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**CITY COUNCIL AGENDA
WEDNESDAY, SEPTEMBER 3, 2014
250 NORTH 5TH STREET
6:30 P.M. – ADMINISTRATION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

Call to Order
(7:00 P.M.)

Pledge of Allegiance
Invocation – Brother Jerry Graves, 1st Counselor, Fruita 1st
Ward Bishopric, Church of Jesus Christ of Latter Day Saints

[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 the Week of September 7, 2014 as “Direct Support Professionals Recognition Week” in the City of Grand Junction [Attachment](#)

Proclaiming the Month of September 2014 as "Suicide Prevention Month" in the City of Grand Junction [Attachment](#)

Certificates of Appointment

To the Parks and Recreation Advisory Board

Citizen Comments

Revised September 2, 2014

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

Council Comments

***** CONSENT CALENDAR *****

1. **Minutes of the Previous Meetings** [Attach 1](#)

Action: Approve the Summaries of the August 18, 2014 and the August 20, 2014 Workshops and the Minutes of the August 20, 2014 Regular Meeting

2. **Setting a Hearing on Amending Industrial Pretreatment Regulations Regarding Limits for Metals in Industrial Wastewater Discharge** [Attach 2](#)

Reductions in metals discharged to the Persigo Wastewater Treatment Facility are necessary to meet State and Federal wastewater discharge permit requirements. Federal regulations require a City Council reading of the proposed changes to the Code, public notice by the US Environmental Protection Agency, and final approval in a hearing.

Proposed Ordinance Amending Section 13.04.370 (d) of the Grand Junction Municipal Code Pertaining to Industrial Pretreatment Regulations Concerning Mass-Based Local Limits

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for November 5, 2014

Staff presentation: Greg Lanning, Public Works and Utilities Director
John Shaver, City Attorney

- ** 3. **Contract for the 27 and H Road Bridge Deck Replacement Project** [Attach 3](#)

This request is to award a construction contract for the replacement of the existing bridge deck crossing the Government Highline Canal located approximately 75' east of 27 and H Road. This contract shall include the removal and replacement of the deteriorating steel decking material and pave the surface with hot mix asphalt.

Action: Authorize the City Purchasing Division to Enter into a Contract with G.A. Western Construction Co. of Palisade, CO for the 27 and H Road Bridge Deck Replacement Project in the Amount of \$70,100.50

Staff presentation: Greg Lanning, Public Works and Utilities Director
Jay Valentine, Internal Services Manager

4. **CDBG Subrecipient Contract with the Grand Junction Housing Authority for Previously Allocated Funds within the 2014 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2014-09] [Attach 4](#)

The Subrecipient Contract formalizes the City's award of \$50,000 to the Grand Junction Housing Authority allocated from the City's 2014 CDBG Program as previously approved by Council. The grant funds will be used to rehabilitate 78 housing units in the Walnut Park Apartments complex.

Action: Authorize the City Manager to Sign the Subrecipient Contract with the Grand Junction Housing Authority for \$50,000 for the City's 2014 CDBG Program Year Funds

Staff presentation: Kristen Ashbeck, Community Services Coordinator/CDBG Administrator

*** END OF CONSENT CALENDAR ***

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

5. **Public Hearing—Amendments to the Grand Junction Municipal Code Adopting Rules and Regulations Regarding the Possession/Use of Alcohol, Marijuana, and Drug Paraphernalia by a Minor** [Attach 5](#)

In 2013, the State legislators modified the possible penalties concerning the possession, consumption, and use of marijuana by anyone, including those under the age of 21 years. The City of Grand Junction passed an ordinance in 2013 to be consistent with those State laws and penalties.

Over this past year, the legislators reviewed again the laws specifically related to minors (persons under 21 years of age) regarding marijuana and alcohol. The State has enacted new laws and this ordinance is proposed to be consistent with the State laws and penalties. In addition, the proposed ordinance will make the penalties for alcohol and marijuana violations for minors the same. Under the present law, a minor is treated more harshly for possessing or consuming alcohol.

Ordinance No. 4637—An Ordinance Amending Sections 9.04.220, 9.04.230, and 9.04.240 of the Grand Junction Municipal Code Regarding Alcohol, Marijuana, Drug Paraphernalia, and Persons Under the Age of 21 Years

®Action: Adopt Ordinance No. 4637 on Final Passage and Final Publication in Pamphlet Form

Staff presentation: John Shaver, City Attorney

6. **Colorado Law Enforcement and Emergency Services Training Center Grant Request** [Attach 6](#)

This request is for authorization to submit a request to the Mesa County Federal Mineral Lease District (MCFMLD) for a \$550,000 grant for the development of the Colorado Law Enforcement and Emergency Services Training Center. Funding from the grant along with the local match will be used to construct a water supply system sufficient to supply water for classroom buildings and fire training. The grant application is due September 5, 2014.

Resolution No. 26-14—A Resolution Authorizing the City Manager to Submit a Grant Request to the Mesa County Federal Mineral Lease District for the Development of the Colorado Law Enforcement and Emergency Services Training Center

®Action: Adopt Resolution No. 26-14

Staff presentation: Ken Watkins, Fire Chief

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

8. **Other Business**

9. **Adjournment**

Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, the week of September 7, 2014 has been designated as "National Direct Support Professionals Recognition Week" in order to celebrate and recognize professionals who provide support to millions of individuals with intellectual and developmental disabilities; and

WHEREAS, the dedication and vital role of direct support professionals enhances the lives of individuals with disabilities of all ages; and

WHEREAS, family members, friends, and the community at large all play a role in commending direct support professionals as integral in supporting the needs that reach beyond the capacities of millions of families and supporting the long-term support and services system in the United States; and

WHEREAS, the Grand Junction City Council recognizes those who directly help people with disabilities in order to access housing, employment, and recreation activities which help create productive and satisfying lives, and to live as independently as possible.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the week of September 7, 2014 as

"Direct Support Professionals Recognition Week"

in the City of Grand Junction and call upon the citizens of Grand Junction to observe the week with appropriate programs and activities. Furthermore, I encourage the citizens of Grand Junction to seek information from those organizations with expertise in matters concerning professionals who support individuals with intellectual and developmental disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 3rd day of September 2014.

Phyllis Norris
Mayor



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, the City of Grand Junction recognizes suicide as a troubling and painful public health concern impacting far too many citizens. There are complex environmental, psychological, and genetic factors contributing to its cause; and

WHEREAS, 29 people died by suicide in Mesa County in 2013. Mesa County's suicide rate is 34.4 per 100,000, three times the national suicide rate; and

WHEREAS, Mesa County is 4th in the state in terms of suicide rate; and

WHEREAS, too many people are left to struggle to understand and grieve the loss of their loved one. A great many suicides are preventable; and

WHEREAS, the prevention of suicide requires the commitment, collaboration, and caring of the entire community.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as the Mayor of the City of Grand Junction do hereby proclaim the month of September 2014 as

"SUICIDE PREVENTION MONTH"

in the City of Grand Junction and urge all citizens to encourage initiatives based on the goals contained in the National Strategy for Suicide Prevention by promoting awareness that suicide is a public health problem that is preventable .

IN WITNESS WHEREOF, I hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 3rd day of September, 2014.

Phyllis Norris
Mayor



Attach 1

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
August 18, 2014 – Noticed Agenda Attached

Meeting Convened: 5:00 p.m. in the City Auditorium

Meeting Adjourned: 8:16 p.m.

Council Members present: All (Councilmember Boeschstein left the meeting at 7:08 p.m.).
Staff present: Englehart, Shaver, Moore, Romero, Tice, Evans, Valentine, Stavast, Kovalik, Bowman, Meyeraan, Machado, Taylor, Daugherty, Foster, Camper, Nordine, Zen, Watkins, Schoeber, Lanning, and Tuin.

Agenda Topic 1. Department Report – Administration/Internal Services continued (Facilities)

This Topic was moved to follow Agenda Topic 2.

Agenda Topic 2. Visitor and Convention Services/Two Rivers Convention Center

Visitor and Convention Bureau Director Debbie Kovalik reviewed the core objective of their Department which is to create business opportunities for non-profit and for profit groups.

Two Rivers Convention Center and Avalon Theatre Manager Stuart Taylor presented slides on the categories of events held at Two Rivers Convention Center over the last year. The number of conferences and conventions were up in 2014. Holiday parties, galas, and wedding receptions are showing high profitability for 2014, in the middle are lunch and dinner meetings, and the category that shows the least amount of profit margins are the service clubs, trade shows, catering out, concerts, and sporting events.

Mr. Taylor said they are starting to focus and put their resources on social media for promotional purposes, working with Miles Media to put the word out, sending out email blasts for reminders to people to book for holiday parties, and developing relationships with other meeting planners. They are looking at having someone in house or getting an intern from Colorado Mesa University to conduct research on other cities in the United States to find out how they are doing their events, what are their best practices, what works for them, and what does not work for them. Mr. Taylor advised City Council that they need direction on whether only the community should be served, should they solely do conventions and trade shows, or should they serve everybody they can get. They also need City Council's direction on policies, procedures, and how to get out of running in a deficit. There was discussion on the research which is expected to be conducted and what areas should be researched, i.e. do other convention centers run in a deficit, are the deficits offset by people utilizing other City amenities, such as shopping and hotels, etc., and look at the pricing for rental rates and food.

Mr. Taylor said that some of the challenges are that food costs have gone up and the building is an old building so upgrades are needed, especially in the area of technology, to stay competitive.

Mr. Taylor stated that the grand opening for the Avalon Theatre will be September 17th and there will be a “film cutting” instead of a ribbon cutting. He mentioned other events and activities for the week of the grand opening. City Manager Englehart advised Council that they will set up a time for City Council to tour the facility prior to it being opened up to the public.

Marketing Sales Manager Jamie Daugherty advised City Council that they have been thinking out-of-the-box for ideas for other types of events that could be held at the Avalon Theatre such as weddings and progressive dinners. They are going to set up cooperative photo shoots with vendors to promote different events and activities as well as set up social media sites to draw people to the Avalon Theatre. Ms. Daugherty advised that they will offer all inclusive package prices for events instead of individual pricing for rental, food, beverage, etc.

Mr. Taylor outlined the goals for 2015 that they have set for the Avalon Theatre which included having the lights on every night, effective management of space, and booking simultaneous events.

There was discussion about how many orchestra members could be placed in the amount of space available on stage. A 72-74 piece orchestra can probably fit on the new expanded stage.

Mr. Taylor advised that there is still quite a bit of training necessary on the new projection equipment and the heating, ventilation, and air conditioning (HVAC) system.

Councilmember Boeschstein pointed out that some of the items that they were not able to fund are the marquis sign which shows what is playing, a projector for the multipurpose room, and the stadium style seating in the multipurpose room.

