

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

January 16, 2012

The City Council of the City of Grand Junction convened into regular session on the 16th day of January, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Teresa Coons, Jim Doody, Laura Luke, Sam Susuras, and Council President Tom Kenyon. Councilmembers Bennett Boeschstein and Bill Pitts were absent. Also present were Acting City Manager Rich Englehart, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

Council President Kenyon called the meeting to order. Council President Kenyon asked Cub Scout Pack #318 to Post the Colors and lead the Pledge of Allegiance. That was followed by Pastor Jerry Gonzales from Living Stone Christian Center providing the Invocation.

Presentations/Recognitions

Medals of Merit for Two Fire Employees

President of the Council Kenyon asked Fire employees Jerome Gardner and Captain Clark Thompson, Deputy Chief Bill Roth, and Fire Chief Ken Watkins to come forward. President of the Council Kenyon read an introduction explaining that the Fire employees were receiving Medals of Merit because they rescued Firefighter/Paramedic Cory Black who fell through the first floor while fighting the fire at White Hall on September 15, 2011. Deputy Chief Roth described the incident and the actions of the two individuals. Ken Watkins, Fire Chief, presented medals of merit and plaques to Firefighter Jerome Gardner and Captain Clark Thompson for their actions rescuing Firefighter/Paramedic Cory Black.

Presentation of the Champion of the Arts Awards

Councilmember Coons provided the introduction for the Champion of the Arts Award. The Champion of the Arts Award is to recognize outstanding individuals and businesses in the community who go above and beyond to promote and support local cultural endeavors. The Arts Commission awards the winners with original artwork by local artists. She asked Gisela Flanigan, Grand Junction Commission on Arts and Culture Chairperson, to come forward to introduce others that were present and to announce the winners of the Champion of the Arts Awards. Ms. Flanigan introduced the other members who were present from the Arts Commission and thanked the City Council for the opportunity to present the annual Arts Awards. She announced that the winner for the business category is Roper Music and owner John Handley for their long standing support in donating musical instruments for the Grand Junction Symphony's fund raisers. They provide the community ways to support, sustain, and promote the arts. Mr. Handley was not present to receive the award. Ms. Flanigan then announced that the individual

category winners were Chuck and Robbie Breaux for their contributions to The Art Center. Their leadership and financial support has made The Art Center what it is today. They have also supported the Grand Junction Symphony and High Desert Opera. Ms. Flanigan presented artwork to the Breaux's in recognition of all of their support.

Councilmember Coons stated that, as the City motto shows on all of the agendas, "to become the most livable community west of the Rockies by 2012", this presentation was evidence of what the art community brings to the City.

President of the Council Kenyon commented on how important art is and said he is proud of the community for all the developing, rotating, and maintaining new art in the community and looks forward to the future to see what new works may come forward.

Appointments

To the Colorado State Leasing Authority

Councilmember Susarus moved to reappoint Bill Sisson and appoint Rich Englehart for three year terms expiring January 2015 and appoint Kelly Flenniken for a two year term expiring January 2014, all to the Colorado State Leasing Authority. Councilmember Coons seconded the motion. Motion carried.

Certificates of Appointment

Zoning Board of Appeals/Planning Commission

Rob Burnett, Jon Buschhorn, Loren Couch, Keith Leonard, and Gregory Williams were all present to receive their certificates of appointment to the Zoning Board of Appeals/Planning Commission. Joe Carter was not present.

Council Comments

There was none.

Citizen Comments

There was none.

CONSENT CALENDAR

Councilmember Susarus moved to approve the Consent Calendar and then read items #1-8. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

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**

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

3. **Setting a Hearing on an Ordinance Adopting the International Fire Code 2012 Edition with Amendments**

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

4. **Fire Pumper Truck Purchase**

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

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]

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

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

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

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]

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

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]

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

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

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

Tim Moore, Public Works and Planning Director, gave a brief overview of the proposed amendment. He advised the Council that the applicant is present to answer any questions. Mr. Moore explained that Redlands Mesa already has a lot of infrastructure in place, i.e., golf course, roads, clubhouse. Only 70 units of the allowed 500 units use are built. The applicant is requesting an alternative phasing plan, changes to housing types in the pods, and a revision to the bulk standards (setbacks and open space). The new Zoning and Development Code allows a lot more flexibility than the previous Code.

