



**CITY COUNCIL AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
WEDNESDAY, NOVEMBER 18, 2009, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance

**Citizen Comments**

**Presentations**

**\*\*\* CONSENT CALENDAR \*\*\*<sup>®</sup>**

1. **Sawyer Subdivision Vacation of Easements, Located at 2672, 2676 Cambridge Drive and 756 Cambridge Court** [File #VE-2009-143] [Attach 1](#)

A request to vacate seven unused utility and drainage easements running through the properties of 2672, 2676 Cambridge Drive and 756 Cambridge Court. These properties were originally platted in 1983 and replatted in 1987. In 1990 and 1993 building permits were issued by the County and the houses were built. The properties were annexed in 1993, after the building permits were issued. Recently it was found that the residences were built in accordance with the original lot lines platted in 1983. Because of this error, the residences are now located within the easements which were dedicated by the 1987 replat.

Resolution No. 87-09—A Resolution Vacating Seven Utility and Drainage Easements Located at 2672, 2676 Cambridge Drive and 756 Cambridge Court

**®Action:** *Adopt Resolution No. 87-09*

Staff presentation: Michelle Hoshide, Associate Planner

2. **Setting a Hearing Expanding the Boundaries for the Downtown Development Authority (DDA)** [Attach 2](#)

The DDA has been petitioned by Mesa County Board of County Commissioners, the Mesa County Library District and the City to include various properties into the DDA boundaries. Inclusion of these properties within the DDA Boundaries will serve to promote community stability and prosperity by improving property values, assist in the development and redevelopment of the district and provide for the continuance of economic health in the community.

Proposed Ordinance Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority

*Action: Introduction of a Proposed Ordinance and Set a Hearing for November 30, 2009*

Staff presentation: Steve Thoms, DDA Board Chair  
John Shaver, City Attorney

3. **Ratify Final Form of Ordinance No. 4390** [Attach 3](#)

The City Council reviewed and approved Ordinance No. 4390 after proper notice and a public hearing at its November 2, 2009 meeting. Ordinance No. 4390 approved a loan from the Colorado Water Resources and Power Development Authority to finance certain improvements to the City's water system and authorized the form and execution of the loan.

The Ordinance reviewed and approved by the bond counsel and the City Attorney was not the version presented to the City Council in the meeting materials. While there is no difference in any of the authorizations, legal relationships or obligations between the earlier version and this version of the Ordinance, the earlier version was not in fact the final version. It is important that the final version of the Ordinance be adopted for the record.

Resolution No. 88-09—A Resolution Ratifying the Correct Version of Ordinance No. 4390 and Authorizing Action in Accordance Therewith

*®Action: Adopt Resolution No. 88-09*

Staff presentation: John Shaver, City Attorney

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

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

4. **Disbanding the Avalon Theatre Advisory Committee** [Attach 4](#)

The City Council approved Resolution No. 27-06 on April 5<sup>th</sup>, 2006, creating the Avalon Theatre Advisory Committee. Since its creation, the Committee has worked diligently on its assigned tasks and due to their worthy efforts, the Committee has completed the tasks ahead of schedule. The Chair and Vice-Chair of the Committee are now requesting that the City Council disband the Committee.

Resolution No. 89-09—A Resolution Rescinding Resolution No. 27-06 Creating the Avalon Theatre Advisory Committee

®Action: *Adopt Resolution No. 89-09*

Staff presentation: Debbie Kovalik, Econ. Conv. and Visitor Services Director  
John Shaver, City Attorney

5. **Petition for Exclusion from the Downtown Grand Junction Business Improvement District from Arvan Leany for Property Located at 337 S. 1<sup>st</sup> Street** [Attach 5](#)

On August 4, 2009, Mr. Arvan J. Leany filed a letter and the required deposit to initiate consideration of the exclusion of his property from the Downtown Grand Junction Business Improvement District at 337 S. 1<sup>st</sup> Street (Pufferbelly Restaurant). On August 17, 2009, the City Council referred the matter to the Downtown Grand Junction Business Improvement District (DGJBID) Board. The DGJBID heard the request on October 22, 2009 and with a tied vote, the motion was defeated.

Action: *Consider the Recommendation of the DGJBID Board and Determine Whether to Grant the Exclusion Request*

Staff presentation: Steve Thoms, DGJBID Board Chair  
John Shaver, City Attorney

6. **Construction Contract for the Downtown Uplift Phase I** [Attach 6](#)

The Downtown Development Authority Downtown Uplift Phase I (1<sup>st</sup> Street to 4<sup>th</sup> Street) is the first of two phases to renovate Main Street. This project represents the highest priority of the Downtown Development Authority. This phase of the

project will provide much needed renovation including the replacement of deteriorated sidewalks, brick planters, storm drains, street lighting, electric circuits for vendors and Christmas lighting and water line. Other components include replacement of dying trees and reinstallation of a water sculpture, play area, shade shelters, and drinking fountains. The project is 100% funded by the DDA with the City providing the design, construction oversight and funding of the water line replacement.

*Action: Authorize the City Manager to Sign a Construction Contract with FCI Construction Inc. of Grand Junction, Colorado for the Downtown Uplift Phase I Construction Project in the Amount of \$2,309,841.09*

Staff presentation: Steve Thoms, DDA Board Chair  
Tim Moore, Public Works and Planning Director  
Jay Valentine, Assistant Financial Operations Manager

7. **Non-Scheduled Citizens & Visitors**
8. **Other Business**
9. **Adjournment**





Date: November 18, 2009

Author: Michelle Hoshide /

Title/ Phone Ext: Associate pl  
Planner / 4043

**Attach 1**  
**Sawyer Subdivision Vacation of Easements,**  
**Located at 2672, 2676 Cambridge Drive and 756**  
**Cambridge Court**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Sawyer Subdivision Vacation of Easements, Located at 2672, 2676 Cambridge Drive and 756 Cambridge Court
<b>File #:</b> VE-2009-143
<b>Presenters Name &amp; Title:</b> Michelle Hoshide, Associate Planner

**Executive Summary:**

A request to vacate seven unused utility and drainage easements running through the properties of 2672, 2676 Cambridge Drive and 756 Cambridge Court. These properties were originally platted in 1983 and replatted in 1987. In 1990 and 1993 building permits were issued by the County and the houses were built. The properties were annexed in 1993, after the building permits were issued. Recently it was found that the residences were built in accordance with the original lot lines platted in 1983. Because of this error, the residences are now located within the easements which were dedicated by the 1987 replat.

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

Goal 6: Land Use decisions will encourage preservation and appropriate reuse.

The easements will not be and are not currently being used for any utilities. The vacation of the seven utility and drainage easements will allow the properties of 2672, 2676 Cambridge Drive and 756 Cambridge Court to conform to the standards set forth in the Zoning and Development Code.

**Action Requested/Recommendation:**

Adopt Resolution Vacating Seven Utility and Drainage Easements.

**Board or Committee Recommendation:**

On October 13, 2009, Planning Commission forwarded a recommendation of approval for the request to vacate seven utility and drainage easements, VE-2009-143, to the City Council with the findings that the request is consistent with the Goals and Policies of the Growth Plan and Section 2.11.C of the Zoning and Development Code.

1. Condition: A new drainage and utility easement shall be dedicated as part of the boundary adjustment and located through the properties of 2672, 2676 Cambridge Drive and 756 Cambridge Court.

**Background, Analysis and Options:** See attached

**Financial Impact/Budget:** N/A

**Legal issues:** None

**Other issues:** None

**Previously presented or discussed:** No previously presented discussions.

**Attachments:**

Figure 1: Site Location Map

Figure 2: Aerial Photo Map

Figure 3: Future Land Use Map

Figure 4: Existing City Zoning Map

Resolution including Exhibits A, B and C

BACKGROUND INFORMATION					
Location:		2672, 2676 Cambridge Drive and 756 Cambridge Court			
Applicants:		Owners: Ronald and Doneen Sawyer, Wayne Marcotte, and Stephen and Melissa Wilson Representative: Vista Engineering Corp.			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		Planned Development			
Proposed Zoning:		No change			
Surrounding Zoning:	North	Planned Development			
	South	Planned Development			
	East	Planned Development			
	West	Planned Development			
Growth Plan Designation:		RML (Residential Medium Low 2 to 4 units/acre)			
Zoning within density range?		X	Yes		No

Background:

The Cambridge Subdivision was originally platted in 1983. Properties 2672, 2676 Cambridge Drive and 756 Cambridge Court, as well as two other properties, were replatted in 1987. The replat moved the property lines and put in place several additional easements. In the early 90's the homes were built. The vacation of these seven easements, as well as a boundary adjustment will allow the structures on 2676 Cambridge Drive and 756 Cambridge Court to come into conformance with the existing Zoning and Development Code while also allowing the properties to correctly depict their historically used property lines.

2. Section 2.11.C of the Zoning and Development Code

The vacation of the easement shall conform to the following:

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

The easements to be vacated do not affect the goals and policies of the Growth Plan. It does not affect the major street plan, as the areas to be vacated are not located in any dedicated right-of-way. The vacations do not affect any neighborhood plans.

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

No parcel will be landlocked as a result of the vacations.

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

Access to all adjoining lots will not be restricted by this vacation. None of the easements are used for access.

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

The health, safety and/or welfare of the general community will not be harmed as there are no utilities located within the easements to be vacated, and not plans to place utilities in the easement areas in the short or long term.

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

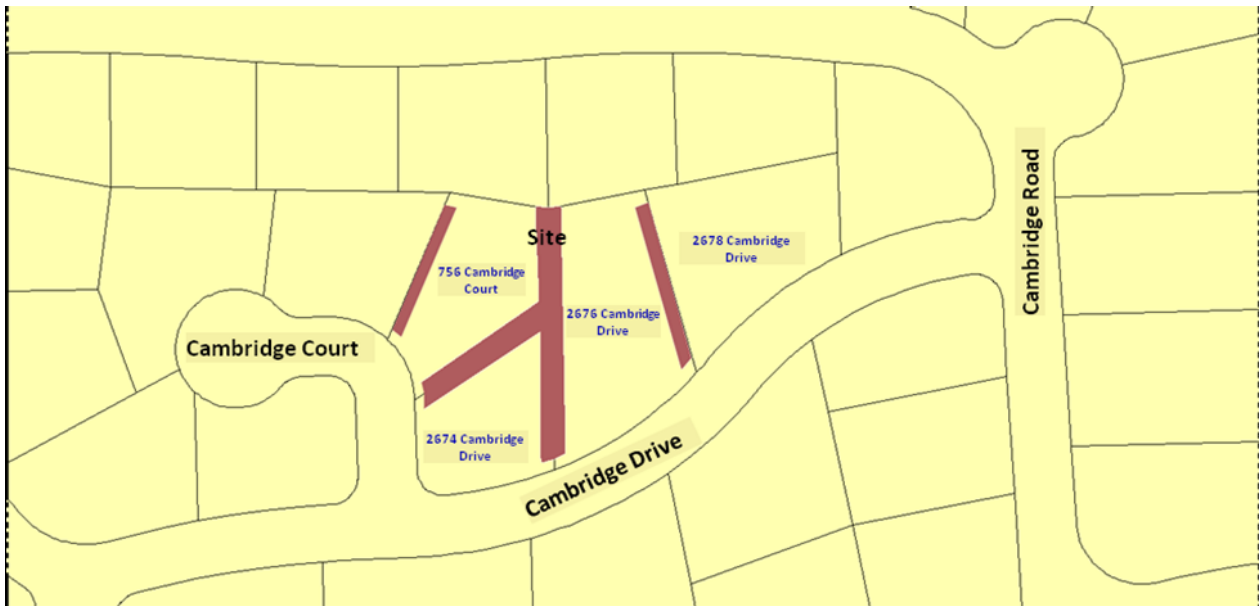
Adequate public facilities and services are not inhibited by the vacation of these seven easements because no utilities are located in these easements. A new drainage and utility easement will be dedicated as part of the boundary adjustment.

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

The vacation of these seven easements will allow the properties to correctly depict historically used property lines and bring several structures into conformance with the existing Zoning and Development Code.