Regarding the Visitors and Convention Bureau (VCB), Visitor and Convention Bureau Director Debbie Kovalik stated that the Destination Marketing Association identified the top twenty trends for destination marketing and the most significant were the rapid adoption of smart technology and the growing presence of social media. Director of Sales and Division Manager Barb Bowman gave a highlight about 2012 and 2013 and stated that even though economy was still in a slump, there was a 40% conversion rate for businesses into Grand Junction which was well above the industry rate.

Marketing and Public Relations Coordinator Mistalynn Meyeraan reviewed some of the areas that is driving business to Grand Junction which is Get Smart Content, search engine management, True View Video, expanded direct marketing, and having an online booking engine.

Ms. Bowman explained that they have expanded international marketing translating content to four to six different languages which can provide an international presentation. They held National Tourism Day which they trained 80 front line hotel employees about marketing tourism and opportunities in Grand Junction. The VCB was recognized for their mobile site, rated by Travel Nation as one of the biggest, coolest desert towns, and had two articles on the Sunset website. Lodging tax, unique visits to the website, and Visitor Guide requests are all up this year. For 2015, they are projecting a further increase in lodging tax for 2015, they have a representative in Denver who is looking at bringing new groups to Grand Junction and is advertising with a sign on her car, they are redesigning the Visitors Guide, looking at a digital billboard, and painting the water towers in Clifton to attract travelers from I-70.

The actual visits to the Visitors Center have gone down but they are looking at the possibility of a downtown visitors center, presence at the old train depot, and Colorado Mesa University. They have taken over the information desk at the airport. They are constantly looking around the region to see what other visitor centers are doing and getting ideas to remain competitive.

There was discussion regarding the occupancy and hotel rates which are down from the rest of Colorado. Grand Junction has the lowest daily rate for hotels in the State of Colorado; the VCB is trying to educate the hotel staff on ways to bring the rates up and build pride in the community.

Ms. Bowman reviewed their three to five year plan which came out of a two day retreat with the VCB Board. They have started a strategic plan with four different strategic initiatives which are to increase positive economic impact, identify potential revenue options, further develop county-wide partnerships, and look at their entire scope of visitor services and compare it to other visitor bureaus.

Agenda Topic 1. Department Report – Administration/Internal Services continued (Facilities)

Internal Services Manager Jay Valentine advised that they are proposing that Facilities become part of the Internal Services Fund (similar to Fleet and Information Technology) instead of the General Fund to bring everything for Facilities under one umbrella. Mr. Valentine showed City Council a slide which broke down the maintenance costs for the facilities and explained that the costs are up because of the complicated systems and increase in space. He advised that, in conjunction with the County, they are having a company conduct a condition assessment for all of the buildings in September and all of the information will go into a software program and help for future budgeting for the facilities. All maintenance will be put into the software program and it will keep track of maintenance and life expectancy for all facilities. There was discussion held on what buildings will be put into the software program, maintenance versus capital, the phasing process to build up a separate reserve fund, utility bill tracking, and energy efficiencies that have been implemented throughout the City buildings. Mr. Valentine advised

City Council that he could put together the details and provide that to Council. Council was supportive in looking at the details.

Agenda Topic 3. Department Report – Police

Police Chief Camper presented a slide show to Council on 2013 statistics and reviewed calls for service, staffing levels for sworn officers, deployable officers, civilians, and detectives who investigate crimes against persons and crimes against property, and operations versus support services. He noted there is good collaboration with other agencies and there is a commitment not to duplicate efforts in the valley.

When asked about other Special Weapons and Tactics (SWAT) Teams, Deputy Police Chief John Zen advised that there are currently two SWAT Teams, the County has one and the City has one. They are working towards what is similar to a Memorandum of Understanding between the City and County to provide interagency assistance.

Police Chief Camper reviewed the crime statistics from 2009 through 2013 noting that 2010 was especially low. He advised Council that there is a program called Sexual Assault Nurse Examiners (SANE) and it is a vital program that has been struggling with staffing issues. Deputy Police Chief John Zen provided more information on the SANE program and advised that the number of specially trained volunteer nurses have dwindled and because of that, the remaining two SANE nurses only concentrate on children and not adults. The SANE nurses met with other entities (the two hospitals, Mesa County Sheriff's Office, the City Police Department, Western Slope Center for Children, and Mind Springs Health) and asked for some assistance to keep the program going. They are asking all of the entities for a donation to staff a part time coordinator position which would be \$5,000 per entity per year starting in September. Police Chief Camper advised Council that they would like to support the request and asked Council their thoughts in supporting the request and where it should be taken out in the budget. City Council agreed to supporting the request and have the contribution taken from the monies set aside for Community Partnerships.

Deputy Police Chief Mike Nordine updated City Council on the Communication Center stating that there has been a significant increase in incidents handled through the Communications Center (the calls handled effectively per dispatcher are well above the national recommendation) and they are currently at the same staffing levels. Chief Camper advised Council that there are some significant funding issues for all of the served agencies. A different way to fund the Communication Center is vital. Chief Camper advised that they have some sub-committees working on options that are small in reference to the issue, but he feels there needs to be a larger discussion about public safety funding. A large problem looming over in the near future is "Text 9-1-1" and Chief Camper outlined problems that could arise from that. They have met with City and County Managers to address the seriousness of the issue. City Manager Englehart said that one thing the Managers have agreed to do is to over-hire

additional staff but they still need to get in front of all of the elected officials to address the concern. City Attorney Shaver advised that the Federal Communications Commission (FCC) has ordered the cellular companies to have the "Text 9-1-1" availability by the end of this year. There was discussion held regarding how many additional staff would be needed and when would be best to hold a meeting with all the elected officials. There was also discussion regarding where most of the calls are coming from to the Communication Center and how the charges are determined for various call outs.

Police Chief Camper went over the Economic Development goals for the Police Department which included continuing to address crime and community safety concerns in a rapid and effective manner and to provide the "right sized" Police Department for the needs of the citizens.

Police Chief Camper reviewed staffing areas with gains (Street Crimes Unit, Code Enforcement, HOT Team, and CMU Team), losses (traffic team, Community Advocacy Program, School Resource Officers, and K-9), and areas that are the same size, but short (investigations, Drug Task Force, Police Support Technicians, property/evidence, and communications).

Police Chief Camper advised that their capital needs for 2015 are carpools, the continued development of the Colorado Law Enforcement Training Center, and improving the shooting range. Capital needs for 2016 are vehicle/evidence/property storage (annex), a new bomb robot, handling text to 9-1-1, radio replacements, and body cameras. Other challenges are Colorado Mesa University's growth and the sustainability of the current policing model, downtown issues, and vagrancy issues.

Police Chief Camper said that Strategic Plan items are to develop a plan for the annex, analysis of business process systems, assessing deployment of staff resources, reassessing managed police response, test and potentially implementing body cameras, and other items that concern training and development.

Agenda Topic 4. Department Report – Fire

This topic was tabled until 5:00 p.m. on August 20, 2014.

Agenda Topic 5. Board Reports

This topic was tabled until 5:00 p.m. on August 20, 2014.

Other Business

City Manager Englehart reported that it looks like all of the drawings for North Avenue from 12th to 23rd Street will be completed in December and construction could start in March. A

plan has been put together utilizing resources from the Parks and Recreation and Public Works Departments to dedicate an evening in September to tear out and replace the medians, sprinkler system, and shrubbery on North Avenue from 1st Street to 12th Street. There is also one median past 23rd Street that will also need to be redone after the 1st to 12th Streets project.

Management and Legislative Liaison Elizabeth Tice provided City Council with the description on a Foreign Trade Zone and advised them that it is a very competitive, economic development tool which could have significant advantages and tax savings. The City was approached by Associated Governments of Northern Colorado (AGNC) as they were advised that there is an agent of foreign investors looking for a location in Western Colorado to establish foreign trade zone projects. The Airport would have to agree to getting a customs port which could also open up the option of having foreign flights and foreign cargo into Grand Junction. It would be a significant undertaking and would require a lot of research. Ms. Tice reviewed some of the research that would be required. City Council directed Ms. Tice to move forward and start the research process to see if it would be beneficial for the City. City Manager Englehart advised that the first step would be to talk to the City's partner, the County.

Councilmember Doody pointed it out that it would be a good idea for the City to look at joining other partners like the Latino Chamber of Commerce.

City Manager Englehart advised Council that the Parks and Recreation Department, the Downtown Development Authority, and the Museum are moving forward with community discussions on Whitman Park.

City Manager Englehart informed City Council that the Streets Condition Survey is being ground truthed and will be presented to Council during the budget process.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, AUGUST 18, 2014, 5:00 P.M.
CITY AUDITORIUM
250 N. 5TH STREET**

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

- 1. Department Report – Administration/Internal Services continued (Facilities)**
- 2. Department Report – Visitor and Convention Services/Two Rivers Convention Center**
- 3. Department Report – Police**
- 4. Department Report – Fire**
- 5. Board Reports**
- 6. Other Business**

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
August 20, 2014 – Noticed Agenda Attached

Meeting Convened: 5:02 p.m. in the City Auditorium

Meeting Adjourned: 6:26 p.m.

Council Members present: All except Susuras. Staff present: Englehart, Shaver, Moore, Romero, Evans, Kovalik, Watkins, Camper, and Tuin.

Agenda Topic 1. Department Report – Fire

Fire Chief Watkins summarized the Fire Departments 2014 Highlights. Under Fire Administration for the Fire Authority Process – they formed a Policy Steering Committee, they built relationships and partnerships between the City, Clifton Fire District, and Grand Junction Rural Fire District, and there is a Feasibility Study in progress. Under Ambulance Billing – they reduced the billing cycle from 75 days to 15 to 21 days thanks to a Finance Department review. Also they formalized the Fire Prevention Bureau by hiring a Fire Marshall, filling two vacant Fire Prevention Officer positions, and developed a Fire Investigation Task Force Intergovernmental Agreement which has been signed by the valley's police and fire agencies.

There was some discussion concerning the investigations of the fire at White Hall as well as the multiple garage fires that occurred somewhere around 2008.

Fire Chief Watkins reviewed highlights from Fire Administration and Operations which occurred in 2014 which included: a Service Delivery Task Force, Emergency Medical Services (EMS) Shift Coordinator Pilot program, new public information and education program, a celebration of 125 years of service with support from City Council and the community, service and technology improvements, apparatus and equipment replacement, emergency management, a control system for the EMS supply inventory, and National Fire Academy Week was hosted at Two Rivers Convention Center. There were also many hours of training for fire, EMS, technical rescue, hazmat, bomb, etc. personnel.

Fire Chief Watkins said that a change in culture within the department has been taking place over the last two years. Working with the Leadership Team they have been focusing on their mission and values, accountability and behaviors, communication, becoming a team, mentoring and education, and leadership rotation. They are embracing EMS because 75% of their calls are EMS. They are adopting a "Synergy" Staffing Model which the employees came up with to try to get the right people into the right roles that they really enjoy. There was discussion regarding the "Synergy" Staffing Model and how that will transition more positions into the emergency medical arena and away from firefighting.

