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

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

Call to Order
(7:00 p.m.)

Pledge of Allegiance
Invocation – Reverend Wendy Jones, Unitarian Universalist
Congregation of the Grand Valley

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

Council Comments

Citizen Comments

[Supplemental documents presented](#)

*Revised February 6, 2014
** Indicates Changed Item
*** Indicates New Item
® Requires Roll Call Vote*

REVISED

***** CONSENT CALENDAR ***®****1. Minutes of Previous Meetings [Attach 1](#)**

Action: Approve the Summaries of the October 7, 2013 Workshop, October 14, 2013 Readiness Meeting, November 18, 2013 Workshop, January 6, 2014 Workshop, January 13, 2014 Workshop, January 16, 2014 Joint City/County Workshop, the Minutes of the January 15, 2014 Special Meeting, and the January 15, 2014 Regular Meeting

2. Setting a Hearing on St. Martin's Place Phase 2 Rezone, Located at 221 Pitkin Avenue [File #RZN-2013-514] [Attach 2](#)

Request to rezone 0.50 +/- acres from C-1 (Light Commercial) to B-2 (Downtown Business) in anticipation of the next phase of development for St. Martin's Place, a housing development being proposed by Grand Valley Catholic Outreach to provide housing for homeless individuals particularly veterans.

Proposed Ordinance Rezoning St. Martin's Place, Phase 2 from C-1 (Light Commercial) to B-2 (Downtown Business), Located at 221 Pitkin Avenue

Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 19, 2014

Staff presentation: Scott D. Peterson, Senior Planner

3. Setting a Hearing on Amending Title 21 of the Grand Junction Municipal Code to Revise Performance Standards to Provide More Flexibility in the MU, BP, I-O, I-1, and I-2 Zone Districts for Outdoor Storage and Display [File #ZCA-2013-548] [Attach 3](#)

The amendments to Sections 21.03.070(g)(2)(iii)(F) and (h)(3)(iii), and Sections 21.03.080(a)(3)(iv), (b)(3)(iv), and (c)(3)(iv) will provide more flexibility for outdoor storage and display.

Proposed Ordinance Amending Sections 21.03.070(g)(2)(iii)(F) and (h)(3)(iii) and Sections 21.03.080(a)(3)(iv), (b)(3)(iv), and (c)(3)(iv) to Revise the Performance Standards for Outdoor Storage and Display in the MU, BP, I-O, I-1, and I-2 Zone Districts

Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 19, 2014

Staff presentation: Lisa Cox, Planning Manager

***4. **Setting a Hearing on Amending the Sales and Use Tax Code Exempting Certain Food Items Sold Through Vending Machines from Sales Tax**

[Attach 4](#)

The City Council will consider an Ordinance amending the City Sales and Use Tax Code that would exempt food, except for soda and candy, sold through vending machines from sales tax. If passed, the ordinance and exemption would be in effect for three years after the effective date.

Proposed Ordinance Concerning Section 3.12.020 of Chapter 3 of the Grand Junction Municipal Code Concerning the Taxability of Food Products Sold from Money Operated Machines

Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 19, 2014

Staff presentation: Elizabeth Tice, Revenue Supervisor
Jodi Romero, Financial Operations Director
John Shaver, City Attorney

***5. **Setting a Hearing on Amending the Grand Junction Municipal Code to Prohibit Certain Activities Related to Panhandling**

[Attach 5](#)

Residents of Grand Junction are reporting increasing instances of aggressive panhandling and disturbances by individuals attempting to panhandle money. For consideration by the City Council, Staff has prepared an ordinance regulating certain panhandling activities through reasonable time, place and manner restrictions.

Proposed Ordinance Prohibiting Activities Relating to Panhandling

Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 19, 2014

Staff presentation: John Camper, Police Chief
John Shaver, City Attorney

6. **Purchase of Traffic Striping Paint for 2014**

[Attach 6](#)

The City's Transportation Engineering Division is responsible for applying 10,000 gallons of white and yellow paint to the City's streets each year; striping 400+

miles of streets and state highways. Utilizing the Colorado Department of Transportation's (CDOT's) contract prices, the City is able to take advantage of volume discounts and obtain the best unit prices.

Action: Authorize the City Purchasing Division to Enter into a Purchase Order with Ennis Paint, Dallas, TX for the 2014 Traffic Striping Paint in the Amount of \$84,145

Staff presentation: Greg Trainor, Public Works and Utilities Director

7. **Authorize the Sale of City-owned Property, Located at 919 Kimball Avenue** [Attach 7](#)

The City has received an offer for the sale of real property commonly known as 919 Kimball Avenue. The legal description is different than the common description; an aerial photograph depicting the property is attached to the staff report. To view the property electronically use this link: http://arcgis-fs.ci.grandjct.co.us/internal_gis_map/index.html?map=citymap&extent=711117,4325729,711632,4325934

Resolution No. 02-14—A Resolution Authorizing the Sale by the City of Grand Junction, Colorado, of Certain Real Property Located at 919 Kimball Avenue; Ratifying Actions Heretofore Taken in Connection Therewith

®Action: Adopt Resolution No. 02-14

Staff presentation: John Shaver, City Attorney

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

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

***8. **Request for Fireworks from the Grand Junction Rockies** [Attach 8](#)

The Grand Junction Rockies are requesting approval of fireworks displays to be held following all regularly scheduled games on Friday evenings at Suplezio Field. The request includes six dates, one of which is the annual Fireworks Extravaganza which will be held in partnership with the City of Grand Junction.

Action: Consider Approval of a Request from the Grand Junction Rockies for Fireworks Displays at Suplezio Field on June 20th, July 4th, July 11th, July 25th, August 1st, and August 15th, 2014

Staff presentation: Rob Schoeber, Parks and Recreation Director
Tim Ray, General Manager, Grand Junction Rockies

9. **Public Hearing—Amending Sections 21.03.090 of the Grand Junction Municipal Code Adopting Changes to Form Districts within the City** [File #ZCA-2013-229] [Attach 9](#)

The proposed ordinance amends Section 21.03.090, Form Districts, eliminating barriers and cleaning up language for the development of mixed use projects in Mixed Use Opportunity Corridors.

Ordinance No. 4618—An Ordinance Amending the Zoning and Development Code, Grand Junction Municipal Code Section 21.03.090, Form Districts

®Action: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4618

Staff presentation: Tim Moore, Deputy City Manager
Greg Moberg, Planning Supervisor

10. **Public Hearing—Amending Title 21 of the Grand Junction Municipal Code to Extend the Validity of the Minor and Major Site Plan Approval From One Year to Two Years** [File #ZCA-2013-469] [Attach 10](#)

The amendment to Section 21.02.070(a)(8)(i) will extend the validity of the minor and major site plan approval from one year to two years.

Ordinance No. 4619—An Ordinance Amending Section 21.02.070 (a)(8)(i), Validity, of the Grand Junction Municipal Code to Extend the Validity of the Minor and Major Site Plan Approval from One Year to Two Years

®Action: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4619

Staff presentation: Lisa Cox, Planning Manager

11. Purchase of a Front Load Refuse Truck[Attach 11](#)

This purchase request is for a Mack Compressed Natural Gas (CNG) Refuse Truck to replace a diesel unit currently in the City's fleet. The price reflected is net of a \$22,000 trade in allowance offered for the current truck. The Mack truck with Wittke body was determined to be the best value when applying life cycle cost analysis. It is identical to a current unit in service and is the lowest priced proposal offered.

Action: Authorize the City Purchasing Division to Award a Contract to Purchase a 2014 Mack LEU CNG Refuse Truck from Westfall O'Dell Volvo/Mack, Fruita, CO in the Amount of \$241,713

Staff presentation: Greg Trainor, Public Works and Utilities Director
Darren Starr, Manager, Streets, Storm Water, and Solid Waste
Jay Valentine, Internal Services Manager

12. Non-Scheduled Citizens & Visitors**13. Other Business****14. Adjournment**

Attach 1

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

October 7, 2013 – Noticed Agenda Attached

Meeting Convened: 8:30 a.m. in the City Auditorium

Meeting Adjourned: 3:01 p.m.

Council Members present: All. Staff present: Englehart, Shaver, Moore, Schoeber, Watkins, Kovalik, Romero, Trainor, Nordine, Swindle, Hazelhurst, Franklin, Taylor, Bowman, Prall, Brinkman, Tonello, Starr, and Tuin.

Agenda Topic 1. Budget

City Manager Rich Englehart introduced the meeting recognizing that Councilmember McArthur has another meeting to go to at 3:00 p.m. and noting that this meeting will begin where the September 30th meeting left off.

Financial Operations Director Romero distributed a History of Resources and Uses Worksheet and provided an overview of what was contained on the worksheet. She then went through the various line items. The general fund sales, use, and property taxes since 2009 and the end of year outlook were discussed. Different elements affecting the consumer spending and confidence were discussed.

The labor line item was discussed in detail with the City Manager reviewing the history of the labor force and pay since the downturn in 2009. He noted that the work force was reduced significantly and only a few positions have been added back in. Any position that comes open is analyzed before filling.

The implementation of the second half of the market adjustment was discussed with it being noted that it is a \$600,000 impact to the budget in the General Fund. Council President Susuras noted that with the cost of benefits increasing, salaries will be less. Councilmember Norris expressed concern that the City will lose key people if are salaries not at market pay, especially police officers.

The market study and philosophy was explained in detail including the comparisons used. Other elements of labor costs such as worker's compensation and health insurance were discussed.

The City Council was provided the details of the workforce reduction with City Manager Englehart advising that all positions are analyzed and restructuring is considered to ensure the workforce is as tight as possible. Councilmember Norris suggested that there may be services that should be eliminated in order to provide additional cost savings. Council President Susuras said it is his opinion that salaries are the wrong place to make budget reductions. Councilmember Chazen expressed that a \$600,000 impact is still a big impact and it is his view that it can still be a consideration when balancing the budget.

Financial Operations Director Romero then referred to the next two lines on the worksheet – health insurance and worker’s compensation insurance - pointing out that those fees continued to increase, even in the years when employee salaries were reduced or had no increase.

Councilmember Norris voiced concern over the increased costs for worker’s compensation and asked about the City’s safety experience. Human Resources Director Hazelhurst advised that the City did experience an increase in claims and has since hired a safety coordinator to focus on prevention. The City has taken an aggressive back-to-work policy. City Manager Englehart said he will report to Council next year on all the areas that have made efforts to reduce employee injuries.

Human Resources Director Hazelhurst advised that the City is looking at self-insuring health coverage in order to reduce costs.

Financial Operations Director Romero continued to review the worksheet explaining how lean the operating line items are and explaining that any increases are generally from grants received so there is off-setting revenue. She explained the DDA TIF (Downtown Development Authority Tax Increment Financing) transfer as well as the sales tax increment transferred to the DDA. Both transfers are required for the DDA to have coverage for their bond obligations. There is a ten year obligation.

Councilmember Norris expressed concern that the City may be putting money into downtown at the expense of other areas. Councilmember Boeschstein agreed but listed improvements that are being accomplished in other areas of town, most notably the roundabout project on Horizon Drive through a RAMP grant and the diverging diamond out by the Mall.

The last items under operating uses included the City’s portion of the Two Rivers Convention Center subsidy, the City Manager contingency, and the Council dues. Economic, Convention, and Visitor Services (ECVS) Director Debbie Kovalik reviewed the history of the Department and the funding of it since 1983.

Financial Operations Director Romero identified \$1.4 million as a margin from prior years. She then reviewed all the other items under Total Resources.

Next, the Total Debt, Capital, and Economic Development numbers were reviewed line by line. There was discussion on the Operations Capital and how the amount has been reduced. Both City Manager Englehart and Financial Operations Director Romero explained the efforts made by Staff to reduce and dial in that number as tight as possible. In conclusion, the worksheet showed a \$2.5 million shortage in funding.

Next, the Council was directed to the Capital Review worksheet. Financial Operations Director Romero explained the color coding on the worksheet.

The capital items were reviewed. There was a discussion on the safety items being considered to be put in place out of the City Manager’s Contingency Fund for 2013. The budgeted

amount was to implement some protections for the City Council. Areas such as Administration and Human Resources would rely on the new protocols. There may be some alterations in the City Clerk's area as it was observed to be the most vulnerable.

Councilmember Chazen referred to the section on the Two Rivers Convention Center noting that there appears to still be some railing on the outside needing attention. ECVS Director Kovalik advised that the railing is not a safety concern. The other items being requested are a higher priority.

Financial Operations Director Romero advised that the total General Fund Operations Capital of \$608,287 matches the amount on the History of Resources and Uses Worksheet, line 39.

Councilmember Chazen inquired about the uncertainty of Community Development Block Grant funds. City Manager Englehart replied there is no word on the funding but anything grant funded will not go forward without the grant funding unless it is deemed a higher priority.

The reduction in the Street Maintenance Major Capital line item was questioned. Public Works and Utilities (PW&U) Director Trainor explained that a significant amount of money was spent in 2013 on overlays and street reconstruction. Additionally, the City recently contracted for a Pavement Condition Index Study which will identify which streets need attention. The results of that study will not be provided until early 2014 but will allow the City to really know where funds should be directed for 2015 and beyond. In 2014, there are significant funds budgeted for chip seal and crack fill projects for the streets. Councilmember Chazen expressed concern on how street maintenance will be able to be addressed to the degree necessary in the future since the out years on the other worksheet show deficits of \$6.1 million and \$15.4 million. Councilmember Boeschstein said the study is important so that funds can be allocated appropriately; chip seal is one way to extend the life of the street and there are significant dollars proposed for chip seal in 2014, 2105, and 2016. He also emphasized the importance of safe pedestrian walkways near schools, specifically the Nisley project in 2014. It was pointed out that currently the City's streets are for the most part in fair to good condition. Engineering Manager Trent Prall compared that to other cities where they have 53% to 64% of their streets in poor condition. PW&U Director Trainor stated that a one year waiting period will not result in severe degradation of the street system. Councilmember Boeschstein requested that in the future any improvements for safe routes to school have a separate line item and be tracked separately.

Regarding the Storm Drainage line item, Councilmember McArthur noted the amount was not enough to solve any of the issues. Streets and Stormwater Manager Darren Starr advised that the \$50,000 shown on that line item is for minor projects his division does on the storm drainage system.

There was a brief discussion on the financial condition of the Grand Valley Drainage District, the City's exposure, and what would happen should they dissolve. City Attorney Shaver addressed ways they are working with the Drainage District to ensure that development is not

held up by the situation. There are also some strategies being worked on to fund the 5-2-1 in the future.

Councilmember Norris inquired about the funding of Fire Station 4 relocation, if the amount indicated would be received in 2014? City Manager Englehart advised that with the process occurring with the Pear Park Fire/EMS group taking place, this amount could be moved out to the 2015/2016 timeframe. Fire Chief Ken Watkins said there are really three things going on: the automatic aid agreement with Clifton Fire Department, the idea to create a fire authority, and how to serve the Pear Park area with a station. They want to work through the issues with the Clifton Fire District Board in deciding how to move forward. Relocation of Station #4 would help serve that area and improve service overall. There is still a lot of work to be done before that can happen so completion could probably not be accomplished before 2015. Therefore using some of those dollars to match grant opportunities for the training facility would serve the Department better. Councilmember Norris agreed but noted that they need to be planning for this one and other future Fire Stations that were shown to be needed in the Fire Study they commissioned. City Manager Englehart noted that a partnership with the Airport for a Fire Station location may be a solution for the north area.

City Manager Englehart advised that Persigo will be contributing to the relocation of Station #4 in an amount of \$400,000 as it is anticipated that Persigo will purchase existing Station #4 for their additional site.

Fire Chief Watkins advised that at some point the Fire Department will need to purchase a pump testing kit (pump pit) that was eliminated at Station #1. They have been contracting for the service since then.

After the lunch break, City Manager Englehart recapped the morning discussion on the Fire Station: move the Fire Station construction out and leave the \$100,000 in for the training site resulting in a \$500,000 savings.

Council President Susuras referred to his suggestions on balancing that he had previously distributed. He asked if Council is in agreement with moving the Fire Station construction out.

Councilmembers agreed. Some mentioned caution due to the financial situation in the future. Some agreed with the fact that the population is not growing in that area right now. Another reason for delaying the construction is the work being done with Clifton Fire District hasn't all been worked out.

The next step was to go through the Economic Development and Partnership worksheet.

First the Council addressed the two payments to Colorado Mesa University, \$500,000 for campus expansion and \$500,000 toward the classroom building. Although Council was in agreement with postponement of the payments and the classroom building payment being paid only if revenues will support that payment, there was disagreement on the campus expansion \$500,000 and whether that should be paid as revenues come in, caught up the following year if possible, or just zeroed out with no promise of making up the amount. It was agreed to put it on hold for the time being and it will be reviewed again mid-year 2014.

Next Council President Susuras suggested that on the revenue side, the Council authorize Staff to project a 1% increase in revenues. The majority of Council disagreed.

The Council continued to review the Economic Development worksheet. The City Council discussed the Grand Valley Transit (GVT) funding. The City Council majority agreed to reduce the GVT funding to \$400,000 with the possibility of reconsidering it later.

The next item was the Pro Cycling funding. It was explained that the event will cost the community around \$300,000 with little return on investment. The City Council decided unanimously against budgeting funding for the event.

Next was the Downtown Business Improvement District (DGJBID) payment in lieu of taxes (PILT). Councilmember Chazen noted that the Board has asked that the focus of the BID be changed more toward business development. The majority of City Council was in favor of keeping it in the budget but it could be reconsidered after the DGJBID presentation on October 16th.

Standing sponsorships were explained and all members of Council were in favor of keeping it as presented.

Housing Resources funding for \$5,000 (Councilmember Boeschstein recused himself) and Kids Voting for \$5,000 were left in by the majority.

The majority of City Council was in favor of leaving the funding in for the Business Incubator operations and the Grand Junction Economic Partnership. The City Council unanimously wanted to maintain the membership with Colorado Municipal League (CML). Funding of the Riverfront Commission was not unanimous but the majority left it in the budget as proposed.

The line item for the Museum of Western Colorado was zero and the Council supported the City helping the Museum with in-kind support and signage. For Hilltop-Latimer House, the Council unanimously cut the amount of \$50,000 on the proposed funding worksheet although \$25,000 was suggested but not supported by the rest. It was recommended they come back for grant funding through Community Development Block Grant (CDBG) funds.

For the request from the Western Slope Center for the Children, all of Council wanted to leave in the request; three Councilmembers supported increasing the amount to \$30,000. For Mesa Land Trust (MLT) operating expenses, the majority supported the \$10,000 funding. For the MLT funding for the Monument project (\$150,000), City Manager Englehart suggested the funding come from the Conservation Trust Funds (CTF) and the Council was unanimously supportive of that suggestion.

Regarding the dues, there was some clarifications provided but all dues were supported by the majority.

The last item on the worksheet for 2014 was \$1 million for economic development. The Council was split on taking it off the worksheet but the majority agreed to remove it. The City Manager advised that if a project comes up for economic development, Staff will bring it to Council and money can be appropriated through a supplemental appropriation.

Financial Operations Director Romero then summarized the balance with all of the direction given and including the Avalon Theatre Project contingency of \$619,000 which is what the Avalon Theatre Foundation has pledged. The picture changes if the City receives the grant from the Department of Local Affairs (DOLA). The out of balance amount was \$285,000. All but one member of Council was supportive.

Next, the City Council reviewed the Enterprise Funds.

PW&U Director Greg Trainor introduced the utilities funds which include water, sewer, solid waste, and irrigation. These funds are supported solely by their income and they are all managed through long range financial plans that address revenues, expenses, rates, and fund balances. The fund balances are for emergencies, to offset revenue variability, to take advantage of certain opportunities, to comply with new regulations, and provide debt service reserves. They manage their fund balances with small rate changes and during the economic downturn did not have any rate increases. They were still able to go forward with capital projects to provide work for local contractors. They utilized Build American Bonds to accelerate some capital improvements. That did result in a reduction in fund balances.

PW&U Director Trainor then reviewed wastewater operating fund charts that demonstrated the fund balance with no rate increase, with the proposed increase, and one with a smaller increase. Utilities Manager Terry Franklin explained that a portion of the fund balance will be set aside to comply with the nutrients regulations.

PW&U Director Trainor then referred to another graph that compares the rates with other entities and the City is still the lowest provider in the valley and beyond. Regarding water rates, the City is lower than Ute Water and Clifton Water.

Utilities Manager Franklin explained the debt service payments which include a balloon payment in 2019.

City Manager Englehart asked if there were any rate increases proposed that would affect development. PW&U Director Trainor replied that the plant investment fee will be increasing the previously approved annual increase of 3%. Those fees are only used for growth related capital improvements.

There were discussions on overlapping areas of service for water, the regional provision of sanitary sewer, fire flows, and the Supreme Court decision affecting those items.

Upon questioning from Councilmember Chazen, the percent increases proposed were explained and justified. The amount for a target fund balance of 25% of operation and

maintenance was explained. That is re-examined annually. Financial Operations Director Romero advised that there is a reserve for all three funds equal to \$9.2 million.

When asked about the life of the plant, PW&U Director Trainor advised the plant has been maintained, upgraded, and reconstructed constantly over the last thirty years so there will likely never be a point where the plant needs to be replaced.

Plant Manager Dan Tonello updated the Council on the CNG project to inject the plant methane into the Xcel Energy system.

Agenda Topic 2. Other

City Manager Englehart suggested one more workshop on October 28 to complete this discussion. The meeting would start the same time. On October 14, he proposed canceling the workshop and addressing the Avalon Theatre Sponsorship at the Readiness Session at 5:00 p.m. that day. The Active Threat Training Drill is set for November 6, 2013.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
SPECIAL WORKSHOP**

**MONDAY, OCTOBER 7, 2013, 8:30 A.M.
CITY AUDITORIUM
250 N. 5TH STREET**

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

1. Budget continued

2. Other Business

GRAND JUNCTION CITY COUNCIL READINESS SUMMARY

October 14, 2013 – Noticed Agenda Attached

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

Meeting Adjourned: 7:09 p.m.

Council Members present: All except Council President Sam Susuras and Councilmember Jim Doody. Council President Pro Tem Marty Chazen presided. Staff present: Englehart, Shaver, Romero, Camper, Kovalik, Valentine, Taylor, Rainquet, and Tuin. Also present was Downtown Development Authority (DDA) Executive Director Weiss.

Agenda Topic 1. Avalon Theatre Naming Rights

City Manager Englehart introduced the topic, and noted some of the nuances needing consideration, regarding the naming period of time, transferability, etc. He advised that City Staff is pursuing a Department of Local Affairs (DOLA) grant, which will be decided in November.

Convention and Visitor Services (CVS) Director Debbie Kovalik advised the Council on private donor funds contributed or pledged thus far (\$583,000 in cash plus \$601,000 in pledges), and shared the committee's ideas for expanding and increasing donations via naming rights for various parts of the building as well as nonstructural elements like concession areas. Considerations regarding the terms were discussed, including the length of time for naming; CVS Director Kovalik noted the need to put all naming rights terms and conditions in writing, with the understanding that all donations will be subject to final approval by Council. Council requested more details and specific terms be brought back by the committee for further consideration on October 28.

Agenda Topic 2. Prohibition of Parking along Main Street during Parade of Lights

DDA Executive Director Harry Weiss discussed the request to prohibit parking after 3 p.m. on Saturday, and to authorize violators be towed to the gravel lot east of the Fire Department. Council agreed that parked vehicles create a public safety issue, and requested the issue be placed on the Wednesday night Council meeting agenda for formal consideration.

Agenda Topic 3. Addition of City Property to the DDA District

City Manager Rich Englehart introduced the topic of cleaning up and consolidating the DDA District boundary, and the County Assessor's requirement to fully include or exclude all eight parcels of the Public Safety Complex within the boundary. DDA Executive Director Harry Weiss presented the potential properties for annexation into the DDA District. City Attorney John Shaver discussed the concern of having some parcels only partially included and some parcels outside the current boundary, and noted that the issue is time sensitive. Including City parcels within the boundary will not affect the DDA's Tax Increment Financing (TIF).

Inclusion of Emerson Park in the DDA boundary was discussed in terms of future redevelopment. Council decided to bring the issue back for further discussion on October 28 and requested some options along with pros and cons for the various pieces proposed for inclusion.

Agenda Topic 4. Other Business

Discussions included an email from Robert Traylor regarding the Grand Junction Drainage District (GJDD) and trails over piped drainages. Councilmember McArthur advised that the District does have sufficient funds for 2014 but is concerned about their financial position in 2015. He also mentioned ongoing issues with downstream pipe sizes at Community Hospital and drainage problems at the County Health Department building as well as the new Workforce Center. He said the City shouldn't make any financial agreement with the GJDD; all partners in the 521 Drainage Authority need to participate.

Council agreed to wear pink shirts for Breast Cancer Awareness at the October 16 Council meeting.

After a brief discussion about September tax revenues, Council agreed to further review this topic in November.

City Manager Rich Englehart noted that pre-meeting items for the 16th include a CNG support letter and a street lights item. City Attorney Shaver clarified that for undergrounding for street lights, the City will have to pay Xcel Energy direct as there can be no contracting so there is no procurement process.

With no further business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
READINESS SESSION**

**MONDAY, OCTOBER 14, 2013, 5:00 P.M.
CITY AUDITORIUM
250 N. 5TH STREET**

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

- 1. Avalon Theatre Naming Rights:** This request is to review and approve the recommendation for naming opportunities for the theatre. The Avalon Theatre Naming Rights Committee includes Debbie Kovalik, Stuart Taylor, Bennett Boeschstein, Jay Valentine, Robin Brown, John Halvorson, Karen Hilderbrandt, and Kathy Hall. Establishing naming opportunities now will make it possible for campaign committee members to go out and generate additional private contributions for the Avalon Theatre renovation project.
- 2. Prohibition of Parking along Main Street during Parade of Lights:** The Downtown Partnership is requesting the prohibition of parking along Main Street during the Annual Parade of Lights, and the authorization of towing of vehicles in violation of the prohibition. City Staff concurs with the recommendation to prohibit the parking.
- 3. Addition of City Property to the DDA District:** The City and DDA Staff are recommending the annexation of a number of City-owned parcels into the DDA district.
- 4. Other Business**

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

November 18, 2013 – Noticed Agenda Attached

Meeting Convened: 3:10 p.m. in the City Auditorium

Meeting Adjourned: 4:55 p.m.

Council Members present: All. Staff present: Englehart, Shaver, Moore, Schoeber, Watkins, Kovalik, Romero, Trainor, Camper, Hazelhurst, Valentine, Ranguet, and Tuin.

Agenda Topic 1. Budget Wrap-up

City Manager Rich Englehart asked Financial Operations Director Jodi Romero to hand out updated Fund Balance Worksheets and informed City Council that there are some changes in the revenues and with the review, he is hoping a resolution comes together to be able to put forward a supplemental appropriation ordinance and a 2014 appropriation ordinance. He said that the strength in the budget is in the flexibility.

Financial Operations Director Jodi Romero stated that the beginning balance for 2014 depends on the ending fund balance for 2013 and she reviewed the figures on the 2014 Requested Budget Worksheet which included the projected year end fund balance for the General Fund, an earmarked amount for the 1% for the Arts, and the Minimum Reserve. She reviewed the changes from the last workshop which included the reduced sales and use tax revenues based on the October 2013 collections, anticipating November and December 2013 being equal to 2011, the Transportation Capacity Payment (TCP) deferred fees being paid in 2013 for Community Hospital Medical Offices Building, some other expense reductions, some unspent 2013 City Council and City Manager contingency, the Stadium and Public Safety Building contingencies, and the \$150,000 payment received from the Avalon Theatre Foundation.

Councilmember Chazen asked Ms. Romero to give a breakdown of the \$769,067 for the Contingency Funds for the 2014 requested budget. Ms. Romero said that \$300,000 is the City Manager's contingency fund and \$469,067 is the Avalon Theatre Foundation cash flow contingency.

Council President Susuras asked what the \$40,000 contingency for the Visitor and Convention Bureau Fund is for. Ms. Romero said that it is for the Pro Cycle Event if it does occur.

Councilmember Chazen asked about the status of the TCP Fund. Ms. Romero said that the TCP Fund is holding its own and does not need any money from the General Fund for 2014. Councilmember Chazen asked where the money went in the TCP for 2013. Ms. Romero explained that there was a \$2.7 million transfer in the 2013 adopted budget from the General Fund into the TCP Fund and that is being spent on the major capital projects.

Ms. Romero said that there is enough in the requested 2014 budget in the TCP Fund to cover anticipated projects for 2014. Councilmember Traylor Smith asked where the \$690,000

anticipated revenues came from. Ms. Romero said residential development and other projects that they are aware of.

Council President Susuras feels that since there is an extra \$1.4 million over the \$18.5 Minimum Reserves, that money should go towards funding the Colorado Mesa University request, Economic Development, and fully funding Grand Valley Transportation (GVT). That would still leave some excess if something else comes up.

Councilmember Doody agreed with fully funding GVT and thought it would be a good idea for Staff to bring Council up to speed in early 2014 on details about the partnership and possibly look at other ways GVT can be funded. Councilmembers Norris and Traylor Smith feel the calculation for funding needs to be recalculated based on the most recent census and renew the Intergovernmental Agreement because the valley has changed. City Manager Englehart advised that a recalculation will likely result in an increase in the City's share.

Councilmember Boeschstein said that the City needs to fund GVT and not pull out from the agreement. It is important to make GVT accountable and he agrees that maybe it should be put on the ballot for them to form an Authority. GVT is important as it does provide people a way to get to work.

City Manager Englehart said the original agreement with GVT was a five year agreement with a graduated schedule. After that, in 2008, all the partners decided to continue with an annual renewal with no increases.

Councilmember Norris said that she has asked Todd Hollenbeck, Mesa County Regional Transportation Planning Office, to provide City Council with new calculation numbers but it will be too late now for the 2014 budget. City Manager Englehart suggested that perhaps the \$20,000 be put back into the budget and a letter to Mr. Hollenbeck be sent asking that the \$20,000 be justified.

Council President Susuras polled Council on whether or not they want to reinstate the additional \$19,885 to GVT with a letter identifying what is expected from them. Council was in favor six to one (Councilmember McArthur was not in favor) of reinstating the additional amount with Staff providing a letter to GVT. The matter will be looked at again next year.

Council President Susuras asked Council how they feel about providing \$500,000 funding for Colorado Mesa University's Classroom Building.

Councilmember Doody said it is a partnership and the City needs to appropriate money for the first payment. Councilmembers Norris, Boeschstein, and Traylor Smith agreed.

Councilmember Chazen said he thought that if any money was available, it would go to streets. He would like to wait and see how the first quarter does. Councilmember McArthur agreed with Councilmember Chazen. Council President Susuras feels that the money has been found and should be allocated to CMU. Council was in favor five to two of allocating the \$500,000 to CMU. City Manager Englehart said that they will wait until May before making that payment.

The City Council was in favor six to one (Councilmember Doody was not in favor) of funding the City Council's Economic Development Contingency Fund at \$500,000.

