

ORDINANCE NO. 4436

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND AND IMPROVEMENT LEASE AGREEMENT, A LEASE PURCHASE AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, AN OFFICIAL STATEMENT, AND CERTAIN RELATED DOCUMENTS BY THE CITY; APPROVING THE FORMS OF RELATED DOCUMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO (PUBLIC SAFETY BUILDINGS)

RECITALS:

1. The City of Grand Junction, Colorado (the "City"), is a home rule city duly existing under the Constitution and laws of the State of Colorado and its City Charter (the "Charter").

2. The members of the City Council of the City (the "City Council") have been duly elected or appointed and qualified.

3. 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.

4. The City owns certain parcels of real property (the "Parcels"), together with the facilities located thereon, if any (the "Facilities"), more particularly described in the Ground Lease described herein (such Parcels and Facilities being collectively referred to herein as the "Site").

5. The City Council has determined, and now hereby determines, that it is in the best interest of the City and its inhabitants that the City, as lessor, lease the Site and certain improvements to be constructed and installed thereon (collectively, the "Leased Property") to Zions First National Bank (the "Trustee"), solely in its capacity as trustee under the Indenture described herein, as lessee, pursuant to a Ground and Improvement Lease Agreement (the "Ground Lease"), and lease back the Trustee's leasehold interest in the Leased Property pursuant to the terms of a Lease Purchase Agreement (the "Lease") between the Trustee, as lessor, and the City, as lessee.

6. 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.

7. 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 a multiple fiscal year financial obligation of the City within the meaning of any Charter, constitutional or statutory limitation or requirement concerning the creation of indebtedness or any 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.

8. The Trustee will enter into an Indenture of Trust (the "Indenture"), pursuant to which the Trustee will execute and deliver one or more series of certificates of participation, dated as of their date of delivery, in an aggregate principal amount not to exceed \$36,300,000 (the "2010 Certificates").

9. The net proceeds of the 2010 Certificates will be used (a) for the construction of a police building, including a 911 emergency dispatch center on Parcel I (as defined in the Ground Lease), (b) the remodeling of the existing facilities on Parcel II (as defined in Exhibit A hereto) for use as a fire station, and (c) the construction, acquisition, installation, and equipping of such other capital improvements as the City Council may from time to time determine to locate on any portion of the Site (subsections (a), (b) and (c) of this recital being collectively referred to herein as the "Project"), and the Project will constitute a portion of the Leased Property.

10. The 2010 Certificates represent undivided 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.

11. There has been presented to the City Council and are on file at the City offices the proposed form of the following: (a) the Ground Lease; (b) the Lease; (c) the Continuing Disclosure Certificate (the "Disclosure Certificate") with respect to the 2010 Certificates; and (d) the Preliminary Official Statement (the "Preliminary Official Statement") with respect to the 2010 Certificates.

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

13. Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2 of the Colorado Revised Statutes, as amended (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.

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

Section 1. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this ordinance) by the City Council or the officers or agents of the City Council or the City relating to the Ground Lease, the Lease, or the construction or installation of the Project is hereby ratified, approved and confirmed. The designation of the Preliminary Official Statement by the Financial Operations Manager as a

“nearly final Official Statement” for purposes of Rule 15c2-12 of the U.S. Securities and Exchange Commission is hereby ratified, approved and confirmed.

