

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 88-09

**A RESOLUTION RATIFYING THE CORRECT VERSION OF ORDINANCE NO. 4390
AND AUTHORIZING ACTION IN ACCORDANCE THEREWITH**

RECITALS

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

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

The City Attorney recommends that City Council ratify by this Resolution the version of Ordinance No. 4390 attached hereto and represented as the "final draft" dated November 9, 2009.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Grand Junction that:

1. The version of Ordinance No. 4390 attached hereto is the final, record version of the ordinance. The City Clerk shall cause the attached Ordinance to be recorded in the official records of the City as Ordinance No. 4390.
2. This Resolution shall be in full force and effect upon its passage and approval or as provided by the Charter.
3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the loan from the Colorado Water Resources and Power Development Authority described and provided for in Ordinance No. 4390. Specifically, City staff is directed to effectuate this Resolution and the attached ordinance.
4. The Mayor, City Manager, City Attorney and other City staff as necessary or required are authorized to execute and deliver Ordinance No. 4390 and such other documents as may be necessary or desirable to complete the transaction provided for in Ordinance No. 4390.

PASSED, ADOPTED AND APPROVED this 18th day November, 2009.

/s/ Bruce Hill
President of the Council

ATTEST:

/s/ Stephanie Tuin
City Clerk

ORDINANCE NO. 4390

AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH

WHEREAS, 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"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the Council has determined and does hereby determine that the City's water system (the "System") is an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution ("TABOR"), and Section 37-45.1-103 of the Colorado Revised Statutes, as amended; and

WHEREAS, the Council has heretofore determined that the interest of the City and the public interest and necessity require certain improvements to the System, including the replacement of certain existing cast iron and steel water distribution lines within the System (collectively, the "Project"); and

WHEREAS, the Council has determined that in order to finance the Project it is necessary, advisable, and in the best interests of the City to enter into a loan agreement (the "Loan Agreement") with the Colorado Water Resources and Power Development Authority (the "CWRPDA"), a body corporate and political subdivision of the State of Colorado, pursuant to which CWRPDA will loan the City an amount not to exceed \$4,300,000 (the "Loan") for such purposes; and

WHEREAS, the City's repayment obligations under the Loan Agreement shall be evidenced by a governmental agency bond (the "Bond") to be issued by the City to CWRPDA; and

WHEREAS, the Bond and the Loan Agreement (collectively, the “Financing Documents”) shall be a revenue obligation of the City payable from the Pledged Property (as defined in the Loan Agreement), and pursuant to TABOR and Article XII, Section 93(f) of the Charter may be approved by the Council without an election; and

WHEREAS, forms of the Financing Documents have been filed with the City Clerk; and

WHEREAS, the Council desires to approve the forms of the Financing Documents and authorize the execution thereof.

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

Section 1. Approvals, Authorizations, and Amendments. The forms of the Financing Documents filed with the City Clerk are incorporated herein by reference and are hereby approved. The City shall enter into and perform its obligations under the Financing Documents in the forms of such documents, with such changes as are not inconsistent herewith and as are hereafter approved by the President of the Council (the “President”). The President and City Clerk are hereby authorized and directed to execute the Financing Documents and to affix the seal of the City thereto, and further to execute and authenticate such other documents or certificates as are deemed necessary or desirable in connection therewith. The Financing Documents shall be executed in substantially the forms approved at this meeting.

The execution by the President, the City Clerk, or other appropriate officers of the City of any instrument or certificate or other document in connection with the matters referred to herein shall be conclusive evidence of the approval by the City of such instrument or certificate or other document.

Section 2. Election to Apply Supplemental Act. 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. The Council hereby elects to apply all of the provisions of the Supplemental Act to the Financing Documents.

Section 3. Delegation and Parameters.

(a) Pursuant to Section 11-57-205 of the Supplemental Act, the Council hereby delegates to the President, the Financial Operations Manager, or any member of the Council the authority to make the following determinations relating to and contained in the Financing Documents, subject to the restrictions contained in paragraph (b) of this Section 3:

- (i) The interest rate on the Loan;
- (ii) The principal amount of the Loan;
- (iii) The amount of principal of the Loan maturing in any given year and the final maturity of the Loan;
- (iv) The conditions on which and the prices at which the Loan may be paid prior to maturity;
- (v) The dates on which the principal of and interest on the Loan are paid; and
- (vi) The existence and amount of reserve funds for the Loan, if any.

