

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
MONDAY, NOVEMBER 17, 2008, 7:00 P.M.**

Call to Order

Pledge of Allegiance
Invocation – Associate Pastor Virgil Christopherson,
Calvary Bible Church

Certificates of Appointment

To the Housing Authority

Council Comments

City Council/City Manager Meeting Schedule Review

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Minutes of the November 3, 2008 and the November 5, 2008, Regular Meetings.

2. **Contract for the Monument Road Bridge Replacement Project** [Attach 2](#)

Two bids were received on November 4, 2008 for replacement of the Monument Road Bridge over the Redlands Power Canal. G.A. Western Construction Company submitted the low bid of \$821,389.00. The bridge replacement project is scheduled to begin on January 5, 2009 with a final completion date of April 30, 2009

Action: Authorize the City Manager to Sign a Construction Contract with G.A. Western Construction Company, in the Amount of \$821,389.00 for the Monument Road Bridge Replacement

Staff presentation: Tim Moore, Public Works and Planning Director

3. **Accepting a Grant of Federal Funds for Roundabout Construction at 23 Road and G Road** [Attach 3](#)

Federal aid funds have been awarded to the City from the Federal Hazard Elimination Program for reconstruction of the intersection of 23 Road and G Road. The project shall consist of right-of-way acquisition and incidentals, design and construction of a roundabout and associated intersection improvements at 23 Road and G Road.

Resolution No. 141-08—A Resolution Accepting Federal Aid Funds for Construction Work at the Intersection of 23 Road and G Road, Authorizing City Matching Funds and Authorizing the City Manager to Sign the Intergovernmental Agreement with the Colorado Department of Transportation

Action: Adopt Resolution No. 141-08

Staff presentation: Tim Moore, Public Works and Planning Director

4. **Accepting an Energy and Mineral Impact Grant for Design of the Emergency Services Training Facility** [Attach 4](#)

A request to accept an Energy and Mineral Impact Grant, in the amount of \$180,000, as partial funding for the design of the Emergency Services Training Facility, to be located with the National Guard facility on D Road in Pear Park.

Action: Authorize the City Manager to Sign the Energy and Mineral Impact Grant Contract, in the Amount of \$180,000

Staff presentation: Ken Watkins, Fire Chief

5. **Setting a Hearing on the Tall Pines Investments Rezone, Located at 2101 Patterson Road** [File #GPA-2008-199] [Attach 5](#)

Request to rezone 10.44 acres located at 2101 Patterson Road, from R-8 (Residential 8 du/ac) to R-16 (Residential 16 du/ac).

Proposed Ordinance Rezoning the Tall Pines Investments Property from R-8 (Residential 8 du/ac) to R-16 (Residential 16 du/ac), Located at 2101 Paterson Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 1, 2008

Staff presentation: Senta L. Costello, Senior Planner

6. **Setting a Hearing on the Supplemental Budget Appropriation Ordinance for 2008** [Attach 6](#)

The request is to appropriate additional sums of money for the City's accounting funds that require supplemental funds based on the 2008 revised budget. This request also includes the Downtown Development Authority Funds.

Proposed Ordinance Making Supplemental Appropriations to the 2008 Budget of the City of Grand Junction

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 3, 2008

Staff presentation: Jodi Romero, Financial Operations Manager

7. **Setting a Hearing on the 2009 Budget Appropriation Ordinance** [Attach 7](#)

The request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2009 proposed budget.

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2009, and Ending December 31, 2009

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 3, 2008

Staff presentation: Jodi Romero, Financial Operations Manager

8. **Downtown Holiday Parking** [Attach 8](#)

The Downtown Partnership and Development Authority have requested free parking in the downtown area again this year during the holiday shopping season. City Staff recommends Free Holiday Parking in all of downtown, including the first floor of the Rood Avenue parking structure, with the exception of government offices, illegal parking areas, and shared-revenue lots.

Action: Vacate Parking Enforcement at all Designated Downtown Metered Spaces and Signed Parking from Thanksgiving to New Year's Day, Except Loading, No Parking, Handicapped, and Unbagged Meter Spaces Surrounding Government Offices. Metered Spaces will be Designated by Covering the Meter with the well-known "Seasons Greetings-Free Parking" Red Plastic Bag

Staff presentation: Jodi Romero, Financial Operations Manager

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

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

9. **5-2-1 Drainage Authority Update, Fee Assessment Proposal and IGA for the Provision of Stormwater Services** [Attach 9](#)

The Drainage Authority Manager will be presenting a proposed IGA for the purpose of the Authority to provide stormwater contract services that are currently required under Grand Junction's Colorado Discharge Permit System (CDPS) Stormwater Discharge Permit. Eric Mende, Authority Manager, will present a briefing on the IGA.

Action: Authorize the Mayor to sign the Intergovernmental Agreement on behalf of the City of Grand Junction

Staff presentation: Eric Mende, 5-2-1 Drainage Authority Manager

10. **Public Hearing - Allen Annexation and Zoning, Located at 811 22 Road** [File #ANX-2008-258] [Attach 10](#)

Request to annex 6.00 acres, located at 811 22 Road to I-1 (Light Industrial) . The Allen Annexation consists of one (1) parcel and includes a portion of the 22 Road Right-of-Way.

a. Accepting Petition

Resolution No. 142-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Allen Annexation, Located at 811 22 Road and Including a Portion of the 22 Road Right-of-Way is Eligible for Annexation

®Action: Adopt Resolution No. 142-08

b. Annexation Ordinance

Ordinance No. 4303—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Allen Annexation, Approximately 6.00 Acres, Located at 811 22 Road and Including a Portion of the 22 Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4304—An Ordinance Zoning the Allen Annexation to I-1 (Light Industrial) Located at 811 22 Road

®Action: Adopt Resolution No. 142-08 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4303 and 4304

Staff presentation: Judith Rice, Associate Planner

11. **Public Hearing - Inclusion of Grand Valley Catholic Outreach Property Located at 217 White Avenue into Downtown Development Authority Boundaries** [Attach 11](#)

The Grand Valley Catholic Outreach has requested inclusion into the Downtown Development Authority in order to consolidate their holdings under the requirements of Mesa County into one property. The DDA Board of Directors has approved this request, which is now submitted for consideration by the City Council.

Ordinance No. 4305—An Ordinance of the City Council of Grand Junction, Colorado Approving Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include Property at 217 White Avenue owned by the Grand Valley Catholic Outreach

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4305

Staff presentation: Heidi Hoffman Ham, DDA Executive Director

12. **Public Hearing - Proposed Amendments to the Submittal Standards for Improvements and Development (SSID)** [File #TAC-2008-295] [Attach 12](#)

The City of Grand Junction proposes to amend the Submittal Standards for Improvements and Development (SSID) to reflect the statutory requirement for landscape plans to be stamped by a Landscape Architect licensed by the State of Colorado, pursuant to C.R.S. §12-45-101 *et seq.*

Ordinance No. 4306—An Ordinance Amending the Submittal Standards for Improvements and Development (SSID) to Require Landscape Plans to be Stamped by a Licensed Landscape Architect

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4306

Staff presentation: Lisa E. Cox, Planning Manager

13. **Public Hearing - Provisions Regarding Growth Plan Amendments to be Reviewed Concurrently with Zoning Requests** [File #TAC-2007-307] [Attach 13](#)

The City of Grand Junction adopted Ordinance No. 4140 on November 19, 2007 which provided that a Growth Plan Amendment could be reviewed more than twice a year. Previously, the Code only allowed Growth Plan Amendments to come forward twice per year. In Ordinance No. 4140, the City Council included a sunset clause to allow the City Council to review the change and reconsider the provisions of the ordinance twelve (12) months from its adoption.

Ordinance No. 4307—An Ordinance Readopting the Provisions of Ordinance No. 4140 which Amended Section 2.5 of the Zoning and Development Code to Allow Amendments to the Growth Plan and/or the Future Land Use Map More than Twice each Calendar Year

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4307*

Staff presentation: Lisa E. Cox, Planning Manager

14. **Non-Scheduled Citizens & Visitors**
15. **Other Business**
16. **Adjournment**

Attach 1

Minutes of Previous Meetings

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

November 3, 2008

The City Council of the City of Grand Junction convened into regular session on the 3rd day of November 2008 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, Linda Romer Todd, and Council President Gregg Palmer. Also present were City Manager Laurie Kadrach, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Beckstein lead in the Pledge of Allegiance.

Father Edmundo Valera, St. Joseph's Catholic Church, led the invocation.

Proclamations/Recognitions

Proclaiming the Month of November, 2008 as "Hospice and Palliative Care Month" in the City of Grand Junction

Proclaiming November 11, 2008 as "A Salute to All Veterans 2008" in the City of Grand Junction

Appointments

Councilmember Coons moved to appoint Timothy Hudner for a five year term expiring October, 2013 to the Grand Junction Housing Authority. Councilmember Hill seconded the motion. Motion carried.

Councilmember Hill moved to appoint Patrick Carlow, Lynn Pavelka-Zarkesh, and Mark Abbott to four year terms expiring October, 2012, and Ebe Eslami to a one year term, expiring October, 2009 to the Grand Junction Planning Commission. Councilmember Beckstein seconded the motion. Motion carried.

Council Comments

Councilmember Coons noted the number of qualified applicants for the volunteer boards and how outstanding they are. She thanked those in the community who volunteer to serve.

Councilmember Doody announced there will be ceremony at the Vietnam Veterans War Memorial for the Veteran's Day featuring new sound system that has been installed at the memorial. On November 14th, the All Services Military Ball will be held; Janice Nark will be the keynote speaker.

Citizen Comments

There were none.

City Council/City Manager Meeting Schedule Review

City Manager Kadrich reviewed the meeting schedule for the next two months. The November City-County meeting has been canceled. The next workshop in November, there will be discussion on the Comprehensive Plan. In December, some time will be set aside to work on the Work Plan for 2009.

Councilmember Coons asked for mention of the afternoon Budget Workshop. City Manager Kadrich stated the time and place as being Wednesday November 5th at Two Rivers Convention Center at 11:30 a.m.

Councilmember Hill asked if, the day following the next workshop, November 18, Tuesday, is there an additional Comprehensive Plan roundtable? Public Works and Planning Director Tim Moore explained that on Tuesday it will be a continued discussion with Staff and the City Council. Councilmember Hill mentioned that the Plan at some point needs to be synchronized with the Planning Commission. City Manager Kadrich noted there are still seven or eight policy decisions to be made on the Plan, which may take more than one meeting.

City Manager Kadrich then referred to the item on the Wednesday agenda regarding the gentlemen's club. Both Administration and City Council have received a number of public comments. She noted that Wednesday night will be City Council reviewing the Planning Commission decision. Some citizens have expressed a desire to testify on Wednesday night; however that item on the Wednesday agenda will be a review of the record, not a night to receive testimony. That is not to say there will not be a future public hearing, but City Manager Kadrich wanted the listening audience to be aware that testimony will not be taken on Wednesday.

Council President Palmer restated that information in order to have clarification. Councilmember Coons restated that there will be no additional testimony.

CONSENT CALENDAR

Council President Palmer noted that Staff received a request from Robert Armantrout to remove Item #2 from the Consent Calendar.

City Attorney Shaver stated in speaking with Mr. Armantrout, the petitioner asked that the item be continued to the first meeting in December.

Councilmember Todd read the Consent Calendar, and then moved to approve the Consent Calendar items #1 and #3 through #11, with item #2 being moved to the first meeting in December. Councilmember Thomason seconded the motion. The motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the October 13, 2008 and the October 15, 2008, Regular Meetings

2. **Armantrout Exclusion Request from the Horizon Drive Association Business Improvement District**

The City received a request from Robert and Yvonne Armantrout asking for exclusion from the Horizon Drive Association Business Improvement District (HDABID) for property they own at 751 Horizon Court. The matter was referred to the HDABID board who, after conducting a hearing, recommended denial.

Action: Continued to December 1, 2008

3. **Contract to Purchase Property at 310 S. 7th Street**

City staff has negotiated with the owner of 310 S. 7th Street, JoAnn Mills, for purchase of the property. The negotiations have been successful and a purchase contract for \$167,000.00 has been signed by both parties.

Resolution No. 135-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 310 S. 7th Street, Grand Junction

Action: Adopt Resolution No. 135-08

4. **Ratify Lease Agreement with Pikes Peak Television, Inc. (KJCT)**

The City owns real property on Grand Mesa, known as the Sommerville Ranch, which has been used, leased and occupied by various television and broadcasting entities since 1978 to operate television and radio transmitting equipment and facilities. The City and the current tenant, Pikes Peak Television, Inc. wish to update their current Lease Agreement and renew the lease for subsequent terms.

Resolution No. 136-08—A Resolution Authorizing and Ratifying a New Lease Agreement Between the City of Grand Junction and Pikes Peak Television, Inc.

Action: Adopt Resolution No. 136-08

5. **Setting a Hearing on Inclusion of Grand Valley Catholic Outreach Property Located at 217 White Avenue into Downtown Development Authority Boundaries**

The Grand Valley Catholic Outreach has requested inclusion into the Downtown Development Authority in order to consolidate their holdings under the requirements of Mesa County into one property. The DDA Board of Directors has approved this request, which is now submitted for consideration by the City Council.

Proposed Ordinance of the City Council of Grand Junction, Colorado Approving Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include Property at 217 White Avenue owned by the Grand Valley Catholic Outreach

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 17, 2008

6. **Revocable Permit—Redlands Mesa Restroom, Located at W. Ridges Blvd. and Lakeridge Drive** [File #RVP-2007-258]

Request for a Revocable Permit to allow a portion of a Redlands Mesa Golf Course restroom to remain partially within the City of Grand Junction owned property at Shadow Lake.

Resolution No. 137-08—A Resolution Concerning the Issuance of a Revocable Permit to Brightstar Golf Redlands Mesa LLC, a Delaware Limited Liability Company

Action: Adopt Resolution No. 137-08

7. **Setting a Hearing on Zoning the Allen Annexation, Located at 811 22 Road** [File #ANX-2008-258]

Request to zone the 5.97 acre Allen Annexation, located at 811 22 Road, to I-1 (Light Industrial).

Proposed Ordinance Zoning the Allen Annexation to I-1 (Light Industrial) Located at 811 22 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 17, 2008

8. **Setting a Hearing on the Freedom Meadows Annexation, Located at 3118 E Road** [File #ANX-2008-290]

Request to annex 7.02 acres located at 3118 E Road known as Freedom Meadows. Freedom Meadows consists of 2 parcels.

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

Resolution No. 138-08—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, Freedom Meadows Annexation, Located at 3118 E Road

Action: Adopt Resolution No. 138-08

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Freedom Meadows Annexation, Approximately 7.02 Acres, Located at 3118 E Road

Action: Introduction of Proposed Ordinance and Set a Hearing for December 15, 2008

9. **Setting a Hearing on Proposed Amendments to the Submittal Standards for Improvements and Development (SSID)** [File #TAC-2008-295]

The City of Grand Junction proposes to amend the Submittal Standards for Improvements and Development (SSID) to reflect the statutory requirement for landscape plans to be stamped by a Landscape Architect licensed by the State of Colorado, pursuant to C.R.S. §12-45-101 *et seq.*

Proposed Ordinance Amending the Submittal Standards for Improvements and Development (SSID) to Require Landscape Plans to be Stamped by a Licensed Landscape Architect

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 17, 2008

10. **Setting a Hearing on Provisions Regarding Growth Plan Amendments to be Reviewed Concurrently with Zoning Requests** [File #TAC-2007-307]

The City of Grand Junction adopted Ordinance No. 4140 on November 19, 2007 which contained a sunset clause that required Council to reconsider the provisions of the ordinance twelve (12) months from its adoption. Ordinance No. 4140 amended Section 2.5 (E) of the Zoning and Development Code to allow amendments to the Growth Plan and/or the Future Land Use Map more than twice each calendar year.

Proposed Ordinance Readopting the Provisions of Ordinance No. 4140 which Amended Section 2.5 of the Zoning and Development Code to Allow Amendments to the Growth Plan and/or the Future Land Use Map More than Twice each Calendar Year

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 17, 2008

11. **Subrecipient Contracts for Projects within the 2008 Community Development Block Grant (CDBG) Program Year** [File #CDBG-2008-04 and 2008-06]

The Subrecipient Contracts formalize the City's award of a total of \$230,400 to various non-profit organizations allocated from the City's 2008 CDBG Program as previously approved by Council.

Action: Authorize the City Manager to Sign the Subrecipient Contracts with the Riverside Task Force and the Center for Independence for the City's 2008 CDBG Program Year

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

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

Public Hearing—Rezoning Property Located at 1211 Hermosa Avenue [File #RZ-2008-216]

Request to rezone .24 acres, located at 1211 Hermosa Avenue, from R-8 (Residential, 8 DU/Ac) zone district to RO (Residential Office) zone district.

The public hearing was opened at 7:35 p.m.

Judith Rice, Associate Planner, presented this item. She described the request, the site and the location. She asked that the Staff Report and attachments be entered into the record. She stated the request meets the criteria in the Zoning and Development Code. The Planning Commission recommended approval on September 23, 2008. The representative is present but does not need to make a presentation.

Council President Palmer asked about the RO designation and the parking requirement for that designation in a residential area. Ms. Rice said the applicant would have to meet the parking requirements for that zoning; they have alley access so they may be able to meet the requirements that way.

There were no public comments.

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

Councilmember Hill, being familiar with the neighborhood, agreed that the original zoning was not in error but he does believe the review criteria have been met. The structure in question could act as a buffer to the residential, and further east, there is some mixed uses. Hilltop has offices there; there is also a school and a nursing home in that neighborhood. He believes the criteria have been met and it will be a nice transition to the neighborhood.

Councilmember Coons agreed.

