

ORDINANCE NO. 4487

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO GROUND AND IMPROVEMENT LEASE AGREEMENT, A FIRST AMENDMENT TO LEASE PURCHASE AGREEMENT, AN ESCROW AGREEMENT, AND RELATED DOCUMENTS BY THE CITY; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

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, in fee title, certain real estate commonly referred to as Lincoln Park (the "Land"), together with the buildings and other facilities located on the Land (collectively, the "Buildings").

5. The City Council has previously determined that it is in the best interest of the City and its inhabitants to construct, acquire, install, and equip certain improvements to the buildings and facilities located on the Land, including certain improvements to Sam Suplizio Field and Ralph Stocker Stadium (collectively, the "Project").

6. The City Council has further previously determined to lease the Land, the Buildings, and the Project (collectively, the "Leased Property") to the Grand Junction Public Finance Corporation (the "Corporation") pursuant to and for the consideration described in a Ground and Improvement Lease Agreement, dated as of November 15, 2010 (the "Ground Lease"), and to lease the Leased Property back from the Corporation pursuant to a Lease Purchase Agreement, dated as of November 15, 2010 (the "Lease").

7. The interest of the Corporation in the Ground Lease and the Lease (with certain exceptions as provided in the Lease) have been assigned by the Corporation to Zions First National Bank, as trustee (the "Trustee"), pursuant to a Mortgage and Indenture of Trust, dated as of November 15, 2010 (the "Indenture"), between the Corporation and the Trustee.

8. Certain Certificates of Participation, Series 2010 (the “2010 Certificates”), evidencing assignments of the right to receive certain revenues pursuant to the Lease, have been executed and delivered by the Trustee pursuant to the Indenture and the net proceeds thereof are currently being used to construct and install the Project.

9. Section 11.5 of the Lease permits the City to substitute certain property for the Leased Property upon compliance with certain conditions described therein.

10. The City owns, in fee title, certain real estate, buildings, and improvements commonly referred to as City Hall, and more specifically described in Exhibit A attached hereto (collectively, the “Substitute Property”).

11. The City Council has determined to substitute the Substitute Property for the Leased Property in accordance with the terms and conditions stated in the Lease.

12. In order to effectively substitute the Substitute Property for the Leased Property it is (a) necessary to amend the Ground Lease and the Lease in certain respects, and (b) to cash defease \$85,000 of the outstanding aggregate principal amount of the 2010 Certificates maturing on December 1, 2012, together with all accrued interest thereon (the “Defeased Certificates”), at any time on or after December 1, 2011.

13. There has been presented to the City Council and are on file at the City offices the proposed form of the following: (a) the First Amendment to Ground and Improvement Lease Agreement (the “Ground Lease Amendment” and together with the Ground Lease, the “Ground Lease Agreement”); (b) the First Amendment to Lease Purchase Agreement (the “Lease Amendment” and together with the Lease, the “Lease Agreement”); and (c) the Escrow Agreement between the City and the Trustee, as escrow agent (the “Escrow Agent”), necessary to effect the defeasance of the Defeased Certificates.

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 actions 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 Substitute Property, the Ground Lease Amendment, the Lease Amendment, and the Escrow Agreement are hereby ratified, approved and confirmed.

Section 2. Finding of Best Interests. The City Council hereby finds and determines, pursuant to the Charter and the Constitution and laws of the State of Colorado, that the leasing of the Substitute Property to the Corporation pursuant to the Ground Lease Agreement, and the leasing of the Substitute Property back from the Corporation pursuant to the Lease Agreement, 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. Approval of Amendments. The Ground Lease Amendment and the Lease Amendment, 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 Amendment and the Lease Amendment 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.

Authorization of Defeasance. The City Council hereby authorizes the defeasance of the Defeased Certificates on or after December 1, 2011, using legally available funds of the City in an amount not to exceed \$123,250.00 (the "Cash Deposit"). On or after December 1, 2011, the City Manager or the Financial Operations Manager is hereby authorized to irrevocably deposit the Cash Deposit into escrow with the Escrow Agent, and such funds shall thereafter be held, invested, and disbursed by the Escrow Agent pursuant to the terms of the Escrow Agreement approved in Section 5 hereof in order to effect the defeasance of the Defeased Certificates.

