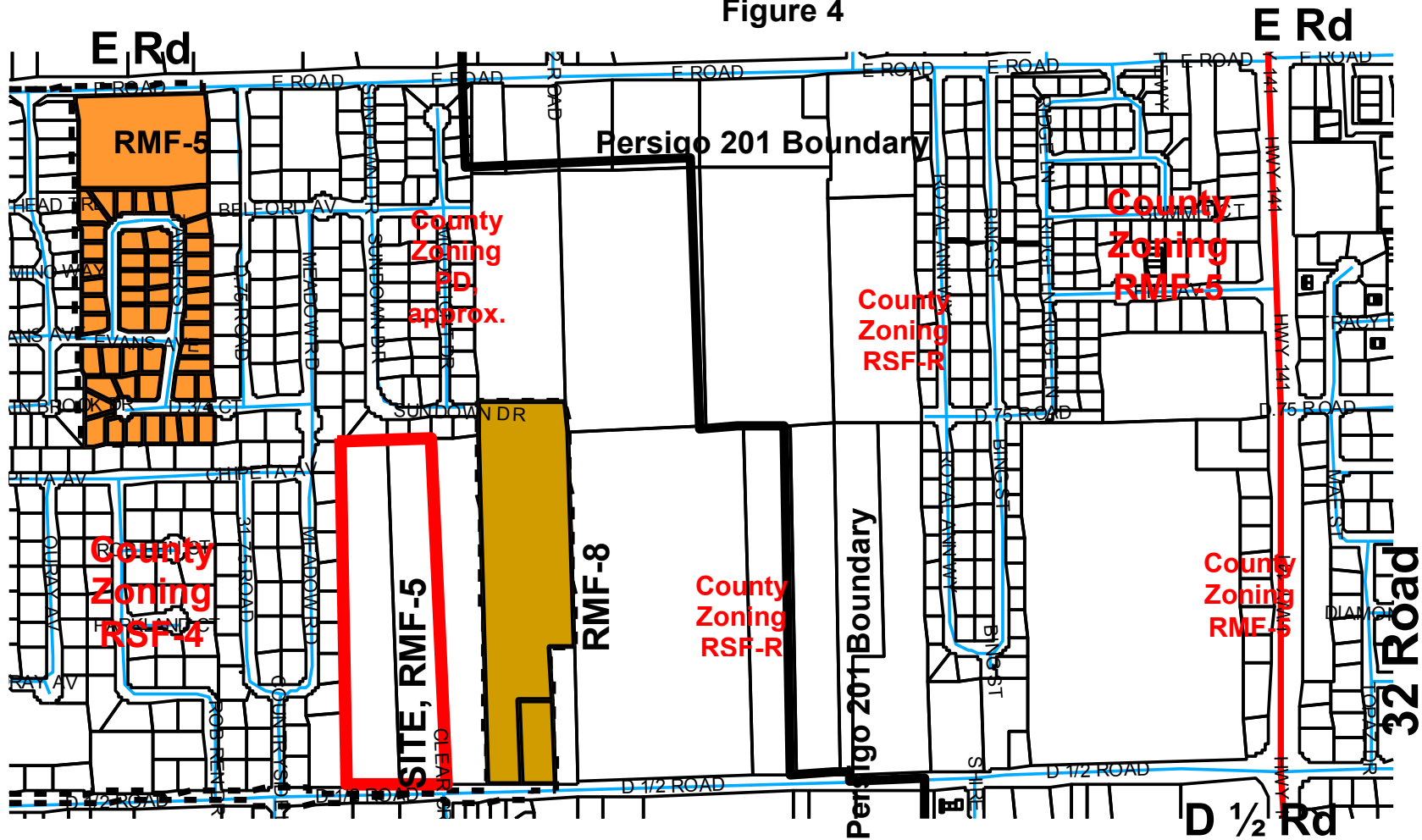
Future Land Use Map

Figure 3



Existing City and County Zoning

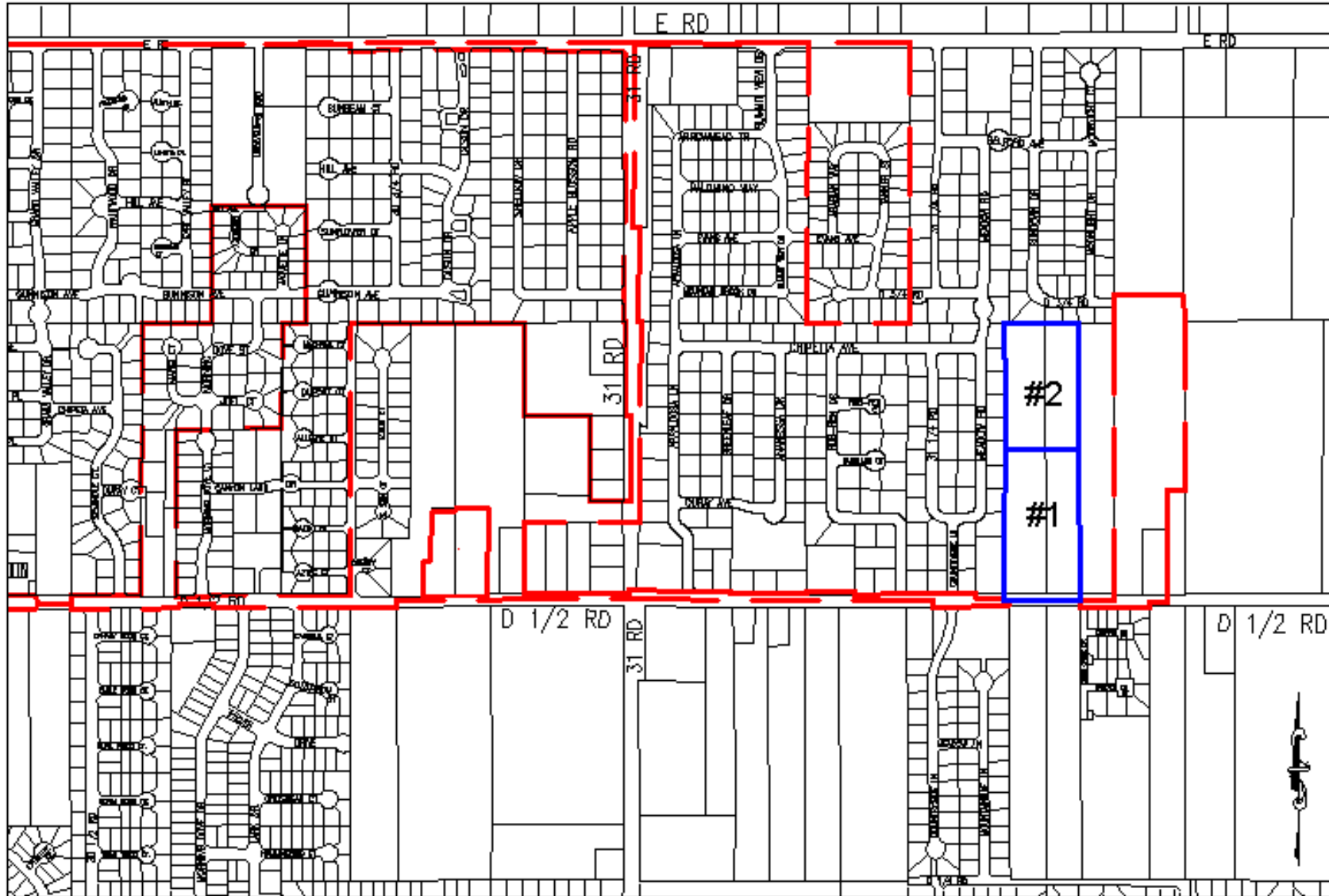
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

SUMMIT MEADOWS WEST ANNEXATIONS #1 & #2

Figure 5



--- City Limits — Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**An Ordinance Zoning the Summit Meadows West Annexation to
Residential Multi-Family-5 (RMF-5),
Located at 3134 and 3138 D 1/2 Road**

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 Summit Meadows West Annexation to the RMF-5 zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate lands uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established.

The Planning Commission and City Council find that the RMF-5 zoning is in conformance with the stated criteria of Section 2.6 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 RMF-5, Residential Single Family with a density not to exceed 5 units per acre, zone district:

SUMMIT MEADOWS WEST ANNEXATION

A Serial Annexation Comprising Summit Meadows West Annexation No. 1 and Summit Meadows West Annexation No. 2

SUMMIT MEADOWS WEST ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 15 and assuming the South line of the SE 1/4 NW 1/4 bears S 89°57'40" E with all

other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'40" E along the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 459.90 feet; thence N 00°02'46" W a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'46" W along the East line, and its Southerly projection, of Countryside Subdivision Filing No. Two, as same is recorded in Plat Book 11, Page 274, Public Records of Mesa County, Colorado, a distance of 717.00 feet; thence S 89°57'40" E a distance of 359.00 feet to a point on the East line of that certain parcel of land described in a Warranty Deed recorded in Book 3174, Page 19, Public Records of Mesa County, Colorado; thence S 00°02'46" E, along said East line, a distance of 717.00 feet; thence N 89°57'40" W along a line 5.00 feet North of and parallel to, the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 359.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.9092 Acres, more or less, as described hereon.

SUMMIT MEADOWS WEST ANNEXATION NO. 2

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 15 and assuming the South line of the SE 1/4 NW 1/4 bears S 89°57'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°57'40" E along the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 459.90 feet; thence N 00°02'46" W along the East line, and the Southerly projection thereof, of Countryside Subdivision Filing No. Two, as same is recorded in Plat Book 11, Page 274, Public Records of Mesa County, Colorado, a distance of 722.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'46" W along said East line, a distance of 596.79 feet more or less, to the Northeast corner of said Countryside Subdivision Filing No. Two; thence S 89°55'16" E along the North line of the SE 1/4 NW 1/4 of said Section 15, also being the South line of Sundown Village, as same is recorded in Plat Book 14, Pages 17 and 18, Public Records of Mesa County, Colorado and the South line of Sundown Village No. 2, as same is recorded in Plat Book 15, Pages 35 and 36, Public Records of Mesa County, Colorado, a distance of 359.00 feet to a point being the Northeast corner of that certain parcel of land described in a Warranty Deed recorded in Book 3174, Page 19, Public Records of Mesa County, Colorado; thence S 00°02'46" E, along the East line of said parcel of land, a distance of 596.54 feet; thence N 89°57'40" W a distance of 359.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.9174 Acres, more or less, as described hereon.

Housing type, density and bulk standards shall be for the RMF-5 zone district.

Introduced on first reading this 2nd day of April, 2003.

PASSED and ADOPTED on second reading this ____ day of April, 2003.

Mayor

ATTEST:

City Clerk

**Attach 8
Spanish Trails Filing 3 ROW/Easement Vacation
CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|-----|----------------------|-----|----------------------------|---------------------------------|
| Subject | Spanish Trails, Filing 3, Right-of-Way and Easement Vacation | | | | | |
| Meeting Date | April 2, 2003 | | | | | |
| Date Prepared | March 24, 2003 | | | | File # FPP-2002-204 | |
| Author | Kathy Portner | | Planning Manager | | | |
| Presenter Name | Kathy Portner | | Planning Manager | | | |
| Report results back to Council | X | No | | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | | Formal Agenda | X | Consent | Individual Consideration |

Summary: A request to vacate a portion of the 24 ¼ Road Right-of-Way and emergency access easement in the proposed Spanish Trails, Filing 3

Budget: N/A

Action Requested/Recommendation: First reading of the ordinances to vacate a portion of the 24 ¼ Road Right-of-Way and emergency access easement.

Attachments:

- 14. Staff Report
- 15. Vicinity Map
- 16. Aerial Photo
- 17. Site Plan
- 18. Ordinances

Background Information: See attached staff report

CITY OF GRAND JUNCTION
CITY COUNCIL

MEETING DATE: April 2, 2003
STAFF PRESENTATION: Kathy Portner

AGENDA TOPIC: FPP-2002-204 Spanish Trails, Filing 3, Right-of-Way and easement vacation

ACTION REQUESTED: First reading of the ordinances vacating a portion of the 24 ¼ Road right-of-way and an emergency access easement in Spanish Trails Subdivision

| BACKGROUND INFORMATION | | | | | |
|------------------------------|-------|---|-----|--|----|
| Location: | | 719 24 ½ Road | | | |
| Applicants: | | Reimer Development—Steve and Kevin Reimer | | | |
| Existing Land Use: | | Undeveloped | | | |
| Proposed Land Use: | | Residential | | | |
| Surrounding Land Use: | North | Canyon View Park | | | |
| | South | Residential—mixed density | | | |
| | East | Church and Residential | | | |
| | West | Canyon View Park | | | |
| Existing Zoning: | | PD (Planned Development) | | | |
| Proposed Zoning: | | PD (Planned Development) | | | |
| Surrounding Zoning: | North | CSR (Conservation, Service, Recreation) | | | |
| | South | PD and RSF-4 | | | |
| | East | PD and RSF-4 | | | |
| | West | CSR | | | |
| Growth Plan Designation: | | Residential Medium, 4-8 units per acre | | | |
| Zoning within density range? | | x | Yes | | No |

PROJECT DESCRIPTION: Request to vacate a portion of the 24 ¼ Road right-of-way and emergency access easement.

RECOMMENDATION: Staff recommends approval.

ANALYSIS

1. Background

The proposed Spanish Trails development was annexed and received approval of a Planned Development (PD) zoning and Outline Development Plan (ODP) on July 21, 1999. The ODP included 212 residential units on approximately 30 acres, including an existing house along 24 ½ Road. The applicant received approval to remove the existing house from the Planned Development through a minor subdivision and rezoned the proposed .34 acre lot with the house to RSF-4.

1. A Preliminary Plan for the remainder of the property, Spanish Trails, was approved by the Planning Commission on October 10, 2000. The Preliminary Plan includes 170 residential units on 28.6 acres, for an overall density of 6 units per acre. At the time the PD zoning was approved with the ODP, a density range of 6 to 7.2 units per acre was established. The Preliminary Plan has a density just at the 6 units per acre that was required as a minimum density. The Preliminary Plan included four types of housing units: 62 detached single-family homes, 58 attached single-family, 22 patio units and 28 cluster-attached (hacienda) units. Major circulation through the site will be provided by one access point onto G Road and one access point onto 24 ½ Road.

The applicant dedicated additional ROW along G Road because of the constraint created by Leach Creek on the south side of G Road.

Right-of-Way and Easement Vacation

In 1995, a portion of the platted, but unbuilt, 24 ¼ Road right-of-way was vacated in conjunction with the development of Canyon View Park. The southern portion of the right-of-way was not vacated at that time because it would have landlocked a lot in the Pomona Park Subdivision plat. Since then, that lot has been incorporated into the Spanish Trails plans and no longer needs 24 ¼ Road for potential access. The developer is proposing to vacate the portion of the right-of-way adjacent to Spanish Trails, Filing 3. The right-of-way is not needed for future access since Canyon View Park is already developed with alternate access, as is Spanish Trails. Likewise, the Mendicelli property at the NE corner of 24 ¼ Road and G Road does not need additional access. The portion of the right-of-way that is not adjacent to Spanish Trails is not being vacated with this request, but could be in the future.

A value for the right-of-way to be vacated, consisting of 9,900 square feet, has been determined to be \$7,425. It should be noted that this developer was required to dedicate an additional 10 feet of right-of-way along their G Road frontage to allow for a full street section to be off-set because of the constraint of Leech Creek on the south side of G Road.

Filing 1 of Spanish Trails included an emergency access easement from Willow Creek Road and Roan Ridge Road to G Road. With the platting of Filing 3 and access to 24 ½ Road, the emergency access is no longer needed. Therefore, the applicant is requesting the vacation of the emergency access easement.

2. Consistency with the Growth Plan

The prior approvals of the Outline Development Plan and Preliminary Plan found the project to be consistent with the Growth Plan. The final plat and plan for Spanish Trails, Filing 3 conforms to the approved Outline Development Plan and Preliminary Plan.

3. Section 8-3 of the 1997 Zoning and Development Code

Because Spanish Trails received initial approvals prior to the adoption of the 2000 Zoning and Development Code, subsequent filings are subject to review and approval under the 1997 Zoning and Development Code. That is why this final plat and plan requires Planning Commission approval. Sections 6-8-1 and 7-5-5 require that the final plat and plan meet all requirements and conditions as set forth in the Preliminary Plan approval, which the filing 3 plat and plan does.

Section 8-3 sets for the following criteria for review of a request to vacate right-of-way and easements:

8-3-1 The proposal shall not landlock any parcel of land.

8-3-2 The proposal shall not so restrict access to any parcel that such access is unreasonable, economically prohibitive, and reduces or devalues any property affected by the proposed vacation.

8-3-3 The proposal shall have no adverse impacts on the health, safety, and/or welfare of the general community, and shall not reduce the quality of public services provided to any parcel of land.

8-3-4 The proposal shall not conflict with adopted plans and policies.

8-3-5 The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Staff finds that the proposal to vacate the remainder of 24 ¼ Road and the emergency access easement meets the above criteria.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Spanish Trails, Filing 3 application, FPP-2002-204, for right-of-way and easement vacation approval, staff makes the following findings of fact and conclusions:

3. The proposed final plat and plan is consistent with the Growth Plan.
4. The review criteria in Section 8-3 of the 1997 Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the proposed right-of-way and easement vacation, FPP-2002-204, with the findings and conclusions listed above.

Attachments:

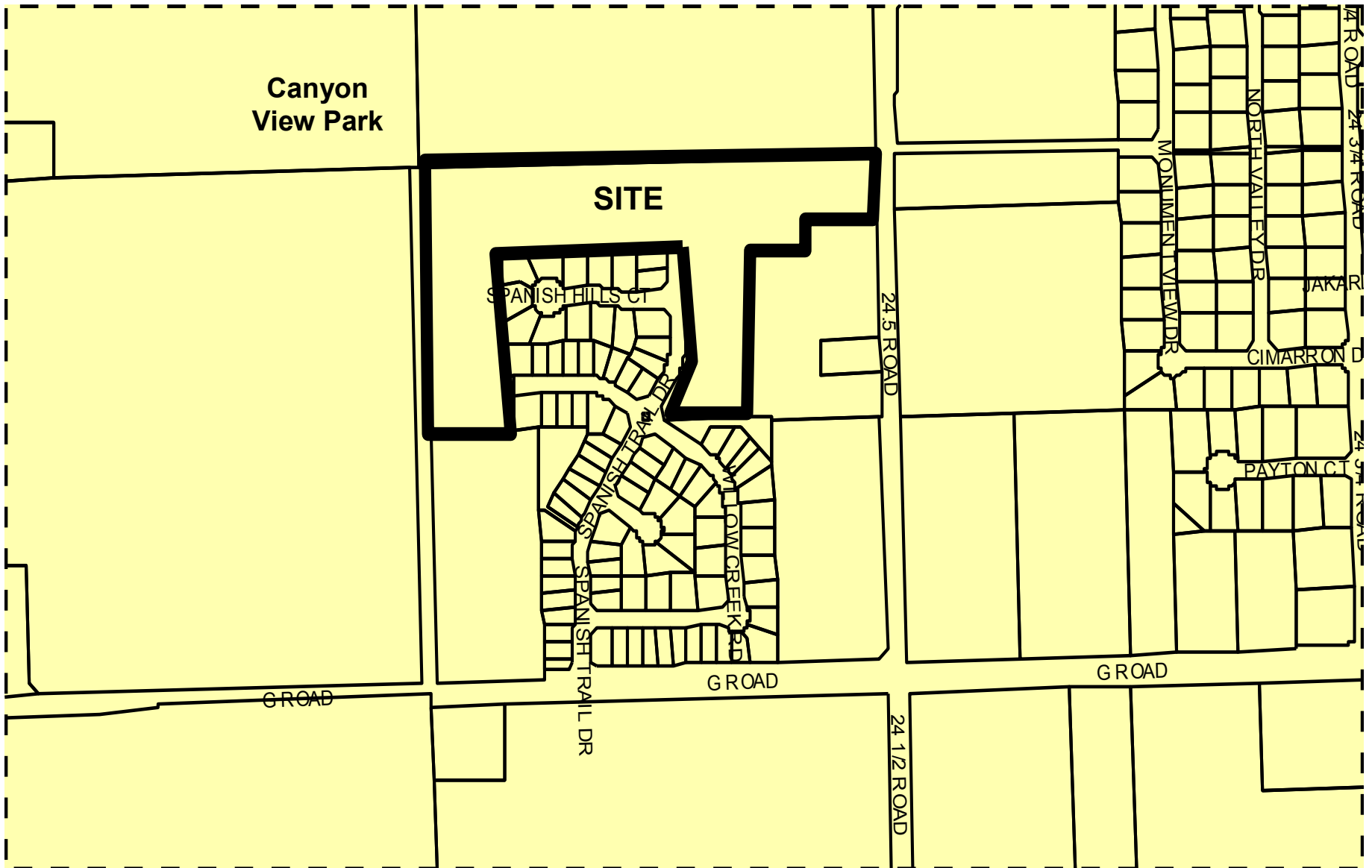
Vicinity Map
Aerial Photo
Site Plan
Ordinances



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning

Site Location Map

Figure 1



CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING A PORTION OF THE 24 ¼ ROAD RIGHT-OF-WAY

Recitals:

In 1995, a portion of the platted, but unbuilt, 24 ¼ Road right-of-way was vacated in conjunction with the development of Canyon View Park. The southern portion of the right-of-way was not vacated at that time because it would have landlocked a lot in the Pomona Park Subdivision plat. Since then, that lot has been incorporated into the Spanish Trails plans and no longer needs 24 ¼ Road for potential access. The developer is proposing to vacate the portion of the right-of-way adjacent to Spanish Trails, Filing 3. The right-of-way is not needed for future access since Canyon View Park is already developed with alternate access, as is Spanish Trails. Likewise, the Mendicelli property at the NE corner of 24 ¼ Road and G Road does not need additional access. The portion of the right-of-way that is not adjacent to Spanish Trails is not being vacated with this request, but could be in the future.

Staff and Planning Commission find that the proposal to vacate the remainder of 24 ¼ Road meets the criteria of the Zoning and Development Code and recommends approval.

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

That the right-of-way described as follows is hereby vacated:

Legal Description:

A right of way, dedicated for the use as a public highway, over a parcel of land located in the Southwest Quarter (SW 1/4) of Section 33, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, depicted on the Map of Pomona Park, as same is recorded in Plat Book 1, Page 24, Public Records of Mesa County, Colorado, said right of way being more particularly described as follows:

The East one-half (E 1/2) of that certain 30.0 foot road right of way lying South of the Westerly projection of the North line of Spanish Trail Subdivision Phase 1, as same is recorded in Plat Book 18, Pages 240 through 243, inclusive, Public Records of Mesa County, Colorado, and North of the Westerly projection of the North line of Lot 2, Mendicelli Subdivision, as same is recorded in Plat Book 17, Page 19, Public Records of Mesa County, Colorado.

CONTAINING 0.227 Acres, more or less, as described.

INTRODUCED for FIRST READING and PUBLICATION this 2nd day of April, 2003.

PASSED on SECOND READING this ____ day of _____, 2003.

ATTEST:

City Clerk

President of City Council

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING AN EMERGENCY ACCESS EASEMENT IN SPANISH TRAILS

Recitals:

Filing 1 of Spanish Trails included an emergency access easement from Willow Creek Road and Roan Ridge Road to G Road. With the platting of Filing 3 and access to 24 1/2 Road, the emergency access is no longer needed. Therefore, the applicant is requesting the vacation of the emergency access easement.

Staff and Planning Commission find that the proposal to vacate the emergency access easement meets the criteria of the Zoning and Development Code and recommends approval.

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

That the emergency access easement described as follows is hereby vacated:

Legal Description:

The Emergency Access Easement as shown on lot 11, Block 2, Spanish Trail Subdivision Phase 1, as recorded in plat book no. 18, pages 240-243, reception no. 2018401, Mesa County Clerk and Recorder, Colorado

INTRODUCED for FIRST READING and PUBLICATION this 2nd day of April, 2003.

PASSED on SECOND READING this ____ day of _____, 2003.

ATTEST:

City Clerk

President of City Council

Attach 9
Zoning Redlands Mesa, Phase III
CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-----|------------------|-----|----------------------------|--------------------------|
| Subject | Zoning Ordinance for Redlands Mesa, Phase III | | | | | |
| Meeting Date | April 2, 2003 | | | | | |
| Date Prepared | March 24, 2003 | | | | File # FPP-2002-211 | |
| Author | Kathy Portner | | Planning Manager | | | |
| Presenter Name | Kathy Portner | | Planning Manager | | | |
| Report results back to Council | X | No | | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | | Formal Agenda | X | Consent | Individual Consideration |

Summary: A request to approve Planned Development zoning for Redlands Mesa, Phase III, to allow 61 single family lots.

