

ORDINANCE NO. 4707

AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER CONSERVATION BOARD TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN CONTRACT AND A PROMISSORY NOTE TO EVIDENCE SUCH LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATED THERETO, INCLUDING A SECURITY AGREEMENT; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the City of Grand Junction, Colorado (the "City"), is a home rule city duly existing under the Constitution and laws of the State of Colorado and its City Charter (the "Charter"); and

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

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

WHEREAS, the Council has heretofore determined that the interest of the City and the public interest and necessity require certain improvements to the System, including, without limitation, certain repairs and improvements to the Hallenbeck Reservoir No. 1 Dam (collectively, the "Project"); and

WHEREAS, the Council has determined that in order to finance the Project it is necessary, advisable, and in the best interests of the City to enter into a loan contract (the "Loan Contract") with the State of Colorado for the use and benefit of The Department of Natural Resources, Colorado Water Conservation Board (the "CWCB"), pursuant to which the CWCB will loan the City an amount not to exceed \$1,010,000 (the "Loan") for such purposes; and

WHEREAS, the City's repayment obligations under the Loan Contract shall be evidenced by a Promissory Note (the "Note") to be issued by the City to the CWCB and further

secured by a Security Agreement to be executed by the City, as borrower, to the CWCB, as secured party; and

WHEREAS, the Note and the Loan Contract shall collectively comprise a revenue obligation of the City payable from the Pledged Revenues (as defined herein), and pursuant to TABOR and Article XII, Section 93(f) of the Charter may be approved by the Council without an election; and

WHEREAS, forms of the Note, the Loan Contract, and the Security Agreement (collectively, the "Financing Documents") have been filed with the City Clerk; and

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

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

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

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

Election to Apply Supplemental Act. Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, of the Colorado Revised Statutes, as amended (the "Supplemental Act"), provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Council hereby elects to apply all of the provisions of the Supplemental Act to the Financing Documents.

Certain Definitions. For all purposes of the Financing Documents and this Ordinance, the following terms shall have the following meanings:

“Capital Improvements” means the acquisition of land, easements, facilities and equipment (other than ordinary repairs and replacements), and the construction or reconstruction of improvements, betterments and extensions, for use by or in connection with the System.

“Gross Revenues” means all income and revenues directly or indirectly derived by the City from the operation and use of the System, or any part thereof, including without limitation, any rates, fees (including without limitation plant investment fees and availability fees) and charges for the services furnished by, or for the use of, the System, and all income attributable to any past or future dispositions of property or rights or related contracts, settlements, or judgments held or obtained in connection with the System or its operations, and including investment income accruing from such moneys; provided however, that there shall be excluded from Gross Revenues: ad valorem property taxes; any moneys borrowed and used for providing Capital Improvements; any money and securities and investment income therefrom in any refunding fund, escrow account, or similar account pledged to the payment of any bonds or other obligations; and any moneys received as grants or appropriations from the United States, the State of Colorado, or other sources, the use of which is limited or restricted by the grantor or donor to the provision of Capital Improvements or for other purposes resulting in the general unavailability thereof, except to the extent any such moneys shall be received as payments for the use of the System, services rendered thereby, the availability of any such service, or the disposal of any commodities therefrom. Notwithstanding anything contained above, amounts deposited in a rate stabilization account shall not be deemed Gross Revenues in the calendar year deposited and amounts withdrawn from the rate stabilization account shall be deemed Gross Revenues in the year withdrawn.

“Operation and Maintenance Expenses” means all reasonable and necessary current expenses of the City (referred to as the Borrower in the Financing Documents), paid or accrued, for operating, maintaining, and repairing the System, including without limitation legal and overhead expenses of the City (referred to as the Borrower in the Financing Documents) directly related to the administration of the System, insurance premiums, audits, professional services, salaries and administrative expenses, labor and the cost of materials and supplies for

current operation; provided however, that there shall be excluded from Operation and Maintenance Expenses any allowance for depreciation, payments in lieu of taxes or franchise fees, expenses incurred in connection with Capital Improvements, payments due in connection with any bonds or other obligations, and expenses that are otherwise paid from ad valorem property taxes.

