

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

November 18, 2009

The City Council of the City of Grand Junction convened into regular session on the 18th day of November 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 Deputy City Manager Rich Englehart, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp. City Manager Laurie Kadrach was absent.

Council President Hill called the meeting to order. Council President Hill led in the Pledge of Allegiance.

Citizen Comments

There were none.

Presentations

There were none.

CONSENT CALENDAR

Councilmember Palmer read the Consent Calendar and then moved to approve items #1 through #3. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

1. **Sawyer Subdivision Vacation of Easements, Located at 2672, 2676 Cambridge Drive and 756 Cambridge Court** [File #VE-2009-143]

A request to vacate seven unused utility and drainage easements running through the properties of 2672, 2676 Cambridge Drive and 756 Cambridge Court. These properties were originally platted in 1983 and replatted in 1987. In 1990 and 1993 building permits were issued by the County and the houses were built. The properties were annexed in 1993, after the building permits were issued. Recently it was found that the residences were built in accordance with the original lot lines platted in 1983. Because of this error, the residences are now located within the easements which were dedicated by the 1987 replat.

Resolution No. 87-09—A Resolution Vacating Seven Utility and Drainage Easements Located at 2672, 2676 Cambridge Drive and 756 Cambridge Court

Action: Adopt Resolution No. 87-09

2. **Setting a Hearing Expanding the Boundaries for the Downtown Development Authority (DDA)**

The DDA has been petitioned by Mesa County Board of County Commissioners, the Mesa County Library District and the City to include various properties into the DDA boundaries. Inclusion of these properties within the DDA Boundaries will serve to promote community stability and prosperity by improving property values, assist in the development and redevelopment of the district and provide for the continuance of economic health in the community.

Proposed Ordinance Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 30, 2009

3. **Ratify Final Form of Ordinance No. 4390**

The City Council reviewed and approved Ordinance No. 4390 after proper notice and a public hearing at its November 2, 2009 meeting. Ordinance No. 4390 approved a loan from the Colorado Water Resources and Power Development Authority to finance certain improvements to the City's water system and authorized the form and execution of the loan.

The Ordinance reviewed and approved by the bond counsel and the City Attorney was not the version presented to the City Council in the meeting materials. While there is no difference in any of the authorizations, legal relationships or obligations between the earlier version and this version of the Ordinance, the earlier version was not in fact the final version. It is important that the final version of the Ordinance be adopted for the record.

Resolution No. 88-09—A Resolution Ratifying the Correct Version of Ordinance No. 4390 and Authorizing Action in Accordance Therewith

Action: Adopt Resolution No. 88-09

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Disbanding the Avalon Theatre Advisory Committee

The City Council approved Resolution No. 27-06 on April 5th, 2006, creating the Avalon Theatre Advisory Committee. Since its creation, the Committee has worked diligently on its assigned tasks and due to their worthy efforts, the Committee has completed the tasks ahead of schedule. The Chair and Vice-Chair of the Committee are now requesting that the City Council disband the Committee.

Debbie Kovalik, Economic, Convention and Visitor Services Director presented this item. She thanked the Advisory Committee for their work that they have done for the Avalon Theatre. She reviewed the accomplishments the Advisory Committee made over the last few years. The Committee requested in writing that City Council disband the Avalon Theatre Advisory Committee.

Councilmember Kenyon thanked Ms. Kovalik for her leadership and the committee members for their work they did.

Councilmember Coons also added her thanks for all the work done.

Resolution No. 89-09—A Resolution Rescinding Resolution No. 27-06 Creating the Avalon Theatre Advisory Committee

Councilmember Todd moved to adopt Resolution 89-09. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Council President Hill thanked Committee Chair Ron Beach and Vice Chair Andre' van Schaffen for their excellent work and recommendations.

Petition for Exclusion from the Downtown Grand Junction Business Improvement District from Arvan Leany for Property Located at 337 S. 1st Street

On August 4, 2009, Mr. Arvan J. Leany filed a letter and the required deposit to initiate consideration of the exclusion of his property from the Downtown Grand Junction Business Improvement District at 337 S. 1st Street (Pufferbelly Restaurant). On August 17, 2009, the City Council referred the matter to the Downtown Grand Junction Business Improvement District (DGJBID) Board. The DGJBID heard the request on October 22, 2009 and with a tied vote, the motion was defeated.

John Shaver, City Attorney, presented this item. He advised that there was a tie at the Business Improvement District (BID) Board meeting. A tied vote is a defeat. He advised City Council what their options are in making a decision. They can refer the matter back to the BID or call it as defeated.

Councilmember Kenyon asked how many members are on the board and are there any vacant seats. City Attorney Shaver said it is a nine member board and there is one vacancy.

Councilmember Palmer asked if all eight current members were present for the decision. City Attorney Shaver said all who were present voted.

Council President Hill said that he had informed Mr. Leany that he would not be allowed to speak so Mr. Leany is not present at this meeting.

Councilmember Palmer said he believes that this should be referred back to the board after a ninth member is obtained and they have a full board.

Councilmember Coons said she agrees with Councilmember Palmer.

