

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

February 19, 2014

The City Council of the City of Grand Junction convened into regular session on the 19th day of February, 2014 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, and Council President Sam Susuras. Also present were Deputy City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Boy Scout Troop #357 led the Pledge of Allegiance, followed by an invocation by Minister Jerry Gonzales, Living Stone Christian Center.

Proclamation

Proclaiming February 2014 as “African American History Month” in the City of Grand Junction

Councilmember Boeschstein read the proclamation. He called a number of representatives from the Handy Chapel to the podium. Barbara Anderson introduced her husband Bernie, grandsons Angelo Adams and Michael Matherne, plus Danielle Butler and Janelle Butler. Barbara Anderson thanked the City Council and provided some inspirational readings and a history of the restoration of the Chapel. She recognized the Bacon Foundation and the El Pomar Foundation that provided matching funds from the community. Additional funds were needed and that effort was spearheaded by former State Senator Tilman (Tillie) Bishop. She personally expressed her appreciation to him. Ms. Anderson provided a history of the church including the involvement of Josephine Dickey and family as well as the late Councilmember Harry Butler and his family. She then introduced former Senator Tillie Bishop. Mr. Bishop spoke on behalf of the partnership that helped with the restoration of the Chapel and church house. He recognized Herb and Laura May Bacon, the late Kathy Jordan, the late Councilmember Harry Butler, Josephine Dickey, the Daily Sentinel, Architect Ed Chamberlin, and Contractor Ed Forsman of FCI Constructors. The church was built in 1893 for the black community but has been shared with the whole community. Herb Bacon said it was pleasure and a privilege to be a part of this project. Bernie Anderson agreed it was a privilege and thanked the Council, as well as Herb and Tillie for all the work they put into the project. He appreciated the outpouring of support from the community to help restore the church. Danielle Butler said her husband, the late Councilmember Harry Butler, was a pastor at that church and loved it very much.

Proclaiming March 2014 as “Developmental Disabilities Awareness Month” in the City of Grand Junction

Councilmember Traylor Smith read the proclamation. Doug Sorter, Director of Development for Strive, introduced Jessie Quintana, a member of Strive as well as a board member. Ms. Quintana related that she and her husband have been married for thirteen years and how Strive has helped them. Mr. Sorter then related some Strive demographics, giving numbers on how many members are working in the community, how many are married, and how many have their own homes. There are several hundred Strive members in the community but in most cases it would be hard to single them out. Mr. Sorter thanked the City Council.

Council Comments

Councilmember Doody said about two weeks ago the Council met with the County and other municipalities for dinner and it was a good opportunity to share issues and successes. He spoke about DeBeque’s ballot issue on gambling.

Councilmember Boeschstein said he went to the Saving Places Conference in Denver from February 4th through the 9th and the Handy Chapel was recognized there. On February 12th he attended the BLM Oil and Gas briefing with the Chamber of Commerce. On February 17th he attended the Latino Chamber of Commerce meeting. He attended a water course at Colorado Mesa University (CMU), and just that day attended the Business Incubator meeting.

Councilmember Chazen said he went to the Downtown Development Authority (DDA) and Downtown Grand Junction Business Improvement District (DGJBID) meeting on February 6th. The board approved an additional \$5,000 donation for the Las Colonias GOCO grant and discussed the remediation of White Hall. There was also discussion on downtown business development and the Board will be getting a plan from the Director. On February 13th there were several meetings on Matchett Park’s Master Plan. The release of mineral lease payments is included in a Senate bill that has been passed and is headed for the House for approval by the Governor.

Councilmember Traylor Smith noted that she is the Chair of the Strive Foundation Board. She also mentioned the Housing Authority is having their annual meeting.

Councilmember McArthur went to the open house of the new County Workforce Center. He congratulated the County on the building. On February 3rd he was ushered out of City Hall by the Grand Junction Fire Department EMT’s for an event that was more painful than serious. He expressed his appreciation for all the outpouring of concern from the community.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Doody read the Consent Calendar items #1-5 and then moved to adopt the Consent Calendar. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

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

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

3. Purchase Hot Mix Asphalt for Streets Division for 2014

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

4. Construction Contract for the 2014 Kannah Creek Raw Water Flow Line Replacement Project

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

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

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—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.