Section 2. Finding of Best Interests. The City Council hereby finds and determines, pursuant to the Constitution and laws of the State of Colorado, that the construction and installation of the Project and the financing of the costs thereof pursuant to the terms set forth in the Ground Lease and the Lease 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 3. Supplemental Act; Parameters. The City Council hereby elects to apply all of the Supplemental Act to the Ground Lease and the Lease and in connection therewith delegates to each of the President of the City Council (the “President”) and the Financial Operations Manager the authority to make any determination delegable pursuant to Section 11-57-205(1)(a-i) of the Colorado Revised Statutes, as amended, in relation to the Ground Lease and the Lease, 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 City pursuant to the Lease, and the term of the Lease, subject to the following parameters and restrictions: (a) the term of the Ground Lease shall not extend beyond December 31, 2050; (b) the aggregate principal amount of the Base Rentals payable by the City pursuant to the Lease shall not exceed \$36,300,000; (c) the maximum amount of Base Rentals payable by the City in any fiscal year shall not exceed \$3,430,000; (d) the Lease Term shall not extend beyond December 31, 2040; and (e) the maximum net effective interest rate on the interest component of the Base Rentals relating to the 2010 Certificates shall not exceed 5.50%, net of any federal subsidy received with respect to all or any portion of the 2010 Certificates.

Pursuant to Section 11-57-205 of the Supplemental Act, the City Council hereby delegates to each of the President and the Financial Operations Manager the authority to sign a contract for the purchase of the 2010 Certificates or to accept a binding bid for the 2010 Certificates and to execute any agreement or agreements in connection therewith. In addition, each of the President or the Financial Operations Manager is hereby authorized to determine if obtaining an insurance policy for all or any portion of the 2010 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 or the Financial Operations Manager is hereby authorized to determine if obtaining a reserve fund insurance policy for the 2010 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.

Section 4. Approval of Documents. The Ground Lease, the Lease and the Disclosure Certificate, in substantially the forms presented to the City Council and on file with the City, are in all respects approved, authorized and confirmed, and the President is hereby authorized and directed, for and on behalf of the City, to execute and deliver the Ground Lease, the Lease and the Disclosure Certificate in substantially the forms and with substantially the same contents as presented to the City 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 5. Approval of Official Statement. A final Official Statement, in substantially the form of the Preliminary Official Statement presented to the City Council and on file with 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 on file with the City, with such changes as may be approved by the Financial Operations Manager. The distribution of the Preliminary Official Statement and the final Official Statement to all interested persons in connection with the sale of the 2010 Certificates is hereby ratified, approved and authorized.

Section 6. Authorization to Execute Collateral Documents. The City Clerk (the "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 the 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 approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the documents. 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 7. No General Obligation Debt. No provision of this ordinance, the Ground Lease, the Lease, the Indenture, the 2010 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 Charter, constitutional or statutory 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 2010 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 2010 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 Charter, constitutional or statutory debt limitation and shall not constitute a multiple fiscal year direct or indirect City debt or other financial obligation whatsoever. No provision of the Ground Lease, the Lease or the 2010 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 2010 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 8. Reasonableness of Rentals. The City Council hereby determines and declares that the Base Rentals 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 City 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 City Council hereby determines that the amount of rental payments to be received by the City from the Trustee pursuant to the Ground Lease, together with the leasing of the Leased Property back to the City pursuant to the Lease, is reasonable consideration for the leasing of the Leased Property to the Trustee for the term of the Ground Lease.

Section 9. 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 2010 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 2010 Certificates and as a part of the consideration for their sale or purchase, any person purchasing or selling such 2010 Certificate specifically waives any such recourse.

Section 10. Repealer. All bylaws, orders, ordinances, or resolutions 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, ordinance, or resolution of the City, or part thereof, heretofore repealed.

Section 11. 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 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 12. Effective Date. This ordinance shall be in full force and effect 30 days after publication following final passage.

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INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM THIS 30th DAY OF AUGUST, 2010.

CITY OF GRAND JUNCTION, COLORADO

[SEAL]



Terena L. Coons
PRESIDENT OF THE CITY COUNCIL

Attest:

Stephanie Tiun
City Clerk

PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM THIS 13TH DAY OF SEPTEMBER, 2010.

