

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING
February 3, 2016**

The City Council of the City of Grand Junction convened into regular session on the 3rd day of February, 2016 at 7:00 p.m. Those present were Councilmembers Martin Chazen, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith, Rick Taggart, and Council President Phyllis Norris. Absent was Councilmember Bennett Boeschenstein. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order and then welcomed students from Colorado Mesa University's Public Administration Class. Councilmember Chazen led the Pledge of Allegiance which was followed by a moment of silence.

Proclamation

Proclaiming Friday, February 5, 2016 as “Grand Junction **Denver Broncos** Day” in the City of Grand Junction

Councilmember McArthur read the proclamation.

Appointments

To the Forestry and Parks and Recreation Advisory Boards

Councilmember Kennedy made a motion to reappoint Chuck Thompson and Teddy Hildebrandt and appoint Susan Carter for three year terms to the Forestry Board expiring November, 2018 and appoint Marc Litzen to the Parks and Recreation Advisory Board to fill the vacant term expiring June, 2018. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

Citizen Comments

Bruce Lohmiller, 536 29 Road, addressed the Council regarding Night Patrol, a Whitman Park warm up tent, and the prototype he did at the Global Warming Conference. He took the prototype to the Math and Science Center. He then spoke about his church.

Richard Swingle, 443 Mediterranean Way, addressed the City Council and reviewed the financial impact of SB16-067 on the Grand Junction area. He said he has been attending broadband meetings including one that morning. He addressed SB16-067, a

bill proposed this year. Fiber installed after January 1, 2016 will be tax exempt so it will limit the City's ability to collect property tax.

John Miller, 1885 Venetian Drive, addressed the Council regarding a neighborhood concern in the Knolls, Crestview, and Grand View subdivisions regarding changing a residence to a large group home owned by the Daisy Center. Several neighbors hired a land planner (Jeffrey Fleming) and an attorney (Dan Wilson) to investigate. Pages of evidence were delivered to the Planning Department along with a petition signed by over 150 neighbors opposing the change. Mr. Miller stated Development Services Manager Greg Moberg has ignored the regulations and concerns of the neighborhood and the Planning Department recently recommended approval of the change. Mr. Moberg's decision has ominous implications for both the girls at the Daisy Center and the neighborhood. The building has no fire protection, no outdoor lighting, and no proper fencing. The Daisy Center intends to house local girls as well as at-risk girls from all over the state. Previously, the Planning Commission was only supplied with "pro" documents for the Daisy Center. After complaining, Senior Planner Senta Costello added a limited amount of opposition documents and notified the neighbors they would not be allowed to speak at the appeal hearing. The neighborhoods will file an appeal to be heard next week before the Planning Commission and he asked that input from the neighbors be heard. He also urged the Council to review Mr. Fleming's detailed analysis.

City Attorney Shaver explained the process of the hearing and the reason additional input is not allowed. He offered to speak with Mr. Miller and the other neighbors.

Seth Watkins, 570 Dawn Court, #4, addressed City Council regarding LGBT (lesbian, gay, bisexual, and transgender) rights, HIV/AIDS (human immunodeficiency virus and acquired immune deficiency syndrome), mental health, and recovery. Mr. Watkins said he was born and raised in Grand Junction (GJ), is gay, HIV positive, and in recovery while dealing with mental illness. He was in the service and discharged for being gay. He reviewed his history since contracting AIDS at age 23 and said he is waiting for an appointment with a mental health professional at MindSprings. He urged that there be more services for HIV counseling. He thanked Councilmember Kennedy for being Grand Marshal at the Gay Pride Parade last year. He is asking for a proclamation in May and for Council to attend the parade and festivities. He said he wants to form an LGBT task force and to be recognized. He also talked about a needle exchange program and services he would like to see in the jails. There should be more recovery programs in GJ. He asked the Council to hear them and show up at their events. He invited the City Council to the Rainbow Prom on February 12th.

Council Comments

Councilmember Kennedy mentioned the highlight of the week was the in depth search for a new City Manager. He listed the different events and participants and lauded the process. He attended the Dr. Martin Luther King festivities and said he shook hands with Josephine Dickey at those events; she passed away February 2nd at the age of 92. He directed folks to YouTube to watch a video of Mother Dickey.

Councilmember Traylor Smith concurred with Councilmember Kennedy on the City Manager recruitment process.

