

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

November 7, 2012

The City Council of the City of Grand Junction convened into regular session on the 7th day of November, 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. Councilmember Luke then led the Pledge of Allegiance, followed by a moment of silence.

Recognitions

Fire Chief Ken Watkins reported on the Fire Department's Pink October Campaign. He described how the event came to be and how it included City Council, Department Heads, and many employees. The response from the community was overwhelming. A local charity was selected for the donations. A young girl suffering from cancer started a foundation to help other cancer victims. As of this evening, 775 shirts were sold for a total of \$15,500, and after expenses, \$9,300.00 will be donated to the Delaney Donates Foundation.

Council President Pitts recognized students from a CMU Government Class in the audience doing a report on City Council.

Proclamations

Proclaiming the Month of November 2012 as "Hospice and Palliative Care Month" in the City of Grand Junction

Councilmember Coons read the proclamation. Executive Director Christy Whitney was present to receive the proclamation for the 19th year. Ms. Whitney thanked the City of Grand Junction for continued support of the program. One of their team volunteers was awarded a National Hospice Award this week at the national level.

Proclaiming November 8, 2012 as "Capitol Christmas Tree Day" in the City of Grand Junction

Councilmember Kenyon read the proclamation. Visitor and Convention Bureau (VCB) Manager Barb Bowman was present along with VCB marketing coordinator Mistalynn Meyeraan. Ms. Bowman introduced Lee Johnson from the Chamber of Commerce and Loren Truitt from Cabela's who served on the committee. Mr. Johnson described the

specific location where the tree was cut. He said this is the fifth time a tree from Colorado was selected. Mr. Johnson invited everyone to the celebration at Cabela's.

Council President Pitts said his daughter was present in Meeker for the tree cutting.

Proclaiming November 11, 2012 as "A Salute to All Veterans 2012" in the City of Grand Junction

Councilmember Doody read the proclamation. Major Rick Peterson (Retired), along with several members of the Veterans community, received the proclamation. Mr. Peterson pointed out a challenge of all governments to handle the new group of veterans coming back to the country. There is a new generation that will need to be encouraged to reach out for help. A student veterans group is hosting a dinner on Friday night at Two Rivers Convention Center. Mr. Peterson thanked the City Council for the proclamation and invited the City Council to attend the Veterans Day Parade and said there will be seats of honor reserved for them. He noted there will be a flyover just prior to a ceremony at the Vietnam War Memorial in Fruita.

Proclaiming November 15, 2012 as "America Recycles Day" in the City of Grand Junction

Councilmember Luke read the proclamation. She recognized members of the recycling community in the audience. She is a big advocate of recycling. Her daughter, who is 32 years old now, was responsible for approaching the college to place recycling containers on campus.

Certificates of Appointment

Chris Launer was present to receive his Certificate of Appointment to the Grand Junction Housing Authority. Council President Pitts welcomed Mr. Launer. Mr. Launer stated that the quality and volume of those willing to volunteer in this community is outstanding and he is honored to have been chosen to help.

Council Comments

Councilmember Boeschstein commented that after the discussion of the mosquito control questions, Zane McAllister, the District Director, called him and asked him to come over for a tour at the Mosquito District Office. He toured their facility and was impressed by their operation.

He also attended the Purchase of the Development Rights Committee at the Mesa Land Trust office, the Small Business Incubator, and the Riverview Development

Corporation at the Grand Junction Chamber and stated there is a lot going on in economic development. Councilmember Boecheinstein commented that all of Council attended the Economic Development meeting where Governor Hickenlooper was in attendance.

There were no other Council comments.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Kenyon moved to adopt the Consent Calendar and then read the Consent Calendar items #1-9. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the October 17, 2012 Regular Meeting

2. **Horizon Drive Association Business Improvement District (BID) 2013 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30th each year. The City Council then approves or disapproves the plan and budget by December 5th. The plan was reviewed by the Horizon Drive Association BID Board and submitted within the required timeline. After further review by City staff, the plan was found to be reasonable.

