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**CITY COUNCIL AGENDA
WEDNESDAY, FEBRUARY 19, 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 – Minister Jerry Gonzales, Living Stone Christian Center

[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.]

Proclamation

Proclaiming February 2014 as “African American History Month” in the City of Grand Junction [Attachment](#)

Proclaiming March 2014 as “Developmental Disabilities Awareness Month” in the City of Grand Junction [Attachment](#)
[Supplemental documents presented](#)

Council Comments

Citizen Comments

Revised February 20, 2014

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

***** CONSENT CALENDAR ***®**

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

Action: Approve the Summary of the February 3, 2014 Workshop and the Minutes of the February 5, 2014 Regular Meeting

2. **Professional Services Contract for the Persigo Wastewater Treatment Plant Nutrient Study** [Attach 2](#)

Staff is requesting that Council approve a professional services contract with Stantec Consulting Services Inc. to study alternatives for dealing with nutrient concentrations in the effluent from the Persigo Waste Water Treatment Plant (WWTP).

Action: Authorize the Purchasing Division to Execute a Professional Services Contract with Stantec Consulting Services Inc. for the Persigo Wastewater Treatment Plant Nutrient Study in the Amount of \$89,060

Staff presentation: Dan Tonello, Wastewater Services Manager

3. **Purchase Hot Mix Asphalt for Streets Division for 2014** [Attach 3](#)

This request is for the purchase up to 1,000 tons of hot mix asphalt for the Streets Division to be used for road work and repairs in 2014.

Action: Authorize the Purchasing Division to Purchase Approximately 1,000 Tons of Hot Mix Asphalt, on Behalf of the Streets Division, from Oldcastle SW Group, Inc., dba United Companies of Mesa County for an Amount Not to Exceed \$84,818

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

4. **Construction Contract for the 2014 Kannah Creek Raw Water Flow Line Replacement Project** [Attach 4](#)

This Project will replace certain sections of the aging Kannah Creek raw water flow line that diverts water out of Kannah Creek and conveys the raw water to either Juniata Reservoir or the City's Water Treatment Plant. The existing steel flow line

was installed in the mid-1940's. Typically, the service life for a buried pipe made of steel is 50-years. As a result of the pipe's age, the existing flow line is experiencing periodic breaks due to corrosion.

Action: Authorize the Purchasing Division to Execute a Construction Contract with Rundle Construction, Inc. for the Construction of the 2014 Kannah Creek Raw Water Flow Line Replacement Project in the Amount of \$448,419.47

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

5. **Great Outdoors Colorado Grant Resolution for Las Colonias Park Phase I**

[Attach 5](#)

Parks and Recreation is seeking approval to reapply for a Great Outdoors Colorado (GOCO) local government grant to assist with funding critical elements of the early phases of Las Colonias Park. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The spring cycle of grants is due on March 5 with an award decision on June 19.

Resolution No. 03-14—A Resolution Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund for Las Colonias Park Project

®Action: Adopt Resolution No. 03-14

Staff presentation: Rob Schoeber, Parks and Recreation Director

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

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

6. **Public Hearing—Amending the Grand Junction Municipal Code to Prohibit Certain Activities Related to Panhandling**

[Attach 6](#)

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.

Ordinance No. 4618—An Ordinance Prohibiting Activities Relating to Panhandling

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

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

[Supplemental documents presented](#)

7. **Public Hearing—St. Martin’s Place Phase 2 Rezone, Located at 221 Pitkin Avenue** [File #RZN-2013-514] [Attach 7](#)

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.

Ordinance No. 4620—An Ordinance Rezoning St. Martin’s Place, Phase 2 from C-1 (Light Commercial) to B-2 (Downtown Business), Located at 221 Pitkin Avenue

®Action: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4620

Staff presentation: Scott D. Peterson, Senior Planner

8. **Public Hearing—Amending the Sales and Use Tax Code Exempting Certain Food Items Sold Through Vending Machines from Sales Tax** [Attach 8](#)

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.

Ordinance No. 4621—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

®Action: *Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4621*

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

9. **Public Hearing—Amending Section 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. 4622—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. 4622*

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

10. **Public Hearing—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 10](#)

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.

Ordinance No. 4623—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

®Action: *Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4623*

Staff presentation: Lisa Cox, Planning Manager

11. **Change Order #1 to Construction Contract for the Water Tank Painting Project** [Attach 11](#)

During the process of repainting the interior of the water storage tank, it was discovered that there was inadequate adhesion of the existing floor paint. This condition does not allow the floor to be recoated as previously planned. Additional preparation is needed to allow for a successful coating of the tank floors.

Action: Authorize the City Purchasing Division to Issue a Change Order to Spiegel Industrial, LLC of Steamboat Springs, CO for the Water Tank Painting Project in the Amount of \$336,967.46

Staff presentation: Bret Guillory, Utility Engineer
Jay Valentine, Internal Services Manager

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

13. **Other Business**

14. **Adjournment**

Grand Junction

State of Colorado

PROCLAMATION

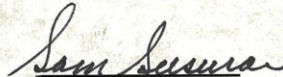
- WHEREAS, *America is the land of freedom and opportunity; and*
- WHEREAS, *many came to America to pursue freedom and escape oppression however many were brought to America in chains and fought bondage and oppression in this country; and*
- WHEREAS, *through centuries of struggle courageous heroes have fought slavery and discrimination; and*
- WHEREAS, *hundreds of thousands of African Americans were amongst those that have worked to claim their rights to life, liberty, and the pursuit of justice; and*
- WHEREAS, *locally in Grand Junction, the Handy Chapel, on White Avenue, was built in the early 1900's and stands as a testament to the struggle of the local African American population; and*
- WHEREAS, *the Handy Chapel including both the church and church house were restored this past year with assistance from the community, Colorado Preservation, Inc., the Colorado Historical Fund, and through private donations; and*
- WHEREAS, *it was recognized at this year's "Saving Places Conference" in Denver; and*
- WHEREAS, *it is most appropriate that the community recognizes the restoration and preservation of the Handy Chapel during the month of February which is also African American History Month.*

NOW, THEREFORE, I, Sam Susuras, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the month of February, 2014 as

"African American History Month"

and recognize the successful restoration and preservation of the Handy Chapel in the City of Grand Junction. Members of the community are encouraged to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 19th day of February, 2014.


Mayor



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, *Individuals with development disabilities, their families, friends, neighbors, and co-workers encourage everyone to focus on the abilities of all people; and*

WHEREAS, *the most effective way to increase this awareness is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contribution; and*

WHEREAS, *opportunities for citizens with developmental disabilities to function as independently and productively as possible must be fostered in our community; and*

WHEREAS, *we encourage all citizens to support opportunities for individuals with developmental disabilities in our community that include full access to education, housing, employment, and recreational activities; and*

NOW, THEREFORE, I, Sam Susuras, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim March, 2014 as

“Developmental Disabilities Awareness Month”

in the City of Grand Junction and recognize that our communities are stronger when everyone participates. Take time to get to know someone with a disability, recognize ability at work, and see what he or she has to offer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 19th day of February, 2014.

Sam Susuras
Mayor



Minutes

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

February 3, 2014 – Noticed Agenda Attached

Meeting Convened: 3:00 p.m. in the City Auditorium

Meeting Adjourned: 5:29 p.m.

Council Members present: All except Councilmember McArthur. Staff present: Englehart, Shaver, Moore, Camper, Cohn, Romero, Tice, Ranguet, and Tuin.

Agenda Topic 1. Legislative Update

Revenue Supervisor Elizabeth Tice distributed a legislative update and proceeded to highlight the specific bills on the front page of the handout. Regarding the Mineral Lease funds to be distributed (SB-106), there were some complications and it was not included in the Department of Local Affairs supplemental budget. The Joint Budget Committee continues to work on the issue. It was determined that a telephone call to Chantal Unfug, Division of Local Government Director, might help.

HB-1064 was a bill prohibiting the distribution of mineral lease funds either through energy impact assistance or direct distribution from going to Counties that are prohibiting oil and gas extraction was killed in committee.

SB-046 meant to create a grant for fire equipment and training is controversial as the funds come from oil and gas extraction but the grants are available to any local government, not just those impacted by energy development.

Ms. Tice touched on several other bills that might be of interest.

Councilmember Chazen asked Ms. Tice to highlight bills that affect economic development in her reports. It was also requested that the Council know what bills will be discussed at the Chamber legislative video conference in advance.

Agenda Topic 2. Sales Tax Exemption for Food from Vending Machines

Revenue Supervisor Tice presented three options for the City Council to consider related to the request for exemption of all food in vending machines. Vending machines were clarified to be those that are money operated machines, not the fountain dispensers, and home versus immediate consumption was discussed.

The majority of the City Council directed Staff to move the item forward by placing first reading on the Wednesday, February 5, 2014 Council agenda going with the second option presented – aligning the City with the County and the State, exempting food in vending machines with the exception of soda and candy.

Agenda Topic 3. Prohibiting Certain Activities Related to Panhandling

City Manager Rich Englehart introduced the topic noting that a Vagrancy Committee was formed that included Councilmembers Chazen, McArthur, and Boeschstein. That Committee was in favor of bringing this proposal forward for full Council discussion.

Police Chief John Camper reviewed the history of discussions and how they have explored possibilities to address the aggressive panhandling. There has been an increase in calls which include complaints about taunting and intimidation when panhandling requests are turned down. Due to Constitutional provisions, the activity itself cannot be prohibited but the time, place, and manner can be regulated. The provisions being presented primarily focus on public safety. The Police Department is looking at the ordinance as a tool, not as a way to write more tickets.

Concerns were raised about the provisions restricting activities such as the Salvation Army bell ringing and the sale of Girl Scout cookies. Clarification was provided for the location being private property open to the public and the solicitor being an invitee onto the premises versus uninvited. The provisions being presented address activity on public property.

In addition to the ordinance being presented, City Councilmembers expressed the need for concentrated police patrol on Main Street and the success of the bicycle patrol to control unwanted activities in the downtown.

Chief Camper advised that the proposal has been shared with local organizations that work with the populations affected.

Staff requested one area in the ordinance be clarified; 9.05.050 (b) was actually a narrower definition of medians than what is contained in the existing ordinance prohibiting activity in medians. The majority of Council was in favor of excluding that provision and using the already existing ordinance relative to medians, which was Staff's recommendation. The Council unanimously directed Staff to bring the ordinance forward for first reading on the Wednesday, February 5, 2014 agenda.

Agenda Topic 4. Extending the Validity of Site Plan Approvals

City Manager Englehart introduced the topic and then deferred to Deputy City Manager Tim Moore. Mr. Moore advised the matter was scheduled for public hearing on Wednesday, February 5, 2014 so the purpose of the discussion was to provide information on the proposal. He explained that the request will affect minor and major site plan approval which is typically approvals for building on a single lot. The request is to increase the approval to two years which will effectively extend the approval to 2.5 years. The purpose was to provide the development community with more flexibility.

A concern was raised that the time frame should be even longer. Mr. Moore said that rarely is a longer time frame needed but if it is, there can be additional extensions. The reason for keeping the extension at two years was to make sure any new or changed regulations are addressed.

The City Council did not object to the item staying on the Council agenda as scheduled.

Agenda Topic 5. Board Reports

Councilmember Boeschstein reported that the Riverfront Commission is working on a new educational video with Public Broadcasting System (PBS). He also reported that with the new phased portion for the Avalon Theatre there will be additional costs. There was a discussion on the roof, whether it should be replaced or repaired, and Councilmember Doody advised the contractor will be bringing forward options.

Councilmember Traylor Smith said the Housing Authority postponed their annual meeting until February.

Councilmember Norris said the Manufacturing Council was appreciative of the City's support for their conference at Two Rivers and that the City was recognized at the Chamber Banquet for its support of the "maker space" at the Incubator. The Pear Park Fire Group visited the Communication Center and will be looking at options at the next meeting. Grand Valley Regional Transportation Committee (GVRTC) is looking at a contract with an outside vendor to develop a 2040 Regional Transportation Plan and at their February 27 workshop, GVRTC will be looking at future funding options.

Councilmember Chazen said they had a presentation at the Associated Governments of Northwest Colorado (AGNC) from Brandon Siegfried with documentation saying the BLM does not have the authority to close access on public lands. Councilmember Chazen also attended the Downtown Development Authority (DDA) meeting where they discussed the façade improvement program; Suehiro's qualified and will be going forward with improving their facade. DDA is looking at a Request For Proposal for asbestos abatement for the rest of White Hall; they also discussed the panhandling ordinance and had an update on the housing survey.

Council President Susuras said he attended the Colorado Water Congress (CWC) conference and there were many informative seminars. One speaker spoke to Lake Mead and Lake Powell being so far down it may affect the ability to produce electricity. If that happens, the Federal government will take over the Colorado River flows. He was also reappointed for another year to the group.

Regarding the Airport, Council President Susuras advised that the board chair is working with Shaw Construction on how to extend the construction until the new FAA grant can be processed.

Agenda Topic 6. Other Business

The Community Development Block Grant (CDBG) application review process was discussed. It was decided that the Council will receive a list of qualified applicants a little earlier than they have in the past. Staff was encouraged to bring forward capital projects in the City that will qualify.

There was a discussion on whether to adopt previous testimony on public hearing items that had already been presented to the Planning Commission, specifically related to the St. Martin's rezone item which will be before the Council later in February. The consensus was they did not want to limit the public's ability to comment but encouraged the Council President to announce that testimony does not need to be repeated.

With that, there was not further business and the meeting adjourned.

GRAND JUNCTION CITY COUNCIL
WORKSHOP

MONDAY, FEBRUARY 3, 2014, 3:00 P.M.
CITY AUDITORIUM
CITY HALL, 250 N. 5TH STREET

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

1. Legislative Update

2. Discussion Regarding Taxability of Food Items Sold Through Vending

Machines: A request was made of City Council to adopt an ordinance exempting food (including candy and soda) sold through vending machines. The request was discussed at the January 6th workshop. Following the workshop, Mayor Susuras requested further discussion and clarification regarding the available options. Staff has prepared the following information for Council's consideration at the work session on February 3, 2014. [Attachment](#)

3. Discussion on Amending the Grand Junction Municipal Code to Prohibit Certain Activities Related to Panhandling:

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. [Attachment](#)

4. Discussion on 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:

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. [Attachment](#)

5. Board Reports

6. Other Business

- CDBG Application Review Process
- Adopting Previous Testimony

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

February 5, 2014

The City Council of the City of Grand Junction convened into regular session on the 5th day of February, 2014 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Martin Chazen, Jim Doody, Phyllis Norris, Barbara Traylor Smith, and Council President Sam Susuras. Councilmembers Bennett Boeschstein and Duncan McArthur were absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Councilmember Traylor Smith led the Pledge of Allegiance, followed by an invocation by Reverend Wendy Jones, Unitarian Universalist Congregation of the Grand Valley.

Council President Susuras recognized Colorado Mesa University (CMU) Public Administration students in the audience.

Council Comments

Councilmember Chazen said he attended an Associated Governments of Northwest Colorado (AGNC) meeting on January 16th and discussion ensued regarding right-of-ways. The presenter asserted that counties are the only legal entity that can close roads. On January 17, 2014, he and Councilmember McArthur spoke with HomewardBound Executive Director Doug Karl, and HomewardBound is doing some great things. HomewardBound received a \$225,000 grant to fix up the current facility and will use Community Development Block Grants (CDBG) funds to construct a new facility. The Downtown Development Authority (DDA) met on January 23, 2014 and discussed the Facade Improvement Program, a summary of the January retreat, asbestos abatement at White Hall, and an update on the Housing Study.

