

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4854

AN ORDINANCE AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING CERTIFICATES OF PARTICIPATION; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO A GROUND LEASE AND LEASE PURCHASE AGREEMENT AND APPROVAL OF CERTAIN OTHER DOCUMENTS AND MATTERS RELATED THERETO; AND AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY THERETO

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

Section 1. Recitals:

(A) The City of Grand Junction, Colorado (the "City"), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the "Charter").

(B) Members of the City Council of the City (the "City Council") have been duly elected or appointed and qualified.

(C) The City has the power, pursuant to Section 2(f) of the Charter and Sections 31-1-102 and 31-15-713(c) of the Colorado Revised Statutes, as amended, to lease any real estate owned by the City, together with any facilities thereon, when deemed by the City Council to be in the best interest of the City.

(D) Pursuant to such authority, and in order to construct certain public improvements of the City (the "2010 Project" as further described below), the City previously entered into a Ground and Improvement Lease Agreement, dated as of December 1, 2010, pursuant to which the City leased to Zions Bancorporation, National Association (formerly known as Zions First National Bank) (the "Trustee"), acting solely in its capacity as trustee under an Indenture of Trust as hereafter described (the "2010 Ground Lease"), certain real property owned by the City ("Parcel I" and "Parcel II" or, collectively, the "Leased Property"), which Leased Property was leased back to the City by the Trustee pursuant to the terms of a Lease Purchase Agreement dated as of December 1, 2010 (the "2010 Lease").

(E) Parcel II has amortized under the terms of the 2010 Lease, and shall be released from the terms of the 2010 Lease such that the Leased Property shall consist solely of Parcel I (the Police Facility); and

(F) The consideration received by the City pursuant to the 2010 Ground Lease was held by the Trustee under an Indenture of Trust, executed by the Trustee, and dated as of December 1, 2010 (the "2010 Indenture") and used for the completion of the 2010 Project.

(G) Pursuant to the 2010 Indenture there were executed and delivered certain Tax-Exempt Certificates of Participation, Series 2010A, (the "2010A Certificates"), in the original principal amount of \$4,900,000, and Taxable Certificates of Participation (Direct Pay Build America Bonds), Series 2010B (the "2010B Certificates") in the original principal amount of \$30,000,000, each dated as of December 1, 2010.

(H) Proceeds of the 2010A Certificates and the 2010B Certificates were utilized to finance the construction of a new police facility and a new fire station within the City (the "2010 Project").

(I) The 2010A Certificates are no longer outstanding under the terms of the 2010 Indenture, and the 2010B Certificates are currently outstanding in the aggregate principal amount of \$30,000,000.

(J) Pursuant to Section 2.08 of the 2010 Indenture, under certain conditions Additional Certificates may be executed and delivered under the terms of the 2010 Indenture for the purpose of, among other things, refunding or refinancing all or any portion of the 2010A Certificates or 2010B Certificates.

(K) Pursuant to Section 9.01 and 9.02 of the 2010 Indenture, the 2010 Indenture, the 2010 Ground Lease and the 2010 Lease may be amended, without the consent or notice to the Owners (as defined in the 2010 Indenture), to authorize the execution and delivery of Additional Certificates for the purposes and under the conditions set forth in Section 2.08 of the 2010 Indenture.

(L) The Council has determined, and now hereby determines, that it is in the best interest of the City and its inhabitants to amend the 2010 Indenture (the "First Supplement" or, together with the 2010 Indenture, the "Indenture"), the 2010 Lease (the "First Lease Amendment" or, together with the 2010 Lease, the "Lease") and the 2010 Ground Lease (the "First Ground Lease Amendment" or, together with the 2010 Ground Lease, the "Ground Lease") to (i) reflect the release of Parcel II from the 2010 Leased Property pursuant to Section 12.4 of the 2010 Lease and (ii) and to authorize the execution and delivery of certain Refunding Certificates of Participation, Series 2019 (the "2019 Certificates"), the proceeds of which shall be used to refund and discharge that portion of the 2010B Certificates as set forth in a sale certificate (the "Refunding Project").