Council President Susuras asked about Grand Junction Economic Partnership and if it needed discussion. Councilmember Norris said she feels that a letter needs to be put together with the payment that talks about measurement, similar to what the County did, and move that funding into the Council's economic development funding for when they do bring projects forward, the money is there. It is important to know what they are spending money on. The rest of Council agreed.

Councilmember Norris has been attending the Incubator meetings and the Manufacturing group meetings and one project is a "maker space" at the Incubator which would be a great incentive for the manufacturing group. It will be a place where manufacturers can develop new products. The kitchen at the Incubator (a similar concept) has been very successful. The manufacturers need \$60,000 to develop the "maker space" and get the equipment which one third of that will come from federal funding. \$40,000 will have to come from other sources. Some manufacturers are going to donate equipment and part-time help would be needed to teach, probably for two years. The kitchen was self-sufficient after two years and they think that is about how long the "maker space" will take to start up. City Manager Englehart asked if Council would like to earmark some of their contingency for the "maker space" start up project. When polled, Council was in favor six to one (Councilmember McArthur was not in favor, he felt \$20,000 should be allocated) for funding \$40,000 from the contingency in 2014 for this project.

Councilmember Chazen asked if there was any money in the 2013 budget to purchase property for a new fire station. City Manager Englehart said yes, but it is being rolled over to 2014 budget. There is \$175,000 for the design of the fire station, and the remaining for the acquisition of property. Grants will be applied for but because of what happened on the Eastern Slope, they won't be putting in for Department of Local Affairs (DOLA) funds. Councilmember Chazen asked how much it is going to cost. Financial Operations Director Romero said that \$475,000 is being budgeted for 2014 and \$2.5 million is being contemplated for 2015 for the actual construction.

City Council held some discussion on the City needing to save because it is unknown what could happen in 2015 and 2016.

City Manager Englehart referred to the handout showing the Capital projects proposed and where it stands to date. Financial Operations Director Romero explained the handout provided about the various funds and how they work. City Manager Englehart also noted and explained the handout showing the reserves as well as the handouts put together by Risk Manager Dave Roper on Natural Disaster Responses and Insurance Coverage in Disaster Scenarios and said that they have tried to plan for the worst but of course hope nothing ever happens.

The last handout, City Manager Englehart explained, was a draft for the Budget review scheduled for the City Council meeting on December 4th. He asked City Council to please give any feedback on it.

Agenda Topic 2. Board Reports

Council President Susuras gave an update on the Airport Authority. The Authority has no idea what any charges might be from the investigation. There is a Board meeting on November 19th and there will be an Executive Session following that meeting. City Attorney Shaver said he has been in communication with the Airport Authority's attorney and had nothing further to add. There was some discussion of possibly providing a letter of support for the Authority, but it was decided that the City should stay out of it.

Councilmember Boeschstein advised that the County Commissioners voted in favor of going ahead with the riverfront trail from Grand Junction to Fruita. They have a huge grant and it is a big project. On the horizon, Las Colonias is the big riverfront project for next year. The segments between Las Colonias and 29 Road need to be put together in a trail project. At the Mesa Land Trust meetings there has been a lot of discussion about conservation easements between the cities of Grand Junction, Fruita, and Palisade. The Avalon construction is proceeding and should be done by summer. The Incubator is a great economic development tool and he encouraged all to attend their Holiday Open House.

Councilmember Doody advised that Parks and Recreation Director Schoeber is putting something together for City Council on the STARS Program and he enjoys being on that board.

Councilmember Traylor Smith said that the Housing Authority welcomed new board member Tammy Beard and they have done a lot of good planning and have done a self-evaluation looking out how and what the Housing Authority does.

Councilmember Norris said that she and Councilmember Doody had a meeting with Pear Park Fire and EMS Coverage Committee. All of the members are in place and goals were identified. Councilmember Norris advised the Manufacturing Council is an interesting group and is working hard to pull manufacturers together.

Councilmember Chazen was a guest at the Parks and Recreation Advisory Board and there was discussion on commercial use of the parks. The Forestry Board discussed how they were going to set up classes and licensing due to the two recent ordinances that City Council adopted. He attended the Urban Trails Committee meeting and Kevin Williams from Grand Valley Drainage District and Greg Trainor, Public Works and Utilities Director, gave a great presentation on the 521 Drainage Authority. He attended a Downtown Development Authority meeting and there was just a general discussion held.

Councilmember McArthur stated that the 521 Drainage Authority has received the draft storm water permit from the Colorado Department of Public Health and Environment (CDPHE). A response has been received by the Bureau of Reclamation and they want a permit for every discharge point.

Agenda Topic 3. Other Business

City Manager Englehart passed around a Thank You card to be signed for the Town of Palisade thanking them for hosting the Municipalities Dinner. He advised Council that Senate Bill 08-218 provided that 50% of the Federal mineral lease donor payments be set up to backfill communities that had a drop of more than 10% in Federal lease payments. It appears that the State did not appropriate the distribution. Associated Governments of Northwest Colorado (AGNC) will be taking a look at this. He will send the background on this to City Council. The City's allocation would be around \$70,000.

Deputy City Manager Moore passed out a handout and explained it was a work plan for the formation of an Urban Rural Authority. He asked Council to take a look at it. There will be a Public Hearing at the December 18th City Council meeting for the Urban Renewal Authority.

Deputy City Manager Moore advised that the Town of Palisade has asked the City to do some design work for them to rebuild five blocks of Main Street in Palisade. Palisade plans to apply for a grant. The City has a Junior Engineer that could help them with the design for four weeks. The design needs to be completed by the spring of 2014. Unless the City Council has an objection, they will put a proposal together for Palisade, it will probably be for around \$10,000 or \$12,000. City Manager Englehart said that Palisade could hire it out but the Town of Palisade does not have the resources to do that. City Council was in favor because it does build good relationships.

City Attorney Shaver advised City Council that legislation may change rules for Urban Renewal Authorities and he will keep City Council informed.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, NOVEMBER 18, 2013, 3:00 P.M.
CITY AUDITORIUM
250 N. 5TH STREET**

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

- 1. Budget Wrap-up**
- 2. Board Reports**
- 3. Other Business**

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

January 6, 2014 – Noticed Agenda Attached

Meeting Convened: 8:30 a.m. in the City Auditorium

Meeting Adjourned: 12:45 p.m.

Councilmembers present: All. Staff present: Englehart, Shaver, Moore, Schoeber, Romero, Tonello, Trainor, Valentine, Kovalik, Tice, Ranguet, Krause, and Tuin.

Agenda Topic 1. Discussion and Review of Partnerships with Mesa County

City Manager Rich Englehart introduced this item and said the intent was to go over all the City/County partnerships and agreements. In his opinion, there are no broken agreements and there is a great working relationship with the County. Although there have been challenges with the budget process, those items are being addressed individually. There is consistent communication between himself and County Administrator Tom Fisher. There have been successful negotiations for Procurement Services for the County led out by Internal Services Manager Jay Valentine; this process is working well. There have been continued talks for purpose of consolidation for better efficiency and cost savings with: Grand Valley Transit maintenance services with the County, HVAC systems with the County, and Fleet maintenance with the School District.

Councilmember McArthur inquired about consolidating the development review process rather than having many engineers looking at the same plans. City Attorney John Shaver said the City has tried to cooperate with the Districts to consolidate that process and it would be continuously encouraged.

Council President Susuras asked if there are conflicts regarding the buffer zones. City Manager Englehart said the County thinks the City should be participating at a higher level in assisting the Mesa Land Trust however Council has stated that The Three Sisters property is a buffer and that has been expressed to the County Commissioners. At this time, it is not a priority based on all the other needs.

Councilmember Boeschstein said he attends these meetings and future buffer areas have been identified to prevent sprawl. There have been numerous summit meetings between all local governments and there have been many significant conservation easements acquired between the communities. There are orchard owners between Palisade and Grand Junction who do not want to subdivide and want to preserve their orchards and vineyards. He suggested a presentation by Rob Bleiberg on the purchase of development rights program be given to the new Council.

City Attorney Shaver said there has been an agreement that created the Purchase of Development Rights Committee (PDR) which would be the strategic committee to determine best use of these funds. During the downturn of the economy, Council called for an informal modification to this agreement to reduce its obligation and instead review requests on a case

by case basis. There could be discussion to declare whether the standing committee should be reinstated. There are opportunities to talk without recommitting the funds.

Councilmember Chazen asked if the Intergovernmental Agreement (IGA) required a payment from the City. City Attorney Shaver said no, however when the PDR Committee was formed it was based upon the contributions to fund conservation easement acquisitions with the understanding that there would be banked resources. The Committee would then make recommendations on the acquisitions.

Council President Susuras noted that Mesa Land Trust was given a very valuable piece of land to trade for Three Sisters and recently the City agreed to an additional \$150,000 contribution. The City has been doing their fair share.

City Manager Englehart suggested that this be addressed at the upcoming Municipalities Dinner and Mesa Land Trust will be asked to make their presentation on the buffer zones at that time.

Councilmember Chazen said it would be wise to have a balanced discussion looking at both sides regarding the right to use public funds to do this and what the benefits are.

Councilmember McArthur said he also has concerns about the process and how it would affect the longer term by perhaps creating a sprawl instead of preventing sprawl.

Councilmember Norris said she would like to have the presentation for educational purposes.

Councilmember Doody said it will come down to a discussion on sewer and if there will be sewer lines in the buffer zones. The County allowed a Church to build and put in a septic system over the objections of the City. At some point in time the septic system will fail.

Council President Susuras inquired on the difference between Grand Junction Baseball Inc. and JUCO. Parks and Recreation Director Rob Schoeber said the legal name is Grand Junction Baseball Inc., but they are really one in the same.

Councilmember Doody asked about item 24 in regards to the Landfill, and Biosolids from Persigo and the County charging by weight. Persigo Manager Dan Tonello explained how negotiations with the County to reduce the cost per wet ton resulted in a significant cost savings for the City.

Councilmember Norris said in regards to 521 Drainage Authority, she feels this needs to move forward and there should be talks with the County. Funding for capital improvements was discussed including grants, a bond issue, and fees.

It was noted the rate study was deferred and the cost would be about \$49,000. It was suggested that the 521 members may need to participate to fund the needed rate study. City

Attorney Shaver advised the Board has authorization to impose a fee however, the County is opposed. If it goes to ballot, a tax increase could also be put to the voters.

The cost of compliance with EPA regulations was estimated to be \$100 million. Council discussed how this unfunded mandate can be addressed.

Councilmember Norris then brought up the Riverfront Commission. The County's participation on the latest trail segment and their cut of the administrative funding was discussed.

Councilmember Norris referenced item 13, the Grand Junction Economic Partnership (GJEP). She said the County was financially supporting this committee.

Councilmember Norris next referred to item 38, the Aegis Agreement for the CAD/RMS in the Police Department. City Manager Englehart said although there had been talk of the County pulling out of this agreement, due to the work of Information Technology Manager Jim Finlayson, he does not think the County will pull out of this agreement at this point.

Councilmember Norris asked about item 66, the Drug Task Force which runs on grants. Is there any more grant money available and if not, is this something for the City to budget for? It was noted that this Task Force is staffed by existing personnel.

Council President Susuras asked about item 39, COPLINK. City Attorney Shaver said this was a database for the purpose of information sharing between all agencies through one source.

Council President Susuras asked about item 21 regarding Escrow Accounts. City Clerk Stephanie Tuin explained that an account was set up to pay for recording of documents and is reimbursed every couple months instead of cutting a check every single visit to the County Clerk and Records Office.

Councilmember Norris asked if there were any other agreements to talk with the County about such as snow removal. Public Works and Utilities Director Greg Trainor said at this point there is no need for a formal agreement. There has been ongoing cooperation and benefit for all parties involved for the fringe areas of the City and there has been no resistance to cooperation.

Councilmember Doody asked about the Orchard Mesa Pool Agreement. City Manager Englehart said the School District has been asked to financially partner in the utility portion of this agreement. A pool board may also be formed with a representative from each entity involved, including a Council representative. The County is financially back into this agreement. City Attorney Shaver said the ownership at the end of this agreement will lie with the School District because of the land ownership. The proposed term of the agreement is 20 years and, upon agreement with all entities involved, can be extended an additional 20 years.

Councilmember Boeschstein said it is beneficial to have these IGA's without cost to the taxpayers. Drainage has been an issue, a metropolitan district formation could be a solution. It would handle issues that overlap boundaries. Big picture solutions are needed.

Councilmember Chazen referred to item 3 and asked if the 21st Judicial District representative was Judge Care McClinnis. City Attorney Shaver said she is the primary, however the rest of the Attorneys are involved as well. The meetings are quarterly.

Councilmember Chazen asked who the representative is for the Animal Services Agreement. City Manager Englehart said it is Police Commander Bob Russell.

Councilmember Chazen asked about the Memorandum of Understanding (MOU) for Grand Valley Bus repair and the rate per hour being \$49. Internal Services Manager Jay Valentine said it is a two year agreement and 2014 will be the last year. The review process will take place this year.

Council President Susuras asked if there was an agreement with Grand Valley Transit for CNG fuel. City Manager Englehart said there is an agreement in place.

City Manager Englehart said the Land Use Housing Strategy group no longer meets and may be one to consider pulling from the list as inactive. Councilmembers Boeschstein and McArthur think the Downtown Development Authority (DDA) and Housing Authority should be consulted before terminating this group as there still may be a housing issue.

Councilmember McArthur asked if there is duplicity with the Riverfront Commission and Urban Trails. City Manager Englehart said there is a lot of detail surrounding these issues and there is overlap. It would be beneficial to talk with the partners involved and get Council's direction with this. Councilmember McArthur noted that transportation planning seems fractured and should be consolidated to show how it all relates. Councilmember Norris said a metropolitan district should also be talked about.

In regards to the Auto Theft Task Force, there should be discussion on why Palisade is not involved.

That concluded the discussion on the City County Partnerships.

Agenda Topic 2. Persigo CNG-BioGas Project

City Manager Englehart introduced this item. This project provides the opportunity to save the City money but is a major capital investment. Although it is not part of the budget for 2014, a supplemental appropriation can be made. This topic is also proposed for the City/County meeting. The County may be going towards CNG vehicles as well. Persigo Manager Dan Tonello said the County has been supportive through Grand Valley Transit (GVT). Mr. Tonello said the Persigo infrastructure is jointly owned by the City and County with the City being the designated manager. The designed capacity is 12.5 million gallons per day, although the

footprint allows for a potential 25 million gallons per day. The average loading stands at 65%. There is a 50 financial year plan to expand Persigo in bits and pieces when needed. Mr. Tonello explained the process to get to methane gas. There is an equivalent of 400 gallons of fuel being produced every day. The proposal is to scrub the gas to a quality for the purpose of vehicle fuel then transfer from Persigo to the CNG fueling station through dedicated pipeline. The second proposal is to change the primary source of gas from Xcel to Biogas from Persigo. Currently there are 300 gallons a day from Xcel being used. Persigo produces 400 gallons per day. There is opportunity to not just take care of current demand but the foreseeable future as well. The benefit and goal is to provide sustainable renewable energy. Councilmember Chazen asked if the process at Persigo could be changed to provide the maximum amount of fuel possible. Mr. Tonello said yes, and he explained the process in which this could happen. Internal Services Manager Jay Valentine said the CNG industry is evolving and anytime a there is a solicitation for a bid on a City vehicle, a CNG option is asked for.

The gas conditioning equipment needed for this project would cost \$750,000. To get the BioGas product from Persigo to the CNG filling site by a two inch pipe line would cost \$1 million, for total cost for the project of \$1.75 million. The request before Council is to obtain direction to go forward with a study to be conducted by experts to validate the research done by Mr. Tonello and Mr. Valentine.

One of the proposed routes is for the BioGas pipeline to run from Persigo to the CNG filling station along the Riverfront Trail. If Council approves, a cost will be estimated for this route in comparison to the possibility of the pipeline running along River Road where there are currently utility easements running along the corridor. After determining a cost, with these two options, a recommendation would then be given for Council's decision. Mr. Valentine said that the flooding issue of the Riverfront Trail has been addressed with the Trail Repairs project and is currently safeguarded against erosion.

Mr. Tonello said initially it was proposed for the BioGas to go through Xcel's infrastructure, but the answer recently from Xcel was that although this could be an option, it would end up costing the City more going this route rather than independently. Also a dedicated pipeline from Persigo will reduce liability exposure.

Councilmember Chazen asked if there was an option researched for putting in a filling station at Persigo. Mr. Tonello said it has been considered however, because Persigo is located about 5 miles outside the City, the cost savings over an extended amount of time would be make it more logical to have this at the current CNG filling station.

Mr. Tonello said hauling the fuel from Persigo to the filling station by truck was also considered, but the expenses and liability left the best option to still be having the direct pipeline.

Council President Susuras asked if anyone else in the United States is currently doing this. Mr. Tonello said he is not aware of anyone else in operation at this time, however there are some that are getting close to putting this into operation.

Mr. Tonello said the pipeline proposed would be a two inch pipe 5 miles long, delivering gas to the filling station at 20 psi.

Mr. Valentine said there are two options to look at. The first option would be for a company to pay for the infrastructure and pipeline; the benefit in a company doing this would be to make an incremental amount on the fuel and there would be credits that would be marketed to companies who are required to reduce emissions at a rate of \$.75 per gallon. The City would get a stable fuel price, although higher. The second option is the City could finance the construction using the ten year model; the cost of fuel would be less in the long run with this option. There is a \$30 million grant available through the Governor's office to put towards fueling systems and infrastructure for CNG, and this project would be a prime candidate for this grant. After the tenth year when costs are repaid for infrastructure, the City would actually make money at \$.19 cents a gallon. The financing for this project would come in one form or another from Persigo.

City Attorney Shaver said under the Persigo Agreement, the City and the County are the joint owners of Persigo, with the City being the manager who would make this recommendation, and the expectation would be that the County would agree.

City Manager Englehart noted that if the grant money was awarded for this project it could potentially allow for doing more such as a filling station at Persigo in addition to the piping to the existing CNG filling station. Mr. Valentine said the hope is for the customer base to increase.

Council President Susuras asked what the interest rate for the loan would be. Mr. Valentine said it would be 1.5%.

Mr. Tonello said his recommendation as Manager is to stop utilizing digester gas and get it to the fueling site, obtain credits from the government, and keep the tanks with Xcel for sale to the public and other entities. This would make the best financial sense.

Councilmember Chazen said because there are some concerns there should be an agreement in place between Persigo and the City in order to insure the City takes on the risk and responsibility.

The Council was unanimously in favor of going forward with the BioGas Project having Staff analyze and study both financial options and come back with definitive answers to prepare Council to make a choice between the two.

Agenda Topic 3. Review of Current Sales and Use Tax Exemptions

City Manager Englehart said this topic is more review and educational. The City is already doing a lot in this area to promote economic development and this would also be incorporated into economic development strategy.

Revenue Supervisor Elizabeth Tice-Janda said the City currently exempts government entities and non-profits from tax. She then reviewed the other items that are tax exempt and provided the reasons Council has made these exemptions. Much of the City's tax code focuses on taxing discretionary items which makes the City's revenues more volatile during economic downturns.

Council President Susuras asked if marijuana was tax exempt. Ms. Tice-Janda said it is not exempt because it is not FDA approved. Marinol, which is FDA approved, is exempt.

Ms. Tice-Janda explained the difference between sales tax and use tax noting there are credits for taxes paid to another municipality. City vendors are allowed to keep 3.33% of sales tax collected for compensation for filing on time. In 2012, there was about \$1.4 million kept by vendors due to this policy. The City is unique in many areas for a municipality: 1) the first fifty dollars in use tax is waived on an annual basis, 2) there is no renewal process on sales tax licenses, 3) no business licenses are required, and 4) building materials use tax is collected differently, and not as a down payment like in other municipalities. There is an internal auditor and there are external auditors contracted by the City. The City is the only jurisdiction in the valley who does their own sales tax administration.

Agenda Topic 4. Vending Machine Sales Tax Exemption Request

Revenue Supervisor Tice-Janda said the Council is being asked to consider waiving tax on vending machine sales. To make a change, the City would have to amend its definition of food.

The Colorado Vending Council representative Aldon Savoca said vending machine tax is arbitrary as there is no way for the State to determine how food purchased through a vending machine will be used (immediate versus at home consumption). Collecting the sales tax is another issue as vendors cannot add on the tax with these machines. The County and the State have both exempted vending machines from sales tax. Mr. Savoca contended that the exemption would help vending machine operators grow their businesses.

The financial impact to the City would be less than \$15,000 in revenue. Ms. Tice-Janda clarified that it will not affect non-food vended items.

Councilmembers Chazen, McArthur, Traylor Smith, Norris, and Boeschstein felt that candy and soda should be taxed like the County and State do. Councilmember Doody felt like neither should be taxed.

The direction of the majority of Council was to bring forward an amendment to exempt sales tax from food sold through vending machines with the exception of candy and soda and with a three year sunset clause.

Staff was also directed to come back with a presentation regarding taxing soda and candy, like the State, in grocery stores, etc. (non vended sales).

Agenda Topic 5. Potential Business Personal Property Tax Refund Policy

City Manager Englehart introduced this item and said this consideration would also be a benefit for economic development. Different options were presented.

Revenue Supervisor Tice-Janda said this is similar to how real property tax works based upon the location of equipment, furniture, machinery, etc. The biggest industry affected is oil and gas. In 2013, businesses declared \$730,000 in liability, with 1,692 businesses reporting. This request originally came from a discussion with GJEP because businesses feel like they are double taxed. If a refund is proposed, it could go into effect in 2014. Three options were presented: an across the board refund, a refund based on expanding their work force, or a refund on new investments. This would not impact the general fund, TABOR restricts the amount of revenues that can be collected and there is already an excess on property tax which goes toward early retirement of the Riverside Parkway bonds. It could delay repayment. This could be directed by Council on an annual basis by resolution.

Councilmembers were not in favor of bringing forward any option but wanted more analysis on the issue.

Agenda Topic 6. STARS Program

City Manager Englehart said direction and input is being requested from Council for suggestions and possible changes. Additional information was provided regarding the costs, the services provided, and other camp programs offered.

The majority of Council was in favor of leaving the program as is with the increase to \$84 as proposed for 2014. Councilmembers Norris and Traylor Smith thought there should be some change such as age or cost.

Agenda Topic 7. Board Reports

There were none.

Agenda Topic 8. Other Business

City Manager Englehart said the computer in the Council office is not functioning properly and because all of Council now has iPads, the question was posed if a Council computer replacement is necessary. Councilmember Doody is the only one who really uses it. City Clerk Tuin offered that a printer be transferred to Councilmember Doody's house or placed in the Council office to use in conjunction with his iPad for printing purposes as a solution. City Clerk Tuin will follow up on that.

City Manager Englehart advised the topics for next Municipalities Dinner will be the buffer zones and air quality. He announced that the Mineral Lease allocation will be coming from the State and the next workshop will be in the Green Room at the Avalon Theatre.

There being no further business, the meeting adjourned.

GRAND JUNCTION CITY COUNCIL
WORKSHOP

MONDAY, JANUARY 6, 2014 8:30 A.M.
CITY AUDITORIUM
250 N. 5TH STREET

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

1. **Discussion and Review of Partnerships with Mesa County:** The City has entered into a number of partnerships with Mesa County, both formal and informal, over the years. A list of those partnerships is being provided for review and discussion. [Attach W-1](#)
2. **Persigo CNG-BioGas Project:** The purpose of this discussion to consider a plan for conversion of biogas produced at the Persigo Wastewater Treatment Facility, into a fuel readily available to be used in motor vehicles. [Attach W-2](#)
3. **Review of Current Sales and Use Tax Exemptions:** Review the City's current sales and use tax policy through existing tax exemptions. [Attach W-3](#)
4. **Vending Machine Sales Tax Exemption Request:** Consider request for exemption of food sales made through vending machines. [Attach W-4](#)
5. **Potential Business Personal Property Tax Refund Policy:** With this item the Council and Staff will review the business personal property (BPP) tax and consider options for a refund program as a means of economic development. [Attach W-5](#)
6. **STARS Program:** Summer Time Arts for Students (STARS) program is offered by the Grand Junction Parks and Recreation Department as an active camp for students in the 1st through 8th grades. This program began in 1997 and is offered for 9 weeks during summer months. [Attach W-6](#)
7. **Board Reports**
8. **Other Business**

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

January 13, 2014 – Noticed Agenda Attached

Meeting Convened: 2:30 p.m. in the Green Room at the Avalon

Meeting Adjourned: 5:50 p.m.

Council Members present: All. Staff present: Englehart, Shaver, Moore, Kovalik, Portner, Romero, Valentine, Cox, Prall, Cooper, Rainguet, and Tuin. Also present were Robin Brown, John Halvorson, Jim Grisier, and Harry Weiss.

Brief Tour of Avalon Theatre Project – The City Council and Staff took a tour of the Theatre under construction. The meeting reconvened in the Green Room for an update on the project.

Agenda Topic 1. Construction and Fundraising Update

City Manager Rich Englehart thanked the ones taking the tour, and then updated the City Council on the financing with the successful award of the Department of Local Affairs (DOLA) grant. City Council had approved \$7.6 million dollars and with the grant, the project can be expanded to the \$8.2 million option. This is a \$600,000 increase. The update from FCI said there is a loss in value with the changes (adding components), and there is an association cost for that. The architect, Westlake, Reid, Leskosky, has added their contract addition for \$34,000 for design work on the additional work. The Mayor signed the contract for the \$1 million grant from DOLA that day, but there is a clarification needed from DOLA. FCI is on track timing wise and they have provided assurance that they will work with the numbers and the subcontractors.

Chair of the Avalon Theatre Foundation (ATF) Board John Halvorson thanked Councilmember Boeschstein and Communications Manager Sam Rainguet for their contributions to the article in the Daily Sentinel. ATF Representative Robin Brown said the newspaper editorial has already helped spark some interest. She reviewed 2013 fundraising and referenced a work sheet she distributed. There has been over 300 donors; in 2013 there were 250 donations, and they are trying to grow the donor base. Councilmember Norris said these numbers are very disappointing. Councilmember Boeschstein said there is a perception out there that they have raised enough money. It is hoped that this article will clear that up that misconception. Up until now Ms. Brown said they have been a quiet campaign but they are launching their first campaign and will be very visible, noting that every dollar counts. Prior donations have been focused on over \$5,000 gifts. Councilmember McArthur asked Ms. Brown about the naming rights. She said they are in talks, but nothing concrete yet. She said when they get to that point, they will be brought to the City Council for approval.

Jim Grisier, ATF Treasurer, distributed the balance sheet and explained the details. Pledges are outlined and the smaller ones are grouped together and total about \$414,000. There is also an unsigned commitment from Alpine Bank in the amount of \$10,000 and there was a donation of

\$20,000 for a projector and an additional \$90,000 from the Gates Foundation; they were notified the same day they received the DOLA grant. To date they have paid \$537,000 to the City. The financial statement is a little misleading as it gives a recap of what has been done on the project to date. The funding raised to date has been \$1,300,000.00. Ms. Brown explained the pledges receivable; for 2014 \$301,300.00 and for 2015 \$122,000.00.

Councilmember McArthur asked about the arrangement with Home Loan. ATF Board President Halvorson explained that if funding is short at the end of Phase I, Home Loan will make an unsecured loan backed by the pledge monies for the outstanding amount. This would only be a fallback position as they will be required to pay interest on this money.

Councilmember Chazen recapped the balance sheet with the Staff Report to get to the correct figures. City Manager Englehart gave an overview of what has been paid and said they are still going to raise more funds for things like the rooftop terrace, finishing the mezzanine, and other additions. They are still just trying to get the core funded; FCI will provide good solid numbers in the near future. The phasing of this project will cost an additional 10-15%.

Councilmember Boeschstein said they are continuing to look at cost savings in construction at each meeting and Engineering Manager Trent Prall explained this. Mr. Prall gave an example of the different level of finishes available for this project. They are still trying to use all local contractors.

City Manager Englehart concluded by saying Staff has a great relationship going with the Foundation and is very appreciative of the work; hopefully the tour gave the Council and everyone present an idea about where the project is.

Councilmember Doody asked Ms. Brown to explain about the naming rights, and asked if Kathy Hall is still involved. Ms. Brown said yes but they have not had any luck with the energy companies. They are working with the donors who have given enough to have naming rights. There are some brand new commercial donors and these conversations are still ongoing. There are two types of donations: family legacy in which a family would like to have their name on something and the other is commercial. There was a discussion on the billboards being used in the campaign.

Councilmember McArthur asked about venues lined up for next summer. Ms. Kovalik said the first booking is tentatively June 14th, but they have not set up anything since they don't know the official opening date. She said they will show movies for the soft opening.

ATF President Halvorson said he is amazed at what good shape the Foundation is in at this point. Mr. Halvorson explained about the fundraising arm (the Cabinet) that is part of this process, noting it is a very powerful group. They are making lots of contacts.

Councilmember Boeschstein said that he and his wife were able to be partners in the process and encouraged all of City Councilmembers to take part in this. Councilmember Norris

hopes that more of the community members will contribute, to show that the community wants this project.

Agenda Topic 2. Community Solar Garden Subscription and Lease Agreement

City Manager Rich Englehart opened the topic and gave a brief background on the lease agreement for use of the property with the County and School District.

City Attorney Shaver introduced Eric Anderson from School District 51 and noted that the co-counsel with the other entities are David Frankel of Mesa County and David Price with School District 51. He reviewed the history and current status of the project. The City as a subscriber would receive a reduced cost for the electricity. The agreement is proposed for a 20 year term, which is the effective life of the solar panels. There has been some concern about this being a TABOR issue; City Attorney Shaver still believes that by virtue of how it is structured it is not a TABOR issue.

Mayor Susuras asked what would happen if those credits went away. City Attorney Shaver said the City could go back to paying market rates for electricity.

Councilmember Norris asked about the investment into the property. City Attorney Shaver said for the City it would be only the easement for the road to the property. The City does not have another planned use for the property at this time.

Councilmember McArthur was at a presentation from Xcel Energy who indicated they do not want to go beyond 30% renewable requirement and at that point credits will go away.

City Attorney Shaver said at that point it is the investors not the City taking that risk. Currently there are still favorable federal tax credits.

Councilmember Chazen asked if this is based on location by location, then why the different rates for the different City facilities. Terry Franklin, Utilities Manager, explained the difference between usage and demand and explained the City has done a lot with Johnson Controls to have the City buildings to become energy efficient. Some properties have a higher peak versus ratio. City Attorney Shaver added the City can substitute locations on an annual basis to maximize that benefit.

Councilmember McArthur asked what happens if Ecoplexus builds this and then walks. City Attorney Shaver said from the City's perspective, it is the School District's problem. The School District has a site license for protection in the agreement.

Bill Brick, Project Developer, with Ecoplexus, described the agreement, their role, how the LLC was created and why, and said they are a professional service provider. The O & M (operation and maintenance) provider is local. This firm keeps the facility in good operating condition;

solar is self-operating, as there are no moving parts. City Attorney Shaver said the City would require the contractor to carry liability insurance.