(b) The delegation in paragraph (a) of this Section 3 shall be subject to the following parameters and restrictions: (i) the interest rate on the Loan shall not exceed 3.00%; (ii) the principal amount of the Loan shall not exceed \$4,300,000; and (iii) the final maturity of the Loan shall not be later than December 31, 2030.

Section 4. Conclusive Recital. Pursuant to Section 11-57-210 of the Supplemental Act, the Financing Documents shall contain a recital that they are issued pursuant to the Supplemental Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the Financing Documents after their delivery for value.

Section 5. Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Financing Documents provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The revenues pledged to the payment of the Financing Documents shall

immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described in the Loan Agreement. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

Section 6. Limitation of Actions. Pursuant to Section 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings in connection with the Financing Documents shall be commenced more than thirty days after the date of adoption of this Ordinance.

Section 7. Limited Obligation; Special Obligation. The Financing Documents are payable solely from the Pledged Property and the Financing Documents do not constitute a debt within the meaning of any constitutional or statutory limitation or provision.

Section 8. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the 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 of or interest on the Bond. Such recourse shall not be available either directly or indirectly through the 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 Bond and as a part of the consideration of its sale or purchase, CWRPDA specifically waives any such recourse.

Section 9. Disposition and Investment of Loan Proceeds. The proceeds of the Loan shall be applied only to pay the costs and expenses of acquiring, constructing and equipping the Project, including costs related thereto and, to the extent permitted under federal tax laws, reimbursement to the City for capital expenditures heretofore incurred and paid from City funds in anticipation of the incurrence of long-term financing therefor, and all other costs and expenses incident thereto, including without limitation, the costs of obtaining the Loan.

Section 10. Neither CWRPDA nor any subsequent owner(s) of the Financing Documents shall be responsible for the application or disposal by the City or

any of its officers of the funds derived from the Loan. In the event that all of the proceeds of the Loan are not required to pay such costs and expenses, any remaining amount shall be used for the purpose of paying the principal amount of the Loan and the interest thereon.

Section 11. City Representative. Pursuant to Exhibit B of the Loan Agreement, Jodi Romero, Financial Operations Manager, and Jay Valentine, Assistant Financial Operations Manager, are each hereby designated an Authorized Officer (as defined in the Loan Agreement) for the purpose of performing any act or executing any document relating to the Loan, the City, the Bond, or the Loan Agreement. A copy of this Ordinance shall be furnished to CWRPDA as evidence of such designation.

Section 12. Estimated Life of Improvements. It is hereby determined that the estimated life of the Project to be financed with the proceeds of the Loan is not less than 20 years from the date of the Loan.

Section 13. Direction to Take Authorizing Action. The appropriate officers of the City and members of the Council are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including but not limited to the execution and delivery of such certificates and affidavits as may reasonably be required by CWRPDA.

Section 14. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the City and members of the Council, not inconsistent with the provisions of this Ordinance, relating to the Financing Documents, or actions to be taken in respect thereof, are hereby authorized, ratified, approved, and confirmed.

Section 15. Repealer. All acts, orders, ordinances, or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 16. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 17. Ordinance Irrepealable. After the Bond is issued, this Ordinance shall constitute an irrevocable contract between the City and CWRPDA, and shall be and remain irrepealable until the Bond and the interest thereon shall have been

fully paid, satisfied, and discharged. No provisions of any constitution, statute, charter, ordinance, resolution, or other measure enacted after the issuance of the Bond shall in any way be construed as impairing the obligations of the City to keep and perform its covenants contained in this Ordinance.

Section 18. Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 19th day of October, 2009.

CITY OF GRAND JUNCTION, COLORADO

[S E A L]

President of the Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 2nd day of November, 2009.

