

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

July 13, 2009

The City Council of the City of Grand Junction convened into regular session on the 13th day of July 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Kenyon led in the Pledge of Allegiance followed by an invocation by Bishop Doug Rock, Church of Jesus Christ Latter Day Saints, 5th Ward.

Appointments

Councilmember Beckstein moved to re-appoint Scott Howard and Peggy Page to the Downtown Development Authority/Downtown Grand Junction Business Improvement District for four year terms to expire June 2013. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Councilmember Coons moved to ratify the reappointment of Julie Sabin and ratify the appointments of Jennifer Moore, Jocelyn Mullen, Dr. Keith Dickerson, and Doug Conant to the Urban Trails Committee as recommended by the Riverfront Commission. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Citizen Comments

Bill Hugenberg, 543 Rim Drive, addressed the City Council about the letter from the Mayor regarding fracturing with chemicals act sent to the legislature. The County sent a letter to the legislature too and Mr. Hugenberg requested the County to provide their documents that supported their letter against the "Frac Act". He was provided nothing. He then did his own research, wrote a white paper and then tried to address the County Commissioners about the basis of their letter. Commissioner Meis walked out. The City's letter was seemingly coordinated with the County as it was sent at the same time but it had different content. Mr. Hugenberg still had concerns about the content of the City's letter. He objected to the fact that the Council sent the letter out without the benefit of a public hearing.

Jacob Richards, 624 Ouray Avenue, thanked Councilmember Kenyon for his willingness to talk to those concerned about the homeless. He then addressed selective enforcement and how the homeless are being targeted for walking violations; 48% of the walking violations are written to the homeless. He then quoted some statements made by a City policeman that he objected to.

Mallory Rice, 425 N. 17th Street, said ignoring homelessness and criminalizing it isn't working; the City still has a large homeless population. Other cities have taken action. First, she addressed housing. She said housing is a human right. She then reviewed a case study in Toronto. They have outreach workers that work on a one-on-one basis with the homeless, helping with steps along the way such as identification, assisting with job applications, and connecting them with the services available. It links the clients to the community. She listed a number of the improvements and benefits to the community.

Mary Sanchez, P.O. Box 1986, lives on the river, related the interaction she has had with police since March. She described an incident where her tent was stolen and the police were involved. She was told she had no legal right since she was camping illegally, therefore her belongings were abandoned. In contrast, the Sheriff's deputies were concerned and considerate, but the City police were rude and degrading.

Michael Christopher "Wolffe" Gagne, P.O. Box 1986, stated he was disabled from shattering his legs and said the drivers in town do not have any consideration for pedestrians. He suggested the police address the drivers rather than folks in the park. He suggested the traffic lights be adjusted to allow enough time for disabled pedestrians to get across the street.

Council Comments

There were none.

CONSENT CALENDAR

Councilmember Todd read the Consent Calendar and then moved to approve items #1 through #5. Councilmember Kenyon seconded the motion.

Councilmember Todd asked if there is a Council meeting on August 17th; it was her understanding there is an open house on the Comprehensive Plan that evening. Council President Hill advised the open house will be just prior to the meeting. There will be a regular meeting that night.

Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the June 29, 2009 and the July 1, 2009 Regular Meetings

2. **Setting a Hearing on Clarifying Ordinance No. 4188 in Regard to Section 36-17 of the Municipal Code and Ordinance No. 4234 Regarding the Inclusion of the Usage of Golf Carts in the 2003 Model Traffic Code for Colorado**

The Municipal Code was amended with Ordinance No. 4188 to include a parking violation for stopping, standing or parking in whole or in part on a planting strip in Section 36-17(a). The City's intent was for subsections (b), (c) and (d) to remain unaltered and in full force and effect. Similarly, the 2003 Model Traffic Code was amended with Ordinance No. 4234 to include usage of golf carts on public roads. See Section 36-2. The City's intent was for sections 705, 1102, 1409, 1416, 1417, 1418 and 1503 as amended by Ordinance No. 4110 to remain in full force and effect. As clarified, these sections will promote statewide uniformity in traffic regulation.

Proposed Ordinance Clarifying Ordinance No. 4188 Regarding the Municipal Code and Ordinance No. 4234 Regarding the 2003 Model Traffic Code of Colorado as Adopted by the City of Grand Junction

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2009

3. **Setting a Hearing on Zoning the Peiffer Annexation, Located at 2454 Bella Pago Drive** [File #ANX-2009-113]

Request to zone the 1.76 acre Peiffer Annexation, located at 2454 Bella Pago Drive, to R-2 (Residential 2 du/acre).

Proposed Ordinance Zoning the Peiffer Annexation to R-2 (Residential 2 Du/Acre) Zone District, Located at 2454 Bella Pago

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2009

4. **Setting a Hearing on the Fults Annexation, Located at 3066 F Road** [File #ANX-2009-130]

Request to annex 3.72 acres, located at 3066 F Road. The Fults Annexation consists of one parcel.