(M) Parcel I of the 2010 Leased Property will remain subject to the 2010 Lease, 2010 Ground Lease and 2010 Indenture, as each are amended (the "Leased Property").

(N) Pursuant to the Lease, and subject to the right of the City to terminate the Lease and other limitations as therein provided, the City will pay certain Base Rentals and Additional Rentals (as such terms are defined in the Lease) in consideration for the right of the City to use the Leased Property.

(O) The City's obligation under the Lease to pay Base Rentals and Additional Rentals shall be from year to year only; shall constitute currently budgeted expenditures of the City; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or Charter limitation or requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment obligation of the City in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect.

(P) The Trustee will execute and deliver the First Supplement, pursuant to which there is expected to be executed and delivered the 2019 Certificates, dated as of their date of delivery, that shall evidence proportionate interests in the right to receive certain Revenues (as defined in the Lease), shall be payable solely from the sources therein provided and shall not directly or indirectly obligate the City to make any payments beyond those appropriated for any fiscal year during which the Lease shall be in effect.

(Q) The net proceeds of the 2019 Certificates are expected to be used to provide funds in an amount sufficient to affect the Refunding Project.

(R) There has been presented to the Council and are on file at the City offices the following: (i) the proposed form of the First Ground Lease Amendment; (ii) the proposed form of the First Lease Amendment; (iii) the proposed form of the Continuing Disclosure Certificate to be provided by the City (the "Disclosure Certificate"); (iv) a form of Preliminary Official Statement (the "Preliminary Official Statement"); and (v) the Escrow Agreement.

(S) Capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Lease.

(T) Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, Colorado Revised Statutes (the "Supplemental Act"), provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act.

(U) No member of the Council has any conflict of interest or is interested in any pecuniary manner in the transactions contemplated by this ordinance.

Section 2. Short Title.

This ordinance shall be known and may be cited by the short title "2019 COP Refunding Ordinance."

Section 3. Ratification and Approval of Prior Actions:

All action heretofore taken (not inconsistent with the provisions of this ordinance) by the Council or the officers, agents or employees of the Council or the City relating to the Ground Lease, the Lease, the implementation of the Refunding Project, the execution and delivery of the First Ground Lease Amendment, the First Lease Amendment, and the execution and delivery of the 2019 Certificates is hereby ratified, approved and confirmed.

Section 4. Finding of Best Interests:

The City Council hereby finds and determines, pursuant to the Constitution, the laws of the State of Colorado and the Charter, that the Refunding Project under the terms and provisions set forth in the First Ground Lease Amendment and the First Lease Amendment and the First Supplement is necessary, convenient and in furtherance of the City's purposes and is in the best interests of the inhabitants of the City and the City Council hereby authorizes and approves the same.

Section 5. Supplemental Act; Parameters:

The Council hereby elects to apply all of the Supplemental Act to the First Ground Lease Amendment and the First Lease Amendment and in connection therewith delegates to each of the President of the City Council (the "President"), the City Manager of the City (the "City Manager") or the Finance Director of the City (the "Finance Director") the independent authority to make any determination delegable pursuant to Section 11-57-205(1)(a-i), Colorado Revised Statutes, in relation to the First Ground Lease Amendment and the First Lease Amendment, and to execute a sale certificate (the "Sale Certificate") setting forth such determinations, including without limitation, the term of the Ground Lease, the rental amount to be paid by the Trustee pursuant to the Ground Lease, the term of the Lease and the rental amount to be paid by the City pursuant to the Lease, subject to the following parameters and restrictions:

- (a) the Ground Lease Term shall not extend beyond December 31, 2050;
- (b) the Lease Term shall not extend beyond December 31, 2040;
- (c) the aggregate principal amount of the Base Rentals payable by the City pursuant to the Lease shall not exceed \$32,000,000;
- (d) the maximum annual repayment amount of Base Rentals payable by the City pursuant to the Lease shall not exceed \$2,500,000;
- (e) the maximum total repayment amount of Base Rentals payable by the City pursuant to the Lease shall not exceed \$50,000,000;

- (f) the maximum net effective interest rate on the interest component of the Base Rentals relating to the 2019 Certificates shall not exceed 5.00%; and
- (g) the net present value savings to the City as a result of the Refunding Project shall be at least 3% of the refunded principal amount.