# Site Location Map

Figure 1



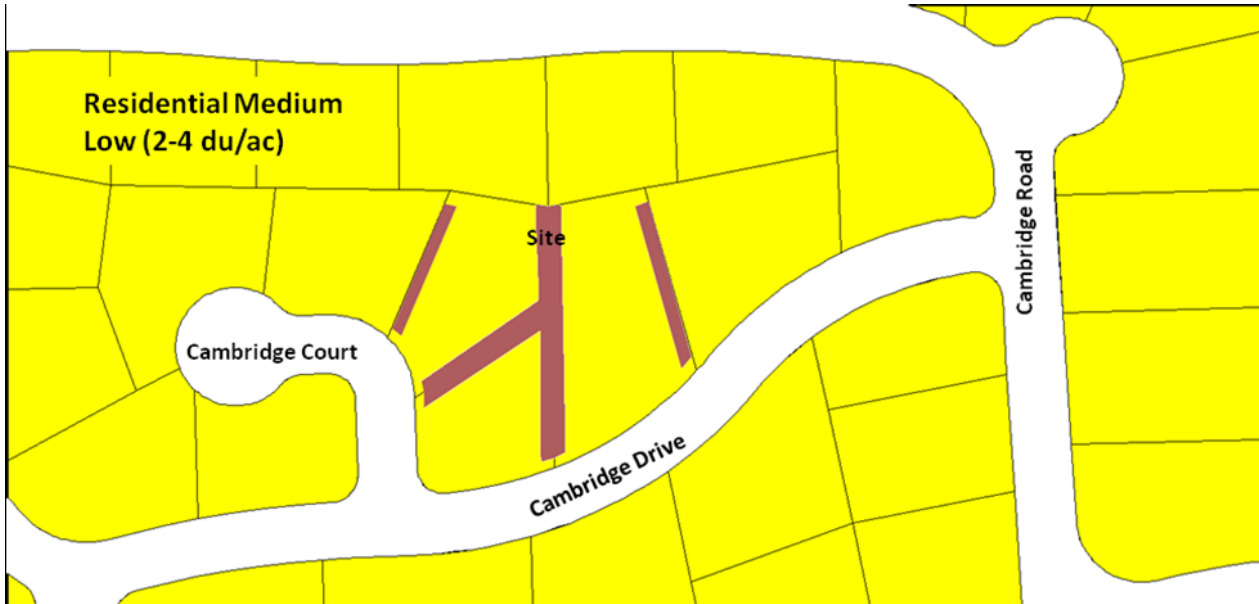
# Aerial Photo Map

Figure 2



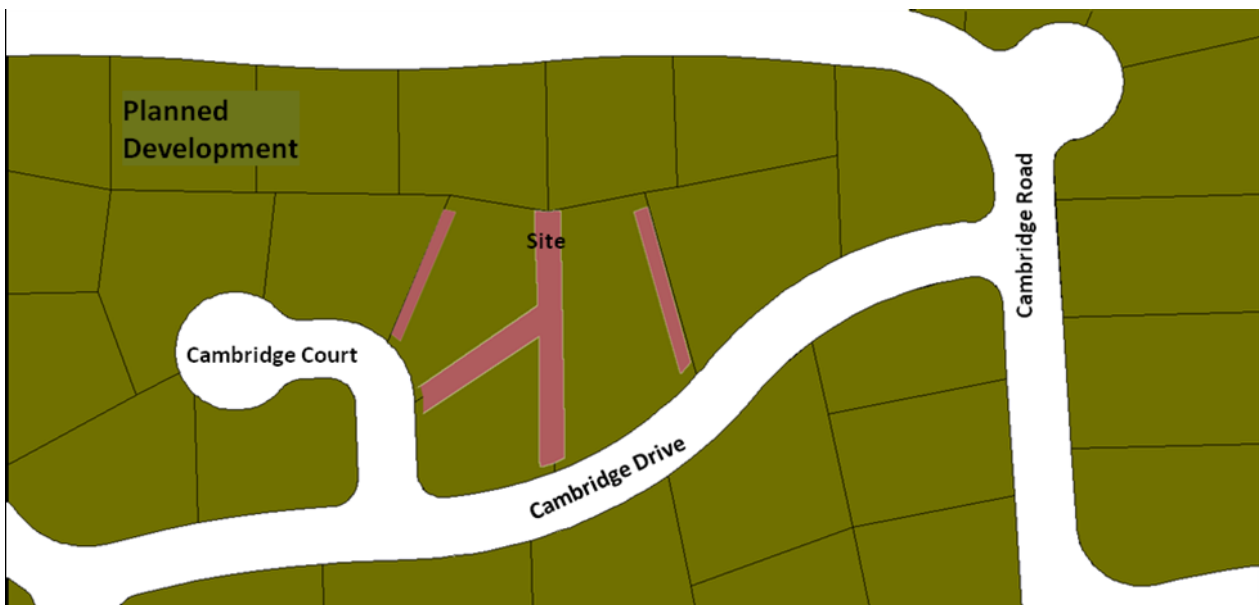
# Future Land Use Map

Figure 3



# Existing City Zoning Map

Figure 4



**CITY OF GRAND JUNCTION**

**RESOLUTION NO.**

**A RESOLUTION VACATING SEVEN UTILITY AND DRAINAGE EASEMENTS**

**LOCATED AT 2672, 2676 CAMBRIDGE DRIVE AND 756 CAMBRIDGE COURT**

RECITALS:

Recitals:

A request for the vacation of seven utility and drainage easements has been submitted in accordance with the Zoning and Development Code. The applicants, Ronald and Doneen Sawyer, Wayne Marcotte and Stephen and Melissa Wilson, have requested that the seven utility and drainage easements located at 2672, 2676 Cambridge Drive and 756 Cambridge Court be vacated. The seven utility and drainage easements were dedicated on the Cambridge plat. There is no existing utility infrastructure located within this easements.

In a public hearing, the Planning Commission reviewed the request for the vacation and determined that it satisfied the criteria as set forth and established in Section 2.11.C of the Zoning and Development Code. The proposed vacation is also consistent with the purpose and intent of the Growth Plan.

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

The following described dedicated Utility and Drainage Easements are hereby vacated subject to the following conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following easements are shown below as "Exhibit A, Exhibit B, and Exhibit C" as part of this description of vacation.

Dedicated Easements to be vacated:



**Exhibit A:**

Easements located in Lot 11 in Block 2 of **A Replat of Lots 10, 11, 12, 13, and 14, Block Two, Cambridge**, City of Grand Junction, County of Mesa, State of Colorado as shown by the plat thereof recorded in Plat Book 13 at Page 381 in the office of the Mesa County Clerk and Recorder more particularly described as:

A Utility Easement, 10-feet in width, measured along the western property line of Lot 11, Block 2 of Cambridge Subdivision. Said Utility Easement as described contains 0.023 acres more or less.

A Utility Easement, 10-feet in width, measured along the southern property line of Lot 11, Block 2 of Cambridge Subdivision. Said Utility Easement as described contains 0.026 acres more or less.

A Utility and Drainage Easement, 10-feet in width, measured along the eastern property line of Lot 11, Block 2 of Cambridge Subdivision. Said Utility and Drainage Easement as described contains 0.018 acres more or less.

**Exhibit B:**

A Utility Easement, 10-feet in width, measured along the northern property line of Lot 12, Block 2 of Cambridge Subdivision. Said Utility Easement as described contains 0.026 acres more or less.

A Utility and Drainage Easement, 10-feet in width, measured along the eastern property line of Lot 12, Block 2 of Cambridge Subdivision. Said Utility and Drainage Easement as described contains 0.025 acres more or less.

**Exhibit C:**

A Utility Easement, 10-feet in width, measured along the eastern property line of Lot 13, Block 2 of Cambridge Subdivision. Said Utility Easement as described contains 0.029 acres more or less.

A Utility and Drainage Easement, 10-feet in width, measured along the western property line of Lot 13, Block 2 of Cambridge Subdivision. Said Utility and Drainage Easement as described contains 0.043 acres more or less.

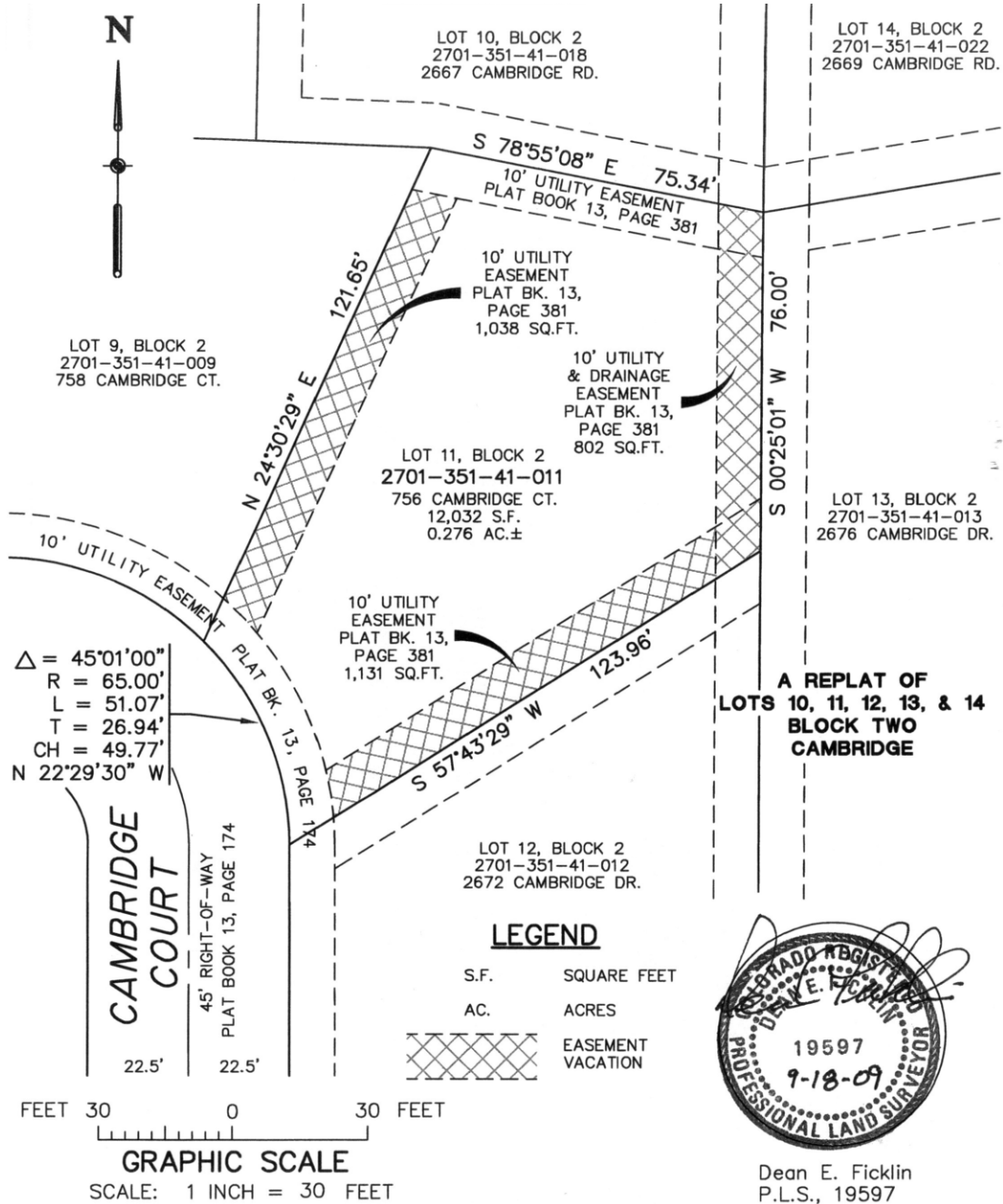
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ , 2009

ATTEST:

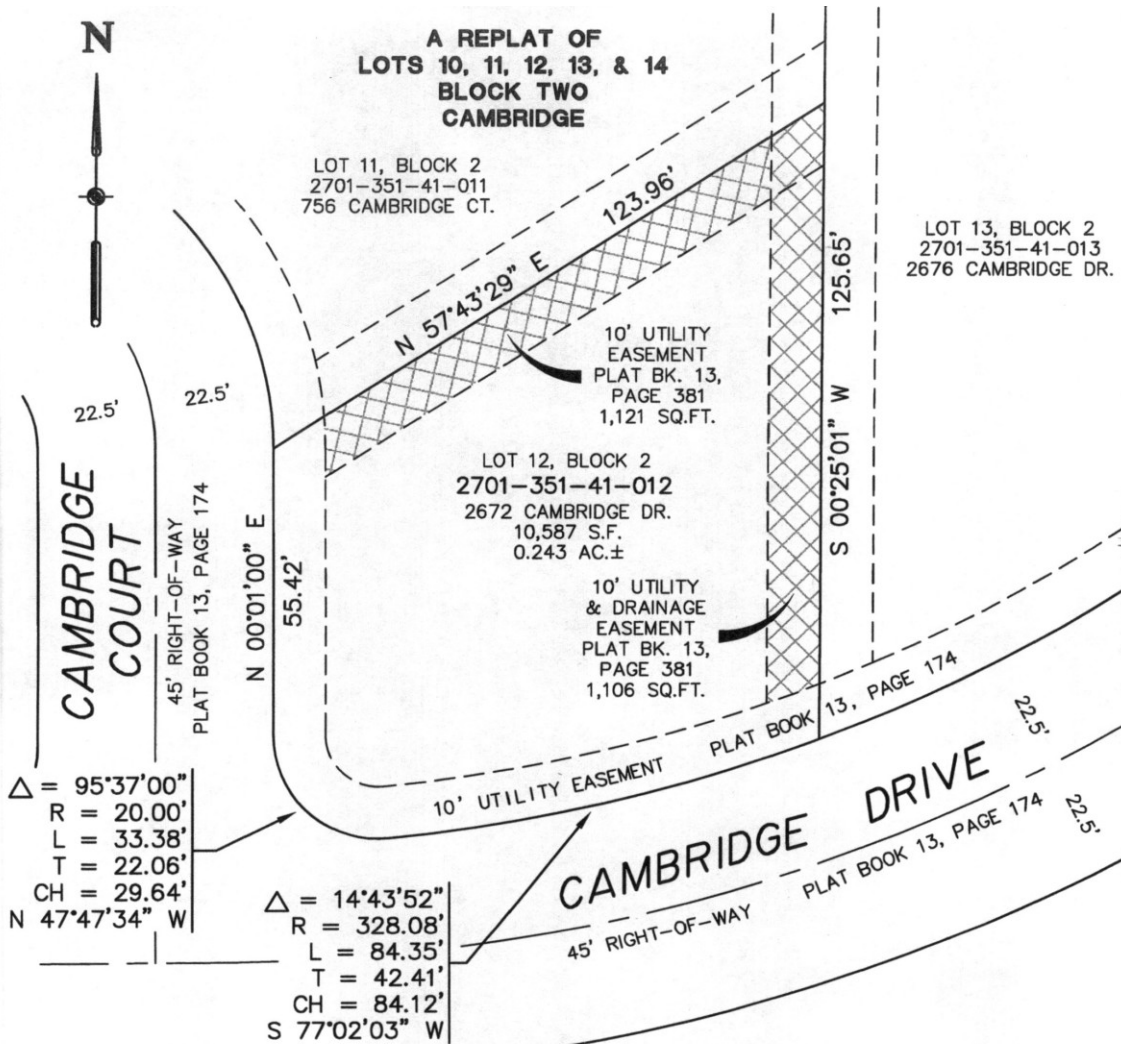
\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk

# Exhibit A



# Exhibit B



## LEGEND

S.F. SQUARE FEET  
AC. ACRES

 EASEMENT VACATION

FEET 30 0 30 FEET

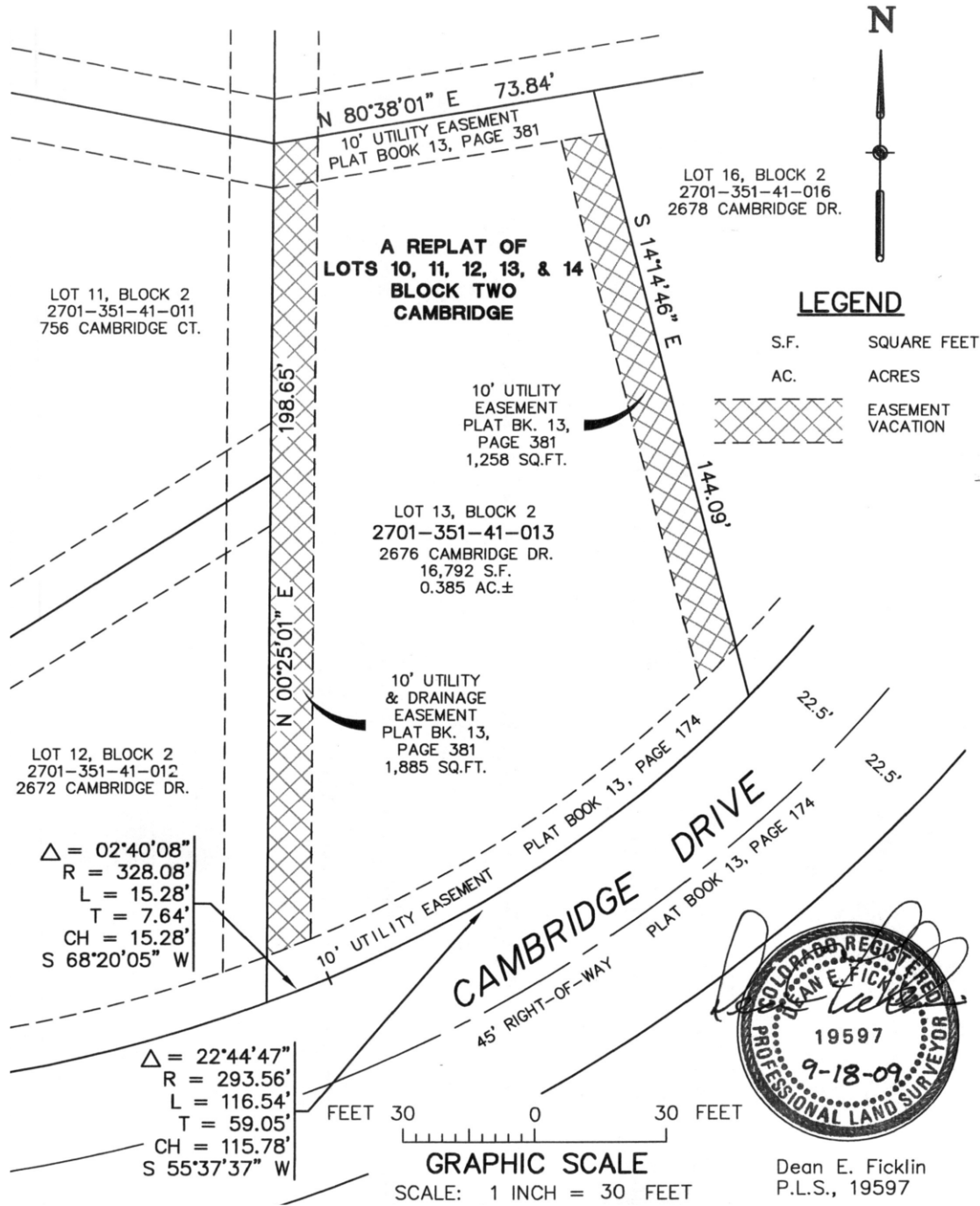
## GRAPHIC SCALE

SCALE: 1 INCH = 30 FEET



Dean E. Ficklin  
P.L.S., 19597

# Exhibit C





Date: November 5, 2009  
 Author: Mary Lynn Bacus  
 Paralegal \_\_\_\_\_  
 Title/ Phone Ext: 244-1505  
 Proposed Schedule: Wednesday  
November 18, 2009  
 2nd Reading (if applicable):  
Monday, November 30,  
2009

**Attach 2**  
**Setting a Hearing Expanding the Boundaries for**  
**the Downtown Development Authority (DDA)**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Steve Thoms, DDA Board Chair John Shaver, City Attorney

**Executive Summary:** The DDA has been petitioned by Mesa County Board of County Commissioners, the Mesa County Library District and the City to include various properties into the DDA boundaries. Inclusion of these properties within the DDA Boundaries will serve to promote community stability and prosperity by improving property values, assist in the development and redevelopment of the district and provide for the continuance of economic health in the community.

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

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

Properties within the DDA District benefit from the contributions of the DDA in developing and redeveloping properties and capital improvement projects, thereby improving property values and bringing economic stability.

**Action Requested/Recommendation:**

Introduction of Proposed Ordinance and Set a Hearing for November 30, 2009

**Board or Committee Recommendation:**

The DDA Board has previously approved the Petition of the Mesa County Library District. At its meeting on November 12, 2009, the Board voted to include the City and County properties.

## **Background, Analysis and Options:**

The DDA Board received a petition from the Mesa County Public Library District, requesting inclusion into the Authority's boundaries for its properties at 520 N. 5<sup>th</sup> St, 517 Chipeta Avenue, 525 Chipeta Avenue, 529 Chipeta Avenue and 536 Ouray Avenue. The Board approved the petition at its May 14, 2009 meeting.

The Board received a petition from the Mesa County Board of County Commissioners, requesting inclusion into the Authority's boundaries for its properties at 551 Chipeta Avenue and 537 Chipeta Avenue.

Additionally, the Board received a petition from the City of Grand Junction, requesting inclusion into the Authority's boundaries for its properties at 550 Ouray Avenue, an unaddressed parking lot at the corner of Chipeta Avenue and North 5<sup>th</sup> Street, 700 Struthers Avenue, 1200 S. 7<sup>th</sup> Street, 549 Noland Avenue, 1200 S. 5<sup>th</sup> Street, 1222 S. 5<sup>th</sup> Street, and 1236 S. 5<sup>th</sup> Street.

The DDA Board met on November 12, 2009 to review the petitions from Mesa County and the City of Grand Junction. The petitions were approved.

Inclusion of all these properties within the Authority's boundaries and expansion of the Authority will benefit the downtown area as well as the City by the addition of added ad valorem and sales taxes collected with the Plan area in accordance with State law, the Plan and other applicable law, rules or regulations.

## **Financial Impact/Budget:**

There is no financial impact to the City.

**Legal issues:** Any legal issues will be resolved prior to the City Council's public hearing on November 30, 2009.

**Other issues:** N/A

**Previously presented or discussed:** N/A

## **Attachments:**

- Petition Letter – City of Grand Junction
- Petition letter – Mesa County Library District
- Petition Letter – Mesa County
- Site Map of Catalyst Properties for Inclusion
- Site Map of South Downtown Properties for Inclusion
- DDA Board Minutes
- DDA Approval Letter
- Proposed Ordinance



November 5, 2009

Heidi Hoffman Ham  
Downtown Development Authority  
248 So. 4th Street  
Grand Junction, CO 81501

**SUBJECT: Petition for inclusion into DDA Boundaries**

As owners of the parcels listed below, the City respectfully petitions the Grand Junction Downtown Development Authority to include all of these properties within the Downtown Development Authority's district boundary.

**Catalyst Properties:**

- 550 Ouray Avenue, Parcel No. 2945-142-32-941
- Unaddressed Parking Lot at the corner of Chipeta Avenue and North 5<sup>th</sup> Street – Parcel No. 2945-142-32-948

**South Downtown Properties:**

- 700 Struthers Avenue
- 1200 South 7<sup>th</sup> Street
- 549 Noland Avenue
- 1200 S. 5<sup>th</sup> Street
- 1222 S. 5<sup>th</sup> Street
- 1236 S. 5<sup>th</sup> Street
- Lot 1, Block 1, Van Gundy North Subdivision

If you have any questions in regards to this request, please give me a call.

Sincerely,

FOR THE CITY OF GRAND JUNCTION

By:   
Rich Englehart, Deputy City Manager





## Mesa County LIBRARIES

Dream it. Discover it. Do it.

Heidi Ham, Executive Director  
Downtown Development Authority  
248 S. 4<sup>th</sup> Street  
Grand Junction, CO 81501

May 12, 2009

Dear Heidi:

Mesa County Public Library District intends to include all of its downtown properties as part of the Downtown Development Authority (DDA). Listed below are all nine Library properties to be consolidated and mapped accordingly.

### Mesa County Public Library District Downtown Properties

502 Grand Avenue	2945-142-32-001
530 Grand Avenue	2945-142-41-991
443 N. 6 <sup>th</sup> Street	2945-142-41-993
502 Ouray Avenue (and 514)	2945-142-32-991
536 Ouray Avenue (and 546)	2945-142-32-993
520 N. 5 <sup>th</sup> Street	2945-142-32-998
517 Chipeta Avenue	2945-142-32-999**
525 Chipeta Avenue (and 527)	2945-142-32-992**
529 Chipeta Avenue	2945-142-32-990

City and County-owned properties are not included as Library property. Property located at 501 Chipeta Avenue is owned by Mesa Motors Inc., 949 Main Street, Delta, Colorado 81416. Two properties not included in earlier discussions, shown with a double asterisk (\*\*), are to be included within the DDA boundary. Three properties have double lots; please note the additional address number provided on the list above.

Thank you for your assist and let me know if you need more information before proceeding in the re-classification of downtown properties within the DDA boundary.

Sincerely,

Eve Tallman  
Library Director

530 Grand Avenue . P.O. Box 20000-5019 . Grand Junction, CO 81502-5019  
CENTRAL LIBRARY . 970.243.4443 . Fax 970.243.4744 . [www.mcpld.org](http://www.mcpld.org)

Clifton Branch 970.434.6936 • Collbran Branch 970.487.3545 • DeBeque Branch 970.283.8625  
Fruita Branch 970.858.7703 • Gateway Branch 970.931.2428 • Orchard Mesa Branch 970.243.0181 • Palisade Branch 970.464.7557



Mesa County, Colorado  
**BOARD OF COUNTY COMMISSIONERS**

District 1 - Craig J. Meis (970) 244-1605  
District 2 - Steven Acquafresca (970) 244-1604  
District 3 - Janet Rowland (970) 244-1606

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P.O. Box 20,000 • 544 Rood Avenue • Grand Junction, Colorado 81502-5010 • FAX (970) 244-1639

August 5, 2009

Heidi Hoffman Ham, Executive Director  
Downtown Development Authority  
248 South 4<sup>th</sup> Street  
Grand Junction, CO 81501

RE: Request to include certain Mesa County properties in the Downtown Development Authority

Dear Ms. Ham:

The Mesa County Board of County Commissioners is requesting that the boundaries for the Downtown Development Authority be adjusted to include the following properties owned by Mesa County:

- 551 Chipeta Avenue, parcel #2945-142-32-930
- 537 Chipeta Avenue, parcel #2945-142-32-932

The purpose of this request for inclusion is to facilitate the development of and conversation around the City of Grand Junction's Downtown Catalyst Project that is currently in the feasibility study stage.

If you have any questions concerning this request, please contact Tom Fisher, Regional Services Director, at 970-244-1788.