Approval of Escrow Agreement. The City hereby approves an Escrow Agreement between the City and the Escrow Agent in substantially the form presented to the City and on file with the City for the purpose of effecting the defeasance of the Defeased Certificates. The President is hereby authorized and directed, for and on behalf of the City, to execute and deliver the Escrow Agreement in substantially the form and with substantially the same contents as presented to the City Council, provided that such document may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this ordinance.

Section 6. 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 the 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 matters authorized by this ordinance, including any material event notice required in connection with the defeasance of the Defeased Certificates. 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. Payment of Related Costs. The City Council hereby authorizes the payment of all costs related to the defeasance of the Defeased Certificates and the execution and delivery of the Ground Lease Amendment and the Lease Amendment, up to a maximum amount of \$30,000.00. Such costs may include, without limitation, the payment of all related title insurance premiums, escrow agent fees, structuring agent fees, legal fees, and verification reports necessary to effect the defeasance of the Defeased Certificates and the execution and delivery of the Ground Lease Amendment and the Lease Amendment.

Section 8. No General Obligation Debt. No provision of this ordinance, the Ground Lease Agreement, the Lease Agreement, or the 2010 Certificates 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 Agreement) and certain other payments under the Lease Agreement, which payments may be terminated by the City in accordance with the provisions of the Lease Agreement. Neither the Lease Agreement 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 Agreement, the Lease Agreement 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 Agreement 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 9. Ratification of Ground Lease and Lease. All of the provisions of the Ground Lease and the Lease not expressly amended by the Ground Lease Amendment and the Lease Amendment, respectively, are hereby expressly ratified, confirmed, and approved.

Section 10. Repealer. All bylaws, orders, ordinances, and 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 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 17<sup>th</sup> DAY OF OCTOBER, 2011.

CITY OF GRAND JUNCTION, COLORADO

*Tom Kenyon*

\_\_\_\_\_  
PRESIDENT OF THE CITY COUNCIL

[SEAL]

Attest:

*Stephanie Tuin*  
\_\_\_\_\_  
City Clerk

PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM THIS 2<sup>ND</sup> DAY OF NOVEMBER, 2011.

CITY OF GRAND JUNCTION, COLORADO

*Tom Kenyon*

\_\_\_\_\_  
PRESIDENT OF THE CITY COUNCIL

[SEAL]

Attest:

*Stephanie Tuin*  
\_\_\_\_\_  
City Clerk

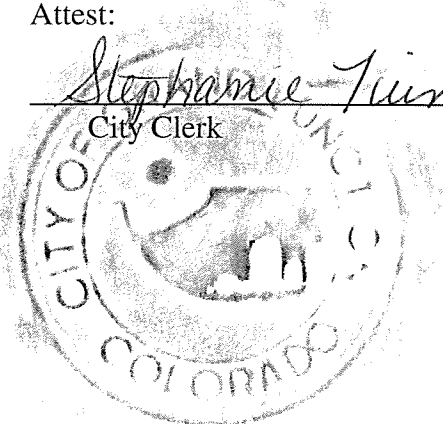


EXHIBIT A

DESCRIPTION OF SUBSTITUTE PROPERTY

Description of the Land:

West Half of Block 95, City of Grand Junction, County of Mesa, State of Colorado.

Description of the Buildings:

City Hall

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:

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 October 17, 2011, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of October 17, 2011, 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>
Tom Kenyon	X			
Bill Pitts	X			
Sam Susuras	X			
Bennett Boeschstein	X			
Laura Luke	X			
Teresa Coons	X			
Jim Doody	X			

The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of November 2, 2011, 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>
Tom Kenyon	X			
Bill Pitts	X			
Sam Susuras	X			
Bennett Boeschstein	X			
Laura Luke	X			
Teresa Coons	X			
Jim Doody	X			

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

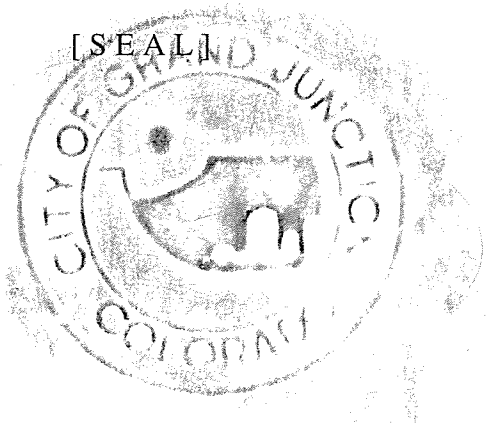
The Ordinance was approved and authenticated by the signature of the President of the City Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the City Council.