Action: Approve the Horizon Drive Association Business Improvement District's 2013 Operating Plan and Budget

3. **Downtown Grand Junction Business Improvement District (DGJBID) 2013 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30th each year. The City Council then approves or disapproves the plan and budget by December 5th. The plan was reviewed by the DGJBID Board and submitted within the required timeline. After further review by City staff, the plan was found to be reasonable.

Action: Approve the Downtown Grand Junction Business Improvement District 2013 Operating Plan and Budget

4. **Free Holiday Parking Downtown**

The Downtown Partnership has requested free parking in the downtown area again this year during the holiday shopping season. City Staff recommends Free Holiday Parking in all of downtown, including the first floor of the Rood Avenue parking structure, with the exception of government office areas and shared-revenue lots.

Action: Vacate Parking Enforcement at all Designated, Downtown, Metered Spaces and Signed Parking from Thanksgiving to New Year's Day, Except Loading, No Parking, Handicapped, and Unbagged Meter Spaces Surrounding Government Offices and in Shared Revenue Lots. Free Metered Spaces will be Clearly Designated by Covering the Meters with the Well-known "Seasons Greetings-Free Parking" Red Plastic Bag

5. **Grand Valley Transit Public Funding**

The City has an ongoing, annually renewable agreement with Grand Valley Transit for public transportation services within Grand Valley Transit boundaries. The City pays the Grand Valley Transit a percentage of the costs based on a formula established in an agreement that dates back to 2009. The Resolution authorizes the Mayor to sign the Resolution adopting the local match funding for the Grand Valley Transit Public Transit Services as adopted in the 2013 budget.

Resolution No. 42-12—A Resolution Concerning the Adoption of the Local Match Funding for Grand Valley Transit Pubic Transit Services for FY2013

Action: Adopt Resolution No. 42-12

6. **Contract for Lincoln Park Playground Equipment**

This award is for the purchase of playground equipment, and the purchase and installation of Poured In Place rubberized surfacing as part of the renovations and redevelopment of Lincoln Park.

Action: Authorize the Purchasing Division to Enter Into a Contract with Children's Play Structures & Recreation, Inc. of Littleton, Colorado for the Purchase of Playground Equipment, and Purchase and Installation of Poured In Place rubberized surfacing for Lincoln Park in the Amount of \$199,970

7. **Contract for Food Services for Two Rivers Convention Center**

This award is for the contract of food services to be provided to the Two Rivers Convention Center and Lincoln Park, beginning January 1, 2013 through December 31, 2013, to include three additional, one year renewal options.

Action: Authorize the Purchasing Division to Enter Into a Contract with US Foods, Inc. of Denver, Colorado in the Estimated Aggregate Amount of \$325,000 for Food Services for Two Rivers Convention Center and Lincoln Park

8. **Contract for the 2012 Street Maintenance – Curb, Gutter, Sidewalk Repair and Replacement Project**

This request is to award a construction contract for the concrete replacement project at various locations throughout the City of Grand Junction. This contract is to repair road sections scheduled to be overlaid in 2013 and to address higher priority “Fix It” requests received. In all, a total of 17 locations were selected.

Action: Authorize the City Purchasing Division to Enter into a Contract with Vista Paving Corporation of Grand Junction, CO for the 2012 Street Maintenance - Curb, Gutter, Sidewalk Repair and Replacement in the Amount up to \$141,322.88

9. **Purchase of Cargo Van Equipped with a Color Closed Circuit Televised (CCTV) Internal Sewer Line Inspection System**

This request is for the purchase of an extended body van that is equipped with a color CCTV camera system to be used for internal sewer line inspections.

Action: Authorize the City Purchasing Division to Purchase a Cargo Van Equipped with a Video Inspection System from DW Inspection Systems in the Amount of \$184,857

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Contract for a 55 kW Photovoltaic Solar System

Request to enter into a contract with Sunsense, Inc., Carbondale, CO to construct a 55 kilowatt (kW) photovoltaic solar system at the Water Treatment Plant.