CITY OF GRAND JUNCTION, COLORADO

[SEAL]



Terena L. Coons
PRESIDENT OF THE CITY COUNCIL

Attest:

Stephanie Tiun
City Clerk

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

I, Stephanie Tuin, the City Clerk of the City of Grand Junction, Colorado (the "City") and Clerk to the City Council of the City (the "City Council"), do hereby certify that:

(1) 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 at a regular meeting thereof held on August 30, 2010 and was duly adopted and ordered published in pamphlet form by the City Council at a regular meeting thereof held on September 13, 2010, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

(2) The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of August 30, 2010, by an affirmative vote of a majority of the members of the City Council as follows:

<u>Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Teresa Coons	X			
Bonnie Beckstein	X			
Tom Kenyon	X			
Sam Susuras			X	
Gregg Palmer			X	
Bruce Hill	X			
Bill Pitts	X			

(3) The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of September 13, 2010, by an affirmative vote of a majority of the members of the City Council as follows:

<u>Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Teresa Coons	X			
Bonnie Beckstein			X	
Tom Kenyon	X			
Sam Susuras	X			
Gregg Palmer	X			
Bruce Hill	X			
Bill Pitts	X			

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

(5) The Ordinance was approved and authenticated by the signature of the President of the City Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the City Council.

(6) There are no bylaws, rules or regulations of the City Council which might prohibit the adoption of said Ordinance.

(7) Notices of the meetings of August 30, 2010 and September 13, 2010 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

(8) The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on September 1, 2010 and September 15, 2010 as required by the City Charter. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this 6th day of October, 2010.

[S E A L]



Stephanie Tun
City Clerk and Clerk to the City Council

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



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
MONDAY, AUGUST 30, 2010, 7:00 P.M.**

Call to Order

Pledge of Allegiance
Invocation – Associate Pastor J. P. Mertens, Canyon View
Vineyard 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.]

Certificate of Appointment

To the Riverfront Commission

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

Attach 1

*Action: Approve the Minutes of the August 16, 2010 and the August 18, 2010
Regular Meetings*

2. **Setting a Hearing on the Issuance of Certificates of Participation through the Grand Junction Public Finance Corporation to Finance Certain Improvements to Suplizio Field** **Attach 2**

A first and second reading and public hearing on an ordinance will be held to consider the proposed execution and delivery of one or more series of Certificates of Participation (COP's) in an aggregate principal amount not to exceed \$7,800,000.

The COP's represent assignments of the right to receive certain revenues pursuant to a Lease Purchase Agreement between the Grand Junction Public Finance Corporation, a Colorado non-profit corporation, as lessor and the City as lessee. The proceeds will be used to finance the construction of certain improvements to Sam Suplizio Field. The improvements include, replacing the existing press boxes, adding concourse and concession areas and adding box seating.

Proposed Ordinance Authorizing the Execution and Delivery of a Ground and Improvement Lease Agreement, a Lease Purchase Agreement, a Continuing Disclosure Certificate, an Official Statement, and Related Documents by the City; Approving the Forms of Related Documents; and Providing for Other Matters Relating Thereto

Action: Introduction of a Proposed Ordinance and Set a Hearing for September 13, 2010

Staff presentation: Laurie Kadrich, City Manager
Jay Valentine, Assistant Financial Operations Manager

3. **Setting a Hearing on the Issuance of Certificates of Participation through the Grand Junction Public Finance Corporation to Finance Certain Improvements to Construct Public Safety Buildings** **Attach 3**

This item introduces an ordinance on August 30 and if passed for publication sets a public hearing on September 13, 2010 to consider the proposed execution and delivery of one or more series of certificates of participation in an aggregate principal amount not to exceed \$36,300,000. These certificates represent assignments of the right to receive certain revenues pursuant to a Lease Purchase Agreement between the Zions First National Bank, as lessor, and the City, as lessee. The proceeds will be used by the City to finance the construction of a police station, emergency communication center and the possible remodel of the existing shops building to serve as Fire Station #1 and the Fire Administration building.