Pursuant to Section 11-57-205 of the Supplemental Act, the Council hereby delegates to each of the President, the City Manager or the Finance Director the independent authority to acknowledge a contract for the purchase of the 2019 Certificates between the Trustee and the Underwriter (as defined in the Indenture). In addition, each of the President, the City Manager or the Finance Director are hereby independently authorized to determine whether a reserve fund shall be funded for the 2019 Certificates, and if obtaining an insurance policy or a reserve fund insurance policy for all or a portion of the 2019 Certificates is in the best interests of the City, and if so, to select an insurer to issue an insurance policy, execute a commitment relating to the same and execute any related documents or agreements required by such commitment. Each of the President, the City Manager or the Finance Director are also hereby independently authorized to determine if obtaining a reserve fund insurance policy for the 2019 Certificates is in the best interests of the City, and if so, to select a surety provider to issue a reserve fund insurance policy and execute any related documents or agreements required by such commitment.

The Council hereby agrees and acknowledges that the proceeds of the 2019 Certificates will be used to finance the costs of the Refunding Project and to pay other costs of issuance.

The City hereby consents to and acknowledges the execution and delivery of the First Supplement by the Trustee and the use of the proceeds of the 2019 Certificates to affect the Refunding Project.

Section 6. Approval of Documents:

The First Supplement, the First Ground Lease Amendment, the First Lease Amendment, the Disclosure Certificate and the Escrow Agreement, in substantially the forms presented to the Council and on file with the City, are in all respects approved, authorized and confirmed, and the President of the City Council is hereby authorized and directed for and on behalf of the City to execute and deliver the First Supplement, the First Ground Lease Amendment, the First Lease Amendment, the Disclosure Certificate and the Escrow Agreement in substantially the forms and with substantially the same contents as presented to the Council, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this ordinance.

Section 7. Approval of Official Statement:

A preliminary and final Official Statement, in substantially the form on file with the City, with such changes, updates and modifications as hereafter directed and approved by authorized officers of the City, is in all respects approved and authorized. The President is hereby authorized and directed, for and on behalf of the City, to execute and deliver the final Official Statement in substantially the form and with substantially the same content as the Preliminary Official Statement, with such changes as may be approved by the Finance Director. The distribution by the purchaser of the Preliminary Official Statement and the final Official Statement to all interested persons in connection with the sale of the 2019 Certificates is hereby ratified, approved and authorized.

Section 8. Authorization to Execute Collateral Documents:

The City Clerk is hereby authorized and directed to attest all signatures and acts of any official of the City in connection with the matters authorized by this ordinance and to place the seal of the City on any document authorized and approved by this ordinance. The President and City Clerk and other appropriate officials or employees of the City are hereby authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this ordinance. The appropriate officers of the City are authorized to execute on behalf of the City agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this ordinance, and are specifically authorized and directed hereby to invest such funds in Permitted Investments as are defined and provided in the Indenture. The execution of any instrument by the aforementioned officers or members of the City Council shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof and thereof.

Section 9. No General Obligation Debt:

No provision of this ordinance, the Ground Lease, the Lease, the Indenture, the 2019 Certificates, the Preliminary Official Statement, or the final Official Statement shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or home rule charter provision, nor a mandatory charge or requirement against the City in any ensuing fiscal year beyond the then current fiscal year. The City shall have no obligation to make any payment with respect to the 2019 Certificates except in connection with the payment of the Base Rentals (as defined in the Lease) and certain other payments under the Lease, which payments may be terminated by the City in accordance with the provisions of the Lease. Neither the Lease nor the 2019 Certificates shall constitute a mandatory charge or requirement of the City in any ensuing fiscal year beyond the then current fiscal year or constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any constitutional, statutory or Charter debt limitation and shall not constitute a multiple fiscal year direct or indirect debt or other

financial obligation whatsoever. No provision of the Ground Lease, the Lease or the 2019 Certificates shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the City within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. Neither the Lease nor the 2019 Certificates shall directly or indirectly obligate the City to make any payments beyond those budgeted and appropriated for the City's then current fiscal year.