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

Notices of the meetings of October 17, 2011 and November 2, 2011 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on October 19, 2011 and November 4, 2011 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 8<sup>th</sup> day of November, 2011.



*Stephanie Tuin*  
 \_\_\_\_\_  
 City Clerk and Clerk to the City Council

EXHIBIT A

To access the Agenda and Backup Materials electronically, go to [www.gjcity.org](http://www.gjcity.org)



**CITY COUNCIL AGENDA  
MONDAY, OCTOBER 17, 2011  
250 NORTH 5<sup>TH</sup> STREET  
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM  
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

**Call to Order**  
(7:00 p.m.)

Pledge of Allegiance  
Invocation – Steve Hagerman, Turkish World Outreach

[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**

Yard of the Month for September

**Appointment**

To the Downtown Development Authority/Downtown Business Improvement District

**Council Comments**

**Citizen Comments**

**City Manager's Report**

\*\*\* CONSENT CALENDAR \*\*\*®

1. **Minutes of Previous Meetings** **Attach 1**  
*Action: Approve the Minutes of the October 5, 2011, Special Session and the Minutes of the October 5, 2011 Regular Meeting*

2. **Setting a Hearing on the Annexation of the Banner Enclave, Located at 2977 and 2979 Gunnison Avenue** [File #ANX-2011-1124] **Attach 2**

A request to annex 1.674 acres of enclaved property, located at 2977 and 2979 Gunnison Avenue. The Banner Enclave consists of two (2) parcels and 128 square feet (0.003 acres) of public right-of-way.

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

Resolution No. 48-11—A Resolution of the City of Grand Junction, Giving Notice that a Tract of Land known as the Banner Enclave, Located at 2977 and 2979 Gunnison Avenue and Including a Portion of the Gunnison Avenue Right-of-Way, Consisting of Approximately 1.674 Acres, Will be Considered for Annexation to the City of Grand Junction, Colorado and Exercising Land Use Control

*@Action: Adopt Resolution No. 48-11*

**b. Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Banner Enclave Annexation, Located at 2977 and 2979 Gunnison Avenue and Including a Portion of the Gunnison Avenue Right-of-Way, Consisting of Approximately 1.64 Acres

*Action: Introduction of a Proposed Ordinance and Set a Hearing for December 7, 2011*

Staff presentation: Brian Rusche, Senior Planner

3. **Setting a Hearing on Amending the Comprehensive Plan by Adopting the North Avenue West Corridor Plan, Located between I-70B (west side) to 12<sup>th</sup> Street (east side including both sides of North Avenue)** [File #CPA-2011-966] **Attach 3**

The Corridor Plan establishes four guiding principles, multiple plan elements, and a future street cross section for North Avenue to further revitalize and plan for the future growth of North Avenue. It also recommends that a future overlay district be created and established as the Plan is implemented. The Grand Junction Planning Commission and City Staff recommend the adoption of the North Avenue West Corridor Plan as an element of the Grand Junction Comprehensive Plan.

Proposed Ordinance Adopting the Grand Junction North Avenue West Corridor Plan as an Element of the Comprehensive Plan for the Area Generally Located Along North Avenue West of 12<sup>th</sup> Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 2, 2011

Staff presentation: David Thornton, Principal Planner

4. **Setting a Hearing on an Ordinance Authorizing the Substitution of Collateral for the Sam Suplizio Field/Ralph Stocker Stadium Lease Purchase** **Action 4**

In November 2010, the City Council approved an ordinance authorizing the lease of Sam Suplizio Field and Ralph Stocker Stadium in order to issue Certificates of Participation to provide funding for improvements to the Field and Stadium. Those improvements are currently under construction. In October, 2011, the City Council determined that it is in the best interest of the City to substitute the collateral for that lease with the City Hall building. This ordinance will authorize the execution of the appropriate documents to allow for that substitution.