Proposed Ordinance Authorizing the Execution and Delivery of a Ground and Improvement Lease Agreement, a Lease Purchase Agreement, a Continuing

Disclosure Certificate, an Official Statement, and Certain Related Documents by the City; Approving the Forms of Related Documents; and Providing for Other Matters Relating Thereto

Action: *Introduction of a Proposed Ordinance and Set a Hearing for September 13, 2010*

Staff presentation: Laurie Kadrich, City Manager
Jay Valentine, Assistant Financial Operations Manager

4. **Setting a Hearing on the Annexation of the Cris-Mar Enclave, Located North and East of 29 Road and F Road** [File #ANX-2010-110] **Attach 4**

A request to annex 108.62 acres of enclaved property, located north and east of 29 Road and F Road. The Cris-Mar Enclave consists of 265 parcels, along with 21.94 acres of public right-of-way.

Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years. The Cris-Mar Enclave has been enclaved since March 2, 2005.

a. Notice of Intent to Annex and Exercising Land Use Control

Resolution No. 35-10—A Resolution of the City of Grand Junction Giving Notice that a Tract of Land Known as Cris-Mar Enclave, Located North and East of 29 Road and F Road, Consisting of Approximately 108.62 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

@Action: *Adopt Resolution No. 35-10*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cris-Mar Enclave Annexation, Located North and East of 29 Road and F Road Consisting of Approximately 108.62 Acres

Action: *Introduction of a Proposed Ordinance and Set a Hearing for October 18, 2010*

Staff presentation: Brian Rusche, Senior Planner

5. **Setting a Hearing on the St. Martin's Place Veteran's Housing Rezone, Located at 415 S. 3rd Street** [File #RZ-2010-073] **Attach 5**

Request to rezone 0.28 acres located at 415 S. 3rd Street from C-1, (Light Commercial) to B-2, (Downtown Business) zone district in anticipation of developing the properties for multi-family dwelling units for homeless veterans.

Proposed Ordinance Rezoning St. Martin's Place Veteran's Housing from C-1 (Light Commercial) to B-2 (Downtown Business), Located at 415 S. 3rd Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for September 13, 2010

Staff presentation: Scott D. Peterson, Senior Planner

6. **CDBG Subrecipient Contracts for Funds and Projects with the Community Development Block Grant (CDBG) 2010 Program Year** [File #CDBG-2010-04; 2010-07; and 2010-09] **Attach 6**

The Subrecipient Contracts formalize the City's award of a total of \$96,725 to various non-profit organizations allocated from the City's 2010 CDBG Program as previously approved by Council.

Action: Authorize the City Manager to Sign the Subrecipient Contracts with Mesa Youth Services, Inc. (Partners – Western Colorado Conservation Corps), Homeward Bound of the Grand Valley, and Grand Valley Catholic Outreach for the City's 2010 Program Year Funds

Staff presentation: Kristen Ashbeck, Senior Planner/CDBG Administrator

7. **Assignment of the City's 2010 Private Activity Bond Allocation to the Colorado Housing and Finance Authority** **Attach 7**

Request approval to assign the City's 2010 Private Activity Bond (PAB) Allocation to the Colorado Housing and Finance Authority (CHFA) for the purpose of providing single-family mortgage loans to low and moderate income persons and families. The amount of this assignment would be "banked" towards a future partnership with CHFA for a multi-family rental housing project serving low and middle income families.

Resolution No. 36-10—A Resolution Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of the City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

@Action: Adopt Resolution No. 36-10 and Authorize the City Manager to Execute the Assignment

Staff presentation: Jay Valentine, Assistant Financial Operations Manager

8. **Downtown Uplift 500 and 600 Block Breezeway Construction Contract** **Attach 8**

This contract consists of a complete reconstruction of the Main Street 500 and 600 block breezeways including installation of new electrical panels to feed electricity to Main Street, new pedestrian lighting, construction of new plant beds, curb, gutter, and stucco wall surfacing. This is a prelude to the larger Downtown Uplift Main Street Phase II reconstruction project that is scheduled to continue in January 2011.

