

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

September 24, 2012

CALL TO ORDER

Mayor DiTullio called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS

Davis Reinhart
Bud Starker
Joyce Jay
Kristi Davis
Mike Stites
George Pond
Joseph DeMott
Tracy Langworthy

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Public Works Director, Tim Paranto; Community Development Director, Ken Johnstone; other staff, interested parties and interested citizens.

APPROVAL OF MINUTES OF September 10, 2012

Motion by Mr. Stites for approval of the minutes of September 10, 2012; seconded by Mr. DeMott; carried 6-0, with Mr. Starker and Mr. Pond abstaining.

PROCLAMATIONS AND CEREMONIES

Mayor DiTullio read a proclamation in honor of Walk to School Day and presented it to Mrs. Langworthy as a community representative of parents with children in school.

Mayor DiTullio read a proclamation declaring October as Conflict Resolution Month and gave it to Wheat Ridge Police Commander Joe Cassa. Commander Cassa invited City Council to a Conflict Resolution Month opening celebration that will be held at the state Capitol on October 1. There is an exhibit that will move around the metro area and other places in the state during October. The Wheat Ridge Police Department is one of the few stories selected for the exhibit.

CITIZENS' RIGHT TO SPEAK

Nancy Snow invited everyone to come to the annual campaign forum in Council Chambers this Thursday at 7:00. It will include candidates for the various races that Wheat Ridge voters will be considering in November, as well as representatives to speak for and against the various issues.

1. CONSENT AGENDA

- a. Resolution 46-2012 – A Resolution amending the Fiscal Year 2012 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$5,000 from the Law Enforcement Assistance Fund (LEAF) for DUI Enforcement, Public Awareness and Education.
- b. Resolution 48-2012 – A Resolution amending the Fiscal Year 2012 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$195,000 for the Annual Sales Tax Share to Renewal Wheat Ridge.
- c. Resolution 47-2012 – A Resolution approving a contract with the Colorado Department of Transportation for Project No., 19099, Bus Bench Installation.
- d. Motion to approve payment to ESRI Inc. in the amount of \$35,750 for the Annual License Renewal for the Graphical Information Systems (GIS)

The Consent Agenda was introduced and read by Mr. DeMott.

Motion by Mr. DeMott for approval of the Consent Agenda; seconded by Mr. Stites; carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Agenda Item 2 and 3 were addressed as a unit because they affect the same property.

Mayor DiTullio opened the public hearing.

Mr. Starker left the room because he is the applicant for Items 2 and 3.

Mr. Reinhart introduced Agenda Items 2 and 3.

- 2.** Resolution 42-2012 – A Resolution authorizing the execution of an Agreement with Walrus 5560 to participate in the Wheat Ridge Business Development Zone Program for a rebate of 25% of the eligible City fees, charges and taxes in association with the construction of a restaurant at 5560 W. 29th Ave.

The WR Business Development Zone program allows the City Council to waive

certain building permit fees and building use taxes associated with construction projects. As such it can refund fees and taxes for projects that will generate sales tax. The request from Walrus5560 is for an estimated total refund of \$6,638.

3. Resolution 49-2012 – A Resolution authorizing the execution of an agreement with Walrus 5560 for participation in the Enhanced Sales Tax Incentive Program (ESTIP) rebating 25% of the Enhanced Sales Tax for a period of three years for the construction of a restaurant at 5560 W. 29th Ave.

This request for an Enhanced Sales Tax Incentive Program (ESTIP) would give back to Walrus 25% of their total City sales taxes for a period of three years for an estimated total of \$33,750.

Mr. Goff explained that staff is recommending these two resolutions because the project will:

- generate approximately \$45,000 in new sales tax,
- create 25 new permanent jobs,
- improve an underutilized piece of property,
- act as a catalyst for other revitalization projects in the area,
- address the lack of full service, sit-down restaurants in the area.

Public Comment: **Lloyd Levy** said he is supportive of the project because it will be a good thing for that corner and for the neighborhood

Mayor DiTullio closed the public hearing.