“Pledged Revenues” for any period means the Gross Revenues during such period less Operation and Maintenance Expenses.

“System” means all of the City’s water facilities and properties, now owned or hereafter acquired, whether situated within or without the City’s boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements, or additions thereof or thereto, which facilities and properties are used exclusively for the City’s water activity enterprise.

Delegation and Parameters.

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

The interest rate on the Loan;

The principal amount of the Loan;

The amount of principal of the Loan maturing in any given year and the final maturity of the Loan;

The conditions on which and the prices at which the Loan may be paid prior to maturity;

The dates on which the principal of and interest on the Loan are paid; and

The existence and amount of capitalized interest or reserve funds for the Loan, if any.

The delegation in paragraph (a) of this Section 3 shall be subject to the following parameters and restrictions: (i) the interest rate on the Loan shall not exceed 3.00%; (ii) the principal amount of the Loan shall not exceed \$1,010,000; and (iii) the final maturity of the Loan

shall be the date established by the Loan documents and in any event no later than December 31, 2037.

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

Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Financing Documents provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The revenues pledged to the payment of the Financing Documents shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described in the Loan Contract. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

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

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

No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Note. Such recourse shall not be available either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Note and as a part of the consideration of its sale or purchase, the CWCB specifically waives any such recourse.

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

Neither the CWCB nor any subsequent owner(s) of the Financing Documents shall be responsible for the application or disposal by the City or any of its officers of the funds derived from the Loan. In the event that all of the proceeds of the Loan are not required to pay such costs and expenses, any remaining amount shall be used for the purpose of paying the principal amount of the Loan and the interest thereon.

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

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

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

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

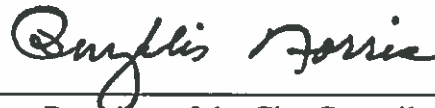
Ordinance Irrepealable. After the Note is issued, this Ordinance shall constitute an irrevocable contract between the City and the CWCB, and shall be and remain irrepealable until the Note and the interest thereon shall have been fully paid, satisfied, and discharged. No provisions of any constitution, statute, charter, ordinance, resolution, or other measure enacted

after the issuance of the Note shall in any way be construed as impairing the obligations of the City to keep and perform its covenants contained in this Ordinance.

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

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 1st day of June, 2016.

CITY OF GRAND JUNCTION, COLORADO



President of the City Council



[SEAL] CITY OF GRAND JUNCTION
Attest:

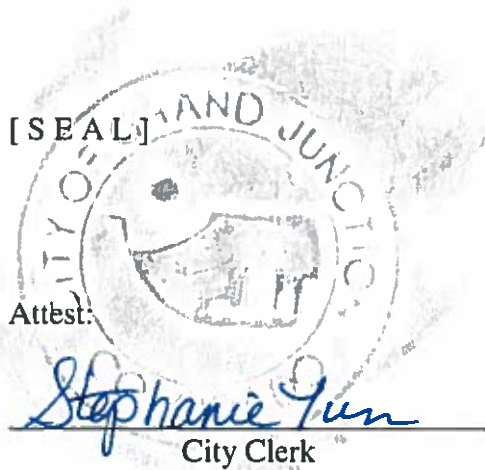

City Clerk


INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 15th day of June, 2016.

CITY OF GRAND JUNCTION, COLORADO



President of the City Council



[SEAL] CITY OF GRAND JUNCTION
Attest:


City Clerk

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

I, Stephanie Tuin, the City Clerk of the City of Grand Junction, Colorado (the "City") and Clerk to the City Council of the City (the "Council"), do hereby certify as follows:

The foregoing pages are a true, correct and complete copy of an ordinance (the "Ordinance") that was introduced, passed on first reading and ordered published in pamphlet form by the Council at a regular meeting thereof held on June 1, 2016 and was duly adopted and ordered published in pamphlet form by the Council at a regular meeting thereof held on June 15, 2016, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of June 1, 2016, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Bennett Boeschstein	X			
Marty Chazen	X			
Chris Kennedy	X			
Duncan McArthur	X			
Phyllis Norris	X			
Barbara Traylor Smith			X	
Rick Taggart			X	

The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of June 15, 2016, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Bennett Boeschstein	X			
Marty Chazen	X			
Chris Kennedy	X			
Duncan McArthur	X			
Phyllis Norris	X			
Barbara Traylor Smith			X	
Rick Taggart			X	

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

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

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

Notices of the meetings of June 1, 2016 and June 15, 2016 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on June 3, 2016 and June 17, 2016, as required by the City Charter. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this 21st day of June, 2016.