Fire Chief Watkins reviewed some of the items they are looking at for the next 5 years beginning with looking at whether or not to go to a 3rd party billing agency in 2015, continue evaluating the Fire Department organizational structure, peak volume ambulances in service 12 hours a day, dispatching via Automatic Vehicle Locator (AVL), replacing hydraulic stretchers on all ambulances, design and construction of relocated Fire Station #4, and more development of the public safety training center through a Mesa County Federal Mineral Lease (FML) grant.

Fire Chief Watkins advised that their five priorities in the next five years are: a Fire/EMS Authority, Insurance Service Office (ISO) evaluation/ Centre for Public Service Innovation (CPSI) Fire Service Accreditation, address service gaps in the north and Pear Park areas, completion of the public safety training center, and looking at having a dedicated public safety revenue stream.

Agenda Topic 2. Board Reports

This topic was postponed.

Agenda Topic 3. Other Business

There was none.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, AUGUST 20, 2014, 5:00 P.M.
ADMINISTRATION CONFERENCE ROOM
2ND FLOOR, CITY HALL
250 N. 5TH STREET**

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

- 1. Department Report – Fire**
- 2. Board Reports**
- 3. Other Business**

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

August 20, 2014

The City Council of the City of Grand Junction convened into regular session on the 20th day of August, 2014 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Barbara Traylor Smith, and Council President Phyllis Norris. Councilmember Sam Susuras was absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember McArthur led the Pledge of Allegiance, followed by a moment of silence.

Presentations

July Yard of the Month

Tom Ziola, Forestry Supervisor, presented the Yard of the Month Award for July to Ben McKinstry at 731 Egret Circle. The winners were unable to attend. Mr. Ziola thanked Forestry Board member Teddy Hildebrandt for being the judge for this month. Mr. Hildebrandt was also unable to attend. Mr. Ziola also thanked all the co-sponsors of the Yard of the Month awards, specifically Valley Grown Nursery for co-sponsoring the July award. Lastly, he thanked the Council for their continued support.

Avalon Theatre Foundation Report

John Halvorson, President of the Avalon Theatre Foundation Board, and Robin Brown, Avalon Theatre Foundation (ATF) Board Representative, were present to make a report. Mr. Halvorson delivered two checks to the City Council in the amounts of \$20,000 and \$100,000. Of the original \$1.1 million commitment, \$989,000 has now been delivered. Earlier this year, when the cost of the project was increased in order to expand Phase I, the ATF also volunteered to raise another \$500,000. At this time, they still have \$611,000 to raise. They have \$318,000 in pledges receivable scheduled to be received in this calendar year and future years, which is keeping them close to their scheduled target. They are still seeking pledge commitments for the additional balance of \$293,000. The Paver Program, for the outdoor terrace, is currently their fundraising emphasis. The brick fundraiser in front of the Avalon Theatre was very popular, and

the Paver Program promises to be even more so. The pavers have sold themselves at every tour; it is anticipated that all of the pavers will sell at the upcoming grand opening events. Each paver can be sold as a whole or by quarters. He listed the different prices and encouraged all to participate.

Councilmember McArthur mentioned he has been handing out the Paver Program advertising brochures.

Councilmember Traylor Smith asked how many pavers were available. Mr. Halvorson said there were 400. Councilmember Traylor Smith asked how many have sold. Ms. Brown answered 32 whole or portions have been sold.

Councilmember Doody commended Mr. Halvorson and the ATF on their hard work and participation. Mr. Halvorson recognized Ms. Brown's contributions and said he would relay the compliment to the rest of the board.

Council President Norris commented that it is wonderful to see the community stepping forward to contribute to the project, making this a project of the entire community.

Mr. Halvorson mentioned that it is difficult to raise money for a project before it begins because there is nothing to show people.

Councilmember Boeschstein thanked Mr. Halvorson, Ms. Brown, and Councilmember Doody for their vision to increase the funding in order to make this building not only a beautiful performing arts center, but an economic and cultural asset to the region.

Ms. Brown presented shirts and flyers to the councilmembers.

Council President Norris and Councilmember Doody both pledged to buy a paver.

Certificates of Appointment

Parks and Recreation Advisory Board

Councilmember Chazen moved to reappoint Scott McBrayer and appoint Kyle Emert to the Parks and Recreation Advisory Board for three year terms expiring June 2017.

Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Commission on Arts and Culture

Marjorie Haun was present to receive her Certificate of Appointment to the Commission on Arts and Culture. Ms. Haun thanked the Council for the appointment and noted it will be a learning curve. She first dipped her toes in the local arts community during the

boom days. She sang for some community organizations, but had to quit when she was diagnosed with a neurological voice disorder. She then worked on some of her other artistic interests, one of which is writing. She was interested in serving on the Commission because she has noticed support of the arts parallels economic conditions and since the community is currently in challenging economic times, she wants to help provide affordable art to the community, support and nurture upcoming artists, and ensure local art reflects its origins of Grand Junction and Western Colorado.

Council Comments

Councilmember Barbara Traylor Smith did not have any comments.

Councilmember Doody attended the dedication of the Colorado Mesa University (CMU) classroom building with Council President Norris. He commented on what a great collaboration CMU has with the City, the County, and the State. The classroom building is definitely a campus jewel; the City's contribution was \$7 million. During the last three weeks of construction, there was quite a push to get it completed in time for the start of the school year.

Councilmember Chazen attended a Matchett Park meeting on Tuesday, August 12th. The meeting focused on several small changes that need to be made to the Master Plan before it is presented to Council. On August 14th, he went to a Downtown Development Authority (DDA)/Business Improvement District (BID) meeting. The main topic was the BID: its role, organizational changes, and financial sufficiency as it pertains to the BID's upcoming renewal. Councilmember Chazen also attended the Associated Governments in Northwest Colorado (AGNC) meeting on Tuesday, August 19th. The speaker, Stephen Pudlewski, Director of Northern Rockies, discussed pipeline distribution. Councilmember Chazen also had the opportunity to speak to him privately about economic development opportunities in Grand Junction. Mr. Pudlewski and Councilmember Chazen are going to schedule a follow up meeting. On Friday, August 15th, Councilmember Chazen had breakfast with Greg Lanning, Public Works and Utilities Director. He encouraged other Councilmembers to do the same noting the City is very fortunate to have Mr. Lanning.

Councilmember Boeschstein attended Horizon Drive Association Business Improvement District (HDABID) meeting. They are getting ready for and looking forward to the Horizon Drive/I-70 improvements. The HDABID stated it is interested in displaying more public art on Horizon Drive. He has also been going to the Avalon Theatre meetings. The ATF Board continues to raise money through various means; the Paver program, in particular, looks to be a very successful fundraiser. On September 17th at 10:30 a.m., the Avalon will have their "ribbon" cutting ceremony; they

will actually cut film instead of ribbon. Councilmember Boeschstein also went to the Riverfront Commission meeting. They discussed issues surrounding motorized vehicles on the riverfront trails and the dedication of the new trail to Fruita on September 10th at the Walker Wildlife Area. At the Land Trust meeting he attended, they worked on additional conservation easements. Lastly, he wanted to let Council know Trout Unlimited would like the opportunity to speak to them about some issues.

Councilmember McArthur went with Trent Prall, Public Works Engineer, to the Leach Creek detention pond and areas around it to see the drainage issues. He also saw where a manhole cover had been forced off by the pressure built up from the force of the drainage flow. These drainage issues need to be addressed in the future years.

Citizen Comments

Bruce Lohmiller, 445 Chipeta Avenue, #25, stated he is still having problems with the Statute of Limitations. He also wanted to mention Congressman Tipton spoke about having congressional hearings on the Veterans Administration; he was notified by the Secretary of State that he has been confirmed as a write-in candidate for Mesa County Sheriff; and he has asked some gentlemen to speak to the Council about camping at Whitman Park and asked Council to please make them feel welcome.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1 through #6 and then moved to adopt the Consent Calendar as read (item #4 was pulled). Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of the Previous Meetings**

Action: Approve the Summary of the August 4, 2014 Workshop and the Minutes of the August 6, 2014 Regular Meeting

2. **Setting a Hearing on Amendments to the Grand Junction Municipal Code Adopting Rules and Regulations Regarding the Possession/Use of Alcohol, Marijuana, and Drug Paraphernalia by a Minor**

In 2013, the State legislators modified the possible penalties concerning the possession, consumption, and use of marijuana by anyone, including those under the age of 21 years. The City of Grand Junction passed an ordinance in 2013 to be consistent with those state laws and penalties.

Over this past year, the legislators reviewed again the laws specifically related to minors (persons under 21 years of age) regarding marijuana and alcohol. The State has enacted new laws and this ordinance is proposed to be consistent with the state laws and penalties. In addition, the proposed ordinance will make the penalties for alcohol and marijuana violations for minors the same. Under the present law, a minor is treated more harshly for possessing or consuming alcohol.

Proposed Ordinance Amending Sections 9.04.220, 9.04.230, and 9.04.240 of the Grand Junction Municipal Code Regarding Alcohol, Marijuana, Drug Paraphernalia, and Persons Under the Age of 21 Years

Action: Introduce a Proposed Ordinance and Set a Public Hearing for September 3, 2014

3. **Setting a Hearing on Amending the 12th Street Medical Plaza and Hospice Care Planned Development and Amend the Comprehensive Plan Future Land Use Map, Located at 3030, 3040, 3045, and 3050 N. 13th Street** [File #PLD-2014-115 and CPA-2014-116]

Request approval to amend the 12th Street Medical Plaza and Hospice Care Planned Development (HopeWest PD) to include four additional lots, zoning the four lots to PD (Planned Development) with a default zone of B-1 (Neighborhood Business) and also to amend the Comprehensive Plan from Residential Medium (4 - 8 du/ac) to Business Park Mixed Use for three of the four lots, Located at 3030, 3040, 3045, 3050 N. 13th Street and 3090, 3150 N. 12th Street. The proposed Resolution to amend the Comprehensive Plan will be considered with the second reading of the rezone ordinance.

Proposed Ordinance Amending the 12th Street Medical Plaza and Hospice Care Planned Development to Include Additional Land Area and Zoning the Additional Land Area PD (Planned Development) with a Default B-1 (Neighborhood Business) Zone District to be known as the HopeWest and Primary Care Partners Planned Development, Located at 3030, 3040, 3045, and 3050 N. 13th Street

Action: Introduce a Proposed Ordinance and Set a Public Hearing for September 17, 2014

4. **Outdoor Dining Lease for Mesa Theater and Club, LLC, Located at 538 Main Street - PULLED**

Mesa Theater and Club, LLC, is purchasing the Mesa Theater property and business located at 538 Main Street from the current owner Mesa Theater and

Lounge, LLC. As a new business entity, Mesa Theater and Club, LLC, is requesting a first-time Outdoor Dining Lease for an area measuring 350 square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The outdoor dining area comprises the same enclosed sidewalk dining area that is currently occupied by Mesa Theater and Lounge, LLC.

