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**CITY COUNCIL AGENDA  
MONDAY, JANUARY 16, 2012  
250 NORTH 5<sup>TH</sup> STREET  
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM  
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

**Call to Order**  
(7:00 p.m.)

Pledge of Allegiance – Cub Scout Pack #318 – Post the Colors and Lead in the Pledge of Allegiance

Invocation – Pastor Jerry Gonzales, Living Stone Christian Center

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

**Presentations/Recognitions**

Presentation of the Champion of the Arts Awards

[Attach 1](#)

Medals of Merit for Two Fire Employees

**Appointments**

To the Colorado State Leasing Authority

**Certificates of Appointment**

Zoning Board of Appeals/Planning Commission

*Revised August 9, 2012*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**Council Comments****Citizen Comments****\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Minutes of Previous Meeting** [Attach 2](#)  
*Action: Approve the Minutes of the January 4, 2012 Regular Meeting and the January 11, 2012 Special Session*
  
2. **Setting a Hearing on an Ordinance Adopting the International Building Codes Including Building, Plumbing, Mechanical, Fuel Gas, Property Maintenance, Residential, Electrical, and Energy Conservation and Amendments Thereto** [Attach 3](#)

The proposed ordinance will adopt the 2012 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, and Property Maintenance and the 2009 Edition of the International Energy Conservation Code, plus the 2011 Edition of the National Electric Code as adopted by the State of Colorado. These codes regulate building construction. Mesa County has or soon will be adopting the same code set.

Proposed Ordinance Adopting and Amending the Latest Edition of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code, and the 2009 International Energy Conservation Code to be Applied Throughout the City of Grand Junction with Certain Amendments Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area, and Maintenance of all Buildings or Structures in the City of Grand Junction; and Repealing all other Ordinances and Parts of Ordinances in Conflict Herewith

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for February 13, 2012*

Staff presentation: John Shaver, City Attorney  
Tim Moore, Public Works and Planning Director

3. **Setting a Hearing on an Ordinance Adopting the International Fire Code 2012 Edition with Amendments** [Attach 4](#)

The 2012 edition of the International Fire Code (“IFC 2012”) is the updated version of the 2006 edition of the International Fire Code which is presently part of the Grand Junction Municipal Code found in Chapter 15.44. The IFC 2012 is part of the 2012 International Code set currently being considered for adoption by the City. Mesa County has or soon will be adopting the same code set.

Proposed Ordinance Adopting the 2012 Edition of the International Fire Code Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Amending Certain Provisions in the Adopted Code; Amending Chapter 15.44 of the Municipal Code and Amending all Ordinances in Conflict or Inconsistent Herewith

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for February 13, 2012*

Staff presentation: John Shaver, City Attorney  
Ken Watkins, Fire Chief

4. **Fire Pumper Truck Purchase** [Attach 5](#)

This purchase request is for a new Fire Pumper Truck to replace an older unit currently in the City’s fleet. The current truck has reached the end of its useful life and is in need of replacement.

*Action: Authorize the City Purchasing Division to Piggyback on a Previous Award for the Purchase of a 2012 Smeal Freedom Custom Pumper Truck to Mile Hi Fire Apparatus of Commerce City, Colorado in the Amount of \$408,491*

Staff presentation: Ken Watkins, Fire Chief  
Jay Valentine, Financial Operations Manager

5. **Setting a Hearing on Rezoning 22 Properties Owned by School District 51, Located throughout the City, from CSR (Community Service and Recreation) to Zones of R-2, R-4, R-5, R-8, B-2, and C-1 Zone Districts** [File #RZN-2011-1190] [Attach 6](#)

A City initiated request to rezone 169.62 acres, owned by School District 51, located throughout the City, from CSR (Community Service and Recreation) to zones of R-2, R-4, R-5, R-8, B-2, and C-1 zone districts. The rezones will bring the

zoning into conformance with the City's Comprehensive Plan and the zoning of the surrounding neighborhood.

Proposed Ordinance Rezoning 22 School District #51 Owned Properties  
From CSR (Community Service and Recreation) to R-2, R-4, R-5, R-8, B-2, and  
C-1 Located Throughout the City

*Action: Introduction of a Proposed Ordinance and Set a Public Hearing for  
February 1, 2012*

Staff presentation: Tim Moore, Public Works and Planning Director  
Lori V. Bowers, Senior Planner

6. **Setting a Hearing on the Suncor Annexation, Located at 2200 Railroad  
Avenue** [File #ANX-2011-1328] [Attach 7](#)

Request to annex 45.43 acres, located at 2200 Railroad Avenue. The Suncor Annexation consists of one (1) parcel of approximately 27.56 acres. There are 11.34 acres of public right-of-way, along with 6.53 acres of railroad property contained within this annexation area.

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

Resolution No. 03-12—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Suncor Annexation, Located at 2200 Railroad Avenue and Including a Portion of the Railroad Avenue and US Highway 6 & 50 Right-of-Way

*®Action: Adopt Resolution No. 03-12*

**b. Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Suncor Annexation, Approximately 45.43 Acres, Located at 2200 Railroad Avenue And Including a Portion of the Railroad Avenue, River Road, and Highway 6 & 50 Right-of-Way

*Action: Introduction of Proposed Ordinance and Set a Public Hearing for March 7, 2012*

Staff presentation: Tim Moore, Public Works and Planning Director  
Brian Rusche, Senior Planner

7. **Setting a Hearing on an Amendment to Section 21.08.020(b)(1) of the Grand Junction Municipal Code Concerning Expansion of Nonconforming Nonresidential Land Uses** [File #ZCA-2011-1313] [Attach 8](#)

This amendment to Section 21.08.020(b)(1) would eliminate the 20% limitation on expansion of nonconforming, nonresidential land uses.

Proposed Ordinance Amending Section 21.08.020(b)(1) of the Grand Junction Municipal Code

*Action: Introduction of Proposed Ordinance and Set a Public Hearing for February 1, 2012*

Staff presentation: Tim Moore, Planning and Public Works Director  
Lisa Cox, Planning Manager

8. **Setting a Hearing on an Amendment to Section 21.06.010(f) of the Grand Junction Municipal Code Concerning Undergrounding of Overhead Utilities** [File #ZCA-2011-1315] [Attach 9](#)

This amendment to Section 21.06.010(f) eliminates a requirement that a developer underground existing overhead utilities along alleys and clarifies when a fee in lieu of construction can be paid for undergrounding utilities.

Proposed Ordinance Amending Section 21.06.010(f) of the Grand Junction Municipal Code

*Action: Introduction of Proposed Ordinance and Set a Public Hearing for February 1, 2012*

Staff presentation: Tim Moore, Planning and Public Works Director

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

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

9. **Public Hearing – Amend the Redlands Mesa Planned Development, Outline Development Plan and Phasing Schedule** [File #PLD-2011-1183]

[Attach 10](#)

The proposed amendment to the almost 14 year old Outline Development Plan (ODP) includes a new phasing schedule, changes in housing type for certain phases of the development and revised bulk standards for future filings, with no change in overall density. All future filings will be subject to the 2010 Zoning and Development Code.

Ordinance No. 4495—An Ordinance Amending the Outline Development Plan for Redlands Mesa

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4495*

Staff presentation: Tim Moore, Public Works and Planning Director  
Lori V. Bowers, Senior Planner

10. **Amending the Purchasing Manual and Authorizing a Contract with Mesa County for Procurement Services**

[Attach 11](#)

Purchasing and legal staff have updated the 2009 Purchasing Manual to include changing the policy back to the former (2001) levels of authorization.

A City-County purchasing services agreement will allow the City to provide regular procurement services to the County.

Resolution No. 04-12—Adopting a Policies and Procedures Manual for Purchasing of Equipment, Materials, Supplies and Expert and Technical Services Including Technical and Expert Personnel by the City of Grand Junction, Colorado

*®Action: 1) Adopt Resolution No. 04-12 and 2) Authorize the Acting City Manager to Sign a Contract with Mesa County to Provide Technical and Expert Purchasing Services*

Staff presentation: Rich Englehart, Acting City Manager  
John Shaver, City Attorney  
Jay Valentine, Financial Operations Manager

11. **Non-Scheduled Citizens & Visitors**
12. **Other Business**
13. **Adjournment**



Date: 12/23/11  
 Author: Lorie Gregor  
 Title/ Phone Ext: Recreation  
 Coordinator 254-3876  
 Proposed Schedule: January 16,  
2012  
 2nd Reading (if applicable): n/a  
 File # (if applicable): \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**

**Attach 1  
 Presentation of the Champion of the Arts Awards**

<b>Subject:</b> Presentation of the Champion of the Arts Awards
<b>Action Requested/Recommendation:</b> Recognition of the Champion of the Arts Award Winners
<b>Presenter(s) Name &amp; Title:</b> Rob Schoeber, Parks and Recreation Director Gisela Flanigan, Grand Junction Commission on Arts and Culture, Chairperson

**Executive Summary:**

The Grand Junction Commission on Arts and Culture is recognizing the annual winners of the Champion of the Arts Award. Winners will be presented with local artwork.

**Background, Analysis and Options:**

Since 1996, the Grand Junction Commission on Arts and Culture annually invites the community to nominate local businesses, organizations, and individuals for the Champion of the Arts Award. These awards are given each year to honor businesses, organizations, and individuals which exemplify outstanding support for the arts, assistance to local art and cultural organizations, commitment to our cultural community, and/or promotion of area artists. Original artwork from premier local artists is presented as the award.

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

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

The giving of local artwork helps to enhance the artistic value and visual appeal of locations where the artwork is hung for the enjoyment of others.



**Board or Committee Recommendation:**

The Grand Junction Commission on Arts and Culture has chosen: Business Category: Roper Music, for their support to the Grand Junction Symphony and community; Individual Category: Chuck and Robbie Breaux for their contributions to The Art Center.

**Financial Impact/Budget:**

Budgeted purchase of artwork as awards: \$1,250.00

**Legal issues:**

None

**Other issues:**

None

**Previously presented or discussed:**

N/A

**Attachments:**

None

**Attach 2  
Minutes of Previous Meetings**

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

**January 4, 2012**

The City Council of the City of Grand Junction convened into regular session on the 4<sup>th</sup> day of January, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Bill Pitts, Sam Susuras, and Council President Tom Kenyon. Councilmember Laura Luke was absent. Also present were Acting City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Kenyon called the meeting to order. Council President Kenyon asked Cub Scout Pack 342 to lead the Pledge of Allegiance. That was followed by Deacon Leo Truscott from Immaculate Heart of Mary Catholic Church providing the Invocation.

**Proclamation**

Proclaiming January, 2012 as “National Mentoring Month” in the City of Grand Junction

**Appointments**

Zoning Board of Appeals/Planning Commission

Councilmember Susuras moved to appoint Gregory Williams and Keith Leonard to the Planning Commission, both terms expiring October 2014; appoint Jon Buschhorn as the 2<sup>nd</sup> Alternate to Planning Commission/Zoning Board of Appeals expiring October 2012; appoint Loren Couch as the 1<sup>st</sup> Alternate to Planning Commission/Zoning Board of Appeals expiring October 2014; appoint Rob Burnett and Joe Carter to the Zoning Board of Appeals, both terms expiring October 2015. Councilmember Pitts seconded. Motion carried.

Public Finance Corporation

Councilmember Doody moved to appoint Acting City Manager Rich Englehart to the Public Finance Corporation for the remaining term ending January 2013. Councilmember Coons seconded. Motion carried.

Riverview Technology Corporation

Councilmember Pitts moved to ratify the appointments of Craig Little, Will Hays, and Steven Hovland to the Riverview Technology Corporation for three year terms expiring February 2015. Councilmember Susuras seconded. Motion carried.

## **Council Comments**

Councilmember Doody wished everyone Happy New Year.

Councilmember Boeschstein echoed that sentiment noting he and his wife attended Camelot at the Avalon Theatre and it was a great production.

## **Citizen Comments**

There were none.

## **CONSENT CALENDAR**

Councilmember Pitts moved to approve the Consent Calendar and then read items #1-6, amending Item #6 to include a revised grant application amount of \$1,487,624. Councilmember Susuras seconded. Motion carried by roll call vote.

### 1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the December 19, 2011 Regular Meeting*

### 2. **2012 Meeting Schedule and Posting of Notices**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-12—A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the 2012 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

*Action: Adopt Resolution No. 01-12*

### 3. **Setting a Hearing to Amend the Redlands Mesa Planned Development, Outline Development Plan and Phasing Schedule** [File #PDL-2011-1183]

The proposed amendment to the almost 14 year old Outline Development Plan (ODP) includes a new phasing schedule, changes in housing type for certain phases of the development and revised bulk standards for future filings, with no change in overall density. All future filings will be subject to the 2010 Zoning and Development Code.

Proposed Ordinance Amending the Outline Development Plan for Redlands Mesa

*Action: Introduce Proposed Ordinance and Set a Hearing for January 16, 2012*

4. **Golden Corral Revocable Permit, Located at 1100 Independent Avenue** [File #RVP-2011-1284]

RFR Properties, LLC is requesting a Revocable Permit to construct a walk-in cooler and storage shed onto the existing Golden Corral restaurant at 1100 Independent Avenue. The proposed addition will extend into the adjacent, unnamed right-of-way approximately 7 feet for a distance of 41 feet.

Resolution No. 02-12—A Resolution Concerning the Issuance of a Revocable Permit to RFR Properties LLC DBA Golden Corral Located at 1100 Independent Avenue

*®Action: Adopt Resolution No. 02-12*

5. **Contract for Radio System Site Repeater Tower at Rabbit Valley**

This is the contract award for the construction of an 800 MHz radio tower site, located at Rabbit Valley that will be added to enhance and upgrade the public safety radio network.

*Action: Authorize the Purchasing Division to Enter Into a Contract with EasTex Tower, Inc. of Colorado Springs, Colorado for the Construction of an 800 MHz Radio Tower Site in the Estimated Amount of \$127,485*

6. **North Avenue Streetscape Grant Request**

Staff seeks Council approval to submit a grant through the Federal Transportation, Community and System Preservation Program (TCSP) for streetscape improvements to North Avenue between 12<sup>th</sup> and 23<sup>rd</sup> Streets. The total grant request is \$822,000 and the City's 20% required match consists of in-kind design and construction administrative and inspection services.

*Action: Authorize the Acting City Manager to Submit a Grant Application to the Federal Transportation, Community and System Preservation Program*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Public Hearing – An Ordinance Extending the Downtown Development Authority (DDA) Tax Increment on Property and Sales Tax to Fund Capital and Operations**

Extension of the DDA tax increment on property and sales tax is the final legislative action required of City Council pursuant to state enabling legislation to fully implement the previously approved 20-year extension of the DDA's charter. Extension of the tax increment secures the financial foundation for future DDA capital projects undertaken in pursuit and fulfillment of its statutory mission to "promote the health, safety, prosperity, security, and general welfare ...halt or prevent deterioration of property values or structures within (the) central business district...halt or prevent the growth of blighted areas, and... assist ...in the development and redevelopment of such districts..." (CRS Sect, 31-25-802).

The public hearing was opened at 7:12 p.m.

John Shaver, City Attorney, introduced this item as he serves as general counsel for the DDA board. He noted that two DDA board members are in attendance as well as the DDA Executive Director Harry Weiss.

City Attorney Shaver explained the purpose of the DDA which was created in 1977. It has been a very beneficial existence. In 1981 the TIF (Tax Increment Finance) was created. It takes a portion of the property tax for properties in the district and sets it aside for improvements within the DDA boundary. In 2006, the City went before the legislature to get the TIF extended as the tax was set to expire. The extension was for five years to extend it until 2011. The City also crafted a bill to go before the legislature to allow another TIF extension for twenty years. A change was made that shares back fifty percent of the tax to the other partners. The DDA has to approach those partners to get their authorization to get more than fifty percent. An ordinance is required to allow the DDA to continue with the TIF and the properties in the boundary will be re "based". The City also has a sales tax TIF and contributes to the DDA through that sales tax TIF.

Council President Kenyon clarified that the DDA taxes itself in order to accomplish the capital improvements within their own district. The DDA accomplishes its projects through a group of volunteers.

Councilmember Susuras asked City Attorney Shaver to explain what those taxes are used for, for the benefit of the audience (boy scouts).

City Attorney Shaver listed the Main Street improvements, the improvements to Colorado Avenue and 7<sup>th</sup> Street, as well as Two Rivers Convention Center improvements. They are considering a contribution to the Avalon Theatre improvements.

Harry Weiss, DDA Executive Director, added that the downtown property owners come into the district and pay the taxes that fund these improvements which certainly benefit downtown but benefits the community at large too. The Avalon Theatre is the priority project at present but they are looking at other projects for the future.

Council President Kenyon noted the attraction to visitors of the downtown and the Art on the Corner project. He encouraged support and expansion of that project. Mr. Weiss concurred that it is a cherished program.

There were no public comments.

The public hearing was closed at 7:23 p.m.

Ordinance No. 4494—An Ordinance Extending the Period During Which the Grand Junction, Colorado Downtown Development Authority (DDA) May Allocate and Collect a Property and Sales Tax Increment to Fund the Capital and Operations of the DDA as Provided by Law

Councilmember Susuras moved to adopt Ordinance No. 4494 and ordered it published in pamphlet form. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 7:25 p.m.

Stephanie Tuin, MMC  
City Clerk

# **GRAND JUNCTION CITY COUNCIL**

## **SPECIAL SESSION MINUTES**

**JANUARY 11, 2012**

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, January 11, 2012 at 11:39 a.m. in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall, 250 N. 5<sup>th</sup> Street. Those present were Councilmembers Teresa Coons, Jim Doody, Laura Luke, Sam Susuras and President of the Council Tom Kenyon. Absent were Councilmembers Bennett Boeschstein and Bill Pitts. Acting City Manager Rich Englehart and City Attorney John Shaver were also present.

Council President Kenyon called the meeting to order.

Councilmember Susuras moved to go into Executive Session for discussion of personnel matters under Section 402 (4)(f)(I) of the Open Meetings Law relative to City Council employees and Council will not be returning to open session. Councilmember Luke seconded the motion. The motion carried.

The City Council convened into executive session at 11:40 a.m.

Debbie Kemp, MMC  
Deputy City Clerk

## CITY COUNCIL AGENDA ITEM

### Attach 3

Date: December 23, 2011

Author: Jamie B. Beard & Mike

Mossburg

Title/ Phone Ext: Assistant City

Attorney, x 4032 & Mesa County Chief

Building Official

Proposed Schedule: January 16, 2012

2nd Reading (if applicable): February

13, 2012

File # (if applicable): NA

**Subject:** An Ordinance Adopting the International Building Codes Including Building, Plumbing, Mechanical, Fuel Gas, Property Maintenance, Residential, Electrical, and Energy Conservation and Amendments

**Action Requested/Recommendation:** Introduce an Ordinance on First Reading and Set a Hearing for February 13, 2012

**Presenter(s) Name & Title:** John Shaver, City Attorney  
Tim Moore, Public Works & Planning Director

### Executive Summary:

The proposed ordinance will adopt the 2012 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, and Property Maintenance and the 2009 Edition of the International Energy Conservation Code, plus the 2011 Edition of the National Electric Code as adopted by the State of Colorado. These codes regulate building construction. Mesa County has or soon will be adopting the same code set.

### Background, Analysis and Options:

This request is for updating all the building and construction codes in place within the City of Grand Junction, eight (8) codes in all. Mesa County is in the process of adopting a similar ordinance.

The building codes currently adopted are the 2006 editions. The proposed ordinance will provide for adoption of the most current editions available, which is necessary to keep in pace with more modern construction methods, materials and techniques.

The codes under consideration are the 2012 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, and Property Maintenance and 2009 Edition of the International Energy Conservation Code, plus the 2011 Edition of the National Electric Code as adopted by the State of Colorado.

The City of Grand Junction contracts with Mesa County to administer the building codes including licensing, permitting and inspection. In exchange for the service, Mesa County retains all revenues.



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

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

As the City and County have worked together to approve the same codes, services may be provided more efficiently and development is not favored in one area versus another. The codes are applied evenly across the valley.

**Board or Committee Recommendation:**

None

**Financial Impact/Budget:**

Nominal costs for printed materials.

**Legal issues:**

The City Attorney has prepared the ordinance, reviewed and approved the proposed amendments to the 2012 Code Editions.

**Other issues:**

NA

**Previously presented or discussed:**

NA

**Attachments:**

Illustrated Changes to GJMC Chapter 15  
Proposed Ordinance

## Excerpt from the Grand Junction Municipal Code

### 15.12.010 Adoption of International Building Code and Standards.

(a) The International Building Code, 201206 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter “IBC” or “International Building Code”) is hereby adopted to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling various matters including, but not limited to, the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Building Code, 201206 Edition, are adopted:

- (1) Chapter C, Group U – Agricultural Buildings;
- (2) Chapter I, Patio Covers.

No other chapters of the Appendix are adopted.

### 15.12.020 Amendments to International Building Code.

The building code adopted in GJMC [15.12.010](#) is hereby amended as follows:

(a) Section 105.2: Section 105.2 is amended by the addition of the word “platforms” to Section 105.2, Item 6.

(b) Section 108: Section 108 is amended by the addition of Subsection 108.7 as follows:

No fees shall be required for a building permit obtained for Agricultural Buildings, as defined at Section 202. This agricultural building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.

(c) Section 108.2: Section 108.2 is amended by adding the following language:

Fees shall be determined by City Council and set forth in a Resolution.

(d) Section 108.6: Section 108.6 is amended to establish a fee refund policy, by the addition of the following:

Building permit fees may be refunded at a rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced.

- (e) Section 109: Section 109 is amended by addition of Subsection 109.7 as follows:

No inspection shall be required for a building permit obtained for Agricultural Buildings as defined at Section 202. However, this exemption is not an exception to the minimum building standards set forth in the International Building Code, nor to the other requirements for inspections for electrical, mechanical and plumbing.

- (f) Section 112: Section 112 is amended by deletion thereof. The Board of Appeals established in GJMC [15.08.010](#) shall serve as the Board of Appeals.

[\(g\) Section 310: Section 310.5.1 is amended by deleting “provided an automatic sprinkler system is installed in accordance with section 903.3.1.3 or with section 2904 of the International Residential Code.”](#)

- (h) Section 310: Section 310.6 amended by adding at last paragraph [“or shall comply with the International Residential Code.”](#)

- [\(ig\)](#) Section 508: Section 508, Table 508.2 is amended to read:

Storage rooms over 100 square feet in Group I and H occupancies.

- [\(jh\)](#) Section 508: Section 508, Table 508.3.3 is amended by changing footnote b. to read:

Occupancy separation need not be provided for incidental storage areas within all occupancies that comply with the provisions of Section 508.3.2, Nonseparated occupancies, except Group I and H if the:

Remainder of footnote b. remains unchanged.

- [\(ki\)](#) Table 602: Table 602 is amended by the addition of footnote f. to E occupancies.

Footnote f. Group E Day Care occupancies that accommodate 12 or fewer persons shall have fire resistive ratings as required for Group R-3 occupancies.

- [\(lj\)](#) Section 708.4: Section 708.4 is amended by the addition of Exception #7 to read:

The wall need not extend into the crawl space in existing construction.

(mk) Section 1004: Section 1004, Table 1004.1.1 is amended to change the maximum floor area allowance per occupant of agricultural building from 300 gross to 500 gross.

(nl) Section 1704.1: Section 1704.1 is amended to change the last sentence of the first paragraph to read:

These inspections are to include the inspections specified in Section 109.

(om) Chapter 30: Chapter 30 concerning elevators, moving walks, escalators, or dumbwaiters is amended by amending Section 3001.1 as follows and adding four new sections and subsections to read as follows:

**3001.1 Scope.** This chapter governs the design, construction, installations, alterations, maintenance and repair of new and existing installations of elevators, dumbwaiters, escalators and moving walks, requiring permits therefor and providing procedures for the inspection and maintenance of such conveyances.

## SECTION 3007

### PERMITS & CERTIFICATES OF INSPECTION

**3007.1 Permits Required.** It shall be unlawful to install any new elevator, moving walk, escalator or dumbwaiter or to make alterations to any existing elevator, dumbwaiter, escalator or moving walk, as defined in Part XII of ASME A17.1, without first having obtained a permit for such installations from the building official. Permits shall not be required for maintenance or minor alterations.

**3007.2 Certificates of Inspection Required.** It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by an approved inspection agency. Such certificates shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspection and tests have been performed in accordance with Part X of ASME A17.1. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3010.

Exception: Certificates of Inspection shall not be required for conveyances within a dwelling unit.

**3007.3 Applications for Permits.** Applications for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner or the owner's representative, upon payment of the permit fees specified in this section.

**3007.4 Applications for Certificates of Inspection.** Applications for an inspection and certificates of inspection shall be made to an approved inspection agency by the owner of an elevator, dumbwaiter, escalator or moving walk. Fees for inspections and certificates of inspection shall be determined by the approved inspection agency.

**3007.5 Fees.** A fee for each permit shall be paid to the building official as prescribed in the jurisdiction Permit Fee Schedule which shall be determined by City Council and set forth in a Resolution.

## **SECTION 3008**

### **DESIGN**

**3008.1 Detailed requirements.** For detailed design, construction and installation requirements see Chapter 16 and the appropriate requirements for ASME A17.1.

## **SECTION 3009**

### **REQUIREMENTS FOR OPERATION AND MAINTENANCE**

**3009.1 General.** The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator and moving walk installations and shall cause periodic inspections to be made on such conveyances as required by this section.

**3009.2 Periodic Inspection and Tests.** Routine and periodic inspections and tests shall be made as required by ASME A17.1.

**3009.3 Alterations, Repairs and Maintenance.** Alterations, repairs and maintenance shall be made as required by Part XII of ASME A17.1.

**3009.4 Inspection Costs.** All costs of such inspections shall be paid by the owner.

## SECTION 3010

### UNSAFE CONDITIONS

**3010.1 Unsafe Conditions.** When an inspection reveals an unsafe condition of an elevator, escalator, moving walk or dumbwaiter, the inspector shall immediately file with the owner and the building official a full and true report of inspection and unsafe condition. If the building official finds that the unsafe condition endangers human life, the building official shall cause to be placed on such conveyance, in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance that are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed by the building official when satisfied that the unsafe conditions have been corrected.

(~~PA~~) Section 3109.4: Section 3109.4 is amended by deletion thereof.

#### **15.16.010 Adoption of National Electrical Code.**

The National Electrical Code, ~~2005 Edition~~, as promulgated by the National Fire Protection Association Inc., One Batterymarch Park, Quincy, Massachusetts 02269 and as adopted by the State of Colorado and pursuant to Title 12, Article 23, C.R.S.

Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by City Council and set forth in a resolution.

#### **15.20.010 Adoption of International Plumbing Code.**

(a) The International Plumbing Code, 2012 Edition, as published by the International Code Council, Inc. together with amendments as set forth below (hereafter "IPC" or "International Plumbing Code") is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of plumbing systems within the jurisdiction.

(b) The following chapters of the Appendix of the International Plumbing Code, 201206 Edition, are adopted:

- (1) Appendix B – Rates of Rain Fall for Various Cities;
- (2) Appendix E – Sizing of Water Piping Systems.

No other chapters of the Appendix are adopted.

**15.24.010 Adoption of International Mechanical Code.**

(a) The International Mechanical Code, 201206 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter "IMC" or "International Mechanical Code") is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the jurisdiction.

(b) The following chapters of the Appendix of the International Mechanical Code, 200612 Edition, are adopted:

- (1) Appendix A, Combustion Air Openings and Chimney Pass-Throughs.

No other chapters of the Appendix are adopted.

**15.28.010 Adoption of International Fuel Gas Code.**

(a) The International Fuel Gas Code, 201206 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter "IFGC" or "International Fuel Gas Code") is hereby adopted for the control of buildings and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Fuel Gas Code, 201206 Edition, are adopted:

- (1) Chapter A, Sizing and Capacities of Gas Piping;
- (2) Chapter B, Sizing of Vent Systems;
- (3) Chapter C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

No other chapters of the Appendix are adopted.

**15.32.010 Adoption of International Property Maintenance Code.**

The International Property Maintenance Code, 201206 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter "IPMC" or "International Property Maintenance Code") is hereby adopted for the control of buildings and structures within the jurisdiction.

**15.36.010 Adoption of International Residential Code.**

(a) The International Residential Code, 201206 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter "IRC" or "International Residential Code") is hereby adopted for regulating the design, construction, quality of materials, erection, installation,

alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height within the jurisdiction.

(b) The following chapters of the Appendix of the International Residential Code, 2012~~06~~ Edition, are adopted:

- (1) Appendix A, Sizing and Capacities of Gas Piping;
- (2) Appendix B, Sizing of Vent Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances, and Appliances Listed For Use With Type B Vents;
- (3) Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;
- (4) Appendix D, Recommended Procedures for Safety Inspections of Existing Appliance Installations;
- (5) Chapter H, Patio Covers;
- (6) Appendix Q, ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference.

No other chapters of the Appendix are adopted.

#### **15.36.020 Amendments to International Residential Code.**

The residential code adopted in GJMC [15.36.010](#) is hereby amended as follows:

(a) Section R105.2: Section R105.2, Item 1, is amended by deleting the words “120 square feet” and replacing with “200 square feet.”

(b) Section R105.2: Section R105.2, Item 5, is amended to read:

Sidewalks, Driveways and Platforms not more than 30 inches above adjacent grade and not over any basement or story below.

(c) Section R105.2: Section R105.2 is amended by addition of the following new subsections:

Building Item 10. Re-siding of building regulated by this code.

Building Item 11. Re-roofing of buildings regulated by this code that do not exceed the limits of Section R907.3.

(d) Section R105.3.1.1: Section R105.3.1.1 is amended by deletion thereof.



(e) Section R106.3.1: Section R106.3.1 is amended by deletion of the first sentence of first paragraph. The Building Official shall retain one set of construction documents so reviewed.

(f) Section R106.5: Section R106.5 is amended by deletion thereof.

(g) Section R108.2: Section R108.2 is amended by deletion of the section and replacing with the following:

Section R108.2 Fee schedule. Fees shall be as determined by City Council and set forth in a Resolution.

(h) Section R112: Section R112 is amended by deletion thereof. The Board of Appeals established in GJMC [15.08.010](#) shall serve as the Board of Appeals.

(i) Table R302.1: Table R302.1 Exterior Walls is amended by changing the following:

Walls (not fire resistance rated) Minimum Fire Separation Distance = 3 feet

Projections (fire resistance rated) Minimum Fire Separation Distance = 2 feet

Projections (not fire resistance rated) Minimum Fire Separation = 3 feet

Openings (unlimited) Minimum Fire Separation = 3 feet

Openings (deleted 25%) Maximum Wall Area/0 Hours/3 feet

[Penetrations \(all\) Minimum Fire Separation Distance < 3 feet, compliance with Section R317.3 and at 3 feet or greater, no requirements.](#)

(j) [Section R302.2: Section R302.2 Exception replace 1-hour with 2-hour.](#)

(k) Section R303.1: Section R303.1, Exception #3 is amended by deletion and replacing with the following:

Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation provided the space has adequate openings to the outside.

(l) Section R309.3: Section R309.3 is amended by deletion of the second paragraph.

~~(m)~~ Section R309.5: Section R309.5 is amended by deletion thereof.

(n) Section R313: Section [R313 is amended by the deletion thereof.](#)

~~(o)~~ Section R317: Section R317 is amended with the addition of:

For the purpose of this section, townhouse shall include two or more attached units as defined in Section R202.

~~(p)~~ Section R408.2: Section R408.2 Openings for under-floor ventilation is amended by the addition of exception #1 to read:

The total area of ventilation openings may be reduced to 1/1,500 of under-floor area where the ground surface is treated with an approved vapor retarder material and the required openings are placed so as to provide cross-ventilation of the space. The installation of operable louvers shall not be prohibited.

~~(q)~~ Section R908: The IRC is amended to add Section R908. Roof Covering Requirements in Wildfire Hazard Areas with the following subsections:

Section R908.1: Section R908.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the Mesa County Wildfire Hazard Map).

Section R908.2 Roof Covering. Roof coverings for new buildings or structures or additions thereto or roof coverings utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL 790 or Fire-retardant-treated shingles or shakes treated in accordance with AWPA C1.

Section R908.3. Moved Buildings. Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Hazard Area.

~~(r)~~ [Part IV-Energy Conservation, chapter 11: Chapter 11 is amended by the deletion thereof in its entirety and replacing with the following:](#)

See 2009 International Energy Conservation Code as adopted for energy code requirements.

#### **15.40.010 Adoption of International Energy Conservation Code.**

The International Energy Conservation Code, 2009~~6~~ Edition, promulgated by the International Code Council, Inc. (hereafter "IECC" or "International Energy Conservation Code") be and is hereby adopted as the code for the City of Grand Junction regulating the design, construction, quality of materials, erection,

installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lifting and power systems in the City of Grand Junction.

**15.40.020 Amendments to International Energy Conservation Code.**

The energy conservation code adopted in GJMC 15.40.020 is hereby amended as follows:

- (a) Section 107: Section 107 is deleted.
- (b) Section 108: Section 108 is deleted.
- (c) Section 109: Section 109 is deleted.
- (d) Section 402.5: Section 402.5 is deleted.
- (e) Section 403.2.2: Section 403.2.2 is deleted.
- (f) Section 404: Section 404 is deleted in its entirety.

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

**AN ORDINANCE ADOPTING AND AMENDING THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE NATIONAL ELECTRIC CODE, AND THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE TO BE APPLIED THROUGHOUT THE CITY OF GRAND JUNCTION WITH CERTAIN AMENDMENTS REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF GRAND JUNCTION; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH**

RECITALS:

Pursuant to the constitutional, statutory and Charter authority of the City Council of the City of Grand Junction to adopt ordinances for the protection of the health safety and general welfare of the population of the City the following ordinance is proposed.

After full hearing and consideration of the ordinance and upon recommendation by the City staff the Council finds that adoption of the ordinance is necessary to preserve the health, safety and general welfare of the people of the City of Grand Junction. The International Codes, which are hereby adopted, are the state of the art. The Codes are mutually adopted by the City and Mesa County, which provides for efficient building and enforcement practices. As well, the International Codes are increasingly common in many communities, which further increase the benefits of standardization. This ordinance and the codes which it adopts regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Grand Junction.

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

Chapter 15 of the Municipal Code of Ordinances of the City of Grand Junction is hereby amended as follows:

**15.12.010 Adoption of International Building Code and Standards.**

(a) The International Building Code, 2012 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter "IBC" or "International Building Code") is hereby adopted to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and

controlling various matters including, but not limited to, the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Building Code, 2012 Edition, are adopted:

- (1) Chapter C, Group U – Agricultural Buildings;
- (2) Chapter I, Patio Covers.

No other chapters of the Appendix are adopted.

### **15.12.020 Amendments to International Building Code.**

The building code adopted in GJMC [15.12.010](#) is hereby amended as follows:

(a) Section 105.2: Section 105.2 is amended by the addition of the word “platforms” to Section 105.2, Item 6.

(b) Section 108: Section 108 is amended by the addition of Subsection 108.7 as follows:

No fees shall be required for a building permit obtained for Agricultural Buildings, as defined at Section 202. This agricultural building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.

(c) Section 108.2: Section 108.2 is amended by adding the following language:

Fees shall be determined by City Council and set forth in a Resolution.

(d) Section 108.6: Section 108.6 is amended to establish a fee refund policy, by the addition of the following:

Building permit fees may be refunded at a rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced.

(e) Section 109: Section 109 is amended by addition of Subsection 109.7 as follows:

No inspection shall be required for a building permit obtained for Agricultural Buildings as defined at Section 202. However, this exemption is not an exception to the minimum building standards set forth in the International Building Code, nor to the other requirements for inspections for electrical, mechanical and plumbing.

(f) Section 112: Section 112 is amended by deletion thereof. The Board of Appeals established in GJMC [15.08.010](#) shall serve as the Board of Appeals.

(g) Section 310: Section 310.5.1 is amended by deleting “provided an automatic sprinkler system is installed in accordance with section 903.3.1.3 or with section 2904 of the International Residential Code.”

(h) Section 310: Section 310.6 amended by adding at last paragraph “or shall comply with the International Residential Code.”

(i) Section 508: Section 508, Table 508.2 is amended to read:

Storage rooms over 100 square feet in Group I and H occupancies.

(j) Section 508: Section 508, Table 508.3.3 is amended by changing footnote b. to read:

Occupancy separation need not be provided for incidental storage areas within all occupancies that comply with the provisions of Section 508.3.2, Nonseparated occupancies, except Group I and H if the:

Remainder of footnote b. remains unchanged.

(k) Table 602: Table 602 is amended by the addition of footnote f. to E occupancies.

Footnote f. Group E Day Care occupancies that accommodate 12 or fewer persons shall have fire resistive ratings as required for Group R-3 occupancies.

(l) Section 708.4: Section 708.4 is amended by the addition of Exception #7 to read:

The wall need not extend into the crawl space in existing construction.

(m) Section 1004: Section 1004, Table 1004.1.1 is amended to change the maximum floor area allowance per occupant of agricultural building from 300 gross to 500 gross.

(n) Section 1704.1: Section 1704.1 is amended to change the last sentence of the first paragraph to read:

These inspections are to include the inspections specified in Section 109.

(o) Chapter 30: Chapter 30 concerning elevators, moving walks, escalators, or dumbwaiters is amended by amending Section 3001.1 as follows and adding four new sections and subsections to read as follows:

**3001.1 Scope.** This chapter governs the design, construction, installations, alterations, maintenance and repair of new and existing installations of elevators, dumbwaiters, escalators and moving walks, requiring permits therefor and providing procedures for the inspection and maintenance of such conveyances.

## SECTION 3007

### PERMITS & CERTIFICATES OF INSPECTION

**3007.1 Permits Required.** It shall be unlawful to install any new elevator, moving walk, escalator or dumbwaiter or to make alterations to any existing elevator, dumbwaiter, escalator or moving walk, as defined in Part XII of ASME A17.1, without first having obtained a permit for such installations from the building official. Permits shall not be required for maintenance or minor alterations.

**3007.2 Certificates of Inspection Required.** It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by an approved inspection agency. Such certificates shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspection and tests have been performed in accordance with Part X of ASME A17.1. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3010.

Exception: Certificates of Inspection shall not be required for conveyances within a dwelling unit.

**3007.3 Applications for Permits.** Applications for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner or the owner's representative, upon payment of the permit fees specified in this section.

**3007.4 Applications for Certificates of Inspection.** Applications for an inspection and certificates of inspection shall be made to an approved inspection agency by the owner of an elevator, dumbwaiter, escalator or moving walk. Fees for inspections and certificates of inspection shall be determined by the approved inspection agency.

**3007.5 Fees.** A fee for each permit shall be paid to the building official as prescribed in the jurisdiction Permit Fee Schedule which shall be determined by City Council and set forth in a Resolution.

## **SECTION 3008**

### **DESIGN**

**3008.1 Detailed requirements.** For detailed design, construction and installation requirements see Chapter 16 and the appropriate requirements for ASME A17.1.

## **SECTION 3009**

### **REQUIREMENTS FOR OPERATION AND MAINTENANCE**

**3009.1 General.** The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator and moving walk installations and shall cause periodic inspections to be made on such conveyances as required by this section.

**3009.2 Periodic Inspection and Tests.** Routine and periodic inspections and tests shall be made as required by ASME A17.1.



**3009.3 Alterations, Repairs and Maintenance.** Alterations, repairs and maintenance shall be made as required by Part XII of ASME A17.1.

**3009.4 Inspection Costs.** All costs of such inspections shall be paid by the owner.

## **SECTION 3010**

### **UNSAFE CONDITIONS**

**3010.1 Unsafe Conditions.** When an inspection reveals an unsafe condition of an elevator, escalator, moving walk or dumbwaiter, the inspector shall immediately file with the owner and the building official a full and true report of inspection and unsafe condition. If the building official finds that the unsafe condition endangers human life, the building official shall cause to be placed on such conveyance, in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance that are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed by the building official when satisfied that the unsafe conditions have been corrected.

(p) Section 3109.4: Section 3109.4 is amended by deletion thereof.

#### **15.16.010 Adoption of National Electrical Code.**

The National Electrical Code as promulgated by the National Fire Protection Association Inc., One Batterymarch Park, Quincy, Massachusetts 02269 and as adopted by the State of Colorado and pursuant to Title 12, Article 23, C.R.S.

Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by City Council and set forth in a resolution.

#### **15.20.010 Adoption of International Plumbing Code.**

(a) The International Plumbing Code as published by the International Code Council, together with amendments as set forth below (hereafter "IPC" or "International Plumbing

Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of plumbing systems within the jurisdiction.

(b) The following chapters of the Appendix of the International Plumbing Code, 2012 Edition, are adopted:

- (1) Appendix B – Rates of Rain Fall for Various Cities;
- (2) Appendix E – Sizing of Water Piping Systems.

No other chapters of the Appendix are adopted.

#### **15.24.010 Adoption of International Mechanical Code.**

(a) The International Mechanical Code, 2012 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter “IMC” or “International Mechanical Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the jurisdiction.

(b) The following chapters of the Appendix of the International Mechanical Code, 2012 Edition, are adopted:

- (1) Appendix A, Combustion Air Openings and Chimney Pass-Throughs.

No other chapters of the Appendix are adopted.

#### **15.28.010 Adoption of International Fuel Gas Code.**

(a) The International Fuel Gas Code, 2012 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter “IFGC” or “International Fuel Gas Code”) is hereby adopted for the control of buildings and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Fuel Gas Code, 2012 Edition, are adopted:

- (1) Chapter A, Sizing and Capacities of Gas Piping;
- (2) Chapter B, Sizing of Vent Systems;
- (3) Chapter C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

No other chapters of the Appendix are adopted.

**15.32.010 Adoption of International Property Maintenance Code.**

The International Property Maintenance Code, 2012 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter “IPMC” or “International Property Maintenance Code”) is hereby adopted for the control of buildings and structures within the jurisdiction.

**15.36.010 Adoption of International Residential Code.**

(a) The International Residential Code, 2012 Edition, promulgated by the International Code Council, Inc., together with amendments set forth below (hereafter “IRC” or “International Residential Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height within the jurisdiction.

(b) The following chapters of the Appendix of the International Residential Code, 2012 Edition, are adopted:

- (1) Appendix A, Sizing and Capacities of Gas Piping;
- (2) Appendix B, Sizing of Vent Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances, and Appliances Listed For Use With Type B Vents;
- (3) Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems;
- (4) Appendix D, Recommended Procedures for Safety Inspections of Existing Appliance Installations;
- (5) Chapter H, Patio Covers;
- (6) Appendix Q, ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference.

No other chapters of the Appendix are adopted.

**15.36.020 Amendments to International Residential Code.**

The residential code adopted in GJMC [15.36.010](#) is hereby amended as follows:

(a) Section R105.2: Section R105.2, Item 1, is amended by deleting the words “120 square feet” and replacing with “200 square feet.”

- (b) Section R105.2: Section R105.2, Item 5, is amended to read:

Sidewalks, Driveways and Platforms not more than 30 inches above adjacent grade and not over any basement or story below.

- (c) Section R105.2: Section R105.2 is amended by addition of the following new subsections:

Building Item 10. Re-siding of building regulated by this code.

Building Item 11. Re-roofing of buildings regulated by this code that do not exceed the limits of Section R907.3.

- (d) Section R105.3.1.1: Section R105.3.1.1 is amended by deletion thereof.
- (e) Section R106.3.1: Section R106.3.1 is amended by deletion of the first sentence of first paragraph. The Building Official shall retain one set of construction documents so reviewed.
- (f) Section R106.5: Section R106.5 is amended by deletion thereof.
- (g) Section R108.2: Section R108.2 is amended by deletion of the section and replacing with the following:

Section R108.2 Fee schedule. Fees shall be as determined by City Council and set forth in a Resolution.

- (h) Section R112: Section R112 is amended by deletion thereof. The Board of Appeals established in GJMC [15.08.010](#) shall serve as the Board of Appeals.
- (i) Table R302.1: Table R302.1 Exterior Walls is amended by changing the following:

Walls (not fire resistance rated) Minimum Fire Separation Distance = 3 feet

Projections (fire resistance rated) Minimum Fire Separation Distance = 2 feet

Projections (not fire resistance rated) Minimum Fire Separation = 3 feet

Openings (unlimited) Minimum Fire Separation = 3 feet

Openings (deleted 25%) Maximum Wall Area/0 Hours/3 feet

Penetrations (all) Minimum Fire Separation Distance < 3 feet, compliance with Section R317.3 and at 3 feet or greater, no requirements.

- (j) Section R302.2: Section R302.2 Exception replace 1-hour with 2-hour.
- (k) Section R303.1: Section R303.1, Exception #3 is amended by deletion and replacing with the following:

Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation provided the space has adequate openings to the outside.

- (l) Section R309.3: Section R309.3 is amended by deletion of the second paragraph.
- (m) Section R309.5: Section R309.5 is amended by deletion thereof.
- (n) Section R313: Section R313 is amended by the deletion thereof.
- (o) Section R317: Section R317 is amended with the addition of:

For the purpose of this section, townhouse shall include two or more attached units as defined in Section R202.

- (p) Section R408.2: Section R408.2 Openings for under-floor ventilation is amended by the addition of exception #1 to read:

The total area of ventilation openings may be reduced to 1/1,500 of under-floor area where the ground surface is treated with an approved vapor retarder material and the required openings are placed so as to provide cross-ventilation of the space. The installation of operable louvers shall not be prohibited.

- (q) Section R908: The IRC is amended to add Section R908. Roof Covering Requirements in Wildfire Hazard Areas with the following subsections:

Section R908.1: Section R908.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the Mesa County Wildfire Hazard Map).

Section R908.2 Roof Covering. Roof coverings for new buildings or structures or additions thereto or roof coverings utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL 790 or Fire-retardant-treated shingles or shakes treated in accordance with AWPA C1.

Section R908.3. Moved Buildings. Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Hazard Area.

(r) Part IV-Energy Conservation, chapter 11: Chapter 11 is amended by the deletion thereof in its entirety and replacing with the following:

See 2009 International Energy Conservation Code as adopted for energy code requirements.

**15.40.010 Adoption of International Energy Conservation Code.**

The International Energy Conservation Code, 2009 Edition, promulgated by the International Code Council, Inc. (hereafter "IECC" or "International Energy Conservation Code") be and is hereby adopted as the code for the City of Grand Junction regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lifting and power systems in the City of Grand Junction.

**15.40.020 Amendments to International Energy Conservation Code.**

The energy conservation code adopted in GJMC [15.40.020](#) is hereby amended as follows:

- (a) Section 107: Section 107 is deleted.
- (b) Section 108: Section 108 is deleted.
- (c) Section 109: Section 109 is deleted.
- (d) Section 402.5: Section 402.5 is deleted.
- (e) Section 403.2.2: Section 403.2.2 is deleted.

- (f) Section 404: Section 404 is deleted in its entirety.