Motion by Mr. Reinhart to approve Resolution No. 42-2012, a resolution authorizing the execution of an agreement with Walrus 5560 to participate in the Wheat Ridge Business Development Zone Program for a rebate of 25% of the eligible city fees, charges and taxes in association with the construction of a restaurant at 5560 W. 29th Avenue; seconded by Mr. DeMott; carried 7-0

Motion by Mr. Reinhart to approve adoption of Resolution No. 49-2012, a resolution authorizing the execution of an agreement with Walrus 5560 for participation in the Enhanced Sales Tax Incentive Program rebating 25% of the enhanced sales tax for a period of three years for the construction of a restaurant at 5560 W. 29th Avenue; seconded by Ms. Davis; carried 7-0.

Mr. Starker returned to the Council Chambers.

ORDINANCES ON FIRST READING

4. Council Bill No. 22-2012 – An Ordinance amending Chapter 26 concerning the review process for Public Schools.

Mr. Pond introduced Agenda Item 4.

Currently the City requires a Special Use Permit (SUP) process for the opening of public and private schools. The state has now adopted legislation about the siting and construction of public and charter schools that now makes our Code in conflict with state law. Adoption of this ordinance will bring our Code into compliance with state law.

Motion by Mr. Pond to approve Council Bill No. 22-2012, an ordinance amending Chapter 26 concerning the review process for public schools, on first reading, order it published, public hearing set for Monday, October 8th at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Mr. Stites ; carried 8-0

5. Council Bill No. 21-2012 – An Ordinance amending Chapter 26 concerning the creation of an Industrial-Employment (I-E) Zone District.

Mr. Stites introduced Agenda Item 5.

Creating the I-E zone district will provide more flexibility for the development of industrial areas by changing some special uses to allowed uses, adding more modern uses to the list of permitted uses, updating development standards, and providing for application directly to I-E, rather than requiring a Planned Industrial Development which is lengthy, expensive and difficult to track over time.

Motion by Mr. Stites to approve Council Bill No. 21-2012, an ordinance amending Chapter 26 concerning the creation of an industrial-employment zone district, on first reading, order it published, public hearing set for Monday, October 8 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Mr. Pond and Mrs. Langworthy; carried 8-0

6. Council Bill No. 23-2012 – An Ordinance approving a City-Initiated Rezoning of property located at 7750 Three Acre Lane from Residential-Three (R-3) to Mixed Use-Commercial (MU-C) (Case No. WZ-12-05)

Ms. Davis introduced Agenda Item 6.

In 2011 the previous City Council rezoned the Wadsworth Corridor to Mixed Use-Commercial. The 1.5 acre parcel in question was inadvertently left out of this rezoning. The property owner has requested to be rezoned to MU-C, so the City is initiating this rezoning to correct that omission.

Motion by Ms. Davis to approve Council Bill No. 23-2012, an ordinance approving a city-initiated rezoning of property located at 7750 Three Acre Lane from Residential-Three (R-3) to Mixed Use-Commercial (MU-C), on first reading, order it published, public hearing set for Monday, October 22, 2012 at 7 p.m. in City Council Chambers,

and that it take effect 15 days after final publication; seconded by Mr. Starker; carried 8-0.

7. Council Bill No. 20-2012 – An Ordinance approving the Comprehensive Rezoning of Property along 38th Ave. between Sheridan and Wadsworth to the Mixed Use-Neighborhood (MU-N) Zone District (Case No. WZ-12-04)

Mr. Reinhart recused himself because he is in a business relationship where he would be a direct beneficiary if this zoning goes through.

Mrs. Jay introduced Agenda Item 7.

The current zoning of 38th Avenue contains outdated development standards and patchwork zoning. This makes compact, mixed use, pedestrian-friendly development difficult to achieve. This rezoning to Mixed Use-Neighborhood (MU-N) provides a detailed strategy for revitalizing the corridor into a vibrant main street with a range of uses. The things it will support include:

- A range of commercial, neighborhood-serving retail, and civic uses
- Residential uses (single, double and multi-family),
- Live-work units,
- Ground floor commercial with apartments above,
- Allowable residential density up to 21 units per acre for the entire corridor,
- Increased landscaping requirements to provide usable open space and plazas,
- Requiring a tree lawn for expansion of 50% or more, or complete redevelopment,
- Maintaining height limits of 35 feet for residential and 50 feet for all other buildings,
- Existing auto-related uses (car repair, sales lots, car washes, gas stations, drive-throughs, etc.) to be grandfathered as legal non-conforming uses, but not be an allowed use for new development under the MU-N zoning,
- Requiring Conditional Use Permits for new or expanding car repair, drive-through uses, gas stations, and large scale retail uses (over 60,000 GSF in size),
- Administrative site approval for most developments, with public input necessary only for developments 10 acres or larger,
- Requiring new buildings to be placed close to the street (parking on side or rear),
- Extensive screening and fencing requirements for certain uses to protect adjacent properties/neighborhoods.

Motion by Mrs. Jay to approve Council Bill No. 20-2012, an ordinance approving the comprehensive rezoning of property along 38th Avenue between Sheridan and Wadsworth to the Mixed Use-Neighborhood (MU-N) zone district, on first reading, order it published, public hearing set for Monday, October 22, 2012, at 7 p.m. in City Council Chambers, and that it take effect 30 days after final publication, with the following condition:

1. The property located at 6965-85 W. 38th Avenue is removed from the rezoning area.

Seconded by Mr. Starker; carried 7-0

Mr. Reinhart returned to the chambers.

8. Council Bill No. 24-2012 – An Ordinance amending Chapter 21-107 of the Wheat Ridge Code of Laws to permit waiver of insurance requirements for certain long-term Right-of-Way Permits.

Mrs. Langworthy introduced Agenda Item 8.

Some right-of-way use permits authorize semi-permanent improvements such as fences, walls, etc. This ordinance amendment would allow such “long-term” permits to be issued without a defined termination date and continue to require indemnification, but would remove the requirement that insurance certificates be provided to the City. Long-term permits would also be recorded against the affected properties to ensure that future owners are aware of the permits.

Motion by Mrs. Langworthy to approve Council Bill No. 24-2012, an ordinance amending Chapter 21-107 of the Wheat Ridge Code of Laws to permit waiver of insurance requirements for certain long term right-of-way permits, on first reading, order it published, public hearing set for Monday, October 8, 2012 at 7:00 p.m. in the City Council Chambers, and that it take effect upon adoption, seconded by Mr. Stites; carried 8-0.

CITY MANAGER MATTERS

Mr. Goff addressed the recent graffiti in eastern Wheat Ridge. The police have been working with Code Enforcement, Parks, and Public Works to proactively address these quality-of-life issues. They've sent letters to folks in eastern Wheat Ridge with examples of things that need to be cleaned up in certain areas and alleys. They have time to clean that up before they get any type of warning. If anyone witnesses graffiti in progress they should call 911 immediately, or they can report graffiti to the police non-emergency number at 303-237-2220.

He also thanked the City staff for all their volunteer help with the Celebration on 38th Avenue.

ELECTED OFFICIALS' MATTERS

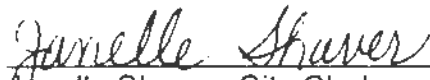
Councilmembers Davis, Pond, Stites, Langworthy, Jay, Reinhart and Mayor DiTullio all offered various expressions of congratulations, compliments and thanks to all the people, businesses, groups and volunteers who contributed to the great success of the grand opening of the new 38th Avenue this past Saturday.

Kristi Davis also referred to her recent Council article that appeared in the Neighborhood Gazette. She wrote about respect and tolerance. For some of the issues that Council has discussed recently (smoking, noise, senior and handicapped housing) she believes it is best to come together as a community to work through problems rather than having to pass an ordinance about everything. She spoke a quote from Albert Einstein on the essential importance of tolerance.

Davis Reinhart also encouraged people to come out to the election forum this Thursday.

Mayor DiTullio wanted to make sure that a snow removal plan is in place for the 38th Avenue sidewalks and streets this winter. Mr. Goff stated that the staff and the Leadership Committee have already discussed snow removal. The City will be responsible for the streets and City owned parking areas. The Leadership Committee feels it is important for the businesses do their own snow removal on the sidewalks.

Meeting adjourned to Study Session at 7: 41p.m.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 8, 2012 BY A VOTE OF 5 to 0


Mike Stites, Mayor pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.