Budget: N/A

Action Requested/Recommendation: First reading of the ordinance to zone Redlands Mesa, Phase III

Attachments:

- 19. Staff Report
- 20. Vicinity Map
- 21. Aerial Photo
- 22. Growth Plan Map
- 23. Zoning Map
- 24. Redlands Mesa, Overall Plan
- 25. Redlands Mesa, Preliminary Plan for Phase III
- 26. Ordinance

Background Information: See attached staff report

CITY OF GRAND JUNCTION
CITY COUNCIL

MEETING DATE: April 2, 2003
STAFF PRESENTATION: Kathy Portner

AGENDA TOPIC: RZ-2002-211 Zoning for Redlands Mesa, Phase III

ACTION REQUESTED: First reading of an ordinance to zone Redlands Mesa, Phase III, to allow 61 single family lots.

| BACKGROUND INFORMATION | | | | | |
|------------------------------|-------|---|-----|--|----|
| Location: | | Monument Road and Mariposa Road | | | |
| Applicants: | | Redlands Mesa, LLC – Dave Slemon | | | |
| Existing Land Use: | | Undeveloped | | | |
| Proposed Land Use: | | Residential Single Family | | | |
| Surrounding Land Use: | North | Golf Course and Residential | | | |
| | South | Golf Course and Open Space | | | |
| | East | Golf Course and Undeveloped | | | |
| | West | Golf Course, Residential and Open Space | | | |
| Existing Zoning: | | PD (Planned Development) | | | |
| Proposed Zoning: | | PD (Planned Development) | | | |
| Surrounding Zoning: | North | PD | | | |
| | South | PD | | | |
| | East | PD | | | |
| | West | PD | | | |
| Growth Plan Designation: | | Residential Medium Low (2 – 4 DU/AC) | | | |
| Zoning within density range? | | x | Yes | | No |

PROJECT DESCRIPTION: Request approval for amending the PD zoning ordinance for Redlands Mesa, Phase III, consisting of 61 single family lots on 36 acres.

RECOMMENDATION: Staff recommends approval.

ANALYSIS

1. Background

Background: The Redlands Mesa project has an approved ODP (Outline Development Plan and design density for 526 residential units and 20,000 s.f. of office on 175.69 acres, 145.25 acres of open space and 160.89 acres for the golf course and club house. The total acreage for the development is 494.08. Preliminary Plans and zoning for Phases I and II of the development have also been approved. Phase I consists of 118 single family homes, the golf course, clubhouse and maintenance facility. With the first filing of Phase I the golf course was created and 85 acres of open space was dedicated to the City of Grand Junction. Phase II includes parcels 9, 10A, 10B and 11 from the original ODP and consists of 67 residential lots.

Phase III of Redlands Mesa includes the development of parcels 12A, 12B, 13A and 13B for a total of 61 lots. Parcel 12A includes 6 lots, parcel 12B includes 17 lots, parcel 13A includes 37 lots and parcel 13B includes 1 lot. Three filings are proposed.

The proposed Redlands Mesa, Phase III Preliminary Plan is consistent with the ODP approval.

Traffic Circulation

All of the proposed parcels for development will be accessed via an extension of West Ridges Boulevard. West Ridges Boulevard will include the standard City street section with a detached, 10' wide concrete path on one side. Most lots are accessed from short cul-de-sacs or loop lanes, with the remainder being accessed from shared driveways onto West Ridges Boulevard.

Trails and Open Space

With the platting of the first filing of Redlands Mesa over 80 acres of open space was deeded to the City for public access. Included in that open space, and other areas of the development, were designated single-track trails to continue the historic use of the property for pedestrians and bicyclists. A portion of that single-track trail system is along the ridgeline adjacent to West Ridges Boulevard in Phase III. In addition to the single-track trails system, the detached, improved pathway along West Ridges Boulevard, High Desert Road, and eventually, Mariposa Drive, will provide additional trail access through the development.

Drainage and Utilities

Drainage is being accommodated through storm drain systems and natural swales to various detention facilities in the development.

To address the need for adequate water pressure for domestic use and fire flow, a pump station is being completed for the development and will be completed prior to platting the first filing of Phase III.

Phase III development will also include an extension of West Ridges Boulevard to Mariposa for emergency access. The access will be graveled, designed to accommodate the weight and size of a fire truck. The road will be 16 feet wide, except in areas requiring significant cuts and fills, where the width will be reduced to 12 feet.

2. Consistency with the Growth Plan

The following policies in the Growth Plan must be considered in the review of this project:

Policy 1.12: The City will require that provisions be made for on-going maintenance of open space areas by an appropriate public or private entity.

Policy 4.5: The City will require adequate public services and facilities to be in place or assured so they will be in place concurrently with urban development in the joint planning area.

Policy 15.1: The City will encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities.

Policy 20.7: The City will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and Colorado National Monument.

Policy 20.9: The City will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.

Policy 20.10: The City will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Policy 21.2: The City will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope areas, geological fault areas, and other dangerous or undesirable building areas will be controlled through the development regulations.

Policy 21.3: The City will encourage the preservation of natural hazard areas for use a habitat and open space areas.

Policy 23.8: The City will require vehicular, bike and pedestrian connections between adjacent projects when such connections improve traffic flow and safety.

The Future Land Use Map designates this area as Residential Medium Low, 2 to 4 units per acre. The overall density of Redlands Mesa is at the low end of the density range, with the exclusion of the golf course, open space and undevelopable land.

The Redlands Mesa Plan is consistent with the goals and policies of the Growth Plan.

The overall plan for Redlands Mesa is also consistent with the Amended Plan for the Ridges.

The adopted Urban Trails Master Plan identifies the Redlands Mesa Property as an area that trail connections are needed. This area of the trails plan includes the following note:

Dedicated public trails are anticipated for this area in the future. Actual trail locations will be determined in coordination with developers during the planning process for the affected parcels. The Redlands Mesa plan incorporates hard and soft surface trails.

3. Zoning and Development Code

Because this project was initiated under the previous Zoning and Development Code (Code), it will continue to be reviewed under the old Code. The Preliminary is subject to section 6-7 and 7-5-4 of the Code. Section 6-7-3 states Preliminary Plans shall:

- A. *Conform to adopted plans and policies;*
- B. *Be compatible with the future development of adjacent properties under the "then existing" zoning;*
- C. *Provide for functional arrangement of lot sizes for compliance with zoning;*
- D. *Provide correct naming of streets;*
- E. *Conform to the design standards in the SSID Manual and other applicable development standards; and*
- F. *Provide basic engineering solutions of all major physical site problems, i.e. drainage.*

Section 7-5-4 state: "A Preliminary Plan constitutes a major step in the review process. The submittal shall be detailed enough to answer the question, 'Should this use, designed in this particular manner, be constructed on this site?' The accepted 'design' density indicated in the Outline Development Plan approval cannot be presumed as a matter of right from the PD zoning designation, but shall be justified at the preliminary stage through site and structure design."

The review of the Preliminary Plan will include traffic circulation, trails and open space, drainage, utility provision and lot configuration and design.

The Redlands Mesa Phase III Preliminary Plan conforms with the Outline Development Plan approval and with the relevant sections of the 1997 Zoning and Development Code.

Because only a design density was approved with the original zoning ordinance for the Redlands Mesa ODP, an amended ordinance is required with each Preliminary Plan to specify uses and final density.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Redlands Mesa, Phase III application, RZ-2002-211, for an amended zoning ordinance and Preliminary Development Plan, staff makes the following findings of fact and conclusions:

5. The requested amended zoning ordinance and Preliminary Development Plan is consistent with the Growth Plan and the Amended Plan for the Ridges.
6. The review criteria in Section 6-7 and 7-5 of the 1997 Zoning and Development Code have all been met.
7. The Preliminary Plan for Redlands Mesa, Phase III is consistent with the design density and ODP approval.

STAFF RECOMMENDATION:

Staff recommends approval of the requested amendment to the PD zoning ordinance with the findings and conclusions listed above.

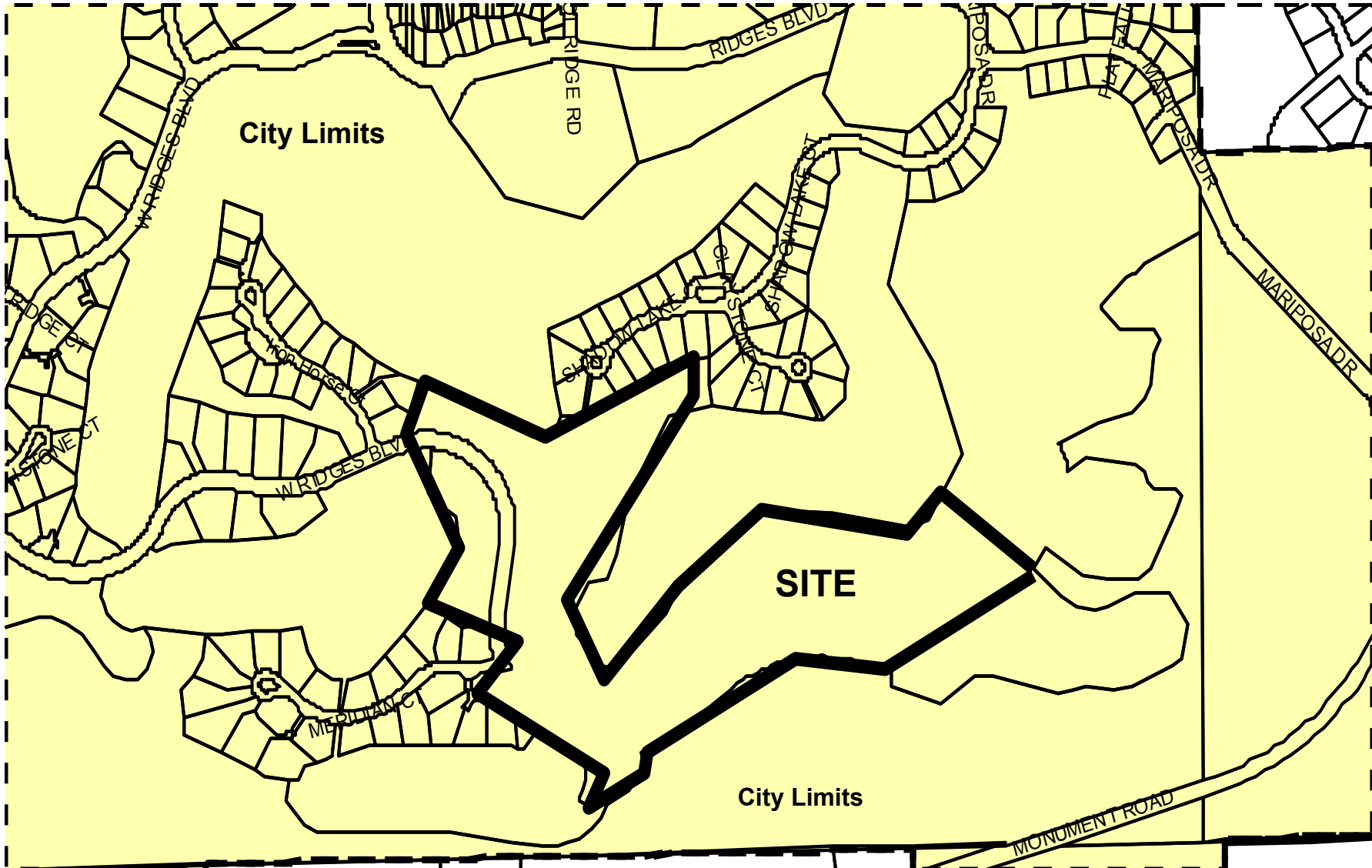
Attachments:

Vicinity Map
Aerial Photo
Growth Plan Map
Zoning Map
Redlands Mesa, Overall Plan

Redlands Mesa, Preliminary Plan for Phase III
Ordinance

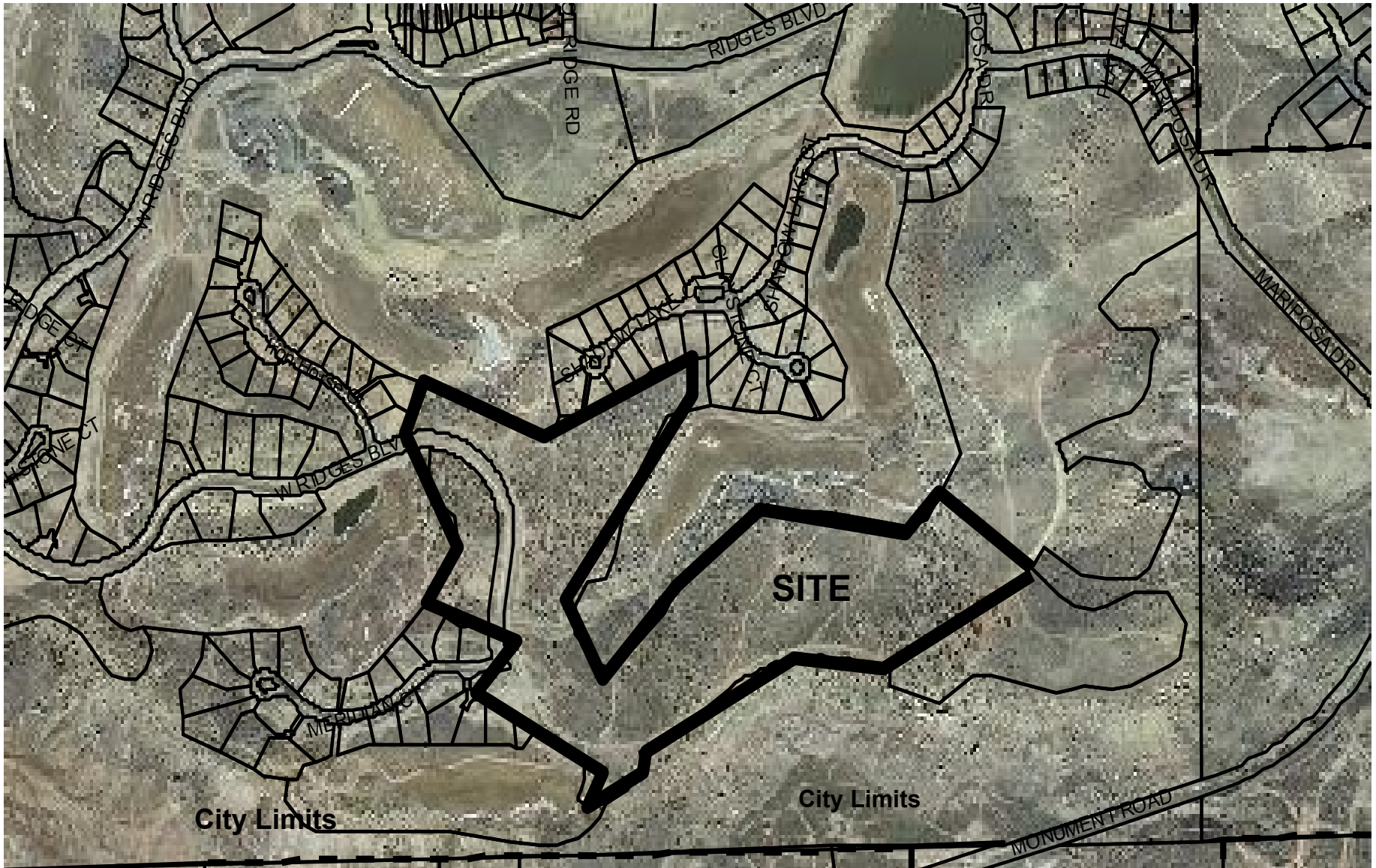
Site Location Map

Figure 1



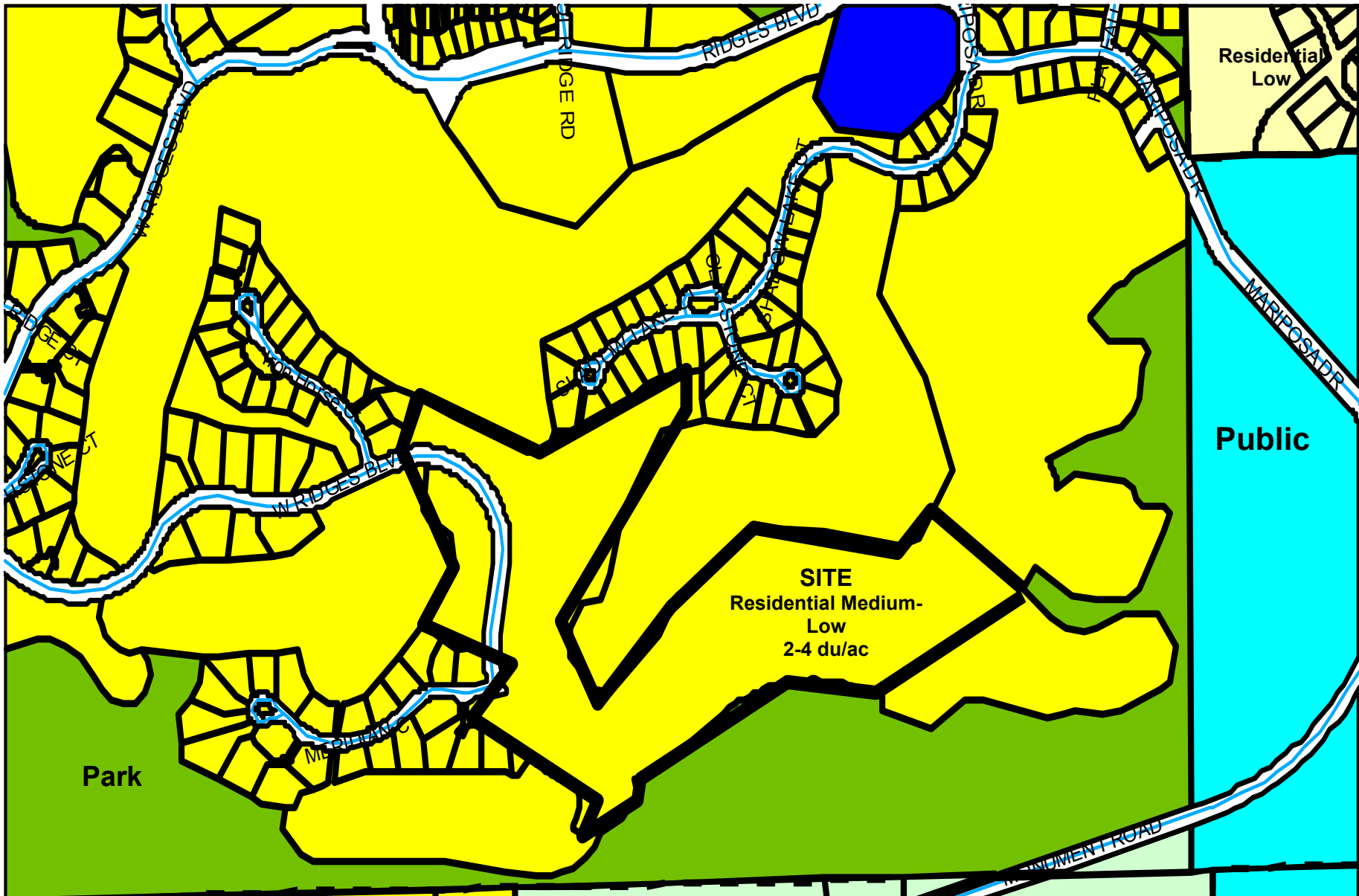
Aerial Photo Map

Figure 2



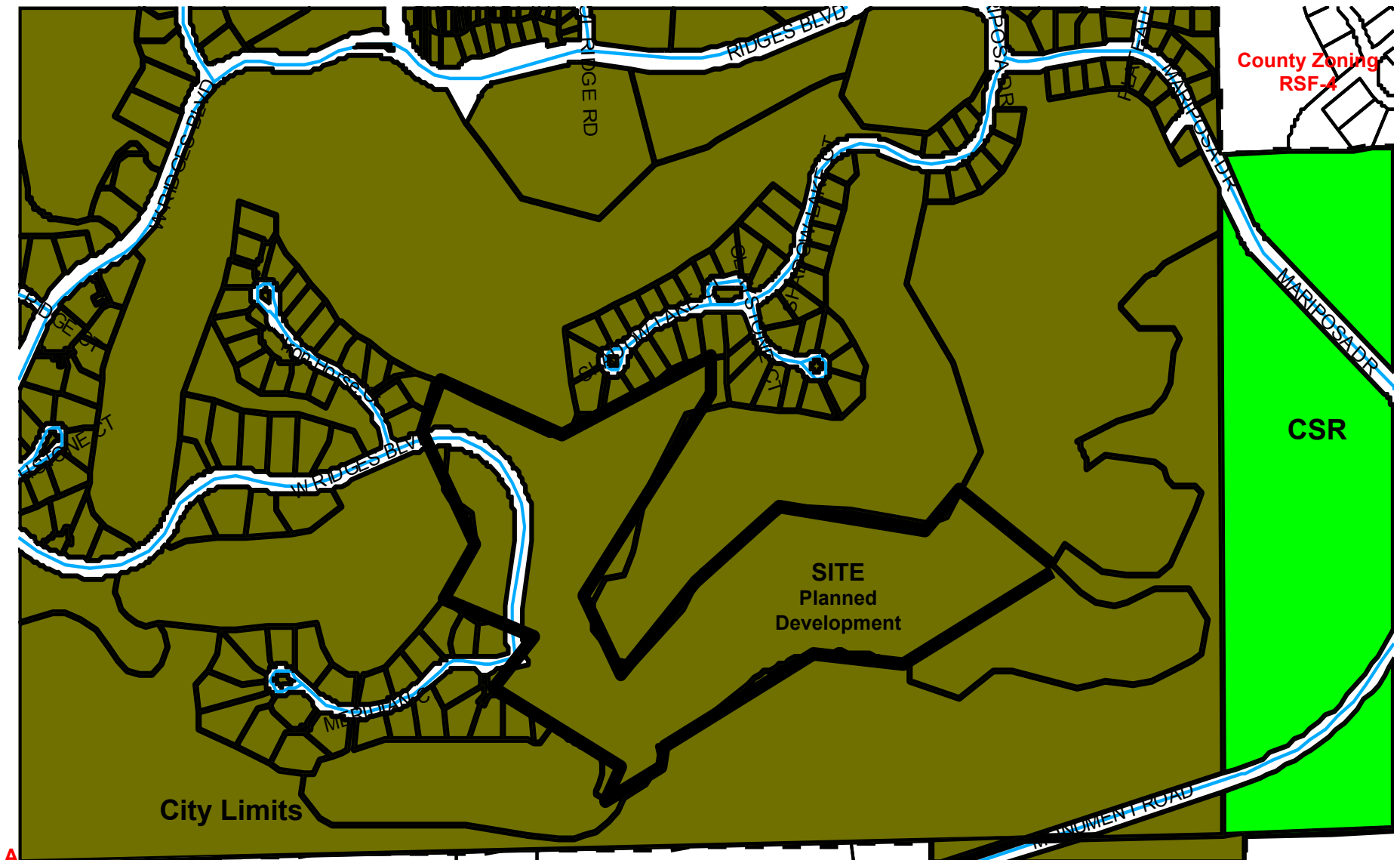
Future Land Use Map

Figure 3

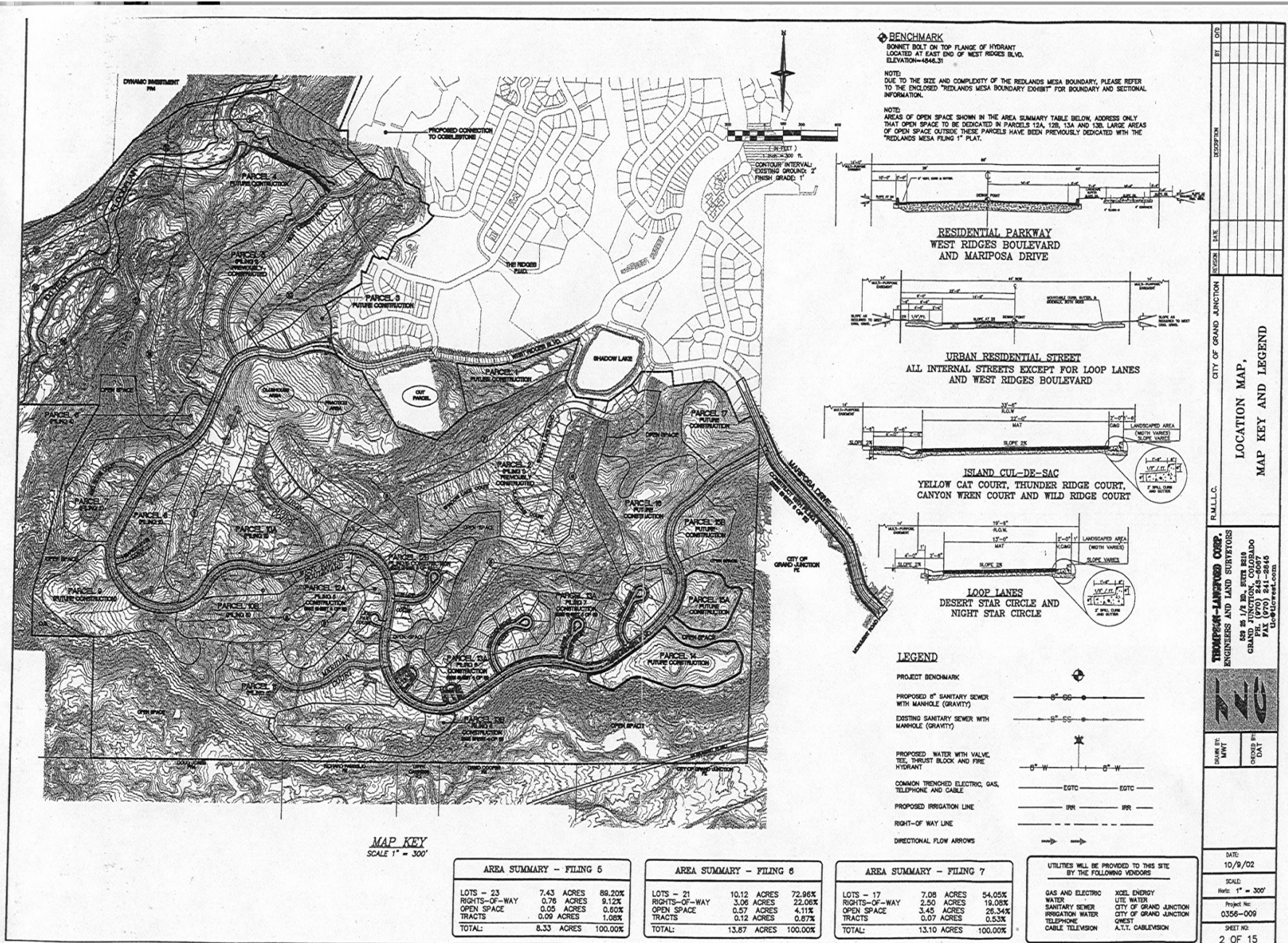


Existing City and County Zoning

Figure 4



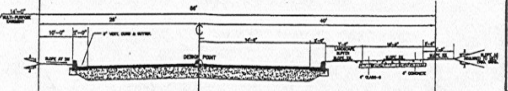
NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



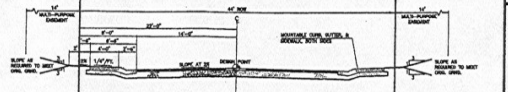
BENCHMARK
 BONNET BOLT ON TOP FLANGE OF HYDRANT
 LOCATED AT EAST END OF WEST RIDGES BLVD.
 ELEVATION=4846.31

NOTE:
 DUE TO THE SIZE AND COMPLEXITY OF THE REDLANDS MESA BOUNDARY, PLEASE REFER
 TO THE ENCLOSED "REDLANDS MESA BOUNDARY EXHIBIT" FOR BOUNDARY AND SECTIONAL
 INFORMATION.

