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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
WEDNESDAY, DECEMBER 15, 2010, 7:00 P.M.**

Call to Order

Pledge of Allegiance

***** Certificates of Appointment**

To the Historic Preservation Board

Citizen Comments

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

No Items on Consent Calendar

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

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

1. **Winter Storm Response Plan**

[Attach 1](#)

The Winter Storm Response Plan is to provide all personnel who are involved in snow and ice removal and communicating to the public a single source of information which clearly defines the City of Grand Junction's policies and procedures in all snow and ice operations.

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

Resolution No. 56-10—A Resolution Adopting the City Winter Storm Response Plan

®Action: *Adopt Resolution No. 56-10*

Staff presentation: Ken Watkins, Fire Chief
Terry Franklin, Deputy Director, Facilities, Utilities & Streets Systems

2. **Public Hearing – 2010 Supplemental Appropriation Ordinance and the 2011 Budget Appropriation Ordinance** [Attach 2](#)

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2010 amended and 2011 proposed budgets.

Ordinance No. 4447—An Ordinance Making Supplemental Appropriations to the 2010 Budget of the City of Grand Junction

Ordinance No. 4448—An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2011 and Ending December 31, 2011

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4447 and 4448*

Presenter Name: Laurie Kadrich, City Manager
Jodi Romero, Financial Operations Manager

3. **City Council Deliberations Regarding the Protest Petition of City Ordinance No. 4437** [Attach 3](#)

Ordinance No. 4437 was duly adopted by the City Council on October 4, 2010.

On November 15, 2010 the City Clerk and her staff completed an inspection of 278 petition sections filed in her office on November 4, 2010. Those petition sections, which were timely filed, protested the passage of Ordinance No. 4437, an ordinance prohibiting the operation of medical marijuana businesses and amending the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana in the City of Grand Junction.

Following examination of the petitions the City Clerk found and determined that the petition proponents submitted sufficient signatures in accordance with City Charter 136 to present a protest to the City Council. Given the sufficiency of signatures, Ordinance No. 4437 is suspended and of no effect until further consideration by the City Council.

According to Colorado law (31-11-110 (1) C.R.S.) a forty day period in which the Clerk's findings may be challenged must elapse before the City Council may review the protest to the ordinance. That forty day period ends December 14, 2010.

Pursuant to the City Charter the City Council must now reconsider the ordinance. Reconsideration in this context means that the Council may act to either repeal Ordinance No. 4437 in its entirety or it may refer the Ordinance to a vote of the registered electors of the City.

On or after December 15, 2010 the Council will direct Staff to either prepare the ballot title and question or prepare an ordinance repealing Ordinance No. 4437.

Action: The City Council Shall Consider the Petitions, Deliberate and Decide Whether to Refer Ordinance No. 4437 to the Voters or Whether to Repeal the Ordinance in its Entirety

Staff presentation: John Shaver, City Attorney
Stephanie Tuin, City Clerk

4. **Non-Scheduled Citizens & Visitors**
5. **Other Business**
6. **Adjournment**



Date: December 6, 2010
 Author: Terry Franklin
 Title/ Phone Ext: Deputy Director
USS 244-1495
 Proposed Schedule: December 15,
2010
 2nd Reading
 (if applicable): n/a

Attach 1
Winter Storm Response Plan

CITY COUNCIL AGENDA ITEM

Subject: City of Grand Junction Winter Storm Response Plan
File # (if applicable):
Presenters Name & Title: Ken Watkins, Fire Chief, Terry Franklin, Deputy Director, Facilities, Utilities & Streets Systems

Executive Summary:

The Winter Storm Response Plan is to provide all personnel who are involved in snow and ice removal and communicating to the public a single source of information which clearly defines the City of Grand Junction’s policies and procedures in all snow and ice operations.

How this action item meets the City Council Comprehensive Plan Goals and Policies:

Goal 1: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

The purpose of a winter storm response plan is to ensure city services are maintained during winter storms.

Action Requested/Recommendation:

Approve a Resolution Adopting the City of Grand Junction Winter Storm Response Plan and authorizing the City Manager to declare a snow emergency.

Board or Committee Recommendation:

The City’s Continuity of Operations Planning Group (COOP) made up of staff members from Police, Fire, Risk Management, Parks and Utilities & Streets Systems developed this plan and recommends the City adopt it.