Resolution No. 26-14-A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Mesa Theater and Club, LLC dba Mesa Theater and Club

Action: Adopt Resolution No. 26-14

5. **Mailing Services for City of Grand Junction**

This request is for contract services for regular daily pickup mailing services to be provided for the City of Grand Junction departments/divisions.

Action: Authorize the Purchasing Division to Enter into a Contract with Mail Managers, Inc. to Provide Regular Daily Pickup Mailing Services in the Estimated Annual Amount of \$69,114

6. **24 ½ Road Deceleration Lane at the Grand Valley Transit Transfer Site**

This request is to award a construction contract for the road improvements along 24½ Road, north of Patterson Road, at the new Grand Valley Transit transfer site.

Action: Authorize the City Purchasing Division to Enter into a Contract with Sorter Construction of Grand Junction, CO for the 24 ½ Road Deceleration Lane at the Grand Valley Transit Transfer Facility in the Amount of \$84,523

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase of Digester Mixing System Equipment for the Persigo Wastewater Treatment Plant

This request is to approve a sole source purchase of digester mixing equipment from Ovivo USA, LLC, to replace and upgrade 30 year-old mixing equipment at the Persigo Wastewater Treatment Plant. A sole source is required because only one vendor provides this unique equipment.

Greg Lanning, Public Works and Utilities Director, presented this item. He explained what a digester system does at the Persigo Plant; it reduces the solids and also produces the

methane gas that will be used as biogas. During maintenance it was discovered that the lid and the mixer were in need of repair. It was deemed best to buy new equipment rather than fix old outdated equipment. They conducted an evaluation on what the best equipment would be for the plant. This particular equipment is only sold by this company and has a long lead time for manufacture (18 weeks), thus the reason and timing for a sole source request. Placing the order now will enable the City to install the equipment next year. Although the request for these funds was not anticipated, they are available in the reserve, which has a balance of \$2.5 million. The estimated cost for the lid repair, equipment, and installation is \$225,000; the cost for just the new equipment is \$143,335.

Councilmember Traylor Smith noted the projected life span of the new digester is 50 years and asked what the life span of the current equipment is and how many years has it been in use. Mr. Lanning said the current digester was constructed and installed in 1984, but he did not know the anticipated life span of the current equipment. Councilmember Traylor Smith remarked that the projected life span of the current digester must have been longer than it has lasted since this project is not on the current replacement schedule.

Councilmember Chazen noted digester maintenance inspections have discovered other needed repairs and replacements and asked if there has been an unexpected replacement pattern developing that would require increased inspections. Mr. Lanning said there are other things that are deteriorating such as the big domes. The operators take great pride keeping the equipment going. However, a feasibility study would be helpful to determine the expected life of the equipment in order to better anticipate and budget for future repair and replacement costs.

Councilmember Chazen said he was not looking for an answer at this time, but wanted to further discuss the issue with the goal of maintaining the sufficiency of the reserves.

Councilmember Traylor Smith moved to authorize the City Purchasing Division to purchase vertical linear motion mixing equipment from Ovivo USA, LLC in the amount of \$143,335. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Change Order for the 2014 Asphalt Overlay Project

The City has contracted with United Companies for the 2014 Street Overlay. Additional work has been identified to: 1. Repair a section of Highway 50 for Colorado Department of Transportation (CDOT); 2. Repair the bridge approaches along the Riverside Parkway at the Union Pacific Railroad (UPRR) and Highway 50 crossings; and 3. Overlay a section of 15th Street from Orchard Avenue to the Grand Valley Irrigation Company (GVIC) Canal.

Greg Lanning, Public Works and Utilities Director, presented this item. He explained the three areas to be added to this contract. The first section will be reimbursed by CDOT. The next two are the repair of the bridge approaches along Riverside Parkway; \$200,000 was carried forward from last year for these repairs. In the meantime, they found a simpler and less expensive solution to these repairs, which will cost \$91,735. By virtue of those savings, they would like to move up the overlay for 15th Street now that the sewer has been replaced. The cost of this overlay will be \$86,623. He enumerated the amount of the change order.

Councilmember Chazen wanted to clarify that, even with the additions, the project will still come in under budget. Mr. Lanning confirmed the savings.

Council President Norris asked if the 15th Street overlay was at the top of priority list for next year. Mr. Lanning answered it is.

Councilmember Chazen moved to authorize the Purchasing Division to amend the contract by change order with Oldcastle SW Group, Inc. dba United Companies in the amount of \$199,947.25. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 7:45 p.m.

Stephanie Tuin, MMC
City Clerk



Date: August 22, 2014
 Author: Eileen Gers
 Title/ Phone Ext: Pretreatment
 Supervisor, 256-4164
 Proposed Schedule: September 3
 2nd Reading
 (if applicable): November 5
 File # (if applicable): _____

Attach 2
CITY COUNCIL AGENDA ITEM

Subject: Amending Industrial Pretreatment Regulations Regarding Limits for Metals in Industrial Wastewater Discharge
Action Requested/Recommendation: Introduction of a Proposed Ordinance and Set a Hearing for November 5, 2014
Presenter(s) Name & Title: Greg Lanning, Public Works and Utilities Director John Shaver, City Attorney

Executive Summary: Reductions in metals discharged to the Persigo Wastewater Treatment Facility are necessary to meet State and Federal wastewater discharge permit requirements. Federal regulations require a City Council reading of the proposed changes to the Code, public notice by the US Environmental Protection Agency, and final approval in a hearing.

Background, Analysis and Options:

The US Environmental Protection Agency (USEPA) and the Colorado Department of Public Health and Environment (CDPHE) require approved Industrial Pretreatment Program municipalities, such as Grand Junction, to enforce and periodically update the Mass Based Local Limits for Metals.

Title 13 of the Grand Junction Municipal Code (GJMC) Section 13.04.370 (d) Specific Discharge Limitations: Mass Based Local Limits for Metals reflects the total pounds of metals per day that can be allocated safely to all permitted Significant Industrial Users and other Industrial Users by the City without causing harm to the Persigo Wastewater Treatment Facility (Persigo). The City includes each permitted industry’s specific metals allocation in the Industrial User’s Discharge Permit.

The City is decreasing the amount of total pounds of metal per day available to Industrial Users due to stringent discharge standards at Persigo. The stringent limits are due to Persigo’s wastewater discharge to Persigo Wash and the Colorado River, which are designated critical aquatic habitat under the federal Endangered Species Act to protect four fish species. It is not anticipated that the metals reduction will result in any impacts to permitted Industrial Users, based on historical monitoring data.

USEPA requires Persigo to have an Industrial Pretreatment Program to prevent certain pollutants from entering the wastewater system. The pollutants of concern are those that can interfere with the operation of the wastewater treatment process, pass through the wastewater treatment system without adequate treatment or contaminate treatment plant biosolids.

The City Industrial Pretreatment program was delegated approval authority from USEPA in 1984. The initial version of the City's Pretreatment Regulations were included in the City's Wastewater Code and approved by USEPA at that time. There are currently over 5,000 local businesses included in the Pretreatment Program's database and City Industrial Discharge Permits are issued to 18 industries and 12 waste haulers.

Persigo received its renewed State of Colorado Discharge Permit (Permit) in 2011. The Permit included stringent end-of-pipe wastewater quality discharge standards due to discharge into Persigo Wash and the Colorado River.

The 2011 Permit required the City to perform an evaluation of the City's local limits for metals for arsenic, cadmium, chromium, hexavalent chromium, copper, lead, molybdenum, mercury, nickel, selenium, silver and zinc, based on the stringent discharge standards. The City performed the local limits for metals evaluation, based on the stringent discharge standards, and is now reducing the total available amount of these metals available to Industrial Users. The only exception is for chromium, where previous illegal chromium discharges from chrome metal plating facilities has decreased due to City Pretreatment and USEPA enforcement actions. Treatment plant removal efficiencies for chromium, as well as the allowable loading, have increased as a result.

Previous local metals limits for hexavalent chromium and molybdenum are also being deleted. Local permitted Industrial Users do not use hexavalent chromium and as a result there is no reasonable potential for local Industrial Users to discharge hexavalent chromium concentrations that would harm Persigo. A molybdenum local limit would only be needed if the City land-applied its sewage biosolids; the City sends the Persigo sewage biosolids directly to the Mesa County landfill and does not land-apply its biosolids.

After City Council's First Reading, the revised Mass Based Local Limits for Metals will be sent to USEPA for formal approval. The final reading and Mass Based Local Limits for Metals revision adoption will take place in about 60 days, after the USEPA provides a 30-day federal public notice of the revisions and addresses all related public comments. Note that USEPA has already performed an informal review of the proposed Mass Based Local Limits for Metals and it met their approval. The Second (Final) Council reading is scheduled to take place on November 5, after the City receives USEPA approval.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

The Persigo Waste Water Treatment Plant provides treatment of waste water for the region. Having a wastewater treatment plant in full compliance with federal and state regulations protects the water quality and natural environment of the Colorado River and helps the City meet its goal of "Becoming the Most Livable Community West of the Rockies."

How this item relates to the Economic Development Plan:

Section 1.4: Providing Infrastructure that Enables and Supports Private Investment

Reducing the Local Limits for Metals enhances the productivity of the Persigo facility by setting metals limits that help protect the treatment plant operational processes.

Board or Committee Recommendation:

Not Applicable.

Financial Impact/Budget:

There are no anticipated financial impacts to regulated industries. There may be increased analytical testing required of regulated industries; this will be determined on an individual basis at the time of individual discharge permit renewal.

Legal issues:

This revision results in full compliance with federal 40 CFR 403 Pretreatment regulations.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This has not been presented or discussed previously.

Attachments:

1. Letter from City Attorney
2. Pretreatment Ordinance with Current and Revised Limits
3. Proposed Ordinance



August 22, 2014

Al Garcia, EPA Region 8 Pretreatment Coordinator
MailCode: 8P-W-WW
1595 Wynkoop
Denver, CO 80202

Re: Industrial Pretreatment -Local Limits for Metals

Dear Mr. Garcia,

Please accept this letter as a statement of my opinion that the proposed revisions to the Grand Junction Municipal Code (GJMC or Code) concerning mass based local limits for metals (attached) is in compliance with applicable law. Specifically it is my opinion that the proposed changes to the GJMC will positively affect the ability of the Persigo Wastewater Treatment Facility to carry out the responsibilities of the Grand Junction Industrial Pretreatment Program in accordance with all applicable federal and state statutory and regulatory requirements.

In accordance with the City Charter and the rights and responsibilities established therein, the City has the legal authority to adopt Codes for the protection of the general health, safety and welfare of the citizens of Grand Junction. The content of the attachment is such a Code.

