

**GRAND JUNCTION CITY COUNCIL**  
**MINUTES OF THE REGULAR MEETING**  
**December 16, 2015**

The City Council of the City of Grand Junction convened into regular session on the 16<sup>th</sup> day of December, 2015 at 7:02 p.m. Those present were Councilmembers Martin Chazen, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith, and Council President Phyllis Norris. Councilmembers Bennett Boeschenstein and Rick Taggart were absent. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Traylor Smith led the Pledge of Allegiance which was followed by the invocation led by R. Mario Calderone, Assistant Sponsor with St. Germain Foundation - I am Sanctuary.

**Presentation**

Council President Norris introduced Chairman and Chief Executive Officer of Home Loan State Bank and Junior College (JUCO) Baseball World Series Committee Chairman Jamie Hamilton and expressed her appreciation for JUCO's contribution to the community. Mr. Hamilton said he was present to make the fifth payment of \$300,000 toward the renovation of Stocker Stadium. The JUCO committee is 80 people strong, all volunteers. He gave Deputy City Clerk Juanita Peterson the check. JUCO's 60<sup>th</sup> anniversary will be next year. He provided a photo of the Tennessee Walters State Community College baseball team taken at the Grand Junction/I-70 entrance sign which they sent to their Twitter followers and used for their Christmas card; over 10,000 cards were sent to their Tennessee followers. He then showed a video promoting JUCO and Grand Junction. He gave the City Council helmets as a trophy to recognize their support and gave a souvenir bat to Interim City Manager Tim Moore.

**Proclamation**

***Proclaiming December 18, 2015 as "International Day of the Migrant" in the City of Grand Junction***

Councilmember McArthur read the proclamation. Nicole Bernal Ruiz, Program Director of the Hispanic Affairs Project, was present to accept the proclamation. Ms. Ruiz thanked the City Council and noted this is the tenth year this has been recognized in the City of Grand Junction. She noted the contributions of those that come into the Valley from around the world. She attended a citizenship ceremony that day. She introduced Joel Flores, Hispanic Affairs Project Board President. There will be a multicultural potluck at the Riverside Community Center on December 18<sup>th</sup>; everyone is invited.

**Citizens Comments**

Dustin Anzures, 1744 S. Shore Circle, Mesa AZ, addressed the City Council regarding the Grand Junction Train Depot acquisition. He and his wife own Revolution Investments, LLC and have been developing properties since 1997. They recently purchased 554 Main Street and a few weeks ago came to terms on the purchase of the Depot. He said their goal is to restore the Depot using grants and to bring Amtrak in as an anchor tenant. So far, everything is positive. They are confident the deal will go forward.

Richard Swingle, 443 Mediterranean Way, addressed the City Council. He reviewed his interest and participation in City government. He suggested a resolution for next year and presented "Seat at the Table". He named it that because he heard CenturyLink say they wanted a seat at the table. Mr. Swingle said they have had a seat at the table for 121 years, but they won't share information about providing service and were integral in the adoption of SB 05-152 which was recently overturned by Grand Junction voters. Mr. Swingle thought citizens needed a better seat at the table. He went to the December 14<sup>th</sup> Workshop and suggested each presenter be required to prepare an objectives slide for workshop presentations. As a citizen, he wasn't sure of a presentation's objective until an hour into the meeting.

**Council Comments**

Councilmember Kennedy talked about his attendance at the Newcomers Club on December 9<sup>th</sup>; nearly 90 people were in attendance.

Councilmember Traylor Smith mentioned Pearl Harbor Day was last week and it is a good reflection to remember that day and the sacrifices made.

Councilmember McArthur congratulated the Grand Junction Rockies. They received the 2015 Bob Freitas Award as the best short season franchise in the nation for minor league baseball. He also attended Community Hospital's Grand Valley Oncology event and the City Employees End of Year Celebration.

Councilmember Chazen attended the City's new employee orientation and the Grand Junction Downtown Development Authority (DDA)/Business Improvement District meeting and attended the Grand Junction Visitor and Convention Bureau Board meeting.

Council President Norris attended the tree lighting ceremony that was held for Delaney Clements at Lincoln Park, the City's new employee orientation, and met with the Avalon Theatre Foundation (ATF) Board.

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## **Consent Agenda**

Councilmember Kennedy read the Consent Calendar items #1 through #6 and then moved to adopt the Consent Calendar. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

### 1. **Minutes of Previous Meetings**

*Action: Approve the Summaries of the November 18, 2015 and November 30, 2015 Workshops, the Minutes of the December 1, 2015 Special Meeting, and the Minutes of the December 2, 2015 Regular Meeting*

### 2. **Aggregate and Road Material for the Streets Division for 2016**

This request is for the purchase of an estimated 6,600 tons of 3/8" aggregate for the City's Streets Division for 2016. This aggregate will be used as chips for the 2016 Chip Seal Project.