Councilmember Norris said she attended the Business Incubator meeting and they are holding business start-up classes. They also talked about the 'maker space' and have purchased some equipment for it. They will have live broadband available.

Councilmember Doody said he was updated on the Avalon project, and it is really taking shape. The multipurpose building is going up.

Citizen Comments

Bill Pitts, 2626 H Road, called the Council's attention to the article in the paper that day about the Airport. He has attended Airport Board meetings and at the last meeting there

was discussion about changing the name of the building which is under construction and returning the funds. He was upset that Council President Susuras was supportive of keeping the funds provided by fraudulent means. He called for the resignation of Council President Susuras from the Airport Authority and asked that Council appoint another representative.

CONSENT CALENDAR

Councilmember Doody read the Consent Calendar items #1 through #7 and the addition of item #9 to the Consent Calendar with it being continued to February 19, 2014, and then moved to adopt the Consent Calendar. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summaries of the 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]

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

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]

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

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

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

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

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

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

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

7. **Authorize the Sale of City-owned Property, Located at 919 Kimball Avenue**

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Request for Fireworks from the Grand Junction Rockies

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.

Rob Schoeber, Parks and Recreation Director, introduced this item. He recalled a similar request last season. The commitment at that time was that the events would be monitored and reported back to Council on whether it should be repeated. The Staff said the fireworks vendor and their staff were all very accommodating and there was only one complaint about noise. The fireworks were a nice compliment to last year's events.

Tim Ray, General Manager, Grand Junction Rockies, thanked the City Council for permission last year and said this year the Rockies will partner with the City for the annual Fourth of July event. The fans really love fireworks. They are asking for two additional Friday nights and would like the City Council to also consider August 31, which is Labor Day week-end as a back-up date in case of inclement weather. All of the dates are contingent upon weather and any fireworks restrictions.

Councilmember Traylor Smith asked about the complaint. Mr. Schoeber said the citizen called the office about another matter but then advised the fireworks noise was an issue with his pets. Councilmember Traylor Smith asked if there was input from the surrounding neighborhood. Mr. Schoeber said there would be mailers sent out when events are coming up in order for owners to plan for their pets.

Mr. Ray said letters had been sent last year to the surrounding area. The Veterans Administration (VA) was contacted for feedback and the VA is supportive of the fireworks; the residents really enjoy the displays.

Councilmember Chazen asked if this is a cost sharing arrangement. Mr. Ray said the Rockies pay for it, except for the Fourth of July in partnership with the City.

Council President Susuras noted the fire danger is watched carefully. Mr. Schoeber said the wind speeds are monitored as well.

Councilmember Doody said it is a great opportunity. He is happy people know ahead of time so they can plan for it.

Mr. Ray said his organization wants to promote this. It is a big attraction for baseball fans. The firework shows will be eleven minutes long with the exception of the Fourth of July.

Councilmember Chazen asked about the previously mentioned back-up date in case there was a cancellation.

City Attorney John Shaver said if Council consents, it can be incorporated into the approval.

Mr. Schoeber said there was a drought situation two years ago and fireworks were postponed to Labor Day week-end.

Councilmember Doody moved to approve a request from the Grand Junction Rockies for fireworks displays at Suplizio Field on June 20th, July 4th, July 11th, July 25th, August 1st, and August 15th, 2014 and a backup date of August 31st. Councilmember Norris seconded the motion. Motion carried by roll call vote.

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]

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

Moved Under the Consent Calendar and Continued to February 19, 2014.

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]

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.

The public hearing was opened at 7:29 p.m.

Tim Moore, Deputy City Manager, presented this item and referred to the workshop discussion. This is specific to site plan approvals, and individual lots. It provides more flexibility to developers, for example, for spec homes as a result of the economy. The Director can extend those approvals by another six months if needed. Another amendment may come forward for additional extension discretion.

Councilmember Traylor Smith inquired if someone who started a project before the downturn may be able to sell the construction and not have to start over. Mr. Moore said this is correct; the goal is to keep those projects alive. Councilmember Traylor Smith inquired if the two year period is just to get the project started, not to complete it. Mr. Moore said the amendment allows up to two and a half years to get started. Councilmember Traylor Smith asked if a project were to start and then stop because of funding, and then be taken over by someone, what would the process look like. Mr. Moore said if the project lapsed over 1.5 years, the City would need to take a look due to new stormwater regulations, but the process would not require coming back to Council.

Councilmember Norris asked if there are many requests for extensions for more than two years. Mr. Moore said no. Councilmember Norris asked, if there were regulation and zoning changes, how would they be addressed in a two year plan if the project had not yet started? Mr. Moore said if approved, usually the project goes forward under the rules that they were approved under. If it expired, then they may have to adjust. Regarding stormwater, it would depend on the timing. Under the 2008 regulations, there would have to be compliance unless the projects were already started before.

Councilmember Chazen said he appreciates the flexibility and the option.

Council President Susuras repeated Mr. Moore's statement, "this change will help accommodate the increasing demand for more more flexibility for developers to secure financing for spec projects and or to market approved projects". Council President Susuras agreed with this and said it's time to move forward.

There were no public comments.

The public hearing was closed at 7:37 p.m.

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

Councilmember Traylor Smith moved to adopt 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. Councilmember Doody seconded the motion.

Councilmember Chazen moved to amend the motion to hold a public hearing, to approve Ordinance No. 4619 and ordered it published in pamphlet form. Councilmember Traylor Smith accepted the amended motion. Councilmember Doody seconded the amended motion. Motion carried by roll call vote.

Councilmember Traylor Smith spoke to the students in the audience. She said this is a good example of how Council makes decisions that impacts the community on public policy that impacts business owners and others trying to get financing to generate economic development.

Purchase of a Front Load Refuse Truck

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.

Jay Valentine, Internal Services Manager, presented this item. He explained the request and the procurement process. The truck will be the tenth compressed natural gas (CNG) refuse truck in the City fleets, leaving only one diesel truck in the fleet. Council President Susuras asked if bids were received on a diesel option.

Mr. Valentine said no, since this is the tenth truck and the comparison that has been done in the past, it has been shown that the incremental cost to go to CNG has a rapid pay back (two years) with the difference in fuel cost. It is a difference in fuel of over \$2.00 per gallon savings.

Council President Susuras noted the City's commitment to go to all CNG, the cost difference is significant. Mr. Valentine noted that the difference has decreased with the new emission controls on diesel which has increased the cost of diesel trucks.

Council President Susuras said he will support this when the cost recovery is less than the life of the truck. Mr. Valentine said yes, that some of the incremental difference may also be recouped with trade-in at the end of life of the truck.

Councilmember Doody asked if the City's mechanics are being trained in CNG repair and maintenance. Mr. Valentine said yes, the technicians have been sent to specialized training and the City will continue to cross train mechanics.

Councilmember Chazen asked if there is sufficient capacity at the CNG station to take on this additional vehicle. Mr. Valentine said not currently, however the City is in the design process for adding ten more filling stations. The process works now because not all vehicles are filling at the same time, but it takes careful scheduling at the slow fill station. Councilmember Chazen asked if operationally, the process can be changed to accommodate the schedule with more capacity. Mr. Valentine said it will take a year to get this truck, the two vehicles on order are pickup trucks, and will use the fast fill side. Operationally it is not an issue right now, as fleet keeps building, there will be a need to have additional stations.

Councilmember Traylor Smith asked, with the average cost is \$1.01, what is included for this cost? Mr. Valentine said the electrical cost and the amount of gas is taken into a formula which is used to convert this into a gas/gallons equivalent.

Council President Susuras asked how long it takes to fill a slow fill truck. Mr. Valentine said it is five to six hours if empty; if not completely empty, the average time is three to four hours.

Councilmember Doody moved to 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. Councilmember Norris seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 7:50 p.m.

Stephanie Tuin, MMC
City Clerk



Date: February 3, 2014
 Author: Bret Guillory
 Title/ Phone Ext: Utility Engineer/
244-1590
 Proposed Schedule:
February 19, 2014
 2nd Reading
 (if applicable): n/a

Attach 2
CITY COUNCIL AGENDA ITEM

Subject: Professional Services Contract for the Persigo Wastewater Treatment Plant Nutrient Study
Action Requested/Recommendation: Authorize the Purchasing Division to Execute a Professional Services Contract with Stantec Consulting Services Inc. for the Persigo Wastewater Treatment Plant Nutrient Study in the Amount of \$89,060
Presenter(s) Name & Title: Dan Tonello, Wastewater Services Manager

Executive Summary:

Staff is requesting that Council approve a professional services contract with Stantec Consulting Services Inc. to study alternatives for dealing with nutrient concentrations in the effluent from the Persigo Waste Water Treatment Plant (WWTP).

Background, Analysis and Options:

The goal of this study is to evaluate alternatives for meeting effluent limit Nutrient Standards per CDPHE Regulation #85 and proposed interim water quality standards per Regulation #31. Staff has requested that the Colorado Department of Public Health and Environment (CDPHE) provide Preliminary Effluent Limits (PEL's) related to nutrient concentrations in effluent from the Persigo WWTP. The PEL's take into consideration dilution rates in the Colorado River.

Effluent from the Persigo WWTP is currently discharged to Persigo Wash. The volume of effluent, which currently averages approximately 7.7 million gallons per day, makes up the majority of the flow in Persigo wash. As a result, there is virtually no dilution of the effluent prior to contact with the main stem of Colorado River.

This study will include evaluation of where and how the effluent is discharged, and evaluation of various plant processes, that would allow the operators of the Persigo WWTP to meet effluent standards for nutrients as required in Regulation #85, and Regulation #31.

On July 3, 2013 the City applied for a grant from the CDPHE that will allow a study of these alternatives and plan for future capital projects. The City notified that it was successful in receiving the grant on October 4, 2013. Matching funds will be provided meeting twenty percent of the grant amount as a requirement of this grant.

A formal request for qualifications was advertised and four proposals were received on January 28, 2014. The following firms submitted proposals:

Firm	Location
Stantec Consulting Services Inc.	Denver, CO
Black & Veatch	Denver, CO
Rettew/SGM	Lakewood, CO
Olsson	Grand Junction, CO

The proposals were reviewed by a selection committee and rated using an evaluation matrix provided by the Purchasing Department. The results of the selection matrix proved Stantec Consulting Services Inc., as the most qualified to complete this study.

For a qualification-based selection for professional services, the cost proposals are submitted separately in sealed envelopes along with the qualification proposals. The qualification proposals are reviewed first and only the cost proposal for the most qualified firm is opened. If that cost proposal is within the budget, then this is the firm that is recommended. Stantec's cost proposal of \$89,060 is within the budget of \$96,000.

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

This study will be a valuable tool in planning for future improvements to the Persigo WWTP. Evaluation of treatment alternatives for this critical facility will aid in allowing the City to continue to safely treat wastewater that is received from the existing and developing areas within the 201 Service Area. By continuing to provide a dependable and safe treatment of wastewater, the City's utilities contribute to sustaining, developing, and enhancing a healthy and diverse economy.

Board or Committee Recommendation:

None.

Financial Impact/Budget:

Total cost of the study is \$89,060; 80% covered by the CDPHE grant, and 20% matching funds from the Sewer Fund. This study was originally budgeted in 2013, however because the cost of the study can be absorbed within the 2014 Sewer Fund Budget, it will not require a supplemental appropriation for this project.

Legal issues:

If awarded the City Attorney will review and approve the form of agreement.

The study is a good idea because of very complicated laws and regulations concerning the discharge permit and/or the discharge point. The parameters of a “mixing zone” and if/to what extent a mixing zone will be allowed are significant concerns.

Other issues:

None.

Previously presented or discussed:

City Council granted permission to apply for this grant on June 19, 2013.

Attachments:

None.



Date: 2-3-2014
 Author: Darren Starr
 Title/ Phone Ext: Manager/ #1493
 Proposed Schedule: 2-19-2014
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

Attach 3
CITY COUNCIL AGENDA ITEM

Subject: Purchase Hot Mix Asphalt for Streets Division for 2014
Action Requested/Recommendation: Authorize the Purchasing Division to Purchase Approximately 1,000 Tons of Hot Mix Asphalt, on Behalf of the Streets Division, from Oldcastle SW Group, Inc., dba United Companies of Mesa County for an Amount Not to Exceed \$84,818
Presenter(s) Name & Title: Greg Trainor, Public Works and Utilities Director <div style="text-align: center;"> Darren Starr, Streets, Storm Water, and Solid Waste Manager Jay Valentine, Internal Services Manager </div>

Executive Summary:

This request is for the purchase up to 1,000 tons of hot mix asphalt for the Streets Division to be used for road work and repairs in 2014.

Background, Analysis and Options:

Each year the City’s Streets Division is required to pave, re-pave, and repair numerous streets throughout the City. As part of our Utility cuts, pot hole patching, and street repairs needed to prepare for this year’s chip seal program an estimated amount of hot mix was bid out.

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

Company	Location	Price/Ton
Oldcastle SW Group, Inc. dba United Co.	Grand Junction, CO	\$75.00

Oldcastle SW Group, Inc., dba United Companies of Mesa County, as the lowest bidder, is the recommended provider however, certain situations may dictate that material also be purchased from other providers. 2013 winning bid was \$71.00 per ton.

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.

Providing hot asphalt repair to distressed street areas, pot holes, and utility cuts will help to ensure smooth and safer traffic flow, while extending the life of the roadways and realizing a long term cost savings.

Board or Committee Recommendation:

None.

Financial Impact/Budget:

\$84,818 is budgeted in the General Fund-Streets Division for this expenditure. The exact amount of material that is needed for the season is still unknown. With the current weather conditions this year and the freeze thaw being experienced, the volume needed may exceed the amount budgeted.

Legal issues:

No legal issues have been identified. An acceptable form of contract has previously been established.

Other issues:

None.

Previously presented or discussed:

This has not been previously discussed.

Attachments:

None.



Attach 4

CITY COUNCIL AGENDA ITEM

Date: February 5, 2014
Author: Lee Cooper
Title/ Phone Ext: Project Engineer,
256-4155
Proposed Schedule: February 19,
2014
2nd Reading
(if applicable): N/A

Subject: Construction Contract for the 2014 Kannah Creek Raw Water Flow Line Replacement Project
Action Requested/Recommendation: Authorize the Purchasing Division to Execute a Construction Contract with Rundle Construction, Inc. for the Construction of the 2014 Kannah Creek Raw Water Flow Line Replacement Project in the Amount of \$448,419.47
Presenter(s) Name & Title: Greg Trainor, Public Works and Utilities Director Jay Valentine, Internal Services Manager

Executive Summary:

This Project will replace certain sections of the aging Kannah Creek raw water flow line that diverts water out of Kannah Creek and conveys the raw water to either Juniata Reservoir or the City’s Water Treatment Plant. The existing steel flow line was installed in the mid-1940’s. Typically, the service life for a buried pipe made of steel is 50-years. As a result of the pipe’s age, the existing flow line is experiencing periodic breaks due to corrosion.

Background, Analysis and Options:

Due to age and condition, approximately 2,650 Lineal Feet (0.5 miles) of existing 18” diameter steel flow line is proposed to be replaced with new 20” diameter PVC (plastic) flow line pipe. Three separate sections of the flow line will be replaced on this project. These three sections are in hard to access locations and were determined by the City’s Water Department as high priority sections. The remote locations make access and repairs difficult.

The flow line replacement project is scheduled to begin March 10, 2014 with an expected completion date of May 9, 2014.