**Miscellaneous Provisions:**

(a) *Adoption of Codes Unamended.* All Sections of the referenced Codes not specifically amended by this Ordinance are adopted as published.

(b) *Conflicts and Permits Previously Issued.* Any and all Resolutions and/or Ordinances or parts thereof in conflict herewith to the extent of such conflicts or inconsistencies are hereby amended; provided, however, this ordinance shall not affect the construction of buildings for which Permits were issued prior to the effective date of this Ordinance and all Buildings now under construction pursuant to existing Permits shall be constructed in conformance with the Building Codes applicable at the time of issuance of said permit; provided further however, that no construction authorized by an existing Permit shall be altered without complying with the newly adopted Building codes. Nor shall the adoption of this Code prevent the prosecution of violations of any prior Resolution or Ordinance adopting prior Building Codes, which occurred prior to the effective date of this Ordinance. Where this Ordinance and the Codes adopted herein by reference are in conflict with other resolutions or ordinances of the City of Grand Junction the more restrictive provision shall apply.

(c) *Copies of Code Available for Inspection.* At least one copy of each of the Codes adopted herein, all certified to be true copies, shall remain on file with the City Clerk. At least three (3) copies of each of the Codes hereby adopted; all certified to be true copies, are now and shall remain on file with the Mesa County Building Department.

(d) *Invalidity in Part.* If any part, section, subsection, sentence, clause or phrase of this Ordinance or of the Codes adopted herein is for any reason held to be invalid, such decisions shall not affect the validity of remaining sections of this Ordinance or of the Codes adopted herein, the City Council hereby declares that it would have passed the Ordinance and adopted said Codes in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid. Should any portion of this Ordinance or Codes adopted herein be declared invalid then to the extent of such invalidity the prior Code shall not be found, deemed or determined to be repealed so as to continue the provisions of the Code in effect for any portions of this Ordinance and Codes adopted thereby which may be declared invalid or unenforceable.

(e) The remaining sections in Chapter 15 not specifically set forth herein shall remain in full force and effect.

**Repeal of Conflicting Provisions:**

All other resolutions or ordinances in conflict herewith are hereby repealed except as otherwise provided herein.

**PUBLIC HEARING:**

A public hearing on the adoption by reference thereto of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code and the International Energy Conservation Code, with certain amendments is scheduled in the City Council Chambers at 250 N. 5<sup>th</sup> Street, Grand Junction Colorado on February 13, 2012 at 7:00 P.M. and the City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in 31-16-201 *et. seq.* C.R.S.

At least one copy of the Codes, as described herein together with certain amendments thereto all certified to be true copies, shall be on file in the office of the City Clerk of the City of Grand Junction, Colorado. At least one copy of each Code including the appendices thereto, together with certain amendments, all certified to be true and correct, shall be on file as aforesaid in the office of the City Clerk at least fifteen (15) days preceding said hearing and may be inspected by any interested person between the hours of 7:30 a.m. and 5:30 p.m., Monday through Friday, holidays excepted.

Introduced this \_\_\_\_ day of \_\_\_\_\_, 2012.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Attest:

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

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



**CITY COUNCIL AGENDA ITEM**  
**Attach 4**

Date: December 23, 2011

Author: Jamie B. Beard

Title/ Phone Ext: Assistant City  
Attorney, x 4032

Proposed Schedule: January 16,  
2012

2nd Reading (if applicable):  
February 13, 2012

File # (if applicable): NA

**Subject:** An Ordinance Adopting the International Fire Code 2012 Edition with Amendments

**Action Requested/Recommendation:** Introduce an Ordinance on First Reading and Set a Hearing for February 13, 2012

**Presenter(s) Name & Title:** John Shaver, City Attorney  
Ken Watkins, Fire Chief

**Executive Summary:**

The 2012 edition of the International Fire Code (“IFC 2012”) is the updated version of the 2006 edition of the International Fire Code which is presently part of the Grand Junction Municipal Code found in Chapter 15.44. The IFC 2012 is part of the 2012 International Code set currently being considered for adoption by the City. Mesa County has or soon will be adopting the same code set.

**Background, Analysis and Options:**

Prior to the year 2000, there were three major codes used in the United States. They were the BOCA, Southern and the Uniform codes. In 1999 the three code organizations merged to form one family of codes, which are known as the International Codes, to be used throughout the country. City Council adopted the 2000 edition of the International Codes in December 2000; the 2006 edition was adopted by City Council replacing the 2000 edition in January 2007; that 2006 edition has been revised and updated by the International Code Council with the proposed 2012 edition.

The IFC 2012 was published in 2011 and has been reviewed by staff. The IFC 2012 has made changes for clarification and has been reorganized for ease of use. The compatible sections of the International Building Code and International Fire Code contain identical language.

There are a few minor additions and changes recommended by staff to the IFC 2012 regarding general safety provisions for open burn, bonfires, recreational fires and portable outdoor fireplaces. All other code amendments previously adopted as part of the 1994 Uniform Fire Code, the International Fire Code 2000 Edition, and or the International Fire Code 2006, which are carried over to be part of the IFC 2012.

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

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

As the City provides fire services throughout the valley, it is efficient and consistent for operations that the same fire code applies throughout the service territory.

**Board or Committee Recommendation:**

No Board or Committee reviewed, but it was reviewed by the Fire Department staff with supervision from the Fire Chief.

**Financial Impact/Budget:**

Nominal costs for printed materials.

**Legal issues:**

The City Attorney has prepared the ordinance, reviewed and approved the proposed amendments to the IFC 2012.

**Other issues:**

NA

**Previously presented or discussed:**

NA

**Attachments:**

Illustrated Changes to GJMC Chapter 15.44  
Proposed Ordinance

## Excerpt from the Municipal Code

### 15.44.010 Adoption of International Fire Code.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, and chemical release, the International Fire Code (hereinafter "International Code" or "International Fire Code"), promulgated by the International Code Council, [500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001](#)~~5203 Leesburg Pike, Suite 708, Falls Church, Virginia~~, including Appendices Chapters B, C, D, E, [F, G, H, I, and FJ](#), ~~2006~~[12](#) Edition, except such portions as are hereinafter deleted, modified or amended by GJMC [15.44.040](#) are hereby adopted. Not less than one copy of the International Fire Code is filed in the office of the City Clerk. From the date on which this chapter shall take effect, the provisions of the International Code shall be controlling within the limits of the City of Grand Junction, Colorado.

### 15.44.040 Amendments to the International Fire Code.

The International Fire Code is amended and changed in the following respects:

(a) Add a section to read:

**105.1.4 Permit Fees.** Permit rates and fees shall be as adopted by City Council by resolution.

(b) Section 105.6, Required Operational Permits. Section 105.6 is amended by adding an additional paragraph to read:

An operational permit is not required for the following activities as set forth in the following titles under Section 105.6:

[105.6.2 Amusement buildings](#)

105.6.3 Aviation facilities

105.6.4 Carnivals and fairs

105.6.5 Cellulose nitrate film

105.6.6 Combustible dust-producing operations

105.6.7 Combustible fibers

105.6.9 Covered mall buildings

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105.6.12 Dry cleaning plants

105.6.13 Exhibits and trade shows

105.6.15 Fire hydrants and valves

105.6.17 Floor finishing

105.6.18 Fruit and crop ripening

105.6.19 Fumigation and ~~thermal~~ insecticidal fogging

105.6.21 HPM facilities

105.6.23 Hot work operations

105.6.24 Industrial ovens

105.6.25 Lumber yards and woodworking plants

105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings

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105.6.35 Private fire hydrants

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105.6.39 Repair garages and motor fuel dispensing facilities

105.6.40 Rooftop heliports

105.6.42 Storage of scrap tires and tire byproducts

105.6.43 Temporary membrane structures, ~~and~~ tents, ~~and canopies~~

105.6.44 Tire-rebuilding plants

105.6.45 Waste handling

105.6.46 Wood products

(c) Section 202 General Definitions. Section 202 Residential Group R-3 Care facilities within a dwelling shall be amended to read as follows:

Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.

(d) Section 202 General Definitions. Section 202 Residential Group R-4 the last paragraph shall be amended to read as follows:

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the International Building Code or shall comply with the International Residential Code.

(e) Section 307.1 General. Section 307.1 is deleted and replaced with:

**307.1 General.** A person shall not kindle or maintain or authorize to be kindled or maintained any open burning, bonfire, recreational fire, or portable outdoor fireplace unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

**307.1.1 Prohibited burning.** Open burning, bonfires, recreational fires and portable outdoor fire places shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous. Burning is not permitted when sustained winds exist or when a red flag warning has been issued by the National Weather Service.

**Exception:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

**307.1.2 Location of burning.** No person shall burn upon the land of another without permission of the owner thereof.

**307.1.3 Burn restrictions and burn bans.** The Fire Chief or his designee is authorized to issue burn restrictions and/or burn bans as deemed necessary when local conditions make open burning, bonfires, recreational fires, portable outdoor fireplaces, fireworks, other open flames or similar activities hazardous or objectionable. Violations of burn restrictions or burn bans shall be punishable in accordance with GJMC 1.04.090.

(f) Section 307.3 Extinguishment authority. Section 307.3 is deleted and replaced with:

**307.3 Extinguishment authority.** When open burning, bonfires, recreational fires, or use of portable outdoor fireplaces creates or adds to a hazardous situation; or when parameters set forth in this code have not been followed, or a required permit for open burning or bonfire has not been obtained, the fire code official is authorized to order the extinguishment of the open burning, bonfire, recreational fire or portable outdoor fireplace operation. Extinguishment may be by the permit holder, another competent person, or the fire department.

(g) Section 307.4.1 Bonfires. Section 307.4.1 is deleted and replaced with:

**307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. The total fuel

area of a bonfire shall not be greater than 8 feet (2440 mm) in diameter and 4 feet (1220 mm) in height unless approved by the fire code official.

(h) Section 311.1.1, Abandoned Premises. Section 311.1.1 is deleted and replaced with:

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the International Property Maintenance Code, ~~2006 Edition,~~ and the International Building Code, ~~2006 Edition.~~

(i) Section 311.3, Removal of Combustibles. Section 311.3 shall be amended by addition of the following subsections:

**311.3.1** In case of failure of any owner or lessee of such building(s) to remove all accumulations of hazardous materials, abate said building, and secure the premises, in a manner approved by the Fire Chief, and upon the election by the Fire Chief to remove said waste or rubbish and/or to secure or remove/install barricading of building(s), the Fire Chief is authorized to give notice by certified mail addressed to the last known address of the owner of such building, which shall require the removal of such waste or rubbish, or otherwise require the securing of said building(s) or removal of the problem causing the public nuisance, within sixty (60) days of the date of the notice. In the event such work is not done within the sixty (60) days, the City Manager may then proceed to have the work done as soon as practicable. The costs of such work shall be collected by the City Manager in accordance with the provisions of the International Property Maintenance Code. The charge shall be the actual costs for labor, equipment, and materials plus ten (10) percent for administration, supervision and inspection. The Fire Chief may cause any building to be barricaded or secured immediately after a fire has been extinguished. Any and all barricading or securing shall be at the owner's expense.

**311.3.2** The City Manager, as soon as may be practicable after such charge is made, shall send by mail, addressed to the last known address of the owner of such property, a notice of such assessment. The notice shall contain a description of the lots or parcels of land, the name of the owner or owners, and the amount of the assessment, together with a brief description of said assessment.

**311.3.3** It shall be the duty of the owner to pay such assessment within twenty (20) days after the mailing of such notice, and in case of his failure to do so, he shall be liable personally for the amount of the assessment and the same shall be a lien upon the respective lots or parcels of land from the time of such assessment. In case the owner shall fail to pay such assessment within twenty (20) days after notice has been mailed to him, as provided by this article, then it shall be the duty of the City Manager to certify the amount of the assessment to the County Treasurer or other officer of the County having custody of the tax list, for the current year, to be collected in the same manner as other taxes are collected, with ten (10) percent penalty thereon to defray the cost of collection. All of the laws of the

State of Colorado for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

**311.3.4** The fact that assessments have been made against property as provided in this article for removal of waste and rubbish, abatement and/or barricading or securing of said building(s) shall not prevent the owner, agent or lessee from being punished by fine or imprisonment under the provisions of GJMC [1.04.090](#), but such fine or penalty may be imposed on those found guilty of violating any provision hereof in all cases, whether an assessment has or has not been made in accordance with the provisions hereof.

(je) Section 503.1, Where Required. Section 503.1 is amended by addition of the following:

The Fire Chief may be guided by the City of Grand Junction *Traffic Engineering Design Standards* and by Appendix D of this code for more detailed design requirements and alternative designs.

(kf) Section 503.2.1, Dimensions. Section 503.2 is amended by the addition of two additional subsections, numbered 503.2.1.1 and 503.2.1.2, at the end thereof to read:

**503.2.1.1** Fire apparatus access roads may, notwithstanding the foregoing paragraphs, have an unobstructed width of not less than sixteen feet ([16'](#)) if constructed as a loop ("fire loop lane"), as indicated in the diagram shown below and if all of the following conditions are met:

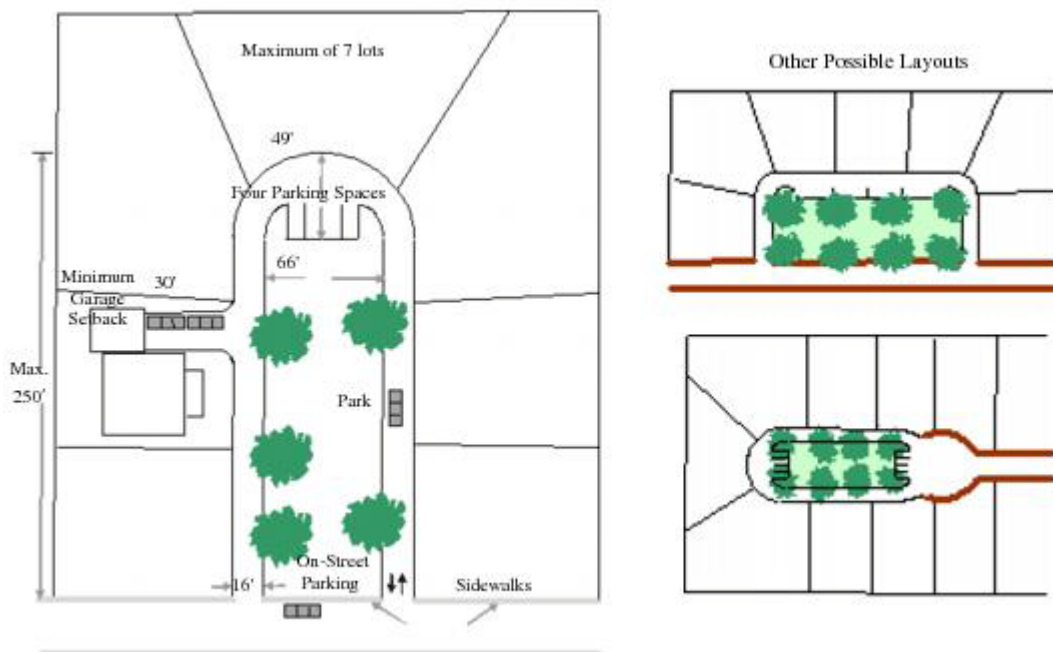
1. Not more than seven single family residences obtain access from the fire loop lane;
2. The sixteen foot wide fire loop lane shall consist of an all-weather clear surface;
3. No curve on any portion of the flow line of the fire loop lane shall have an inside radius of less than thirty-three feet (33') and an outside radius of less than forty-eight feet (48'). "Flow line" means the area between the curbs or equivalent if curbs are not present;
4. No portion of the fire loop lane shall extend more than two hundred and fifty feet (250') from the abutting street right-of-way;
5. A minimum of four parking spaces shall be constructed at the end of the fire loop lane, as indicated on the diagram;
6. The fire loop lane and parking stalls, as indicated on the diagram, are dedicated to and maintained by the City;
7. Two-way traffic is allowed;
8. "No parking" signs and markings, as required by the City, are installed and maintained so that no parking is allowed between the curbs on any traveled portion of the fire loop lane;

9. Corner lots that front the fire loop lane and the abutting street shall be required to only obtain access from the fire loop lane;

10. No garage or carport built on a lot obtaining access from the fire loop lane shall be constructed, any portion of which is closer than thirty feet (30') from any portion of the fire loop lane;

11. Each residence obtaining access from the fire loop lane shall provide and maintain four parking spaces between the garage or carport and the fire loop lane; and

12. The fire loop lane shall only connect to a street where on-street parking exists now and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.



**503.2.1.2 Fire code standards for a shared driveway:**

1. A shared driveway shall be owned and maintained by the owners of the parcels or lots which abut the shared driveway;

2. Not more than four single family lots shall abut or touch any portion of the shared driveway and no more than four single family units may access a shared driveway;

3. A shared driveway shall be least sixteen feet (16') wide and not longer than one hundred and fifty feet (150');

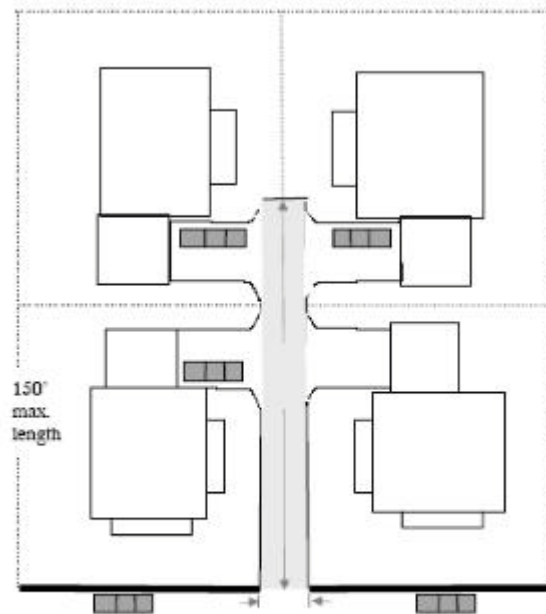
4. No parking is allowed on the shared driveway;

5. Each lot abutting a shared driveway must provide four (4) on-site parking spaces.



6. Each lot abutting a shared driveway must access off the shared driveway unless approved by [the Director of Public Works and Planning](#) or Planning Commission, depending upon which entity is approving the plan; and

7. A shared driveway may be used only where it intersects a street where on-street parking exists and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.



#### Example Layout for a Shared Driveway

(lg) Section 903.3.1.3, NFA 13D Sprinkler Systems. Section 903.3.1.3 is amended by the addition of the following:

Where domestic water is provided by a public water system, any required 13D system must be supplied by the public water system. The water tap must be adequate to supply the hydraulic demand of the fire sprinkler system.

(mh) Section 903.3.7, Fire Department Connections. Section 903.3.7 is amended by the addition of the following:

Fire department connections must be located within 150 feet of the nearest fire hydrant.

(ni) Section 907.6.15, Monitoring. Section 907.6.15 is amended by addition of the following subsections:

**907.6.15.13 False alarms.** Whenever the activation of any fire alarm is due to a malfunction of the alarm or alarm system and that alarm or alarm system has had a malfunction within the same calendar year quarter, or more than six (6) times during any calendar year, the owner and/or operator of the

alarm or alarm system shall pay a false alarm fee to offset some of the costs involved in the dispatching and responding of fire equipment to the location of the alarm.

**907.6.15.24.** It is the responsibility of the owner or operator of an alarm system to prevent the improper use of the system, such as the intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three (3) such activations within the same quarter of a calendar year, or more than six (6) during any calendar year, from the same alarm system, the fee schedule for false alarms shall become effective.

**907.6.15.35.** Whenever the Fire Chief cannot determine how a false alarm was activated and three (3) such unexplained alarms occur within a calendar year quarter, or alarm(s) exceeding six (6) during any calendar year, the fee schedule for false alarms shall become effective with the fourth and seventh and subsequent alarm(s) respectively.

**907.6.15.46.** A fee, in accordance with the fee schedule established by resolution of the City Council and on file with the City Clerk, shall be charged for false alarms.

**907.6.15.57.** A new alarm system shall be allowed thirty (30) days to become stabilized before charges will accrue for false alarms.

(oj) Section 253405, Outdoor Storage of Tires. Section 253405 is deleted in its entirety and replaced with the following:

Section 253405.1. No person shall store more than 500 tires on any parcel, tract, or lot of land.

Section 253405.2. Tires shall be arranged as required in sections 253405.3 through 253405.7.

Section 253405.3. Maximum pile or stack height shall not exceed six (6) feet.

Section 253405.4. Pile or stack width and length shall not exceed eight (8) feet.

Section 253405.5. Twenty (20) feet of clearance shall be maintained between piles or stacks.

Section 253405.6. Piles or stacks shall not be placed closer than twenty (20) feet to any structure; and

Section 253405.7. Piles or stacks shall be stored so as to provide ready access by the Fire Department in the event of a fire.

(pk) Section B103, Modifications. Section B103 is amended by the addition of the following subsection:

**B103.4 Alternative Methods.** In areas which are mostly developed where not more than two buildable lots are created (at the same time) after the effective date hereof, and the existing water lines and fire flow are inadequate in the area, the Fire Chief may allow a residential structure to be built if sprinklered and if he determines that water upgrades would be impracticable. In such event, the Fire Chief shall

record a memorandum indicating the fire protection measure used and the facts concerning the inadequate water lines.

(q) Section C102, Location. Section C102 is amended by the addition of the following:

**C102.2 Water supply lines.** Hydrants shall be on a looped (receiving water from more than one direction) water supply line of at least six inches (6") in diameter.

**Exceptions:**

1. One or two-family residential developments may have hydrants supplied by a dead-end water line where there are 30 or fewer dwelling units. Up to 60 dwelling units may have hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In any case, the Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
2. Multiple-family residential developments having up to 100 dwelling units may be protected by fire hydrants supplied by a dead-end water line. Up to 200 dwelling units may be protected by fire hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1,000 feet in length. The Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
3. For commercial and industrial developments, any building not exceeding three stories or 30 feet in height may be protected by fire hydrants supplied by a dead-end water line.
4. For commercial and industrial developments, buildings or facilities having a gross building area up to 62,000 square feet may be protected by fire hydrants supplied by a dead-end water line. The gross building area may be increased to 124,000 square feet without a looped water line when all buildings are equipped with an approved automatic fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1,000 feet in length. The Fire Chief may require such developments to provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
5. The Fire Chief may allow a new development that would otherwise be required to provide a looped water line for required fire hydrants, to have a dead-end line as long as the development provides a means to connect to a looped system as future development occurs. The time period and conditions under which this exception is allowed shall be as determined by the Chief.
6. The Fire Chief may allow fire hydrants to be supplied by other than a looped water line when the permittee can demonstrate, to the satisfaction of the Fire Chief, that a looped system is not practicable. In such event, the Fire Chief shall make his findings in writing and shall copy such findings to the Public Works [and Planning](#) Director ~~and the Director of Community Development~~. In such cases, additional fire protection may be required as determined by the Chief.

**C102.3 Fire Hydrant Installation.** The distance from the center of the fire hydrant pumper connection to the finished grade shall not be less than 22 inches. Pumper connections shall face the access road or as directed by the Fire Chief.

(~~rm~~) Section D107.1; One- or Two-Family Residential Developments. [Section D107.1](#), exception 1: Delete the language of exception 1 and replace with:

1. Where there are 60 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

**15.44.070 Zones in which storage of flammable or combustible liquids in outside aboveground tanks is permitted.**

(a) Section [3457](#)04 of the International Fire Code limits the storage of flammable or combustible liquids in outside aboveground tanks. Storage of flammable or combustible liquids is permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit storage of flammable or combustible liquids in aboveground tanks on lands within the jurisdiction which are zoned C-1 (light commercial) when it can be demonstrated to the Fire Chief or his designee that such use may be safely undertaken in the particular location.

(b) Section [3457](#)06.4 of the International Fire Code limits the siting of bulk plants for flammable or combustible liquids. New bulk plants or terminals for flammable or combustible liquids are permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

**15.44.080 Zones in which storage of liquefied petroleum gases is restricted.**

Section [3861](#)04 of the International Fire Code restricts the storage of liquefied petroleum gas. Liquefied petroleum gas may be stored as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

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

**AN ORDINANCE ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; AMENDING CERTAIN PROVISIONS IN THE ADOPTED CODE; AMENDING CHAPTER 15.44 OF THE MUNICIPAL CODE AND AMENDING ALL ORDINANCES IN CONFLICT OR INCONSISTENT HERewith**

Pursuant to the constitutional, statutory and Charter authority of the City Council of the City of Grand Junction to adopt ordinances for the protection of the health safety and general welfare of the population of the City the following ordinance is proposed.

After full hearing and consideration of the ordinance and upon recommendation by the City staff the Council finds that adoption of the ordinance is necessary to preserve the health, safety and general welfare of the people of the City of Grand Junction. The International Fire Code, which is hereby adopted, is state of the art. The Code is mutually adopted by the City and Mesa County, which provides for efficient and consistent enforcement practices. As well, the International Codes are increasingly common in many communities, which further increase the benefits of standardization.

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

Adoption of the International Fire Code, 2012 Edition is hereby adopted with the amendments of the same included below with the amendments to Chapter 15.44 of the Municipal Code of Ordinances of the City of Grand Junction is hereby amended as follows:

**SECTION 1**

**15.44.010 Adoption of International Fire Code.**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, and chemical release, the International Fire Code (hereinafter "International Code" or "International Fire Code"), promulgated by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, including Appendices Chapters B, C, D, E, F, G, H, I, and J, 2012 Edition, except such portions as are hereinafter deleted, modified or amended by GJMC [15.44.040](#) are hereby adopted. Not less than one copy of the International Fire Code is filed in the office of the City Clerk. From the date on which this chapter shall take effect, the provisions of the International Code shall be controlling within the limits of the City of Grand Junction, Colorado.

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105.6.29 Miscellaneous combustible storage

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105.6.34 Places of assembly

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winds exist or when a red flag warning has been issued by the National Weather Service.

**Exception:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

**307.1.2 Location of burning.** No person shall burn upon the land of another without permission of the owner thereof.

**307.1.3 Burn restrictions and burn bans.** The Fire Chief or his designee is authorized to issue burn restrictions and/or burn bans as deemed necessary when local conditions make open burning, bonfires, recreational fires, portable outdoor fireplaces, fireworks, other open flames or similar activities hazardous or objectionable. Violations of burn restrictions or burn bans shall be punishable in accordance with GJMC 1.04.090.

(f) Section 307.3 Extinguishment authority. Section 307.3 is deleted and replaced with:

**307.3 Extinguishment authority.** When open burning, bonfires, recreational fires, or use of portable outdoor fireplaces creates or adds to a hazardous situation; or when parameters set forth in this code have not been followed, or a required permit for open burning or bonfire has not been obtained, the fire code official is authorized to order the extinguishment of the open burning, bonfire, recreational fire or portable outdoor fireplace operation. Extinguishment may be by the permit holder, another competent person, or the fire department.

(g) Section 307.4.1 Bonfires. Section 307.4.1 is deleted and replaced with:

**307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. The total fuel area of a bonfire shall not be greater than 8 feet (2440 mm) in diameter and 4 feet (1220 mm) in height unless approved by the fire code official.

(h) Section 311.1.1 Abandoned Premises. Section 311.1.1 is deleted and replaced with:

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in



accordance with the International Property Maintenance Code and the International Building Code.

(i) Section 311.3 Removal of Combustibles. Section 311.3 shall be amended by addition of the following subsections:

**311.3.1** In case of failure of any owner or lessee of such building(s) to remove all accumulations of hazardous materials, abate said building, and secure the premises, in a manner approved by the Fire Chief, and upon the election by the Fire Chief to remove said waste or rubbish and/or to secure or remove/install barricading of building(s), the Fire Chief is authorized to give notice by certified mail addressed to the last known address of the owner of such building, which shall require the removal of such waste or rubbish, or otherwise require the securing of said building(s) or removal of the problem causing the public nuisance, within sixty (60) days of the date of the notice. In the event such work is not done within the sixty (60) days, the City Manager may then proceed to have the work done as soon as practicable. The costs of such work shall be collected by the City Manager in accordance with the provisions of the International Property Maintenance Code. The charge shall be the actual costs for labor, equipment, and materials plus ten (10) percent for administration, supervision and inspection. The Fire Chief may cause any building to be barricaded or secured immediately after a fire has been extinguished. Any and all barricading or securing shall be at the owner's expense.

**311.3.2** The City Manager, as soon as may be practicable after such charge is made, shall send by mail, addressed to the last known address of the owner of such property, a notice of such assessment. The notice shall contain a description of the lots or parcels of land, the name of the owner or owners, and the amount of the assessment, together with a brief description of said assessment.

**311.3.3** It shall be the duty of the owner to pay such assessment within twenty (20) days after the mailing of such notice, and in case of his failure to do so, he shall be liable personally for the amount of the assessment and the same shall be a lien upon the respective lots or parcels of land from the time of such assessment. In case the owner shall fail to pay such assessment within twenty (20) days after notice has been mailed to him, as provided by this article, then it shall be the duty of the City Manager to certify the amount of the assessment to the County Treasurer or other officer of the County having custody of the tax list, for the current year, to be collected in the same manner as other taxes are collected, with ten (10) percent penalty thereon to defray the cost of collection. All of the laws of the State of Colorado for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

**311.3.4** The fact that assessments have been made against property as provided in this article for removal of waste and rubbish, abatement and/or barricading or securing of said building(s) shall not prevent the owner, agent or lessee from being punished by fine or imprisonment under the provisions of GJMC [1.04.090](#), but such fine or penalty may be imposed on those found guilty of violating any provision hereof in all cases, whether an assessment has or has not been made in accordance with the provisions hereof.

(j) Section 503.1 Where Required. Section 503.1 is amended by addition of the following:

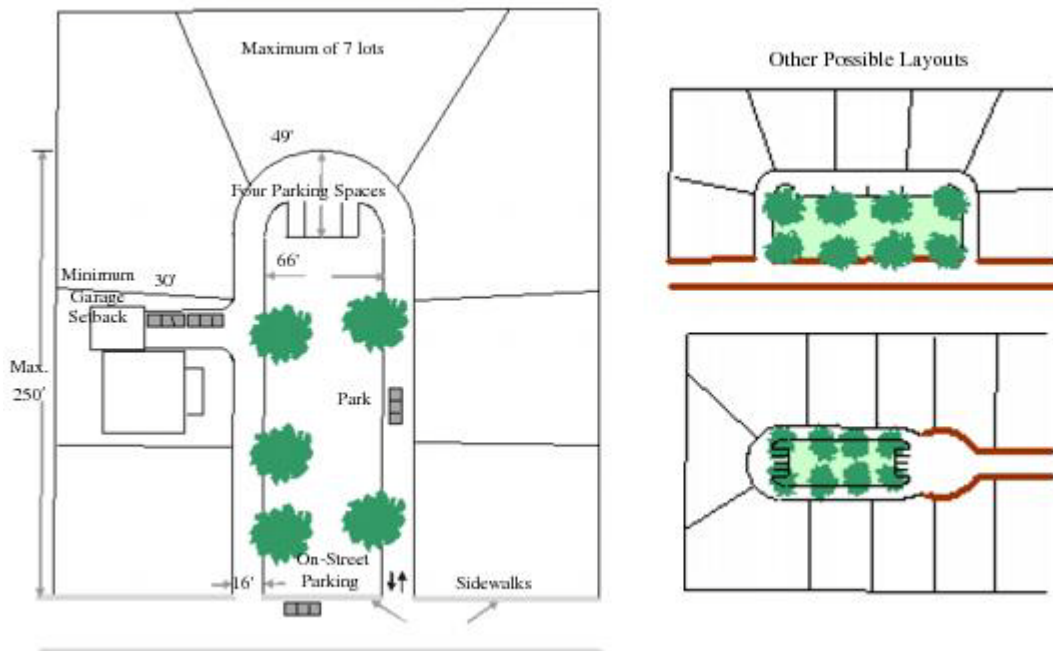
The Fire Chief may be guided by the City of Grand Junction *Traffic Engineering Design Standards* and by Appendix D of this code for more detailed design requirements and alternative designs.

(k) Section 503.2.1 Dimensions. Section 503.2 is amended by the addition of two additional subsections, numbered 503.2.1.1 and 503.2.1.2, at the end thereof to read:

**503.2.1.1** Fire apparatus access roads may, notwithstanding the foregoing paragraphs, have an unobstructed width of not less than sixteen feet (16') if constructed as a loop ("fire loop lane"), as indicated in the diagram shown below and if all of the following conditions are met:

1. Not more than seven single family residences obtain access from the fire loop lane;
2. The sixteen foot wide fire loop lane shall consist of an all-weather clear surface;
3. No curve on any portion of the flow line of the fire loop lane shall have an inside radius of less than thirty-three feet (33') and an outside radius of less than forty-eight feet (48'). "Flow line" means the area between the curbs or equivalent if curbs are not present;
4. No portion of the fire loop lane shall extend more than two hundred and fifty feet (250') from the abutting street right-of-way;
5. A minimum of four parking spaces shall be constructed at the end of the fire loop lane, as indicated on the diagram;
6. The fire loop lane and parking stalls, as indicated on the diagram, are dedicated to and maintained by the City;
7. Two-way traffic is allowed;

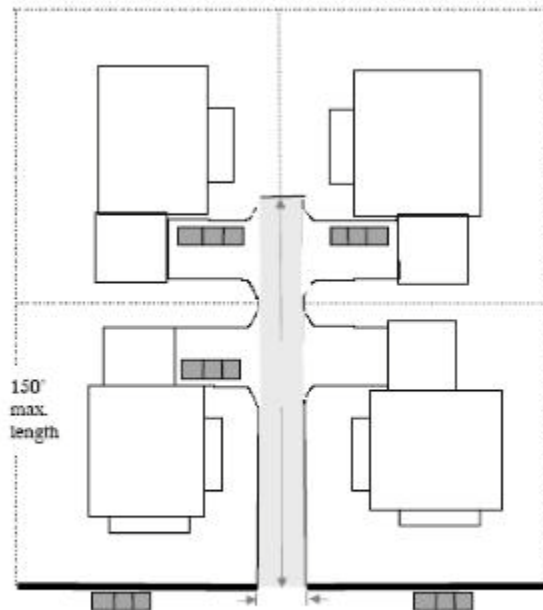
8. "No parking" signs and markings, as required by the City, are installed and maintained so that no parking is allowed between the curbs on any traveled portion of the fire loop lane;
9. Corner lots that front the fire loop lane and the abutting street shall be required to only obtain access from the fire loop lane;
10. No garage or carport built on a lot obtaining access from the fire loop lane shall be constructed, any portion of which is closer than thirty feet (30') from any portion of the fire loop lane;
11. Each residence obtaining access from the fire loop lane shall provide and maintain four parking spaces between the garage or carport and the fire loop lane; and
12. The fire loop lane shall only connect to a street where on-street parking exists now and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.



**503.2.1.2 Fire code standards for a shared driveway:**

1. A shared driveway shall be owned and maintained by the owners of the parcels or lots which abut the shared driveway;
2. Not more than four single family lots shall abut or touch any portion of the shared driveway and no more than four single family units may access a shared driveway;

3. A shared driveway shall be least sixteen feet (16') wide and not longer than one hundred and fifty feet (150');
4. No parking is allowed on the shared driveway;
5. Each lot abutting a shared driveway must provide four (4) on-site parking spaces.
6. Each lot abutting a shared driveway must access off the shared driveway unless approved by Director of Public Works and Planning or Planning Commission, depending upon which entity is approving the plan; and
7. A shared driveway may be used only where it intersects a street where on-street parking exists and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.



#### **Example Layout for a Shared Driveway**

(l) Section 903.3.1.3 NFPA 13D Sprinkler Systems. Section 903.3.1.3 is amended by the addition of the following:

Where domestic water is provided by a public water system, any required 13D system must be supplied by the public water system. The water tap must be adequate to supply the hydraulic demand of the fire sprinkler system.

(m) Section 903.3.7 Fire Department Connections. Section 903.3.7 is amended by the addition of the following:

Fire department connections must be located within 150 feet of the nearest fire hydrant.

(n) Section 907.6.5 Monitoring. Section 907.6.5 is amended by addition of the following subsections:

**907.6.5.3 False alarms.** Whenever the activation of any fire alarm is due to a malfunction of the alarm or alarm system and that alarm or alarm system has had a malfunction within the same calendar year quarter, or more than six (6) times during any calendar year, the owner and/or operator of the alarm or alarm system shall pay a false alarm fee to offset some of the costs involved in the dispatching and responding of fire equipment to the location of the alarm.

**907.6.5.4.** It is the responsibility of the owner or operator of an alarm system to prevent the improper use of the system, such as the intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three (3) such activations within the same quarter of a calendar year, or more than six (6) during any calendar year, from the same alarm system, the fee schedule for false alarms shall become effective.

**907.6.5.5.** Whenever the Fire Chief cannot determine how a false alarm was activated and three (3) such unexplained alarms occur within a calendar year quarter, or alarm(s) exceeding six (6) during any calendar year, the fee schedule for false alarms shall become effective with the fourth and seventh and subsequent alarm(s) respectively.

**907.6.5.6.** A fee, in accordance with the fee schedule established by resolution of the City Council and on file with the City Clerk, shall be charged for false alarms.

**907.6.5.7.** A new alarm system shall be allowed thirty (30) days to become stabilized before charges will accrue for false alarms.

(o) Section 3405 Outdoor Storage of Tires. Section 3405 is deleted in its entirety and replaced with the following:

**3405.1.** No person shall store more than 500 tires on any parcel, tract, or lot of land.

**3405.2.** Tires shall be arranged as required in sections 3405.3 through 3405.7.

**3405.3.** Maximum pile or stack height shall not exceed six (6) feet.

**3405.4.** Pile or stack width and length shall not exceed eight (8) feet.

**3405.5.** Twenty (20) feet of clearance shall be maintained between piles or stacks.

**3405.6.** Piles or stacks shall not be placed closer than twenty (20) feet to any structure; and

**3405.7.** Piles or stacks shall be stored so as to provide ready access by the Fire Department in the event of a fire.

(p) Section B103 Modifications. Section B103 is amended by the addition of the following subsection:

**B103.4 Alternative Methods.** In areas which are mostly developed where not more than two buildable lots are created (at the same time) after the effective date hereof, and the existing water lines and fire flow are inadequate in the area, the Fire Chief may allow a residential structure to be built if sprinklered and if he determines that water upgrades would be impracticable. In such event, the Fire Chief shall record a memorandum indicating the fire protection measure used and the facts concerning the inadequate water lines.

(q) Section C102 Location. Section C102 is amended by the addition of the following:

**C102.2 Water supply lines.** Hydrants shall be on a looped (receiving water from more than one direction) water supply line of at least six inches (6") in diameter.

**Exceptions:**

1. One or two-family residential developments may have hydrants supplied by a dead-end water line where there are 30 or fewer dwelling units. Up to 60 dwelling units may have hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In any case, the Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
2. Multiple-family residential developments having up to 100 dwelling units may be protected by fire hydrants supplied by a dead-end water line. Up to 200 dwelling units may be protected by fire hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1,000 feet in length. The Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
3. For commercial and industrial developments, any building not exceeding three stories or 30 feet in height may be protected by fire hydrants supplied by a dead-end water line.
4. For commercial and industrial developments, buildings or facilities having a gross building area up to 62,000 square feet may be protected by fire hydrants supplied by a dead-end water line. The gross building area may be increased to 124,000 square feet without a looped water line when all buildings are equipped with an approved automatic

fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1,000 feet in length. The Fire Chief may require such developments to provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

5. The Fire Chief may allow a new development that would otherwise be required to provide a looped water line for required fire hydrants, to have a dead-end line as long as the development provides a means to connect to a looped system as future development occurs. The time period and conditions under which this exception is allowed shall be as determined by the Chief.

6. The Fire Chief may allow fire hydrants to be supplied by other than a looped water line when the permittee can demonstrate, to the satisfaction of the Fire Chief, that a looped system is not practicable. In such event, the Fire Chief shall make his findings in writing and shall copy such findings to the Public Works and Planning Director. In such cases, additional fire protection may be required as determined by the Chief.

**C102.3 Fire Hydrant Installation.** The distance from the center of the fire hydrant pumper connection to the finished grade shall not be less than 22 inches. Pumper connections shall face the access road or as directed by the Fire Chief.

(r) Section D107.1 One- or Two-Family Residential Developments. Section D107.1, exception 1: Delete the language of exception 1 and replace with:

1. Where there are 60 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

**15.44.070 Zones in which storage of flammable or combustible liquids in outside aboveground tanks is permitted.**

(a) Section 5704 of the International Fire Code limits the storage of flammable or combustible liquids in outside aboveground tanks. Storage of flammable or combustible liquids is permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit storage of flammable or combustible liquids in aboveground tanks on lands within the jurisdiction which are zoned C-1 (light commercial) when it can be demonstrated to the Fire Chief or his designee that such use may be safely undertaken in the particular location.

(b) Section 5706.4 of the International Fire Code limits the siting of bulk plants for flammable or combustible liquids. New bulk plants or terminals for flammable or combustible liquids are permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

**5.44.080 Zones in which storage of liquefied petroleum gases is restricted.**

Section 6104 of the International Fire Code restricts the storage of liquefied petroleum gas. Liquefied petroleum gas may be stored as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

The remaining sections in Chapter 15.44 not specifically set forth herein shall remain in full force and effect.

**SECTION 2** Public Hearing

A public hearing on the adoption by reference of the International Fire Code, 2012 Edition, including the appendices thereto, together with certain amendments, is scheduled in the City Auditorium at City Hall in Grand Junction, Colorado, at: 7:00 p.m. on the 13<sup>th</sup> day of February 2012. The City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in sections 31-16-201, *et seq.*, C.R.S.

**SECTION 3** Public Inspection

At least one copy of the International Fire Code, 2012 Edition, including the appendices thereto, together with certain amendments, all certified to be true and correct, shall be on file as aforesaid in the office of the City Clerk at least fifteen (15) days preceding said hearing and may be inspected by any interested person between the hours of 7:30 a.m. and 5:30 p.m., Monday through Friday, holidays excepted.

**SECTION 4** Validity

Any and all sections or parts of sections of the Municipal Code of Ordinances of the City of Grand Junction, Colorado, as amended, in conflict herewith, are hereby repealed.



Introduced this \_\_\_\_ day of \_\_\_\_\_, 2012.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2012.

Attest:

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

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



Date: January 5, 2012  
 Author: Susan Hyatt  
 Title/ Phone Ext: Senior Buyer, ext 1513  
 Proposed Schedule: City Council Meeting Jan 16, 2012  
 2nd Reading  
 (if applicable): N/A  
 File # (if applicable): \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**

**Attach 5**

<b>Subject:</b> Fire Pumper Truck Purchase
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Piggyback on a Previous Award for the Purchase of a 2012 Smeal Freedom Custom Pumper Truck to Mile Hi Fire Apparatus of Commerce City, Colorado in the Amount of \$369,991.
<b>Presenter(s) Name &amp; Title:</b> Ken Watkins, Fire Chief Jay Valentine, Financial Operations Manager

**Executive Summary:**

This purchase request is for a new Fire Pumper Truck to replace an older unit currently in the City’s fleet. The current truck has reached the end of its useful life and is in need of replacement.

**Background, Analysis and Options:**

In 2011, a formal solicitation was advertised in the Daily Sentinel and sent to a source list of manufacturers and dealers capable of providing a complete pumper truck per City specifications.

The original award was approved by City Council on September 21, 2011 and given to Mile Hi Fire Apparatus offering a 2012 Smeal Freedom custom pumper. Mile Hi Fire Apparatus offered the lowest cost truck, and provides standardization based on a previous Smeal fire apparatus purchases. With Council approval, staff is requesting to piggyback on that award for this purchase.

Mile Hi Fire Apparatus has offered to hold last year’s price of \$368,791 if the City orders the additional unit before January 25, 2012. The only change in price is a \$1,200 up-charge for tires. Fleet Services Division feels this up-charge is reasonable due to the increased cost of tires and rubber.

The old unit will be sold and the proceeds deposited in the Fleet Replacement Internal Service Fund.

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

**Goal 11:** Public safety facilities and services for our citizens will be a priority in planning for growth.

The Fire Department provides education, enforcement and emergency services to over 84,000 residents living within the City of Grand Junction and the Grand Junction Rural Fire Protection District. In order to provide the best public safety services possible it is imperative to keep the fleet of vehicles up to date with the latest approved automotive engineering practices.

**Board or Committee Recommendation:**

This vehicle purchase is recommended by Fleet and the Fire Department Apparatus Committee.

**Financial Impact/Budget:**

Budgeted funds for this purchase have been accrued in the Fleet Replacement Internal Service Fund.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

The original purchase was approved at the Council Meeting on September 21, 2011.

**Attachments:**

N/A



Date: January 6, 2012  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Senior Planner / 4033  
 Proposed Schedule: 1<sup>st</sup> Reading, January 16, 2012  
 2nd Reading: February 1, 2012  
 File #: RZN-2011-1190

**CITY COUNCIL AGENDA ITEM**

**Attach 6**

<b>Subject:</b> Rezone 22 Properties owned by School District 51, Located throughout the City, from CSR (Community Service and Recreation) to zones of R-2, R-4, R-5, R-8, B-2 and C-1 zone districts
<b>Action Requested/Recommendation:</b> Introduce the Proposed Ordinance and Set a Hearing for February 13, 2012
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Lori V. Bowers, Senior Planner

**Executive Summary:**

A City initiated request to rezone 169.62 acres, owned by School District 51, located throughout the City, from CSR (Community Service and Recreation) to zones of R-2, R-4, R-5, R-8, B-2 and C-1 zone districts. The rezones will bring the zoning into conformance with the City’s Comprehensive Plan and the zoning of the surrounding neighborhood.

**Background, Analysis and Options:**

The Comprehensive Plan adopted in February, 2010 was adopted knowing there would be some areas of the City where a zoning conflict or a lack of consistency in some areas, between the current Zoning Map and the Future Land Use Map, of the Plan would occur. To help reconcile these areas, City Staff initiated a rezone to bring the existing zoning of the School District 51 parcels that are currently zoned CSR (Community Service and Recreation) into conformance with the Comprehensive Plan. These changes would zone School District owned parcels the same as the surrounding neighborhood. Within the City limits there are 39 properties owned by the School District. The proposed rezone affects approximately 22 School District owned sites. Those properties are:

543 28 ¾ Road – Nisley Elementary

540 29 ¼ Road – Bookcliff Middle School

432 30 ¼ Road – Pear Park Elementary

2927 D ½ Road – Vacant Land in Pear Park  
D ¼ and 29 ¼ Roads – Vacant Land Pear Park, tax parcel 2943-173-34-941  
123 W Orchard Avenue – West Middle School  
2220 N 7<sup>th</sup> Street – Tope Elementary  
1800 Orchard Avenue – Orchard Avenue Elementary  
600 N 14<sup>th</sup> Street – Lincoln Park Elementary  
830 Gunnison Avenue – East Middle School  
950 Chipeta Avenue – Chipeta Elementary  
410 Hill Avenue – Administration Annex Building  
552 W Main Street – Riverside Elementary, 2 parcels  
2660 UnawEEP Avenue – Columbus Elementary  
2736 UnawEEP Avenue – Orchard Mesa Middle School  
1400 N 5<sup>th</sup> Street – Grand Junction High School  
2967 B Road – Mesa View Elementary  
351 S Camp Road – Wingate Elementary  
310 N 7<sup>th</sup> Street – R-5 High School -  
930 Ute Avenue – Emerson School  
2935 North Avenue – Vocational Center

City Planners met with Melissa DeVita, the Executive Director of Support Services for District 51, to discuss the conflict between the current zoning and the Comprehensive Plan and the City's proposal for rezoning School District lands. Since school districts are not subject to local zoning laws, the proposed rezoning will not negatively impact District 51 properties. The benefit the District may see would be if the District were to sell a school site, the property would already be zoned appropriately for redevelopment.