Councilmembers asked if a local contractor would be used. Mr. Brick said yes. Mr. Brick said subscribers (the City) are insulated from all liability. Xcel Energy plays a key role in this; they are providing the credits and the interconnection agreement. The way it works, subscribers pay the project a monthly fee per kWh to be a subscriber and in return the subscriber earns a bill credit back which amounts to four cents per kWh. Council also asked about the risk and if the credit is guaranteed. Mr. Brick said there is a guarantee, but it is subject to market rates and it was explained if rates fall, the City could go back to what they are doing now, paying Xcel for electricity.

Further details were discussed including specific contract provisions, future expansion, incentives to improve efficiency at City facilities, Ecoplexus's role and responsibilities, the City's liability exposure, the status of the other subscribers/parties to the project, and the impact on the neighborhood and buffering.

Mayor Susuras called for a vote. All Council members were in favor with the City Manager signing the contract and proceeding without coming back to Council.

Agenda Topic 3. Orchard Mesa Neighborhood Plan Update

City Manager Rich Englehart introduced this item and asked Staff to provide Council with an update. Deputy Manager Tim Moore said they are not looking for action today, but it will be coming before Council in April. They want to give an overview to Council before any public process begins. The public process will give them a broader view.

Mayor Susuras asked Mr. Moore how much of the plan is in the City and how much is in the County. Mr. Moore said there are about 16,000 people in the planning area. It is about a 60-40 split between City and County which is why it is so important to partner with Mesa County. The community in Orchard Mesa expected a new plan to come forward after adoption of the Comprehensive Plan. A full hard copy of the Plan will be left in Council's office for them to review. Mr. Moore reviewed the Orchard Mesa Plan Process so far.

Councilmember Norris said thirty five years ago when City Market was developing in Orchard Mesa, they built where they did from the surveys City Market conducted, but the area did not develop as predicted.

Councilmember McArthur said Highway 50 is a major obstacle for Orchard Mesa.

Planning Manager Lisa Cox said she has been impressed with the community engagement. She reviewed the goals, action steps, the vision, and the organization of the draft Plan. They heard loud and clear at every meeting the community image was important. There are not just code enforcement issues, but there are other things such as dilapidated buildings with safety issues

due to neglect. Another issue is how to cross Highway 50 safely. Ms. Cox said the Fairgrounds is a big economic driver for this area. In December 2012, a Master Plan for the Fairgrounds was developed and approved. Ms. Cox also answered questions regarding the future land designations shown on the slides. Deputy City Manager Moore addressed the sewer running along 32 Road and explained it was not only for Whitewater but for residents along 32 Road. Mr. Moore said the County would like to see development in Whitewater and they have extended water and sewer service to the area. There was a discussion on the allowance of sewer connections in some areas.

Planning Manager Cox pointed out the second Village Center area expected in future growth and how it generated lots of comments in the meetings. She noted this is a long range and long term plan to serve the neighborhood 30-40 years from now. Ms. Cox said the last open house is on January 29th and the final process should come before City Council in April.

City Manager Englehart said there will be one more update to City Council before it comes to Council in a formal meeting.

Agenda Topic 4. Board Reports

Councilmember Traylor Smith reported on the Parks Improvement Advisory Board (PIAB). They are working with Colorado Mesa University (CMU) so they will be able to host the Rocky Mountain Athletic Conference (RMAC) Conference in track and field in 2016. They currently cannot due to not being able to host a major event such as the javelin. The Housing Authority is having their 40th Anniversary and Council is invited to their annual meeting on January 27th.

Councilmember Chazen said he attended the Downtown Development Authority Retreat and they set priorities for next year which at the top of the list is business development along with White Hall.

Councilmember Boeschstein said the Incubator is getting broadband and the Riverfront Commission is the recipient of a fundraiser happening at Kannah Creek/Edgewater Brewery. The Brewery will donate a \$1 to the Riverfront Commission for each beer sold. He is attending the State Historic Preservation Conference in Denver in February and they will talk about the Aspinal Building, the Handy Chapel Church, and what is happening in Grand Junction.

Councilmember McArthur will be attending the 521 Drainage Authority Retreat on January 22nd. He said there has been lots of preparation for this meeting.

Councilmember Norris had no meetings she attended; she and Councilmember Doody will be attending the Fire Groups meetings at the end of the month.

Mayor Susuras has an Executive Session for the Airport Board on Tuesday, and there is an Executive Session lined up for City Council for a Grand Junction Economic Partnership (GJEP) item.

Agenda Topic 4. Other Business

Regarding proclamations, Mayor Susuras said there were questions with the wording on Human Trafficking proclamation and one Council person had Staff change the Proclamation. Mayor Susuras said these are available for review in the City Clerk's office, but if changes are to be made, it should be a Council decision as a whole. Mayor Susuras explained the process of the review and City Clerk Tuin said how they are brought forward. If any Councilmember has issues with any wording, bring it to the City Clerk's attention and she will forward to all City Council so a decision can be made by all. It was decided to include all proclamations in the City Council packet, not just the title on the agenda.

Councilmember Norris would like an update on the Police Department and how many officers there are on the street. On the Airport Authority, she wonders if there was not cross checks in place and asked how the City does this to protect not only the City but City Council and the citizens. Councilmember Norris asked if this is something the auditor can explain. City Manager Englehart said he could have the auditors give a presentation to Council; several things are already in place, but an explanation of them to Council can be arranged. Councilmember Norris also said she wants to again address the business personal property tax. Mayor Susuras said he would like to wait until after GJEP's presentation.

Councilmember Boeschstein said he would like to revisit the enterprise zone tax credit in the future.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, JANUARY 13, 2014, 2:30 P.M.
AVALON THEATRE GREEN ROOM
NEXT DOOR TO 645 MAIN STREET**

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

2:30 p.m. Brief Tour of Avalon Theatre Project (Under Construction)

- 1. Avalon Theatre Project Update:** Construction and fundraising update.
[Attach W-1](#)
- 2. Community Solar Garden Subscription and Lease Agreement:** Staff will present the terms of the proposed Subscription Agreement with Ecoplexus, Inc. for the Pear Park Community Solar Garden and request City Council direction on proceeding with the agreement.
[Attach W-2](#)
- 3. Orchard Mesa Neighborhood Plan Update:** This is the second of two informal updates by Staff to bring to City Council the current planning effort the City has completed with Mesa County for the Orchard Mesa area. The Plan area encompasses Orchard Mesa from the Gunnison River east to 34 ½ Road and from the Colorado River south to Whitewater Hill. Information will be provided about the planning process, the major findings identified through public participation, the final draft Plan document, and what the next steps are proposed in this joint planning effort with Mesa County.
[Attach W-3](#)
- 4. Board Reports**
- 5. Other Business**

**GRAND JUNCTION CITY COUNCIL
MESA COUNTY BOARD OF COUNTY COMMISSIONERS
JOINT WORKSHOP SUMMARY**

January 16, 2014 – Noticed Agenda Attached

Meeting Convened: 2:10 p.m. in the Auditorium

Meeting Adjourned: 4:15 p.m.

Council Members present: All. County Commissioners present: All. School District 51 Board Member (President) present: Mikolai. City Staff present: Englehart, Shaver, Moore, Trainor, Tonello, Valentine, Schoeber, and Tuin. County Staff present: Dechant, Baier, Atencio, and Widden. School District 51 Staff present: Schultz.

Agenda Topic 1. Orchard Mesa Pool

City Manager Rich Englehart introduced this item. He stated that direction is being requested on an agreement for the pool. A draft agreement was handed out and he noted some of the changes: on previous agreements, there was no definite owner listed for the pool so the draft agreement lists the School District as the owner, the School District will pay all of the utilities, the School District will schedule through the City to utilize the pool, a "Pool Board" will be established with one representative from each entity, the costs for operations on the capital side will be split between the City and the County, the billing process will be changed to be more like the animal control arrangement that the City has with the County, the notice for termination has been changed to one year, and the term is a 20 year agreement.

School District 51 Superintendent Steve Shultz said that he feels that an important piece of the draft agreement is that the school will not have to pay fees for using the pool. He expressed appreciation for the updated agreement and didn't understand why the School District was not paying for all of the utilities in the past. He advised that School District 51's Attorney David Price would like clarification on how the pool board will function, perhaps by the board setting up bylaws.

School District 51 Board President Greg Mikolai asked if setting the priority for using the "maintenance fund" referred to in the agreement is the board or the City/County. City Attorney John Shaver stated that ideally, the board would make recommendations to the governing bodies for purposes of the budget.

Councilmember Chazen asked how long the recent renovations that occurred at the pool will last and also asked how long before the next major capital improvement will be needed. Parks and Recreation Director Rob Schoeber said that the life expectancy for the recent renovations, the pool deck and floor, is ten to fifteen years. The next major expense will be the doors to the glass walls behind the hot tub. They do not open or close properly anymore. The estimate is \$150,000 and scheduled to be done in 2015.

There was discussion regarding the term of the agreement. The County suggested a twenty year agreement may be unnecessarily long; a five year term for the agreement with three five

year renewable periods would give new City Councilmembers and new Commissioners a chance to engage in the agreement. The pool is an older asset and should be kept as a real viable asset by all entities. It was also mentioned that no matter what the term is, an annual appropriation and an annual budget still has to occur.

Council President Susuras asked City Attorney Shaver if a final agreement needs to be reached at this meeting. City Attorney Shaver advised that a final agreement would not be approved at this meeting, but if all parties could reach a consensus and give direction for a term so that a final agreement could be drafted that would be ideal so that final approval could be given by each governing body at a later date.

A poll was taken and the County Commissioners would like to see a five year term. City Councilmembers Chazen, Traylor Smith, Norris, and Council President Susuras were all in favor of a five year term. Councilmembers McArthur, Doody, and Boeschstein were not in favor of a five year term; they would rather see a two year term and then reevaluate the term. School District 51 Board Member Mikolai said it makes no difference to him, however, he liked Councilmember McArthur's suggestion of going with a two year term and then reevaluating the term after the two years.

Commissioner Pugliese noted that the draft agreement references the old agreements as exhibits but she feels that they are only confusing and should not be exhibits to the agreement. City Attorney Shaver said that the old agreements were referred to in the draft agreement for historical reference but could be left out. City Council, Commissioners, and the School District Board were in favor of leaving out the reference to the old agreements, however language about the new agreement supersedes the old agreements was requested.

There was discussion about the agreement stating that any major changes for the Pool need a unanimous vote by the pool board. City Council, Commissioners, and the School District Board were in favor of needing a unanimous vote for any major changes.

It was agreed to remove the word "minor" from the agreement and add specific language where it is stated to establish a minor capital maintenance fund for the pool so there would be a reserve to fall back on if needed.

Agenda Topic 2. City/County Partnerships

City Manager Englehart introduced this item and advised that the City really appreciates the relationships that it has, written or not written.

521 Drainage Authority

Commissioner Acquafresca stated that the 521 Drainage Authority has been a successful endeavor. They are close to renewing a permit from the State to perform inspections for drainage regulatory purposes. They have been successful in identifying drainage hazards across multiple jurisdictions and suggesting ways to mitigate those and reduce those hazards. The County is eager to continue the partnership. He is concerned about the Grand Valley

Drainage District bringing their woes to the 521 Drainage Authority looking for solutions. He sees confusion between the missions of the two organizations and it is important to keep them separate.

Councilmember McArthur stated that there is a problem with a development in Clifton and the 521 Drainage Authority is blocking them. Mesa County Public Works Director Pete Baier said that it is the Douglas Wash and the County Staff is meeting with the Drainage District in the next week and will discuss that issue.

Councilmember McArthur said that the 521 Drainage Authority is having a summit in the upcoming week and the new members, including him, will be studying the by-laws, the rate studies, etc., and put forward a direction for the next year. Public Works and Utilities (PW&U) Director Greg Trainor also added that part of that meeting is to move forward on a consensus for a long range financial business plan.

Commissioner Acquafresca said that both the County Staff and the City Staff are experts in the drainage regulations that the State and Federal Government enforce and is appreciative of the fact that they work closely together.

City Councilmember Doody feels that the 521 Drainage Authority is limping along and a lot of mitigation needs to be done. He said rates need to be implemented.

Councilmember Chazen asked what amount the City contributes to the 521 Drainage Authority. PW&U Director Trainor said that the five entities contribute \$200,000 to the 521 Drainage Authority and it is prorated for each entity. The City's share is \$64,000 and the County's share is \$60,000.

Councilmember Boeschstein said that there should be a study for each drainage basin that looks at historic flows in order to get the numbers to figure out what the flows would be for urbanization. PW&U Director Trainor said that Gerald Williams from Fruita studied all the basins in the valley and there have been a few of those basins where the next step has been taken to determine mitigation.

Mr. Baier said that the 521 Drainage Authority is working great as far as operational goes but the capital needs do need to be identified.

Commissioner Acquafresca recommended that public outreach include some of the facilities that have been invested in to reduce the threat of drainage hazards such as Lewis Wash, the 200 residential homes that were taken out of the floodplain, and Ranchman's Ditch.

Councilmember Chazen said that the public does need to be aware of this issue but advised that it should wait until it is known what the requirements and cost will be.

Riverfront Commission

City Manager Englehart introduced this item. He said there were some concerns during the budgeting process with the relationships and who paid for what.

Commission Pugliese advised that the Riverfront is housed at the County building which is a \$12,000 space but is an in-kind contribution from the County and \$4.5 million was just approved for the final four mile section of the Riverfront Trail, which a majority of that money was from grants and Conservation Trust Funds. The County spent \$650,000 of their capital funds for the project. The County has one staff member that dedicates most of his time to the Riverfront Trail. There is other Staff that is called to the Riverfront Trail such as maintenance, the sheriff, and animal control. The County is committed to the Riverfront Trail and because of all of their in-kind contributions and their capital spending; no one should complain about the \$5,000.

It was asked if there was an Intergovernmental Agreement (IGA) for the Riverfront Commission. City Attorney Shaver answered that it is a form of an IGA and it is subject to annual appropriation. There was some discussion on how the budget is set for the Riverfront Commission. City Attorney Shaver said it is set by each entity's appropriation. Councilmember Boeschenstein explained that their administrative budget is very small and funds a half-time person who takes the minutes of the Riverfront Commission and the Urban Trails Committee and take care of all of the records. The capital part of their budget is the big trail between Fruita and Grand Junction and the County is administering that. The City, County, Fruita, and Palisade do their part to repair and maintain the trail sections within their jurisdictions. The City is still funding their portion for the administrative person. The Riverfront is looking for private sponsors to help with the shortfall in the budget. Parks and Recreation Director Schoeber advised that they did meet with John Gormley with the Colorado Riverfront Foundation, Inc., and the Foundation will be asked to cover the shortfall for the short term.

Councilmember Chazen pointed out that the City contributed \$96,000 on trail repairs which does not include the ongoing maintenance.

City Manager Englehart said that the discussions regarding where the Riverfront Commission and Urban Trails Committee will be ongoing.

Airport Update

County Commissioners advised the application deadline is January 17th to replace Denny Granum's position on the Board. There is a good roster of applicants. They hope to have someone in place for the first Airport Authority meeting in February. The Commissioners have talked about placing a Commissioner on the board.

Agenda Topic 3. Persigo Projects

City Manager Englehart advised that they want to bring the Commissioners up to date on the Interruptible Service Option Credit (ISOC) Project.

Wastewater Services Manager Dan Tonello explained that the ISOC is a program that Xcel Energy has put together to help them save money in expanding their infrastructure to supply power. The program identifies large electrical consumers and allows them to reach an agreement with them to reduce (drop off of the grid) their electrical usage for periods of time. It would require a generator at Persigo for the City to do that. The cost is a little more than \$735,000 and in exchange for enrolling into the program, Xcel Energy will give the City a credit of \$105,000/year. City Council approved signing a contract for a generator at the Council Meeting on January 15th. Mr. Tonello also advised that he received a call from Xcel Energy advising that there is possibly going to be changes to the rebate program in 2017. They will get more information during a meeting that will be held on January 17th and determine how the City should proceed with this. Signing of the contract will be held off until more information has been gathered.

Wastewater Biogas Used as Vehicle Fuel

Mr. Tonello explained that a beneficial use for the biogas has been looked at for close to 10 years and recently they have asked for permission to proceed with a study for the actual costs of installing equipment and constructing a dedicated pipeline to the Compressed Natural Gas (CNG) site. There are government credits in place for a subsidy for every gallon of gas used in vehicles. Internal Services Manager Jay Valentine said they are looking at consultants that could validate and add more structure to the existing assumptions of this project. They will provide more details on this project as they get them.

Other Business

Commissioner Pugliese asked about the trunk-line extension agreement and where that stands. City Attorney Shaver advised they are still working on the report to address concerns and will bring it back to the next Persigo Board Meeting.

City Manager Englehart advised that the Municipalities Dinner is February 6th and the Council wanted more information on the buffer zones so that brought about having Rob Blieberg show up to provide information on that topic.

That concluded the meeting and the meeting adjourned.

**AGENDA
CITY OF GRAND JUNCTION, CITY COUNCIL
MESA COUNTY, BOARD OF COUNTY COMMISSIONERS
JOINT WORKSHOP SESSION
CITY HALL AUDITORIUM
250 N. 5th STREET
GRAND JUNCTION, COLORADO
THURSDAY, JANUARY 16, 2014, 2:00 P.M.**

1. **Orchard Mesa Pool**
2. **City/County Partnerships:** The City and the County have entered into a number of partnerships, both formal and informal, over the years. A list of those partnerships is being provided for review and discussion. **Attachment**
 - **521 Drainage Authority**
 - **Riverfront Commission**
3. **Airport Update**
4. **Persigo Projects** **Attachment**
 - **Interruptible Service Option Credit (ISOC) Project**
Xcel Energy offers its large electrical consuming customers an incentive to participate in their Interruptible Service Option Credit (ISOC) program.
 - **Wastewater Biogas Used as Vehicle Fuel**
Installation of specific equipment with an estimated cost of \$1,750,000 will allow gas produced at the Persigo Wastewater Treatment Facility to be used as vehicle fuel.
5. **Other Business**

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

JANUARY 15, 2014

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, January 15, 2014 at 5:00 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bennett Boeschenstein, Marty Chazen, Jim Doody, Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, and President of the Council Sam Susuras. Also present were City Attorney John Shaver, City Manager Rich Englehart, and Deputy City Manager Tim Moore.

Council President Susuras called the meeting to order.

Councilmember McArthur moved to go into Executive Session for determining a position(s) for negotiations and/or developing a strategy for negotiations and/or instructing negotiators under Section 402 (4)(e) of the Open Meetings Law. Councilmember Chazen seconded the motion. Motion carried.

The City Council convened into executive session at 5:00 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

January 15, 2014

The City Council of the City of Grand Junction convened into regular session on the 15th day of January, 2014 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, and Council President Sam Susuras. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Reverend Laura Cartwright, First United Methodist Church, gave the invocation.

Presentations

Champion of the Arts Awards

Rob Schoeber, Parks and Recreation Director, and Lancer Livermont, Arts and Culture Commission Chair presented the Champion of the Arts Awards. The Grand Junction Commission on Arts and Culture chose for the Business Category: Super Rad for their involvement in the Super Rad Art Show, Mural Jam, and District 51 art programs. For the Individual Category there were two recipients: Vera Mulder who has contributed to the arts in the Grand Valley for over 30 years; and Lois and Edward Gardner for their support of the Museum of Western Colorado's Cowboy Poet Gathering and Two Rivers Chautauqua. All the recipients were presented with pieces of art for their recognition.

State of the Arts Presentation

Lancer Livermont, Arts and Culture Commission Chair, presented the State of the Arts of the Grand Junction Commission on Arts and Culture. He said the Grand Junction Commission on Arts and Culture provides an opportunity for many local non-profit art and cultural organizations to create quality cultural activities that add to the economic impact of our community by which many local artists are employed.

Fire Station 1 Design Award for 2013 from Fire Chief Magazine

Ken Watkins, Fire Chief, said the City was selected for the Design Award for 2013 from Fire Chief Magazine for Fire Station 1. This program recognizes outstanding architecture design from Fire Departments nation-wide. This award goes to the architects, TCAR Architects in Seattle, Washington and The Blythe Group in Grand Junction. Architect Roy Blythe said this award is a testament to the design expertise of local designers, and those who supported this project. He thanked Council for allowing his company to be a part of this project. The Fire Station 1 Design Award for 2013 from Fire Chief Magazine was presented to Council President Susuras.

Proclamations

Council President Susuras read a statement recognizing Martin Luther King Jr. Day.

Proclaiming January 15, 2014 as “Human Trafficking Awareness Month” in the City of Grand Junction

Councilmember Traylor Smith read the proclamation. A representative for Human Traffic Awareness thanked Council and stressed the importance of awareness of this issue in our community.

Proclamation Recognizing the Contributions Made by the Grand Valley Combined HonorGuard

Councilmember Doody read the proclamation. Bob Henderson, Commander of the Honor Guard of the Veterans Memorial Cemetery of Western Colorado, was present to accept the proclamation. He thanked the City and the Council for their support. They have provided their services at 1,857 funerals with military honors since 2004. This honor guard is made up of all five branches of the military. They serve proudly and with honor for all veterans.

Certificate of Appointments

Sharon Woelfle was present to receive her certificate of re-appointment and Billie Witham and Kevin Reimer were present to receive their certificates of appointment to the Visitor and Convention Bureau Board of Directors for three year terms ending December 2016. Ms. Woelfle thanked Council and said she looks forward to serving. Ms. Witham also said she looks forward to the opportunity and serving. Mr. Reimer said he looks forward to making a positive contribution.

Scott Wolford was present to receive his certificate of appointment to the Historic Preservation Board for a four year term ending December 2017. Mr. Wolford said he is honored and he looks forward to serving.

Council Comments

Councilmember McArthur said he attended the Matchett Park open house and it was well attended. He commended Staff for the organization of this and said he looks forward to hearing the survey results.

Councilmember Traylor Smith said she attended the Parks Improvement Advisory Board meeting and is happy to report that the Board agreed to help Colorado Mesa University (CMU) with improvements of the track and field areas for specific sports. This will benefit CMU and the local High Schools. The goal is to host large scale track and field events by 2016.

Councilmember Chazen said on January 2, 2014 he attended the Parks and Recreation Board meeting and there was discussion on the impact to Lincoln Park on improvements on North Avenue. There was also discussion on a new software for the Golf program for scheduling. He also attended meetings regarding Matchett Park and is very encouraged with the community's response. He attended the Downtown Development Authority meeting on January 9, 2014 and the discussion was on priorities which included business

development and the White Hall property. On January 10, 2014, he attended the Orchard Mesa Pool re-opening and said after seeing the children enjoying the benefits of the improvements that were made, the City and Council made the right decision to commit the funds for this project. He encouraged everyone to go to the Orchard Mesa Pool to take a look at the reconstruction.

Councilmember Doody said he attended the CMU Basketball team reception.

Councilmember Boeschstein mentioned that the Daily Sentinel had noted the City was rated 19th in the nation for best metro-area for tech start-ups. It is something to be proud of and was in large part due to the Business Incubator. He said Martin Luther King day will be celebrated at CMU on January 20, 2014. The Riverfront Commission will be having a fundraiser at Edgewater Brewery. The Riverfront Trail project is under construction for the City of Grand Junction to the Fruita segment.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember McArthur read the Consent Calendar items #1-4 and then moved to adopt the Consent Calendar. Councilmember T aylor Smith seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the December 16, 2013 Workshop and the Minutes of the December 18, 2013 Regular Meeting

2. **Setting a Hearing Amending Sections 21.03.090 of the Grand Junction Municipal Code Adopting Changes to Form Districts within the City** [File #ZCA-2013-229]

The proposed ordinance amends Section 21.03.090, Form Districts, eliminating barriers and cleaning up language for the development of mixed use projects in Mixed Use Opportunity Corridors.

Proposed Ordinance—An Ordinance Amending the Zoning and Development Code, Grand Junction Municipal Code Section 21.03.090, Form Districts

Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 5, 2014

3. **Setting a Hearing Amending Title 21 of the Grand Junction Municipal Code to Extend the Validity of the Minor and Major Site Plan Approval From One Year to Two Years** [File #ZCA-2013-469]

The amendment to Section 21.02.070(a)(8)(i) will extend the validity of the minor and major site plan approval from one year to two years.

Proposed Ordinance—An Ordinance Amending Section 21.02.070 (a)(8)(i), Validity, of the Grand Junction Municipal Code to Extend the Validity of the Minor and Major Site Plan Approval from One Year to Two Years

Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 5, 2014

4. **2014 Meeting Schedule and Posting of Notices**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Municipal Code, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-14—A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the 2014 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

Action: Adopt Resolution No. 01-14

ITEMS NEEDING INDIVIDUAL CONSIDERATION

CDBG Subrecipient Contract with HopeWest (formerly Hospice and Palliative Care of Western Colorado) for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year [File #CDBG-2013-07]

The Subrecipient Contract formalizes the City's award of \$9,242 to HopeWest allocated from the City's 2013 CDBG Program as previously approved by Council. The grant funds will be used for various grief counseling and support programs provided to youth.

Kristen Asheck, Senior Planner/CDBG Administrator, presented this item. She said HopeWest hoped to formalize this grant for various outreach activities for youth in the Grand Valley going through the grief process who may not be able to afford this program on their own.

Councilmember Traylor Smith said these programs are amazing and offer a great deal of support for the community's grieving youth. She sits on the Foundation Board for HopeWest and noted that most of the funding comes through philanthropy and is so crucial because of the various ways children are supported. She asked the director of Hopewest to expand on this subject.

Cathy DiPaola, Director of Programs for HopeWest, said the mission is to educate adults about the grief of youth who lose a loved one or are living with a loved one who is terminally ill. The grief process can sometimes be hidden in children and the education

programs are available not only for the youth, but also for the adults to help better understand what a grieving child may go through. There have been over 700 children who have received these services. She listed the different programs that are available.

Councilmember McArthur said he, from personal experience, recognizes the great benefit of HopeWest's programs as well as Hospice to this community.

Councilmember Doody moved to authorize the City Manager to sign the subrecipient contract with HopeWest for Youth Grief Programs for \$9,242 for the City's 2013 program year funds. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Interruptible Service Option Credit (ISOC) Project – Persigo Wastewater Treatment Plant

This procurement request is for purchase and installation of a backup generator at the Persigo Wastewater Treatment Plant (WWTP). Xcel offers customers in Colorado an incentive if they participate in an Interruptible Service Option Credit (ISOC) program. Installation of the generator would allow the City to reduce its electric demand at Xcel's request during peak demand periods.

In return for participating in this program, the City will receive a monthly credit on the demand charges, which will allow the City to recapture the investment over a seven year period.

Dan Tonello, Wastewater Services Manager, introduced this item. He explained the program and the reason for the request. He said Xcel Energy looks for large consumers to enter into these types of agreements to go off the grid for up to 60 hours per year with a 10 minute warning for a monetary exchange of \$100,000 in credits per year.

Councilmember Traylor Smith asked for confirmation on the amount credited per year and for how long. Mr. Tonello said it is \$105,000 credit per year and there is no long term contract. However, it makes good business sense for Xcel Energy to continue this credit into the long range future.

Councilmember Norris asked if the funds are in the 2014 budget. Mr. Tonello said \$600,000 was in the 2013 budget and it is being requested to carry that forward to the 2014 budget with an additional \$135,572 from the 902 fund balance which will have minimal impact. Councilmember Norris asked Mr. Tonello to explain what the 902 fund balance is. Mr. Tonello said it is the operations fund where all revenue generated from sewer user fees are kept to pay for the Persigo Wastewater Facility's capital improvements to improve infrastructure.

Councilmember Doody asked why there is such a big difference on the amount between the bids for this process. Mr. Tonello said PowerSecure has a long track record in working with Xcel on these projects and have received great reviews. PowerSecure has the experience and familiarity.

Councilmember Chazen asked if the credit received will go back into the 902 fund. Mr. Tonello confirmed that the credit would go into the 902 fund. Councilmember Chazen asked if it would be an annual application process. Mr. Tonello said the equipment would have to be in operation by the end of May and the credit would be received at the end of 2014. Although there would not be an application, there would be paperwork to fill out and turn in every year. After acceptance into the program, there is no need to apply again.

Councilmember Doody moved to authorize the City Purchasing Department to execute a contract with PowerSecure for the ISOC Generation project. Councilmember Norris seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Chazen said as a result of a request in regards to the Arts Commission there is a resolution that amended the membership which allows a Councilmember to serve on the Arts Commission. Since there are vacancies he would like to know what the procedure is to appoint a Councilmember.

City Attorney Shaver said it would be the Council's decision. If there is a vacancy, Council can appoint. If Council would like to entertain this, a resolution could be brought forward for an appointment.

Council President Susuras asked if this is the only Board with this clause. City Attorney Shaver said yes, other than the Airport Authority Board. Council President Susuras asked for confirmation that the only time a Councilmember could be on this Board is when it comes open for applications. City Attorney Shaver said if there is a vacancy, a Councilmember could be appointed at that time. City Clerk Stephanie Tuin added that when it comes time for the Council's annual assignment of appointments, it could be changed or included in the resolution for Council assignments. Ms. Tuin noted that there are four seats with terms expiring at the end of February and two of those are term limited. Council President Susuras asked how long are the terms for. Ms. Tuin said the term is three years for the Arts Commission.

Councilmember Boeschstein said that all Councilmembers should be encouraged to attend any and all Commission/Board meetings, even though they may not have voting rights, input from Councilmembers is always welcomed.

Councilmember Norris said the City collects a lot of money from the one-percent for the arts, so it would be a good idea to have a Councilmember assigned to the Arts Commission.

Councilmember Chazen asked when it would be appropriate for a Councilmember to apply for the Arts Commission. City Attorney Shaver said based on City Clerk Tuin's advisement of expirations coming up at the end of February, this would be the time.

Councilmember Norris asked if a Councilmember could just be appointed. City Attorney Shaver said it is a nine member board and until the current terms expire, there cannot be an additional member added.

Council President Susuras added that City Clerk Tuin will inform Council when a vacancy becomes available.

Councilmember McArthur said "Go Broncos"!

Adjournment

The meeting was adjourned at 8:07 p.m.

Stephanie Tuin, MMC
City Clerk



**Attach 2
CITY COUNCIL AGENDA ITEM**

Date: January 21, 2014
Author: Scott D. Peterson
Title/ Phone Ext: Senior Planner
/ 1447
Proposed Schedule: 1st
Reading, February 5, 2014
2nd Reading: February 19,
2014
File #: RZN-2013-514

| |
|---|
| Subject: St. Martin's Place Phase 2 Rezone, Located at 221 Pitkin Avenue |
| Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for February 19, 2014 |
| Presenter(s) Name & Title: Scott D. Peterson, Senior Planner |

Executive Summary:

Request to rezone 0.50 +/- acres from C-1 (Light Commercial) to B-2 (Downtown Business) in anticipation of the next phase of development for St. Martin's Place, a housing development being proposed by Grand Valley Catholic Outreach to provide housing for homeless individuals particularly veterans.