Ordinance No. 4302—An Ordinance Rezoning the Property Known as 1211 Hermosa Avenue from R-8 (Residential 8 DU/Ac) to RO (Residential Office), Located at 1211 Hermosa Avenue

Councilmember Todd moved to adopt Ordinance No. 4302 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Council President Palmer reminded everyone to vote the following day, Election Day.

Adjournment

The meeting was adjourned at 7:33 p.m.

Stephanie Tuin, MMC
City Clerk

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

November 5, 2008

The City Council of the City of Grand Junction convened into regular session on the 5th day of November 2008 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, and Council President Gregg Palmer. Councilmember Linda Romer Todd was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

Council President Palmer announced that no additional public testimony will be taken on Item #5, the appeal. It is an appeal on the record only and no new testimony can be taken.

Certificates of Appointment

Mark Abbott, Patrick Carlow, and Ebe Eslami were present to receive their Certificates of Appointment to the Planning Commission.

Presentations

Stephanie Tuin, City Clerk, gave a report on the Election Results. She reviewed the phenomenal turnout of the City voters and then pointed out the number of those that did not vote on items 2A and 2B.

Councilmember Hill thanked City Clerk Stephanie Tuin for her work with Kids Voting which also had a great turnout.

Citizen Comments

There were none.

CONSENT CALENDAR

Council President Palmer asked that item #1 be pulled for individual consideration.

Councilmember Thomason read items on the Consent Calendar, and moved to approve the Consent Calendar items #2 and #3. Councilmember Beckstein seconded the motion. Motion carried by roll call vote with Councilmember Hill recusing himself from the vote on Item #3, Colorado Avenue construction contract.

1. **Contract to Purchase Property at 302 S. 7th Street**

City Staff has negotiated with the owners of 302 S. 7th Street, Bert W. Younger, Dan L. Younger, and Glen R. Younger, for purchase of the property. The

negotiations have been successful and a purchase contract for \$321,678.00 has been signed by both parties.

Action: Moved to individual consideration.

2. **Setting a Hearing on the Loy Rezone, Located at 2872 F Road** [File #RZ-2008-273]

A request to rezone 1.425 acres from R-5 (Residential, 5 DU/Ac) zone district to RO (Residential Office) zone district located at 2872 F Road.

Proposed Ordinance Rezoning a Parcel of Land from R-5 (Residential– 5 DU/Ac) To RO (Residential Office) Located At 2872 F Road

Action: Introduction on Proposed Ordinance and Set a Hearing for November 19, 2008

3. **Construction Contract for Colorado Avenue Reconstruction Project Phase II, Landscape and Irrigation**

This project consists of installation of irrigation system and landscape for Colorado Avenue from 2nd Street to 7th Street, including two (2) parking lots in the 500 and 600 blocks.

Action: Authorize the City Manager to Sign a Construction Contract for the Colorado Avenue Reconstruction Project Phase II Landscape and Irrigation to Urban Farmer, Inc. in the Amount of \$207,694.98

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Contract to Purchase Property at 302 S. 7th Street

City Staff has negotiated with the owners of 302 S. 7th Street, Bert W. Younger, Dan L. Younger, and Glen R. Younger, for purchase of the property. The negotiations have been successful and a purchase contract for \$321,678.00 has been signed by both parties.

City Attorney John Shaver reviewed this item. He described the location of the property. The property is for the future Public Safety Facility.

Councilmember Hill noted there are some items in the budget that are linked for the Public Safety Initiative. He noted that the project is a priority project for the City Council. The funding option is what was defeated. With the funding option not being approved, other options will need to be explored with those folks that did not favor the funding options put forward. He is comfortable with continuing to use those funds budgeted for the initiative.

Councilmember Coons agreed; the defeat of the ballot measures does not mean the need has gone away. She supports the continuation of the project. Additionally, the City negotiated in good faith with the Younger family and should go forward.

Councilmember Thomason stated the reason this was taken off the Consent Calendar was to reiterate that the project is still a priority.

Councilmember Doody agreed, stating assemblage of the property is still good business.

Council President Palmer said he has discomfort about going forward when the matter was just defeated. He felt that there still needs to be an analysis as to why the vote was a defeat. However, he does still support the project.

Councilmember Beckstein said the defeat was due to funding and may have been the economic situation of the nation. The need is still there. The City needs to go forward and get prepared. The project is already fifteen years too late.

Resolution No. 139-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 302 S. 7th Street, Grand Junction

Councilmember Thomason moved to approve Resolution No. 139-08. Councilmember Beckstein seconded. Motion carried by roll call vote with Council President Palmer voting NO.

Public Hearing—Merkel Growth Plan Amendment, Located at 769 24 ½ Road and 766 24 Road [File #GPA-2006-126]

Request to amend the Growth Plan, changing the Future Land Use designation from Estate (1 DU/2-5 Ac) to Commercial for property located at 769 24 ½ Road and 766 24 Road.

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

David Thornton, Principal Planner, presented this item. He described the location, the site and the proposal. He entered the Staff Report into the record. The current designation of the property is Estate and it is surrounded by Estate designated land. The property is about 15 acres. The current zoning is partially rural and the Merkel property is awaiting zoning since being annexed. There was a development proposal for a shopping center for the property but that was withdrawn. Now the property owners have asked to go forward with the Growth Plan designation and then the zoning. Two of the parcels (Parcels 4 and 5) are already zoned Commercial.

Mr. Thornton then addressed the North Central Valley Plan and its recommendation for this site. There are access issues for the southern most parcels.

Mr. Thornton reviewed the history of these parcels being brought into the Persigo Sewer Service boundary. All of these parcels were recommended for commercial uses in that study (Sub Area Plan).

With a Growth Plan Amendment, there are criteria to be reviewed. The review was as follows:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for. Mr. Thornton did not believe the designation was due to an error.
- b. Subsequent events have invalidated the original premises and findings. It was Mr. Thornton's opinion that with the continued growth in the community and the analysis done regarding traffic and access issues in the 24 Road corridor north of I-70, particularly for the 57 acres which includes the 15 acres already designated commercial, the original premise to establish the commercial boundary confined to only the two parcels totaling the 15 acres as the only area that should be commercial is no longer valid. This includes traffic access issues on 24 Road, noise impacts from I-70 and the visibility of this site for commercial purposes.
- c. The character and/or condition of the area have changed enough that the amendment is acceptable. Mr. Thornton advised that the character of the Appleton area as well as the traffic using the 24 Road interchange shows that the neighborhood has been and continues to be developing with urban land uses. I-70 continues to see an increase in daily traffic which increases the noise and traffic impacts to 24 Road. A commercial designation is more appropriate for all properties located on the north side along I-70 between 24 Road and 24 ½ Road. The south side of I-70 is Canyon View Park, a park facility that at times serves hundreds, even thousands of visitors on the same day, with its traffic and other impacts to the urban environment. All of this supports a change to this Land Use designation.
- d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans. Mr. Thornton referred to the plans and goals this change would fulfill.

The 1998 North Central Valley Plan recommends non-residential highway oriented services at the northeast corner of Interstate 70 and 24 Road.

The amendment is consistent with goals of the Growth Plan. It is important to ensure that the Future Land Use Map designates sufficient land in appropriate locations to accommodate anticipated demand for each land use category.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed. Mr. Thornton advised that there are adequate public facilities currently available and can address the impacts of any development consistent with a "Commercial" designation. The Colorado Department of Transportation completed interchange improvements including a double roundabout at I-70 and 24 Road a couple of years ago which has increased the capacity and safety of this interchange and provided increased capacity for traffic to this site.
- f. An inadequate supply of suitably designated land is available in the proposed land use. Mr. Thornton stated that the commercial areas already designated are too limited in size and the existing commercially designated property has access issues so would not fulfill the need.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment. Mr. Thornton advised the change will provide 57 acres on a site with highway visibility and flat terrain that is heavily impacted by highway noise. Commercial uses in this area will act as a buffer and transitional area from a high impact area (a busy interstate highway system) to less intensive land uses north of the site. With the visibility for business, economic value can be realized for the community.

In conclusion, he believes the request is consistent with the intent of the Growth Plan and recommends approval. Planning Commission also recommended approval.

The applicant was not present.

There were no public comments.

The public hearing was closed at 7:39 p.m.

Councilmember Hill noted the Council is familiar with this area due to its review for inclusion in the Persigo 201 boundary. He believes the request meets the criteria of the Growth Plan Amendment and would support the change.

Councilmember Doody said the potential for the development of this property is huge, as demonstrated while the previous shopping mall application was being processed. This property has potential and he supports the change in designation.

Resolution No. 140-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 42.28 Acres, Located at 769 24 ½ Road and 766 24 Road, Known as the Merkel Growth Plan Amendment, from Residential Estate (1 DU/2-5 Ac) to Commercial

Councilmember Thomason moved to adopt Resolution No. 140-08. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Appeal of the Planning Commission's Decision Regarding a Conditional Use Permit for a Bar/Nightclub [File #CUP-2008-158]

An appeal has been filed regarding the Planning Commission's decision to deny a Conditional Use Permit for a Bar/Nightclub, to be located at 2256 and 2258 Colex Drive. The project sits on 1 lot in an I-1 (Light Industrial) zone district. (The project will include leased parking spaces from the lot immediately to the north.) This appeal is pursuant to Section 2.18.E of the Zoning and Development Code, which specifies that the City Council is the appellate body of the Planning Commission. According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

John Shaver, City Attorney, reviewed the process for this action. The City Council is the appellant body for some decisions made by the Planning Commission; this is one such item. The Planning Commission reviewed this item and the request was denied. That denial has been appealed to the City Council. The City Council was provided the

complete record including a video of the Planning Commission proceedings in order to consider the appeal. The Code allows the City Council to approve, reverse, or remand the application. City Attorney Shaver explained each one of those actions. In order to reverse or remand the application, the City Council should find one the following:

(1) The decision-maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, State or Federal law; or

(2) The decision-maker may have made erroneous findings of fact based on the evidence and testimony on the record; or

(3) The decision-maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or

(4) The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; and

(5) In addition to one (1) or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

The City Council is not to substitute their judgment for the Planning Commission.

Councilmember Thomason said he did review the record and his thought was to remand the matter back to the Planning Commission with some direction, that being to narrow the scope of the discussion as it pertains to the definition of the neighborhood.

Councilmember Coons asked about the precedence in the definition of the neighborhood and what are the allowable uses in that zone district.

City Attorney Shaver said there is not specific legal precedent as to the definition of a neighborhood. It should be accorded the common definition; it is generally not encompassing the entire community. The Planning Commission used a much more expansive definition than the common definition.

Council President Palmer asked if the Planning Commission has ever used the community as the definition of the neighborhood. Neither City Attorney Shaver nor Assistant City Attorney Beard could recall such a time.

Senta Costello, Senior Planner, stated the allowed uses for this zone district range from general office uses, veterinary clinics, parking lots, to public service businesses.

Councilmember Coons asked what would be a use by right for this type of business. Ms. Costello said, with this business, it is the bar component that triggered the Conditional Use Permit (CUP).

Council President Palmer clarified that it was the alcohol application that triggered the CUP. Ms. Costello replied affirmatively.

Councilmember Beckstein asked that without the alcohol, it would have been a use by right. Ms. Costello said yes, it would have only had a site plan review.

Council President Palmer asked if the City could outlaw certain types of businesses. City Attorney Shaver said the City can do that but whether it is constitutional is the question. It would not be; it is protected under the First Amendment.

City Attorney Shaver read the definition of a neighborhood from the City Zoning Code.

Councilmember Coons noted that many people in the community feel this type of business is distasteful and morally wrong but the City Council must follow the City requirements. She is hesitant to designate the entire community as a neighborhood. She agrees with Councilmember Thomason to remand the matter back to the Planning Commission with the instruction that they consider it under the normal definition of a neighborhood.

Councilmember Doody agreed, adding they should consider it like any other establishment under the CUP process.

Councilmember Hill noted that most of the objections received were about the gentlemen's club part, not the service of alcohol. Unless it is an activity that is unlawful, the City has to make it allowable. It is heavily regulated so they are upholding some community values. This body cannot just say no because they don't like it, that creates a risk for a legal situation. Even the denial of the CUP would not stop the gentlemen's club activity. He supported remanding the matter back to the Planning Commission with the instruction for them to focus on the definition of a neighborhood and on the reason for the CUP.

Council President Palmer reiterated the purpose of the City Council sitting as the appellant body and their charge under those criteria. He stated that the Planning Commission may have acted in a manner inconsistent with the provisions of this Code or other applicable local, State or Federal law and they may have made erroneous findings of fact based on the evidence and testimony on the record so he also agrees with remanding the matter back to the Planning Commission.

Councilmember Coons moved to remand the matter back to the Planning Commission with the instruction for them to define neighborhood in the traditional sense in their consideration. The motion was seconded by Councilmember Hill. Motion carried.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:09 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

Contract for the Monument Road Bridge Replacement Project

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Monument Road Bridge Replacement Project		
File #	201-F0027		
Meeting Day, Date	Monday, November 17, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	Wednesday, November 12, 2008		
Author Name & Title	Lee Cooper, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works Director		

Summary: Two bids were received on November 4, 2008 for replacement of the Monument Road Bridge over the Redlands Power Canal. G.A Western Construction Company submitted the low bid of \$821,389.00. The bridge replacement project is scheduled to begin on January 5, 2009 with a final completion date of April 30, 2009.

Budget: 2008 Project Budget (Acct. 201-F0027) =
\$965,525.00

Project Costs:	Construction Contract =
\$821,389.00	
	Design & Engineering =
\$72,000.00	
	Construction Inspection & Contract Admin. =
\$36,000.00	
	Redlands Power Canal Reimbursement =
<u>\$33,370.40</u>	

Costs = **\$962,759.40** Total Project

Action Requested/Recommendation: Authorize the City Manager to sign a construction contract with G.A Western Construction Co. in the amount of \$821,389.00 for the Monument Road Bridge Replacement Project.

Background Information:

The following bids were received on November 4, 2008:

	Low Bidder	Second Bidder	Engineer's Estimate
	G.A. Western Construction Co. Palisade, CO	Structures, Inc. Denver, CO	
Total Bid =	\$821,389.00	\$825,384.00	\$927,125.00

The replacement of this bridge is necessary as a safety improvement to the City's street infrastructure. The current Monument Road Bridge over the Redlands Power Canal was built in 1964 and has been identified by the State of Colorado as "functionally obsolete." The narrow width and the 'dog leg' alignment of the bridge create safety hazards for motorists, bicyclists and pedestrians. The new bridge will be much wider and will also have a straighter alignment to eliminate the 'dog leg'. This will provide a substantial increase in safety for pedestrians and bicyclists, as well as, the motorists.

Replacing the bridge will mean that Monument Road will be closed to thru traffic at the bridge location. Detours will be well marked. The construction detour will be via Broadway (HWY 340), South Broadway, and South Camp Road.

The Redlands Water and Power Company will shut off the canal water for 40 calendar days for the construction of the bridge foundation and abutment walls and wingwalls. The City is in an agreement with the Redlands Water and Power Company to reimburse them \$834.26 per day that the canal water is turned off. The purpose of the reimbursement agreement is because Redlands Water and Power Company generate revenues from the canal water generating electricity at the Redlands hydroelectric plant.

Attach 3

Grant of Federal Funds for Roundabout Construction at 23 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Accepting a Grant of Federal Funds for Roundabout Construction at 23 Road and G Road		
Meeting Day, Date	Monday, November 17, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	October 29, 2008		
Author Name & Title	Mary Lynn Kirsch, Paralegal		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: Federal aid funds have been awarded to the City from the Federal Hazard Elimination Program for reconstruction of the intersection of 23 Road and G Road. The project shall consist of right-of-way acquisition and incidentals, design and construction of a roundabout and associated intersection improvements at 23 Road and G Road.

Budget:

Federal Grant: (80%)	\$828,000.00
City Matching Funds (20%)	\$ 92,000.00
Total Project Funds	\$920,000.00

Action Requested/Recommendation: Adopt resolution.

Attachments: Resolution
Intergovernmental Agreement (selected pages)

Background Information: The City applied for Federal Hazard Elimination Funds to improve the intersection of 23 Road and G Road in 2006. This intersection qualified for the Hazard Elimination Program based on CDOT Criteria which includes the severity of accidents and traffic volumes at the intersection. The Grant was approved in 2006 but Federal funds were not available to begin design work until this year. The roundabout design and right-of-way acquisition will be performed by the City Engineering Division beginning in November 2008. Construction is scheduled in the summer/fall of 2009 subject to required reviews and approvals by CDOT and the Federal Highway Administration.

RESOLUTION NO. _____ -08

**A RESOLUTION ACCEPTING FEDERAL AID FUNDS FOR CONSTRUCTION WORK
AT THE INTERSECTION OF 23 ROAD AND G ROAD, AUTHORIZING CITY
MATCHING FUNDS AND AUTHORIZING THE CITY MANAGER TO SIGN
INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF
TRANSPORTATION**

Recitals:

The City has requested funds from the Federal Hazard Elimination Program for a local construction project to be completed at the intersection of 23 Road and G Road. The project consists of a right-of-way acquisition and incidentals, design and construction of a roundabout and associated intersection improvements.

Federal aid funds were awarded to the City for the Hazard Elimination Program, through an Intergovernmental Agreement (IGA) between the Colorado Department of Transportation (CDOT) and the City of Grand Junction. The Project Number is SHO M555-027 (16730). A total amount of \$828,000.00 is awarded to the City from the Program and pursuant to the IGA, the City must contribute matching funds in the amount of \$92,000.00.

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

Federal aid funds in the amount of \$828,000.00 awarded to the City for construction work at 23 Road and G Road are hereby accepted and that the City Manager is hereby authorized to expend \$92,000.00 in matching funds for the project. The City Manager is authorized to execute and enter into the Intergovernmental Agreement with the Colorado Department of Transportation.

PASSED AND APPROVED this _____ of November, 2008.