The public hearing was opened at 7:40 p.m.

John Camper, Police Chief, presented this item. He explained that panhandling is nothing new and is not unlawful or unconstitutional but the more aggressive or unsafe forms can be an issue. In 2013, there were 377 panhandling complaints within the City. The ordinance being presented will provide a tool for the Police Department to address the more aggressive panhandling activities. This ordinance is not to ban panhandling, it will just set reasonable restrictions. He noted the groups that support the ordinance.

Councilmember Boeschstein asked if the ordinance will prohibit Girl Scouts from selling cookies. Police Chief Camper said it will not; most of those activities are on private property and typically those groups are not aggressive. Councilmember Boeschstein thanked the Police Chief for the Homeless Outreach Team (HOT Team), the bike patrol, and the other organizations that provide services to the homeless.

Police Chief Camper said the Police Department knows the HOT Team must address the issue from multiple angles, not just the law enforcement side.

Councilmember McArthur noted that Council deliberated every aspect of the proposed ordinance and the issue, and he expressed his appreciation to Police Chief Camper and Staff.

Councilmember Traylor Smith said she feels that a good balance has been found with this ordinance.

Councilmember Doody noted all the support the City and the Council have provided to help the homeless issue. He asked if a monetary figure could be placed on that help. Police Chief Camper said that including all the calls for service and grant contributions, it was about \$2.2 million.

Councilmember Norris asked how the ordinance will be communicated. Chief Camper said in 2009 the ordinance for panhandling in the medians was passed and only six tickets have been written. It is a tool. This ordinance will be used in much the same way. Councilmember Norris asked if calls increased when the HOT Team was not in operation. Police Chief Camper said he can't make that link but what was lost was being able to get some folks out of the system permanently. Now all programs are in operation. Councilmember Norris thanked the Chief for the bicycle team. Chief Camper said they will have the bike patrol in operation again this summer.

Councilmember Chazen thanked the City Attorney and the Police Chief for the work on the ordinance and for the involvement of the HOT Team. He also thanked Councilmembers Boeschstein and McArthur and City Staff for their work. He said he heard some concern that the Salvation Army bell ringers will be affected. Chief Camper said the ordinance does not apply to private property nor are the bell ringers aggressive. He said the officers will use discretion. Councilmember Chazen asked about the method or procedure for the public meeting and asked for confirmation that all were noticed and made public and there has been a lot of media involvement. Chief Camper listed all the research that was conducted and noted there were a lot of internal meetings.

City Attorney Shaver added that all meetings were noticed as required by the Open Meetings Law.

Eric Neiderkruger, 629 Ouray Avenue, said the American Civil Liberties Union (ACLU) totally lambasted the proposed ordinance. He was disturbed by the process. He said the ACLU will entertain a lawsuit. He said the problem is the City's own doing by relying only on Police instead of having other involvement in the ten year plan to end the homeless problem. He voiced opposition to the proposed ordinance and said homelessness and panhandling can't be legislated. He related his history with this issue. He said asking for help is protected free speech. He objected to the location prohibition.

Quentin Collins, 2240 Lands End Road, Clifton, said he doesn't trust the Police after the incident of slashed tents in the homeless camps. He felt citizens should take responsibility, and he related his experience about being approached. He noted that minstrels have been in existence for centuries.

Rocky Bailey, 2852 North Avenue, thanked Grand Valley Catholic Outreach and Homeward Bound. He said he flies a sign, he is not aggressive, and he appreciates the help from the community. He thought the hours prohibition was reasonable. He was born and raised in Grand Junction, has had a long history here, and has fallen on some hard times. He appreciates the City and the citizens.