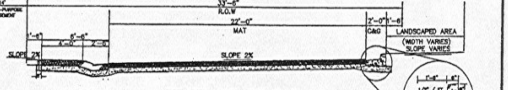
NOTE:
 AREAS OF OPEN SPACE SHOWN IN THE AREA SUMMARY TABLE BELOW, ADDRESS ONLY
 THAT OPEN SPACE TO BE DEDICATED IN PARCELS 12A, 12B, 12C AND 13B. LARGE AREAS
 OF OPEN SPACE OUTSIDE THESE PARCELS HAVE BEEN PREVIOUSLY DEDICATED WITH THE
 "REDLANDS MESA FILING 1" PLAN.



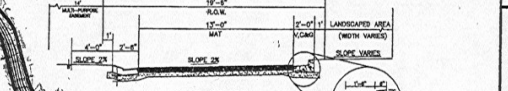
RESIDENTIAL PARKWAY
 WEST RIDGES BOULEVARD
 AND MARIPOSA DRIVE



URBAN RESIDENTIAL STREET
 ALL INTERNAL STREETS EXCEPT FOR LOOP LANES
 AND WEST RIDGES BOULEVARD



ISLAND CUL-DE-SAC
 YELLOW CAT COURT, THUNDER RIDGE COURT,
 CANYON WREN COURT AND WILD RIDGE COURT



LOOP LANES
 DESERT STAR CIRCLE AND
 NIGHT STAR CIRCLE

- LEGEND**
- PROJECT BENCHMARK
 - PROPOSED 8" SANITARY SEWER WITH MANHOLE (GRAVITY)
 - EXISTING SANITARY SEWER WITH MANHOLE (GRAVITY)
 - PROPOSED WATER WITH VALVE, TEE, THRUST BLOCK AND FIRE HYDRANT
 - COMMON TRENCHED ELECTRIC, GAS, TELEPHONE AND CABLE
 - PROPOSED IRRIGATION LINE
 - RIGHT-OF-WAY LINE
 - DIRECTIONAL FLOW ARROWS

MAP KEY
 SCALE 1" = 300'

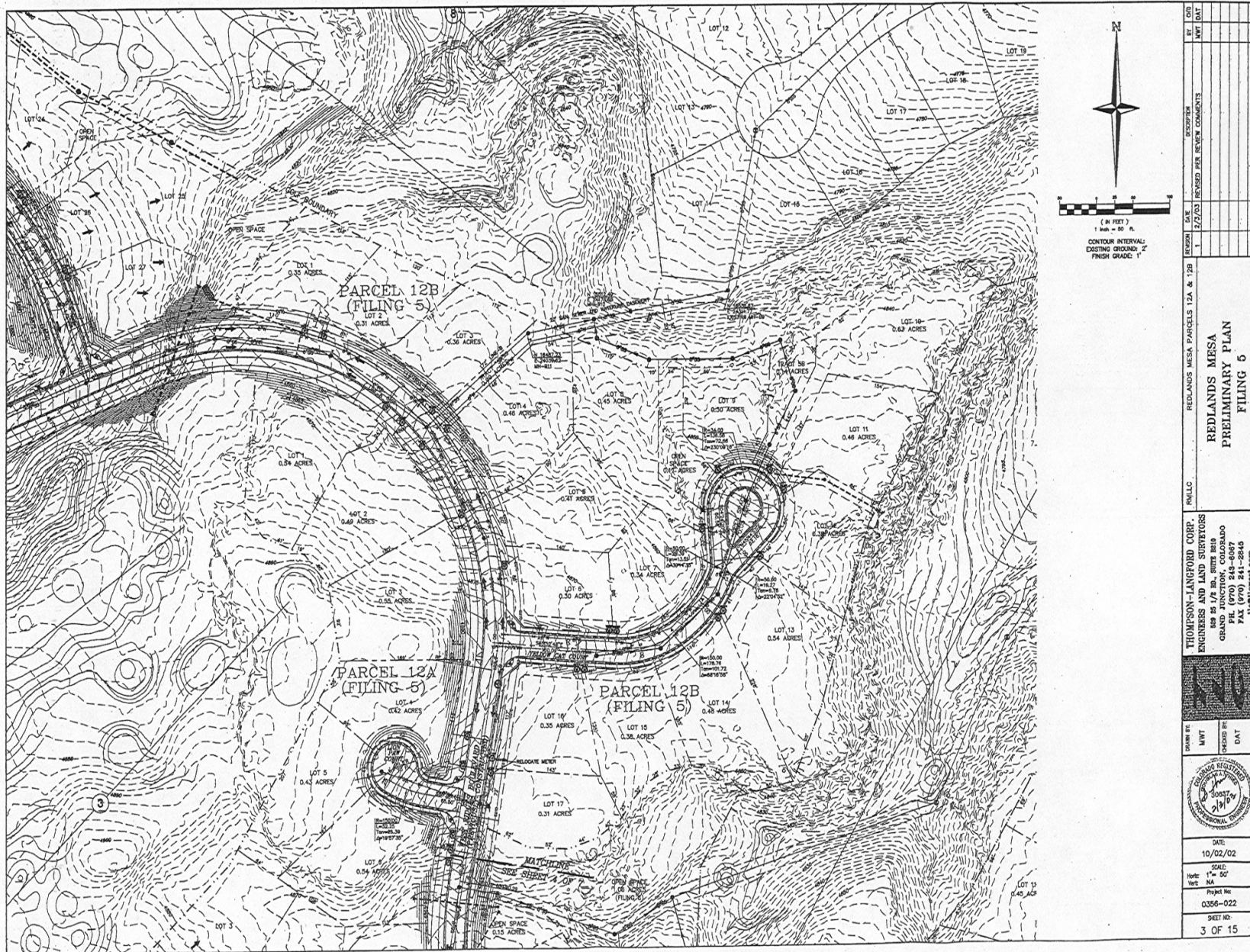
| AREA SUMMARY - FILING 5 | | | |
|-------------------------|-------------------|----------------|--|
| LOTS - 23 | 7.43 ACRES | 89.20% | |
| RIGHTS-OF-WAY | 0.76 ACRES | 9.12% | |
| OPEN SPACE | 0.05 ACRES | 0.60% | |
| TRACTS | 0.09 ACRES | 1.08% | |
| TOTAL: | 8.33 ACRES | 100.00% | |

| AREA SUMMARY - FILING 6 | | | |
|-------------------------|--------------------|----------------|--|
| LOTS - 21 | 10.12 ACRES | 72.86% | |
| RIGHTS-OF-WAY | 3.06 ACRES | 22.00% | |
| OPEN SPACE | 0.57 ACRES | 4.11% | |
| TRACTS | 0.12 ACRES | 0.87% | |
| TOTAL: | 13.87 ACRES | 100.00% | |

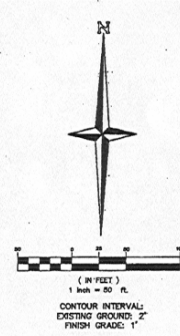
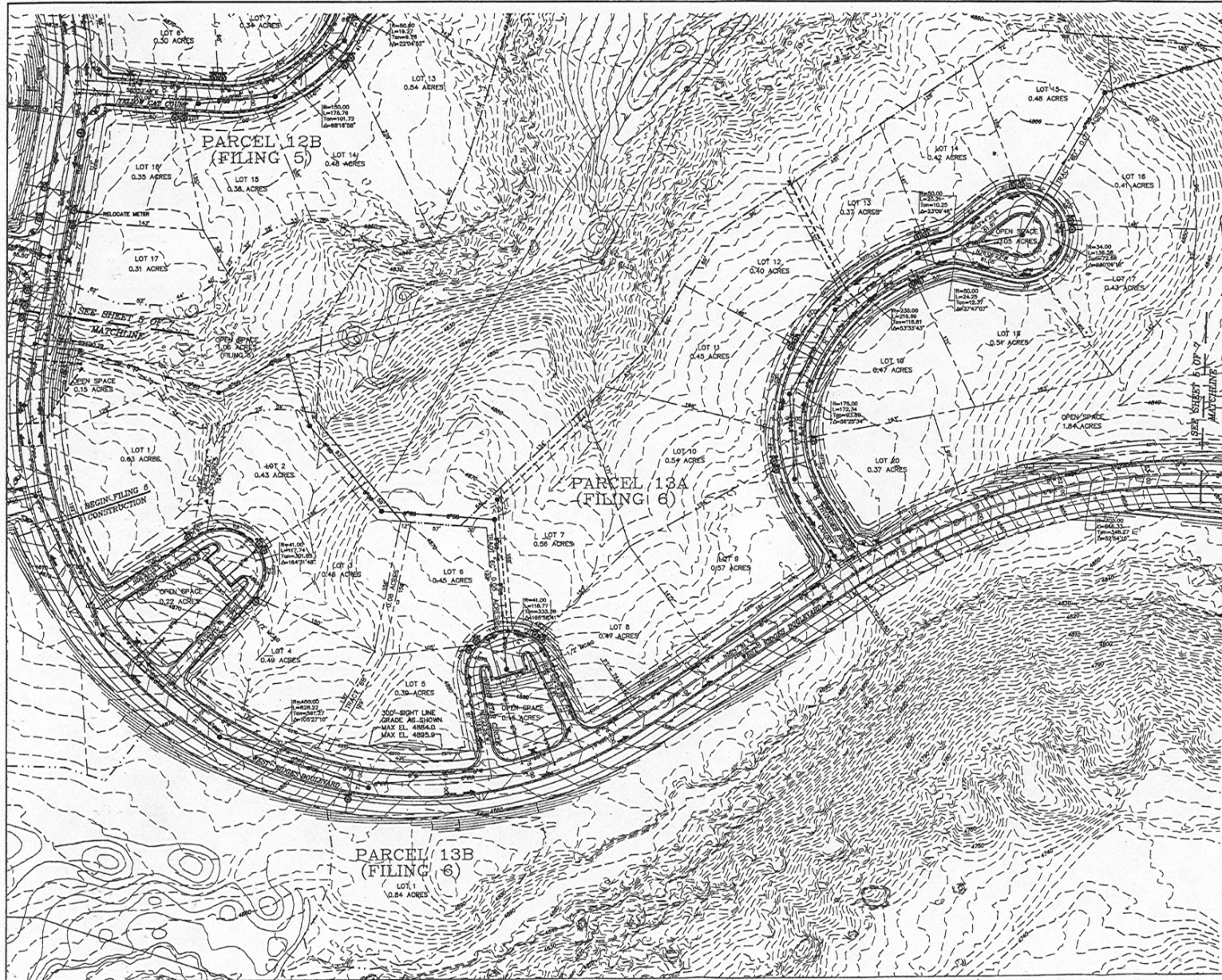
| AREA SUMMARY - FILING 7 | | | |
|-------------------------|--------------------|----------------|--|
| LOTS - 17 | 7.08 ACRES | 54.05% | |
| RIGHTS-OF-WAY | 2.50 ACRES | 19.00% | |
| OPEN SPACE | 3.45 ACRES | 26.34% | |
| TRACTS | 0.07 ACRES | 0.53% | |
| TOTAL: | 13.10 ACRES | 100.00% | |

| UTILITIES WILL BE PROVIDED TO THIS SITE BY THE FOLLOWING VENDORS | |
|--|------------------------|
| GAS AND ELECTRIC | NOEL ENERGY |
| WATER | UTE WATER |
| SANITARY SEWER | CITY OF GRAND JUNCTION |
| IRRIGATION WATER | CITY OF GRAND JUNCTION |
| TELEPHONE | QWEST |
| CABLE TELEVISION | A.T.T. CABLEVISION |

| | | | | | | | |
|---|-----------|-------|-----------|---------|-----------|-------|--------|
| | BY: | DATE: | SCALE: | DATE: | SCALE: | DATE: | SCALE: |
| | | | 1" = 300' | 10/9/02 | 1" = 300' | | |
| LOCATION MAP, MAP KEY AND LEGEND | | | | | | | |
| R.A.L.L.C. CITY OF GRAND JUNCTION | | | | | | | |
| TRUMPER-LARWOOD CORP. ENGINEERS AND LAND SURVEYORS 539 25 1/2 ST. SUITE 810 GRAND JUNCTION, COLORADO TEL (970) 841-2848 FAX (970) 841-2849 tlo@trumper.com | | | | | | | |
| | | | | | | | |
| DATE: | 10/9/02 | | | | | | |
| SCALE: | 1" = 300' | | | | | | |
| PROJECT NO.: | 0356-009 | | | | | | |
| SHEET NO.: | 2 OF 15 | | | | | | |

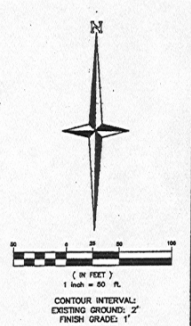
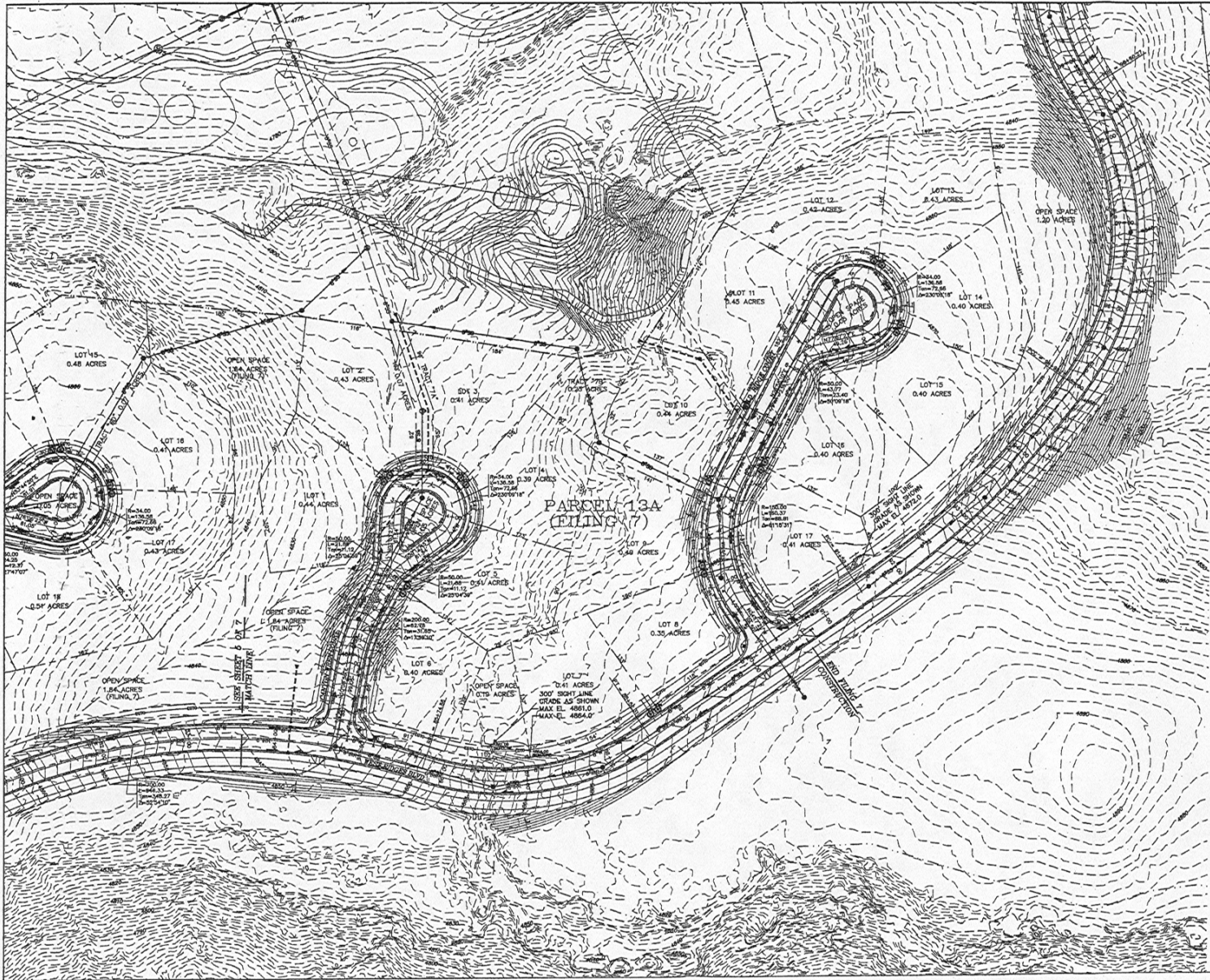


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| | | | | |
|--|------------------------------------|------|----|------|
| NO. | REVISION | DATE | BY | DATE |
| 1 | 2/7/03 REVISED PER REVIEW COMMENTS | | | |
| <p>RELANDS MESA PARCELS 13A & 13B</p> <p>RELANDS MESA</p> <p>PRELIMINARY PLAN</p> <p>FILING 6</p> | | | | |
| <p>THOMPSON-LANGFORD CORP. ENGINEERS AND LAND SURVEYORS 508 28 1/2 BA. SUE BELL GRANT JUNCTION, COLORADO PH. (970) 245-0087 FAX (970) 241-2646 tcl@tlyrest.com</p> | | | | |
| DATE: | 10/02/02 | | | |
| SCALE: | 1" = 50' | | | |
| PROJECT NO: | 0356-022 | | | |
| SHEET NO: | 4 OF 15 | | | |

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| NO. | DATE | DESCRIPTION | BY | DATE |
|-----|----------|------------------------------|----|------|
| 1 | 10/02/02 | REVISION FOR REVIEW COMMENTS | | |
| | | | | |
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REDLANDS MESA PARCELS 13A
**REDLANDS MESA
 PRELIMINARY PLAN
 FILING 7**

THOMPSON-LANGFORD CORP.
 ENGINEERS AND LAND SURVEYORS
 838 28 1/2 RD. SUITE 210
 GRAND JUNCTION, COLORADO
 81502
 PHONE (970) 241-2844
 FAX (970) 241-2846
 Ltl@tlrvent.com

| DATE | BY | DESCRIPTION |
|----------|----|-------------|
| 10/02/02 | | |
| | | |
| | | |
| | | |
| | | |



DATE: 10/02/02
 SCALE: 1" = 50'
 MAP: NA
 PROJECT NO: 0356-022
 SHEET NO: 5 OF 15

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CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE ZONING LAND LOCATED SOUTH AND WEST OF THE RIDGES KNOWN AS REDLANDS MESA, PHASE III TO PLANNED DEVELOPMENT (PD)

Recitals:

The proposed Redlands Mesa development received Design Density and Outline Development Plan approval by the Planning Commission and the City Council. The Preliminary Plan for Phase III of the development has been submitted and reviewed by the Planning Commission. Phase III includes 61 residential lots. The Planning Commission and City Council hereby find that the request is in compliance with the Zoning and Development Code.

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

That the land described below is hereby zoned PD (Planned Development) with the allowed uses being a maximum of 61 single-family homes.

Legal Description: Block 3 and Block 5 of Redlands Mesa Filing No. 3, Reception No. 2031159, Mesa County, Colorado

INTRODUCED for FIRST READING and PUBLICATION this 2nd day of April, 2003.

PASSED on SECOND READING this ____ day of _____, 2003.

ATTEST:

City Clerk

President of City Council

Attach 10

Rezoning Cottages at the Commons

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|--|-----|----------------------|--------------------------|-------------|----------------|---------------------------------|
| Subject | The Cottages at The Commons Assisted Living Facility | | | | | | |
| Meeting Date | April 2, 2003 | | | | | | |
| Date Prepared | March 26, 2003 | | | File: RZ-2003-026 | | | |
| 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: Hilltop Health Service Corporation proposes to construct twenty (20) two-bedroom Cottages as Phase 2 of the four-phase Commons project in progress at 625 27-1/2 Road. This project requires that the approved Final Plan and Planned Development zoning ordinance be amended.

Budget: NA

Action Requested/Recommendation: First reading of a proposed revised Planned Development zoning ordinance for The Commons Assisted Living Facility and Cottages and set a hearing for April 16, 2003.

Attachments:

1. Background / Staff Analysis
2. Site Location Map
3. Aerial Photo Map
4. Future Land Use Map
5. Existing City Zoning Map
6. Original Approved Final Plan
7. Proposed Amended Final Plan
8. Proposed Amended Planned Development Zoning Ordinance

| BACKGROUND INFORMATION | | | | |
|-------------------------------|-------|---|-----|----|
| Location: | | 625 27-1/2 Road | | |
| Applicants: | | Owner/Developer: Hilltop Health Services Representative: Rob Jenkins AIA | | |
| Existing Land Use: | | Assisted Living Facility and Vacant Land | | |
| Proposed Land Use: | | Assisted Living Facility and 20 Cottages | | |
| Surrounding Land Use: | North | Multifamily Residential (Nellie Bechtel Gardens) | | |
| | South | Vacant & Large Lot Residential | | |
| | East | The Commons Assisted Living Facility and Vacant Land | | |
| | West | Single Family Residential (Fairmount North) | | |
| Existing Zoning: | | Planned Development | | |
| Proposed Zoning: | | Same, amended ordinance | | |
| Surrounding Zoning: | North | RMF-8 | | |
| | South | RMF-8 | | |
| | East | PD (The Commons) & RMF-5 (Spring Valley) | | |
| | West | RMF-8 | | |
| Growth Plan Designation: | | Residential Medium High 8 to 12 units per acre | | |
| Zoning within density range? | | X | Yes | No |

PROJECT DESCRIPTION: Hilltop Health Service Corporation proposes to construct twenty (20) two-bedroom Cottages as Phase 2 of the four-phase Commons project in progress at 625 27-1/2 Road. This project requires that the approved Final Plan and Planned Development zoning ordinance be amended.

ANALYSIS

1. Background

The Commons Assisted Living Facility Final Plan and Planned Development zoning were originally approved in May 2000 and included 268 living units and an Enrichment Center on 18.8 acres. 254 living units are to be located in the Assisted Living Buildings: 141 in Phase 1 (now

complete); and 113 in Phase 3, to follow construction of the Cottages. Fourteen (14) two-bedroom Cottages were originally proposed to be grouped as one (1) five-plex and three (3) three-plexes. The Cottages are located on either side of Hermosa Avenue, and directly east of 15th Street.

Per the City of Grand Junction Transportation Engineering and Design Standards (TEDS), each access to the driveways for the cottage clusters must be aligned across the street from each other, or space at least 150-feet apart, measured centerline to centerline. The developer submitted a TEDS Exception Request which showed the accesses spaced a minimum of 50-foot spacing measured edge of access to edge of access. The exception has been granted by the City Engineer.