Section 10. Reasonableness of Rentals:

The Council hereby determines and declares that the Base Rentals due under the Lease, in the maximum amounts authorized pursuant to Section 5 hereof, constitute the fair rental value of the Leased Property and do not exceed a reasonable amount so as to place the City under an economic compulsion to renew the Lease or to exercise its option to purchase the Trustee's leasehold interest in the Leased Property pursuant to the Lease. The Council hereby determines and declares that the period during which the City has an option to purchase the Trustee's leasehold interest in the Leased Property (i.e., the entire maximum term of the Lease) does not exceed the useful life of the Leased Property. The Council hereby further determines that the amount of rental payments to be received by the City from the Trustee pursuant to the Ground Lease is reasonable consideration for the leasing of the Leased Property to the Trustee for the term of the Ground Lease as provided therein.

Section 11. Exercise of Option; Direction to Trustee:

In order to affect the Refunding Project, the City Council has elected and does hereby declare its intent to exercise on the behalf and in the name of the City its option to redeem certain of the outstanding 2010B Certificates set forth in the Sale Certificate (the "Refunded Certificates") on the earliest applicable redemption date. The City hereby irrevocably instructs the Trustee to give notice of refunding and defeasance to the Owners of the Refunded Certificates as soon as practicable after the execution and delivery of the 2019 Certificates, in accordance with the provisions of the Indenture and the Escrow Agreement between the Authority and the Trustee, as escrow agent.

Section 12. No Recourse against Officers and Agents:

Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the City Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal, interest or prior redemption premiums on the 2019 Certificates. Such recourse shall not be available either directly or indirectly through the City Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the 2019 Certificates and as a part of the consideration of their sale or purchase, any person purchasing or selling such certificate specifically waives any such recourse.

Section 13. Repealer:

All bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent with this ordinance or with any of the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance of the City, or part thereof, heretofore repealed. All rules of the City Council, if any, which might prevent the final passage and adoption of this ordinance as an emergency measure at this meeting of the City Council be, and the same hereby are, suspended.

Section 14. Severability:

If any section, subsection, paragraph, clause or provision of this ordinance or the documents hereby authorized and approved (other than provisions as to the payment of Base Rentals by the City during the Lease Term, provisions for the quiet enjoyment of the Leased Property by the City during the Lease Term and provisions for the conveyance of the Leased Property to the City under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance or such documents, the intent being that the same are severable.

Section 15. Charter Controls:

Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this ordinance and the Sale Certificate authorized hereby and such statutes. Any such inconsistency or conflict is intended by the Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

Section 16. Effective Date, Recording and Authentication:

This ordinance shall be in full force and effect 30 days after its final passage and final publication pursuant to Section 136 of Article XVI of the Charter.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM THIS 17th DAY OF APRIL, 2019.

CITY OF GRAND JUNCTION, COLORADO



A handwritten signature in black ink, reading "Paul Taylor Smith".

President of the City Council

ATTEST:

A handwritten signature in blue ink, reading "W Winkelman".

City Clerk

PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM THIS 1st DAY OF MAY, 2019.

CITY OF GRAND JUNCTION, COLORADO



A handwritten signature in black ink, reading "Paul Taylor Smith".

President of the City Council

ATTEST:

A handwritten signature in blue ink, reading "W Winkelman".

City Clerk

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 CITY OF GRAND JUNCTION)

I, Wanda Winkelmann, the duly elected, qualified and acting City Clerk of the City of Grand Junction, Colorado (the "City") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance (the "Ordinance") which was introduced, passed on first reading, and ordered published in pamphlet form by the City Council (the "Council") of the City at a regular meeting of the Council held at the City Hall on April 17, 2019, and was duly adopted on second reading and ordered published in pamphlet form by the Council at a regular meeting held on May 1, 2019, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

2. The passage of the Ordinance on first reading on April 17, 2019, was duly moved and seconded and the Ordinance was approved by an affirmative vote of a majority of the members of the Council as follows:

Name	"Aye"	"Nay"	Absent	Abstain
Barbara Traylor Smith, President of the City Council	X			
Bennett Boeschstein, President Pro Tem	X			
Phyllis Norris	X			
Duke Wortmann	X			
Duncan McArthur	X			
Chris Kennedy	X			
Rick Taggart	X			