The Comprehensive Plan only allows CSR zoning in Rural, Conservation/Mineral Extraction and Business Park Mixed Use land use designations. The majority of the school sites are located in the Residential Medium designation, allowing 4 to 8 dwelling units per acre. The majority of the rezones are proposed to be R-8 (Residential – 8 dwelling units per acre) however there are also sites proposed for R-2 (Residential – 2 units per acre), R-4 (Residential – 4 units per acre), R-5 (Residential 5 - units per acre), B-2 (Downtown Business) and C-1 (Light Commercial).

An Open House was held on Wednesday, November 9, 2011. Over 37 people attended the Open House. Notice cards (2,581 cards) were mailed to property owners within 500 feet of the subject parcels. Over 100 phone calls and emails were fielded by the Planning Division with questions and comments about the proposed rezones. A "Frequently Asked Questions" form was distributed at the Open House and to interested citizens via email. A copy is attached to this report.

Each parcel to be rezoned is detailed below in the Staff report. Each map shows the School District parcel outlined in blue and the existing zoning surrounding the school site.

During the Open House many people expressed their displeasure with the proposed rezones, because they thought the proposed zones do not accurately reflect the character of their neighborhood. Some citizens, once the entire process and theory was explained, did not have a problem with the rezones. The same could be said about the numerous phone calls that were returned or answered during this time. The Planning Division continued to receive phone calls about the proposed rezones even after the Open House. The emails received and comment sheets from the Open House are attached for your review.

After the Open House an article in the Daily Sentinel newspaper appeared reassuring residents that the School District was not bulldozing the existing schools because the bond issue did not pass. The residents of Mesa County voted down a tax hike that would have infused millions of dollars into School District 51. The ballot question asked voters to increase property taxes in order to pay for new schools, repairs and land. The timing of the City initiated rezones and the election was purely coincidental.

At the Planning Commission meeting of December 13, 2011, it was determined that the proposed zoning for West Middle School could also be R-5 (Residential – 5 units per acre) at the lower end of the allowed spectrum, rather than what Staff had proposed as R-8 (Residential – 8 units per acre). This Staff report reflects that change brought about by the testimony of a property owner at the Public Hearing.

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

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Goal 1 is met with the adoption of the Comprehensive Plan certain land use designations no longer allow CSR zoning, which has prompted the City initiated rezones to ensure that the zoning and land use designation of the Comprehensive Plan are consistent.

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

Goal 6 is met by encouraging appropriate reuse, should the School District decide to sell a school site, the property would already be zoned appropriately for redevelopment.

**Board or Committee Recommendation:**

The Planning Commission forwarded a recommendation of approval at their meeting of December 13, 2011. The minutes of that meeting will be available prior to the Second Reading and Public Hearing scheduled for February 13, 2012.

**Financial Impact/Budget:**

N/A

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

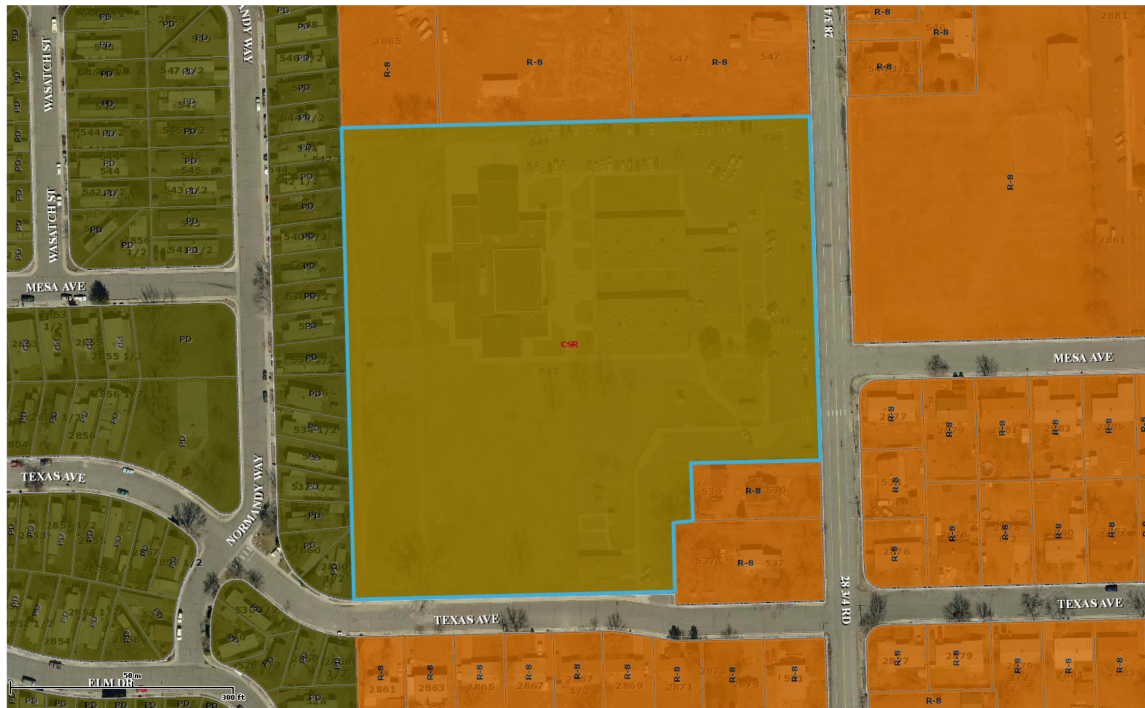
N/A

**Attachments:**

Overall Site Location Map  
FAQ sheet  
Correspondence from the Public  
Ordinance

## Background Information and Maps

BACKGROUND INFORMATION					
Location:		543 28 <sup>3</sup> / <sub>4</sub> Road			
Applicant:		City of Grand Junction			
Existing Land Use:		<b>Nisley Elementary</b>			
Proposed Land Use:		No change			
Surrounding Land Use:	North	Church and Single-Family Residences			
	South	Single-Family Residences			
	East	Church and Single Family Residences			
	West	Manufactured Home Park			
Existing Zoning:		CSR (Community Service and Recreation)			
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>			
Surrounding Zoning:	North	R-8 (Residential – 8 units per acre)			
	South	R-8 (Residential – 8 units per acre)			
	East	R-8 (Residential – 8 units per acre)			
	West	PD (Planned Development)			
Future Land Use Designation:		Residential Medium (4-8 DU/AC)			
Zoning within density range?		X	Yes		No



Nisley Elementary School Map

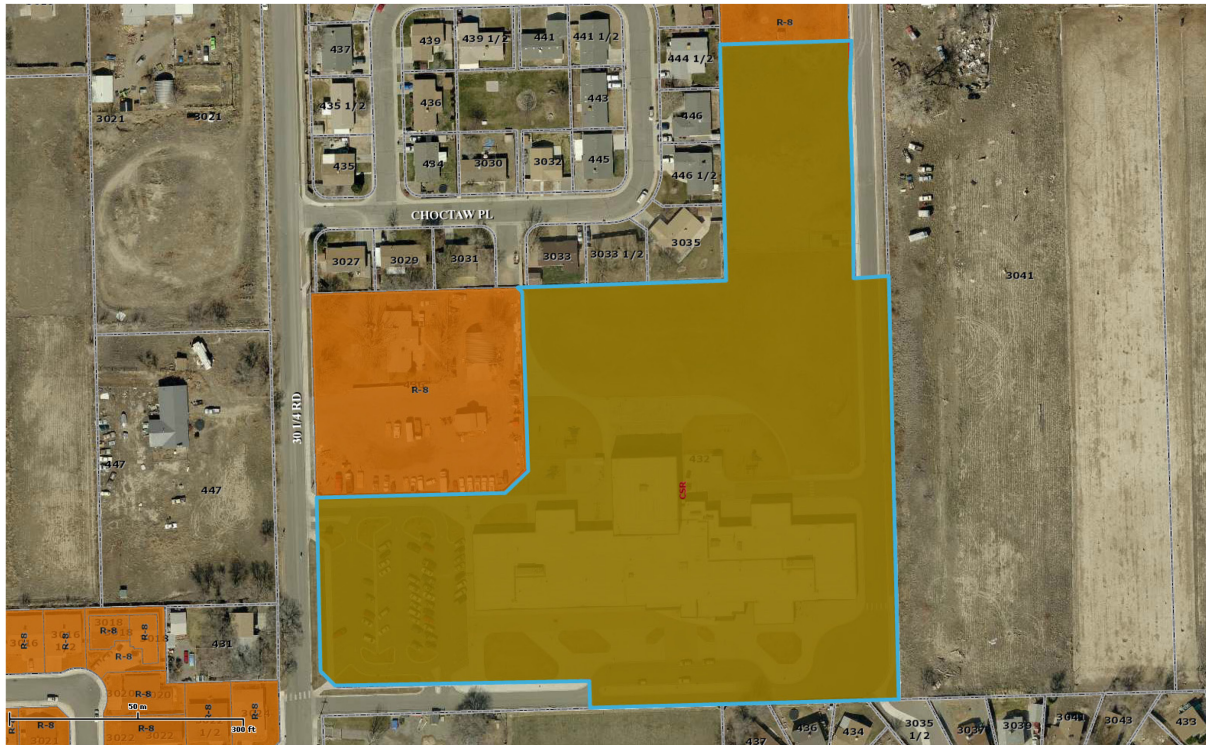


BACKGROUND INFORMATION				
Location:		540 29 ¼ Road		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>Bookcliff Middle School</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Single-Family and Multi-Family Residential		
	South	Single-Family Attached Residential		
	East	Church and Single-Family Attached Residential		
	West	Single-Family and Multi-Family Residential		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>		
Surrounding Zoning:	North	County RMF-8 (Residential Multi-family -8du/ac)		
	South	County RMF-8 (Residential Multi-family -8du/ac)		
	East	County RMF-8 (Residential Multi-family -8du/ac)		
	West	County RMF-8 (Residential Multi-family -8du/ac)		
Future Land Use Designation:		Residential Medium (4-8 DU/AC)		
Zoning within density range?		X	Yes	No



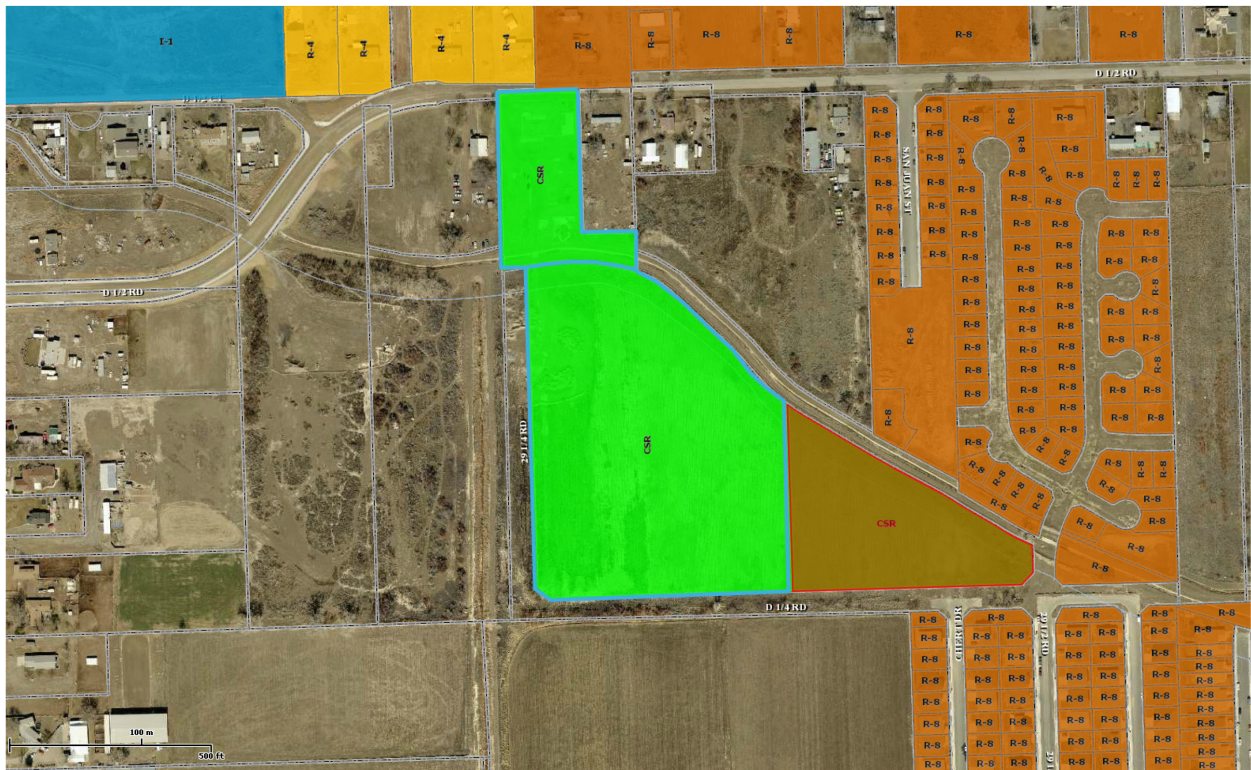
Bookcliff Middle School Map

BACKGROUND INFORMATION			
Location:		432 30 1/4 Road	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Pear Park Elementary</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family Residential	
	South	Single-Family Residential	
	East	Large Lot Residential	
	West	Single-Family Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	County PUD (Planned Unit Development)	
	South	County PUD (Planned Unit Development)	
	East	County PUD (Planned Unit Development)	
	West	County PUD and City R-8 (Residential-8 DU/AC)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes
			No



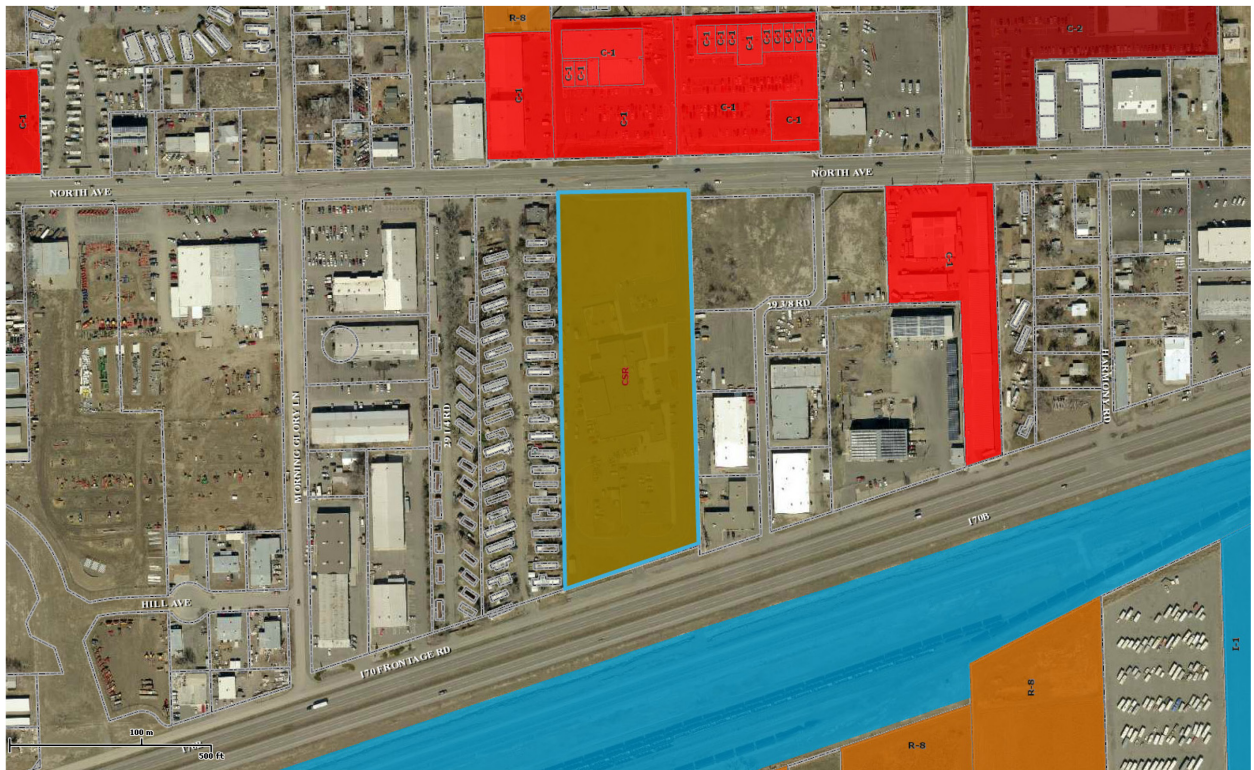
Pear Park Elementary School Map

BACKGROUND INFORMATION			
Location:		2927 D ½ Road and D ¼ and 29 ¼ Roads	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>2 Vacant Land Parcels in Pear Park Area</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family Residences	
	South	Undeveloped Park and Open Land - Trails	
	East	Large Lot Single Family	
	West	Large Lot Single Family	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	R-4 and R-8 (Residential – 4 and 8 units per acre)	
	South	CSR (Community Service and Recreation)	
	East	County RSF-R (Residential Single-Family Rural)	
	West	County RSF-R (Residential Single-Family Rural)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes
			No



Pear Park Vacant Parcels Map

BACKGROUND INFORMATION			
Location:		2935 North Avenue	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Vocational Center</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Retail	
	South	I-70B and Rail Road	
	East	Vacant Land and Contractor Shops	
	West	Mobile Home Park	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>C-1 (Light Commercial)</b>	
Surrounding Zoning:	North	C-1 (Light Commercial)	
	South	I-1 (Light Industrial)	
	East	County C-2 (Heavy Commercial)	
	West	County C-2 (Heavy Commercial)	
Future Land Use Designation:		Village Center-Mixed Use	
Zoning within density range?		X	Yes
			No



Vocational Center Map

BACKGROUND INFORMATION			
Location:		123 W Orchard Avenue	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>West Middle School</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Grocery Store, Convenience Store, Skateboard Park	
	South	Single-Family Residential	
	East	Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-5 (Residential – 5 units per acre)</b>	
Surrounding Zoning:	North	B-1 (Neighborhood Business) and CSR	
	South	R-8 (Residential – 8 units per acre)	
	East	R-8, R-5 (Residential- 8 & 5 DU/AC) and RO (Residential Office)	
	West	R-5 (Residential-5 DU/AC)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes
			No



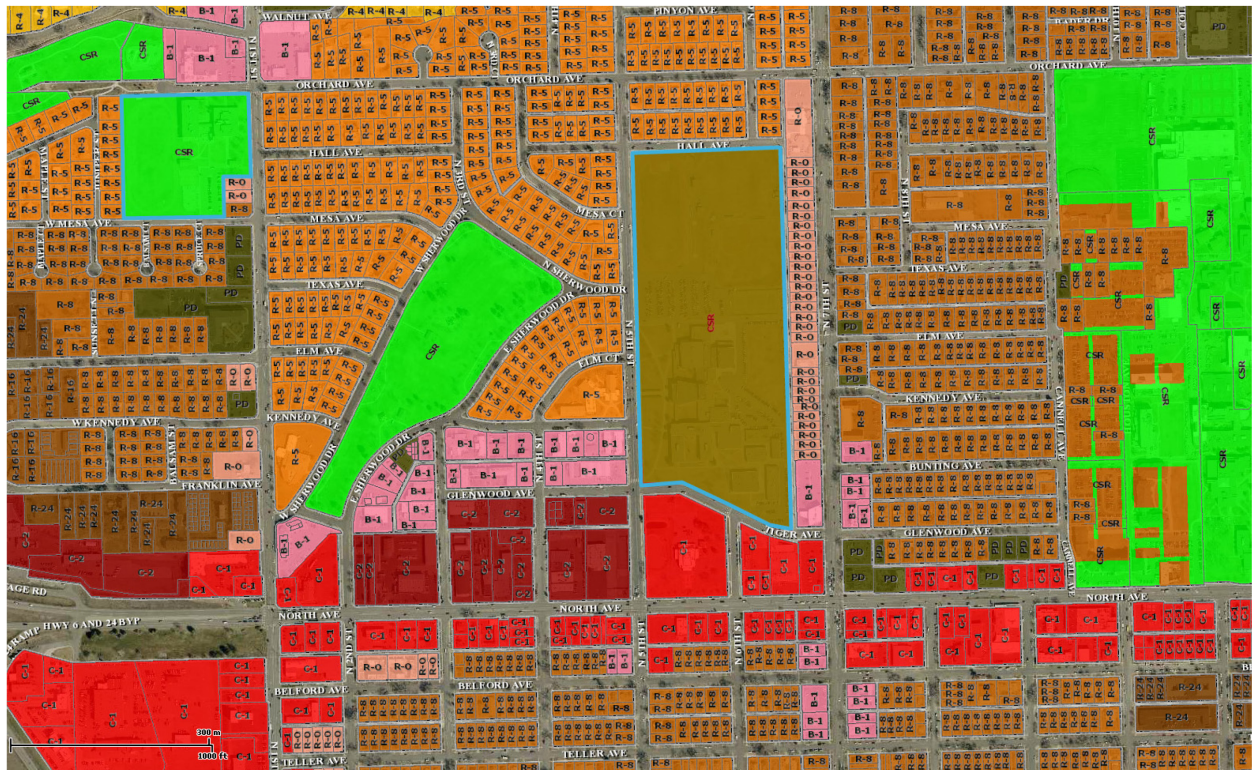
West Middle School Map

BACKGROUND INFORMATION			
Location:		2220 N 7 <sup>th</sup> Street	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Tope Elementary</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Offices and Vacant Land	
	South	Single-Family Residences	
	East	Single-Family Residence and Assisted Living	
	West	Offices	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	R-16 (Residential-16 DU/AC) and B-1 (Neighborhood Business)	
	South	R-8 (residential-8 DU/AC)	
	East	R-8 (residential-8 DU/AC) and R-16 (Residential-16 DU/AC)	
	West	B-1 (Neighborhood Business)	
Future Land Use Designation:		Residential Medium High (8-16 DU/AC)	
Zoning within density range?		X	Yes
			No



Tope Elementary School Map

BACKGROUND INFORMATION			
Location:	1400 N 5 <sup>th</sup> Street		
Applicant:	City of Grand Junction		
Existing Land Use:	Grand Junction High School		
Proposed Land Use:	No change		
Surrounding Land Use:	North	Single-Family Residential	
	South	Offices, Retail, Professional Services	
	East	Single-Family Residential and Professional Services	
	West	Church, Single-Family Residences	
Existing Zoning:	CSR (Community Service and Recreation)		
Proposed Zoning:	R-5 (Residential – 5 units per acre)		
Surrounding Zoning:	North	R-5 (Residential – 5 units per acre)	
	South	C-1 (Light Commercial)	
	East	R-O (Residential-Office)	
	West	R-5 (Residential – 5 units per acre)	
Future Land Use Designation:	Residential Medium High (8 – 16 DU/AC)		
Zoning within density range?	X	Yes	No



Grand Junction High School Map

BACKGROUND INFORMATION			
Location:		1800 Orchard Avenue	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Orchard Avenue Elementary</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Multi-Family Residential	
	South	Single-Family Residential	
	East	Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	R-24 (Residential – 24 DU/AC)	
	South	R-8 (Residential - 8 DU/AC)	
	East	R-8 (Residential - 8 DU/AC)	
	West	R-8 (Residential - 8 DU/AC)	
Future Land Use Designation:		Residential Medium High (8-16 DU/AC)	
Zoning within density range?		X	Yes
			No



Orchard Avenue Elementary School Map



BACKGROUND INFORMATION			
Location:		600 N 14 <sup>th</sup> Street	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Lincoln Park Elementary</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Lincoln Park	
	South	Single-Family Residential	
	East	Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	CSR (Community Service and Recreation)	
	South	R-8 (Residential – 8 units per acre)	
	East	R-8 (Residential – 8 units per acre)	
	West	R-5 (Residential – 5 DU/AC)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes



Lincoln Park Elementary School Map

**BACKGROUND INFORMATION**

Location:		830 Gunnison Avenue / 950 Chipeta Avenue		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>East Middle School &amp; Chipeta Elementary</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Single-Family Residential		
	South	Single-Family Residential		
	East	CSR (Community Service and Recreation)		
	West	Single-Family Residential		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>		
Surrounding Zoning:	North	R-8 (Residential – 8 units per acre)		
	South	R-8 (Residential – 8 units per acre)		
	East	CSR (Community Service and Recreation)		
	West	R-8 (Residential – 8 units per acre)		
Future Land Use Designation:		Residential Medium (4-8 DU/AC)		
Zoning within density range?		X	Yes	No



East Middle School Map

and

Chipeta Elementary School Map

BACKGROUND INFORMATION			
Location:		410 Hill Avenue	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Administration Annex Building</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family Residential	
	South	Hawthorne Park	
	East	Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	R-8 (Residential – 8 units per acre)	
	South	CSR (Community Service and Recreation)	
	East	R-8 (Residential – 8 units per acre)	
	West	R-8 (Residential – 8 units per acre)	
Future Land Use Designation:		Residential Medium (4 – 8 DU/AC)	
Zoning within density range?		X	Yes
			No



Administration Annex Building

BACKGROUND INFORMATION			
Location:		310 N 7 <sup>th</sup> Street	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>R-5 High School (7<sup>th</sup> Street Historic District)</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Church and Multi-Family Residential	
	South	Professional Services and Single-Family Residences	
	East	Professional Services and Multi-Family	
	West	Retail and Professional Services	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>B-2 (Downtown Business)</b>	
Surrounding Zoning:	North	R-O (Residential Office) and PD (planned Development)	
	South	B-2 (Downtown Business)	
	East	R-O (Residential Office)	
	West	B-2 (Downtown Business)	
Future Land Use Designation:		Downtown Mixed Use	
Zoning within density range?		X	Yes
			No



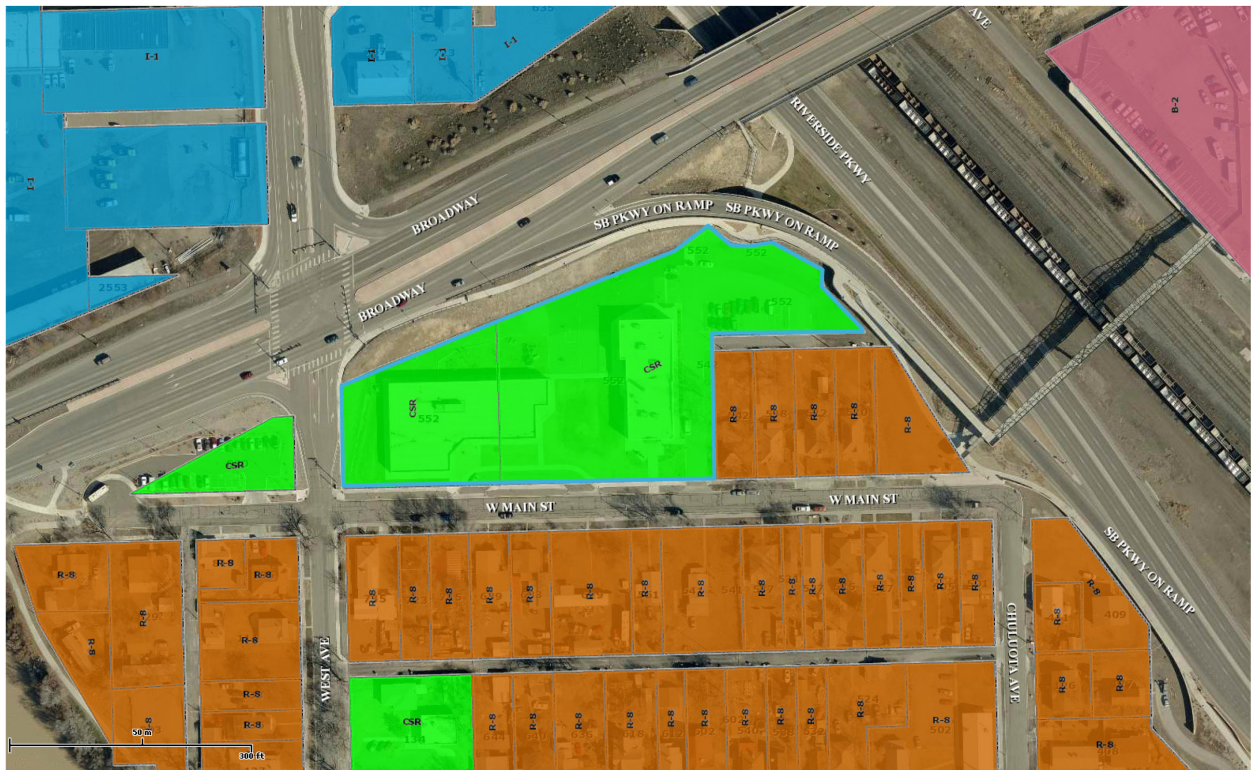
R-5 High School Map

BACKGROUND INFORMATION				
Location:		930 Ute Avenue		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>Emerson School</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Single-Family Attached and Detached		
	South	Emerson Park		
	East	Single-Family Residence		
	West	Retail		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>C-1 (Light Commercial)</b>		
Surrounding Zoning:	North	R-O (Residential Office)		
	South	CSR (Community Service and Recreation)		
	East	C-1 (Light Commercial)		
	West	C-1 (Light Commercial)		
Future Land Use Designation:		Downtown Mixed Use		
Zoning within density range?		X	Yes	No



Emerson School Map

BACKGROUND INFORMATION			
Location:		552 W Main Street (2 parcels)	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Riverside Elementary</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Broadway (Highway 340)	
	South	Single-Family Residential	
	East	Single-Family Residential	
	West	Parking Lot	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	I-1 (Light Commercial)	
	South	R-8 (Residential – 8 units per acre)	
	East	R-8 (Residential – 8 units per acre)	
	West	CSR (Community Service and Recreation)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes
			No



Riverside Elementary School

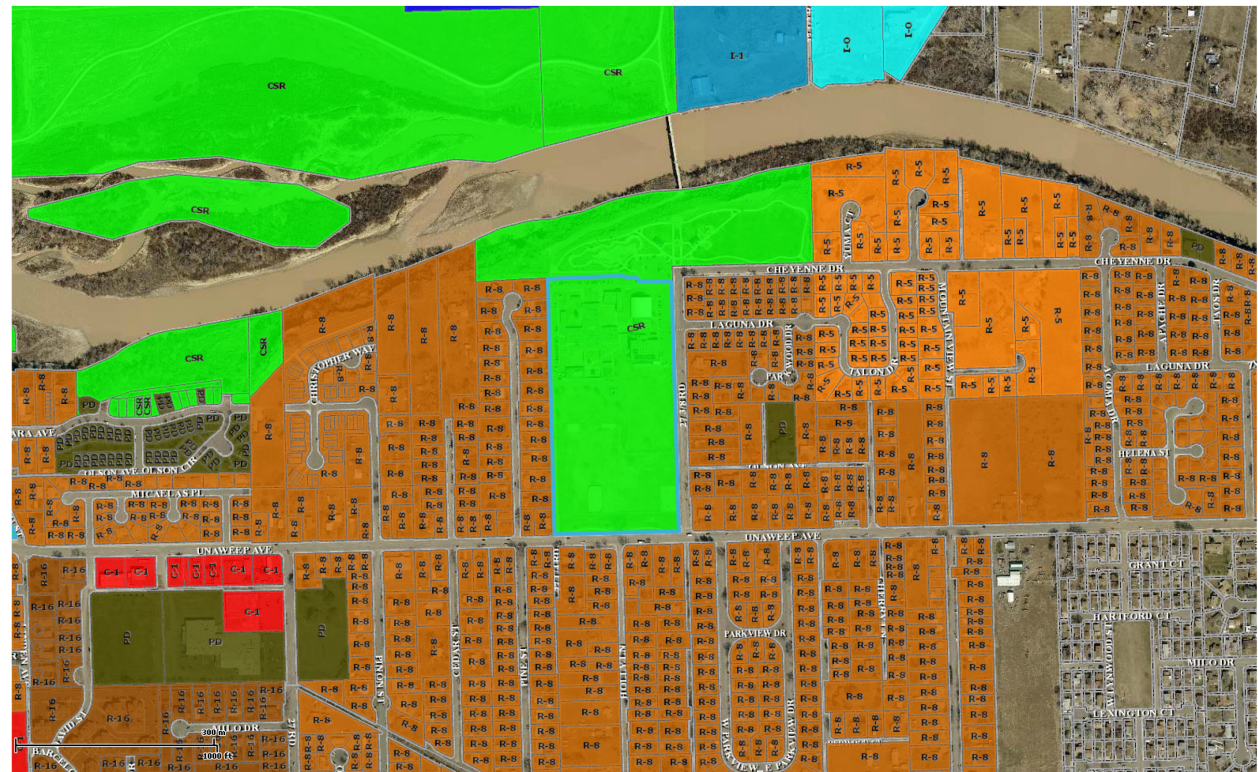
BACKGROUND INFORMATION			
Location:		2660 UnawEEP Avenue	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Columbus Elementary</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family and Multi-Family Residential	
	South	Single-Family Residential	
	East	Single-Family Residential	
	West	Single-Family Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>	
Surrounding Zoning:	North	R-8 (Residential – 8 units per acre)	
	South	R-8 (Residential – 8 units per acre)	
	East	R-8 (Residential – 8 units per acre)	
	West	R-8 (Residential – 8 units per acre)	
Future Land Use Designation:		Residential Medium (4-8 DU/AC)	
Zoning within density range?		X	Yes



Columbus Elementary School Map

**BACKGROUND INFORMATION**

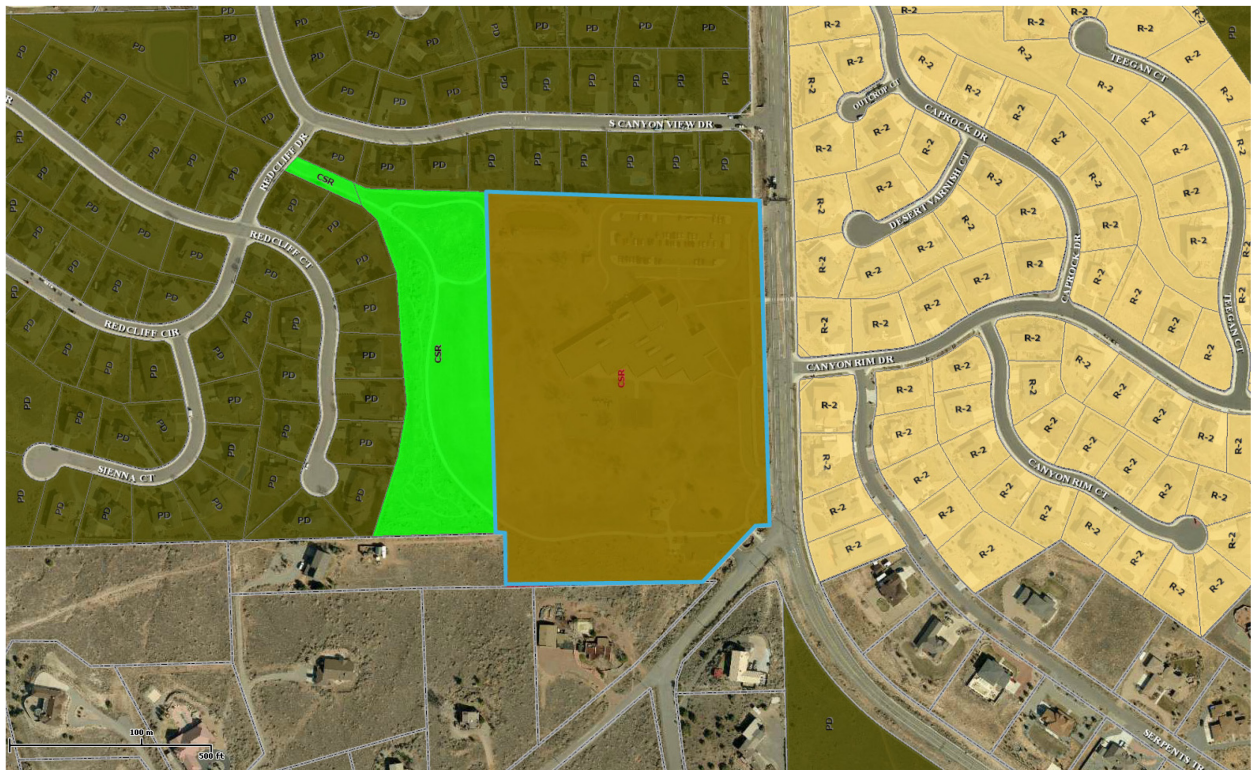
Location:		2736 UnawEEP Avenue		
Applicant:		City of Grand Junction		
Existing Land Use:		<b>Orchard Mesa Middle School</b>		
Proposed Land Use:		No change		
Surrounding Land Use:	North	Eagle Rim Park		
	South	Single-Family Residential		
	East	Single-Family Residential		
	West	Single-Family Residential		
Existing Zoning:		CSR (Community Service and Recreation)		
Proposed Zoning:		<b>R-8 (Residential – 8 units per acre)</b>		
Surrounding Zoning:	North	CSR (Community Service and Recreation)		
	South	R-8 (Residential – 8 units per acre)		
	East	R-8 (Residential – 8 units per acre)		
	West	R-8 (Residential – 8 units per acre)		
Future Land Use Designation:		Residential Medium (4 – 8 DU/AC)		
Zoning within density range?		X	Yes	No



Orchard Mesa Middle School Map

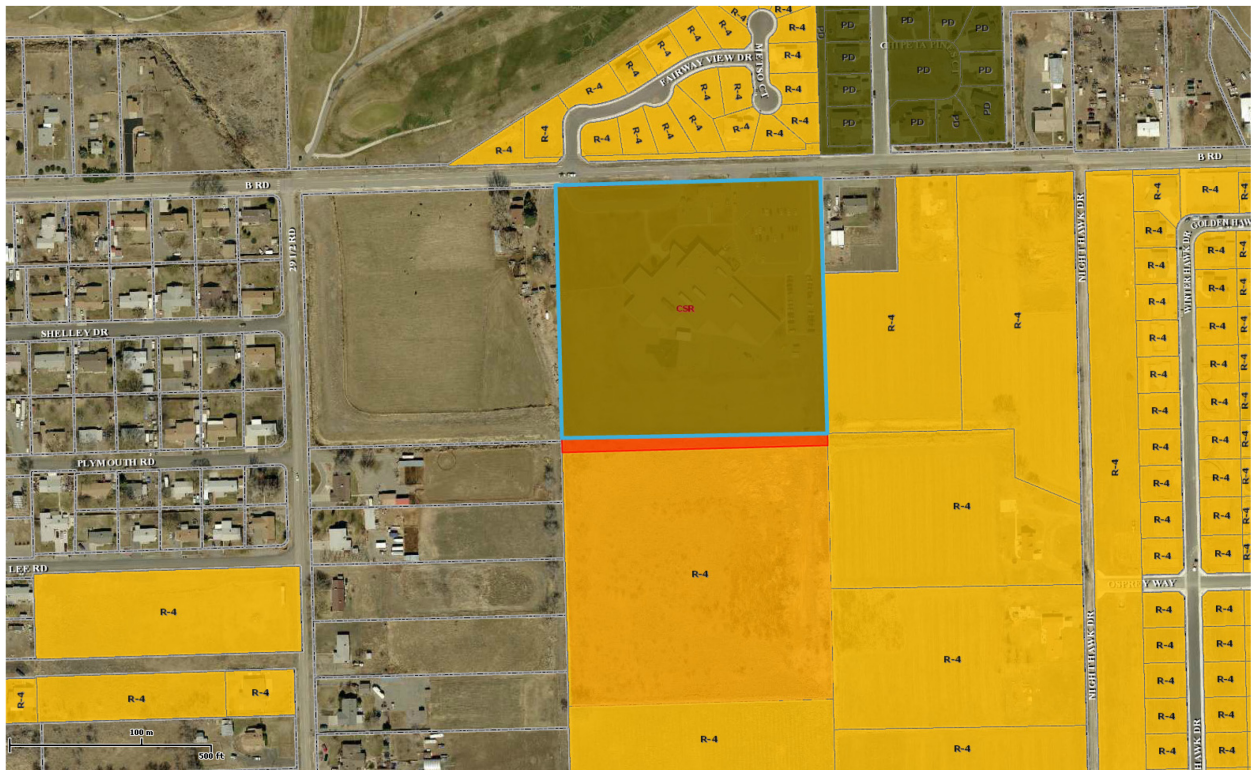


BACKGROUND INFORMATION			
Location:		351 S Camp Road	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Wingate Elementary School</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family Residential	
	South	Large Lot Residential	
	East	Single-Family Residential	
	West	Park	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-2 (Residential – 2 units per acre)</b>	
Surrounding Zoning:	North	PD (planned Development)	
	South	County RSF-4 (Residential Single-Family 4 du/ac)	
	East	R-2 (Residential – 2 units per acre)	
	West	CSR (Community Service and Recreation)	
Future Land Use Designation:		Residential Low (.5 – 2 DU/AC)	
Zoning within density range?		X	Yes
			No



Wingate Elementary School Map

BACKGROUND INFORMATION			
Location:		2967 B Road	
Applicant:		City of Grand Junction	
Existing Land Use:		<b>Mesa View Elementary School</b>	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single-Family Residential	
	South	Vacant Land	
	East	Large Lot Residential	
	West	Large Lot Residential	
Existing Zoning:		CSR (Community Service and Recreation)	
Proposed Zoning:		<b>R-4 (Residential – 4 units per acre)</b>	
Surrounding Zoning:	North	R-4 (Residential – 4 units per acre)	
	South	R-4 (Residential – 4 units per acre)	
	East	R-4 (Residential – 4 units per acre)	
	West	County RSF-R (Residential Single-Family – Rural)	
Future Land Use Designation:		Residential Medium (4 – 8 DU/AC)	
Zoning within density range?		X	Yes
			No



Mesa View Elementary School Map

1. Section 21.02.140 of the Grand Junction Municipal Code

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

- (1) Subsequent events have invalidated the original premise and findings; and/or

Response: With the adoption of the Comprehensive Plan certain land use designations no longer allow CSR zoning, which has prompted the City initiated rezones to ensure that the zoning and land use designation of the Comprehensive Plan are consistent.

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

Response: The proposed rezones are to bring consistency between the Zoning map and the Comprehensive Plan. Neither the character nor the condition of the area has changed or is anticipated to change since we expect the schools to remain schools for quite some time.

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

Response: Adequate facilities currently exist since the majority of the parcels are currently developed.

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

Response: N/A

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

Response: The benefit to the community is consistency between the Zoning Map and the Comprehensive Plan.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the School District 51 rezones, file number RZN-2011-1190, a request to rezone the properties listed below from CSR (Community Service and Recreation) to R-8 (Residential – 8 units per acre): Nisley Elementary, Bookcliff Middle School, Pear Park Elementary, two parcels of vacant land in Pear Park, Tope Elementary, Orchard Avenue Elementary, Lincoln Park Elementary, East Middle School, Chipeta Elementary, the Administration Annex building, Riverside Elementary, Columbus Elementary, and Orchard Mesa Middle School to R-8 (Residential – 8 units per acre); Grand Junction

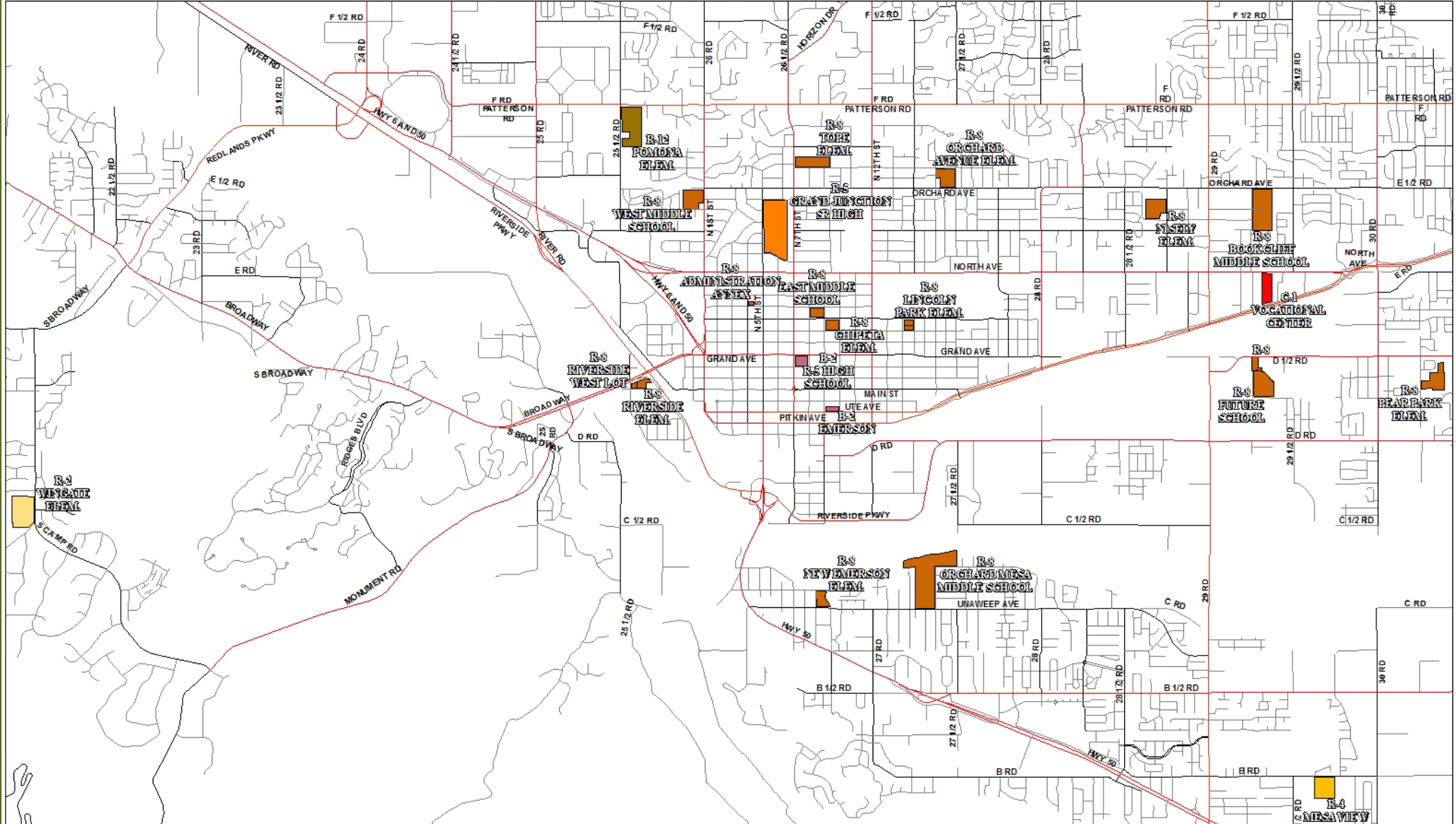
High School, and West Middle School, to R-5 (Residential – 5 units per acre); Wingate Elementary to R-2 (Residential – 2 units per acre); Mesa View Elementary School to R-4 (Residential – 4 units per acre); the Vocational Center and Emerson School to C-1 (Light Commercial); and R-5 High School to B-2 (Downtown Business); the following findings of fact and conclusions have been determined:

1. The requested zones are consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

#### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwards a recommendation of approval of the requested rezones, file number RZN-2011-1190, to the City Council with the findings and conclusions listed above.