Proposed Ordinance Authorizing the Execution and Delivery of a First Amendment to Ground and Improvement Lease Agreement, a First Amendment to Lease Purchase Agreement, an Escrow Agreement, and Related Documents by the City; and Providing for Other Matters Relating Thereto

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 2, 2011

Staff presentation: John Shaver, City Attorney

5. **Vacation of 15' Waterline Easement, Fuoco Motors, Located at 2582 Highway 6 and 50** [File #VAC-2011-1099] **Attach 6**

The applicant is requesting to vacate a 15' waterline easement in order to construct a new building across the easement area. A new waterline and easement will be constructed at another location on the property that is not encumbered with existing or proposed structures.

Resolution No. 49-11—A Resolution Vacating a 15' Waterline Easement Located at 2582 Highway 6 and 50 (Fuoco)

@Action: Adopt Resolution No. 49-11

Staff presentation: Senta Costello, Senior Planner

6. **Master Plan 2011 for St. Mary's Hospital** [File #FMP-2011-977] **Attach 7**

The applicant is requesting approval for Master Plan 2011 for St. Mary's Hospital with no major changes proposed for the hospital campus in the next few years. St. Mary's campus is zoned Planned Development. Over the years the PD ordinance has been amended with new Master Plans. In this case, however, because no major changes are proposed during the five (5) year term of the Plan, there is no

need to modify the PD Ordinance. Therefore, Ordinance No. 3992, approved in 2006 with a default zoning district of B-1 (Neighborhood Business), is still valid. However, the Master Plan 2005/2006 expires in 2011 so approval for the next five (5) years is required.

Resolution No. 50-11—A Resolution Approving Master Plan 2011 for St. Mary's Hospital and Environs Located at 2635 North 7<sup>th</sup> Street

*@Action: Adopt Resolution No. 50-11*

Staff presentation: Scott D. Peterson, Senior Planner

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

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

7. **2011 Department of Justice, Community Oriented Policing Services (COPS) Grant Award, for the Street Crimes Unit** **Attach 8**

The Department of Justice, Community Oriented Policing Services (COPS) has awarded a \$998,368 grant to the Grand Junction Police Department to hire 4 officers, specifically to reinstate the Street Crimes Unit. These funds will cover salaries and benefits for three years. The City Manager is required to sign the award letter in order for reimbursement to occur.

*Action: Authorize the City Manager to Accept and Expend the Grant Funds in the Amount of \$998,368 from the State of Colorado's Department of Justice Award*

Staff presentation: John Camper, Chief of Police  
Troy Smith, Deputy Police Chief

8. **2011 Department of Justice, Justice Assistance Grant (JAG) Award, to Support the Homeless Outreach Team (HOT) of the Police Department** **Attach 9**

The Grand Junction Police Department applied for and has been awarded a \$50,629 grant from the State of Colorado. These funds will be used to support the Homeless Outreach Team (HOT) of the Police Department. The State has awarded GJPD funding to cover overtime for the three HOT officers, a Mobile Data Computer, and an 800 MHz Radio for their car, as well as incidental supplies and equipment.

*Action: Authorize the City Manager to Accept and Expend Grant Funds in the Amount of \$50,629 from the State of Colorado's Department of Justice Award*

Staff presentation: John Camper, Chief of Police  
Troy Smith, Deputy Police Chief

9. **Mesa Land Trust – Three Sisters Request** **Attach 10**

Mesa Land Trust is requesting that the City of Grand Junction convey approximately 3.5 acres located at 5<sup>th</sup> and Struthers to Conquest Developments, LLC as partial payment for the Three Sisters property. Mesa Land Trust is also requesting that the City cover the transaction costs in connection with this conveyance, including title insurance, Phase I, and appraisal fees. These costs are estimated to be no more than \$7,500.

*Action: Consider a Request from Mesa Land Trust to Convey a Parcel of Land as Partial Payment for the Three Sisters Property which will Expand the Lunch Loop Trail System and Connect the Riverfront Trail*

Staff presentation: Laurie Kadrich, City Manager

10. **Lease Agreement for Professional Baseball** **Attach 11**

Ratifying a lease agreement for the use of the baseball stadium (Suplizio Field) by a Pioneer League Baseball team owned by GJR LLC.