Background, Analysis and Options:

The existing properties (Lots 6 through 12, Block 145, City of Grand Junction - 0.50 +/- acres) are located on the south side of Pitkin Avenue between S. 2nd and S. 3rd Streets and currently contain five (5) single-family detached homes that will be demolished in anticipation of developing the properties. The proposed development by Grand Valley Catholic Outreach is anticipated as the second phase of St. Martin's Place to consist of 24 one-bedroom dwelling units within 3 buildings intended for homeless individuals with preference given to homeless veterans. Proposed residential density would be 48 dwelling units an acre. The existing C-1 (Light Commercial) zoning district does allow multi-family development but only up to 24 dwelling units an acre. The applicant wishes to rezone to B-2 (Downtown Business), which has no maximum residential density requirement.

The property is also located within the Greater Downtown Plan Commercial Corridor which allows a 0' Front Yard Setback. The proposed B-2 zone is compatible with land uses in the surrounding area and with the first phase of St. Martin's Place which was rezoned in 2010 from C-1 to B-2 (City file #: RZ-2010-073).

Neighborhood Meeting:

The applicant held a Neighborhood Meeting on September 4, 2013 with eight citizens attending the meeting along with City Staff and Grand Valley Catholic Outreach

employees and representatives. Neighborhood concerns expressed at the meeting were the lack of off-street parking in the area, the influx of more homeless individuals to the neighborhood and that the proposed project does not fit in with the long term plans for the Downtown area (see attached Neighborhood Meeting Minutes and Letter received from an adjacent property owner). Off-street parking for the proposed Phase 2 of St. Martin's Place will be formally addressed at the time of Site Plan Review application for the project.

Greater Downtown Plan:

The adopted Greater Downtown Plan is part of the Comprehensive Plan and provides standards and guidelines to support the overall goals of the Greater Downtown Plan which includes the following related to residential development: 1. Maintaining and enhancing the economic, cultural and social vitality of greater downtown, promoting downtown living by providing a wide range of housing opportunities in appropriate areas. 2. Stabilize, preserve, protect and enhance the downtown residential neighborhoods; and 3. Promote and protect the unique identity of the greater downtown area.

The applicant's property requested for rezoning is located within the Commercial Corridor of the Downtown Plan.

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

The Comprehensive Plan designation of Downtown Mixed Use encourages the proposed B-2 zoning and therefore the rezone request is consistent with the Comprehensive Plan.

By the continued support of development in the downtown area of the City Center into a vibrant and growing area with housing to meet the needs of a variety of incomes, along with the preservation and appropriate reuse of existing properties by the removal of older single family homes that are in need of repair, the proposed rezone request meets Goals 4, 5 and 6 of the Comprehensive Plan.

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Goal 6: Land Use decisions will encourage preservation and appropriate reuse.

Board or Committee Recommendation:

The Planning Commission will be reviewing this request at their January 28, 2014 meeting. Project Manager is recommending approval of the proposed rezone request.

Financial Impact/Budget:

This rezone action has no financial impact.

Legal issues:

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law.

Other issues:

There are no other issues.

Previously presented or discussed:

This item has not been presented or discussed at a previous City Council meeting or workshop.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Neighborhood Meeting Minutes
Correspondence Received
Proposed Ordinance

| BACKGROUND INFORMATION | | | | |
|-------------------------------------|--------------|---|-----|----|
| Location: | | 221 Pitkin Avenue | | |
| Applicants: | | Grand Valley Catholic Outreach, Inc., Owner | | |
| Existing Land Use: | | Five single-family detached homes | | |
| Proposed Land Use: | | Multi-family residential development (up to 24 units for homeless individuals with preference given to homeless veterans) | | |
| Surrounding Land Use: | North | Single-family detached residential | | |
| | South | Vacant properties (parking lot) | | |
| | East | Single-family detached residential/Commercial office | | |
| | West | Commercial office | | |
| Existing Zoning: | | C-1 (Light Commercial) | | |
| Proposed Zoning: | | B-2 (Downtown Business) | | |
| Surrounding Zoning: | North | B-2 (Downtown Business) | | |
| | South | C-2 (General Commercial) | | |
| | East | B-2 (Downtown Business) | | |
| | West | C-1 (Light Commercial) | | |
| Future Land Use Designation: | | Downtown Mixed Use | | |
| Zoning within density range? | | X | Yes | No |

Section 21.02.140 of the Grand Junction Zoning and Development Code:

Zone requests must meet at least one of the following criteria for approval:

- (1) *Subsequent events have invalidated the original premise and findings.*

Subsequent events invalidating the original premise include: (1) adoption of the Comprehensive Plan encouraging increased residential density in the downtown area; (2) increase in homelessness in the community; (3) adoption of the Greater Downtown Plan encouraging density and more urban character in the area. The Comprehensive Plan's Goal #4 states: "Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions."

This area is designated on the Comprehensive Plan Map as Downtown Mixed Use. Rezoning the property to B-2 will allow the applicant to develop a multi-family housing development that would exceed 24 dwelling units/acre and provide much needed housing for the community's homeless, thereby supporting Goal #4 of the Comprehensive Plan.

This criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan.

The Comprehensive Plan and the adopted Greater Downtown Plan reflect changes in the character of the downtown area for the potential for increased residential densities along with the desire for more infill development. Problems attendant with homelessness have increased in the downtown area. Providing housing for homeless individuals will tend to help alleviate these problems.

This criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed.

There are adequate public and community facilities existing in the area of the proposed rezone request. There is presently an 8" City water line in Pitkin Avenue and an 8" sanitary sewer line located within the adjacent alley right-of-way. The proposed development is within walking distance of community services offered by Grand Valley Catholic Outreach, grocery stores, downtown area merchants and public transit facilities.

This criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use.

While there are other B-2 zoned properties within the downtown area, there is generally an inadequate supply of zones encouraging higher density in the Greater Downtown area. The proposed re-use of the property adds more residential density to the downtown area, as encouraged by the Downtown Mixed Use designation of the Comprehensive Plan and the Greater Downtown Plan. The proposed rezone also provides needed housing for part of the area's homeless population.

This criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community will derive benefits from the proposed rezone because it supports residential development in the downtown area, housing for our area's homeless and higher density residential development consistent with the goals and objectives of the Comprehensive Plan and the Greater Downtown Plan.

This criterion has been met.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also implement the Comprehensive Plan designation for the subject property.

- a. C-1, (Light Commercial)
- b. R-16, (Residential – 16 du/ac)
- c. R-24, (Residential – 24 du/ac)
- d. MXR, (Mixed Use Residential)
- e. MXG, (Mixed Use General)
- f. MXS, (Mixed Use Shopfront)

The applicant's proposed request is to have a residential density exceeding 48 dwelling units an acre (du/ac). The existing C-1 zone only allows a maximum of 24 du/ac while the R-16 zone only allows 16 du/ac. While the R-24 zone district has no maximum density requirement, the required rear yard setback of 10' makes this not the desirable zoning district choice in this situation. The Form Based Districts would also not be a desired choice since the district(s) require a minimum of a 3 story building to be constructed. Therefore, I as Project Manager am recommending the B-2 zone district since there is no maximum residential density requirement and all applicable building setbacks are 0'. The adjacent property of St. Martin's Place, Phase I is also zoned B-2.

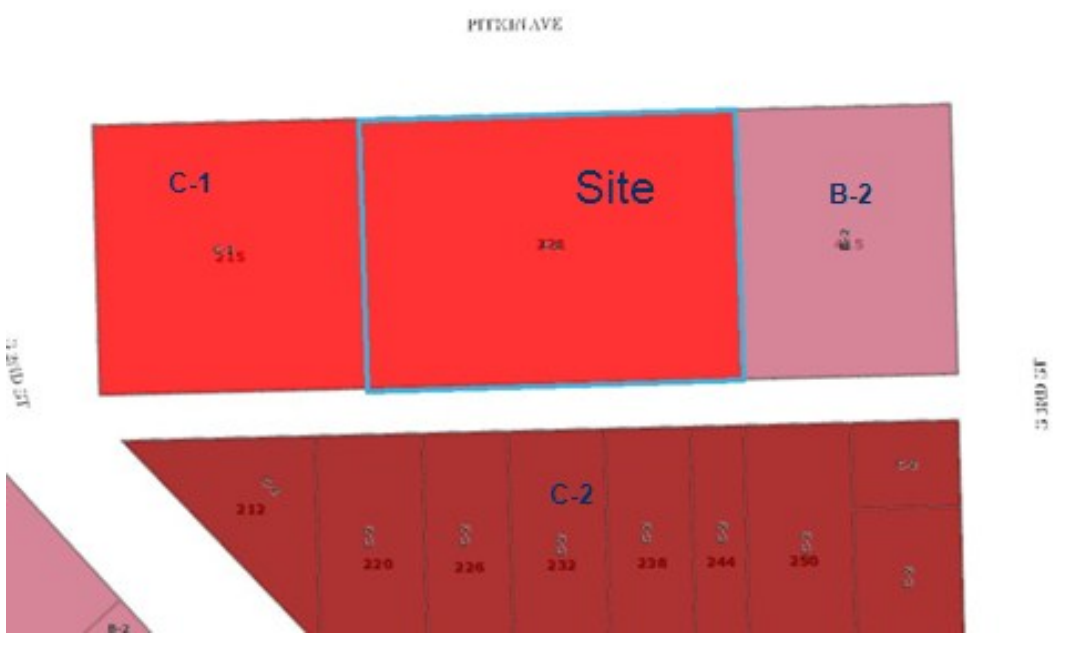
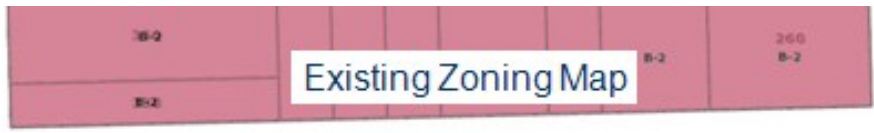
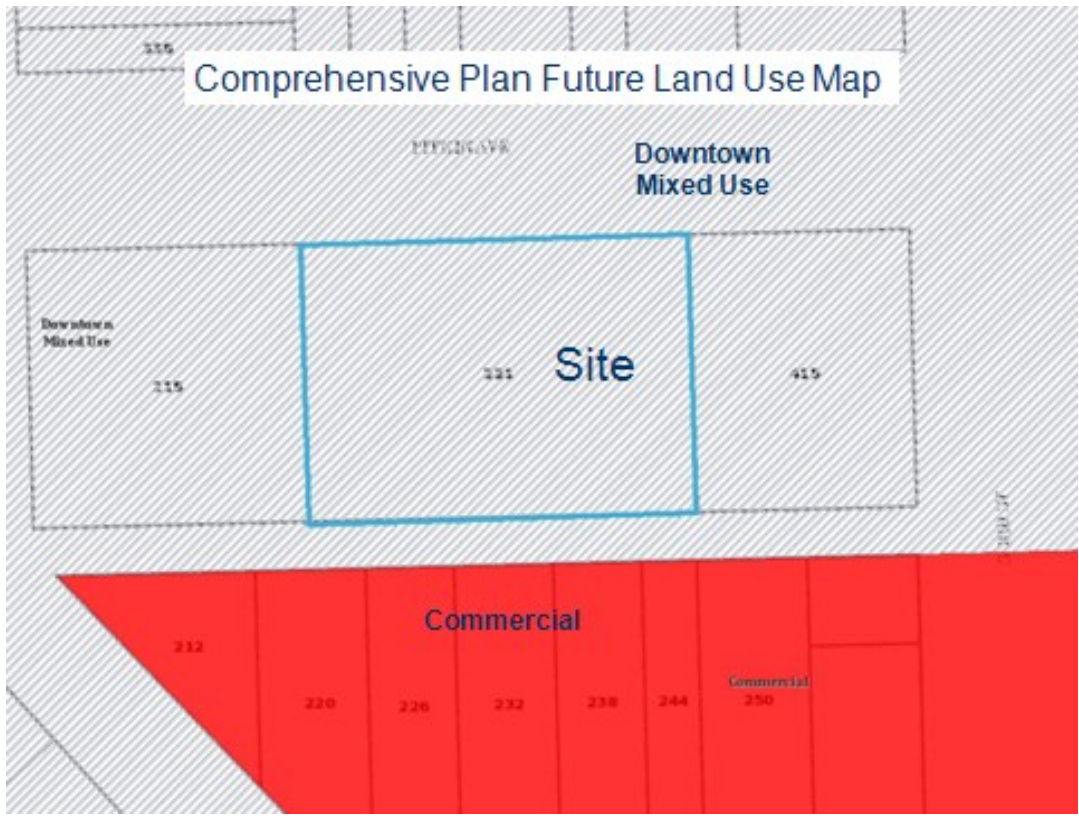
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made supporting the recommendation.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the St. Martin's Place Phase 2 Rezone, RZN-2013-514, a request to rezone properties from C-1 (Light Commercial) to B-2 (Downtown Business), the following findings of fact and conclusions have been determined:

1. The requested zone of B-2 is consistent with the goals and policies of the Comprehensive Plan, specifically Goals 4, 5 and 6.
2. The requested zone of B-2 implements the future land use designation of Downtown Mixed Use.
3. The review criteria in Section 21.02.140 of the Grand Junction Zoning and Development Code have been met.





**St. Martin Neighborhood Meeting
September 4, 2013**

Location: Grand Valley Catholic Outreach
245 S. First ST
Grand Junction, CO 81501

Attendance: Sr. Karen Bland (GVCO), Stefanie Harville (GVCO), Nancy Lancaster (GVCO), Beverly Lampley (GVCO), Scott Peterson (Grand Junction City Planning), Willi Shunn (Scott, INA Mesa Pawn & Loan), Sarah Schrader (Bonsai Design), Nathan Wallace, Sandy Clark (GVCO), Blair Weaver (GVCO), Karen Snider (Scotty's), Rodney Snider (Scotty's), Richard Bernatis (Simmons Lock & Key), Sue Bernatis (Simmons Lock & Key), Emily L. Hartman, Eric Mendell (Chamberlin Architects)

Project Scope (Eric Mendell): Grand Valley Catholic Outreach is requesting the property located on 3rd Street and Pitkin Avenue in downtown Grand Junction, Colorado be **rezoned** from C1 (Downtown light commercial) to B2 (Downtown Business). The property is located next to the existing St. Martin Place I, which is currently zoned B2 and is owned by Grand Valley Catholic Outreach. The project will include the construction of three 8- unit one-bed apartment buildings which will house 24 chronically homeless individuals, some of whom will be homeless veterans. The buildings will have similar exterior to the existing buildings: brick exterior, shingle roof and bright colors on the doors and stairs. The project will provide additional parking and includes plans for a large continuous open space for landscaping. The existing mature landscaping will be saved when possible. The project is slated to begin early spring and the construction process will last approximately 9 months.

Project Concerns: Two participants at the meeting voiced the following concerns regarding the project:

1. There is not enough existing parking for the buildings that exist now.
 - a. Responses given: A survey was taken indicating that with off and on street parking allowed, there is more than sufficient parking to meet then needs since people who are chronically homeless seldom have cars. Of the existing 16 apartments now at the site, only five cars belong to the occupants. The new development will have an additional 11 parking places behind the buildings.
2. The project will bring more homeless individuals to the area and affect the surrounding businesses with loitering and littering.
 - a. Responses given: The project actually reduces the number of persons who are homeless. No additional homeless persons have been attracted to the area because of St. Martin I which opened in 2011. No loitering or littering has resulted from occupancy of St. Martin I.
3. The project does not fit in with the existing long term plans for the Downtown area.
 - a. Response given: The City Council addressed the long term plans for the area and saw no impediment to the construction of St. Martin I on the adjacent site in 2011.

Project Benefits: Participants at the meeting voiced the following benefits regarding the project:

1. The project houses homeless people and reduces the number of people living on the streets and in shelters.
2. Housing homeless individuals reduces their use of public services such as ambulance rides and ER visits which ultimately saves the tax payer money.
3. The project improves the aesthetics of the neighborhood, replacing dilapidated houses with one serving as a drug house for decent homes affordable to very low income individuals.

Procedure: The application process will proceed with notice to all the surrounding property owners and businesses for the final hearing. Comments will be allowed from all invested parties. The Planning Commission will make a recommendation to the City Council regarding the project. The City Council will vote on the project which will be the final decision.



COMMWEST

Your Communications Our Business

11-29-2013

Scott Peterson
RE: RZN-2013-514 St Martins Place Phase II

Scott:

You have asked for recommendations on the rezoning of these properties. In response to that I am expressing my concerns for Phase II based on the results of the Phase I rezoning.

For Phase I you changed the zoning on this property from C-1 to B-2 and built a 16 unit apartment. B-2 requires 1.25 parking spaces per unit with a total of 20. You then granted the property a deviation of 18 spaces, requiring only two. At that time I expressed my concerns about parking for the residents of St. Martins Place and the existing businesses in the area that use the street parking on 3rd Street. You stated that my concerns were invalid and granted them the deviation.

Several businesses in the vicinity of the 300 block of Pitkin, including mine, use the parking on 3rd Street for company and visitor parking. At the time, you made the decision to grant the waiver based on the belief that the intended residents (Homeless Veterans) would not own cars. My concern at the time was that the residents would own cars. Since the opening of St. Martins Place, the tenants of the apartment complex have had a combined total of 7-8 vehicles at any given time and have used the street parking exclusively. Under other circumstances these residents might be gone during the day and free up these spaces, but that is not the case here. These vehicles take most of the street parking on 3rd Street, preventing the preexisting businesses from parking there. At times these residents have had disabled vehicles parked on the street for months at a time.

Phase II is calling for a similar rezoning and building of a 24 unit apartment complex, providing only 10 off street parking spaces. This continues to be a concern since currently there is no available street parking adjacent to these properties at all and none available on 3rd Street. I understand the intended use of these units for homeless, but using the current ratio of 8 cars for 16 units, the new apartment buildings will require at least 12 spaces. This does not provide any relief for Phase I or future use of these properties.

The use of South Ave. for some of these residents may work for a while but the State has contacted me about the realignment of the Business Loop using South Ave. The realignment will eliminate more parking, creating an even bigger parking issue for this downtown business area. Future growth and expansion by the other property and business owners will be limited, if not completely stopped. Putting up more apartment units in the 200 block of Pitkin with insufficient parking will create an island in the middle of your downtown business area with no access to parking.

Parking issues are currently being experienced by visitors, staff and contractors due to Phase 1. We also have issues with parking for the Day Center across the street; visitors and volunteers have to park in this same area or are forced to park illegally in the bike path along 3rd Street between South Ave. and Pitkin.

To its credit, St. Martins Place has cleaned up a part of the downtown area and the Phase II will do the same, but I request you reconsider the parking deviations before additional issues are created.

Thank you for your time.

Nathan Wallace

302 South Ave. Grand Junction, CO 81501
www.CommWestcorp.com
(970) 242-8142



COMMWEST

Your Communications Our Business



No Parking area

Bike Path

302 South Ave. Grand Junction, CO 81501
www.CommWestcorp.com
(970) 242-8142

From: Sandra Clark <sandra@catholicoutreach.org>
To: <scottp@gjcity.org>
Date: 11/26/2013 2:12 PM
Subject: Place Phase ii Rezone Reference RZN-2013-514

Dear Scott Peterson.

I'm so happy to hear about the rezoning and the phase ii of St. Martin Place. I feel that the development will increase and improve this part of town. We are so fortunate to have people who really care about improving the quality of the city.

--
Sandra Clark
Case Manager
Grand Valley Catholic Outreach
245 S. 1st Street
Grand Junction, CO 81501
970-241-3658 ext. 110
sandra@catholicoutreach.org

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING ST. MARTIN'S PLACE, PHASE 2 FROM C-1 (LIGHT COMMERCIAL) TO B-2 (DOWNTOWN BUSINESS)

LOCATED AT 221 PITKIN AVENUE

Recitals.

Grand Valley Catholic Outreach is anticipating developing the second phase of St. Martin's Place which will consist of multi-family dwelling units for homeless individuals with preference given to homeless veterans. Proposed residential density could exceed 48 dwelling units an acre. The existing C-1 (Light Commercial) zoning district does allow multi-family development but only up to 24 dwelling units an acre. The applicant wishes to rezone to B-2 (Downtown Business), which has no maximum residential density requirement.

The property is also located within the Greater Downtown Plan Commercial Corridor which allows a 0' Front Yard Setback. The proposed B-2 zone is compatible with land uses in the surrounding area and with the first phase of St. Martin's Place which was rezoned in 2010.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning St. Martin's Place, Phase 2 from C-1 (Light Commercial) to the B-2 (Downtown Business) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, Downtown Mixed Use and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the B-2 zone district to be established.

The Planning Commission and City Council find that the B-2 zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned B-2 (Downtown Business).

Lots 6 through 12, Block 145, City of Grand Junction

Also identified as Tax Parcel 2945-143-37-028

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

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

ATTEST:

City Clerk

Mayor



Date: January 16, 2014
 Author: Lisa Cox, AICP
 Title/ Phone Ext: Planning Manager/1448
 Proposed Schedule:
 1st Reading: February 5, 2014
 2nd Reading : February 19, 2014
 File #: ZCA-2013-548

Attach 3
CITY COUNCIL AGENDA ITEM

| |
|--|
| Subject: Amending Title 21 of the Grand Junction Municipal Code to Revise Performance Standards to Provide More Flexibility in the MU, BP, I-O, I-1, and I-2 Zone Districts for Outdoor Storage and Display |
| Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for February 19, 2014 |
| Presenter(s) Name & Title: Lisa Cox, AICP, Planning Manager |

Executive Summary:

The amendments to Sections 21.03.070(g)(2)(iii)(F) and (h)(3)(iii), and Sections 21.03.080(a)(3)(iv), (b)(3)(iv), and (c)(3)(iv) will provide more flexibility for outdoor storage and display.

Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code (GJMC). City Council has requested that Staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code.

Staff recently reviewed the performance standards for outdoor storage and display areas in the Mixed Use (MU), Business Park Mixed Use (BP), Industrial Office Park (I-O), Light Industrial (I-1) and General Industrial (I-2) zone districts. The current Code language was approved prior to adoption of the 2010 Comprehensive Plan. The performance standards are outdated and in some cases overly restrictive. Staff proposes several amendments to the performance standards to provide appropriate standards and/or more flexibility in the MU, BP, I-O, I-1, and I-2 zone districts for outdoor storage and display areas.

Mixed Use (MU) and Business Park Mixed Use (BP) Zone Districts:

Outdoor storage and permanent display areas are currently allowed “only in the rear half of the lot beside or behind the principal structure” in the MU and BP zone districts. The current Code language treats outdoor storage and permanent display areas in the same manner. Because these zone districts seek to encourage a mix of uses, including residential, the potentially negative impacts of outdoor storage should be mitigated by limiting it to the rear half of the lot. However, the MU and BP zone districts

allow a variety of uses that need or would benefit from having permanent display areas located in the front of the lot. The MU and BP zone districts encourage development to occur close to the street to invite pedestrians into businesses by creating highly visible buildings and display areas.

The proposed amendments would allow outdoor storage only in the rear half of the lot but would allow permanent display areas to be located beside or behind the principle structure without restricting it to the rear half of the lot. The amendments would create better compatibility between anticipated mixed uses, as well as allow display areas to be more visible to pedestrian and vehicular traffic.

Industrial Office Park (I-O) Zone District:

The I-O zone district is a transitional zone that is meant to encourage light manufacturing, office and commercial services in areas that are suitable for development that is transitioning from less intensive office uses to more intensive commercial and manufacturing uses. Outdoor storage and permanent display areas are appropriate in this transitional zone district and should be allowed where appropriate. The I-O zone district does not permit multifamily development, therefore there is less likelihood of potentially negative impacts from outdoor storage and permanent display areas between adjacent uses. The proposed amendment would allow outdoor storage and permanent display areas to be located beside or behind the principle structure without restricting it to the rear half of the lot. This would allow a more efficient use of the land as well as allow display areas to be more visible to pedestrian and vehicular traffic.

Light Industrial (I-1) and General Industrial (I-2) Zone Districts:

Industrial uses which frequently involve manufacturing, office and commercial services typically require large areas for outdoor storage and/or permanent display areas. The current Code language limits those uses to “the rear half of the lot, or beside or behind the principle structure.” This requirement is overly restrictive and unnecessary for industrial zone districts which anticipate more intensive land uses. The proposed amendments would remove this requirement, thereby allowing outdoor storage and permanent display areas to occur where needed on an industrial lot. This would allow a more efficient use of the land in industrial zone districts.

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

The proposed amendments are consistent with the following goals and policies of the Comprehensive Plan:

Policy 5A: In making land use and development decisions, the City and County will balance the needs of the community.

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

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

Policy 12A: Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

The proposed amendments support the vision and goals of the Comprehensive Plan and will enhance the responsiveness of the Zoning Code to the concerns of citizens and the development community by providing appropriate regulations for outdoor storage and greater flexibility for outdoor storage and permanent display areas.

Board or Committee Recommendation:

The Planning Commission heard the matter on January 14, 2014 and forwards a recommendation to adopt the amendments as proposed with the following findings of fact and conclusions:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

Financial Impact/Budget:

There are no anticipated financial or budget impacts.

Legal issues:

The proposed amendments have been reviewed by the Legal Division and found to be compliant with applicable law.

Other issues:

Mesa County Planning Division reviewed the proposed amendments and had no issues.

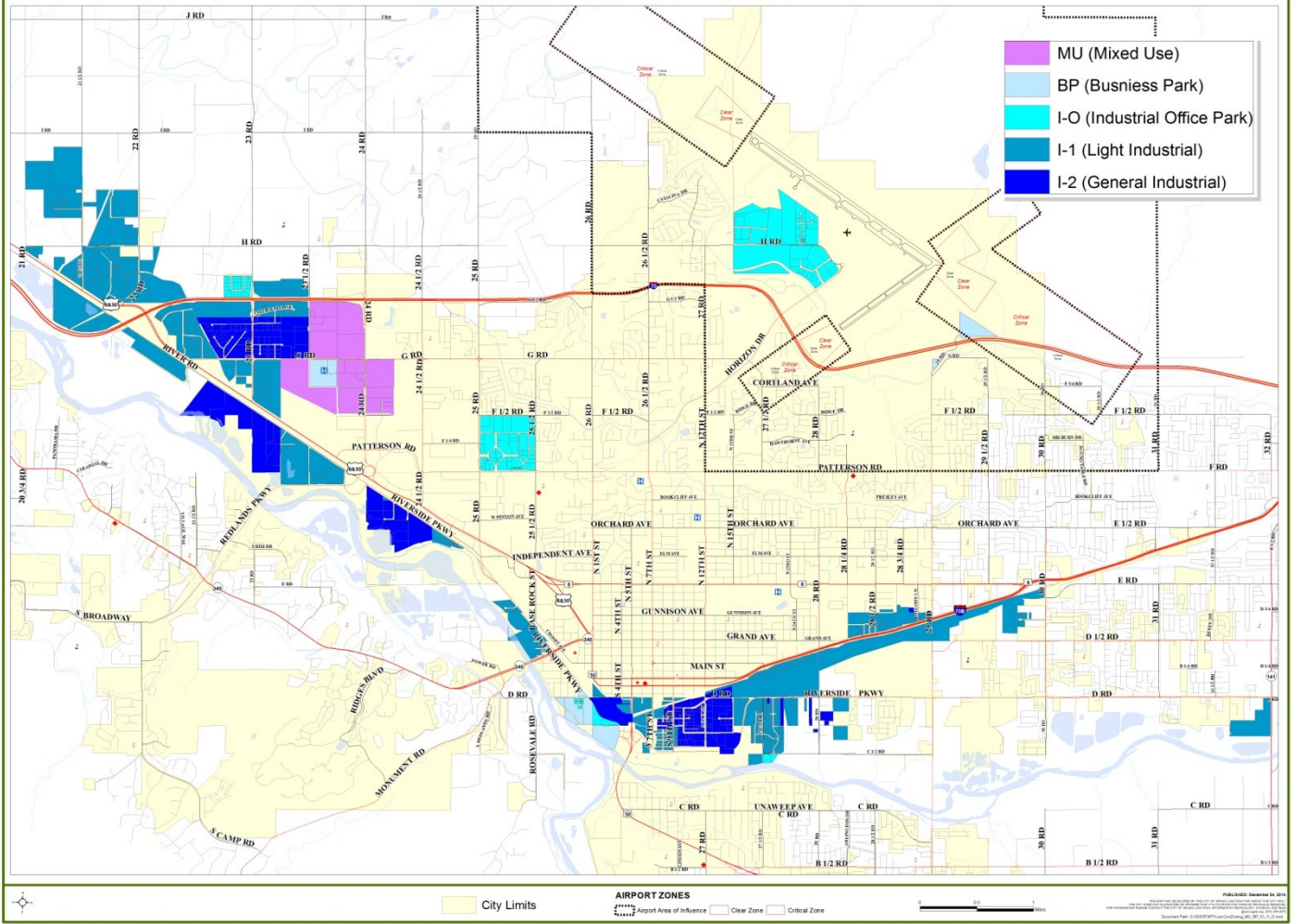
Previously presented or discussed:

The proposed amendments have not been previously discussed.

Attachments:

Map showing MU, BP, I-O, I-1 and I-2 zone districts
Proposed Ordinance

Zoning - MU, BP, I-O, I-1, I-2



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 21.03.070(g)(2)(iii)(F) AND (h)(3)(iii) AND SECTIONS 21.03.080(a)(3)(iv), (b)(3)(iv), AND (c)(3)(iv) TO REVISE THE PERFORMANCE STANDARDS FOR OUTDOOR STORAGE AND DISPLAY IN THE MU, BP, I-O, I-1, AND I-2 ZONE DISTRICTS

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances. The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

Staff recently reviewed the performance standards for outdoor storage and display areas in the Mixed Use (MU), Business Park Mixed Use (BP), Industrial Office Park (I-O), Light Industrial (I-1) and General Industrial (I-2) zone districts. The current Code language was approved prior to adoption of the 2010 Comprehensive Plan. The performance standards are outdated and in some cases overly restrictive. Staff proposes several amendments to the performance standards to provide appropriate standards and/or more flexibility in the MU, BP, I-O, I-1 and I-2 zone districts for outdoor storage and display areas.

The proposed amendments will enhance the responsiveness of the Zoning Code to the concerns of citizens and the development community by providing appropriate regulations for outdoor storage and greater flexibility for outdoor storage and permanent display areas.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendments for the following reasons:

1. The requests are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the amendments to revise performance standards to provide appropriate regulations and/or more flexibility in the MU, BP, I-O, I-1 and I-2 zone districts for outdoor storage and display will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Sections 21.03.070(g)(2)(iii)(F) and (h)(3)(iii), and Sections 21.03.080(a)(3)(iv); (b)(3)(iv) and (c)(3)(iv) are amended as follows (deletions shown by strikethrough, additions are underlined):

Sec. 21.03.070(g)(2)(iii)(F), Mixed Use (MU):

(F) Outdoor Storage and Display. Outdoor storage ~~and permanent display areas~~ shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in Chapter [21.04](#) GJMC.