Background, Analysis and Options:

In early December of 2009, a winter storm descended on the City of Grand Junction and dropped more snow than had been seen in a number of years. Combined with the snow, winds and extremely cold temperatures were making travel conditions very hazardous. Streets and

utility systems personnel were maintaining major collector and arterial roads but some issues were cropping up with getting public safety personnel out of their facilities to respond to emergencies.

The Streets division has always maintained a Snow and Ice Control plan for plowing and de-icing streets and the Parks divisions have a major component of that plan in maintaining certain sidewalks and parking lots. No plan had been devised to establish procedures and policies to be followed by each city department, as conditions warrant. To ensure all city departments respond in a coordinated manner and establish duties and responsibilities for each city department.

This plan outlines those policies and procedures that each department needs to follow through on and give the City Manager the authority to declare a winter storm emergency and issue either an early dismissal notice or non-work snow day notice for all non-essential personnel.

Financial Impact/Budget:

N/A

Legal issues:

By approving the proposed resolution the City Council is authorizing the City Manager to act pursuant to the plan for purposes of road, building and operations closures. The primary purpose of the Plan is to have a consistent method for communication and deployment of City resources in the event of adverse winter weather. Under the Plan the various City Departments will discharge their legal responsibilities consistent with the City Charter and the Code.

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

- 1) Proposed Resolution
- 2) Winter Storm Response Plan

RESOLUTION NO. __-10

A RESOLUTION ADOPTING THE CITY WINTER STORM RESPONSE PLAN

RECITALS:

In order to anticipate and to respond to winter storm emergencies, the City has developed the Winter Storm Response Plan “Plan” or “the Plan.”

The Plan, among other things, states the City’s policies concerning winter storm operations, including storm classifications for deployment of City resources, for building, operation and street closures and for designation of snow routes and snow and ice control operations.

By adoption of the Plan, the City Council may prepare to better identify and mitigate the natural hazards which exist and affect City residents before, during and after a winter storm. Because those hazards present the potential for property damage and the potential for loss of life, it is important that the City prepare a Plan.

The Plan should help reduce or eliminate the City’s vulnerability to winter storm hazards through the creation of a comprehensive process that identifies, as best as can be predicted with the information available, the severity of winter storms and procedures by which to mitigate the associated hazards.

In order to maintain the health, safety and welfare of the citizens, there is adequate justification for the creation and maintenance of the Plan.

Adoption of the Plan, while not mandatory, is encouraged so that City Council, by and through the City Manager and the various departments of the City may implement the Plan to the fullest extent.

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

The City Council does hereby approve and adopt, the Winter Storm Response Plan dated November 2010, (“Plan” or “the Plan”) a copy of which is attached to this Resolution.

The City of Grand Junction, by and through the City Manager and the various Departments shall endeavor to fully implement the provisions of the Plan.

To the extent necessary or required the City Council does designate the City Manager as the duly and lawfully empowered authority for purposes of implementation of the Plan.

PASSED THIS _____ DAY OF _____, 2010.

President of the City Council

Attest:

City Clerk



Winter Storm Response Plan

November 2010

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INTRODUCTION

The purpose of the Winter Storm Response Plan is to provide all personnel who are involved in Snow and Ice removal, and the public a single source of information which clearly defines the City of Grand Junction's policies and procedures in all Snow and Ice operations.

All Snow and Ice control operations are considered emergency in nature due to public safety and economic impacts to the community. Consequently, regardless of the time of day or week, Snow and Ice operations will be accomplished as expeditiously as possible in conjunction with the priorities outlined in this plan.

The Snow and Ice season in Grand Junction can begin as early as November and terminate as late as mid-April. The rate of accumulation of snowfall is affected by atmosphere temperature, pavement temperature, moisture content, wind direction and velocity, and intervals between storms. Each storm is unique, and conditions may vary across the city. Therefore, while this plan tries to cover the major operations during winter storms, it must be recognized that sufficient flexibility within the plan is required in order to respond effectively and efficiently to the various conditions and circumstances as they present themselves during actual storm conditions.

PLAN COMPONENTS

The goal of this Plan is to:

- Ensure essential city services are maintained during winter storms.
- Establish procedures and policies to be followed by each city department, as conditions warrant.
- Ensure all city departments respond in a coordinated manner.
- Establish duties and responsibilities for each city department.