Gregg Palmer
President of the Council

ATTEST:

Stephanie Tuin
City Clerk

(FMLAWRK)
PROJECT SHO M555-027 (16730)
REGION 3 (DAW)

09 HA3 00022
271000859

CONTRACT

THIS CONTRACT made this _____ day of _____ 2008, by and between the State of Colorado for the use and benefit of the Colorado Department of Transportation hereinafter referred to as the State, and the CITY OF GRAND JUNCTION, 250 N. 5th Street Grand Junction, Colorado, 81501, CDOT Vendor #: 2000027 hereinafter referred to as the "Local Agency."

RECITALS

1. Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient uncommitted balance thereof remains available for payment of project and Local Agency costs in Fund Number 400, GL Account 4231200011,
WBS Elements 16730.10.10 , 16730.10.30 16730.20.10, Function 3111, 3114, 3020, 3301
Contract **Encumbrance Amount: \$53,000.00.**
2. Required approval, clearance and coordination have been accomplished from and with appropriate agencies.
3. Pursuant to Title I, Subtitle A, Section 1108 of the "Transportation Equity Act for the 21st Century" of 1998 (TEA-21) and/or the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU) of 2005 and to applicable provisions of Title 23 of the United States Code and implementing regulations at Title 23 of the Code of Federal Regulations, as may be amended, (collectively referred to hereinafter as the "Federal Provisions"), certain federal funds have been and will in the future be allocated for transportation projects requested by Local Agencies and eligible under the Surface Transportation Improvement Program that has been proposed by the State and approved by the Federal Highway Administration ("FHWA"), hereinafter referred to as the "Program."
4. Pursuant to § 43-1-223, C.R.S. and to applicable portions of the Federal Provisions, the State is responsible for the general administration and supervision of performance of projects in the Program, including the administration of federal funds for a Program project performed by a Local Agency under a contract with the State.
5. The Local Agency has requested that a certain local transportation project be funded as part of the Program, and by the date of execution of this contract, the Local Agency and/or the State has completed and submitted a preliminary version of CDOT form #463 describing the general nature of the Work. The Local Agency understands that before the Work begins, the Local Agency must receive an official written "Notice to Proceed" prior to commencing any part of the Work. The Local Agency further understands that, before the Work begins, the form #463 may be revised as a result of design changes made by CDOT, in coordination with the Local Agency, in its internal review process. The Local Agency desires to perform the Work described in form #463, as it may be revised.

Exhibit A

**FORM 463
or
SCOPE OF WORK**

EXHIBIT A

COLORADO DEPARTMENT OF TRANSPORTATION DESIGN DATA		Orig. Date: 02/06/2008	Project Code # (SA#): 16730	STIP#: SR36693
Page 1 to 3		Rev Date:	Project #: SHO M555-027	
Status: <input checked="" type="checkbox"/> Preliminary <input type="checkbox"/> Final <input type="checkbox"/> Revised		Revision #: 0	PE Project Code:	
		Region #: 03	Project Description: 23 Rd and G Rd Intersection Impv	
Submitted By PM: BLENDERE		Approved by Program Engineer:	County: 077 077	
Date:	<i>Sean H. Yeats</i>		Municipality: Grand Junction	
Revised by:			System Code: Z-Not on any Federal System	
Date:			Oversight By: O-Others	
Geographic Location: CITY OF GRAND JUNCTION		Planned Length: 0.330		
Type of Terrain: Level				
Description of Proposed Construction/Improvement(Attach map showing site location) INTERSECTION IMPROVEMENTS WITH ROW				

1 Project Characteristics (Proposed)			
<input type="checkbox"/> Lighting	<input type="checkbox"/> Handicap Ramps	Median (Type): <input type="checkbox"/> Depressed <input type="checkbox"/> Painted <input checked="" type="checkbox"/> Raised <input type="checkbox"/> None	
<input checked="" type="checkbox"/> Curb and Gutter	<input type="checkbox"/> Curb Only	<input type="checkbox"/> Traffic Control Signals <input type="checkbox"/> Striping	
<input type="checkbox"/> Sidwalk Width=	<input type="checkbox"/> Bikeway Width=	<input type="checkbox"/> Left-Turn Slots <input type="checkbox"/> Continuous	Width=
<input type="checkbox"/> Parking Lane Width=	<input type="checkbox"/> Detours	<input type="checkbox"/> Right-Turn Slots <input type="checkbox"/> Continuous	Width=
<input type="checkbox"/> Landscaping requirements (description):		Signing <input checked="" type="checkbox"/> Construction <input checked="" type="checkbox"/> Permanent	
		<input type="checkbox"/> Other (description):	
2 Right of Way			
ROW &/or Perm. Easement Required	Yes/No	Est. #	3 Utilities (list names of known utility companies) Unknown
Relocation Required	No	_____	
Temporary Easement Required:	No	_____	
Changes in Access:	No	_____	
Changes to Connecting Roads:	No	_____	
4 Railroad Crossings			
		# of Crossings:	
Recommendations :			
5 Environmental			
Type:	None	Approved On:	Under Project Code: 16730
Project #: 16730			
Comments:			
6 Coordination			
<input type="checkbox"/> Withdrawn Lands (Power Sites, Reservoirs, Etc.) Cleared through BLM or Forest Service Office		Irrigation Ditch Name:	
<input type="checkbox"/> New Traffic Ordinance Required	<input type="checkbox"/> Modify Schedule of Existing Ordinance	Municipality: Grand Junction	
Other:			
7 Construction Method			
Advertised By:	NoAd Reason:	Entity / Agency Contact Name:	Phone #:
Local			
8 Safety Considerations			
Project Under: 3R		Guardrail meets current standards: No	
<input type="checkbox"/> Variance in Minimum Design Standards Required		<input type="checkbox"/> Safety project not all standards addressed	
<input type="checkbox"/> Justification Attached	<input type="checkbox"/> Request to be Submitted	Comments:	
<input type="checkbox"/> Bridge(see item 12)	<input type="checkbox"/> See Remarks		
<input type="checkbox"/> Stage Construction (explain in remarks)			
3R projects			
Safety Evaluation Complete (date):			

Page 2 of 3		Project Code #(SA#): 16730		Project #: SHO M555-027		Revise date:	
Use Columns A, B, C, D and/or E to identify facility described below							
9 Traffic		A =		B =		C =	
Current Year		ADT		D =		E =	
Future Year		DHV % Trucks					
Facility Location		ADT					
		DHV					
Industrial <input type="checkbox"/>		Commercial <input type="checkbox"/>		Industrial <input type="checkbox"/>		Commercial <input type="checkbox"/>	
Residential <input type="checkbox"/>		Other <input type="checkbox"/>		Residential <input type="checkbox"/>		Other <input type="checkbox"/>	
10 Roadway Class							
Route		0.000					
Reelpt		0.000					
Endreft		0.000					
Functional Classification		R					
Facility type		U					
Rural Code		1					
11 Design Standards							
Standard		Existing		Proposed		Ultimate	
Standard		Existing		Proposed		Ultimate	
Design Variance Required (substandard items are identified with an * in 1 st column & clarify as design variance with CDOT Form #464)							
Width of Travel Lanes							
Shoulder width l/inside							
Shoulder width r/outside							
Design Speed							
Cross Slope							
Max. superelevation rate							
Min. Radius							
Min. Horizontal SSD							
Min. Vertical SSD							
Max Grade							
Design Decision Letter Required (substandard items are identified with an * in 1 st column & clarify with decision letter)							
Typical Section Type							
# of Travel Lanes							
Side Slope Dist. ("z")							
Median Width							
Posted Speed							

EXHIBIT A

Page 3 of 3	Project Code #(SA#): 16730	Project #: SHO M555-027	Revise Date:	
-------------	-------------------------------	----------------------------	--------------	--

12 Major Structures S= to stay, R= to be removed, P= proposed new structure

Structure ID#	▼	Length	Reference Point	Feature Intersected	Standard Width	Structure Roadway	Structural Capacity	Horizontal Clearance	Vertical Clearance	Year Built
---------------	---	--------	-----------------	---------------------	----------------	-------------------	---------------------	----------------------	--------------------	------------

Proposed Treatment of Bridges to Remain in Place(address bridge rail, capacity, and allowable surfacing thickness):

13 Remarks

EXHIBIT C FUNDING PROVISIONS

A. The Local Agency has estimated the total cost the Project to be \$920,000.00 which is to be funded as follows:

1 BUDGETED FUNDS						
a. Federal Funds						\$828,000.00
	(90% of Participating Costs)					
b. Local Agency Matching Funds						\$ 92,000.00
	(10% of Participating Costs)					
TOTAL BUDGETED FUNDS						\$920,000.00
2 ESTIMATED CDOT-INCURRED COSTS						
a. Federal Share						\$0.00
	(90% of Participating Costs)					
b. Local Share						\$0.00
	Local Agency Share of Participating Costs					
	Non-Participating Costs (Including Non-Participating In-directs)					\$0.00
	Estimated to be Billed to Local Agency					\$0.00
TOTAL ESTIMATED CDOT-INCURRED COSTS						\$0.00
3 ESTIMATED PAYMENT TO LOCAL AGENCY						
a. Federal Funds Budgeted (1a)						\$828,000.00
b. Less Estimated Federal Share of CDOT-Incurred Costs (2a)						\$0.00
TOTAL ESTIMATED PAYMENT TO LOCAL AGENCY						\$828,000.00
FOR CDOT ENCUMBRANCE PURPOSES						
Total Encumbrance Amount						
(\$828,000.00 divided by 90% = \$920,000.00)						
a. CDOT Encumbrance Anticipated Amount						\$828,000.00
	CDOT Encumbrance					\$828,000.00
Net to be encumbered as follows:						
<i>\$807,000.00 in Construction Funds are currently not available.</i>						
<i>Construction Funds to be added after Federal Authorization, either</i>						
<i>by Formal Amendment or Option Letter.</i>						
ROW Acquisition						
LESS \$60,000 ROW ~ ACQUISITION				ROW	3111	(-\$60,000.00)
<i>Per CDOT ROW Policy and Procedure</i>						
\$36,000	ROW ~ Incidentals	WBS Element 16730.10.10	ROW	3114		\$36,000.00
\$17,000.00	~ Design	WBS Element 16730.10.30	Design	3020		\$17,000.00
LESS \$807,000.00 ~ Construction WBS Element 16730.20.10				Const	3200	(-\$807,000.00)
TOTAL ENCUMBRANCE						\$53,000.00

- B. The matching ratio for the federal participating funds for *this project* is 90% federal-aid funds (CFDA #20 2050) to 10% Local Agency funds, it being understood that such ratio applies only to the \$920,000.00 that is eligible for federal participation, it being further understood that all non-participating costs are borne by the Local Agency at 100%. If the total participating cost of performance of the Work exceeds \$920,000.00, and additional federal funds are made available for the project, the Local Agency shall pay 10% of all such costs eligible for federal participation and 100% of all non-participating costs; if additional federal funds are not made available, the local agency shall pay all such excess costs. If the total participating cost of performance of the Work is less than \$920,000.00, then the amounts of Local Agency and federal-aid funds will be decreased in accordance with the funding ratio described herein. The performance of the Work shall be at no cost to the State.
- C. The maximum amount payable to the Local Agency under this contract shall be \$828,000.00. For CDOT accounting purposes, the federal funds of \$828,000.00 (90%) and local matching funds of \$92,000.00 (10%), will be encumbered for the anticipated total encumbrance of \$920,000.00, unless such amount is increased by an appropriate written modification to this contract executed before any increased cost is incurred.
- Only \$36,000 in ROW Incidental funds and \$17,000.00 in Design funds are currently available, for an encumbrance of \$53,000.00.*
- \$807,000.00 in Construction Funds are currently not available. Funding will be added after Federal Authorization, either by Formal Amendment or Option Letter.* It is understood and agreed by the parties hereto that the total cost of the Work stated hereinbefore is the best estimate available, based on the design data as approved at the time of execution of this contract, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the parties prior to bid and award.
- D. The parties hereto agree that this contract is contingent upon all funds designated for the project herein being made available from federal and/or state and/or Local Agency sources, as applicable. Should these sources, either federal or Local Agency, fail to provide necessary funds as agreed upon herein, the contract may be terminated by either party, provided that any party terminating its interest and obligations herein shall not be relieved of any obligations which existed prior to the effective date of such termination or which may occur as a result of such termination.

Attach 4

Energy and Mineral Impact Grant for Design of the Emergency Services Training Facility

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Energy and Mineral Impact Grant for Design of Emergency Services Training Facility		
File #			
Meeting Day, Date	Monday, November 17, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	November 12, 2008		
Author Name & Title	Kathy Portner, Neighborhood Services Manager		
Presenter Name & Title	Ken Watkins, Fire Chief		

Summary: A request to accept an Energy and Mineral Impact Grant, in the amount of \$180,000, as partial funding for the design of the Emergency Services Training Facility, to be located with the National Guard facility on D Road in Pear Park.

Budget: Total design cost is estimated at \$228,000. The City's match of \$48,000 is budgeted.

Action Requested/Recommendation: Authorize the City Manager to Sign the Energy and Mineral Impact Grant Contract, in the Amount of \$180,000

Attachments: None

Background Information: The City applied for and received an Energy and Mineral Impact Grant from the Department of Local Affairs for the final design of a training facility for emergency responders. The facility will be located with the Colorado National Guard campus on D Road and will be available to the nine emergency services agencies in Mesa County, as well as emergency service providers on the entire Western Slope.

At build-out, the training facility will provide:

- A structure for: live fire training, high rise structure fire hose evolutions, fire truck aerial training operations, ladder practice, vertical and horizontal ventilation, various rescue training scenarios, and an urban warfare village for National Guard and SWAT training operations.
- A dedicated driving track for emergency driver training.
- Various hazardous materials training props.
- An adequate area for multi-company training.

- A dedicated training location for all emergency response agencies in Mesa County and Western Colorado and the Colorado National Guard Units.

Attach 5

Setting a Hearing on the Tall Pines Investments Rezone, Located at 2101 Patterson Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Tall Pines Investments Rezone – Located at 2101 Patterson Road		
File #	GPA-2008-199		
Meeting Day, Date	Monday, November 17, 2008		
Placement on the Agenda	Consent	X	Individual
Date Prepared	October 29, 2008		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Request to rezone 10.44 acres located at 2101 Patterson Road, from R-8 (Residential 8 du/ac) to R-16 (Residential 16 du/ac).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed Ordinance and set a public hearing for December 1, 2008.

Attachments:

1. Site Location Map / Aerial Photo Map
2. Future Land Use Map / Existing City Zoning Map
3. Ordinance

Background Information: See attached report.

BACKGROUND INFORMATION			
Location:		2101 Patterson Road	
Applicants:		Owner: Tall Pines Investments, LLC – Dave McDonald Representative: CCI Engineering – Nate Beard	
Existing Land Use:		2 apartment buildings with a total of 18 units	
Proposed Land Use:		Multi-Family development	
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family Residential	
	East	Single Family Residential / Vacant	
	West	Northeast Christian Church	
Existing Zoning:		R-8 (Residential 8 du/ac)	
Proposed Zoning:		R-16 (Residential 16 du/ac)	
Surrounding Zoning:	North	R-5 (Residential 5 du/ac) / CSR (Community Services and Recreation)	
	South	R-8 (Residential 8 du/ac)	
	East	R-8 (Residential 8 du/ac)	
	West	R-8 (Residential 8 du/ac)	
Growth Plan Designation:		Residential High 12+ du/ac	
Zoning within density range?	X	Yes	No

Staff Analysis:

1. Background

The property was annexed as a part of the Brodak Enclave Annexation in 1975 and zoned PD-8. In 1996, with the adoption of the Growth Plan and Future Land Use Map, the property was designated Residential Medium 4-8 du/ac. In 2000, a new Zoning and Development Code was adopted and many PD properties throughout the City were rezoned to a straight zone in anticipation of a more comprehensive look at the zoning in the future. The subject property was rezoned to R-8 through this process.

The applicant requested a Growth Plan Amendment to Residential High 12+ du/ac to allow for a higher density. The Growth Plan Amendment request was approved by City Council on October 13, 2008.

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

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

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

Applicant's Response: It is not possible to justify that the current housing situation was foreseeable when the existing zoning was adopted.

Staff's Response – The rapid rate of growth in the valley has increased the need for a variety of housing types and higher densities. Given the way in which the PD was rezoned to a straight zone, it is reasonable to conclude that the R-8 zone was an error, or, at least was not a fully thought-out decision. However, on October 13, 2008, the City Council approved a change to the Future Land Use Map designation from Residential Medium 4-8 du/ac to Residential High 12+ du/ac. Therefore, the zone district needs to be amended as well in order to reflect the new designation.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth/growth trends, deterioration, development transitions, etc.;

Applicant's Response: An adequate supply of suitably designated land is not available in the community to accommodate the increased demand for affordable rental properties. Strong economic growth and escalating home prices have created an increased demand for rentals.

Staff's Response – In addition to the increased need for a variety of housing types and higher densities, there are developments in the area that have a mix of housing types ranging in density from 5 du/ac to 16 du/ac. Infill and redevelopment opportunities have become a strong focus as tools to facilitate filling this need.

3. The proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

Applicant's Response: The land use in the surrounding area is compatible with an increase in density at this location. The parcels located to the east, west, and south are all zoned R-8. R-8 zoning is a transitional district between lower density single family districts and higher density multifamily or business development. The parcel(s) located to the north are zoned R-5 and are located on the north side of Patterson Road. There are six parcels zoned R-24 that are located less than 1/4 mile of the subject property to the southeast.

Staff's Response – The proposal meets the following goals and policies of the Growth Plan.

Goal 1: To achieve a balance of open space, agricultural, residential and non-residential land use opportunities that reflects the residents' respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the needs of the urbanizing community as a whole.