A formal solicitation was advertised in the Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA). Three (3) bids were received from the following firms:

Firm	Location	Amount
Rundle Construction, Inc.	Montrose, CO	\$448,419.47
Mountain Region Corporation	Grand Junction, CO	\$475,573.00
Dirt Works Construction, LLC	Grand Junction, CO	\$859,619.40

Prior to submitting bids, all contractors are required to be pre-qualified with the City of Grand Junction for the specific work type they are interested in performing. The pre-qualification process evaluates the financial stability of the company, past experience on similar projects, and ability to perform work in a timely, responsible, and professional manner.

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

The 2014 Kannah Creek Flow Line Replacement Project supports the following Goal from the comprehensive plan:

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 of Grand Junction has the responsibility of providing safe and reliable domestic water service to the citizens and businesses of Grand Junction. As a result of yearly replacements of old City waterlines that are corroded and prone to breaks with new PVC waterline pipe; the City will have a waterline infrastructure that is reliable; delivering safe and clean water for many years to come.

Board or Committee Recommendation:

None.

Financial Impact/Budget:

The Water Fund 301 has \$550,000 budgeted for the construction of this project.

Project Costs:

Total Construction Contract Amount -	\$448,419.47
City Engineering/Construction Management -	\$ 10,000.00
City Construction Inspection -	\$ 12,000.00

Total Project Cost = \$470,419.47

Legal issues:

No legal issues have been identified. An acceptable form of contract has previously been established.

Other issues:

None.

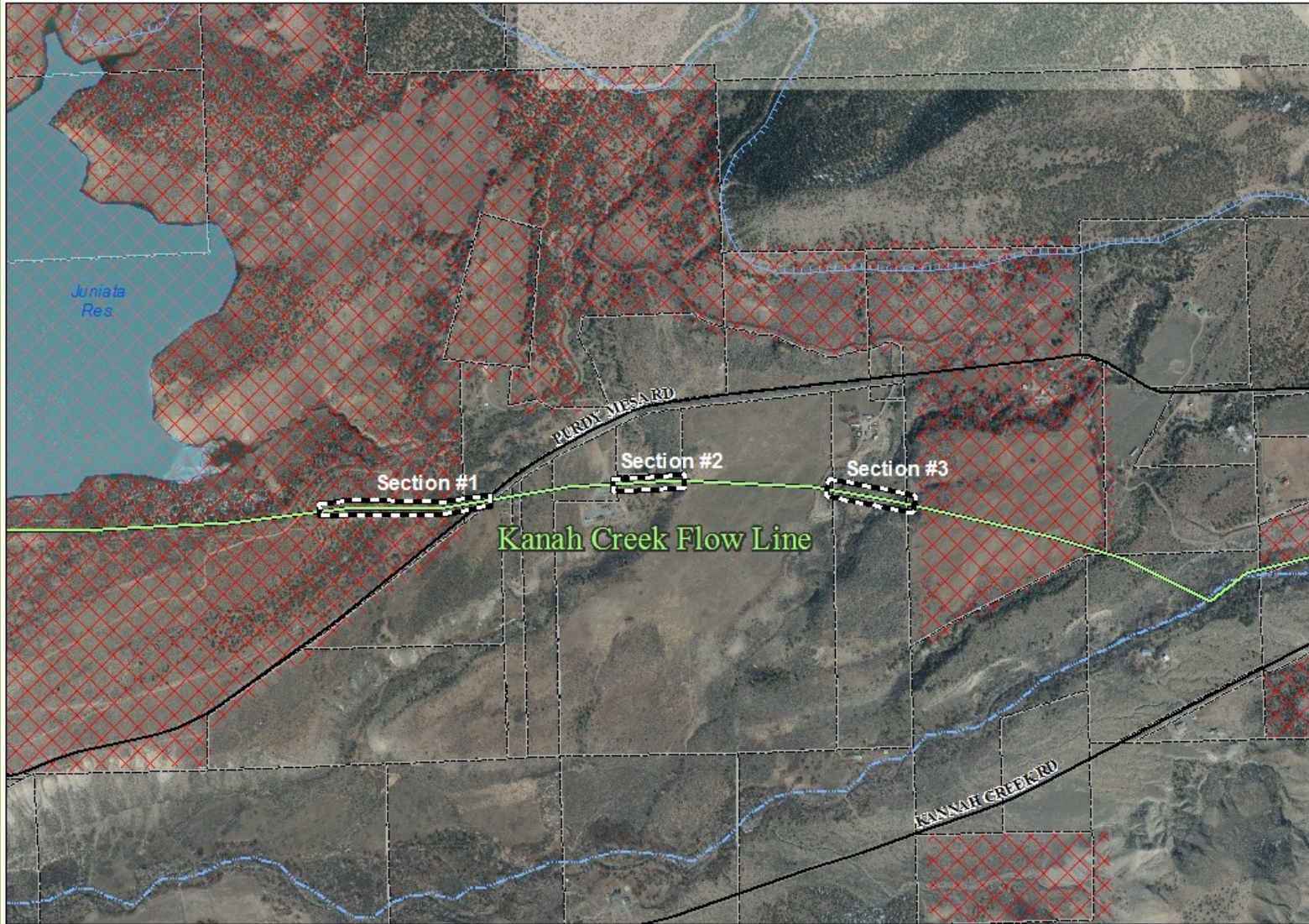
Previously presented or discussed:

N/A

Attachments:

Aerial photo showing the three locations of the flow line that will be replaced.

Kanah Creek Flowline Replacement



 Sections of Flow Line to be Replaced  City Owned Property



Date: February 6, 2014
 Author: Traci Wieland
 Title/ Phone Ext: Recreation
Superintendent, 254-3846
 Proposed Schedule: February 19,
2014
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

Attach 5
CITY COUNCIL AGENDA ITEM

Subject: Great Outdoors Colorado Grant Resolution for Las Colonias Park Phase I
Action Requested/Recommendation: Adopt Resolution Approving Application to Great Outdoors Colorado for Phase I of Las Colonias Park
Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director

Executive Summary:

Parks and Recreation is seeking approval to reapply for a Great Outdoors Colorado (GOCO) local government grant to assist with funding critical elements of the early phases of Las Colonias Park. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The spring cycle of grants is due on March 5 with an award decision on June 19.

Background, Analysis and Options:

Las Colonias Park, a 101 acre parcel on the edge of the Colorado River south of downtown, was deeded to the City of Grand Junction in 1997 from the State of Colorado after the mill tailings cleanup was completed. The site has cultural and historical significance because of "Las Colonias", the colonies of people who worked in the orchards and sugar beet fields who once resided on the site.

Las Colonias Park was originally master planned in 1998. Construction of the Riverside Parkway, which started in 2006, impacted that original master plan so it was revised in 2008. That master plan included a footprint for a 75,000 square foot civic facility as well as a dog park, natural areas, playgrounds, picnic areas, a festival area/amphitheater, and trails. In 2012, City Council directed Parks and Recreation to again revise the existing master plan because of changing priorities among user and community groups.

The 2013 plan includes:

- A western entrance into the park with shared parking for Western Colorado Botanical Gardens, an 18 hole disc golf course on Watson Island, additional trail connections, park shelter/restroom, and play features.

- An amphitheater with sloped lawn seating for small events of 1,000 or large events of 10,000 with a stage, multipurpose rooms, developed plaza areas for tickets, restrooms, and vendors, a park shelter/restroom with play features, and paved/native grass parking areas.
- A multipurpose/festival grounds area for informal neighborhood play or festival use as well as a park shelter/restroom.
- A wetlands area with several cascading ponds, trails, picnic tables, fenced dog park, and an irrigation system. Area includes several parking areas, a restroom/shelter, boat launch and parking, as well as several hundred additional native grass parking spaces.

A \$350,000 grant application was submitted to GOCO in the fall 2013 funding cycle to assist with funding improvements to the western end of the park. Unfortunately, the City was not successful. That particular grant cycle was extremely competitive with only \$2.7 million available. Ten grants were funded and Grand Junction was number 15 out of 48 total applications. In December of 2013, the project stakeholders were convened to discuss next steps. The group unanimously agreed to move forward with a reapplication for the same project scope which includes the following basic, and much needed amenities:

Restroom/Shelter: Las Colonias Park currently does not have a public restroom. The closest restrooms are at Eagle Rim Park to the east and Riverside Park to the west, both 1 ½ miles away from the proposed location of the restroom/shelter. The design of the 52x18 feet structure will be patterned after one successfully utilized in three other parks in the last five years. \$347,631.

Trail Connections: The current Riverfront Trail comes into the western side of the park at 5th Street/Hwy 50 with a trailhead located in the shared parking lot with Botanical Gardens. This area currently serves as a great access point for the western area of the park; however, it does not address the middle section of the park. A trailhead is necessary on the northern border of park property just south of Edgewater Brewery and 9th Street. The trail will have a sweeping motion to the south and east connecting directly to the existing Riverfront Trail and a switchback motion to the west connecting to the new shelter/restroom. An additional 214 square yards will be included in and around the asphalt and recycled asphalt parking areas to connect parking, trails, and the restroom/shelter. \$136,780

Native Arboretum and Pollinator Garden: In 1995, the Botanical Gardens created a plan to develop a native arboretum and trail to create and enhance wetlands, develop riparian ecosystem restoration, enhance and restore wildlife habitat, and provide environmental education opportunities. Signs will include plant common name, botanical name, and QR code (Quick Response code scanned by a smart phone to access a plethora of information quickly) to access an audio/web tour. YouTube videos will be created for each species with brief descriptions, growing habits, and plant uniqueness. Signs will be mounted on a treated 4x4 post and concreted into the ground. \$35,546.50

Parking/Road/Lighting Improvements: Currently, there is an informal parking lot that serves the Botanical Gardens, the park, and the Riverfront Trail. It is approximately

22,000 square feet and a combination of gravel, dirt, and recycled asphalt. A 380x24 asphalt road will be constructed on the east border of the park property, totaling 9,120 square feet, providing access to the trailhead, native arboretum, and the restroom/shelter. In addition, there will be an 8,000 square feet, 20 car asphalt parking lot adjacent to the new shelter/restroom. Construction includes electrical service installation. \$251,990

Phase I development of Las Colonias Park will provide the basic and necessary amenities to existing users and allow significant momentum in moving toward future phases of development to include the amphitheater, riparian restoration area, and wetlands.

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

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

Any suggested improvements at the currently undeveloped site would enhance the visual appeal from the Orchard Mesa neighborhoods as well as those using the Riverfront Trail through the park.

Goal 10: Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and recreational purposes.

Once developed, Las Colonias Park will be one of the City's largest parks serving neighborhood and regional uses. The park would provide numerous passive park amenities not currently found in any other park, especially a park with riverfront access.

Board or Committee Recommendation:

Parks and Recreation Advisory Board discussed the original GOCO grant application and the reapplication for the spring 2014 funding cycle and supports the re-submittal of the application.

Financial Impact/Budget:

The grant requires a 10% cash match and 30% overall project cost match; however, as GOCO grants have become increasingly competitive, Grand Junction has been asked to present a higher project match. The previous application resulted in a GOCO match of 44.61%, whereby the 2014 application has been revised to 38.70% match. Below are the specific City and partner matches for the 2014 application.

Total Cash	2014 Grant Request
Great Outdoors Colorado Grant Request	\$298,756.50
City of Grand Junction	\$409,151.00
Colorado Riverfront Foundation	\$30,000.00
Colorado Garden Foundation	\$14,600.00
Western Colorado Botanical Gardens	\$500.00
Parks Improvement Advisory Board	\$1,000.00
Strive	\$1,000.00
Downtown Development Authority	\$5,000.00
Grand Junction Lions Club	<u>\$10,000.00</u>
Total Cash	\$770,007.50

In-Kind	2014 Grant Request
Western Co Conservation Corps	\$1,500.00
Angel Signs	<u>\$440.00</u>
Total In-Kind	\$1,940.00
 Total Cash and In-Kind	 \$771,947.50
GOCO's Percent of Match	38.70%

Legal issues:

If the grant is awarded the City Attorney will review the form of the grant funding agreement.

Other issues:

None

Previously presented or discussed:

The 2013 master plan was adopted by City Council on July 3, 2013. The original resolution for the fall 2013 grant cycle was approved by City Council on August 7, 2013.

Attachments:

Proposed Resolution

RESOLUTION NO. __-14

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR LAS COLONIAS PARK PROJECT

WHEREAS, the City of Grand Junction supports the Great Outdoors Colorado to grant application for the Las Colonias Park project. If the grant is awarded, the City of Grand Junction supports the completion of the project.

WHEREAS, the City of Grand Junction has requested \$298,756.50 from Great Outdoors Colorado to fund the phase I development of Las Colonias Park.

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

- Section 1: The City Council of the City of Grand Junction strongly supports the application and has committed matching funds for a grant with Great Outdoors Colorado.
- Section 2: If the grant is awarded, the City Council of the City of Grand Junction strongly supports the completion of the project.
- Section 3: The City Council of the City of Grand Junction authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- Section 4: The project site is owned by the City of Grand Junction and will be owned by the City of Grand Junction for the next 25 years.
- Section 5: The City Council of the City of Grand Junction recognizes that as the recipient of a Great Outdoors Colorado Local Government grant the project site must provide reasonable public access.
- Section 6: The City Council of the City of Grand Junction will continue to maintain Las Colonias in a high quality condition and will appropriate funds for maintenance in its annual budget.
- Section 7: If the grant is awarded, the City Council of the City of Grand Junction authorizes the Grand Junction City Manager to sign the grant agreement with Great Outdoors Colorado.
- Section 8: This resolution to be in full force and effect from and after its passage and approval.

Passed and adopted this ____ day of _____, 2014.

President of the City Council

ATTEST:

City Clerk



Attach 6

CITY COUNCIL AGENDA ITEM

Date: February 10, 2014
Author: John Camper
Title/ Phone Ext: Chief of Police,
x. 5100
Proposed Schedule: 1st
Reading February 5, 2014
2nd Reading
(if applicable): February 19,
2014

Subject: Amending the Grand Junction Municipal Code to Prohibit Certain Activities Related to Panhandling
Action Requested/Recommendation: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Ordinance
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

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).

(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 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

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.

²⁹ Grand Junction Municipal Code Title 6, Chapter 12.

³⁰ Grand Junction Municipal Code §9.04.170

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.

Previously presented or discussed:

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 5th day of February, 2014.

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

President of the Council

ATTEST:

Stephanie Tuin
City Clerk

AMENDED APPROVED ORDINANCE NEXT PAGE

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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.

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- (p) If the person panhandling knowingly touches or grabs the person solicited;
- (q) 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;
- (r) If the person panhandling knowingly solicits an at-risk person;
- (s) 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;
- (t) Within one hundred (100) feet of an automatic teller machine or of a bus stop;
- (u) On a public bus;
- (v) In a parking garage, parking lot or other parking facility;
- (w) 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;
- (x) On or within one hundred (100) feet of any school or school grounds.

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- (c) 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
- (d) 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.

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INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 5th day of February, 2014.

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

President of the Council

ATTEST:

Stephanie Tuin
City Clerk



Attach 7

CITY COUNCIL AGENDA ITEM

Date: February 6, 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: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Zoning Ordinance
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 recommended approval of the requested rezone at their January 28, 2014 meeting.

Financial Impact/Budget:

This rezone action has no financial impact.

Legal issues:

The proposed rezone application 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:

Consideration of the zoning ordinance was on February 5, 2014.

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.