Sincerely,

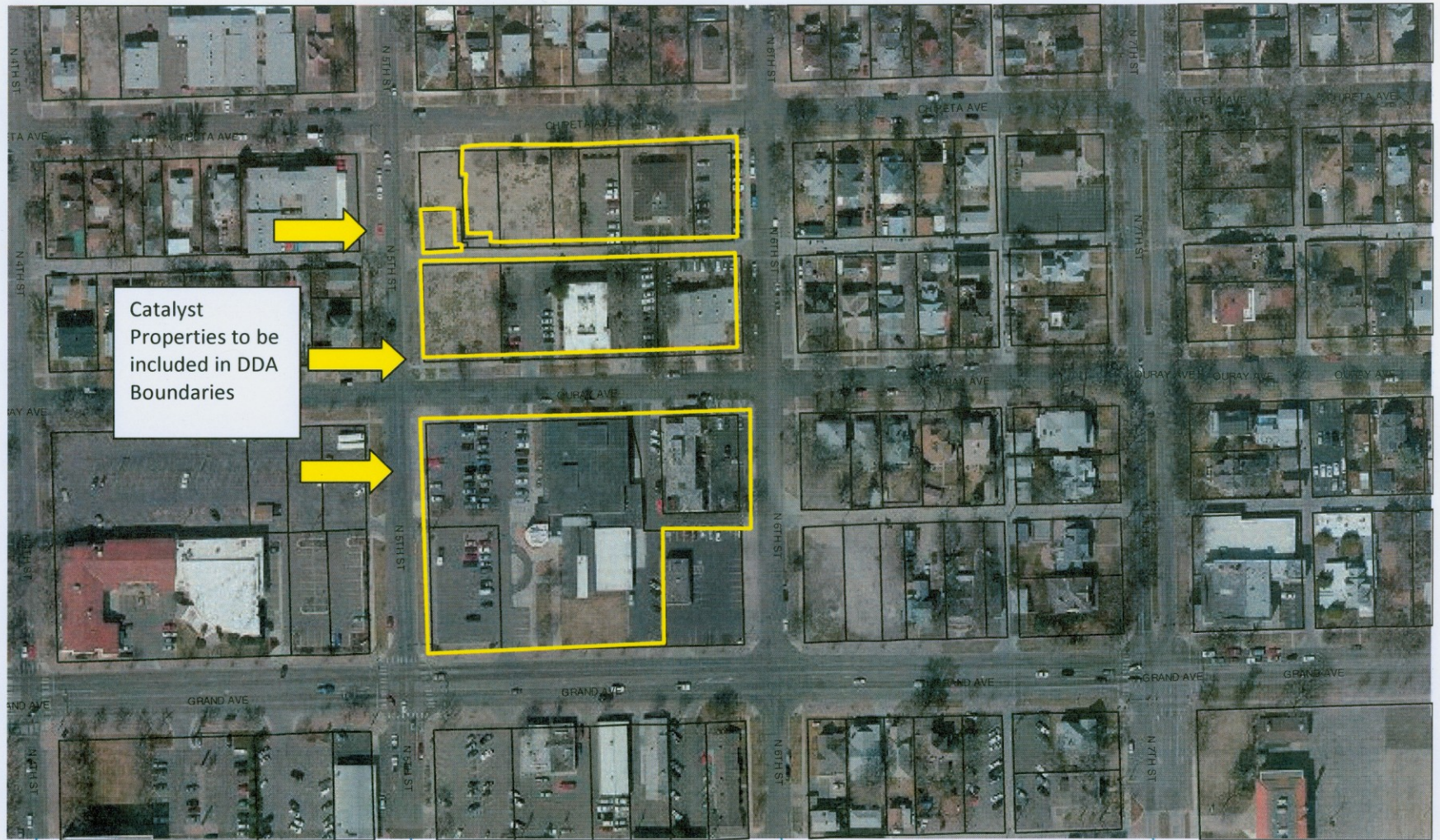
  
Steven Acquafresca, Chairman  
Board of Commissioners

cc: Commissioners Janet Rowland and Craig Meis  
Jon Peacock, County Administrator  
Tom Fisher, Regional Services Director

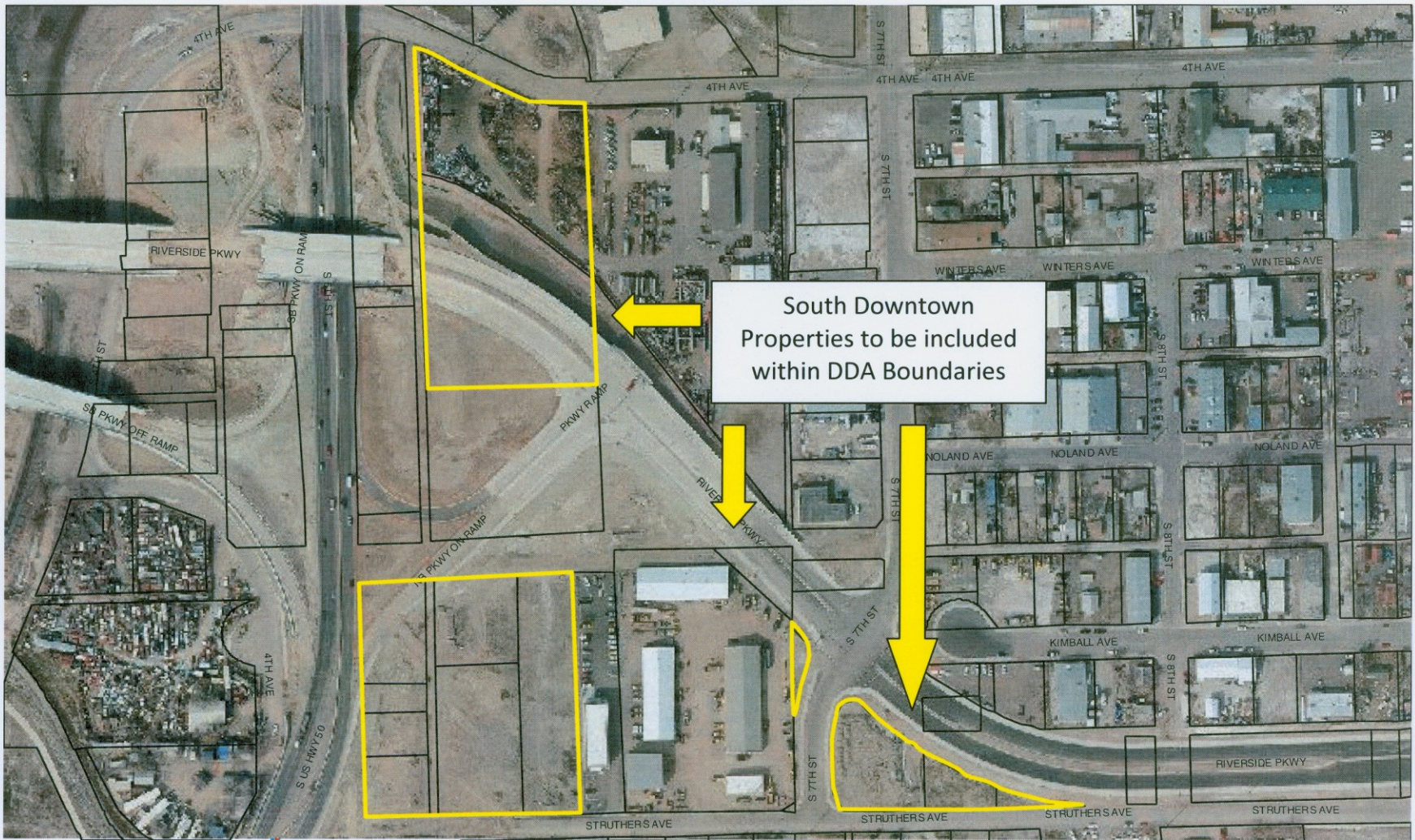
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*Creating a community of opportunities for all residents with a focus on the future.*









South Downtown  
Properties to be included  
within DDA Boundaries



GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY  
BOARD MINUTES

Thursday, May 14, 2009

248 S. 4<sup>th</sup> 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, Felicia Sabartinelli

GUESTS: Angela Harness, Rich Englehart, John Shaver

CALL TO ORDER: Steve called the meeting to order at 7:31 a.m.

APPROVAL OF MINUTES: Harry made a motion to approve the April 9 minutes; Peggy seconded; motion carried. Harry made a motion to approve the April 23 minutes with two corrections: 1. That PJ attended that meeting, and 2. there needs to be dollar amounts stated for the façade grants. Scott Holzschuh seconded; minutes were approved with changes.

CHAIRMAN REPORT – Steve announced that the Colorado Avenue ribbon cutting is May 29 at 10 a.m. Art & Jazz was a fabulous event with great art work and great music. Steve thanked Scott Howard for the use of the Rockslide deposit safe and commented on the high quality of artists. Also, Cinco de Mayo proved that events can be done on Colorado Avenue with modifications. They did a good job, but the weather was extremely bad.

EXECUTIVE DIRECTOR REPORT – Heidi reported that we are waiting on a few parts to arrive and the heat will be ready for the Scheisswohl Building. Swamp coolers will be serviced on Monday, May 18. Chris Brown is opening a used bike retail store in the vacant units once they are remodeled. Heidi and John are still working on the condo process.

Breezeway demolition should be back underway today. There will be a change order to remove an unanticipated piece of reinforced concrete that has been uncovered. The wall with mill tailings will have to have new stucco. The RFP for construction should go out next week.

LIBRARY REQUEST TO ADD PROPERTY TO DDA – Mesa County Library would like to make sure all of their properties are in the DDA boundary in preparation for the City Center Catalyst Project. Harry made a motion to add all Mesa Co. Library properties to the DDA boundary; Scott Howard seconded; PJ



noted that he would like to have them included in the BID as well; motion passed. Heidi will encourage the Library to apply for BID membership.

SPECTRUM SOUND PROPOSAL – This item will be tabled until the next meeting.

PARTNERSHP OFFICE LEASE – This item will also be tabled. Bill W. reported that there are quite a few options still to discuss regarding the new location of the Downtown Partnership office before bringing a proposal to the Board. Steve emphasized that he would like to get this issue finalized as soon as possible.

RESOLUTION TO AUTHORIZE DEBT – In order to begin the bonding process, the Board needs to request that City Council authorize the issuance. If the Council authorizes it, the final bonding documents will need approval from the DDA. There was discussion regarding the amount and timing of repayment to the City’s reserve fund. Peggy made a motion to adopt the resolution to authorize debt; Harry seconded; motion passed.

INFORMATION – Peggy mentioned that Sgt. Stoneburner has been more visible on Main Street and that she asked him to watch for Downtown employees that are parking on Main Street for more than 2 hours. Bonnie feels very strongly that a police sergeant should not be involved in parking enforcement when there is other police department staff designated for that task. It was decided to remind employers that these spaces are for customers rather than employees.

MAIN STREET PROJECT UPDATE – Ted Ciavonne and Trent Prall presented four alternatives for the Main Street Project that reflect the public process to date. The Board was able to ask questions and give suggestions on the alternatives, which will next be presented to the merchants and property owners in the affected blocks. A public open house will follow on May 27.

ADJOURN – Peggy made a motion to adjourn; Bill K. seconded; the Board adjourned at 9:15 a.m.

APPROVED\_\_\_\_\_

DATE\_\_\_\_\_

SENT TO CITY CLERK\_\_\_\_\_

DATE\_\_\_\_\_



November 12, 2009

Stephanie Tuin, City Clerk  
City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

**SUBJECT: Petition for Inclusion into DDA boundaries**

Dear Stephanie:

Please be advised that the board of directors of the Grand Junction Downtown Development Authority approved the City's petition for inclusion into the DDA boundaries dated November 5, 2009, at their meeting today.

The DDA continues to appreciate the longstanding cooperative relationship with the City and values the inclusion of these properties into the District.

Please let me know if you have any questions.

Thank you,

A handwritten signature in blue ink, appearing to read "H. Ham".

Heidi Hoffman Ham  
Executive Director  
Grand Junction Downtown Development Authority

---

Grand Junction Downtown Partnership  
248 South 4<sup>th</sup> Street, Grand Junction, CO, 81501  
Phone (970) 256-4130 Fax (970) 243-1865  
[www.downtowngj.org](http://www.downtowngj.org)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE EXPANDING THE BOUNDARIES FOR THE GRAND JUNCTION,  
COLORADO DOWNTOWN DEVELOPMENT AUTHORITY**

The Grand Junction, Colorado, Downtown Development Authority (“the Authority” or “DDA”) has adopted a Plan of Development (“Plan”) for the boundaries of the Authority. 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 and entities, pursuant to Section 31-25-822, C.R.S. and Article X of the Authority's Plan, have petitioned for inclusion within the Authority's boundaries. The Board of the Authority has determined that the boundary of the DDA should be co-terminus with the boundary of the Tax Increment Financing (“TIF”) District, requiring expansion of the tax increment finance district boundary. The boundaries of the Authority have been expanded by the Council by Ordinance Nos. 2045, 2116, 2382, 2400, 2425, 2470, 2655, 2820, 2830, 2914, 3008, 4305 and 4326;

The Board of the Authority has reviewed and approved a petition from the Mesa County Board of County Commissioners, requesting inclusion into the Authority's boundaries for its properties at 551 Chipeta Avenue and 537 Chipeta Avenue and requests Council's approval to expand the Authority's boundaries to include all properties.

The Board of the Authority has reviewed and approved a petition from the Mesa County Public Library District, requesting inclusion into the Authority's boundaries for its properties at 502 Grand Avenue, 530 Grand Avenue, 443 N. 6<sup>th</sup> Street, 502 Ouray Avenue, 536 Ouray Avenue, 520 N. 5<sup>th</sup> St, 517 Chipeta Avenue, 525 Chipeta Avenue, and 529 Chipeta Avenue, and requests Council's approval to expand the Authority's boundaries to include all properties.