Terry Franklin, Utilities and Streets Manager, introduced this item. He described how the proposals were solicited and reviewed. They were reviewed by a committee (CORE

Group). The Committee selected SunSense as the most qualified company. SunSense applied with Xcel for energy credits which will pay the City back about \$23,000 over a twenty year period. The panels will provide 100% of the energy needs of the plant. He explained how it will also change the rating of the load at the plant which changes the rate and the demand charge. He displayed a graphic of the design.

Councilmember Kenyon asked where the funds to pay for this expenditure would come from. Mr. Franklin said it comes from the water enterprise fund. Councilmember Kenyon noted the cost savings and the payback for the system, noting what a wise investment it is. Mr. Franklin said the system will pay back in eight years with the change in the rate and demand.

Councilmember Luke asked for confirmation that the warranties will run well past the payback period. Mr. Franklin confirmed. Councilmember Luke noted the City has had a good experience with this company. The same company has installed solar at Two Rivers and at the Wastewater Treatment Plant.

Councilmember Boeschstein thanked the Staff for making the City facilities more energy efficient.

Councilmember Kenyon moved to authorize the Purchasing Division to enter into a contract with SunSense Inc, Carbondale, CO in an amount of \$190,944. Councilmember Coons seconded the motion. Motion carried.

Lincoln Park Renovation – Phase II Construction

In 2011, the Parks and Recreation Department completed a Park Inventory and Future Needs Assessment, which is an evaluation program of all park facilities for safety, accessibility, and cost of maintenance. In conjunction with the study, a number of partner and public meetings were conducted to determine the community needs of Lincoln Park. Findings determined the accessibility into and throughout the park are sorely inadequate, and the loop road had become a hindrance to the park and not an asset.

Rob Schoeber, Parks and Recreation Director, introduced this item. He explained how the project was developed and brought forward. There was lots of public input and review before the proposal was drafted. One element is removal of the loop road at the corner of 12th and Gunnison which will be redesigned as well as the entrance to Lincoln Park. There are two new restrooms in the Park that have opened in the last couple of months.

Another new element is the Arboretum which includes a new trail system which highlights the different species of trees in the park. The Arboretum includes an

interactive educational tour which uses the Question Response (QR) Code for smart phones as well as an audio/video tour. There is also a brochure. It will all be Americans with Disabilities Act (ADA) accessible. There are 69 videos that describe the 69 tree species.

There will be 1400 feet of new sidewalk, making many of the facilities ADA accessible. New playground equipment was just approved on the Consent Agenda. The design is of a tree and nature theme. There are two age appropriate sections. One element, the cozy cocoon, is specifically designed for autistic children.

Parking is also being addressed with the new plan. The parking area near the tennis courts will be redesigned to add 86 parking spaces. The existing horseshoe courts are being relocated to another park.

A number of partners have been involved in the project. The City received a Great Outdoors Colorado (GOCO) grant of \$250,000 and other grants have been applied for.

The Arboretum and street improvements will start on November 19, 2012, if approved this evening.

Councilmember Kenyon thanked Mr. Schoeber and complimented the process. He said the project addresses a lot of concerns. He noted the parking is really needed as well as the safety improvements. Mr. Schoeber confirmed that there will be a regulated crosswalk on 12th Street.

Councilmember Coons agreed that elimination of the loop road will make the park safer. She complimented all of the parks improvements.

Councilmember Doody said he sits on the Parks and Recreation Advisory Board which includes a great group of citizens. They provided great input for these park projects. Councilmember Doody pointed out the community donations and asked Mr. Schoeber to elaborate. Mr. Schoeber advised that Mesa Developmental Services (MDS) was one such partner and helped with the special needs playground. Hilltop was another partner, both with professionalism and with some funding.

Councilmember Boeschstein thanked Mr. Schoeber and congratulated him on the GOCO grants. He attended the open houses as he lives in that neighborhood and has used the parks with his kids and grandkids for the last thirty years. He asked about new signage and some sculpture. He also asked if there is any chance of recycling the old playground equipment. Mr. Schoeber said a local Christian School will disassemble and reassemble the equipment on their property.