Definitions:

- Snow Classifications

- Class 1 Storm

This condition represents an accumulation of snow no more than three inches in depth, imminent and/or present icy conditions with temperatures at or below freezing.

- Class 2 Storm

Weather conditions have deteriorated beyond the Class 1 Storm level to include snow accumulations from 3 to 6 inches, with current and forecasted temperatures at or below freezing.

- Class 3 Storm

Weather conditions have deteriorated beyond Class 1 and Class 2 levels to include snow accumulations of more than 6 inches with current and forecasted temperatures at or below freezing.

- Winter Storm Emergency

Snow and Ice conditions have deteriorated to the point that vital community services have been severely impacted. The City Manager or designee has declared a State of Emergency.

Assumptions:

- Monitoring of weather conditions must be a continuous process in order to maintain a readiness status.
- These storms will severely impact local government's capability to provide essential services to the community.
- Public Safety response concerns will include increased response times and maintaining the ability to provide service to citizens who are not on Snow Routes.
- Utilities and Streets Systems Department will be unable to keep open Snow Routes; essential vehicles will be severely hampered by storm conditions; public safety will be compromised; and a State of Emergency will need to be declared.

CONCEPT OF OPERATIONS

- General
 - The City of Grand Junction must remain alert to changing weather conditions pertaining to winter storms.
 - Notification of key individuals, prior to emergency conditions developing, is vital to winter storm preparations.
 - Essential facilities must be properly staffed on a 24-hour basis, with accessibility to food and other essentials.
 - Each department will provide transportation for their essential workers as necessary.

- Specific
 - Snow Routes and Traffic Restrictions
 - Class 1 and Class 2 Storms
 - Restrictions for parking, snow tires, or chains would not be implemented.
 - Class 3 Storms
 - Some or all of the following restrictions may be implemented: The public would be advised that parking, snow tires, or chain restrictions are in effect and advised to limit their driving.
 - Winter Storm Emergency.
 - All traffic will be discouraged, except for public safety and vehicles providing services for the welfare of the general public. Police, fire, ambulance services, snow removal equipment, medical facilities, personnel, and essential utilities vehicles will be exempt from travel restrictions.
 - Parking restrictions will remain in effect until snow removal operations are completed.
 - Removal of Winter Storm Restrictions.
 - Once snow removal operations have been completed, the public will be advised that no restrictions are in effect.
 - Essential Services
 - Services typically provided by Fire, Police, Water, Sewer or Utility Departments in an effort to sustain, promote or preserve any infrastructures, systems or programs related to the general health, safety, preservation of life or property and the prevention of crime for the community at large.

WEATHER EMERGENCIES/SNOW DAYS

In the event of a Winter Storm Emergency, The Emergency Operations Center (EOC) Director, shall recommend to the Deputy City Manager that only essential personnel are needed for City operations. The Deputy City Manager will recommend the City Manager issue either an early dismissal notice or a non-work snow day notice for all non-essential employees. The City Manager's Office will then inform all Department Directors who may begin releasing appropriate employees and/or set in progress their respective telephone network for work day cancellation.

All Department Directors shall establish procedures for identifying essential personnel and determine transportation capabilities for those individuals.

In addition to a notification system, all major electronic news media stations will be contacted by the Deputy City Manager or designee requesting that a message be broadcast stating the City of Grand Junction is closed except for essential and emergency operations.

MESSAGES FOR PUBLIC

- Class 1 or Class 2 Storms
 - Hazardous driving conditions exist in the City of Grand Junction. Public may wish to leave early to avoid rush hour traffic.

- Class 3 Storm
 - Parking restrictions may be implemented on snow routes. Advise use of 4-wheel drive, chains, or adequate snow tires. Vehicles that become stalled or abandoned may be towed and/or ticketed.

- Winter Storm Emergency
 - A winter storm emergency has been declared in the City of Grand Junction. All traffic is discouraged except for emergency and essential vehicles providing a service for the welfare of the public. Vehicles that become immobile or abandoned will be towed and/or ticketed.

 - The winter storm emergency has been canceled for the City of Grand Junction.