3. The passage of the Ordinance on second and final reading on May 1, 2019, was duly moved and seconded and the Ordinance was approved by an affirmative vote of a majority of the members of the Council as follows:

Name	"Aye"	"Nay"	Absent	Abstain
Barbara Traylor Smith, President of the City Council	X			
Bennett Boeschstein, President Pro Tem	X			
Phyllis Norris	X			
Duke Wortmann	X			
Duncan McArthur	X			
Chris Kennedy	X			
Rick Taggart	X			

4. The members of the Council were present at such meeting and voted on the passage of the Ordinance as set forth above.

5. The Ordinance has been signed by the President, sealed with the corporate seal of the City, attested by me as City Clerk, and duly recorded in the books of the City; and that the same remains of record in the book of records of the City.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of the Ordinance as an emergency.

7. Notices of the meetings of April 17, 2019 and May 1, 2019, in the forms attached hereto as Exhibit A, were duly given to the Council members and were posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

8. The ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on April 19, 2019 and May 3, 2019, as required by the Charter. The affidavits of publication are attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of May, 2019.



W. W. Imán

City Clerk

EXHIBIT A

(Attach Notices of Meetings)

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



CITY COUNCIL AGENDA
WEDNESDAY, APRIL 17, 2019
250 NORTH 5TH STREET
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM

To become the most livable community west of the Rockies by 2025

Call to Order, Pledge of Allegiance, Invocation

Kristine Bennett, SGI USA

The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future, and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand, or leave the room.

Presentations

Final Certification of Election Results

Proclamations

Proclaiming April 27, 2019 as Arbor Day in the City of Grand Junction

Citizen Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

City Manager Report

Council Reports

CONSENT AGENDA

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

1. Approval of Minutes

- a. Minutes of the April 3, 2019 Regular Meeting

2. Set Public Hearings

All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.

- a. Legislative

- i. Introduction of an Ordinance Making Supplemental Appropriations for 2019 and Set Public Hearing for May 1, 2019.
- ii. Introduction of an Ordinance in Regards to the Refunding (Refinancing) of \$30,000,000 Certificates of Participation, Series 2010B, and Set Public Hearing for May 1, 2019
- iii. Introduction of an Ordinance Amending the Comprehensive Plan to Include the Horizon Drive Business Improvement District (BID) Trail Network Plan as a Part of the Grand Junction Circulation Plan and Set a Hearing for May 1, 2019

- b. Quasi-judicial

- i. Introduction of an Ordinance Zoning the Maverick Estates Annexation R-4 (Residential - 4 du/ac), Located at 2428 H Road and Set a Public Hearing for May 1, 2019

3. Contracts

- a. Purchase of Two Fire Pumper Trucks
- b. Contract for Street Maintenance - 2019 Asphalt Overlay Project

- c. Construction Contract for the Riverfront at Dos Rios Business Park Phase I Project
- d. Orchard Avenue Street Reconstruction Contract Award and Mesa County Memorandum of Understanding Amendment #1

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

4. Deliberations/Decision Regarding Ordinance No. 4833

- a. An Ordinance to Amend Chapters 12.04 and 12.08 of the Grand Junction Municipal Code and Section 21.06.010 of the Zoning and Development Code Regarding Camping on Public Property/Public Places

5. Public Hearings

- a. Quasi-judicial
 - i. An Ordinance Rezoning Lot 113 of Brookwillow Village from PD (Planned Development) to R-12 (Residential – 12 Dwelling Units per Acre) and R-16 (Residential – 16 Dwelling Units per Acre), Located Directly East of Brookwillow Loop
 - ii. An Ordinance Rezoning to Planned Development and an Outline Development Plan (ODP) for The Riverfront at Dos Rios, Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue

6. Non-Scheduled Citizens & Visitors

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

7. Other Business

8. Adjournment

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CITY COUNCIL AGENDA
WEDNESDAY, MAY 1, 2019
250 NORTH 5TH STREET
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM

To become the most livable community west of the Rockies by 2025

Call to Order, GJPD Honor Guard and Posting of the Colors, Pledge of Allegiance, Invocation

Pastor Michael B. Shannon of Fruita Seventh-Day Adventist Church

The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future, and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand, or leave the room.