*Action: Authorize the Streets Division to enter into a contract with Whitewater Building Materials to provide Aggregate and Road Materials for the Streets Division for an estimated amount of \$115,500*

### 3. **Software Enhancement of the Public Safety Records Management and Mobile System**

This request is to replace the current third party accident software purchased in 2010 with the integrated Tyler Public Safety Accident Module and recommended accident diagramming software, Scene PD. The Scene PD product is the software the officer uses to create the crash report. The officer will then submit the crash form electronically to the Tyler Public Safety Records Management System. Having the crash report submitted electronically from creation in the public safety system will allow for electronic reporting to the State Department of Motor Vehicles (DMV) instead of sending the report via the postal service mail.

*Action: Authorize the sole source procurement of a Replacement Accident Reporting System from Tyler Technologies (formerly New World Aegis) using CDOT Grant Funds and Software Credits from Tyler Technologies*

### 4. **Contract for Next Gen Replacement Firewall**

The Information Technology Division would like to enter into a contract with Sanity Solutions for the purchase of two High Availability configured, Dell SonicWALL SuperMassive 9400 Next Generation devices, professional installation services, and related support and maintenance agreements for an amount of \$73,765. The new system will replace the current first generation

Juniper firewall system purchased in 2009 that has reached end of life with a new next generation system configured to meeting the growing cyber security threats the City now faces.

*Action: Authorize the Purchasing Division to enter into a contract with Sanity Solutions for the purchase of a Fully Redundant Next Gen Replacement Firewall System in the amount of \$73,765*

5. **Mesa County Animal Services Agreement for 2016**

The City has an ongoing, annually renewable agreement with Mesa County for animal control services within the City limits. The City pays the County a percentage of the Mesa County Animal Services' budget based upon the City's percentage of total calls for service.

*Action: Approve and authorize the Mayor to sign the 2016 Agreement with Mesa County pertaining to Animal Services*

6. **Outdoor Dining Lease for Gelato Junction Inc., dba Gelato Junction Inc., Located at 449 Main Street**

Gelato Junction, Inc. Is requesting an Outdoor Dining Lease for the area located at 449 Main Street. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their premise and operate from the public right of way. Gelato Junction, Inc. does not have a liquor license. This location previously had an outdoor dining lease under prior ownership.

Resolution No. 54-15 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Gelato Junction, Inc., Located at 449 Main Street

*Action: Adopt Resolution No. 54-15*

## ITEMS FOR INDIVIDUAL CONSIDERATION

### **Rural Jump-Start Zone Participation**

A request for resolutions affirming the offering of tax incentives for new businesses that qualify for the Rural Jump-Start Zone Program.

Kristi Pollard, Grand Junction Economic Partnership (GJEP) Executive Director, and Derek Wagner, Vice President for Intergovernmental and Community Affairs for Colorado Mesa University (CMU), presented the resolutions affirming the offering of tax incentives for new businesses that qualify for the Rural Jump-Start Zone Program. Ms. Pollard explained the Jump-Start Colorado Zone Program and how it is an economic development tool for economically distressed areas of Colorado. This proposal is

designed to spur employment, economic development, and new business in economically distressed areas as well as provide a tax-free environment for qualifying businesses for up to eight years if the local government opts in. Mesa County is eligible to apply and if the community opts in, a number of state taxes for the company and the employees will be relieved. Ms. Pollard described the requirements for a business to qualify, the types of qualifying companies, the competition clause, and the higher education connection. She noted an existing business that expands into a new division is also qualified. Qualifications prohibit a company coming in that competes with an existing company. She listed the types of industries that qualify. She then deferred to Mr. Wagner to address the educational role in the program.

Mr. Wagner explained that the prospects must have a relationship with an institution of higher education to result in positive benefits in the community. CMU is uniquely tailored for this mission with both the University and the Community College.

Ms. Pollard said the rules were recently posted and are pending the adoption of resolutions from different communities. Only three counties will be allowed in the 2016 cycle of the Program. Ms. Pollard listed the criteria the State will review to select the Counties. Currently, two companies are waiting to apply as soon as the applications are available. One is from Australia and tracks food contamination in commercial businesses and will establish their American headquarters in Grand Junction. The other company developed amphora film that is biodegradable and used primarily in water bottles. She also reviewed the 2016 application criteria, process, and what it would mean for businesses wanting to locate here. She noted the municipalities that have already adopted similar resolutions. Ms. Pollard distributed a list of the City's current, across-the-board, waivers on Sales and Use Tax.

Councilmember Chazen asked a few questions for clarification and noted he will be supporting it. Regarding CMU, he asked if they plan to implement additional curriculum. Mr. Wagner responded that it would be addressed when the applications are accepted.

Councilmember Chazen asked, if Mesa County is not selected, will they have to reapply. Ms. Pollard said yes. Mr. Wagner said all counties will be eligible in 2017.

Councilmember Chazen asked how the resolution overlaps with the City's current waivers. Ms. Pollard said the ones on the list apply to everyone; all others would only apply to Jump Start businesses and they would be required to certify the amount of equipment used in the zone to ask for a rebate.

City Attorney Shaver noted anything not on the list will be looked at as a rebate and should not be a problem to accommodate. Councilmember Chazen said there is already an exemption for materials used in manufacturing and asked for examples that would fall under this Program. City Attorney Shaver gave examples of a vehicle and other business

consumables. Ms. Pollard said the City could make them exemptions rather than issue a rebate.

