

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

October 17, 2012

The City Council of the City of Grand Junction convened into regular session on the 17th day of October, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, Sam Susuras, and Council President Bill Pitts. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Council President Pitts explained the reason for the Councilmembers wearing pink. It is in recognition of Breast Cancer Awareness Month. The Fire Department, which spearheaded the recognition, has sold 570 pink t-shirts for a total of \$11,410 on behalf of local families and cancer survivors.

Councilmember Luke then led the Pledge of Allegiance, followed by moment of silence.

Presentation/Recognition

September Yard of the Month

Tom Ziola, Forestry/Horticulture Supervisor, was present and introduced Shirley Nilsen, Forestry Board Member. Ms. Nilsen introduced Marcia Hutson who resides at 642 Grand View Drive and presented her with a plaque for the September Yard of the Month. Ms. Nilsen thanked Ms. Hutson for making the community a better place to live.

Proclamation

Proclaiming the Month of November 2012 as “Decide to Drive Month” in the City of Grand Junction

Councilmember Coons read the proclamation. Mike Zamora, Outreach Coordinator, gave a background on the Decide to Drive Task Force which is comprised of high school students from each of the area high schools. Mr. Zamora thanked the Council for the proclamation and noted representatives from St. Mary’s Hospital and School District 51 were in attendance. He then introduced the students that comprise the Task Force: Dillon Pylin Cruz from Grand Junction High School, Sarah Talbott and Kayla Fisher from Palisade High School, and Amber Rademacher and Deanna Wright from Central High School.

Appointment

To the Grand Junction Housing Authority

Councilmember Kenyon moved to appoint Chris Launer to the Grand Junction Housing Authority for a five year term expiring October 2017. Councilmember Susuras seconded. Motion carried.

Certificates of Appointment

To the Planning Commission and Zoning Board of Appeals

Christian Reece, Loren Couch, and Jon Buschhorn were present to receive their Certificates of Appointment to the Planning Commission. Steve Tolle and William Wade were present to receive their Certificates of Appointment to the Zoning Board of Appeals and as alternates to the Planning Commission.

Council Comments

Resolution No. 40-12—A Resolution Supporting Ballot Question 5B on the November 6, 2012 General Election Ballot (Mosquito Control District Question)

Council President Pitts introduced the proposed resolution which supports the Mosquito District ballot questions.

Councilmember Kenyon said the resolution is more of an opportunity to get information out to the public rather than a political debate. The community has suffered from a number of West Nile Virus cases but everyone gets to decide themselves on the ballot question.

Councilmember Coons said there may be some confusion as to why this matter is even on the ballot. Many do not know that the City and County do not provide mosquito control. Only the areas currently in the Mosquito District are covered by mosquito control. Mosquitoes do carry encephalitis-type diseases, including West Nile virus, and others. These diseases can vary in severity from person to person but in severe cases can be very debilitating. The control method is biological and controls the larvae rather than using a pesticide. Aerial chemical spraying was done several years ago when West Nile mosquitoes came upon the area so quickly and severely. But now they control the mosquitoes as larvae with the biological control.

Councilmember Luke appreciated Dr. Coons' information but she looks at it more from a financial perspective. The ballot measure is permanent; there is no end date and the mill levy is over a 40 year period, and the increase in property taxes will be significant. She would like to see it applied on a year to year basis. She feels it expands government and she therefore cannot support it.

Councilmember Boeschstein said he favors mosquito control and has worked with Mesa County Health Department in the past on mosquito control. He had the understanding that mosquito control was already taken care of. He didn't feel he had enough information to vote in favor.

Councilmember Doody thanked Dr. Coons for bringing the matter forward

Action: Adopt Resolution No. 40-12

Councilmember Susuras moved to adopt Resolution No. 40-12. Councilmember Coons seconded the motion. Motion carried 4 to 3 with Councilmembers Boeschstein, Luke, and Kenyon voting NO.

Citizen Comments

Mike Anton, President of Grand Junction Air Show, was present to thank the City for its' help and support of the Grand Junction Air Show. He introduced members of the committee: Donna Sanford, Cal Clark, and Paul Fry. Mr. Anton presented two framed posters to the City Council from the Air Show. One poster is from the Blue Angels and the other was made especially for the City in appreciation of support for the Air Show.