Presentations

Recognition of Outgoing Councilmembers

Proclamations

Proclaiming May 12 - 18, 2019 as Police Week in the City of Grand Junction

Proclaiming May as Bike Month and May 8, 2019 as Bike to Work and School Day in the City of Grand Junction

Proclaiming May 5 - 11, 2019 as Drinking Water Week in the City of Grand Junction

Appointments

To the Grand Junction Regional Airport Authority Board

REVISED

Citizen Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

City Manager Report**Council Reports****CONSENT AGENDA**

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

1. **Approval of Minutes**
 - a. Minutes of the April 17, 2019 Regular Meeting

2. **Set Public Hearings**

All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.

- a. Quasi-judicial
 - i. Introduction of an Ordinance Amending Planned Development Zoning Ordinance No. 4676 and Amending the Outline Development Plan for "One West Development", Now Known as "The Community" Planned Development, Located at 2350 Highway 6 & 50 Between 23 1/4 Road and 23 3/4 Roads, from G Road to Highway 6 & 50, and Set a Public Hearing for May 15, 2019
3. **Continue Public Hearings**
 - a. A Resolution Accepting the Petition for Annexation of 19.608 Acres of Land and Ordinances Annexing and Zoning the Maverick Estates Annexation to R-4 (Residential - 4 du/ac), Located at 2428 H Road - **Continued to a Date to be Determined**

- b. Consider a request by the City of Grand Junction for a Group of Actions Including 1) An Ordinance Amending Ordinance No. 3641, 2) An Ordinance Amending Section 21.06.010 of the Zoning and Development Code Concerning Infrastructure Standards, Transportation Capacity Payments Including Calculations Thereof, Credit and Approving Consumption-Based Calculation Methodologies and 3) A Resolution Amending Transportation Impact Fees and Establishing the Implementation Schedule - **Continued to a Date to be Determined**

4. Contracts

- a. Contract for 2019 Monument Road Bicycle Path (Lunch Loop Connector) Trail
- b. Memorandum of Understanding Between the United States Department of Interior, Bureau of Land Management, the Town of Palisade, and the City of Grand Junction to Establish a Framework of Cooperation in Support of the Palisade Watershed Fire Mitigation Plan

5. Resolutions

- a. A Resolution Authorizing a City Council Acting President Pro Tem
- b. A Resolution Appointing a Municipal Court Judge

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

6. Public Hearings

- a. An Ordinance Making Supplemental Appropriations for the 2019 Budget for the City of Grand Junction and the Downtown Development Authority
- b. An Ordinance Amending the Comprehensive Plan to Include the Horizon Drive Business Improvement District (BID) Trail Network Plan as a Part of the Grand Junction Circulation Plan

- c. An Ordinance Authorizing the Refunding (Refinancing) of \$30,000,000
Certificates of Participation, Series 2010B

7. Non-Scheduled Citizens & Visitors

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

8. Other Business

9. Adjournment

EXHIBIT B

(Attach Affidavits of Publication)

State PROOF OF PUBLICATION

NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN THAT: The City Council of the City of Grand Junction, Colorado, at its regular convened meeting on April 17, 2019, passed on first reading the following entitled proposed ordinance: AN ORDINANCE AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING CERTIFICATES OF PARTICIPATION; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO A GROUND LEASE AND LEASE PURCHASE AGREEMENT AND APPROVAL OF CERTAIN OTHER DOCUMENTS AND MATTERS RELATED THERETO; AND AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY THERETO and authorized the publication in pamphlet form.

NOTICE IS FURTHER GIVEN THAT the public hearing will be held May 1, 2019 at 6:00 p.m. in the City Hall Auditorium, 250 North 5th Street, at which time public comments will be taken and considered before the final adoption of the proposed ordinance.

Copies of the proposed ordinance are available for public inspection in the City Clerk's Office, 250 North 5th Street, City Hall, at any time Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m. or on the web at www.gjcity.org.