Council President Pitts asked about exiting the park at the newly designed entrance. Mr. Schoeber said the exit will remain the same. There will be a bus stop close by.

Councilmember Doody moved to authorize the Purchasing Division to enter into a contract with All Concrete Solutions, LLC for the Construction of the Lincoln Park Renovation – Phase II Project in the amount of \$186,345.50. Councilmember Luke seconded the motion. Motion carried.

Public Hearing—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.

The public hearing was opened at 8:00 p.m.

Senta Costello, Senior Planner, presented this item. She described the site, the location, and the request. The current land use designation is Residential Medium. To the south is Business Park Mixed Use. The current zoning for the property is R-4, as well to the north and west. The adjacent lot where the ATM and parking lot is located is zoned Public Development (PD). There is no specific development proposed with the rezone request. The applicants have been attempting to sell the property for the last several years. The few that have been interested wanted to place business uses on the property. The existing use is a single family home. A rezone would not make the existing use non-conforming. There was a neighborhood meeting where four neighbors showed and expressed support. An email was received from a neighbor expressing a concern on the unknown factor of what might be built there if rezoned. He still has some concerns but has not made any additional comments. The R-O would allow business/commercial uses as well as residential uses. Scale and compatibility would be maintained with the surrounding neighborhood. Patterson Road is a busy street with a high volume of traffic and residential use is not generally envisioned on that type of street. The Comprehensive Plan does support the rezone. There are smaller commercial nodes scattered along this stretch of Patterson Road. There are complimentary uses in the neighborhood. The rezone will encourage reuse of the property and give the owners maximum potential for the property. The applicant was present.

Councilmember Susuras said he supports the request. At present, the home is a rental and it should be used for a more profitable use.

Councilmember Boeschstein asked about a traffic study. Ms. Costello said that a traffic study could not be done without knowing what use would go there. At present, it will continue to be a rental until sold.

Councilmember Boeschstein noted that a similar request was denied about a year ago and the Comprehensive Plan indicates this to be a residential designation. Ms. Costello said that the previous rezone request was for a Form Based District.

Councilmember Boeschstein said a home based business would be more compatible. He read from a letter from a neighbor who had some concerns. He noted that as many as 39 additional uses would be allowed. He will not support it; it is a spot zone and is inconsistent with the Comprehensive Plan. It could cause a traffic problem.

Councilmember Susuras said that a year ago the entire neighborhood was opposed and now there is only one in opposition. There is also the possibility of access onto High Point (View Point).

Councilmember Luke asked about the access into the parking lot that was closed. She was concerned about the traffic and the issue of elevation.

Ms. Costello said the previous access was closed off. If the new use created a higher traffic level that would be reviewed and the applicant would have to prove they could provide safe access or it would not be approved. The current zoning and the proposed zoning have the same height limitations. The architectural standards are only applicable in the R-O district.

Council President Pitts asked if there is a potential for access to High Point. Ms. Costello said the department has not looked at the site layout as there is not a change in use proposed at this time. That would be looked at when a development proposal comes forward.

There were no public comments.

The public hearing was closed at 8:21 p.m.

Councilmember Susuras said the parking lot is used by St. Mary's.

Ordinance No. 4557—An Ordinance Rezoning Property Located at 2674 Patterson Road from R-4 (Residential 4 du/ac) to R-O (Residential Office)

Councilmember Susuras moved to adopt Ordinance No. 4557 and ordered it published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote with Councilmembers Boeschstein and Luke and Council President Pitts voting NO. Council President Pitts stated that he is concerned about access and traffic along Patterson Road.

Public Hearing—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 2012A and 2012B

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.

The public hearing was opened at 8:23 p.m.

John Shaver, City Attorney, introduced this item. He explained the request which includes both tax exempt and taxable bonds. The proposed schedule for repayment is ten years through the Tax Increment Financing. By law, the DDA is funded by the issuance of debt, that is what is provided by the legislature. Tax Increment Funds are not new taxes but a redirection of tax already being collected. DDA has had a number of these bond issuances. The proceeds of the bonds will be used to fund the DDA projects including the Avalon Theater and the White Hall renovation.