# School District 51 Properties that are Proposed for Rezone



**Current Zoning CSR (Community Services & Recreation) - Proposed Rezone**

<span style="color: red;">■</span>	<span style="color: purple;">■</span>	<span style="color: yellow;">■</span>	<span style="color: orange;">■</span>	<span style="color: brown;">■</span>	<span style="color: olive;">■</span>
C-1	B-2	R-2	R-4	R-5	R-8
					R-12

## **School District Rezones**

There are approximately 24 properties, within the City limits, owned by the School District that are currently zoned CSR (Community Service and Recreation). The City is attempting to rezone all school properties, within the City limits, currently zoned CSR, to a zoning designation that matches or is similar to the zoning of the surrounding neighborhood. This will bring the school properties into conformance with the Comprehensive Plan that was adopted last year. Schools are allowed in any zone district, so this has no affect on the schools for their use or operation.

### ***Frequently Asked Questions***

#### **Who initiated the rezone?**

The City of Grand Junction initiated the rezones (not the School District) in order to bring the existing zoning into conformance with the City's Comprehensive Plan that was adopted last year.

#### **Is the School District going to build houses on the school sites?**

No, no application has been made by the School District to build or change anything on the school owned properties.

#### **Is the School District going to sell my neighborhood school?**

There has been no discussion with the City regarding the sale of existing schools.

#### **What does du/ac mean? Does that mean duplex?**

"du" stands for dwelling unit; "ac" stands for acres. R-8 means, Residential- 8 dwelling units per acre. R-5 means Residential – 5 dwelling units per acre, etc.

#### **Why change from CSR?**

The Comprehensive Plan only recognizes CSR zoning for Parks and Open Space, in Rural, Conservation/Mineral Extraction and Business Park Mixed Use areas.



OPEN HOUSE  
November 9, 2011  
4-6:00 p.m.  
Grand Junction City Hall

### Zoning Change Open House Blue polygons, Zones 3, 7, 10, 14 and School Districts Comment Sheet

Are your comments in relation to a certain property? If so, what is the address or general area? \_\_\_\_\_

Orchard Mesa

May we hear any comments or any concerns you have about proposed zoning changes?

① The R8 level of density is way to dense, makes roads too narrow & lots small.

② I don't like having school zones taken from some property & re-zoned for residential - this should be a zoning request that is totally NOT near schools & school properties in community.

Name [Signature]  
Address 331 Adams Ct  
5700 81503  
Phone 243-2777  
Email \_\_\_\_\_

Please turn your comments in tonight or mail them to:  
Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81506



OPEN HOUSE  
November 9, 2011  
4-6:00 p.m.  
Grand Junction City Hall

### Zoning Change Open House Blue polygons, Zones 3, 7, 10, 14 and School Districts Comment Sheet

Are your comments in relation to a certain property? If so, what is the address or general area? \_\_\_\_\_

*In part - (Topo school area)*

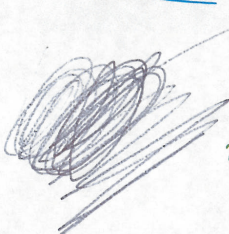
May we hear any comments or any concerns you have about proposed zoning changes?

*Concerned that we are changing any of the school properties from Community, Precinct to residential designation. It would seem that schools should be classified the same as public parks. These spaces belong to the public, for public use and ownership. (Schools are not residential) and should not be classified as such for convenience or appearance on a map.*

Name *Mrs Margaret Beckner*  
Address *113 26 1/2 Rd.*  
*G. Jct.*  
Phone *242-2541*  
Email \_\_\_\_\_

Please turn your comments in tonight or mail them to:  
Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81506





**Zoning Change Open House**  
Blue polygons, Zones 3, 7, 10, 14 and School Districts  
**Comment Sheet**

Are your comments in relation to a certain property? If so, what is the address or general area? \_\_\_\_\_

Orchard mesa Middle School.

May we hear any comments or any concerns you have about proposed zoning changes?

Zoning change to R-8 is inappropriate. That is too high <sup>development,</sup> density. The higher the denser, often the less quality lower-income sort of ~~development~~ residence population happens - let's face it. This is not beneficial to promote next to a middle school.

As Orchard mesa develops, if it is not for the school to expand, offices would be a better use. Open space is best. It is used for football, Basketball, Softball etc.

Name Janet Mason  
Address 2752 Cheyenne Dr  
GJ  
Phone 243-6213  
Email \_\_\_\_\_

Please turn your comments in tonight or mail them to:

Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81506



OPEN HOUSE  
November 9, 2011  
4-6:00 p.m.  
Grand Junction City Hall

## Zoning Change Open House

Blue polygons, Zones 3, 7, 10, 14 and School Districts

### Comment Sheet

Are your comments in relation to a certain property? If so, what is the address or general area? \_\_\_\_\_

My comments are regarding East Middle School. 830 Gunnison.

May we hear any comments or any concerns you have about proposed zoning changes?

My biggest concern is that recently Washington Park was, I believe <sup>it was</sup> leased to the school district. I am worried that Washington Park would then get changed to R-8 along w/ the school. The school use of Washington Park seems to be a "grey" area as far as ownership. I understand the Comp. Plan I just want to make sure the Park stays a park. If you could please figure out the owenship of the park that would be great.

Name Jeff Warner

Address 830 HILL AVE  
G.J. CO 81501

Phone 970-485-0631

Email jeffjwarner@gmail.com

Please turn your comments in tonight or mail them to:

Greg Moberg, Planning Service Supervisor  
Public Works & Planning  
City of Grand Junction  
250 N. 5th Street  
Grand Junction, CO 81506

## Email Comments Received

**From:** Carrie Hinds <carriehinds@hotmail.com>

**To:** <lorib@gjcity.org>

**Date:** 11/6/2011 1:31 PM

**Subject:** East Middle School Rezone Comment

After researching and learning about the specifics of the RZN-2011-1171-East Middle School Rezone, I would like to take this opportunity to say I am 100% AGAINST this development proposal. Passing this proposal would potentially mean changing the dynamics of neighborhoods, in my opinion, in a disastrously negative way. Thanks for the chance to express my opinion on this matter. Carrie Hinds 926 Hill Avenue, Grand Junction, CO 81501, 970.256.0359.

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**From:** <RWells2000@aol.com>

**To:** <lorib@gjcity.org>

**Date:** 11/8/2011 11:04 AM

**Subject:** RZN-2011-1168-Orchard Ave. Elementary Rezone-1800 Orchard Ave

We are the owners of property at 2135 N. 20th St. and received a notice concerning the above-referenced proposal to change the zoning for the subject property from City CSR (Community Services and Recreation) to City R-8 (Residential-8 du/ac). In a telephone conversation with Rex Wells on November 7, you indicated this proposal was initiated by the City of Grand Junction (City) to "clean up the maps" relative to the City's comprehensive plan and that there was no development or change to the subject property currently being proposed. You also indicated the intent of the City CSR zoning designation is primarily (but not always) for City-owned properties.

We strongly oppose the proposed zoning change and believe the zoning designation for the subject property should remain as is. In fact, if the City's comprehensive plan includes provisions that the zoning of such properties should be changed to the same designation as surrounding properties, we believe the comprehensive plan should be changed.

The closest City park to this neighborhood is Rocket Park which is some distance away. Publicly-owned properties such as the Orchard Avenue Elementary School are important as open space for local neighborhoods and the zoning of such properties

should reflect that importance, as the current zoning designation for the property does. Under the current zoning designation, if the school district should ever decide to sell the property to a private individual or a developer, a change of zoning request would be required to change the use of the property and would likely be a condition of the sale. Such a request would require notice to nearby residents of the potential change of ownership and use of the property and provide an opportunity for comment by those residents. Changing the zoning at this time would eliminate such notice and opportunity for comment, and the first time that nearby residents might be informed of changes to the property might be when a new owner submitted a subdivision plat. However, any subdivision plat that would conform to the City R-8 zoning would likely be approved.

We do not believe the rationale for "cleaning up the maps" is a compelling reason for this action. Whenever a comprehensive plan is adopted, there are generally properties that are anomalous to the plan because of previous zoning designations and/or have "grandfathered" property rights that must be accounted for in future actions. Thus, the current zoning designation does not appear to place an undue burden on the City, and as stated above, actually serves to highlight the public ownership and importance of the property.

We received the notice for this proposed action on November 3, 2011, and the notice states that comments should be received by November 8, 2011. We believe this is an unreasonably short time for research into the proposal and the submission of comments. In addition, the mailed notice had very little information on the proposal and a search of the City's website on November 7 indicated that no information on the proposal (even its existence) had been posted to the website. If the City wishes to receive meaningful comment on such proposals, information should be readily available and sufficient time should be provided for residents to research and comment. Even though you indicated there would be future opportunities for public involvement in this matter, the public should be provided ample time at all comment opportunities. However, we do appreciate you returning a telephone call and for the information you provided over the telephone.

Sincerely,  
Rex Wells  
Judy Wells  
Kathleen Carlson

---

John Thomas  
321 Quail Drive  
Grand Junction, Co 81507  
970.245.1195  
juano@bresnan.net

Ladies and Gentlemen of the Planning Commission and City Council In the matter of rezoning District 51 properties:

My general comment is that a blanket rezone of school properties from CSR to the zone of surrounding developed properties, such as an R2 zone, is inappropriate. The lands owned by the District are quite diverse and some of them include parks and other valuable public recreation facilities. Instead of a blanket rezone I would suggest that the District propose a list of properties that they consider "surplus" and request the rezone of those properties. The remaining properties should remain under the CSR zone for its increased protection.

And now a comment on a specific property to emphasize its value and to support my comment above. The Wingate School parcel includes a five acre piece that has been developed into a neighborhood park. Wingate park is considered by the neighbors to be a real gem, beautifully landscaped and maintained by the City. It is very popular and its uses include active play for all of the after school sports activities of the kids, as a popular walking spot for a great many of the adult population, and the Pavilions are well used for family and neighborhood gatherings. I believe you will find strong support for this land to remain a park.

The park land was given to the District as a condition for development of neighboring Canyon View Subdivision expressly for use as a neighborhood park facility. This five acre piece is contiguous to the Canyon View development and as such has available to it the access and all utilities needed for redevelopment. At some time in the future this School Board or another being strapped for cash may be tempted to detach and develop this parcel, as the original school land could stand alone as a school ground. In this era of financially stressed school districts and municipalities, I don't think that suggesting this possibility is a stretch, but rather a prudent assessment of current and future conditions. Understanding that a review would have to take place for development to occur, I still maintain that a future request for a rezone from CSR to R2 poses a much higher hurdle for the District to overcome than if a development zone is in place. Lori Bowers commented to me that there are several other school parcels that include property acquired by gift. I don't think it places an unreasonable burden on the District to request a rezone for parcels such as Wingate. The covenant between giver and receiver is an abiding promise that requires special recognition and the utmost support and protection from the City in these matters.

Sincerely,

John Thomas  
Developer, Canyon View Subdivision, Neighborhood resident

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**From:** EP Heuscher <efh0205@tds.net>  
**To:** <lorib@gjcity.org>  
**Date:** 11/8/2011 3:21 PM  
**Subject:** OMMS area should be zoned to reflect all of the nearby properties.

Dear Lori Bowen,

City of GJ Planning Dept.

Thank you so much for your reply it is much appreciated.

Regarding the zoning, I was the representative from the City portion of OM on the OM Master Plan. The nearby zoning for the Laguna area subdivision, immediately adjacent to the school, the Cheyenne Drive homes directly across from the Eagle Rim Park are not built out to RSF8 but rather 4 or 5. I do not know what the zoning was when the homes were built but they have been there more than 30 years! The Eagle Subdivision adjacent to Laguna and Cheyenne were probably built 4U/acre but the zoning was officially for 5 because neighbors did not want RSF 8 and they successfully had it rezoned.

Also, there are many areas built out to 2U/ acre very close to the school and some very large properties with one house on several acres immediately adjacent to Eagle Rim Park. Therefore considering all of the areas very close to the school, the zoning should be 4 or perhaps 5 U/ an acre definitely not at the 8u/acre density. In other words it should reflect the whole area. Please adhere to this request and the request of others who own property in the area and feel that 4 or 5 U/ an acre most closely matches the area not only when the Master Plan was adopted but after the building of an entirely new subdivision next to Laguna and next to the 30 year old lower density homes of Cheyenne Drive.

Sincerely,

Penny Heuscher

Representative to the OM Master Plan

330 Mountain View Ct

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**From:** "ALLEN B SMITH" <absjcs@msn.com>  
**To:** "Lori Bowers" <lorib@ci.grandjct.co.us>  
**Date:** 11/7/2011 4:30 PM  
**Subject:** Re: Lincoln Park Elementary Rezone

Lori--

Thank you so much for the information. This certainly makes sense. Sounds like a good idea.

Janet Smith 622 N. 16th St. 245-2019

----- Original Message -----

From: Lori Bowers<mailto:lorib@ci.grandjct.co.us>

To: ALLEN B SMITH<mailto:absjcs@msn.com>  
Sent: Monday, November 07, 2011 2:48 PM  
Subject: Re: Lincoln Park Elementary Rezone

Janet,

The rezoning is a City initiated rezone (not a request by the School District). The City is attempting to rezone all school properties currently zoned CSR and bring them into conformance with what the surrounding neighborhood zoning is. Schools are allowed in any zone district. By rezoning these properties it cleans up the City's zoning map and brings it into conformance with the City's Comprehensive Plan, which was adopted last year. R-8 means Residential, 8 dwelling units per acre. Nothing is happening with the school, nor are there any plans at this point in time. This affects 24 school owned properties in the City limits, as I mentioned above the only thing changing is the zoning map, nothing on the ground.

Lori V. Bowers, Senior Planner  
Public Works, Planning Division  
970-256-4033  
lorib@gjcity.org<mailto:lorib@gjcity.org>

>>> On 11/6/2011 at 6:21 PM, in message  
<BAY153-ds541D002CCB6B5C292597CCFD90@phx.gbl>, "ALLEN B SMITH"  
<absjcs@msn.com> wrote:

Hi Lori--

Since my work schedule will not allow me to come to city hall to examine the above rezone documents and even coming to the hearing on Nov. 9 may be difficult, I have a couple of questions.

1. I believe this is where the school is located. What is whoever asking for the rezone planning on doing? Are they going to tear the school down and use the property for housing? If the school is going to stay, what is the point?

2. What does the residential code R-8 mean exactly. Does this mean single family homes or apartments or something else?

Answers to these two questions will determine if I have other comments.

Thank you for your time.  
Janet Smith  
622 N. 16th St. 245-2019

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**From:** Nancy Kendrick <nakendrick@hotmail.com>  
**To:** <lorib@gjcity.org>  
**Date:** 11/7/2011 10:25 AM  
**Subject:** Chipeta Elementary & East Middle Schools Rezone

Hello Lori.

Thank you for returning my call and providing additional information about the rezone. I apologize I missed it.

As the rezoning may help in cleaning up the maps to be consistent with the master plan, I do have concerns. If the properties are rezoned to City R-8 then there is potential for Two-Family and Multifamily dwellings. I do not feel this is consistent with the current zoning of the neighborhood and does not fit with the neighborhood. The current CSR zoning fits well with the existing neighborhood.

I would be against the rezone.

Thank you for allowing comment on this issue.

Nancy Kendrick  
926 Hill Ave



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING 22 SCHOOL DISTRICT #51 OWNED PROPERTIES FROM CSR (COMMUNITY SERVICE AND RECREATION) TO R-2, R-4, R-5, R-8, B-2 AND C-1 LOCATED THROUGHOUT THE CITY**

Recitals.

With the adoption of the Comprehensive Plan certain land use designations no longer allow CSR zoning, which has prompted the City initiated rezones to ensure that the zoning and land use designation of the Comprehensive Plan are consistent. To encourage appropriate reuse, should the School District decide to sell a school site, the property would already be zoned appropriately for redevelopment.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the 22 properties from CSR (Community Service and Recreation) to the R-8 (Residential – 8 units per acre); R-5 (Residential – 5 units per acre); R-4 (Residential – 4 units per acre); - R-2 (Residential – 2 units per acre); B-2 (Downtown Business); and C-1 (Light Commercial) zone districts for the following reasons:

The zone districts meet the recommended land use categories as shown on the Future Land Use Map of the Comprehensive Plan, and the Comprehensive Plan's goals and policies and are generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the aforementioned zone districts be established.

The Planning Commission and City Council find that the zonings are in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following properties shall be rezoned:

543 28  $\frac{3}{4}$  Road – Nisley Elementary - R-8 (Residential – 8 units per acre)

540 29  $\frac{1}{4}$  Road – Bookcliff Middle School - R-8 (Residential – 8 units per acre)

432 30 ¼ Road – Pear Park Elementary - R-8 (Residential – 8 units per acre)

2927 D ½ Road – Vacant Land in Pear Park - R-8 (Residential – 8 units per acre)

D ¼ and 29 ¼ Roads – Vacant Land Pear Park, tax parcel 2943-173-34-941 - R-8 (Residential – 8 units per acre)

123 W Orchard Avenue – West Middle School - R-8 (Residential – 8 units per acre)

2220 N 7<sup>th</sup> Street – Tope Elementary – R-8 (Residential – 8 units per acre)

1800 Orchard Avenue – Orchard Avenue Elementary - R-8 (Residential – 8 units per acre)

600 N 14<sup>th</sup> Street – Lincoln Park Elementary - R-8 (Residential – 8 units per acre)

830 Gunnison Avenue – East Middle School - R-8 (Residential – 8 units per acre)

950 Chipeta Avenue – Chipeta Elementary - R-8 (Residential – 8 units per acre)

410 Hill Avenue – Administration Annex Building - R-8 (Residential – 8 units per acre)

552 W Main Street – Riverside Elementary, 2 parcels - R-8 (Residential – 8 units per acre)

2660 UnawEEP Avenue – Columbus Elementary - R-8 (Residential – 8 units per acre)

2736 UnawEEP Avenue – Orchard Mesa Middle School - R-8 (Residential – 8 units per acre)

1400 N 5<sup>th</sup> Street – Grand Junction High School - R-5 (Residential – 5 units per acre)

2967 B Road – Mesa View Elementary - R-4 (Residential – 4 units per acre)

351 S Camp Road – Wingate Elementary - R-2 (Residential – 2 units per acre)

310 N 7<sup>th</sup> Street – R-5 High School - B-2 (Downtown Business)

930 Ute Avenue – Emerson School - C-1 (Light Commercial)

2935 North Avenue – Vocational Center - C-1 (Light Commercial)

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor



Date: January 5, 2012  
 Author: Brian Rusche  
 Title/ Phone Ext: Sr. Planner/4058  
 Proposed Schedule: Resolution Referring Petition Monday, January 16, 2012  
 2nd Reading: Wednesday, March 7, 2012  
 File #: ANX-2011-1328

**CITY COUNCIL AGENDA ITEM**

**Attach 7**

<b>Subject:</b> Suncor Annexation, Located at 2200 Railroad Avenue
<b>Action Requested/Recommendation:</b> Adopt a Resolution Referring the Petition for the Suncor Annexation, Introduce the Proposed Ordinance and Set a Hearing for March 7, 2012.
<b>Presenters Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Brian Rusche, Senior Planner

**Executive Summary:** Request to annex 45.43 acres, located at 2200 Railroad Avenue. The Suncor Annexation consists of one (1) parcel of approximately 27.56 acres. There are 11.34 acres of public right-of-way, along with 6.53 acres of railroad property contained within this annexation area.

**Background, Analysis and Options:** This annexation area consists of 45.43 acres, comprised of one (1) parcel of approximately 27.56 acres located at 2200 Railroad Avenue, 11.34 acres of public right-of-way, along with approximately 6.53 acres of railroad property. The property owners have requested annexation into the City to allow for development on the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

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

The proposed annexation meets Goal 12 by providing an opportunity for an enhancement of an existing industrial facility.

**Board or Committee Recommendation:** The Planning Commission will consider the Zone of Annexation on January 24, 2012. Their recommendation will be forwarded in the 1<sup>st</sup> reading of the Zoning Ordinance on February 13, 2012.

**Financial Impact/Budget:** The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

**Legal issues:** None.

**Other issues:** None.

**Previously presented or discussed:** A Neighborhood Meeting took place on December 22, 2011.

**Attachments:**

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

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2200 Railroad Avenue		
<b>Applicant:</b>		Suncor Energy (USA) Inc.		
<b>Existing Land Use:</b>		Industrial		
<b>Proposed Land Use:</b>		Industrial		
<b>Surrounding Land Use:</b>	<b>North</b>	Railroad/Highway/Commercial		
	<b>South</b>	Gravel Pit		
	<b>East</b>	Industrial		
	<b>West</b>	Industrial		
<b>Existing Zoning:</b>		County PUD (Planned Unit Development) with a Conditional Use Permit (CUP)		
<b>Proposed Zoning:</b>		I-I (Light Industrial)		
<b>Surrounding Zoning:</b>	<b>North</b>	C-2 (General Commercial)		
	<b>South</b>	County PUD (Planned Unit Development)		
	<b>East</b>	I -1 (Light Industrial) I-2 (General Industrial)		
	<b>West</b>	County PUD (Planned Unit Development) I-2 (General Industrial)		
<b>Future Land Use Designation:</b>		Commercial/Industrial		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 45.43 acres, comprised of one (1) parcel of approximately 27.56 acres located at 2200 Railroad Avenue, 11.34 acres of public right-of-way, along with approximately 6.53 acres of railroad property.

The property owners have requested annexation into the City to allow for development on the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

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

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed:

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>January 16, 2012</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>January 24, 2012</b>	Planning Commission considers Zone of Annexation
<b>February 13, 2012</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>March 7, 2012</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>April 8, 2012</b>	Effective date of Annexation and Zoning

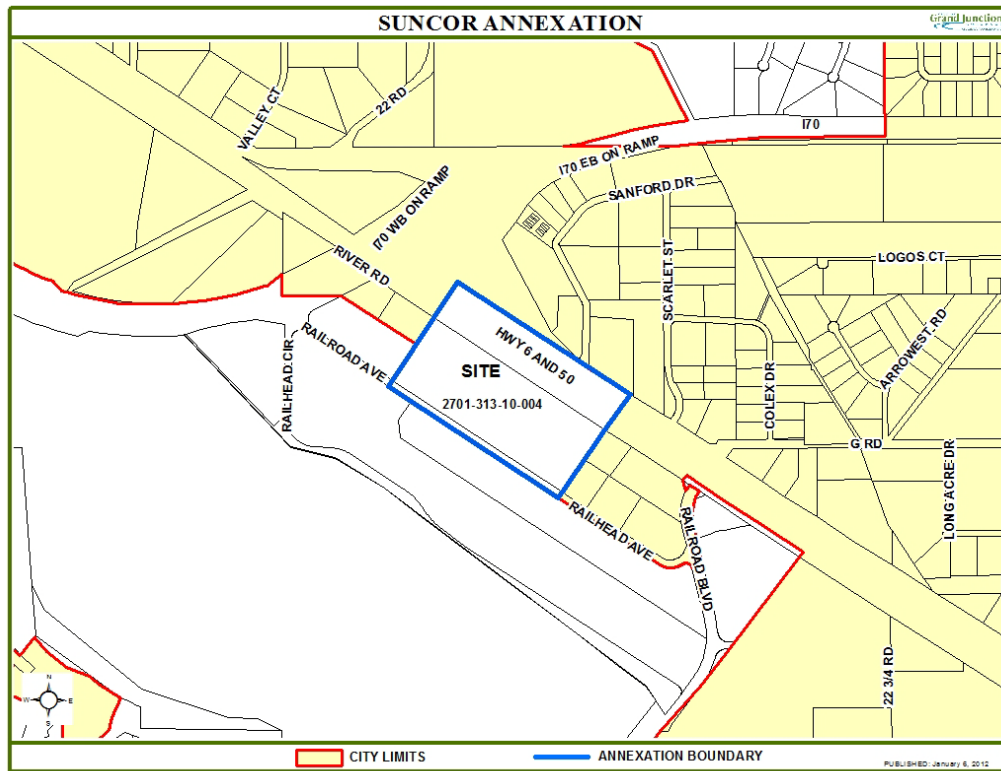
**SUNCOR ANNEXATION SUMMARY**

<b>File Number:</b>		ANX-2011-1328
<b>Location:</b>		2200 Railroad Avenue
<b>Tax ID Numbers:</b>		2701-313-10-004
<b># of Parcels:</b>		1
<b>Estimated Population:</b>		0
<b># of Parcels (owner occupied):</b>		0
<b># of Dwelling Units:</b>		0
<b>Acres land annexed:</b>		45.43 acres (including 6.53 acres of railroad property)
<b>Developable Acres Remaining:</b>		27.56 acres
<b>Right-of-way in Annexation:</b>		11.34 acres
<b>Previous County Zoning:</b>		County PUD (Planned Unit Development) with a Conditional Use Permit (CUP)
<b>Proposed City Zoning:</b>		I-1 (Light Industrial)
<b>Current Land Use:</b>		Industrial
<b>Future Land Use:</b>		Industrial
<b>Values:</b>	<b>Assessed:</b>	\$591,970
	<b>Actual:</b>	\$2,041,290
<b>Address Ranges:</b>		2200 – 2230 Railroad Avenue
<b>Special Districts:</b>	<b>Water:</b>	Ute Water Conservancy District
	<b>Sewer:</b>	Persigo 201
	<b>Fire:</b>	Grand Junction Rural Fire Protection District
	<b>Irrigation/ Drainage:</b>	Grand Valley Irrigation Company Grand Valley Drainage District
	<b>School:</b>	Mesa County Valley School District #51
	<b>Pest:</b>	N/A



# Annexation / Site Location Map

Figure 1



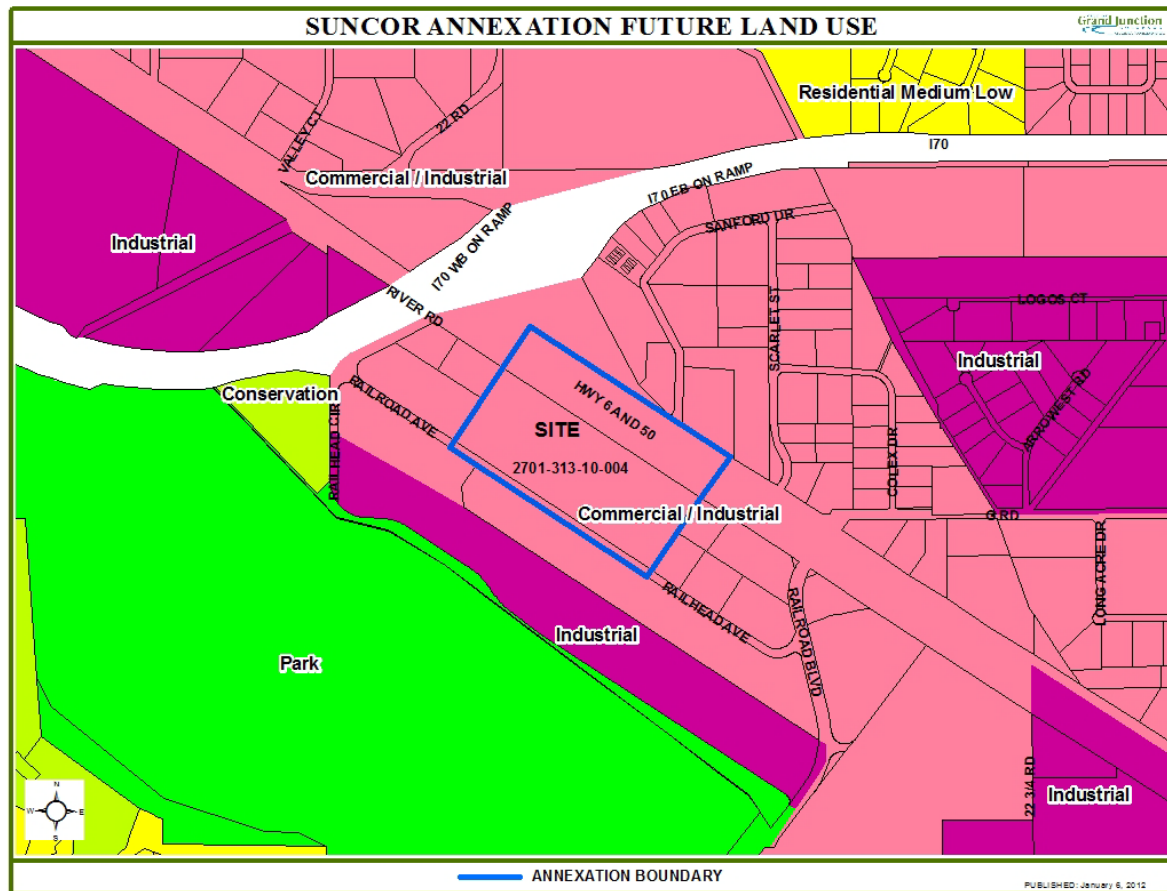
# Aerial Photo Map

Figure 2



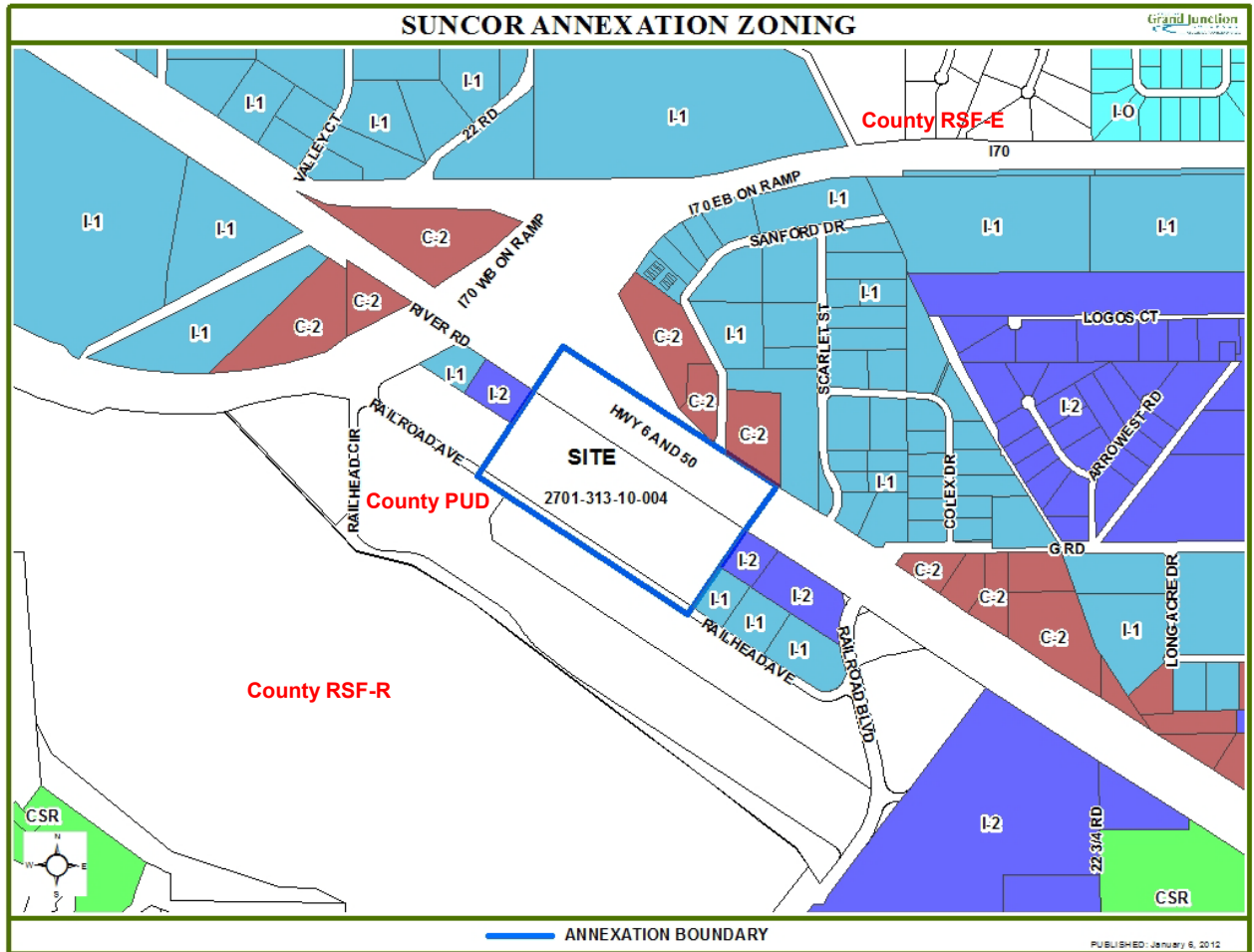
# Comprehensive Plan – Future Land Use Map

## Figure 3



# Existing City and County Zoning Map

Figure 4



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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 16<sup>th</sup> day of January, 2012, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_-12**

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

**SUNCOR ANNEXATION**

**LOCATED AT 2200 RAILROAD AVENUE AND  
INCLUDING A PORTION OF THE RAILROAD AVENUE AND  
US HIGHWAY 6 & 50 RIGHT-OF-WAY**

WHEREAS, on the 16<sup>th</sup> day of January, 2012, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**SUNCOR ANNEXATION**

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 31, Township 1 North, Range 1 West, the Southeast Quarter (SE 1/4) of Section 36, Township 1 North, Range 2 West and the Northwest Quarter (NW 1/4) of Section 6, Township 1 South, Range 1 West, all in the Ute Principal Meridian, being a portion of Blocks One and Two of the Railhead Industrial Subdivision, as Amended, as same is recorded in Plat Book 13, Pages 34 and 35, Public Records of Mesa County, Colorado and being more particularly described as follows:

Bounded on the South by the South right of way for Railroad Avenue, as same is shown on said plat of Railhead Industrial Park, as Amended; bounded on the East by the West line of Loggains Annexation, City of Grand Junction Ordinance No. 3821, as same is recorded in Book 3990, Page 987, Public Records of Mesa County, Colorado and the West line of Mesa Moving Annexation, City of Grand Junction Ordinance No. 3306, as same is recorded in Book 2780, Page 17, Public Records of Mesa County, Colorado; bounded on the West by the East line and its Southerly projection that intersects the South right of way of said Railroad Avenue of Steel Inc. Annexation, City of Grand Junction Ordinance No. 3094, as same is recorded in Book 2564, Page 86, Public Records of Mesa County, Colorado AND bounded on the North by the South line of Grand Junction West Annexation, City of Grand Junction Ordinance No. 2555, as same is recorded in Book 1876, Page 987 and the South line of Grand Junction Persigo Annexation No. 2, City of Grand Junction Ordinance No. 2556, as same is recorded in Book 1876, Page 346, both in the Public Records of Mesa County, Colorado.

CONTAINING 45.43 Acres or 1,979,142 Square Feet, more or less, as described

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

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

1. That a hearing will be held on the 7<sup>th</sup> day of March, 2012, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Attest:

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

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

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

---

City Clerk

<i>DATES PUBLISHED</i>
<b>January 18, 2012</b>
<b>January 25, 2012</b>
<b>February 1, 2012</b>
<b>February 8, 2012</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**SUNCOR ANNEXATION**

**APPROXIMATELY 45.43 ACRES**

**LOCATED AT 2200 RAILROAD AVENUE AND  
INCLUDING A PORTION OF THE RAILROAD AVENUE, RIVER ROAD, AND  
HIGHWAY 6 & 50 RIGHT-OF-WAY**

**WHEREAS**, on the 16<sup>th</sup> day of January, 2012, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 7<sup>th</sup> day of March, 2012; and

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

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

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

**SUNCOR ANNEXATION**

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 31, Township 1 North, Range 1 West, the Southeast Quarter (SE 1/4) of Section 36, Township 1 North, Range 2 West and the Northwest Quarter (NW 1/4) of Section 6, Township 1 South, Range 1 West, all in the Ute Principal Meridian, being a portion of Blocks One and Two of the Railhead Industrial Subdivision, as Amended, as same is recorded in Plat Book 13, Pages 34 and 35, Public Records of Mesa County, Colorado and being more particularly described as follows:

Bounded on the South by the South right of way for Railroad Avenue, as same is shown on said plat of Railhead Industrial Park, as Amended; bounded on the East by the West line of Loggains Annexation, City of Grand Junction Ordinance No. 3821, as same is recorded in Book 3990, Page 987, Public Records of Mesa County, Colorado and the West line of Mesa Moving Annexation, City of Grand Junction Ordinance No. 3306, as same is recorded in Book 2780, Page 17, Public Records of Mesa County, Colorado; bounded on the West by the East line and its Southerly projection that



intersects the South right of way of said Railroad Avenue of Steel Inc. Annexation, City of Grand Junction Ordinance No. 3094, as same is recorded in Book 2564, Page 86, Public Records of Mesa County, Colorado AND bounded on the North by the South line of Grand Junction West Annexation, City of Grand Junction Ordinance No. 2555, as same is recorded in Book 1876, Page 987 and the South line of Grand Junction Persigo Annexation No. 2, City of Grand Junction Ordinance No. 2556, as same is recorded in Book 1876, Page 346, both in the Public Records of Mesa County, Colorado.

CONTAINING 45.43 Acres or 1,979,142 Square Feet, more or less, as described

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

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

Attest:

---

President of the Council

---

City Clerk



Date: January 6, 2012  
Author: Shelly Dackonish  
Title/ Phone Ext: Senior Staff  
Attorney/ Ext: 4042  
Proposed Schedule:  
1<sup>st</sup> Reading: January 16, 2012  
2nd Reading: February 1, 2012  
File Number ZCA-2011-1313

## CITY COUNCIL AGENDA ITEM

### Attach 8

<b>Subject:</b> Amendment to Section 21.08.020(b)(1) of the Grand Junction Municipal Code Concerning Expansion of Nonconforming Nonresidential Land Uses
<b>Action Requested/Recommendation:</b> Introduce a Proposed Ordinance and Set a Public Hearing for February 1, 2012
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Lisa Cox, Planning Manager

### Executive Summary:

This amendment to Section 21.08.020(b)(1) would eliminate the 20% limitation on expansion of nonconforming, nonresidential land uses.

### Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code. City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code. This proposed amendment will enhance the responsiveness of the Zoning Code to the concerns of citizens and the development and business communities, as well as enhance its effectiveness.

The proposed amendment to Section 21.08.020(b)(1) eliminates a provision that allows no more than a 20% (based on floor or ground area) expansion of a nonconforming, nonresidential use of land. That limitation was imposed to encourage use of land in accordance with what is allowed in the applicable zone district. Staff has found, however, that the ability to expand a nonconforming use where site limitations themselves do not constrain such expansion provides a valuable tool for citizens who are not in a position to relocate and, under the current economic constraints, may also support the highest and best use of a given piece of property. With this amendment, nonconforming uses will still be required to otherwise meet the standards of the Code when they are expanded.

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

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

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

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

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by providing to property and business owners flexibility and the opportunity to maximize use of lands containing a lawful nonconforming use.

**Board or Committee Recommendation:**

The Planning Commission voted to recommend approval of the proposed amendment at its January 10, 2012 meeting with the following findings of fact and conclusions:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

**Financial Impact/Budget:**

There are no anticipated financial or budget impacts.

**Legal issues:**

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law.

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

Proposed Ordinance

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 21.08.020(b)(1)  
OF THE GRAND JUNCTION MUNICIPAL CODE**

**Recitals:**

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

Section 21.08.020(b)(1) currently limits expansion of otherwise lawful nonconforming, nonresidential uses to 20% of the floor or ground area.

The Grand Junction City Council desires to encourage the highest and best use of the land within its boundaries in accordance with applicable law, and finds that allowing expansion of otherwise lawful nonconforming, nonresidential, uses without imposing an arbitrary limitation thereon, furthers that goal.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendment for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that an amendment eliminating the 20% limitation on expansion of otherwise lawful nonconforming, nonresidential uses will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.08.020(b)(1) is amended as follows (deletions shown by strikethrough, additions are underlined):

(b) Nonresidential Uses.

(1) Expansion. In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded up to 20 percent of ~~the existing gross floor area as it existed on April 5, 2010,~~ provided all other provisions of this code are met. ~~An outdoor operations/storage/display area may be expanded by up to 20 percent beyond the area of the square footage of the operations/storage/display area as it existed on April 5, 2010, provided all other provisions of this code are met.~~ Nonconforming use shall not be expanded in any residential zoning district.

All other provisions of Section 21.08.020 shall remain in full force and effect.

INTRODUCED on first reading the \_\_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

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

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

21.08.020(b)(1) [clean text]

(b) Nonresidential Uses.

(1) Expansion. In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded provided all other provisions of this code are met. Nonconforming use shall not be expanded in any residential zoning district.



Date: December 22, 2011  
Author: Shelly Dackonish  
Title/ Phone Ext: Senior Staff  
Attorney/ Ext: 4042  
Proposed Schedule:  
1<sup>st</sup> Reading: January 16, 2012  
2nd Reading: February 1, 2012  
File Number ZCA-2011-1315

## CITY COUNCIL AGENDA ITEM

### Attach 9

**Subject:** Amendment to Section 21.06.010(f) of the Grand Junction Municipal Code Concerning Undergrounding of Overhead Utilities

**Action Requested/Recommendation:** Introduce a Proposed Ordinance and Set a Public Hearing for February 1, 2012

**Presenter(s) Name & Title:** Tim Moore, Public Works and Planning Director

### Executive Summary:

This amendment to Section 21.06.010(f) eliminates a requirement that a developer underground existing overhead utilities along alleys and clarifies when a fee in lieu of construction can be paid for undergrounding utilities.

### Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code. City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code. This proposed amendment will enhance the responsiveness of the Zoning Code to the concerns of citizens and the development and business communities, as well as enhance its effectiveness.

The proposed amendment to Section 21.06.010(f) eliminates a requirement for a developer to remove overhead utilities along alleys abutting the development and install them underground, and also clarifies when underground utilities are required and when payment of a fee in lieu may be acceptable.

City Staff has determined that overhead utilities have less visual impact along alleys than they do along streets, and that it is in many instances more costly to underground utilities in or along alleys than along streets, due to the numerous local connection points of utilities along alleys.

The proposed change is also more consistent with the practice of not requiring undergrounding of utilities in the context of alley improvement districts.

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

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

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

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

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

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

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by reducing the cost to developers for infill development and thereby encouraging appropriate reuse of land and revitalization of existing commercial areas, and helping to develop and enhance a healthy, diverse economy.

### **Board or Committee Recommendation:**

The Planning Commission voted to recommend approval of the proposed amendment at its January 10, 2012 meeting with the following findings of fact and conclusions:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

### **Financial Impact/Budget:**

This will result in collection of fewer fees in lieu of undergrounding, especially in infill areas where alleys are most common. Because the fees collected were designated for undergrounding utilities and tied directly with expenses that will no longer be incurred, the impact is expected to be negligible.

### **Legal issues:**

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law.

### **Other issues:**

N/A



**Previously presented or discussed:**

N/A

**Attachments:**

Proposed Ordinance

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 21.06.010(f)  
OF THE GRAND JUNCTION MUNICIPAL CODE**

**Recitals:**

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

Section 21.06.010(f) currently requires a developer to underground existing overhead utilities along streets and alleys that are contiguous with the development, and allows payment of a fee in lieu of undergrounding under certain circumstances.

The Grand Junction City Council finds that it is in the best interest of the community to allow overhead utilities along alleys to remain overhead.

The Grand Junction City Council desires the Zoning and Development Code's infrastructure standards to be clear so that a developer can anticipate with as much accuracy as possible costs associated with a development, and finds that the proposed amendment clarifies the requirement to install utilities underground.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendment for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that an amendment eliminating the requirement for undergrounding overhead utilities along alleys will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.06.010(f) is amended as follows (deletions shown by strikethrough, additions underlined):

(f) Utilities. Utilities, including, but not limited to, telephone, cable, television, electric, and natural gas, shall be provided ~~by, and paid for,~~ by the developer. All utilities and shall be installed underground. ~~All existing overhead utilities along streets contiguous with the development shall be installed underground prior to street or alley surfacing or construction,~~ except when ~~When~~ the development has less than 700 feet of frontage along a street and/or when half street improvements are not required to be completed along the perimeter of the development as part of the project, then in the discretion of the ~~Public Works and Planning Director~~ has discretion to accept a payment of cash in lieu of requiring the developer to underground the existing overhead utilities ~~construction may be accepted.~~ The payment amount shall be determined as set forth in the adopted fee schedule. Necessary above-ground facilities (e.g., pedestals, transformers, and transmission lines of 50 KV capacity or greater) and temporary overhead lines may be allowed if deemed necessary by the ~~City Engineer~~ Director.

All other provisions of Section 21.06.010 shall remain in full force and effect.

INTRODUCED on first reading the \_\_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

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

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

Section 21.06.010(f) [clean text]

(f) Utilities. Utilities, including, but not limited to, telephone, cable, television, electric, and natural gas, shall be provided and paid for by the developer and shall be installed underground. All existing overhead utilities along streets contiguous with the development shall be installed underground prior to street construction. When the development has less than 700 feet of frontage along a street the Director has discretion to accept a payment of cash in lieu of requiring the developer to underground the existing overhead utilities. The payment amount shall be determined as set forth in the adopted fee schedule. Necessary above-ground facilities (e.g., pedestals, transformers, and transmission lines of 50 KV capacity or greater) and temporary overhead lines may be allowed if deemed necessary by the Director.



Date: January 6, 2012  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Senior Planner / 4033  
 Proposed Schedule:  
Wednesday, January 4, 2012  
 2nd Reading: Monday, January 16, 2012  
 File #: PLD-2011-1183

**CITY COUNCIL AGENDA ITEM**

**Attach 10**

<b>Subject:</b> Amend the Redlands Mesa Planned Development, Outline Development Plan and Phasing Schedule
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage of the Proposed Ordinance to Amend the Redlands Mesa Outline Development Plan
<b>Presenter(s) Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Lori V. Bowers, Senior Planner

**Executive Summary:**

The proposed amendment to the almost 14 year old Outline Development Plan (ODP) includes a new phasing schedule, changes in housing type for certain phases of the development and revised bulk standards for future filings, with no change in overall density. All future filings will be subject to the 2010 Zoning and Development Code.