Resolution No. 51-11—A Resolution Ratifying a Lease Agreement Between GJR LLC and the City for Use of Suplizio Field for Pioneer League Baseball in the City of Grand Junction, Colorado

*Action: Adopt Resolution No. 51-11*

Staff presentation: Laurie Kadrich, City Manager

11. **Public Hearing—Grand Junction Comprehensive Plan Text Amendments** [File #CPA-2011-994] **Attach 12**

The proposed Grand Junction Comprehensive Plan text amendments serve to correct Chapter One, “Land Use Designations,” by (1) including all of the City zone districts that implement the various Comprehensive Plan designations and eliminating those that do not, (2) removing all Mesa County zone districts from each Comprehensive Plan land use designation, (3) adding a footnote reference directing readers to the Mesa County Land Development Code for a description of which County zone districts implement which Future Land Use designation, and (4) renaming the “Agriculture” land use designation “Large Lot 35+”.

Ordinance No. 4484—An Ordinance Amending the Grand Junction Comprehensive Plan, Title 31, of the Grand Junction Municipal Code, to Clarify which Zone Districts Implement Each Land Use Designation of the Comprehensive Plan

*@Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4484*

Staff presentation: Tim Moore, Public Works and Planning Director

Lisa Cox, Planning Manager

12. **Public Hearing—Grand Junction Comprehensive Plan Future Land Use Map Amendments** [File #CPA-2011-1064] **Attach 13**

Proposed amendments to the Grand Junction Comprehensive Plan Future Land Use Map will eliminate the conflict between the land use designation and the current zoning of certain properties in the urban areas of Grand Junction.

Ordinance No. 4485—An Ordinance Amending the Grand Junction Comprehensive Plan Future Land Use Map

*@Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4485*

Staff presentation: Tim Moore, Public Works and Planning Director  
Lisa Cox, Planning Manager

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

14. **Other Business**

15. **Adjournment**



**CITY COUNCIL AGENDA  
WEDNESDAY, NOVEMBER 2, 2011  
250 NORTH 5<sup>TH</sup> STREET  
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM  
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

**Call to Order**  
(7:00 p.m.)

Pledge of Allegiance  
Invocation – David Eisner, Ohr Shalom Jewish  
Community Center

[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.]

**Proclamations**

Proclaiming November 11, 2011 as “A Salute to all Veterans 2011” in the City of Grand Junction

Proclaiming November 2011 as “Hospice and Palliative Care Month” in the City of Grand Junction

Proclaiming the Month of November 2011 as “Random Acts of Kindness Month” in the City of Grand Junction

**Certificate of Appointment**

To the DDA/DGJBID Board

**Council Comments**

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\***



1. **Minutes of Previous Meetings** **Attach 1**

*Action: Approve the Minutes of the October 17, 2011, Regular Meeting*

2. **CDBG Subrecipient Contract for Funds and Projects within the Community Development Block Grant (CDBG) 2011 Program Year** [File #CDBG-2011-06] **Attach 2**

The Subrecipient Contract formalizes the City's award of \$30,000 to HomewardBound of Western Colorado, Inc. allocated from the City's 2011 CDBG Program as previously approved by Council.

*Action: Authorize the City Manager to Sign the Subrecipient Contract with HomewardBound of the Grand Valley, Inc. for the City's 2011 Program Year Funds*

Staff presentation: Kristen Ashbeck, Senior Planner/CDBG Administrator

3. **Horizon Drive Association Business Improvement District 2012 Operating Plan and Budget** **Attach 3**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Horizon Drive Association Business Improvement District filed their 2012 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

*Action: Approve Horizon Drive Association Business Improvement District's 2012 Operating Plan and Budget*

Staff presentation: Jodi Romero, Financial Operations Manager

4. **Downtown Grand Junction Business Improvement District 2012 Operating Plan and Budget** **Attach 4**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Downtown Grand Junction Business Improvement District filed their 2012 Operation Plan and Budget. It has been reviewed by Staff and found to be reasonable.