CONSENT CALENDAR

Councilmember Luke read the Consent Calendar items #1-3 and then moved to adopt the Consent Calendar. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the October 3, 2012 Regular Meeting

2. **Setting a Hearing to Rezone Property Located at 2674 Patterson Road from R-4 (Residential 4 du/ac) to R-O (Residential Office) [File #RZN-2012-408]**

A request to rezone 0.635 acres, located at 2674 Patterson Road, from R-4 (Residential 4 du/ac) zone district to R-O (Residential Office) zone district. Proposed Ordinance Rezoning Property Located at 2674 Patterson Road from R-4 (Residential 4 du/ac) to R-O (Residential Office)

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 7, 2012.

3. **Setting a Hearing on an Ordinance Regarding the Issuance of Downtown Development Authority (DDA) Tax Increment Revenue Bonds and Pledge the Tax Increment Revenues of the City for Payment of the Bonds – Series 2012 A and 2012 B**

On April 3, 2007, a majority of qualified voters within the boundaries of the Grand Junction, Colorado Downtown Development Authority (DDA) authorized the City to issue bonds or other indebtedness for the purpose of financing certain capital improvements within the DDA's "Plan of Development" area. The voters also authorized the pledge of tax increment funds for payment of the bonds. The City Council is authorized by the City Charter to authorize the issuance of such tax increment revenue bonds and now desires to cause the bonds to be issued, to authorize and direct the application of the proceeds, and to provide security for the payment.

Proposed Ordinance Authorizing the Issuance of (A) the City of Grand Junction, Colorado, Downtown Development Authority, Tax-Exempt Tax Increment Revenue Bonds, Series 2012A, and (B) the City of Grand Junction, Colorado, Downtown Development Authority, Taxable Tax Increment Revenue Bonds,

Series 2012B; Pledging the Tax Increment Revenues of the City for the Payment of Such Bonds; and Related Matters

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 7, 2012.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Rohner Annexation and Zoning, Located at 249 Abraham Avenue
[File #ANX-2012-374]

A request to annex one parcel, 0.44 acres, located at 249 Abraham Avenue, to an R-4 (Residential – 4 units) zone district. The Rohner Annexation area is 1.63 acres, containing 51,595 square feet of public right-of-way.

The public hearing was opened at 7:32 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. She described the reason for the request. The Comprehensive Plan shows these are to develop as Residential Medium. The request to subdivide the property triggers the need for annexation and subsequent zoning. The zoning designation of R-4 is similar to the County zoning of RSF-4. The annexation is consistent with the Persigo Agreement. The zoning is in conformance with the Zoning and Development Code. The applicants were present but did not need to make a presentation.

Councilmember Susuras asked Ms. Bowers to demonstrate the contiguity of the property. Ms. Bowers explained that the annexation contiguity is created by the right-of-way easement.

Councilmember Boeschstein noted that this continues the patchwork of annexation. He felt more properties need to be brought in so that City services can be provided efficiently. He noted that an enclave cannot be created by using only road rights. City Attorney Shaver confirmed, stating the road itself would not create an enclave, there would have to be adjacent parcels.

Councilmember Susuras asked if the properties adjacent can be forced to be annexed after five years. City Attorney Shaver said that only applied to enclaves; annexations are voluntary or triggered by development.

There were no public comments.

The public hearing was closed at 7:40 p.m.

Councilmember Doody asked if this is one unit. Ms. Bowers said it is a single family attached that has been condominiumized and the owners wish to subdivide the lot into two lots which would make each dwelling unit sit on its own lot. The subdivision will bisect the air space.

City Attorney explained condominiumization and the ownership of air space versus lot ownership.

Resolution No. 41-12--A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Rohner Annexation Located at 249 Abraham Avenue and Including a Portion of the 29 Road and B ½ Road Right of Way is Eligible for Annexation

Ordinance No. 4555--An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rohner Annexation, Approximately 1.63 Acres, Located at 249 Abraham Avenue and Including a Portion of the 29 Road and B ½ Road Right of Way

Ordinance No. 4556--An Ordinance Zoning the Rohner Annexation to R-4 (Residential – 4 Units), Located at 249 Abraham Avenue

Councilmember Susuras moved to Adopt Resolution No. 41-12 and Ordinance Nos. 4555 and 4556 and ordered them published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Contract Amendment #1 for Architectural Services for the Avalon Theatre Addition and Renovation

This request is to amend the architectural services contract for the Avalon Theatre Addition and Renovation by \$392,800. To date, Westlake, Reed, Leskosky (WRL) has completed the 50% design work for the build-out of the Avalon Theatre Master Plan. The improvements will help transform the 91 year old theatre into a full service performing arts center. The amendment is proposed to split evenly between the DDA, City, and Avalon Theatre Foundation Board.