Following public notice and the required hearings on the proposed Code, the City Council will be duly authorized to adopt the Code. The professional staff of the City, including but not limited to the undersigned, will recommend to the City Council that it approve the proposed Code as written.

Approval of the proposed Code will enhance the commitment of Grand Junction to its Industrial Pretreatment Program and is consistent with the City's CDPS permit.

Should you have any questions or if I may otherwise be of assistance on this or any other matter, please let me know.

OFFICE OF THE CITY ATTORNEY

By: _____
John P. Shaver
City Attorney

Attachment

EXISTING CODE LANGUAGE AND PROPOSED CHANGES

13.04.370 Industrial pretreatment program – Prohibited discharges and limitations

(d) Specific Discharge Limitations - Mass-Based Local Limits.

The following table shows ~~mass loadings reflect~~ the total Maximum Allowable Industrial Load (MAIL) in pounds per day that can be allocated to all Significant Industrial Users and other permitted industrial users ~~by the City~~. The City, at its sole discretion, ~~will establish~~ ~~includes~~ the industry specific allocation in the Industrial User’s Industrial Discharge Permit as a mass or concentration-based limit. ~~It shall be unlawful for any permitted Significant Industrial User or other Industrial User to discharge or cause to be discharged any waste or wastewater that exceeds the allocations established by the City.~~

Pollutant	Pounds Per Day
Arsenic	12.300 0.86
Cadmium	3.057 0.49
Chromium (Total)	67.685 89.92
Chromium (VI)	2.960
Copper	41.350 12.28
Lead	14.095 6.57
Molybdenum	7.652
Mercury	0.026 0.019
Nickel	23.937 9.07
Selenium	0.278 0.14
Silver	3.015 1.83
Zinc	104.246 53.4

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 13.04.370 (D) OF THE GRAND JUNCTION MUNICIPAL CODE PERTAINING TO INDUSTRIAL PRETREATMENT REGULATIONS CONCERNING MASS-BASED LOCAL LIMITS

RECITALS:

The United States Environmental Protection Agency (USEPA) requires the City's Persigo Wastewater Treatment Facility to have an Industrial Pretreatment Program to prevent certain pollutants from entering the wastewater system. The pollutants of concern are those that can interfere with the operation of the wastewater treatment process, pass through the wastewater treatment system without adequate treatment or contaminate treatment plant biosolids.

The City's Wastewater and Industrial Pretreatment Regulations in Section 13.04.370 (d) of the Grand Junction Municipal Code (Code) is being amended to comply with federal Pretreatment requirements.

In compliance with the USEPA Pretreatment requirements and with USEPA approval, City staff has made the required revisions relating to Industrial Pretreatment to the Grand Junction Municipal Code and now requests that the City Council approve the proposed changes to the Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

1. Section 13-04.370 (d) is hereby amended to read as follows:

(d) Specific Discharge Limitations - Mass-Based Local Limits.

The following table shows the total Maximum Allowable Industrial Load (MAIL) in pounds per day that can be allocated to all Significant Industrial Users and other permitted Industrial Users. The City, at its sole discretion, will establish the industry specific allocation in the Industrial User's Industrial Discharge Permit as a mass or concentration-based limit. It shall be unlawful for any Significant Industrial User or other permitted Industrial User to discharge or cause to be discharged any waste or wastewater that exceeds the allocations established by the City.

Pollutant	Total Maximum Allowable Industrial Load (lbs/day)
Arsenic	0.86
Cadmium	0.49
Chromium	89.92

Copper	12.28
Lead	6.57
Mercury	0.019
Nickel	9.07
Selenium	0.14
Silver	1.83
Zinc	53.4

Introduced on first reading this _____ day of _____, 2014 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2014 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk



Date: August 21, 2014
 Author: Jerod Timothy
 Title/ Phone Ext: Project Manager,
ext. 1565
 Proposed Schedule: Sept. 3, 2014
 2nd Reading (if applicable): N/A
 File # (if applicable): N/A

Attach 3

CITY COUNCIL AGENDA ITEM

Subject: Contract for the 27 and H Road Bridge Deck Replacement Project
Action Requested/Recommendation: Authorize the City Purchasing Division to Enter into a Contract with G.A. Western Construction Co. of Palisade, CO for the 27 and H Road Bridge Deck Replacement Project in the Amount of \$70,100.50
Presenter(s) Name & Title: Greg Lanning, Public Works and Utilities Director Jay Valentine, Internal Services Manager

Executive Summary:

This request is to award a construction contract for the replacement of the existing bridge deck crossing the Government Highline Canal located approximately 75' east of 27 and H Road. This contract shall include the removal and replacement of the deteriorating steel decking material and pave the surface with hot mix asphalt.

Background, Analysis and Options:

The existing bridge deck has met or exceeded the design service life and will be replaced with 10 gauge galvanized corrugated steel and hot mix asphalt. Inspection of the existing bridge deck has revealed significant rusting along with transverse cracking in asphalt most likely due to loose decking.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. One company submitted a formal bid, which was found to be responsive and responsible in the following amount:

Firm	Location	Amount
G.A. Western Construction Co.	Palisade, CO	\$84,830.00

The pricing received from the contractor was over the established budget amount of \$70,000. After negotiations with the contractor and itemized line item adjustments, the requested approval contract price is \$70,100.50.

This project is scheduled to begin early October 2014 with an expected final completion date of November 1, 2014.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

There is \$70,000 budgeted in the $\frac{3}{4}$ sales tax capital improvement fund to complete this project. The additional amount of \$100.50 will be requested from the City Manager Contingency account.

Legal issues:

There are no known legal issues with the procurement; following approval standard contracts will be executed.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This project was discussed during budget development.

Attachments:

Vicinity Map



Paradise Hills

Bridge to be

H Road

27 Road

Government Highline

BRIDGE DECK REPLACEMENT GRJ-H-27.01A



Date: August 21, 2014
 Author: Kristen Ashbeck
 Title/ Phone Ext: Community Services Coordinator / x1491
 Proposed Schedule: Approval September 3, 2014; Execute agreement following approval
 File: CDBG 2014-09

Attach 4
CITY COUNCIL AGENDA ITEM

<p>Subject: CDBG Subrecipient Contract with the Grand Junction Housing Authority for Previously Allocated Funds within the 2014 Community Development Block Grant (CDBG) Program Year</p>
<p>Action Requested/Recommendation: Authorize the City Manager to Sign the Subrecipient Contract with the Grand Junction Housing Authority for \$50,000 for the City’s 2014 CDBG Program Year Funds</p>
<p>Presenter(s) Name & Title: Kristen Ashbeck, Community Services Coordinator/CDBG Administrator</p>

Executive Summary: The Subrecipient Contract formalizes the City’s award of \$50,000 to the Grand Junction Housing Authority allocated from the City’s 2014 CDBG Program as previously approved by Council. The grant funds will be used to rehabilitate 78 housing units in the Walnut Park Apartments complex.

Background, Analysis and Options:

CDBG 2014-09 GJHA Walnut Park Apartments Rehabilitation

The Grand Junction Housing Authority (GJHA) owns and manages the 90-unit Walnut Park Apartments located at 2236 North 17th Street which provides housing for elderly and disable persons. CDBG funds in the amount of \$50,000 will be used to repair roofs and purchase and install new evaporative coolers in the 78 older units in the complex that were constructed in the 1970s. GJHA will leverage \$125,000 from other funding sources for this project.

GJHA is considered a “subrecipient” to the City. The City will “pass through” a portion of its 2014 CDBG Program Year funds to GJHA but the City remains responsible for the use of these funds. The contract outlines the duties and responsibilities of the agency and ensures that the subrecipient complies with all Federal rules and regulations governing the use of these funds. The contract must be approved before the subrecipient may obligate or spend any of these Federal funds. Exhibit A of the contract (Attachment 1) contains the specifics of the project and how the money will be used by the subrecipient.

How this item relates to the Comprehensive Plan Goals and Policies:

This project funded through the 2014 CDBG program year allocation addresses steps towards the City’s Comprehensive Plan Goal listed below:

Goal 5: Provide a Broader Mix of Housing Types: The CDBG project discussed above will help the GJHA continue to provide affordable, multifamily housing to elderly and disabled persons in our community.

Board or Committee Recommendation: There is no board or committee review of this request.

Financial Impact/Budget: Previously approved 2014 CDBG Program Year Budget

Legal issues: Funding is subject to Subrecipient Contract. The City Attorney has reviewed and approved the form of agreement.

Other issues: There are no other issues regarding this request.

Previously presented or discussed: City Council discussed and approved the allocation of CDBG funding for this project at its May 21, 2014 meeting.

Attachments:

1. Exhibit A, Subrecipient Contract – GJHA Walnut Park Apartments Rehabilitation

**2014 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH
*Grand Junction Housing Authority***

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, \$50,000.00 from its 2014 Program Year CDBG Entitlement Funds for the rehabilitation of 78 housing units located at the Walnut Park Apartments owned and managed by the Grand Junction Housing Authority (GJHA) at 2236 North 17th Street in Grand Junction, Colorado ("Property") primarily to repair roofs and replace evaporative coolers to improve energy efficiency of the buildings. The units are occupied by elderly and disabled persons.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income clientele benefit (570.201(c)). It shall meet this objective by providing the above-referenced housing to low/moderate income persons in Grand Junction, Colorado.
3. The project consists of capital construction/improvement to the existing housing units in the Walnut Park Apartments complex located at 2236 North 17th Street. CDBG funds will be used to upgrade 78 of the units including roof repair and purchase and installation of new evaporative coolers. The Property is currently owned and managed by the Grand Junction Housing Authority which will continue to manage the complex. It is understood that the City's grant of \$50,000 in CDBG funds shall be used only for the remodel improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2014 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before June 30, 2015.
5. The total project budget for the project is estimated to be \$175,000. The specific improvements to the Walnut Park Apartments located at 2236 North 17th Street to be funded with CDBG include: roof repairs and purchase and installation of new evaporative coolers.
6. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

_____ GJHA

_____ City of Grand Junction

7. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
8. During a period of five (5) years following the date of completion of the project the use of the Property improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the City's \$50,000 CDBG contribution. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.
9. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
10. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
11. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ GJHA

_____ City of Grand Junction



Date: 07-28-14
 Author: Jamie B. Beard
 Title/ Phone Ext: Assistant City Attorney/4032
 Proposed Schedule: August 20, 2014
 2nd Reading (if applicable):
September 3, 2014
 File # (if applicable): _____

Attach 5
CITY COUNCIL AGENDA ITEM

<p>Subject: Amendments to the Grand Junction Municipal Code Adopting Rules and Regulations Regarding the Possession/Use of Alcohol, Marijuana, and Drug Paraphernalia by a Minor</p>
<p>Action Requested/Recommendation: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance</p>
<p>Presenter(s) Name & Title: John Shaver, City Attorney</p>

Executive Summary:

In 2013, the State legislators modified the possible penalties concerning the possession, consumption, and use of marijuana by anyone, including those under the age of 21 years. The City of Grand Junction passed an ordinance in 2013 to be consistent with those State laws and penalties.