Sec. 21.03.070(h)(3)(iii), Business Park Mixed Use (BP):

(iii) Outdoor Storage and Display. Outdoor storage ~~and permanent display areas~~ shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in GJMC [21.04.040\(h\)](#).

Sec. 21.03.080(a)(3)(iv), Industrial-Office Park (I-O):

(iv) Outdoor Storage and Display. Outdoor storage ~~and permanent display areas shall only be located in the rear half of the lot. and permanent display areas may be located~~ ~~or~~ beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in GJMC [21.04.040\(h\)](#).

Sec. 21.03.080(b)(iv), Light Industrial (I-1):

(iv) Outdoor Storage and Display. ~~Outdoor storage and permanent display areas shall only be located in the rear half of the lot, or beside or behind the principal structure.~~ Portable display of retail merchandise may be permitted as provided in GJMC [21.04.040\(h\)](#).

- (A) Outdoor storage and displays shall not be allowed in the front yard setback;
- (B) Screening shall be maintained in the frontage adjacent to arterial and collector streets and along that portion of the frontage on local streets which adjoin any zone except I-1 or I-2;
- (C) Unless required to buffer from an adjoining district, screening along all other property lines is not required; and
- (D) Screening of dumpsters is not required.

Sec. 21.03.080(c)(3)(iv), General Industrial (I-2):

(iv) Outdoor Storage and Display. ~~Outdoor storage and permanent display areas shall only be located in the rear half of the lot, or beside or behind the principal structure.~~ Portable display of retail merchandise may be permitted as provided in GJMC [21.04.040\(h\)](#).

- (A) Outdoor storage and displays shall not be allowed in the front yard setback;
- (B) Screening shall be maintained in the frontage adjacent to arterial and collector streets and along that portion of the frontage on local streets which adjoin any zone except I-1 or I-2;
- (C) Unless required to buffer from an adjoining district, screening along all other property lines is not required;
- (D) Screening of dumpsters is not required; and
- (E) Director may approve outdoor storage as a principal use without requiring a conditional use permit.

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

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

ATTEST:

President of the Council

City Clerk



Date: 2/3/2014
 Author: Elizabeth Tice-Janda_
 Title/ Phone Ext: 1598
 Proposed Schedule: First Reading
February 5th, 2014
 2nd Reading
 (if applicable): Public Hearing
February 19th, 2014
 File # (if applicable): _____

Attach 4
CITY COUNCIL AGENDA ITEM

| |
|--|
| Subject: Amendment to the Sales and Use Tax Code Exempting Certain Food Items Sold Through Vending Machines from Sales Tax |
| Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for February 19, 2014 |
| Presenter(s) Name & Title: Elizabeth Tice, Revenue Supervisor Jodi Romero, Financial Operations Director John Shaver, City Attorney |

Executive Summary:

The City Council will consider an Ordinance amending the City Sales and Use Tax Code that would exempt food, except for soda and candy, sold through vending machines from sales tax. If passed, the ordinance and exemption would be in effect for three years after the effective date.

Background, Analysis and Options:

Mr. Alden Savoca on behalf of the Colorado Vending Council has submitted a request for City Council to consider adopting an ordinance exempting the sales of all food products (including candy and soda) sold through vending machines.

The City exempts from tax the sale of food for home consumption. In order to qualify for the exemption, the product must first qualify as “food” and also must be for home consumption. The City’s ordinance defines food sold through vending machines as food for immediate consumption and therefore subject to tax. The State and Mesa County also exempt food for home consumption; however, they also specifically exempt the sale of food sold through vending machines, with the exception of candy and soda.

The request was discussed at the January 6th workshop. Following the workshop, Mayor Susuras requested further discussion and clarification regarding the available options and staff prepared the three options for Council’s consideration at the work session on February 3, 2014. Those options included (1) not making any changes to the existing ordinance; (2) exempting food products sold through vending machines but still taxing candy and soda sold through vending machines; and (3) exempt all food items including soda and candy sold through vending machines. The City Council directed staff to bring option (2) forward for their consideration. Option (2) aligns the

City, County and State tax treatment of food items sold through vending machines. Candy and soda would remain subject to tax by all three jurisdictions, but non candy and soda food items would be exempt from sales tax. This proposed ordinance includes the same definitions of candy and soda as the Colorado Revised Statutes as represented in the Table below. Also the proposed Ordinance includes the same definitions of candy and soda as the Colorado Revised Statutes.

Option 2

| | City of Grand Junction | State of Colorado | Mesa County |
|---|-------------------------------|--------------------------|--------------------|
| Food Sold Through Vending Machines | EXEMPT | EXEMPT | EXEMPT |
| Candy and Soda Sold Through Vending Machines | TAXABLE | TAXABLE | TAXABLE |

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

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

The City Council is committed to a fair and responsible tax code and as a fundamental aspect thereof finds that this ordinance is consistent with its policy and purposes and is protective of the City’s health and general welfare by establishing a consist and uniform standard of the taxability of food and food products sold from vending machines.

Board or Committee Recommendation:

There is no applicable board or committee to review and/or recommend. Consideration of the request is for the City Council.

Financial Impact/Budget:

If adopted the exemption is estimated to reduce sales tax revenues by up to \$15,000 annually.

Legal issues:

Ordinances reflecting the options described above have been drafted and are presented for Council’s review. If either version is selected then the notice and hearing process, as established by the Charter will be commenced.

Other issues:

There are no other issues specific to the taxability of vended products at this time.

Previously presented or discussed:

Presented and discussed at the January 6th, 2014 and February 3rd, 2014 City Council Workshops.

Attachments:

Letter from Alden Savoca dated 12/12/13
E-mail from Alden Savoca dated 1/8/14
Proposed Ordinance

To: Grand Junction City Council

From: The vending operators of Grand Junction, the Colorado Vending Council, other local businesses owners and individuals.

Date: 12/12/13

Subject: Exempting vending food from sales tax.

Honorable City Council Members,

After reviewing the current structure of our City's sales tax code, we discovered a major discrepancy in how the sales taxes on food are applied to local businesses. Within the City tax codes lies an exemption for retail food establishments, such as grocery stores and convenience stores, but vending machines are not included in that exemption. This is very unfair to vending operators, because they sell the exact same products that convenience stores and grocery stores would sell. The application of the sales tax to vending machines severely handicaps vending companies from being able to effectively compete against those companies who are not required to collect the tax. Furthermore, it is not possible for vending operators to "collect" sales tax. There is no way to add on to each transaction through a vending machine the percentage of the sales tax due. The easy counter argument to that is, "why not raise your prices to compensate for the sales tax?" The simple answer is a stark reality for anyone in the vending business. In vending, there is a saying, "it's a nickel and dime business." This sums up shortly what anything else but 5 years of experience in the industry would fail to convey. Vendors lose accounts everyday across this country because their competitor sells soda for 5 cents less. There is very little margin in vending, and businesses don't like price increases. If you're higher on pricing than the other vendors in town, you'll lose accounts. So, vendors have to pay for sales tax out of their bottom line; there is no way to pass it on to the consumer. In a grocery store, people see the added sales tax on the receipt, and they know the additional cost is not the businesses' fault. In vending, we get blamed for higher prices if we raise them to pay for sales tax, because the customer can never see that extra charge when they buy.

The State of Colorado has already passed an exemption for vending food, and currently only taxes soda, candy, and gum sold through vending machines. The County does not tax food, soda, or candy. We would like to ask that the City follow suit and not only exempt food from sales tax, but also soda and candy. It makes no sense to tax "sugar", which is essentially what the soda and candy tax is. The tax only exists because politicians in Denver felt the need to discourage and create "guilt" for those that make what *they* deem irresponsible decisions by consuming sugary beverages or foods. We do not believe this is a responsible or ethical method of taxation, and we believe that vendors and other businesses should not be subject to it. It chips away at business sales and profit, and has no place in a business friendly town.

We understand that there may be concern on the part of some Council members about potentially lost tax revenue that could be caused by exempting vending food from sales tax. We have analyzed this concern already, and have arrived at the conclusive realization that this exemption would actually increase tax revenue in the long run, not decrease it. Vending companies pour tens of thousands of dollars into the local economy in the Grand Valley, buying all their gas, food, shop supplies, tools, parts, and equipment here in Grand Junction. Vending is an extremely localized industry. Besides business expenditures, operators also contribute to the local economy through their personal expenditures made possible through their vending income. Freeing up

the money that would have otherwise gone towards sales tax revenue (which mostly comes out of the vendor's bottom line) would GREATLY increase the vendor's ability to spend more money locally, and grow and expand their businesses. This will generate more tax revenue through sales tax collected on other consumer goods. \$8000 of additional income in a vending company can easily translate into \$16000 of additional income within a year when properly reinvested. Vendors will always grow their businesses or hire additional employees when extra revenue is available, and that is exactly what would happen if sales taxes on their food sales were dropped. Business growth and development ALWAYS translates into more tax income in one area or another. However, it is imperative that all the taxes be equal and equally applied. The sales tax on vending food is neither fair nor equally applied to vendors, giving our competitors an unfair advantage.

We therefore are earnestly requesting that the City Council address this issue at the earliest possible date. We applaud the City Council for considering our proposal, and for taking up an important issue that we know has, through no fault of your own, escaped your attention up to this point, and we hope this letter will significantly help in your decision on this matter.

We also have requested and expect to soon receive the endorsement and support of our effort from some of the Mesa County Commissioners, the National Automatic Merchandisers Association, the Chamber of Commerce, and other prominent pro-business groups. We also have an active petition endorsing our request circulating in the Grand Valley, and are gathering widespread support from small business owners for this common sense reform. Most if not all of the businesses in town who are served by the local vending operators will also be supporting us in our petition, as the result of our effort will directly affect the cost of the service we provide them. We hope the City Council will set a hearing for the purpose of changing the current City ordinance, and we look forward to speaking and meeting with you then.

Respectfully,

The vending operators of Grand Junction, the Colorado Vending Council,
other local businesses owners and individuals.

From: "Alden Savoca

Date: January 8, 2014 11:15:53 PM MST

To: "Sam Susuras" <sams@ci.grandjct.co.us>, "Alden Savoca" <alden@vendorstech.com>

Subject: Vending machine sales tax

Dear Mr. Mayor,

I am writing to you on behalf of the vending operators of Grand Junction, the Colorado Vending Council, the Chamber of Commerce, and other local businesses, regarding your recent decision to change the sales tax structure for vending food sales.

First of all, I would like to thank you on behalf of myself and the collective parties I represent, for moving forward with our request to eliminate the sales tax on vending food. This was a good step in the right direction, and shows that you are committed to alleviating arbitrary tax burdens and promoting business development in the Valley. However, we have a serious concern about an issue that arose out of your meeting on the 6th. That is the issue of sales tax on soda and candy.

Our original request for the vending food sales tax to be repealed included a request for the tax on soda and candy to be done away with. I think that this is a very reasonable request and expectation, as a tax on soda and candy is absolutely pointless and somewhat absurd. The excuse used by our liberal legislature in Denver which is out of touch with the people of Colorado, was that it is not food used for home consumption, so it can be taxed. First off, who is to say candy and soda aren't used for home consumption? How can anyone possibly know where you intend to consume a case of soda when you buy it? I would venture to guess that a fairly large amount of the cases of soda or boxes of candy bars purchased at grocery retail establishments on a regular basis will be consumed at home. This is an undisputable point. So what other logical options are available to be used in defense of a soda and candy tax? None that I can think of, unless we drift into the illogical realm. In that realm, a colorful array of socialistic ideas would present themselves as defenders of this tax. One of those defensive options would be a sugar tax. A tax on sugar to discourage what the state government would define as "unhealthy eating habits". Regardless of soda and candy's health impacts, we do not believe that our government has the constitutional prerogative to conform or coerce our eating habits to their guidelines through taxation. This is what the state legislature is attempting to do. This is not what is right for our city, and we need our conservative leaders to see this for what it is, and instead of exploiting it to increase revenue, you should be fighting back as our elected leaders whom we have chosen to defend our rights and our ability to do business, not to damage them.

Furthermore, your proposed course of action actually raises taxes more than you would be decreasing them by dropping the tax on vending food. By taxing all soda and candy sales in all grocery retail establishments, you are effectively adding a new tax that everyone within your jurisdiction will have to pay. This is not what our intent or goal was by coming to you with a tax reduction request. We asked of you two things.

1. To apply the tax laws equally to vendors and grocery stores alike.
2. To reduce the tax burden on the vendors doing business in Grand Junction.

Dropping the tax on vending food reduced our tax burden, and dropping the tax on soda and candy would have also reduced our tax burden and made the tax laws equally applied to all. This would have been the most desirable route to take. But by applying a new tax to all other businesses, the soda and candy tax, you would make the tax laws equal, but you would end up raising taxes by hundreds of thousands of dollars beyond the amount you were going to decrease them by exempting vending food.

As you can see, we have two routes to solving the first issue I listed of equally applying the tax laws, one makes the tax laws equal and lowers taxes at the same time, while the other makes the tax laws equal, and greatly increases taxes. WE DO NOT NEED OR WANT ANY MORE TAX INCREASES! As businesses in this increasingly unfriendly business environment, we need incentives to grow and to hire. We need incentives to set up shop in cities like Grand Junction. We need havens from the heavy tax districts of our liberal neighbors who are taxing and spending themselves into bankruptcy.

Another part of our argument against tax on vending food/soda/candy was the difficulty in collecting the tax through vending machines. By adopting an exemption for vending food, while leaving out the exemption for candy and soda, it actually makes our job much harder than it was before. We now will have to record sales of individual items sold in our machines, instead of tallying the total machine sales to calculate our sales tax obligations. This is VERY difficult to do, and difficult to make accurate. This creates a level of uncertainty when vendors report sales tax earnings, because of a lack of a conventional method of collection, or of guidelines on acceptable collection techniques. All of these processes cut into our and any other business' most valuable asset, and that is time. Not only do these taxes cut into our profit, but the time it takes to collect or calculate them cuts into our profit as well.

While I realize that an ordinance expanding the soda and candy tax to all businesses has not yet been discussed or drafted, I felt a level of strong support among the council members for this idea at your recent meeting. This letter will hopefully serve as a strong sway against that ill-advised course of action. Under Colorado tax law, you have the option to not mirror the letter of Colorado sales tax law. While we continue to request that you mirror the *equal application* of Colorado's sales tax laws, we ask that you use sound judgment when it comes to mirroring the exact *letter* of Colorado's sales tax laws. We ask that you choose the course that would allow you to reduce taxes while you equally apply them to all businesses. A new tax, or a tax at all on soda and candy is not the right direction for Grand Junction.

We respectfully ask that the City Council drop consideration of applying the sales tax on soda and candy to any larger of a group of businesses or retail establishments, and that you also reconsider adding an exemption for soda and candy sales for vending operators as well.

Respectfully,

Alden Savoca

ORDINANCE NO. ____

AN ORDINANCE CONCERNING SECTION 3.12.020 OF CHAPTER 3 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING THE TAXABILITY OF FOOD PRODUCTS SOLD FROM MONEY OPERATED MACHINES

RECITALS:

On December 12, 2013 the City Council received a written request from and on behalf of the vending machine association to eliminate the taxation of food, candy and soft drinks sold through vending machines in the City.

At a work session on January 6, 2014 the City Council considered the request and additionally discussed taxation of food products, vended and not, including but not limited to soft drinks, candy, and other food.

Because the State law provides that carbonated water, soft drinks, chewing gum, candy, prepared salads, packaged and unpackaged cold sandwiches and beverages vended from machines in unsealed containers or cups are not "food" and accordingly are taxed by the State but other food is tax exempt, the City Council discussed whether to align the City tax code with that of the State.

The City Council is committed to a fair and responsible tax code and as a fundamental aspect thereof finds that this ordinance is consistent with its policy and purposes and is protective of the City's health and general welfare by establishing a consist and uniform standard of the taxability of food and food products sold from vending machines.

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

That Section 3.12.020 of the Grand Junction Municipal Code shall state as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, ~~deletions are shown in strikethrough~~)

CANDY MEANS A PREPARATION OF SUGAR, HONEY OR OTHER NATURAL OR ARTIFICIAL SWEETENERS IN COMBINATION WITH CHOCOLATE, FRUIT, NUTS OR OTHER INGREDIENTS OR FLAVORINGS IN THE FORM OF BARS, DROPS OR PIECES. CANDY SHALL NOT INCLUDE ANY PREPARATIONS CONTAINING FLOUR AND SHALL REQUIRE NO REFRIGERATION.

SOFT DRINKS MEANS NONALCOHOLIC BEVERAGES THAT CONTAIN NATURAL OR ARTIFICIAL SWEETENERS. SOFT DRINKS DO NOT INCLUDE BEVERAGES THAT CONTAIN MILK OR MILK PRODUCTS, SOY, RICE OR SIMILAR MILK SUBSTITUTES, OR GREATER THAN FIFTY PERCENT OF VEGETABLE OR FRUIT JUICE BY VOLUME.

Food means food for domestic home consumption as defined in 7 U.S.C. Section 2012(g), as amended, for purposes of the federal food stamp program as defined in 7 U.S.C. Section 2012(h), as amended, except that "food" does not include carbonated water marketed in containers; chewing gum; seeds and plants to grow food; prepared salads and salad bars; cold sandwiches AND delicatessen trays ~~and food or drink vended by or through machines or non-coin operated coin collecting food and snack devices on behalf of a vendor.~~

That Section 3.12.050(k) be added to the Grand Junction Municipal Code as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, deletions are shown in strikethrough)

The sales tax levied by GJMC 3.12.030(a) shall apply to the purchase price of the following:

FOR A PERIOD OF THREE YEARS FROM THE EFFECTIVE DATE OF ORDINANCE NO. ____ (THIS ORDINANCE) ALL SALES AND PURCHASES OF CANDY AND SOFT DRINKS AS DEFINED IN 3.12.020 BY AND THROUGH COIN OR OTHER MONEY (BILLS OR CARDS) OPERATED MACHINES.

That Section 3.12.070(rr) be added to the Grand Junction Municipal Code as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, deletions are shown in strikethrough)

The tax levied by GJMC 3.12.030(a) shall not apply to the following:

(rr) FOR A PERIOD OF THREE YEARS FROM THE EFFECTIVE DATE OF ORDINANCE NO. ____ (THIS ORDINANCE) ALL SALES AND PURCHASES OF FOOD AS DEFINED IN 3.12.020 BY AND THROUGH COIN OR OTHER MONEY (BILLS OR CARDS) OPERATED MACHINES.

Sunset Clause. Within sixty days of the third anniversary of the adoption of this ordinance the City Council shall consider the effectiveness of the ordinance at achieving its stated purposes. Without further action by the City Council, the terms and provisions of this ordinance shall expire on the third anniversary of the effective date hereof.

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

Adopted, passed, and ordered published in pamphlet form this _____ day of _____, 2014.

President of the City Council

ATTEST:

Stephanie Tuin
City Clerk



Attach 5
CITY COUNCIL AGENDA ITEM

Date: February 4, 2014
Author: John Camper
Title/ Phone Ext: Chief of Police,
x. 5100
Proposed Schedule: 1st
Reading February 5, 2014
2nd Reading: February 19,
2014
File # (if applicable): _____

| |
|---|
| Subject: Amending the Grand Junction Municipal Code to Prohibit Certain Activities Related to Panhandling |
| Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for February 19, 2014 |
| Presenter(s) Name & Title: John Camper, Police Chief John Shaver, City Attorney |

Executive Summary:

Residents of Grand Junction are reporting increasing instances of aggressive panhandling and disturbances by individuals attempting to panhandle money. For consideration by the City Council, Staff has prepared an ordinance regulating certain panhandling activities through reasonable time, place and manner restrictions.

Background, Analysis and Options:

Between January 1, 2013 and December 31, 2013, the Grand Junction Regional Communication Center received 439 calls complaining of panhandling activity within Mesa County, 377 of which were within the City. While panhandling has long been present within the city, anecdotal reports of more aggressive behavior are becoming commonplace. Particularly in the downtown area and along Main Street, citizens are reporting that panhandlers are becoming more persistent in their requests, and engaging in obscene and taunting language when they are refused.

The Police Department’s Homeless Outreach Team has reported similar observations in recent months. Reports of women in particular being verbally taunted and intimidated after being panhandled on Main Street are increasing, as are reports of citizens being panhandled and taunted as they eat in outdoor dining areas. As a key economic driver for our City, it is critical that our residents and visitors continue to feel safe when walking, dining, and shopping in the downtown area.

Although panhandling complaints can occasionally be enforced through other ordinances such as Harassment, such enforcement is not preventative in nature, and is dependent on the filing of a report by a victim. An ordinance regulating certain panhandling activities would allow police to warn or enforce violations of that ordinance,

thereby preventing further behavior of that nature. The only other city ordinance that addresses panhandling indirectly concerns prohibition of certain activities within roadway medians. After it was enacted, that ordinance was almost immediately helpful in reducing panhandling in medians, and as a result very few individuals were actually cited for the violation. In fact, since June, 2009, the Police Department has only had to issue six citations for Standing On/Occupying a Median. The Homeless Outreach Team is of the opinion that a panhandling ordinance would be similarly effective in providing a deterrent to panhandling activity that is aggressive or dangerous.

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

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

- This ordinance would enhance the safety and enjoyment of residents, workers, and visitors in the downtown area of the City Center.

Goal 11: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

- This ordinance will help ensure the continued viability of shopping venues and other public spaces.

Board or Committee Recommendation:

Mayor *pro tem* Chazen and Councilmembers Boeschstein and McArthur and the intra-departmental Vagrancy Committee have reviewed the issue and the proposed ordinance. The Councilmembers have recommended that the ordinance come forward for the City Council's formal consideration.

Prior to the public hearing, Staff will advise the local service agencies and the Colorado ACLU of the ordinance and the hearing date and time.

Financial Impact/Budget:

As was the case after the adoption of the Standing On/Occupying a Median ordinance in 2009, it is expected that this ordinance will primarily serve as a deterrent, and that very few actual citations will need to be written. For those that are written, there will be a small increase in the expenditure of staffing and court time.

Legal Issues:

Due Process:

Although the government can restrain and punish people for certain acts, it has long been deemed unconstitutional for the government to restrain or punish them for or

because of their status.¹ Therefore, vagrancy and homelessness themselves cannot be outlawed; homeless people and beggars are entitled to sit, walk, rest, speak and occupy public places to the same extent as any person of means; and no law can be used to “give the police authority to arrest disfavored people for acts which others do all the time.”² The “only proper target for order maintenance activities is behavior, not status.”³ The proliferation of homelessness and vagrancy by itself cannot legitimately be considered the basis for an ordinance. The status of those persons is not the legal issue; rather, the issue is the *behavior* of certain persons, some of whom are homeless, some of whom are not.

First Amendment:

The First Amendment of the U.S. Constitution provides:

Congress shall make no law . . . abridging the freedom of speech . . .⁴

The protection of free speech applies to state and local governments through the Due Process Clause of the Fourteenth Amendment.⁵ Communication that can be characterized as “pure speech,”⁶ “expressive conduct,”⁷ or “charitable solicitation”⁸ is accorded the highest protection. Charitable solicitation includes asking for money for one’s own support (panhandling or begging).⁹ Therefore it cannot be prohibited by the government. Any outright ban on panhandling would be an unconstitutional restriction. In addition, a street, sidewalk or public park is in constitutional doctrine known as a traditional public forum. Speech conducted in a traditional public forum is likewise accorded the highest level of First Amendment protection.

Constitutional jurisprudence does, however, permit restrictions on aspects of panhandling conduct that are “nonspeech,” so long as the limitations on the attendant speech are only slight.¹⁰ Reasonable limitations on aggressive panhandling are constitutional, where they address a legitimate governmental interest that is unrelated to the suppression of free expression.¹¹ In no event may people without means (homes, jobs, assets) be banned from public places, however. Restrictions on the time, place and manner of their speech in public places are constitutional, so long as the

¹ See for example *Robinson v. California*, 370 U.S. 660 (1962), striking down a statute making it a crime to be a drug addict, rather than prohibiting the use or possession of drugs, and *Papachristou v. Jacksonville*, 405 U.S. 156 (1972), striking down a law broadly defining who is “a vagrant.”

² Scheidegger, Kent S., Criminal Justice League Foundation, “Restoring Public Order: A Guide to Regulating Panhandling.” p.6.

³ *Id* at p. 16.

⁴ U.S. CONST, amend. I, §1

⁵ “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; . . .” U.S. CONST, amend XIV, §1.

⁶ *Carey v. Brown*, 447 U.S. 455, 460 (1980) (“expressive conduct”); (“charitable solicitation”).

⁷ *Spence v. Washington*, 418 U.S. 405, 409-10 (1974)

⁸ *International Society for Krishna Consciousness v. Lee*, 505 U.S. 672, 676 (1992) and *Cornelius v. NAACP Legal Defense and Educ. Fund*, 473 U.S. 788, 797 (1985)

⁹ *Loper v. New York City Police Department*, 999 F.2d 699 (2nd Cir. 1993).

¹⁰ *United States v. O’Brien*, 391 U.S. 367, 376-77 (1968).

¹¹ *Texas v. Johnson*, 491 U.S. 397, 407 (1989).

restrictions are *reasonable, narrowly tailored* to serve a *significant government interest*, and leave open *adequate alternative channels* of communication.¹²

The significant government interest:

The significant government interest forming the basis for a panhandling ordinance should be carefully considered and articulated in order to determine that the ordinance is reasonable and narrowly tailored. At present there are a variety of laws which outlaw aggressive and other undesirable acts that may be associated with panhandling and vagrancy. For example, the following aggressive behaviors are already unlawful: touching, following or directing obscene language or gesture at someone with the intent to harass or alarm;¹³ molesting pedestrians upon the streets or in other public places by following them on foot;¹⁴ stopping or forcibly hindering the operation of a vehicle ;¹⁵ obstructing a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway or hallway;¹⁶ course or offensive utterances, gestures or displays in a public place tending to incite imminent breach of the peace;¹⁷ placing or attempting to place a person in fear of imminent serious bodily injury by threat or physical action;¹⁸ demanding money under threat of harm;¹⁹ injuring, attempting to injure or threatening to injure someone.²⁰

Other laws addressing safety concerns, social ills and behaviors that can sometimes be associated with vagrancy and homelessness include a prohibition against occupying or soliciting from street medians,²¹ littering,²² disturbing the peace,²³ theft,²⁴ trespass,²⁵ injuring or befouling trees, plants, structures or property,²⁶ fighting in public,²⁷ drinking alcohol in public,²⁸ dogs at large and dangerous dogs,²⁹ prostitution and soliciting,³⁰

¹² Clark v. Community for Creative Non-Violence, 468 U.S. 288, 293 (1984); Perry Educ. Ass'n v. Perry Local Educators Ass'n, 460 U.S. 37, 45 (1983); United States Postal Serv. V. Council of Greenburgh Civic Ass'ns, 453 U.S. 114, 132 (1981); Consolidated Edison Co. v. Public Serv. Comm'n, 447 U.S. 530, 535-36 (1980).

¹³ C.R.S. §18-9-111.

¹⁴ Grand Junction Municipal Code §9.04.030(b)

¹⁵ C.R.S. §18-9-114.

¹⁶ C.R.S. §18-9-107.

¹⁷ C.R.S. §18-9-106 and Grand Junction Municipal Code §9.04.040.

¹⁸ C.R.S. §18-3-206.

¹⁹ C.R.S. §18-3-207.

²⁰ C.R.S. §18-3-201.

²¹ Grand Junction Municipal Code §9.04.250

²² Grand Junction Municipal Code §8.12.010

²³ Grand Junction Municipal Code §9.04.030

²⁴ Grand Junction Municipal Code §9.04.070

²⁵ Grand Junction Municipal Code §9.04.080

²⁶ Grand Junction Municipal Code §9.04.040(c)

²⁷ Grand Junction Municipal Code §9.04.040(b)

²⁸ Grand Junction Municipal Code §12.16.100

²⁹ Grand Junction Municipal Code Title 6, Chapter 12.

³⁰ Grand Junction Municipal Code §9.04.170

indecent exposure,³¹ urinating or defecating in public,³² unnecessary and excessive noise,³³ and nuisances.³⁴

The City Council may find that there are panhandling behaviors that could legitimately be considered threatening or offensive which are not already covered by existing criminal laws; or Council may find conversely. Whatever finding is made, the City Council must keep in mind that the mere presence of poor people in public places or their ordinary requests for money or work do not, by themselves, form a legitimate governmental interest sufficient to outweigh the protected rights.

Equal Protection

The proposed ordinance contains several time, place and manner restrictions which apply to activities which routinely occur in the City. Girl Scouts cookie sales, student car washes or other fundraisers, holiday bell-ringing for the Salvation Army, and political campaign solicitations would also have to comply with the restrictions. It would be unconstitutional to enforce these restrictions only against the poor and destitute and not against other types of charitable solicitation.³⁵ The Equal Protection Clause is violated where someone is intentionally treated differently from others similarly situated and where there is no rational basis for the difference in treatment.³⁶ Vagrant status or poor appearance would not constitute a rational basis for disparate treatment. Also, treating these classes differently would undercut the legitimacy of the government interest purportedly at stake for purposes of the First Amendment analysis.³⁷

History

An ordinance restricting aggressive panhandling was introduced to the City Council in 2009; following a public hearing on June 29, 2009, the ordinance failed to pass, with all councilors voting against it.

Other issues:

None.

Previously presented or discussed:

³¹ Grand Junction Municipal Code §9.04.180

³² Id.

³³ Grand Junction Municipal Code §8.16.010

³⁴ Grand Junction Municipal Code, Title 8, Chapter 8.

³⁵ While poverty alone does not bring a person into a constitutionally protected class, the Equal Protection Clause of the Fourteenth Amendment affords protection an individual injured by intentional discrimination without regard to their inclusion in a protected class. See *Willowbrook v. Olech*, 528 U.S. 562 (2000).

³⁶ *Jennings v. City of Stillwater*, 383 F.3d 1199 (10th Cir. 2004).

³⁷ [The New York] statute in no way advances substantial and important governmental interests. If it did, the State would not allow, as it does, the solicitation of contributions on city streets by individuals who represent charitable organizations . . ." *Loper*, supra, at p. 705.

As noted earlier, this issue has been discussed in several meetings of the newly-formed intra-departmental Vagrancy Committee. Additionally, the concept was presented to City Council during their Strategic Planning Session on November 4, 2013. The subject was also discussed during the City Council workshops on July 31, 2013 and February 3, 2014. The proposal was discussed with the Downtown Development Authority Board on January 23, 2014.

Attachments:

The proposed ordinance is attached.



ORDINANCE NO. ____

AN ORDINANCE PROHIBITING ACTIVITIES RELATING TO PANHANDLING

RECITALS:

The City of Grand Junction has the authority and power pursuant to C.R.S. §31-15-401 to restrain and punish loiterers and disorderly persons, to prevent and suppress disorderly conduct and disturbances, and to maintain order in public places.

The City likewise has the authority and power pursuant to C.R.S. §31-15-702 to regulate the use of sidewalks, streets and parks.