Policy 1.1: The City and County will use the future land use categories listed and described in Exhibit V.2 (Future

Land Use Categories, Page 15) to designate appropriate land uses within the Joint Planning Area identified in Exhibit V.1(Joint Planning Area, Pages 3-4). City and County actions on land use proposals within the Joint Planning Area will be consistent with the plan.

Policy 1.2: The City and County will use Exhibit V.2 (Future Land Use Categories, Page 15) to guide decisions on the gross density of residential development.

Policy 1.3: The City and County will use Exhibit V.3 (Future Land Use Map, Pages 17-18) in conjunction with the other policies of this plan to guide zoning and development decisions.

- City and County decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.
- The City and County may limit site development to a lower intensity than shown on the Future Land Use Map if site specific conditions do not support planned intensities.

Policy 1.7: 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.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

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

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

Applicant's Response: Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning.

Staff's Response – Patterson Road borders the property to the north which would be utilized for access. There is also potential for a secondary future access to the southwest through the Brickyard development. There is a 20" City water line, 6" City water line, and an 8" sanitary sewer line available in Patterson Road directly in front of the property and a 15" storm sewer line at 27 1/2 Road and Patterson Road. There is a City fire station within 1 mile, the property is on a designated bike/pedestrian route, has 2 developed parks within walking distance, and has two bus stops within 120' of the property. These are all adequate and well-suited to support the additional density requested.

5. The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs; and

Applicant's Response: Continued job growth and high levels of in-migration, coupled with a virtual lack of available units, will support an increase in rental demand. The rental market will support completion of 400 to 500 units over the next four years; most of this demand will occur in the first two years of the forecast period. This is well above recent production of about 250 non-senior units over the past six years.

Staff's Response – The rapid rate of growth in the valley has created a low vacancy rate while increasing the need for a variety of housing types and higher densities. This area of Grand Junction has a few developed properties designated for higher densities and many vacant or underdeveloped parcels designated for densities of 8 du/ac or less. There are very few vacant parcels with designations of anything greater than 8 du/ac.

6. The community will benefit from the proposed zone.

Applicant's Response: Increased zoning will ensure that more housing is closer to places of employment, social services, and public transportation. An inadequate supply of affordable housing in the area results in large-scale commuting from outside the area which overtaxes existing roads, contributes to air and noise pollution, and leads to greater than normal personnel turnover for business. This adversely affects the health, safety and welfare of, and results in an added financial burden on, the citizens of Grand Junction. This vacant area is perceived by many as an "eye-sore" and Grand Junction architectural and landscape requirements produce developments that are both visually appealing and provide environmental benefits. In Fill development is more beneficial to the environment than even "green" suburban homes. It multiplies the reduction in vehicle miles traveled and reduces municipal investments by using existing infrastructure while increasing municipal revenues. Higher density also saves energy due to stacked units and shared walls.

Staff's Response – The rapid rate of growth in the valley has created a low vacancy rate while increasing the need for a variety of housing types and higher densities. With this property's proximity to a variety of services and existing infrastructure, higher density could fulfill a community need for more housing on an underdeveloped infill property.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- a. R-12 (Residential 12 du/ac)
- b. R-24 (Residential 24 du/ac)

If the City Council chooses to approve one of the alternative zone designations, specific alternative findings must be made as to why the City Council is approving an alternative zone designation.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Tall Pines Investments rezone application, GPA-2008-199 for a rezone, I recommend that the City Council make the following findings of fact and conclusions:

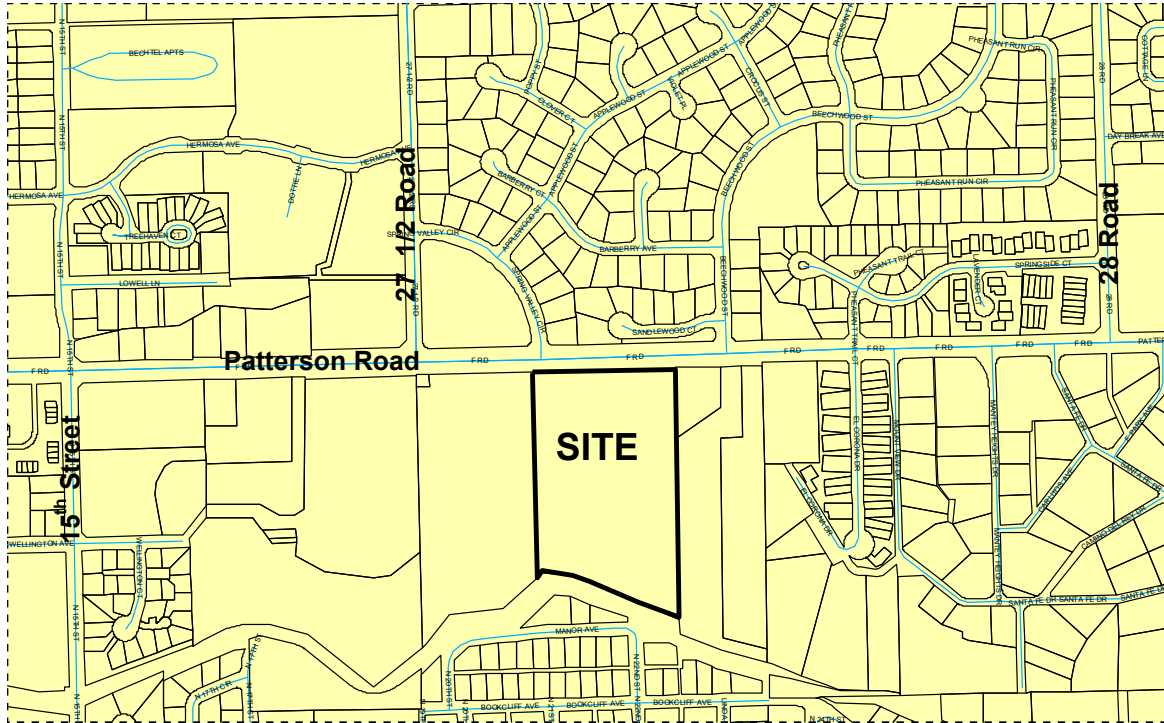
1. The requested zone is consistent with the Growth Plan
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

On October 28, 2008, the Planning Commission forwarded a recommendation of approval of the requested rezone, GPA-2008-199 to the City Council with the findings and conclusions listed above.

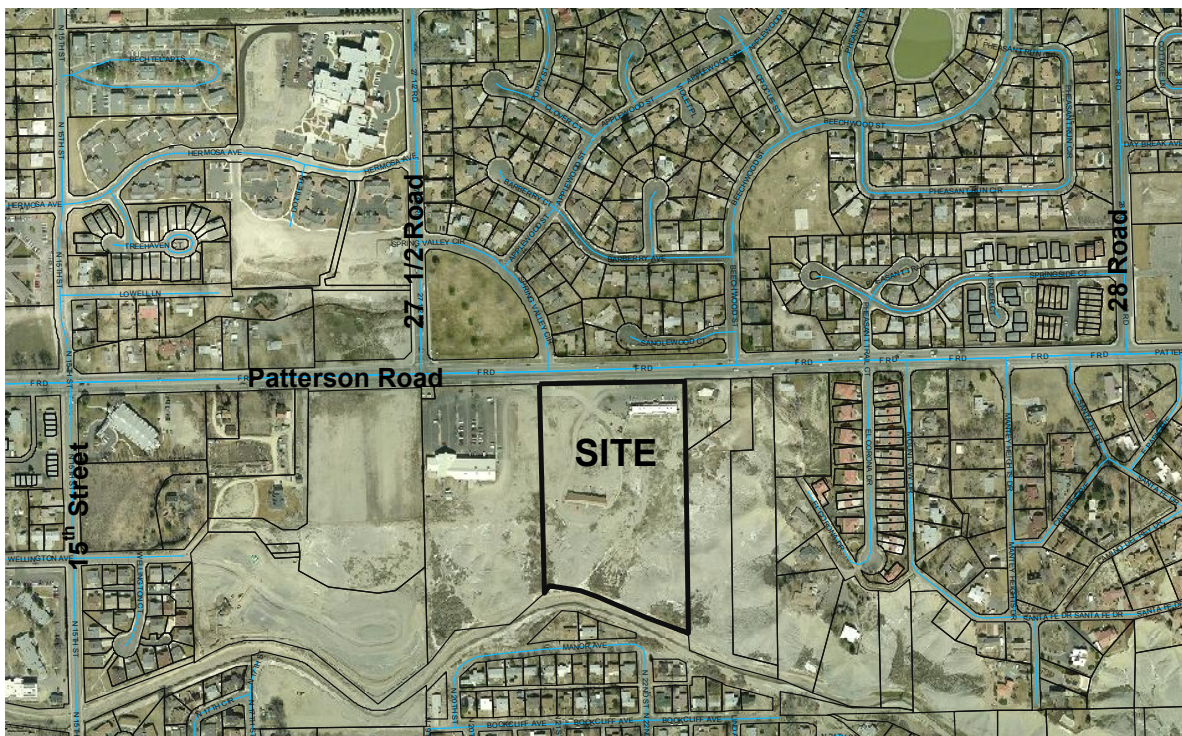
Site Location Map

Figure 1



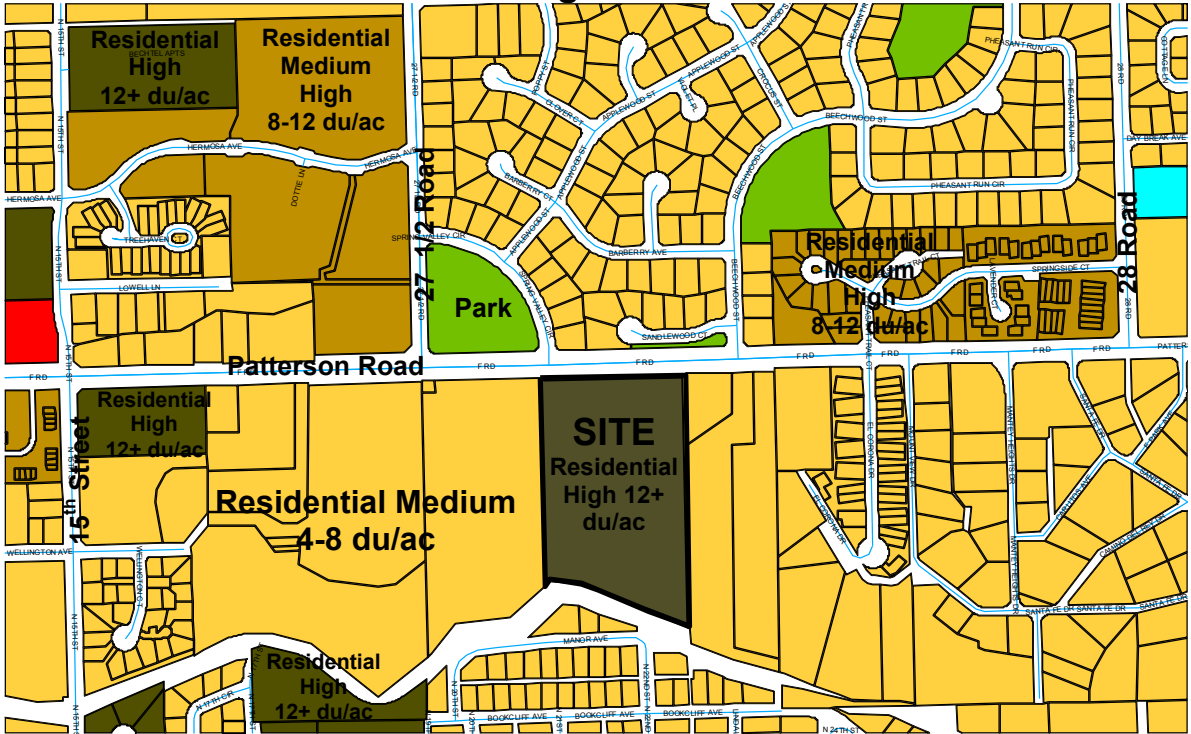
Aerial Photo Map

Figure 2



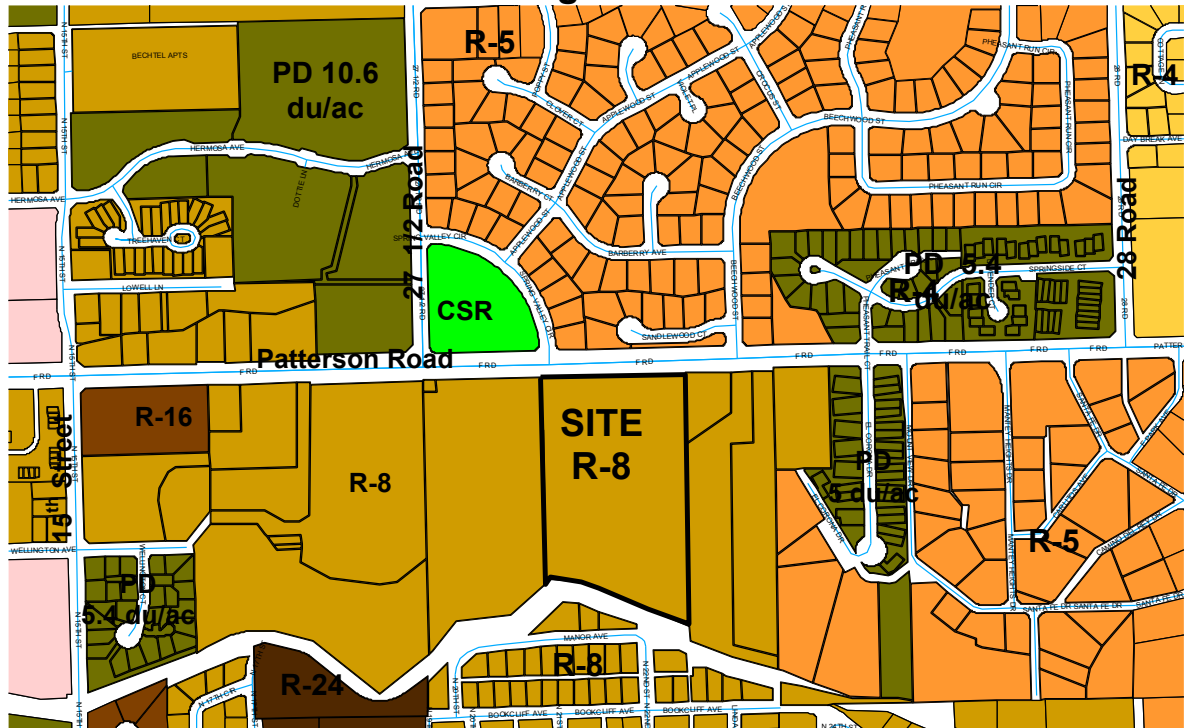
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING THE TALL PINES INVESTMENTS PROPERTY
FROM R-8 (RESIDENTIAL 8 DU/AC) TO
R-16 (RESIDENTIAL 16 DU/AC)**

LOCATED AT 2101 PATTERSON 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 Tall Pines Investments property from R-8 (Residential 8 du/ac) to the R-16 (Residential 16 du/ac) 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, Residential High 12+ du/ac and the Growth Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the R-16 zone district be established.

The Planning Commission and City Council find that the R-16 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 R-16 (Residential 16 du/ac).

Lot 2, NE Christian Church Subdivision

Introduced on first reading this ___ day of _____, 2008 and ordered published.

Adopted on second reading this _____ day of _____, 2008.

ATTEST:

City Clerk

Mayor

Attach 6

Setting a Hearing on the Supplemental Budget Appropriation Ordinance for 2008

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	2008 Supplemental Appropriation Ordinance		
File #			
Meeting Day, Date	Monday, November 17, 2008		
Placement on the Agenda	Consent	<input checked="" type="checkbox"/>	Individual
Date Prepared	November 12, 2008		
Author Name & Title	Jay Valentine, Assistant Financial Operations Manager		
Presenter Name & Title	Jodi Romero, Financial Operations Manager		

Summary: The request is to appropriate additional sums of money for the City's accounting funds that require supplemental funds based on the 2008 revised budget. This request also includes the Downtown Development Authority Funds.

Budget: Pursuant to statutory requirements, the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$44,505,850. Total appropriations include transfers between funds.

Action Requested/Recommendation: Set the public hearing for the 2008 Supplemental Appropriation Ordinance for December 3rd, 2008.

Attachments: Proposed Ordinance

Background Information: The supplemental appropriation ordinance is presented every year at this time to ensure adequate appropriation by fund. This increase is partly due to the re-appropriation of budget dollars for capital projects that were incomplete at the end of 2007. Additional appropriation is also needed for projects approved by City Council during 2008. The increase in General Fund appropriation is mainly attributed to the transfer of the accumulated balance for the early redemption of the Riverside Parkway debt to a newly established special debt service fund.

Ordinance No. _____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2008 BUDGET OF THE CITY OF GRAND JUNCTION.

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2008, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
General Fund	100	\$ 14,756,818
D.D.A. Operations	103	\$ 73,538
Parkland Expansion	105	\$ 586,785
Economic Development	108	\$ 211,399
Sales Tax CIP Fund	201	\$ 10,736,690
Storm Drainage Improvements	202	\$ 5,795,335
D.D.A. TIF	203	\$ 899,497
Future Street Improvements	207	\$ 864,389
Facilities	208	\$ 864,389
Water Fund	301	\$ 1,360,230
Solid Waste	302	\$ 124,826
Two Rivers Convention Center	303	\$ 150,699
Swimming Pools	304	\$ 16,468
Lincoln Park Golf Course	305	\$ 72,494
Tiara Rado Golf Course	306	\$ 125,816
Parking	308	\$ 720,546
Irrigation Systems	309	\$ 19,798
Equipment	402	\$ 1,903,279
Stores	403	\$ 237,498
Self Insurance	404	\$ 197,022
Communications Center	405	\$ 398,741
Joint Sewer System, Total	900	\$ 4,622,340

INTRODUCED AND ORDERED PUBLISHED this ____ day of November, 2008.