Mike Wallace, homeless since 2007, said it pays to strategically panhandle and it is very hard and humbling. He is a minister and advocate among the homeless. He said people have the right to ask and the right to give. He cited Bible verses about giving. He believes God sees everything and said many of the men who panhandle have served this country. He mentioned a homeless woman named Diana and how she changed his life in a positive way. He opposed the ordinance because it might cause more aggressiveness.

Harry Weiss, Downtown Development Authority Executive Director, read a letter into the record from the Board of Directors supporting the ordinance (attached).

Caleb Ferganchick, 412 E. Mayfield Drive, said he is the editor for the CMU student newspaper. There are three stories of value for the consideration of this ordinance. He related a story about a homeless man named Casper who treated him like a grandson. Then a story about a teenager who came out as gay and was cast out by his family. Lastly, he recalled a time when a group of homeless men saved him from oncoming traffic. He said these are people just trying to get by. He asked Council to take into account that they have the responsibility to make sure all in the community are taken care of, and not just the ones with stable employment.

Milton "Tony" Long, 237 White Avenue, Apt. B, referred to a brochure called "Breaking the Chains of Addiction and Supporting Love." He suggested panhandlers make money by selling something.

Julie Mamo, 662 Bud Long Street, with Grand Valley Peace and Justice, said she was contacted by Police Chief Camper to review the proposed ordinance. She read the ordinance and then went to the committee meeting and found Councilmembers who were very concerned and engaged and asked a lot of questions. Council wanted to make sure people were protected on all sides. She felt the ordinance has logic. She agreed with the time, place, and manner restrictions. It is not a punishment, it is about protection. However, there are some confusing terms in the ordinance and it is open to interpretation. She asked that the Council review the ordinance in a year to see what the affect has been and if it is working.

Molly Woodward, Acting Chair for the Grand Valley Coalition for the Homeless, said during the time of the writing, from the beginning all the way to the completion of the ordinance, there were countless meetings with City Councilmembers, noting especially Councilmembers Teresa Coons, Bennett Boeschenstein, and Jim Doody; many times City Attorney John Shaver was there. She also noted the HOT Team brought their compassion and expertise to those meetings.

Shane Allerhelligen, downtown business owner representing other business owners, thanked the HOT Team, the Councilmembers, and especially City Attorney Shaver, for their efforts. He thought the issue has been understated and said everyone he talked to had a story about aggressive panhandling. He appreciated the comments about citizens taking action themselves. He is very supportive of the ordinance.

Richard Schultz, 260 ½ Martello Drive, said he was concerned regarding whether the City will be considered an open community or an exclusive community. He asked if the ordinance is really necessary. He felt the existing laws cover the aggressive behavior. He questioned how the proposed ordinance will be enforced. He did not feel it was addressing the underlying issue. It labels certain groups who, through no fault of their own, are in this situation.

Kenneth Albertson, homeless and disabled, said he has been homeless most of his life due to mental illness. He has recently been able to get some disability payments. He was evicted from his home, and is not allowed in the homeless shelters due to his illness. He has flown a sign recently. He thinks the existing laws can address the problems. He feels the proposed ordinance singles out the most vulnerable. A gift from one person to another should not be regulated.

There were no other public comments.

Councilmember McArthur said there is a misconception that the ordinance bans panhandling; it only restricts aggressive panhandling. People have a right to say no, people have a right to go to an ATM, or eat in a sidewalk restaurant without being approached. He expressed empathy toward those that need to panhandle. This will not lead to a lot of arrests, it will help the police protect everyone's rights.

Councilmember Traylor Smith asked about the existing ordinance, and does it have the same provisions. City Attorney Shaver said it is not the same. The body of law from the State addresses assault, but as to the specific activity of panhandling there is nothing replicated in the law. There is "at risk" language in the law and that is what this ordinance is modeled after.

Councilmember Chazen said this ordinance places reasonable restrictions on time, place, and manner of panhandling and is not an anti-homeless ordinance. The City has been working with providers to help people get back on their feet. He recognized all the providers and the HOT Team as well as other City Departments that are trying to connect homeless with the service providers. The City has reached out to several organizations that provide services. The ordinance strikes a proper balance and places reasonable restrictions. He encouraged the public to read the ordinance and decide for themselves.