**Background, Analysis and Options:**

The Outline Development Plan for Redlands Mesa Development, located in the Ridges, was approved by the City Council on December 16, 1999. The zoning of the property is PD, Planned Development with an underlying default zone district of R-4. It was designed for 526 residential units, an 18 hole golf course and a commercial parcel including a clubhouse, offices and maintenance facility. The golf course, clubhouse and offices, and maintenance facility have been constructed. The temporary sales office will move to a permanent site near the clubhouse. About 70 residential units have been constructed. The total acreage for the project is 494.08 acres; of those, 145.25 acres are designated open space and deeded to the Redlands Mesa Master Association for care and maintenance. There is a public easement over the open space (but not over the golf course) which is further defined in the "Agreement for Restrictions on the Use of Open Space in Redlands Mesa Planned Development," Recorded at Book 2730, Page 54. There are approximately 60.281 acres remaining to be developed, designated as Parcels 1, 3, 4, 13A, 14, 15A, and 15B.

The original ODP allowed a maximum density of 526 residential units with the density of each phase to be established at the time of Preliminary Plan Approval. Under the 2010 Zoning and Development Code ("new Code"), Preliminary Plans are no longer required, as the ODP must include more detail than required under the previous Zoning Code.

The proposed amended ODP indicates the maximum density of each development area or "Pod." The new Code also allows for density/intensity to be transferred among pods/areas to be developed unless explicitly prohibited by the ODP approval. The Applicants intend to utilize this section of the Code, so the amended ODP does not prohibit transfer of densities. This means that density of a pod can vary from one dwelling unit per acre to eight dwelling units per acre, while preserving the overall maximum density of 526 units. Likewise, the ODP amendments allow construction of single-family homes, townhomes, patio homes or cluster type developments throughout the undeveloped areas, without restricting certain housing types to certain pods. The default zone remains R-4.

Final development plans will be submitted for review and Director approval according to the new Code. The City Attorney will review covenants and restrictions prior to the final development plan approval. More detail is provided in the attached Staff report.

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

The original ODP was consistent with the Growth Plan that was in place at the time the PD Ordinance was adopted. The proposed ODP amendment is consistent with the Comprehensive Plan as follows:

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

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

The Redlands Mesa project has provided and will continue to provide a quality development for the community with attractive open spaces and unique amenities (golf course) and will continue to add balanced growth in the City. The proposed changes will allow flexibility for construction of housing types that the market demands at the time, while respecting an overall density that is consistent with the Comprehensive Plan.

**Board or Committee Recommendation:**

The Planning Commission forwards a recommendation of approval from their meeting of December 13, 2011.

**Financial Impact/Budget:**

N/A

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

Consideration of the Ordinance was Wednesday, January 4, 2012.

**Attachments:**

Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Existing Zoning Map  
Blended Residential Map  
Amended Outline Development Plan (ODP) Map  
Parcel Detail Maps (5)  
Planned Development Rezone Ordinance

## ANALYSIS

### I. Background:

#### Uses and Development Character

The proposed amendment to the existing ODP does not change the original use and development character. Single family detached, multifamily residential and commercial were the uses proposed under the original ODP and still allowed under the proposed amendment.

The densities for each Pod (identified as a parcel and number on the plan) are defined on the Plan. The Applicant reserves the right to transfer densities between the Pods not to exceed the maximum density allowed.

#### Density

Eight Filings have already been platted. The overall proposed residential density of the development is 526 dwelling units. A total of 100.18 acres, containing 259 residential lots have been platted. About 70 units have been constructed. Each Pod describes the allowed uses and minimum/maximum density allowed.

#### Access

Access into and through the development was established with the preceding ODP and final plats and will not change.

#### Open Space / Park

The open space throughout this development was established with the preceding ODP and final plats and will not change.

#### Community Benefit

The purpose of the Planned Development (PD) zone is to provide design flexibility. Planned development should be used when long-term community benefits will be derived, and the vision, goals and policies of the Comprehensive Plan can be achieved. Long-term community benefits include:

1. More efficient infrastructure;
2. Reduced traffic demands;
3. More usable public and/or private open space;
4. Recreational amenities; and/or
5. Needed housing choices.

The proposed amendment allows single family detached and multifamily residential



dwelling units creating needed housing choices. Furthermore internal traffic and pedestrian circulation and clustered development create more efficient use of infrastructure and more usable open space.

Therefore the proposed development meets the following community benefits as outlined in Chapter 5:

1. More efficient infrastructure.
2. More usable public and/or private open space.
3. Recreational amenities.
4. Needed housing choices.

### Phasing Schedule

Pursuant to the Code, the PDP will be submitted within 2 years after approval of the ODP, unless a phasing schedule is otherwise approved with the preliminary plan. The Applicant requests the maximum of 10 years to be allowed to complete the platting of the remaining undeveloped parcels.

### Default Zoning

The Applicant is proposing a default zone of R-4, which is consistent with the Comprehensive Plan Blended Map designation of Residential Low. The bulk standards for the R-4 zone, as indicated under Section 21.03.040(e) in the Zoning Code, are as follows:

Density: 2 to 4 dwelling units per acre  
Maximum lot coverage: 50%  
Minimum lot area: 7,000  
Minimum lot width: 70 feet  
Front yard setback: 20 feet for principal structures/25 feet for accessory structures  
Side yard setback: 7 feet for principal structures/3 feet for accessory structures  
Rear yard setback: 25 feet for principal structures/5 feet for accessory structures  
Maximum building height: 40 feet

The Applicant is proposing the following deviations from the R-4 bulk standards:

#### **Rear Yard Setback**

20' From property line (common rear yard lot lines)  
20' From property line (adjacent to golf or open space)

#### **Side Yard Setback**

5' Internal side setback  
15' Minimum between buildings

15' Perimeter side setback

**Lot Width**

20' Minimum Street Frontage

The Planning Commission may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below. In order for the Planning Commission to recommend and the City Council to approve deviation, the listed amenities to be provided shall be in excess of what would otherwise be required by the code. These amenities include:

- (1) Transportation amenities including, but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;
- (2) Open space, agricultural land reservation or land dedication of 20 percent or greater;
- (3) Community facilities for provision of public services beyond those required for development within the PD;
- (4) The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than 20 years; and
- (5) Other amenities, in excess of minimum standards required by this code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.

It is felt that this development and the proposed ODP amendment meets Amenities (1) and (2) and therefore the deviations should be approved.

II. Consistency with the Comprehensive Plan:

The original ODP was consistent with the Growth Plan that was in place at the time the PD Ordinance was adopted. The proposed ODP amendment is consistent with the Comprehensive Plan as follows: Goal 3: "The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community."

Goal 8: "Create attractive public spaces and enhance the visual appeal of the community through quality development." The Redlands Mesa project has provided and will continue to provide a quality development for the community with attractive open spaces and unique amenities (golf course) and will continue to add balanced growth in the City. The proposed changes will allow flexibility for construction of housing types that the market demands at the time, while respecting an overall density that is consistent with the Comprehensive Plan.

III. Review criteria of Chapter 21.02.150 of the Grand Junction Municipal Code:

Requests for an Outline Development Plan shall demonstrate conformance with all of the following:

The Outline Development Plan review criteria in Section 21.02.150(b):

- a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies.

The project previously complied with the Growth Plan and continues to comply with the Comprehensive Plan, the Grand Valley Circulation Plan and the adopted codes and zoning requirements for this property, as determined with the approved ODP.

- b) The rezoning criteria provided in Section 21.02.140 of the Grand Junction Municipal Code (GJMC).

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

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

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

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

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

Criteria 1, 3 and 5 are found with this application. 1) The adoption of the new Zoning Code in 2010 has updated planning standards and practices and this amended ODP will bring this project in line with those. Criterion 3) Facilities have been installed (infrastructure) which will continue to serve the project. Criterion 5) The new phasing schedule will be a benefit to the community by allowing more time to complete a quality subdivision in slower economic times and by allowing flexibility for future development to respond to market demands for certain housing types.

c) The planned development requirements of Section 21.05.040(f) GJMC;

1. Setback Standards – The following setbacks shall apply:

**Minimum Front Yard Setback**

20' West Ridges Blvd. – from r-o-w (path side)

30' West Ridges Blvd. – from r-o-w (non-path side)

Note: path side is that side 40' from control line shown inside r-o-w.

20' From r-o-w (all others unless otherwise depicted on plat)

**Minimum Rear Yard Setback**

20' From property line (common rear yard lot lines)

20' From property line (adjacent to golf or open space)

5' Internal side setback

15' Minimum between buildings

15' Perimeter side setback

20' Minimum Street Frontage

40' Building Height

65% Maximum Lot coverage

2. Open Space – No changes are proposed; the ODP will continue to require the same 145.25 acres of open space.

3. Fencing/Screening – no change proposed.

4. Landscaping – No changes are proposed. The landscaping requirements from the original ODP meet or exceed the requirement of the present Zoning and Development Code.

5. Parking – Off street parking is and will continue to be provided in accordance with the Zoning Code.

6. Street Development Standards – Existing streets, alleys and easements have been and will continue to be designed and constructed in accordance with TEDS and applicable portions of the GJMC.

d) The applicable corridor guidelines and other overlay districts in Chapter 21.07.

The applicable corridor guidelines found in Section 21.00.07.020 – Environmental/sensitive land regulations has been addressed by the applicant as:

“The project consists of varied topography, rocky outcrops, and broken terrain providing a variety of site conditions, which naturally allows for the separation of the proposed uses and neighborhoods. These same constraints also limited and/or controlled site

access and buildable terrain. The challenge of the site design was to respect the topographic constraints and unique character of the site while providing constructible road alignments, building sites, and a golf course. The neighborhoods through the approved ODP were placed to take advantage of the natural aspects of the site itself such as the rock outcrops and native vegetation, with special attention paid to the spectacular views in all directions. Land unsuitable for development because of geologic constraints was preserved in its natural state. This included drainage ways, steep terrain (slopes in excess of 30%) and rock outcroppings. Areas of “no disturbance” were identified around all proposed building sites in the approved ODP”.

Also applicable to the site is Sub Section (g) Ridgeline Development, which will continue to be effect for this project. There are no changes proposed by the applicant to this section of the Code.

- e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public services and facilities currently exist in this subdivision or are able to be extended to serve the future development.

- f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Adequate circulation and access was demonstrated with the previously approved ODP and will continue to be provided by the amended ODP. The development has provided numerous offsite capital improvements including a second access to The Ridges via Mariposa Drive to Monument Road. The completion of this connection is a significant benefit to the surrounding developments. Internal access for the undeveloped parcels will be given consideration on an individual basis as each pod is submitted for review and approval.

- g) Appropriate screening and buffering of adjacent property and uses shall be provided;

This was demonstrated with the previous approved ODP and is not changed by this amendment. Screening and buffering will continue to be evaluated during the review of each pod.

- h) An appropriate range of density for the entire property or for each development pod/area to be developed;

The amended ODP continues to allow one dwelling unit per acre and/or up to eight dwelling units per acre on sites with fewer geologic constraints.

- i) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed.

The default zone on the property remains of R-4 (Residential – 4 du/ac). The applicant has proposed the bulk standards as presented above as the new standard for the remainder of the property. These bulk standards also include building height, 40-feet which is the same as the R-4 zone district; and maximum lot coverage at 65% which is greater than the 50% allowed in R-4. The new setbacks allow for greater density if a townhouse/patio home or cluster development application is received. Ridgeline setbacks will still apply for those parcels impacted by the Ridgeline Development Map of Section 21.07 of the GJMC.

- j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

Due to existing economic conditions that are likely to affect the real estate market for many years to come, the applicant is requesting the maximum 10 years be allowed to complete the platting of the remaining undeveloped parcels. Other than completing the entire development by 2021, the applicant does not propose any more specific phasing deadlines.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the Redlands Mesa ODP application, file number PLN-2011-1183 for an amendment to the Outline Development Plan, staff makes the following findings of fact and conclusions:

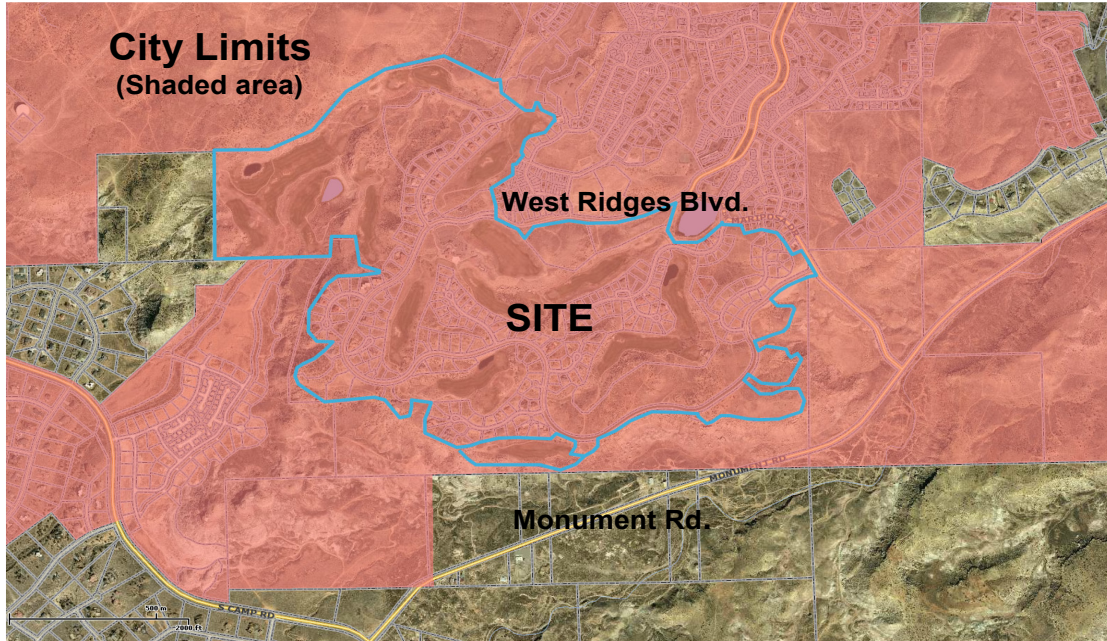
1. The requested amendment to the Outline Development Plan is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.05.150 of the Grand Junction Municipal Code have all been met.
3. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code (rezoning) have been met.
4. The request for a 10 year phasing schedule is in compliance with Section 21.02.080(N)(22)(i) of the GJMC.

#### PLANNING COMMISSIONS RECOMMENDATION:

At their December 13, 2011 meeting the Planning Commission forwarded a recommendation of approval of the requested amendment to the Redlands Mesa Outline Development Plan; file number PLN-2011-1183 with the findings and conclusions listed above.

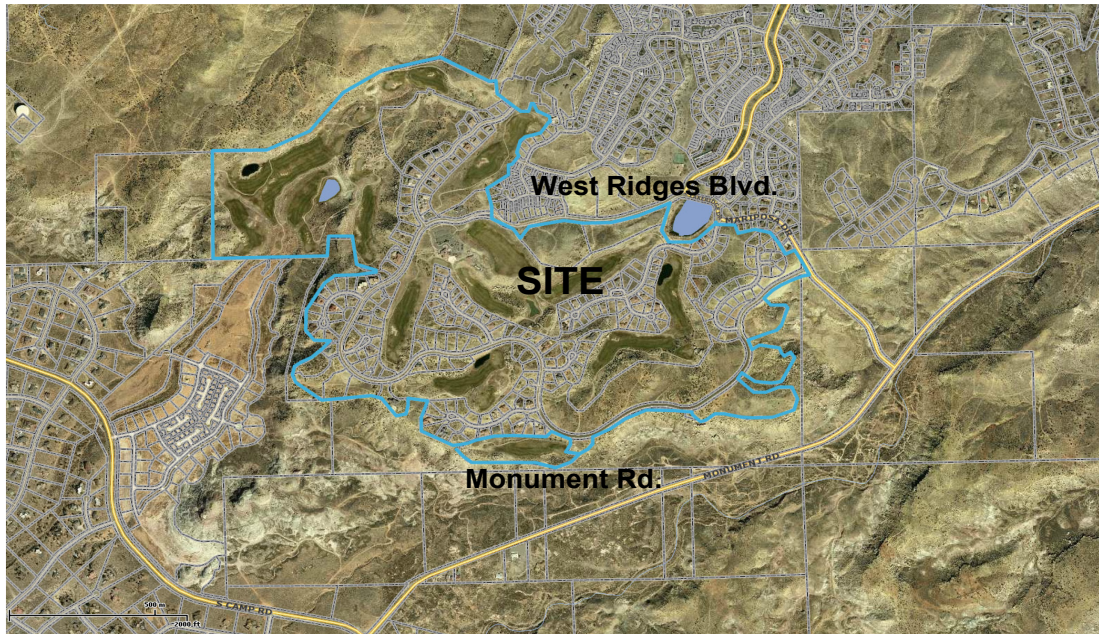
# Site Location Map

Amending Redlands Mesa ODP



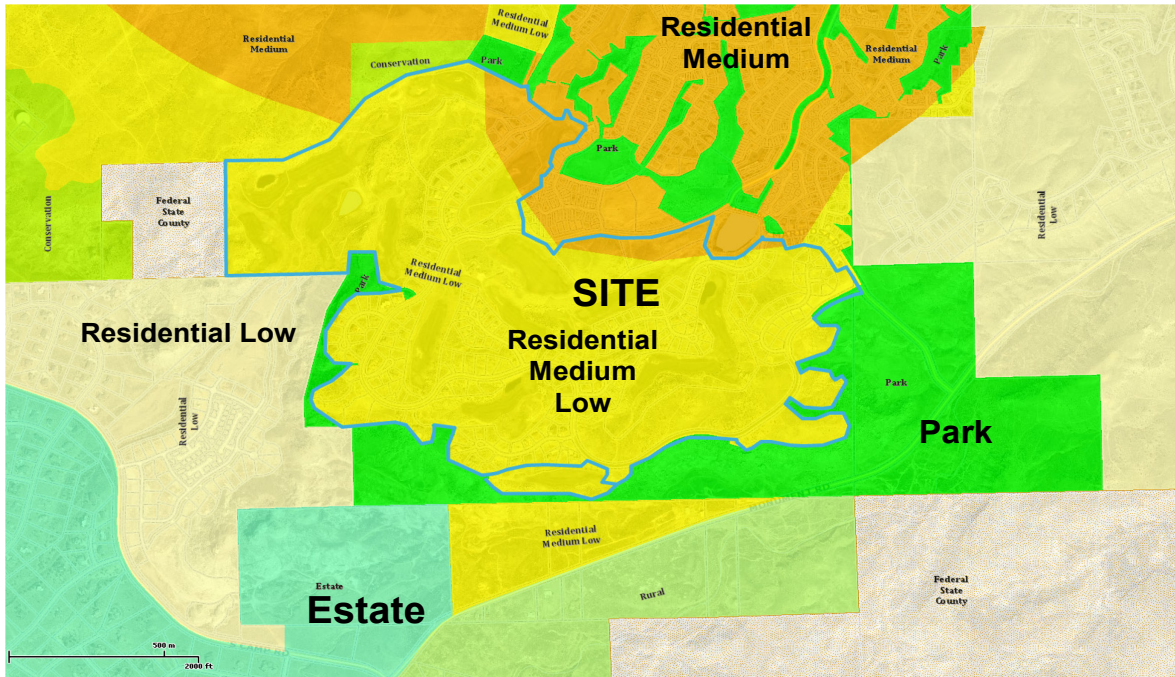
# Aerial Photo Map

Amending Redlands Mesa ODP



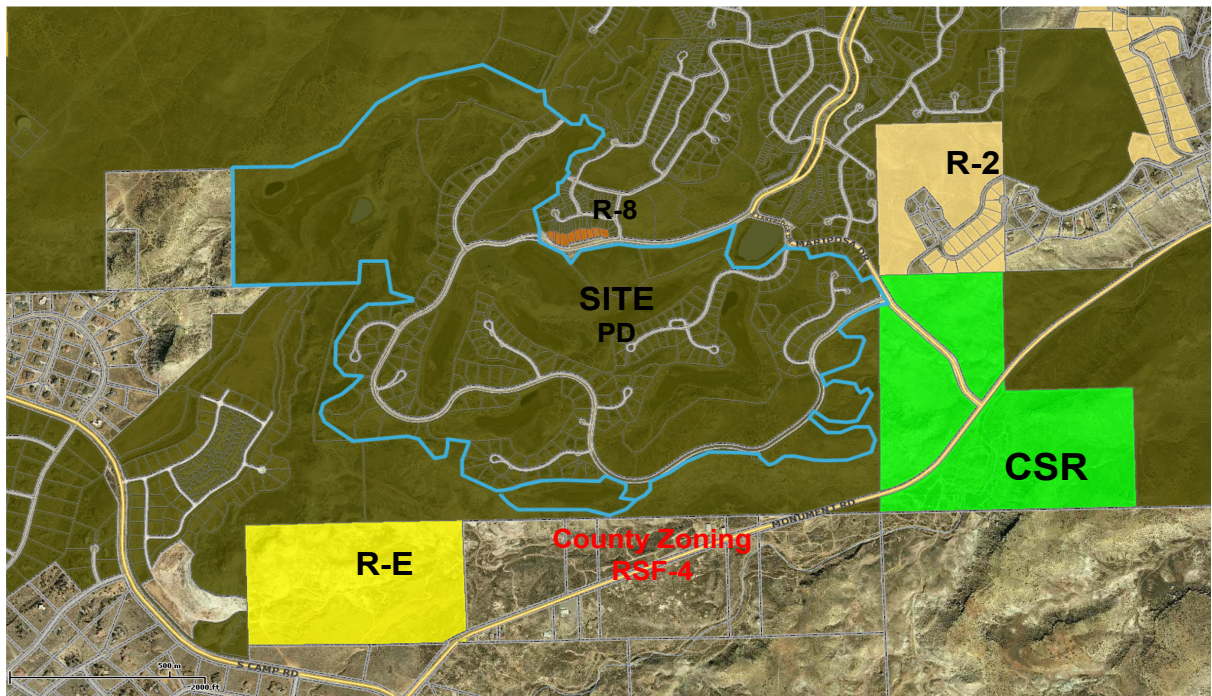
# Comprehensive Plan Map

## Amending Redlands Mesa ODP



# Existing City and County Zoning Map

## Amending Redlands Mesa ODP

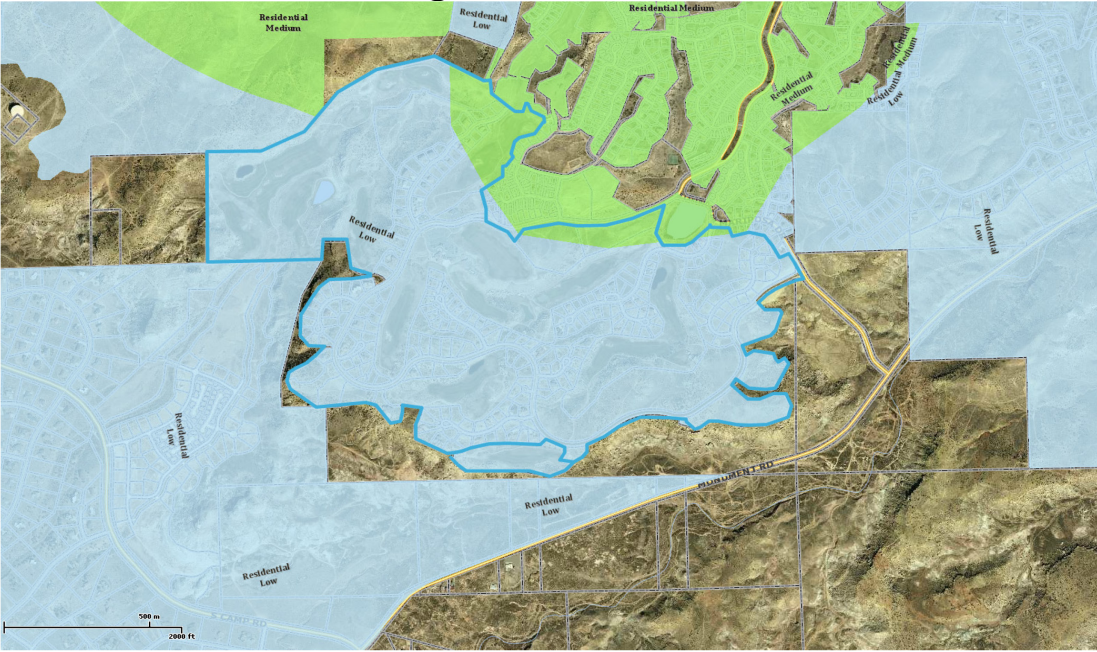


NOTE: Please contact Mesa County directly to determine parcels and the zoning thereof.











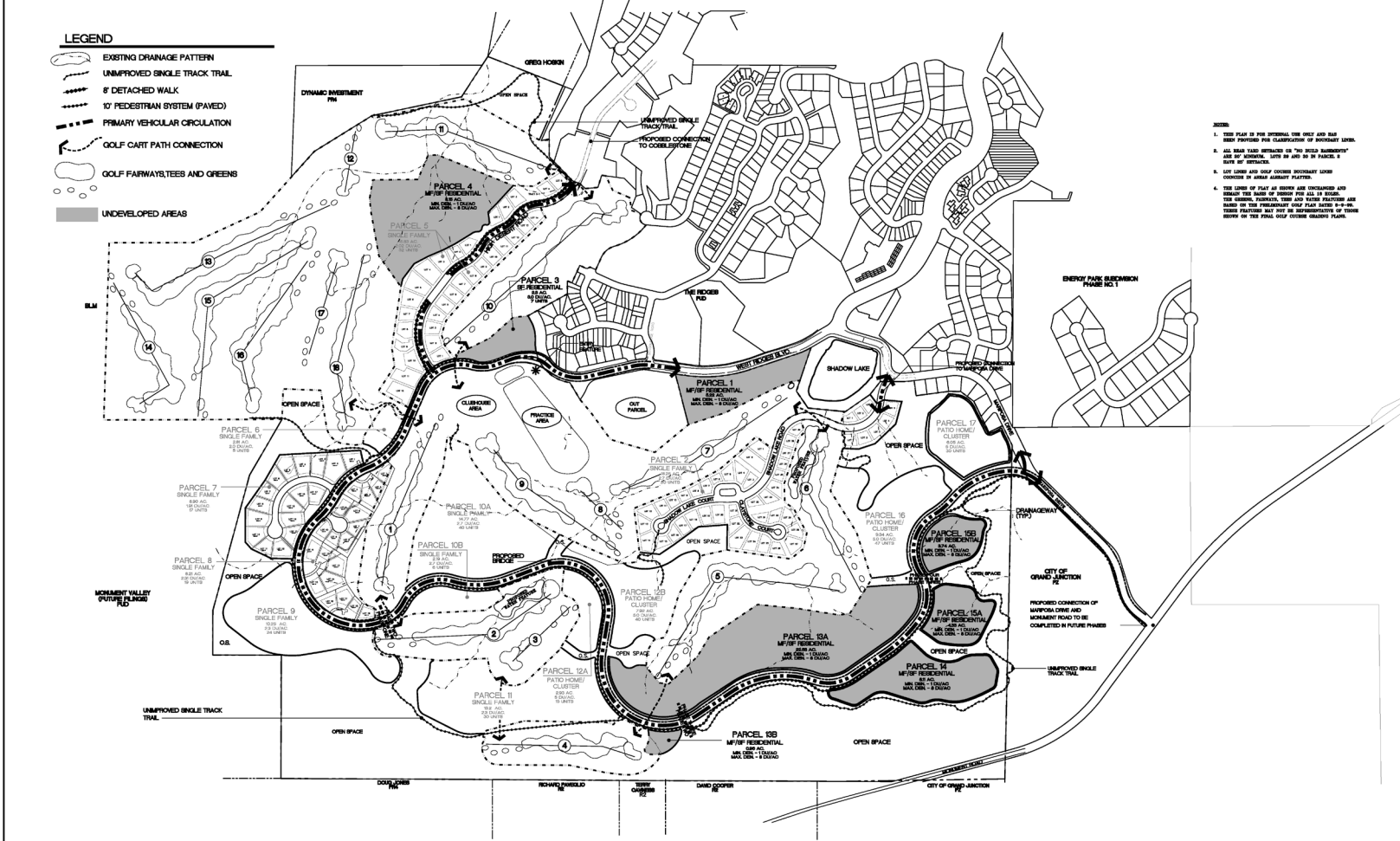
# Blended Residential Map

## Amending Redlands Mesa ODP



**LEGEND**

-  EXISTING DRAINAGE PATTERN
-  UNIMPROVED SINGLE TRACK TRAIL
-  8' DETACHED WALK
-  10' PEDESTRIAN SYSTEM (PAVED)
-  PRIMARY VEHICULAR CIRCULATION
-  GOLF CART PATH CONNECTION
-  GOLF FAIRWAYS, TEES AND GREENS
-  UNDEVELOPED AREAS



- NOTES:**
1. THIS PLAN IS FOR SPRAWLING THE ONLY AND HAS BEEN PROVIDED FOR CLASSIFICATION OF BOUNDARY LINES.
  2. ALL ROAD YARDS INDICATED AS "NO BUILT BARRIERS" ARE OF MINIMUM WIDTH AS SHOWN ON THIS PARCEL'S SURVEY BY SURVEYOR.
  3. THE LINES AND VEHICULAR CIRCULATION LINES LOCATED IN THESE AREAS ARE PLANNED.
  4. THE LINES OF PLAY AND GREENS ARE OUTLINED AND SHOULD BE BASED ON PROPOSAL FOR ALL IN THESE AREAS. HOWEVER, THE LINE AND GREEN PRACTICE ARE BASED ON THE PRELIMINARY ONLY PLAN SAVED IN THESE PLANNING ACT NOT BE REPRESENTATIVE OF FINAL DESIGN OR THE FINAL GOLF COURSE DESIGN PLAN.

REVISIONS			
NO.	DATE	DESCRIPTION	BY

**RIVER CITY CONSULTANTS**  
 744 Horizon Court, Suite 110  
 Grand Junction, CO 81506  
 Phone: 970.241.4722  
 Fax: 970.241.8841

**REDLANDS MESA AMENDED OUTLINE DEVELOPMENT PLAN**

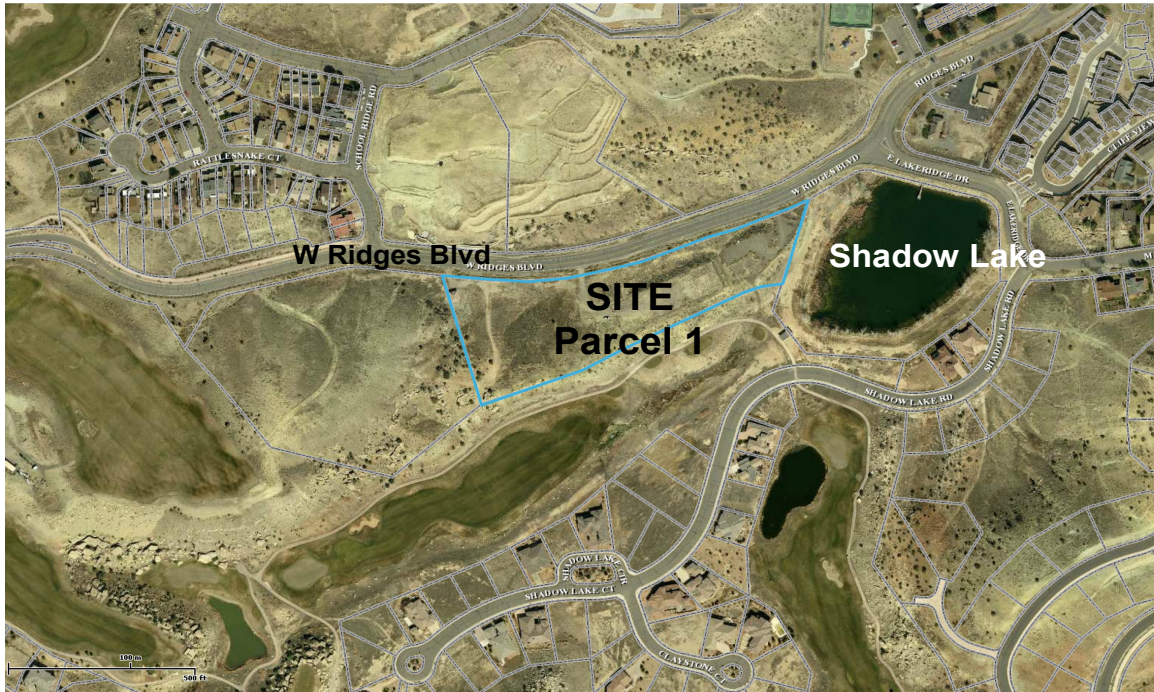
**OVERALL PLAN VIEW**

PROJECT #0366-001	SCALE	DATE ISSUED: 11.01.11	1
DRAWN BY: NAE HONZE	1" = 300'	CHECKED BY: DAT MERT	
SHEET NO. 1 OF 1 SHEETS			

# Parcel 1 Map

5.178 acres

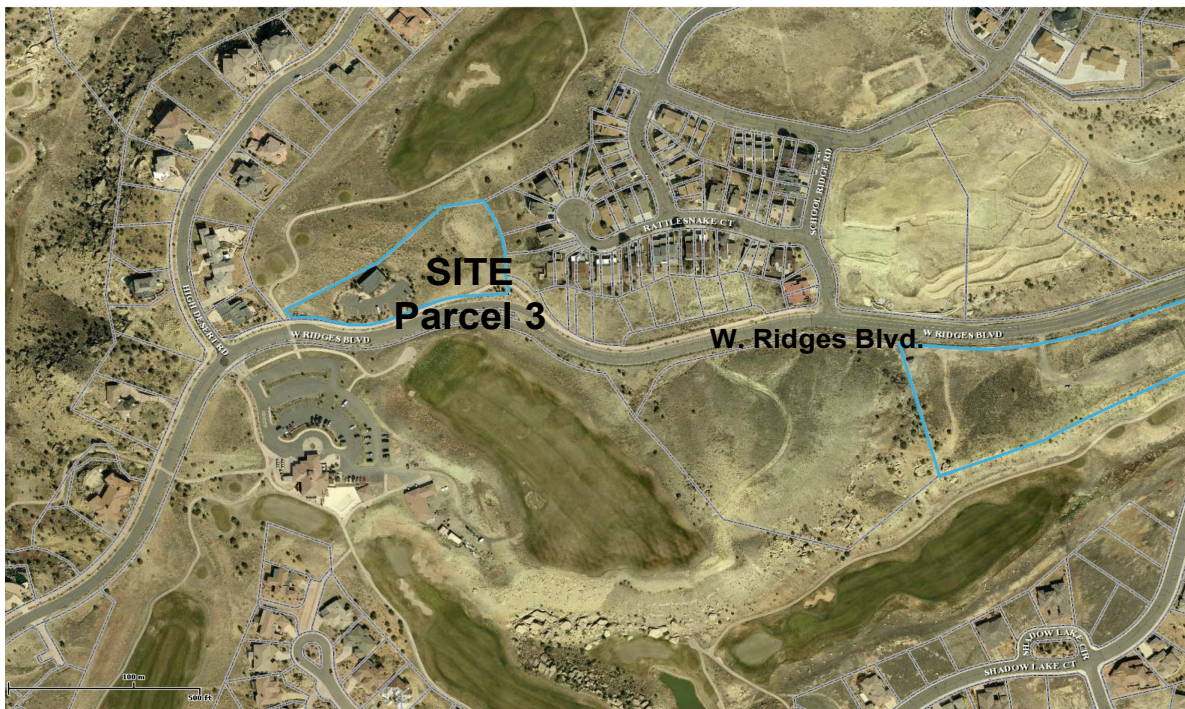
Redlands Mesa ODP



# Parcel 3 Map

2.294 acres

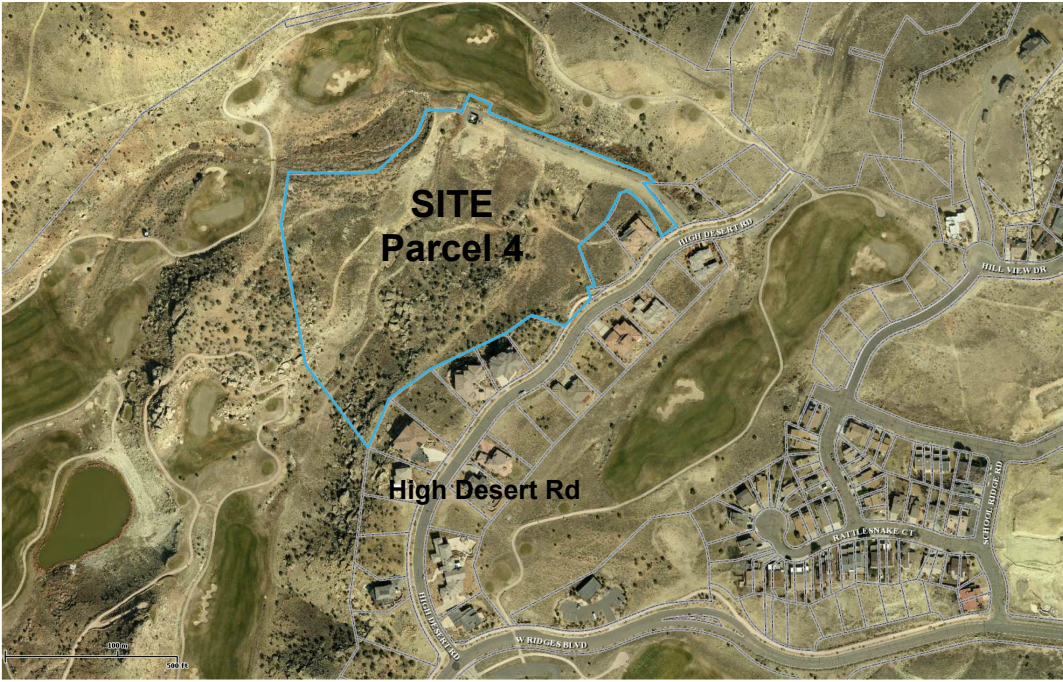
Redlands Mesa ODP



# Parcel 4 Map

13.525 acres

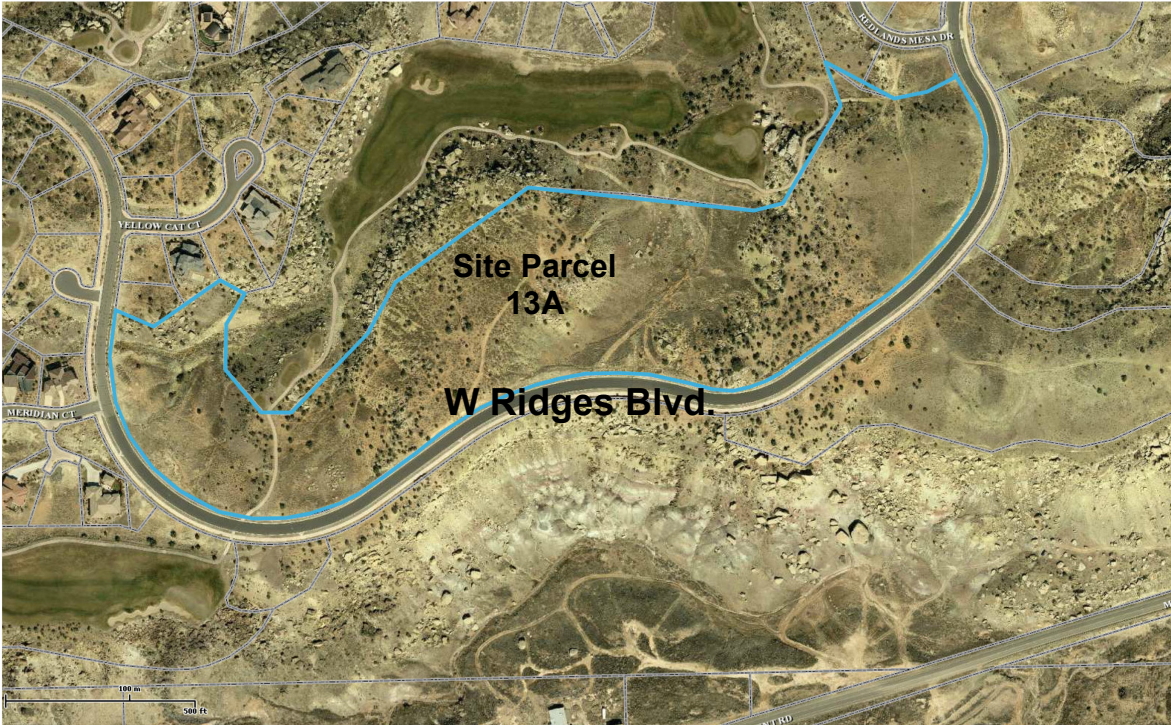
Redlands Mesa ODP



# Parcel 13A Map

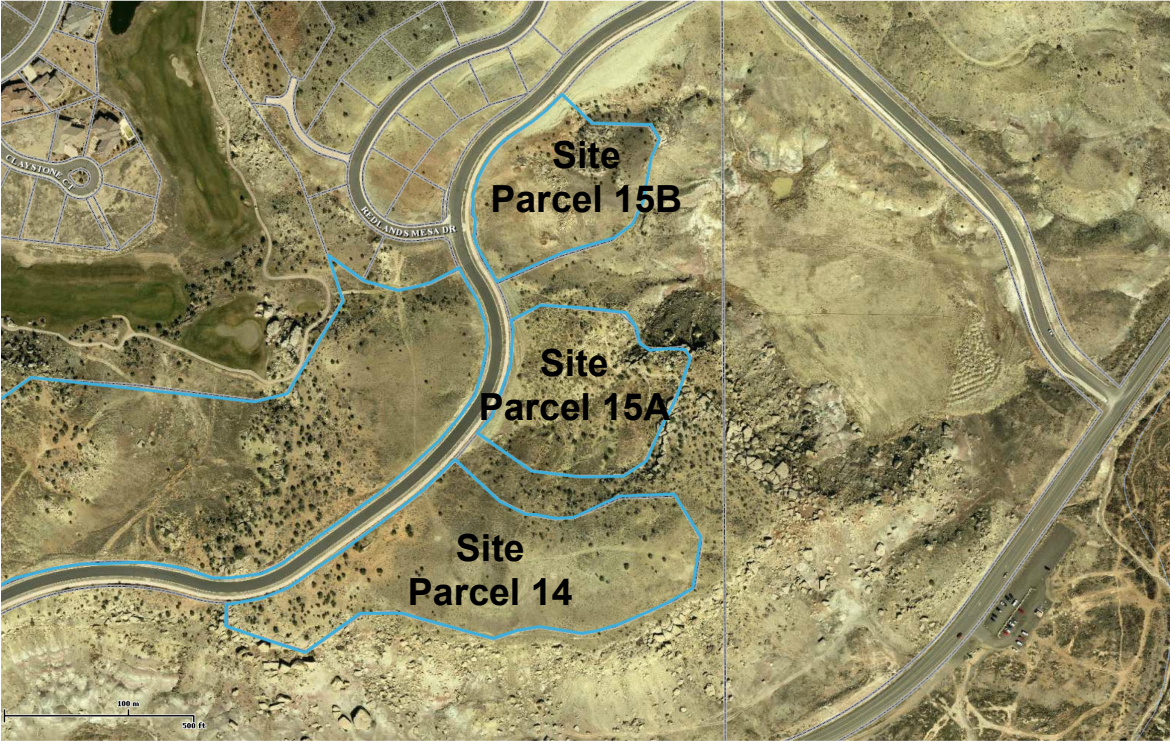
23.871 acres

Redlands Mesa ODP



# Parcels 14, 15A and 15B Map

15.413 acres



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE  
OUTLINE DEVELOPMENT PLAN FOR REDLANDS MESA**

**Recitals**

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of the amendments to the Outline Development Plan for Redlands Mesa, finding that the ODP as amended conforms to the Future Land Use map, the Blended Map and the goals and policies of the City's Comprehensive Plan. The ODP as amended meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code and the requirements of Section 21.02.150, regarding Planned Developments. The default zoning is R-4, Residential – 4 units per acre.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Redlands Mesa Amended Outline Development Plan, as shown on Exhibit "A" attached, is in conformance with the criteria of Section 21.02.150 of the Grand Junction Municipal Code.

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

The Redlands Mesa Planned Development is zoned PD (Planned Development), and development pods shall not exceed the maximum of 8 dwelling units per acre; or the minimum of 1 dwelling unit per acre. Overall maximum density for the entire development does not change; it remains at 526 units.

This Ordinance is further conditioned:

- 1) If the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards. The default standards of the R-4 zoning designation will apply.
- 2) All remaining parcels shall be platted by December 2021.
- 3) The bulk standards for the remaining undeveloped parcels, to wit parcels 1, 3, 4, 13A, 14, 15A and 15B, containing 60.281 acres, more or less, if not encumbered by Ridgeline Development Standards found in Section 21.00.07.020, shall be:

***Minimum Front Yard Setback***

20' West Ridges Blvd. – from r-o-w (path side)

30' West Ridges Blvd. – from r-o-w (non-path side)

Note: path side is that side 40' from control line shown inside r-o-w.

20' From r-o-w (all others unless otherwise depicted on plat)

**Minimum Rear Yard Setback**

- 20' From property line (common rear yard lot lines)
- 20' From property line (adjacent to golf or open space)
- 5' Internal side setback
- 15' Minimum between buildings
- 15' Perimeter side setback
- 20' Minimum Street Frontage
- 40' Building Height
- 65% Maximum Lot coverage

4) Filings One through Seven setbacks are recorded on the respective plats. Filing 8, Lot 1, Block 1, setbacks are the same as those applied to Filing 7.

5) Due to topography constraints, transfer of density/intensity between the development pods/areas to be developed is allowed.

6) Dwelling units may be in the form of single-family attached, single-family detached, patio homes, townhomes or cluster development. Any given development pod may contain any one or more of these housing types.