TO BE PASSED AND ADOPTED the _____ day of December, 2008.

Attest:

President of the Council

City Clerk

Attach 7

Setting a Hearing on the 2009 Budget Appropriation Ordinance

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	2009 Annual Appropriation Ordinance		
File #			
Meeting Day, Date	Monday, November 17 th , 2008		
Placement on the Agenda	Consent	<input checked="" type="checkbox"/>	Individual
Date Prepared	November 12 th , 2008		
Author Name & Title	Jay Valentine, Assistant Financial Operations Manager		
Presenter Name & Title	Jodi Romero, Financial Operations Manager		

Summary: The request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2009 proposed budget.

Budget: Pursuant to statutory requirements, the appropriations are at fund level as specified in the ordinance. The total appropriation for all funds budgeted by the City including the Ridges Metropolitan District and the Downtown Development Authority is \$189,370,105. Total appropriations include transfers between funds. Although not a planned expenditure, an additional \$2,300,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Action Requested/Recommendation: Setting the public hearing for the 2009 Annual Appropriation Ordinance for December 3rd, 2008.

Attachments: Proposed Ordinance

Background Information: The appropriation ordinance is the legal adoption of the City Manager's budget by the City Council. The 2009 City of Grand Junction Budget was presented to City Council at the budget presentation workshops.

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, THE DOWNTOWN DEVELOPMENT AUTHORITY, AND THE RIDGES METROPOLITAN DISTRICT FOR THE YEAR BEGINNING JANUARY 1, 2009, AND ENDING DECEMBER 31, 2009

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

SECTION 1. That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2009, and ending December 31, 2009, said sums to be derived from the various funds as indicated for the expenditures of:

FUND NAME	FUND #	APPROPRIATION	Emergency Reserve
General	100	\$ 77,144,347	\$2,300,000
Enhanced 911 Special Revenue	101	\$ 3,280,524	
Visitor & Convention Bureau	102	\$ 2,699,738	
D.D.A. Operations	103	\$ 317,760	
Community Development Block Grants	104	\$ 340,000	
Parkland Expansion	105	\$ 780,000	
Economic Development	108	\$ 2,565,222	
T.I.F.Special Revenue	109	\$ 1,761,930	
Conservation Trust	110	\$ 306,000	
Sales Tax CIP Fund	201	\$ 31,390,622	
Storm Drainage Improvements	202	\$ 4,027,710	
T.I.F. Capital Improvements	203	\$ 2,830,000	
Future Street Improvements	207	\$ 1,864,334	
Facilities Capital Fund	208	\$ 825,000	
Water Fund	301	\$ 5,831,359	
Solid Waste	302	\$ 3,172,533	
Two Rivers Convention Center	303	\$ 3,595,743	
Swimming Pools	304	\$ 948,315	
Golf Courses	305	\$ 2,496,175	
Parking	308	\$ 595,985	
Irrigation Systems	309	\$ 267,693	
Ambulance Transport	310	\$ 2,664,018	
Information Services	401	\$ 4,989,008	

Equipment	402	\$ 4,893,975	
Self Insurance	404	\$ 1,683,184	
Communications Center	405	\$ 7,173,669	
General Debt Service	610	\$ 6,981,298	
T.I.F. Debt Service	611	\$ 1,220,000	
Ridges Metro District Debt Service	613	\$ 222,035	
Parks Improvement Advisory Board	703	\$ 143,343	
Cemetery Perpetual Care	704	\$ 50,911	
Joint Sewer System, Total	900	\$ 12,307,674	

INTRODUCED AND ORDERED PUBLISHED the ____ day of _____, 2008.

TO BE PASSED AND ADOPTED the ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

Attach 8
Downtown Holiday Parking

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Free Holiday Parking in the Downtown		
File #			
Meeting Day, Date	November 17 th , 2008		
Placement on the Agenda	Consent	x	Individual
Date Prepared	November 13 th , 2008		
Author Name & Title	Jodi Romero, Financial Operations Manager		
Presenter Name & Title	Jodi Romero, Financial Operations Manager		

Summary: The Downtown Partnership and Development Authority have requested free parking in the downtown area again this year during the holiday shopping season. City Staff recommends Free Holiday Parking in all of downtown, including the first floor of the Rood Avenue parking structure, with the exception of government offices, illegal parking areas, and shared-revenue lots.

Budget: Because free holiday parking has been approved for several years now, the revenue from fines is projected with the holiday parking already in consideration and therefore there is not a corresponding impact to the budget.

Action Requested/Recommendation: Vacate parking enforcement at all designated downtown metered spaces and signed parking from Thanksgiving to New Year's day, except loading, no parking, handicapped, and **unbagged** meter spaces surrounding government offices. Metered spaces will be designated by covering the meter with the well-known "Seasons Greetings-Free Parking" red plastic bag.

Attachments: None

Background Information: After several years of implementing a variety of Holiday Parking methods, the system utilized the last four years seems to have worked well. While allowing the vast majority of parking to be free and unrestricted, it is critical to maintain available parking for short-term visitors to our government offices (approximately 120 out of 1,100 metered spaces) with continued enforcement of the short-term meters surrounding the Post Office (4th & White), the Federal Building (4th & Rood), the City Hall/County Administration block (5th & Rood to 6th & White), and the State Building (6th & Colorado). Additionally the shared-revenue lots at the State Building and the United Methodist Church (5th & Grand) as always are excluded from Free Holiday Parking and will continue to be enforced. This system has been discussed with and is supported by the Parking Management Advisory Group.

Attach 9

5-2-1- Drainage Authority Update, Fee Assessment Proposal and IGA for the Provision of Stormwater Services

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	521 Drainage Authority IGA		
File #			
Meeting Day, Date	Monday, November 17, 2008		
Placement on the Agenda	Consent		Individual X
Date Prepared	October 28, 2008		
Author Name & Title	Eileen List, Environmental Services Manager		
Presenter Name & Title	Eric Mende, 521 Drainage Authority Manager		

Summary: The City of Grand Junction is authorizing an Intergovernmental Agreement (IGA) with the 521 Drainage Authority (Authority). The purpose of the IGA is for the Authority to provide stormwater contract services that are currently required under Grand Junction’s Colorado Discharge Permit System (CDPS) Stormwater Discharge Permit. Eric Mende, Authority Manager, will present a briefing on the IGA.

Budget: Grand Junction’s contribution, as a contracting Authority party, is \$198,000 per year in 2008 and 2009.

Action Requested/Recommendation: Authorize the Mayor to sign the Intergovernmental Agreement for Grand Junction.

Attachments: IGA between City of Grand Junction and 521 Drainage Authority for Provision of Colorado Discharge Permit System (CDPS) Municipal Separate Storm Sewer (MS4) Stormwater Phase II Permit Services.

Background Information: The 521 Drainage Authority was created in 2004 by five local governmental contracting parties to address multi-jurisdictional regional stormwater quantity (flooding) and water quality (pollution) issues. The contracting parties are the City of Grand Junction, Mesa County, Town of Palisade, Grand Valley Drainage District and City of Fruita.

The Authority has recently obtained office space and hired staff. The Authority is now ready to provide stormwater planning and engineering services for private and public capital projects and will eventually maintain compliance with regional stormwater discharge permit requirements and perform operation and maintenance on Authority projects. The City will retain jurisdiction for stormwater operations and maintenance and spill response and remediation within its own system.

The City has been responsible for meeting the terms of its CDPS stormwater discharge permit since 2003. The terms include performing six minimum measures for pollution control and are currently performed by City Public Works and Planning and Utilities and Street Systems Department staff.

The required permit measures are:

- [Public Education and Outreach](#): Distributing educational materials and performing outreach to inform citizens about the impacts polluted storm water runoff discharges can have on water quality;
- [Public participation/Involvement](#): Providing opportunities for citizens to participate in program development and implementation;
- [Illicit Discharge Detection and Elimination](#): Developing and implementing a plan to detect and eliminate illicit discharges to the storm sewer system;
- [Construction Site Runoff Control](#): Developing, implementing, and enforcing an erosion and sediment control program (such as silt fences and mud tracking pads) for construction activities that disturb one or more acres of land;
- [Post-Construction Runoff Control](#): Developing, implementing, and enforcing a program to address discharges of post-construction storm water runoff from new development and redevelopment areas. Applicable controls include the use of structural practices such as detention ponds or grassed swales; and
- [Pollution Prevention/Good Housekeeping](#): Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations (e.g., regular street sweeping, reduction in the use of pesticides or frequent catch-basin cleaning).

The Authority, serving as contractor to Grand Junction and other Authority parties, is proposing to take some of the CDPS services from all contracting parties by December 1, 2008. These services include:

- Providing the Public Education and Outreach, and Construction Site and Post-Construction Runoff Control stormwater programs;
- Providing specific stormwater training to the public and municipal staff; and
- Auditing municipal Illicit Discharge Detection and Elimination and Pollution Prevention/Good Housekeeping stormwater programs.

As part of the construction control program the Authority will review Stormwater Management Plans (SWMPs) prepared by developers and City engineers, issue stormwater construction permits and perform stormwater construction site inspections. The Authority will act as a review agency for development projects submitted to the Public Works and Planning Department and will charge a review fee of \$100 per acre to fund this service and issue permits. The cost of \$100 per acre was determined based on the amount of time spent per site on SWMP review and inspection by Authority staff. This is a new fee that will affect the development community.

A public hearing on this process fee will be held on Wednesday, November 19th at the 5-2-1 Authority Board Meeting.

The Authority also intends to apply for a Valley-wide CDPS discharge permit in 2009 on behalf of Grand Junction and the other contracting parties.

INTERGOVERNMENTAL AGREEMENT
FOR PROVISION OF COLORADO DISCHARGE PERMIT SYSTEM (CDPS)
MUNICIPAL SEPARATE STORM SEWER (MS4)
STORMWATER PHASE II PERMIT SERVICES

THIS SERVICES AGREEMENT is made and entered into this _____ day of _____, 2008 by and between the 5-2-1 DRAINAGE AUTHORITY, a political subdivision of the State of Colorado, (hereinafter referred to as "Authority") and the CITY OF GRAND JUNCTION, a political subdivision of the State of Colorado, by and through its City Council, with its principal office located at 250 N. 5th Street, Grand Junction, Colorado 81501, (hereinafter referred to as "city" or "the City").

RECITALS:

WHEREAS, Authority was created by an Intergovernmental Agreement on June 14, 2004, pursuant to CRS 29-1-204.2, as amended, by and between Mesa County, the Town of Palisade, the City of Grand Junction, the City of Fruita and the Grand Valley Drainage District referred to as "Contracting Parties," to provide storm water related services within and across their respective jurisdictions, and

WHEREAS, Colorado law allows the Authority to accept responsibility for compliance with Federal and State Stormwater Phase II permits and procedures on behalf of the Contracting Parties, and

WHEREAS, it is consistent with the intent and purposes of the Authority to provide consolidated services to entities within its jurisdictional boundaries which hold individual Colorado Discharge Permit System (CDPS) Municipal Separate Storm Sewer System (MS4) Stormwater Phase II discharge permits, including both the individual Contracting Parties of the Authority as well as others that may desire similar services from the Authority on a fee-for-service basis, and

WHEREAS, all of the areas subject to CDPS MS4 Stormwater Phase II discharge permitting within the jurisdictional boundaries of the City, as identified by the Bureau of the Census and the Colorado Department of Public Health and Environment ("CDPHE") lie within the jurisdictional boundaries of the Authority, and

WHEREAS, the City currently holds a CDPS MS4 Stormwater Phase II discharge permit from CDPHE, and is desirous to have the permit replaced by, and the program elements of the permit administered by, the Authority and

WHEREAS, the City has placed a high priority on functional stormwater management and stormwater quality and is desirous of obtaining a consolidated Grand Valley CDPS MS4 Stormwater Phase II Discharge Permit Services Agreement with the Authority and Authority is desirous of providing the same.

NOW, THEREFORE, in consideration of the recitals, terms, conditions and mutual benefits herein contained, the Authority and the City agree as follows:

1. Duties of the Authority. The Authority shall provide CDPS MS4 Stormwater Phase II permit services on behalf of the City upon terms and conditions hereinafter

set forth. The Authority will provide for the City the Services stated in the scope of work attached hereto as Exhibit A and incorporated by this reference as if fully set forth.

2. Duties of the City

- A. The City agrees to reasonably assist the Authority with the performance of the Authority's duties as defined in Exhibit A of this Agreement by:
 - i. Providing accurate records, files, mapping, mailing lists and other documents and information necessary to establish the jurisdictional boundaries, type and ownership of properties within the jurisdictional boundaries, and physical facilities of the City for which the Authority will be providing services, and shall reasonably provide any updates or changes to this information as needed.
 - ii. Assisting with public education and participation activities performed on behalf of the City, as part of Authority's duties listed under Section A.i. and A.ii. of the Scope of Work.
 - iii. Providing assistance with scheduling and coordinating training sessions for City staff, and audits of City facilities as required by Sections B.i.d. and e., and Sections B.ii.a. and b. of the Scope of Work.
- B. The City agrees to reasonably assist the Authority with the consolidated permit submittal as defined in Exhibit A to this Agreement by: providing documentation such as current permit program descriptions and annual reports, existing ordinances and resolutions, and other technical data necessary for the consolidated permit application preparation and submittal process; passing or adopting new ordinances, resolution, or policies needed to meet State approval criteria.
- C. The City shall inform Authority, and provide a duplicate copy of, any permit related correspondence with regulatory agencies which may affect Authority's performance of its duties under Section 1 of this Agreement.

3. Term. The Authority and City agree that their respective duties under this agreement shall commence by December 01, 2008 and continue for a period concurrent with the life of the City's CDPS MS4 Phase II Stormwater permit, subject to the following:

- A. The parties mutually agree that the City shall maintain responsibility for stormwater management reviews, approvals, permits, and inspections for all projects and development accepted into the City review process prior to December 01, 2008.
- B. The parties mutually agree that either party may initiate a review and negotiated modification of this agreement on a yearly basis, beginning no sooner than October 1st of each calendar year, to take affect January 1st of the subsequent year. Amendments or modifications of this Agreement shall require written agreement executed by the parties hereto.
- C. Notwithstanding any provision herein contained, either party to this agreement may terminate the Agreement upon written notification to the remaining party ninety (90) calendar days in advance of such termination date. Upon termination or expiration of this Contract, Authority shall immediately cease service work, and deliver to the City all documents, keys, papers, calculations, notes, reports, drawings, or other technical

papers prepared by or provided to Authority under the terms of this Contract.

- D. It is understood that if a consolidated, valley-wide permit is obtained by the Authority consistent with the provisions of Section C of the attached Exhibit A, this Agreement may need significant amendment or modification, or replacement with a new agreement. Pending execution of an amendment, modification, or replacement agreement, Authority and the City agree to perform, or continue to perform their respective duties as identified under this agreement.
4. Fee for Service. By virtue of their status as an original contracting party of the Authority and their continued annual financial contributions thereto, commensurate with the services rendered to City by the Authority as identified in Exhibit A, no specific fees for specific services shall apply to City under this Agreement.
5. Relationship between Parties. Authority is contracted only for the purpose and to the extent set forth in this agreement, and its relationship to the City shall be that of independent contractor.
6. Indemnification Reciprocal. To the extent authorized by law the City shall indemnify and hold the Authority harmless against any loss or liability resulting from any claim asserted against the Authority by reason of its acting pursuant to and in accordance with the terms, provisions and conditions of this agreement.
7. Assignment. Neither party shall assign such party's rights or interest under this agreement without the prior written consent of the other.
8. Entire Agreement. This agreement shall constitute the entire agreement between the Authority and the City. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding on either party except to the extent incorporated in this agreement.
9. Amendment. Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if in writing signed by each party or an authorized representative of each party.
10. Non-Waiver. The failure of either party to this agreement to insist on the performance of any of the terms and conditions of this agreement or the waiver of any breach of any of the terms and conditions of this agreement shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.
11. Attorney Fees and Costs. This agreement shall be formed in accordance with laws of the State of Colorado and venue for any action here under shall be in the District Court of Mesa County, Colorado. In the event any action is filed in relation to this agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful party's attorney fees and costs, including the value of in-house Counsel.

12. Agreement Revisions Severable. If any of the provisions of this agreement are deemed to be invalid or unenforceable, such provisions shall be deemed severable from the remainder of this agreement and shall not cause the invalidity or unenforceability of the remainder of this agreement. If any provisions shall be deemed invalid because of its scope, this provision shall be deemed valid to the extent of the scope permitted by law.

13. Standard of Care. The Authority shall fully and faithfully perform the work required under this Agreement in accordance with the appropriate standards of care, skill, training, diligence and judgment provided by contractors who perform work of a similar nature to the work described in this Agreement.

14. Dispute Resolution. Disputes arising under or related to this Agreement or the work which is the subject of this Agreement shall be first addressed by mediation. If mediation is unsuccessful, the parties expressly reserve the right to arbitrate or file a cause of action pursuant to the Colorado Rules of Civil Procedure. The parties hereto agree that a final determination from mediation shall be a precondition to other action being taken.