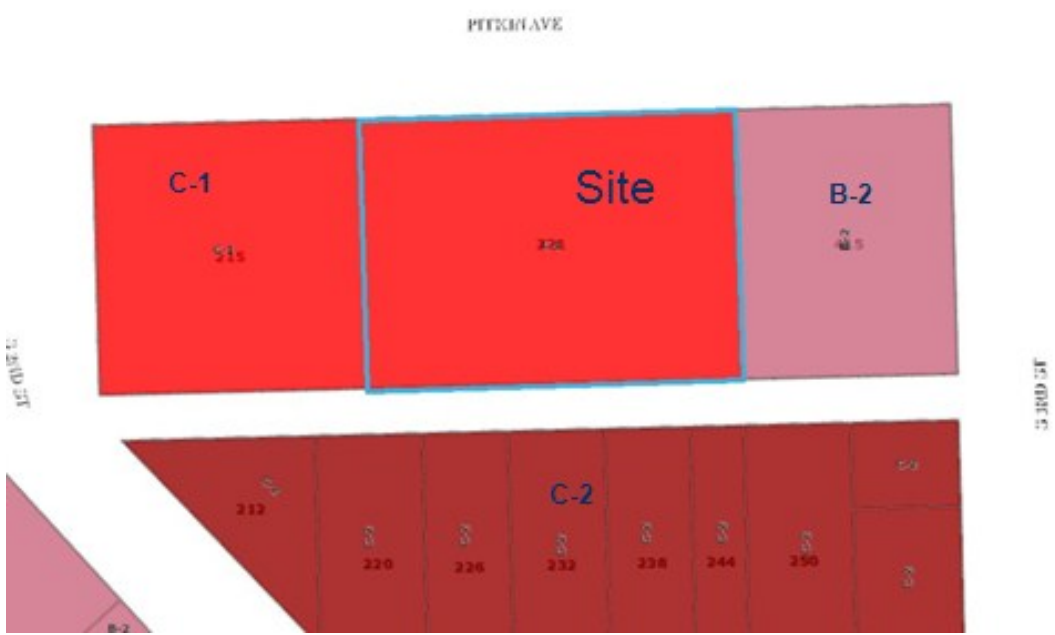
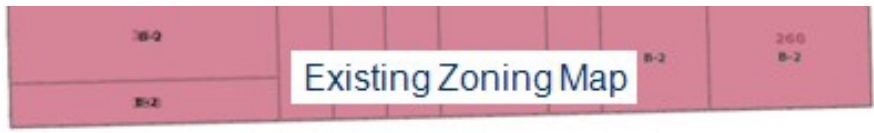
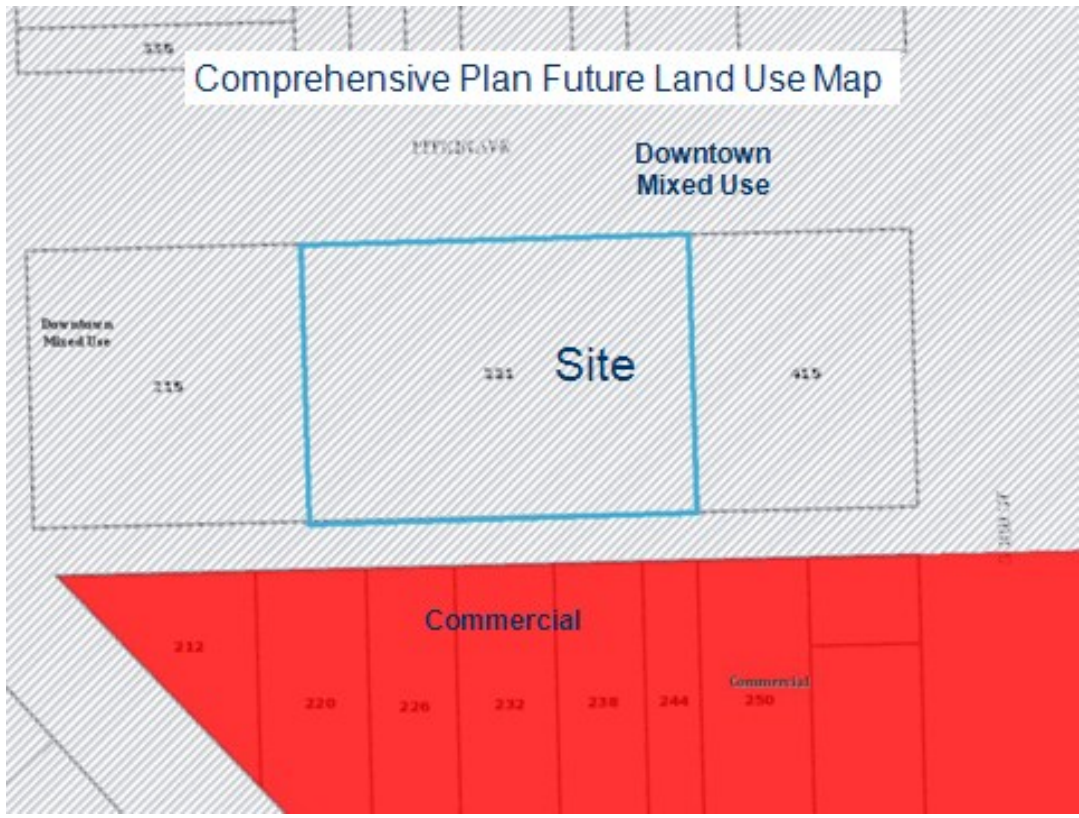
If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made supporting the recommendation.

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 5th day of February, 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: 2/10/2014
 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 8
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: Hold a Public Hearing to Consider Final Passage and Final Publication in Pamphlet Form of the Ordinance
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 5th day of February, 2014.

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

President of the City Council

ATTEST:

Stephanie Tuin
City Clerk



Date: 02-10-14
 Author: Greg Moberg
 Title/ Phone Ext: Planning
Supervisor/4023
 Proposed Schedule: Jan. 15, 2014
 2nd Reading
 (if applicable): Feb. 19, 2014
 File # (if applicable): ZCA-2013-229

Attach 9
CITY COUNCIL AGENDA ITEM

Subject: Amending Section 21.03.090 of the Grand Junction Municipal Code Adopting Changes to Form Districts within the City
Action Requested/Recommendation: Hold a Public Hearing to 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.

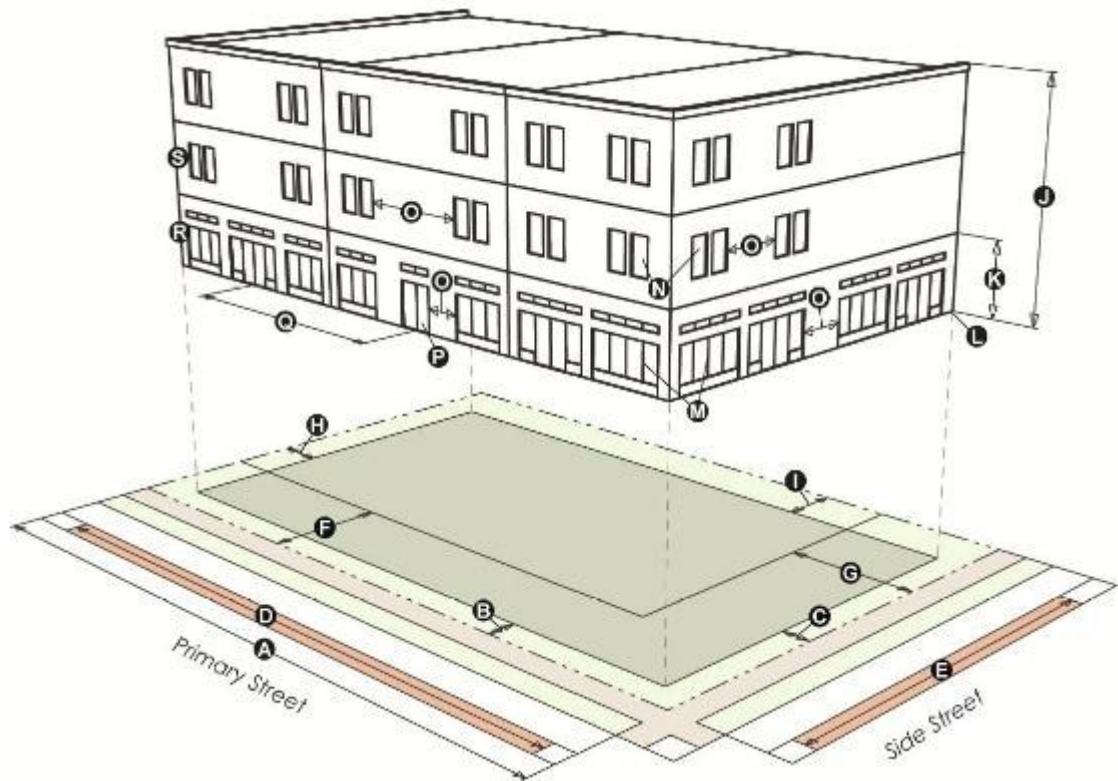
(ii) No street frontage landscaping is required when the setback for a building is ten (10) feet or less.

(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.



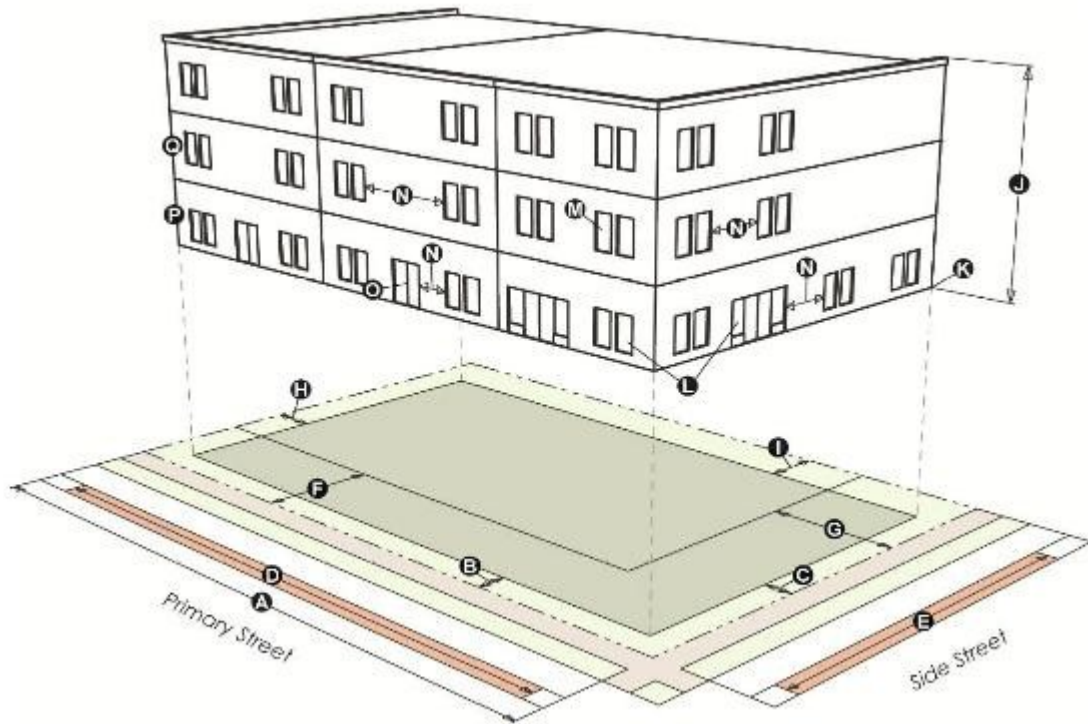
MXS-3 MXS-5 MXS-8

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
FRONT SETBACK AREA				L Ground story elevation (min. ft.)	0	0	0
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				

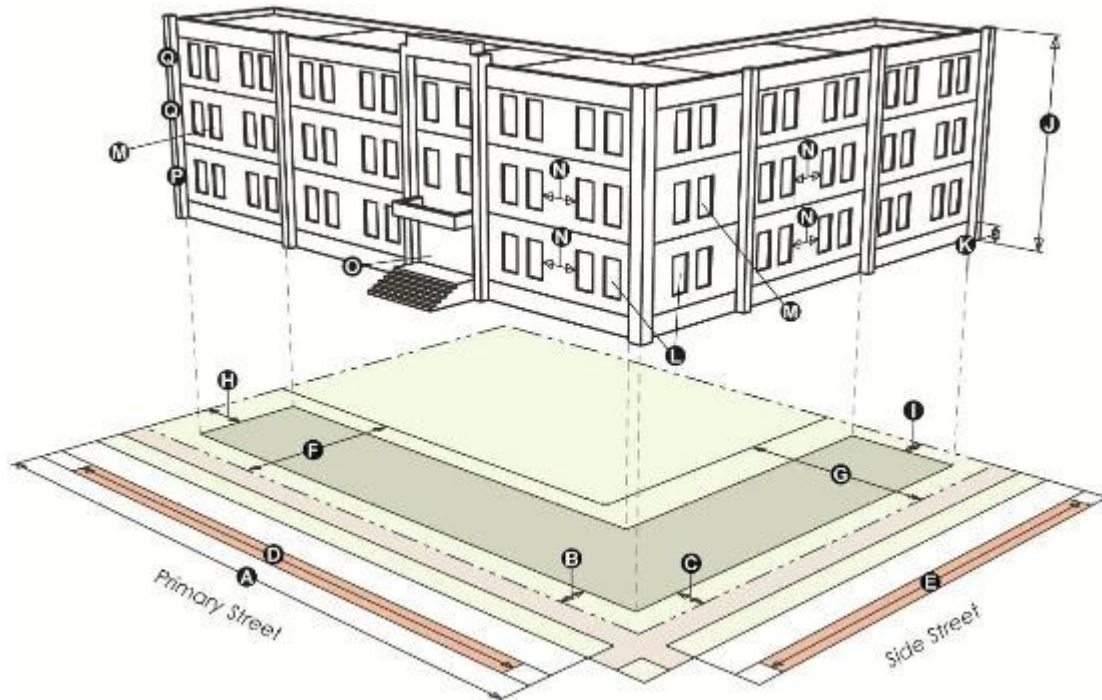
(2) General. A building form intended for ~~commercial~~ ground floor office and personal services uses (but does not include sales, repair or entertainment oriented uses) ~~that are not retail with upper-story residential or office. Often used for a single purpose such as an office building or hotel, 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				HEIGHT			
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
E Side street	40%	40%	40%	ALLOWED USE			

	MXG-3	MXG-5	MXG-8		MXG-3	MXG-5	MXG-8
(min.)							
PARKING SETBACK							
F Primary street (min. ft.)	30	30	30	P Ground story	Commercial, Institutional and Civic		
E Side street (min. ft.)	10	10	10	C Upper story	Commercial, Institutional and Civic, Residential		
SIDE/REAR SETBACKS							
H Side, interior (min. ft.)	5	5	5				
I 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.