*Action: Approve Downtown Grand Junction Business Improvement District's 2012 Operating Plan and Budget*

Staff presentation: Jodi Romero, Financial Operations Manager

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

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

5. **Public Hearing – Amending the Comprehensive Plan by Adopting the North Avenue West Corridor Plan, Located between I-70B (west side) to 12<sup>th</sup> Street (east side including both sides of North Avenue)** [File #CPA-2011-966]

**Attach 5**

The Corridor Plan establishes four guiding principles, multiple plan elements, and a future street cross section for North Avenue to further revitalize and plan for the future growth of North Avenue. It also recommends that a future overlay district be created and established as the Plan is implemented. The Grand Junction Planning Commission and City Staff recommend the adoption of the North Avenue West Corridor Plan as an element of the Grand Junction Comprehensive Plan.

Ordinance No. 4486—An Ordinance Adopting the Grand Junction North Avenue West Corridor Plan as an Element of the Comprehensive Plan for the Area Generally Located Along North Avenue West of 12<sup>th</sup> Street

*@Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4486*

Staff presentation: David Thornton, Principal Planner

6. **Public Hearing – Ordinance Authorizing the Substitution of Collateral for the Sam Suplizio Field/Ralph Stocker Stadium Lease Purchase** **Action 6**

In November 2010, the City Council approved an ordinance authorizing the lease of Sam Suplizio Field and Ralph Stocker Stadium in order to issue Certificates of Participation to provide funding for improvements to the Field and Stadium. Those improvements are currently under construction. In October, 2011, the City Council determined that it is in the best interest of the City to substitute the collateral for that lease with the City Hall building. This ordinance will authorize the execution of the appropriate documents to allow for that substitution.

Ordinance No. 4487—An Ordinance Authorizing the Execution and Delivery of a First Amendment to Ground and Improvement Lease Agreement, a First Amendment to Lease Purchase Agreement, an Escrow Agreement, and Related Documents by the City; and Providing for Other Matters Relating Thereto

*@Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4487*

Staff presentation: John Shaver, City Attorney

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

8. **Other Business**

9. **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 October 17, 2011, passed on first reading the following entitled proposed ordinance:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO GROUND AND IMPROVEMENT LEASE AGREEMENT; A FIRST AMENDMENT TO LEASE PURCHASE AGREEMENT; AN ESCROW AGREEMENT; AND RELATED DOCUMENTS BY THE CITY; 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 November 2, 2011 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 ordinances 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. or on the web at [www.gjcity.org](http://www.gjcity.org).

BY THE ORDER OF THE CITY COUNCIL:  
 /s/ Stephanie Tuin  
 City Clerk  
 Published: October 19, 2011.

STATE OF COLORADO

County of (Mesa)

Terry Laubhan

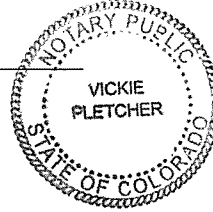
Being duly sworn, says that I am Legal Secretary of The Daily Sentinel, a daily newspaper, published and duly printed in The County of Mesa, State of Colorado; that said newspaper has a general circulation in said County and has been continuously and uninterruptedly published therein, during a period 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 19th day of October, 2011, and the last, on the 19th day of October, 2011.

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.

*TS*

Subscribed and sworn to before me, this 19 day of October, 2011

*Vickie Fletcher*



*com. 248. 10/27/12*

State PROOF OF PUBLICATION

NOTICE OF ADOPTION OF ORDINANCE NO. 4487 AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO BE PUBLISHED IN PAMPHLET FORM

NOTICE IS HEREBY GIVEN: That on the 2nd day of November, 2011, 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 FIRST AMENDMENT TO GROUND AND IMPROVEMENT LEASE AGREEMENT, A FIRST AMENDMENT TO LEASE PURCHASE AGREEMENT, AN ESCROW AGREEMENT, AND RELATED DOCUMENTS BY THE CITY AND PROVIDING FOR OTHER MATTERS RELATING THERETO. Copies of the adopted Ordinance are available for public inspection in the office of the City Clerk, 250 N. 5th Street, Grand Junction, CO at any time Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. or on the web at www.gjcity.org. /s/ Stephanie Tunn, MMC City Clerk. Published: November 1, 2011.

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 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 4th day of November, 2011, and the last, on the 4th day of November, 2011. 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 4th day of November, 2011

Robin M. Gavegan

ROBIN M GAVEGAN NOTARY PUBLIC STATE OF COLORADO My Commission Expires 04/14/2012