Councilmember Taggart said the Grand Junction Regional Airport Authority (GJRAA) has had some very difficult issues regarding the separation of the Airport's Executive Director. He and incoming Chairman Steve Wood had the opportunity to discuss the City Manager's recruitment process and suggested the GJRAA use a similar approach, although no particular process can assure a "home run".

Councilmember McArthur said the selection process has gone well and concurred with Councilmember Taggart's comments. He then listed the meetings he had attended including 521 Drainage Authority, Colorado Water Congress, and Colorado Municipal League workshops. He is reading through the over 500 page Colorado Water Plan.

Councilmember Chazen thanked the folks involved in the City Manager selection process as well as the candidates. He attended the Grand Junction Downtown Development Authority/Business Improvement District meeting where they reviewed their core focus. Senergy Builders presented ideas for development of the end cap of the Rood Avenue Parking garage. He went to the Annual Grand Junction Area Chamber of Commerce (COC) Banquet where there was a big turnout.

Council President Norris spoke to the January 22nd Council Retreat at Tiara Rado Golf Course where they focused on five issues. There were good discussions and Council gave Staff some good direction. She went to the Grand Junction Housing Authority luncheon on the 25th and the City/County meeting. A Municipalities Dinner will be held on February 4th and includes all local municipalities and the Mesa County Valley School District #51 Board. She also went to the Emergency Medical Services graduation for three graduates and the COC Banquet.

Consent Agenda

Councilmember McArthur read the Consent Calendar items #1 through #3 and then moved to adopt the Consent Calendar. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the January 18, 2016 Workshop, the Minutes of the January 20, 2016 Regular Meeting, and the Minutes of the January 20, 2016 and January 25, 2016 Special Sessions

2. **Setting a Hearing on Zoning the Fox Meadows #2 Annexation and the Fox Meadows Access Plan Amendment, Located at 3175 D ½ Road**

A request to zone 8.309 acres from County RSF-R (Residential Single-Family Rural) to a City R-5 (Residential 5 du/ac) zone district.

Includes a request for an amendment to the 2004 Pear Park Transportation and Access Management Plan (TAMP) to revise the access point on D ½ Road to property known as Fox Meadows, located at 3175 D ½ Road.

Proposed Ordinance Zoning the Fox Meadows Annexation No. 2 to R-5 (Residential 5 du/ac), located at 3175 D ½ Road

Proposed Ordinance Amending the Comprehensive Plan, Specifically the Pear Park Neighborhood Plan, more Specifically the Transportation Access Management Plan, a Part of the Grand Valley Circulation Plan, to Revise the Access Point on D ½ Road to Allow Direct Access into Property Known as Fox Meadows, Located at 3175 D ½ Road

Action: Introduce Proposed Ordinances and Set a Public Hearing for February 17, 2016

3. **Setting a Hearing Amending Sections of the Zoning and Development Code to Allow the Planning Commission to Approve a Conditional Use Permit (CUP) Prior to Site Plan Review**

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by allowing the Planning Commission to approve the conditional use of a property, prior to site plan approval. Through the use of a site sketch the Planning Commission may make findings to determine that necessary site design features or mitigation measures will be taken to enhance or deter certain impacts to the neighborhood.

Proposed Ordinance Amending Sections 21.02.110 Conditional Use Permit (CUP) and Section 21.06.070 (G)(5) Planned Development and Conditional Uses

Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 17, 2016

ITEMS FOR INDIVIDUAL CONSIDERATION**Sole Source Approval to Use Underground Solutions 18" Diameter Fusible PVC Plastic Water Pipe for the City's 2016 Waterline Replacement Project**

This request is to authorize the City Purchasing Division to sole source purchase 3,650 lineal feet of 18" diameter Fusible C-905 PVC plastic water pipe from Underground Solutions for the 2016 Waterline Replacement Project. Underground Solutions is the sole vendor and distributor in the USA of Fusible PVC pipe and also has a patent on Fusible PVC pipe.

Greg Lanning, Public Works Director, introduced this item. The City budgets for waterline replacements every year to replace older deteriorating pipe. He described the location of the replacements. He then explained the term PVC and said that this pipe is "instituted" so they do not have to dig up the road making it a less expensive project. Mr. Lanning explained there are no bells in this fused 18" diameter water pipe which allows it to be slipped into the existing 24" diameter steel pipe. There is only one provider therefore they are asking for sole source authorization. The 2016 Waterline Replacement Project is scheduled for the spring.