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

Resolution No. 60-09—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, Fults Annexation, Located at 3066 F Road

Action: Adopt Resolution No. 60-09

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fults Annexation, Approximately 3.72 Acres, Located at 3066 F Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 17, 2009

5. Setting a Hearing on Zoning the Monument Village Commercial Center Annexation, Located at 2152 Broadway [File #ANX-2009-116]

Request to zone the 5.77 acre Monument Village Commercial Center Annexation, located at 2152 Broadway, to B-1 (Neighborhood Commercial).

Proposed Ordinance Zoning the Monument Village Commercial Center Annexation to B-1 Neighborhood Business, Located at 2152 Broadway

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2009

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Maverik Growth Plan Amendment, Located at 2948 F Road and 603 29 ½ Road [File #GPA-2009-023]

Growth Plan Amendment to change the Future Land Use designation on a portion of two properties from Residential Medium 4-8 du/ac to Commercial to allow for future commercial development.

The public hearing was opened at 7:25 p.m.

Senta L. Costello, Senior Planner, reviewed this item. She described the request, the location and the site.

Ms. Costello then reviewed the criteria for a Growth Plan Amendment and her findings:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; to which the applicant responded: there was not an error in the Future Land Use designation at the time of adoption;
- b. Subsequent events have invalidated the original premises and findings; to which the applicant responded: Traffic volumes along F Road have steadily increased since the adoption of the current residential designation. Higher traffic volumes lower the desirability for residential uses directly abutting the high volume right-of-way.
- c. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan; to which the applicant responded: traffic volumes along F Road have steadily increased since the adoption of the current residential designation. Higher traffic volumes lower the desirability for residential uses directly abutting the high volume right-of-way. A transitional commercial use would help buffer residential uses located further north along 29 ½ Road.
- d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans; to which the applicant responded: the request is consistent with the following goals and policies of the Growth Plan. Patterson Road does not have a corridor plan however it does meet many of the goals and intents of the Growth Plan.
- e. Public and community facilities are adequate to serve the type and scope of the land use proposed; to which the applicant responded: a 12" Ute Water line, 12" sanitary sewer line, and 36" storm sewer line exist in F Road adjacent the subject property; a 4" Ute Water line and an 8" sanitary sewer line are located in 29 ½ Road.
- f. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; to which the applicant responded: F Road between 28 ¼ Road and 31 Road has very little opportunities for transitional or small scale commercial developments that could serve as neighborhood service possibilities. A commercial designation at this location would add an opportunity for additional service type uses to the neighborhood.
- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment; to which the applicant responded: a commercial

designation at this location would add an opportunity for additional service type uses to the neighborhood, potentially eliminating the need to drive to another location further away.

Based on that, Ms. Costello believed all the criteria for a Growth Plan Amendment have been met and she recommended approval.

Don Lilyquist, works for Maverik Convenience Stores, 880 West Center Street, North Salt Lake City, Utah, said the company is looking for places to expand. They have convenience stores in Utah and Colorado. They are not truck stops but rather for the convenience of neighborhoods.

Tina Million, 603 29 Road, the current owner of the property, said she has a contract with Maverik Convenience Stores. The area is way too loud and too much traffic to be sold as residential.

Robert Began, 607 29 Road, stated that no one would build a house there, so he is sure it will go commercial. He doesn't see anything wrong with what is proposed. There are already two businesses along that street. He felt commercial is already established.

There were no other public comments.

The public hearing was closed at 7:35 p.m.

Councilmember Pitts asked about ingress and egress to the property. Ms. Costello said a full movement intersection off of 29 Road and a right in/right out for Patterson Road is proposed but no approval has been granted for that at this time. It is not part of the Growth Plan Amendment process and therefore has not been considered yet.

Resolution No. 61-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 1.31 Acres Located at 2948 F Road and 603 29 ½ Road, Known as the Maverik Growth Plan Amendment, from Residential Medium 4-8 DU/Ac to Commercial

Councilmember Kenyon moved to adopt Resolution No. 61-09. Councilmember Pitts seconded the motion.

Councilmember Palmer stated that there are a lot of established neighborhoods in that area and one of the goals of the Growth Plan was to not encroach into existing neighborhoods. He is not convinced it has met all the criteria and will therefore not support the change.

Councilmember Todd disagreed because the increased traffic has changed the character of that corridor. She feels this proposal will be compatible.

Councilmember Beckstein agreed with Councilmember Todd. The natural evolution of that area and traffic increasing has altered the personality of the corridor. In order to even out some of the transportation issues by having some services in neighborhoods, she will support this.