The number of parking spaces shown on the original approved Final Plan included 221 spaces dedicated to the patrons of the proposed Enrichment Center or 1 space per 372 square feet of gross area of the Center. By expanding the number of cottage units, a portion of the proposed parking for the Enrichment Center will no longer be available – a reduction of 26 spaces available for the Center. Thus, with this revised Final Plan, Hilltop is proposing to reduce the square footage of the Enrichment Center by a proportionate amount – from 82,186 square feet to 72,514 square feet. The approved parking ratio of 1 space per 372 square feet will remain the same.

The parking area west of the proposed Enrichment Center (27 spaces) will be constructed concurrent with The Cottages so that the cottage units and site will not be disturbed during construction of the rest of the Enrichment Center phase. The lot can also serve as additional off-street parking spaces if needed for either The Cottages or the Assisted Living Facility at this time.

All other aspects of the approved Preliminary and Final Plans will remain the same. The proposed schedule for build-out of this phase, The Cottages project, as well as future phases of the overall plan for The Commons is outlined below.

| | | |
|-------------------------------|---------------|-------------|
| Phase 1: Assisted Living-East | Start 10/2001 | Completed |
| Phase 2: Cottages | Start 05/2003 | End 12/2003 |
| Phase 3: Assisted Living-West | Start 09/2004 | End 11/2005 |
| Phase 4: Enrichment Center | Start 04/2006 | End 06/2007 |

2. Consistency with the Growth Plan

The Growth Plan Future Land Use Map shows this area as Residential Medium High (8-11.9 units per acre). Applying a multiplier of 1 unit per 2 beds in the Assisted Living Facility, the resulting residential density of the project, including the proposed 20 Cottages units, is 9.2 units per acre, which is well within the density range of the Growth Plan.

3. Section 2.12.F.1 of the Zoning and Development Code

A request to amend a Planned Development Zoning Ordinance may only be approved as follows:

- a) *No new use may be established that is not permitted in the PD without amending the rezoning ordinance through a rezoning process.*
- b) *The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the rezoning process.*

- c) *The bulk, performance and default standards may not be amended without amending the PD rezoning ordinance through the rezoning process.*

The Commons Cottages project does not establish a new use within the approved Planned Development. However, the maximum density of the project is to be increased from 8.9 units per acre to 9.2 units per acre due to the proposed increase in the number of cottage units. In addition, the setbacks for the cottage units are proposed to be amended from those shown on the original approved Final Plan. For these reasons, the PD rezoning ordinance is being reviewed through the rezoning process.

4. Section 2.12.F.4 of the Zoning and Development Code

A request to amend a Final Plan for a Planned Development must demonstrate conformance with applicable criteria used for review and approval of the Final Development Plan:

- a) *The approved preliminary development plan.*
b) *The approved PD rezoning ordinance.*
c) *The SSID, TEDS and SWMM manuals.*

The proposed amendment to the Final Plan for The Commons to accommodate the increased number of cottage units meets the criteria listed above.

FINDINGS OF FACT/CONCLUSIONS

After reviewing The Commons Cottages, RZ-2003-026 for a Major Amendment to a Planned Development and an amendment to a Planned Development Rezoning Ordinance, staff makes the following findings of fact and conclusions:

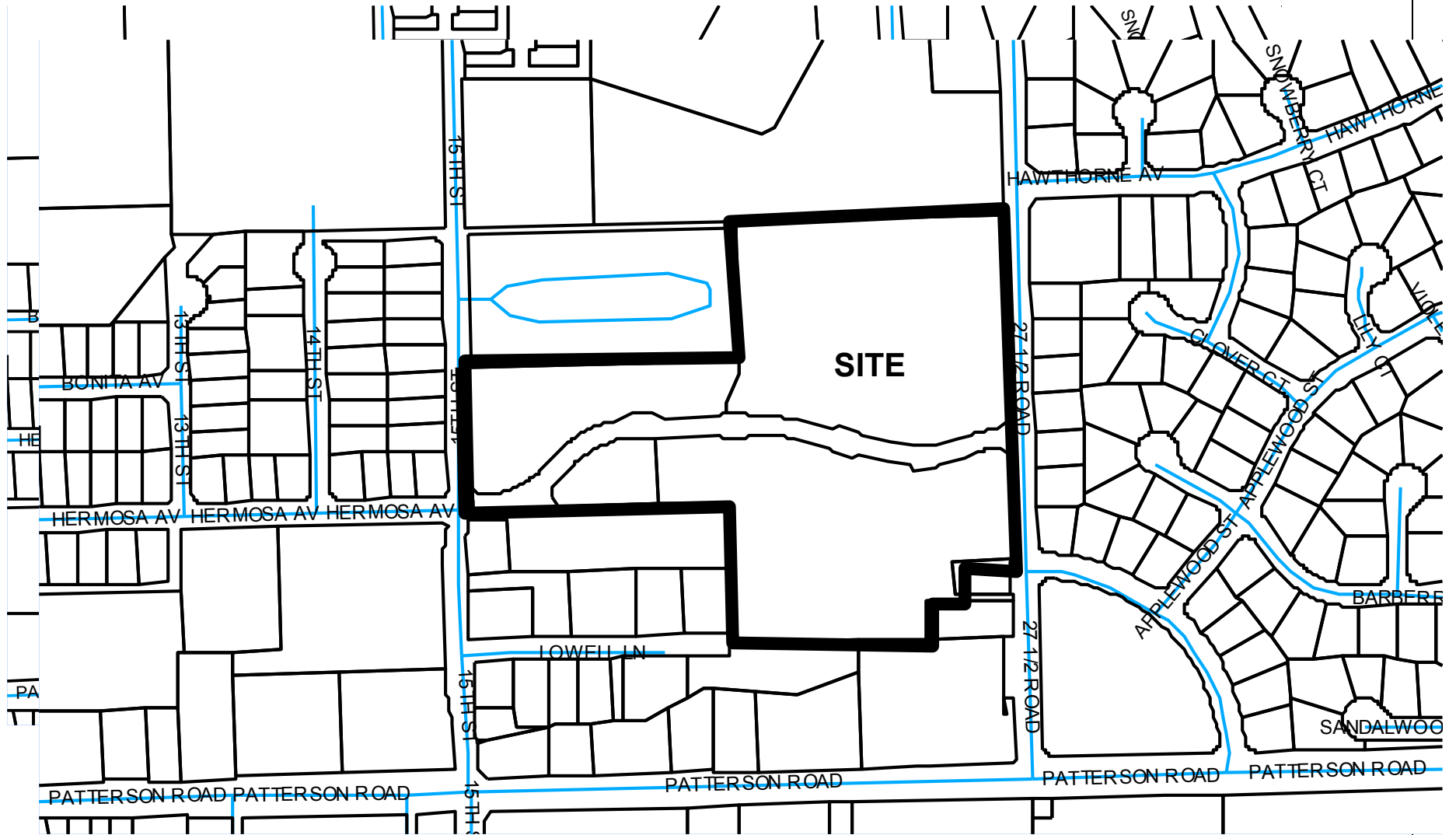
8. The requested Major Amendment to a Planned Development, Final Plan is consistent with the Growth Plan.
9. The review criteria in Section 2.12.F.1 of the Zoning and Development Code have been met.
10. The review criteria in Section 2.12.F.4 of the Zoning and Development Code have been met.

PLANNING COMMISSION RECOMMENDATION: Planning Commission will hear this request at its April 7, 2003 meeting.

Site Location Map

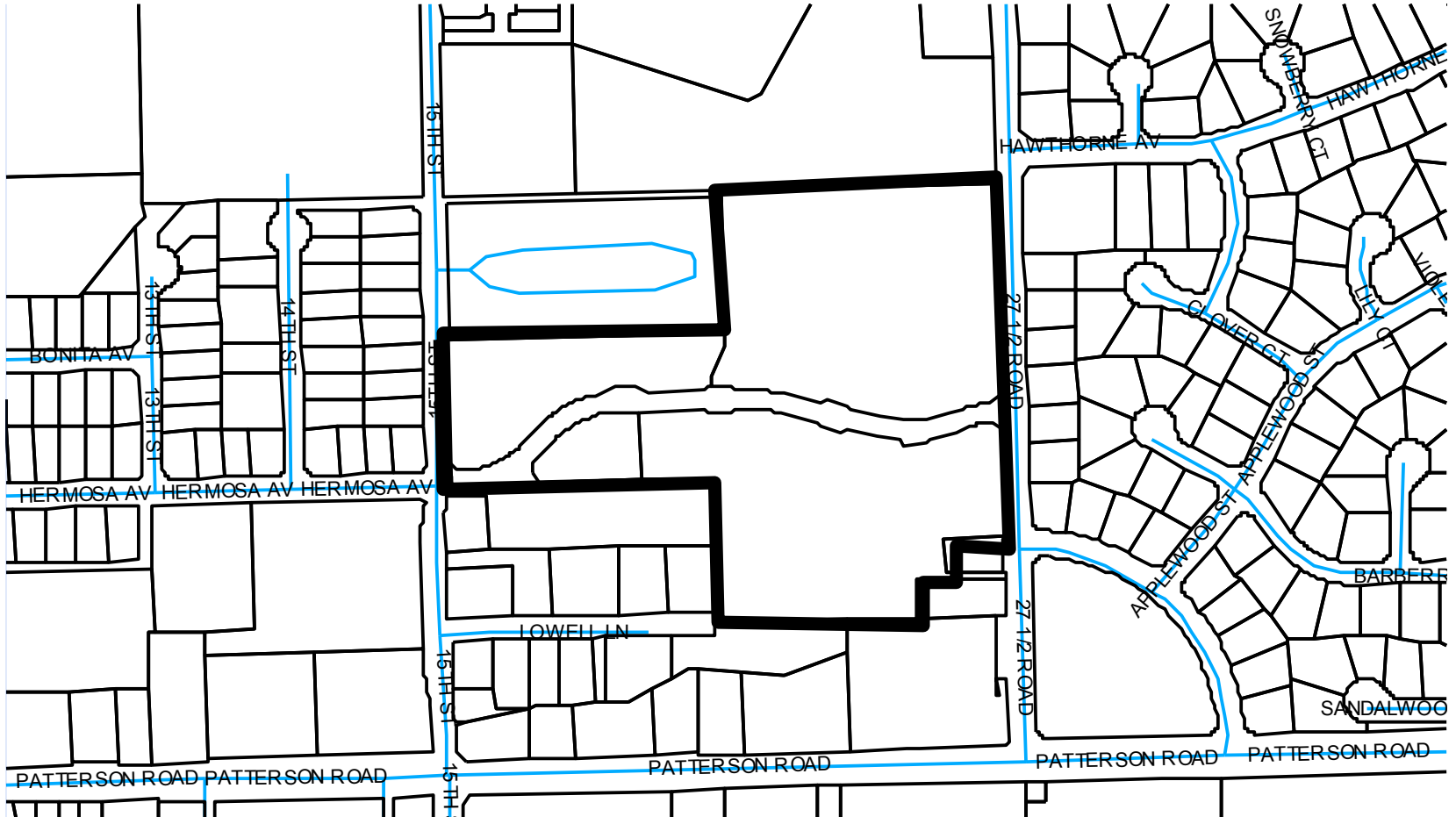
Figure 1

Figure 1



Aerial Photo Map

Figure

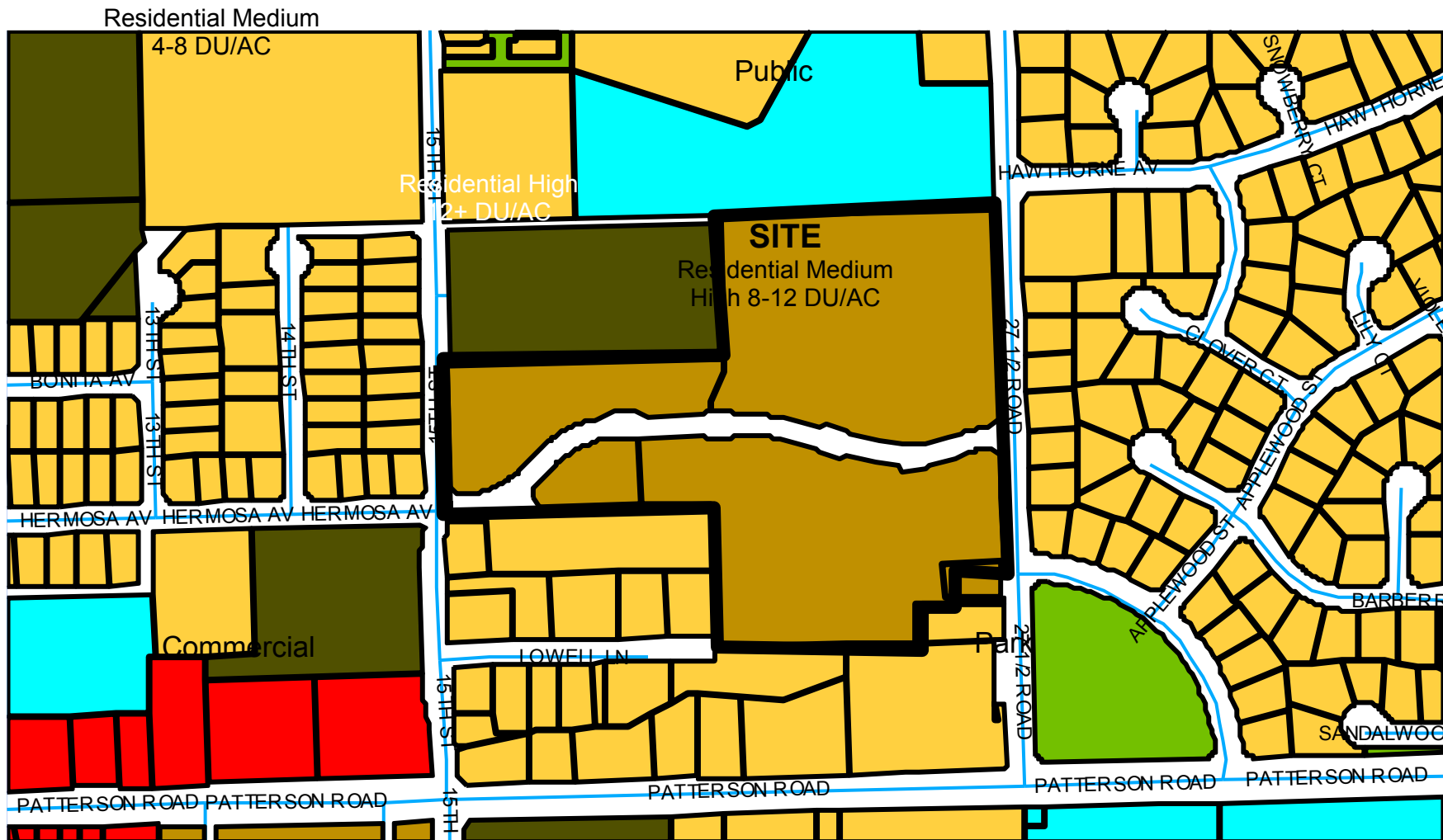


Aerial Photo Map

Figure 2

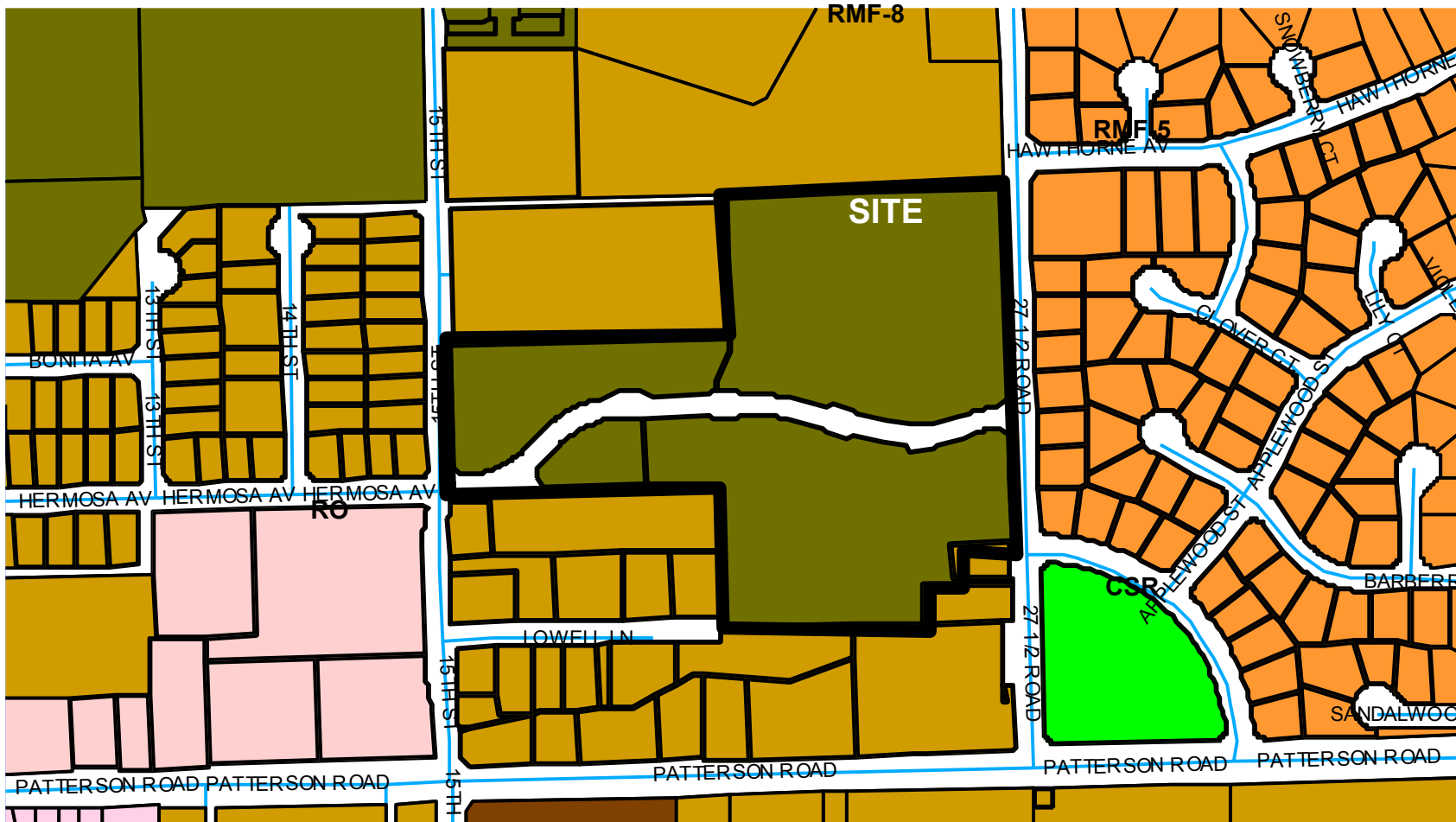


Future Land Use Map

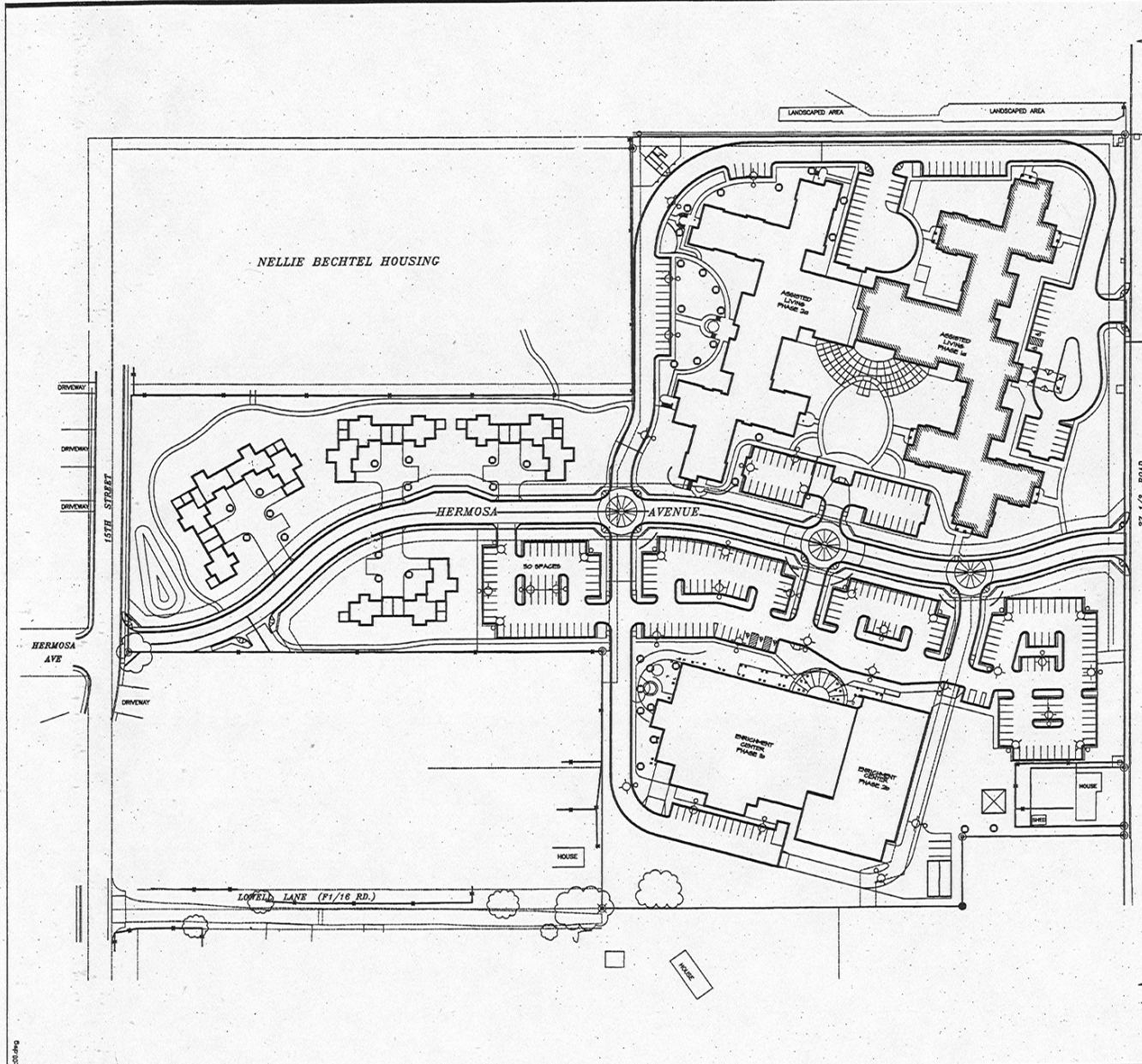


Existing City Zoning

Figure 4



Note: County Zoning shown on this map is based off of interpretation and extrapolation of past Mesa County Zoning Maps. Because of this extrapolation, Mesa County Planning & Development should be contacted to determine property specific zoning.