The Board of the Authority has reviewed and approved a petition from the City of Grand Junction, requesting inclusion into the Authority's boundaries for its properties at 550 Ouray Avenue, an unaddressed parking lot at the corner of Chipeta Avenue and North 5<sup>th</sup> Street, 700 Struthers Avenue, 1200 S. 7<sup>th</sup> Street, 549 Noland Avenue, 1200 S. 5<sup>th</sup> Street, 1222 S. 5<sup>th</sup> Street, and 1236 S. 5<sup>th</sup> Street, and requests Council's approval to expand the Authority's boundaries to include all properties.

The Board of the Authority has approved all current petitions for the inclusion of certain properties within the Authority's boundaries and requests Council's approval to expand the Authority's boundary to include all properties that have currently petitioned for inclusion and to expand the Authority to receive a portion or increment of ad valorem and sales taxes collected with the Plan area in accordance with State law, the Plan and other applicable law, rules or regulations.



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 boundary of the Authority, within the meaning of Section 31-25-802(1.5), C.R.S.

2. The Council hereby finds and determines that the approval of the expansion of boundaries for the Authority and the Plan, as shown on the attached Exhibit A, will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the City and 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 and the TIF district.

3. The expansion of the Authority's boundaries, as shown on the attached Exhibit A, is hereby approved by the Council and incorporated into the Plan for TIF purposes. The Authority is hereby authorized to undertake development projects as described in the Plan and to act consistently with Article of the Plan including, but not necessarily limited to, receiving and expending for development and redevelopment efforts a portion or increment of ad valorem and sales taxes generated in the area in accordance with Section 31-25-801, C.R.S.

4. The Council hereby requests that the County Assessor certify the valuation for the assessment of the new property included by this Ordinance within the Authority's boundaries and the TIF district as of the date of the last certification. The City Financial Operations Manager is hereby directed to certify the sales tax receipts for the properties included in and described by the attached Exhibit A for the twelve (12) months prior to the inclusion.

5. Adoption of this Ordinance and amendment to, or expansion of the boundary of the Authority and the TIF District, does not, shall not and will not provide for or allow or authorize receipt or expenditure of tax increments without requisite statutory and Plan compliance.

6. 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 \_\_\_\_ day of \_\_\_\_\_, 2009.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2009.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

## EXHIBIT A

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 within which tax increment financing is used:

Tax Parcel No.	Legal Description
2945-142-32-998	Lots 1 through 32, inclusive, Block 60, City of Grand Junction, except that portion of said Block 60 as described in Book 3011, Page 592; AND ALSO  All that certain alley right of way lying within said Block 60, City of Grand Junction
2945-142-32-999	
2945-142-32-992	
2945-142-32-990	
2945-142-32-932	
2945-14232-930	
2945-142-32-941	
2945-142-32-948	
2945-231-37-946	Lots 1 and 2, inclusive, Struthers Subdivision, as recorded in Book 4870, Pages 668-689; AND ALSO,
2945-231-37-947	
2945-231-37-948	
2945-231-37-949	
2945-232-03-941	Lots 1 through 14, inclusive Block 2, South Fifth Street Subdivision, Plat Book 7, Page 19, including all platted alley right of way within said Block 2; AND ALSO,
2945-232-03-940	
2945-232-03-943	
2945-232-03-944	
2945-232-03-942	
2945-232-03-945	All that platted right of way for Noland Avenue that exists within the plat of said South Fifth Street Subdivision; AND ALSO,
2945-232-03-947	
2945-232-03-019	Lot 1, High Plains Subdivision, as recorded in Book 4263, Page 165; AND ALSO,
2945-232-25-948	
2945-232-22-001	
2945-232-26-948	
2945-232-30-001 2945-232-30-002	Lot 1, Block 1, Van Gundy North Subdivision, as recorded in Book 4250, Page 490-491

**Please note that some existing DDA properties have been included in the legal descriptions above for purposes of clarifying all DDA boundaries in the area.**



Date: November 11, 2009  
Author: Mary Lynn Bacus  
Paralegal  
Title/ Phone Ext: 244-1505  
2nd Reading: Wednesday,  
November 18, 2009

**Attach 3**  
**Ratify Final Form of Ordinance No. 4390**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Ratify Final Form of Ordinance No. 4390
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> John Shaver, City Attorney

**Executive Summary:**

The City Council reviewed and approved Ordinance No. 4390 after proper notice and a public hearing at its November 2, 2009 meeting. Ordinance No. 4390 approved a loan from the Colorado Water Resources and Power Development Authority to finance certain improvements to the City's water system and authorized the form and execution of the loan.

The Ordinance reviewed and approved by the bond counsel and the City Attorney was not the version presented to the City Council in the meeting materials. While there is no difference in any of the authorizations, legal relationships or obligations between the earlier version and this version of the Ordinance, the earlier version was not in fact the final version. It is important that the final version of the Ordinance be adopted for the record.

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

N/A

**Action Requested/Recommendation:**

Adopt the Proposed Resolution Ratifying the Final Version of Ordinance No. 4390.

**Board or Committee Recommendation:**

N/A

**Background, Analysis and Options:**

Ordinance No. 4390, as adopted by City Council, contains all the correct and necessary provisions to approve the loan from the Colorado Water Resources and Power Development Authority and authorizes the form and execution of the loan. For purposes of clarity and accuracy of the transaction with the Authority and to ensure the correct version is reflected in the City records, the City Attorney recommends that Council adopt this resolution adopting and ratifying the correct version of the Ordinance.

**Financial Impact/Budget:**

There is no impact to the budget by the adoption of this Resolution.

**Legal issues:**

Pursuant to the City Charter the City Clerk shall permanently retain on file a true and accurate copy of all ordinances, resolutions and evidence of proper publication. By adoption of this Resolution the proper version of Ordinance No. 4390 will be captured and retained.

**Other issues:**

N/A

**Previously presented or discussed:**

Ordinance No. 4390 was approved on November 2, 2009 at the City Council Meeting.

**Attachments:**

- Proposed Resolution
- Correct final version of Ordinance No. 4390

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_\_-09**

**A RESOLUTION RATIFYING THE CORRECT VERSION OF ORDINANCE NO. 4390  
AND AUTHORIZING ACTION IN ACCORDANCE THEREWITH**

RECITALS

The City Council reviewed and approved Ordinance No. 4390 after proper notice and a public hearing at its November 2, 2009 meeting. Ordinance No. 4390 approved a loan from the Colorado Water Resources and Power Development Authority to finance certain improvements to the City's water system and authorized the form and execution of the loan.

The Ordinance reviewed and approved by the bond counsel and the City Attorney was not the version presented to the City Council in the meeting materials. While there is no difference in any of the authorizations, legal relationships or obligations between the version reviewed by the City Council and the final version of the Ordinance, the version presented to the Council was not in fact the final version. It is important that the final version of the Ordinance be adopted for the record.

The City Attorney recommends that City Council ratify by this Resolution the version of Ordinance No. 4390 attached hereto and represented as the "final draft" dated November 9, 2009.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Grand Junction that:

1. The version of Ordinance No. 4390 attached hereto is the final, record version of the ordinance. The City Clerk shall cause the attached Ordinance to be recorded in the official records of the City as Ordinance No. 4390.
2. This Resolution shall be in full force and effect upon its passage and approval or as provided by the Charter.
3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the loan from the Colorado Water Resources and Power Development Authority described and provided for in Ordinance No. 4390. Specifically, City staff is directed to effectuate this Resolution and the attached ordinance.

4. The Mayor, City Manager, City Attorney and other City staff as necessary or required are authorized to execute and deliver Ordinance No. 4390 and such other documents as may be necessary or desirable to complete the transaction provided for In Ordinance No. 4390.

PASSED, ADOPTED AND APPROVED this \_\_\_\_\_ day November, 2009.

---

Bruce Hill  
President of the Council

ATTEST:

---

Stephanie Tuin  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the City of Grand Junction, Colorado (the "City"), is a home rule city duly existing under the Constitution and laws of the State of Colorado and its City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the Council has determined and does hereby determine that the City's water system (the "System") is an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution ("TABOR"), and Section 37-45.1-103 of the Colorado Revised Statutes, as amended; and

WHEREAS, the Council has heretofore determined that the interest of the City and the public interest and necessity require certain improvements to the System, including the replacement of certain existing cast iron and steel water distribution lines within the System (collectively, the "Project"); and

WHEREAS, the Council has determined that in order to finance the Project it is necessary, advisable, and in the best interests of the City to enter into a loan agreement (the "Loan Agreement") with the Colorado Water Resources and Power Development Authority (the "CWRPDA"), a body corporate and political subdivision of the State of Colorado, pursuant to which CWRPDA will loan the City an amount not to exceed \$4,300,000 (the "Loan") for such purposes; and

WHEREAS, the City's repayment obligations under the Loan Agreement shall be evidenced by a governmental agency bond (the "Bond") to be issued by the City to CWRPDA; and

WHEREAS, the Bond and the Loan Agreement (collectively, the “Financing Documents”) shall be a revenue obligation of the City payable from the Pledged Property (as defined in the Loan Agreement), and pursuant to TABOR and Article XII, Section 93(f) of the Charter may be approved by the Council without an election; and

WHEREAS, forms of the Financing Documents have been filed with the City Clerk; and

WHEREAS, the Council desires to approve the forms of the Financing Documents and authorize the execution thereof.

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

Section 1. Approvals, Authorizations, and Amendments. The forms of the Financing Documents filed with the City Clerk are incorporated herein by reference and are hereby approved. The City shall enter into and perform its obligations under the Financing Documents in the forms of such documents, with such changes as are not inconsistent herewith and as are hereafter approved by the President of the Council (the “President”). The President and City Clerk are hereby authorized and directed to execute the Financing Documents and to affix the seal of the City thereto, and further to execute and authenticate such other documents or certificates as are deemed necessary or desirable in connection therewith. The Financing Documents shall be executed in substantially the forms approved at this meeting.

The execution by the President, the City Clerk, or other appropriate officers of the City of any instrument or certificate or other document in connection with the matters referred to herein shall be conclusive evidence of the approval by the City of such instrument or certificate or other document.

Section 2. Election to Apply Supplemental Act. Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, of the Colorado Revised Statutes, as amended (the “Supplemental Act”), provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the



provisions of the Supplemental Act. The Council hereby elects to apply all of the provisions of the Supplemental Act to the Financing Documents.

Section 3. Delegation and Parameters.

(a) Pursuant to Section 11-57-205 of the Supplemental Act, the Council hereby delegates to the President, the Financial Operations Manager, or any member of the Council the authority to make the following determinations relating to and contained in the Financing Documents, subject to the restrictions contained in paragraph (b) of this Section 3:

- (i) The interest rate on the Loan;
- (ii) The principal amount of the Loan;
- (iii) The amount of principal of the Loan maturing in any given year and the final maturity of the Loan;
- (iv) The conditions on which and the prices at which the Loan may be paid prior to maturity;
- (v) The dates on which the principal of and interest on the Loan are paid; and
- (vi) The existence and amount of reserve funds for the Loan, if any.

(b) The delegation in paragraph (a) of this Section 3 shall be subject to the following parameters and restrictions: (i) the interest rate on the Loan shall not exceed 3.00%; (ii) the principal amount of the Loan shall not exceed \$4,300,000; and (iii) the final maturity of the Loan shall not be later than December 31, 2030.

Section 4. Conclusive Recital. Pursuant to Section 11-57-210 of the Supplemental Act, the Financing Documents shall contain a recital that they are issued pursuant to the Supplemental Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the Financing Documents after their delivery for value.

Section 5. Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Financing Documents

provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The revenues pledged to the payment of the Financing Documents shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described in the Loan Agreement. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

Section 6. Limitation of Actions. Pursuant to Section 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings in connection with the Financing Documents shall be commenced more than thirty days after the date of adoption of this Ordinance.

Section 7. Limited Obligation; Special Obligation. The Financing Documents are payable solely from the Pledged Property and the Financing Documents do not constitute a debt within the meaning of any constitutional or statutory limitation or provision.

Section 8. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Bond. Such recourse shall not be available either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Bond and as a part of the consideration of its sale or purchase, CWRPDA specifically waives any such recourse.

Section 9. Disposition and Investment of Loan Proceeds. The proceeds of the Loan shall be applied only to pay the costs and expenses of acquiring, constructing and equipping the Project, including costs related thereto and, to the extent permitted under federal tax laws, reimbursement to the City for capital expenditures heretofore incurred and paid from City funds in anticipation of the incurrence of long-

term financing therefor, and all other costs and expenses incident thereto, including without limitation, the costs of obtaining the Loan.

Section 10. Neither CWRPDA nor any subsequent owner(s) of the Financing Documents shall be responsible for the application or disposal by the City or any of its officers of the funds derived from the Loan. In the event that all of the proceeds of the Loan are not required to pay such costs and expenses, any remaining amount shall be used for the purpose of paying the principal amount of the Loan and the interest thereon.