It has come to the attention of the City Council that some residents have experienced problems with aggressive panhandling, disturbances and vandalism associated with panhandling, and fraudulent practices by panhandlers to gain or obtain money. Between January 1, 2013 and December 31, 2013, the Grand Junction Regional Communication Center received 439 calls complaining of panhandling activity within Mesa County, 377 of which were within the City.

The City Council has been presented with information from the Grand Junction Police Department that panhandling may be creating a public safety risk on and along public roads.

The City Council hereby finds and determines that regulating panhandling through reasonable time, place and manner restrictions and prohibiting aggressive panhandling protects property, public safety and benefits the health, safety and welfare of the entire community.

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

Title 9 of the Grand Junction Municipal Code is amended to include a new Chapter 5, Prohibited Activities, as follows:

9.05.010 Legislative Declaration.

- (a) The City Council does find and declare that it is the right of every person to be secure and protected from intimidation and physical harm resulting from activities associated with panhandling.
- (b) This Ordinance is not intended to interfere with the exercise of constitutionally protected rights of freedom of expression, speech and association; and the City Council does recognize the constitutional right of every

citizen to harbor and express beliefs on any subject whatsoever and to lawfully associate with others.

- (c) Citizens of the City are concerned as a result of behaviors by individual persons and groups of persons who aggressively panhandle and who create safety risks along and on public roads, which activities are not constitutionally protected and which present a clear and present danger to public order and safety.
- (d) This Ordinance is also intended to provide for safe and orderly panhandling during times and at places which protect the safety of the public while allowing for individual expression within the boundaries of the City.

9.05.020 Definitions.

As used in this Ordinance the following words are defined as follows:

At-risk person shall mean a natural person who is over seventy (70) or under sixteen (16) years of age, or who is a person with a disability. *A person with a disability* shall mean, for purposes of the definition of “at-risk” person, a natural person of any age who suffers from one or more substantial physical or mental impairment that renders the person significantly less able to defend against criminal acts directed toward such person than he or she would be without such physical or mental impairment(s). A *substantial physical or mental impairment* shall be deemed to include, without limitation, the loss of, or the loss of use of, a hand, foot or limb; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person’s ability to function physically or that substantially impairs a person’s judgment or capacity to recognize reality or to control behavior.

Knowingly shall mean, with respect to the conduct or circumstances described in this Title 9, Chapter 5, that a person is aware that such person’s conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, *knowingly* means that a person is aware that such person’s conduct is practically certain to cause the result.

Obscene shall mean a blatantly offensive description of a sexual act or solicitation to commit a sexual act, whether or not such sexual act is normal or perverted, actual or simulated, including but not limited to masturbation, cunnilingus, fellatio, anilingus or human excretory functions.

Obstruct shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.

Panhandle / panhandling shall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for money, employment or other thing of value.

9.05.030 Applicability and effective date.

This Ordinance shall apply to all places within the City of Grand Junction. This Ordinance shall take effect thirty (30) days following publication and the City Council further authorized publication of this Ordinance in book or pamphlet form.

9.05.040 General panhandling and solicitation.

It shall be unlawful for any person to panhandle

- (a) One-half (1/2) hour after sunset to one-half (1/2) hour before sunrise;
- (b) If the person panhandling knowingly engages in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;
- (c) If the person panhandling directs fighting words to the person solicited that are likely to create an imminent breach of the peace;
- (d) If the person panhandling knowingly touches or grabs the person solicited;
- (e) If the person panhandling knowingly continues to request the person solicited for money or other thing of value after the person solicited has refused the panhandler's initial request;
- (f) If the person panhandling knowingly solicits an at-risk person;
- (g) In such a manner that the person panhandling obstructs a sidewalk, doorway, entryway, or other passage way in a public place used by pedestrians or obstructs the passage of the person solicited or requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;
- (h) Within one hundred (100) feet of an automatic teller machine or of a bus stop;
- (i) On a public bus;
- (j) In a parking garage, parking lot or other parking facility;
- (k) When the person solicited is present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink, or waiting in line to enter a building, an event, a retail business establishment, or a theater;

- (l) On or within one hundred (100) feet of any school or school grounds.

9.05.050 Panhandling and solicitation on or near public streets and highways.

It shall be unlawful for any person to panhandle or to solicit employment, business contributions or sales of any kind, or to collect money for the same, directly from the occupant of any vehicle traveling upon any public street or highway when:

- (a) Such panhandling, solicitation or collection involves the person performing the activity to enter onto the traveled portion of a public street or highway to complete the transaction, including, without limitation, entering onto bike lanes, street gutters or vehicle parking areas; or
- (b) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely complete the transaction.

Notwithstanding the foregoing in this Section 9.05.050, it shall be unlawful for any person to panhandle or to solicit or attempt to solicit employment, business, or contributions of any kind directly from the occupant of any vehicle on any highway included in the interstate or state highway system, including any entrance to or exit from such highway.

9.05.060 Enforcement and penalties.

Violation of any provision of this Chapter shall constitute a misdemeanor and shall be punishable in accordance with the penalties provided in GJMC 1.04.090.

9.05.070 Severability.

This Ordinance is necessary to protect the public health, safety and welfare of the residents of the City. If any provision of this Ordinance is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

All other provisions of Title 9 of the Grand Junction Municipal Code shall remain in full force and effect.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this ___ day of _____ 2014.

PASSED, ADOPTED, and ordered published in pamphlet form this ___ day of _____ 2014.

President of the Council

ATTEST:

Stephanie Tuin
City Clerk



Date: January 23, 2014
 Author: D. Paul Jagim
 Title/ Phone Ext: Interim Transportation Engineer, ext. 1542
 Proposed Schedule: February 5, 2014
 2nd Reading (if applicable): N/A
 File # (if applicable): N/A

Attach 6
CITY COUNCIL AGENDA ITEM

| |
|--|
| Subject: Purchase of Traffic Striping Paint for 2014 |
| Action Requested/Recommendation: Authorize the City Purchasing Division to Enter into a Purchase Order with Ennis Paint, Dallas, TX for the 2014 Traffic Striping Paint in the Amount of \$84,145 |
| Presenter(s) Name & Title: Greg Trainor, Public Works and Utilities Director |

Executive Summary:

The City’s Transportation Engineering Division is responsible for applying 10,000 gallons of white and yellow paint to the City’s streets each year; striping 400+ miles of streets and state highways. Utilizing the Colorado Department of Transportation’s (CDOT’s) contract prices, the City is able to take advantage of volume discounts and obtain the best unit prices.

Background, Analysis and Options:

In addition to striping City streets, the Division also stripes several state highways under contract to CDOT and will continue with this activity. Striping objectives include:

- Striping 400+ centerline miles of streets twice each year to maintain lines with good visibility and reflectivity for night driving.
- Stripe and mark new city construction projects.
- Re-striping chip sealed and asphalt overlaid streets as soon as possible to provide positive guidance for motorists.
- Maintaining city parking lot striping as needed.
- Conduct striping and marking activities in a safe and efficient manner that protects the transportation division staff and the public.

The 2014 traffic striping paint includes 5000 gallons of yellow paint and 5000 gallons of white paint. The City typically receives delivery in 250 gallon totes.

The City of Grand Junction purchases white and yellow traffic paint in conjunction with CDOT’s purchase contract, at the same unit prices that CDOT pays. The 2014 unit price for white paint is \$8.74 per gallon and \$8.09 per gallon for yellow paint, which is approximately 3.7% less than the 2013 unit prices.

Striping activity is tentatively scheduled to begin by the end of April and continues through September, depending on chip seal and construction projects.

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

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

Street striping provides positive guidance and information to street users by delineating lanes and providing good visibility and retro-reflectivity for night and adverse weather conditions.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

The funds for this purchase are budgeted in the General Fund, Transportation Engineering Division.

Legal issues:

No legal issues have been identified.

Other issues:

There are no other issues.

Previously presented or discussed:

This item has not been previously presented or discussed.

Attachments:

None



Date: January 27, 2014
 Author: John Shaver
 Title/ Phone Ext: City Attorney,
x1508
 Proposed Schedule: February 5, 2014

 2nd Reading
 (if applicable): NA

Attach 7
CITY COUNCIL AGENDA ITEM

| |
|---|
| Subject: Authorize the Sale of City-owned Property Located at 919 Kimball Avenue |
| Action Requested/Recommendation: Adopt a Resolution Authorizing the Sale of the Property for \$44,000.00 |
| Presenter(s) Name & Title: John Shaver, City Attorney |

Executive Summary:

The City has received an offer for the sale of real property commonly known as 919 Kimball Avenue. The legal description is different than the common description; an aerial photograph depicting the property is attached. To view the property electronically use this link: http://arcgis-fs.ci.grandjct.co.us/internal_gis_map/index.html?map=citymap&extent=711117,432572,9,711632,4325934

Background, Analysis and Options:

The property was purchased by the City in 2004 for the construction of the Riverside Parkway. The property that is being sold is the remnant from that which was used for the Parkway construction. The agreed upon price of \$44,000.00 is approximately \$2.15 per square foot reflects the fact that the parcel is valued principally for assemblage. Southside Leasing LLC is buying the property to assemble with its property to the East of the subject parcel, commonly known as the “sugar beet factory.”

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

The proposed sale does not directly relate to the Comprehensive Plan.

Board or Committee Recommendation:

The City Council is aware of the offer but formal action authorizing the contract and sale is necessary if the property is to be sold.

Financial Impact/Budget:

The buyer will pay \$44,000.00 for the property (20504 sq. ft.)

Legal issues:

The contract is contingent on City Council ratification on February 5, 2014.

Other issues:

There are no other issues.

Previously presented or discussed:

The City Council has not formally considered the sale.

Attachments:

Aerial View of Property
Resolution authorizing the sale of the property.

919 Kimball Ave



RESOLUTION NO. __ -14

A RESOLUTION AUTHORIZING THE SALE BY THE CITY OF GRAND JUNCTION, COLORADO, OF CERTAIN REAL PROPERTY LOCATED AT 919 KIMBALL AVENUE; RATIFYING ACTIONS HERETOFORE TAKEN IN CONNECTION THEREWITH

Recitals:

The City of Grand Junction has entered into a contract with Southside Leasing LLC for the sale by the City of that certain real property described as Lot 1 and the North 15 feet of Lot 2, Block 13 of the Benton Canon's First Subdivision Amended as the same is recorded in Plat Book 4, Page 39 in the Mesa County land records ("Property" or "the Property.")

The City Council has reviewed the proposed sale and a majority of the members of the Council recommend the sale on the terms established and do hereby ratify the sale and sales agreement.

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

1. That the City Council hereby authorizes the sale of the Property by the City to Southside Leasing LLC for \$44,000.00.
2. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of the Property which are consistent with the provisions of the attached Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.
3. That the officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution and the attached Contract to buy and Sell Real Estate, including but not limited to the delivery of the deed.

PASSED and ADOPTED this _____ day of _____, 2014.

President of the City Council

Attest:

Stephanie Tuin
CityClerk



Date: February 2, 2014
 Author: Rob Schoeber
 Title/ Phone Ext: Parks & Recreation
Director/3881
 Proposed Schedule: February 5, 2014
 2nd Reading
 (if applicable): _____

Attach 8
CITY COUNCIL AGENDA ITEM

| |
|---|
| Subject: Request for Fireworks from the Grand Junction Rockies |
| Action Requested/Recommendation: Consider Approval of a Request from the Grand Junction Rockies for Fireworks Displays at Suplizio Field on June 20 th , July 4 th , July 11 th , July 25 th , August 1 st , and August 15 th , 2014 |
| Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director Tim Ray, General Manager, Grand Junction Rockies |

Executive Summary:

The Grand Junction Rockies are requesting approval of fireworks displays to be held following all regularly scheduled games on Friday evenings at Suplizio Field. The request includes six dates, one of which is the annual Fireworks Extravaganza which will be held in partnership with the City of Grand Junction.

Background, Analysis and Options:

A similar request from the Rockies was made in 2013. All shows at Lincoln Park require a coordinated effort including the event organizer, Parks Staff, Police Department, Traffic Control, Golf Course and Security. If approved, the fireworks will be staged and launched from the practice field located east of Suplizio. Considering the size of the proposed fireworks, there will be no impacts to the golf course. The event organizer and fireworks contractor worked closely last year with Parks Staff and there are no concerns from the Department. The Department received one call during the season relating to excessive noise. Estimated start times for all of the shows will be from 9:00-9:45 p.m.

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

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

The expansion of Minor League Baseball to Grand Junction has proven to be a popular family event with local residents and visitors to the area. This request will help to keep the event innovative and a unique experience for fans of all ages.

Board or Committee Recommendation:

None

Financial Impact/Budget:

The Grand Junction Rockies will help sponsor the annual Fireworks Extravaganza in the amount of \$5,000. The City also benefits from additional tickets that are sold for each home event.

Legal issues:

None

Other issues:

None

Previously presented or discussed:

No

Attachments:

None



Attach 9

CITY COUNCIL AGENDA ITEM

Date: 10-28-13
Author: Greg Moberg
Title/ Phone Ext: Planning
Supervisor/4023
Proposed Schedule: Jan. 15,
2014
2nd Reading
Feb. 5, 2014
File # (if applicable): ZCA-
2013-229

| |
|---|
| Subject: Amending Sections 21.03.090 of the Grand Junction Municipal Code Adopting Changes to Form Districts within the City |
| Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance |
| Presenter(s) Name & Title: Tim Moore, Deputy City Manager Greg Moberg, Planning Supervisor |

Executive Summary:

The proposed ordinance amends Section 21.03.090, Form Districts, eliminating barriers and cleaning up language for the development of mixed use projects in Mixed Use Opportunity Corridors.

Background, Analysis and Options:

The Form District section of the GJMC was adopted as part of a much larger amendment of the Zoning and Development Code on April 5, 2010. Prior to the 2010 adoption, form-based zoning was not an option in the City of Grand Junction.

The purpose of adding Form Districts to the GJMC was to create zones that implemented several new Future Land Use designations of the Comprehensive Plan. The new Future Land Use designations include: Neighborhood Center, Village Center, Downtown Mixed Use and Mixed Use Opportunity Corridors. These new designations were added when the Comprehensive Plan was adopted on February 17, 2010.

Form-based zoning differs from conventional zoning in several unique ways. Conventional zones (R-4, C-1, I-1, etc.) traditionally focus on the separation of land-uses and regulating development intensity through dimensional standards (e.g., dwellings per acre, height limits, setbacks, parking ratios, etc.). This type of zoning regulation encourages the utilization of single use applications (R-4 for single family residential, C-1 for retail sales and services and I-1 for general industrial) making conventional zones more “use” focused. Required parking standards combined with minimum building setback requirements encourage parking to be placed in the front of buildings creating developments that are more autocentric and less pedestrian friendly.

Unlike conventional zoning, form-based codes try to address the relationship between public and private spaces. Form-based codes encourage a connection between

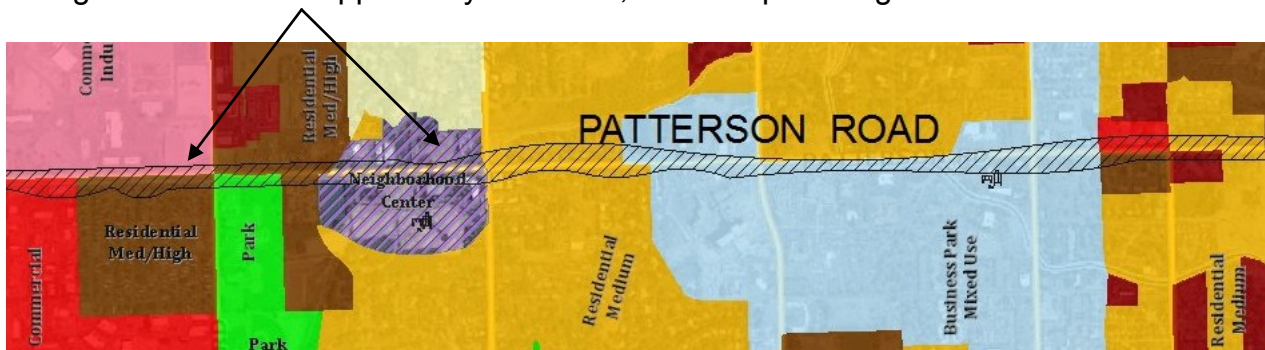
streets, buildings and public spaces. This connection is accomplished through consideration of such things as building form, scale and massing rather than strict adherence to dimensional standards. Moreover, form-based codes encourage the mixing of uses on a single site. When a site has a mix of uses (residential, retail and/or office) parking requirements can be reduced because the mix of uses have the ability to share on-site parking. The reduction of parking allows the building to be brought forward, closer to the public right-of-way. By bringing the building forward a more pedestrian-friendly development is achieved that can be less autocratic.

There are three mixed use form districts allowed in the City of Grand Junction; Mixed Use Residential, Mixed Use General and Mixed Use Shopfront. Within the three types of form districts five building types are allowed: Shopfront, General, Apartment, Townhouse and Civic. The Shopfront building type is allowed only in the Mixed Use Shopfront District and the General building type is allowed only in the Mixed Use General District. Apartments, Townhouse and Civic building types are allowed in both the General and Residential Mixed Use Districts.

In addition, the current standards stipulate that:

1. Retail sales and services are allowed in Shopfront building types.
2. Office uses are allowed in General building types, but not retail uses.
3. General building types are allowed throughout Neighborhood Centers, Village Centers, Downtown Mixed Use and Mixed Use Opportunity Corridors.
4. Shopfront building types can only locate at the intersections of major roadways.

These standards create a problem when trying to develop a mixed use project in a Mixed Use Opportunity Corridor. If a proposed development is not located at an intersection of major roadways, allowed uses are limited to office and residential. Because the uses are limited it is difficult to encourage the use of the Form Districts along the Mixed Use Opportunity Corridors, for example along Patterson Road.



The proposed amendments (see attached Ordinance) to Section 21.03.090 are intended to remove these restrictions thereby allowing mixed use developments to occur throughout Mixed Use Opportunity Corridors. In addition, modifications have also been included that clarify landscaping requirements and allow awnings to be placed above public right-of-way.

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

The proposed amendments are consistent with the following goals and policies of the Comprehensive Plan:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B. Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Current standards discourage mixed use developments along Mixed Use Opportunity Corridors which limits opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled. The proposed amendments would remove the standards that discourage mixed use development thereby encouraging more opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Policy B. Encourage mixed-use development and identification of locations for increased density.

Current standards discourage mixed use developments along Mixed Use Opportunity Corridors and therefore a broader mix of housing types are also discouraged. The proposed amendments would remove the standards that discourage mixed use development thereby encouraging a broader mix of housing types.

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

Policy A. Design streets and walkways as attractive public spaces.

One of the objectives of a mixed use development is the creation of attractive public spaces, streets and walkways. The proposed amendments would remove the standards that discourage mixed use development thereby encouraging mixed use developments and the creation of attractive public spaces, streets and walkways.

Board or Committee Recommendation:

The Planning Commission recommended approval of the proposed amendment at their June 25, 2013 meeting.

Financial Impact/Budget:

None.

Legal issues:

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

Other issues:

None.

Previously presented or discussed:

This was discussed at a workshop on December 16, 2013.

Attachments:

Exhibit A - Illustrated Changes to GJMC Sections 21.03.090
Proposed Ordinance

Exhibit A

Proposed changes:

Deletions shown with strikethroughs and additions are underlined.

21.03.090 Form districts.

(a) **Intent.** The form districts are intended to implement the Neighborhood Center, Village Center, Downtown Mixed Use future land use designations and Mixed Use Opportunity Corridors of the Comprehensive Plan. The form districts are intended to create pedestrian-friendly urban areas where higher density mixed uses and mixed building types promote less dependence on the automobile. The form districts are intended to be used in combination to create mixed use centers. The centers are intended to transition in scale to existing neighborhoods. The Comprehensive Plan Neighborhood Center designation is implemented with the three-story districts, the Village Center designation is implemented with the three- and five-story districts, and the Downtown Mixed Use designation is implemented with the three-, five- and eight-story districts. The Mixed Use Opportunity Corridor designation is implemented with the three-story districts.

(b) **Mixed Use Residential (MXR-3, -5, -8).** The mixed use residential (MXR) districts are:

- (1) Intended to create residential neighborhoods with a mix of housing options in a pedestrian-friendly environment.
- (2) Divided into three intensities: low (MXR-3), medium (MXR-5), and high (MXR-8).
- (3) Intended ~~for the perimeter areas of mixed use centers to~~ as a transition from a mixed use ~~core center or corridor~~ to the surrounding neighborhoods.
- (4) Comprised of the apartment, townhouse and civic building types.

(c) **Mixed Use General (MXG-3, -5, -8).** The mixed use general (MXG) districts are:

- (1) Intended to create a mix of compatible uses in close proximity to one another in a pedestrian-friendly environment.
- (2) Divided into three intensities: low (MXG-3), medium (MXG-5), and high (MXG-8).
- (3) Comprised of the general, apartment, townhouse and civic building types.

(d) **Mixed Use Shopfront (MXS-3, -5, -8).** The mixed use shopfront (MXS) districts are:

(1) Intended to create the commercial core of a mixed use pedestrian-friendly area.

(2) Divided into three intensities: low (MXS-3), medium (MXS-5), and high (MXS-8).

~~(3) Located at the intersection of major roadways.~~

~~(4)~~(3) Comprised of the shopfront building type.

(e) **District Standards.**

(1) Building Type by District.

| District | Building Type | | | | |
|------------------------------|---------------|---------|-----------|-----------|-------|
| | Shopfront | General | Apartment | Townhouse | Civic |
| Mixed Use Residential (MXR-) | | | • | • | • |
| Mixed Use General (MXG-) | | • | • | • | • |
| Mixed Use Shopfront (MXS-) | • | | | | |

(2) Height.

| Intensity | District | Height Stories (min.) | Height Stories (max.) | Height Feet (max.) |
|-----------|---------------------|-----------------------|-----------------------|--------------------|
| Low | MXR-3, MXG-3, MXS-3 | 1 | 3 | 50 |
| Medium | MXR-5, MXG-5, MXS-5 | 2 | 5 | 65 |
| High | MXR-8, MXG-8, MXS-8 | 2 | 8 | 100 |

(3) Building Entrances. The following building entrance requirements apply to shopfront, general and apartment building types:

(i) An entrance providing both ingress and egress, operable during normal business hours, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

(ii) The entrance separation requirements provided for the building type must be met for each building, but are not applicable to adjacent buildings.

(iii) An angled entrance may be provided at either corner of a building along the street to meet the street entrance requirements, provided any applicable entrance spacing requirements can still be met.

(iv) A minimum of 50 percent of a required entrance must be transparent.

(v) A required fire exit door with no transparency may front on a primary, side, or service street.

(4) Parking.

(i) On-site surface parking must be located behind the parking setback line.

(ii) Structured parking must contain active uses on the ground story along any primary street for the first 30 feet of the building measured from the street-facing facade.

(iii) The required street frontage may be interrupted to allow for a maximum 30-foot-wide vehicular entrance to a parking structure or area.

(5) Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard, behind the parking setback line.

~~(6) Landscaping. Landscaping is required for surface parking and for the park strip in the right-of-way.~~

~~(7)~~(6) Open Space.

(i) Public Parks and Open Space Fee. The owner of any multifamily or mixed use project in a form district shall be subject to the required parks impact fee.

(ii) Open Space Requirement. Multifamily or mixed use developments in a form district shall be required to pay 10 percent of the value of the raw land of the property as determined in GJMC 21.06.020(b).

~~(8)~~(7) Outdoor Storage and Display. Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).

(8) Awning Standards. Awnings and other façade enhancements are encouraged. One or more awnings extending from the building may be erected. Awnings shall be at least 8 feet above the sidewalk and shall be at least 4 feet wide, along the building frontage, and shall not overhang into the right-of-way more than 6 feet. Awnings shall otherwise meet with the requirements of the Grand Junction Municipal Code and Colorado Department of Transportation (CDOT) regulations.

(9) Landscaping and Buffering.

(i) No landscaping / screening buffer is required between adjacent properties zoned Mixed Use.

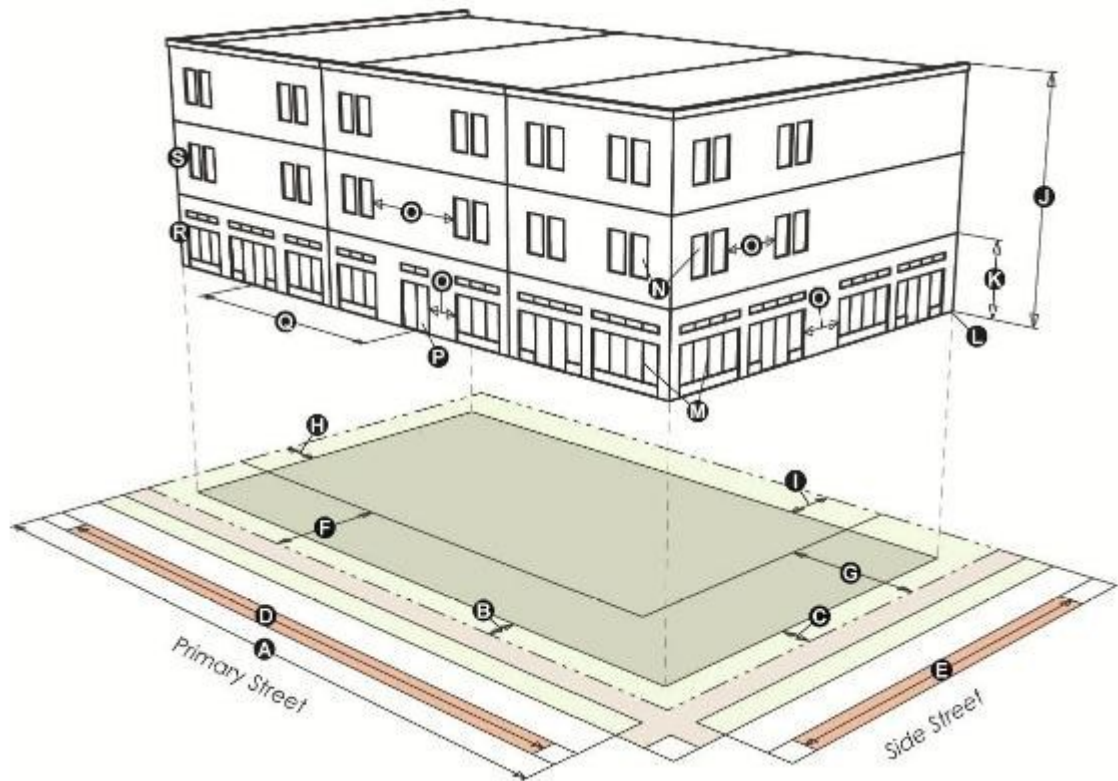
(ii) No street frontage landscaping is required when the setback for a building is ten (10) feet or less.

(iii) Street trees are required at a rate of one tree per eighty (80) feet. Street trees may be planted in the right-of-way with City approval.

(iv) All other landscaping regulations of the Grand Junction Municipal Code shall apply.

(f) **Building Types.** See the building types on the following pages.

(1) Shopfront. A building form intended for ground floor retail sales and service uses with upper-story residential or office uses. Lodging and indoor recreation and entertainment uses would also be allowed. High transparency (in the form of windows and doors) is required on the ground floor to encourage interaction between the pedestrian and the ground story space. Primary entrances are prominent and street facing.



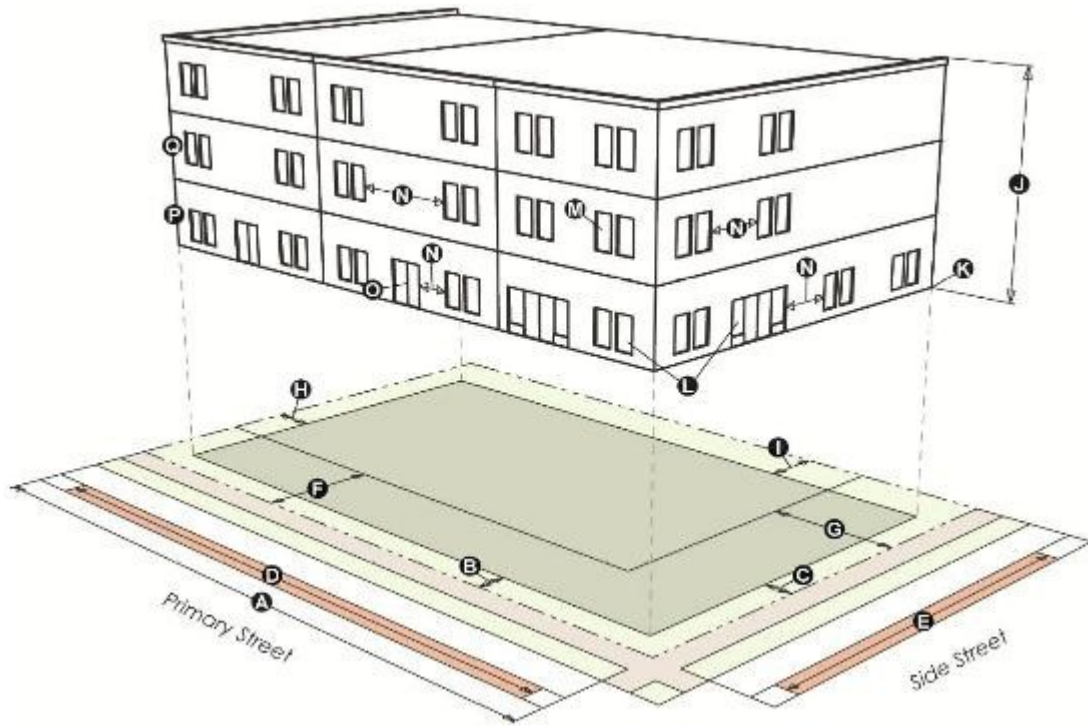
MXS-3 MXS-5 MXS-8

MXS-3 MXS-5 MXS-8

| LOT | MXS-3 | MXS-5 | MXS-8 | HEIGHT | MXS-3 | MXS-5 | MXS-8 |
|---|--------------|--------------|--------------|--|--------------|--------------|--------------|
| Area (min. ft. ²) | 4,00 | 5,00 | n/a | J Stories (max.) | 3 | 5 | 8 |
| A Width (min. ft.) | 40 | 50 | n/a | J Feet (max.) | 50 | 65 | 100 |
| Lot coverage (max.) | 75% | 75% | n/a | K Ground story height (min. ft.) | 15 | 15 | 15 |
| | | | | L Ground story elevation (min. ft.) | 0 | 0 | 0 |
| FRONT SETBACK AREA | | | | BUILDING FACADE | | | |
| B Primary street (min./max. ft.) | 0/10 | 0/10 | 0/10 | M Ground story transparency (min.) | 60% | 60% | 60% |
| C Side street (min./max. ft.) | 0/10 | 0/10 | 0/10 | N Upper story transparency (min.) | 20% | 20% | 20% |
| REQUIRED STREET FACADE | | | | O Blank wall area | 30 | 30 | 30 |
| D Primary street | 85% | 85% | 85% | | | | |

| | MXS-3 | MXS-5 | MXS-8 | | MXS-3 | MXS-5 | MXS-8 |
|-----------------------------|-------|-------|-------|-----------------------------------|--|-------|-------|
| (min.) | | | | (max. ft.) | | | |
| Ⓔ Side street (min.) | 40% | 40% | 40% | ⒫ Street-facing entrance required | yes | yes | yes |
| PARKING SETBACK | | | | ⒬ Street entrance spacing | n/a | n/a | 50 |
| Ⓕ Primary street (min. ft.) | 30 | 30 | 30 | ALLOWED USE | | | |
| Ⓖ Side street (min. ft.) | 10 | 10 | 10 | ⒭ Ground story | Commercial, Institutional and Civic | | |
| SIDE/REAR SETBACKS | | | | ⒮ Upper story | Commercial, Institutional and Civic, Residential | | |
| Ⓗ Side, interior (min. ft.) | 5 | 5 | 5 | | | | |
| Ⓘ Rear (min. ft.) | 15 | 10 | 0 | | | | |

(2) General. A building form intended for ~~commercial~~ ground floor office and personal services uses (but does not include sales, repair or entertainment oriented uses) ~~that are not retail with upper-story residential or office. Often used for a single purpose such as an office building or hotel, the general building form is the most common commercial building.~~ Transparency (in the form of windows and doors) is required on the ground floor to encourage interaction between the pedestrian and the ground story space; however, required transparency is lower than that for a shopfront building form. Primary entrances are prominent and street facing.