SITE PLAN - ORIGINAL
 1" = 60'-0"

- CONCRETE WALKS & DRIVEWAYS
- EXISTING FENCE
- NEW FENCE

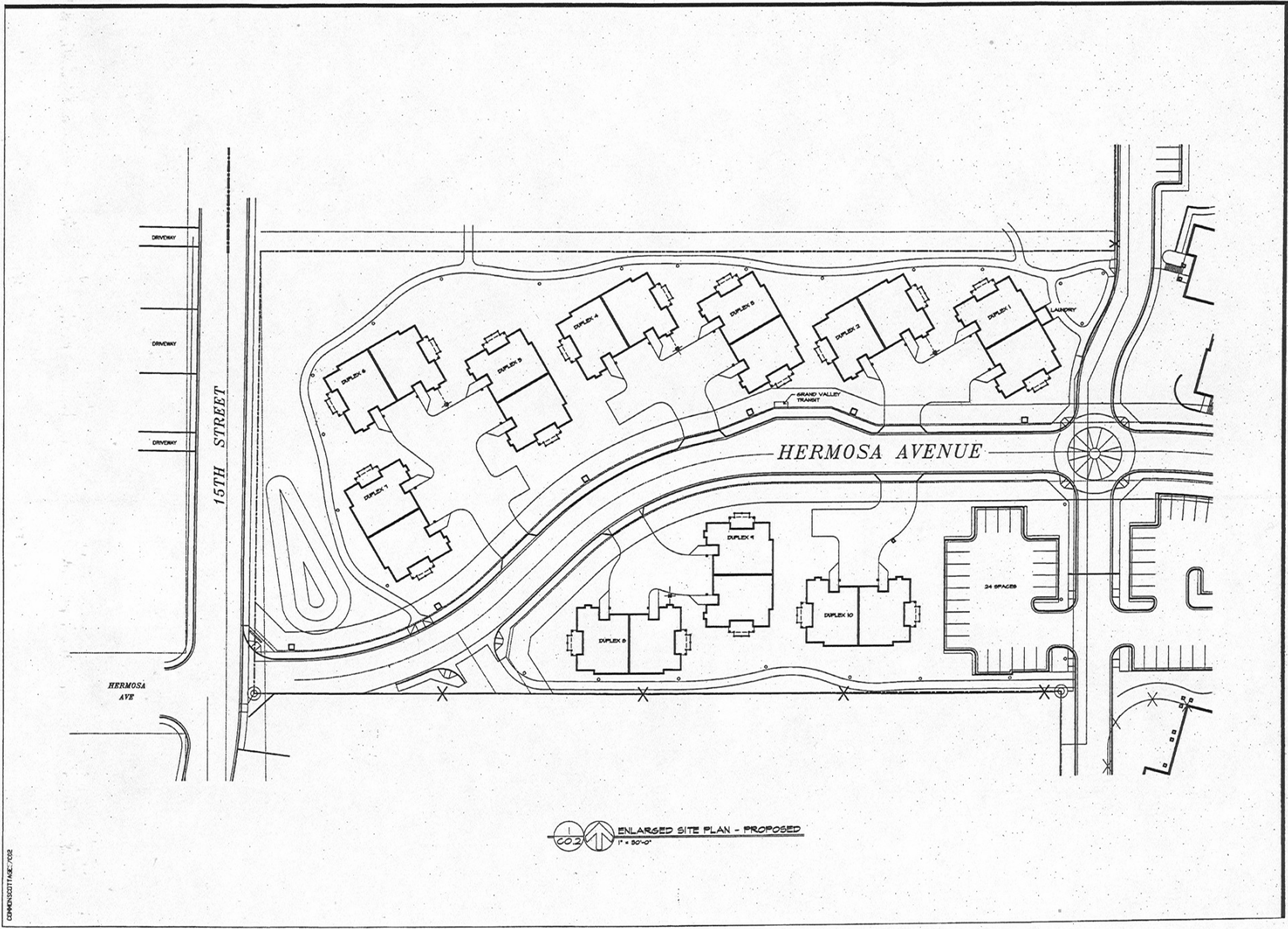
ROBERT D. JENKINS/AA
 ARCHITECT
 1000 North 9th St. Suite 30
 Grand Junction, Colorado 81501
 (970) 249-1465 Fax (970) 249-1465

Cottages at The Commons
 Hilltop Community Resources, Inc.
 Grand Junction, Colorado

PROJECT NUMBER
 0221
 DATE
 04/30/03
 DRAWN BY
 AJP
 REVISIONS:

DRAWING NUMBER
CO.0

csd/ang



ROBERT D. JENKINS/AIA
ARCHITECT

1000 North 6th, Suite 30
Grand Junction, CO 81505
(970) 245-1460 Fax (970) 244-1833

Cottages at The Commons

Hilltop Community Resources, Inc.
Grand Junction, Colorado

PROJECT NUMBER:
C021

DATE:
04/02/03

DRAWN BY:
JLF

REVISIONS:

DRAWING NUMBER
C0.2

COMMONS021ME7/02

**CITY OF GRAND JUNCTION
ORDINANCE NO. _____
AN ORDINANCE AMENDING ORDINANCE NO. 3263
PERTAINING TO THE COMMONS ASSISTED LIVING FACILITY
625 27-1/2 ROAD (FORMERLY 616 27-1/2 ROAD)**

Recitals.

A rezone from Residential Multifamily 8 units per acre (RMF-8) to Planned Development (PD) has been approved for the property located at 625 27-1/2 Road (formerly 616 27-1/2 Road) for purposes of developing an assisted living complex. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (8-11.9 units per acre). City Council also finds that the requirements for a rezone as set forth in Section 2.12 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its April 7, 2003 hearing, recommended approval of the amended Final Plan and Planned Development Zoning Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ORIGINAL PLANNED DEVELOPMENT ZONING ORDINANCE (Ordinance No. 3263) FOR THE PROPERTY DESCRIBED AS LOTS 1 THROUGH 4 THE COMMONS SUBDIVISION IS AMENDED AS INDICATED BELOW:

- 1) *The use allowed for this zone and property shall be mixed residential (10 duplexes – total 20 single family cottages), assisted living (306 beds) and senior recreation center as described in applicant's project narrative contained in City Community Development File RZP-2000-064 and as revised in file RZ-2003-026.*
- 2) *The maximum size of the Senior Recreation Center shall be 72,514 square feet.*
- 3) The bulk requirements and signage allowance for this zone and property shall be as follows:
 - Parking and Building Setbacks: *As shown on Amended Final Plan (RZ-2003-026)*
 - Maximum Building Height:
 - Cottages – 1 story; 20 feet
 - Enrichment Center – 2 stories; 40 feet
 - Assisted Living Building, 2 story wings – 40 feet
 - Assisted Living Building, 3 story wings – 50 feet

- Signage: 4 Freestanding signs as shown on Preliminary Plan

Each sign shall not exceed 12-feet wide x 5-feet high, with the maximum height of 6 feet
Signs shall not be illuminated

INTRODUCED for FIRST READING and PUBLICATION this 2nd day of April, 2003.

PASSED on SECOND READING this ____ day of _____, 2003.

ATTEST:

City Clerk

President of Council

**Attach 11
Redlands Fire Station #5**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|--|-----|--|-----|---------------|----------------|---------------------------------|
| Subject | Construction Management/General Contractor Services – Redlands Fire Station #5 | | | | | | |
| Meeting Date | April 2, 2003 | | | | | | |
| Date Prepared | March 25, 2003 | | | | File # | | |
| Author: | Ron Watkins CPPO | | Purchasing Manager | | | | |
| Presenter Name: | Ron Watkins CPPO Mike Curtis | | Purchasing Manager Project Engineer | | | | |
| Report results back to Council | X | No | | Yes | When | | |
| Citizen Presentation | | Yes | X | No | Name | | |
| | Workshop | X | Formal Agenda | | X | Consent | Individual Consideration |

Summary: Professional Construction Management/General Contractor (CM/GC) services for the construction of the new Redlands Fire Station #5. CM/GC and the architect will participate with the City Fire Department, Public Works Department, and Community Development Department to insure the final design and construction of the facility complies with Fire Department requirements, within budget and within the projected schedule. They shall fully collaborate with TSP, the architectural firm, to insure value engineering through constructability assessments during the preconstruction phase as well as the construction phase of the project.

Three (3) top ranked firms* were interviewed from the **eight (8) qualification proposals received:**

- TSP Five, Inc.*
Denver, Colorado
- Shaw Construction* Grand
Junction, Colorado
- FCI Constructors* Grand
Junction, Colorado
- Phipps Newell Construction, Inc. Grand
Junction, Colorado
- J. Dyer Construction, Inc. Grand
Junction, Colorado
- Marcal, LLC
Parachute, Colorado

- MJB Construction
Whitewater, Colorado
- The Beck Group
Broomfield, Colorado

Budget: Funding of \$1,707,522 is available in the Fire Department 2003 Fiscal Year Capital Budget to hire professional design/construction services, purchase real property, make site modifications, purchase equipment and construct the facility.

Action Requested/Recommendation: Authorize the City Manager to enter into a contract with FCI Constructors, Inc. of Grand Junction, Colorado, to provide professional Construction Management/General Contractor (CM/GC) services to build the City of Grand Junction Redlands Fire Station #5. The contract fees are 7% of the cost of work (estimated to be approximately \$93,105.60) plus the general conditions fees (approximately \$114,000) for a total estimated cost of \$ 207,105.60.

Attachments: N/A

Background Information: Request for Qualification solicitation packages were sent to CM/GC Firms from the City's active solicitation list and the project was advertised in the Daily Sentinel per promulgated City Purchasing Policy. The evaluation team consisted of Ron Watkins, Purchasing Manager, Mike Curtis, Public Works Project Engineer, Jim Bright, Fire Department Operations Officer and Lori Bowers, Senior Planner, Community Development Department. The evaluation team reviewed 8 qualification proposals and selected the top 3 ranked firms that best met the City's qualification and experience criteria for final interviews.

Attach 12
Purchase of Police Vehicles
CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|-------------------------------------|----------------------|-------------------------------------|------------|-------------------------------------|----------------|---------------------------------|
| Subject | Purchase of Police Vehicles | | | | | | |
| Meeting Date | April 2, 2003 | | | | | | |
| Date Prepared | March 25, 2003 | | | | | | |
| Author | Julie M. Hendricks | | Buyer | | | | |
| Presenter Name | Julie M. Hendricks | | Buyer | | | | |
| | Ronald L. Watkins | | Purchasing Manager | | | | |
| Report results back to Council | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes | When | | |
| Citizen Presentation | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No | Name | | |
| Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | | <input checked="" type="checkbox"/> | Consent | Individual Consideration |

Summary: Purchase of five (5) Crown Victoria Police Vehicles.

Budget: 2003 funds have been approved in the fleet replacement and CIP budgets.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase five (5) Crown Victoria Police Vehicles from Western Slope Automotive for the amount of \$119,365.00.

Background Information: Five (5) Crown Victoria Police Vehicles were solicited from the City’s active bidder’s list and the solicitation was advertised in the Daily Sentinel per City Purchasing Policy. The only responsive, responsible bid was received from Western Slope Automotive. Recommend the City purchase Five (5), Crown Victoria Police Vehicles from Western Slope Automotive. The cost will be \$23,873.00 each for a total of \$119,365.00 (F.O.B. Grand Junction, Colorado). The City Fleet Manager and the City Purchasing Manager agree with this recommendation.

**Attach 13
Purchase 2 Greenmaster 3100 Mowers
CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|-----------------|--|----------------------|-------------------------------------|-------------------------------------|---------------------------------|
| Subject | | Sole Source and Purchase of 2 Greenmaster 3100 Mowers | | | | |
| Meeting Date | | April 2, 2003 | | | | |
| Date Prepared | | March 25, 2003 | | | | |
| Author | | Julie M. Hendricks | | Buyer | | |
| Presenter Name | | Julie M. Hendricks | | Buyer | | |
| | | Ronald L. Watkins | | Purchasing Manager | | |
| Report results back to Council | | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes | When |
| Citizen Presentation | | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No | Name |
| <input type="checkbox"/> | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | <input checked="" type="checkbox"/> | Consent |
| | | | | | | Individual Consideration |

Summary: This purchase is being requested by the Parks Department, the Division of Golf, to replace two old outdated mowers.

Budget: 2003 funds have been approved in the fleet replacement and CIP for the two mowers.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase two Toro Greenmaster 3100 triplex mowers from L.L. Johnson Distributing Company for the amount of \$20,213.00 each for a total purchase of \$40,426.00.

Background Information: It has been verified by the Purchase Department that this equipment will conform to four (4) other mowers that the City current uses. City staff has been trained on the maintenance, and the City currently stocks many parts and attachments for the mowers. L.L. Johnson Distributing Company is the sole source provider.

Form A

CITY OF GRAND JUNCTION
SOLE SOURCE JUSTIFICATION FORM

Date: 1/13/03 Requested By: Doug Jones
 Department: Parks Division: Golf
 Vendor Name: LL Johnson Net Cost Delivered: \$ 38,754

SOLE SOURCE JUSTIFICATION
(INITIAL ALL ENTRIES THAT APPLY)

Material/Service Description: 20' Green master 3/00

1. - The Vendor is the original equipment manufacturer and there are no regional distributors;
2. - The product, equipment or service requested is clearly superior functionally to all other similar products, equipment or service available from another manufacturer or vendor;
3. - The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds.
4. - No other equipment is available that shall meet the specialized needs of the department or perform the intended function; or
5. - Detailed justification is available which establishes beyond doubt that the Vendor is the only source practicably available to provide the item or service required.
6. - Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

I recommend that competitive procurement be waived and that the service or material described herein be purchased as a sole source.

Departmental Approval:

Signed: [Signature] title Director Parks/Rec date 1/13/03

Purchasing Approval:

Based on the above and attached documents, I have determined this to be a sole source with no other vendor practicably available.

Purchasing Agent Approval: [Signature] Date: 1/13/03

Final Authorization

City Council Approval Required (\$25K and over) yes / no
 City Manager Approval Required (\$10K to less than \$25K) yes / no

Attach Justification Documentation and Forward to City Purchasing Agent

Attach 14
Purchase 1 Sidewinder Mower
CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|-----------------|---|----------------------|-------------------------------------|-------------------------------------|---------------------------------|
| Subject | | Sole Source and Purchase of 1 Sidewinder Mower | | | | |
| Meeting Date | | April 2, 2003 | | | | |
| Date Prepared | | March 25, 2003 | | | | |
| Author | | Julie M. Hendricks | | Buyer | | |
| Presenter Name | | Julie M. Hendricks | | Buyer | | |
| | | Ronald L. Watkins | | Purchasing Manager | | |
| Report results back to Council | | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes | When |
| Citizen Presentation | | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No | Name |
| <input type="checkbox"/> | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | <input checked="" type="checkbox"/> | Consent |
| | | | | | | Individual Consideration |

Summary: This purchase is being requested by the Parks Department, the Division of Golf, to replace two old outdated mowers with a single better suited mower.

Budget: 2003 funds have been approved in the fleet replacement and CIP budgets in the amount of \$32,000 for the two mowers.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase one Toro Groundmaster Mower from L.L. Johnson Distributing Company for the amount of \$28,995.00.

Background Information: It has been verified by the Purchase Department that no other equipment is available that meets the specialized needs of the Parks Department. This mower has a patented control system that allows the mower decks to be adjusted sideways with a hydraulic ram activated by the operator. This facilitates close mowing in tight quarters and expedites mowing around bunkers and pond banks. The decks are designed to float with the contour of the ground, which minimizes scalping. L.L. Johnson Distributing Company is the sole source provider.

Form A

CITY OF GRAND JUNCTION
SOLE SOURCE JUSTIFICATION FORM

| | |
|--------------------------------|--------------------------------------|
| Date: <u>1/8/03</u> | Requested By: <u>Doug Jones</u> |
| Department: <u>Parks</u> | Division: <u>Golf</u> |
| Vendor Name: <u>LL Johnson</u> | Net Cost Delivered: \$ <u>28,995</u> |

SOLE SOURCE JUSTIFICATION
(INITIAL ALL ENTRIES THAT APPLY)

Material/Service Description: _____

- The Vendor is the original equipment manufacturer and there are no regional distributors;
- The product, equipment or service requested is clearly superior functionally to all other similar products, equipment or service available from another manufacturer or vendor;
- The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds.
- No other equipment is available that shall meet the specialized needs of the department or perform the intended function; or
- Detailed justification is available which establishes beyond doubt that the Vendor is the only source practicably available to provide the item or service required.
- Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

I recommend that competitive procurement be waived and that the service or material described herein be purchased as a sole source.

Departmental Approval:

Signed: [Signature] Director PCS/C 01/13/03
title date

Purchasing Approval:
Based on the above and attached documents, I have determined this to be a sole source with no other vendor practicably available.
Purchasing Agent Approval: [Signature] Date: 1/13/03

Final Authorization
City Council Approval Required (\$25K and over) yes / no
City Manager Approval Required (\$10K to less than \$25K) yes / no

Attach Justification Documentation and Forward to City Purchasing Agent

Attach 15
Re-Authorizing the Exchange of Real Estate
CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|--|-----|----------------------|---|-------------|----------------|---------------------------------|
| Subject | Resolution Re-Authorizing the Exchange of Real Estate with the Western Colorado Botanical Society. | | | | | | |
| Meeting Date | April 2, 2003 | | | | | | |
| Date Prepared | March 27, 2003 | | | | | File # | |
| Author | Tim Woodmansee | | | City Real Estate Manager | | | |
| Presenter Name | Mark Relph | | | Director of Public Works & Utilities | | | |
| 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 proposed exchange will allow the Botanical Society to own the land upon which the Society’s offices and Children’s Library are located.

Budget: No Fiscal Impact.

Action Requested/Recommendation: Adopt resolution re-authorizing the exchange of real estate with the Western Colorado Botanical Society.

Attachments: 1) Vicinity Map; 2) Proposed Resolution; 3) Exchange Agreement.

Background Information: The City Council previously authorized the exchange with a resolution passed on January 2, 2002. The exchange was not completed for a variety of reasons, including the uncertainty of the location of the Riverside Bypass.

The agreement previously approved by Council required the Society to provide the City title insurance and a general warranty deed. Conversely, the City would not have been required to provide the Society title insurance and conveyance of the City land would have been made by quit claim deed.

City staff and Botanical Society staff are proposing that each party have the option of purchasing their own title insurance and that title for both parcels by conveyed by quit claim deed.

VICINITY MAP



STRUTHERS AVENUE

7TH STREET

**LAND TO BE
CONVEYED TO THE
BOTANICAL
SOCIETY**

**LAND TO BE
CONVEYED TO
THE CITY**

RESOLUTION NO. _____

A RESOLUTION RE-AUTHORIZING THE EXCHANGE OF REAL ESTATE WITH THE WESTERN COLORADO BOTANICAL SOCIETY

WHEREAS, the City and the Western Colorado Botanical have cooperated for years to create a viable and attractive Botanical Gardens along the banks of the Colorado River; and

WHEREAS, with the prior consent of the City, the Botanical Society has constructed an office and Children’s Library which are situated partially on City property and partially on property owned by the Botanical Society; and

WHEREAS, the Botanical Society has requested the exchange of an equal amount of real estate to place the Society’s office and Children’s Library on property which will be owned entirely by the Botanical Society; and

WHEREAS, the City Council has determined that the exchange of real estate as requested by the Botanical Society will help further the goals and objectives of both entities.

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

That the City Manager is hereby authorized to take all actions and execute all documents necessary or appropriate to effectuate the exchange of real estate with the Western Colorado Botanical Society.

PASSED and ADOPTED this 2nd day of April, 2003.

Attest:

President of the Council

City Clerk

AGREEMENT TO EXCHANGE REAL ESTATE

THIS AGREEMENT is made and entered into this _____ day of _____, 2003, between the City of Grand Junction, a Colorado home rule municipality ("City"), and the Western Colorado Botanical Society, a Colorado nonprofit corporation ("Society").

1. Subject to the provisions herein, the City agrees to convey to the Society, by Quit Claim Deed, that certain real property described in **Exhibit "A"** attached hereto and incorporated herein by reference, hereinafter referred to as the "City Property". For the purposes of this Agreement, the fair market value of the City Property is \$20,000.00.

2. Subject to the provisions herein, the Society agrees to convey to the City, by Quit Claim Deed, that certain real property described in **Exhibit "B"** attached hereto and incorporated herein by reference, hereinafter referred to as the "Society Property". For the purposes of this Agreement, the fair market value of the Society Property is \$20,000.00.

3. The exchange and conveyance of the City Property and the Society Property shall each include all improvements thereon and appurtenant thereto, and any and all other rights appurtenant to each said property, free and clear of all taxes, special assessments, liens, mortgages and encumbrances; provided, however, that there shall be no conveyance or transfer of any water or water rights, ditches or ditch rights, which may have been used on or attributed to the respective properties.

4. Because the City Property and the Society Property are each part of and attached to larger tracts of land, this Agreement and the exchange of real property hereby contemplated is contingent upon the City of Grand Junction giving its approval to a Simple Subdivision of the larger tracts in accordance with the requirements of the Grand Junction Zoning and Development Code. The parties agree that the Society shall be responsible for all actions and all costs which are necessary and appropriate to effectuate the subdivision process. In the event the City of Grand Junction fails or refuses, within a reasonable time as agreed by the parties, to give its approval to the Simple Subdivision, for whatever reason, this Agreement shall terminate and both parties shall be released from all obligations hereunder.

5. The date of closing shall be the date for delivery of deeds as provided in paragraph 6 below. The hour and place of closing shall be designated by mutual agreement between the parties hereto, in Grand Junction, Mesa County, Colorado. Changes in time, place and date may be made with the consent of both parties. Each party shall pay its respective closing costs at closing, except as otherwise provided herein. Each party shall sign and complete all customary

or required documents at or before closing. Fees for real estate closing and settlement services shall be paid at closing by the parties equally.

6. Subject to full and complete compliance by both parties with the terms and provisions hereof, closing and possession shall occur on July 1, 2003, or, by mutual agreement, at an earlier date.

7. At closing:

(a) the City shall execute and deliver a Quit Claim Deed to the Society and shall deliver possession of the City Property to the Society free from all taxes, all liens, all tenancies and/or leasehold estates; and

(b) the Society shall execute and deliver a Quit Claim Deed to the City and shall deliver possession of the Society Property to the City, free and clear of all taxes, all liens, all tenancies and/or leasehold estates.

8. Time is of the essence hereof. If any obligation hereunder is not performed as herein provided, the non-defaulting party shall only have the following specified remedies, except as otherwise provided in this Agreement: (a) to treat this Agreement as terminated, but no damages may be recoverable. Each party specifically waives the right of specific performance.

9. All notices or other communications between the parties pertaining to this Agreement shall be in writing delivered by United States mail or Express mail, postage prepaid, or by facsimile transmission, or personally by hand or courier service, as follows:

To the City:

City of Grand Junction
Attn: City Real Estate Manager
250 North 5th Street
Grand Junction, CO 81501-2668

81501-2668

Fax: (970) 256-4002

With Copy to:

City of Grand Junction
Attn: City Attorney
250 North 5th Street
Grand Junction, CO

Fax: (970) 244-1456

To the Society:

Western Colorado Botanical Society
Attn: Executive Director
641 Struthers Avenue
Grand Junction, CO 81501
Fax: (970) 245-9001

The parties may, by notice as provided above, designate a different address to which notice shall be given.

10. This Agreement embodies the complete agreement between the parties hereto and cannot be changed or modified except by a written instrument subsequently executed by the parties hereto. No spoken or oral promises or changes to this Agreement will apply or be enforced. This Agreement and the terms and conditions hereof apply to and are binding upon the successors and assigns of both parties.

11. If a party engages or pays for an attorney to pursue any remedy hereunder, such party shall pay for its own attorney's fees and charges.

12. The parties represent to each other that the exchange of these Properties was brought about without the efforts of any brokers or agents and that neither party has dealt with any brokers or agents in connection with the exchange of the Properties. Each party agrees to defend, indemnify and hold the other harmless from any claim for real estate brokerage commissions or finder's fees asserted by any third party as a result of the sale or exchange pursuant to this Agreement.

13. This Agreement shall be governed and construed by the laws of the State of Colorado. Venue for any action shall be in Mesa County, Colorado.

14. Because each party has obtained or has had the opportunity to obtain the advice of its own legal and tax counsel, or has knowingly declined to do so, the rule of construing ambiguities against the drafter shall have no application to this Agreement.

15. The promises, agreements to pay money, liabilities and other agreements herein that must be performed after the closing shall remain enforceable despite the transfer of title. The doctrine of merger shall not apply.

16. The parties hereto have each executed and entered into this Agreement as of the day and year first above written.

Attest:
municipality

For the City of Grand Junction,
a Colorado home rule

City Clerk

City Manager

Attest:
corporation

For the Western Colorado Botanical
Society, a Colorado nonprofit

Secretary

President

Exhibit "A"**Legal Description of that portion of the "City Property" to be Quit Claimed to the Society as it presently exists:**

Commencing at the Center $\frac{1}{4}$ Corner of Section 23, Township 1 South, Range 1 West of the Ute Meridian, and considering the North line of the Southwest $\frac{1}{4}$ ("SW $\frac{1}{4}$ ") of said Section 23 to bear N $89^{\circ}35'57''$ W with all bearings contained herein being relative thereto; thence N $89^{\circ}35'57''$ W along the North line of the SW $\frac{1}{4}$ of said Section 23 a distance of 72.0 feet to the Northwest Corner of that certain tract of land owned by the Society as described by Warranty Deed recorded in Book 2337 at Page 791 in the office of the Mesa County Clerk and Recorder, said point being the True Point of Beginning;

thence S $00^{\circ}24'03''$ W along the West boundary line of said tract of land owned by the Society a distance of 69.57 feet;

thence leaving said West boundary line, N $89^{\circ}40'49''$ W a distance of 200.09 feet;

thence N $00^{\circ}24'03''$ E a distance of 59.85 feet to a point of curvature;

thence 15.71 feet along the arc of a curve to the right having a radius of 10.00 feet, a central angle of $90^{\circ}00'00''$, and a long chord bearing N $45^{\circ}24'03''$ E a distance of 14.14 feet to a point on the North line of the SW $\frac{1}{4}$ of said Section 23;

thence S $89^{\circ}35'57''$ E along the North line of the SW $\frac{1}{4}$ of said Section 23 a distance of 118.09 feet to the Point of Beginning, hereinafter referred to as the "City Property".

Legal Description of that portion of the "City Property" to be Quit Claimed to the Society following recordation of a Simple Subdivision Plat:

Lot Two of Western Colorado Botanical Society Subdivision, situate in the Southwest $\frac{1}{4}$ of Section 23, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, as recorded by Reception No. _____ and in Plat Book _____ at Page _____ in the office of the Mesa County Clerk and Recorder.

Exhibit "B"**Legal Description of that portion of the "Society Property" to be Quit Claimed to the City as it presently exists:**

Commencing at the Center $\frac{1}{4}$ Corner of Section 23, Township 1 South, Range 1 West of the Ute Meridian, and considering the North line of the Southwest $\frac{1}{4}$ ("SW $\frac{1}{4}$ ") of said Section 23 to bear N $89^{\circ}35'57''$ W with all bearings contained herein being relative thereto; thence S $00^{\circ}24'03''$ W along the East boundary line of that certain tract of land owned by the Society as described by Warranty Deed recorded in Book 2337 at Page 791 in the office of the Mesa County Clerk and Recorder a distance of 69.57 feet to the True Point of Beginning; thence S $00^{\circ}24'03''$ W along the East boundary line of said tract of land owned by the Society a distance of 120.43 feet to the Southeast Corner of said tract of land; thence N $89^{\circ}35'57''$ W along the South boundary line of said tract of land owned by the Society a distance of 72.0 feet to the Southwest Corner of said tract of land; thence N $00^{\circ}24'03''$ E along the West boundary line of said tract of land a distance of 120.33 feet; thence leaving the West boundary line of said tract of land, S $89^{\circ}40'49''$ E a distance of 72.0 feet to the Point of Beginning.