Councilmember Norris thanked everyone who spoke. She is concerned about the safety of all citizens. The ordinance addresses the issues of behavior and will protect both the homeless and those that are not homeless. She will support the ordinance.

Councilmember Doody thanked everyone for their comments. He reiterated that since 2005 the City has put about \$2.2 million toward helping the homeless. He recognized the programs Sister Karen with Catholic Outreach has put together. He appreciates the HOT Team and Staff. He disagreed that this is a Police solution as stated by a speaker. He agreed that giving the ACLU the heads up was the right thing to do. He asked about the time restriction affecting panhandlers who work swing shift. City Attorney Shaver said panhandling at night can be more of a safety issue than it is during the day, but, if the Council desires, that provision can be stricken. There is a component of apprehension of fear for the panhandling activity to happen in darkness. Councilmember Doody supported the ordinance.

Councilmember Boeschstein said the community is compassionate as demonstrated by all the projects that have been done and those coming forward. Ft. Lyons on the front range is being used as a homeless center and the Regional Center here has been considered for the same. He said it is a balanced and compassionate ordinance.

Council President Susuras thanked those that spoke. He noted the work done on the ordinance and concern for the protection of citizens' health, safety, and welfare. He believed the ordinance protects the rights of both panhandlers and the citizens.

City Attorney Shaver read into the record a correction of a typographical error from 9.05.030. The correction would read that the ordinance would be applicable within the City's jurisdiction.

The public hearing was closed at 8:53 p.m.

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

Councilmember Chazen moved to adopt Ordinance No. 4618 with an amendment to the jurisdictional wording as presented by the City Attorney and ordered it published in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Council President Susuras called for a recess at 8:55 p.m.

The City Council was back in session at 9:03 p.m.

Public Hearing—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.

The public hearing was opened at 9:05 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The application is for a rezone to B-2 for St. Martin's Place Phase 2. He described the previous occupancy of the lots and the proposed new density which will allow more units. The applicant held a neighborhood meeting. The concerns raised were the lack of parking, the influx of more homeless individuals and that the plans do not meet the long term plans of the downtown area. The parking will be addressed at the site plan review. Mr. Peterson stated the findings of the Planning Commission in recommending approval of the rezone. It also meets the goals of the Comprehensive Plan. He noted there is an inadequate supply of property for high density residential housing. The proposed site is located near services that meet the need of the proposed residents of the complex. The rezone criteria has been met. He noted the applicant would also like to make a presentation.

Ed Chamberlin, Chamberlin Architects, described the proposal and noted the project will provide housing to the chronically homeless with preference given to veterans. There are facilities nearby that will offer support services to the residents. The project has three buildings with eight units each for a total of 24 units. There will be landscaping and open space. The design will be similar to St Martin's Phase 1. He also referred to the St. Benedict's complex which also serves the chronically homeless. He said they will not have a problem meeting the parking requirements, although most residents will not have cars.

Councilmember Boeschstein asked what the ratio of cars to residents is in the existing facilities. Sister Karen said at St. Benedict's Place, there are twenty-three apartments and seven cars; at St Martin's Place, there are sixteen apartments and seven cars.

Councilmember McArthur asked what the parking requirement is. Mr. Chamberlin said looking at Phase 1, there are 1.25 parking spaces required per unit. There are 61 on-street parking spaces within 500 feet and a parking study showed that only 14 spaces were occupied at any given time.

Councilmember Norris said she is concerned due to some businesses raising questions about parking near Phase I. Mr. Chamberlin pointed out the spaces on site as well as the number of on-street parking spaces.

Councilmember McArthur asked if more spaces could be provided along Pitkin Avenue. Mr. Peterson said that is in the right-of-way and the road is in Colorado Department of Transportation's (CDOT's) jurisdiction. There is a provision for an alternate parking plan submittal, since most residents don't have cars. A study can be submitted for similar complexes and the Planning Director can take that into consideration and determine the appropriate number, which is what happened with Phase 1.