Stephanie Tun
City Clerk and Clerk to the Council



EXHIBIT A

(Attach Notices of Meetings of June 1, 2016 and June 15, 2016)

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



**CITY COUNCIL AGENDA
WEDNESDAY, JUNE 1, 2016
250 NORTH 5TH STREET
6:15 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
Moment of Silence

Proclamation

Proclaiming the Month of June and Wednesday, June 22, 2016 as "Bike Month and Bike to Work Day" in the City of Grand Junction **Attachment**

Appointments

To the Forestry Board

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District

Certificates of Appointment

To the Horizon Drive Association Business Improvement District

To the Parks and Recreation Advisory Board

Citizen Comments

*Revised June 1, 2016
** Indicates Changed Item
*** Indicates New Item
Ⓢ Requires Roll Call Vote*

Council Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Summaries of the May 2, 2016 and May 9, 2016 Workshops, the Minutes of the May 18, 2016 Regular Meeting, and the Minutes of the May 23, 2016 Special Session

2. **Setting a Hearing Amending Sections of the Zoning and Development Code to Add a New Category for Stand-Alone Crematories** **Attach 2**

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by adding a new category for stand-alone crematories.

Proposed Ordinance Amending Section 21.04.010 Use Table, Section 21.06.050(c) Off-Street Required Parking, and Section 21.10.020 Terms Defined Concerning Crematories

Action: Introduce a Proposed Ordinance and Set a Public Hearing for June 15, 2016

Staff presentation: Senta Costello, Senior Planner

3. **Setting a Hearing for the PIA Zone of Annexation, Located at 2757 Hwy 50** **Attach 3**

A request to zone 2.784 acres located at 2757 Hwy 50 from a County C-2 to a City C-2 (General Commercial) zone district in conjunction with the property being annexed into the City.

Proposed Ordinance Zoning the PIA Annexation to C-2 (General Commercial), Located at 2757 Highway 50

Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for June 15, 2016

Staff presentation: Senta Costello, Senior Planner

4. **Setting a Hearing on the Retherford Annexation, Located at 2089 Broadway**
Attach 4

A request to annex 0.84 acres located at 2089 Broadway. The Retherford Annexation consists of one parcel of land (0.48 acres in size) and 0.36 acres of public right-of-way of Broadway (Hwy. 340) and Jesse Way.

Resolution 22-16 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Retherford Annexation, Located at 2089 Broadway

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Retherford Annexation, Located at 2089 Broadway, Consisting of One Parcel and 0.36 Acres of Broadway and Jesse Way Rights-of-Way

@Action: Adopt Resolution No. 22-16, Introduce a Proposed Annexation Ordinance, and Set a Hearing for July 20, 2016

Staff presentation: Scott D. Peterson, Senior Planner

5. **Setting a Hearing on an Ordinance Approving a Loan Contract with the Colorado Water Conservation Board for the Hallenbeck No.1 Downstream Slope Repair, Relating to a Loan in the Maximum Principal Amount of \$1,010,000 Payable from Net Revenues of the City's Water Activity Enterprise**
Attach 5

The City Water Department has applied for a loan from the Colorado Water Conservation Board to facilitate repair of the Hallenbeck No. 1 Dam (Purdy Mesa). The dam experienced a structural failure in June of 2014 and has been drained since that time. City Council approved debt funding for this project during the 2016 budget review process.