Legal Description of the "Society Property" to be Quit Claimed to the City following recordation of a Simple Subdivision Plat:

Lot One of Western Colorado Botanical Society Subdivision, situate in the Southwest $\frac{1}{4}$ of Section 23, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, as recorded by Reception No. _____ and in Plat Book _____ at Page _____ in the office of the Mesa County Clerk and Recorder.

**Attach 16
Concrete Repairs for Street Overlays
CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-----|---|----------------------|---------------|---------------------------------|
| Subject | Award of Construction Contract for Concrete Repairs for Street Overlays | | | | | |
| Meeting Date | April 2, 2003 | | | | | |
| Date Prepared | March 28, 2003 | | | | File # | |
| Author | Dave Donohue | | | Project Engineer | | |
| Presenter Name | Tim Moore | | | Public Works Manager | | |
| Report results back to Council | X | No | | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | X | | Formal Agenda | X | Consent |
| | | | | | | Individual Consideration |

Summary: Bids were received and opened on March 7, 2003 for **CONCRETE REPAIR FOR STREET OVERLAYS**. Vista Paving Corporation submitted the low bid in the amount of \$279,008.18.

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for the **Concrete Repairs for Street Overlays** with **Vista Paving Corporation** in the amount of **\$279,008.18**.

Background Information: This project consists of the removal and replacement of off grade or broken sections of concrete curb, gutter, sidewalk, drainage pans and fillets along with asphalt patching on streets that will be overlaid later this construction season. The work also includes the installation of new sidewalk and curb ramps where needed.

The work will take place on 16 streets throughout the City. The locations are tabulated below:

- F Rd. / 29 Rd. to 30 Rd.**
- Walnut Ave. / 13th St. to 15th St.**
- Walnut Ave. / 15th St. to 17th St.**
- Walnut Ave. / 17th St. to 19th St.**
- Walnut Ave. / 19th St. to 20th St.**
- Walnut Ave. / 20th St. to 21st St.**

Walnut Ave. / 21st St. to 22nd St..
Walnut Ave. / 22nd St. to Linda La.
20th St. / Orchard Ave. to Bookclif Ave.
Bunting Ave. / 16th St. to 18th St.
Patterson Rd. / 27 1/2 Rd to 28 1/4 Rd
Grand Falls Ct. / Grand Falls Dr. to end of court
Villa Way / Grand Falls Ct. to Grand Falls Cir.
Grand Falls Cir. / Grand Falls Dr. to Grand Falls Dr.
Grand Cascade Ct. / Grand Cascade Way to end of court
Grand CascadeWay / F Rd. to Grand Falls Dr.

Work Began on March 17, 2003 under an interim contract for \$15,000 of the required work. This was done to avoid having City inspectors idle while awaiting award of the complete contract. The interim contract will be terminated upon award of the complete contract by the council and all work will be performed under the contract under consideration here.

The following bids were received for this project:

| <u>Contractor</u> | <u>From</u> | <u>Bid Amount</u> |
|--------------------------------|----------------|-------------------|
| Vista Paving Corporation, Inc. | Grand Junction | \$279,008.18 |
| Reyes Construction, Inc. | Grand Junction | \$282,675.17 |
| B.P.S. Concrete, Inc. | Grand Junction | \$289,366.70 |
| G & G Paving | Grand Junction | \$297,510.92 |
| Engineer's Estimate | | \$348,554.27 |

Budget:

| <u>Project Costs:</u> | |
|---|---------------------|
| Construction Contract to Vista Paving | \$279,008.18 |
| Engineering Costs to Date | 9544.34 |
| City Inspection and Administration (Estimate) | <u>37,000.00</u> |
| Total Project Costs | \$325,552.52 |

Funding:

| CAPITAL FUND | 2003 BUDGET | OBLIGATED AND SPENT TO DATE | REQUIRED THIS CONTRACT | BALANCE AFTER THIS CONTRACT |
|-----------------------------|-------------|-----------------------------|---------------------------|-----------------------------|
| Contract Street Maintenance | \$1,903,740 | \$51,626 | \$213,740.44 | \$1,638,373.56 |
| Accessibility | \$50,000 | \$11,700 | \$30,692.34 | \$38,300.00 |
| Curb, Gutter & Sidewalk | \$340,000 | \$39,208 | \$56,561.63 | \$244,230.37 |
| New Sidewalk Water | \$175,000 | \$117,276 | \$12,305.53 \$2,708.24 | \$45,418.47 |

Department

Total Cost

\$325,552.52

Rights-of-way and easements: All construction is within the City right of way.

**Attach 17
New Sidewalk Construction 2003
CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|-----------------|--------------------------------|----------------------|----------------------------|---------------|----------------|---------------------------------|
| Subject | | New Sidewalk Construction 2003 | | | | | |
| Meeting Date | | April 2, 2003 | | | | | |
| Date Prepared | | March 28, 2003 | | | File # | | |
| Author | | Mike Best | | Sr. Engineering Technician | | | |
| Presenter Name | | Tim Moore | | Public Works Manager | | | |
| Report results back to Council | | X | No | | Yes | When | |
| Citizen Presentation | | | Yes | X | No | Name | |
| | Workshop | X | Formal Agenda | | X | Consent | Individual Consideration |

Summary: Bids were received and opened on March 6, 2003, for the **New Sidewalk Construction 2003**. The low bid was submitted by **Reyes Concrete Construction, Inc.** in the amount of **\$143,347.20**.

Budget: The following bids were received for this project:

| <u>Contractor</u> | <u>From</u> |
|-------------------|---|
| <u>Total</u> | |
| G & G Paving | Grand Junction, CO |
| \$160,000.00 | B.P.S Concrete, Inc. Grand Junction, CO |
| \$148,504.44 | |
| Vista Paving | Grand Junction, CO |
| \$147,236.86 | Reyes Construction, Inc. Grand Junction, CO |
| \$143,347.20 | |

Engineer's Estimate
\$182,439.74

Project Costs:

| | |
|---------------------------------------|----|
| Construction Contract | |
| \$143,347.20 | |
| Engineering to date | \$ |
| 5,637.23 | |
| City inspection and Admin. (Estimate) | \$ |
| <u>21,000.00</u> | |
| Total Project Costs | |
| \$169,984.43 | |

| | | |
|-----------------------------|-------------|----|
| <u>Funding: 2003 Budget</u> | | |
| New Sidewalk Construction | 2011-F01300 | |
| \$117,276.03 | | |
| Accessibility | 2011-F02000 | \$ |
| 11,700.00 | | |
| Developer Contribution | | \$ |
| 1,800.00 | | |
| Curb, Gutter and Sidewalk | 2011-F00900 | \$ |
| <u>39,208.40</u> | | |
| Total | | |
| \$169,984.43 | | |

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a construction contract for the **New Sidewalk Construction 2003** with **Reyes Construction, Inc.** in the amount of **\$143,347.20**.

Background Information: This project will be to construct the sidewalk along existing curb, gutter and sidewalk along several school walking routes in the City of Grand Junction. The following locations will have new sidewalk installed this year.

Kennedy Ave. Elm Court to E. Sherwood Drive north side.
 Elm Court, Kennedy Ave. to 5th Street northwest side.
 Hall Ave. 4th Street to 5th Street south side
 8th Street Orchard Ave. Orchard Ave. north to property line
 8th Street, Hall Ave. to dead end west side
 Pinyon Ave. 15th Street to 17th Street south side
 1810 North Ave. north side (Timbers and Wrigley Field)
 Glenwood Ave. 12th Street to 15th Street south side
 Mesa Ave. 19th Street to alley south side
 14th Street, Mesa Ave. to Hall Ave. east side
 Gunnison Ave. 15th Street to 19th Street north side

**Attach 18
Skyway Sewer Improvement District Contract
CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|--|-----|-------------------------------------|-----|---------------|----------------|---------------------------------|
| Subject | Change Order #1 to Construction Contract for Skyway Sewer Improvement District | | | | | | |
| Meeting Date | April 2, 2003 | | | | | | |
| Date Prepared | March 26, 2003 | | | | File # | | |
| Author | Trent Prall | | City Utility Engineer | | | | |
| Presenter Name | Mark Relph | | Public Works and Utilities Director | | | | |
| Report results back to Council | X | No | | Yes | When | | |
| Citizen Presentation | | Yes | X | No | Name | | |
| | Workshop | X | Formal Agenda | | X | Consent | Individual Consideration |

Summary:

Approval of Change Order #1 in the amount of **\$119,831.05** to Mendez, Inc. the Contractor for the **Skyway Sewer Improvement District**. This Change Order would include reconstruction of an additional 2100 lineal feet of ten foot wide concrete trail within the Colorado River State Park at Connected Lakes. Total trail reconstruction for the project will be 2900 lineal feet.

Budget:

| | |
|--|---------------|
| Proposed Change Order #1(at a lower rate/ft) | \$119,831.05 |
| Amount already in contract (at a higher rate/ft) | (\$24,466.00) |
| <hr/> | |
| Additional impact to sewer fund | |
| \$95,365.95 | |

The \$119,831 change in the \$1,902,875 contract represents an increase of 6.3%.

The cost proposed by Mendez, Inc. for the 6-inch thick 10 foot wide trail reconstruction work is \$37/SY. Staff feels that the price per square yard offered by Mendez, Inc. is very reasonable based on past trail projects. The City paid \$43/SY and \$40/SY to the low bidders for construction of the 4-inch thick 10 foot wide Horizon Drive trail in 1999 and 2001 respectively.

As this project will be extending interceptor infrastructure, funding for the project is proposed from the Persigo sewer fund 904 (backbone). If approved, this expenditure will be budgeted as part of the supplemental appropriations this spring. Fund 904 has \$4,000,000 available for 2003 expenditures, leaving \$3,900,000 in the fund balance after approval of this change order.

Background:

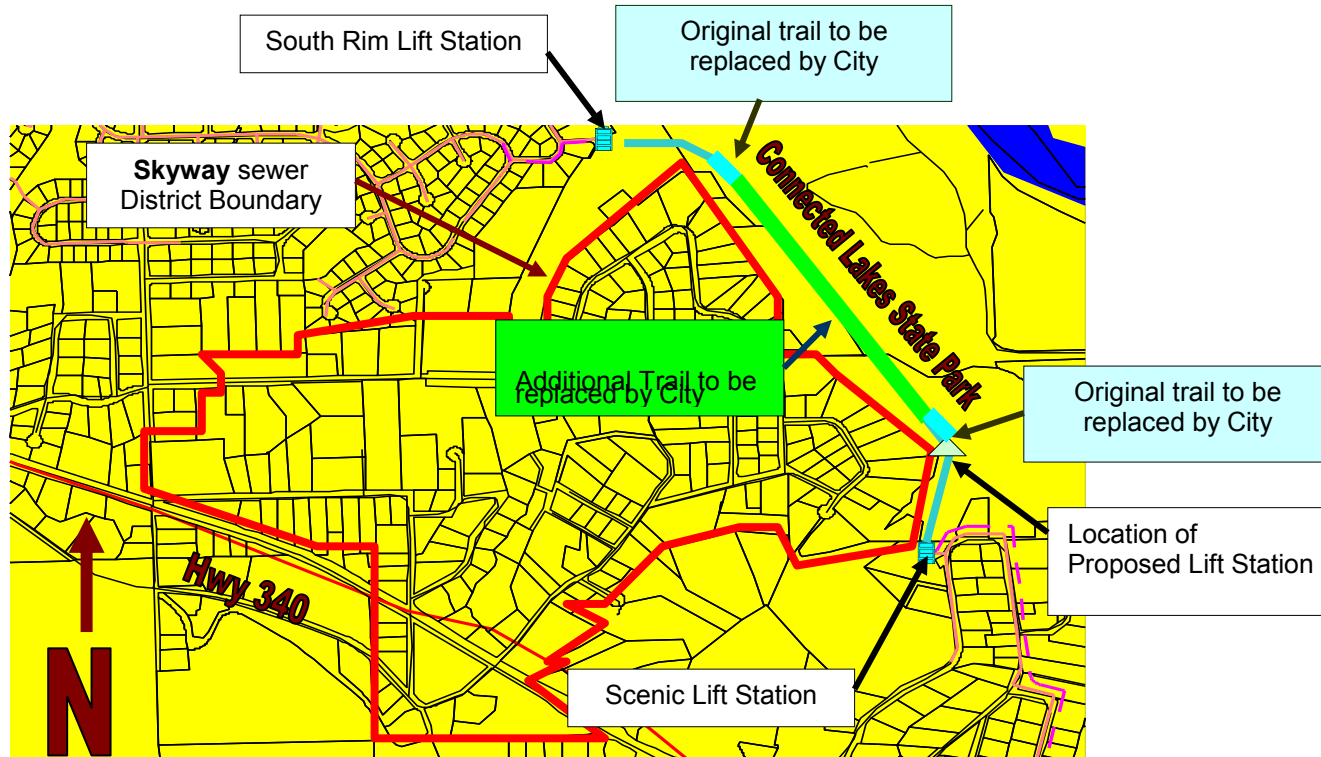
The reason for the change order is other partners in the project were forced to pull out due to State of Colorado budget cuts. Construction and rehabilitation within the Connected Lakes area originally involved three government entities: the City of Grand Junction, Colorado State Parks and Colorado Division of Wildlife. The DOW had intended to construct an earthen berm that would have provided for a warm water fishery within the state park. The berm was to be located along the same alignment as the proposed sewer line which follows the existing asphalt pedestrian trail north of the Redlands water and power tail race canal. Reconstruction of the pedestrian trail and revegetation of disturbed areas was to be shared by the City and DOW with the City paying for \$24,466 and DOW responsible for \$95,365 for a total of \$119,831. DOW pulled the berm project after construction for this project had started which in turn left the City to be solely responsible for reconstruction of the trail and revegetation of disturbed areas.

Currently \$24,466 is included in the contract with Mendez, Inc for path reconstruction that was to be paid by the City however it is at a higher dollar rate per foot due to the smaller scope that was originally to be performed. City staff has negotiated a rate that is less expensive than previous trail work as explained in the "budget" section above. With approval of this change order to the contract we will delete the previous, higher rate, bid item for path reconstruction and replace it with the new lower rate per foot.

Project benefit: As part of this project, the City of Grand Junction will eliminate two existing lift stations (Scenic and South Rim) and consolidate them into one lift station in Connected Lakes State Parks. The Skyway sewer improvement district is not responsible for the costs associated with abandonment of the existing lift stations. The consolidation of the lift stations provides the City an estimated cost savings of \$230,000.

The proposed additional portion of the trail reconstruction to be paid for by the City is shown on the following Project Location map.

Project Location:



Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Contract Change Order to Mendez, Inc. in the amount of **\$119,831.05**.

Attach 20
Rezoning World Harvest Church Property
CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---------------------------------------|-----|----------------------|-----|---------------------------|-----------------------------------|
| Subject | World Harvest Church property rezone. | | | | | |
| Meeting Date | April 2, 2003 | | | | | |
| Date Prepared | March 18, 2003 | | | | File # RZ-2002-236 | |
| Author | Lori V. Bowers | | Senior Planner | | | |
| Presenter Name | Lori V. Bowers | | Senior Planner | | | |
| Report results back to Council | X | No | | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | X | Formal Agenda | | Consent | X Individual Consideration |

Summary: Second reading of the rezone ordinance for the World Harvest Church property located at 2826 F Road, from RMF-8 to RMF-12.

Budget: N/A

Action Requested/Recommendation: Second reading of the rezone ordinance.

Attachments:

- Staff report
- Vicinity Map
- Aerial Photo
- Growth Plan Map
- Zoning Map
- Subdivision Plat
- Ordinance

Background Information: Please see the attached Staff report.

| BACKGROUND INFORMATION | | | | | |
|------------------------------|-------|---|-----|--|----|
| Location: | | 2826 F Road | | | |
| Applicant: | | petitioner, World Harvest Church, John Cappetto, president. Brian Hart, Landesign, representative | | | |
| Existing Land Use: | | Vacant land | | | |
| Proposed Land Use: | | Multi-family / group living facility | | | |
| Surrounding Land Use: | North | Vacant land | | | |
| | South | Vacant land | | | |
| | East | Vacant land | | | |
| | West | Vacant land | | | |
| Existing Zoning: | | RMF-8 | | | |
| Proposed Zoning: | | RMF-12 | | | |
| Surrounding Zoning: | North | CSR | | | |
| | South | CSR and PD | | | |
| | East | CSR | | | |
| | West | PD | | | |
| Growth Plan Designation: | | Residential Medium High (8 to 12 du/acre) | | | |
| Zoning within density range? | | X | Yes | | No |

PROJECT DESCRIPTION: The Harvest Subdivision consists of 17.018 acres of land. Lot 2 is approximately 2.996 acres in size. The applicants request that Lot 2 of this subdivision be rezoned to a higher density to accommodate a multi-family, group living facility.

RECOMMENDATION: Approval

ANALYSIS:

The northeast corner of F Road and 28 ¼ Road is the proposed area for Lot 2 of the Harvest Subdivision. The Harvest Subdivision is currently under review by the Community Development Department. The proposed JEA Senior Living project is a 56-bed assisted living facility geared towards the needs of the elderly afflicted with Alzheimer’s disease. The facility will provide 24-hour supervision, security, meals, assistance with activities of daily living, social activities and other

specialized care for its residents. The facility is defined as an “Unlimited Group Living Facility” in the Zoning and Development Code, Section 4.3.Q. If a Group Living Facility does not exceed the density of the zone in which it is located, then a Conditional Use Permit is not required. By granting the rezone request, a Conditional Use Permit will not be required for this property. The group home must register with the City and renew it’s registration annually.

1. Background

The subject property was annexed into the City in 1999. It was acknowledged at that time that the church may not need the entire 17 acre site and may wish to further subdivide the property in the future. An application for a simple subdivision has been submitted. The “Harvest Subdivision” consists of 2 lots. Lot 1, is 13.989 acres and will be reserved for the church. Lot 2, which is just slightly under 3 acres is proposed for a group living facility.

2. Consistency with the Growth Plan

The Growth Plan for this area recommends Residential Medium High, (8 to 12 dwelling units per acre). The request for the re-zone to the higher designation of RMF-12 from RMF-8 is consistent with the Growth Plan. The proposal further satisfies Policy 1.7 and 1.11, of the Plan. Policy 1.7 states that, “The City and County will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property.” Policy 1.11 states, “The City and County will ensure that medium-high and high density residential projects have adequate usable public or private open space incorporated into the project or linked to the project on adjacent parcel.” Currently, the property to the east is reserved for a future park site, thus meeting this policy.

3. Section 2.6.A of the Zoning and Development Code

Rezone requests must meet all of the following criteria for approval:

1. The existing zoning was in error at the time of adoption

The existing RMF-8 zoning is not in error because the zoning conforms to 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 transition, etc

The area surrounding the subject property can be described as partially developed. Recently built subdivisions are located to the west such as Cody Subdivision, Grand View Subdivision and Village Park Subdivision, which is currently under construction. Vacant land is located to the north and east of the subject property. The area located south of the property can be described as partially developed with a Fire Station, assisted living facility, The Falls

Subdivision and The Legends Subdivision. The proposed zone of RMF-12 will not affect the character of the area.

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 conforms to the Growth Plan. The proposed requested zone will not create adverse impacts to the existing street network. 28 ¼ Road is classified as a collector street and F Road is located ¼ mile south and is classified as a principal arterial. The proposed rezone will not create adverse impacts such as parking problems; any future development application must address parking issues. The requested zone will not create adverse impacts such as storm water or drainage problems. The subject property is not located within an established floodplain. In addition, future development applications must address how storm water will be controlled and will be required to conform to the City's Stormwater Management Manual. The proposed zone will not create adverse impacts such as storm water, air or noise pollution. As mentioned above, storm water must be controlled in a manner that conforms to the City's Stormwater Management Manual, which among other items, addresses water quality. In addition, all construction in the State of Colorado must obtain a General Stormwater Discharge Permit Associated with Construction Activity which addresses both water and air quality. Any noise violations are subject to the City's Code Enforcement department. The requested zone will not create adverse impacts such as excessive nighttime lighting. Future development applications must address the topic of street and parking lighting. The proposed rezone to RMF-12 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 RMF-12 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 this Code and other City regulations and guidelines.

As mentioned earlier, the requested RMF-12 zone is consistent with the Growth Plan designation of RMH, Residential Medium High Density, 8 – 12 units per acre. In addition, the City's Zoning and Development Code has been consulted in conjunction with the preparation of this application.

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development

All utilities including, sanitary sewer, domestic water, and dry utilities are located near the property and are available for use. Adequate public facilities are

currently available and can address the impacts of development consistent with the RMF-12 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.

There is vacant land in the area that is designated RMH, however, this land is located further to the east. The subject property presents an excellent opportunity to provide property zoned land that can be used for an assisted living facility.

7. The community or neighborhood will benefit from the proposed zone.

The community will benefit from the proposed zone because it conforms to the Growth Plan designation of RMH, Residential Medium High.

FINDINGS OF FACT/CONCLUSIONS:

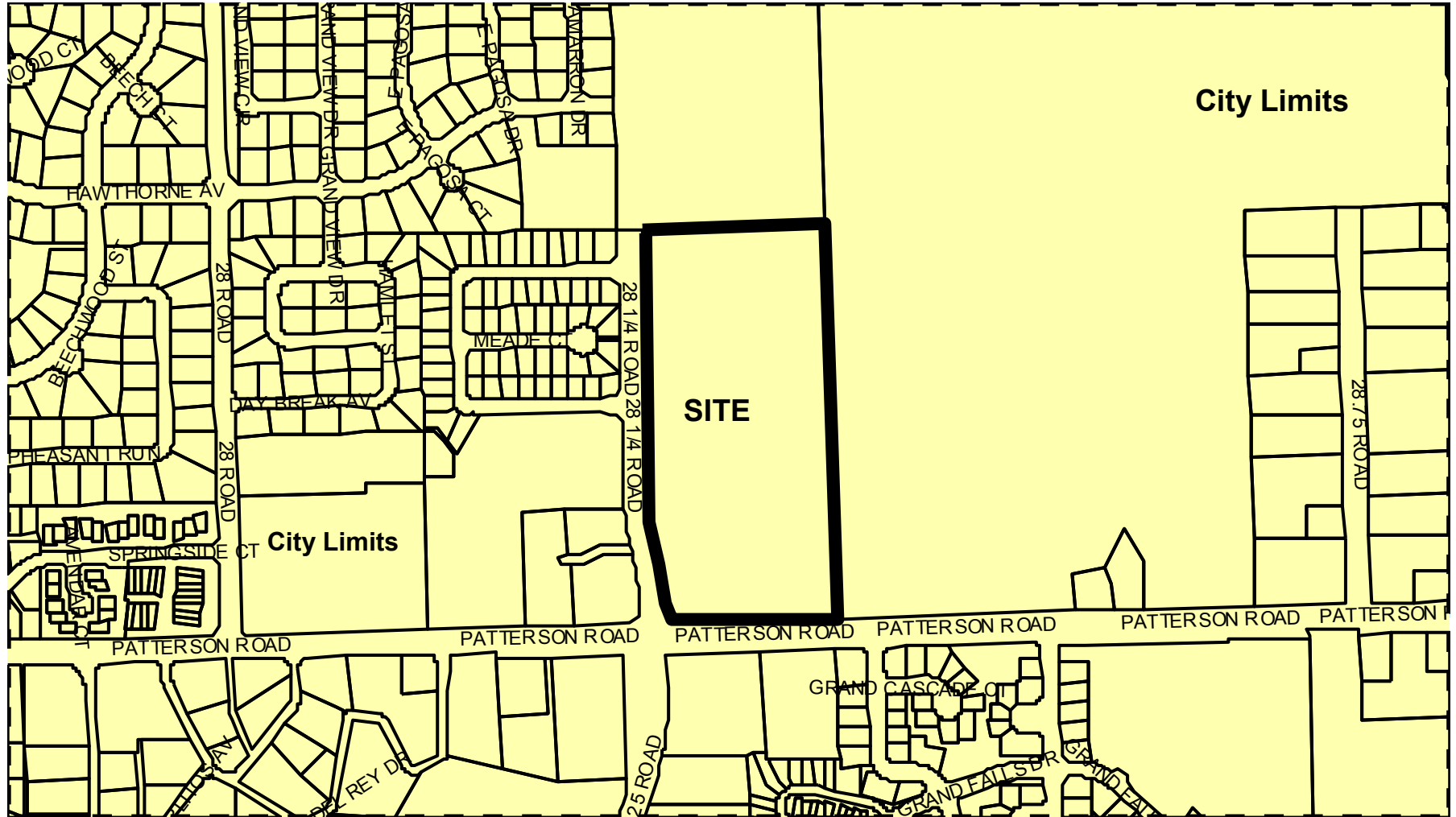
After reviewing the World Harvest Church request for re-zone application, RZ-2002-236, for a rezone from RMF-8 to RMF-12, staff makes the following findings of fact and conclusions:

11. The requested rezone is consistent with the Growth Plan
12. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission forwards a recommendation of approval of the requested rezone, RZ-2002-236, to the City Council with the findings and conclusions listed above.