GENERAL RESPONSIBILITIES DURING A SNOW EMERGENCY

Preplanning Activities

- All departments should maintain an adequate inventory of essential supplies for snow & ice control purposes.

- Test and repair emergency generators and any other pieces of equipment that may be necessary during a winter storm event.

ADMINISTRATION DEPARTMENT

City Manager Office

- Assume overall plan administration

- Keep Mayor and City Council informed of the storm situation.

- City Manager will set policy and declare a snow emergency.
- City Attorney will issue legal advice and prepare written documents.
- Make a determination on closure of City facilities and the release of non-essential personnel.
- Public Information Office shall coordinate all information distribution to the public and the media.
- Appoint an Emergency Operations Center Director

Fleet Maintenance Division

- Repair and maintain all essential vehicles and related equipment.
- Obtain adequate fuel supply from vendors.
- Notify departments to stage 4x4 vehicles and coordinate dispersal with Police and Fire.

Other Internal Service Divisions

- Administer contracts for outside resources.
- Operate Central Stores stock room.
- Keep essential city facilities operating.

UTILITIES AND STREETS SYSTEMS DEPARTMENT

- Continue with Snow and Ice Control Operations Plan. (for latest version of this plan and current snow route priorities visit <http://www.gjcity.org/CityDeptWebPages/PublicWorksAndUtilities/StreetsTraffic/SnowRemoval.htm>)
- Activate Snow Desk and declare response.
- Request City Manager to declare a snow emergency, if necessary.
- Assist public safety equipment responding to emergencies.
- Issue snow progress reports to Deputy City Manager or his designee.
- Operate and maintain the water and wastewater systems at a level necessary to provide service to the City.
- Maintain current list of available contractors.
- Keep essential city facilities operating.

PUBLIC WORKS AND PLANNING DEPARTMENT

- Provide support to Utilities and Streets Systems Department for snow and ice control.

FIRE DEPARTMENT

- Maintain essential services to include response to fires, alarms, emergency medical, and control of hazardous substances.
- Rescue stranded motorists.
- Provide non-emergent medical services as safely feasible.

POLICE DEPARTMENT

- Enforce emergency traffic regulations and parking restrictions.
- Provide essential traffic control.
- Tow abandoned and parked vehicles from designated snow routes.
- Rescue stranded motorists.

PARKS AND RECREATION DEPARTMENT

- Continue with Parks portion of **Snow and Ice Control Operations Plan**.
- Provide access to city facilities by removing snow.
- Provide support to Utilities and Streets Systems Department for snow and ice control.

SNOW AND ICE CONTROL OPERATIONS CENTER

The Utility and Streets System division's normal operations for Snow and Ice Control operations include the staffing of a "Snow Desk" or informal operations command center at the City Municipal Service Center Campus. This will become the official Snow and Ice Control Operations Center once this Winter Storm Plan is activated.

- Class 1 and Class 2 Storm Operations
 - Class 1 and Class 2 storms generally do not require activating this Winter Storm Response Plan, only the staffing of an informal operations center or "Snow Desk"
 - The Snow Desk will be staffed by Utilities and Streets Systems, and emergency management personnel, as necessary.
 - Notification of ongoing snow and ice control operations will be passed on to appropriate staffs within the City, including the Deputy City Manager.

- Class 3 Storm Operations
 - The Utilities and Streets Systems Director, or designee, shall activate this Winter Storm Response Plan and the Snow and Ice Control Operations Center for a Class 3 Storm response and notify the emergency management staff, Police, Fire, and other key officials of this decision.
 - Additional Snow and Ice Control Operations Center staffing will include: Public Information Officer, and other individuals or agencies as deemed necessary.
 - Utilities and Streets Systems, Police, and Fire will staff their Operation Command Centers as necessary.
 - Support agencies will be contacted and placed on standby status, including close contact with the Deputy City Manager.
 - All other departments will operate according to their specific operating procedures.

- Winter Storm Response Emergency Operations Center (EOC) Activation
 - The City Manager, or designee, shall proclaim a city-wide emergency and appoint an EOC Director. This proclamation gives the City Manager the power to enact any order necessary to preserve public peace, health, and safety.
 - All affected department directors shall report to the EOC (currently City Hall for this plan).
 - The EOC Director shall notify Mesa County Emergency Management and State Office of Disaster Emergency Services.