Councilmember Chazen asked if the smaller pipe will continue to provide the needed capacity for the area. Mr. Lanning said the old pipes have deposits in them and no longer function at the original 24 inch capacity. Also, since Ute Water Conservancy District has taken over portions of some service areas, the City is systematically downsizing the size of pipe installed within these areas. Councilmember Chazen asked if the project had any cost savings since the pipe is so expensive. Mr. Lanning said the cost difference for the pipe is \$20 per foot but the total cost of the project is 2/3 less since no digging will be required.

Councilmember Kennedy asked what the long term maintenance savings are. Mr. Lanning responded saying since the waterlines have been replaced with PVC, the number of breaks went from 300 per year down to 40, but he did not have a dollar amount. The life span of the PVC pipe is 100 years.

Councilmember McArthur asked who would install the pipe, Staff or a contractor. Mr. Lanning said this \$200,000 to \$230,000 installation would be contracted out and the pipe provider will do the cutting and fusing. Councilmember McArthur asked when it would go to bid. Mr. Lanning said the project will begin in April or May so it will be soon. Councilmember McArthur asked if this purchase will include the entire amount of pipe to be installed in 2016. Mr. Lanning said this purchase will provide enough pipe for this project and a smaller one on 28 ¾ Road.

Councilmember Kennedy asked if the cost of the pipe fusion is included in the cost of the pipe. Mr. Lanning said one week of services is included in this contract; which will allow enough time for them to fuse the pipe.

Councilmember Traylor Smith asked if conduit for other purposes could be added during these types of projects. Mr. Lanning had asked engineers of this possibility and was advised against it because of concerns cutting the fiber if waterline repairs were needed.

Councilmember Chazen asked if the company will warranty the product and fusion. Mr. Lanning said there is a warranty for both the material and fusion.

Council President Norris asked if this will be the first time this installation process will be used in GJ. Mr. Lanning said it had been done previously with black HTP pipe, but this will be the first time using PVC. Council President Norris asked what the overall condition of the waterline system is. Mr. Lanning said the financial analysis recommended a rate increase in order to accelerate the replacement program timeline.

Councilmember Traylor Smith moved to authorize the City Purchasing Division to sole source the purchase of Underground Solutions fusible PVC plastic water pipe in the amount of \$205,155 for the 2016 Waterline Replacement Project. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

Amending Provisions for Avalon Theatre Naming Rights

This request is to review and approve the amended monetary and term levels for naming rights at the Avalon Theatre as stated in Resolution No. 68-13.

Debbie Kovalik, Convention and Visitor Services Director, presented this item. Ms. Kovalik gave a background on the Avalon Theatre Foundation (ATF), the fundraising, and the solicitation of financial commitments for the project to date. On November 6, 2013, City Council adopted Resolution No. 68-13. In 2015 at a workshop, Council considered approving requests from donors for naming rights and determined that the minimum term for these requests would be 15 years. Council requested that the Naming Rights Committee research other entities with similar naming rights and amend the Resolution to include appropriate monetary and term levels. The amended funding and term levels as proposed in the amended resolution will be more in line with other naming right programs and will allow the ATF to pursue additional opportunities to cover the costs of the remaining items in Phase I of the project. They also removed items that would not be appropriate for naming rights (the elevator and the hearing loop). Ms. Kovalik then highlighted the changes and noted there are other opportunities such as the pavers, the seats, and the community wall. She introduced Suzanne Schwartz and former Councilmember Jim Doody, Administrator and member of the ATF Board.

Councilmember Taggart asked if they are working with any donors that would fall outside of the recommendations and would need to be grandfathered in. Ms. Kovalik said there are three donors that have previously been discussed that had sizeable contributions; those items were removed from the list as those have been spoken for. Others that were approached declined the option.

City Attorney John Shaver said paragraph 2 clearly states that previous donors can be recognized on the donor wall.

Councilmember Kennedy said he was glad this has been worked through and appreciated their work. He questioned if the recommended ranges will give the City the greatest opportunities. Ms. Kovalik said the ranges may be high but the ATF wants the ability to do fundraising in the future. The value may go up, but currently they compare with opportunities other local organizations offer and they didn't want to undercut them. It is also a negotiation. The ATF will also work on fundraising for \$300,000 of soft good elements.