Councilmember Susuras asked Mr. Moore to explain, for the public, what a pod is. Mr. Moore explained that a pod is a group of houses. With this development being a golf course, there are clusters or pods of homes.

Lori V. Bowers, Senior Planner, described the site, the location, and the request. She presented the original outline development plan and indicated where the amendments will be. The amendment will not change any of the uses or the character of the development, it will allow more flexibility for the developers to provide single family, detached, multifamily, townhomes, or cluster homes. By granting the amendment, it will allow the developer to develop this challenging piece of property and to utilize what the market is dictating in terms of types of homes. The open space remains unchanged. The project supports the goals and policies of the Comprehensive Plan, the Grand Valley Circulation Plan, and the Zoning and Development Code. The applicant is present but has not prepared a presentation. The amendment is consistent with the Comprehensive Plan, and the review criteria of the Grand Junction Municipal Code have been met.

Councilmember Coons asked if the pods are planned to be developed at this time. Ms. Bowers said that the developer is ready to move forward on one planned project as soon as approval is obtained.

Councilmember Susuras asked if the developer is trying to go to lower priced units. Ms. Bowers said she didn't know. Councilmember Susuras asked if the amendment was to be able to go to a higher density on some of the pods, but still keep the same number of units at 526. Ms. Bowers said that was correct, the density on a pod can go from one unit per acre to 8 units per acre.

Councilmember Susuras asked if the developer can explain how this will reduce the traffic. Tracy States, River City Consultants, said that she is not quite sure where it is referencing less traffic, but they will probably not reach full density and it should not affect traffic.

President of the Council Kenyon asked if this amendment was being brought forward because of the poor economy and asked if this is an opportunity to help Redlands Mesa utilize their property and still develop within the proposal. Ms. States said that it is, the quality of Redlands Mesa will not change. It will allow Redlands Mesa to grab a different part of the market, i.e., duplexes, patio homes, etc.

President of the Council Kenyon said that he is in the Redlands Mesa area often and he does not feel traffic will be an issue because there is not a lot of traffic and the roads are wide and well built.

Councilmember Susuras asked if there will be another entrance. Ms. States said there will be.

There was no public comment.

The public hearing was closed at 7:37 p.m.

Councilmember Coons commented that it makes sense to her especially when the housing market study showed a need for condominiums, townhomes, patio homes, etc.

Councilmember Susuras pointed out that the request does meet goals 3 and 8 of the Comprehensive Plan, the Planning Commission recommended approval, the proposed amendment of the outline development plan does not change the original use or the character of the development, and it still maintains 526 units.

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

Councilmember Susuras moved to adopt Ordinance No. 4495 and ordered it published in pamphlet form. Councilmember Coons seconded the motion.

President of the Council Kenyon disclosed that he has a client that owns property that he works for at Redlands Mesa and asked City Attorney Shaver for his advice whether he should recuse himself. City Attorney Shaver said he could if he wishes to but as long as the client is not benefiting directly from this matter, there should be no reason for President of the Council to recuse himself from the vote.

Motion carried by roll call vote.

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

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.

Rich Englehart, Acting City Manager, presented this item. He stated that the Purchasing and the Legal Staff has gone through the 2009 Purchasing Manual and made changes. There are some changes in the level of authority. Rather than trying to explain all of the changes, he asked for any questions or discussion that Council may have about the manual.

President of the Council Kenyon advised that one area that they were interested in was reducing the amount of discretionary authority for the City Manager which was set higher because of an apparent lack of need. Acting City Manager Englehart said they have taken this back to a level of \$50,000 instead of \$100,000; this level could be set at any level Council would like.

President of the Council Kenyon asked for what other changes were made. Jay Valentine, Financial Operations Manager, explained that the main change is the reduction of the purchasing level authority for the City Manager to \$50,000. This would not change the bidding practices. Some of the language regarding change orders has been changed. The wording "If the change order does not exceed 25% of the original contract price" was taken out and added was "any change order that exceeds \$50,000 would be taken to City Council". Some of the day to day language has also been cleaned up. The manual was amended to have the best competitive environment to procure services and products and to have a very efficient means of procuring those. One of those ways of being efficient is the County contract that is being proposed. Mr. Valentine said that the contract will not only benefit the City and the County, but the vendors as well.