CITY OF GRAND JUNCTION, COLORADO

[S E A L]

President of the Council Pro Tem

Attest:

City Clerk

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

(1) 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 “Council”), do hereby certify as follows:

(2) The foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) that was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on October 19, 2009 and was duly adopted and ordered published in full by the Council at a regular meeting thereof held on November 2, 2009, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

(3) The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of October 19, 2009, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Bruce Hill	X			
Teresa Coons	X			
Bonnie Beckstein	X			
Tom Kenyon			X	
Gregg Palmer			X	
Bill Pitts	X			
Linda Romer Todd	X			

(4) The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of November 2, 2009, by an affirmative vote of a majority of the members of the Council as follows:

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

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

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

(7) There are no bylaws, rules, or regulations of the Council that might prohibit the adoption of the Ordinance.

(8) Notices of the meetings of October 19, 2009 and November 2, 2009 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

(9) The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on October 21, 2009 and November 4, 2009, 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 13th day of November, 2009.

[S E A L]

City Clerk and Clerk to the Council

EXHIBIT A

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



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

MONDAY, OCTOBER 19, 2009, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation – Moment of Silence

Ratify Appointments

Attach 1

Ratify the Re-appointment of Dave Detwiler and the Appointment of Steve Peterson to the Building Code Board of Appeals with terms expiring July 1, 2012 and to eliminate the alternate position as the Bylaws do not require an alternate, just five members as requested by the Commissioners for the Building Code Board of Appeals

Recognitions

Recognition of Neighborhood Association—Housing Resources of Western Colorado properties

Recognition of Neighborhood Association—The Villas at Country Club

Recognition of Neighborhood Association—Grand Manor

Council Comments

Citizen Comments

* * * CONSENT CALENDAR * * *®

1. **Minutes of Previous Meetings** **Attach 2**
Action: Approve the Minutes of the October 5, 2009, Regular Meeting

2. **Setting a Hearing Authorizing the Issuance and Sale of the City of Grand Junction Joint Sewer System Revenue Bonds, Series 2009** **Attach 3**

City Council and the Mesa County Commissioners have determined that in the best interests of the joint sewer system and its customers, to complete certain improvements to the Persigo sewer system. To finance the projects, the City Council has determined that it is necessary and advisable to issue its "City of Grand Junction, Colorado, Joint Sewer System Revenue Bonds, Series 2009 (Direct Pay Build America Bonds)" in the amount of \$3.2 million to help defray part of the costs of the Project.

Proposed Ordinance Authorizing the Issuance and Sale of the City of Grand Junction, Colorado, Taxable Joint Sewer System Revenue Bonds (Direct Pay Building America Bonds), Series 2009, Payable Solely Out of the Net Revenues to be Derived from the Operation of the Joint Sewer System of the City and Mesa County, Colorado and Certain Other Revenues

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 2, 2009

Staff presentation: Greg Trainor, Utilities, Streets, and Facilities Director
Tim Moore, Public Works and Planning Director

3. **Setting a Hearing Approving Loan from the Colorado Water Resources and Power Development Authority** **Attach 4**

The City Council has determined that in the interests of the City and the public, certain improvements are required to the City's water system, including the replacement of certain existing cast iron and steel water distribution lines within the system. To finance the project, the City Council has determined that it is necessary and advisable to enter into a loan agreement with the Colorado Water Resources and Power Development Authority ("CWRPDA") for a loan amount of \$3,800,000.00.

Proposed Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Authorizing the Execution

and Delivery of Documents Related Thereto; and Prescribing Other Details in Connection Therewith

Action: *Introduction of a Proposed Ordinance and Set a Hearing for November 2, 2009*

Staff presentation: Greg Trainor, Utilities, Streets, and Facilities Director
Tim Moore, Public Works and Planning Director

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

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

4. **Public Hearing – Moir Growth Plan Amendment, Located at 399 29 Road and 2895 Riverside Parkway** [File # GPA-2009-169] **Attach 5**

This is a request to approve an amendment to the 2004 Pear Park Transportation and Access Management Plan (TAMP) to allow a right-in/right-out access onto the south side of Riverside Parkway approximately 300' west of 29 Road. An amendment to the Pear Park Neighborhood Plan is an amendment to the Grand Valley Circulation Plan and is considered an amendment to the Growth Plan.