Over this past year, the legislators reviewed again the laws specifically related to minors (persons under 21 years of age) regarding marijuana and alcohol. The State has enacted new laws and this ordinance is proposed to be consistent with the State laws and penalties. In addition, the proposed ordinance will make the penalties for alcohol and marijuana violations for minors the same. Under the present law, a minor is treated more harshly for possessing or consuming alcohol.

Background, Analysis and Options:

Last year, the State eliminated the possibility of a minor being incarcerated for possession and/or consumption of marijuana in amounts of 2 ounces or less. The State has now eliminated the possibility of incarceration for possession and/or consumption of alcohol for minors, except in incidences such as driving under the influence. Rather than focusing on penalizing the minor, the focus is geared to educating the minor on the dangers of early use of marijuana and alcohol and to encourage healthy choices through education once the minor is of legal age to consume marijuana and alcohol.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

The City criminal rules and regulations regarding minors and marijuana will be consistent with those that are applied throughout the County.

Board or Committee Recommendation:

None

Financial Impact/Budget:

Nominal change. Less fines may be collected, but administrative costs will also be reduced with less supervision required for the sentencing requirements.

Legal issues:

The City Attorney has prepared the ordinance, reviewed, and approved the proposed amendments.

Other issues:

None

Previously presented or discussed:

First Reading of the Ordinance was August 20, 2014.

Attachments:

Exhibit A - Illustrated Changes to GJMC Sections 9.04.220, 9.04.230, and 9.04.240
Proposed Ordinance

EXHIBIT A

The following is an illustration of proposed changes. Items deleted are shown with a strikethrough. Items added are shown underlined.

9.04.220 Purchase, possession, consumption or sale of alcohol by or to persons under the age of 21.

(a) Definitions.

(1) Alcoholic beverage, as used in this section, shall mean any vinous, spirituous or malt liquor and/or any fermented malt beverage, including 3.2 percent beer, of any kind and in any quantity.

(2) Minor, as used in this section and sections 9.04.230 and 9.04.240, is a person under the age of 21 years.

(3) "Conviction of a second offense, third offense or subsequent offense" shall mean a conviction for violating this section, section 9.04.230, or section 9.04.240 or any combination of these three sections on more than one occasion.

(b) Providing Alcohol to Minor.

(1) It shall be unlawful for any person to knowingly sell, serve, give away, dispose of, exchange or deliver, or to permit the sale, serving, giving or procuring of any alcoholic beverage to or for anyone under the age of 21 years.

(2) It shall be unlawful for any person to knowingly permit any person under the age of 21 years to violate subsections (c)(1), (c)(2) or (d) of this section.

(c) Purchase of Alcohol by Minor.

(1) It shall be unlawful for any person under the age of 21 years to obtain or attempt to obtain any alcoholic beverage by misrepresentation of age or any other method in any place selling or providing alcoholic beverages.

(2) It shall be unlawful for any person under the age of 21 years to purchase any alcoholic beverage.

(d) Possession or Consumption of Alcohol by Minor. It shall be unlawful for a person under the age of 21 years to possess or consume any alcoholic beverage.

(e) Defenses, Exceptions.

(1) It shall be an affirmative defense to any violation of this section that the person under the age of 21 years was participating in a religious ceremony or practice, or was participating in a supervised and bona fide investigation conducted by a law enforcement agency, or that the conduct was permitted by Articles 46 and/or 47 of Title 12, Colorado Revised Statutes.

(2) Nothing in this section shall prohibit any person under the age of 21 from possessing or consuming any alcoholic beverage in the ~~their own residence~~ home of the minor's parent(s) or legal guardian with the knowledge and permission of, and in the presence and under the supervision of, the ~~their minor's natural~~ parent(s) or legal guardian, nor to prohibit any ~~natural~~ parent or legal guardian from providing any alcoholic beverage to their minor child(ren) in their own residence.

(3) It shall be an affirmative defense if the minor establishes the following:

(i) The minor called 911 and reported in good faith that another minor person was in need of medical assistance due to alcohol or marijuana consumption;

(ii) The minor provided the minor's name to the 911 operator;

(iii) The minor was the first person to make the 911 report; and

(iv) After making the 911 call, the minor remained on the scene with the other minor person needing medical assistance until the assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

(f) Evidence.

(1) Prima facie evidence of a violation of this section shall consist of:

(i) Evidence that the person is under 21 years of age and possessed or consumed an alcoholic beverage anywhere in the City; or

(ii) Evidence that the person was under the age of 21 years and manifested any of the characteristics commonly associated with intoxication or impairment from consuming an alcoholic beverage anywhere in the City.

(2) During any trial for a violation of this section, any bottle, can, or any other container with labeling indicating the contents of such bottle, can, or container shall be admissible into evidence, and the information contained on any such label on such bottle, can, or other container shall be admissible into evidence and shall not constitute hearsay. A label which identifies the contents of any bottle, can, or other container as "beer," "ale," "malt beverage," "fermented malt," "malt liquor," "wine," "champagne," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "rum," "alcohol," or "liquor" shall constitute prima facie evidence that the contents of the bottle, can, or other container was composed in whole or in part of alcohol.

(fg) Penalties.

(1) Each violation of subsection (b)(1) or (b)(2) of this section (providing alcohol to a minor) shall be punishable by a fine of up to \$1,000, useful public service, up to 30 days in jail, or any combination thereof, in the discretion of the Court.

(2) Each violation of subsection (c)(1), (c)(2) or (d) of this section (purchase, possession or consumption of alcohol by a minor) shall be punishable as follows: by useful public service, suspension of driver's license, alcohol education classes, alcohol evaluation and treatment, fines, or any combination of these in the discretion of the Court, subject to the following:

(i) Upon conviction of a first offense, the court shall sentence the minor to a fine of not more than \$100.00, or the court shall order the minor to complete a substance abuse education program, or both. Useful public service of no less than 24 hours for any single offense shall be imposed.

(ii) Upon conviction of a second offense, the court shall sentence the minor to a fine of not more than \$100.00, and the court shall order the minor to:

a. Complete a substance abuse education program;

b. If determined necessary and appropriate, submit to a substance abuse assessment and complete any treatment recommended by the assessment; and

c. Perform up to 24 hours of useful public service.

~~Driver's license shall be suspended for a period of three months for a first offense and up to one year for subsequent offenses.~~

(iii) Upon conviction of a third or subsequent offense, the court shall sentence the minor to a fine of up to \$250.00 and the court shall order the minor to:

a. Submit to a substance abuse assessment and complete any treatment recommended by the assessment;

b. Perform up to thirty-six hours of useful public service.

~~for a first offense, up to \$500.00 for a second offense and up to \$1,000 for a third offense may be imposed. Fines may be suspended on the condition of timely completion of useful public service and alcohol classes or treatment. This subsection (f)(2)(iii) shall not limit the discretion of the Court to suspend fines for other reasons it deems appropriate. It is the intention of the City Council in adopting this subsection (f)(2)(iii) to establish a preference for useful public service, alcohol education and/or treatment over fines.~~

~~(3) Each violation of subsection (c)(1), (c)(2) or (d) of this section (purchase, possession or consumption of alcohol by a minor) by a person who is 18 years of age or older may be punishable by up to 30 days in jail, in combination with or in lieu of any penalties set forth in subsection (f)(2) of this section in the discretion of the Court.~~

~~(4) "First offense," "second offense," "third offense" and further offenses shall be defined as including any prior municipal alcohol or drug related possession or consumption offense(s).~~

~~(5) Aggravating factors for sentence enhancement include but shall not be limited to the following factor(s):~~

~~(i) Prior conviction(s) for minor in possession or consumption of alcohol or marijuana;~~

~~(ii) Prior conviction(s) for possession, consumption, or distribution of alcohol or other unlawful drugs (including prescription drugs);~~

~~(iii) Prior conviction(s) for driving under the influence of alcohol, driving while impaired by alcohol and other motor vehicle offense(s) involving the use of alcohol and drugs; and~~

~~(iv) Lack of cooperation by the defendant, including poor attitude and/or aggressive or hostile demeanor.~~

9.04.230 Purchase, possession, consumption of marijuana by persons under the age of 21.

(a) It shall be unlawful for any person under the age of 21 years to purchase, transfer, dispense, or possess two ounces or less of marijuana, and/or to consume any quantity of marijuana, except as allowed for medicinal purposes.

(b) It shall be unlawful for any person under the age of 21 years to openly and publicly display, consume, or use two ounces or less of marijuana.

(c) **Defense, exception.** It shall be an affirmative defense if the minor establishes the following:

(1) The minor called 911 and reported in good faith that another minor person was in need of medical assistance due to alcohol or marijuana consumption;

(2) The minor provided the minor's name to the 911 operator;

(3) The minor was the first person to make the 911 report; and

(4) After making the 911 call, the minor remained on the scene with the other minor person needing medical assistance until the assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

(d) **Evidence.**

(1) Prima facie evidence of a violation of this section shall consist of:

(i) Evidence that the person is under 21 years of age and possessed or consumed marijuana anywhere in the City; or

(ii) Evidence that the person was under the age of 21 years and manifested any of the characteristics commonly associated with intoxication or impairment from consuming marijuana anywhere in the City.

(2) During any trial for a violation of this section, any bottle, can, or any other container with labeling indicating the contents of such bottle, can, or container shall be admissible into evidence, and the information contained on any such label on such bottle, can, or other container shall be admissible into evidence and shall not constitute hearsay. A label which identifies the contents of any bottle, can, or other container as "marijuana," "marihuana," "cannabis," "cannabinoid," "tetrahydrocannabinol," or "THC" shall constitute prima facie evidence that the contents of the bottle, can, or other container was composed in whole or in part of marijuana.

(ee) Penalties. Each violation of subsection (a) or (b) of this section shall be punishable as follows

(1) Upon conviction of a first offense of either subsection, the court shall sentence the minor to a fine of not more than \$100.00, or the court shall order the minor to complete a substance abuse education program, or both.

(2) Upon conviction of a second offense of either subsection, the court shall sentence the minor to a fine of not more than \$100.00, and the court shall order the minor to:

(i) Complete a substance abuse education program;

(ii) If determined necessary and appropriate, submit to a substance abuse assessment and complete any treatment recommended by the assessment; and

(iii) Perform up to 24 hours of useful public service.

(3) Upon conviction of a third or subsequent offense of either subsection, the court shall sentence the minor to a fine of up to \$250.00 and the court shall order the minor to:

(i) Submit to a substance abuse assessment and complete any treatment recommended by the assessment;

(ii) Perform up to thirty-six hours of useful public service.