Action: Authorize the City Purchasing Division to Sign a Construction Contract for the Downtown Uplift Main Street 500 and 600 Block Breezeway Project with Martinez Western in the Amount of \$184,336.80

Staff presentation: Tim Moore, Public Works and Planning Director
Jay Valentine, Assistant Financial Operations Manager

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

9. **Contract Award for the Outsourcing of Printing and Mailing Services for Utility Bills** **Attach 9**

In an effort to move toward a more cost effective and efficient method of distributing utility bills, Staff is requesting the printing and mailing of utility bills be outsourced. Outsourcing of utility bills will result in costs savings for the City. The Customer Service Division will provide an electronic file to the vendor who will print the information and mail invoices directly to individual customers.

Action: Authorize the Purchasing Division to Award a Contract to the Master's Touch, LLC of Spokane, Washington in the Amount of \$167,565 for Printing and Mailing Services with the note that the Actual Contract Amount May Vary Depending on Discounted Postage Rates Available

Staff presentation: Jim Finlayson, Information Technology Manager
Jay Valentine, Assistant Financial Operations Manager

10. **Contract Revision for Compressed Natural Gas Fast-Fill Station** ***Attach 10***

This contract revision will provide the design and infrastructure for a new Fast-Fill addition to the Compressed Natural Gas (CNG) Fueling Station approved by City Council on August 2, 2010. This Fast-Fill addition will provide a fueling point for public and private vehicles utilizing the CNG technology.

***Action:** Authorize the City Purchasing Division to Sign a Contract Revision for the CNG Fast-Fill Station Project with Gas Energy Systems, Inc. in the Amount of \$223,115*

Staff presentation: Jay Valentine, Assistant Financial Operations Manager

11. **Non-Scheduled Citizens & Visitors**

12. **Other Business**

13. **Adjournment**

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



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
MONDAY, SEPTEMBER 13, 2010, 7:00 P.M.**

Call to Order

Pledge of Allegiance
Invocation – Moment of Silence

Proclamations

Proclaiming the Week of September 17 through September 23, 2010 as "Constitution Week" in the City of Grand Junction

Proclaiming October 2, 2010 as "Oktoberfest Day" in the City of Grand Junction

Proclaiming September 27, 2010 "Family Day – A Day to Eat Dinner with Your Children™" in the City of Grand Junction

Recognitions

Recipient of Yard of the Month for September, Michelle Alford, 405 Belford Avenue

Council Comments

Citizen Comments

City Manager's Report

* * * CONSENT CALENDAR * * *

1. **Minutes of Previous Meeting** **Attach 1**
Action: Approve the Minutes of the August 30, 2010 Regular Meeting

2. **Setting a Hearing on Prohibition of Medical Marijuana Commercial Activity** **Attach 2**

On August 30, 2010 the City Council considered prohibition of the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana infused products manufacturing operations in the City. Following consideration, the City Council requested the City Attorney write an ordinance prohibiting the same. The ordinance is presented here for consideration.

Proposed Ordinance Prohibiting the Operation of Medical Marijuana Businesses and Amending the Grand Junction Municipal Code by the Addition of a New Section Prohibiting Certain Uses Relating to Marijuana

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 4, 2010

Staff presentation: John Shaver, City Attorney

3. **CDBG Subrecipient Contracts for Funds and Projects within the Community Development Block Grant (CDBG) 2010 Program Year** [File #CDBG 2010-03; 2010-05; 2010-08] **Attach 3**

The Subrecipient Contracts formalize the City's award of a total of \$52,782 to various non-profit organizations allocated from the City's 2010 CDBG Program as previously approved by Council.