Councilmember Doody asked for the projected cost and percentage of local labor to be used. Sister Karen said the projected cost is \$2.6 million. Shaw Construction will be doing the construction with the same team that did the other two projects. Shaw Construction has been aggressive about getting donations from subcontractors.

Councilmember Chazen said both facilities look nice and are well maintained. He complimented the management of these projects. Mr. Chamberlin said Phase 2, single apartments, are designed for one person, about 500 square feet. Councilmember Chazen asked about cooking facilities. Mr. Chamberlin said there are small kitchens, a small living area, a small dining area, one bedroom, and a bathroom. Councilmember Chazen asked if these are facilities for people who are phasing back into society. Sister Karen said they are both transitional and not. The object is to help individuals self-

sustain. Councilmember Chazen asked if the units can be sold. Sister Karen said the facility is designed for this purpose. Councilmember Chazen said he would encourage the Planning Department to ensure adequate parking.

Councilmember Traylor Smith agreed with Councilmember Chazen's concern about lack of parking. There should be a long term and happy solution for the whole neighborhood.

Councilmember Chazen asked about the parking across the street to the south. Mr. Chamberlin said it is owned by Central Distributing.

Stephanie Harville, 186 Edlun Road, Director of the Catholic Outreach Program, provided an overview of the existing St. Martin's complex. It provides support for the chronically homeless, and residents pay 30% of their income into this program. All residents served their country in Vietnam and have some sort of disability. Many residents have jobs and volunteer. The residents are assisted in a variety of ways such as case management for the goal of self sufficiency and weekly visits to ensure maintenance and cleanliness of the home. The site manager lives at St. Martin's Place as well, is asked to be mindful of behavior in residents and maintains the grounds. St. Martin's is a community effort towards ending homelessness. Potential residents are vetted by the Veterans Administration (VA), Grand Junction Housing Authority, and Grand Valley Catholic Outreach through an application process that involves a background check, panel interview, and approval. The VA also provides a case manager. Grand Valley Catholic Outreach partners with other service providers to help the veterans in this program.

Beverly Lamplight, 426 E. Mayfield Drive, Director of Development and Communication for Grand Valley Catholic Outreach and former Director of Housing, described their clientele and the first step, which is to put them into housing. This program is vetted for people that the Outreach program thinks will succeed and thrive. This is the lead agency for dealing with single, chronically homeless. These are good people who deserve a chance. These residents can be a part of the community, and it is a restoration of dignity for those who are struggling.

Council President Susuras asked if the veteran population in this program includes female veterans as well. Ms. Lamplight said it does include females.

Jody Brynner, 2660 G 3/8 Road, board member of Grand Valley Catholic Outreach, provided the positive statistics of the Catholic Outreach programs. The State is using the Grand Valley Catholic Outreach residential programs as the State model.

Greg Kampf, 2207 E. Morrison Court, board member of Grand Valley Catholic Outreach, thanked the City for their support. He spoke to the economic impact of the project by pointing out the benefits the community will reap by hiring local contractors, vendors, and maintenance workers. There has also been a positive impact on the neighbors with the value of their property. He talked about the spending with the three projects. Only \$500,000 of public funding has gone into this project, the rest has been through private donations. There is a contract in place with the State to keep this project for the chronically homeless population for the next thirty years.

Tish Starbuck, 852 Haven Crest Court, board member of Grand Valley Catholic Outreach, talked about the benefits of the housing provided by Catholic Outreach. There were five blighted properties and this will add to the beautification of this corridor. There has been reduction in transient traffic. Additional benefits are evidenced based on other successful models to house the homeless and surround them with support for self sustainment. She is the Vice President of Mind Springs Health, working collaboratively with the Catholic Outreach program to serve many of their clients. Many people have been diagnosed with depression, anxiety, and post traumatic stress disorder, and these programs and services have helped to benefit those in these conditions. It is hard for one to comply with treatment when not housed.