~~(1) Each violation of subsection (a) of this section shall be punishable by a fine up to \$100.00. At the discretion of the Court, the fine may be suspended as the Court deems appropriate with completion of drug education and/or treatment.~~

~~(2) Each violation of subsection (b) of this section shall be punishable by a fine up to \$100.00 and up to 24 hours of useful public service. At the discretion of the Court, the fine and useful public service may be suspended as the Court deems appropriate with completion of drug education and/or treatment.~~

9.04.240 Possession and purchase of drug paraphernalia by persons under the age of 21 years.

(a) It shall be unlawful for any person under the age of 21 years to knowingly purchase or possess drug paraphernalia.

(b) *Drug paraphernalia* as used in this section shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing marijuana into the human body ~~in violation of this section~~, including but not limited to:

- (1) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of marijuana ~~in violation of this section~~;
- (2) Scales and balances used, intended for use, or designed for use in weighing or measuring marijuana ~~in violation of this section~~;
- (3) Separation gins or sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana ~~in violation of this section~~;
- (4) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding marijuana with other substances, including but not limited to foods;
- (5) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of marijuana;
- (6) Containers and other objects used, intended for use, or designed for use in storing or concealing marijuana; or
- (7) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana into the human body, such as:
 - (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (ii) Water pipes;
 - (iii) Carburetion tubes and devices;
 - (iv) Smoking and carburetion masks;
 - (v) Roach clips, meaning objects used to hold a burning marijuana cigarette that has become too small or too short to be held in the hand;
 - (vi) Chamber pipes;
 - (vii) Carburetor pipes;
 - (viii) Electric pipes;
 - (ix) Air-driven pipes;

- (x) Chillums;
- (xi) Bongs;
- (xii) Ice pipes or chillers.

(c) In determining whether an object is drug paraphernalia, a court, in its discretion, may consider, in addition to all other relevant factors, the following:

- (1) Statements by the owner or by anyone in control of the object concerning its use;
- (2) The proximity of the object to marijuana;
- (3) The existence of any residue of marijuana on the object;
- (4) Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person unreasonably should know, that it will be delivered to persons who he knows or reasonably should know, could use the object to facilitate a violation of this section;
- (5) Instructions, oral or written, provided with the object concerning its use, which shall be admissible and shall not constitute hearsay;
- (6) Descriptive materials accompanying the object which explain or depict its use, which shall be admissible and shall not constitute hearsay;
- ~~(7) National or local advertising concerning its use, which shall be admissible and shall not constitute hearsay;~~
- (8) The manner in which the object is displayed;
- (9) Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;
- (10) The existence and scope of legal uses for the object in the community;
- (11) Expert testimony concerning its use.

(d) In the event a case brought pursuant to this section is tried before a jury, the Court shall hold an evidentiary hearing on issues raised pursuant to this section. Such hearing shall be conducted in camera.

(e) **Defense, exception.** It shall be an affirmative defense if the minor establishes the following:

- (1) The minor called 911 and reported in good faith that another minor person was in need of medical assistance due to alcohol or marijuana consumption;

(2) The minor provided the minor's name to the 911 operator;

(3) The minor was the first person to make the 911 report; and

(4) After making the 911 call, the minor remained on the scene with the other minor person needing medical assistance until the assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

(fe) Penalties.- Each violation of this section shall be punishable as follows

(1) Upon conviction of a first offense of either subsection, the court shall sentence the minor to a fine of not more than \$100.00, or the court shall order the minor to complete a substance abuse education program, or both.

(2) Upon conviction of a second offense of either subsection, the court shall sentence the minor to a fine of not more than \$100.00, and the court shall order the minor to:

(i) Complete a substance abuse education program;

(ii) If determined necessary and appropriate, submit to a substance abuse assessment and complete any treatment recommended by the assessment; and

(iii) Perform up to 24 hours of useful public service.

(3) Upon conviction of a third or subsequent offense of either subsection, the court shall sentence the minor to a fine of up to \$250.00 and the court shall order the minor to:

(i) Submit to a substance abuse assessment and complete any treatment recommended by the assessment;

(ii) Perform up to thirty-six hours of useful public service.

Any person who violates this section shall be punished by a fine of not more than \$100.00.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 9.04.220, 9.04.230, AND 9.04.240 OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING ALCOHOL, MARIJUANA, DRUG PARAPHERNALIA, AND PERSONS UNDER THE AGE OF 21 YEARS

RECITALS:

The City Council of the City of Grand Junction has reviewed and approved changes to Sections 9.04.220, 9.04.230, and 9.04.240 of the City of Grand Junction's Code of Ordinances relating to possession, consumption, transferring, dispensing and use of alcohol, two ounces or less of marijuana, and/or drug paraphernalia by persons under the age of 21 years within the City. The City Council found the changes as proposed are beneficial to the health, safety, and welfare of the citizens of the community.

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

Sections 9.04.220, 9.04.230, and 9.04.240 of the Grand Junction Municipal Code are hereby amended as follows:

9.04.220 Purchase, possession, consumption or sale of alcohol by or to persons under the age of 21.

(a) Definitions.

- (1) *Alcoholic beverage*, as used in this section, shall mean any vinous, spirituous or malt liquor and/or any fermented malt beverage, including 3.2 percent beer, of any kind and in any quantity.
- (2) *Minor*, as used in this section and sections 9.04.230 and 9.04.240, is a person under the age of 21 years.
- (3) "Conviction of a second offense, third offense or subsequent offense" shall mean a conviction for violating this section, section 9.04.230, section 9.04.240, or any combination of these three sections on more than one occasion, or convictions of any other drug or alcohol violation(s) in this court or any other court.

(b) Providing Alcohol to Minor.

- (1) It shall be unlawful for any person to knowingly sell, serve, give away, dispose of, exchange or deliver, or to permit the sale, serving, giving or procuring of any alcoholic beverage to or for anyone under the age of 21 years.
- (2) It shall be unlawful for any person to knowingly permit any person under the age of 21 years to violate subsections (c)(1), (c)(2) or (d) of this section.

(c) **Purchase of Alcohol by Minor.**

(1) It shall be unlawful for any person under the age of 21 years to obtain or attempt to obtain any alcoholic beverage by misrepresentation of age or any other method in any place selling or providing alcoholic beverages.

(2) It shall be unlawful for any person under the age of 21 years to purchase any alcoholic beverage.

(d) **Possession or Consumption of Alcohol by Minor.** It shall be unlawful for a person under the age of 21 years to possess or consume any alcoholic beverage.

(e) **Defenses, Exceptions.**

(1) It shall be an affirmative defense to any violation of this section that the person under the age of 21 years was participating in a religious ceremony or practice, or was participating in a supervised and bona fide investigation conducted by a law enforcement agency, or that the conduct was permitted by Articles 46 and/or 47 of Title 12, Colorado Revised Statutes.

(2) Nothing in this section shall prohibit any person under the age of 21 from possessing or consuming any alcoholic beverage in the residence of the minor's parent(s) or legal guardian with the knowledge and permission of, and in the presence and under the supervision of, the minor's parent(s) or legal guardian, nor to prohibit any parent or legal guardian from providing any alcoholic beverage to their minor child(ren) in their own residence.

(3) It shall be an affirmative defense if the minor establishes the following:

(i) The minor called 911 and reported in good faith that another minor person was in need of medical assistance due to alcohol or marijuana consumption;

(ii) The minor provided the minor's name to the 911 operator;

(iii) The minor was the first person to make the 911 report; and

(iv) After making the 911 call, the minor remained on the scene with the other minor person needing medical assistance until the assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

(f) **Evidence.**

(1) Prima facie evidence of a violation of this section shall consist of:

(i) Evidence that the person is under 21 years of age and possessed or consumed an alcoholic beverage anywhere in the City; or

(ii) Evidence that the person was under the age of 21 years and manifested any of the characteristics commonly associated with intoxication or impairment from consuming an alcoholic beverage anywhere in the City.

(2) During any trial for a violation of this section, any bottle, can, or any other container with labeling indicating the contents of such bottle, can, or container shall be admissible into evidence, and the information contained on any such label on such bottle, can, or other container shall be admissible into evidence and shall not constitute hearsay. A label which identifies the contents of any bottle, can, or other container as "beer," "ale," "malt beverage," "fermented malt," "malt liquor," "wine," "champagne," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "rum," "alcohol," or "liquor" shall constitute prima facie evidence that the contents of the bottle, can, or other container was composed in whole or in part of alcohol.

(g) Penalties.

(1) Each violation of subsection (b)(1) or (b)(2) of this section (providing alcohol to a minor) shall be punishable by a fine of up to \$1,000, useful public service, up to 30 days in jail, or any combination thereof, in the discretion of the Court.

(2) Each violation of subsection (c)(1), (c)(2) or (d) of this section (purchase, possession or consumption of alcohol by a minor) shall be punishable as follows:

(i) Upon conviction of a first offense, the court shall sentence the minor to a fine of not more than \$100.00, or the court shall order the minor to complete a substance abuse education program, or both. (ii) Upon conviction of a second offense, the court shall sentence the minor to a fine of not more than \$100.00, and the court shall order the minor to:

- a. Complete a substance abuse education program;
- b. If determined necessary and appropriate, submit to a substance abuse assessment and complete any treatment recommended by the assessment; and
- c. Perform up to 24 hours of useful public service.

(ii) Upon conviction of a third or subsequent offense, the court shall sentence the minor to a fine of up to \$250.00 and the court shall order the minor to:

- a. Submit to a substance abuse assessment and complete any treatment recommended by the assessment;
- b. Perform up to thirty-six hours of useful public service.

9.04.230 Purchase, possession, consumption of marijuana by persons under the age of 21.

(a) It shall be unlawful for any person under the age of 21 years to purchase, transfer, dispense, or possess two ounces or less of marijuana, and/or to consume any quantity of marijuana, except as allowed for medicinal purposes.

(b) It shall be unlawful for any person under the age of 21 years to openly and publicly display, consume, or use two ounces or less of marijuana.

(c) **Defense, exception.** It shall be an affirmative defense if the minor establishes the following:

(1) The minor called 911 and reported in good faith that another minor person was in need of medical assistance due to alcohol or marijuana consumption;

(2) The minor provided the minor's name to the 911 operator;

(3) The minor was the first person to make the 911 report; and

(4) After making the 911 call, the minor remained on the scene with the other minor person needing medical assistance until the assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

(d) **Evidence.**

(1) Prima facie evidence of a violation of this section shall consist of:

(i) Evidence that the person is under 21 years of age and possessed or consumed marijuana anywhere in the City; or

(ii) Evidence that the person was under the age of 21 years and manifested any of the characteristics commonly associated with intoxication or impairment from consuming marijuana anywhere in the City.