Action: Authorize the City Manager to Sign the Subrecipient Contracts with the St. Mary's Foundation Foster Grandparent Program, the Center for Enriched Communications dba Counseling and Education Center and the Center for Independence for the City's 2010 Program Year Funds

Staff presentation: Kristen Ashbeck, Senior Planner/CDBG Administrator

4. **Contract Award for Visitor and Convention Bureau Web Site Marketing Services** **Attach 4**

In an effort to promote Grand Junction as a visitor destination, Staff is requesting a contract award for Web Site Marketing. The selected firm will work together with the Grand Junction Visitor and Convention Bureau (GJVCB) to meet marketing objectives.

Action: Authorize the Purchasing Division to Award a Contract to Miles Media of Sarasota, Florida in the Amount of \$125,000 for Web Site Marketing Services

Staff presentation: Debbie Kovalik, Economic, Convention and Visitor Services
Department Director
Jodi Romero, Financial Operations Manager

5. **2010 Railhead Lift Station Replacement Project** **Attach 5**

The existing Railhead Lift Station serves an area extending from the Appleton neighborhood on the northeast to the commercial/industrial area near I-70B and I-70 on the southwest. The existing station is over 28 years old and is failing, with monthly repairs required to keep it operational. A complete failure of the lift station could result in sewage spills reaching the Colorado River. This project will replace the aging lift station with a new lift station that will operate for at least 50 years.

Action: Authorize the City Purchasing Division to Enter into a Contract with M.A. Concrete Construction, Inc. in the Amount of \$198,168.60 for the Completion of the 2010 Railhead Lift Station Replacement Project

Staff presentation: Tim Moore, Public Works and Planning Director
Jodi Romero, Financial Operations Manager

6. **Federal Aviation Administration Airport Improvement Program Grant AIP-46 at the Grand Junction Regional Airport and Supplemental Co-sponsorship Agreements for Construction of a Perimeter Fence** **Attach 6**

AIP-46 is a grant for \$4,150,000.00 for the construction of perimeter fence that was designed with the previously approved AIP-44 grant for \$497,361.00 for the design of the southern Perimeter Fence which will replace all fence from 27 ¼ Road to north of the Speedway on the east end of the Grand Junction Regional Airport property. The Supplemental Co-sponsorship Agreements are required by the FAA as part of the grant acceptance by the City.

Action: Authorize the Mayor and City Attorney to sign the original FAA AIP-46 Grant Documents for the Construction of the Southern Portion of Perimeter Fence at the Grand Junction Regional Airport and Authorize the City Manager to Sign the Supplemental Co-sponsorship Agreements for AIP-46

Staff presentation: Rex A. Tippetts, AAE, Director of Aviation

7. **Change Order #1 to the Construction Contract for the 29 Road and I-70B Interchange Phase Project** **Attach 7**

Change Order #1 to the Construction Contract for the 29 Road and I-70B Interchange Phase Project would increase the contract amount by \$283,000. Because funding for the project is being shared equally between the City and County, the City's share of the Change Order cost would be \$141,500. This Change Order is necessary because the actual conditions being encountered in the field do not fit with the original design and additional construction work must be added to the contract to ensure that the structure will meet the 50 year design life.

Action: Authorize the City Purchasing Division to Execute Change Order #1 to the Construction Contract with Lawrence Construction Company, of Littleton, Colorado for the 29 Road and I-70B Interchange Phase Project, Changing the Total Contract Amount to \$19,595,363.34 thereby Increasing the Contract by \$283,000

Staff presentation: Tim Moore, Public Works and Planning Director
Jodi Romero, Financial Operations Manager

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

8. **Public Hearing—St. Martin's Place Veteran's Housing Rezone, Located at 415 S. 3rd Street** [File #RZ-2010-073] **Attach 8**

Request to rezone 0.28 acres located at 415 S. 3rd Street from C-1, (Light Commercial) to B-2, (Downtown Business) zone district in anticipation of developing the properties for multi-family dwelling units for homeless veterans.