Section 11. City Representative. Pursuant to Exhibit B of the Loan Agreement, Jodi Romero, Financial Operations Manager, and Jay Valentine, Assistant Financial Operations Manager, are each hereby designated an Authorized Officer (as defined in the Loan Agreement) for the purpose of performing any act or executing any document relating to the Loan, the City, the Bond, or the Loan Agreement. A copy of this Ordinance shall be furnished to CWRPDA as evidence of such designation.

Section 12. Estimated Life of Improvements. It is hereby determined that the estimated life of the Project to be financed with the proceeds of the Loan is not less than 20 years from the date of the Loan.

Section 13. Direction to Take Authorizing Action. The appropriate officers of the City and members of the Council are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including but not limited to the execution and delivery of such certificates and affidavits as may reasonably be required by CWRPDA.

Section 14. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the City and members of the Council, not inconsistent with the provisions of this Ordinance, relating to the Financing Documents, or actions to be taken in respect thereof, are hereby authorized, ratified, approved, and confirmed.

Section 15. Repealer. All acts, orders, ordinances, or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 16. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 17. Ordinance Irrepealable. After the Bond is issued, this Ordinance shall constitute an irrevocable contract between the City and CWRPDA, and shall be and remain irrepealable until the Bond and the interest thereon shall have been fully paid, satisfied, and discharged. No provisions of any constitution, statute, charter, ordinance, resolution, or other measure enacted after the issuance of the Bond shall in any way be construed as impairing the obligations of the City to keep and perform its covenants contained in this Ordinance.

Section 18. Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 19th day of October, 2009.

JUNCTION, COLORADO

CITY OF GRAND

[ S E A L ]

---

President of the Council

Attest:

---

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 2<sup>nd</sup> day of November, 2009.

JUNCTION, COLORADO

CITY OF GRAND

[ S E A L ]

---

President of the Council Pro Tem

Attest:

---

City Clerk

STATE OF COLORADO            )  
   )  
 COUNTY OF MESA                ) SS.  
   )  
 CITY OF GRAND JUNCTION     )

I, Stephanie Tuin, the City Clerk of the City of Grand Junction, Colorado (the “City”) and Clerk to the City Council of the City (the “Council”), do hereby certify as follows:

(1) The foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) that was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on October 19, 2009 and was duly adopted and ordered published in full by the Council at a regular meeting thereof held on November 2, 2009, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

(2) The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of October 19, 2009, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Bruce Hill				
Teresa Coons				
Bonnie Beckstein				
Tom Kenyon				
Gregg Palmer				
Bill Pitts				
Linda Romer Todd				

(3) The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of November 2, 2009, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Bruce Hill				
Teresa Coons				
Bonnie Beckstein				
Tom Kenyon				
Gregg Palmer				
Bill Pitts				
Linda Romer Todd				

(4) The members of the Council were present at such meetings and voted on the passage of the Ordinance as set forth above.

(5) The Ordinance was approved and authenticated by the signature of the President of the Council Pro Tem, sealed with the City seal, attested by the City Clerk, and recorded in the minutes of the Council.

(6) There are no bylaws, rules, or regulations of the Council that might prohibit the adoption of the Ordinance.

(7) Notices of the meetings of October 19, 2009 and November 2, 2009 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

(8) The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on October \_\_\_\_, 2009 and October \_\_\_\_, 2009, as required by the City Charter. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this 13th day of November, 2009.

[ S E A L ]

\_\_\_\_\_  
City Clerk and Clerk to the Council

EXHIBIT A

(Attach Notices of Meetings of October 19, 2009 and November 2, 2009)



EXHIBIT B  
(Attach Affidavit of Publications)



Date: November 5, 2009  
 Author: Mary Lynn Bacus  
 Paralegal \_\_\_\_\_  
 Title/ Phone Ext: 244-1505  
 Proposed Schedule: Wed. November  
18, 2009  
 2nd Reading (if applicable):  
 \_\_\_\_\_

**Attach 4**  
**Disbanding the Avalon Theatre Advisory Committee**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Disbanding the Avalon Theatre Advisory Committee
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Debbie Kovalik, Economic, Convention and Visitor Services Director John Shaver, City Attorney

**Executive Summary:** The City Council approved Resolution No. 27-06 on April 5<sup>th</sup>, 2006, creating the Avalon Theatre Advisory Committee. Since its creation, the Committee has worked diligently on its assigned tasks and due to their worthy efforts, the Committee has completed the tasks ahead of schedule. The Chair and Vice-Chair of the Committee are now requesting that the City Council disband the Committee.

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

Goal 3: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

The creation and accomplishments of the Avalon Theatre Advisory Committee since its inception has enhanced the functional, aesthetic and cultural value of the Avalon Theatre, which enhances the vitality and attractiveness of the downtown City Center.

**Action Requested/Recommendation:**

Adopt the Proposed Resolution Rescinding Resolution No. 27-06.

**Board or Committee Recommendation:** The Chair, Ron Beach, and the Vice-Chair, Andre van Schaften, have submitted a letter dated October 21, 2009, to Mayor Bruce Hill, acknowledging that the Committee’s work is now complete and recommending that Council disband the Committee.

**Background, Analysis and Options:**

The Grand Junction City Council approved Resolution No. 27-06 which created the Avalon Theatre Advisory Committee on April 5<sup>th</sup>, 2006. The Committee was created and charged with planning for the growth and development of the Avalon Theatre into a significant community asset. The Committee was initially asked to fulfill these responsibilities by June of 2012.

Since its creation, the Committee, along with support and assistance from City Staff, has acted to enhance and further the functional, aesthetic and cultural value of the Theatre. The Committee has brought key stakeholders and Theatre user groups together to help assist the Theatre in functioning in a financially responsible manner. These efforts resulted in the creation of the Avalon Theatre Strategic Business Plan, a model for current and future users of the Theatre.

With the completion of its assigned tasks and the transition of most of the daily operations of the Theatre to the City, as well as the successful collaboration between the Grand Junction Symphony Orchestra, the Downtown Development Authority and the City, the Committee feels it has achieved its purpose. The Chair and Vice-Chair of the Committee have submitted a letter to the Mayor, Bruce Hill, requesting that the Committee be disbanded.

**Financial Impact/Budget:**

There is no impact to the 2009 budget of the City.

**Legal issues:** N/A

**Other issues:** The work and role of the Avalon Theatre Foundation will continue even though the Avalon Theatre Advisory Committee is disbanding.

**Previously presented or discussed:** N/A

**Attachments:**

- Letter from Ron Beach and Andre' van Schaften
- Proposed Resolution

October 21, 2009

Mayor Bruce Hill  
City Council  
City of Grand Junction, CO  
250 North Fifth Street  
Grand Junction, CO 81501

Dear Mayor Hill,

As you know, in the Spring of 2006 the City Council adopted a resolution creating the Avalon Theatre Advisory Committee (ATAC). Together with the cooperation of City staff, ATAC's role has been to enhance and further the functional, aesthetic and cultural value of the Avalon Theatre. One of its principal missions has been the coordination of key stakeholders and Theater user groups. The ATAC was also asked to direct the operations of the Avalon Theatre such that it will function in a financially responsible manner and continue to meet the needs of the users and the City. The ATAC consists of seven members who are appointed by the City Council. Since the ATAC's inception, replacement committee members have been appointed due to expiring terms or resignations. We have been committee members since the ATAC's inception and currently serve as Chair and Vice-Chair of the Committee. Presently two seats are vacant.

After members were originally appointed by Council to the ATAC, the Committee decided to pursue projects and plans for the Avalon Theatre that it understood to be within the scope of its core missions. Beginning with attempts to coordinate the Theatre's stakeholders, the ATAC met on an on-going basis with key stakeholders, including the Grand Junction Symphony Orchestra (GJSO), Cinema at the Avalon, Inc., Avalon Foundation and other current or potential users of the Theatre. Meetings and discussions with stakeholders continued into early 2007, until it became clear in the ATAC's view what kind of theatre programming models made sense and therefore, what kind of physical enhancements needed to take place to the Theatre to support programming.

During the Spring and Summer of 2007, the ATAC worked with a variety of trade-specific organizations to develop a capital improvement plan, which captured design features required to accommodate the ATAC's programming recommendations. The ATAC worked with local architects and builders to formulate designs and construction costs. In the process, the ATAC awarded bids for acoustical studies and a fund raising consultant. The consultant helped us determine what level of funds a public capital campaign may yield. The result of all these efforts was the completion of the Avalon Theatre Strategic Business Plan, submitted to City Council on July 31, 2007. Since then, subsequent renovation and construction cost estimates increased almost three fold when significant acoustical enhancements were incorporated into the plans.

Heading into 2008, views and opinions of the Avalon Theatre Strategic Business Plan were heavily debated among all interested parties and stakeholders. The discussions were spirited and allowed the ATAC time to review other options or variations of the overall

plans/recommendations. It was toward the end of 2008 that Cinema at the Avalon, Inc. went out of business and City staff assumed operation of movies at the Theatre. At the same time the GJSO, a major potential stakeholder in the future of the Avalon, gained stronger interest in establishing the Avalon Theatre as its permanent home. Finally, local and national economic trends have had significant implications for all discussions about the Avalon Theatre's future.

The new and challenging financial climate has yielded the opportunity for the City and other Avalon Theatre stakeholders to reorganize and regroup its efforts. A recent letter of intent written by City Manager Laurie Kadrich forms a three-way partnership between the City, the Downtown Development Authority and the GJ Symphony. Together the three parties are expected to explore the creation of a new business plan for the Avalon Theatre, including detailing required building structural changes that accommodate the GJ Symphony as a main tenant. It is hoped that the Avalon Theatre Strategic Business Plan that the ATAC so diligently and thoroughly developed can be useful to the new three-way partnership. We put hundreds of "person hours" into this project and would hate to see it wasted.

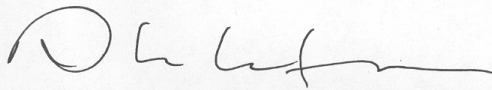
Representing the ATAC, we understand how events of the last 12 months have impacted the Avalon Theatre's future. We acknowledge that the overall landscape has changed; that a realignment of the current stakeholders through formation of a partnership may be the most effective course to take at this time. The ATAC has faithfully and diligently performed to the best of its ability, striving to achieve its core missions. To that end we feel that we have succeeded. Therefore, having no further unfinished business, and pending any new or additional mission from the City Council, we recommend the Avalon Theatre Advisory Committee be disbanded.

On behalf of the ATAC members, past and present, we want to thank you, City Council and City staff, for the privilege and opportunity to serve the community in our attempts to preserve and further the Avalon Theatre. We wish the City and its partners great success moving forward with these endeavors.

Sincerely,



Ron Beach  
Chair, Avalon Theatre Advisory Committee



Andre' van Schaften  
Vice-Chair, Avalon Theatre Advisory Committee

CC: City Council, Laurie Kadrich, Debbie Kovalik, Kirk Gustafson, Heidi Hoffman Ham, Michael Schwerin, Tim Seeberg, ATAC Members

**CITY OF GRAND JUNCTION, CO**

**RESOLUTION NO. \_\_\_-09**

**A RESOLUTION RESCINDING RESOLUTION NO. 27-06  
CREATING THE AVALON THEATRE ADVISORY COMMITTEE**

Recitals:

On the 5<sup>th</sup> day of April, 2006, the City Council of the City of Grand Junction, Colorado, approved Resolution No. 27-06 creating the Avalon Theatre Advisory Committee ("Committee"). The Committee was charged with planning for the growth and development of the Avalon Theatre into a significant community asset. The Committee was initially tasked to fulfill its responsibilities until June of 2012. Due to recent and worthy efforts the Committee work has been completed before that date.

Among other responsibilities, the Committee acting with the support and assistance of the City staff, acted since its inception to enhance and further the functional, aesthetic and cultural value of the Avalon Theatre ("Theatre".) The Committee has worked to coordinate key stakeholders and Theatre user groups and to assist the Theatre to function in a financially responsible manner. Notably the Committee authored the *Avalon Theatre Strategic Business Plan*. That Plan will be important for the current and future users of the Theatre and for forthcoming business modeling for the Theatre.

With the transition of most of the day to day operations of the Theatre to the City as well as the recently announced collaboration between the Grand Junction Symphony Orchestra, the Downtown Development Authority and the City, the Committee has satisfied its purpose. Committee Chair Ron Beach and Vice-chair Andre van Schaften have submitted a letter to the Mayor acknowledging that the work of the Committee is now complete.

Therefore, it is appropriate for the City Council to rescind Resolution No. 27-06, a resolution creating the Avalon Theatre Advisory Committee.

The Council extends its sincere thanks and appreciation to the Committee and to Chairman Beach and Vice Chairman van Schaften

NOW, THEREFORE BE IT RESOLVED that the City Council, being fully advised in the premises, does hereby rescind Resolution No. 27-06 and hereby declare the work of the Avalon Theatre Advisory Committee ended.