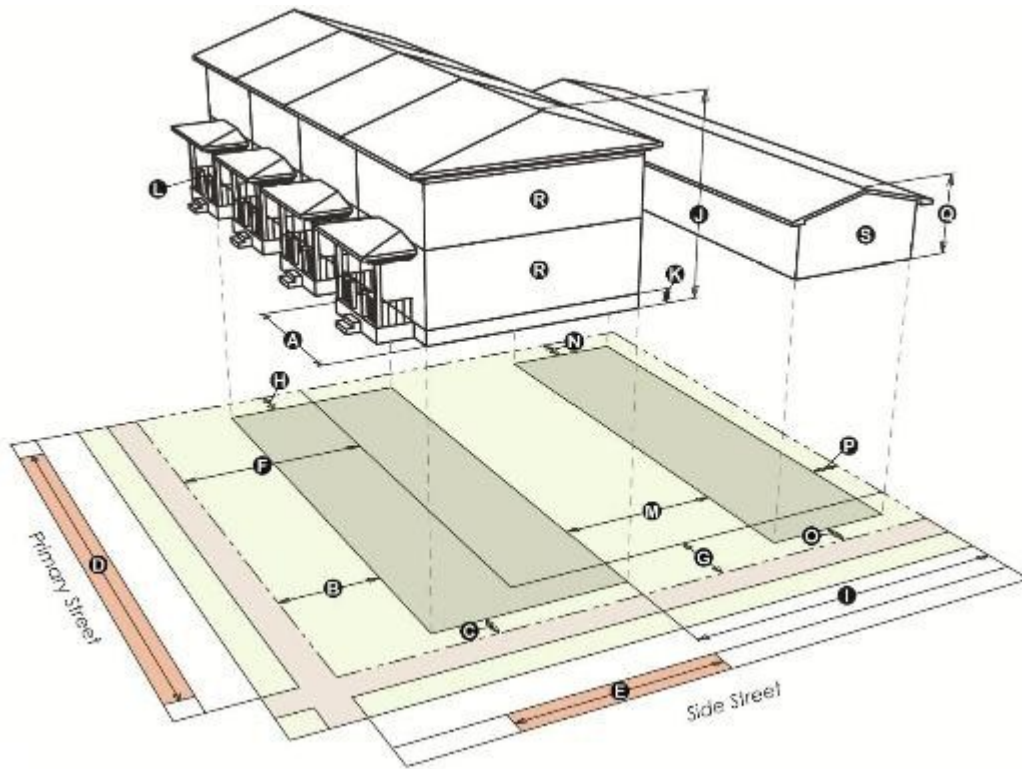


MXG-3 MXG-5 MXG-8
 MXR-3 MXR-5 MXR-8

MXG-3 MXG-5 MXG-8
 MXR-3 MXR-5 MXR-8

	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		Street-facing entrance	
ⓑ (min./max. ft.)	0/15	ⓓ required	yes
Side street		ACCESSORY STRUCTURE SETBACKS	
ⓔ (min./max. ft.)	0/15	Separation from primary	
REQUIRED STREET FACADE		Ⓜ 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

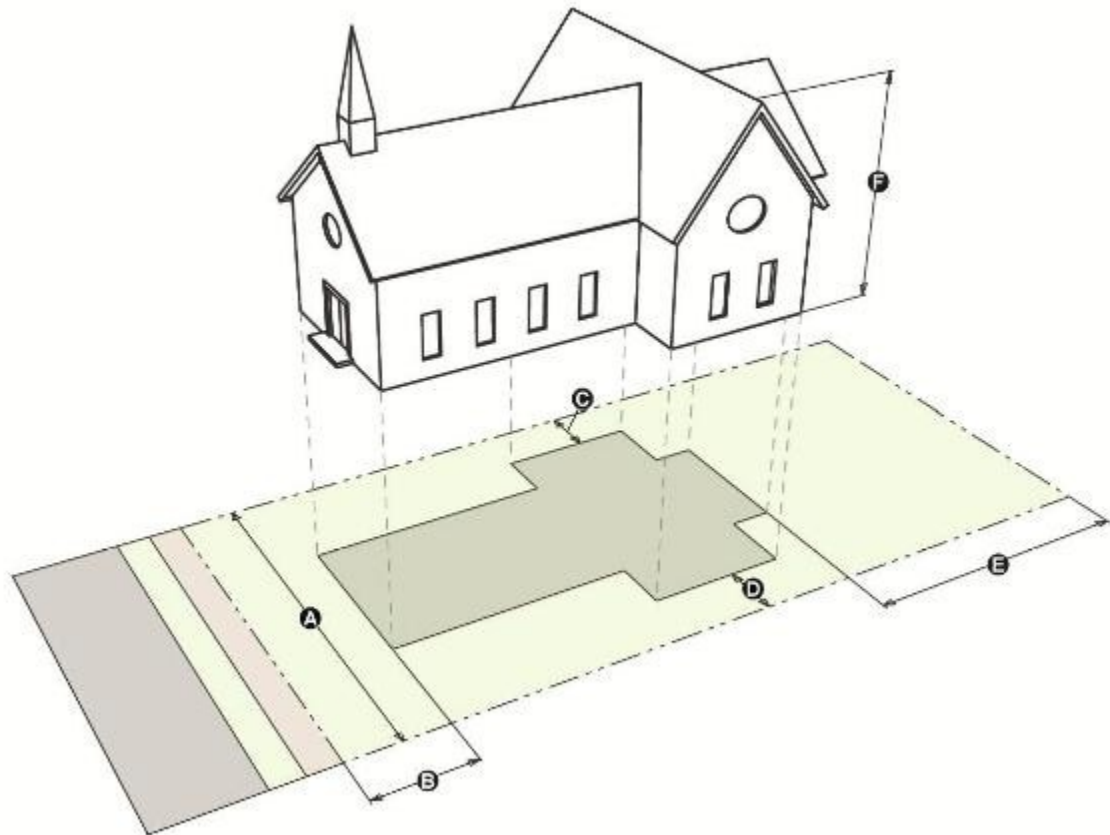
**ACCESSORY
STRUCTURE HEIGHT**

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

ALLOWED USE

R 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.



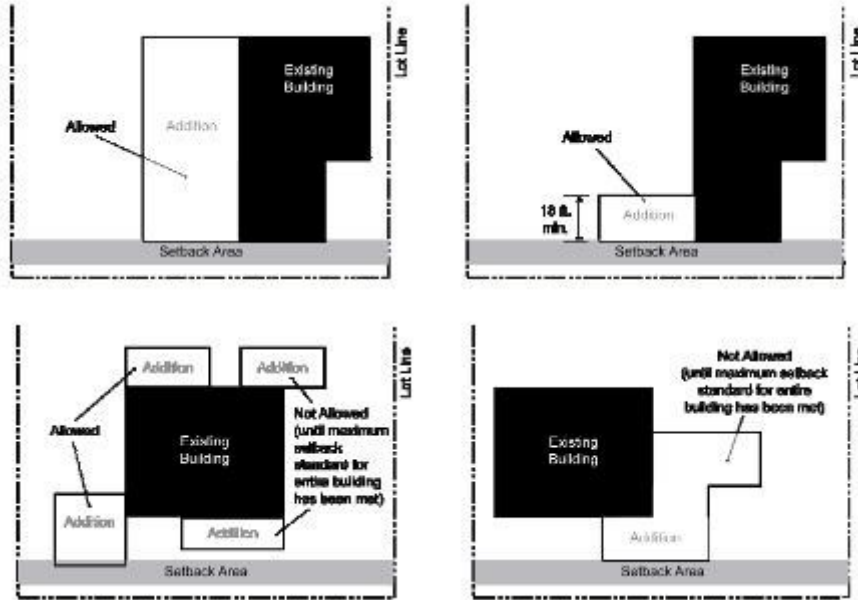
	MXG- 3 MXR-3	MXG- 5 MXR-5	MXG- 8 MXR-8
LOT			
Area (min. ft. ²)	10,000	10,000	10,000
A Width (min. ft.)	100	100	100
Lot coverage (max.)	80%	80%	80%
SETBACKS			
B Front (min. ft.)	15	15	15
C Side, interior (min. ft.)	5	5	5
D Side, street (min. ft.)	10	10	10
E Rear (min. ft.)	15	15	15
HEIGHT			
F Stories (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).

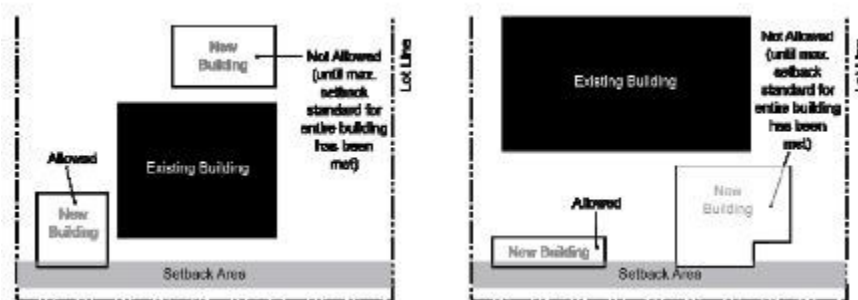
(h) **Additions and New Buildings on Nonconforming Sites.**

(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

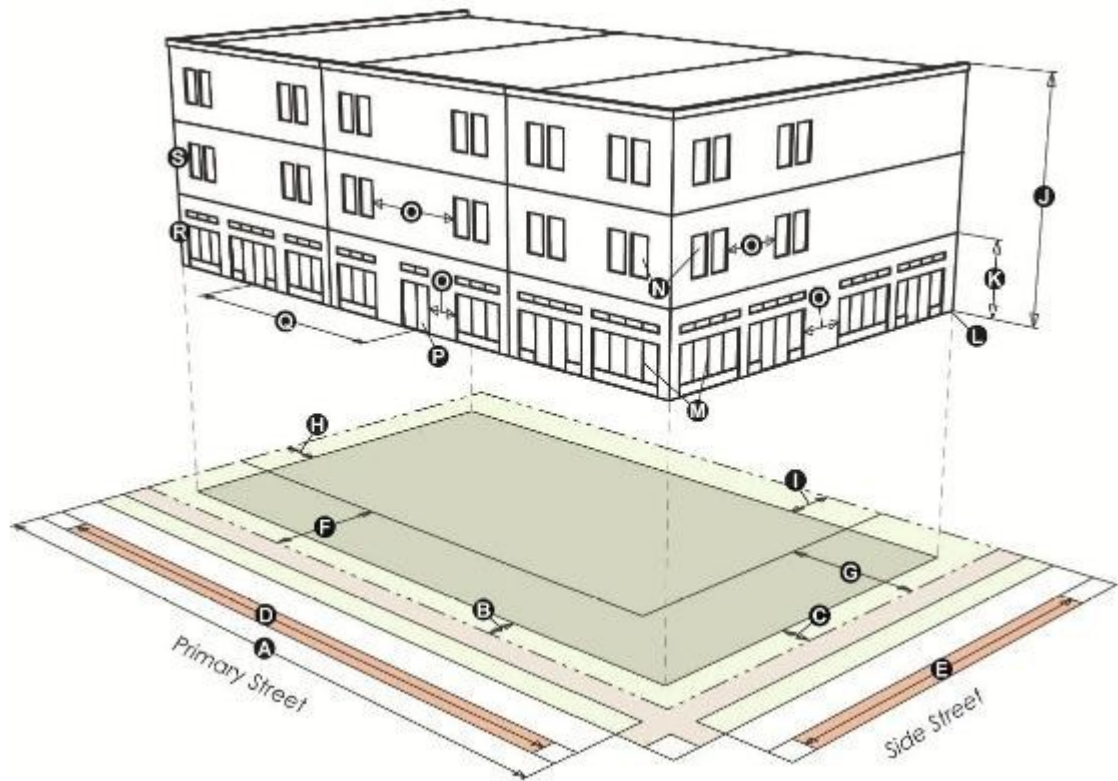
building is ten (10) feet or less.

(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.

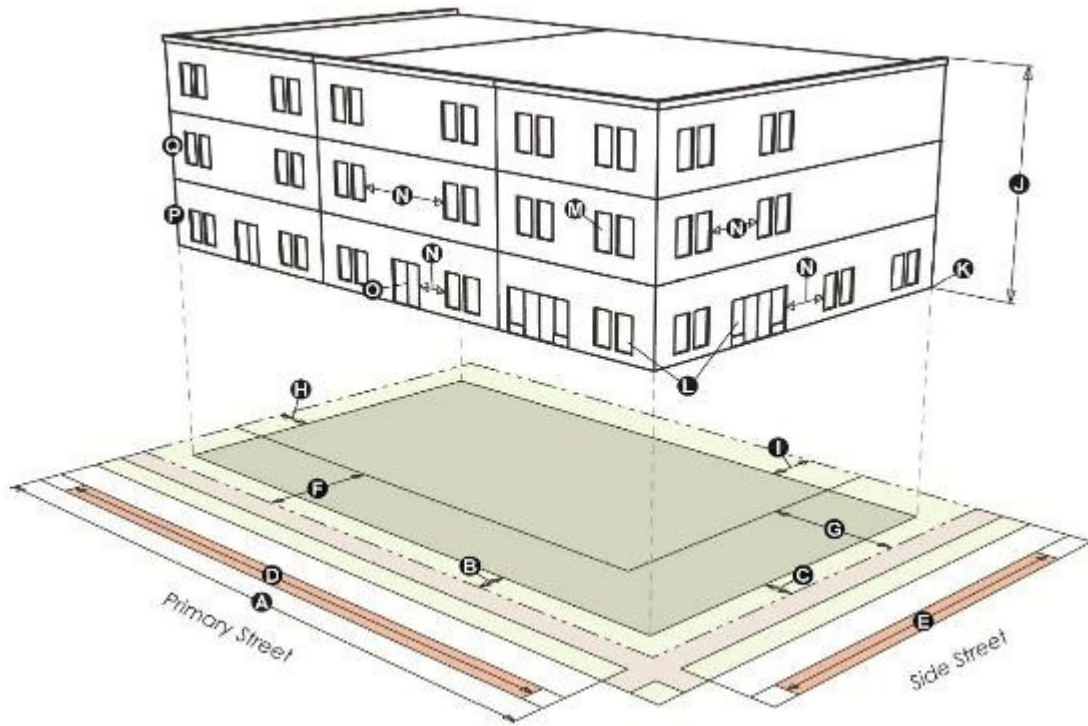
(1) **Shopfront.** A building form intended for ground floor retail sales and service uses with upper-story residential or office uses. Lodging and indoor recreation and entertainment uses would also be allowed. High transparency (in the form of windows and doors) is required on the ground floor to encourage 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
	4,00	5,00						
Area (min. ft. ²)	0	0	n/a	J	Stories (max.)	3	5	8
A Width (min. ft.)	40	50	n/a	J	Feet (max.)	50	65	100

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

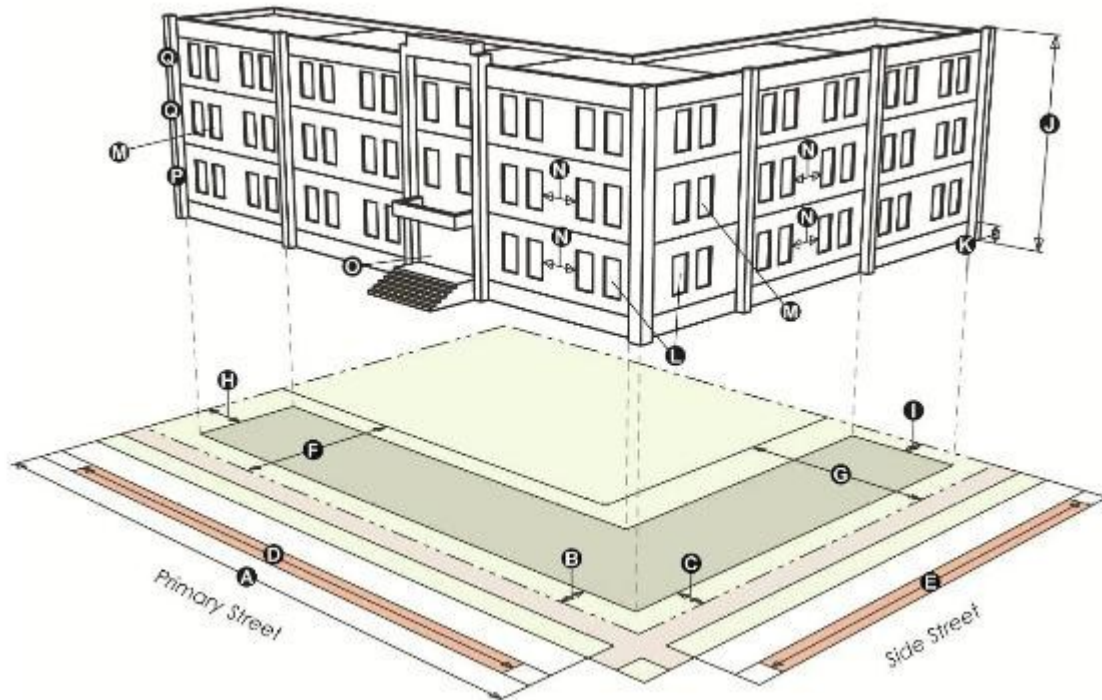
(2) General. A building form intended for ground floor office and personal services uses (but does not include sales, repair or entertainment oriented uses) with upper-story residential or office. Transparency (in the form of windows and doors) is required on the ground floor to encourage interaction 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				HEIGHT			
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
E Side street	40%	40%	40%	ALLOWED USE			

	MXG-3	MXG-5	MXG-8		MXG-3	MXG-5	MXG-8
(min.)							
PARKING SETBACK							
F Primary street (min. ft.)	30	30	30	P Ground story	Commercial, Institutional and Civic		
E Side street (min. ft.)	10	10	10	C Upper story	Commercial, Institutional and Civic, Residential		
SIDE/REAR SETBACKS							
H Side, interior (min. ft.)	5	5	5				
I 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.