Proposed Ordinance Approving a Loan from the Colorado Water Conservation Board to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Contract and a Promissory Note to Evidence Such Loan; Authorizing the Execution and Delivery of Certain Documents Related Thereto, Including a Security Agreement; and Prescribing Other Details in Connection Therewith

Action: Introduce a Proposed Ordinance, Set a Hearing for June 15, 2016, and Authorize the President of the Council to Enter into the Contract for a Loan up to \$1,010,000

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

6. **Outdoor Dining Lease for Just Be, LLC dba Barons, Located at 539 Colorado Avenue** **Attach 6**

Barons, located at 539 Colorado Avenue, is requesting a first-time Outdoor Dining Lease for an area measuring approximately 480 square feet directly in front of the building. The lease would permit the business to include the leased area in their licensed premise for alcohol sales.

Resolution No. 23-16 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Just Be, LLC dba Barons, Located at 539 Colorado Avenue

@Action: Adopt Resolution No. 23-16

Staff presentation: Kathy Portner, Interim Downtown Development Authority Director

7. **Outdoor Dining Lease for Las Marias, Inc. dba Las Marias, Located at 118 S. 7th Street** **Attach 7**

Las Marias, located at 118 S. 7th Street, is requesting a first-time Outdoor Dining Lease for an area measuring 304 square feet directly in front of the building. The lease would permit the business to include the leased area in their licensed premise for alcohol sales.

Resolution No. 24-16 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Las Marias, Inc. dba Las Marias, Located at 118 S. 7th Street

@Action: Adopt Resolution No. 24-16

Staff presentation: Kathy Portner, Interim Downtown Development Authority Director

8. **Vistas at Tiara Rado Phase II, Multi-Purpose Easement Vacation, Located at 2063 S. Broadway** **Attach 8**

The applicant, Hatch Investments LLC, requests approval to vacate a public multi-purpose easement in anticipation of the next phase of development at Vistas at Tiara Rado. The proposal is to vacate the encumbered area where the existing multi-purpose easement is located in order to accommodate new building footprint designs and rededicate a new multi-purpose easement on the proposed subdivision plat.

Resolution No. 25-16 – A Resolution Vacating a Multi-Purpose Easement for the Vistas at Tiara Rado, Phase II Residential Development, Located at 2063 S. Broadway

@Action: Adopt Resolution No. 25-16

Staff presentation: Scott D. Peterson, Senior Planner

9. **Contract to Install the HVAC for City Hall IT Server Room** **Attach 9**

This request is to award a contract for the supply and installation of a new HVAC system for the upcoming relocation of the City's IT Server Room at City Hall.

Action: Authorize the Purchasing Division to Enter into a Contract with Arctic Cooling and Heating, Grand Junction, to Provide and Install a New HVAC System at City Hall for the New IT Server Room in the Amount of \$189,408

Staff presentation: Jay Valentine, Internal Services Manager

*** END OF CONSENT CALENDAR ***

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

10. **Application for US Department of Justice Annual Justice Assistance Grant (JAG) for Technology Enhancements for Information Sharing** **Attach 10**

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance program of the US Department of Justice to apply for an annual grant for 2016 in the amount of \$28,487. If awarded, these funds will be used toward the annual contract maintenance of SmartForce software that provides a platform to access data from several information systems involved in operations. (The SmartForce software was approved/purchased utilizing last

year's JAG grant). In addition, the remaining funds (\$4,487) will be used to purchase upgrades to current technology for the Investigations Unit.

As part of the application process, the Bureau of Justice Assistance requires that City Council review and authorize receipt of the grant, and provide an opportunity for public comment. Therefore, a public comment opportunity is requested for the purpose of satisfying this requirement.

***Action:** Authorize the Interim City Manager to Apply for these Funds, and if Awarded, to Manage \$28,487*

Staff presentation: John Camper, Police Chief

11. **Sole Source Approval to Purchase Econolite's Advanced Transportation Management System, Centracs, as a Replacement for the Current System**
Attach 11

The centralized management system software that is used to operate and program individual traffic signal controllers is referred to as an Advanced Transportation Management System (ATMS). The Transportation Engineering Division has utilized ATMS software for over two decades, and is currently using an outdated and obsolete version of Econolite's system. This purchase would update the system to the current version of Econolite's ATMS, which is named Centracs.