5-2-1 DRAINAGE AUTHORITY

CITY OF GRAND JUNCTION

By _____
Jim Doody, Chairman

By _____
Gregg Palmer, Mayor

ATTEST:

ATTEST:

Richard Bowman, Secretary

City Clerk

[Corporate Seal affixed here]

[Corporate Seal affixed here]

NOTARY

EXHIBIT A
SCOPE OF WORK

- A. Authority shall budget for, administer, coordinate, and perform all the following program elements shown as Minimum Control Measures (MCM's) within the City's current CDPS MS4 Phase II Stormwater Management Program Description (attached) no later than December 01, 2008, subject to the specific terms of the Agreement.
- i. All Public Education and Outreach activities described under MCM1 within the City's Stormwater Phase II Program Description, as approved by the State of Colorado.
 - ii. All Public Participation and Involvement activities described under MCM2 within the City's Stormwater Phase II Program Description, as approved by the State of Colorado.
 - iii. Construction program activities as described under MCM4 within the City's Phase II Stormwater Program Description, as approved by the State of Colorado, specifically including review and approval of Construction Site Stormwater Management Plans (CSWMPs), issuance of Construction Stormwater Permits, and associated construction related inspection and auditing activities, and specifically excluding certain enforcement activities as further delineated in section v. below.
 - iv. Post-Construction program activities as described under MCM5 within the City's Phase II Program Description, as approved by the State of Colorado, specifically including: review and approval of Post Construction BMPs contained within Final Drainage Reports or other applicable documents; associated post-construction inspection and auditing activities; and specifically excluding certain enforcement activities as further delineated in section v. below.
 - v. As part of its duties under section 1.a.iii and iv. above, Authority shall work directly with developers and/or property owners of sites that require Construction Stormwater Permits and Post-Construction BMPs to maintain sites in compliance with stormwater quality requirements contained within the City's CDPS MS4 Stormwater Phase II discharge permit, without involvement of the City. If continued non-compliance, or blatant disregard of stormwater requirements is documented by the Authority, or work is being done without appropriate approval and further enforcement steps are needed, the Authority and the City understand and agree that the Authority has no independent ability to enforce and sanction compliance with construction and post construction related requirements without the support and involvement of the City. The Authority and the City therefore agree it is Authority's affirmative responsibility to make appropriate referrals to the City. The Authority and the City therefore agree that the Authority is responsible for performing the following pre-enforcement activities:
 - a) identification and documentation of continued non-compliance or blatant disregard for stormwater requirements, b)communication, via a written compliance advisory to the developer, contractor, property owner and/or other responsible party for the

site that requires a Construction Stormwater Permit and/or Post-Construction BMPs, describing the nature of the violation(s), and time frame for correction, and submitting a copy of this advisory along with a request for enforcement action to City, c) providing documentation and field support as needed to City, and d) providing testimony, or other support, as needed, for legal actions initiated by City.

- vi. Authority and City jointly understand and agree that enforcement provisions and processes described in paragraph A.v. above may require re-adoption or modification, if so mandated by State requirements as part of obtaining the Valley-wide MS4 permit identified in Section C below.

B. To the extent allowed by law, the Authority shall budget for, administer, coordinate and perform the following tasks, associated with program elements shown as Minimum Control Measures (MCM's) within the City's current CDPS MS4 Phase II Stormwater Management Program Description no later than December 01, 2008:

- i. Illicit Discharge Detection and Elimination (IDDE) activities specifically identified below and described under MCM3 within the current City's Phase II Program Description, as approved by the State of Colorado.
 - a. Operation of the 5-2-1 Hotline.
 - b. Coordination and performance of storm drain system mapping efforts.
 - c. Continuation of pollution awareness efforts, such as the billboard campaign, and distributing items such as brochures pencils, magnets, and stickers with the Hotline phone number.
 - d. Coordinate training activities for City's field staff to ensure compliance with City's MCM4 Program Description.
 - e. The Authority shall audit the City's IDDE program on an annual basis to ensure compliance with the CDPS MS4 Stormwater Phase II discharge permit requirements. The Authority shall submit a detailed audit report to the attention of Grand Junction staff for corrective actions.
- ii. Pollution Prevention and Good Housekeeping for Municipal Operations activities specifically identified below and described under MCM6 within the current City's Phase II Program Description, as approved by the State of Colorado.
 - a. Coordinate training activities for City's staff to ensure compliance with City's MCM6 Program Description.
 - b. The Authority shall audit the City's Pollution Prevention and Good Housekeeping for Municipal Operations program on an annual basis to ensure compliance with the CDPS MS4 Stormwater Phase II discharge permit requirements. The Authority shall submit a detailed audit report to the attention of City staff for corrective actions.

- C. The Authority shall diligently pursue, and apply for a Grand Valley wide CDPS MS4 Phase II Stormwater Permit, to be held by the Authority, consistent with State of Colorado regulations and approval criteria, to include the City as an entity covered under said Permit. Authority shall coordinate with CDPHE on the type and extent of required submittals, accumulate existing documents and/or prepare or coordinate creation of new documents as required for the permit submittals.
- i. It is understood that the transfer of responsibility, administration, and management of the existing permit from the City to the Authority will be contingent on State approval. Authority agrees to apply for said permit no later than April 01, 2009 with the intent of receiving CDPHE approval within 12 months. City shall be provided the opportunity to review and approve application for said permit prior to submittal. To achieve the specified April 01, 2009 submittal date, Authority shall provide the final submittal package to the City for review and approval no later than March 01, 2009.
 - ii. Authority shall administer, maintain, prepare annual reports for, and renew the Phase II permit once obtained.
 - iii. Authority may pursue State approval and/or designation as a qualified local program for the construction permitting program if such designation is the best interest of the City.
 - iv. Nothing in this section is intended to force Authority to obtain, hold, or continue to hold a CPDS MS4 Stormwater Phase II Permit on behalf of the City in violation of State approval criteria or in violation of applicable law. It is understood that the State retains the right to rescind Authority's ability to hold the CPDS MS4 permit on behalf of City if future conditions so warrant.
- D. Authority shall establish a Technical Advisory Committee (TAC), chaired by the Authority Manager, and comprised of staff representatives from all parties represented on the Board of the Authority. Staff representatives to the TAC shall be determined solely by their respective entities and shall be the primary conduit for communicating information between their organization and the Authority. The general role of the TAC is to provide recommendations and advice to the Authority Board and Authority Manager on technical, strategic planning, and permit compliance issues, in order to assist the Authority in performing its duties identified in the Agreement(s).
- i. The Authority Manager shall hold TAC meetings at least monthly, or at such other frequency as determined by the TAC members.
 - ii. The Authority Manager is responsible for ensuring the Board is kept informed of issues being discussed by the TAC, transmitting recommendations and advice from the TAC to the Authority Board, and for transmitting information from the Board to the TAC.
 - iii. The Authority Manager shall apprise TAC members and seek recommendations from the same before seeking board decisions

or implementing activities directly associated with the CDPS MS4 permit compliance commitments of the contracting parties. For Board decisions or implementation activities directly associated with MS4 permit compliance commitments of an individual party, individual TAC members shall identify to the Authority Manager any areas of disagreement or discussion they wish to be included in the information transmitted by the Authority Manager to the Board.

Attach 10

Public Hearing – Allen Annexation and Zoning, Located at 811 22 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Allen Annexation - Located at 811 22 Road		
File #	ANX-2008-258		
Meeting Day, Date	Monday, November 17, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	November 5, 2008		
Author Name & Title	Judith Rice, Associate Planner		
Presenter Name & Title	Judith Rice, Associate Planner		

Summary: Request to annex 6.00 acres, located at 811 22 Road to I-1 (Light Industrial). The Allen Annexation consists of one (1) parcel and including a portion of the 22 Road Right-of-Way.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution accepting the petition for the Allen Annexation and hold a public hearing and consider final passage of the Annexation Ordinance and Zoning Ordinance.

Attachments:

1. Staff report/Background information
2. Annexation Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

Background Information: See attached Staff Report/Background Information

STAFF REPORT / BACKGROUND INFORMATION			
Location:		811 22 Road	
Applicants:		Allen Family Trust Dorothy M. Allen, Trustee	
Existing Land Use:		Residential Single Family and Agriculture	
Proposed Land Use:		Light Industrial	
Surrounding Land Use:	North	Residential Single Family and Agricultural	
	South	Residential Single Family and Agricultural	
	East	Residential Single Family and Agricultural	
	West	Residential Single Family and Agricultural	
Existing Zoning:		County RSF-R (Residential Single Family Rural)	
Proposed Zoning:		I-1 (Light Industrial)	
Surrounding Zoning:	North	County RSF-R (Residential Single Family Rural)	
	South	I-1 (Light Industrial)	
	East	MU (Mixed Use)	
	West	I-1(Light Industrial)	
Growth Plan Designation:		Commercial Industrial	
Zoning within density range?	X	Yes	No

Staff Analysis:

ANNEXATION

This annexation area consists of 6.00 acres of land and is comprised of one (1) parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the <> Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
9/29/2008	Referral of Petition (30 Day Notice), Introduction of a proposed Ordinance, Exercising Land Use
10/14/2008	Planning Commission considers Zone of Annexation
11/3/2008	Introduction of a proposed Ordinance on Zoning by City Council
11/17/2008	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
12/19/2008	Effective date of Annexation and Zoning

ALLEN ANNEXATION SUMMARY		
File Number:		ANX-2008-258
Location:		811 22 Road
Tax ID Number:		2697-254-00-096
# of Parcels:		1
Estimated Population:		1
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		6.00 acres
Developable Acres Remaining:		5.97 acres
Right-of-way in Annexation:		.030 acres in 22 Road ROW
Previous County Zoning:		RSF-R (Residential Single Family Rural)
Proposed City Zoning:		I-1(Light Industrial)
Current Land Use:		Residential Single Family and Agricultural
Future Land Use:		Commercial Industrial
Values:	Assessed:	\$14,090
	Actual:	\$169,990
Address Ranges:		811 to 815 22 Road, Odd Only
Special Districts:	Water:	Ute Water
	Sewer:	201 Boundary
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation Company Grand Valley Drainage District
	School:	District 51
	Pest:	n.a.

Staff Analysis:

ZONE OF ANNEXATION

The requested zone of annexation to the I-1 (Light Industrial) zone district is consistent with the Growth Plan designation of Commercial Industrial. The existing County zoning is RSF-R (Residential Single Family Rural). 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 zoning 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.A.3 and 4 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The Allen property lies within the H Road/Northwest Area Plan which designates the Growth Plan's future land use for this property as Commercial/Industrial. The I-1 zone implements the Commercial/Industrial Future Land Use Designation. Adjacent properties to the south and west are zoned I-1. The properties across 22 Road to the east are zoned MU (Mixed Use) which also implements the Industrial/Commercial future land use.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: There is an existing 3 inch water line along 22 Road. An existing sewer line is approximately 1000 feet to the South on H Road. The water lines will need to be upgraded and the sewer extended to the property, but the services can be made available for development of the property.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- c. C-2 (General Commercial)
- d. I-O (Industrial/Office Park)

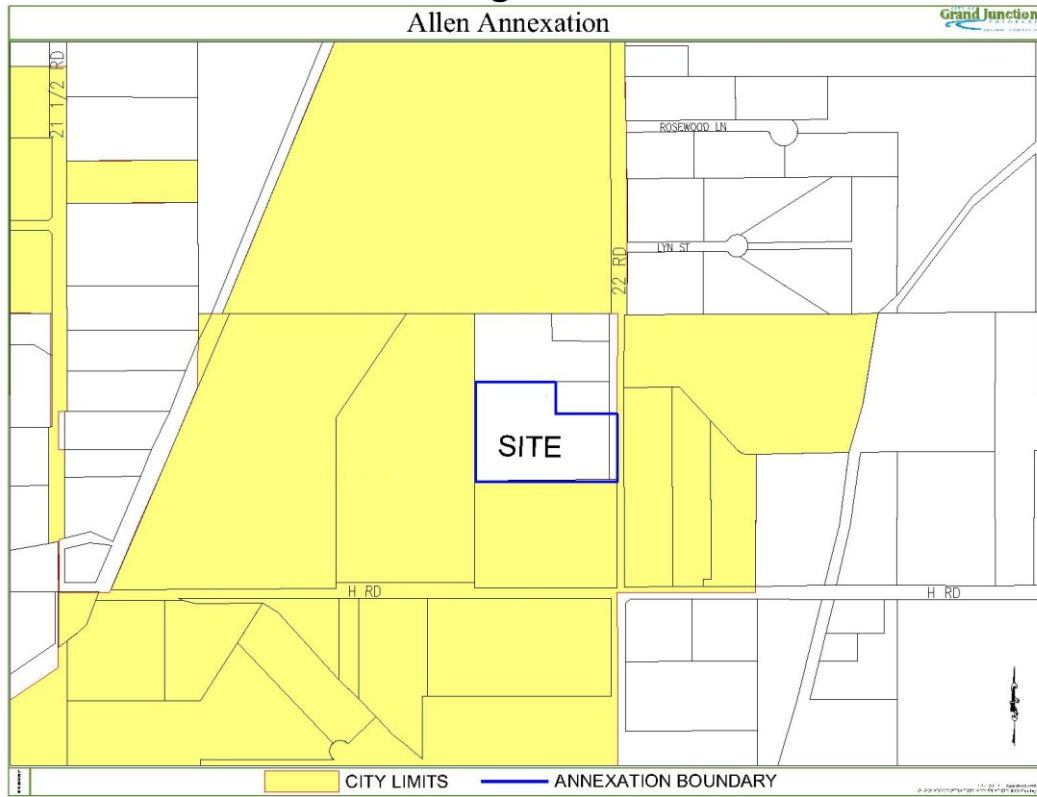
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the zone of annexation to the City Council on October 14, 2008, finding the requested zoning to I-1 (Light Industrial) zone district to be consistent with the goals and policies of the Growth Plan and Section 2.14 of the Zoning and Development Code.

Annexation/Site Location Map

Figure 1



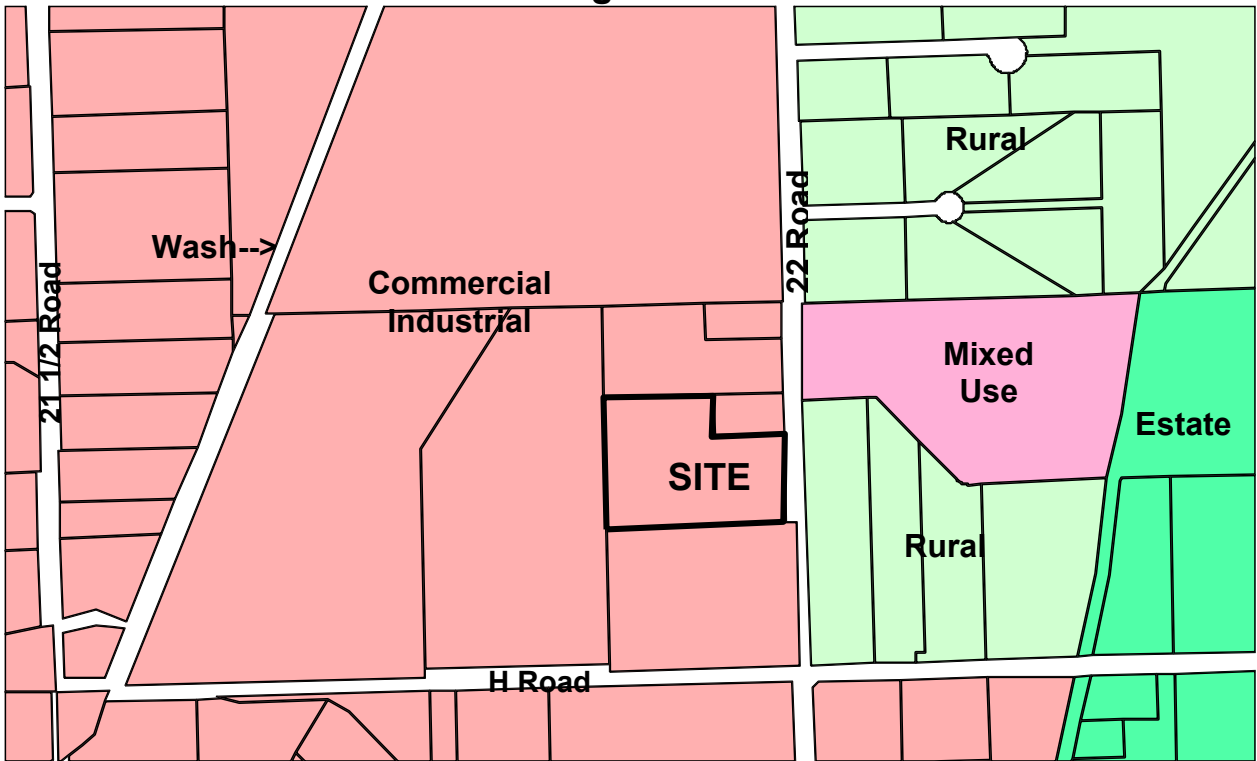
Aerial Photo Map

Figure 2



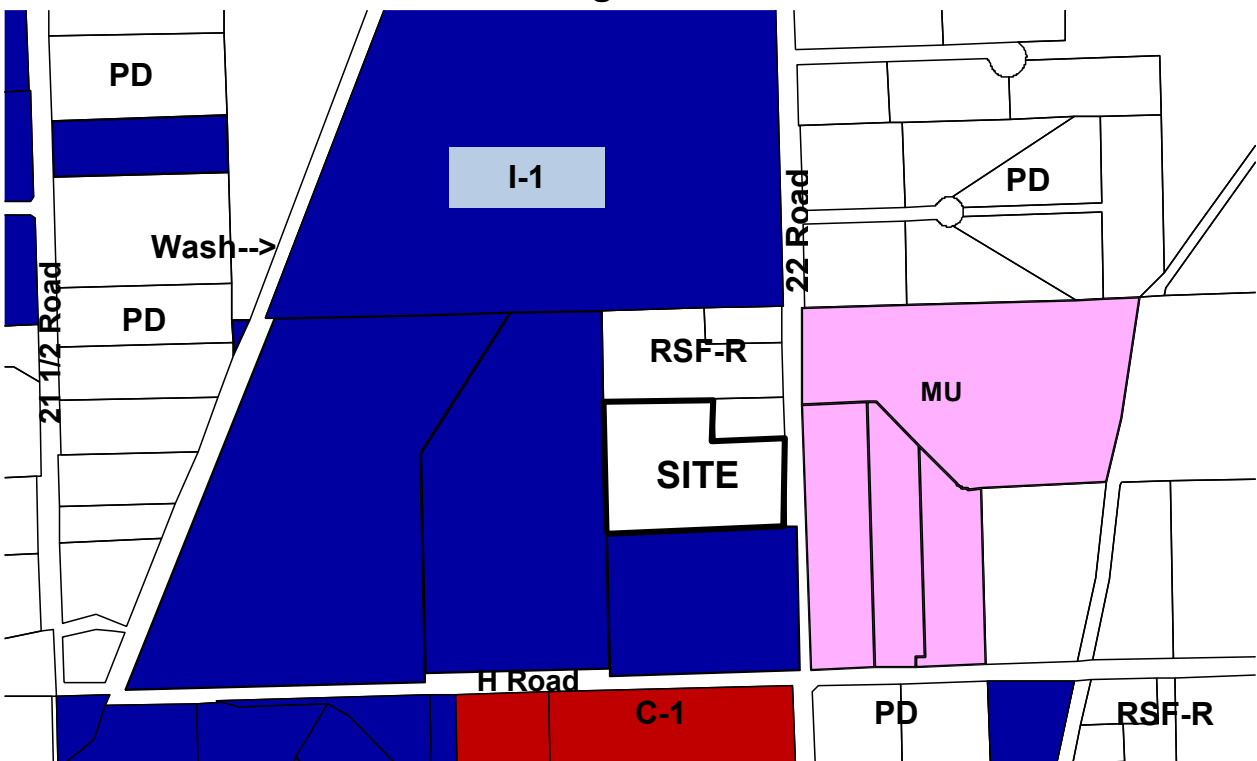
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