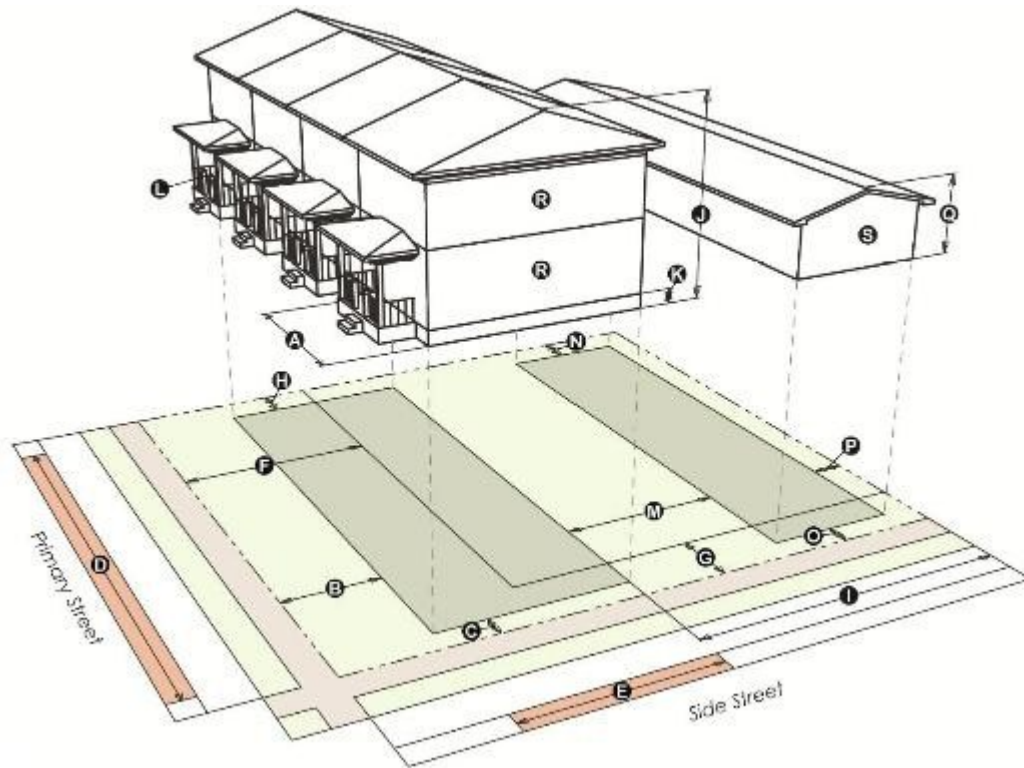


MXG-3 MXG-5 MXG-8
 MXR-3 MXR-5 MXR-8

MXG-3 MXG-5 MXG-8
 MXR-3 MXR-5 MXR-8

	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	① Stories (max.)	3
① Unit width (min. ft.)	16	② 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.)	
③ Primary street (min.)	75%	④ Side, interior (min. ft.)	10
④ Side street (min.)	35%	⑤ Side, street (min. ft.)	5
PARKING SETBACK		⑥ Side, street (min. ft.)	10
		⑦ 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

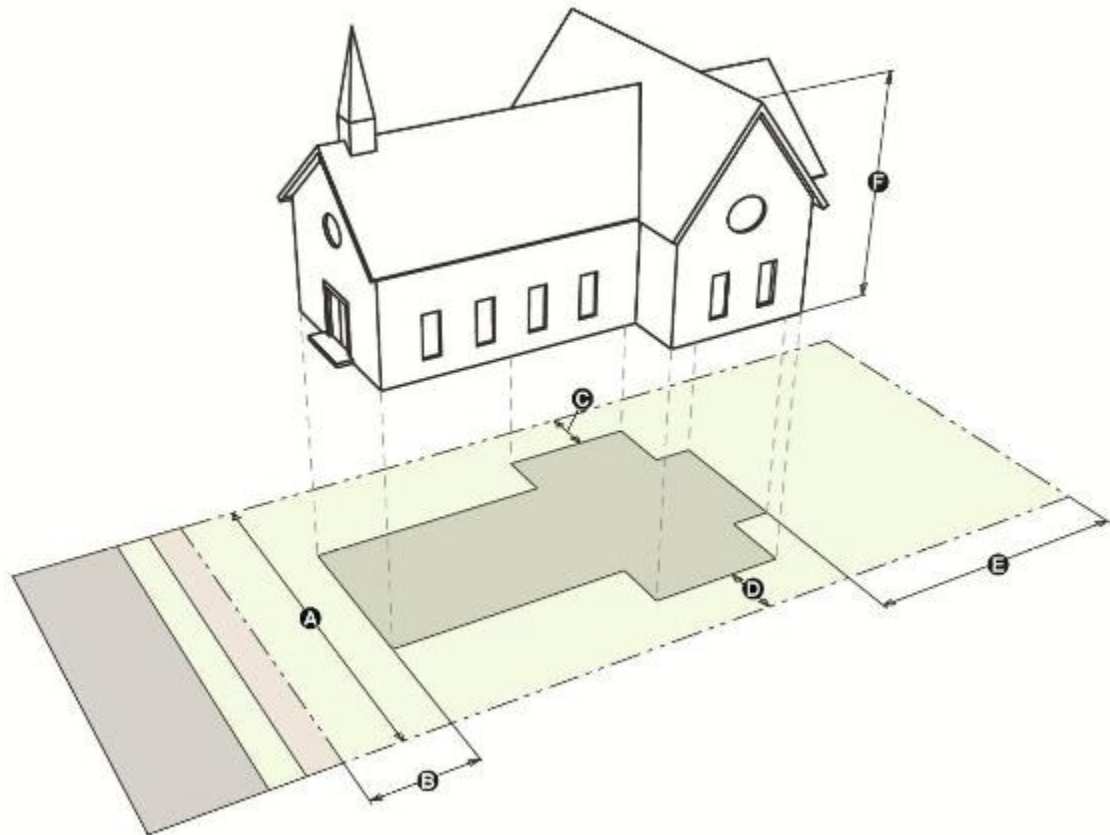
**ACCESSORY
STRUCTURE HEIGHT**

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.



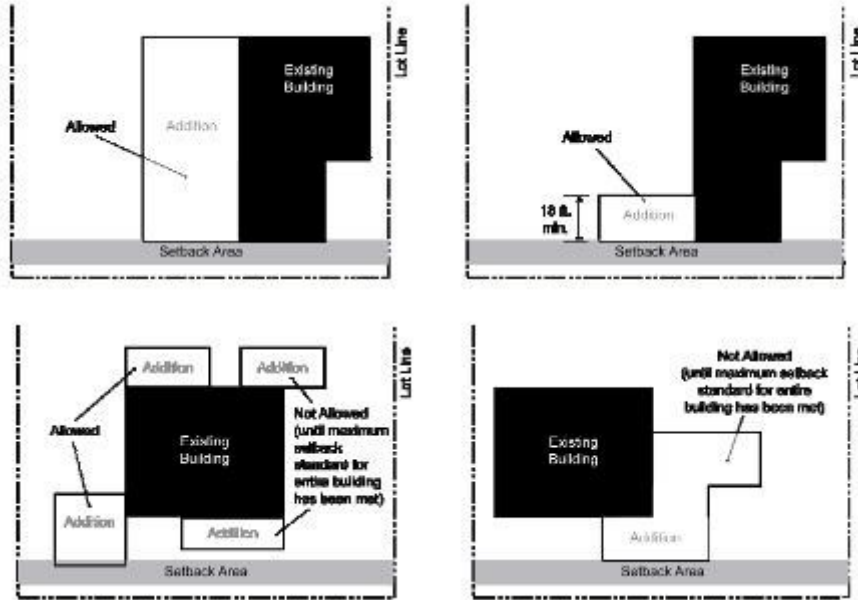
	MXG- 3 MXR-3	MXG- 5 MXR-5	MXG- 8 MXR-8
LOT			
Area (min. ft. ²)	10,000	10,000	10,000
A Width (min. ft.)	100	100	100
Lot coverage (max.)	80%	80%	80%
SETBACKS			
B Front (min. ft.)	15	15	15
C Side, interior (min. ft.)	5	5	5
D Side, street (min. ft.)	10	10	10
E Rear (min. ft.)	15	15	15
HEIGHT			
F Stories (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).

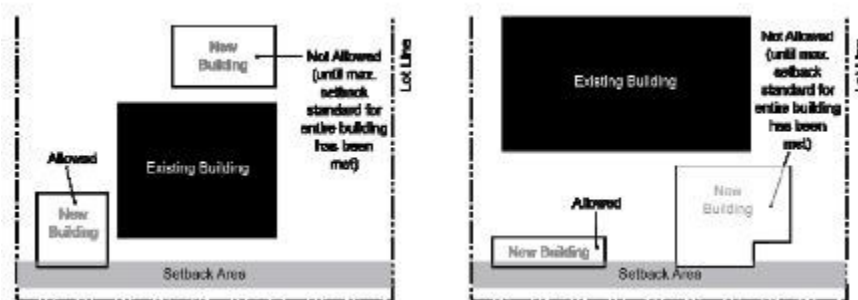
(h) **Additions and New Buildings on Nonconforming Sites.**

(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 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 10

CITY COUNCIL AGENDA ITEM

Subject: Amendment to 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: Hold a Public Hearing to 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 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:

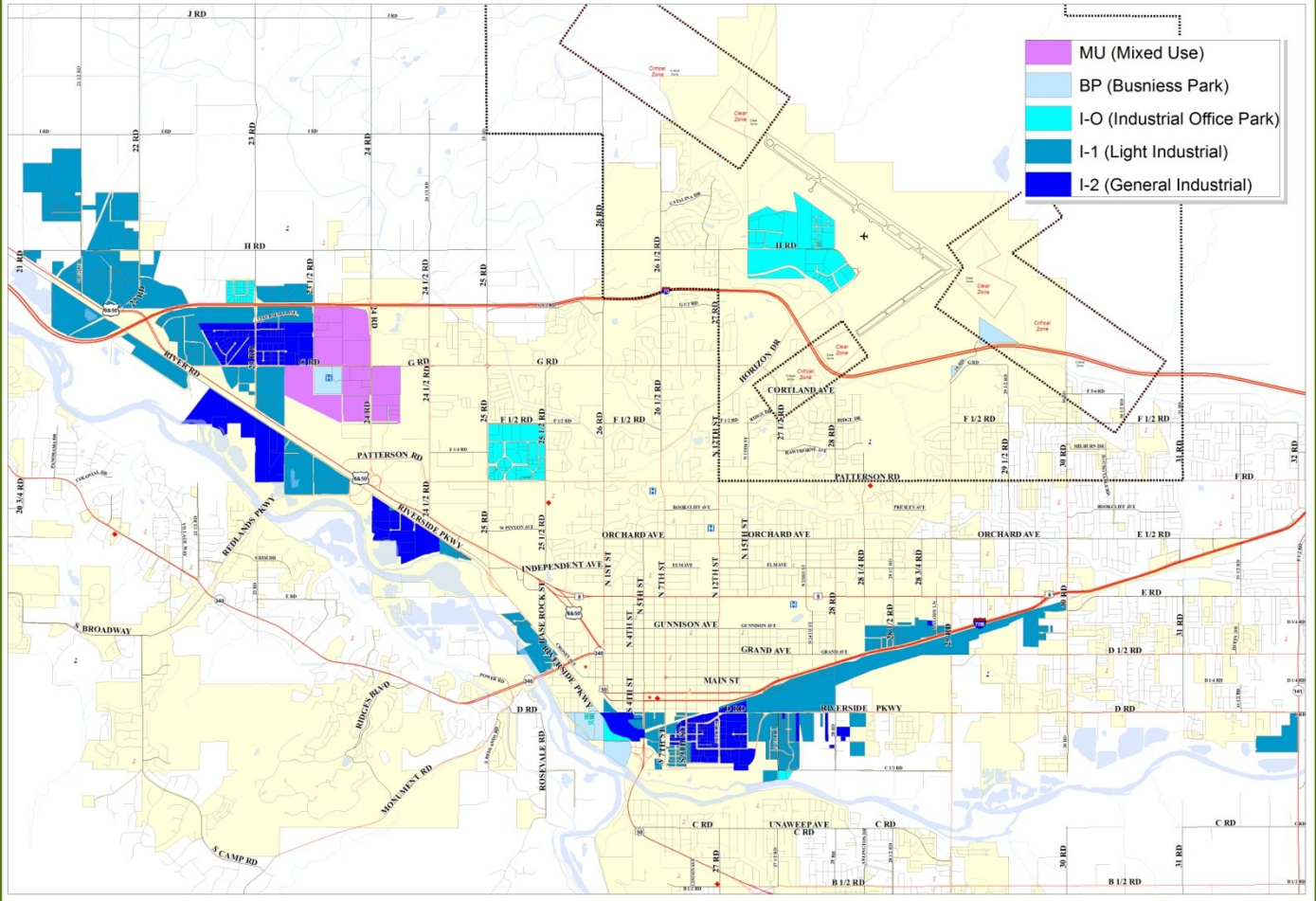
First reading held on February 5, 2014 by City Council.

Attachments:

Map showing MU, BP, I-O, I-1 and I-2 zone districts
Letter from Austin Civil Group, Inc.
Proposed Ordinance

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

- MU (Mixed Use)
- BP (Business Park)
- I-O (Industrial Office Park)
- I-1 (Light Industrial)
- I-2 (General Industrial)



A ■ C ■ G

Austin Civil Group, Inc.

Land Planning ■ Civil Engineering ■ Development Services

February 13, 2014

Ms. Lisa Cox
City of Grand Junction Planning
250 North 5th Street
Grand Junction, CO 81501

Re: ZCA-2013-548 Outdoor Storage and Display Code Updates

Dear Ms. Cox:

Austin Civil Group, Inc. (ACG) would like to thank you and the City of Grand Junction for considering changes to the current code for outdoor display and also incorporating provisions to help address lots with double and triple street "front yard" requirements. ACG's staff has worked in the Grand Valley for the past 15 years and has faced these problems on several projects.

Double and triple frontage lots, especially in the commercial and industrial zoning districts, have historically been problematic in meeting all of the code requirements because these lots do not have the traditional side and rear yard areas. This is especially true when you add in the 24 Road Corridor Standards. Allowing staff to work with the applicant through the development approval process to establish the "front yard" is a positive step to helping address this problem.