- Public Information/Media Contact
 - All public information will be channeled through the Deputy City Manager, or designee, in a coordinated manner. News releases will be made via the Deputy City Manager, or designee.

FOUR WHEEL DRIVE VEHICLES

During severe winter storms it may become impossible to operate two-wheel drive vehicles on roadways. Therefore, it will be necessary to obtain four-wheel drive vehicles for emergency use.

It will be the policy of the City of Grand Junction to redirect the use of its four-wheel drive vehicles to emergency operations. All four-wheel drive vehicles that are not required to maintain essential city services will be converted to emergency operations.

The Utilities and Streets Systems Director or designee shall, upon receiving weather data indicating the potential for a major winter storm, contact the Fleet Maintenance staff at the earliest time possible to initiate City vehicle 4X4 reallocation procedures.

The Fleet Maintenance staff will contact City departments and request their non-essential 4x4 vehicles to be staged and fueled at the Fleet Facilities.

Departments requesting use of these vehicles will contact the Fleet Maintenance Supervisor who will approve and prioritize vehicle usage. Priority will be based on emergency response needs first, then other essential operations.

SNOW ROUTES

SNOW REMOVAL PRIORITIES

All arterial and collector streets in Grand Junction are assembled into routes for conducting normal snow removal operations. These routes have then been prioritized and color coded for identification. The following summarizes the snow removal priorities during a severe winter storm:

Priority 1: Major Arterial (Red) Arterial considered to be the minimum network which must be kept open to provide a transportation system connecting hospitals, fire and police stations, fleet and utility maintenance facilities.

Priority 2: Minor Arterials (Blue) Arterials completing the network covering the major traffic volume streets and providing access to all schools and nursing homes.

Priority 3: Secondary Streets (Green) Selected collectors, and bus routes deemed desirable routes to be maintained as weather permits.



Date: 11-29-10
 Author: Jay Valentine
 Title/ Phone Ext: Asst. Fin. Ops. Mgr., 1517
 Proposed Schedule: Nov. 29, 2010
 2nd Reading
 (if applicable): Dec. 15, 2010

Attach 2
Public Hearing – 2010 Supplemental Appropriation Ordinance and the 2011 Budget Appropriation Ordinance

CITY COUNCIL AGENDA ITEM

Subject: 2010 Supplemental Appropriation Ordinance and the 2011 Budget Appropriation Ordinance
File # (if applicable):
Presenters Name & Title: Laurie Kadrich, City Manager Jodi Romero, Financial Operations Manager

Executive Summary:

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2010 amended and 2011 proposed budgets.

How this action item meets City Council Comprehensive Plan Goals and Policies:

This action is needed to meet the plan goals and policies.

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage and Publication of the 2010 supplemental and 2011 Budget Appropriation Ordinances.

Board or Committee Recommendation:

The 2010 Supplemental Appropriation Ordinance and the 2011 Budget Appropriation for the Funds of Downtown Development Authority (DDA) have been approved by the DDA Board.

Financial Impact/Budget:

The supplemental appropriation ordinance and the 2011 budget appropriation ordinance are presented every year at this time to ensure adequate appropriation by fund.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

The supplemental budget appropriation increase is partly due to the re-appropriation of budget dollars for capital projects that were previously approved but incomplete at the end of 2009. Additional appropriation is also needed for projects approved by City Council during 2010.

The 2011 City of Grand Junction Budget was presented to City Council at the budget presentation workshops on October 18th and November 3rd of this year.

Background, Analysis and Options:

The 2011 appropriation ordinance is the legal adoption of the City Manager's budget by the City Council for the upcoming fiscal year.

The supplemental increase in the Enhanced 911 is due to an increase in the transfer to the Communications Center. The increase in the Major Projects Fund is due to the Public Safety and Stadium projects. The increase in the Transportation Capacity Fund is due to large development projects started in 2010. The increase in Water and Solid Waste Funds is due to capital projects not completed and carried forward from 2009. The Ambulance and Fleet Funds increase is due to capital projects funded through grants awarded in 2010. The increase in the Self Insurance Fund is due to an increase in worker compensation claims and health insurance claims.