Ordinance No. 4434—An Ordinance Rezoning St. Martin's Place Veteran's Housing from C-1 (Light Commercial) to B-2 (Downtown Business), Located at 415 S. 3rd Street

@Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4434

Staff presentation: Scott D. Peterson, Senior Planner

9. **Public Hearing—Issuance of Certificates of Participation to Finance Certain Improvements to Sam Suplizio Field/Ralph Stocker Stadium** **Attach 9**

Second reading and public hearing on an ordinance to consider the proposed execution and delivery of one or more series of Certificates of Participation (COP's) in an aggregate principal amount not to exceed \$7,800,000.

The COP's represent assignments of the right to receive certain revenues pursuant to a Lease Purchase Agreement between the Grand Junction Public Finance Corporation, a Colorado non-profit corporation, as lessor and the City as lessee. The proceeds will be used to finance the construction of certain improvements to Sam Suplizio Field/Ralph Stocker Stadium. The improvements include replacing the existing press boxes, adding concourse and concession areas and adding box seating.

Ordinance No. 4435—An Ordinance Authorizing the Execution and Delivery of a Ground and Improvement Lease Agreement, a Lease Purchase Agreement, a Continuing Disclosure Certificate, an Official Statement, and Related Documents by the City; Approving the Forms of Related Documents; and Providing for Other Matters Relating Thereto (Sam Suplizio Field /Ralph Stocker Stadium)

@Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4435

Staff presentation: Laurie Kadrich, City Manager
Jodi Romero, Financial Operations Manager

10. **Public Hearing—Issuance of Certificates of Participation to Construct Public Safety Buildings** **Attach 10**

Second reading and a public hearing to consider the proposed execution and delivery of one or more series of certificates of participation in an aggregate principal amount not to exceed \$36,300,000. These certificates represent assignments of the right to receive certain revenues pursuant to a Lease Purchase Agreement between Zions First National Bank, as lessor, and the City, as lessee. The proceeds will be used by the City to finance the construction of a police station, emergency communication center and the possible remodel of the existing shops building to serve as Fire Station #1 and the Fire Administration building.

Ordinance No. 4436—An Ordinance Authorizing the Execution and Delivery of a Ground and Improvement Lease Agreement, a Lease Purchase Agreement, a Continuing Disclosure Certificate, an Official Statement, and Certain Related Documents by the City; Approving the Forms of Related Documents; and Providing for Other Matters Relating Thereto (Public Safety Buildings)

@Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4436

Staff presentation: Laurie Kadrich, City Manager
Jodi Romero, Financial Operations Manager

11. **Contract Award for Visitor and Convention Bureau Advertising Services** **Attach 11**

In an effort to promote Grand Junction, Staff is requesting a contract award for Advertising Services. The selected firm will work together with the Grand Junction Visitor and Convention Bureau (GJVCB) to target audiences and develop a comprehensive tactical marketing plan.

Action: Authorize the Purchasing Division to Award a Contract to CCT Advertising of Denver, Colorado in the Amount of \$375,000 for Advertising Services

Staff presentation: Debbie Kovalik, Economic, Convention and Visitor Services
Department Director
Jodi Romero, Financial Operations Manager

12. **Resolution Opposing Amendment 60** **Attach 12**

Amendment 60, an initiated ballot measure to amend the Colorado Constitution, has been certified for consideration by the voters of the State of Colorado at the November 2, 2010 election. Amendment 60 would among other things change Article X, Section 20 of the Colorado Constitution (TABOR) to create additional restrictions on the collection and use of property taxes.

Resolution No. 37-10—A Resolution Opposing Amendment 60 on the November 2, 2010 General Election Ballot

@Action: Adopt Resolution No. 37-10

Staff presentation: Laurie Kadrach, City Manager
Jodi Romero, Financial Operations Manager
John Shaver, City Attorney

13. **Resolution Opposing Amendment 61** **Attach 13**

Amendment 61, an initiated ballot measure to amend the Colorado Constitution, has been certified for consideration by the voters of the State of Colorado at the November 2, 2010 election. Amendment 61 would among other things change Article X, Section 20 of the Colorado Constitution (TABOR) to prohibit the State from incurring debt and limit how local government incurs debt.