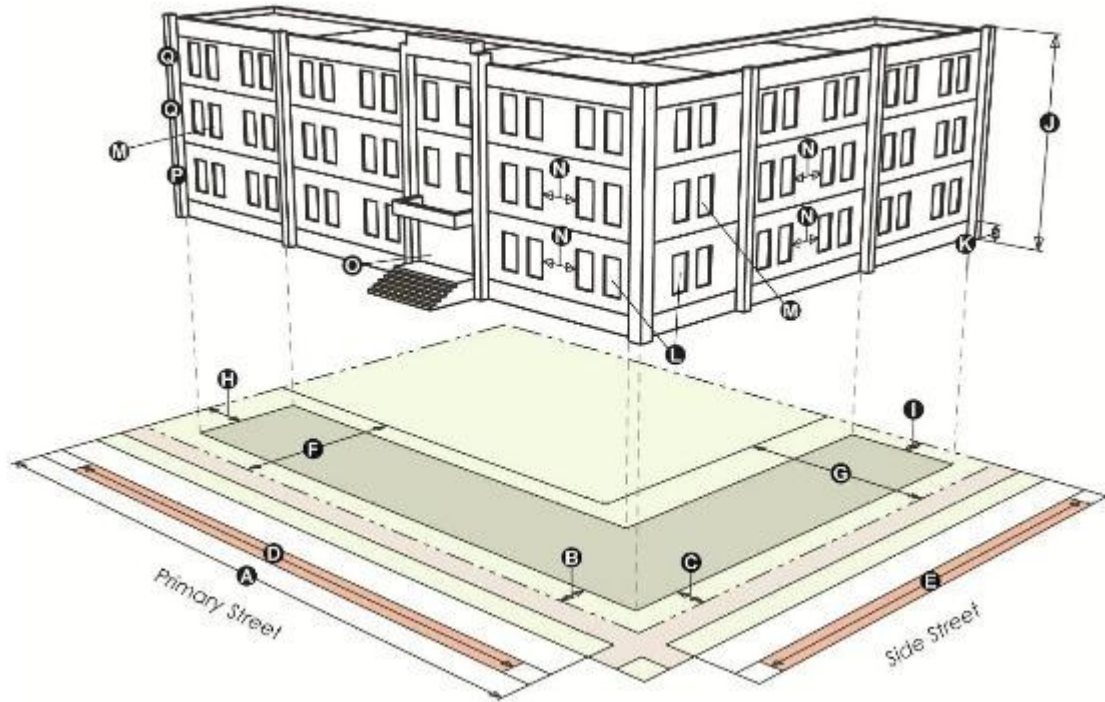
MXG-3 MXG-5 MXG-8

MXG-3 MXG-5 MXG-8

| LOT | MXG-3 | MXG-5 | MXG-8 | HEIGHT | MXG-3 | MXG-5 | MXG-8 |
|---|--------------|--------------|--------------|--|--------------|--------------|--------------|
| Area (min. ft. ²) | 4,000 | 5,000 | n/a | J Stories (max.) | 3 | 5 | 8 |
| A Width (min. ft.) | 40 | 50 | n/a | J Feet (max.) | 50 | 65 | 100 |
| Lot coverage (max.) | 75% | 75% | n/a | K Ground story elevation (min. ft.) | 0 | 0 | 0 |
| FRONT SETBACK AREA | | | | BUILDING FACADE | | | |
| B Primary street (min./max. ft.) | 0/10 | 0/10 | 0/10 | L Ground story transparency (min.) | 40% | 40% | 40% |
| C Side street (min./max. ft.) | 0/10 | 0/10 | 0/10 | M Upper story transparency (min.) | 20% | 20% | 20% |
| REQUIRED STREET FACADE | | | | N Blank wall area (max. ft.) | 30 | 30 | 30 |
| D Primary street (min.) | 80% | 80% | 80% | O Street-facing entrance required | yes | yes | yes |

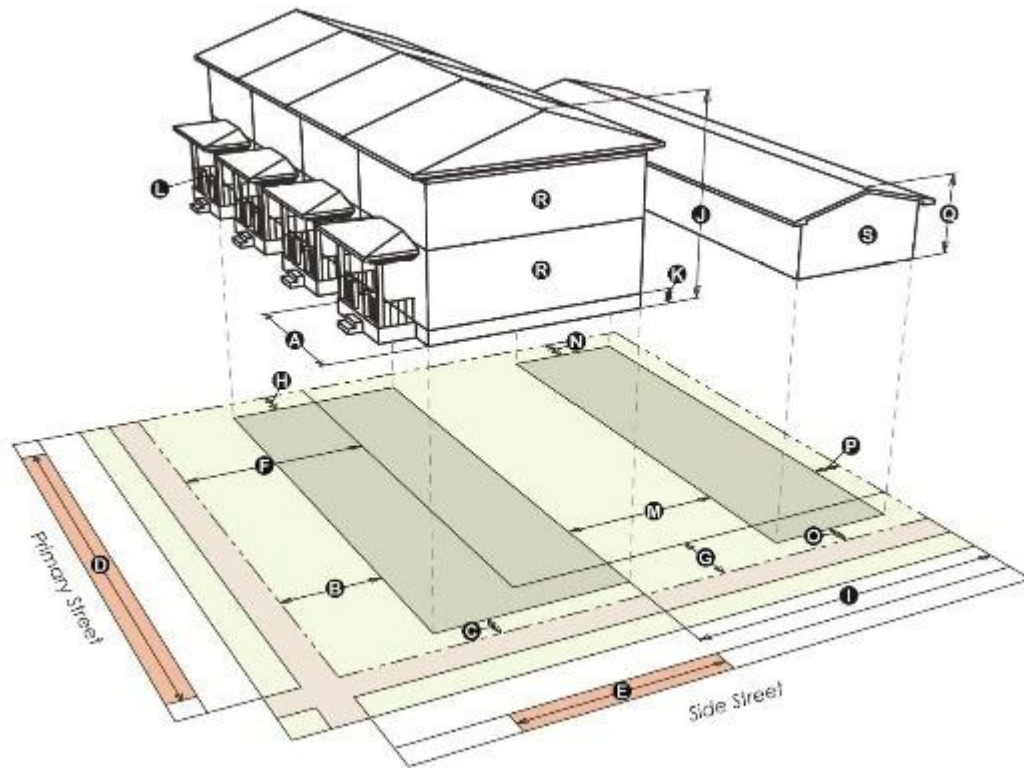
| | MXG-3 | MXG-5 | MXG-8 | | MXG-3 | MXG-5 | MXG-8 |
|-----------------------------|-------|-------|-------|--------------------|--|-------------------------------------|-------|
| Ⓔ Side street (min.) | 40% | 40% | 40% | ALLOWED USE | ⒫ Ground story | Commercial, Institutional and Civic | |
| PARKING SETBACK | | | | | | | |
| Ⓕ Primary street (min. ft.) | 30 | 30 | 30 | ⒬ Upper story | Commercial, Institutional and Civic, Residential | | |
| Ⓖ Side street (min. ft.) | 10 | 10 | 10 | | | | |
| SIDE/REAR SETBACKS | | | | | | | |
| Ⓗ Side, interior (min. ft.) | 5 | 5 | 5 | | | | |
| Ⓘ Rear (min. ft.) | 15 | 10 | 5 | | | | |

(3) Apartment. A building form containing three or more dwelling units consolidated into a single structure. An apartment contains internal common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The building often shares a common entrance. Primary building entrance is generally through a street-facing lobby.



| | MXG- 3 | MXG- 5 | MXG- 8 | | MXG- 3 | MXG- 5 | MXG- 8 |
|----------------------------------|-----------|-----------|-----------|-------------------------------------|-------------|-----------|-----------|
| | MXR- 3 | MXR- 5 | MXR- 8 | | MXR- 3 | MXR- 5 | MXR- 8 |
| LOT | | | | HEIGHT | | | |
| Area (min. ft. ²) | 6,000 | 6,000 | 6,000 | Ⓜ Stories (max.) | 3 | 5 | 8 |
| Ⓜ Width (min. ft.) | 60 | 60 | 60 | Ⓜ Feet (max.) | 50 | 65 | 100 |
| Lot coverage (max.) | 75% | 75% | 75% | Ⓜ Ground story elevation (min. ft.) | 0 | 0 | 0 |
| FRONT SETBACK AREA | | | | BUILDING FACADE | | | |
| Ⓜ Primary street (min./max. ft.) | 0/15 | 0/15 | 0/15 | Ⓜ Ground story transparency (min.) | 20% | 20% | 20% |
| Ⓜ Side street (min./max. ft.) | 0/15 | 0/15 | 0/15 | Ⓜ Upper story transparency (min.) | 20% | 20% | 20% |
| REQUIRED STREET FACADE | | | | Ⓜ Blank wall area (max. ft.) | 30 | 30 | 30 |
| Ⓜ Primary street (min.) | 75% | 75% | 75% | Ⓜ Street-facing entrance required | yes | yes | yes |
| Ⓜ Side street (min.) | 35% | 35% | 35% | ALLOWED USE | | | |
| PARKING SETBACK | | | | Ⓜ Ground story | Residential | | |
| Ⓜ Primary street (min. ft.) | 30 | 30 | 30 | Ⓜ Upper story | Residential | | |
| Ⓜ Side street (min. ft.) | 10 | 10 | 10 | | | | |
| SIDE/REAR SETBACKS | | | | | | | |
| Ⓜ Side, interior (min. ft.) | 5 | 5 | 5 | | | | |
| Ⓜ Rear (min. ft.) | 15 | 10 | 5 | | | | |

(4) Townhouse. A building form with multiple dwelling units located side-by-side on a single zone lot and consolidated into a single structure that relates to the scale of surrounding houses. Each unit is separated by a common side wall. Units are not vertically mixed. Each unit has its own external entrance.



**MXG-3,
MXR-3**

MXG-3, MXR-3

| LOT | | HEIGHT | |
|--------------------------------|-------|--|-----|
| Area (min. ft. ²) | 1,200 | Ⓜ Stories (max.) | 3 |
| ⓐ Unit width (min. ft.) | 16 | Ⓜ Feet (max.) | 50 |
| Lot coverage (max.) | 75% | Ⓚ Ground story elevation (min. ft.) | 1.5 |
| FRONT SETBACK AREA | | BUILDING FACADE | |
| Primary street (min./max. ft.) | 0/15 | Ⓛ Street-facing entrance required | yes |
| Side street (min./max. ft.) | 0/15 | ACCESSORY STRUCTURE SETBACKS | |
| REQUIRED STREET FACADE | | Ⓜ Separation from primary structure (min. ft.) | 10 |
| ⓓ Primary street (min.) | 75% | Ⓝ Side, interior (min. ft.) | 5 |
| ⓔ Side street (min.) | 35% | Ⓞ Side, street (min. ft.) | 10 |
| PARKING SETBACK | | Ⓟ Rear (min. ft.) | 5 |

**MXG-3,
MXR-3**

MXG-3, MXR-3

| | |
|------------------------------------|----|
| Primary street (min. F ft.) | 30 |
| G Side street (min. ft.) | 10 |

**SIDE/REAR
SETBACKS**

| | |
|------------------------------------|----|
| Side, interior (min. H ft.) | 5 |
| I Rear (min. ft.) | 10 |

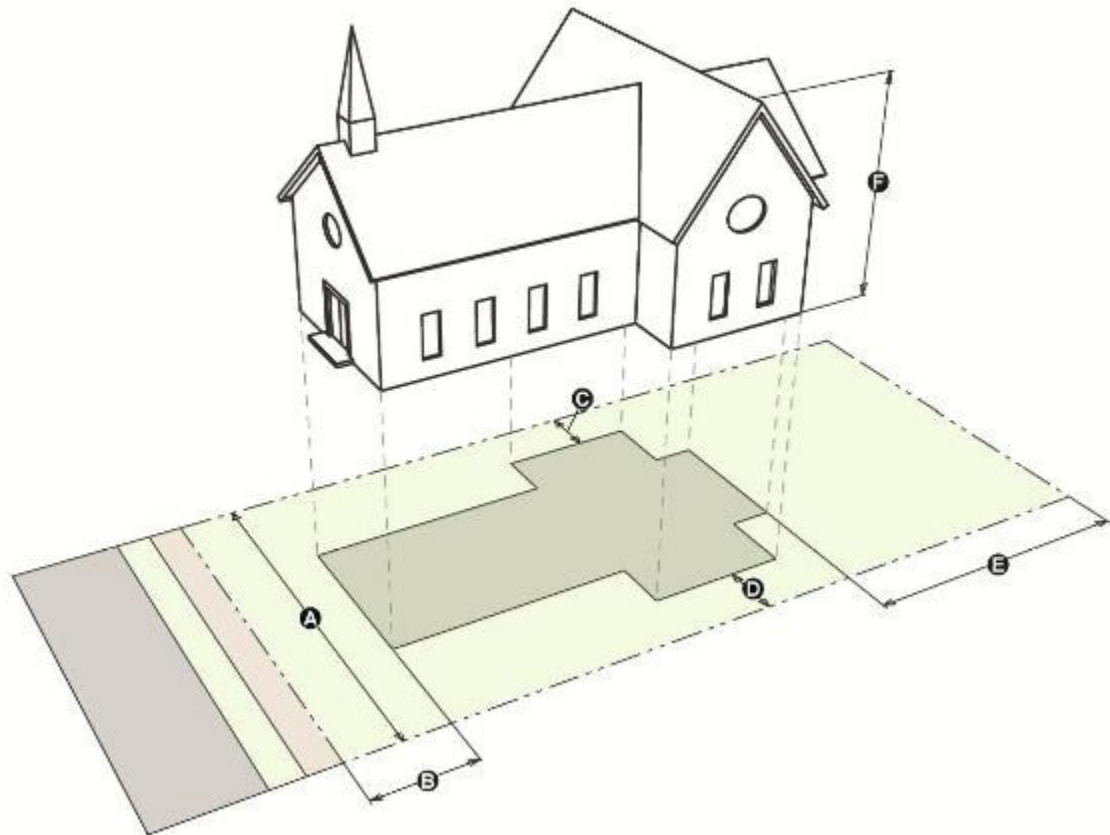
**ACCESSORY
STRUCTURE HEIGHT**

| | |
|-------------------------|----|
| A Stories (max.) | 2 |
| C Feet (max.) | 30 |

ALLOWED USE

| | |
|------------------------------|--|
| B All stories | Residential |
| S Accessory structure | Accessory uses, Accessory dwellings |

(5) Civic. A building form containing civic, religious, institutional or public uses. In order to provide a visual landmark, the civic building form is permitted to be set back further than other building forms. Civic buildings are commonly placed on prominent sites.



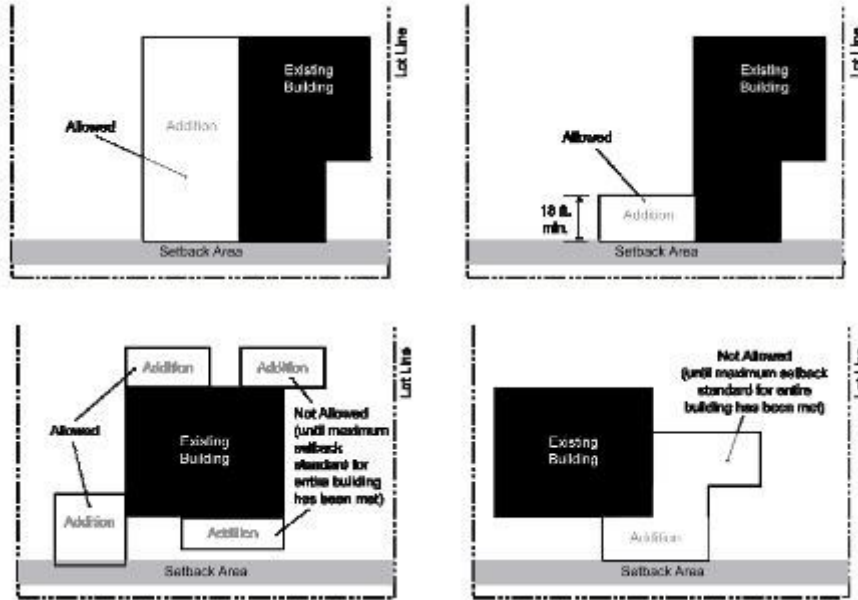
| | MXG- 3 MXR-3 | MXG- 5 MXR-5 | MXG- 8 MXR-8 |
|------------------------------------|-----------------------------|-----------------------------|-----------------------------|
| LOT | | | |
| Area (min. ft. ²) | 10,000 | 10,000 | 10,000 |
| A Width (min. ft.) | 100 | 100 | 100 |
| Lot coverage (max.) | 80% | 80% | 80% |
| SETBACKS | | | |
| B Front (min. ft.) | 15 | 15 | 15 |
| C Side, interior (min. ft.) | 5 | 5 | 5 |
| D Side, street (min. ft.) | 10 | 10 | 10 |
| E Rear (min. ft.) | 15 | 15 | 15 |
| HEIGHT | | | |
| F Stories (max.) | 3 | 5 | 8 |
| F Feet (max.) | 50 | 65 | 100 |
| ALLOWED USE | | | |
| All stories | Institutional and Civic | | |

(g) **Mixed Use Opportunity Corridors.** See GJMC 21.02.140(c)(2).

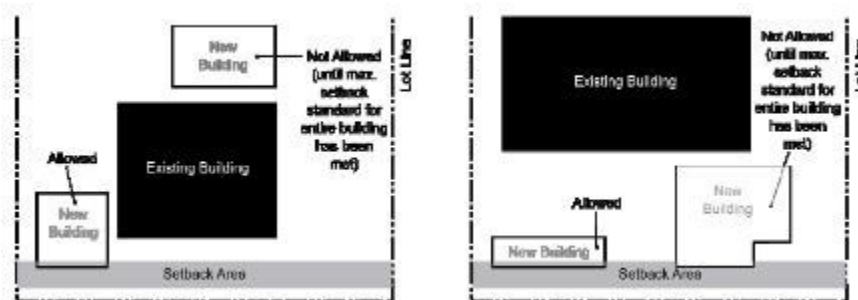
(h) **Additions and New Buildings on Nonconforming Sites.**

(1) **Applicability.** Any development in a form district where a maximum setback applies.

(2) **Permitted Additions.** Where an existing building is being expanded, the setback area and required building frontage standards apply to the ground level, street-facing facade of the entire addition as set forth below.



(3) Permitted New Buildings. Where a new building is being constructed on a site with a nonconforming existing building, the setback area and required building frontage standards apply to the ground level, street-facing facade of the entire new building as set forth below.



(i) **Use Categories Allowed in Form Districts.** For the purposes of the form districts, the following use restrictions specific to the form districts are established. The references are to the use categories included in the use table in GJMC 21.04.010.

(1) Residential. Allows household living; home occupation; and group living use categories.

(2) Institutional and Civic. Includes colleges and vocational schools; community service; cultural; day care; hospital/clinic; parks and open space; religious assembly; funeral homes/mortuaries/crematories; safety services; schools; utility, basic; utility, corridors use categories, but not detention facilities use category.

(3) Commercial. Includes entertainment event, major; lodging; office; recreation and entertainment, outdoor; recreation and entertainment, indoor; and retail sales and service (except adult entertainment) use categories. Does not include self-service storage; vehicle repair; ~~and~~ vehicle service, limited ~~use categories~~; ~~but not the~~ parking, commercial; or ~~recreation and~~ entertainment ~~indoor~~ event, outdoor use categories.

(4) Industrial. Includes only the telecommunications facilities use category, but not manufacturing and production, industrial services, contractors and trade shops, oil and gas support operations, junk yard, impound lot, heavy equipment storage/pipe storage, warehouse and freight movement, waste-related use, wholesale sales, agricultural, aviation or surface passenger terminal, mining use categories.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE,
GRAND JUNCTION MUNICIPAL CODE SECTION 21.03.090, FORM DISTRICTS**

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

It has been found that current standards relating to Form Districts do not encourage development of mixed use projects in Mixed Use Opportunity Corridors.

In order to implement the Comprehensive Plan goals of creating opportunities to encourage the development of mixed use projects that can reduce the amount of trips generated for shopping and commuting and create a broader range of housing types, Section 21.03.090, Form Districts, of the Zoning and Development Code (Code) needs to be amended.

The proposed amendments to Section 21.03.090 are intended to remove current restrictions that discourage mixed use developments within Mixed Use Opportunity Corridors.

The amendments are consistent with the goals and policies of the Comprehensive Plan and implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendments, finding that:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed amendments will implement the vision, goals and policies of the Comprehensive Plan and promote the health, safety and welfare of the community, and should be adopted.

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

21.03.090 Form districts.

(a) **Intent.** The form districts are intended to implement the Neighborhood Center, Village Center, Downtown Mixed Use future land use designations and Mixed Use Opportunity Corridors of the Comprehensive Plan. The form districts are intended to create pedestrian-friendly urban areas where higher density mixed uses and mixed building types promote less dependence on the automobile. The form districts are intended to be used in combination to create mixed use centers. The centers are intended to transition in scale to existing neighborhoods. The Comprehensive Plan Neighborhood Center designation is implemented with the three-story districts, the Village Center designation is implemented with the three- and five-story districts, and the Downtown Mixed Use designation is implemented with the three-, five- and eight-story districts. The Mixed Use Opportunity Corridor designation is implemented with the three-story districts.

(b) **Mixed Use Residential (MXR-3, -5, -8).** The mixed use residential (MXR) districts are:

- (1) Intended to create residential neighborhoods with a mix of housing options in a pedestrian-friendly environment.
- (2) Divided into three intensities: low (MXR-3), medium (MXR-5), and high (MXR-8).
- (3) Intended as a transition from a mixed use center or corridor to the surrounding neighborhoods.
- (4) Comprised of the apartment, townhouse and civic building types.

(c) **Mixed Use General (MXG-3, -5, -8).** The mixed use general (MXG) districts are:

- (1) Intended to create a mix of compatible uses in close proximity to one another in a pedestrian-friendly environment.
- (2) Divided into three intensities: low (MXG-3), medium (MXG-5), and high (MXG-8).
- (3) Comprised of the general, apartment, townhouse and civic building types.

(d) **Mixed Use Shopfront (MXS-3, -5, -8).** The mixed use shopfront (MXS) districts are:

- (1) Intended to create the commercial core of a mixed use pedestrian-friendly area.

(2) Divided into three intensities: low (MXS-3), medium (MXS-5), and high (MXS-8).

(3) Comprised of the shopfront building type.

(e) **District Standards.**

(1) Building Type by District.

| District | Building Type | | | | |
|------------------------------|---------------|---------|-----------|-----------|-------|
| | Shopfront | General | Apartment | Townhouse | Civic |
| Mixed Use Residential (MXR-) | | | • | • | • |
| Mixed Use General (MXG-) | | • | • | • | • |
| Mixed Use Shopfront (MXS-) | • | | | | |

(2) Height.

| Intensity | District | Height Stories (min.) | Height Stories (max.) | Height Feet (max.) |
|-----------|---------------------|-----------------------|-----------------------|--------------------|
| Low | MXR-3, MXG-3, MXS-3 | 1 | 3 | 50 |
| Medium | MXR-5, MXG-5, MXS-5 | 2 | 5 | 65 |
| High | MXR-8, MXG-8, MXS-8 | 2 | 8 | 100 |

(3) Building Entrances. The following building entrance requirements apply to shopfront, general and apartment building types:

(i) An entrance providing both ingress and egress, operable during normal business hours, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

(ii) The entrance separation requirements provided for the building type must be met for each building, but are not applicable to adjacent buildings.

(iii) An angled entrance may be provided at either corner of a building along the street to meet the street entrance requirements, provided any applicable entrance spacing requirements can still be met.

(iv) A minimum of 50 percent of a required entrance must be transparent.

(v) A required fire exit door with no transparency may front on a primary, side, or service street.

(4) Parking.

(i) On-site surface parking must be located behind the parking setback line.

(ii) Structured parking must contain active uses on the ground story along any primary street for the first 30 feet of the building measured from the street-facing facade.

(iii) The required street frontage may be interrupted to allow for a maximum 30-foot-wide vehicular entrance to a parking structure or area.

(5) Service Entrances. Business service entrances, service yards and loading areas shall be located only in the rear or side yard, behind the parking setback line.

(6) Open Space.

(i) Public Parks and Open Space Fee. The owner of any multifamily or mixed use project in a form district shall be subject to the required parks impact fee.

(ii) Open Space Requirement. Multifamily or mixed use developments in a form district shall be required to pay 10 percent of the value of the raw land of the property as determined in GJMC 21.06.020(b).

(7) Outdoor Storage and Display. Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).

(8) Awning Standards. Awnings and other façade enhancements are encouraged. One or more awnings extending from the building may be erected. Awnings shall be at least 8 feet above the sidewalk and shall be at least 4 feet wide, along the building frontage, and shall not overhang into the right-of-way more than 6 feet. Awnings shall otherwise meet with the requirements of the Grand Junction Municipal Code and Colorado Department of Transportation (CDOT) regulations.

(9) Landscaping and Buffering.

(i) No landscaping / screening buffer is required between adjacent properties zoned Mixed Use.

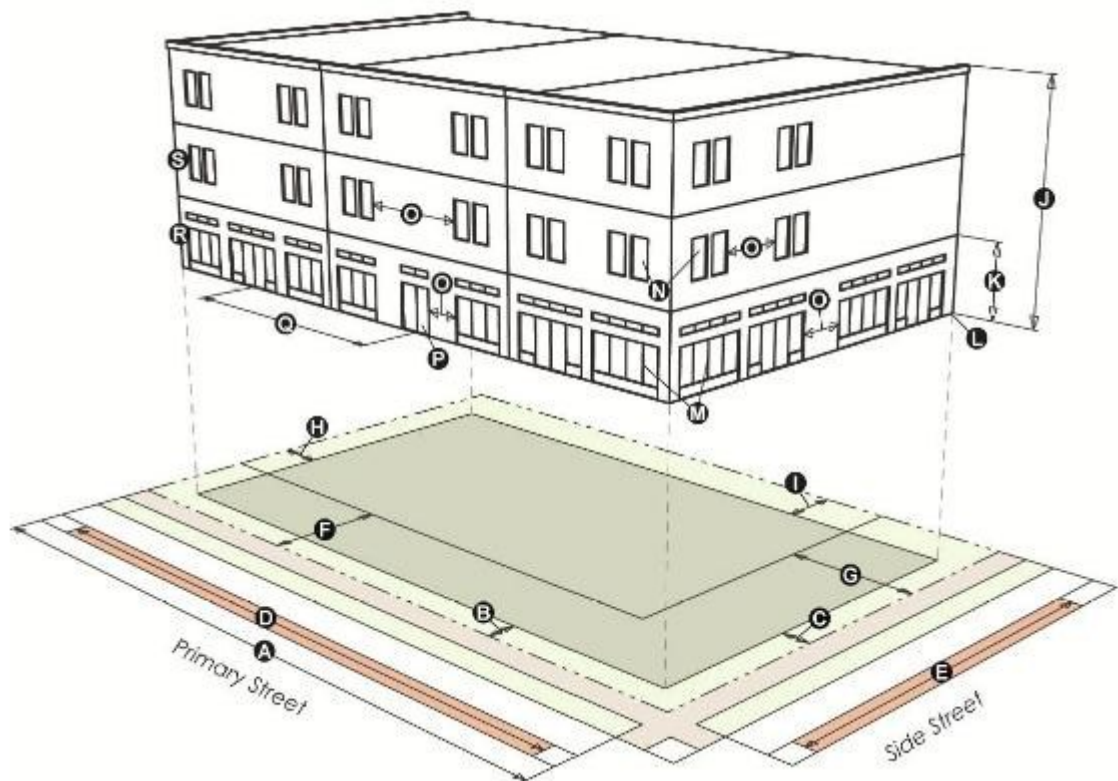
(ii) No street frontage landscaping is required when the setback for a building is ten (10) feet or less.

(iii) Street trees are required at a rate of one tree per eighty (80) feet. Street trees may be planted in the right-of-way with City approval.

(iv) All other landscaping regulations of the Grand Junction Municipal Code shall apply.

(f) **Building Types.** See the building types on the following pages.