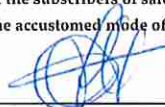
BY THE ORDER OF THE CITY COUNCIL
/s/ Wanda Winkelmann
City Clerk
Published: April 19, 2019.

STATE OF COLORADO

County of (Mesa)

Terry Flanagan

Being duly sworn, says that I am Legal Secretary of The Daily Sentinel, a daily newspaper, published and duly printed in The County of Mesa, State of Colorado; that said newspaper has a general circulation in said County and has been continuously and uninterruptedly published therein, during a period of at least fifty-two consecutive weeks next prior to the first publication of the annexed notice; that said newspaper is a newspaper within the meaning of the act of the general Assembly of the State of Colorado, entitled "An Act to regulate the printing of legal notices and advertisements," and amendments thereto; that the notice of which the annexed is a printed copy taken from said newspaper, was published in said newspaper, and in the regular and entire issue of every number thereof once a week for 1 successive week; that said notice was so published in said newspaper proper and not in any supplement thereof, and that first publication of said notice as aforesaid, was on the 19th day of April, 2019, and the last, on the 19th day of April, 2019. Copies of each number of said paper in which said notice and/or list was published were delivered by carriers or transmitted by mail to each of the subscribers of said newspaper, The Daily Sentinel, according to the accustomed mode of business in this office.



Subscribed and sworn to before me, this 19th day of APRIL, 2019

T. Pires Joest

THERESA JOEST
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20194006589
My Commission Expires February 15, 2023

State PROOF OF PUBLICATION

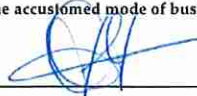
NOTICE OF ADOPTION OF ORDINANCE NO. 4854
 AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO BE PUBLISHED IN PAMPHLET FORM
 NOTICE IS HEREBY GIVEN:
 That on the 1st day of May, 2019, at 6:00 p.m. in the City Hall Auditorium, 250 N. 5th Street, Grand Junction, Colorado, the City Council of the City of Grand Junction held a public hearing, after proper notice, to consider the final passage of an Ordinance, the title of which is:
AN ORDINANCE AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING CERTIFICATES OF PARTICIPATION; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO A GROUND LEASE AND LEASE PURCHASE AGREEMENT AND APPROVAL OF CERTAIN OTHER DOCUMENTS AND MATTERS RELATED THERETO; AND AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY THERETO
 Copies of the adopted ordinance are available for public inspection in the City Clerk's Office, 250 North 5th Street, City Hall, at any time Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m. or on the web at www.gjcity.org.
 /s/ Wanda Winkelman
 City Clerk
 Published: May 3, 2019.

STATE OF COLORADO

County of (Mesa)

Terry Flanagan

Being duly sworn, says that I am Legal Secretary of The Daily Sentinel, a daily newspaper, published and duly printed in The County of Mesa, State of Colorado; that said newspaper has a general circulation in said County and has been continuously and uninterruptedly published therein, during a period of at least fifty-two consecutive weeks next prior to the first publication of the annexed notice; that said newspaper is a newspaper within the meaning of the act of the general Assembly of the State of Colorado, entitled "An Act to regulate the printing of legal notices and advertisements," and amendments thereto; that the notice of which the annexed is a printed copy taken from said newspaper, was published in said newspaper, and in the regular and entire issue of every number thereof once a week for 1 successive week; that said notice was so published in said newspaper proper and not in any supplement thereof, and that first publication of said notice as aforesaid, was on the 3rd day of May, 2019, and the last, on the 3rd day of May, 2019. Copies of each number of said paper in which said notice and/or list was published were delivered by carriers or transmitted by mail to each of the subscribers of said newspaper, The Daily Sentinel, according to the accustomed mode of business in this office.



Subscribed and sworn to before me, this 3rd day of May, 2019

Linda Wilson

LINDA WILSON
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID #20154028882
 My Commission Expires July 22, 2019

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4854 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 17th day of April, 2019 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 1st day of May, 2019, at which Ordinance No. 4854 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 3rd day of May, 2019.


Deputy City Clerk

Published: April 19, 2019
Published: May 3, 2019
Effective: June 2, 2019