**INTRODUCED** on first reading the 4<sup>th</sup> day of January, 2012 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

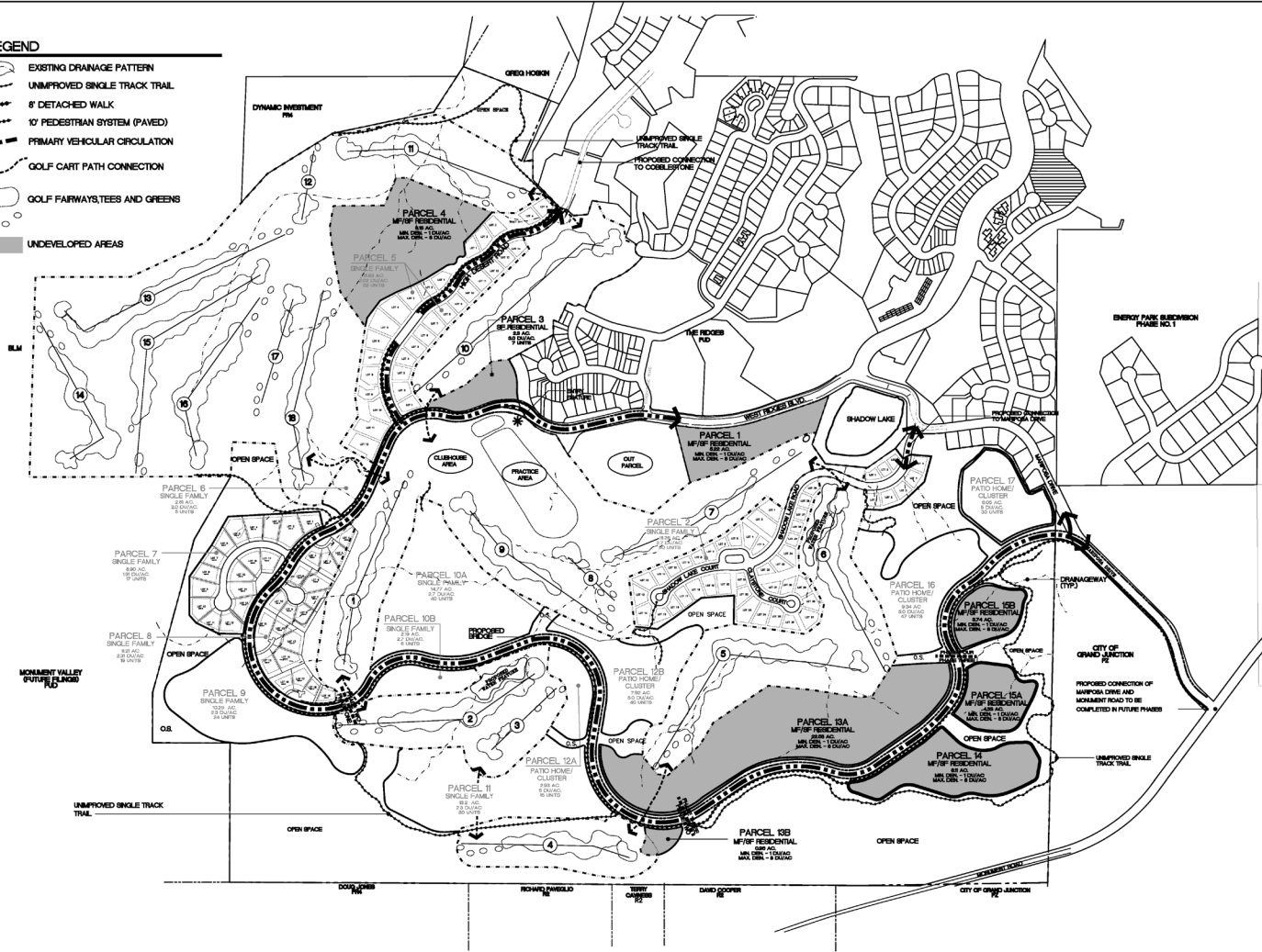
ATTEST:

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

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

# Exhibit "A"

- LEGEND**
- EXISTING DRAINAGE PATTERN
  - UNIMPROVED SINGLE TRACK TRAIL
  - 8' DETACHED WALK
  - 10' PEDESTRIAN SYSTEM (PAVED)
  - PRIMARY VEHICULAR CIRCULATION
  - GOLF CART PATH CONNECTION
  - GOLF FAIRWAYS, TEES AND GREENS
  - UNDEVELOPED AREAS



- NOTES:**
1. THIS PLAN IS FOR GENERAL USE ONLY AND MAY BE SUBJECT TO CHANGE WITHOUT NOTICE.
  2. ALL ROAD YARD SETBACKS OR "NO BUILD ZONING" ARE TO BE MAINTAINED UNLESS OTHERWISE SHOWN BY SETBACKS.
  3. ALL DRIVE AND DRIVE ACCESS ROADS ARE TO BE MAINTAINED UNLESS OTHERWISE SHOWN BY SETBACKS.
  4. THE LINES OF PLAY AS SHOWN ARE INDICATED AND SHOULD BE MAINTAINED FOR ALL PLAYERS.
  5. THE GENERAL PARKWAY, TRAIL AND WATER FEATURES ARE BASED ON THE PRELIMINARY GOLF PLAN PAGES 8-14. THESE FEATURES MAY VARY IN SUBSEQUENT PHASES OF THE FINAL GOLF COURSE DESIGN PLAN.

REVISIONS			
NO.	DATE	DESCRIPTION	BY

**SPTM RIVER CITY**  
CONSULTANTS

744 Horizon Court, Suite 110  
Grand Junction, CO, 81506  
Phone: 970.241.4422  
Fax: 970.241.8841

**REDLANDS MESA AMENDED OUTLINE DEVELOPMENT PLAN**

OVERALL PLAN VIEW

PROJECT #0356-001	SCALE	DATE ISSUED: 11.01.11	1
DRAWN BY: NMR	HORIZ: 1" = 300'		
CHECKED BY: DAT	VERT: 1/4" = 1'	SHEET NO. 1 OF 1 SHEETS	

S:\Projects\0356-001\0356-001-01-Overall Plan View.dwg





Date: January 9, 2012  
 Author: Jay Valentine  
 Title/ Phone Ext: 1517  
 Proposed Schedule: 1/16/12  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**

**Attach 11**

<b>Subject:</b> Amending the Purchasing Manual and Authorizing a Contract with Mesa County for Procurement Services
<b>Action Requested/Recommendation:</b> 1) Adopt Resolution Adopting the 2012 Purchasing Manual and 2) Authorize the Acting City Manager to Sign an Agreement with Mesa County to Provide Technical and Expert Purchasing Services
<b>Presenter(s) Name &amp; Title:</b> Rich Englehart, Acting City Manager John Shaver, City Attorney Jay Valentine, Financial Operations Manager

**Executive Summary:**

Purchasing and legal staff have updated the 2009 Purchasing Manual to include changing the policy back to the former (2001) levels of authorization.

A City-County purchasing services agreement will allow the City to provide regular procurement services to the County.

**Background, Analysis and Options:**

The purchasing manual has been updated for use by all departments and divisions of the City of Grand Junction. The purpose of the policy manual is to serve as a promulgated reference for employees to maximize the value of public funds in procurement and to maintain and ethical, quality procurement system.

From an economic standpoint, competition in public purchasing is an almost indispensable means for improving the quality of commodity purchases, encouraging innovation among suppliers, increasing the latitude of choice and, most importantly, assuring the reasonableness of costs. Competition coupled with standardization and economies of scale will maximize the City's and County's opportunity to obtain the greatest value for the tax dollar.

The primary goal of the purchasing policy is the promotion of the City's best interest through intelligent activities and fair dealing with the vendor community.

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

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

A joint procurement effort between the City and County will ensure efficiencies with both organization as well as the vendor community.

**Board or Committee Recommendation:**

The Board of County Commissioners has approved the joint purchasing contract at their meeting on January 11, 2012.

**Financial Impact/Budget:**

The fee to the City for services hereunder shall be \$25,000 for the first six months, payable proportionately on a monthly basis within 30 days of receipt by the County of the City's invoice. At the end of the first six months of this contract, the City and County will confer concerning any appropriate additional fee for services.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

Purchasing Policy  
Contract for Purchasing Services  
Resolution



# PURCHASING POLICY AND PROCEDURE MANUAL

Division of Purchasing

January 16, 2012

---

250 N. 5<sup>th</sup> Street  
Grand Junction, Colorado 81501  
970-244-1533

# TABLE OF CONTENTS

	<u>Subsection</u>
<b><u>SECTION 1: INTRODUCTION</u></b>	
<u>Purchasing Manual Introduction</u>	1.1
<u>Foreword</u>	1.2
<u>Purpose of Manual</u>	1.3
<u>Centralization of Purchasing Authority</u>	1.4
<u>Applicability</u>	1.5
<u>Procurement Contrary to this Manual</u>	1.6
<u>Policy</u>	1.7
<u>Responsibility</u>	1.8
<u>Changes</u>	1.9
<b><u>SECTION 2: PURCHASING AUTHORITY</u></b>	
<u>City Council</u>	2.1
<u>City Manager</u>	2.2
<u>Department Directors</u>	2.3
<u>Purchasing Manager</u>	2.4
<u>Buyer</u>	2.5
<u>Division Managers</u>	2.6
<u>Delegation to Other City Officials</u>	2.7
<u>Purchasing Approval Limits Table</u>	2.8
<b><u>SECTION 3: ETHICS IN PUBLIC CONTRACTING</u></b>	
<u>General Statement</u>	3.1
<u>Policy</u>	3.2
<u>Vendor Requirements</u>	3.3
<u>Gratuities and Kickbacks</u>	3.4
<u>Confidential Information</u>	3.5
<u>Employee Personal Purchases</u>	3.6
<u>Purchases from Employees</u>	3.7
<u>Public Disclosure Record</u>	3.8
<u>Sanctions</u>	3.9
<b><u>SECTION 4: PURCHASING AND REQUISITIONING CYCLE</u></b>	
<u>Introduction</u>	4.1
<u>Anticipation of Need</u>	4.2
<u>When to Use a Purchase Requisition</u>	4.3
<u>Purchasing Division Responsibility</u>	4.4
<b><u>SECTION 5: PURCHASE ORDER</u></b>	
<u>Purpose</u>	5.1
<u>When to Use Purchase Order</u>	5.2
<u>Process</u>	5.3
<u>Subsequent Changes or Cancellations</u>	5.4
<u>User Approval</u>	5.5
<u>Receiving Procedure</u>	5.6
<u>Blanket Order</u>	5.7
<b><u>SECTION 6: SHIPPING AND HANDLING</u></b>	
<u>Required Method</u>	6.1

<a href="#"><u>FOB Destination</u></a>	6.2
<a href="#"><u>FOB Origin</u></a>	6.3
<b><u>SECTION 7: CONTRACTS</u></b>	
<a href="#"><u>General</u></a>	7.1
<a href="#"><u>Origin of Contracts</u></a>	7.2
<a href="#"><u>Contract Approvals</u></a>	7.3
<a href="#"><u>Contracts for Personal Services</u></a>	7.4
<a href="#"><u>Contract Administration</u></a>	7.5
<a href="#"><u>Contracts for Public Improvements/Construction</u></a>	7.6
<a href="#"><u>Multiyear Contracts</u></a>	7.7
<b><u>SECTION 8: CHANGE ORDERS – ACCEPTANCE – PAYMENT</u></b>	
<a href="#"><u>Change Orders</u></a>	8.1
<b><u>SECTION 9: PURCHASING CARD PROGRAM</u></b>	
<a href="#"><u>Introduction</u></a>	9.1
<a href="#"><u>Who Does What?</u></a>	9.2
<a href="#"><u>Limitations on Use of Purchasing Card</u></a>	9.3
<a href="#"><u>Dollar Limitations</u></a>	9.4
<a href="#"><u>Other Conditions</u></a>	9.5
<a href="#"><u>Prohibited Use of Purchasing Cards</u></a>	9.6
<a href="#"><u>Violations</u></a>	9.7
<a href="#"><u>New Card Requests</u></a>	9.8
<a href="#"><u>Internet Purchasing Card Procurement</u></a>	9.9
<b><u>SECTION 10: METHODS AND PROCEDURES FOR SOURCE SELECTION</u></b>	
<a href="#"><u>Informal Solicitations for Purchases Not Exceeding \$25,000.00</u></a>	10.1
<a href="#"><u>Solicitations for Purchases of \$25,000 or More</u></a>	10.2
<a href="#"><u>Nonresponsive Bid Definition</u></a>	10.3
<a href="#"><u>Responsible Vendor Definition</u></a>	10.4
<a href="#"><u>Bid Irregularities</u></a>	10.5
<a href="#"><u>Exemptions to Competitive Solicitation</u></a>	10.6
<a href="#"><u>Waiver Process to Formal Competitive Bids</u></a>	10.7
<a href="#"><u>Rejection of Bids</u></a>	10.8
<a href="#"><u>Protested Solicitations or Awards</u></a>	10.9
<a href="#"><u>Confidentiality</u></a>	10.10
<a href="#"><u>Disagreements about Recommendations</u></a>	10.11
<b><u>SECTION 11: SPECIFICATIONS</u></b>	
<a href="#"><u>Specifications</u></a>	11.1
<a href="#"><u>Authority for Specifications</u></a>	11.2
<a href="#"><u>Types of Specifications</u></a>	11.3
<a href="#"><u>Specifications “Do’s and Don’ts”</u></a>	11.4
<a href="#"><u>Preparation of Specifications</u></a>	11.5
<a href="#"><u>Changing Specifications</u></a>	11.6
<b><u>SECTION 12: PROFESSIONAL, TECHNICAL AND EXPERT SERVICES PROCUREMENT</u></b>	
<a href="#"><u>Purpose</u></a>	12.1

<a href="#"><u>Authority</u></a>	12.2
<a href="#"><u>Selection Procedures for Professional Service contracts of \$25,000 or More</u></a>	12.3
<b><u>SECTION 13: EMERGENCY PROCEDURES</u></b>	
<a href="#"><u>Emergency Purchase Definition</u></a>	13.1
<a href="#"><u>Authority</u></a>	13.2
<a href="#"><u>Emergency Purchase Procedures</u></a>	13.3
<b><u>SECTION 14: SOLE SOURCE DESIGNATION</u></b>	
<a href="#"><u>Authority</u></a>	14.1
<a href="#"><u>Sole Source Criteria</u></a>	14.2
<a href="#"><u>Procedures</u></a>	14.3
<b><u>SECTION 15: INFORMATION TECHNOLOGY PURCHASES</u></b>	
<a href="#"><u>Authority of Information Technology Manager</u></a>	15.1
<a href="#"><u>General Guidelines</u></a>	15.2
<a href="#"><u>Request and Purchase Procedure</u></a>	15.3
<b><u>SECTION 16: FLEET PURCHASES</u></b>	
<a href="#"><u>Authority of the Fleet/Facility Manager</u></a>	16.1
<a href="#"><u>General Guidelines</u></a>	16.2
<a href="#"><u>Overview</u></a>	16.3
<a href="#"><u>Vehicle and Equipment Specifications</u></a>	16.4
<a href="#"><u>Bid Evaluation</u></a>	16.5
<a href="#"><u>Vehicle and Equipment Standards</u></a>	16.6
<a href="#"><u>Vehicle Identification</u></a>	16.7
<a href="#"><u>Equipment Transfer and Turn-in</u></a>	16.8
<b><u>SECTION 17: COOPERATIVE PROCUREMENT</u></b>	
<a href="#"><u>General</u></a>	17.1
<a href="#"><u>Authority</u></a>	17.2
<b><u>SECTION 18: CITY PRIVATIZATION AND COMPETITIVE POLICY</u></b>	
<a href="#"><u>Purpose</u></a>	18.1
<a href="#"><u>Background</u></a>	18.2
<a href="#"><u>Policy</u></a>	18.3
<a href="#"><u>Guidelines</u></a>	18.4
<a href="#"><u>City's Cost Comparison Methodology</u></a>	18.5
<a href="#"><u>Public/Private Competitive Process</u></a>	18.6
<a href="#"><u>Computing the Cost of In-House Service Delivery</u></a>	18.7
<a href="#"><u>Computing the cost of Contract Service Delivery</u></a>	18.8
<a href="#"><u>Cost Comparison</u></a>	18.9
<b><u>SECTION 19: DISPOSAL OF SURPLUS PROPERTY</u></b>	
<a href="#"><u>General</u></a>	19.1
<a href="#"><u>Policy</u></a>	19.2
<a href="#"><u>Methods of Disposal</u></a>	19.3
<a href="#"><u>Allocation of Proceeds</u></a>	19.4
<a href="#"><u>Sales to Employees</u></a>	19.5

<u>Documentation</u>	19.6
<u>Disposal of Grant-Funded Equipment</u>	19.7

## SECTION 20: CITY STORES (INVENTORY WAREHOUSE)

<u>Purpose</u>	20.1
<u>Stores Catalog</u>	20.2
<u>Stores Requisition Form</u>	20.3
<u>Stores Window Pickup</u>	20.4
<u>Delivery Times</u>	20.5
<u>Inventory Control</u>	20.6

## SECTION 21: GREEN PROCUREMENT POLICY

<u>Purpose</u>	21.1
<u>Fundamentals</u>	21.2
<u>Environmentally Preferable Products</u>	21.3
<u>Recycle</u>	21.4
<u>Conservation and Waste Reduction</u>	21.5
<u>Responsibilities of the CORE (Conserving Our Resources Efficiently) Committee</u>	21.6
<u>Responsibilities of Purchasing Division</u>	21.7
<u>Division Responsibilities</u>	21.8
<u>Exemption</u>	21.9
<u>Other Areas</u>	21.10

## SECTION 22: TERMS AND DEFINITIONS

<u>Terms and Definitions</u>	22.1
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## ***SECTION 1: INTRODUCTION***

### **1.1 Purchasing Manual Introduction.**

- (a) All purchases made on behalf of the City of Grand Junction shall be made in accordance with and conforming to the rules and regulations as published in the revised City of Grand Junction Purchasing Manual (“Manual”) dated January 16, 2012 by Resolution 04-12, 01-16-12.
- (b) The forms and processes described herein can be modified with approval of the City Manager, but such changes shall not affect the competitive bidding and approval requirements.

### **1.2 Foreword.**

The Purchasing Division has prepared this Manual for use by all departments and divisions of the City of Grand Junction. The purpose of this Manual is to establish policies and serve as a reference for employees to maximize the value of public funds in procurement and to maintain an ethical, quality procurement system.

From an economic standpoint, competition in public purchasing is an indispensable means for improving the quality of commodity purchases, encouraging innovation among suppliers, increasing the City’s latitude of choice and, most importantly, assuring the reasonableness of costs. Competition coupled with standardization and economies of scale will maximize the City’s opportunity to obtain the greatest value for the tax dollar.

To develop an effective and efficient procurement program, all personnel involved must work as a cross functional team for the betterment of the City as a whole. Those individuals whose responsibilities require them to become a part of the purchasing cycle must be knowledgeable of the policies and procedures adopted herein as a general framework for ethical procurement practices. The goal is the promotion of the City’s best interest through intelligent activities and fair dealing with the vendor community.

### **1.3 Purpose of Manual.**

The purpose of this Manual is to provide for the fair and equitable treatment of all persons involved in public purchasing by the City, to maximize the purchasing value of public funds, to codify and standardize the City’s purchasing rules and regulations for orderly and efficient administration, to provide safeguards for maintaining a procurement system of quality and integrity, and foster effective, broad-based competition within the free enterprise system.

All City of Grand Junction employees shall familiarize themselves with the regulations set forth and shall adhere to the policies and practices established herewith. The City Manager reserves the right to waive regulations established in this Manual if it is determined to be in the best interest for the City of Grand Junction. The City Council shall be notified by the City Manager of any exceptions to purchasing regulations, as delineated in the procedures herein.

This Manual has been prepared to establish policy and serve as a reference for those employees delegated purchasing authority in the name of the City of Grand Junction. Detailed explanations of individual department responsibility and role in the procurement function are included within this Manual, as well as in other written purchasing procedures as they are developed.

### **1.4 Centralization of Procurement Authority.**

Except as otherwise provided herein, all rights, power, duties and authority, relating to the procurement of supplies, services and construction are vested in the Purchasing Division. The sale and disposal of



supplies and equipment are also the responsibility of Purchasing Division. Authority may be delegated only by the Purchasing Division with approval of the Financial Operations Manager and the City Manager within the parameters established in this Manual.

### **1.5 Applicability.**

This purchasing policy shall apply to the procurement of all materials, equipment, construction and services required by the City. Purchases subject to contracts between the City and other governmental bodies are excluded. When any procurement involves the expenditure of Federal or State funds, the procurement shall be conducted in accordance with any mandatory applicable Federal and State laws or regulations.

### **1.6 Procurement Contrary to this Manual.**

Except as may be otherwise provided by law, it shall be unlawful for any City officer or employee to order or purchase goods and/or services contrary to the policy of this Manual. Any procurement or contract so made shall be void and wholly without effect, and shall not be binding upon the City.

### **1.7 Policy.**

- (a) Competitive sealed bids or competitive proposals, as appropriate, shall be used to facilitate contracts with nongovernmental contractors for the purchase or lease of goods, services and/or construction in accordance with the limitations of this Manual.
- (b) The disposal of City tangible personal property shall be through an open competitive process to the extent possible. The City may donate surplus property to other governmental entities or nonprofit organizations, as is in the best interest of the City.
- (c) The policy and practices set forth herein are designed to ensure fair and equitable treatment of all persons involved in providing goods, services and/or construction to the City.
- (d) It is unlawful to disclose the identity or information derived from competing proposals to any bidder or offeror that might provide an unfair advantage over a competing bidder or offeror.
- (e) All City employees are governed by the provisions of this Manual whether directly or indirectly involved in a procurement transaction. Violation of these provisions is grounds for disciplinary action, to include termination and criminal action.

### **1.8 Responsibility.**

- (a) The City Manager is responsible for the City's purchasing system. This responsibility is delegated to the Purchasing Manager.
- (b) The Purchasing Manager is the principal public purchasing official of the City. The Purchasing Manager's responsibilities are as enumerated in this Manual (Section 2).
- (c) Department Directors are responsible for ensuring their departments' purchasing activities are in accordance with the rules and regulations set forth herein.
- (d) Any purchase or contract entered into by an elected or appointed City official, Department Director or employee that violates the rules and regulations defined in this Manual shall be the personal and financial responsibility of that individual. Violation of these policies and procedures shall be grounds for disciplinary action, to include termination and/or criminal prosecution.

### **1.9 Changes.**

Any person using this Manual is encouraged to comment and/or recommend changes. Address such in writing to the following:

Purchasing Supervisor

Division of Purchasing  
City of Grand Junction  
250 N. 5<sup>th</sup> Street  
Grand Junction, CO 81501  
(970) 244-1484

## **SECTION 2: PURCHASING AUTHORITY**

### **2.1 City Council.**

- (a) Authority. The responsibility for all purchases made by the City of Grand Junction is held by the City Council. The City Council shall authorize the City Manager to establish procurement rules and regulations for all City personnel.

### **2.2 City Manager.**

- (a) Definition. The Council appoints the City Manager by majority vote. The City Manager is the Chief Executive Officer of the City and shall be responsible for the conduct of all City departments. In the absence of the City Manager, the Deputy City Manager shall be responsible for the conduct of all City departments.
- (b) Authority. The City Manager shall establish the rules and regulations for the procurement of all goods and services and such rules and regulations shall be applicable to all City employees. The City Manager and City Council possess the sole authority for any deviation from purchasing regulations. If improper purchasing practices occur, the City Manager may invoke disciplinary action(s) upon the individual, division and/or department. Disciplinary action may be in the form of restricted purchasing delegation, restitution, suspension, termination or any other form deemed appropriate by the City Manager.
- (c) The following goods and services must be approved by the City Manager's office:
  - (1) All capital outlay and service and maintenance contracts between the amounts of \$25,000 - \$50,000;
  - (2) Other items consistent with policy and/or practice of the City Manager.

### **2.3 Department Directors.**

- (a) Authority. By authority of the City Manager, Department Directors or their designated representative shall be delegated purchasing authority and responsibility as set forth.
- (b) Department Directors are given the responsibility of ensuring that all personnel in their department are knowledgeable of and fully understand purchasing procedures established by the City Manager. By following the requirements established within this Manual, Department Directors may be able to make better use of budgeted funds for their department. **Through proper planning of purchases, so as to allow the Purchasing Division sufficient time to obtain proposals, quotations or bids (with an allowable lead time for delivery), departments shall not only be able to realize savings through competition between vendors, but shall also preclude unnecessary delays.**
- (c) Department Directors may delegate purchasing authority to their employees as required to facilitate the activities within their scope of responsibility. However, the ultimate responsibility remains with the Director for the activities of their subordinate employees.
- (d) If Department Directors have any questions concerning procurement procedures, the Purchasing Manager or any member of the Purchasing Staff is prepared to offer assistance.

### **2.4 Purchasing Manager.**

- (a) Authority. By the authority of the City Manager, the Financial Operations Manager shall serve as the Purchasing Manager and shall be responsible for the daily operations of the Purchasing

Division. The Purchasing Manager shall have the actual authority and power to ensure compliance with the contents of this Manual. It shall be his responsibility to comply with the following:

- (1) Purchase or Contract. The Purchasing Manager is responsible to purchase or contract for all supplies and services required by any department, division or authority that derives its support wholly or in part from the City, all in accordance with purchasing procedures as prescribed herein and such rules, regulations and procedures as the Purchasing Manager may adopt for the internal management and operation of the Purchasing Department together with such other rules and regulations as shall be prescribed by the City Manager and/or the City Council.
- (2) Purchase Authority – Goods and Services. The Purchasing Manager is responsible for the centralized procurement system and for processing all orders amounting to \$5,000 or more. Competitive quotation activities may be delegated to the Department Director or Division Manager/Supervisor in accordance with the policies and procedures herein, provided the documentation is provided to the Purchasing Office to file with the original purchase order. Purchases under \$5,000 may be accomplished by any City fiscal process, as approved in this Manual. Competitive quotations are strongly recommended for all City of Grand Junction purchases.
- (3) Minimum Expenditure. The Purchasing Manager shall act to procure for the City the highest quality in supplies, equipment and contractual services at the least expense to the City.
- (4) Encourage Competition. The Purchasing Manager shall endeavor to obtain as full and open competition as possible on all purchases and sales.
- (5) Rules and Regulations. The Purchasing Manager may propose amendments to all City procurement rules and regulations authorized by this Manual and others necessary to its operation, for consideration and approval by the City Manager.
- (6) Purchasing Analysis. The Purchasing Manager shall keep informed on current developments in the field of purchasing, pricing, market conditions and new products and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and by private businesses and organizations.
- (7) Forms. The Purchasing Manager shall prescribe and maintain such official City of Grand Junction forms as necessary for compliance with this Manual. Forms contrived by individual departments/divisions will not be honored by the Purchasing Staff. Only official City of Grand Junction purchasing forms shall be used.
- (8) Bulk Purchases. When beneficial to the City, the Purchasing Manager shall maximize the benefits and the possibilities of buying “in bulk” so as to take full advantage of the economy of scales through quantity discounts.
- (9) Federal Tax Exemptions. The Purchasing Manager shall act so as to procure for the City all federal tax exemptions to which it is entitled.
- (10) Cooperation with Accounting Division. The Purchasing Manager shall cooperate with the City’s Accounting Division so as to secure for the City the maximum efficiency in budgeting and accounting.
- (11) Stores. The Purchasing Supervisor shall be responsible for the Central Stores to include general supervision over all inventories required to support the daily activities of the City.
- (12) Surplus Property. The Purchasing Manager shall sell, trade, auction or otherwise dispose of surplus supplies belonging to the City as is in the best interest of the City.
- (13) Cooperative Purchasing. When in the best interest of the City, the Purchasing Manager shall participate in, sponsor, conduct or administer cooperative purchasing agreements with the State or one or more political subdivisions of the State of Colorado.

(14) Specifications: Compliance

**2.5 Buyer(s).**

A Buyer(s) shall perform procurement functions and miscellaneous assignments as authorized and directed by the City Purchasing Manager.

**2.6 Division Managers.**

- (a) Authority. By authority of the City Manager, Division Managers shall be granted authority and responsibility as set forth in this section.
- (b) Division Managers shall be responsible for their division expenditures and the resulting paperwork. Through prompt attention to invoices and receipts, the City may take advantage of prompt payment discounts and bills can be paid to avoid late charges. Any damage(s) or shortage(s) on received shipments should be noted on the freight receipt. Managers shall ensure that deliveries are carefully accounted for, without damage or shortages of merchandise.

**2.7 Delegations to Other City Officials.**

Notwithstanding the provisions of this chapter (Purchasing Authority), procurement authority with respect to certain supplies, services or construction may be delegated to other City officials by the City Purchasing Manager, when such delegation is deemed necessary for the effective procurement of these supplies, services or construction.

Any Department Director, Manager or authorized employee delegated the task to sample or test equipment, uniforms, chemicals, etc., for the purpose of judging suitability or fitness in advance of a purchase, shall notify the Purchasing Division upon receipt of goods to be sampled.

**2.8 Purchasing Approval Limits Table.**

The following table indicates purchasing approval limits for City expenditures. The matrix presents types and methods for expenditures on the top horizontal row; the first vertical row indicates dollars to be expended. The remaining boxes indicate the approving authority required to give expenditure approval. Note: all purchases over \$5,000 shall be forwarded to the Purchasing Division to be assigned a Purchase Order.

Type of Purchase	Dollar Amount	Approval
Procurement Card	Up to \$5,000	Division Representative
Department Quotes	\$5,000-\$10,000	Division Manager
Formal Quotes by Purchasing	\$10,000-\$15,000	Division Manager
Formal Quotes by Purchasing	\$15,000 - \$25,000	Department Director
Formal Solicitations	\$25,000 - \$50,000	City Manager
Formal Solicitations	\$50,000 – over	City Council

Note: Table applies to material and/or service acquisitions with adequate current year budget appropriations. Unbudgeted expenditures are prohibited except in case of actual emergency.

\* Requisition with applicable supporting quote documentation is required. Refer to Section 4, Purchasing and Requisitioning Cycle.

## ***SECTION 3: ETHICS IN PUBLIC CONTRACTING***

### **3.1 General Statement.**

The objectives of public procurement include conserving public funds and inspiring public confidence. Any erosion of honesty, integrity and openness is more injurious to public procurement than to most other public pursuits. The appearance of a conflict of interest may be as harmful to public confidence in its government as an actual case of misconduct. For that reason, all personnel involved directly or indirectly in procurement transactions, from the original purchase to the ultimate disposal, must be guided by the highest standards of ethical conduct.

Further, any personal gain other than wages and benefits realized through public employment is a breach of public trust. To the extent that violations of ethical standards of conduct set forth in this chapter constitute violations of law, such shall be punishable as provided by law. Such penalties shall be in addition to the administrative sanctions set forth in this chapter and the City's Personnel Policy Manual.

### **3.2 Policy.**

No public employee having official responsibility for a procurement transaction shall represent the City in that transaction when the employee knows that:

- (a) The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction;
- (b) The employee, the employee's partner or any member of the employee's immediate family holds a position with a bidder, offeror or contractor, such as officer, director, trustee or partner, has a personal and substantial participation in the transaction or owns or controls more than five percent of the firm;
- (c) The employee, the employee's partner or any member of the employee's immediate family has a pecuniary interest in or arising from the transaction; or
- (d) The employee, the employee's partner or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment with a bidder, offeror or contractor.

### **3.3 Vendor Requirements.**

The City of Grand Junction stipulates certain ethical requirements for vendors participating in procurement transactions. Those statements are generally stated as follows:

- (a) No bidder, offeror, contractor or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services, present or promised;
- (b) All bidders, offerors, contractors or subcontractors shall complete a disclosure of interest form to inform of any personal interest of any public official with respect to any City procurement;
- (c) Failure to make the required disclosure may result in disqualification, disbarment, suspension from bidding and rescission of contracts;

- (d) No contractor or subcontractor shall give, demand or receive from any suppliers, subcontractors or competitors any bribe or kickback or anything of value in return for participation in a procurement transaction or agreeing not to compete in a transaction; and
- (e) Architects or engineers employed by the City may not furnish building materials, supplies or equipment for any structure on which they are providing professional services. The City also does not accept bids or proposals from consultants or bidders who have solely and directly prepared specifications for a specific requirement, regardless of whether the consultant/bidder was paid for the specification.

### **3.4 Gratuities and Kickbacks.**

- (a) Gratuities. It is a breach of ethical standards for any person to offer, give or agree to give any employee or public official a gratuity or offer of employment or employment in connection with any decision or recommendation concerning a possible or actual purchase by and/or on behalf of the City.
- (b) Kickbacks. It shall be unethical for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract and solicitation thereof.

### **3.5 Confidential Information.**

It shall be a breach of ethical standards for any employee or public official to knowingly use confidential information for his or her personal gain or the personal gain of others.

### **3.6 Employee Personal Purchases.**

It is a breach of ethical standards for any employee or public official to solicit or request personal monetary discounts from vendors based on employment with the City of Grand Junction.

### **3.7 Purchases from Employees.**

No officer or employee shall solicit or receive any pay, commission, money, or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of employment by the City, except his lawful compensation or salary as such officer or employee.

### **3.8 Public Disclosure Record.**

State statutes codified at C.R.S. § 31-4-401 et seq. and § 24-18-101 et seq. allow the City to accept a bid, quotation or proposal which complies with the City's procurement policies and procedures, and is the lowest received in an competitive open process, even if the bidder is an employee or officer of the City, if the employee or officer has disclosed real or potential conflicts of interest and has abstained from voting on related issues. To qualify, an employee or officer shall file a public disclosure record (PDR) outlining the individual's financial interest. Completed forms shall constitute a public record filed in the office of the City Clerk.

### **3.9 Sanctions.**

- (a) Employees. The City Manager may impose any one or more of the following sanctions on a City employee for violations of the ethical standards set forth in this section and the Personnel Policy Manual:
  - (1) Oral or written warnings or reprimands;
  - (2) Suspension with or without pay for specified periods of time; or

- (3) Termination of employment.
- (b) Nonemployees. The City Manager may impose any one or more of the following sanctions on a nonemployee for violation of the ethical standards:
- (1) Written warnings or reprimands;
  - (2) Termination of contracts; or
  - (3) Disbarment or suspension for cause from consideration for award of contracts.



## ***SECTION 4: PURCHASING AND REQUISITIONING CYCLE***

### **4.1 Introduction.**

The core of the central purchasing system is the purchase requisition. Requisitions are required for all procurement transactions of \$5,000 or more. The requisition authorizes the Purchasing Division to begin the research and procurement process for the fulfillment of the purchase. The Purchasing Division is not authorized to act on behalf of the department or division until the receipt of the requisition. It is assumed the appropriate authority in the department/division has approved the action if the requisition is received in the Purchasing Office.

### **4.2 Anticipation of Need.**

Requesting departments should prepare the requisition far enough in advance so ordinary purchases do not become emergencies. By planning and forecasting purchases in advance, the Purchasing Division, vendors and requesting department may realize the advantages of soliciting competitive quotations, bids or proposals.

Required delivery dates on goods and services vary greatly and order requisitions should be prepared accordingly. Departments should realize unnecessary work delays could be created if order requests are not presented in a timely manner. To ensure needed delivery dates are met, proper purchasing procedures should be used.

### **4.3 When to Use a Purchase Requisition.**

Requisitions are preferred for all commodity purchases of \$5,000 or more.

### **4.4 Purchasing Division Responsibility.**

Purchasing shall review all requisitions and proceed according to City purchasing rules and regulations (and other applicable professional purchasing practices) to acquire goods or services in a timely manner.

Purchasing Staff shall prepare all solicitation documents, including the final specifications. A copy shall be forwarded to the department for review prior to the solicitation being sent out. Any clarifications or changes shall be transmitted to potential vendors by a written addendum.

## ***SECTION 5: PURCHASE ORDER***

### **5.1 Purpose.**

A purchase order is a document that states the terms and conditions of a proposed transaction and creates a contractual relationship between a vendor and the City. It describes the quantity and quality of the required goods and includes other information, such as shipping terms, delivery dates and location, and prices quoted in the solicitation response. The purchase order shall encumber the applicable appropriations account.

### **5.2 When to Use Purchase Order.**

Purchase orders are required for all invoiced purchases of commodities, materials or supplies and services with an expected expenditure of City funds of \$5,000 or more unless previously approved by the Purchasing Manager.

### **5.3 Process.**

Purchasing Division personnel shall complete all purchase orders in the City's Financial System and send a copy to the Vendor, the Requestor and the paying Division.

### **5.4 Subsequent Changes or Cancellations.**

Whenever a change of any kind on a purchase order is required, the originating department shall forward a Purchase Order Change Request Memorandum that provides the information to be changed and a justification for doing so. Requests shall be directed to Purchasing via phone, e-mail or inter-office mail. Note: Only Purchasing is authorized to change and/or cancel the original purchase order. Purchase orders with activity, i.e., partial delivery or payment, cannot be canceled.

### **5.5 User Approval.**

Purchase orders must be approved for payment in accordance with final approval authority requirements set forth in Section 2.

### **5.6 Receiving Procedure.**

When the material or service is delivered to the department, the authorized agent of the department, as assigned by the Department Director, shall inventory and inspect the delivery to ensure the material(s) and/or service(s) are as listed on the shipping document and are in acceptable condition.

If all materials are received in acceptable condition, the receiving department/division shall submit the invoice for approval to their authorized department/division personnel who then process the invoice for payment.

If materials and/or services received are damaged or defective, they should not be used. If possible, notation should be made upon the receipt in the presence of the delivery agent. Departments shall notify Purchasing immediately when damaged or defective commodities are received.

### **5.7 Blanket Order.**

Annual purchasing agreements, also known as blanket orders and term contracts, are agreements established with suppliers to allow individual purchases by the City throughout the year without going through the purchasing competitive process each time a purchase is made. At the same time, blanket

orders take advantage of volume discounting based on the annual estimated quantities purchased by the City.

Blanket orders do not commit the City to purchase any merchandise or service from the vendor. They are issued to advise the vendor of the merchandise and/or service we may require, establish terms and pricing where applicable, establish dollar limits, either per release or per month, establish personnel authorized to make releases against these orders and outline the ordering, receiving and invoicing procedure. Any merchandise and/or service properly released and shipped against a blanket order is covered by the terms and conditions of the blanket order.

Only the Purchasing Division shall issue blanket purchase orders. Prices shall be established as part of each blanket order, in accordance with the policies in this manual. (?)

Requests for the issuance of blanket orders by the Purchasing Division shall be made by departments having needs that are applicable to blanket orders. It is the responsibility of each department to determine the approximate quantity needed and estimated amount that shall be spent during the fiscal year for a particular product category or products.

It must be clearly understood by all individuals authorized to make releases against blanket orders that there shall be strict adherence to the provisions established in the blanket order, with no exceptions.

It is the Purchasing Division's responsibility to make the vendor fully aware of the procedures of the blanket order and that the vendor complies with the procedures. It is also the Purchasing Division's responsibility to provide adequate information and instructions to the departments and individuals involved in the use of the blanket order.

## ***SECTION 6: SHIPPING AND HANDLING***

### **6.1 Required Method.**

The City's preferred shipping and handling term is FOB Destination (Grand Junction).

### **6.2 FOB Destination (Free on Board Destination).**

FOB Destination means the vendor maintains title for the goods until the purchaser receives them. The vendor pays the shipping costs and is responsible for claims against the carrier.

### **6.3 FOB Origin.**

Accepting a quote of FOB origin has consequences for the City if the shipment is lost or damaged. FOB origin means the purchaser accepts title to the goods from the moment they are picked up by the carrier. The purchaser pays shipping costs and is responsible for claims against the carrier.

## ***SECTION 7: CONTRACTS***

### **7.1 General.**

“Contract” shall mean any agreement enforceable by law between the City and one or more outside parties, regardless of form or title, for the procurement of materials, services or construction. To be effective, a contract must include offer and acceptance by competent parties and the furnishing of some good or service for an agreed monetary consideration.

### **7.2 Origin of Contracts.**

Contracts may be originated in several ways before they are used by the City.

- (a) State Contracts and Price Agreements. Under a permissive State law (C.R.S. § 24-110-101 et seq.), the City may purchase from State contracts and price agreements. These contracts are entered into by the State of Colorado, Department of Administration, Division of Purchasing or other State departments with contractual authority. If these agreements have a clause acknowledged by the contractor, they may be used by other political jurisdictions, such as the City. When available and in the best interest of the City, the Purchasing Manager may forgo the bid process and purchase directly from the State award vendor(s).
- (b) Cooperative Purchase Contracts. These contracts are created by a voluntary pooling of interests by governmental units. If required by the bid documents or if the contractors agree, they may be used by other political jurisdictions, such as the City. When in the best interest of the City, the Purchasing Manager has authority to “piggyback” such agreements for the acquisition of supplies and services without going through the formal bid/proposal process. Final authorization shall adhere to Section 2 requirements.
- (c) City Contracts. These contracts are specifically procured by the Purchasing Division either for City-wide purposes or for a specific department. City contracts shall be filed with the contractor/vendor, and retained electronically through the City’s Records Management Program.

### **7.3 Contract Approval.**

- (a) Only the City Manager, his or her designated representative, Department Directors and their designated representatives and the Purchasing Manager and his or her designated representative are authorized to sign contracts which bind the City for the procurement of goods, services, insurance or construction, unless a specific delegation or exemption is made by City Council by resolution, code, regulation or letter of authority to another official or employee. Approval thresholds are as delineated in Section 2.1 through Section 2.9.

### **7.4 Contracts for Personal Services.**

- (a) Before requisitioning approval of an individual to provide personal services to the City, the Department should be certain that no violation of law, including but not limited to Internal Revenue Service (IRS) regulations, will occur. Care must be taken to make sure the personal service contract does not establish an employer-employee relationship with the City.
- (b) Generally, the following tests support a personal service contract with an individual:
  - (1) The individual has performed similar services on a contractual basis with other clients;

- (2) The individual has paid tax withholding and social security withholding as a self-employed person and agrees to do so during its contract with the City; and
- (3) The individual shall perform the duties independently without direct detailed supervision by the City to include independence in establishing work hours and location of performance of duties.

## **7.5 Contract Administration.**

- (a) Departmental contracts shall be administered by the using agency. The Department Director is responsible for designating the contract administrator (a.k.a. project manager or project coordinator) prior to the solicitation of personal service contracts. Public works projects shall be administered by the City Engineer or designee.
- (b) The departmental contract administrator shall be responsible for assuring that the contractual relationship is completed successfully and in accordance with contract terms and conditions. The contract administrator may or may not be a City employee.
- (c) Among the activities of a contract administrator is the following:
  - (1) Inspecting, accepting and recording contractor performance;
  - (2) Communicating the City's requirements to and with contractors;
  - (3) Evaluating contractor performance;
  - (4) Notifying Purchasing promptly of any disputes, failures to perform or other problems with contractors;
  - (5) Documenting all activities of the contract and assuring copies of important documents are retained and/or forwarded to purchasing; and
  - (6) Processing payments and contract close-out documents.
- (d) It shall be the Purchasing Division's responsibility to:
  - (1) Maintain the City's record file of the contract;
  - (2) Review and approve all requests for changes in delivery, price or specification before any action is taken by the Department or contractor;
  - (3) Create purchase order(s); -;
  - (4) Resolve disputes with contractors;
  - (5) Issue cure notices, demand letters and contract default/termination notices to contractors.

## **7.6 Contracts for Public Improvements/Construction**

- (a) Contracts for public improvements (construction) shall be initiated by the Purchasing Division in accordance with City of Grand Junction bidding procedures. These contracts are subject to approval in accordance with the authorization limits stated herein.
- (b) When a contract for public improvements is awarded in excess of \$50,000, the following bonds or security shall be delivered to the City and shall become binding on the parties upon execution of the contract:
  - (1) A performance bond satisfactory to the City, executed by a surety company authorized to do business in the State of Colorado or otherwise secured in a manner satisfactory to the City, in an amount equal to 100 percent of the price and/or compensation specified in the contract; and
  - (2) A payment bond satisfactory to the City, executed by a surety company authorized to do business in the State of Colorado or otherwise secured in a manner satisfactory to the City, for

the protection of all persons supplying labor and material to the contractor or its subcontractor for the performance of the work provided for in the contract. The bond shall be in an amount equal to 100 percent of the price and/or compensation agreed to in the contract.

- (c) Nothing in this chapter shall be construed to limit the authority of the City to require a performance bond or other security in addition to those bonds or in circumstances other than those specified.

### **7.7 Multiyear Contracts.**

Unless otherwise provided by law, a contract for supplies or services may be entered into for a period of time deemed to be in the best interest of the City, if conditions of renewal or extension are included in the solicitation. Payment and performance obligations for succeeding fiscal years shall be subject to availability and appropriation of funds thereof.

When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal year, the contract shall be canceled and the contractor may be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the supplies or services delivered under the contract.

Annual service and product contracts may be renewed by the Purchasing Manager and Department Director up to three additional contract periods, based on satisfactory performance of the contractor.

## ***SECTION 8: CHANGE ORDERS – ACCEPTANCE - PAYMENT***

### **8.1 Change Orders.**

- (a) General. The purpose of this chapter is to delineate the authorities and procedures of the City's change order control system.
- (b) Purpose. The purpose of a change order is to recognize changes occurring on jobs that may result in amendments to the project time schedule and/or cost. Change orders that affect time schedules shall be approved by the appropriate Department Director. Change orders that result in additional costs shall comply with the authority thresholds set forth in this section; these thresholds apply to both the design phase (professional service agreements) and construction phase (construction contract).
- (c) Change Orders – Public Improvement Projects/Construction.
  - (1) Any construction change order, which authorizes an improvement under a construction contract, may be executed without competition when:
    - (i) The improvement is required for the completion of an improvement that is currently under construction pursuant to a competitive bidding or competitive proposal process;
    - (ii) The improvement results from the unforeseen physical conditions at the site of the improvement under construction and is required for the completion of the improvement under construction; or
    - (iii) A written finding has been made by the Project Manager, or his designee, that it is in the City's best interest to negotiate with a specific, generally on-site, contractor for the construction of the improvement(s).
- (d) Authority to Execute Change Orders and Dollar Thresholds.
  - (1) If the original contract allows for contract modification and the requested change shall increase the contract amount by \$50,000 or more and the aggregate of change orders, including the proposed change order, plus the original contract amount are less than the budgeted amount of that contract and/or project, the change shall be approved in advance by the City Council.
  - (2) If the original contract allows for contract modification and the requested change in contract amount is \$25,000 and less than \$50,000 and the aggregate of change orders, including the proposed change order, plus the original contract amount are less than the budgeted amount of that contract and/or project, the change order shall be approved in advance by the City Manager.
  - (3) If the original contract allows for contract modification and the requested change is less than \$25,000 and the aggregate of change orders, including the proposed change order, plus the original contract amount are less than the budgeted amount of that contract and/or project, the change shall be approved in advance by the requesting agency's Director or designee.
- (e) A Request for Change must be completed and approved before any change order is effective. Funds shall be encumbered after approval of the change order



## ***SECTION 9: PURCHASING CARD PROGRAM***

### **9.1 Introduction.**

The City of Grand Junction purchasing card program is designed to improve the efficiency in processing small dollar purchases from any vendor that accepts the purchasing card. This program shall allow the cardholder to purchase approved commodities and services directly from our vendors. Each purchase card is issued to a named individual. Under special conditions, upon written request, a Department card may be issued in areas that do not require the employee to have a card on a daily basis. Contact the Purchasing office for details. The City of Grand Junction is clearly identified on the card as the “corporate” buyer of goods and services. Purchases are exempt from sales tax.