Councilmember Kennedy asked if the ATF had any prospects for this year. Ms. Kovalik said she is not aware of any, but the ATF may be having some conversations. The paver program is still moving forward.

Councilmember Chazen said the ATF is the designee to offer the sale of naming rights; he then asked if someone pays for naming rights, where would the money go? Ms. Kovalik said once the ATF gets its check to the City in July, they will have fulfilled their pledge to the City and any future funds will be banked. The ATF will provide recommendations to the City on how best to use them. Councilmember Chazen said the Avalon's naming rights and building are assets of the City, so if this Resolution passes, the City is ceding those assets to the ATF. Ms. Kovalik said the ATF's sole purpose is to raise money for the improvement of the Avalon. City Attorney Shaver said paragraph 4 states City Council has the authority to approve any sale and could direct the spending of those funds; however it is understood that any funds raised are to be used for the purposes of the Avalon. Ms. Kovalik said the ATF could also escrow funds for Phase II.

Councilmember McArthur said the Staff report states proceeds are to be used for the purchase of "soft goods" and asked what those are. Ms. Kovalik explained that terminology was used to describe items that were removed from the original project and are not attached to the building, like sofas. Councilmember McArthur then recalled a digital projector was needed in order to show newer films and asked how movies have been projected without one. Ms. Kovalik explained there is a digital projector in the main theater that was able to be purchased with a grant, but one is still needed in Encore Hall along with a hearing loop. Councilmember McArthur clarified the location of Encore Hall and asked if this is where they intend to install retractable seating. Ms. Kovalik said yes. Councilmember McArthur asked if any of the fundraising will go toward operating costs.

Ms. Kovalik said no. Councilmember McArthur then asked if any funds had been raised for Phase II. Ms. Kovalik said some had, but not a lot.

Councilmember Taggart asked that the ATF consider complications that would be created by raising restricted funds for Phase II if the project were to be delayed. He encouraged creating a backup for capital needs, or not to restrict the funds.

Ms. Kovalik said a great value to the ATF is that they are a 501(c)3 which gives them leverage for additional grants and allows tax benefits to donors. Councilmember Taggart asked if they also qualify for Enterprise Zone credits. Ms. Kovalik said yes.

Councilmember Chazen noted the ATF will be holding City funds and asked if Staff has thought through how to account for and report this money. Interim City Manager (ICM) Moore said it would be tracked and held separately in its own account, but he did not know how it would be reported.

Councilmember Kennedy asked if Council chose, could the proceeds from a sale of naming rights go to City Operations? City Attorney Shaver said yes, at Council's discretion, even though the presumption would be for the funds to go to the use and benefit of the Avalon. Councilmember Kennedy said he wants a guarantee that the funds would go toward the Avalon. City Attorney Shaver said specific terms like that would be included in each offer.

Councilmember Chazen asked why the resolution is worded so that the possession (not use) of funds goes to the Foundation.

Councilmember Taggart answered that it is because the ATF is a 501(c)3 and provides benefits to the donor including being an Enterprise Zone. City Attorney Shaver said he was correct and there is also a longer historical perspective between the City and community.

Council President Norris said she met with ATF members and they are really focused on funding for the building. They are better able to get funding for specific projects and they are looking at the things needed for the building.

Resolution No. 05-16 – A Resolution Amending Resolution No. 68-13 which Authorized the Offering for Sale of the Naming and Sponsorship Rights for the Avalon Theatre

Councilmember Kennedy moved to adopt Resolution No. 05-16. Councilmember Taggart seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

James Bright, 1360 N. 15th Street, Colorado Mesa University senior, noted the first citizen that spoke was hard to understand and asked if his remarks were recorded and where

could he get the information. City Attorney Shaver said he could contact the City Clerk's Office, access the City's web site for the meeting video, or the minutes in the agenda for the next regular Council meeting.

Mr. Bright then asked if the current waterline replacement schedule of 40 years is typical. Council President Norris said according to the recent study the 40 year timeline is recommended and the City is on track and in good shape.

Mr. Bright asked if the 18 inch pipes would deliver the same volume of water as the 24 inch and if any water savings would be realized using PVC pipes. ICM Moore offered for Mr. Bright to meet with Public Works Director Greg Lanning for additional detail.

Mr. Bright commended City Council for their professionalism and how they welcomed the public.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:38 p.m.

Stephanie Tuin, MMC
City Clerk