ALLEN ANNEXATION

**LOCATED AT 811 22 ROAD AND INCLUDING A PORTION OF THE
22 ROAD RIGHT-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 3rd day of November, 2008 a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

ALLEN ANNEXATION

A certain parcel of land located in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 25, Township One North, Range Two West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast corner of the SE 1/4 SE 1/4 of said Section 25 and assuming the East line of the SE 1/4 SE 1/4 of said Section 25 to bear N00°03'11"E with all bearings contained herein relative thereto; thence N00°03'11"E a distance of 520.10 feet along the East line of the SE 1/4 SE 1/4 of said Section 25, said line also being the West line of Reigan/Patterson/Tek/Morario Annexation No. 1, Ordinance No. 4143, City of Grand Junction to the Point of Beginning; thence N89°53'09"W a distance of 670.00 feet along the North line of Gentry Annexation, Ordinance No. 4126, City of Grand Junction to a point on the East line of Younger Annexation, Ordinance No. 4102, City of Grand Junction; thence N00°03'19"E a distance of 474.91 feet along East line of said Younger Annexation; thence S89°52'11"E a distance of 379.60 feet; thence S00°03'19"W a distance of 150.00 feet; thence S89°52'11"E a distance of 290.39 feet to a point on the East line of the SE 1/4 SE 1/4 of said Section 25, said point also being on the West line of said Reigan/Patterson/Tek/Morario Annexation No. 1; thence S00°03'11"W a distance of 324.72 feet along the East line of the SE 1/4 SE 1/4 of said Section 25, said line also being the West line of said Reigan/Patterson/Tek/Morario Annexation No. 1 to the Point of Beginning.

Said parcel contains 6.00 acres (261,577.27 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of November, 2008 and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this ____ day of _____, 2008.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

ALLEN ANNEXATION

APPROXIMATELY 6.00 ACRES

**LOCATED AT 811 22 ROAD AND INCLUDING A PORTION OF THE
22 ROAD RIGHT-OF-WAY**

WHEREAS, on the 29th day of September, 2008, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 17th day of November, 2008; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

ALLEN ANNEXATION

A certain parcel of land located in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 25, Township One North, Range Two West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast corner of the SE 1/4 SE 1/4 of said Section 25 and assuming the East line of the SE 1/4 SE 1/4 of said Section 25 to bear N00°03'11"E with all bearings contained herein relative thereto; thence N00°03'11"E a distance of 520.10 feet along the East line of the SE 1/4 SE 1/4 of said Section 25, said line also being the West line of Reigan/Patterson/Tek/Morario Annexation No. 1, Ordinance No. 4143, City of Grand Junction to the Point of Beginning; thence N89°53'09"W a distance of 670.00 feet along the North line of Gentry Annexation, Ordinance No. 4126, City of Grand Junction to a point on the East line of Younger Annexation, Ordinance No. 4102, City of Grand Junction; thence N00°03'19"E a distance of 474.91 feet along East line of said Younger Annexation; thence S89°52'11"E a distance of 379.60 feet; thence S00°03'19"W a distance of 150.00 feet; thence S89°52'11"E a distance of 290.39 feet

to a point on the East line of the SE 1/4 SE 1/4 of said Section 25, said point also being on the West line of said Reigan/Patterson/Tek/Morario Annexation No. 1; thence S00°03'11"W a distance of 324.72 feet along the East line of the SE 1/4 SE 1/4 of said Section 25, said line also being the West line of said Reigan/Patterson/Tek/Morario Annexation No. 1 to the Point of Beginning.

CONTAINING 6.00 Acres (261,577.27 Sq. Ft.), more or less, as described

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 29th day of September, 2008 and ordered published.

ADOPTED on second reading the _____ day of _____, 2008.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE ALLEN ANNEXATION TO
I-1 (LIGHT INDUSTRIAL)**

LOCATED AT 811 22 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 zoning the Allen Annexation to the I-1 (Light Industrial) zone district finding that it conforms with 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 is generally compatible with land 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 I-1 (Light Industrial) zone district 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 be zoned I-1 (Light Industrial).

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 25, Township 1 North, Range 2 West of the Ute Principal Meridian being more particularly described as follows:

The East 670 feet of the SE 1/4 SE 1/4 of Section 25, Township 1 North, Range 2 West of the Ute Principal Meridian; EXCEPT the South 520.1 feet thereof; AND ALSO EXCEPT a tract of land described in Warranty Deed recorded in Book 981 at Page 947; ALSO EXCEPT a parcel of land located in the East 670.00 feet of the SE 1/4 SE 1/4 of Section 25, Township 1 North, Range 2 West of the Ute Principal Meridian more particularly described as follows: Beginning at a point on the East line of said Section 25 which bears North 844.82 feet from the Southeast Corner of Section 25; thence North 89°55'30" West, 290.40 feet; thence North 150.00 feet; thence South 89°55'30" East 290.40 feet to the East line of said Section 25; thence along said line South, 150.00 feet to the point of beginning. Book 2871, Page 859

CONTAINING 5.97 Acres (260,053.2 Sq. Ft.), more or less, as described.

INTRODUCED on first reading the ____ day of ____, 2008 and ordered published.

ADOPTED on second reading the _____ day of _____, 2008.

ATTEST:

President of the Council

City Clerk

Attach 11

Public Hearing – Inclusion of Grand Valley Catholic Outreach Property, Located at 217 White Avenue into Downtown Development Authority

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Request from Grand Valley Catholic Outreach for Inclusion into Downtown Development Authority Boundaries		
File #			
Meeting Day, Date	Monday, November 17, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	November 13, 2008		
Author Name & Title	Heidi Hoffman Ham, DDA Executive Director		
Presenter Name & Title	Heidi Hoffman Ham, DDA Executive Director		

Summary:

The Grand Valley Catholic Outreach has requested inclusion into the Downtown Development Authority in order to consolidate their holdings under the requirements of Mesa County into one property. The DDA Board of Directors has approved this request, which is now submitted for consideration by the City Council.

Budget: n/a

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance.

Attachments:

- Letter from Sr. Karen Bland, Executive Director, Grand Valley Catholic Outreach
- Minutes of DDA meeting approving the request
- Map of Property
- Ordinance Amending the Boundaries

Background Information:

The Grand Junction Downtown Development Authority boundaries were set upon creation of the DDA and, in order to be added to the Authority, an entity must present a letter to the DDA Board requesting inclusion. If approved, this request is forwarded to the City Council for consideration. The Grand Valley Catholic Outreach (GVCO) owns or has purchased or traded property along White Avenue in order to develop the transitional housing and apartment buildings at 217, 227, and 237 White Avenue. In order to consolidate ownership of these various holdings into one property, Mesa County stipulates that all parcels be uniform in their taxing requirements. Although the GVCO is a nonprofit organization and is therefore exempt from paying taxes, the DDA Board feels that they are a valued entity in our downtown and has no objections to their

inclusion. Furthermore, if the property were to ever change ownership, it would already be fully within the Authority's boundary. For all of these reasons, the GVCO requested inclusion for all their properties into the DDA, and the DDA Board approved this request at their meeting on October 9, 2008.



Grand Valley Catholic Outreach

245 S. First Street
Grand Junction, Colorado 81501
970-241-3658

September 26, 2008

Steve Thomas
Downtown Development Authority
248 S. 4th Street
Grand Junction, CO 81501

Dear Steve:

Now that we have created St. Benedict Place on White Avenue between 2nd and 3rd streets, there seems to be some confusion about our participation in the Downtown Development Authority. Specifically, this is the problem. Some of our property is recognized by the DDA and some is not. The Assessor's Office cannot consolidate our various pieces unless all of our property is with the DDA or all is not.

Presently, our transitional house located at 247 White is recognized by the DDA. Our 240 White property was also so recognized but there is no longer a structure on that property. 217 White and 241 White were also recognized by the DDA. The house at 217 White has been replaced with one of our apartment buildings; the house at 241 White was demolished and on that property is another apartment building with the address of 237 White.

So, on the advice of the assessor's office, we are asking to have all the property consolidated within the DDA recognizable boundaries – 217 White, 227 White, and 237 White. They are beautiful structures and an asset to the downtown community.

I look forward to hearing from you.

Sincerely,

Sr. Karen Bland, OSB
Executive Director

GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY

BOARD MINUTES

Thursday, October 9, 2008

248 S. 4th Street, Grand Junction, CO

7:30 a.m.

PRESENT: Scott Howard, Bill Wagner, Harry Griff, Peggy Page, Bonnie Beckstein, Scott Holzschuh, Bill Keith, Steve Thoms

STAFF: Heidi Hoffman Ham, Diane Keliher, Kathy Dirks

GUESTS: Kevin Reimer, Steve Reimer

CALL TO ORDER: Steve called the meeting to order at 7:35 a.m.

APPROVAL OF MINUTES: The minutes for the September 11 meeting have been revised per a request from Rich Englehart. Harry made a motion to approve the revised minutes; Bill K. seconded; motion carried. Harry also made a motion to approve the September 25 minutes; Peggy seconded; minutes were approved.

CHAIRMAN'S REPORT – Nothing to report.

DIRECTOR'S REPORT – There is a group that has formed to perform an historic assessment of the train depot. There was a request made to the City to use some of the CDBG funds to pay for the assessment. Heidi will meet with Paul Brown to discuss the project. A schematic design report was required previously. Bonnie added that the group is working closely with the Museum. The building is for sale and the DDA is interested in making the depot more accessible to downtown.

There is a new "Welcome" banner going up on 7th Street. The plan is to continue to add to the inventory of banners so that an appropriate one can be up at all times.

The Buxton study was published in the Daily Sentinel in hopes of it spurring some conversations about development. The committee is putting together packets to send to 19 potential businesses. Scott Holzschuh asked if Heidi would make a presentation to the Board.

On the agenda for next meeting we have the City staff giving a construction update, Bruce Milyard will present his proposal for the end cap of the parking garage, and there will be a financial update on the BID 3rd quarter. City Council will need to decide how to replace Patti Hoff. Bonnie explained the process and that it is not on the Council agenda for this month. The DDA would like applications to be open to the public.

Grand Valley Catholic Outreach is petitioning to make all of their newly-consolidated parcels on White Avenue either in or out of the DDA boundaries. The DDA needs to give its permission for them to include all of their parcels in the DDA. Bill W. made a motion to include all properties owned by the Grand Valley Catholic Outreach in the DDA; Peggy seconded; motion passed.

REIMER PRESENTATION: There was some discussion by the board about the details of the agreement with Western Hospitality, Inc., to build a parking structure as part of the new hotel at 3rd and Main. Bill W. had a question about accruing interest on the DDA contribution and Harry was curious about the formula for parking spaces. Steve has concerns about maintaining the parking structure. Heidi explained that this is a letter of agreement that states that there has to be at least 35 public parking spaces.

Steve and Kevin Reimer's company, Western Hospitality, Inc., has purchased several lots at 3rd and Main Street. Their proposal includes building a parking garage along with a six-story mixed use building to include a boutique hotel and "seven-day-a-week" retail businesses and a restaurant. Discussion and questions from the board followed. Harry wanted to make sure that the last sentence in paragraph one in the letter of agreement read "a minimum of 35 spaces will be in exchange for payment of the \$395,000 being given with this agreement". Bill W. made the motion to approve the letter of agreement with changes; Peggy seconded; motion passed.

FAÇADE PROGRAM: Scott Howard and Heidi are putting together a proposal for the façade program. Heidi distributed some information on other programs. Bill K. asked about spreading the grants five years apart per owner and awarding the grants by land parcels rather than buildings or owners. Scott Howard feels very strongly about establishing a sign code. Scott Holzschuh asked if these are grants instead of loans. There was discussion of various matching grants and loans. This subject will be discussed again at a future meeting.

OTHER: Bill W. spoke about a catalyst project with the library that could be a wonderful partnership for the DDA; this idea was included in the Downtown Strategic Plan.

ADJOURN: Bonnie made a motion to adjourn; Scott Holzschuh seconded; and the Board adjourned at 9:00 a.m.

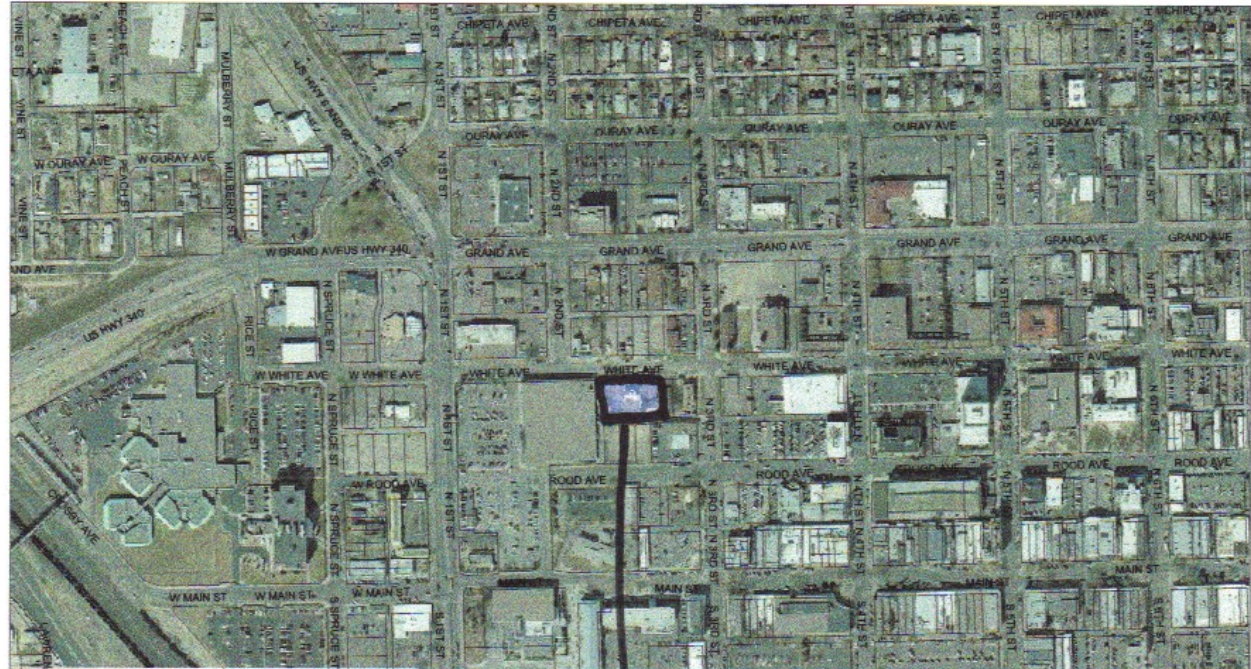
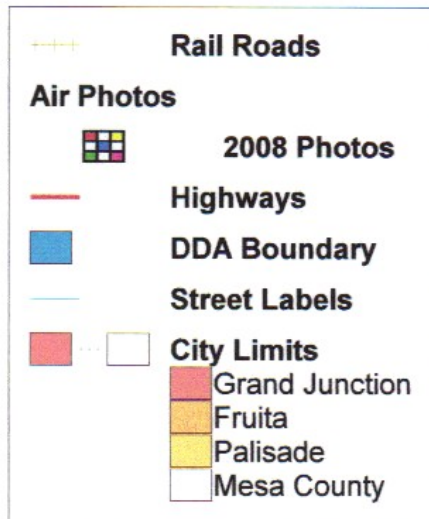
APPROVED _____

DATE _____

SENT TO CITY CLERK _____

DATE _____

City of Grand Junction GIS City Map ©



SCALE 1 : 8,236

N

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO
APPROVING EXPANDING THE BOUNDARIES FOR THE GRAND JUNCTION,
COLORADO DOWNTOWN DEVELOPMENT AUTHORITY TO INCLUDE PROPERTY
AT 217 WHITE AVENUE OWNED BY THE GRAND VALLEY CATHOLIC OUTREACH**

The Grand Junction, Colorado, Downtown Development Authority (the Authority) has adopted a Plan of Development for the boundaries of the Authority and the plan and boundaries were initially approved by the Grand Junction, Colorado, City Council (the Council) on December 16, 1981.