Resolution No. 38-10—A Resolution Opposing Amendment 61 on the November 2, 2010 General Election Ballot

@Action: Adopt Resolution No. 38-10

Staff presentation: Laurie Kadrach, City Manager
Jodi Romero, Financial Operations Manager
John Shaver, City Attorney

14. **Resolution Opposing Proposition 101**

Attach 14

At the November 2, 2010 election voters will decide Proposition 101, an initiated change to Colorado law.

Proposition 101 would amend Colorado law to change State income taxes and reduce various fees and taxes on motor vehicles and telecommunications services. Even though this measure is a statutory change, it would require a statewide election to amend or repeal the proposition if it is approved by the voters.

Resolution No. 39-10—A Resolution Opposing Proposition 101 on the November 2, 2010 General Election Ballot

@Action: Adopt Resolution No. 39-10

Staff presentation: Laurie Kadrach, City Manager
Jodi Romero, Financial Operations Manager
John Shaver, City Attorney

15. **Non-Scheduled Citizens & Visitors**

16. **Other Business**

17. **Adjournment**

EXHIBIT B

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 August 30, 2010, passed on first reading the following entitled proposed ordinance:
 Proposed Ordinance Authorizing the Execution and Delivery of a Ground and Improvement Lease Agreement, a Lease Purchase Agreement, a Continuing Disclosure Certificate, an Official Statement, and Certain Related Documents by the City; Approving the Forms of Related Documents; and Providing For Other Matters Relating Thereto and authorized the publication in pamphlet form.
 NOTICE IS FURTHER GIVEN THAT the public hearing will be held September 13, 2010 at 7:00 p.m. in the City 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 5:30 p.m.
 BY THE ORDER OF THE CITY COUNCIL
 /s/ Stephanie Yuin
 City Clerk
 Published: September 1, 2010.

STATE OF COLORADO

County of (Mesa)

Terry Laubhan

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 one 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 1st day of September, 2010, and the last, on the 1st day of September, 2010. 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.

[Handwritten Signature]

Subscribed and sworn to before me, this 13th day of September, 2010

Rita M. Watson

My Commission Expires 10/19/2013



State PROOF OF PUBLICATION

NOTICE OF ADOPTION OF ORDINANCE NO. 4436 AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO BE PUBLISHED IN PAMPHLET FORM

NOTICE IS HEREBY GIVEN:
That on the 13th Day of September, 2010, at 7:00 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 Execution and Delivery of a Ground and Improvement Lease Agreement, a Lease Purchase Agreement, a Continuing Disclosure Certificate, an Official Statement, and Certain Related Documents by the City; Approving the Forms of Related Documents; and Providing for Other Matters Relating Thereto (Public Safety Buildings). Copies of the adopted Ordinance are available for public inspection in the office of the City Clerk, 250 N. 5th Street, Grand Junction, CO between 7:30 a.m. and 5:30 p.m., Monday through Friday. /s/ Stephanie Tain, MMC City Clerk
Published: September 15, 2010.

STATE OF COLORADO

County of (Mesa)

Terry Laubhan

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 one 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 15th day of September, 2010, and the last, on the 15th day of September, 2010. 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.



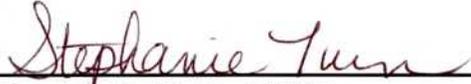
Subscribed and sworn to before me, this 15th day of September, 2010



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4436 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 30th of August 2010 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 13th day of September 2010, at which Ordinance No. 4436 was read, considered, adopted and ordered published in full by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 6th ^{October} day of ~~September~~, 2010.



Stephanie Tuin, MMC
City Clerk

Published: September 1, 2010
Published: September 15, 2010
Effective: October 15, 2010