Councilmember Palmer moved to remand the exclusion request back to Downtown Grand Junction Business Improvement District after the appointment of the vacant position. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

Construction Contract for the Downtown Uplift Phase I

The Downtown Development Authority Downtown (DDA) Uplift Phase I (1st Street to 4th Street) is the first of two phases to renovate Main Street. This project represents the highest priority of the Downtown Development Authority. This phase of the project will provide much needed renovation including the replacement of deteriorated sidewalks, brick planters, storm drains, street lighting, electric circuits for vendors and Christmas lighting and water line. Other components include replacement of dying trees and reinstallation of a water sculpture, play area, shade shelters, and drinking fountains. The project is 100% funded by the DDA with the City providing the design, construction oversight and funding of the water line replacement.

Tim Moore, Public Works and Planning Director presented this item. He advised that the project is Phase 1 and includes renovating the sidewalks and upgrading the City's water line. It is funded 100% by the Downtown Development Authority. The City's role is to design the project and help support throughout the project. It meets goal four and eight in the Comprehensive Plan. There were six bids submitted with FCI Constructors being the low bidder. They have been in Grand Junction thirty-one years. They deliver an array of projects in the City of Grand Junction. The bid meets all of the City's

standards. Phase 1 of the project is to start January 4, 2010 and end June 9, 2010, in order to be ready to facilitate the Farmers Market. There are incentives in the contracts for the contractor to finish ahead of schedule. The recommendation of Staff is to award the contract to FCI Constructors. He advised that Steve Thoms, Chair of the DDA, Jay Valentine, Assistant Financial Operations Manager, and Trent Prall, Engineering Manager, are present to answer any questions.

Council President Hill asked that Downtown Development Authority Chairman Steve Thoms give his recommendation for the contract as it is a DDA project.

Councilmember Palmer disclosed that he is a business and property owner in the 4th block of Main Street. City Attorney Shaver stated that he does not have a direct financial interest in the project, so he believes Councilmember Palmer can participate.

Mr. Thoms, Chairman of the Downtown Development Authority, said the board looked over the bids and they recommend the lowest bid from FCI. The board voted on it seven to one.

Councilmember Coons asked if they were allowed to look at all bid proposals. Mr. Thoms said they did not see all the bids but were advised by Mr. Moore that all bids were on the same form.

Councilmember Palmer asked if the City was comfortable with the balance and completeness of all the bids that were submitted. Mr. Moore replied that there was one bid that was not complete and it was not considered.

Councilmember Beckstein said she does not understand the process. She asked if a contractor chooses to replace a subcontractor with someone else, is it allowed, and does the contractor inform the City? Mr. Moore said agreements are contractual with the general contractor. Questions are referred to the contractor not the subcontractor. They are asked to list all subcontractors that will have 5% or more of the work. There are times after a contract is awarded that a general contractor may change a subcontractor. The City does ask to be advised of any changes to subcontractors. Councilmember Beckstein asked if subcontractors have to go through the prequalification process that general contractors have to go through? Mr. Moore responded they have standards that have to be met.

Councilmember Coons asked Mr. Moore to explain why the City is involved in this process when DDA is paying for it. Mr. Moore said the DDA does have the ability to go out and find all the engineers, designers, etc. although the City has the expertise in this area and are able to commit time and Staff to help the DDA through this process. Councilmember Coons asked for clarification for the general public if this comes out of

taxpayer money. Mr. Moore replied that this is not out of general fund taxpayer money but instead from the DDA's tax increment financing.

Councilmember Todd said she has heard concerns about the process of bid procedures. She is very comfortable with the bid process and how Staff has handled the process. When the City sets a policy to only allow hometown people, it restricts local people from working in other communities. She supports the contract.

Councilmember Kenyon agreed with Councilmember Todd with why it is important that City Council reserve the right to look at these projects and make decisions based on what benefits the community. He does not want to see a quasi-preferential system. They support local as much as they can. He supports this contract.

Councilmember Palmer said he is not in favor of local preference. It endangers the ability of local contractors to do business in other communities. Traditionally, the process has been to award to the lowest bidder. Council reserves the right to look at any other bid especially if there are extenuating circumstances. When looking at City policy, it comes down to what is fair and what is right. He believes FCI followed all the rules and they won the low bid. He will support the lowest bidder.

Councilmember Pitt said he supports the comments made by other Councilmembers. All contractors that bid on this project were fine contractors and he supports the lowest bid.

Councilmember Coons said she viewed the suggestion of going with the low bid of FCI being awarded with the contract but restricting them to only local subcontractors would not service the City well. This is a small community and if others cannot work outside of this community, the community would not survive. The policy of looking at the lowest bid is the best policy.

Councilmember Beckstein said that Staff has done a thorough background check. She shares the concern with other Councilmembers as far as restricting to only local subcontractors. This is an opportunity to keep the doors open for businesses to come into the community. The City should hire local as much as it can but this allows the community to allow other people/businesses to come and spend their money here. She will be supporting this contract award.

Councilmember Todd moved to authorize the City Manager to sign a construction contract with FCI Construction Inc. of Grand Junction, Colorado for the Downtown Uplift Phase I Construction Project in the amount of \$2,309,841.09. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Council President Hill recognized the Boy Scouts in the audience.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:46 p.m.

Debbie Kemp, MMC
Deputy City Clerk