***Action:** Authorize the City Purchasing Division to Sole Source the Purchase of Centracs, an Advanced Transportation Management System, from Econolite, in the Amount of \$122,710*

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

12. **Public Hearing – Studt Annexation and Zoning, Located at 227 29 Road**
Attach 12

A request to annex property located at 227 29 Road and zone the 0.9 acre parcel from a County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

Resolution No. 26-16 – A Resolution Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings, and Determining that Property Known as the Studt Annexation, Located at 227 29 Road, is Eligible for Annexation

Ordinance No. 4699 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Studt Annexation, Consisting of One Parcel of 0.9 Acres, Located at 227 29 Road

Ordinance No. 4700 – An Ordinance Zoning the Studt Annexation to R-4 (Residential 4 du/ac), Located at 227 29 Road

@Action: Adopt Resolution No. 26-16 and Ordinance Nos. 4699 and 4700 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: Senta Costello, Senior Planner

13. **Public Hearing – Petition to Include Properties Located at 735, 737, and 749 South Avenue and 821 First Avenue in the Boundaries of the Downtown Development Authority (DDA)** **Attach 13**

LOJO Partnership, LLP has submitted a petition to include 735, 737, and 749 South Avenue and 821 First Avenue in the boundaries of the Downtown Development Authority. The properties have been consolidated and replatted as a part of 630 S. 7th Street, which is already within the DDA boundary.

Ordinance No. 4701 – An Ordinance Expanding the Boundaries of the Grand Junction, Colorado, Downtown Development Authority to Include 735 South Avenue, 737 South Avenue, 749 South Avenue, and 821 First Avenue

@Action: Adopt Ordinance No. 4701 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: Kathy Portner, Interim Downtown Development Authority Director

14. **Public Hearing – Hoesch Street Vacation, Located West of 723 W. White Avenue** **Attach 14**

A request to vacate the undeveloped portion of Hoesch Street located south of W. White Avenue and west of the property located at 723 W. White Avenue.

Ordinance No. 4702 – An Ordinance Vacating Right-of-Way for Hoesch Street, Located West of 723 W. White Avenue

@Action: Adopt Ordinance No. 4702 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: Senta Costello, Senior Planner

15. **Public Hearing – Amending Title 31, Comprehensive Plan, of the Grand Junction Municipal Code by Adding Section 31.12 Wireless Master Plan** **Attach 15**

The proposed ordinance amends Title 31, of Volume III: Comprehensive Plan of the Grand Junction Municipal Code (GJMC) by adding Section 31.12, Wireless Master Plan. The purpose of the amendment is to adopt the Wireless Master Plan (WMP) as an element of the Comprehensive Plan.

Ordinance No. 4703 – An Ordinance Adopting the Wireless Master Plan as an Element of the Grand Junction Comprehensive Plan Amending Title 31, Comprehensive Plan, of the Grand Junction Municipal Code by Adding Section 31.12 Wireless Master Plan

@Action: Adopt Ordinance No. 4703 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: Jim Finlayson, Information Technology Director
David Thornton, Principal Planner

16. **Public Hearing – Amending the Zoning and Development Code Sections of the Grand Junction Municipal Code Governing Development of Telecommunications Facilities** **Attach 16**

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by amending the City's regulations for telecommunications facilities, implementing the Wireless Master Plan (Plan), and bringing the regulations into compliance with Federal law.

Ordinance No. 4704 – An Ordinance Amending the City's Zoning and Development Regulations Relating to Telecommunications Facilities of the Grand Junction Municipal Code

@Action: Adopt Ordinance No. 4704 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: David Thornton, Principal Planner
Shelly Dackonish, Staff Attorney

17. Non-Scheduled Citizens & Visitors
18. Other Business
19. Adjournment

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



**CITY COUNCIL AGENDA
WEDNESDAY, JUNE 15, 2016
250 NORTH 5TH STREET
6:15 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
Moment of Silence

Presentation

First Smart Yard Award Presented by Elizabeth Neubauer with the Grand Junction Forestry Board