Adopted the \_\_\_<sup>th</sup> day of November 2009.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_

City Clerk



Date: November 5, 2009

Author: Mary Lynn Bacus  
Paralegal

Title/ Phone Ext: 244-1505

Proposed Schedule: Wed.  
November 18, 2009

**Attach 5**

**Petition for Exclusion from the Downtown Grand Junction Business Improvement District from Arvan Leany for Property Located at 337 S 1<sup>st</sup> Street**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Petition for Exclusion from the Downtown Grand Junction Business Improvement District from Arvan Leany for Property Located at 337 S. 1 <sup>st</sup> Street
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Steve Thoms, Chair DGJBID Board John Shaver, City Attorney

**Executive Summary:** On August 4, 2009, Mr. Arvan J. Leany filed a letter and the required deposit to initiate consideration of the exclusion of his property from the Downtown Grand Junction Business Improvement District at 337 S. 1<sup>st</sup> Street (Pufferbelly Restaurant). On August 17, 2009, the City Council referred the matter to the Downtown Grand Junction Business Improvement District (DGJBID) Board. The DGJBID heard the request on October 22, 2009 and with a tied vote, the motion was defeated.

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

Goal 3: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

The formation of the Downtown Grand Junction Business Improvement District has provided a funding stream to support and market the downtown. Each property owner pays a special assessment which is calculated on their first floor square footage.

**Action Requested/Recommendation:**

Consider the Recommendation of the DGJBID Board and Determine Whether to Grant the Exclusion Request

**Board or Committee Recommendation:**

The DGJBID Board of Directors heard the exclusion request on October 22, 2009 and a tied vote defeated the motion.



## **Background, Analysis and Options:**

The Downtown Grand Junction Business Improvement District was formed on August 17, 2005. The ballot question regarding a special assessment for said District was approved on November 1, 2005. The City Council then held a hearing on the assessments on December 7, 2005 and there were no objections voiced at the hearing.

Section 31-25-1220 C.R.S. provides for a process to request exclusion from a business improvement district and requires a deposit to cover the cost of the process. On August 4, 2009, Mr. Arvan Leany, owner of the building and business located at 337 S. 1<sup>st</sup> Street (Pufferbelly Restaurant) filed a written request for exclusion, along with the required deposit.

The request was brought before City Council for consideration and the City Council referred the matter to the DGJBID Board. The process calls for City Council to review the record of that hearing and make a final decision on the matter.

## **Financial Impact/Budget:**

Costs associated with the exclusion request were paid by the Petitioner.

This property is currently assessed \$1,058.06 annually. The District is authorized to increase that fee by 5% annually. The District chose not to increase the assessment from 2008 to 2009. The District would lose that revenue if the property were to be excluded.

**Legal issues:** N/A

**Other issues:** N/A

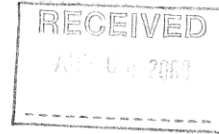
## **Previously presented or discussed:**

The exclusion request was initially presented to the City Council on August 17, 2009. The City Council referred the matter to the DJGBID board. The BID board heard the matter and held a hearing on October 22, 2009. Verbatim minutes of that hearing are attached.

## **Attachments:**

- Letter requesting exclusion from the Downtown BID
- Site location map of the property
- Verbatim transcript of the DGJBID hearing

@EJL 1284.4  
@EJL



August 4, 2009

City of Grand Junction

RE: Exclusion from the special taxing district for the Downtown Business Improvement District

To whom that it may concern,

As owner of Pufferbelly Restaurant and the building that it occupies I am writing to be excluded from the development district for the following reasons:

- 1) We are completely out of the traffic flow for any benefit of downtown activities.
- 2) We close at 2 PM and are not open when most of the activities are taking place.
- 3) The sign in front of the convention center mentions downtown shopping only.
- 4) It is not in convenient walking distance of Main Street.
- 5) Instead of being a support for our location it actually takes business away.
- 6) We have paid in every year since its inception and we have received no benefit.

We would appreciate your consideration to help us with this matter.

Sincerely,

Arvan Jeffrey Leany, Owner  
337 S. 1<sup>st</sup> Street  
Grand Junction, CO 81501  
970-242-1600  
970-261-3981 cell  
970-858-7698 home

A handwritten signature in black ink, appearing to be "Arvan Leany". The signature is stylized and somewhat cursive.

337 S. 1<sup>st</sup> Street



GRAND JUNCTION DOWNTOWN BUSINESS IMPROVEMENT DISTRICT  
BOARD MINUTES

Thursday, October 22, 2009  
248 S. 4<sup>th</sup> Street, Grand Junction, CO  
7:30 a.m.

PRESENT: Harry Griff, Scott Holzschuh, Bill Wagner, Steve Thoms, Bill Keith, PJ McGovern

ABSENT: Peggy Page, Bonnie Beckstein

STAFF: Heidi Hoffman Ham, Diane Keliher, Kathy Dirks

GUESTS: John Shaver, Ed Chamberlin, Rebecca Chariton, Arvan Leany, Kirk Granum, Jeff Leany

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

PUBLIC HEARING – Steve opened the meeting to public hearing at 7:35 a.m. for consideration of exemption from the Grand Junction Downtown Business Improvement District filed by Mr. Arvan Leany, owner of the property at 337 South 1<sup>st</sup> Street. Mr. Leany has complied with all statutory requirements to request exemption from the GJBID. City Council has referred the matter to the DDA for recommendation. The DDA must determine whether or not the exemption will affect the organization adversely.

Pufferbelly Station Restaurant feels they are out of the District with accessibility to and from their building to events being awkward and inconvenient. Their hours are 6:00 a.m. to 2:00 p.m. and, therefore, do not benefit from events held in the evenings (i.e. Farmers Market). Mr. Leany feels it's an undue tax on his business with no direct benefit.

Harry asked how many people work downtown and come to the restaurant. Mr. Leany thought about one-third of his customers work downtown. Harry then asked if the railroad station was rebuilt would it help. Mr. Leany stated that if it was a commercial draw, it would create foot traffic.

Scott feels that the benefits of belonging to the BID are indirect vs. direct. The health of the downtown core indirectly affects the health of the downtown area. He also feels that if we let the fringe buildings out, it will weaken the entire organization. Mr. Leany still does not feel the indirect benefits affect his particular business.

Steve added that there are long-term vs. short-term benefits to being a part of the BID. As the area develops, people will be living and working downtown and creating synergy.

PJ asked if Mr. Leany owns the building. He stated that he does. John Shaver added that it is one of the outermost parcels in the BID.

Bill W. asked how much of the building Mr. Leany owns and if he wants to exclude the whole building. He owns the entire parcel and would like to exclude all of the buildings.

Jeff Arvan arrived at the meeting and reiterated that they feel their business is not part of downtown because of logistics. He stated that in the past the DDA had talked about making the depot a transportation hub with Amtrak, Greyhound and Grand Valley Transit. There were plans for a crossover to Two River Convention Center, but the plans never came to fruition.

Bill W. asked if they are exempted from the BID now can they come back later. John answered that they would have to petition in a similar process.

Steve asked for any other public comment, and there was none.

The DDA board deliberated in preparation for making a recommendation to City Council. Bill K. made a motion to recommend to City Council that the Board exempt the property from the BID with the hope that they will return at a later time; Scott seconded; Bill K., Scott, and PJ voted for exemption; Steve, Harry, and Bill W. voted against exemption. The motion was defeated. City Council will decide if they will need another hearing or are able to make a ruling.

The public hearing was closed at 8:13 a.m.

APPROVAL OF MINUTES – Harry made a motion to approve the minutes of the July 23 meeting; Scott seconded; minutes were approved.

Rebecca Chariton left the meeting.

3<sup>RD</sup> QUARTER DTA FINANCIAL REPORT – Kirk presented the 3<sup>rd</sup> quarter DTA financial report compared to the year-end budget. Farmers' Market and Art and Jazz income is over budget. This year we lost half of the sponsorship for Parade of Lights. The DTA will pick up \$2,500 of expense this year. Heidi added that the projection for 2009 shows a positive balance and, as a result, the BID will not transfer as much money to the DTA leaving a fund balance of around \$10,000 in the DTA fund. Scott made a motion to accept the 3<sup>rd</sup> quarter financial report; Bill W. seconded; motion passed.

PROPOSED 2010 BUDGET – The board considered whether or not to increase the assessment for next year and decided against it. Revenues for this year were affected slightly because of successfully-contested assessments. The County no longer pays in-lieu into the BID. Some staff salaries (1.5 FTE) are paid from this fund to support the marketing and events. The BID transfer to the DTA will be less next year. Harry questioned the BID fund balance and Bill W. pointed out a mistake on the spreadsheet. Scott made a motion to accept the proposed 2010 budget, subject to an accurate and completed spreadsheet, with no net loss greater than \$25,000 and no increase in tax revenue; Bill K. seconded; motion carried. Harry and Bill W. abstained until the corrected figures are determined.

WAYFINDING PROGRAM – Once wayfinding was identified as a priority in the downtown strategic plan, the DTA began to work on the overall design to draw people to the commercial business district. Ed Chamberlin has had three meetings with the DTA and has talked to CDOT and the City of Grand Junction regarding wayfinding options. The scope of the first phase of the project is from the Grand Junction Regional Airport to downtown with a focus on first-time visitors. One of the suggestions is to add "Historic Downtown" to the blue road signs along the highways that are managed by a private firm. The cost is \$1,500 per year for four signs. Jody Kliska has already helped with adding "Downtown" to the green City directional signs at the end of on ramps. Guidelines for clarity are recommended for directional signs. The theme is modern and fun with "gateways" for six strategic locations. Downtown tourist directional signs will be placed on corners downtown pointing out various attractions. Sign posts will identify key public buildings and art and cultural buildings. Wall plaques will identify historic buildings. The new signage will be carried through the Uplift project on Main Street. There are three cost options for the first phase. The budget is \$150,000 for this project for next year. This will be a phased project and will need funds for maintenance. The Board discussed options and costs and approved moving forward with the 2010 phase of implementation.

ADJOURN – Scott made a motion to adjourn; Bill K. seconded; the board adjourned at 9:10 a.m.

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

SENT TO CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_



Date: November 9, 2009  
 Author: Trent Prall  
 Title/ Phone Ext: Engineering  
 Manager (256-4047)  
 Proposed Schedule: Award  
 November 18, 2009  
 2nd Reading  
 (if applicable): \_\_\_\_\_

**Attach 6**  
**Construction Contract for the Downtown Uplift**  
**Phase I**

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Construction Contract for the Downtown Uplift Phase I
<b>File # (if applicable):</b> N/A
<b>Presenters Name &amp; Title:</b> Steve Thoms, DDA Chair Tim Moore, Public Works and Planning Director Jay Valentine, Assistant Financial Operations Manager

**Executive Summary:**

The Downtown Development Authority Downtown Uplift Phase I (1<sup>st</sup> Street to 4<sup>th</sup> Street) is the first of two phases to renovate Main Street. This project represents the highest priority of the Downtown Development Authority. This phase of the project will provide much needed renovation including the replacement of deteriorated sidewalks, brick planters, storm drains, street lighting, electric circuits for vendors and Christmas lighting and water line. Other components include replacement of dying trees and reinstallation of a water sculpture, play area, shade shelters, and drinking fountains. The project is 100% funded by the DDA with the City providing the design, construction oversight and funding of the water line replacement.

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

The Downtown Uplift Project supports the following Goals from the comprehensive plan:

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

Reinvestment in the infrastructure of Main Street is an essential component to the economic development of the downtown area. The design has specifically addressed the varying economic and social needs for the core of the City by incorporating greater accessibility for all community members, family-friendly features, high-quality amenities, and intentional focus on the needs and desires of merchants and property owners.

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

This project compliments the architectural character of the Downtown Area and complies with the guidelines and design standards of the Downtown Master Plan.



This project will incorporate historical lighting, colored concrete surfaces, landscaping, gathering areas, and other furnishings that enhance the cultural and social vitality of Main Street.

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

This project emphasizes “walkability” within the Downtown Area by making capital improvements to accessibility, pedestrian crossings and bicycle facilities (e.g. bike lane on streets, bike racks at strategic locations). Downtown entries are provided with landscaped medians and corner bulbouts for pedestrian refuge, and the Wayfinding and Signage Strategy map guidelines will provide the required balance for proper pedestrian and vehicular traffic circulation.

This project supports the ongoing DDA’s Downtown Master Plan, while adhering to the City of Grand Junction’s Transportation Engineering Design Standards and guidelines. This project will continue to maintain mobility to the traveling public as well as direct access to the Downtown Area by ensuring sufficient on-street parking spaces to supplement existing parking lots and garage spaces.

**Goal 10:** *Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and environmental purposes.*

Reconstruction of Main Street will provide a more pedestrian friendly environment, complete with sitting and gathering areas such as small plazas play area and a drinking water fountain. These improvements combined with a year-round schedule of promotions and special events will boost the energy and economic vigor of our community and region.

**Action Requested/Recommendation:**

Authorize the City Manager to sign a Construction Contract with **FCI Construction Inc.** of Grand Junction, Colorado for the **Downtown Uplift Phase I** construction project in the amount of **\$2,309,841.09**.

Authorize the City Manager to pay \$2,500 per day incentive for early completion of the project up to a maximum amount of \$75,000 (\$75,000 is included in the bid amount of \$2,309,841.09)

Authorize the City Manager to deduct \$4,000 per day should the contractor exceed the completion date of June 30, 2010.



**Board or Committee Recommendation:**

The Downtown Development Authority Board reviewed the bids and recommends the Council award a construction contract to FCI Constructors.