The Purchasing Division and Accounting Division shall monitor the performance of the program. All questions or concerns shall be directed to:

Procurement Related:	Program Administrator	244-1513
Accounting Related:	Finance Supervisor	244-1522

### **9.2 Who Does What?**

The following is a summation of the responsibilities of the individuals and agencies involved in the purchasing card program.

- (a) Department Director/Division Managers shall:
  - (1) Request purchasing cards for designated employees;
  - (2) Set cardholder spending limits within established guidelines;
  - (3) Designate representatives responsible for authorizing charges;
  - (4) Collect cards from cardholders that end employment;
  - (5) Evaluate the need to transfer cards when employees transfer;
  - (6) Notify the Purchasing Card Administrator of cards that must be terminated; and
  - (7) Comply with all purchasing and purchasing card policies and procedures.
- (b) Cardholder shall:
  - (1) Hold and secure purchasing card;
  - (2) Ensure availability of funds and proper account codes;
  - (3) Order/receive materials and services;
  - (4) Make sure there is no sales tax or no back-orders;
  - (5) Collect and save detailed sales receipts;
  - (6) Handle disputed items;
  - (7) Provide detailed receipts to the department/division Liaison;
  - (8) Comply with all purchasing and purchasing card policies and procedures; and
  - (9) Cancel lost or stolen cards by notifying the Purchasing Card Administrator and your Department/Division Manager.

- (c) Department Liaison (designated by Department Director) shall:
  - (1) Timely collect all bi-weekly information for the department or division(s) to be processed for account debiting;
  - (2) Review bi-weekly statement of each assigned cardholder to ensure inclusion of necessary receipts;
  - (3) Confirm that appropriate supervisor authorizes all charges if cardholder is nonexempt employee;
  - (4) Make sure there is no sales tax or back-orders;
  - (5) Ensure availability of funds in proper account codes;
  - (6) Verify appropriateness of account codes;
  - (7) Process all cardholder statements in a timely manner;
  - (8) Forward statement(s) and supporting receipts to Accounts Payable Division; and
  - (9) Process journal entries as required;
  - (10) Comply with all purchasing and purchasing card policies and procedures.
- (d) Accounting Division shall:
  - (1) Monitor charges for proper account codes and fund availability;
  - (2) Receive statements every two weeks from department/division Liaison;
  - (3) Notify departmental liaisons when reports are not entered or received in a timely manner;
  - (4) File and store statements, receipts, etc.;
  - (5) Administer 1099 reporting;
  - (6) Monitor missing documentation and notify the Purchasing Card Administrator or the Department Liaison; and
  - (7) Notify the Purchasing Card Administrator of any violations or discrepancies.
- (e) Purchasing Card Administrator and Purchasing Division shall:
  - (1) Coordinate program policy issues;
  - (2) Create and maintain cardholder hierarchy for control and reporting purposes;
  - (3) Create dollar transaction limits for cardholders and oversee any necessary and required modifications;
  - (4) Process properly authorized card requests and card strategy changes;
  - (5) Assign merchant codes to particular card strategies and change when in the City's best interest;
  - (6) Block merchant/commodity codes when appropriate;
  - (7) Initiate training program for all cardholders;
  - (8) Coordinate issuance and cancellation of cards;
  - (9) Target new cardholders and expanded use of cards;
  - (10) Maintain policy and cardholder guides/manuals;
  - (11) Maintain purchasing card software database;
  - (12) Evaluate purchasing card feedback from suppliers and from departments;

- (13) Coordinate and maintain internal controls;
- (14) Assist in resolving billing disputes, if required;
- (15) Monitor/audit use of cards and selection of vendors;
- (16) Participate in ongoing program reviews;
- (17) Conduct annual inventory of purchasing cards; and
- (18) Provide cardholders all relative information regarding card-use policy and procedures.

### **9.3 Limitations on Use of Purchasing Card.**

- (a) Cardholder Use Only. Only the employee whose name is embossed on the card may use the card. No other individual is authorized to use the card.
- (b) City Purchases Only. The card is to be used for City authorized purchases only. The purchasing card cannot be used for any personal use and any such use shall require immediate reimbursement and may result in disciplinary action.
- (c) Infractions: All infractions against the policy stated in this manual are tracked. The information is reviewed by the Program Administrator every two weeks. If it is found that an employee has multiple infractions or seems to be abusing the Purchasing Card guidelines, the information will be elevated and reviewed by the Purchasing Manager, the Department Director and the City Manager. Disciplinary action may include a decrease in spending limit, loss of Purchasing Card privileges or dismissal.

### **9.4 Dollar Limitations.**

- (a) The Department Director approving the assignment of a purchasing card shall set single purchase limits and monthly limits. The maximum single purchase limit is \$4,999. Maximum allowable monthly limit is \$20,000. Requests for spending limit changes must be initiated by the Department Director or Division Manager and approved by the Purchasing Card Administrator.
- (b) A purchase may be made of multiple items, but the invoice cannot exceed \$4,999 or the cardholder's limit if it is less. Payment for purchases must not be split to stay within the single purchase limit.

### **9.5 Other Conditions.**

- (a) All items purchased over-the-counter must be immediately available. No back ordering is allowed.
- (b) All items purchased during one telephone or fax transaction must be delivered in a single delivery. If an item is not immediately available no back ordering is allowed.
- (c) All items purchased by telephone, on the Internet or fax must be delivered by the vendor within 28 days (two billing cycles). An order shall not be placed without this assurance.

### **9.6 Prohibited Use of Purchasing Cards.**

The following types of items may not be purchased with a City purchasing card, no matter the dollar amount:

- (a) Any item exceeding \$4,999 in value not approved in advance by the Purchasing Supervisor;
- (b) Cash advances, cash refunds;
- (c) City Stores inventory items;
- (d) Items on a blanket purchase order;

- (e) Personal items;
- (f) Local (Grand Junction) vehicle repairs;
- (g) Local (Grand Junction) gasoline and oil purchases for city-owned vehicles. The City has a separate card for fuel purchases; and
- (h) Any merchandise, product or service normally considered to be inappropriate use of City funds.

### **9.7 Violations.**

- (a) Making purchases which exceed the cardholder's specific dollar limit. It is the responsibility of the ordering department to ensure all "extra" charges such as freight handling, set up, etc., are considered before a purchasing card transaction is made exceeding the cardholder's single transaction limit does not authorize the cardholder to make purchases.
- (b) Purchases from vendors that create conflicts of interest (e.g., companies owned by the City employee or relatives or where the employee has or will gain or benefit directly or indirectly from the purchase).

### **9.8 Requests, Disputes and Forgery/Fraud.**

- (a) To initiate issuance of a new purchasing card or to change information on an existing account a written request by the Department Liaison and/or his/her immediate supervisor is required. The request shall state the employee's name (as it should appear on the card), last four (4) digits of the employee's SS#, accounting defaults, Liaison number and requested spending limits. The request shall be sent to the Purchasing Card Administrator. An email request is sufficient.
- (b) To dispute a charge, the Department Liaison can click the dispute button while reconciling the cardholder's statement and/or the cardholder can complete the "Purchasing Card Dispute Form" and return the form to the issuing bank within 60 days from the posting date statement. The form can be found on the intranet under Forms-Purchasing.
- (c) To report a lost or missing card, or to report a forgery or unauthorized use of a card, the cardholder must complete the "Affidavit of Commercial Card Fraud" and return the form using the directions stated on the form. The form can be found on the intranet under Forms-Purchasing.

### **9.9 Internet Purchasing Card Procurement.**

- (a) Making purchases on the Internet by use of the purchasing card requires special precaution by the using department. Individuals must be aware that the chance of fraudulent card purchases could occur as a result of the City card number being obtained by unscrupulous individuals and used to make purchases. In order to discourage any fraudulent activity, the using department is encouraged to make the actual purchase by using the e-company's toll free number and placing the order verbally. If purchases are made directly on the Internet, they should only be made on a secured Internet site. A small gold colored lock symbol will appear on the lower right corner of the screen if it is a secure site. However, secure web sites do not normally guarantee the security of their site, although they attempt to provide a safety net for the consumer.
- (b) The using department representative must be careful to monitor the electronic purchasing process. All responsibility is borne by the individual making the purchase to ensure the process is monitored and recorded. Users are responsible to maintain a log of Internet purchases to ensure that the City is not billed for goods that have not been received. The log may be a manual log or a computer log. Entries are to be contemporaneous to give up-to-date information of the activities relative to the purchase.
- (c) At the time the order is placed the individual employee making the electronic purchase is required to download a receipt or record of the order placed for future reference. Some e-companies provide

you a confirmation of the order electronically and some do not. This process ensures a record of the transaction. The downloaded order documentation must be detailed with an itemized list of all items purchased and shall be submitted with the purchasing card statement for the items that have been charged for that period. Caution should be made to ensure the items that have been ordered are received, prior to authorizing the payment. If the items are not received as ordered, it is the sole responsibility of the individual ordering the merchandise to contact the vendor and rectify the situation. Erroneous billings will be charged to the appropriate budget if the protested activity is not rectified.

- (d) Additional caution must be made with regard to shipping and handling charges. Often the minimum charges for shipping and handling can exceed the savings or value the employee thinks they are obtaining on behalf of the City of Grand Junction. It is not uncommon for the shipping and handling to be a large percentage of the total expenditure, canceling out any savings that would have been realized. The most common carriers used by e-commerce companies are UPS and Federal Express, although heavier shipments may be made by freight carriers. Normally the rates are established based on the dollar value of the order placed and no documentation of the actual UPS/Federal Express/Freight Bill is provided to the purchaser.
- (e) Although the City supports this type of purchasing activity, City employees are encouraged to purchase from local trusted vendors if the goods desired are available. The element of risk is reduced considerably and the assurance of quality is enhanced, because employees can examine the goods prior to purchase.
- (f) All e-commerce purchasing is subject to promulgated City purchasing policy and procedures.

## **SECTION 10: METHODS AND PROCEDURES FOR SOURCE SELECTION**

### **10.1 Informal Solicitations for Purchases Not Exceeding \$25,000.00**

Any purchase of supplies and services less than \$25,000 may be made in accordance with the purchases procedures set forth in this chapter. Purchases shall not be artificially divided to circumvent the solicitation process. If numerous items are being purchased from one vendor on one order, the aggregate price is the determining factor with regard to solicitation procedures.

#### **(a) Purchase Authority and Process.**

- (1) The Purchasing Manager or employees with delegated purchasing authority shall have the authority to purchase without formal competition, for the purchase of any materials, professional services, services or construction amounting to \$5,000 and not exceeding a cost of \$25,000. If multiple purchases will be made during one fiscal year with an aggregate amount to warrant annual contracting, the Purchasing Manager may require the department/division provide data for a formal competitive solicitation, as is in the best interest of the City.
- (2) Such negotiated purchases shall be made in the open market; whenever practical or advantageous, the Purchasing Manager or designated representative shall attempt to obtain quotes from a minimum of three vendors. Negotiated purchases of materials, services or construction shall be awarded to the vendor supplying the lowest responsible and responsive quote. The names of the vendors submitting quotations, the amount of each quotation and the date, shall be documented and maintained as a public record.
- (3) The purchasing procedures adopted pursuant to this chapter shall authorize the purchase of materials, services or professional services in the open market by Department Directors and Division Managers or their designated representatives of other departments of the City; provided that no such purchase shall exceed the cost of \$5,000 without competition.
- (4) No contract shall be artificially divided so as to constitute a small purchase.
- (5) The Purchasing Division encourages the solicitation process to increase competition and value for the City. Upon request the Purchasing staff will help facilitate the quote process.

### **10.2 Solicitations for Purchases of \$25,000 or More.**

- Competitive Sealed Bids/Proposals Required. Expenditures for supplies, materials and equipment or any contract obligating the City of Grand Junction of \$25,000 or more and all major capital expenditures shall be purchased under formal competitive sealed bid or competitive proposal procedures.
- Public Notice Required. Purchases of commodities and/or services estimated to cost \$25,000 or more shall be published in a general circulation newspaper in the City of Grand Junction and be published at least five working days preceding the last day set for the receipt of solicitations. Public notice of solicitations shall state the place, date and time of the bid opening.
- Public Records. Purchasing Division is responsible for record keeping. All submittals, except confidential or proprietary information as defined by law, are public records and must be retained as such. Documents will be retained electronically through the City's Records Management system.
- Definition – Competitive Sealed Bid (Formal). A competitive sealed bid is a method of source selection for a procurement of goods and/or commodities estimated to be \$25,000 or more. Award

is generally made to the lowest responsive and responsible bidder whose bid complies with the specifications contained in the contract (bid) documents. This means that bid price is the decisive criterion for determining the vendor who shall receive the award.

- Definition – Competitive Sealed Proposal (Formal). A competitive proposal (request for proposal) is a method of source selection for a procurement estimated to cost \$25,000 or more. Award is generally to the respondent whose offer is considered the best when compared and evaluated against all other offers. Cost is not the primary focus of proposal award. Competitive proposal solicitations are used for the procurement of supplies or services that require a high degree of professional skill and expertise, or when looking for the solution to a problem. The qualification based selection process shall be used for the retention of design professionals (architects and engineers).
- (a) Competitive Sealed Bid Procedure.
- (1) Invitation for Bids (IFB). An invitation for bids shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement, as well as the bid opening place, time and date.
  - (2) Specifications. Specifications shall be made available to all interested parties as stated in the IFB. If for any reason whatsoever it is necessary to change the specifications or any other of the formal data and there is adequate time as determined by the Purchasing Manager prior to the date of bid opening, an addendum shall be issued setting forth the changes. Specification changes must allow adequate notice and mailing time and shall be coordinated between user department and Purchasing. This addendum shall be sent to everyone known to have received a copy of the IFB. In certain cases the bid opening may be postponed to allow adequate time for respondents to prepare their bid based on specification changes. If there is not adequate time, the IFB shall be canceled and a new bid process initiated.
  - (3) Bonding. Bid bonds (five percent to ten percent) and 100 percent performance and payment bonds are required on any City construction project of \$50,000 or more or as the Purchasing Manager and/or Department Director deems advisable to protect the City's interests. Bonding for service contracts shall occur at the discretion of the Purchasing Manager or the Department Director of the using agency.
  - (4) Bid Opening. The opening of sealed bids shall be a public formal procedure. Bids shall be opened by the Purchasing Manager or his designated representative, at the time and place specified in the Invitation For Bids. The amount of each bid and such relevant information as the Purchasing Manager or his designated representative deems appropriate, together with the name of each bidder, shall be recorded. Bids must be received prior to the specified time as established in the IFB. Bids received after the specified deadline may be immediately returned to the nonresponsive vendor unopened.
  - (5) Bid Submission and Bid Evaluation. Bids shall be unconditional and submitted without alteration or correction except as authorized in this subsection. Bids shall be evaluated based on the requirements set forth in the IFB, which may include criteria to determine acceptability, such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that shall affect the price and be considered in evaluation for award shall be objectively measurable, such as discounts, allowances, transportation costs and total or life cycle costs. The IFB shall set forth the evaluation criteria to be used.
  - (6) Correction or Withdrawal of Bids. Correction or withdrawal of inadvertently erroneous bids before and after a bid opening may be permitted in accordance with this subsection. Mistakes discovered before the bid opening may be modified or withdrawn by written, email, or fax notice received in the office designated in the IFB prior to the time set for the bid opening. After the bid opening, corrections in bids shall be permitted only to the extent allowable in the bid documents and that the bidder can show by clear and convincing evidence that the mistake

of a nonjudgmental character was made, the nature of the mistake and the bid price actually intended. Except for the foregoing, after the bid opening no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if: (i) the mistake is clearly evident on the face of the bid document, but intended correct bid is not similarly evident; or (ii) the bidder submits evidence which clearly and convincingly demonstrates a mistake was made. All decisions to permit the correction or withdrawal of bids shall be supported by a written determination made by the Purchasing Manager or his designated representative.

- (7) Award. Generally, an award shall be made by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the IFB. The City does not have a local preference policy. However, City Administration and City Council reserve the right to review and award bids at their discretion to responsive and responsible companies which may or may not be the low bidder. In the event the low responsive and responsible bid for a construction project exceeds available funds or the engineer's estimate, the Purchasing Manager or his designated representative is authorized, when time and economic considerations preclude re-solicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the low responsible and responsive bidder in order to bring the bid within the amount of available funds. Any such adjustments shall be based only on eliminating independent deductive items specified in the IFB. In the purchase of supplies or services pursuant to this section of whatsoever nature or character, amounting in value to \$50,000 or more, the Purchasing Manager or his designated representative shall make report and transmit the bids to the next regular session of City Council with recommendation concerning acceptance or Solicitation analysis. The City Council shall thereupon approve or disapprove the recommendation of the Purchasing Manager or his designated representative.
- (b) Multi-Step Sealed Bidding. When it is considered impractical to initially prepare a purchase description to support an award based on price, a Request for Information, RFI, may be issued requesting the submission of un-priced offers to be followed by an IFB limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.
- (c) Competitive Sealed Proposal/Competitive Negotiation Process. A contract for supplies or services for \$25,000 or more may be entered into by use of the competitive sealed proposal/competitive negotiations method when: (1) the Purchasing Manager or his designated representative determines that the complex nature or technical details of a particular procurement make the use of competitive sealed bidding either not practical or not advantageous to the City; (2) specifications cannot fairly or objectively be prepared as to permit competition in the invitation for bids; (3) high technology and electronic equipment is available from a limited number of sources; or (4) specifications cannot practically be prepared except by reference to specifications of the equipment of a single source of supply.
  - (1) Requests for Proposals (RFP). Proposals shall be solicited through a request for proposals process.
  - (2) Receipt of Solicitations. No proposals shall be opened until the time designated in the proposal document or addenda. A tabulation/abstract of solicitations shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered.
  - (3) Evaluation Factors. Proposal evaluation criteria should measure how well each offeror meets the desired performance requirements established before proposals are received. Final consideration for awarding of contract shall not be based solely on price. A combination of qualifications, past experience, demonstrated successes, references, fees and costs, capacity to



fulfill all requirements of the contract and other qualifying considerations shall be considered for evaluation purposes.

- (4) Discussion with Responsible Offerors and Revisions to Proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of classification to assure full understanding of, and conformance to, the solicitation requirement. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers.
- (5) Award. Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price and evaluation factors set forth in the request for proposals. No other factors or criteria shall be used for this evaluation. The contract file shall contain the basis on which the award was made. In the purchase of supplies or services amounting in value to \$50,000 or more, the Purchasing Manager or his designated representative shall make report and transmit the offers to the next regular session of City Council with recommendation concerning acceptance or rejection thereof. City Council shall thereupon approve or disapprove the recommendation of the Purchasing Manager or his designated representative. If the value of the award is between \$25,000 and \$50,000, the Purchasing Manager or his designated representative shall make report and recommendation and transmit same to the City Manager to approve or disapprove the award. If the value of the award is between \$15,000, and \$25,000, the Purchasing Manager or his designated representative shall make report and recommendation and transmit same to the appropriate Department Director, or designee to approve or disapprove the award.

### **10.3 Nonresponsive Bid Definition.**

A responsive bid is one that is in substantial conformance with the requirements of the IFB. Bidders who substitute their standard terms and conditions for that of the City's bid documents or who qualify their bids in such a manner as to nullify or limit their liability to the City are nonresponsive bidders.

- (a) Determination of Nonresponsive. The following are examples of nonresponsive bidders:
  - (1) A bidder who fails to deliver a bid prior to the specified place, time and date as shown on the IFB such is considered late and the bid shall not be opened.
  - (2) A bidder who fails to conform to required delivery schedules as set forth in the bid documents or in the permissible alternatives.
  - (3) A bidder who qualifies prices in such a manner that the firm's bid price cannot be determined ("price in effect at time of delivery").
  - (4) A bidder who fails to offer goods or services that comply with the specifications of the bid.
  - (5) A bidder who makes the purchasing authority the responsible party for determining that the bidder's products conform to the specifications.
  - (6) A bidder who fails to furnish bid surety.
  - (7) A bidder who limits the rights of the City under any contract clause.
- (b) Appeal. When a bid is declared nonresponsive, the City purchasing rules and regulations require that the bidder be notified and given an opportunity to appeal that determination. If he believes that the nonresponsive determination was erroneous, arbitrary or capricious, the bidder has the right to protest according to the rules and regulations for protested solicitations or awards contained herein (Section 10.9).

#### **10.4 Responsible Vendor Definition.**

A “responsible vendor” is a person who has the capability in all respects to perform fully the contract requirements and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit which shall assure good, full and faithful performance.

- (a) Determination of Non-responsibility. The following are reasons a bidder may be declared non-responsible:
  - (1) The bidder is not a regular dealer or supplier of the goods or services offered;
  - (2) The bidder does not have the ability to comply with the required delivery or performance schedule;
  - (3) The bidder does not have a satisfactory record of performance as documented by the requesting agency’s Department Director or designated representative or as referenced by other jurisdictions or customers;
  - (4) The bidder does not have a satisfactory record of integrity or the bidder is currently disbarred or suspended by the State of Colorado or other Colorado jurisdiction or political subdivision;
  - (5) The bidder does not have the necessary facilities, organization, experience, technical skills or financial resources to fulfill the terms of the contract/purchase order; or
  - (6) The bidder of construction and/or maintenance services has a demonstrated record of safety violations.
  - (7) Inability to meet the required contract performance schedule.
- (b) Appeal. When a bid is declared “non-responsible,” the City purchasing rules and regulations require that the bidder be notified and given an opportunity to appeal that determination. If he believes that the non-responsible determination was erroneous, arbitrary or capricious, the bidder has the right to protest according to the rules and regulations for protested solicitations or awards contained herein (Section 10.9).

#### **10.5 Solicitation Irregularities.**

The Purchasing Manager has authority to waive irregularities if: (a) the item being waived is only a matter of form or is an immaterial variation from the exact requirements of the Solicitation; (b) the item being waived has trivial or no effect on price, quality, quantity, delivery or performance; and (c) such a waiver would not affect the relative standing of bidders or be otherwise prejudicial to them. Examples of minor irregularities that may be waived are:

- (a) Failure to furnish with the bid certain required information regarding the vendor’s qualifications to perform the contract.
- (b) Failure to submit required descriptive information on the products offered.
- (c) Failure to return the proper number of executed bids or attachments, including certifications and affidavits.
- (d) Failure to return a bid addendum or amendment if on the face of such bid the bidder acknowledges receipt of addendum or amendment or if the addendum or amendment does not have material effect on the bidder’s liability under the terms of the contract.
- (e) Failure to sign a bid, when evidence is submitted with the bid that clearly shows that the bid was the one intended by the bidder and that failure to sign was strictly an oversight.

When such minor irregularities are discovered by the purchasing authority, the offeror is requested to remedy the problem within a reasonable timeframe by later submitting omitted data or by providing a written statement of intent.

## **10.6 Exemptions to Competitive Solicitation.**

- (a) The following items are exempted from competitive bidding:
  - (1) Supplies, materials, services costing less than \$25,000;
  - (2) Purchases made cooperatively with other units of government such as the State of Colorado and government cooperative groups utilizing extended awards from other governmental agencies. The City may, when deemed appropriate, extend its award to other governmental agencies;
  - (3) Purchases/Contracts with federal, local government and not-for-profit units;
  - (4) Magazines, books and periodicals;
  - (5) Supplies, products or services indispensable to the City which are obtainable, for practical purposes, only from a single source, as identified by the Purchasing Manager using the procedure herein set forth;
  - (6) The material qualifies as an object of fine art;
  - (7) A particular material is required to match materials currently in use by the City; or
  - (8) Original Equipment Manufacturer (OEM) repair parts purchased from the source vendor.
  - (9) Annual maintenance and service agreements on purchases originally obtained by competitive solicitation or Sole Source when the terms of the agreement specify the original provider performs ongoing maintenance.
- (b) Miscellaneous Exemptions. Any procurement resulting from a formal competitive bid or proposal may be used as the basis for the negotiated purchase of additional quantities of the same materials or services at any time within a period of three years from the date of approval; provided, however, that subsequent procurements are expressly limited to the specific terms, conditions and pricing established by the original solicitation. Additional quantity negotiations must be accomplished by the Purchasing designee.
- (c) Construction change orders may be permitted without competition as described in Section 8.

## **10.7 Waiver Process to Formal Competitive Bids.**

The formal bid process may be waived by the Purchasing Manager under the following conditions:

- (a) Where the process may cause undue delay or hardship for a department, division or office of the City; and
- (b) When deemed in the best interest of the City.

## **10.8 Rejection of Bids.**

All bids may be rejected when one or more of the following occur:

- (a) All bids exceed the budgeted amount;
- (b) There are no responsible bidders;
- (c) There are no responsive bidders;
- (d) The project is abandoned; or
- (e) The specifications, scope and/or terms and conditions are revised.
- (f) Irregularities in the procurement process as determined by the Purchasing Manager and/or the City Manager.

## **10.9 Protested Solicitations or Awards.**

- (a) Protest. Any actual or prospective bidder, contractor or vendor who is aggrieved in connection with the solicitation or award of a contract and purchase order may protest to the Purchasing Manager, or City Manager as set out in this section. The protest shall be submitted in writing to the Purchasing Manager or his designated representative, within seven working days after the aggrieved person knows or should have known of the facts giving rise thereto.
  - (1) Protests in connection with a solicitation or award of a contract involving an amount less than \$50,000 shall be filed with and determined by the Purchasing Manager.
  - (3) Protests in connection with a solicitation or award of a contract involving an amount of \$50,000 or more shall be filed with and determined by the City Manager.
- (b) Authority. The City Purchasing Manager or City Manager, as set out in this section, shall have the authority to settle and resolve a protest of an aggrieved bidder, contractor or vendor, actual or prospective, concerning a solicitation or award of a contract. A written decision regarding the protest shall be rendered within 30 working days after the protest is filed. This authority shall be exercised in accordance with the City procurement rules and regulations set forth herein. The City reserves the right to make determinations that are deemed in the best interest of the City. If 30 days have passed without a decision, the written protest shall be forwarded to the City Attorney's office for resolution.

## **10.10 Confidentiality.**

After solicitations are opened and reviewed at the solicitation opening, they become confidential documents until the Purchasing Manager or designee awards the contract or the solicitation project is cancelled. Staff shall not discuss solicitations with competing vendors. Vendor questions must be referred to the Purchasing Division. Staff shall not discuss with any vendor the recommended award or the reasons for awarding or not awarding.

## **10.11 Disagreements about Recommendations.**

If the Department and the Purchasing Division disagree about the award recommendation, the Department Director or designee and the Purchasing Manager or designee shall meet personally to review the reasons for the disagreement. The mutual goal of the Department and the Purchasing Division is to award to the lowest responsive and responsible bidder for goods or services that meet the Department's requirements contained in the specifications. Disagreements that cannot be resolved shall be forwarded to the City Manager's office for final determination.

## ***SECTION 11: SPECIFICATIONS***

### **11.1 Specifications.**

The term “specification” or “specifications” refers to that portion of a solicitation that describes the required characteristics of a commodity or service. It is used interchangeably with the terms “purchase description”, “purchase specification”, “purchase requirement”, “commercial item description”, “scope of work” and “statement of work.” A specification may include requirements for samples, prototypes, inspection, testing, warranty and packaging. The specifications are the communication medium between the purchaser and the seller and the basis on which the bids are prepared. Specifications for each item should be definite and precise to eliminate the possibility of misunderstanding on the part of the vendor or the purchaser.

The fundamental premise of public procurement is that maximum price competition minimizes government costs. Specifications shall be prepared accordingly.

Specifications which call for only one “brand or trade name” item to be furnished shall not be issued unless prior approval is granted by the Purchasing Manager. “Brand names” may be used to establish acceptable or minimum standards that all vendors must meet or exceed.

In considering and developing specifications, it may be determined that expenditures cannot be expected to provide for excessive levels of quality.

### **11.2 Authority for Specifications.**

The City Purchasing Manager is responsible for and has the authority to accept or reject any specification. Since the purpose of a specification is to translate a user’s need into the delivery of a good or service, the development of specifications must be a cooperative effort between the using agency and Purchasing. However, prior to release of a specification as part of a solicitation, the Purchasing Manager or Buyer must be satisfied that it shall result in a fair and equitable competitive procurement.

### **11.3 Types of Specifications.**

There are several types of specifications. The development, selection and use of a particular type are dependent on the situation, time, information available and needs of the user.

- (a) Performance Specifications. Performance specifications (also known as functional specifications) are preferred since they communicate what a product is to do, rather than how it is to be built. Among the ingredients of a performance specification would be the following:
- (1) A general nomenclature or description;
  - (2) Required performance characteristics (minimum/maximum) to include speed, storage, production capacity, usage, ability to perform a specific function;
  - (3) Operational requirements, such as limitations on environment, water or air cooling, electrical requirements;
  - (4) Site preparation requirements for which the contractor shall be responsible, such as electricity, plumbing or for which the City shall be responsible;
  - (5) Compatibility requirements with existing equipment or programs;
  - (6) Conversion requirements for maintaining a current equipment or system until switching to the new equipment or system;

- (7) Installation requirements;
- (8) Delivery date;
- (9) Maintenance requirements;
- (10) Supplies and parts requirements;
- (11) Quantity and method of pricing;
- (12) Warranty; and
- (13) Service location and response time.

Note: Performance specifications shall be developed by City agencies unless impractical or unnecessary to fully and accurately describe agency requirements.

- (b) Design Specifications. Design specifications employ dimensional and other physical requirements and concentrate on how a product is fabricated, rather than on what it should do. Design specifications are normally prepared by architects and engineers for construction or custom manufactured products. Among the ingredients of a design specification would be the following:
  - (1) Dimensions, tolerances and specific manufacturing or construction processes;
  - (2) References to a manufacturer's brand name or model number; and
  - (3) Use of drawings and other detailed instructions to describe the product.
- (c) Brand Name Specifications.
  - (1) A brand name specification may be used only when the Purchasing Manager has determined that sufficient sources of competition exist for the procurement of the material and that the use of the brand name specification is not intended to limit or restrict competition.
  - (2) A brand name specification may also be used to describe the standard of quality, performance and other salient characteristics of a material in lieu of a description of its physical or functional characteristics. In such cases, the solicitation shall contain explanatory language that the use of the brand name is for the purpose of describing the standard desired and that the substitution of equivalent materials is permitted.
  - (3) When a specification mentions a manufacturer's brand name or model number, it shall also include the words, "or equal." In this regard, "or equal" is interpreted to mean, "substantially (real, actual and/or true, not imaginary) equal and capable of performing the essential functions of the referenced brand name or model." Identify in the requisition any specific features of the referenced brand that must be met.
- (d) Service Delivery Specifications (aka – Scope of Work/Services). The following is an outline of the types of information that should be included in a scope of work or scope of services developed for procurement of independent contractors providing services other than construction (e.g., HVAC maintenance, window washing, demolition, etc.).
  - (1) General Requirements. Describe, in general terms, the contractor's responsibility to provide a service or produce a final product.
  - (2) Specific Requirements. Next, address the specific tasks, sub-tasks, parameters and limitations which must be considered in producing the service or final project. Such factors as the following should be included:
    - (i) Details of work environment;
    - (ii) Minimum or desired qualifications;
    - (iii) Amount of service needed;

- (iv) Expected results;
  - (v) Location of service;
  - (vi) Definition of service unit;
  - (vii) Time limitations;
  - (viii) Travel regulations or restrictions;
  - (ix) Special equipment required; and
  - (x) Other factors affecting working environment.
- (3) City-Provided Materials or Services. List any plans, reports, statistics, space, personnel or other City-provided items that must be used, or are available for use, by the contractor.
  - (4) Deliverables, Reports and Delivery Dates. Identify the specific delivery dates for all services and products the contractor must furnish. Be clear about the expectations of the City for the contractor's performance.

#### **11.4 Specifications "Do's and Don'ts."**

- (a) Do:
  - (1) Use the word "must" or "shall" to describe a command or mandatory requirement;
  - (2) Use the words "should" or "may" to describe an advisory or optional requirement;
  - (3) Be specific and detailed in presenting mandatory requirements; and
  - (4) State a requirement of fact once and avoid duplication.
- (b) Don't:
  - (1) Present something as mandatory if it is really only optional;
  - (2) Write specifications or scope of work that restrict response to a single bidder/offeror; and
  - (3) Place bid/proposal administrative or contractual terms in the specification portion of the document.

#### **11.5 Preparation of Specifications.**

All specifications shall be drafted so as to promote overall economy for the purpose intended to encourage competition in satisfying the City's needs and shall not be unduly restrictive. The policy enunciated in this chapter applies to all specifications including, but not limited to, those prepared for the City by independent architects, engineers, designers and draftsmen.

Departments are responsible for the first draft of specifications to be submitted to Purchasing. Lengthy and complex specifications should be submitted to Purchasing via e-mail attachment. After Purchasing has reviewed the specifications and attached its standard terms and conditions, the Department shall be forwarded a redline draft for final review and approval.

Bids and quotations should be based on concise but adequate specifications. A lengthy specification composed or designed solely for the purpose of eliminating competition, other than those able to supply a particular brand name commodity, should be avoided and the actual brand name or common description should be used when no other of its kind would be equally satisfactory. Specifications should be detailed to provide a basis for full and fair competitive bidding upon a common standard and should be free from any restrictions that would have the effect of stifling competition.

The Purchasing Manager or Buyer has authority to require modifications or alterations to a specification to permit competitive bidding. The Purchasing Manager or Buyer shall furnish the requesting department

representative with a written report of any change(s) and why change(s) is desired and/or necessary. Disagreements between Purchasing Staff and agency representatives regarding final bid or proposal specifications shall be resolved by the City Manager.

#### **11.6 Changing Specifications.**

Once a solicitation has been posted, no changes in the specifications may be made unless an addendum is issued, clearly pointing out such changes. This addendum shall instruct the vendor to sign and attach one copy to his/her response as proof of receipt. Once a decision has been reached on the specification(s), all responses must be based upon the same specifications and no vendor has a right to substitute other specifications for those contained in the solicitation.



## **SECTION 12: PROFESSIONAL, TECHNICAL AND EXPERT SERVICES PROCUREMENT**

### **12.1 Purpose.**

The City frequently requires the specialized skills, knowledge, resources and services of private contractors or consultants to complete complex studies, to develop or revise procedures, to conduct audits, to train staff, to design facilities, or to provide a specialized product. The purpose of this section is to set forth policy and procedures for procuring professional, technical and expert services.

### **12.2 Authority.**

- (a) Under \$25,000. For the purpose of procuring the service of licensed professional(s) or independent consultant(s), any using agency or department requiring such services may procure them on its own behalf when the total cost does not exceed \$25,000. Department Directors or Division Managers are responsible for selection and contract administration. Competition is not required; nevertheless, Department Directors or Division Managers are responsible for selection based on applicable and appropriate qualifications, experience, referenced successes and cost factors.
- (b) \$25,000 to \$50,000. With the approval of the City Manager, professional, technical and expert services with a total cost of \$25,000-\$50,000 can be procured without competition (see Section 2.8, Purchasing Approval Limits Table, Sole Source column). Department Directors are responsible for providing the City Manager with a written justification and recommendation for the selection.
- (c) Over \$50,000. With the approval of City Council, professional, technical and expert services can be procured without competition (see Section 2.8, Purchasing Approval Limits Table, Sole Source column). Department Directors are responsible for providing and presenting City Council with a written justification and recommendation for the selection.
- (d) Without the approvals set forth above, for the purpose of procuring the services of licensed professionals or independent consultants, all City departments are required to adhere to the selection procedures described in this chapter if the work is to cost \$25,000 or more. The City Purchasing Manager is authorized to solicit and procure professional services expected to cost \$25,000 or more. Proposals shall be requested and received by the Purchasing Division. Offerors shall be ranked and negotiations may be conducted. No contract for the services of legal counsel shall be awarded without the approval of the City Attorney or his designated representative. Contracts for professional design services shall follow the qualification-based selection process (SOQ).

### **12.3 Selection Procedures for Professional Service Contracts of \$25,000 or More.**

The selection process for professional services, to include design firms, architects, engineers, land surveying, auditors, training and other professional or technical specialized services shall be competitive whenever possible. Prior to making the decision to solicit proposals a determination must be made if the process is to be single or multi-step. In a multi-step process, the department desiring the services should determine if it would be in the best interest of the City to obtain qualification letters or statements of qualification (SOQ) from prospective providers prior to soliciting proposals. If that is the desire of the requesting department, the process will start with the SOQ. The following process shall be adhered to in varying degrees as agreed upon between the using department and the Purchasing Manager.

- (a) Step 1. The first step requires the Director to designate a representative to serve as project coordinator, also known as “project manager.” Prior to preparing a requisition to issue a request for proposals (RFP), the project coordinator shall confer with the Purchasing Division to determine

whether an RFP is the appropriate mechanism for the procurement or if a qualification letter/statement of interest (SOQ) is the first step of the process. If the RFP is recommended, a schedule for the selection process shall then be established.

- (b) Step 2. The project coordinator shall prepare a purchase requisition to transmit to the Purchasing Division with the scope of work (minimum requirements for services) for the project. The scope of work (SOW) shall be submitted in writing or e-mail. The SOW seeks results; it is performance, not process oriented and requires a systematic approach. It should define the mission of the RFP or answer the question 'why' this acquisition is being made or considered. It also discusses 'how,' at least in broad terms, the mission is to be accomplished. The SOW defines the logical flow of activities, specifies the expected result or outcome of each and delineates how this shall be measured. It defines who is responsible for what, i.e., it identifies the responsibilities of both parties (purchaser and supplier).
- (c) Step 3. Accompanying the SOW shall be (1) a proposed calendar of events, and (2) the recommended evaluation criteria to be incorporated into the RFP and used to rank and select the service provider. (3) The department shall also provide the names and addresses of the recommended evaluation committee members and a list of prospective offerors to be contacted.
- (d) Step 4. The Purchasing Division shall prepare a draft RFP for departmental review. Only after all revisions are made will the RFP be advertised by the Purchasing Division.
- (e) Step 5. The Purchasing Division shall receive all proposals until the deadline date, place and time specified. At that time, submittals shall be opened, recorded and reviewed to be certain the administrative requirements of the RFP have been met. Note: At this stage only the names and addresses of respondents are public record; all other information is confidential until contract negotiations are completed and award has been made or the project is cancelled.
- (f) Step 6. Copies of the proposals shall be forwarded to the department for distribution to evaluation committee members for perusal prior to the formal selection meeting that follows.
- (g) Step 7. Committee members shall then meet as a team. The team reviews each proposal and determines the strengths and weaknesses of each. The team members may score each proposal using a rating form that is specifically prepared for the unique conditions of the proposed contract work. After all proposals have been evaluated, team members shall rank the proposals in order of preference. The references of the highest ranked firm are checked to support the team finding. The evaluation must be done in accordance with the criteria contained in the RFP. The information in proposals is confidential during the evaluation process. If requested, a representative of the Purchasing Division shall assist the committee to assure that evaluations are conducted as stated in the RFP. If warranted, interviews or oral presentations may be scheduled to further assess the capabilities of the proposers.

The committee recommendation does not authorize the committee or department to notify any offeror of the status of the evaluation.

- (h) Step 8. The Purchasing Representative and/or the project coordinator may conduct negotiations with the recommended offeror until a final contract is agreed upon. If necessary, the City Attorney's office shall be asked to review the draft contract document before award. If terms or compensation cannot be agreed upon with the best-qualified offeror, negotiations shall be terminated. If proposals were submitted by one or more other offerors determined to be qualified, negotiations may be conducted with such other offeror or offerors, in order of their respective qualification ranking and the contract may be awarded to the offeror then ranked best qualified if the amount of compensation is determined to be fair and reasonable.
- (i) Step 9. After both parties have agreed to the terms of the contract, the contract shall be presented to the proper authority for execution. Authority to award and execute contracts shall comply with purchasing authority thresholds as set forth in Section 2.8.

- (j) Step 10. All proposers shall be notified of the selection.
- (k) Step 11. The length of Professional Services is one year with three additional, one year extension options. If the cost increases, the contract amendment approval should be made according to the Purchasing Approval Limits.

## ***SECTION 13: EMERGENCY PURCHASES***

### **13.1 Emergency Purchase Definition.**

Emergency purchases are made to protect the public health of citizens or when immediate repair is necessary to prevent further damage to public property, machinery or equipment. In addition, a bona fide emergency purchase is when the functioning and operation of a City department would be seriously hampered or delayed through use of the normal purchasing process.

### **13.2 Authority.**

In case of an emergency affecting the public peace, health or safety, the City Manager may waive all provisions for competitive bidding. In such instances, the City Manager may direct the appropriate Department Director or Purchasing Manager to procure such emergency needs by informal open market procedure, as expeditiously as possible, at not more than commercial prices. When expenditures exceed \$50,000, a full report of the circumstances necessitating the emergency action shall be presented at the next City Council meeting by the City Manager.

### **13.3 Emergency Purchase Procedures.**

- (a) Criteria. The following are the criteria for determining whether to use emergency purchase procedures:
  - (1) An equipment breakdown or act of God threatens to terminate essential services; or
  - (2) A dangerous condition or immediate need for supplies, equipment or services threatens public safety, health or welfare.
- (b) Procedures. The following are procedures to be followed for emergency purchase situations:
  - (1) In the event of an actual emergency during nonworking hours, the Department Director or designee may purchase directly any supplies whose immediate procurement is essential to protect the life, health or safety of the public. When expenditures exceed \$25,000, the Department Director or designee of the City agency using the emergency procedure shall submit, by close of business the next work day, a requisition with a copy of the delivery document and a written report explaining the circumstances of the emergency to the City Purchasing Division.
  - (2) During normal City business hours, the Department shall notify the Purchasing Manager of the emergency situation and request verbal approval to proceed with the emergency purchase. The Department shall provide the following:
    - (i) The nature of the emergency;
    - (ii) The estimated cost of the services/goods required; and
    - (iii) The vendor recommended to receive the order.

## ***SECTION 14: SOLE SOURCE DESIGNATION***

### **14.1 Authority.**

The City purchasing manual allows for exemption from the competitive procurement process when a written determination has been made by a Department Director or Division Manager, and approved by the Purchasing Manager, City Manager or City Council, that there is only one source practicably or reasonably available to supply a good or service.

When, in the opinion of the Purchasing Manager the best interests of the City shall be served, the Purchasing Manager may authorize the use of sole source procurement procedures provided the expenditure does not exceed \$25,000. Initial sole source requests up to \$25,000 must also be approved by the Department Director. Initial sole source requests from \$25,000 to \$50,000 must be approved by the City Manager. Initial requests for sole source expenditures of \$50,000 or more shall be approved by City Council. See "Purchasing Approval Limits" Section 2.8.

Approved sole source requests may remain in effect for the useful life of the product/project given that the criteria set forth in this section is still applicable. Purchases of items related to prior approved sole source requests may be procured without repetitive approval authority given that budgeted funds are available.

### **14.2 Sole Source Criteria.**

The following are the criteria used for determining sole source:

- (a) The vendor is the original equipment with similar parts or equipment available from another manufacturer;
- (b) The compatibility or conformity with City-owned equipment or materials in which nonconformance would require the expenditure of additional funds;
- (c) No other equipment is available that shall meet the specialized needs of the department or perform the intended function;
- (d) Detailed justification is available which reasonably establishes that the vendor is the only source practicably available to provide the item or service required; or
- (e) Written demonstration and justification is available which reasonably and practicably establishes that the selection of a sole source vendor is in the best interest of the City.
- (f) The product, equipment or service is functionally superior to all other competitive products.

### **14.3 Procedures.**

- (a) The department shall complete a Sole Source Justification Form and attach documentation and justification that establishes that the proposed vendor is the only source reasonably or practicably available to provide the item or service required. The department is responsible for conducting negotiations, as appropriate, as to price, delivery and terms. In an effort to ensure that sole source justifications forms are valid, after a period of three years, the Purchasing Staff may request the using department update the information or justify that the sole source conditions continue to be valid. The Sole Source Justification Form can be found on the intranet under Forms-Purchasing.
- (b) Authorization Thresholds: For sole source purchases follow the approval limits designated in Section 2. If a sole source is required to be approved by the City Council, the presentation to Council for final approval or disapproval must be made by the requesting department. The Purchasing Manager shall review the recommendation for compliance with the City's policies prior

to the agenda being forwarded to the City Clerk to be placed on City Council's agenda. Presentation shall be made by the requesting Department.

## ***SECTION 15: INFORMATION TECHNOLOGY PURCHASES***

### **15.1 Authority of Information Technology Director.**

All purchases of computer hardware and software must have prior approval of the City's Information Technology (IT) Director or his designated representative.

Any purchase request submitted directly to Purchasing shall be returned to the requesting department without further processing.

### **15.2 General Guidelines.**

The procedures set forth in this chapter shall be followed for all hardware and software purchases, usage, and installation regardless of price, including monitors, printers, plotters, scanners, memory and multi-function cards, co-processor chips, disk drives, backup units and/or any other device/component which is controlled by computer.

Each department shall be responsible for ensuring no unauthorized software or programs are installed on their machines by their assigned personnel. Should an unauthorized installation be discovered on a department machine by IT personnel, the assigned department head and the Financial Operations Manager shall be notified by IT.

Only properly licensed software/hardware owned by the City of Grand Junction may be installed on City-owned machines. All City computer hardware/software classified as "infrastructure" or "City-wide" shall be under the jurisdiction of the Information Technology Division.

Any software or browser plug-ins downloaded from the Internet needed to view, hear or read web pages shall be the responsibility of the user to install and trouble shoot. Patches, minor updates and hardware drivers for approved software and hardware may be downloaded from the Internet.

### **15.3 Request and Purchase Procedure.**

- (a) The department requesting the purchase shall prepare a Computer Hardware/Software Requisition Form which shall be forwarded to the IT Manager by e-mail or hard-copy. The requisition shall state the reason/need for the item, item description including system requirements, estimated costs, possible vendors and applicable accounting information. .
- (b) The IT Manager or his designated representative shall evaluate the request. Routine items that are department specific for which no IT support is being requested can be authorized by the IT Manager.
- (c) Hardware and software items that affect more than one department, the City-wide or infrastructure systems, significant upgrades or version changes to existing software or items for which technical support is being requested must be approved by the IT Manager. The IT Manager can approve the request, approve an alternative purchase and/or arrange a meeting with the department involved to discuss the request.
- (d) Approved purchases under \$5,000 shall be returned to the requesting department for purchase with a recommended vendor. Purchase requests of \$5,000 or more shall be the responsibility of the IT Manager who shall follow the procurement rules and regulations as set forth herein.
- (e) "Sole Source" Computer Equipment Acquisition. Purchases which would, because of dollar amount, require a bid procedure, but for which it is deemed not in the City's interest to seek bids (because of the need to standardize equipment and/or provide equipment which fits within current maintenance/service policy) shall be so marked upon forwarding to IT Manager. Such purchase

requests must meet City guidelines for sole source procurement (See Section 14). Sole source computer related purchases shall be justified in writing by the IT Manager.