Attachments:

Proposed Supplemental Appropriation Ordinance for 2010 Budget
Proposed 2011 Budget Appropriation Ordinance

ORDINANCE NO. _____

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2010
BUDGET OF THE CITY OF GRAND JUNCTION**

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2010, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
Enhanced 911	101	\$ 422,619
D.D.A. Operations	103	\$ 405,101
Comm. Dev. Block Grant	104	\$ 70,336
Storm Drainage	202	\$ 76,936
D.D.A. Capital Projects	203	\$ 693,909
Major Projects	204	\$ 665,956
Transportation Capacity	207	\$ 1,091,393
Park Improvement Advisory Bd.	703	\$ 19,408
Water Fund	301	\$ 512,546
Solid Waste	302	\$ 147,027
Ambulance Transport	310	\$ 67,605
Fleet and Equipment	402	\$ 129,520
Self Insurance	404	\$ 1,602,971

INTRODUCED AND ORDERED PUBLISHED this 29th day of November, 2010.

PASSED AND ADOPTED the_ day of _____, 2010.

Attest:

President of the Council

City Clerk

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, THE DOWNTOWN DEVELOPMENT AUTHORITY, AND THE RIDGES METROPOLITAN DISTRICT FOR THE YEAR BEGINNING JANUARY 1, 2011, AND ENDING DECEMBER 31, 2011

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

SECTION 1. That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2011, and ending December 31, 2011, said sums to be derived from the various funds as indicated for the expenditures of:

FUND NAME	FUND #	APPROPRIATION
General	100	\$ 61,837,642
Enhanced 911 Special Revenue	101	\$ 3,186,450
Visitor & Convention Bureau	102	\$ 1,930,727
D.D.A. Operations	103	\$ 450,738
Community Development Block Grants	104	\$ 400,000
T.I.F. Special Revenue	109	\$ 3,369,420
Conservation Trust	110	\$ 229,219
Sales Tax CIP Fund	201	\$ 15,527,889
Storm Drainage Improvements	202	\$ 15,000
T.I.F. Capital Improvements	203	\$ 3,657,896
Major Projects	204	\$ 22,248,878
Transportation Capacity	207	\$ 1,012,000
Water Fund	301	\$ 5,261,343
Solid Waste	302	\$ 3,359,998
Two Rivers Convention Center	303	\$ 2,500,997
Swimming Pools	304	\$ 831,978
Golf Courses	305	\$ 2,216,575
Parking	308	\$ 542,967
Irrigation Systems	309	\$ 263,941

Ambulance Transport	310	\$	2,243,699
Information Services	401	\$	4,558,970
Equipment	402	\$	4,884,904
Self Insurance	404	\$	3,115,716
Communications Center	405	\$	7,819,026
General Debt Service	610	\$	9,383,443
		\$	3,299,500
T.I.F. Debt Service	611		
Ridges Metro District Debt Service	613	\$	225,331
Grand Junction Public Finance Corp.	614	\$	529,219
Parks Improvement Advisory Board	703	\$	274,510
Cemetery Perpetual Care	704	\$	16,173
Joint Sewer System, Total	900	\$	12,926,100

INTRODUCED AND ORDERED PUBLISHED the 29th day of November, 2010.

PASSED AND ADOPTED the ____ day of _____, 2010.

Attest:

President of the Council

City Clerk



Date: December 1, 2010
 Author: John P. Shaver
 Title/ Phone Ext: City Attorney
Ext. 1503
 Proposed Schedule: December
15, 2010
 2nd Reading: NA

Attach 3
City Council Deliberations Regarding the Protest
Petition of City Ordinance No. 4437

CITY COUNCIL AGENDA ITEM

Subject: City Council Deliberations Regarding the Protest Petition of City Ordinance No. 4437
File # (if applicable):
Presenters Name & Title: John Shaver, City Attorney and Stephanie Tuin, City Clerk

Executive Summary:

Ordinance No. 4437 was duly adopted by the City Council on October 4, 2010.

On November 15, 2010 the City Clerk and her staff completed an inspection of 278 petition sections filed in her office on November 4, 2010. Those petition sections, which were timely filed, protested the passage of Ordinance No. 4437, an ordinance prohibiting the operation of medical marijuana businesses and amending the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana in the City of Grand Junction.