Since that time, several individuals, pursuant to Section 31-25-822, 12A C.R.S., as amended, and Article X of the Authority's Plan of Development have petitioned for inclusion within the boundaries of the Authority, and the boundaries of the Authority have been expanded by the Council by Ordinances No. 2045, 2116, 2382, 2400, 2425, 2470, 2820 and 2830;

The Board of Directors of the Authority has reviewed and approved a current petition from the Grand Valley Catholic Outreach requesting inclusion into the Authority's boundaries for its newly consolidated properties at St. Benedict Place and requests Council approval to expand the Authority's boundaries to include these properties.

The procedures for inclusion into the Downtown Tax Increment Financing (TIF) area require additional steps; however, this legal ownership entity is a nonprofit organization. It has not paid tax revenue into the TIF district on its current parcels, nor will it pay into the TIF for this newly-created parcel, due to this status.

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

1. The Council finds the existence of blight within the Authority within the meaning of C.R.S. 1973, Section 31-25-802(1.5), as amended.
2. The Council hereby finds and determines that the approval of the expansion of boundaries for the Downtown Development Authority Plan of Development as shown on the attached Exhibit 1, will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the city of its central business district; will halt or prevent the deterioration of property values or structures; will halt or prevent the growth of blighted areas; will assist the City and the Authority in the development and redevelopment of the district, and in the overall planning to restore or provide for the continuance of the economic health; and will be of specific benefit to the property to be included within the amended boundaries of the Authority.
3. The expansion of the Authority's boundaries, as shown in the attached Exhibit

1, are hereby approved by the Council and incorporated into the Plan of Development as previously amended, and the Authority is authorized to undertake development projects as described in the Plan.

4. The City Council is requested to ask the County Assessor to certify the valuation for assessment of the new property included as of the date of the last certification, and the City Finance Director is requested to certify the sales tax receipts for the properties for the twelve (12) months prior to the inclusion of such property.

5. If any provision of this ordinance is judicially adjudged invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

Introduced on first reading this 3rd day of November, 2008.

PASSED and ADOPTED this ____ day of _____, 2008.

President of the Council

Attest:

City Clerk

EXHIBIT 1

Expanding the boundaries of the Grand Junction Downtown Development Authority.

The boundaries of the Authority shall be expanded to include the following properties into the Plan of Development area.

Former Parcel Numbers:

2945-143-11-955 and

2945-143-11-019

Now Consolidated Into Parcel Number

2945-143-11-954

Legal Description

Lots 5 Thru 11 Incl Blk 98, Grand Junction, Sec 18 1S 1W – 0.51AC

Attach 12

Public Hearing – Proposed Amendments to the Submittal Standards for Improvements and Development (SSID)

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Proposed amendments to the Submittal Standards for Improvements and Development (SSID)		
File #	TAC-2008-295		
Meeting Day, Date	Monday, November 17, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	November 3, 2008		
Author Name & Title	Lisa E. Cox, Planning Manager		
Presenter Name & Title	Lisa E. Cox, Planning Manager		

Summary: The City of Grand Junction proposes to amend the Submittal Standards for Improvements and Development (SSID) to reflect the statutory requirement for landscape plans to be stamped by a Landscape Architect licensed by the state of Colorado, pursuant to C.R.S. §12-45-101 et seq.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and adopt the final Ordinance.

Attachments: Staff report and proposed Ordinance.

Background Information: The City of Grand Junction considers amendments to development standards from time to time, including the submittal standards and requirements for development applications. Certain updates and changes are desirable to maintain the effectiveness of the development review process and to ensure that the goals and policies of the Growth Plan are being implemented.

Staff Analysis:

C.R.S. §12-45-101

An amendment is proposed to the Submittal Standards for Improvements and Development (SSID) to reflect the statutory requirement for landscape plans to be stamped by a Landscape Architect licensed by the state of Colorado, pursuant to C.R.S. §12-45-101 et seq. Colorado communities, both cities and counties, are adopting this standard to avoid becoming a haven for unlicensed Landscape Architects practicing in their communities.

C.R.S §12-45-101 et seq. provides an exemption for landscape plans for residential properties consisting of four or fewer lots or units and including no common areas. The proposed amendment includes this exemption.

To ensure that quality control and assurance standards are met, and to ensure compliance with the approved landscape plan, a letter of compliance will be required prior to final approval of a project.

CONSISTENCY WITH GROWTH PLAN:

The proposed amendments to the SSID are consistent with the goals and policies of the Growth Plan, including, but not limited to the following:

Policy 6.5: The City and County will encourage the use of non-potable water for irrigation, particularly for recreation uses, common areas and other public spaces.

Policy 1.04: The City and County will encourage development designs that enhance the sense of neighborhood.

Policy 13.3: The City and County will foster improved community aesthetics through improved development regulations addressing landscaping, screening of outdoor storage and operations, building orientation, building design, signage parking lot design and other design considerations.

Policy 13.10: The City and County will develop Code provisions that enhance landscape requirements, yet are appropriate to the climate and available plant species of the Grand Valley.

FINDINGS OF FACT/CONCLUSIONS:

After review of the proposed amendments, the Planning Commission made the following findings of fact and conclusions:

1. The proposed amendments are consistent with the goals and policies of the Growth Plan.

PLANNING COMMISSION RECOMMENDATION:

After review and consideration of the proposed amendments, the Planning Commission forwarded a recommendation of approval to City Council of the proposed amendments, TAC-2008-295, with the findings and conclusions listed above.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING THE SUBMITTAL STANDARDS FOR IMPROVEMENTS AND DEVELOPMENT (SSID) TO REQUIRE LANDSCAPE PLANS TO BE STAMPED BY A LICENSED LANDSCAPE ARCHITECT

Recital:

The City of Grand Junction considers amendments to development standards from time to time, including the submittal standards for development applications. Certain updates and changes are desirable to maintain the effectiveness of the development review process and to ensure that the goals and policies of the Growth Plan are being implemented.

An amendment to the Submittal Standards for Improvements and Development (SSID) is proposed to reflect the statutory requirement that landscape plans to be stamped by a Landscape Architect licensed by the state of Colorado, pursuant to C.R.S. §12-45-101 et seq. C.R.S §12-45-101 et seq. provides an exemption for landscape plans for residential properties consisting of four or fewer lots or units and including no common areas. The proposed amendment includes this exemption.

The City Council finds that the request to amend the Submittal Standards for Improvements and Development (SSID) is consistent with the goals and policies of the Growth Plan.

The Planning Commission, having heard and considered the request, found the proposed amendments further several goals and policies of the Growth Plan and recommended approval of the proposed amendments to the Submittal Standards for Improvements and Development (SSID).

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ZONING AND DEVELOPMENT CODE BE AMENDED AS FOLLOWS:

Amend Section V-10, Drawing Standards Checklist, Landscape Plan, by adding the following new text in Section V – Graphic Standards and a new footnote under Comments. New text is highlighted in yellow.

DRAWING STANDARDS CHECKLIST

LANDSCAPE PLAN

ITEM	GRAPHIC STANDARDS
SECTION V - GRAPHIC STANDARDS	A Scale: 1" = 10' or 20'
	B Sheet size: 24" X 36"
	C Primary features consist only of landscape features
	D Notation: All non-construction text, and also construction notation for all primary features
	E Line weights of existing and proposed (secondary and primary) features per City Graphic Standards
	H Vertical control: Benchmarks on USGS datum
	I Orientation and north arrow
	K Title block with names, titles, preparation and revision dates
	M Legend of symbols used
	N List of abbreviations used
	P Multiple sheets provided with overall graphical key and match lines
	Q Contouring interval and extent
	R Neatness and legibility
	S Stamped and sealed drawings by a Professional Landscape Architect licensed in Colorado pursuant to C.R.S. §12-45-101 et

ITEM	FEATURES
1	Use the Site Plan as a base map
2	Identify areas to be covered with specific landscaping materials
3	Boulders, mounds, swales, water courses, rock outcroppings
4	Planting Material Legend includes common and botanical names, quantities, minimum purchase sizes, mature height, groundcover/perennial spacing, types of soil and other remarks
5	Specification of soil type and preparation
6	Landscape irrigation layout, design, materials and details (if requested by City staff)
7	Planting/staking and other details as required
8	Required note on Plan: "An underground, pressurized irrigation system will be provided"
9	Space for approval signature by Community Development with date and title
10	R.O.W. fence plan
11	Subdivision entrance or monument sign (if proposed)
12	Calculations used to derive required number of trees, shrubs and turf
13	Location of overhead utilities if crossing proposed landscaped areas
14	Show all fire hydrants and all above ground utilities and manholes located within landscape areas.
15	Sight triangle per TEDS at all intersections and access points.

COMMENTS

1. This drawing may be eliminated if information may be put on the Site Plan. See Note (2) on the Site Plan Checklist.
2. This drawing must be stamped and sealed by a Licensed Landscape Architect except:
 - (1) Landscape Plans for residential properties consisting of four or fewer lots or units and including no common areas.

Amend Section VII.C.a.i.(2) as follows:

- (2) Facilities that may ultimately impact the public at large, such as Stormwater Best Management Practices, overlot grading, private detention/retention basins, ~~and~~ storm water collection and conveyance, and required landscaped areas.

Create new Section VII.C.b.ix to read as follows:

ix. Letter of Compliance A letter from a Landscape Architect, licensed by the state of Colorado, which states that they have inspected the site and certify compliance of the installed, constructed improvements with the approved landscape plan(s).

Introduced for first reading this 3rd day of November, 2008.

Passed and adopted this ____ day of _____, 2008.

Gregg Palmer
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 13

Public Hearing – Provisions Regarding Growth Plan Amendments

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Provisions Regarding Growth Plan Amendments to be Concurrent with Zoning Requests		
File #	TAC-2007-307		
Meeting Day, Date	Monday, November 17, 2008		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	November 7, 2008		
Author Name & Title	Lisa E. Cox, Planning Manager		
Presenter Name & Title	Lisa E. Cox, Planning Manager		

Summary: The City of Grand Junction adopted Ordinance No. 4140 on November 19, 2007 which provided that a Growth Plan Amendment could be reviewed more than twice a year. Previously, the Code only allowed Growth Plan Amendments to come forward twice per year. In Ordinance No. 4140, the City Council included a sunset clause to allow the City Council to review the change and reconsider the provisions of the ordinance twelve (12) months from its adoption.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and adopt the final Ordinance.

Attachments:

1. Staff report
2. Ordinance No. 4140
3. Proposed ordinance

Background Information: The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes to the Code are desirable to maintain the Code's effectiveness and to ensure that the goals and policies of the Growth Plan and Future Land Use Map are being implemented.

On November 19, 2007 City Council adopted Ordinance No. 4140 which amended Section 2.5 of the Zoning and Development Code to allow amendments to the Growth Plan and/or the Future Land Use Map more than twice each calendar year. The Ordinance contained a sunset clause that required Council to reconsider the provisions of the Ordinance twelve (12) months from its adoption. If the Ordinance is not readopted then Section 2.5 (E) will revert to earlier terms that only allowed amendments to the Growth Plan and/or Future Land Use Map to be considered twice a year. The City has accepted applications to amend the Growth Plan and Future Land Use Map for approximately 11 months in accordance with Section 2.5 (E) of the Zoning Code. During that time, a total of nine (9) applications have been processed.

For the past 14 months the City has worked with Mesa County and the public to develop a Comprehensive Plan that is anticipated to be adopted in early 2009. While the new approach to accepting applications at any time during the year appears to work well and there have only been 9 applications filed, it's also possible that some property owners may be waiting to see what the adopted Comprehensive Plan will produce before filing a Growth Plan amendment.

If the provisions of Ordinance No. 4140 are readopted by Council now, it may be necessary, after the new Comprehensive Plan has been adopted, for Council to revisit the criteria and opportunities to accept applications to amend the new Plan.

PLANNING COMMISSION RECOMMENDATION:

On October 23, 2007 the Planning Commission forwarded a recommendation of approval to City Council to amend Section 2.5 (E) of the Zoning Code to allow amendments to the Growth Plan and/or the Future Land Use Map more than twice each calendar year.

CITY OF GRAND JUNCTION

ORDINANCE NO. 4140

AN ORDINANCE AMENDING SECTION 2.5 OF THE ZONING AND DEVELOPMENT CODE TO ALLOW AMENDMENTS TO THE GROWTH PLAN AND/OR THE FUTURE LAND USE MAP MORE THAN TWICE EACH CALENDAR YEAR

Recitals:

The City Council amended Section 2.5 of the Zoning and Development Code on March 21, 2007 (Ordinance No. 4055), to allow for the review of a Growth Plan Amendment concurrently either with adoption of a zone of annexation of property, and/or concurrently with a request to rezone property to Planned Development (PD).

During the Council's consideration of Ordinance No. 4055, discussion of the current requirements of Section 2.5 (E)(1)(a), which limits proposed amendments to twice each year, occurred. Some Council members were concerned that the requirement is unduly restrictive.

Because the nature of a master plan, such as the Growth Plan and the Future Land Use Map (together the "Growth Plan") should be reflective of the changing conditions in the community and because the Grand Valley, and the City in particular, are experiencing significant growth pressure, the limitations on reviews of the Growth Plan should be eliminated.

The Planning Commission, having heard and considered this proposed amendment to Section 2.5 of the Zoning and Development Code, has recommended approval of the proposed revision.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ZONING AND DEVELOPMENT CODE BE ADMENDED AS FOLLOWS:

1. Repeal and reenact Section 2.5.E to read as follows:

"E. Application requirements and processing procedures in Table 2.1 and Section 2.3 B apply, except that changes to the Growth Plan, including map amendments and text amendments, shall be processed when they are received.

1. **Application Requirements.**

a. **Minimum Requirements.** In making a request for a plan amendment, the applicant shall address each of the criteria provided in this Section.

b. **Optional Materials.** In addition to the required written descriptions, justifications and responses, the City Council, Planning Commission or staff may request additional documents, reports, studies, plans and drawings as deemed necessary to fully evaluate the request. The applicant may submit additional relevant materials.

2. Notice.

a. **Property Sign.** Signs giving notice are not required for text amendment requests, nor for map amendments initiated by the City as a Citywide or area plan process or requests relating to more than five percent (5%) of the area of the City.

b. **Mailed Notice.** A mailed notice is not required for a map amendment request relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process, or for text amendment requests; however, the Director shall give notice in an advertisement in a local newspaper of general circulation (Section 2.3.b.6.)

3. Hearing. If action by the City and the County is required, the Director will attempt to arrange a joint meeting of city and County Planning Commissions, although such joint meetings are not required. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing. Each commission shall vote separately.

4. Timing. If both the City and County should act, and thirty (30) calendar days have passed since action by one entity without action by the second entity, the decision of the first entity shall control."

2. Sunset Clause. This Ordinance shall be reviewed by the City Council twelve (12) months from its adoption. If the Ordinance is not readopted then the Ordinance shall be null, void and of no effect and Section 2.5 (E) shall revert to the terms written prior to this Ordinance.

Introduced for first reading this 5th day of November, 2007.

Passed and adopted this 19th day of November, 2007.

/s/ James J. Doody
James J. Doody
President of the Council

Attest:

/s/ Stephanie Tuin
Stephanie Tuin
City Clerk

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE READOPTING THE PROVISIONS OF ORDINANCE NO. 4140 WHICH AMENDED SECTION 2.5 OF THE ZONING AND DEVELOPMENT CODE TO ALLOW AMENDMENTS TO THE GROWTH PLAN AND/OR THE FUTURE LAND USE MAP MORE THAN TWICE EACH CALENDAR YEAR

Recitals:

On November 19, 2007 City Council adopted Ordinance No. 4140 which amended Section 2.5 (E) of the Zoning and Development Code to allow amendments to the Growth Plan and/or the Future Land Use Map more than twice each calendar year.

The Ordinance contained a sunset clause that required Council to reconsider the provisions of the Ordinance twelve (12) months from its adoption. If the Ordinance is not readopted then Section 2.5 (E) will revert to earlier terms that only allowed amendments to the Growth Plan and/or Future Land Use Map to be considered twice a year.

The City has accepted applications to amend the Growth Plan and Future Land Use Map for approximately 11 months in accordance with Section 2.5 (E) of the Zoning Code. City Council wishes to extend the provisions of Ordinance No. 4140.

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

The provisions of Ordinance No. 4140 that pertain to Section 2.5 (E), previously adopted on November 19, 2007, shall be readopted as follows:

"E. Application requirements and processing procedures in Table 2.1 and Section 2.3 B apply, except that changes to the Growth Plan, including map amendments and text amendments, shall be processed when they are received.

1. Application Requirements.

a. Minimum Requirements. In making a request for a plan amendment, the applicant shall address each of the criteria provided in this Section.

b. Optional Materials. In addition to the required written descriptions, justifications and responses, the City Council,

Planning Commission or staff may request additional documents, reports, studies, plans and drawings as deemed necessary to fully evaluate the request. The applicant may submit additional relevant materials.

2. Notice.

a. **Property Sign.** Signs giving notice are not required for text amendment requests, nor for map amendments initiated by the City as a Citywide or area plan process or requests relating to more than five percent (5%) of the area of the City.

b. **Mailed Notice.** A mailed notice is not required for a map amendment request relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process, or for text amendment requests; however, the Director shall give notice in an advertisement in a local newspaper of general circulation (Section 2.3.b.6.)

3. Hearing. If action by the City and the County is required, the Director will attempt to arrange a joint meeting of city and County Planning Commissions, although such joint meetings are not required. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing. Each commission shall vote separately.

4. Timing. If both the City and County should act, and thirty (30) calendar days have passed since action by one entity without action by the second entity, the decision of the first entity shall control."

Introduced for first reading this 3rd day of November, 2008.

Passed and adopted this ____ day of _____, 2008.

Gregg Palmer
President of the Council

Attest:

Stephanie Tuin
City Clerk