President of the Council Kenyon asked City Attorney Shaver about the contract being for one year, would it be revisited at the end of the one year? City Attorney Shaver advised the TABOR amendment to the Colorado Constitution which does not allow for a multi-year fiscal obligation which means that the City has to annually appropriate monies for expenditures that will be made, however, the contract can specify that a relationship could continue with the vendor for more terms but the contract will still be for one year.

City Attorney Shaver advised that Council could implement the purchasing policy how they want it implemented and set the purchasing levels at whatever they want.

Councilmember Luke asked about the protocol for selecting the City Auditor. City Attorney Shaver explained that requests for qualifications or proposals go out and once the qualification and expertise is verified, a decision is made, an engagement letter or a contract is established. The fiduciary duty of the Auditor is to the City Council.

Mr. Valentine advised that there is certain language in the purchasing policy regarding policy and professional services. The City does contract with Sales Tax Auditors.

President of the Council Kenyon stated that Council should be informed of the audit and review the executive summary of an audit and asked if that has happened in the past. Mr. Valentine advised that, in the past, an audit report has been provided to Council. He said that if Council would like an auditor to come in and address them regarding the audit that could also be arranged. President of the Council Kenyon would like to have the Council have the opportunity to be more involved with the audit.

Councilmember Coons said that it makes sense to her to have the City and the County work together for purchasing needs, and asked how that would work. Mr. Valentine advised that it would require more meetings with the County; a process would have to be established and combined purchases would be made as often as possible.

Councilmember Susuras stated that he read the entire proposed manual and asked if there is a hardware program that put the manual together. Mr. Valentine advised that City Staff wrote the manual using Microsoft Word. A lot of changes and work has gone into making the proposed manual. Councilmember Susuras said he felt that the proposed manual was very complete.

Councilmember Susuras asked how the \$50,000 fee for the first year was arrived at for the contract with the County. Mr. Valentine explained that they looked at an hourly rate, but that was not a good way to determine a fee. They looked at a fee per item, but that also didn't work to determine a fee. City Attorney Shaver said that it was a negotiation with County Administrator Unfug and County Purchasing Manager Donna Ross, and it was a fee that both parties agreed with. Councilmember Susuras asked what the City will get out of the contract besides the \$50,000. Mr. Valentine said that the City has provided

procurement for the Housing Authority and the Library and that always has worked out well. He added that the City might be able to procure items at a reduced fee because of purchasing quantity.

County Administrator Chantal Unfug and Donna Ross, Director of Regional Services and Purchasing, were present. County Administrator Unfug feels like common sense has prevailed. She is proud of the Staff from both the County and the City for what they came up with in the proposed contract. She said that they did look at some cost figures and feel that the \$50,000 is beneficial because, 1) cost savings, which is the primary driver, and 2) they have reorganized their purchasing department and unfortunately let go of some of the Staff. The bigger picture is doing what is right for the taxpayer. She felt that the successful partnership of the 29 Road project shows how this contract could work. The draft agreement was modeled after the agreement that is in place for annual building services agreement. There is not a stipulation to continue the contract. There is a six month review agreement to come together and work out any glitches. This agreement will provide a core service that the County needs.

Councilmember Susuras stated that looking at the agreement in six months is a good idea. He also thanked County Administrator Unfug for her assistance in resolving the Orchard Mesa Swimming Pool issue.

Councilmember Coons said that she feels this is a good reminder for the community, that not only are citizens members of the City, but also members of Mesa County.

Councilmember Luke commented on how grateful she is to see so many shared projects that benefit the community.

President of the Council Kenyon thanked County Administrator Unfug and Director of Regional Services and Purchasing Ross for being present and commented that it's all about saving the taxpayer dollars.

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

Councilmember Coons moved to adopt Resolution No. 04-12 and authorize the Acting City Manager to sign a contract with Mesa County to provide technical and expert purchasing services. Councilmember Luke 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 8:10 p.m.

Debbie Kemp, MMC
Deputy City Clerk