Resolution No. 81-09— A Resolution Amending the Growth Plan of the City of Grand Junction to Allow a Right-In/Right-Out Access onto the South Side of Riverside Parkway Approximately 300' West of 29 Road

®Action: *Adopt Resolution No. 81-09*

Staff presentation: Tim Moore, Public Works and Planning Director

5. **Public Hearing – Correcting Legal Descriptions on Various Annexation and Zoning Ordinances and Resolutions** **Attach 6**

A discrepancy in the legal description of Barker Annexation No. 2 recently became known when a development application was filed for the proposed Carson Subdivision, which occupies the same area. An improvement survey was completed and submitted as part of the subdivision application and discrepancies in the property description were discovered. This ordinance corrects the discrepancies found in the prior ordinances and resolutions.

Resolution No. 82-09—A Resolution Amending Resolution No. 69-04 and Resolution No. 85-04 to Correct the Legal Description for Barker Annexation, Which Includes Barker Annexation No. 2

Ordinance No. 4387—An Ordinance Amending Ordinance No. 3666 and Ordinance No. 3667 Annexing Territory to the City of Grand Junction, Colorado, Barker Annexation No. 2, Located at 172 Lantzer Avenue, 2934 Highway 50, and 2937 Jon Hall Drive

®Action: Adopt Resolution No. 82-09 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4387

Staff presentation: John Shaver, City Attorney

6. **Continuation of Public Hearing on an Ordinance Adopting the 7th Street Historical District Overlay as Amended** [File #PLN-2009-179] **Attach 7**

The 7th Street Historic District Design Standards and Guidelines are being proposed for the properties included in the designated National Register Historic District, which includes those properties adjacent to 7th Street between Hill and Grand Avenue, as well as the properties at the southeast and southwest corners of 7th Street and Grand Avenue.

Ordinance No. 4388—An Ordinance Amending Ordinance No. 2211 by Adoption of the 7th Street Residential Historic District Zoning Overlay Design Standards and Guidelines, Amending the Zoning and Development Code to Add Section 7.7

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4388

Staff presentation: Tim Moore, Public Works and Planning Director

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

8. **Other Business**

9. **Adjournment**

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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

MONDAY, NOVEMBER 2, 2009, 7:00 P.M.

Call to Order

Pledge of Allegiance- Cub Scout Pack 320
Invocation – David Huslig, Bethel Assembly of God

Proclamations/Recognitions

Proclaiming November as “Alzheimer’s Awareness Month” in the City of Grand Junction

Proclaiming November 11th, “As a Salute to All Veterans 2009” in the City of Grand Junction

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

Proclaiming November as “Blue Star Mothers Month” in the City of Grand Junction

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings** **Attach 1**
Action: Approve the Minutes of the October 19, 2009, and the Minutes of the October 21, 2009, Regular Meeting

2. **Setting a Hearing on the Fuoco Rezone, Located at 160 Hill Avenue** [File #GPA-2009-147] **Attach 2**

Request to rezone 0.14 acres located at 160 Hill Avenue from R-O, (Residential Office) to C-1, (Light Commercial).

Proposed Ordinance Rezoning Property Known as the Fuoco Rezone from R-O (Residential Office) to C-1 (Light Commercial), Located at 160 Hill Avenue

Action: Introduction of a Proposed Ordinance and Set a Hearing of November 16, 2009

Staff presentation: Scott D. Peterson, Senior Planner

3. **Setting a Hearing on the Matthews Enclave Annexation, Located along the Colorado River West of 25 Road and South of the Riverside Parkway** [File #ANX-2009-209] **Attach 3**

A request to annex 10.53 acres of enclaved property, located along the Colorado River west of 25 Road and south of the Riverside Parkway. The Matthews Enclave consists of one privately-owned parcel and portions of two publicly-owned parcels, along with 0.83 acres of public right-of-way.

Under the 1998 Persigo Agreement with Mesa County the City is to annex all Enclave areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The Matthews Enclave has been enclaved since January 16, 2005.