**Background, Analysis and Options:**

Bids were received on October 27, 2009 from the following:

<b>Firm</b>	<b>Location</b>	<b>Amount</b>
FCI Constructors	Grand Junction	\$2,309,841.09
Sorter Construction	Mesa County	\$2,389,705.00
ECI Site Construction	Loveland CO	\$2,585,968.79
United Companies	Grand Junction	\$2,792,878.85
MA Concrete	Grand Junction	\$3,123,584.40
Mays Concrete	Grand Junction	\$3,735,317.00
Shaw Construction	Grand Junction	Incomplete
Engineer's Estimate		\$3,530,866.59

FCI Construction, Inc. has been a Grand Junction based company for the last 31 years and currently employs 310 people (100 in Grand Junction). FCI also has a history of successfully performing City projects including the reconstruction of 29 ¼ Road, 31 5/8 Road, the Redlands Fire Station and the Fleet Maintenance Building Addition.

City staff has no reservations regarding FCI's qualifications or capability to complete this project. The City's Assistant Financial Operations Manager has reviewed the bids and with the exception of Shaw Construction, all bids were found to be complete and in compliance with the City's purchasing policies.

The bid documents will allow Main Street to be closed to traffic from 1<sup>st</sup> Street to the west side of 4<sup>th</sup> Street from January 4, 2010 to June 9, 2010. 4<sup>th</sup> Street may be closed to traffic up to three consecutive weeks (21 calendar days) for demolition and reconstruction of the 4<sup>th</sup> Street & Main Street intersection. 4<sup>th</sup> Street traffic shall be detoured onto Grand Avenue during the period of time when 4<sup>th</sup> Street is closed.

The project schedule is as follows:

Construction Start

January 4, 2010

Final Completion and Acceptance

of all work, excluding the landscape and irrigation within the 100 and 200 Blocks:

June 9, 2010

Final Completion and Acceptance

of the landscape and irrigation within 100 and 200 Blocks:

June 30, 2010

**Financial Impact/Budget:**

Funding Source	Description	Contract Amount
DDA - Tax Increment Fund	Reinvestment into and improvement of infrastructure	\$ 2,157,481
City - Water Fund	Replacement of main water line and service line connections to properties	\$ 152,360
	<b>TOTAL</b>	<b>\$ 2,309,841</b>

**Legal issues:**

None

**Other issues:**

N/A

**Previously presented or discussed:**

November 12, 2009 - Downtown Development Authority Board

**Attachments:**

Letter from Sorter Construction  
Letter from Adcock Concrete  
Letter from FCI Constructors



## Sorter Construction, Inc.

2802 Highway 50  
Grand Junction, CO 81503  
(970) 242-1436  
Fax: (970) 242-9040

November 2, 2009

To Whom It May Concern:

In reference to the Downtown Uplift, Phase I bids; Sorter Construction, Inc. submitted a bid to the City of Grand Junction for this project and was very careful and selective to meet all of the project requirements. We have an exceptional track record working for the City and it speaks for itself. I have always supported the Grand Junction businesses and citizens. I request that you consider the following in your evaluation and decision regarding the award of this contract.

- Sorter Construction, Inc. is an earthwork and utility contractor that has successfully built many projects of this sort in the Grand Valley.
- Sorter is not a **Building Contractor** we do not build schools and/or hospitals.
- Sorter has subcontracted with Adcock Concrete Inc. for many years and we work as a team. They meet the requirements of the American Concrete Institute and they are certified finisher's and technicians, a requirement by the City of Grand Junction as of April 1, 2009.
- Sorter also subcontracted with Clark & Company, Inc. to do the landscaping, and they are team players and also meet all the needed requirements.
- Sorter's bid was **COMPLETE!** All of the bid items priced per contract documents. The posting of the bid tabulations clearly show that F.C.I. ***DID NOT*** put a value on item #41 and therefore, should be considered an incomplete bid.

Page 2

- Sorter's team of subcontractor's are 100% local. All of the Mesa County Contractors that are involved understand the sensitivity of downtown, and are best suited to build this project.
- The lowest pipe contractor for F.C.I. has never worked for the city. They have no track record and the bid tabulations show that they are below material cost on several items and it appears unbalanced.
- Sorter is subletting 49% of the physical work and it appears that F.C.I. is subletting more than 75% of the work.

As a local Contractor and upstanding citizen of the Grand Valley, I feel it is important to bring these items to your immediate attention. I appreciate your time and consideration in this matter, and look forward to hearing from you soon.

Regards,



William R. Ogle  
President

CC: **Tim Moore (Public Works)**  
Grand Junction City Council

# ADCOCK CONCRETE

2458 Industrial Blvd. Ste 1  
Grand Junction, CO 81505  
970.242.8567 phone  
970.242.2061 fax

November 2, 2009

Grand Junction City Manager  
Attn: Laurie Kadrack

To Whom It May Concern:

In regards to the Main Street project to reconstruct Main from 1<sup>st</sup> to 4<sup>th</sup>, we have been told that F.C.I. Constructors is the apparent low bidder. From my understanding, we were not low bidder for the concrete portion of this project. We felt that we bid this project correctly, to construct the new street the way it was designed, for the time of year and time constraints that this project has.

When we first had seen the new design of Main Street, we were very excited to have the opportunity to bid on this project. We enjoy projects that are challenging, and that have decorative appeal. This project has both. We would love to be one of the companies that would build this project. We do not feel that this project is a highly lucrative project, because there is a lot of detail work, and very little volume type of concrete pours. So, we feel that the motivation for this project is not monetary. However, we are very motivated that this projects' decorative aspect is one that we can be proud of when we are finished. It is something that we can enjoy, as well as, our children and grandchildren can enjoy for generations to come.

It is our understanding that there may be some concerns about the low bid at this time. Also, we know that Sorter Construction would be next in line if this project is not awarded to F.C.I., as noted in the W.C.C.A. newsletter. We believe that Sorter would be an excellent choice. Sorter is noted in the community for the excellent earthwork and utility work that they do. Expertise is needed to have this project completed in the time table allocated. In the ten years of subcontracting for Sorter, we have never had an issue with them. We have always been paid on time or early. We have very good communications between our companies and believe we are a capable team to build an award winning project. If successful on this project we would like to submit it to the A.C.P.A. or the Colorado Construction Magazine for considerations of awards. We think that you have an Award Winning Design!

In Sorter's letter they mention the City of Grand Junction's requirement for A.I.C's certified concrete finishers and technicians. We have certified 5 of our personnel and we have several others awaiting the examination. We were proactive and completed this requirement with our people, when we knew that the city was going to implement this requirement. We are aware, that our company is one of the few companies to comply with this city standard.

We have completed large projects. One is the photo of Berthoud Pass that fronts the C-DOT Standards Book. Locally, the recent work at the Grand Junction Airport is ours. The work from 5<sup>th</sup> Street and South Ave to Colorado is a project we did with Sorter, and we are currently working on 29 Rd I-70 B "North". We know that the pavement for Main Street needs to be better than average, because of the high foot traffic of the Farmer's Market, holiday celebrations, etc. We can do this.

Main Street is not any easy project. It is going to take an extreme amount of planning and coordination. If we are not successful at receiving this project, I can only hope that special attention is paid to the joint layouts, sawcut time, dowels and dowel locations and trying to protect the decorative concrete properly. This project can be beautiful if there is a lot of attention paid to the detail.

I appreciate your time and consideration of this matter.

Sincerely,



Mike Adcock  
President



The logo for FCI Constructors, Inc. features the letters "FCI" in a large, bold, black sans-serif font. To the left of the letters is a vertical red bar with a small red dot at the top. Below "FCI" is the text "Constructors, Inc." in a smaller, black sans-serif font. To the right of the "FCI" text, a horizontal grey bar contains the following locations in a small, black sans-serif font: "Grand Junction • Denver • Durango • Phoenix • Cheyenne • Aztec".

**FCI**

**Constructors, Inc.**

Grand Junction • Denver • Durango • Phoenix • Cheyenne • Aztec

**Construction Manager / General Contractor**

November 10, 2009

Mr. Tim Moore  
Public Works and Planning Director  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

RE: City of Grand Junction Downtown Uplift Project Phase I

Dear Mr. Moore,

FCI Constructors Inc, is very grateful for the opportunity to bid and construct this project for the City of Grand Junction. We have been tracking this project since it's inception and are very excited to be able to participate in the renovation of the Downtown Area of Grand Junction.

As a preface to our qualifications I would like to offer the following. FCI is a 31 year old company that has had it's headquarters in the City of Grand Junction for the entire 31 years. We are a 100% employee owned company with offices in Grand Junction CO, Phoenix AZ, Longmont CO, Durango CO, Cheyenne WY, and Aztec NM. We are a very diversified commercial Construction Manager/General Contractor with construction revenues totaling \$380 million in our last fiscal year. We employ approximately 300 employees with 100 of these employees based out of the Grand Junction office.

FCI has the capabilities and experience of having built horizontal projects, (bridges, streets, water lines, sewer lines, storm drainage, curb & gutters, sidewalks, site concrete, water treatment facilities) as well as vertical projects (schools, hospitals, parking garages, retail facilities, office buildings, banks, etc...). All of these projects have the construction components that are incorporated in the Downtown Uplift Project. We have the ability to self perform demolition, concrete, carpentry, and specialty trades.

**FCI**

**Constructors, Inc.**

Grand Junction • Denver • Durango • Phoenix • Cheyenne • Aztec

**Construction Manager / General Contractor**

Page 2

FCI has experience with the City of Grand Junction with the construction of the Monument Road Bridge, 31 5/8 Road at the Halliburton site, 30 ¼ Road improvements at the Pear Park School, 29 ¼ Road between North Avenue and Orchard Avenue at Bookcliff Middle School.

FCI and our Project Manager, Dave Ash have extensive experience in the Downtown Area with the Reed Building, C D Smith Building, Union Station, The Avalon Theatre, Wells Fargo, Mesa County Justice Center and Under Ground Tunnel, Mesa County Jail, Mesa County Court House Renovation, United States Post Office, and Grand Junction Police Station Renovation.

FCI has a vested interest in the Downtown Uplift project in that Grand Junction is the home town to 100 of our employees. It is our intent to buy as much of the project locally as feasibly possible, achieve the highest level of quality and maintain an aggressive schedule.

We look forward to working with you on this exciting and challenging project. If you have any additional questions or concerns, please feel free to contact me.

Sincerely,



Ed Forsman  
President

ef



Petition to the City of Grand Junction:

We would like to request that the City of Grand Junction require all local Mesa County contractors, subcontractors, and suppliers be used for the Downtown Uplift project.

- UNIQUE EXPRESSIONS / DANIEL + KAREN HELDEBRANDT *Terry Hildebrandt*
- Dolce Vita Italian Restaurant *USQU Pappert*
- La Belle Amie Day Spa Salon Valerie Kennedy *Valerie Kennedy*
- JENNIFER HENSEL 970-243-0894
- Todd Hildebrandt 970-210-2238
- Claire Solawetz 970-712-7953
- ~~Planet Wines~~ Planet Wines 970-424-5432 *Nicole Chinit*
- ~~Planet Wines~~ 970-261-2801 *James Webb Const.*
- Flidi's FITS 970-434-8769 *But Dylan*
- Main Street Cafe 242-7225 *Nina Bluckman*
- Lil Ole Winemaker 242-3754 *Scott Miller*
- ~~Amber Herald~~ Amber Herald 242-8336 *Malinda J. Miller*
- Working Artists Gallery 256-9952 *Jocelyn Moore*
- Main St Minerals 241-4116 *Paul Jones*
- Triple Play Records 243-3974 *Code Casare*
- La Banca Restaurant *F. Linton*
- Razzmatazz 552 Main St. 245-8318 *Frankie*
- Valerie Nicholson 1755 CrestView 241-8500
- Jan Maranghi
- Scentsations - Sooner Halvorson - 634 Main St #103 250-7237
- SHUE DESIGN 648 MAIN ST *K. Shue*
- Planet 9 - Nick A. Pirelli 650 MAIN ST. #1 243-8577
- Abram Body Piercing - Nick A. Pirelli 650 MAIN ST. #2 242-7246
- Ben Nud - 1520 N 7th *Tencinos Brothers Pub*
- Donald Huff 1520 N 7th
- J.B.* 1520 N 7th
- Jason Bailey 1520 N 7th SE
- DEBRA BECK *Debra Beck*
- William C. 609 Main St. 242-9633 *Quincy Barb*
- HART MUSC 417 Main 242-9282 *J.B. Hart*
- Debra R 657 26th St Sd 778-2520

Petition to the City of Grand Junction:

We would like to request that the City of Grand Junction require all local Mesa County contractors, subcontractors, and suppliers be used for the Downtown Uplift project.

Formal Affair	245-2308	Just Lally
Rocky Tops	970 245-2074	[Signature]
Toys for the Fun of It	248-3511	[Signature]
TOYS for the Fun of It	245-3511	W. Luke [Signature]
Summit Canyon	243 2847	[Signature]
TRENDE	255-1541	J. Dodson
CELATO Junction	245-4759	[Signature]
Jane Francese	424-4903	Jane Francese
[Signature]	201-3309	Blue River Realty
Chantal Gullet	241-5787	Chantal Gullet
Patricia Pett	274 9620	[Signature]
TRISHY ANNOUR	251-1517	TRISHY ANNOUR
Debra Annour	243-8896	[Signature]
Two [Signature]	261-7206	HECO ONE 626 ON ROAD

Billy Foster  
250-8236

Please call -  
Thank you