Debbie Kovalik, Economic, Convention, and Visitor Services Director, introduced this item. She explained that the contract amendment will complete the architectural design services for the entire project. A number of local architects are also involved in the project. The Downtown Development Authority, The Avalon Theatre Foundation Board, and the City are partners in the project and will be funding the design, each by one third.

Trent Prall, Engineering Manager, said the design contract will complete the core scope of work. He reviewed the various elements of the core scope which included increased seating and a larger stage. There is an addition that will hold concessions and a multipurpose room that can be used for conference space. On the second floor there is additional performer support with dressing rooms. Then there is a roof top level with offices and a terrace. The multipurpose room will not be set up for cinema in the core scope. He noted that if the scope is reduced or enlarged there may be another amendment in January to complete the design.

Councilmember Susuras asked how the cost is estimated based on only 50% of the design being complete. Mr. Prall said they know roughly what the design elements will cost but they will know better as the rest of the design work is completed. The architects determine this cost through a contractor for cost estimating.

Councilmember Coons asked how the local contractors are identified. Ms. Kovalik said at present it is architects and engineers for the design work. As far as the other contractors

they do not know which contractors will be involved but they anticipate local contractors will be interested.

Councilmember Coons asked if the Westlake, Reed and Leskosky firm is doing all the design work. Mr. Prall said structural design is being done by Lindauer Dunn as well as Chamberlin Architects, and the Blythe Group is working on the interior finishes. Geotechnical engineering is being done by Huddleston-Berry, and the civil work by Austin Civil Group. Landscape design is being done by Ciavonne, Roberts & Associates.

Councilmember Kenyon described how elements are included or excluded and are decided upon based on affordability within the budget. Mr. Prall concurred, noting there are many components that can be adjusted as the design work is completed.

Councilmember Kenyon noted that there are no new funds being allocated but rather the Council is approving the use of some of the funds already allocated. As various contracts are bid and awarded, the Avalon Theatre will be before the City Council throughout the next year. They hope the fundraising campaign is successful to be able to complete the project as envisioned. He supports the use of existing local contractors.

Councilmember Boeschstein thanked the City Staff for their time and hard work on this project. The Staff has had recent experience with big projects at Lincoln Park and the Public Safety Facility. He asked if the heating, ventilation, and air conditioning (HVAC) will be upgraded. Ms. Kovalik said definitely, there are different options dependent on the fundraising. Ms. Kovalik pointed out the new logo for the fund raising campaign. It is handwriting from a letter that Walter Walker wrote.

Councilmember Boeschstein said it is a big step for the community and supporting the arts and artists in the community will be a big boost for economic development. He asked about fire proofing. Mr. Prall said life safety is part of the main scope; a sprinkler system is part of the core project.

Councilmember Boeschstein then asked about new seats which will be included. Councilmember Boeschstein asked how the fundraising is going. Ms. Kovalik said the Foundation Board has a Campaign Cabinet which met that day. They have been talking to potential large donors and have already applied for a number of grants. The fundraising is well underway.

Councilmember Boeschstein asked if there will be another "Buy a Brick Program". Ms. Kovalik said the existing bricks will be preserved along with the existing seat plaques and there will also be a "Buy a Seat Program".

Councilmember Luke said she is really encouraged and excited to see how the fundraising progresses. She asked about a rooftop venue on the top of the building. Ms. Kovalik confirmed this is included in the final scope.

Councilmember Doody thanked Mr. Prall and noted the other partners have met all their obligations to date. There will be a lot of work. He noted that the City has arranged for taxable bonds so there will be an opportunity to have someone give a large donation with branding.

Ms. Kovalik introduced Robin Brown, the new manager of the Avalon Foundation Board.

Councilmember Coons moved to authorize the City Purchasing Division to amend the existing contract with Westlake, Reed, and Leskosky of Cleveland, OH for architectural services to a total of \$873,829. Councilmember Luke seconded the motion. Motion carried.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:16 p.m.

Stephanie Tuin, MMC
City Clerk