Proclamations

Proclaiming June 17, 2016 as "Rex Howell and the Legends of the Grand Valley Day" in the City of Grand Junction **Attachment**

Proclaiming the Week of June 19th as "St. Baldrick's Foundation Week" in the City of Grand Junction **Attachment**

Proclaiming the Month of June as "Adult Protection Awareness Month" in the City of Grand Junction **Attachment**

Certificates of Appointment

To the Forestry Board

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District

*Revised June 10, 2016
** Indicates Changed Item
*** Indicates New Item
Ⓢ Requires Roll Call Vote*

Citizen Comments

Council Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Summary of the May 16, 2016 Workshop and the Minutes of the June 1, 2016 Regular Meeting

2. **Amending Sections of the Zoning and Development Code to Add a New Category for Stand-Alone Crematories – ITEM TABLED FOR RECONSIDERATION** **Attach 2**

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by adding a new category for stand-alone crematories.

Action: Table for Reconsideration

Staff presentation: Senta Costello, Senior Planner

3. **Outdoor Dining Lease for GJBlues LLC dba Ella's Blues Room, Located at 336 Main Street** **Attach 3**

Ella's Blues Room, located at 336 Main Street, is requesting an Outdoor Dining Lease for an area measuring approximately 250 square feet directly in front of the building. The lease would permit the business to include the leased area in their licensed premise for alcohol sales.

Resolution No. 27-16 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to GJBlues LLC dba Ella's Blues Room, Located at 336 Main Street

Action: Adopt Resolution No. 27-16

Staff presentation: Kathy Portner, Interim Downtown Development Authority Director

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

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *******4. Public Hearing – PIA Annexation and Zoning, Located at 2757 Highway 50
Attach 4**

A request to annex 3.954 acres, including 1.17 acres of 27 ½ Road and B ½ Road right-of-way, and zone 2.784 acres located at 2757 Hwy 50 from a County C-2 to a City C-2 (General Commercial) zone district in conjunction with the property being annexed into the City.

Resolution No. 28-16 – A Resolution Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings, and Determining that Property Known as the PIA Annexation, Located at 2757 Highway 50, is Eligible for Annexation

Ordinance No. 4705 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, PIA Annexation, Approximately 3.954 Acres, Located at 2757 Highway 50 and Includes 27 ½ Road and B ½ Road Right-of-Way

Ordinance No. 4706 – An Ordinance Zoning the PIA Annexation to C-2 (General Commercial), Located at 2757 Highway 50

Action: Adopt Resolution No. 28-16 and Ordinance Nos. 4705 and 4706 on Final Passage and Order Final Publication in Pamphlet Form

Staff presentation: Senta Costello, Senior Planner

**5. Public Hearing – 2016-2020 Five Year Community Development Block Grant (CDBG) Program Consolidated Plan; Analysis of Impediments to Fair Housing Choice Study; and 2016 Annual Action Plan
Attach 5**

City Council will conduct a public hearing and consider adoption of the 2016-2020 CDBG Program Five Year Consolidated Plan; Analysis of Impediments to Fair Housing Choice Study; and the 2016 Annual Action Plan included in the Five Year Plan.

Resolution No. 29-16 – A Resolution Adopting the 2016-2020 Five Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Resolution No. 30-16 – A Resolution Adopting the 2016 Analysis of Impediments to Fair Housing Choice Study for the Grand Junction Community Development Block Grant (CDBG) Program

Resolution No. 31-16 – A Resolution Adopting the 2016 Program Year Annual Action Plan as a Part of the City of Grand Junction 2016 Five Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

ⓈAction: Adopt Resolution Nos. 29-16, 30-16, and 31-16

Staff presentation: Tim Moore, Deputy City Manager
Kristen Ashbeck, CDBG Administrator

6. **Public Hearing – Approval of Loan Contract with the Colorado Water Conservation Board for the Hallenbeck No.1 Downstream Slope Repair, Relating to a Loan in the Maximum Principal Amount of \$1,010,000 Payable from Net Revenues of the City's Water Activity Enterprise** **Attach 6**

The City Water Department has applied for a loan from the Colorado Water Conservation Board to facilitate repair of the Hallenbeck No. 1 Dam (Purdy Mesa). The dam experienced a structural failure in June of 2014 and has been drained since that time. City Council approved debt funding for this project during the 2016 budget review process.