Patricia Boone, who works for the Grand Valley Outreach at The Day Center, said there were homes previously across the street from St. Martin's that were used for drug trafficking before these housing units were built. It is a great relief to the Day Center that this problem is gone. She recalled a guest who was a former drug addict who said he had to walk out of his way to avoid going by the drug trafficking houses. This housing project gives hope of betterment to those who are ready to make a change.

Mark Lancaster, 415 S. Third Street, Apartment 105, the Site Manager for St. Martin's, is also the Facilities Manager for Grand Valley Catholic Outreach. He invited Council to come out and see a unit; he is quite proud of these projects. He heard in the invocation, reference to a great City of Grand Junction and he agrees. He has heard Councilmembers talk of the importance of public safety, and through researching past activity he gave the negative statistics of 29 police calls before the rental properties were bought for the purpose of this housing project. Since the demolition of those properties there have been no calls to the police. Since the establishment of St. Martin's 1, there have been no police calls. Sister Karen encouraged him to talk to Mr. Wallace about the parking issue, as there is not a great deal of parking available on Third Street. Of those five spaces, it was surveyed that only four of the occupied spaces during high traffic times were taken solely by residents. There were more spaces at St. Martin's and there are three parking spaces on site. There are an additional sixteen parking spaces and they were never occupied during the time of the survey.

Roger Holmes, 415 S. Third Street, Apt. 204, who rents an apartment at St. Martin's, said he is a vietnam veteran who ended up homeless six to eight years ago. This housing has been a Godsend to him and has allowed him to enjoy life. There are 150,000 homeless veterans in the United States and there will be a lot more with the mid-east wars winding down. He believes the community should provide some place for the homeless veterans to live; people's lives are more important than a parking space.

Clarence Lipinski, 415 S. Third Street, Apt. 103, makes \$1,054 per month and after rent this gives him \$600 per month to spend, which allows him to be a patron of downtown businesses. Sister Karen doesn't allow drugs or alcohol on her places; she sets guidelines that are followed.

Jesse Gifford, 415 S. Third Street, Apt. 107, lives at St. Martin's, said he has never been rich and has worked most of his life; he has never lived better than at this housing. He appreciates and is thankful for the compassion in the community.

Sister Karen Bland, Director of Grand Valley Catholic Outreach, 541 ½ 23 Road, said the request tonight is rezoning, but the real issue is housing for the homeless. It is morally imperative that something be done because it is right, regardless of how hard it is. The help of Council and the community is needed to bring this to fruition. She told a story from the tales of the Magic Monastery; the moral of the story was the question, "what do they really need?" Is it charity or justice to meet the basic needs of others? One is dependent on the other.

Councilmember McArthur asked Sister Karen about the backlog of applicants for residency there. Sister Karen said there were 360 counted at a point in time; 164 of them were literally homeless and thirty were veterans. The preference for St. Martin's is for veterans, but if there are not enough veterans, it will be filled with others who have mental illnesses and are homeless.

There were no other public comments.

The public hearing was closed at 10:05 p.m.

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

Councilmember Doody moved to adopt Ordinance No. 4620 and ordered it published in pamphlet form. Councilmember Boeschenstein seconded the motion.

Councilmember McArthur referred to a letter from Mr. Wallace regarding his suggestion of, in the future, widening South Avenue, and changing Ute, Pitkin, and South Avenues. He expressed appreciation for Grand Valley Catholic Outreach.

Motion carried by roll call vote.

Public Hearing—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.

The public hearing was opened at 10:08 p.m.

Jodi Romero, Financial Operations Director, presented this item. The exemption will expire in three years unless the City Council decides to extend it. She noted that the topic was discussed at a number of different workshops. The ordinance before them would exempt food sold through vending machines with the exception of soda and candy in alignment with the State.

Alden Savoca, 2800 Hunters Way, owner of Vendors Tech Inc., said he is representing the vending machine companies. There are currently five vending companies in town and 145 business owners who are managers and others that support this ordinance. He believes it is a step forward. He stressed the importance of the sugar tax which has yet to be applied equally to vendors and retailers.