Councilmember Susuras asked if part of the funding would repay the City for funds borrowed from the City. Mr. Shaver said yes, that is part of the issuance. Councilmember Susuras asked if the bonds will be offered to local banks. Mr. Shaver answered yes, there will be a limited offer memorandum sent to local financial institutions for \$1,000 increments.

Councilmember Kenyon asked about the repayment and the annual payment. Mr. Shaver said it is a ten year term and interest around 3%, but deferred to Mr. Valentine for the details.

Jay Valentine, Internal Services Manager, said the interest rate is not yet established but will be not higher than 5%. The taxable series will be for the \$3 million for the DDA's portion of the Avalon Theatre project. The reason for some of the bonds being taxable is to avoid having any restraints such as naming rights and other private participation. The DDA board wanted to keep the term as short as possible. The average debt payment will be about \$980,000, with a revenue stream of \$1,000,000 annually. The DDA will have 1.5 times that much in debt coverage. Staff feels it is a

safe structure. Next week the limited offer memorandum will be sent out and the rate will be bid, and then the rates can be prepared.

City Attorney Shaver said part of the reason of the uncertainty is that many changes for the calculations were significant because only 50% of the redirected monies from other jurisdictions is authorized by the legislature.

Councilmember Kenyon noted this is the normal course of business for the City and the DDA, and is needed to continue development of downtown. It is all within the State guidelines. He thanked Staff for looking at local banks first.

City Attorney Shaver said the disclosures are very specific as this is the first issuance under the new structure. If the local banks are not interested, there is an alternative.

Councilmember Susuras asked about the reserve account. Mr. Valentine said it is the amount that is set aside to meet any debt obligation in times of a downturn in the economy. It will be used to make the last payment. The debt issuance is \$7.3 million; \$7 million will go to DDA. The reserve account amount is yet to be determined. Councilmember Susuras asked about the board vote. City Attorney Shaver said the DDA board approved the issuance unanimously. Mr. Shaver provided the specific numbers for the bonds which is \$4,175,000 on the tax exempt and \$3,140,000 on the taxable bonds.

Councilmember Luke asked how the break out of taxed versus tax exempt bonds works. Mr. Valentine said it was based on DDA's obligation for the Avalon Theatre project. City Attorney Shaver explained the reasoning for the issuance of taxable bonds to avoid any issue with the Internal Revenue Service (IRS) or penalty situation.

Harry Weiss, Executive Director of the DDA, said they have been very prudent on ensuring that there would be debt coverage. This may be the last bond issuance that DDA does; they may set up a line of credit in the future. That will be more of a "pay as they go" approach. It is necessary to do a bond issuance at this time as there are immediate needs. The ballot question is specific for the purposes of the Tax Increment Funds (TIF) monies. For those projects, they will use the monies in the fund balance acquired through the five mill levy.

Councilmember Boeschstein said there are plans for the downtown area and he hopes they will be adopted soon.

Councilmember Susuras said he supports what the DDA is doing with this bond ordinance.

There were no other public comments.

The public hearing was closed at 8:44 p.m.

Ordinance No. 4558—An 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

Councilmember Susuras moved to adopt Ordinance No. 4558 and ordered it published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Gary Christ, 1657 Elm Avenue, wanted to make a comment on the Lincoln Park Renovation. He asked why there wasn't a public comment section on this matter. Council President Pitts said that item was not a public hearing. He asked Mr. Christ to make his comments.

Mr. Christ said the number of parking spaces does not meet the required number of spaces for the number of seats in the stadium. To be up to City Code, 1700 spaces would be required for the size of the stadium. He asked when this issue will be brought up to Code.

City Manager Englehart said Staff is addressing the parking issues according to the Master Plan and they will continue to add parking as they can. He understands this can be an issue when there are multiple events at Lincoln Park.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:49 p.m.

Stephanie Tuin, MMC
City Clerk