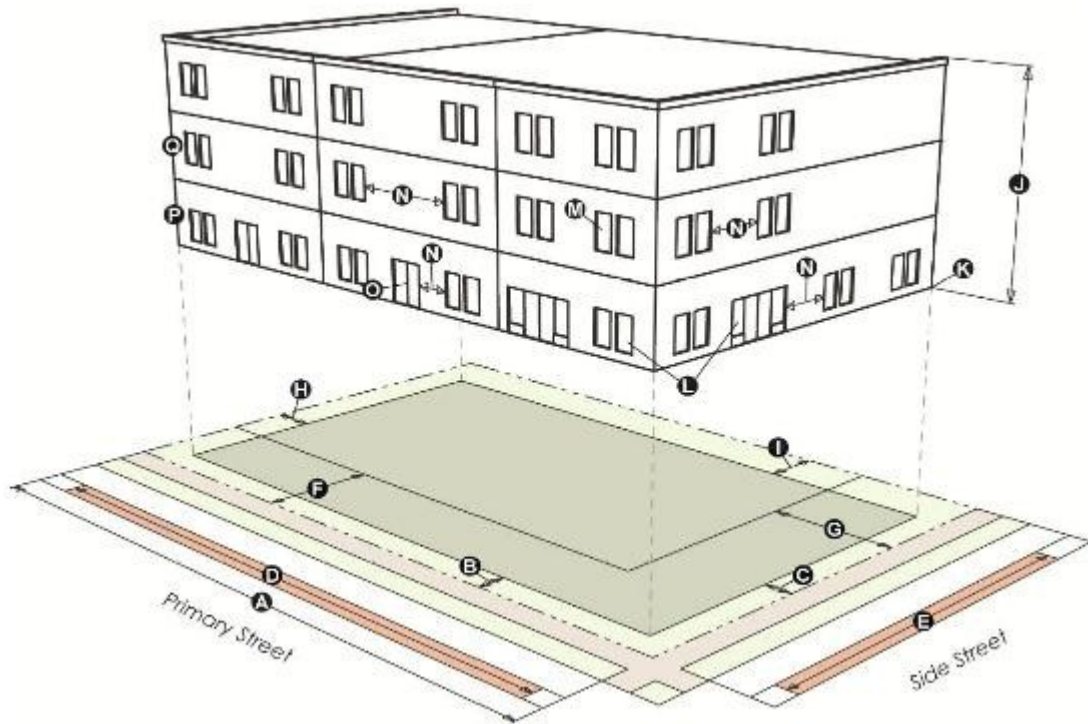
(1) **Shopfront.** A building form intended for ground floor retail sales and service uses with upper-story residential or office uses. Lodging and indoor recreation and entertainment uses would also be allowed. High transparency (in the form of windows and doors) is required on the ground floor to encourage interaction between the pedestrian and the ground story space. Primary entrances are prominent and street facing.



| LOT | MXS-3 MXS-5 MXS-8 | | | HEIGHT | | MXS-3 | MXS-5 | MXS-8 |
|----------------|-------------------------------|--------------|-------------------|--------|----------------|-------|-------|-------|
| | Area (min. ft. ²) | Width (min.) | Height (ft. max.) | | | | | |
| | 4,00 | 5,00 | | Ⓜ | Stories (max.) | 3 | 5 | 8 |
| Ⓜ Width (min.) | 40 | 50 | n/a | Ⓜ | Feet (max.) | 50 | 65 | 100 |

| | MXS-3 | MXS-5 | MXS-8 | | MXS-3 | MXS-5 | MXS-8 |
|---|-------|-------|-------|--|--|-------|-------|
| ft.) | | | | | | | |
| Lot coverage (max.) | 75% | 75% | n/a | K Ground story height (min. ft.) | 15 | 15 | 15 |
| | | | | L Ground story elevation (min. ft.) | 0 | 0 | 0 |
| FRONT SETBACK AREA | | | | BUILDING FACADE | | | |
| B Primary street (min./max. ft.) | 0/10 | 0/10 | 0/10 | M Ground story transparency (min.) | 60% | 60% | 60% |
| C Side street (min./max. ft.) | 0/10 | 0/10 | 0/10 | N Upper story transparency (min.) | 20% | 20% | 20% |
| REQUIRED STREET FACADE | | | | O Blank wall area (max. ft.) | 30 | 30 | 30 |
| D Primary street (min.) | 85% | 85% | 85% | P Street-facing entrance required | yes | yes | yes |
| E Side street (min.) | 40% | 40% | 40% | Q Street entrance spacing | n/a | n/a | 50 |
| PARKING SETBACK | | | | ALLOWED USE | | | |
| F Primary street (min. ft.) | 30 | 30 | 30 | R Ground story | Commercial, Institutional and Civic | | |
| G Side street (min. ft.) | 10 | 10 | 10 | S Upper story | Commercial, Institutional and Civic, Residential | | |
| SIDE/REAR SETBACKS | | | | | | | |
| H Side, interior (min. ft.) | 5 | 5 | 5 | | | | |
| I Rear (min. ft.) | 15 | 10 | 0 | | | | |

(2) General. A building form intended for ground floor office and personal services uses (but does not include sales, repair or entertainment oriented uses) with upper-story residential or office. Transparency (in the form of windows and doors) is required on the ground floor to encourage interaction between the pedestrian and the ground story space; however, required transparency is lower than that for a shopfront building form. Primary entrances are prominent and street facing.



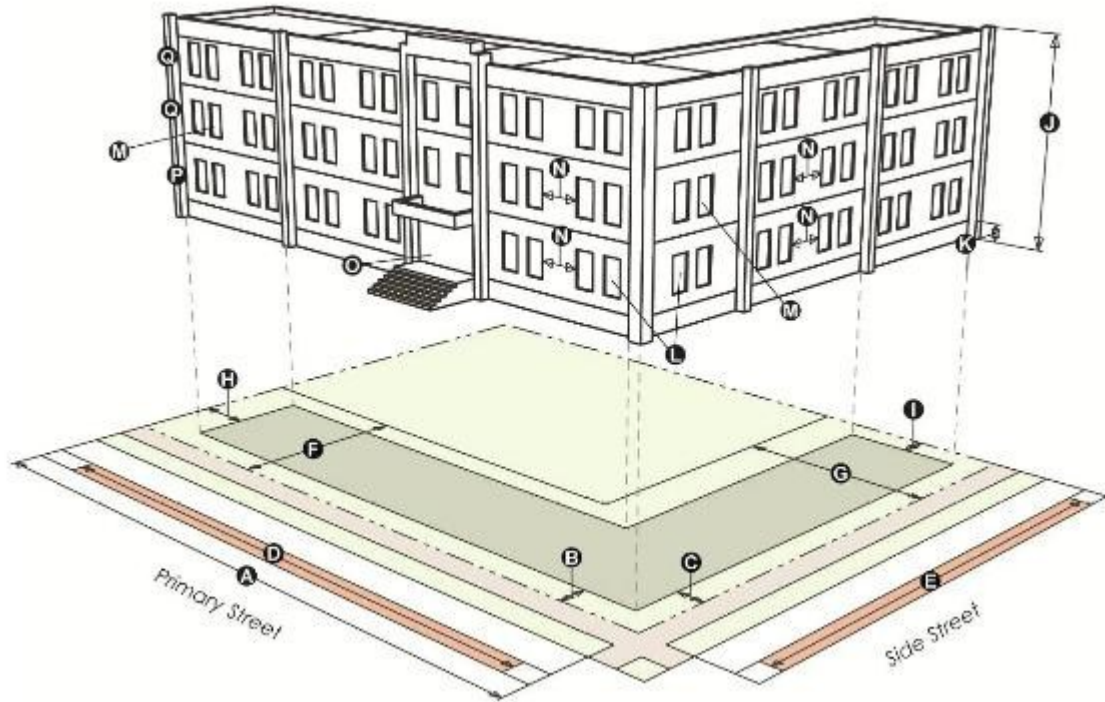
MXG-3 MXG-5 MXG-8

MXG-3 MXG-5 MXG-8

| LOT | MXG-3 | MXG-5 | MXG-8 | HEIGHT | MXG-3 | MXG-5 | MXG-8 |
|---|--------------|--------------|--------------|--|--------------|--------------|--------------|
| Area (min. ft. ²) | 4,000 | 5,000 | n/a | J Stories (max.) | 3 | 5 | 8 |
| A Width (min. ft.) | 40 | 50 | n/a | J Feet (max.) | 50 | 65 | 100 |
| Lot coverage (max.) | 75% | 75% | n/a | K Ground story elevation (min. ft.) | 0 | 0 | 0 |
| FRONT SETBACK AREA | | | | BUILDING FACADE | | | |
| B Primary street (min./max. ft.) | 0/10 | 0/10 | 0/10 | L Ground story transparency (min.) | 40% | 40% | 40% |
| C Side street (min./max. ft.) | 0/10 | 0/10 | 0/10 | M Upper story transparency (min.) | 20% | 20% | 20% |
| REQUIRED STREET FACADE | | | | N Blank wall area (max. ft.) | 30 | 30 | 30 |
| D Primary street (min.) | 80% | 80% | 80% | O Street-facing entrance required | yes | yes | yes |

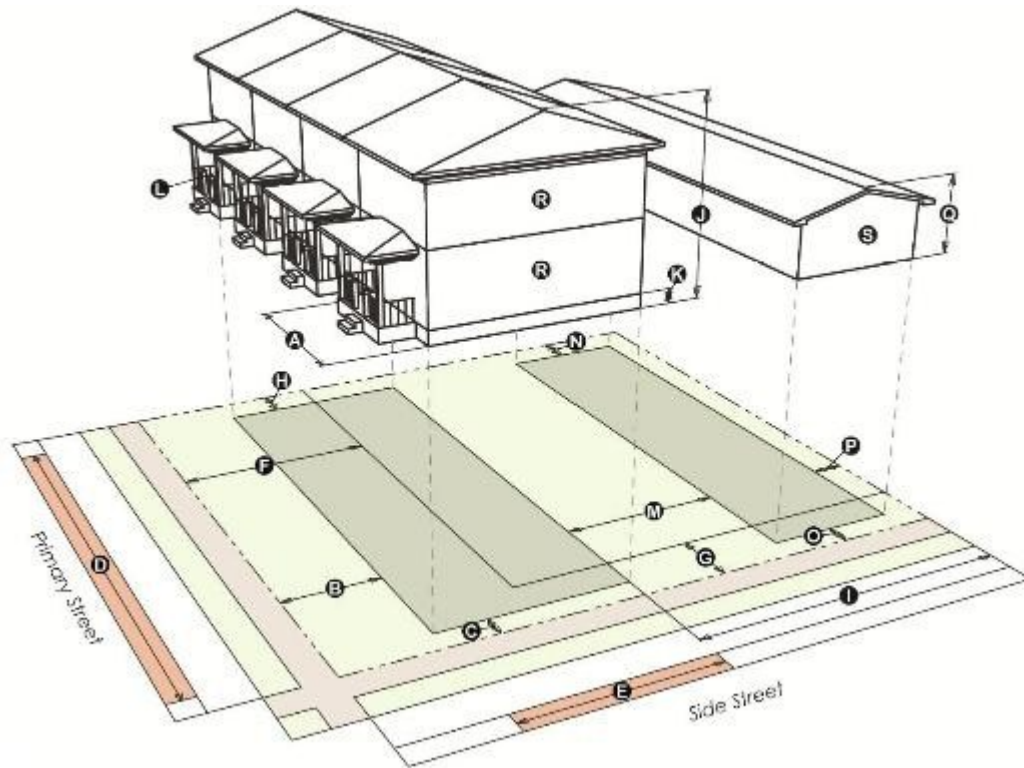
| | MXG-3 | MXG-5 | MXG-8 | | MXG-3 | MXG-5 | MXG-8 |
|-----------------------------|-------|-------|-------|--------------------|--|-------------------------------------|-------|
| Ⓔ Side street (min.) | 40% | 40% | 40% | ALLOWED USE | Ⓐ Ground story | Commercial, Institutional and Civic | |
| PARKING SETBACK | | | | | | | |
| Ⓕ Primary street (min. ft.) | 30 | 30 | 30 | Ⓑ Upper story | Commercial, Institutional and Civic, Residential | | |
| Ⓖ Side street (min. ft.) | 10 | 10 | 10 | | | | |
| SIDE/REAR SETBACKS | | | | | | | |
| Ⓗ Side, interior (min. ft.) | 5 | 5 | 5 | | | | |
| Ⓘ Rear (min. ft.) | 15 | 10 | 5 | | | | |

(3) Apartment. A building form containing three or more dwelling units consolidated into a single structure. An apartment contains internal common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The building often shares a common entrance. Primary building entrance is generally through a street-facing lobby.



| | MXG- 3 | MXG- 5 | MXG- 8 | | MXG- 3 | MXG- 5 | MXG- 8 |
|----------------------------------|-----------|-----------|-----------|-------------------------------------|-------------|-----------|-----------|
| | MXR- 3 | MXR- 5 | MXR- 8 | | MXR- 3 | MXR- 5 | MXR- 8 |
| LOT | | | | HEIGHT | | | |
| Area (min. ft. ²) | 6,000 | 6,000 | 6,000 | Ⓜ Stories (max.) | 3 | 5 | 8 |
| Ⓜ Width (min. ft.) | 60 | 60 | 60 | Ⓜ Feet (max.) | 50 | 65 | 100 |
| Lot coverage (max.) | 75% | 75% | 75% | Ⓜ Ground story elevation (min. ft.) | 0 | 0 | 0 |
| FRONT SETBACK AREA | | | | BUILDING FACADE | | | |
| Ⓜ Primary street (min./max. ft.) | 0/15 | 0/15 | 0/15 | Ⓜ Ground story transparency (min.) | 20% | 20% | 20% |
| Ⓜ Side street (min./max. ft.) | 0/15 | 0/15 | 0/15 | Ⓜ Upper story transparency (min.) | 20% | 20% | 20% |
| REQUIRED STREET FACADE | | | | Ⓜ Blank wall area (max. ft.) | 30 | 30 | 30 |
| Ⓜ Primary street (min.) | 75% | 75% | 75% | Ⓜ Street-facing entrance required | yes | yes | yes |
| Ⓜ Side street (min.) | 35% | 35% | 35% | ALLOWED USE | | | |
| PARKING SETBACK | | | | Ⓜ Ground story | Residential | | |
| Ⓜ Primary street (min. ft.) | 30 | 30 | 30 | Ⓜ Upper story | Residential | | |
| Ⓜ Side street (min. ft.) | 10 | 10 | 10 | | | | |
| SIDE/REAR SETBACKS | | | | | | | |
| Ⓜ Side, interior (min. ft.) | 5 | 5 | 5 | | | | |
| Ⓜ Rear (min. ft.) | 15 | 10 | 5 | | | | |

(4) Townhouse. A building form with multiple dwelling units located side-by-side on a single zone lot and consolidated into a single structure that relates to the scale of surrounding houses. Each unit is separated by a common side wall. Units are not vertically mixed. Each unit has its own external entrance.



**MXG-
3,
MXR-
3**

MXG-3, MXR-3

| LOT | | HEIGHT | |
|-------------------------------------|-------|---|-----|
| Area (min. ft. ²) | 1,200 | Ⓚ Stories (max.) | 3 |
| ⓐ Unit width (min. ft.) | 16 | Ⓛ Feet (max.) | 50 |
| Lot coverage (max.) | 75% | Ground story elevation Ⓚ (min. ft.) | 1.5 |
| FRONT SETBACK AREA | | BUILDING FACADE | |
| Primary street ⓑ (min./max. ft.) | 0/15 | Street-facing entrance Ⓛ required | yes |
| Side street ⓐ (min./max. ft.) | 0/15 | ACCESSORY STRUCTURE SETBACKS | |
| REQUIRED STREET FACADE | | Separation from primary Ⓜ structure (min. ft.) | 10 |
| ⓓ Primary street (min.) | 75% | Ⓝ Side, interior (min. ft.) | 5 |
| ⓔ Side street (min.) | 35% | Ⓞ Side, street (min. ft.) | 10 |
| PARKING SETBACK | | ⓕ Rear (min. ft.) | 5 |

**MXG-3,
MXR-3**

MXG-3, MXR-3

| | |
|------------------------------------|----|
| Primary street (min. F ft.) | 30 |
| G Side street (min. ft.) | 10 |

**SIDE/REAR
SETBACKS**

| | |
|------------------------------------|----|
| Side, interior (min. H ft.) | 5 |
| I Rear (min. ft.) | 10 |

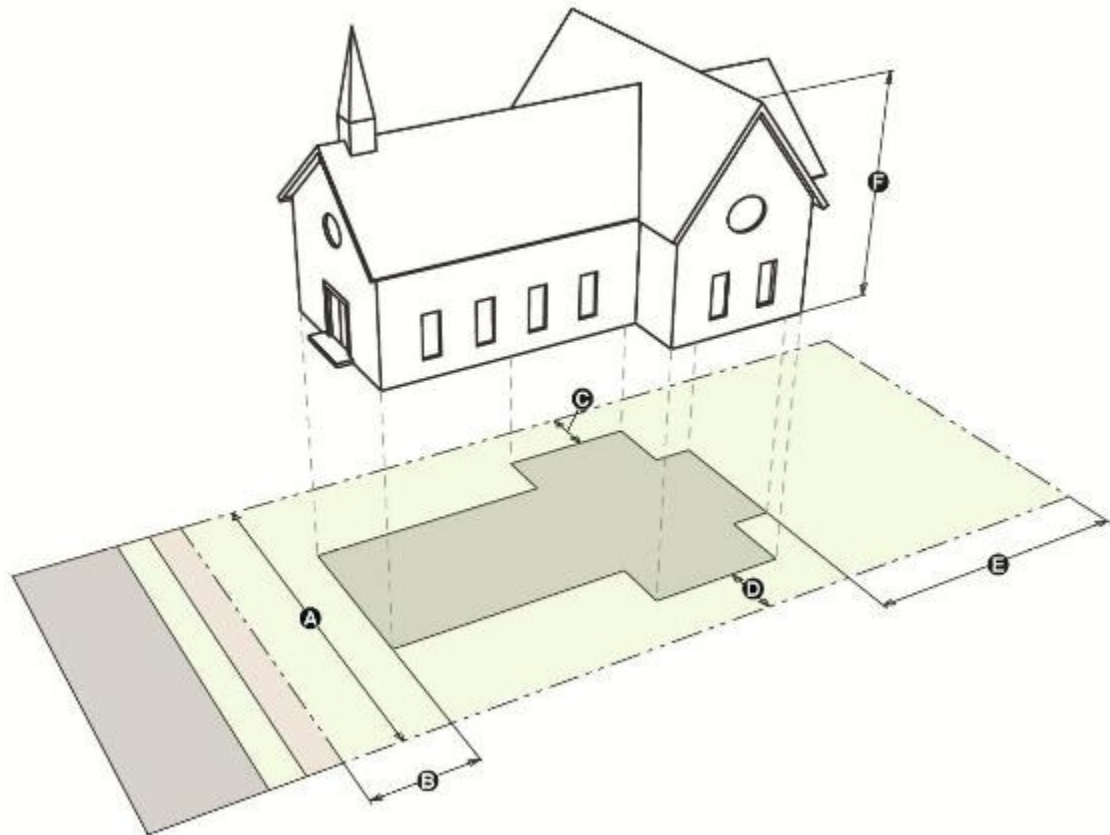
**ACCESSORY
STRUCTURE HEIGHT**

| | |
|-------------------------|----|
| A Stories (max.) | 2 |
| C Feet (max.) | 30 |

ALLOWED USE

| | |
|------------------------------|--|
| B All stories | Residential |
| S Accessory structure | Accessory uses, Accessory dwellings |

(5) Civic. A building form containing civic, religious, institutional or public uses. In order to provide a visual landmark, the civic building form is permitted to be set back further than other building forms. Civic buildings are commonly placed on prominent sites.



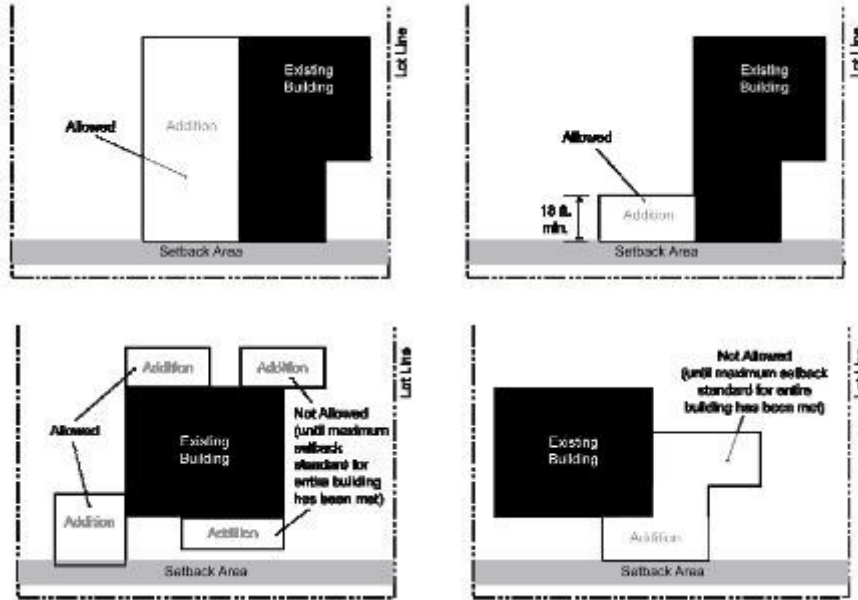
| | MXG- 3 MXR-3 | MXG- 5 MXR-5 | MXG- 8 MXR-8 |
|------------------------------------|-----------------------------|-----------------------------|-----------------------------|
| LOT | | | |
| Area (min. ft. ²) | 10,000 | 10,000 | 10,000 |
| A Width (min. ft.) | 100 | 100 | 100 |
| Lot coverage (max.) | 80% | 80% | 80% |
| SETBACKS | | | |
| B Front (min. ft.) | 15 | 15 | 15 |
| C Side, interior (min. ft.) | 5 | 5 | 5 |
| D Side, street (min. ft.) | 10 | 10 | 10 |
| E Rear (min. ft.) | 15 | 15 | 15 |
| HEIGHT | | | |
| F Stories (max.) | 3 | 5 | 8 |
| F Feet (max.) | 50 | 65 | 100 |
| ALLOWED USE | | | |
| All stories | Institutional and Civic | | |

(g) **Mixed Use Opportunity Corridors.** See GJMC 21.02.140(c)(2).

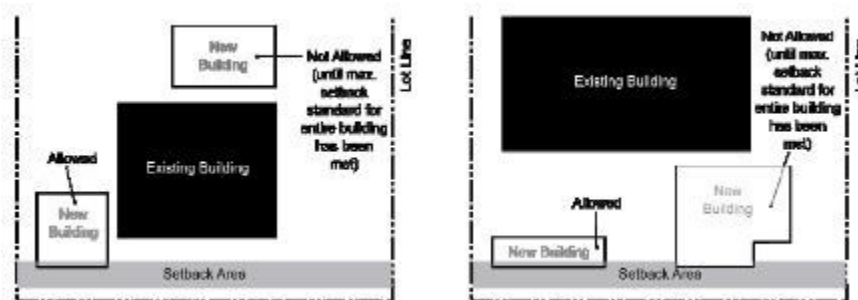
(h) **Additions and New Buildings on Nonconforming Sites.**

(1) **Applicability.** Any development in a form district where a maximum setback applies.

(2) **Permitted Additions.** Where an existing building is being expanded, the setback area and required building frontage standards apply to the ground level, street-facing facade of the entire addition as set forth below.



(3) Permitted New Buildings. Where a new building is being constructed on a site with a nonconforming existing building, the setback area and required building frontage standards apply to the ground level, street-facing facade of the entire new building as set forth below.



(i) **Use Categories Allowed in Form Districts.** For the purposes of the form districts, the following use restrictions specific to the form districts are established. The references are to the use categories included in the use table in GJMC 21.04.010.

(1) Residential. Allows household living; home occupation; and group living use categories.

(2) Institutional and Civic. Includes colleges and vocational schools; community service; cultural; day care; hospital/clinic; parks and open space; religious assembly; funeral homes/mortuaries/crematories; safety services; schools; utility, basic; utility, corridors use categories, but not detention facilities use category.

(3) Commercial. Includes entertainment event, major; lodging; office; recreation and entertainment, outdoor; recreation and entertainment, indoor; and retail sales and service (except adult entertainment) use categories. Does not include self-service storage; vehicle repair; vehicle service, limited; parking, commercial; or entertainment event, outdoor use categories.

(4) Industrial. Includes only the telecommunications facilities use category, but not manufacturing and production, industrial services, contractors and trade shops, oil and gas support operations, junk yard, impound lot, heavy equipment storage/pipe storage, warehouse and freight movement, waste-related use, wholesale sales, agricultural, aviation or surface passenger terminal, mining use categories.

INTRODUCED on first reading the 15th day of January, 2014 and ordered published in pamphlet form.

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

ATTEST:

President of the Council

City Clerk



Date: January 21, 2014
 Author: Lisa Cox, AICP
 Title/ Phone Ext: Planning Manager/1448
 Proposed Schedule:
 1st Reading: January 15, 2014
 2nd Reading : February 5, 2014
 File #: ZCA-2013-469

Attach 10

CITY COUNCIL AGENDA ITEM

| |
|--|
| Subject: Amending Title 21 of the Grand Junction Municipal Code to Extend the Validity of the Minor and Major Site Plan Approval From One Year to Two Years |
| Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance |
| Presenter(s) Name & Title: Lisa Cox, AICP, Planning Manager |

Executive Summary:

The amendment to Section 21.02.070(a)(8)(i) will extend the validity of the minor and major site plan approval from one year to two years.

Background, Analysis and Options:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code (GJMC). City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code.

The proposed amendment to Section 21.02.070(a)(8)(i) extends the validity of the minor and major site plan approval from one year to two years. This change will help accommodate the increasing demand for more flexibility for developers to secure financing on “spec” projects and/or to market approved projects.

Site plan approval for minor and major site plans is currently one year. The Director may extend the approval for another 180 days, effectively giving the applicant 1-1/2 years to obtain a planning clearance for construction of a building or structure. Even with the current flexibility of the Zoning Code, developers are still experiencing difficulties securing financing for their projects or buyers who can obtain financing.

The proposed amendment will enhance the responsiveness of the Zoning Code to the concerns of citizens and the development community by providing more flexibility for the entitlement of site plans.

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

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

Policy 5A: In making land use and development decisions, the City and County will balance the needs of the community.

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

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

Policy 12A: Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by providing more flexibility with the entitlement of site plans thereby providing a developer more time to secure financing or a buyer for a specific project. There is a greater likelihood that projects will be financed and constructed with a longer entitlement.

Board or Committee Recommendation:

The Planning Commission heard the matter on December 10, 2013 and forwards a recommendation to adopt the amendment as proposed with the following findings of fact and conclusions:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

Financial Impact/Budget:

There are no anticipated financial or budget impacts.

Legal issues:

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law.

Other issues:

Mesa County Planning Division reviewed the proposed amendment and had no issues.

Previously presented or discussed:

This amendment was brought forward for first reading on January 15, 2014 and is scheduled to be discussed in the City Council workshop on February 3, 2014.

Attachments:

Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 21.02.070(a)(8)(i), VALIDITY, OF THE GRAND JUNCTION MUNICIPAL CODE TO EXTEND THE VALIDITY OF THE MINOR AND MAJOR SITE PLAN APPROVAL FROM ONE YEAR TO TWO YEARS

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances. The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

The proposed amendment to Section 21.02.070(a)(8)(i) extends the validity of the minor and major site plan approval from one year to two years. This change will help accommodate the increasing demand for more flexibility for developers to secure financing on "spec" projects and/or to market approved projects.

Site plan approval for minor and major site plans is currently one year. The Director may extend the approval for another 180 days, effectively giving the applicant 1-1/2 years to obtain a planning clearance for construction of a building or structure. Even with the current flexibility of the Zoning Code, developers are still experiencing difficulties securing financing for their projects or buyers who can obtain financing.

The proposed amendment will enhance the responsiveness of the Zoning Code to the concerns of citizens and the development community by providing more flexibility for the entitlement of site plans.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendment for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the amendment to extend the validity of the minor and major site plan approval from one year to two years will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.02.070(a)(8)(i) is amended as follows (deletions shown by strikethrough, additions are underlined):

(i) Administrative permits shall expire after the issue date according to the following table:

| Permit Type | Expiration |
|--|-------------------------|
| Administrative Permits (except below) | One year |
| Planning Clearance and Building Permit | 180 days |
| Fence Permit | 180 days |
| Home Occupations | n/a |
| Preliminary Subdivision | Two years |
| Final Plat (unrecorded) | Two years |
| <u>Minor and Major Site Plans</u> | <u>Two years</u> |

INTRODUCED on first reading the 15th day of January, 2014 and ordered published in pamphlet form.

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

ATTEST:

President of the Council

City Clerk



Date: 1/15/14
 Author: Darren Starr
 Title/ Phone Ext: 1493
 Proposed Schedule:
2/05/14
 2nd Reading
 (if applicable): _____

Attach 11

CITY COUNCIL AGENDA ITEM

Subject: Purchase of a Front Load Refuse Truck

Action Requested/Recommendation: Authorize the City Purchasing Division to Award a Contract to Purchase a 2014 Mack LEU CNG Refuse Truck from Westfall O'Dell Volvo/Mack, Fruita, CO in the Amount of \$241,713

Presenter(s) Name & Title: Greg Trainor, Public Works and Utilities Director
 Darren Starr, Manager, Streets, Storm Water, and Solid Waste
 Jay Valentine, Internal Services Manager

Executive Summary:

This purchase request is for a Mack Compressed Natural Gas (CNG) Refuse Truck to replace a diesel unit currently in the City's fleet. The price reflected is net of a \$22,000 trade in allowance offered for the current truck. The Mack truck with Wittke body was determined to be the best value when applying life cycle cost analysis. It is identical to a current unit in service and is the lowest priced proposal offered.

Background, Analysis and Options:

A formal solicitation was advertised on Rocky Mountain E-Purchasing System and sent to a source list of manufacturers and dealers capable of providing complete refuse trucks per our specifications. A 2001 Mack MR 688S with a Lodal front loader Body has been offered and accepted as a trade-in unit.

The following firms responded to the Request for Proposal and the prices listed are net of the trade-in allowance:

| FIRM | LOCATION | COST |
|---|----------------|-----------|
| Westfall O'Dell Truck Sales (Mack)- Faris (Wittke) | Fruita | \$241,713 |
| Westfall O'Dell Truck Sales (Mack) – Elliot (New Way) | Fruita | \$243,196 |
| Mountain West Truck (Mack) – Elliot (New Way) | Salt Lake City | \$247,825 |
| Westfall O'Dell Truck Sales (Mack) – Kois (Heil) | Fruita | \$252,722 |
| Grand Junction Peterbilt – Faris (Wittke) | Fruita | \$258,229 |
| Mountain West Truck (Mack) – RR Truck Sales (EZ Pack) | Salt Lake City | \$258,368 |
| Mountain West Truck (Mack)- Faris (Wittke) | Salt Lake City | \$263,242 |
| Mountain West Truck Mack – Kois (Heil) | Salt Lake City | \$274,451 |

After reviewing the specifications and costs between proposed vendors and the fact that the City currently has an identical unit in service that has proven to be very dependable, it is recommended the award be given to Westfall O'Dell Volvo Mack for a 2014 Mack LEU with a Wittke 40 yard body in the amount of \$263,713 less \$22,000 in trade net \$241,713.

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

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

This purchase will positively affect the environment by using CNG compared with diesel. Not only is CNG a cleaner burning fuel, but when it is combined with the "operate at idle" package, the City also saves on fuel consumption, The "operate at idle" feature reduces fuel consumption by not requiring the unit to run at higher RPM's while dumping and compacting garbage, which is what the truck does approximately 75% of the time.

Board or Committee Recommendation:

Fleet replacement committee has reviewed and approved this replacement.

Financial Impact/Budget:

Budgeted funds for this purchase have been accrued in the Fleet Replacement Internal Service Fund.

Legal issues:

No legal issues have been identified.

Other issues:

There are no other issues for consideration.

Previously presented or discussed:

The purchase of this replacement truck has not been specifically discussed previously although it was part of the budget discussions.

Attachments:

None.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 2-5-14
Citizen's Name: Bill Pitts
Address: 2626 H Rd
Phone Number: [REDACTED]
Subject: GST (AIRPORT)

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.