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

Resolution No. 84-09—A Resolution of the City of Grand Junction Giving Notice that a Tract of Land Known as Matthews Enclave, Located along the Colorado River West of 25 Road and South of the Riverside Parkway, Consisting of Approximately 10.53 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

®Action: Adopt Resolution No. 84-09

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Matthews Enclave Annexation, Located along the Colorado River West of 25 Road and South of the Riverside Parkway, Consisting of Approximately 10.53 Acres
Action: Introduction of a Proposed Ordinance and Set a Hearing for December 14, 2009

Staff presentation: Brian Rusche, Senior Planner

4. **Setting a Hearing Correcting Legal Description on a Vacation of Right-of-Way Ordinance for a Portion of Gunnison Avenue** [File #VR-2009-223]
Attach 4

The intent of Ordinance No. 2639 was to vacate the entirety of Gunnison Avenue right-of-way within the limits specified by said ordinance; however, due to scrivener's error not all documents conveying Gunnison Avenue right-of-way were cited in said ordinance. The amended ordinance lists all documents conveying right of way for Gunnison Avenue to be included within the stated limits, thereby fully satisfying the intent of Ordinance No. 2639.

Proposed Ordinance Amending Ordinance No. 2639 Vacating a Portion of Gunnison Avenue Right-of-Way between Harris Road and Melody Lane

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 16, 2009

Staff presentation: John Shaver, City Attorney
Tim Moore, Public Works and Planning Director

5. **Setting a Hearing on the Medicinal Marijuana Dispensary Moratorium**
Attach 5

The proposed ordinance would afford the City an opportunity, by declaring a temporary moratorium on the filing of development applications for medical marijuana dispensaries, to carefully evaluate and determine as appropriate, the proper regulation of those businesses. The ordinance also proposes a moratorium on the issuance of sales tax licenses for new dispensaries/marijuana care-givers.

Proposed Ordinance Concerning Land Use Applications in the City of Grand Junction, Instituting a Temporary Moratorium on the Issuance of Land Use Approvals and Sales Tax Licenses for Medical Marijuana Dispensaries and Providing Penalties for Violation Thereof

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 16, 2009

Staff presentation: John Shaver, City Attorney

6. **Downtown Grand Junction Business Improvement District (DGJBID) Operating Plan and Budget** **Attach 6**

As required by statute, the DGJBID has filed the 2010 Operating Plan and Proposed Budget with the City Clerk by September 30. It has been reviewed by Staff and found to be reasonable.

Action: Approve the DGJBID 2010 Operating Plan and Proposed Budget

Staff presentation: Jodi Romero, Financial Operations Manager

7. **Construction and Maintenance Agreement and Purchase of Property from Union Pacific Railroad Company for the 29 Road and I-70B Interchange Project** **Attach 7**

The Public Utility Commission requires that the City and the Union Pacific Railroad Company enter into a Construction and Maintenance Agreement for the construction and future maintenance of the 29 Road Overpass Bridge. The City's cost for the Easement Fees and Permit Fees included in this Agreement is \$177,547. The City has also signed a Letter of Understanding with the Union Pacific Railroad Company to purchase street right-of-way at 29 Road and D ½ Road. The City's cost for the right-of-way is \$120,680.

Resolution No. 85-09—A Resolution Authorizing the Purchase of Real Property at 29 Road and D ½ Road, Identified by Parcel Schedule #2943-172-00-056 from Union Pacific Railroad Company

Action: Authorize the City Manager to Sign the Construction and Maintenance Agreement with Union Pacific Railroad Company for the 29 Road Overpass and Adopt Resolution No. 85-09

Staff presentation: Tim Moore, Public Works and Planning Director

8. **Water Agreement Amended and Restated with BrightStar Golf Redlands Mesa LLC** **Attach 8**

Authorization of the City Manager to consent to the assignment of the Water Agreement Amended and Restated to provide irrigation water for the public golf course for the land where the Golf Course at Redlands Mesa ("Golf Course") is located in the Redlands.

Action: Authorize the City Manager to Act by Executing the Consent to Assignment of the Water Agreement Amended and Restated with BrightStar Golf Redlands Mesa LLC

Staff presentation: John Shaver, City Attorney

9. **Tiara Rado Golf Course Irrigation Replacement – Phase Two** **Attach 9**

This project will replace the 40 year old irrigation system at Tiara Rado Golf Course that is deteriorating and in some cases beyond repair. This approval request is for Phase Two of the project (pond construction and dirt work), consisting of the Civil Contractor (\$584,923.50) and Golf Course Specialty Contractor (\$727,189.69) for a total Phase Two cost in the amount of \$1,312,113.19.