Councilmember Coons noted that this area has received a lot of attention in the review for the Comprehensive Plan and has had an increase in traffic. She thinks the area along Patterson Road will become more commercial.

Motion carried by roll call vote with Councilmember Palmer voting NO.

Public Hearing—Vacating an Alley Right-of-Way through the Center of Melrose Park, Located at 1827 North 26th Street [File # SPR-2009-064]

Request to vacate 0.18 acres of alley right-of-way located through the center of Melrose Park located at 1827 North 26th Street which is unnecessary for future roadway circulation.

The public hearing was opened at 7:42 p.m.

Michelle Hoshide, Associate Planner, reviewed this item. She described the request which came from the City of Grand Junction, the location and the site. She asked that the Staff Report and attachments be entered into the record. She explained why the request is coming forward; the right-of-way has never been used and there are no plans to use the right-of-way in the future. Vacation will allow the full development of the park. The request does meet the criteria of the Zoning and Development Code.

Jerry Garner, 674 Peony Drive, asked for clarification. He questioned why the vacation needed to take place when there is no alley in the park.

The public hearing was closed at 7:45 p.m.

Council President Hill asked City Attorney Shaver to explain the process. City Attorney Shaver advised the right-of-way was reserved legally for potentially having an alley. Due to that reservation, the proper steps must be taken to vacate the right-of-way. Utility easements will be retained. Mr. Shaver offered to further clarify the process with Mr. Garner one on one.

Council President Hill added that the right-of-way was reserved and the City has no intention of building an alley through the park.

Ordinance No. 4363—An Ordinance Vacating the Alley Right-of-Way Located through the Center of Melrose Park at 1827 North 26th Street

Councilmember Beckstein moved to adopt Ordinance No. 4363 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Contract to Purchase Planning Software System

This project will provide an integrated planning software system to support the City's planning, permitting, and code enforcement functions. The resulting system will improve business productivity as well as citizen access and transparency in planning, permitting, and code enforcement services.

Tim Moore, Public Works and Planning Director, introduced the topic by describing that system will help with the goal of transparency and customer service.

Lisa Cox, Planning Manager, reviewed this item and the request. She described how the new software will streamline the development process. She described the current software which has been used for 14 years and how much of the process has to be accomplished manually. The current system has no citizen access, no on-line submittal, or any on-line review. She described how the new system would provide those services.

Ms. Cox detailed the current time consuming process. The new system will gain efficiencies by cutting down on paper and allow on-line submittals. The citizens and developers will be able to access the system 24/7. Any revisions to the plans will be available immediately and overlaid on the previous version so review agencies can see just what the changes to the plans were without having to start all over on the review process.

Ms. Cox described the development of the RFP (Request For Proposal), the review and evaluations of the product by the team including demonstrations, hands on trials, and checking of references. She said they expect to implement the software in the spring of 2010. An additional budget request will come forward in 2010. Some of the cost is offset by an energy impact grant.

Councilmember Kenyon said purchasing software is one of the most difficult processes an entity can go through. He applauded the steps the team has taken. He asked about other things that citizens will be able to do on-line. Ms. Cox said easy permits (fence and sign) will be able to be applied for on-line. They also will allow fees to be paid on-line. Also general information will be available such as the status of development applications.

There will be different levels of access for citizens versus developers. Developers can have an account so they can submit plans, revisions, drawings, etc.

Councilmember Kenyon asked about Code Enforcement. Ms. Cox said Code Enforcement currently uses the Impact AP for their records and will use this new system. How that will be used is yet to be developed.

Councilmember Kenyon asked about new hardware that will be needed to support the system. Ms. Cox said there will be some amount of new hardware that will be required to run the system optimally. For additional details she deferred to Jim Finlayson, Information Technology Manager.

Councilmember Kenyon said service is probably the most important aspect of the selection process. Ms. Cox agreed stating that is why the team spent a lot of time checking references.

Jim Finlayson, Information Technology Manager, said there will be additional hardware and software needed, mostly software, that is the Sequel Server software. They estimate that to cost \$100,000.

Councilmember Kenyon asked about the life expectancy of the software. Mr. Finlayson said the software is using the latest technology, dot net, and is a partner with Microsoft. They are also partners with GIS. They will be purchasing maintenance and support. In theory, as long as they stay current, they should not ever have to replace it.

City Manager Laurie Kadrich added that this purchase was purposefully split between two budget years, due to budget challenges, and the hope that some grant awards would be available. The original estimate for the project was \$600,000, so the additional \$100,000 is not additional budget for the project.

Councilmember Kenyon moved to authorize the City Purchasing Division to negotiate a contract and award the Planning Software System Project to EnerGov Solutions, LLC, Duluth, GA, for \$400,000. Councilmember Todd seconded the motion. Motion carried.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:14 p.m.

Stephanie Tuin, MMC
City Clerk