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3

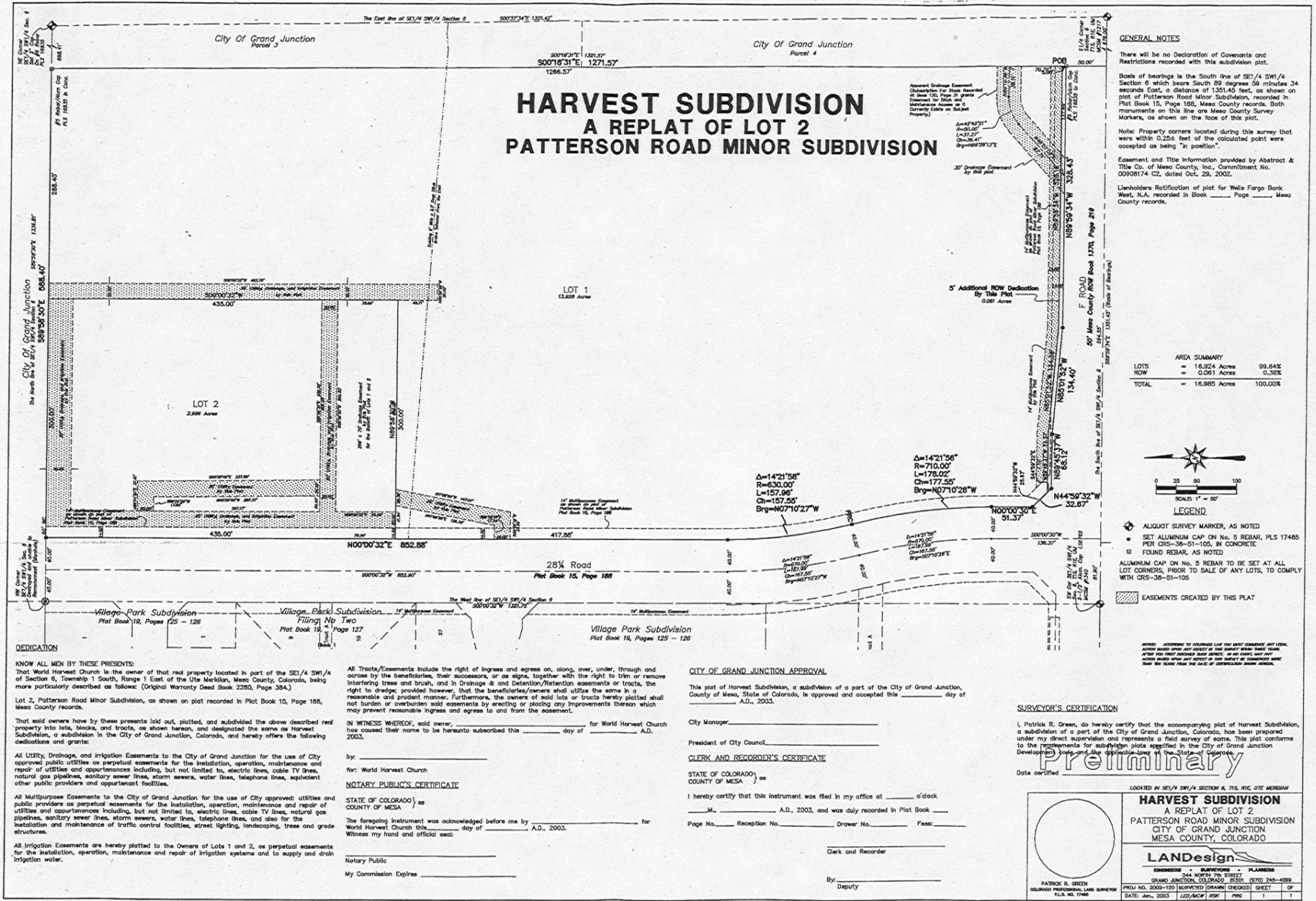


Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



GENERAL NOTES

There will be no Declaration of Covenants and Restrictions recorded with this subdivision plat.

Base of bearings is the South line of SE1/4 SW1/4 Section 6 which bears South 89 degrees 56 minutes 54 seconds East, a distance of 1301.45 feet, as shown on plat of Patterson Road Minor Subdivision, recorded in Plat Book 15, Page 155, Mesa County records. Both monuments on this line are Mesa County Survey Markers, as shown on the face of this plat.

Note: Property corners located during this survey that were within 0.25± feet of the calculated point were accepted as being "in position".

Easement and Title Information provided by Abstract & Title Co. of Mesa County, Inc., Commitment No. 00908174 C2, dated Oct. 29, 2002.

Lienholders Ratification of plat for Wells Fargo Bank West, N.A. recorded in Book _____ Page _____ Mesa County records.

AREA SUMMARY

| | | |
|--------------|-----------------------|----------------|
| LOTS | = 16.924 Acres | 99.64% |
| RDW | = 0.061 Acres | 0.36% |
| TOTAL | = 16.985 Acres | 100.00% |



- LEGEND**
- ALUQUOT SURVEY MARKER, AS NOTED
 - SET ALUMINUM CAP ON No. 5 REBAR, PLS 17485 PER CRS-38-01-100, IN CONCRETE
 - FOUND REBAR, AS NOTED
 - ALUMINUM CAP ON No. 2 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-01-100
 - EASEMENTS CREATED BY THIS PLAT

KNOW ALL MEN BY THESE PRESENTS:

That World Harvest Church is the owner of that real property located in part of the SE1/4 SW1/4 of Section 6, Township 1 South, Range 1 East of the 10th Meridian, Mesa County, Colorado, being more particularly described as follows: (Original Warranty Deed Book 2280, Page 384.)

Lot 2, Patterson Road Minor Subdivision, as shown on plat recorded in Plat Book 15, Page 155, Mesa County records.

That said owners have by these presents laid out, platted, and subdivided the above described real property into lots, blocks, and tracts, as shown hereon, and designated the same as Harvest Subdivision, a subdivision in the City of Grand Junction, Colorado, and hereby offers the following dedications and grants:

All Utility, Drainage, and Irrigation Easements to the City of Grand Junction for the use of City approved public utilities on perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures.

All Multipurpose Easements to the City of Grand Junction for the use of City approved utilities and public providers on perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures.

All Irrigation Easements are hereby platted to the Owners of Lots 1 and 2, as perpetual easements for the installation, operation, maintenance and repair of irrigation systems and to supply and drain irrigation water.

All Tracts/Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or as signs, together with the right to trim or remove interfering trees and brush, and in Drainage & and Detention/Retention easements or tracts, the right to dredge, provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may prevent reasonable ingress and egress to and from the easement.

IN WITNESS WHEREOF, said owner, _____ for World Harvest Church has caused their name to be hereunto subscribed this _____ day of _____ A.D. 2003.

by: _____ for World Harvest Church

NOTARY PUBLIC'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF MESA) ss

The foregoing instrument was acknowledged before me by _____ for World Harvest Church this _____ day of _____, A.D. 2003.

Witness my hand and official seal:

Notary Public
My Commission Expires _____

CITY OF GRAND JUNCTION APPROVAL

This plat of Harvest Subdivision, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this _____ day of _____ A.D. 2003.

City Manager _____

President of City Council _____

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF MESA) ss

I hereby certify that this instrument was filed in my office at _____ o'clock _____ M. _____ A.D. 2003, and was duly recorded in Plat Book _____ Page No. _____ Reception No. _____ Drawer No. _____ Fees: _____

Clerk and Recorder _____

By: _____ Deputy

SURVEYOR'S CERTIFICATION

I, Patrick R. Green, do hereby certify that the accompanying plat of Harvest Subdivision, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of same. This plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development Code and the applicable laws of the State of Colorado.

Date certified _____

Preliminary

LOCATED IN SE1/4 SW1/4 SECTION 6, T1S, R1E, 10TH MERIDIAN

HARVEST SUBDIVISION
A REPLAT OF LOT 2
PATTERSON ROAD MINOR SUBDIVISION
CITY OF GRAND JUNCTION
MESA COUNTY, COLORADO

LANDesign
ENGINEERS • SURVEYORS • PLANNERS
745 7TH STREET
GRAND JUNCTION, COLORADO 81501 (970) 245-4089
FED. REG. NO. 0000-100 (SURVEYOR) (QUALIFIED CHECKED) DIRECT OF

PATRICK R. GREEN
COLORADO PROFESSIONAL LAND SURVEYOR
NO. 106,078

DATE: Apr. 2003 LRD/ACG/RSK/PAC 1 1 1

CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. _____

AN ORDINANCE REZONING LOT 2, OF THE HARVEST SUBDIVISION LOCATED
AT 2826 F ROAD FROM RMF-8 TO RMF-12

Recitals.

A rezone from the Residential Multi-family, not to exceed 8 dwelling units per acre (RMF-8) district to the Residential Multi-family, not to exceed 12 dwelling units per acre (RMF-12) district has been requested for the property located on Lot 2, Harvest Subdivision, for the purpose of developing a group living facility. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Residential Medium High, 8 to 12 dwelling units per acre). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its February 11, 2003 hearing, recommended approval of the rezone request from the RMF-8 zoning district to the RMF-12 zoning district.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE RESIDENTIAL MULTI-FAMILY, NOT TO EXCEED 12 DWELLING UNITS PER ACRE (RMF-12) DISTRICT:

LOT 2, HARVEST SUBDIVISION

INTRODUCED for FIRST READING and PUBLICATION this 5th day of MARCH, 2003.
PASSED on SECOND READING this ____ day of _____, 2003.

ATTEST:

City Clerk

President of Council

**Attach 21
Tobacco Ordinance**

CITY OF GRAND JUNCTION

| <i>CITY COUNCIL AGENDA</i> | | | | | | |
|--|-------------------------------------|-------------------------------------|-------------------------------------|----------------------------|-------------------------------------|---------------------------------|
| Subject: | Tobacco Ordinance | | | | | |
| Meeting Date: | April 2, 2003 | | | | | |
| Date Prepared: | February 25, 2003 | | | | File # n/a | |
| Author: | Stephanie Rubinstein | | | Staff City Attorney | | |
| Presenter Name: | Stephanie Rubinstein | | | Staff City Attorney | | |
| Report results back to Council: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | When | |
| Citizen Presentation | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Name | |
| | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | <input type="checkbox"/> | Consent |
| | | | | | <input checked="" type="checkbox"/> | Individual Consideration |

Summary: In February 1999, City Council adopted Ordinance No. 3095, addressing the problem of teenage smoking. The ordinance will sunset in February 2004 if no further action is taken by City Council. This ordinance will make the provisions of Ordinance No. 3095 permanent.

Budget: None.

Action Requested/Recommendation: Adopt ordinance on second reading.

Attachments: Ordinance

Background Information: Ordinance No. 3095, (the "Tobacco Ordinance") made smoking tobacco products illegal in the City of Grand Junction for persons under the age of eighteen. Additionally, the ordinance provides certain requirements for the sale of cigarettes, such as no single sale cigarettes, no smaller pack (less than 15) cigarettes, and requiring all tobacco products be handled by store personnel, rather than customers. The ordinance will sunset in 2004 unless further action is taken by City Council to extend the ordinance.

ORDINANCE NO. _____
AN ORDINANCE AMENDING CHAPTER 24 OF THE CITY OF GRAND JUNCTION
CODE OF ORDINANCES

RECITALS:

On February 17, 1999, City Council passed Ordinance Number 3095 which addressed issues relating to smoking, and in particular, teenage smoking. Subsection 9 provided a sunset provision which would repeal the ordinance in 2004 without further action from City Council.

The City Council recognizes the hazards of cigarette smoking and has determined that the provisions relating to the sale and possession of tobacco by persons under the age of eighteen is in furtherance of the health, welfare and safety of all residents of the City of Grand Junction.

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

Chapter 24 of the Code of Ordinances of the City of Grand Junction be amended as follows:

That Section 24-21 (9) shall be repealed.

Introduced this ____ day of _____, 2003.

Passed and adopted this ____ day of _____, 2003.

President of the Council

ATTEST:

City Clerk

Attach 22

Water Service Agreement

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|-----|----------------------|-----------------------------------|----------------|-----------------------------------|
| Subject | Water Service Agreement: Reeder Mesa Livestock Water Company | | | | | |
| Meeting Date | April 2, 2003 | | | | | |
| Date Prepared | March 26, 2003 | | | | File # | |
| Author | Greg Trainor | | | Utility Manager | | |
| Presenter Name | Mark Relph | | | Public Works and Utility Director | | |
| Report results back to Council | X | No | | Yes | When | |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | X | Formal Agenda | | Consent | X Individual Consideration |

Summary:

Water Service Agreement between the City of Grand Junction and the Reeder Mesa Livestock Water Company for the City to provide water service from the Kannah Creek Water System.

Budget:

NA

Action Requested/Recommendation:

Review by the City Council of the draft agreement and authorize the City Manager to sign when appropriate.

Attachments:

Draft Water Service Agreement

Background Information:

During the 1977 drought the City authorized the establishment of raw water taps on the City's Kannah Creek Flowline for stock water uses. Between 1977 and 1987 these "stock water" taps became the domestic water sources for most of the users which had authorized taps on the flowlines. The Reeder Mesa Livestock Water Company was one

such user. In 1991 The City finalized an agreement with the Reeder Mesa Company to install point-of-entry filtration devices (POEs) on its system, thus bringing it into compliance with the drinking water standards. The Company installed such devices with approval from the State Department of Public Health and Environment. However, concerns raised by the State Health Department about the POE systems to meet the turbidity standard increased pressure on the City and the Company to find an alternative to the POE systems.

The City's acquisition of the Purdy Mesa Livestock Water Company and the construction of the City's Kannah Creek Water Treatment Plant below Purdy Mesa Reservoir provided the needed solution. During the past two years the City has been in negotiations with the Reeder Mesa Company to finalize a Water Service Agreement. During the summer of 2002 the City completed a water distribution system "loop" across Reeder Mesa and down to its distribution system along the Kannah Creek Road. This loop allows the Reeder Mesa system to be connected into treated water once the Water Service Agreement is finalized.

The Water Service Agreement incorporates the following principles:

1. The City recognizes the "in-use taps" on the Reeder Mesa system and the cost these tap holders incurred in installing their POE systems. The City will not charge a plant investment fee for these taps.
2. The City recognizes that there are "not-in-use taps" as part of the Reeder Mesa system. These authorized taps will be charged a \$1,500 upgrade fee when these taps actually connect to the Reeder system.
3. All other connections not listed above will be charged the City's Kannah Creek system plant investment fee of \$8,500.
4. The Reeder Mesa System will be charged the same monthly rates as all other users of the Kannah Creek system.
5. In the Reeder Mesa Service Area there will be no new service connections any parcel that is less than 35-acres in size, except for two parcels where homes already exist. Most of the properties within the Service Area voluntarily down zoned their properties to AFT-35. In addition there shall be no more than one single-family residence supplied by any one tap or connection.
6. The property owners will provide the City with the appropriate easements for the existing Reeder Mesa distribution systems.
7. The City will provide water service and incorporate the Reeder Mesa system into the City's regular Kannah Creek operation.

WATER SERVICE AGREEMENT
Reeder Mesa

The parties to this Agreement are the City of Grand Junction ("City") and the Reeder Mesa Livestock Water Company, an unincorporated, non-profit association ("Reeder Mesa" or "Company"). This Agreement is effective as of _____, 2003.

Recitals.

- A. The City has owned water rights and water delivery systems since the early 1900's. Pipeline brings raw water from the western slopes of the Grand Mesa to the City's water treatment plant, on Orchard Mesa. Since 1977, in order to comply with federal and state safe drinking water laws, members of the Company have installed devices in each residence to treat the water for domestic use.

water by the Purdy Mesa Company.

- C. Pursuant to this Agreement, the City will extend the above described Kannah Creek System ("System") and deliver treated water to those parcels or lots identified below on **Exhibit B**, which is an aerial map of what is commonly known as the Reeder Mesa area.
- D. For several years, the Colorado Department of Public Health and Environment has indicated that certain federal and state standards would be complied with when Reeder Mesa enters into an agreement whereby the City supplies treated water to the domestic users of the Reeder Mesa System .
- E. The majority of the parcels, tracts and lots identified on **Exhibit A**, entitled "Reeder Mesa Water Company Property List," have been voluntarily "down-zoned" to AFT-35 (35 acre minimum parcel size). Such down zoning effectively prevents subdivision and development, other than single family residences and farming/ranching uses. The members of the Company desire that the density in the Reeder Mesa area remain low, at 35 acre parcels or larger. The Company and the City desire to support such efforts by limiting the number of new and future taps and users of the City's treated water.

- F. The Company's bylaws have historically limited water taps to one per 40 acre parcel. Concomitantly, it is in the City's interests to encourage efforts to limit the suburbanization, with the associated growth of population, traffic and human activities, in areas from and through which the City's water is gathered and transported.

The Company desires that the City supply the identified properties, as a part of the City's Kannah Creek System.

distribution system and any easements of necessity or prescription which it may, but not its liabilities so that the City can reasonably and efficiently deliver treated water as provided herein.

NOW THEREFORE, the parties agree and acknowledge as follows:

1. Definitions.

- a. "Company Member" shall mean any person who, either as of the date of this Agreement or in the future, holds fee title to real property located within the Reeder Mesa Service Area, and/or owns or holds any In-Use Tap and/or any Not-In-Use Tap. The Company Members as of the date of this Agreement, and other information, are set forth in **Exhibit A**.
- b. "Reeder Mesa Service Area" shall mean all of the real property within the boundaries set forth on the map attached as **Exhibit B**.
- c. "Right of Way" or "ROW" means a written conveyance of fee simple title or an easement.
- d. "Company pipes" means all pipes, pipelines, valves, taps and all other facilities of the Company, if any, including such mechanisms and connections the City deems necessary to operate, maintain and own the Distribution System.
- e. "Closing" means the date agreed upon by the parties for delivery of deeds and bill(s) of sale to the City, and contemporaneous transfer of ownership of the distribution system, from the Company to the City.
- f. "Distribution System" shall mean all pipe, fixtures, water meters (including spares), storage tanks, and other equipment used to provide water service to Company Members within the Reeder Mesa Service Area, from the tap on

the City's Kannah Creek flow line to and including all water meters. The Distribution System is set forth more fully on the map attached as

Exhibit B.

"In-Use Taps" shall mean those taps, which as of the date of this Agreement, are actively in use for the provisions of water by the City to a Company Member. In-Use Taps are identified on **Exhibit A.**

g. "Not-In-Use Taps" shall mean those taps which as of the date of this Agreement have been issued to Company Members but are not actively in use for the provision of water by the City to a Company Member. Not In-Use Taps are identified on **Exhibit A.**

2. Duties and Obligations of the Company.

a. The Company shall deliver to the City at the Closing a bill of sale for all of the Company's right, title and interest, subject to no encumbrances or liens or title defects (unless the City agrees otherwise in writing), in and to the Distribution System.

By quitclaim deed, the Company shall at the closing convey, assign, and transfer to the City, subject to no encumbrances or liens or title defects (unless the City agrees otherwise in writing), all of the Company's ROW, including all ROW needed by the City to deliver water through any part of the Distribution System and including easements of record, by necessity, and by prescription.

b. At the Closing, the Company shall transfer and assign to the City all licenses, permits and similar evidence of permission for operating, owning and maintaining the Distribution System from Mesa County or other entities, however as of the time of execution hereof, the Company is not aware that it has any.

c. The Company shall diligently act to obtain from each applicable Company Member any additional written ROW the City deems necessary to operate the Distribution System and to provide water to any In-Use Tap. The Company shall accomplish the transfer to the City of such ROW without cost or expense to the City except as the City may otherwise agree.

d. So that the City shall receive all of the Company's rights, including prescriptive rights, necessary to operate the Distribution System, at closing

the Company shall convey its Quit Claim Deed and Bill of Sale conveying the Distribution System and ROW and Company pipes free and clear of, unless the City accepts otherwise in writing:

- i. all indebtedness, liens and encumbrances and all taxes, including general property taxes for the year of closing;
- ii. all liens for special improvements whether assessed or not;
- iii. all fees and charges for utilities, association dues and water assessments;
- iv. all claims for salaries, compensation, benefits, worker's compensation benefits or awards due by Company officers, stockholders, employees, or contractors for or relating to work or employment, including efforts of independent contractors;
- v. any contractor's, mechanic's or materialmen's claims relating to the Company's pipes, ROW or improvements to the Distribution System;
- vi. any covenants, agreements, restrictions, or reversionary provisions not accepted by the City listed as exceptions in the Title Documents as set forth herein; and
- vii. all tenancies and/or leasehold estates.

3. City Water Delivery.

- a. From and after closing the City shall thereafter in accordance with the City's water ordinances, policies and regulations provide treated water to the parcels, properties and tracts specifically listed on **Exhibit A**;
- b. The City shall charge rates for Reeder Mesa the same as for the other customers of the City's Kannah Creek Water System and shall hold the current rate until January 1, 2005.
- c. Pursuant to the rules and requirements of the City Council of the City, the City shall operate, own and maintain the Distribution System.
- d. The City agrees to limit its service under this Agreement, and the number of taps and connections to the Distribution System to the number of taps/connections and those parcels and tracts. The total of such taps/connections is or may be _____.

- e. Other than as shown in Exhibit B, the City agrees to not allow other connections to the Distribution System within the Reeder Mesa service area (shown on Exhibit B).
 - f. The City agrees to reasonably repair all leaks and breaks, so that the hydrostatic pressure available through the Distribution System is substantially equivalent to that available historically before the closing.
4. Taps. Tap Fee. Future Connection.
- a. a. The City agrees that the owners of In-Use Taps will not be charged a plant investment fee (PIF) commonly referred to as a connection or tap fee for initial delivery of water by the City.
 - b. Until January 1, 2013, the City agrees to allow the owners of Not-In-Use Taps to connect to the System for no greater than \$1,500.00 per tap, in addition to the actual costs in personnel and materials needed to make the delivery of water physically possible.
- The parties agree that there shall be only one single family residence supplied by any one tap or connection.
- c. Other than as provided in 4a. and 4b. above, all connections and/or taps to the Distribution System shall pay the Kannah Creek Water System plant investment fee, currently \$8,500.00, in addition to the actual costs incurred in making such connections and taps.
 - d. Other than connections to the Distribution System as of the date of Closing, the parties agree that there shall be no water delivered pursuant to this Agreement to any parcel that is less than 35 acres, except as shown on Exhibit B.
 - e. The City agrees that it will not supply water in the Reeder Mesa Service Area, other than as specifically authorized in this Agreement.
5. Waiver. Release. Hold Harmless.
- a. The Company, for itself and for each Company Member, agrees that actions against the City based on enforcement of this Agreement, and any terms or provisions hereof, shall be limited to actions initiated by the Company. To effectuate this concept, by closing, the Company, for itself and for each Company Member, waives and releases any claims that might otherwise be held or made by a Company Member, except the following:

- b. The Company or an individual or a Company Member may sue the City for negligent or intentional misconduct for failure to provide treated water in accordance with State and Federal water treatment regulations.

Notwithstanding 5a, a Company Member, an owner of an in-use tap, not-in-use tap, or any other tap or connection to the Reeder Mesa System, has one and only one additional remedy, to with, the right to sue the City to specifically enforce the terms hereof, however the City shall not be liable for any compensation or other damages or attorneys fees in any such action, no matter how stated.

- c. Third party beneficiaries of this agreement, by receiving water hereunder, and other benefits hereunder, shall be bound by the terms of this paragraph and this agreement.

6. Description of Easements and ROW.

The parties agree that the City will need at least twenty feet (20') of working area and easement width, centered on the pipe or facility in question, throughout the Distribution System. Rather than incur the costs to survey existing pipes, the parties agree to identify (as accurately as possible given present information) the location of existing pipes on the attached aerial photographs (**Exhibit B**), thereby identifying the twenty foot (20') width centered on the pipe.

7. No assumption of liabilities.

The City is not purchasing or assuming any liabilities, debts or obligations of the Company and the Property does not include any such liability, debt or obligation necessary to supply water to the customers of the Company.

8. Closing.

- a. a. At closing, the Company shall deliver to the City the completed Exhibits A and B.
- b. At closing, the Company shall provide the City with maps identifying in detail the Company's best information concerning the location of each tap, meter pit, valve, fire hydrant, location and length of pipeline (including the size, date of installation, repair history, and type of material) which is necessary to deliver water to any Company customer or Company Member. Along with the real property interests and the Distribution System, the foregoing shall be referred to herein as the "Reeder Mesa System."