(2) During any trial for a violation of this section, any bottle, can, or any other container with labeling indicating the contents of such bottle, can, or container shall be admissible into evidence, and the information contained on any such label on such bottle, can, or other container shall be admissible into evidence and shall not constitute hearsay. A label which identifies the contents of any bottle, can, or other container as "marijuana," "marihuana," "cannabis," "cannabinoid," "tetrahydrocannabinol," or "THC" shall constitute prima facie evidence that the contents of the bottle, can, or other container was composed in whole or in part of marijuana.

(e) **Penalties.** Each violation of subsection (a) or (b) of this section shall be punishable as follows

(1) Upon conviction of a first offense of either subsection, the court shall sentence the minor to a fine of not more than \$100.00, or the court shall order the minor to complete a substance abuse education program, or both.

(2) Upon conviction of a second offense of either subsection, the court shall sentence the minor to a fine of not more than \$100.00, and the court shall order the minor to:

- (i) Complete a substance abuse education program;
- (ii) If determined necessary and appropriate, submit to a substance abuse assessment and complete any treatment recommended by the assessment; and
- (iii) Perform up to 24 hours of useful public service.

(3) Upon conviction of a third or subsequent offense of either subsection, the court shall sentence the minor to a fine of up to \$250.00 and the court shall order the minor to:

- (i) Submit to a substance abuse assessment and complete any treatment recommended by the assessment;
- (ii) Perform up to thirty-six hours of useful public service.

9.04.240 Possession and purchase of drug paraphernalia by persons under the age of 21 years.

(a) It shall be unlawful for any person under the age of 21 years to knowingly purchase or possess drug paraphernalia.

(b) *Drug paraphernalia* as used in this section shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing marijuana into the human body, including but not limited to:

- (1) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of marijuana;
- (2) Scales and balances used, intended for use, or designed for use in weighing or measuring marijuana;
- (3) Separation gins or sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;
- (4) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding marijuana with other substances, including but not limited to foods;
- (5) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of marijuana;
- (6) Containers and other objects used, intended for use, or designed for use in storing or concealing marijuana; or

(7) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana into the human body, such as:

- (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (ii) Water pipes;
- (iii) Carburetion tubes and devices;
- (iv) Smoking and carburetion masks;
- (v) Roach clips, meaning objects used to hold a burning marijuana cigarette that has become too small or too short to be held in the hand;
- (vi) Chamber pipes;
- (vii) Carburetor pipes;
- (viii) Electric pipes;
- (ix) Air-driven pipes;
- (x) Chillums;
- (xi) Bongs;
- (xii) Ice pipes or chillers.

(c) In determining whether an object is drug paraphernalia, a court, in its discretion, may consider, in addition to all other relevant factors, the following:

- (1) Statements by the owner or by anyone in control of the object concerning its use;
- (2) The proximity of the object to marijuana;
- (3) The existence of any residue of marijuana on the object;
- (4) Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person unreasonably should know, that it will be delivered to persons who he knows or reasonably should know, could use the object to facilitate a violation of this section;
- (5) Instructions, oral or written, provided with the object concerning its use, which shall be admissible and shall not constitute hearsay;
- (6) Descriptive materials accompanying the object which explain or depict its use, which shall be admissible and shall not constitute hearsay;

- (7) National or local advertising concerning its use, which shall be admissible and shall not constitute hearsay;
- (8) The manner in which the object is displayed;
- (9) Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;
- (10) The existence and scope of legal uses for the object in the community;
- (11) Expert testimony concerning its use.

(d) In the event a case brought pursuant to this section is tried before a jury, the Court shall hold an evidentiary hearing on issues raised pursuant to this section. Such hearing shall be conducted in camera.

(e) **Defense, exception.** It shall be an affirmative defense if the minor establishes the following:

- (1) The minor called 911 and reported in good faith that another minor person was in need of medical assistance due to alcohol or marijuana consumption;
- (2) The minor provided the minor's name to the 911 operator;
- (3) The minor was the first person to make the 911 report; and
- (4) After making the 911 call, the minor remained on the scene with the other minor person needing medical assistance until the assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.

(f) **Penalties.** Each violation of this section shall be punishable as follows

- (1) Upon conviction of a first offense of either subsection, the court shall sentence the minor to a fine of not more than \$100.00, or the court shall order the minor to complete a substance abuse education program, or both.
- (2) Upon conviction of a second offense of either subsection, the court shall sentence the minor to a fine of not more than \$100.00, and the court shall order the minor to:
 - (i) Complete a substance abuse education program;
 - (ii) If determined necessary and appropriate, submit to a substance abuse assessment and complete any treatment recommended by the assessment; and
 - (iii) Perform up to 24 hours of useful public service.
- (3) Upon conviction of a third or subsequent offense of either subsection, the court shall sentence the minor to a fine of up to \$250.00 and the court shall order the minor to:

- (i) Submit to a substance abuse assessment and complete any treatment recommended by the assessment;
- (ii) Perform up to thirty-six hours of useful public service.

INTRODUCED on first reading the 20th day of August, 2014 and ordered published in pamphlet form.

PASSED and **ADOPTED** on second reading the ____ day of _____, 2014 and ordered published in pamphlet form.

President of City Council

ATTEST:

City Clerk



Date: August 25, 2014
 Author: Kathy Portner
 Title/ Phone Ext: Community Services
Manager, ext. 1420
 Proposed Schedule: Sept. 3, 2014
 2nd Reading
 (if applicable): N/A
 File # (if applicable): N/A

Attach 6
CITY COUNCIL AGENDA ITEM

Subject: Colorado Law Enforcement and Emergency Services Training Center Grant Request
Action Requested/Recommendation: Adopt a Resolution Authorizing the City Manager to Submit a Grant Request to the Mesa County Federal Mineral Lease District for the Development of the Colorado Law Enforcement and Emergency Services Training Center
Presenter(s) Name & Title: Ken Watkins, Fire Chief

Executive Summary:

This request is for authorization to submit a request to the Mesa County Federal Mineral Lease District (MCFMLD) for a \$550,000 grant for the development of the Colorado Law Enforcement and Emergency Services Training Center. Funding from the grant along with the local match will be used to construct a water supply system sufficient to supply water for classroom buildings and fire training. The grant application is due September 5, 2014.

Background, Analysis and Options:

The City has partnered with Mesa County and Colorado Mesa University (CMU) to develop the Colorado Law Enforcement Training Center (CLETC) to meet the training needs of law enforcement and first responder agencies throughout the region and state, as well as students in the CMU Peace Officer Standards and Training (POST) academy. The training center is located on 80 acres acquired from the U.S. Bureau of Land Management at Whitewater Hill.

The CLETC is a multi-phased project, including a driver training track, a simulated city block training area, a pistol and rifle shooting range, a classroom building to provide POST and firefighter academies, a fire training area and a fitness course. Phase I of the project, the driver training and high speed pursuit track, was dedicated in 2013. The simulated city block area is beginning to take shape with construction of a road and the addition of three residential houses that have been moved to the site. The City, in conjunction with CMU and Fire Districts throughout Mesa County, has the opportunity to apply for a grant from the MCFMLD to construct a water system that would supply water for classroom buildings and fire training. The ability to have sufficient water at the site is critical for any further development of the training center.

The estimated cost for the water system is \$891,530. The MCFMLD grant can cover up to 62% of project cost, resulting in a proposed grant request of \$550,000. The 38%

local match includes in-kind design, engineering, construction management, and the donation of two modular class rooms set on the site for a total of \$199,300, \$100,000 cash match from the City, and \$42,230 cash match from CMU.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 11: *Public facilities and services for our citizens will be a priority in planning for growth.*

Policy A: *The City will plan for the locations and construct new public facilities to serve the public health, safety and welfare, and to meet the needs of existing and future growth.*

The Colorado Law Enforcement and Emergency Training Center will serve the region’s public health, safety and welfare needs.

Goal 12: *Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.*

Policy A: *Through the Comprehensive Plan’s policies the City and County will improve as a regional center of commerce, culture and tourism.*

As does Colorado Mesa University and Western Colorado Community College, the Colorado Law Enforcement and Emergency Training Center will strengthen the community’s position as a regional center.

Board or Committee Recommendation:

No specific recommendations.

Financial Impact/Budget:

The Project budget is as follows:

Sources

<i>MCFMLD Grant</i>	<i>\$550,000</i>
City of Grand Junction Contribution	100,000
Colorado Mesa University Contribution	42,230
In-Kind Services	<u>199,300</u>
Total Project Sources	<u>\$891,530</u>

Expenditures

Water System Infrastructure	<u>\$891,530</u>
Total Project Expenditures	<u>\$891,530</u>

Legal issues:

If awarded the grant funding documents shall be reviewed and approved by the City Attorney such that the same are consistent with the prior and now this Resolution.

Other issues:

No other issues.

Previously presented or discussed:

This project and funding has been discussed as part of the 2014 budget and at previous City Council workshops.

Attachments:

Resolution authorizing application to the Mesa County Federal Mineral Lease District in accordance with the representations made in this report.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ___-14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT REQUEST TO THE MESA COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE DEVELOPMENT OF THE COLORADO LAW ENFORCEMENT AND EMERGENCY SERVICES TRAINING CENTER

RECITALS.

The City has partnered with Mesa County and Colorado Mesa University (CMU) to develop the Colorado Law Enforcement Training Center (CLETC) to meet the training needs of law enforcement and first responder agencies throughout the region and state, as well as students in the CMU Peace Officer Standards and Training (POST) academy. The training center is located on 80 acres acquired from the U.S. Bureau of Land Management at Whitewater Hill.

The CLETC is a multi-phased project, including a driver training track, a simulated city block training area, a pistol and rifle shooting range, a classroom building to provide POST and firefighter academies, a fire training area and a fitness course. Phase I of the project, the driver training and high speed pursuit track, was dedicated in 2013. The simulated city block area is beginning to take shape with construction of a road and the addition of three residential houses that have been moved to the site. The City, in conjunction with CMU and Fire Districts throughout Mesa County, has the opportunity to apply for a grant from the MCFMLD to construct a water system that would supply water for classroom buildings and fire training. The ability to have sufficient water at the site is critical for any further development of the training center.

The estimated cost for the water system is \$891,530. The MCFMLD grant can cover up to 62% of project cost, resulting in a proposed grant request of \$550,000. The 38% local match includes in-kind design, engineering and construction management and the donation of two modular class rooms set on the site for a total of \$199,300, \$100,000 cash match from the City and \$42,230 cash match from CMU

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction supports the construction of a water system to serve the site for future classroom facilities and a fire training area and does hereby authorize the City Manager to submit a \$550,000 grant request, including in-kind services and cash match for a total project cost of \$891,530, in accordance with and pursuant to the recitals stated above to the Mesa County Federal Mineral Lease District for the development of the Colorado Law Enforcement and Emergency Services Training Center and authorizes the City Manager to enter into a grant agreement with MCFMLD if the grant is awarded.

Dated this __ day of _____, 2014.

President of the Council

ATTEST:

City Clerk