ACG also supports allowing outdoor display in the side yard areas for businesses. There needs to be flexibility in the code to allow commercial business owners the ability to display their products along the sides of their buildings, especially when current zoning criteria encourages new building construction closer to the street and outdoor display isn't allowed in the front of the building.

ACG fully supports this code amendment and we appreciate the City taking action to formally address this with a code revision.

Sincerely,



Mark Austin, P.E.
President

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 5th day of February, 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: February 6, 2014
 Author: Bret Guillory
 Title/ Phone Ext: Utility Engineer/
244-1590
 Proposed Schedule: Wednesday,
February 19, 2014
 2nd Reading
 (if applicable): N/A
 File # (if applicable): _____

Attach 11
CITY COUNCIL AGENDA ITEM

Subject: Change Order #1 to Construction Contract for the Water Tank Painting Project
Action Requested/Recommendation: Authorize the City Purchasing Division to Issue a Change Order to Spiegel Industrial, LLC of Steamboat Springs, CO for the Water Tank Painting Project in the Amount of \$336,967.46
Presenter(s) Name & Title: Bret Guillory, Utility Engineer Jay Valentine, Internal Service Manger

Executive Summary:

During the process of repainting the interior of the water storage tank, it was discovered that there was inadequate adhesion of the existing floor paint. This condition does not allow the floor to be recoated as previously planned. Additional preparation is needed to allow for a successful coating of the tank floors.

Background, Analysis and Options:

The City’s Water Treatment Plant has two 4 million gallon steel water tanks that provide storage for finished water. The storage of water is necessary in order to accommodate fluctuations in water demand, particularly during the warmer months. Water demand fluctuates throughout the day and week to week, but the water plant operates most effectively when kept at a consistent rate. The water tanks make it possible to deliver high volumes of water during peak water usage without compromising the consistency of the water quality.

The tanks are inspected annually to monitor their condition. Repainting is a necessary maintenance item to prevent corrosion of the steel. The interiors of the tanks were first repainted in 1981 and again in 1998. The outside of the tanks were first repainted in 1984 and again in 1998. The outside of the tanks are still in very good condition and do not need to be repainted at this time. The inside of the tanks need to be repainted more frequently because of the humid conditions that cause corrosion to develop more rapidly. The new paint on the tank interiors has an estimated life of 15-20 years.

A formal solicitation for bids was advertised and nine bids were received on October 24, 2013. Spiegel Industrial, LLC of Steamboat Springs, Colorado was the low bidder with a bid of \$512,705.96. Council approved this contract on November 6, 2013.

The plan for the new paint application was to utilize the existing paint as a primer if the existing paint was in good condition. This was expected to be an applicable practice for the walls and floor (basically all surfaces that are typically under water). After inspection of the tanks, it appeared that the existing paint on the floor and walls of the tanks was in relatively good condition. The plan was to brush blast, or roughen, the paint surface the recoat these areas. This is a common practice for recoating steel tanks. During the process of roughening the paint with abrasive blasting prior to application of new paint, it was discovered that the existing paint on the floor of the tank no longer adhered well to the base metal of the tank. This discovery allows no other option than to remove the paint completely, then recoat the floor of the tank with primer and epoxy paint.

The paint manufacturer's technical representative was asked to visit the project to provide an opinion on how best to deal with this condition. He observed the preparation technique and agreed that given the performance of the existing paint surface on the floor to the tank there is no other option than to totally remove the existing paint prior to applying the new coating.

There is a considerable increase in preparation time (labor) and materials (blasting media and paint) needed to remove the existing paint completely, and recoat the floor.

The alternative is to do nothing to the tank floor and continue to touch up spots as needed. This is not considered a viable option as the tank coating will start to degrade exponentially over time, and this process would likely be required in the next five years.

Total replacement cost of the two four million gallon tanks is estimated at \$4.8 million. Rigorous continued maintenance of these tanks proves to be a good investment in avoided replacement cost.

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

This project accomplishes necessary maintenance on a critical component of the City's water infrastructure. By continuing to provide a dependable and consistent supply of high quality potable water, the City's utilities contribute to sustaining, developing, and enhancing a healthy and diverse economy.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

Project Costs

Original Bid Amount	\$512,706
Change Order #1	\$336,968
Total project cost	\$849,674

Funding Sources

2014 Budget	\$300,000
2013 Budget	\$300,000
Reallocation of Budgeted funds	\$225,000
<u>From fund Balance</u>	<u>\$24,674</u>
Total Available Funds	\$849,674

The total budget for this project was spread out over two years with \$300,000 being budgeted in both 2013 and 2014. In 2013, \$122,722 of the work was completed and the remaining \$177,278, along with \$24,674 from the Water fund balance, will need to be re-appropriated in the supplemental budget process. To obtain the remaining amount necessary, \$225,000 will be reallocated from other budgeted water projects.

Legal issues:

A purchase agreement in a form and with content acceptable to the City Attorney will be used to make the purchase if it is authorized.

Other issues:

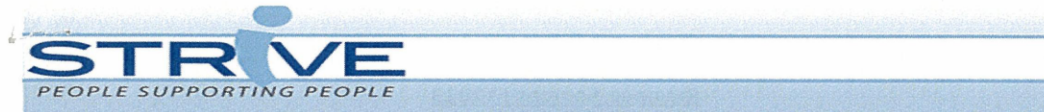
None.

Previously presented or discussed:

The original contract was approved on November 6, 2013. The change order has not been previously discussed.

Attachments:

None.



Infant & Toddler Early Intervention

Free home-based therapeutic intervention for children birth to three, identified as having a developmental delay or disability. Services include occupational therapy, speech language therapy, physical therapy, parent education and early childhood development services. Funding has been cut for the EI department as much as 13% from 2010 to 2013 an additional loss of \$54 thousand dollars. We served 201 children in the EI services in 2010 and now serve 233, a 16% increase (\$23K per year) or 32 children at an additional cost of (\$736,000). We also have an additional 17 children that are waiting for various intensive children's waiver services.

Family Support Services

Individualized assistance to families raising a child with a disability – financial aid, home modifications, respite, etc. The primary funding comes from the state, grants and United Way. Cuts to state funding to (FSS) from 2010 to 2013 have been 67% or \$113K. The number of families receiving supports from (FSS) decreased 33% from 124 families to 83 families, at an average cost of \$880 per year, leaving a short fall need of 41 families and \$36,080 dollars.

Residential

Staffed group homes, host homes, which are similar to foster care, and support services for adults with developmental disabilities. A whole array of services under this umbrella, from total 24-hour awake care to 6 or so hours of specific care and access to 24-hour supervision (life span care). Two primary funding sources Medicaid waiver and SSI which is 1/10 of 1% of the dollars. We currently support 141 individuals in these services and there are 186 adults on the waiting list in Mesa County for Comprehensive Services (\$51 thousand per year equals \$9.5 million) State and federal funding has been cut (Adult services) as much as 10% between 2009 and 2013. The total annual revenue loss is \$1.174 million.

Vocational

Job training, placement and job support services for adults with developmental disabilities employed competitively in local businesses; and training and employment through STRIVE supervised contract work groups – janitorial, lawn and grounds maintenance, wood shop, retail store Uniquely Yours, Botanical Gardens and Labor Solutions, which provides packaging, shredding, collating and bulk mailing services. The primary funding is in the form of Medicaid waiver for most services and the Department of Vocational Rehabilitation. Total number of people we support is 108 at an average cost of \$2100 per month, with a waiting list of over 63 people for all the different possibilities of employment with a short fall of \$132 thousand dollars.

Supported Living Services

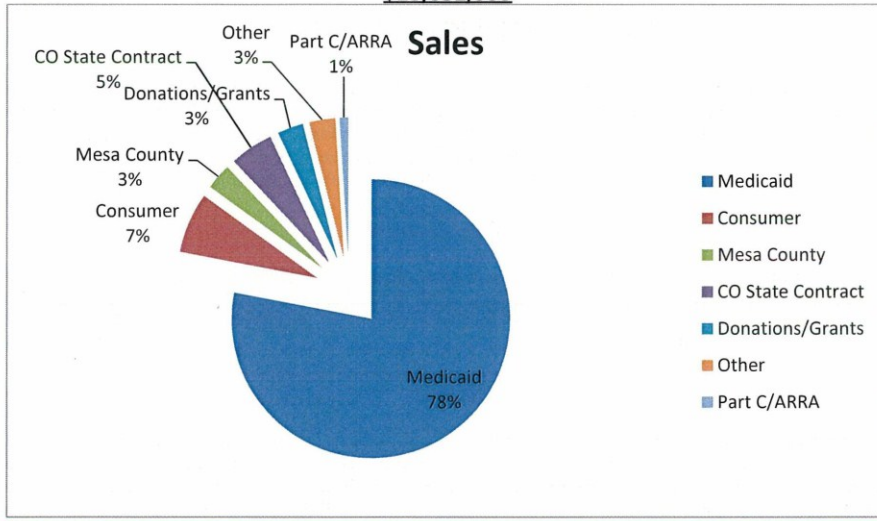
Customized services and supports which enable an adult with a developmental disability to live in his/her family home or own home. Many of these services purchased from other community service providers, for example bookkeeping services to assist people with bill paying, and money management. The primary funding source is Medicaid, where there was a 10% decrease in funds from 2009 to 2013. We currently support 89 people in our SLS department and there are 100 adults currently on the waiting list in Mesa County for Supported Living Services (\$8 thousand per year equals an \$800 thousand short fall need).

Audyssey

Specialized services and supports for children and adults with autism spectrum disorder. Two focuses: one being the evaluation and diagnosis of individuals, the other is services such as social concepts groups for elementary, middle and high school children, case management and educational support groups. There are 6 therapists/counselors; one board certified behavior analysis (only one in Grand Junction and surrounding area). Audyssey works closely with JFK Partners and the University of Colorado. Currently have supported 78 individuals, but the statistics show one in 88 children are born with autism. Very limited funding for Audyssey exists at this time, some insurances improvements, a few grants, donations and possible limited Medicaid funds in 2014. The cost to serve; studies show that it cost \$22,560 dollars a year for special education. Only 56% of students with autism finish high school and only 21% of all adults with disabilities participate in the labor force.

Revenue Sources FY2013

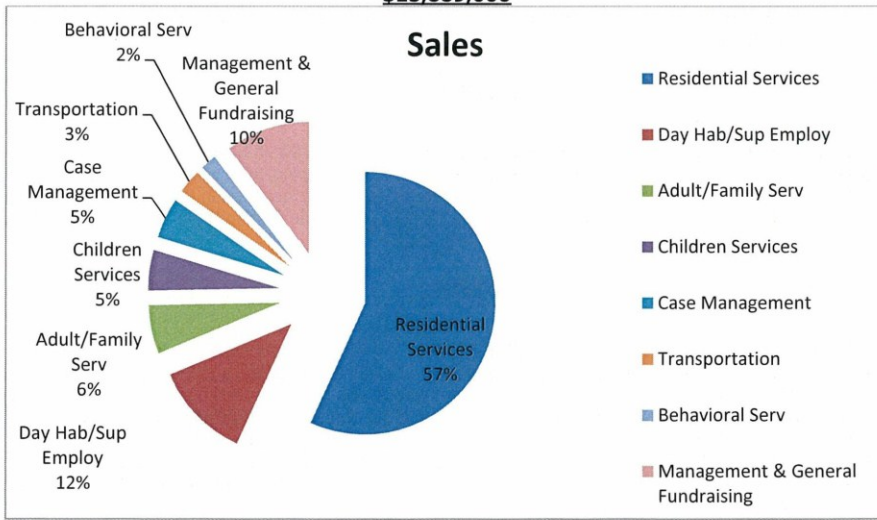
\$15,631,000



Revenue side 78% Medicaid – Consumer Benefits 7% - Mesa County 3% - CO State Contract 5% - Donations/Grants – 3% Service & Contract other 3% and Part C/ARRA 1%.

Expense Sources FY2013

\$15,889,000



Short Fall

\$258,000

Cost side Residential Services 57% - Day Hab /Supported employment 12% - Adult/Family Support Services 6% - Children’s Services 5% - Case Management 5% - Transportation 3% - Behavioral Services 2% - **Management & General/Fundraising 10.4%**

AN ARRAY OF STRIVE SERVICES & SUPPORTS

ANCILLARY SUPPORT SERVICES Sharon Jacksi – (970) 256-8608 – sjacksi@strivecolorado.org

Behavioral health, nursing, therapies and transportation.

AUDYSSEY Darla Green – (970) 244-5520 – dgreen@strivecolorado.org

Specialized services and supports for children and adults with autism spectrum disorder.

CASE MANAGEMENT John McDermott - (970) 256-8661 – jmcdermott@strivecolorado.org

Advocacy, quality assurance and service coordination for all people with developmental disabilities served in Mesa County, including those receiving services from the Grand Junction Regional Center and other approved service providers.

CHILDFIND Darla Green – (970) 244-5520 – dgreen@strivecolorado.org

Standardized screening to detect developmental delays and eligibility for services for children birth to age three. ChildFind testing for children over three is provided through the school district.

FAMILY SUPPORT SERVICES Sarah Sharp – (970) 256-8651 – sbonnell@strivecolorado.org

Individualized assistance to families raising a child with a disability – financial aid, home modifications, respite, etc.

INFANT & TODDLER EARLY INTERVENTION Sarah Sharp – (970) 256-8651 – sbonnell@strivecolorado.org

Free home-based therapeutic intervention for children birth to three, identified as having a developmental delay or disability. Services include occupational therapy, speech language therapy, physical therapy, parent education and early childhood development services.

RESIDENTIAL Sherry Price – (970) 256-8680 – sherry@strivecolorado.org

Staffed group homes, host homes, which are similar to foster care, and support services for adults with developmental disabilities.

RESPIRE Sarah Sharp – (970) 256-8651 – sbonnell@strivecolorado.org

Specially trained care providers for families raising children with a significant disability, emotional challenge or serious medical condition. This is a collaboration of six organizations serving children with special needs. STRIVE is the fiscal agent and program coordinator for the collaboration.

SUPPORTED LIVING SERVICES Sharon Chamberlain – (970) 256-8687 – schamberlain@strivecolorado.org

Customized services and supports which enable an adult with a developmental disability to live in his/her family home or own home. Many of these services purchased from other community service providers, for example bookkeeping services to assist people with bill paying, and money management.

THE PARENTING PLACE Sarah Johnson – (970) 254-8240 – sjohnson@strivecolorado.org

A community agency made up of local professionals who are dedicated to reducing the stress of parenting and promoting nurturing families through outreach, support and education.

THERAPEUTIC DAY SERVICES Crystal Cox – (970) 256-8634 – ccox@strivecolorado.org

Community living and activities of daily living skills training programs; therapeutic day programs for adults with significant disabilities; and sedentary day programming for seniors with disabilities.

TRUSTED CARE Sharon Chamberlain – (970) 256-8687 – schamberlain@strivecolorado.org

Homemaker and home-care services for people receiving STRIVE services and the public.

UNIQUELY YOURS Crystal Cox – (970) 256-8634 – ccox@strivecolorado.org

A retail store on Main Street, which also serves as an employment site for 25 people served through STRIVE.

VOCATIONAL Crystal Cox – (970) 256-8634 – ccox@strivecolorado.org

Job training, placement and job support services for adults with developmental disabilities employed competitively in local businesses; and training and employment through STRIVE supervised contract work groups – janitorial, lawn and grounds maintenance, wood shop, retail store Uniquely Yours, and Labor Solutions, which provides packaging, shredding, collating and bulk mailing services.