9. Taps Not Transferable.
All taps and PIF's to the Reeder Mesa System shall be non-refundable and non-transferable from the physical location applied for, except that the Not-In-Use Taps will not be allocated to a physical location until initially placed in service.
10. Time and Materials for Taps.
Each owner or customer receiving water from the Reeder Mesa System shall pay to the City the costs of making the physical connection, on a "time and materials" basis, from the owner's side of the meter to the pipe of the Distribution System, including the extension of any service line or taps, installation of meters and meter pits. No customer or owner of a tap shall be entitled to maintain continued water service from the City unless such person pays to the City and such costs within thirty (30) days of billing. The City may disconnect any such tap and discontinue any service as provided by the City's ordinances relating to water supply to City residents.
11. Water System Ordinances and Regulations.
 - a. Upon closing, the City's water ordinances, policies and regulations shall apply to the Reeder Mesa System (also termed the Distribution System) unless specifically otherwise provided for herein.
 - b. The City's ordinances relating to the City's existing distribution system define the individual customer or users services duties and ownership as being on the "house" side of the water meter. The parties agree that the meter, and all pipe and facilities which are on the treatment plant side of the meter, are part of the Distribution System.
12. No Assignment Without Consent.
No assignment of any Not-In-Use Tap shall be effective until the City receives the assignor's assignment, in writing, in a form acceptable to the City. No other taps are assignable.
13. Meters.
Before Closing, the Company will coordinate with the City regarding the final reading of meters. The City shall have no responsibility for collecting any Company bills or accounts receivable, however, the City may cooperate with the Company in closing out the Company's accounts receivable. Should any customer pay a Company bill to the City, the City will forward such payments amounts to the Company at its last known address.
14. Toxics.

The Company, by executing and authorizing this Agreement, represent to the City that it has no knowledge of any toxic, hazardous, or regulated substances, or underground storage tanks, on or within any portion of the Reeder Mesa System nor within, on, in or under any right-of-way and/or easements relating to the Reeder Mesa System.

15. Defaults.

If any payment due hereunder is not paid, honored or tendered when due, or if any other obligation hereunder is not performed as herein provided, there shall be the following remedies:

- a. IF THE CITY IS IN DEFAULT, the Company may treat this Agreement as canceled or the Company may sue for specific performance; notwithstanding any other provision hereof, in no event may the Company sue the City for any monetary damages, of whatever form. See Paragraph 5.
- b. IF THE COMPANY IS IN DEFAULT, the City may treat this Agreement as being in full force and effect and shall have the right to specific performance. In addition, if the City, in reliance on this Agreement, has spent money or incurred expenses or costs, and the Company either fails to close or cannot close, the City has the right to sue for such damages, costs and expenses, including attorney's fees.

16. No Third Party Beneficiaries.

create rights in any third party, except as provided in section 5d..

17. Council Approval.

This Agreement and the City's obligation to proceed under its terms is expressly conditioned upon the consent and approval of the City Council of the City of Grand Junction.

18. Entire Agreement.

This Agreement contains the entire agreement between the parties and cannot be changed or modified except by a written instrument subsequently executed by the parties hereto. The parties have had extensive discussions and negotiations. If a term or provision is not written in this contract, it shall not be enforceable.

19. Advisors.

The Company and the City each agree to rely on the advice of their own tax and legal counsel regarding this Agreement. Any ambiguity shall not be construed against the drafter.

20. Term.

This Agreement shall remain in effect from closing date forward .

IN WITNESS WHEREOF, the City of Grand Junction, Colorado, has caused this Agreement to be subscribed by its City Manager and sealed and attested by its City Clerk in its behalf; and Reeder Mesa Livestock Water Company has signed this Agreement the day and the year first mentioned herein.

CITY OF GRAND JUNCTION

WATER COMPANY

Kelly Arnold, City Manager

Richard Weber, President

ATTEST:

Stephanie Tuin, City Clerk

Diane Dea, Secretary

Attach 23

Bond Ordinance for Community Hospital

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---------------------------------------|-----|--|-------------------------------------|----------------|---------------------------------|
| Subject | Bond Ordinance for Community Hospital | | | | | |
| Meeting Date | April 2, 2003 | | | | | |
| Date Prepared | March 31, 2003 | | | | | |
| Author | Ron Lappi | | Administrative Services and Finance Director | | | |
| Presenter Name | Ron Lappi | | Administrative Services and Finance Director | | | |
| Report results back to Council | <input checked="" type="checkbox"/> | No | | Yes | When | |
| Citizen Presentation | | Yes | <input checked="" type="checkbox"/> | No | Name | |
| | Workshop | Yes | Formal Agenda | <input checked="" type="checkbox"/> | Consent | Individual Consideration |

Summary: An ordinance authorizing the issuance and sale of City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project), Series 2003, in the aggregate principal amount not to exceed \$3,025,000; making determinations as to sufficiency of revenues and as to other matters related to the project and approving the form and authorizing the execution of certain documents relating thereto.

Budget: No budget impact on the City of Grand Junction

Action Requested/Recommendation: Approve the bond ordinance on first reading and schedule the second reading and public hearing on April 16, 2003.

Attachments: Bond Ordinance

Background Information: The City of Grand Junction has been requested to authorize tax exempt bonds not to exceed \$3,025,000 on behalf of Community Hospital. The proposed ordinance accomplishes the issuance of these bonds for the 501 C (3) hospital. The bonds are not an obligation of the City nor do they in any way use our

credit rating. In the past we have issued bonds on their behalf. The Administrative Services Director did solicit input from the City Council on any concerns about the City facilitating this issue and no one had any objections.

CERTIFIED RECORD
OF
PROCEEDINGS
OF
THE CITY COUNCIL
OF
THE CITY OF GRAND JUNCTION, COLORADO
RELATING TO
AN ORDINANCE
AUTHORIZING THE ISSUANCE
OF
A DEVELOPMENT REVENUE BOND
(COMMUNITY HOSPITAL PROJECT)
SERIES 2003
IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED
\$3,025,000

STATE OF COLORADO)
)
 COUNTY OF MESA) ss.
)
 CITY OF GRAND JUNCTION)

The City Council of the City of Grand Junction, Colorado, held a regular meeting open to the public in the Auditorium located at 250 N. 5th Street, Grand Junction, Colorado, on Wednesday, the 2nd day of April 2003, at the hour of 7:30 p.m.

The following members of City Council, constituting a quorum thereof, were present:

| <u>Name</u> | <u>Title</u> |
|---------------------|---------------|
| Cindy Enos-Martinez | Mayor |
| Dennis Kirtland | Mayor Pro Tem |
| Harry Butler | Councilmember |
| Janet Terry | Councilmember |
| William McCurry | Councilmember |
| James Spehar | Councilmember |
| Reford Theobald | Councilmember |

The following persons were also present:

| <u>Name</u> | <u>Title</u> |
|----------------|----------------------------------|
| Stephanie Tuin | City Clerk |
| Ron Lappi | Administrative Services Director |
| Dan Wilson | City Attorney |

Thereupon, the following proceedings, among others, were had and taken:

Councilmember _____ then introduced and moved the adoption on first reading of the following Ordinance, which was read by title, copies thereof having been made available to the Council and to the public:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF GRAND JUNCTION, COLORADO, DEVELOPMENT REVENUE BOND (COMMUNITY HOSPITAL PROJECT), SERIES 2003, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,025,000; MAKING DETERMINATIONS AS TO SUFFICIENCY OF REVENUES AND AS TO OTHER MATTERS RELATED TO THE PROJECT AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS RELATING THERETO.

WHEREAS, the City of Grand Junction, Colorado (the "Issuer" or the "City"), is authorized by its Home Rule Charter (the "Charter"), the provisions of the County and Municipality Development Revenue Bond Act, article 3 of title 29, Colorado Revised Statutes, as amended (the "Act"), and the provisions of the Supplemental Public Securities Act, part 2, article 57 of title 11, Colorado Revised Statutes, as amended (the "Supplemental Act") to issue revenue bonds for the purpose of financing projects to be located within the Issuer for the purposes enumerated in the Act, to enter into financing agreements with others for the purpose of providing revenues to pay such bonds, and further to secure the payment of such bonds; and

WHEREAS, the Act provides that title to any project may at all times remain in the name of the user of the project; and

WHEREAS, Colorado West HealthCare System, d.b.a. Community Hospital, a Colorado nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Borrower"), has requested that the Issuer issue its revenue bond in accordance with the Charter and the Act, such bond to be designated the City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project) Series

2003 (the "Bond"), the proceeds of which shall be loaned to the Borrower for the purposes of (i) providing funds which will be sufficient to finance the purchase of a new phone system and medical equipment, including MRI, CT Scanner, Ultra-sound machines and diagnostic software and other medical equipment to be used at the Borrower's healthcare facilities located at 2021 North 12th Street, Grand Junction, Colorado 81501 (the "Project"), and (ii) paying certain costs relating to the issuance of the Bond; and

WHEREAS, a Financing and Security Agreement, to be dated as of May 1, 2003 (the "Agreement"), among the Issuer, the Borrower and Wells Fargo Bank West, N.A., a national banking association (the "Bank") has been submitted to the City Council (the "Council") and filed in the office of the City Clerk (the "Clerk"), and is there available for public inspection; and

WHEREAS, the Council desires at this time to authorize the issuance of the Bond, for the purpose of the Project; and

WHEREAS, a public hearing before the Council concerning the proposed Bonds and the nature and location of the Project is scheduled to be held on April 16, 2003, and such public hearing in accordance with Section 147(f) of the Internal Revenue Code of 1986 will be required as condition to the issuance and sale of the Bonds; and

WHEREAS, it is necessary or desirable to authorize the issuance of the Bond by Ordinance and to approve the form and authorize the execution of the Agreement.

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

Section 1. Approvals and Authorizations. The form of the Agreement, including the form of the Bond (collectively, the “Issuer Documents”) is hereby approved. The Mayor or the Mayor-Pro-Tem and the Clerk or a deputy are hereby authorized and directed to execute the Issuer Documents and to affix the seal of the Issuer thereto, and further to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable by bond counsel in order to issue and secure the Bond. Such documents are to be executed in substantially the form hereinabove approved, provided that such documents may be completed, corrected, or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Ordinance. Copies of all of the documents shall be delivered, filed and recorded as provided therein. The rights, title and interest of the Issuer in the Agreement when executed, shall, by the terms thereof, have been assigned to the Trustee except as therein provided.

Section 11-57-204 of the Supplemental Act provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Board hereby elects to apply all of the Supplemental Act to the Bonds.

The proper officers of the Issuer are hereby authorized and directed to prepare and furnish to bond counsel certified copies of all proceedings and records of the Issuer relating to the Bond and such other affidavits and certificates as may be required to show the facts relating to the authorization and issuance thereof, as such facts appear from the books and records in such officers' custody and control.

The approval hereby given to the various documents referred to above includes the approval of such additional details therein as may be necessary and appropriate for their

completion and such modifications thereof, deletions therefrom, and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any instrument by the appropriate officers of the Issuer herein authorized shall be conclusive evidence of the approval by the Issuer of such instrument in accordance with the terms hereof.

Section 2. Issuance and Sale of Bond. The Issuer shall issue its Development Revenue Bond (Community Hospital Project) Series 2003, to be in registered form and to be dated as provided in the Agreement, in a total principal amount not to exceed \$3,025,000, for the purposes, in the forms and upon the terms set forth in this Ordinance and the Agreement, including the form of the Bond as set forth in the Agreement.

The Bond shall be payable in the manner and to the persons set forth in the Agreement and the form of the Bond set forth therein.

The maximum net effective interest rate authorized for the Bond shall not exceed 10% per annum.

Section 3. Determinations. It is hereby found, determined and declared, that:

(a) The financing of the Project will promote the public health, welfare, safety, convenience and prosperity and promote and develop trade or other economic activity by including commercial and business enterprises to locate, expand or remain in the Issuer and the State of Colorado, in order to mitigate the serious threat of extensive unemployment and to secure and maintain a balanced and stable economy for the Issuer and the State of Colorado.

(b) The maximum amounts necessary in each year to pay the principal of and interest on the Bond and the interest rate or rates to be borne by the Bond are as provided in the Agreement.

(c) The payments required in the Agreement to be made are sufficient to pay the principal of and interest on the Bond when due, and to pay all other costs required in the Agreement to be paid, including all sums referred to in paragraphs (b), (d) and (e) of this section.

(d) The Agreement provides that the Borrower shall maintain the Project in good repair and carry all proper insurance with respect thereto.

(e) The Agreement requires that the Borrower pay the taxes and other governmental charges with respect to the Project, including taxes and charges which the taxing entities specified in C.R.S. Section 29-3-120 are entitled to receive, and sufficient revenues for such purpose are thereby provided.

(f) The City hereby certifies that the reasonably anticipated aggregate amount of tax-exempt obligations which will be issued by the City and all subordinate entities of the City during the calendar year 2003 (excluding the portion of obligations issued to currently refund any obligation to the extent the amount of the refunding obligation does not exceed the outstanding amount of the refunded obligation) will not exceed \$10,000,000. Accordingly, the City hereby designates the Bond for purposes of Section 265(b)(3) of the Code as a "qualified tax-exempt obligation."

Section 4. Nature of Obligation. Under the provisions of the Charter, the Act and the Supplemental Act, and as provided in the Agreement and the Bond, the Bond shall be a special, limited obligation of the Issuer payable solely from, and secured by a pledge of, the revenues derived from the Agreement, and any collateral provided by the Borrower. The Issuer does not pledge any of its property or secure the payment of the Bond with its property. The Bond and the interest thereon shall never constitute the debt or indebtedness or a multi-year fiscal obligation or

the financial obligation of the State of Colorado or any political subdivision thereof, including the Issuer, within the meaning of any provision or limitation of the Colorado Constitution or statutes of the State of Colorado or the Charter, and shall not constitute or give rise to a pecuniary liability of the Issuer, its agents, employees or officers, or a charge against its general credit or taxing powers. In entering into the Issuer Documents, the Issuer will not obligate itself, except with respect to the application of the revenues derived from the Agreement and the Bond proceeds. The Issuer will not pay out of its general fund or otherwise contribute any part of the cost of financing the Project. No costs are to be borne by the Issuer in connection with the issuance of the Bond. The Agreement provides that all fees and expenses of the Issuer shall be paid by the Borrower.

Section 5. Bond Printing and Related Matters. The officers of the Issuer are hereby authorized and directed to arrange for the printing of the Bond, provided that, subject to Section 3(c) above, the Borrower shall pay for all costs in connection with the preparation and printing of the Bond and no such costs are to be borne by the Issuer. The Bond will be purchased by the Bank in accordance with the Agreement.

Section 6. Bond Ordinance Irrepealable. After the Bond is issued, this Ordinance shall constitute an irrevocable contract between the Issuer and the holder(s) of the Bond and shall be and remain irrepealable until the Bond, both principal and interest, shall be fully paid, cancelled and discharged.

Section 7. Ratification. All actions heretofore taken by the Issuer and by the officers thereof or on their behalf not inconsistent herewith directed toward the financing of the Project and the issuance and sale of the Bond, or the conduct of a public hearing relating to the issuance

of the Bond or the location and nature of the Project, are hereby ratified, approved and confirmed.

Section 8. Repealer. All acts, orders, ordinances, resolutions or parts thereof, taken by the Issuer and in conflict with this Ordinance, are hereby repealed except that this repealer shall not be construed so as to revive any act, order, ordinance, resolution or part thereof heretofore repealed.

Section 9. Other Matters. By the passage of this Ordinance, the Council does not intend to approve, nor is it approving hereby, any matters relating to licensing, subdivision zoning, planning or landscaping of the Project. Approval of such matters must be obtained under normal procedures of the Issuer.

Section 10. Severability. If any paragraph, clause, section or provision of this Ordinance, except Section 4 hereof, is judicially adjudged invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining paragraphs, clauses, sections or provisions hereof.

Section 11. Effective Date. This Ordinance shall be effective thirty days after proper publication.

City Council

April 2, 2003

INTRODUCED AND ADOPTED ON FIRST READING, this 2nd day of April, 2003.

CITY OF GRAND JUNCTION, COLORADO

By: _____
Cindy Enos-Martinez, Mayor

(SEAL)

ATTEST:

Stephanie Tuin, City Clerk

ADOPTED AND FINALLY APPROVED, this _____ day of _____, 2003.

CITY OF GRAND JUNCTION, COLORADO

By: _____
Cindy Enos-Martinez, Mayor

(SEAL)

ATTEST:

Stephanie Tuin, City Clerk

Councilmember _____ seconded the motion to adopt on first reading, and the question being upon the passage of said proposed Ordinance on first reading, the roll was called with the following results:

Those voting "AYE":

Those voting "NO":

Those absent:

A majority of the members of the Council present having voted in favor of the passage on first reading of said proposed Ordinance, the presiding officer thereupon declared the motion duly passed and instructed the City Clerk or her deputy to publish in pamphlet form the Ordinance once in a newspaper legally qualified for City publications at least ten (10) days before consideration of the Ordinance for final passage and adoption or second reading.

Thereupon, after consideration of other business to come before the Council, the meeting was adjourned.

Cindy Enos-Martinez, Mayor
City of Grand Junction, Colorado

(SEAL)

ATTEST:

Stephanie Tuin, City Clerk
City of Grand Junction, Colorado

STATE OF COLORADO)
)
 COUNTY OF MESA) ss.
)
 CITY OF GRAND JUNCTION)

The City Council of the City of Grand Junction, Colorado, held a regular meeting open to the public in the Auditorium located at 250 N. 5th Street, Grand Junction, Colorado, on Wednesday, the 16th day of April 2002, at the hour of _____ p.m.

The following members of City Council, constituting a quorum thereof, were present:

| <u>Name</u> | <u>Title</u> |
|---------------------|---------------|
| Cindy Enos-Martinez | Mayor |
| Dennis Kirtland | Mayor Pro Tem |
| Harry Butler | Councilmember |
| Janet Terry | Councilmember |
| William McCurry | Councilmember |
| James Spehar | Councilmember |
| Reford Theobald | Councilmember |

The following persons were also present:

| <u>Name</u> | <u>Title</u> |
|----------------|----------------------------------|
| Stephanie Tuin | City Clerk |
| Ron Lappi | Administrative Services Director |
| Dan Wilson | City Attorney |

Thereupon, the following proceedings, among others, were had and taken:

The City Clerk informed the City Council that the proposed Ordinance, which was ordered published in pamphlet at the meeting of April 2, 2003, was duly published in a newspaper legally qualified for City publication, in its issue of April ____, 2003.

The Mayor declared that this was the time and place scheduled for a hearing on the proposed bonds, on the nature and location of project and on the ordinance, and declared the public hearing open, whereupon the following persons appeared:

[None]

The Mayor thereupon declared the public hearing closed.

Councilmember _____ then moved that the proposed Ordinance, as amended, which was read by title, copies thereof having previously been made available to the council and to the public, be passed and adopted on second reading, and that the proposed Ordinance be approved. Councilmember _____ seconded the motion, and the question being upon passage and adoption of said Ordinance or second reading, the roll was called, with the following result:

Those voting "AYE":

Those voting "NO": NONE

Those absent:

At least four (4) members of the entire City Council having voted in favor of the final passage and adoption of said Ordinance, the presiding officer thereupon declared the same finally passed and adopted and instructed the City Clerk to record such Ordinance in an

Ordinance Book kept for such purposes, and to publish the title of the proposed Ordinance and a summary of the provisions thereof including a notice that copies of the Ordinance are available at the office of the City Clerk or to publish the Ordinance in full in a newspaper legally qualified for City publication.

Thereupon, after consideration of other business to come before the Council, the meeting was adjourned.

Cindy Enos-Martinez, Mayor
City of Grand Junction, Colorado

(SEAL)

ATTEST:

Stephanie Tuin, City Clerk
City of Grand Junction, Colorado

STATE OF COLORADO)
)
 COUNTY OF MESA) ss.
)
 CITY OF GRAND JUNCTION)

The undersigned, City Clerk of the City of Grand Junction, Colorado, does hereby certify that the attached copy of Ordinance No. _____, authorizing the issuance of City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project) Series 2003, in the total principal amount not to exceed \$3,025,000 (the "Bond") is a true and correct copy thereof as finally enacted, passed and adopted by the Council at regular meetings thereof held at the Auditorium located at 250 N. 5th Street, Grand Junction, Colorado, the regular meeting place thereof, on Wednesday the 2nd day of April, 2003 and Wednesday the _____ day of _____, 2003, that the original of said Ordinance has been duly executed and authenticated by the signatures of the Mayor or Mayor Pro Tem of the City and myself, sealed with the seal of the City, and recorded in the Ordinance Book of the City; that a public hearing on the nature and location of the project to be financed with proceeds of the Bond and on the Bond was held at a regular meeting of the Council on Wednesday, the _____ day of _____, 2003, following publication of a notice of hearing in a newspaper of general circulation in the City of Grand Junction, Colorado, as evidenced by the affidavit of publication attached hereto at page A; that the attached constitutes a full, true and correct copy of the record of the proceedings of the Council at said regular meetings insofar as said proceedings relate to said Ordinance and hearing; that said proceedings were duly had and taken; that said meetings were duly held; that the persons were present at said meetings as therein shown; and that said Ordinance was published after first reading, such publication being in a newspaper legally

qualified for City publication, as evidenced by the Affidavit of Publication attached hereto at page B, and after final adoption, as evidenced by the Affidavit of Publication attached hereto at page C.

City Council

April 2, 2003

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of

Grand Junction, Colorado, this _____ day of _____, 2003.

Stephanie Tuin, City Clerk
City of Grand Junction, Colorado

(SEAL)

City Council

April 2, 2003

STATE OF COLORADO)
)
COUNTY OF MESA) ss.
)
CITY OF GRAND JUNCTION)

Proof of publication of
Notice of Public Hearing

STATE OF COLORADO)
)
COUNTY OF MESA) ss.
)
CITY OF GRAND JUNCTION)

Proof of publication of Ordinance following first reading

STATE OF COLORADO)
)
COUNTY OF MESA) ss.
)
CITY OF GRAND JUNCTION)

Proof of publication of Ordinance following adoption

**Attach 24
Fire Act Grant**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|-----------------------|------------|---|----------------------|---------------|---------------------------------|
| Subject | Fire Act Grant – FEMA | | | | | |
| Meeting Date | April 2, 2003 | | | | | |
| Date Prepared | March 31, 2003 | | | | File # | |
| Author | R. Beaty | | | Fire Chief | | |
| Presenter Name | R. Beaty | | | Fire Chief | | |
| Report results back to Council | | No | X | Yes | When | On award of grant |
| Citizen Presentation | | Yes | X | No | Name | |
| | Workshop | X | | Formal Agenda | X | Consent |
| | | | | | | Individual Consideration |

Summary: The 2003 federal Fire Act Grant process is open for applications. The Fire Department plans to submit an application for the 2003 Fire Act Grant program for the purchase of an ambulance to be used at fire station #5. The ambulance is needed for EMS operations in the Redlands area.

Budget: The estimated cost of the ambulance will be approximately \$100,000 of which the City will be required to match 30% or \$30,000. There is \$100,000 currently budgeted in the fire station #5 capital program for the purchase of a vehicle.

The Fire Act Grant is a federal program and therefore there is no TABOR impact with this grant request.

The deadline for submission of applications for the 2003 Fire Act Grant Program is April 11, 2003.

Action Requested/Recommendation: City Council approval for the Fire Department to submit a 2003 Fire Act Grant application for one ambulance.

Attachments: None

Background Information: The Fire Act Grant program is a federal grant program administered through the Federal Emergency Management Agency (FEMA). The Fire Act grant is in its third year. Each year, the program has fallen under scrutiny at the

federal level and is subject to year-to-year appropriation. This year President Bush increased the appropriation to \$710 million, up from \$360 million in 2002. There are approximately 32,000 fire departments eligible for grant funding under the Fire Act.

Fire Act 2002 requires that all grant requests be project specific and fit into one of four categories. These categories include: 1) fire operations and firefighter safety, 2) fire prevention programs, 3) EMS, and 4) firefighter vehicles acquisition programs. Departments can only submit one application under one category and each category has limits on the request. The Grand Junction Fire Department's request falls to category (4) firefighter vehicles acquisition.

Conditions for the grantee include:

- 1) Share in the cost of the project as outlined above.
- 2) Maintain one year of operating cost (the program is intended to supplement, not replace funding).
- 3) Retain grant files and supporting documentation for three years.
- 4) Ensure that all procurement actions are conducted in a manner that provides, to the maximum extent possible, open and free competition.
- 5) Report to FEMA on the progress made on the grant after six months and at closeout.
- 6) Make grant-related files available and, if necessary, perform an audit to ensure compliance with any program requirement.
- 7) Provide and participate in the National Fire Incident Report System (NFIRS) run by the U.S. Fire Administration.
- 8) Follow the audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. This requirement is for grantees who expend greater than \$300k or more in federal funds. This would not apply to Grand Junction's request.

A competitive bid process would be utilized for the selection and purchase of a new ambulance. The availability of multiple vendors, City of Grand Junction purchasing policies and requirement under number 4 of the Fire Act grant suggest a competitive process.

Based on program timelines and the competitive process for selection and purchase, the ambulance would not be purchased and available before the fourth quarter of 2003.