Ordinance No. 4707 – An Ordinance Approving a Loan from the Colorado Water Conservation Board to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Contract and a Promissory Note to Evidence Such Loan; Authorizing the Execution and Delivery of Certain Documents Related Thereto, Including a Security Agreement; and Prescribing Other Details in Connection Therewith

ⓈAction: Adopt Ordinance No. 4707 on Final Passage and Order Final Publication in Pamphlet Form and Authorize the President of the Council to Enter into the Contract for a Loan up to \$1,010,000

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

7. **3rd Party Natural Gas Services for City Facilities** **Attach 7**

Request to enter into a contract with A M Gas Marketing, Corp., Aspen, CO to provide 3rd party natural gas services to approximately fourteen City facilities for building and water heating.

Action: Authorize the Purchasing Division to Enter into a Contract with A M Gas Marketing Corp. of Aspen, CO to Provide 3rd Party Natural Gas Services for Approximately Fourteen City Facilities

Staff presentation: Jay Valentine, Internal Services Manager

8. **City of Grand Junction Fire Department and Grand Junction Regional Airport Authority – Fire Station Partnership Feasibility Study** **Attach 8**

The intent of this award is to hire a professional consulting firm to provide a feasibility study for determining the viability of establishing a fully functional and operational fire station to be located on Grand Junction Regional Airport Authority (GJRAA) property for the City of Grand Junction, in conjunction with the GJRAA, to not only provide services to the airport, but to the surrounding area for citizens as well.

Action: Authorize the Purchasing Division to Enter into a Contract with Roth Sheppard Architects, LLP of Denver, CO to Provide a Feasibility Study for a Potential Joint Partnership with the Grand Junction Regional Airport Authority for the Location and Operation of a Fire Department Located within the Airport Operating Area in an Amount Not to Exceed \$50,000

Staff presentation: Ken Watkins, Fire Chief
Bill Roth, Deputy Fire Chief
Jay Valentine, Internal Services Manager

9. **Purchase 14.24± Acres of Land from School District 51, Adjacent to Matchett Park** **Attach 9**

The School Board has decided to sell approximately 14.24± acres of property adjacent to Matchett Park and has given first right of purchase to the City of Grand Junction. A recent appraisal of the property placed value of this site at approximately \$355,000 of which the School District has agreed to accept.

Resolution No. 32-16 – A Resolution Authorizing the Purchase of 14.24± Acres of Property Located Near Matchett Park in Grand Junction, Colorado from Mesa County Valley School District 51

Action: Adopt Resolution No. 32-16

Staff presentation: John Shaver, City Attorney
Rob Schoeber, Parks and Recreation Director

10. **Non-Scheduled Citizens & Visitors**
11. **Other Business**
12. **Adjournment**

EXHIBIT B

(Affidavits of Publications)

State PROOF OF PUBLICATION

NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN THAT: The City Council of the City of Grand Junction, Colorado, at its regular city council meeting on June 1, 2016, passed on first reading the following entitled proposed ordinance: **PROPOSED ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER CONSERVATION BOARD TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN CONTRACT AND A PROMISSORY NOTE TO EVIDENCE SUCH LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATED THERETO, INCLUDING A SECURITY AGREEMENT; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH** and authorized the publication in press form.

NOTICE IS FURTHER GIVEN THAT the public hearing will be held June 15, 2016 at 7:00 p.m. in the City Auditorium, 251 North 25th Street, at which time public comments will be taken and considered before the final adoption of the proposed ordinance.

Copies of the proposed ordinance are available for public inspection in the City Clerk's Office, 251 North 25th Street, City Hall, at any time Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m. or on the web at www.cityofgj.com.

BY THE ORDER OF THE CITY COUNCIL
 s/ Stephanie Tahn
 City Clerk
 Published: June 2, 2016.