Councilmember Kennedy expressed his appreciation and said he supports the first resolution and Real Estate Tax relief; however he is concerned about the scope of Sales and Use Tax relief. Ms. Pollard said there is an opportunity to say yes or no by amending the resolution regarding specific taxes; she noted, from a marketing standpoint, Pueblo is a very strong competitor for this Program and the intent is to make Mesa County the strongest Jump Start candidate community. Councilmember Kennedy asked for assurances on the due diligence and vetting of applicants. Ms. Pollard gave her assurance.

Councilmember Kennedy asked if CMU's relationships with Colorado University and Colorado State University will help them meet the educational demands of the Program. Mr. Wagner said that is another tool that can be offered to companies and they will add other disciplines to the CMU curriculum if they can.

Councilmember Traylor Smith asked what else could be exempted for this Program. Interim City Manager Moore said there are some things not currently exempted that could also be considered. Councilmember Traylor Smith clarified that they are seeking an adopted resolution to increase the strength of the application.

Councilmember McArthur noted some counties that are applying do not have colleges or universities. Ms. Pollard explained colleges have a regional service area and can be selected alone or in collaboration with other higher education institutions; for example CMU is in 14 counties. Mr. Wagner noted ineligible institutions can partner with eligible ones for the benefit of a school and business.

Councilmember Chazen asked if the other jurisdictions included all types of taxes. Ms. Pollard said Mesa County included all; the Town of Palisade did elect to include Real Estate Tax and the City of Fruita only chose to include Business Personal Property Tax.

Councilmember Chazen asked Ms. Pollard if she felt it is better to include all the taxes or include just the Business Property Tax and negotiate with each business regarding the others as an incentive. Ms. Pollard said including all of them in the resolution is better.

Councilmember Chazen asked if there is an evaluation period. Ms. Pollard said yes, each business is reviewed after a year and after five years the business needs to have met all of their established criteria. Councilmember Chazen then asked if the State revokes a business's exemption, would the City be required to take same action. City Attorney Shaver said the City would not have to take further action; the City would follow all State procedures.

Council President Norris mentioned, even with these incentives, gaining businesses would benefit the City now and in the long run. She also noted available real estate should also be a draw.

Councilmember Kennedy asked if Mesa County was accepted into the Program and did so well with it that it did not qualify the following year, what would happen to business not fully approved. Ms. Pollard said approved businesses would continue to qualify for the benefit. The City will be evaluated annually by the State to see if it still meets the distressed criteria. The largest exemption window is ten years.

Resolution No. 55-15 – A Resolution Authorizing Business Personal Property Tax Relief to Qualifying Rural Jump-Start Businesses Under Colorado Revised Statutes 39-30.5-106

Resolution No. 56-15 – A Resolution Authorizing Real Property Tax Relief and Sales and Use Tax Relief to Qualifying Rural Jump-Start Businesses Under Colorado Revised Statutes 39-30.5-106

Councilmember Chazen moved to approve Resolution Nos. 55-15 and 56-15. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

City Council took a break at 8:26 p.m. They reconvened at 8:28 p.m.

### **Fuel Services for City of Grand Junction Fleet Division for 2016**

This request is for the purchase of fuel services from two separate local firms to provide bulk fuel deliveries, retail off-site fuel purchases, and retail Compressed Natural Gas (CNG).

Jay Valentine, Internal Services Manager, provided the background and said for the past couple of years Mesa County and the City have partnered for fuel services; starting this year and continuing the next four years Mesa County Valley School District 51 will join the cooperative venture helping to maximize the value. Three fuel service areas are required: bulk fueling, retail fuel services, and CNG retail services. Mesa County and the City have 13 bulk storage tank locations throughout the Valley, all three entities use local retail fuel services, and the City is the sole provider for CNG retail fuel. Mr. Valentine explained how bulk and retail fuel are provided.

Councilmember Kennedy inquired on the wide range of bids. Mr. Valentine explained rack pricing and how it affected the bids. The low bid was four cents per gallon over the rack price and the high bid was ten cents per gallon over, which is the difference.

Councilmember Chazen asked, based on this requested amount, what the cost per gallon works out to be. Mr. Valentine explained how he projected the estimate and noted the budget was developed earlier in the year when prices were much higher; the

budgeted cost per gallon is \$3.15. Councilmember Chazen then asked if the eight cent per gallon pay back is on the floating or fixed price. Mr. Valentine said it is on the floating price the City gets from XCEL Energy and goes toward maintenance costs for the compression equipment.

Councilmember Kennedy moved to authorize the Purchasing Division to enter into a contract with Loco, Inc. of Grand Junction and Monument Clean Fuels of Grand Junction to provide Fuel Services for the Fleet Division for an estimated amount of \$1,270,205. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

Councilmember Kennedy wished everyone a happy holiday.

### **Adjournment**

The meeting adjourned at 8:38 p.m.

Stephanie Tuin, MMC  
City Clerk