Sherry Phillips and Kerry Phillips, 8183 Tovar Court, owners of Victor Vending, are local business owners and have had this business for six years. The removal of this tax will help them expand their business. They would also support the exemption of tax on pop and candy too which would help them keep their prices low.

There were no other public comments.

Councilmember Chazen said he likes giving tax relief for reinvestment into the community. He thanked them for bringing it forward.

The public hearing was closed at 10:14 p.m.

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

Councilmember Chazen moved to adopt Ordinance No. 4621 and ordered it published in pamphlet form. Councilmember McArthur seconded the motion. Motion carried by roll call vote of 6 to 1 with Councilmember Doody voting NO.

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]

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.

The public hearing was opened at 10:15 p.m.

Greg Moberg, Planning Supervisor, presented this item. He described the amendment to the Code, entered his Staff Report into the record, and asked for questions.

City Attorney Shaver said for purposes of the record he would suggest Council acknowledge they are in receipt of the Staff Report for this item.

Council President Susuras said the Staff Report was received, read, and understood.

Councilmember Norris said it was helpful to ask questions in workshop and she thanked Mr. Moberg for his clarification.

Councilmember Chazen said during workshop it was discussed with Staff about coming back with additional options for the mixed use and he is looking forward to this opening up as much as possible to facilitate development.

There were no public comments.

The public hearing was closed at 10:18 p.m.

Ordinance No. 4622—An Ordinance Amending the Zoning and Development Code, Grand Junction Municipal Code Section 21.03.090, Form Districts

Councilmember Traylor Smith moved to adopt Ordinance No. 4622 and ordered it published in pamphlet form. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

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]

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.

The public hearing was opened at 10:20 p.m.

Lisa Cox, Planning Manager, presented this item. She entered into the record her Staff Report and asked if Council would like a presentation. The request comes at the request of the development community and will provide more flexibility.

Councilmember McArthur said this has been discussed for some time and he complimented Staff for listening to the development community and noted that this will bring flexibility to the Code. He will support it.

There were no public comments.

The public hearing was closed at 10:22 p.m.

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

Councilmember Doody moved to adopt Ordinance No. 4623 and ordered it published in pamphlet form. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

Change Order #1 to Construction Contract for the Water Tank Painting Project

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.

Bret Guillory, Utility Engineer, presented this item. He described the request and the reason for the request. The paint on the bottom of the tank (4 million gallon tank) is no longer adhering and needs to be removed and repainted.

Councilmember Traylor Smith inquired about the funding sources and noted there was some funding in 2013, 2014, and then other water projects. She asked if those water projects will need to be funded later as well. Mr. Guillory said the earlier project for Kannah Creek was under budget; \$50,000 per year is budgeted for water rights and they will use \$25,000 for this project. Other water line replacements will be delayed. City crews will do a project at Purdy Mesa Reservoir with savings of \$27,000. The remainder comes out of the fund balance. The projects are necessary and will be added to the 2015 budget.

Councilmember Chazen asked if this comes out of an enterprise fund. Mr. Guillory said yes. Councilmember Chazen asked if this will affect water rates. Mr. Guillory said it will not have an effect on water rates and there will still be ample reserves.

Councilmember Boeschstein asked how, during this process, it will be ensured that the water will remain clean. Mr. Guillory said there is a curing time of 48 hours to a week, then the tank is rinsed, chlorinated, and tested.

Councilmember McArthur asked if this was a function of an inferior product or is it a time issue? Mr. Guillory said it is an issue of time. The materials have been improved since 1998, which will hopefully provide more longevity. A replacement tank would cost \$2.4 million and would still need planned maintenance.

Councilmember Chazen moved to 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. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

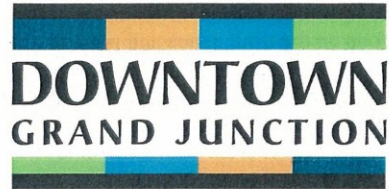
Other Business

There was none.

Adjournment

The meeting was adjourned at 10:30 p.m.

Stephanie Tuin, MMC
City Clerk



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