Following examination of the petitions the City Clerk found and determined that the petition proponents submitted sufficient signatures in accordance with City Charter 136 to present a protest to the City Council. Given the sufficiency of signatures, Ordinance No. 4437 is suspended and of no effect until further consideration by the City Council.

According to Colorado law (31-11-110 (1) C.R.S.) a forty day period in which the Clerk’s findings may be challenged must elapse before the City Council may review the protest to the ordinance. That forty day period ends December 14, 2010.

Pursuant to the City Charter the City Council must now reconsider the ordinance. Reconsideration in this context means that the Council may act to either repeal Ordinance No. 4437 in its entirety or it may refer the Ordinance to a vote of the registered electors of the City.

On or after December 15, 2010 the Council will direct Staff to either prepare the ballot title and question or prepare an ordinance repealing Ordinance No. 4437.

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

The Comprehensive Plan/consideration of the Plan is not applicable to this action.

Action Requested/Recommendation:

The City Council shall consider the petitions, deliberate and decide whether to refer Ordinance No. 4437 to the voters or whether to repeal the ordinance in its entirety.

Background, Analysis and Options:

On October 4, 2010 Ordinance No. 4437, an ordinance prohibiting the operation of medical marijuana businesses and amending the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana in the City of Grand Junction was duly adopted by the City Council. After a public hearing and discussion by the City Council the Ordinance was approved by a vote of 6 to 1. Pursuant to the City Charter no ordinance passed by the Council shall take effect before thirty days after its final passage and final publication.

On November 4, 2010 278 petition sections were filed in the office of City Clerk Stephanie Tuin. Those petition sections, which were timely filed, protested the passage of Ordinance No. No. 4437.

On November 15, 2010, following examination of the petitions, the City Clerk found and determined that the petition proponents submitted sufficient signatures in accordance with City Charter 136 to present a protest to the City Council. Given the sufficiency of signatures Ordinance No. 4437 is suspended and of no effect until further consideration by the City Council.

On December 15, 2010 the Council will direct staff to either prepare the ballot title and question or prepare an ordinance repealing Ordinance No. 4437.

Financial Impact/Budget:

There is no direct financial or budget impact to the City by either repealing Ordinance No. 4437 or referring the Ordinance to the voters at the next municipal election. Referring the Ordinance to a special election would cost approximately \$60,000.

Legal issues:

The legal issues regarding the protest to Ordinance No. 4437 are generally stated above.

Previously presented or discussed:

This matter has not been previously discussed with the City Council.

Attachments:

Included by reference is the City Clerk's findings/examination certificate.

EXAMINATION CERTIFICATE

Re: Referendum petitions filed on November 4, 2010 regarding Ordinance No. No. 4437, an ordinance prohibiting the operation of medical marijuana businesses and amending the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana adopted by the City Council on October 4, 2010.

I, Stephanie Tuin, City Clerk for the City of Grand Junction, Colorado, have, with the assistance of the City Clerk staff, examined the foregoing petitions of which there were 278 sections and make the following findings:

1. That the petitions were timely filed.
2. That there was 1 petition section (#111) on which the circulator failed to include either the County or the State of the circulators residence. Although a defect under the strict reading of 31-11-106(e)(l)(A), C.R.S., the omission of county or state on the circulator's affidavit is deemed insubstantial. Because the City Charter is silent regarding the content of the affidavit, I requested an opinion from the City Attorney. In reading *Fabec v. Beck*, 922 P.2d 330 (Colo. 1996), the City Attorney advised me that it is his opinion that the omission is insubstantial and that the petition not be disqualified solely on this omission. Inclusion of the circulator's city and zip code, does allow the reviewer enough information to determine the circulator meets the requirements of the statute. I adopt the City Attorney's advice and recommendation and am not disqualifying the petition due to the defect in the circulator's affidavit.
3. One petition section (#112) was rejected as the circulator did not include the date he or she signed the affidavit. There were 25 signatures on that petition.
4. One petition section (#282) was rejected as the affidavit was signed prior to the petition being signed. There were 5 signatures on that petition.
5. There are 2,073 signatures on the petition sections that are accepted.
6. 1,860 signatures are required for presenting the petition to the City Council for reconsideration or placing a referendum on a municipal election ballot.

In witness whereof, I affixed my hand and official seal of the City of Grand Junction this 15th day of November 2010.