STATE OF COLORADO

County of (Mesa)

Terry Flanagan

Being duly sworn, says that I am Legal Secretary of The Daily Sentinel, a daily newspaper, published and duly printed in The County of Mesa, State of Colorado; that said newspaper has a general circulation in said County and has been continuously and uninterruptedly published therein, during a period of at least fifty-two consecutive weeks next prior to the first publication of the annexed notice; that said newspaper is a newspaper within the meaning of the act of the general Assembly of the State of Colorado, entitled "An Act to regulate the printing of legal notices and advertisements," and amendments thereto; that the notice of which the annexed is a printed copy taken from said newspaper, was published in said newspaper, and in the regular and entire issue of every number thereof once a week for 1 successive week; that said notice was so published in said newspaper proper and not in any supplement thereof, and that first publication of said notice as aforesaid, was on the 3rd day of June, 2016, and the last, on the 3rd day of June, 2016. Copies of each number of said paper in which said notice and/or list was published were delivered by carriers or transmitted by mail to each of the subscribers of said newspaper, The Daily Sentinel, according to the accustomed mode of business in this office.

Subscribed and sworn to before me, this 3rd day of June, 2016

Karen McLeish

KAREN McLEISH
 NOTARY PUBLIC
 MY COMMISSION EXPIRES JANUARY 17, 2017

State PROOF OF PUBLICATION

NOTICE OF ADOPTION OF ORDINANCE NO. 4757
 AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO BE PUBLISHED IN PAMPHLET FORM
 NOTICE IS HEREBY GIVEN:
 That on the 15th day of June, 2016, at 7:00 p.m. in the City Hall Auditorium, 250 N. 6th Street, Grand Junction, Colorado, the City Council of the City of Grand Junction held a public hearing, after proper notice, to consider the final passage of an Ordinance, the title of which is:
 AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER CONSERVATION BOARD TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN CONTRACT AND A PROMISSORY NOTE TO EVIDENCE SUCH LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS RELATED THERETO, INCLUDING A SECURITY AGREEMENT; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.
 Copies of the adopted Ordinance are available for public inspection in the office of the City Clerk, 250 N. 6th Street, Grand Junction, CO between 7:30 a.m. and 5:00 p.m., Monday through Friday or on the web at www.gjcity.org.
 Attest: Stephanie Tulin, MMC
 City Clerk
 Published: June 17, 2016.

STATE OF COLORADO

County of (Mesa)

Terry Flanagan

Being duly sworn, says that I am Legal Secretary of
 The Daily Sentinel, a daily newspaper, published and duly printed in
 The County of Mesa, State of Colorado; that said newspaper has a
 general circulation in said County and has been continuously and
 uninterruptedly published therein, during a period of at least
 fifty-two consecutive weeks next prior to the first publication
 of the annexed notice; that said newspaper is a newspaper within the
 meaning of the act of the general Assembly of the State of Colorado,
 entitled "An Act to regulate the printing of legal notices and
 advertisements," and amendments thereto; that the notice of which
 the annexed is a printed copy taken from said newspaper, was published
 in said newspaper, and in the regular and entire issue of every number
 thereof once a week for 1 successive week;
 that said notice was so published in said newspaper proper and not in
 any supplement thereof, and that first publication of said notice as
 aforesaid, was on the 17th day of June, 2016,
 and the last, on the 17th day of June, 2016.
 Copies of each number of said paper in which said notice and/or
 list was published were delivered by carriers or transmitted by
 mail to each of the subscribers of said newspaper, The Daily Sentinel,
 according to the accustomed mode of business in this office.

Subscribed and sworn to before me, this 17th day of June, 2016


Karen McLeish

KAREN MCLEISH
 NOTARY PUBLIC
 NOTARY NO. 134002084
 JANUARY 17, 2017

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4707 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 1st day of June, 2016 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 15th day of June, 2016, at which Ordinance No. 4707 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 21st day of June, 2016.



Stephanie Tu, MMC
City Clerk

Published: June 3, 2016
Published: June 17, 2016
Effective: July 17, 2016