WESTERN COLORADO BOTANICAL GARDENS Crystal Cox – (970) 256-8634 – ccox@strivecolorado.org

Promoting responsible conservation of precious natural resources in Western Colorado by providing educational and recreational opportunities for visitors of all ages, while offering aesthetic setting for cultural and community events.

FISCAL YEAR 2013 WAS FILLED WITH CHANGES AND MOVING IN NEW DIRECTIONS



Christine Musich, Teresa Arellano, Laura Erickson and a Strive staff worker help out at the Parade of Lights

It has been a challenging year for most organizations providing human services and STRIVE was not immune from major changes in funding that required reorganization, seeking additional operational efficiencies and looking for mission related ways to decrease our dependency on Medicaid. STRIVE has weathered losses of over \$800,000 in public funds during the past two fiscal years.

- Introduced our rebranding in January, which continues to be well received by the public.
- Received the highest accreditation through Council of Quality and Leadership- Four Year Accreditation - one of approximately 300 organizations internationally to have achieved this level.
- Expanded Audyssey - programs for children and adults on the autism spectrum.
- Managed through \$500,000 lost revenue.
- Assumed operational management of The Parenting Place and assisted them in acquiring additional resources for their operation and reducing their operational overhead.
- Celebrated our first year of having a Foundation Board with nearly \$200K raised.



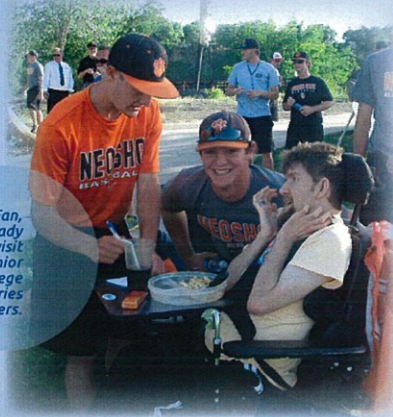
Pilot Randy Owens takes Hanna Wilkerson out on an amazing flying adventure!

- Acquired a home in Fruita to provide additional residential and day program services.
- Acquired a 9,200 sq. ft. building to accommodate four overcrowded day programs, address future growth needs.
- Held successful second-year event- picnic for JUCO players and people in services, and third-year event "Rollin' On The River" 5K Family Fun Run and Walk.
- Substantially improved nearly all aspects of the Botanical Gardens - repairing significant infrastructure, planting nearly 2,950 plants and trees in 18 months, returning the butterflies, and increasing admissions over 43% year over year.
- Partnership with Orchard Mesa Veterinary Clinic to bring Temple Grandin to Grand Junction for a speaking engagement at CMU with half of the proceeds going to Audyssey.



Occupational Therapist, Brenda Maw works with a child in Strive's Early Intervention program.

- Refinanced debt to reduce interest - total savings approximately \$130,000 over seven years.
- Reorganized Maintenance and Transportation departments and developed unique partnerships with local repair shops and Bray Property Management to provide necessary support at lower total cost.
- Completed first year of unique solar production agreement saving approximately \$20,000 - with increased savings each subsequent year...
- Completed year at approximately 10% administrative ratio- lowest of six other 501 c3 organizations in Mesa County.



Baseball Fan, Tyler Brady enjoys a visit from Junior College World Series players.

- Completed implementation of new and more user-friendly website
- Touched the lives of over 1000 children and adults in the last fiscal year, with hundreds still waiting for services and funding.

STRIVE'S GOALS

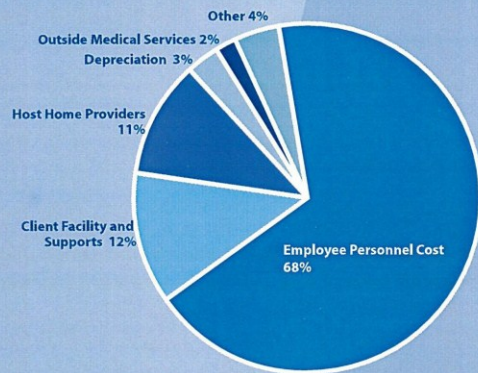
Expand services to generate more revenue from sources other than state and federal funding to insulate the agency from future government cuts and to fill gaps in service.

Meet identified target for satisfaction with quality and delivery of services.

Focus on meeting the identified and expressed needs and goals of people we support in pursuit of meeting our mission.

Become the employer of choice for Mesa County direct support professionals.

FY2013 FUNCTIONAL EXPENSE SUMMARY

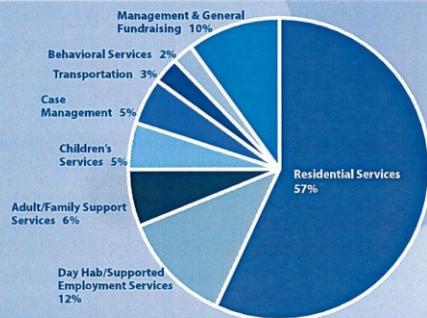


Volunteer Tom Mohar takes time to teach guitar to John Otten and Artie Valdez.

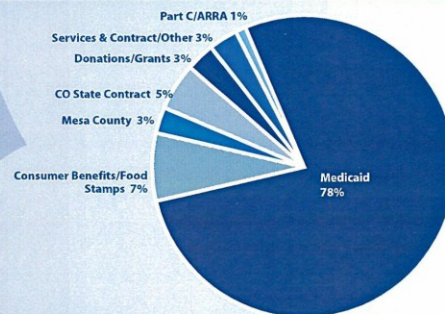
(year ending 6/30/13)

For the latest audited financial statements, additional information or to donate, please visit www.strivecolorado.org

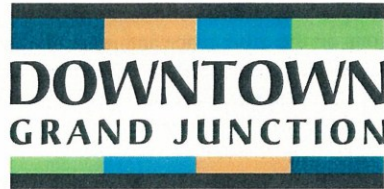
FY2013 OPERATING COSTS



FY2013 YTD REVENUE



Panhandle



Grand Junction City Council
250 N 5th Street
Grand Junction, CO 81501
February 19, 2014

RE: Proposed Panhandling Ordinance

Dear Mayor Susuras and Members of City Council,

At their meeting of February 6, 2014, the Grand Junction Downtown Development Authority Board of Directors discussed the proposed ordinance concerning aggressive panhandling. The Board supports the adoption of the ordinance before you tonight, and wishes to convey the following comments for Council's consideration.

The steady increase in recent years of aggressive panhandling has been a matter of growing concern to the DDA for some time. While panhandling occurs throughout the City, there is a particular concentration of the activity in the Downtown core as reported by residents and visitors alike, and heightened concern among downtown businesses and property owners for the increasing incidence of aggressive behavior that sometimes accompanies solicitations of help. This has tended to stigmatize the district, and thus, impedes the progress of economic development and Downtown revitalization. The fulfillment of the DDA's mission to strengthen the economic vitality of Downtown and to enhance its critical role as the center of our community is compromised and undermined by this persistent problem.

Downtown is a unique area of the community where the impact of aggressive panhandling is especially pronounced. Unlike privately-owned places such as Mesa Mall or a strip shopping center, which operate under the legal authority as property owners and often employ private security services, Downtown comprises many private properties fronting on an extensive public realm where all members of our community converge, and we depend upon public law enforcement for security. Downtown is also the preeminent pedestrian-oriented district in the City, which by its very nature amplifies the one-on-one interaction of people on the streets and sidewalks, and the number of direct confrontations possible with aggressive behavior as a factor. While much panhandling activity is passive and non-threatening, there remains a significant level of aggressive panhandling that warrants reasonable legal constraint and effective law enforcement tools.

Grand Junction Downtown Development Authority
248 South 4th Street, Grand Junction, CO, 81501
Phone (970) 245-9697 Fax (970) 243-1865

The protection afforded by a well-crafted ordinance is not a one-sided benefit simply for those being solicited. Restrictions on the time, place and manner of solicitation affords additional safety to those who are seeking others' help. Even perceived aggressive behavior can all too quickly provoke the escalation to an outsized response. Thus, all involved will be better served by a bulwark against this possibility.

We appreciate the sensitivity and the complexity of this issue which demands a thoughtful approach and appropriate tools for its management. The DDA Board feels the proposed ordinance offers a reasonable basis for the regulation and management of this real problem while respecting the integrity of individuals and the constitutional guarantees they enjoy.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry M. Weiss".

Harry M. Weiss
Executive Director

God's Simple Plan of Salvation

- 1 **Realize your condition as a sinner.**
For all have sinned, and come short of the glory of God. Romans 3:23
- 2 **Realize your penalty for sin is death.**
For the wages of sin is death; but the gift of God is eternal life through Jesus Christ our Lord. Romans 6:23
- 3 **Realize you can do nothing to work off your sin debt.**
Not by works of righteousness which we have done, but according to his mercy he saved us, by the washing of regeneration and renewing of the Holy Ghost. Titus 3:5
- 4 **Realize that Christ died for you to pay your sin debt.**
For he hath made him to be sin for us, who knew no sin, that we might be made the righteousness of God in him. 2 Corinthians 5:21
- 5 **Believe that Christ died, was buried, and rose from the dead.**
That if thou shalt confess with thy mouth the Lord Jesus, and shalt believe in thine heart that God hath raised him from the dead, thou shalt be saved. Romans 10:9
- 6 **Realize that salvation is a free gift, apart from any works that you do.**
For by grace are ye saved through faith, and that not of yourselves: It is the gift of God, not of works, lest any man should boast. Ephesians 2:8-9
- 7 **Realize the moment you trust Christ, you have salvation, and it can never be lost.**
And I give unto them eternal life; and they shall never perish, neither shall any man pluck them out of my hand. John 10:28

Call the number below for free resources, or to share with us your new found acceptance of God's simple plan.

reformersrecovery.com
ADDITION CRISIS HELPLINE
(866) REFORMU
(866) 733-6768

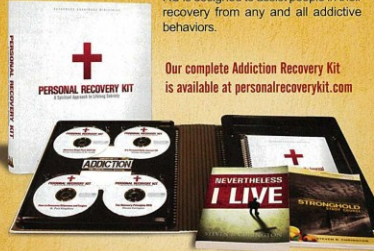
Ministry Founder Steve Curington
October 1, 1965 – October 30, 2010



Steve Curington founded Reformers Unanimous International, one of the fastest growing faith-based addictions programs in America.

Reformers Unanimous is a Christ-centered recovery program with a complete line of curriculum and weekly support that meets in chapters globally. RU is designed to assist people in their recovery from any and all addictive behaviors.

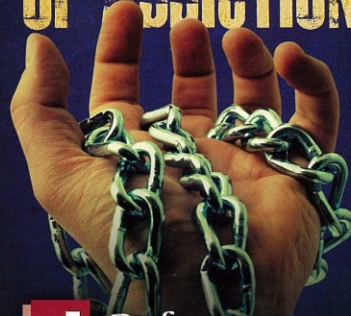
Our complete Addiction Recovery Kit is available at personalrecoverykit.com



Reformers Unanimous
1600 Ute Avenue 81501
Friday, 7:00-9:30 p.m.
970.257.1047
www.lbcgj.com

(or visit reformu.com to find a chapter near you.)

BREAK THE CHAINS OF ADDICTION



**Reformers
Unanimous**
Addictions Program

RU tired? If so, try RU and our multiple systems of support. They include...

Stories of Victory: RU tired of hearing the "war stories" of people who have no real freedom in their life? **If so, try RU!** Every week, our students share how God has changed their lives through real-life, relevant stories. This weekly 40 minutes of encouraging testimonies will get your weekend started off just right.

Great Teaching: RU tired of talking about problems and doing nothing about them? **If so, try RU!** Every RU class ends with a 30-minute teaching lesson that will explain valuable principles from the Bible that are integral to your recovery process.

Complete Curriculum: RU tired of being told what's right and not being given the tools to determine what is right? **If so, try RU!** We have one of the best comprehensive discipleship curriculums in America. It is one of the best selling, too! Thousands of people have used our curriculum to learn the Truth about addictions and Christian apathy. For more information see the back cover for our personal recovery curriculum.

Motivational Awards: RU tired of trying to find the stamina to do the right thing in the face of mounting adversity? **If so, try RU!** We will not only encourage you and help you to do the right thing, but we will also motivate you to do so. Though an award system is just a small way of doing this, it is evidence of a program that believes in acknowledging accomplishment and rewarding participation.

Free Personal Counseling: RU tired of having to get advice from people who know little about your struggles, or RU tired of having to pay hourly fees to hear yourself talk? **If so, try RU!** We offer free group and individual spiritual counseling on a wide variety of topics from addiction, to marriage, to finances, to family, and many other areas. You will have a leader, a helper, a director, and even the pastor. The pastor of this hosting church could make himself available to support your many needs in life.

Well-trained Local Leadership Staff: RU tired of attending programs where the leaders and volunteer workers have the same problems as you? **If so, try RU!** Our leaders have been set free from the power of sin and can speak openly about it. They do not seek anonymity. They proclaim earnestly that Jesus is the reason for their freedom, and they have been well trained to use our program and its tools to get that salvation message to you and to those whom you love.

Exciting Children's Program: RU tired of trying to find someone to help you with your child's issues while you are still trying to deal with your many issues in life? **If so, try RU!** We will not only care for your children while you attend our class, but we will entertain, teach, and develop your children to help them avoid the same pitfalls that ensnared many of us. They will enjoy games, prizes, snacks, play time, awards, great teaching, and many other things. Our "Kidz Clubs" are the weekly highlight of most every child that attends.

Residential Treatment Centers: RU tired of trying to find residential treatment that is effective and affordable? **If so, try RU!** We operate a beautiful 100-bed facility for men and a gorgeous 40-bed facility for women at our headquarters in Rockford, Illinois. We are also aware of many RU type transitional homes that may be available for your use. To learn more, visit ruhomes.org.

Local Church Support: Steven Curington believed, as does the pastor whose church hosts our meetings, that the local church is God's support group. It is designed by God to meet the spiritual needs of all people. When the spiritual needs of people are met, then other needs fall in line and become easier to manage. We as a program, strongly encourage you to visit the church that hosts this meeting for addicted people. Something must be different about this church if they are so willing to have this program for you. Why aren't others?

Additional forms of support include clean, well-staffed nurseries, free transportation, multiple meeting times, weekly fellowship opportunities, and much more!

reformersrecovery.com
ADDICTION CRISIS HELPLINE
(866) REFORMU
(866) 733-6768

Ministry Founder Steve Curington

October 1, 1965 – October 30, 2010



Before Christ

Most people would say that Steve Curington had the perfect upbringing. His Christian family attended church nearly every Sunday and put him through Christian School. However, within two years after graduation, he was addicted to cocaine and alcohol. Addiction stripped him of all self-esteem and a prosperous career, and crippled him with debt.

However, at the age of 28, he nearly died in a drunken driving accident. With a punctured lung quickly drowning him in his own blood, he cried out to God, "I don't want to die!" A life-saving call from an unknown lady to 911 rescued him from death. Later, he would find the reasons for God's divine intervention that night.

Upon his release from the hospital, he started attending a good church. That is when God began to change his life. The lessons he learned became the foundation for Reformers Unanimous.

If these lessons are followed, it will bring you great blessings from God. For Steve, those blessings included a beautiful wife, five precious children, a debt-free lifestyle, a career that led him to an executive position in the petroleum industry, and then he became the founder of the fastest growing, faith-based, addiction program in America. God did all of this. The best he could do for himself was a life crippled in addiction, debt, and misery.



After Christ

Oh, and by the way, the lady who saved his life ended up to be the mother of the woman that he later met in church and married! Wow, God is greater than all sin!

Hear the "Steven Curington Story" as produced by the radio show "Unshackled" or view testimonies of real students at: reformu.com