If approved, the City will realize future cost savings through reduced irrigation and pump repairs, and decreased electrical costs. The pond construction is being done in conjunction with the irrigation replacement project. The irrigation system and pump station are designed to operate from the ponds being built by the Civil Contractor.

Action: Authorize the City Purchasing Division to Enter into Construction Contracts with M.A. Concrete in the Amount of \$584,923.50 for the Civil Construction Portion of the Project, and Stonefly Earthworks in the Amount of \$727,189.69 for the Golf Course Specialty Construction Portion of the Project

Staff presentation: Rob Schoeber, Parks and Recreation Director
Jay Valentine, Assistant Financial Operations Manager

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

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

10. **Public Hearing - Authorizing the Issuance and Sale of the City of Grand Junction Joint Sewer System Revenue Bonds, Series 2009** **Attach 10**

City Council and the Mesa County Commissioners have determined that in the best interests of the joint sewer system and its customers, to complete certain improvements to the Persigo sewer system. To finance the projects, the City Council has determined that it is necessary and advisable to issue its “City of Grand Junction, Colorado, Joint Sewer System Revenue Bonds, Series 2009 (Direct Pay Build America Bonds)” in the approximate amount of \$5.2 million to help defray part of the costs of the Project.

Ordinance No. 4389—An Ordinance Authorizing the Issuance and Sale of the City of Grand Junction, Colorado, Taxable Joint Sewer System Revenue Bonds (Direct Pay Build America Bonds), Series 2009, Payable Solely out of the Net Revenues to be Derived from the Operation of the Joint Sewer System of the City and Mesa County, Colorado and Certain Other Revenues

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4389

Staff presentation: Greg Trainor, Utilities, Streets, and Facilities Director
Tim Moore, Public Works and Planning Director

11. **Public Hearing - Approving Loan from the Colorado Water Resources and Power Development Authority** **Attach 11**

The City Council has determined that in the interests of the City and the public, certain improvements are required to the City’s water system, including the replacement of certain existing cast iron and steel water distribution lines within the system. To finance the project, the City Council has determined that it is necessary and advisable to enter into a loan agreement with the Colorado Water Resources and Power Development Authority (“CWRPDA”) for a loan amount of \$3.8 million.

Ordinance No. 4390—An Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City’s Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Authorizing the Execution and Delivery of Documents Related Thereto; and Prescribing Other Details in Connection Therewith

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4390

Staff presentation: Greg Trainor, Utilities, Streets, and Facilities Director
Tim Moore, Public Works and Planning Director

12. **Non-Scheduled Citizens & Visitors**
13. **Other Business**
14. **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 19, 2009, passed on first reading the following entitled proposed ordinance:
An Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Authorizing the Executive and Delivery of Documents Related Thereto; and Prescribing Other Details in Connection Therewith

and authorized the publication in pamphlet form.

NOTICE IS FURTHER GIVEN THAT the public hearing will be held November 2, 2009 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/ Juanita Peterson
Deputy City Clerk
Published: October 21, 2009.

STATE OF COLORADO

County of (Mesa)

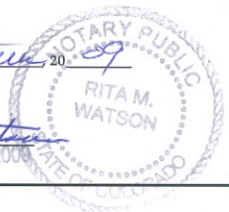
Terry Laubhan

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 21st day of October, 2009, and the last, on the 21st day of October, 2009. 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.

TL

Subscribed and sworn to before me, this 21st day of October, 2009

Rita M. Watson
My Commission Expires November 8, 2010



State PROOF OF PUBLICATION

NOTICE OF ADOPTION OF ORDINANCE NO. 4390 OF GRAND JUNCTION TO BE PUBLISHED IN PAMPHLET FORM
NOTICE IS HEREBY GIVEN: That on the 2nd Day of November, 2009, 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 APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH. 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 Tulin, MMC
City Clerk
Published: November 4, 2009.

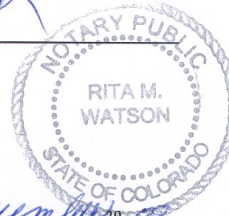
STATE OF COLORADO

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, 2009, and the last, on the 4th day of November, 2009. 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]



My Commission Expires November 8, 2009

Subscribed and sworn to before me, this 4th day of November, 2009

[Handwritten Signature]