## ***SECTION 16: FLEET PURCHASES***

### **16.1 Authority of the Fleet/Facility Manager.**

The City's Financial Operations Manager or his designated representative must review all purchase requests for vehicles and industrial equipment.

Any purchase request submitted directly to Purchasing shall be returned to the requesting department without further processing.

### **16.2 General Guidelines.**

It is the policy of the Fleet Services Division (FSD) to provide the latest in vehicle and equipment technology to the City of Grand Junction service divisions in the most cost effective fashion possible. It is also the FSD's responsibility to plan for replacement of City of Grand Junction vehicle and equipment assets in the most practical and economical time frame.

All vehicles and industrial equipment with a purchase value of \$5,000 and above or vehicles and equipment that require registration and licensing to operate on public roads and highways shall be included in the fleet replacement accrual fund and under the direction of the FSD.

### **16.3 Overview.**

The economic life cycle of vehicles and equipment in today's industry is considerably longer than in the past. The ability of computerized fleet maintenance management systems and other technology such as oil analysis, engine analyzers, and on-board computer systems have had a positive impact on the length of service life. The change is demonstrated by the higher mileage warranties that are offered on some vehicles in fleet environments.

The most advantageous replacement frequency is not a preset, inflexible interval in usage, years, or maintenance cost, as has occurred in past years for some fleets. The most economical replacement opportunity will occur within a specified time frame or replacement window.

### **16.4 Vehicle and Equipment Specifications.**

Specifications are developed by the Fleet Supervisor or a delegated representative and reviewed by the Purchasing Division for programmed replacements and approved additions to the fleet for which FSD will inherently have asset management responsibility, in consultation with the using agency. Specifications are developed/updated on an as-needed basis as early in the fiscal year as possible (subject to known/projected needs, availability of spec information, etc.). Specifications consider the using department's needs to the maximum extent possible, while also providing for standardization of similar fleet units to promote unit assignment flexibility. Specifications attempt to maximize supplier source options, while providing for using agency and City needs for satisfactory equipment and supplier performance.

Note: It is the responsibility of the user department to request early replacement, replacement upgrades and new vehicle or equipment additions to the fleet. During the budget process by the appropriate level the annual rental rate will be included in the requesting department's operating budget by the Accounting Division. FSD will continue to use the Equipment Replacement Committee to evaluate and approve projected vehicles and equipment for replacement as established by the replacement fund.

The FSD and the Purchasing Division with the cooperation of the user department will evaluate bids for those fleet units for which it has asset management responsibility. Bid evaluations will consider the

extent to which bids meet or exceed the minimum requirements. Bid evaluations may be based on one or more established grading scales. When deemed necessary, equipment demonstrations may be conducted to assist in the evaluation process (equipment pre-qualification process).

#### **16.6 Vehicle and Equipment Standards.**

It is the policy of FSD to apply vehicle standards to all vehicle and equipment acquisition. The standards will enable the FSD to standardize specifications, repairs, parts acquisition and training to both technicians and operators. This minimizes costs and enhances efficiency. Standards will clearly define the need for specific features to perform job duties of a specific type and definition.

Replacement units shall be equivalent to the unit being replaced, unless a more economical downgrade is appropriate. Example: downgrade a full size pick up for a compact sedan or hybrid.

The goal is to meet the using department needs while providing the lowest practical ownership costs with the least environmental impact.

To standardize fleet units, options and equipment packages whenever possible and practical, downsizing is encouraged. The following criteria will be used for the selection of appropriate vehicles:

- (a) Administrative sedans will be mid-size or smaller.
- (b) Public safety units subject to pursuit or emergency calls may be full-size sedans.
- (c) All unmarked public safety units will be mid-size.
- (d) All units will be of the smallest practical size.
- (e) All units will be two or front wheel drive unless off-road or all wheel drive is can be justified.
- (f) K-9 units shall be full size wagon or SUV.

Alternative fuel will be considered on all units where an alternative fuel is available. Types of alternative fuels include, but are not limited to, E85, electric, electric/gas (hybrid) and compressed natural gas (CNG).

#### **16.7 Vehicle Identification.**

Fleet units operated by the City of Grand Junction shall comply with all local and State laws, regulations, and ordinances, which prescribe the identification of City fleet units. Those fleet units for which the FSD has asset management responsibility shall be marked by the FSD.

#### **16.8 Equipment Transfer and Turn-in.**

The FSD shall manage the departmental assignment of all units for which it has asset management responsibility.

Transfer requests and/or new equipment requests shall be made to the FSD by the agency to receive the fleet unit. Fleet units, which are no longer needed by an agency, may be returned to the FSD at any time with written notice to the FSD requesting termination of the unit assignment.

## ***SECTION 17: COOPERATIVE PROCUREMENT***

### **17.1 General.**

Cooperative procurement is a process by which two or more jurisdictions cooperate to purchase items from the same vendor. This form of purchasing has the benefits of reducing administrative costs, eliminating duplication of effort, lowering prices, sharing information and taking advantage of expertise and information that may be available in only one of the jurisdictions.

Cooperative procurement transactions must be legitimate and enforceable. There must be mutuality of understanding between buyers and sellers and a commitment on the part of participants in the cooperative procurement process to purchase from the successful vendor.

“Shopping” cooperative contracts (using one jurisdiction’s contracts to bargain with other vendors) is considered an unethical purchasing practice. City employees shall not engage in this practice.

### **17.2 Authority.**

- (a) The Purchasing Manager is authorized to participate in, sponsor, conduct or administer a cooperative procurement agreement with one or more other public bodies in order to combine requirements, increase efficiency or reduce administrative expenses. Participation in cooperative procurements as described in this chapter is exempted from competitive bidding and advertising requirements.
- (b) The Purchasing Manager is authorized to use the Colorado Division of Purchasing or political subdivisions of the State or other governmental entities in the purchase of supplies, materials or equipment when such actions shall serve the best interest of the City.
- (c) If the Purchasing Manager determines that another jurisdiction or co-op has entered into a competitive contract that allows participation by the City (“piggy-backing”), the City may make purchases from such contract(s).

## **SECTION 18: CITY PRIVATIZATION AND COMPETITIVE POLICY**

### **18.1 Purpose.**

The purpose of this chapter is to set forth and establish policy and general guidelines for a privatization and competitive City procurement policy.

### **18.2 Background.**

The following privatization and competitive procurement policy has been established as a management tool for the City to use in achieving its goal of being a model of effective, efficient and responsive municipal government, working in partnership with the private sector. Effective use of this management tool shall enhance the City's ability to ensure the most cost-effective and beneficial expenditure of taxpayer dollars by utilizing the best talents, ideas and resources from both the public and private sector.

### **18.3 Policy.**

The City of Grand Junction's policy is to utilize the most beneficial methods from the public and private sectors to provide quality services and products to its citizens. When practicable, the City shall utilize a comparative cost and benefit analysis process with the private sector. Privatization of a "core competency" service or operation (i.e., policy-making position/operation or functions required by statute to be performed by a government employee, etc.) shall not be considered.

### **18.4 Guidelines.**

When directed by the City Manager, the Department Director and/or Purchasing Manager shall prepare a written feasibility study for the privatization of a service or operation performed by City employees. The study shall be returned to the City Manager for final feasibility determination. If the City Manager determines that it is feasible, the process shall continue with the preparation of a competitive solicitation.

### **18.5 City's Cost Comparison Methodology.**

The City's cost comparison methodology is based on the avoidable costs approach and shall include in the computations only those costs that the City shall no longer incur (i.e., avoid) by contracting out.

### **18.6 Public/Private Competitive Process.**

The steps and responsibilities during the public/private competitive process are similar to the traditional purchasing process except for the fact that a bid/proposal from a City department is included. Because a City operating department is participating in the competition, two additional steps must be taken by the City to establish the credibility of the City proposal. Those steps are (a) certification of the City proposal, and (b) a post-implementation audit of the service provider.

Steps in competitive process are:

#### **(a) Identify privatization target areas, such as:**

- (1) New services that have never been provided before that shall require an increase in capital investment and/or full-time employee increases;
- (2) Services or operations that are commonly provided in the private sector marketplace;
- (3) Areas experiencing high personnel attrition/turnover;
- (4) Areas of documented poor service or a high volume of customer complaints;

- (5) Areas that have the greatest potential for cost benefits;
  - (6) Pilot program(s) to measure comparative cost benefits of internal to external (privatized) performance; and
  - (7) Extraneous/fringe tasks not directly related to primary mission.
- (b) Identifying Service and Associated Costs.
- (1) When the decision to use the competitive process is made, the operating department shall specify the service to be evaluated. That department is then responsible for notifying the parties that shall be affected by the process, including the City Council, City Manager, Financial Operations Manager, City Auditor and City Attorney. All of these City officials shall need to prepare for their roles in the process.
  - (2) Operating department personnel shall identify costs by determining the resources required and the method to be used for delivery of the service. The Financial Operations Manager then assists the operating department in identifying the costs of resources that shall be needed to deliver the service.
- (c) Preparing Solicitation Specifications for Privatization of City Provided Service. The Purchasing Division prepares the solicitation specifications utilizing the final scope of work (services) for service delivery prepared by the Department Director and his staff.
- (d) Certify City Cost Proposal. The City's Financial Operations Division receives and tests the City proposal for reasonableness of proposed costs prior to competitive submission.
- (e) Solicitation Opening. At the opening date and time, the Purchasing Manager opens and announces the proposals, including the City proposal. The City Manager appoints an evaluation committee that reviews all proposals. The evaluation committee assesses the cost, service level and management control issues after studying all responses and the City proposal and prepares a written recommendation that is forwarded to the City Manager and Purchasing Manager. A final recommendation is prepared by the Purchasing Division for presentation to City Council.
- (f) Award Contract. The City Manager and City Council make the final selection after reviewing the responses submitted, the City cost proposal and the recommendations of the evaluation committee. If the service shall be provided by the private sector, contracts are signed. If the service shall be provided by City staff, the City proposal and bid specifications shall serve as a performance contract.
- (g) Monitoring or Supervision. The operating department is responsible for monitoring the contract if a private entity is selected or for supervising the service delivery if City staff is selected to provide the service. Contract monitoring shall involve an inspection function, a system for providing feedback to the contractor on service levels, coordination of payments to contractor and recordkeeping on contract requirements, such as insurance. In all cases, the operating department retains responsibility for providing the service to the citizen.

### **18.7 Computing the Cost of In-House Service Delivery.**

The following five cost categories together compose the total cost of in-house service delivery (see following model, subsection (e) of this section):

- (a) Personnel Costs. Personnel costs are the annualized salaries, wages and fringe benefits of all full-time and part-time staff involved with the in-house delivery of the target service or activity.
- (b) Non-personnel Costs. Non-personnel costs include travel, utilities, printing and reproduction, contractual services, maintenance and repair, materials and supplies and other costs associated with in-house delivery of the target service or activity.
- (c) Overhead (Indirect) Costs. This category includes the support and shared costs that are not 100 percent chargeable directly to the in-house delivery of the target service or activity. The City shall

use two classes of overhead costs: (1) operations overhead, and (2) general and administrative overhead.

- (1) Operations overhead refers to those indirect costs incurred by the first supervisory level above and in support of the target service or activity.
- (2) General and administrative overhead refers to all other indirect costs, exclusive of operations overhead, incurred in support of the in-house delivery of the target service or activity. Examples of general and administrative overhead cost include those costs incurred in support of the target service or activity by such City departments as Finance, Personnel, Purchasing, City Attorney, Risk Management, etc.

Note: Only overhead costs and general and administrative overhead costs that will be avoided if the target service or activity is contracted out are considered.

- (d) Depreciation Costs. The depreciation of capital assets (facilities and equipment) used in significant amounts for the in-house provision of a target service or activity.
- (e) Total In-House Costs. The total avoidable personnel, non-personnel, indirect and depreciation costs; this sum constitutes the “total in-house performance costs” and is compared to “contract performance costs”.

### **18.8 Computing the Costs of Contract Service Delivery.**

- (a) The City shall use the following six cost categories that together shall constitute the total cost of contract service delivery:
  - (1) Contract Price. This is the price or cost that a prospective contractor proposes to charge to provide the target service or activity.
  - (2) Contract Administration Costs. These are the costs incurred in letting bids and proposals and in managing the resulting contract(s) until the service or activity is completed and final payment is made.
  - (3) One-time Conversion Costs. These costs are incurred when City service or activity is converted to contract service delivery. One-time conversion costs include:
    - (i) Personnel-related costs, such as unemployment compensation, accrued PTO benefits owed City employees and any other severance-type costs;
    - (ii) Material-related costs associated with the preparation and transfer to the contractor of any City-furnished facilities and equipment; and
    - (iii) Other costs, such as penalty fees for terminating leases or rental agreements and the costs of holding unused or underused facilities or equipment until other uses can be found or until they are sold or leased.
  - (4) Revenue. This includes any new revenue stream or increased revenue stream (e.g., rents, lease payments or parking facility revenues) that results from contracting out. Revenue is treated as a deduction from the cost of contracting out.
  - (5) Disposal of Assets. The net disposal value is computed by subtracting from the estimated salvage value of the cost of disposal of any assets made redundant by contracting out. If the net disposal is positive, the amount is treated as a deduction from the cost of contracting out. But if this value is negative, the amount is treated as a cost of contract service delivery.
  - (6) Local Income Tax. The new revenues to be generated by transferring a service or activity to the private sector are entered as a deduction from the cost of contracting out.
- (b) Total Contract Performance Costs. The total costs are the contract price, plus contract administration and a one-time conversion cost minus revenue and City income taxes, plus or minus disposal of assets costs. These cost data are transferred to the cost comparison form.

## **18.9 Cost Comparison.**

The major cost categories, for both in-house and contract service deliveries, employed by the City in its cost comparison methodology should include at a minimum: performance periods and cost comparison ratio.

- (a) Performance Periods. Carry out the cost analysis for up to three performance periods. A performance period is one fiscal year or contract year. Several reasons exist for extending the cost comparison beyond one performance period. First, the full cost savings may not be realized in a single performance period. Secondly, one-year comparisons cannot account for changes in public and private wage increases preprogrammed for several years into the future.
- (b) Cost Comparison Ratio. The cost comparison ratio is designed to establish a threshold below which a change in service delivery from in-house delivery to contract may simply not be warranted. While the change in service delivery mode is theoretically justifiable on the basis of any cost savings, as a practical matter the cost savings should be sufficient to justify the organizational upheaval that also occurs. The City of Grand Junction, by this reference, establishes a cost savings threshold of 10 percent: contracting out must generate at least a 10 percent cost savings for the City to deem the change worthwhile.

## **SECTION 19: DISPOSAL OF SURPLUS PROPERTY**

### **19.1 General.**

The final step in the procurement cycle is disposition of an item or items when they are no longer useful to the City. The timely identification of surplus and obsolete material(s) is essential to an effective disposition program. Delayed identification ties up capital, resulting in higher maintenance and salvage costs and further deterioration of items.

### **19.2 Policy.**

The Purchasing Manager is authorized to conduct and monitor the City's surplus property program. The following are the City's general policies for disposition of surplus:

- (a) The Purchasing Manager may require Division Managers to provide periodic departmental reports of all supplies which are no longer used or which have become obsolete, worn out or unusable.
- (b) The Purchasing Manager shall have authority to transfer stock or other surplus inventory items or surplus equipment that has become unsuitable for public use.
- (c) All sales shall be made to be in the best interest of the City.
- (d) The Purchasing Manager has authority to forgo an auction or sealed bid process when the surplus material(s), supply(ies) and equipment to other governmental entities or nonprofit organizations as is in the best interest of the City.

### **19.3 Methods of Disposal.**

When items become excess, obsolete or surplus, the using department must report them to the Purchasing Division. In cases of disposal of items with an original purchase cost of \$10,000 or more, the Accounting Division shall be notified in order to update the department's fixed asset accounts. The following are the methods of disposition that may be used for the items:

- (a) Transfer. Transferring to another department with a use for the item is the best method of disposition. A department wishing to accept an item available for transfer shall notify Purchasing and receive approval for the transfer. Both the transferring and receiving departments must update their inventory records to document the disposition of the item. The Surplus Transfer Form can be found on the intranet under Forms-Purchasing.
- (b) Sale. There are several methods of selling excess and surplus items.
  - (1) Auctions. The City contracts with auctioning services to sell items to the highest bidder at advertised public auctions.
  - (2) Sealed Bids. The Purchasing Manager may determine that items shall be sold at sealed bid sale. Public notice of the sale is made and solicitations are mailed to prospective bidders. This method assures reaching a large number of prospective bidders and allows potential purchasers from outside the immediate geographic area to participate in the bidding.
  - (3) Commercial Markets. The Purchasing Manager may determine that items may be offered for sale to established commercial markets. Candidates for this method of sale include antiques, art and specialized equipment.
  - (4) Sale of Scrap. Many items that are no longer usable may have a residual value. The Purchasing Division may arrange for the sale of scrap items with the money returned to City's general fund.



- (5) Posted Prices. From time to time, where there is no regular market and demand is erratic, an item may be marked with a pre-established price and sold to the public on a first-come basis.
- (c) Trade-In. The Purchasing Manager may determine that it is advantageous to the City to seek bids on replacement items with the bidders allowing/offering trade allowance and no trade allowance pricing. Award may be made in the manner that is most advantageous to the City.
- (d) Cannibalization. Disassembling an item to use its components for repair or maintenance of a similar item is authorized only if cannibalization has more value and benefit than disposal or trade-in of the item. The Purchasing Manager must grant approval before an item is cannibalized and removed from the Department's property list.
- (e) Donation. Only the City Council may dispose of an item by donation to a party outside of City government if the item has a value in excess of \$50,000. Items valued at less than \$50,000 shall be approved by the City Manager.
- (f) Waste Disposal Hazardous Materials. There are strict federal and State laws regarding the disposal of hazardous materials. Departments that generate hazardous materials shall use City contracts for the proper disposal of these materials. Disposal of hazardous materials shall be directed by the City's Fire Chief or environmental specialist. Departments shall contact the Fire Chief or environmental specialist before moving, transferring or selling any hazardous materials.

#### **19.4 Allocation of Proceeds.**

Unless otherwise directed by the City Council or required by a grant, the proceeds from the disposition of surplus or excess property shall be deposited in the City's general fund.

#### **19.5 Sales to Employees.**

To avoid any appearances of impropriety in the disposition program, employees of the City may not purchase items unless the sale is to the highest bidder at a public auction or by sealed bid after appropriate public notification of the sale.

#### **19.6 Documentation.**

The Surplus Items Form is used to report a surplus or excess item to the Purchasing Division. This form is required to report the transfer or disposition of an excess item. The form can be found on the intranet under Forms-Purchasing.

#### **19.7 Disposal of Grant-Funded Equipment.**

When equipment was purchased using funds from State or federal grant funds, the provisions of the grant must be followed during disposal. It is the disposing Department's responsibility to notify Purchasing at the time of the surplus property report of any grant provisions that must be followed. If required by the grant provisions, proceeds from disposal may be returned to the grant-funding agency.

## ***SECTION 20: CITY STORES (INVENTORY WAREHOUSE)***

### **20.1 Purpose.**

City “Stores” is a central warehouse in which common-use commodities, items used by more than one department, are stored and issued on an “as needed” basis to requesting divisions. The primary function of Stores is to maintain immediate availability of commonly used materials and supplies. Stores’ secondary function is to warehouse emergency backup supplies and provide for the storage and retrieval of historical City records. Emergency backup supplies are those supplies that are critical to the continued operation of the City and have long delivery lead times. Stores also serves as a central delivery point to receive goods and to assure appropriate inspection and delivery when required.

### **20.2 Stores Catalog.**

A Stores stock catalog containing the descriptive listing of items and item numbers shall be available on the City Intranet published and maintained by the Purchasing Division.

### **20.3 Stores Requisition Form.**

Departments and agencies requesting delivery from Stores inventory shall use the requisition form through New World Systems. Once this form is completed and approved, the system automatically reserves from Stores inventory the requested items.

### **20.4 Stores Window Pickup.**

Items may be picked up at Stores during the hours of 7:30 a.m. to 4:00 p.m. Monday through Friday. Stores hours will be changed to comply with summer work schedules. Recipients of over-the-counter issues are required to have departmental authorization and the account number to which the item(s) shall be charged.

### **20.5 Delivery Times.**

Departments requesting supplies from Stores shall receive their deliveries the next business day, provided Stores requisition forms are received a day in advance.

### **20.6 Inventory Control.**

The proper functioning of an inventory accounting system demands that all materials and supplies received, issued and on hand be accounted for, both in quantities and values and that, periodically, the inventory records and accounts be verified by actual physical inventory.

The Purchasing Division shall be responsible for conducting periodic inventories to:

- (a) Ensure accurate record accountability;
- (b) Support the value of inventory shown in the fund balance sheet; and
- (c) Disclose the possibility of fraud, theft or loss.

## **SECTION 21: GREEN PROCUREMENT POLICY**

### **21.1 Purpose.**

The City of Grand Junction recognizes our employees, contractors and vendors can make a positive influence in our environment. Environmental factors should be a subject of competition among vendors seeking City contracts. By including environmental considerations in our procurement decisions, along with our traditional concerns of price, performance and availability, we will remain fiscally responsible while promoting practices that improve public health and safety, conserve natural resources, support recycling ethics and minimize harmful impacts on our environment. It is understood that employees shall use their professional judgment and common sense in applying this policy.

### **21.2 Fundamentals.**

- (a) Environmentally preferable products have a lesser impact on human health and the environment.
- (b) Recycling will reduce landfill waste and provide a process to reuse materials.
- (c) Waste prevention eliminates or reduces the amount or toxicity of materials before they enter the solid waste stream.
- (d) Energy Conservation includes fuel use and electrical use, such as lighting, heating and cooling.

### **21.3 Environmentally Preferable Products.**

The objective is to purchase products that have reduced environmental impact because of the way they are made, used, transported, stored, packaged and disposed of. These products do not harm human health, are less polluting and minimize waste, maximize use of biobased or recycled materials, conserve energy and water, and reduce the consumption or disposal of hazardous materials. When determining whether a product is environmentally preferable, the following standards should be considered:

Biobased – made from renewable materials

Biodegradable – compostable

Carcinogen-free – low toxicity

Bioaccumulative toxic (PBT)-free – free of organic compounds resistant to environmental degradation

Chlorofluorocarbon (CFC)-free – non-ozone depleting substances

Heavy metal free – no lead, mercury, cadmium

Low volatile organic compound (VOC) content – energy, resource and water efficient

Energy Star and Energy-efficient Products

### **21.4 Recycle.**

Recycled items are or can be made with recovered materials. The intent of this policy is to purchase items containing the highest percentage of recovered materials practicable.

- (a) Printing and writing papers including all copy paper shall contain a minimum of 30 percent post-consumer recycled content. Imprinted letterhead paper, envelopes, and business cards will also be printed on recycled paper as long as the look and image of professionalism is maintained.

- (b) Paper products including janitorial supplies, shop towels, hand towels, facial tissue, toilet paper, seat covers, corrugated boxes, file boxes, hanging file folders and other products composed largely of paper shall be made from recycled materials whenever practical.
- (c) Toner cartridges will be purchased from manufacturers that include a program for used cartridges.
- (d) Re-refined antifreeze including on-site antifreeze recycling shall be utilized.
- (e) Used lubricating and hydraulic oils shall be sent to a recycle center.
- (f) Recycled plastic outdoor wood substitutes, including plastic lumber, benches, fencing, signs and posts will be used whenever practical.
- (g) Recycled content construction, building and maintenance products including plastic, lumber, carpet, tiles and insulation shall be used whenever practical.
- (h) Re-crushed cement, concrete aggregates and asphalt will be used whenever practical. All used concrete and asphalt will be recycled.
- (i) Cement and asphalt containing tire rubber, glass cullet, recycled fiber, plastics, fly-ash or other alternative products will be used whenever practical.
- (j) Retreaded tires shall be used on trash trucks and dump trucks on drive axles only. Steer axles will not utilize retreaded tires nor will light pickups, cars or emergency vehicles.
- (k) Products made from recycled tire rubber including rubberized asphalt playground surfaces and fatigue mats will be utilized whenever practical.
- (l) Compost, mulch and other organics including recycled bio-solid products will be used whenever practical.
- (m) Electronic items shall be recycled as needed.

### **21.5 Conservation and Waste Reduction.**

Wherever practicable and cost-effective, departments are responsible to institute practices that reduce waste and result in the purchase of fewer products without reducing safety or workplace quality.

- (a) Consider durability and repair ability of products prior to purchase.
- (b) Conduct routine maintenance on products/equipment to increase the useful life.
- (c) Use duplex features on laser printers and copiers. Specify duplex on all print jobs. The City will also engage in the practice of two-sided copies whenever practical.
- (d) Create electronic letterhead for use by all agencies, departments or divisions.
- (e) Send and store information electronically when possible. This includes email, web site and electronic fax.
- (f) Review record retention policies and implement document imaging systems.
- (g) Use recycle containers for all discarded paper in office areas.
- (h) Use recycle bins for aluminum cans, glass and plastic in all areas.
- (i) Purchase compact fluorescent lights (CFL).
- (j) Purchase rechargeable electronics, such as radios, PDA's, cameras, etc.
- (k) Properly dispose of batteries and compact fluorescent lights (CFL).
- (l) Employ other waste prevention practices that further the goals of this policy.

### **21.6 Responsibilities of the CORE (Conserving Our Resources Efficiently) Committee.**

- (a) Develop and maintain information about environmentally preferable products and recycled content products containing the maximum practicable amount of recycled materials to be purchased by agencies, departments and division.
- (b) Develop and implement a monitoring and tracking system as a tool to confirm compliance with this policy.
- (c) Inform other agencies, departments and divisions of their responsibilities under this policy and provide them with information about recycled products and environmental procurement opportunities.
- (d) Develop and implement an ongoing promotional program to educate and inspire City employees to implement this policy.

#### **21.7 Responsibilities of the Purchasing Division.**

- (a) Inform vendors of our Green Procurement Policy.
- (b) Establish contracts for recycled-content, environmentally preferable, biobased, energy- and water-efficient products (office supplies, lubricating oils, and janitorial supplies) whenever possible and practical. This also includes fuel efficient and alternate fuel vehicles and products using renewable energy and alternatives to hazardous or toxic chemicals.
- (c) Inventory fleet to match vehicle type to department needs.

#### **22.8 Division Responsibilities.**

- (a) Practice waste prevention.
- (b) Continue to utilize recycling programs and expand where possible.
- (c) Procure products in compliance with the Green Procurement Policy.
- (d) Evaluate each designated product to determine the extent to which agencies, departments and divisions may practicably use it.
- (e) Ensure the procurement documents issued require environmental preferred purchasing.
- (f) Reduce miles traveled whenever possible (sharing vehicles) and follow the no idling policy.
- (g) Investigate where policies and practices could be modified to encourage or require waste reduction, recycling and environmental preferable purchasing.

#### **21.9 Exemption.**

Nothing in this policy shall be construed as requiring the purchase of products that do not perform adequately, products that are not available within a reasonable period of time, or are not available at a reasonable price.

#### **21.10 Other Areas.**

- (a) The City will pursue the development of a Green Building Policy for use in all new construction, remodeling and repair projects.
- (b) The City will investigate the feasibility of modifying the Building Code to require new construction projects to accommodate recycling activities in building design.
- (c) The City will consider other products and practices that conserve energy, water and other resources.

## ***SECTION 22: TERMS AND DEFINITIONS***

### **22.1 Terms and Definitions.**

Account payable: A debt owed that arises in the course of business transaction (e.g., invoices, claims and bills; for materials received but not yet paid).

Account receivable: A claim against a debtor usually arising from sales or services rendered.

Agent: One acting for another, called principal, in dealing with third parties.

Bid: A competitive price offer made by an intended seller, usually in reply to an invitation to bid. A price offer made at a public auction.

Bid bond: An insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event a specific awarded bidder fails to sign the contract as bid.

Bid deposit: A sum of money or check deposited with and at the request of the City to guarantee that the bidder (depositor) shall, if selected, sign the contract as bid. If the bidder does not sign the contract, the deposit is forfeited in the amount of the deposit.

Bid opening: The act of publicly opening the bid envelopes and making available, for public inspection, the bids received.

Blanket agreements: Contracts that establish the commitment of a vendor to furnish the purchaser's (City) requirements for items or services on an as-required, over-the-counter basis.

Blanket order: Generally specifies prices, terms, conditions and the period covered, but does not specify the quantity. Shipments/deliveries are made against the purchase order.

Brand name description: A description that identifies a single item or source for a product or service on a proprietary basis. Products are usually referenced by model or part number.

Centralized purchasing: A system of purchasing in which all purchasing authority, responsibility and control of purchasing activities is concentrated in one administrative unit.

Change order: Purchaser's written modification or addition to a purchase order.

City: City of Grand Junction, State of Colorado.

Collusion: A secret agreement or cooperation between two or more persons to accomplish a fraudulent, deceitful or unlawful purpose.

Commodity: A transportable article of trade or commerce that can be bartered or sold.

Competitive sealed bid: The offer of set bids by individuals or firms competing for a contract, privilege or right to supply specified services or merchandise. Bids are submitted in sealed envelopes to prevent dissemination of the contents before the deadline for the submission of all bids; required on major procurements expected to cost at least \$25,000 to ensure fair competition among bidders.

Conflict of interest: The actual or potential conflict in which a person may gain from (or holds interest in) a company doing business with his employer.

Contract: An agreement, enforceable by law, between two or more competent parties, to do or not to do something not prohibited by law, for a consideration; any type of City agreement, regardless of what it may be called, for the procurement or disposal of supplies, services or construction.

Contract administration: The management of all actions, after the award of a contract, that must be taken to assure compliance with the contract; e.g., timely delivery, acceptance, payment, closing contract, etc.

Contractor: Contractor means any person having a contract with the City.

Delivery: The formal handing over of property; the transfer of possession, as by carrier to purchaser.

Department Director: Shall include the following positions: City Attorney, Deputy City Manager, Public Works and Planning Director, Financial Operations Director, Human Resources Director, Parks and Recreation Director, Police Chief, Fire Chief, Utilities & Streets Systems Director and Economic, Convention and Visitor Services (ECVS) Director, or their designated representatives.

Division Managers: May include exempt City employees with position titles, not limited to, including Deputy Director, Information Technology Director, Manager, Superintendent and exempt officers of the Police and Fire Departments.

Emergency purchase: An *emergency purchase* is a purchase made in an exigency, made under special procedures, designed to meet the emergency. Bona fide emergency purchases are made to protect the public health of citizens or when immediate repair is necessary to prevent further damage to public property, machinery or equipment. In addition, a bona fide emergency purchase is when the functioning and operation of a City department would be seriously hampered or delayed through use of the normal requisitioning/purchasing process.

Evaluation of bids and proposals: The process of examining a bid or proposal after opening to determine the respondent's responsibility, responsiveness to requirements and other characteristics of the solicitation relating to the selection of the award.

Formal advertising: The placement of a notice in a newspaper or other media according to legal requirements to inform and solicit the public that the City is requesting bids on specific purchases it intends to make.

Formal solicitation: A solicitation response which must be submitted in a sealed envelope and in conformance with a prescribed format to be received and opened publicly at a specified time, place and date.

Formal contract: An agreement, enforceable by law, between two or more competent parties, to do or not to do something not prohibited by law, for a consideration.

Immediate family: A spouse, children, parents, brothers and sisters and any other person living in the same household as the employee.

Informal solicitation: A request for price quotation for a commodity or service that does not require advertising, a sealed response, public opening or reading of responses. Appropriate method for purchases costing between \$5,000 and \$10,000. Competitive informal quotes are strongly recommended for all purchases.

Invitation for bids (IFB): Means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

Invoice: Seller's itemized document stating prices and quantities of goods and/or services delivered and sent to buyer for payment.

Lease purchase agreement: An acquisition contract in which the lease's periodic payments or parts thereof are applied both to fulfill the lease obligation and as installments for equity and eventual ownership of the commodity upon completion of the agreement.

Net price: Price after all discounts, rebates, etc. have been allowed.

Non-budgeted purchase: Purchase of materials or services of benefit to the City even though the particular performance has not been budgeted for within a department so long as the expenditure shall not cause the program or division of the budget to be over expended.

Nonresponsive bid: A bid that does not conform to the mandatory or essential requirements of the invitation for bid.

Not low bidder: Award of a bid to a supplier that did not submit the low responsive bid.

Obsolete: No longer in use, discarded, out of date.

Official responsibility: Administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction or any claim resulting there from.

Open market purchase: A purchase in an amount less than \$5,000 which is made by buying from any available source, as opposed to buying from a vendor who has responded to an invitation to bid.

Payment Bond: A bond which assures payments, as required by law, to all persons supplying labor or material for the completion of work under the contract.

Pecuniary interest in or arising from the procurement: A personal financial interest, generally a monetary gain.

Performance bond: A contract of guarantee executed subsequent to award by a successful bidder to protect the City from loss due to his inability to complete the contract as agreed.

Performance specification: A specification setting forth performance requirements that have been determined to be necessary for the item involved to perform and last as required.

Pre-bid conference: Meeting held with prospective bidders prior to solicitation of bids or proposals, to recognize state of the art limits, technical aspects, specifications and standards relative to the subject and elicit expertise and bidder's interest in pursuing the task.

Prequalification of bidder: The screening of potential vendors in which a City considers such factors as finances, reputation, management, etc., in order to develop a list of vendors qualified to bid on City contracts.

Privatization: Privatization/outsourcing is a contractual relationship with an outside vendor to assume responsibility for one or more government processes, functions and/or services.

Procurement: Means buying, purchasing, renting, leasing or otherwise acquiring any supplies, services or construction. "Procurement" includes all the functions that pertain to the obtaining of any supply, service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract and all phases of contract administration.

Procurement transaction: All functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract and all phases of contract administration.

Proprietary information: Defined as any information which is not generally known to competitors and which provides a competitive advantage. Unrestricted disclosure of proprietary information places it in the public domain.

Proprietary article: An item made and marketed by a person or persons having the exclusive right to manufacture and sell it.

Protest: A complaint about a City administrative action or decision brought by a bidder or vendor to the appropriate administrative section with the intention of receiving a remedial result.

Public employee: Any person employed by the City, including elected officials and appointed members of boards and commissions.

Purchase order: A purchaser's written document to a supplier formally stating all terms and conditions of a proposed transaction.



Purchasing: Purchasing Division, a division of the Financial Operations Division of the Administration Department.

Purchasing manual: Documents which set forth the City's rules and regulations for the Purchasing Division's relations with suppliers and with other departments and prescribes the procedures to follow.

Quotation: Generally a sales proposal including price, sales terms and conditions; a price statement as an offer; a bid.

Recycled paper: Paper made from waste paper products.

Request for proposal (RFP): A request for an offer by one party to another of terms and conditions with references to some work or undertaking. "RFP" means all documents, whether attached or incorporated by reference, utilized for soliciting proposals. Also known as competitive negotiation.

Request for quotation (RFQ): A type of formal solicitation including written quotes from vendors. Used for purchases from \$10,000 to \$25,000. Formal RFQ responses are due at a specified date and time. .

Requirements contracts: An indefinite-quantity agreement in which the purchaser is obligated to order and the vendor is obligated to supply all of the purchaser's normal requirements for a specified price during a specified period.

Requisition: An internal document by which a functional department such as stores, maintenance, production, sends to the Purchasing Division details of materials to meet their needs, replenish stocks or obtain materials for specific jobs or contracts.

Responsible bidder: A person who has the capability in all respects to perform fully the contract requirements and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit which shall assure good faith performance.

Responsive bidder: A bidder whose bid does not vary from the specifications and terms set out by the City in the bid documents.

Scrap: Material that is damaged, defective or deteriorated to the extent that it has no value except for its basic material content.

Sealed bid: A bid submitted in a sealed envelope to prevent dissemination of its contents before the deadline for the submission of all bids; usually required by the purchasing authority on major procurements to ensure fair competition among bidders.

Service contract: A contract that calls for a contractor's time and effort rather than for a concrete end product.

Services: Services means the furnishing of labor, time or effort.

Software: A set of programs, procedures and possibly associated documentation concerned with the operation of a data processing system. Contrast with hardware.

Sole source purchase: The purchase of a commodity which can only be purchased from one supplier, usually because of its technological, specialized or unique character.

Solicitation: The process of notifying prospective vendors that the City wishes to receive bids or proposals to provide goods or services. The process might consist of public advertising, the mailing of invitations for bid or requests for proposal, the posting of notices, telephone calls to prospective vendors, etc.

State: State of Colorado.

Statement of Qualifications (SOQ): Letters or statements of qualification from prospective providers.

Tabulation of bids: The recording of bids and bidding data that was submitted in response to a specific invitation for the purposes of comparison, analysis and recordkeeping.

Term contracts: Contracts which establish a source of supply for a good or service for a specified period of time.

Transaction: Any matter under consideration or considered by a public employee on which official action is taken or contemplated.

User agency: Any department, commission, board or public agency requiring supplies, services or construction procured pursuant to the City's purchasing rules and regulations.

Vendor: Any firm, individual, corporation, agent or company who may desire to quote on the City's requirements or who wants to purchase items offered for sale by the City; a supplier.

#MCA \_\_\_\_\_

## CONTRACT FOR PURCHASING SERVICES

THIS CONTRACT is made and entered into as of the \_\_\_\_day of \_\_\_\_\_, 2012, by and between the County of Mesa, Colorado, a governmental entity (hereinafter referred to as “County”) and the of City of Grand Junction, a Colorado home rule municipality (hereinafter referred to as “City”)

### WITNESSETH

WHEREAS, the County desires to engage the services of the City to perform certain work for the benefit of the County; and

WHEREAS, the City desires to perform the work for the County in accordance with the terms and conditions set forth herein;

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE PROMISES HEREINAFTER SET FORTH, IT IS MUTUALLY AGREED AS FOLLOWS:

1. The services to be provided by the City and the County respectively are as follows in this Contract and in Exhibit A attached hereto and made a part hereof by this reference.
2. Any other work, materials, equipment or machinery not specifically described or expressly covered herein, but which is required or necessary to perform or complete the work which is contemplated, shall be deemed to be, and is, covered by this Contract and shall be provided by the City.
3. The City shall perform work hereunder in accordance with sound and acceptable industry or professional practices and standards and in accordance with all codes, standards, regulations, and laws applicable to the work.
4. The City shall proceed with and accomplish the work contracted hereunder upon receipt of a signed Contract from the County. The Contract Administrator for the City is Assistant Financial Operations Manager Jay Valentine unless otherwise designated in writing. The Contract Administrator for the County shall be the Director of Purchasing, who shall have all of the powers and duties as authorized by the Mesa County Purchasing Policies and Procedures issued July 7, 2008, as from time to time amended. The City shall provide purchasing services pursuant to the Purchasing Policies and Procedures and under the direction of the Mesa County Director of Purchasing (MCDP). The MCDP will, by letter from time to time, advise the City of a Point-of-Contact person for the exchange of information between the City staff and the County staff. **Contracts required to be reviewed and approved by the Board of County Commissioners (BOCC) pursuant to the Mesa County purchasing policies and procedures shall be brought before the BOCC by the County Department requesting to purchase the service for review and approval.**
5. For the performance by the City under this Contract, the County shall compensate and reimburse the City in accordance with the provisions set forth in Exhibit B attached hereto and

made a part hereof by this reference.

6. At its own expense, and in addition to the compensation to be paid to the City, the County will provide assistance to the City in performing under this Contract. See County provided services in Exhibit A.

7. In the performance of work under this Contract, the City shall be deemed to be, and is, an independent contractor with the authority to control and direct the performance and detail of its work, the County being interested only in the results obtained.

8. Precautions shall be exercised at all times for the protection of all persons and property. The City shall work safely and in accordance with all applicable laws, regulations and codes. Hazards arising from the use of vehicles, machinery and equipment shall be guarded and eliminated in accordance with the highest accepted standards of safety practice. The City shall comply fully with all pertinent Federal, State or Local laws, rules or regulations, including the then-current Mesa County Purchasing Policies and Procedures.

9. This is a personal services contract on the part of the City. This Contract may not be assigned without the prior express written consent of both parties and any attempt to assign this Contract without the prior express written consent of either party shall render the Contract null and void with respect to the attempted assignment/assignee.

10. The City shall retain in strictest confidence all information furnished to the City by the County and the results of the City's work hereunder, except those documents and information that are public information. The City shall disclose information or reports of its work to the County in a form reasonably required by the County. The form of disclosure shall generally be monthly or at other intervals (quarterly, semi-annually or annually) as determined by the County.

11. This Contract may be terminated at any time during the term of the Contract by either party upon 90 days advance written notice of intent to terminate the Contract.

12. Upon termination or expiration of this Contract, the City shall immediately cease work, prepare a final report on all work accomplished to that date and deliver to the County a final report and all other licenses, documents, papers, calculations, notes, designs, drawings, maps, reports and other technical papers which have been prepared by the City under the terms of this Contract.

13. This is not an exclusive Contract. Either Party may, at its sole discretion, contract with other entities for work similar to that to be performed by the City hereunder.

14. The term of this Contract shall be for one (1) year from the date hereof.

15. To the extent authorized by law the City shall indemnify and hold harmless the County, its officers, officials, employees and agents, for any claims or damages, including attorneys' fees, arising from the City's negligent and/or willful and wanton performance of its duties hereunder.

16. This Contract is and shall be deemed to be performable in the County of Mesa, Colorado, and venue for any disputes regarding the performance or non-performance hereunder shall be in

the District Court of the County of Mesa, Colorado.

IN WITNESS WHEREOF, the parties have executed this Contract as of the day and year first above written.

Attest:

CITY OF GRAND JUNCTION

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

\_\_\_\_\_  
Mayor:

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

COUNTY OF MESA

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Board of County Commissioners, Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT "A"

1. City Provided Services:
  - a. All Requests for Proposals (RFPs), Requests for Quotations (RFQs) and Requests for Information (RFI's), **as submitted by the County**, including all associated tasks such as:
    - i. Drafting RFPs, RFQs and RFIs
    - ii. Advertising and posting on website (such as BidNet)
    - iii. Responding to inquiries about RFPs, RFQs and RFIs
    - iv. Bid openings
    - v. **Recommendations to the responsible County department and/or the BOCC for their evaluation and decision on award.**
    - vi. Award of contract letters
    - vii. Drafting contracts
    - viii. Responding to post-award inquiries
  - b. The City intends to assign a "Buyer" to perform most services on behalf of the County. The assigned Buyer will perform duties and responsibilities in support of the centralized purchasing program including the purchase of supplies, materials and services; negotiate and establish contracts with vendors; explain and ensure compliance with purchasing rules, regulations, policies and procedures; and perform a variety of duties relative to assigned areas of responsibility.
  - c. As reasonably necessary and required the assigned Buyer will:
    - i. coordinate competitive solicitation process; develop solicitations; facilitate solicitation openings; evaluate responses and make awards; provide assistance in the development of equipment specifications and solicitations.
    - ii. prepare documents and facilitate the purchase order preparation and distribution of assigned commodities; manage warehouse contracts.
    - iii. develop and maintain relationships with suppliers, internal and external customers, and other government agencies.
    - iv. process claims with vendors for damaged materials; monitor invoices for accuracy; obtain credits where appropriate.
    - v. coordinate activities with other departments and with outside agencies; consult with departmental representatives on purchasing needs; prepare cost estimates for budget recommendations.
    - vi. respond to inquiries from staff, vendors or outside agencies related to purchasing policies and procedures; clarify specific contract questions and provide guidance on all aspects of process.
    - vii. prepare and maintain a variety of records and logs; prepare a variety of reports.
    - viii. perform other duties of a similar nature or level necessary to successfully support the County.

Mesa County anticipates annual volume will be 50 to 60 RFPs, RFQs and RFIs.

2. County Provided Services: To aid in the transition of Purchasing services, for the first six months to one year of this contract (as mutually deemed appropriate by the City and County), the County shall provide to the City one fulltime county Purchasing employee. The County employee will be located in the County offices.

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City initials

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County initials

EXHIBIT "B"

The City shall be reimbursed for services provided under this Contract as follows:

a. The fee to the City for services hereunder shall be \$50,000 per annum total, payable **proportionately by the County to the City on a monthly basis. After the first six months of operation under the Contract, in the event that it reasonably appears that the City's cost requirements will exceed the \$50,000 annual limitation, the parties will confer on the status of the contract to determine whether or not additional fees should be authorized or the City's services reduced by Contract amendment, or the Contract terminated.**

b. With prior approval by the Mesa County Director of Purchasing, services may be provided by the City that are not covered by the Exhibit A.

\_\_\_\_\_  
County initials

\_\_\_\_\_  
City initials



## RESOLUTION NO. \_\_-12

### A RESOLUTION ADOPTING A POLICIES AND PROCEDURES MANUAL FOR PURCHASING OF EQUIPMENT, MATERIALS, SUPPLIES AND EXPERT AND TECHNICAL SERVICES INCLUDING TECHNICAL AND EXPERT PERSONNEL BY THE CITY OF GRAND JUNCTION, COLORADO

#### RECITALS:

In April of 2001 the City Council, by and through Resolution No. 29-01, adopted purchasing policies for the City. Resolution No. 29-01 authorized the City Manager to amend the forms and processes of the policies but not change the competitive bidding and approval requirements of the policies.

In October 2009 the City Manager, consistent with the authority granted in Resolution No. 29-01 adopted certain changes to the 2001 policies. Those changes are reflected in and known as the 2009 policies. The 2009 policies have provided a systematic, consistent, unified and standardized purchasing program that has been efficient and effective for the procurement needs of the City organization since the time of their adoption.

In late 2011 the City and the County agreed that City would perform a number of purchasing services for the County. Based on that agreement the unified purchasing program will begin in January 2012.

Because there has been some concern expressed about the changes made in the 2009 policies and because of the new relationship with the County, the City Council does hereby adopt and direct the changes stated herein below to the City's written purchasing policies and procedures.

Furthermore, the City Council does direct the City Manager to evaluate and determine if further changes to the City purchasing policies are necessary and/or deemed advisable in order to achieve the highest efficiency with the joint city-County purchasing services. Such changes could include but are not limited to developing a joint policy for the procurement of all goods and services necessary for the performance of City and/or County operations within a prescribed framework of rules and regulations designed to protect the public interest.

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

- (a) That all Purchases made on behalf of the City of Grand Junction shall be made in accordance with and conforming to the rules and regulations as published in the City of Grand Junction Purchasing Manual dated \_\_\_\_\_2012.
- (b) That the spending levels (aka purchasing authority) of the City Manager shall be shall not exceed \$50,000.00 per transaction and that all purchases in excess of \$50,000.00 per transaction shall be approved by City Council. All other authority

shall be as stated in the 2012 policy manual. (info only not to be in final resolution – Division Manager \$10-15k; Department Head \$15-25k; City Manager \$25-50k; and City Council \$50+k.)

- (c) That from and after the adoption of this resolution that the purchasing polices shall not be changed in any regard without the approval of a majority of the City Council acting by resolution.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

Attest:

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