

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

April 14, 2014

Mayor Jay called the Regular City Council Meeting to order at 7:00 p.m.

ROLL CALL OF MEMBERS

Jerry DiTullio	Bud Starker	Zachary Urban	Kristi Davis
Tim Fitzgerald	George Pond	Tracy Langworthy	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Parks Director, Joyce Manwaring; other staff, guests and interested citizens.

APPROVAL OF MINUTES OF March 24, 2014

Motion by Councilmember Davis to approve the minutes of March 24, 2014; seconded by Councilmember Starker; carried 8-0

PROCLAMATIONS AND CEREMONIES

Day Without Hate Proclamation

Mayor Jay read a proclamation designating Friday, April 25 as a Day Without Hate. This special day was started in 2007 by students at Stanley Lake HS to promote non-violence, respect and unity in our schools. It has grown to a county, state and nationwide observance. SLHS student, Hannah Gouda, received the proclamation and thanked the City. She remarked how much the program has grown. Last year they sold 15,000 t-shirts; this year they've sold 22,000.

Arbor Day Proclamation

Mayor Jay read the proclamation designating Saturday, April 26 as Wheat Ridge Arbor Day. Devon Buckles, from the Colorado State Forest Service and coordinator for the South Platte River Urban Waters Partnership received the proclamation and presented Parks employees Rick Murray and Margaret Paget with an award honoring Wheat Ridge's 35th year as a Tree City USA. She noted the significance of the 35 year mark, which not many cities receive. Designation as a Tree City has certain requirements and must be applied for every year. She spoke on the importance of trees and thanked the City for its continued efforts and investment in its urban forest. ~ City Forester Margaret Paget invited everyone to the Historic Park on Robb Street on April 26 at about noon for the planting of a new Blue Spruce that is being donated by the DAR.

CITIZENS' RIGHT TO SPEAK

Greg Mular of the Wheat Ridge Fire Department spoke about the upcoming mill levy election.

- The 2010 mill levy was based on a volunteer model and was to be used for capital expenditures. Community needs led to a model with more paid staff and the money went for that instead. Capital improvements were deferred.
- The proposed mill levy increase will be used for general operating expenses, capital improvements, replacing apparatus, and building up reserves for possible economic hard times.
- The request is for a 5 mil increase – from 7.5 to 12.5 mils. On a \$250,000 house it would be \$8.29 a month.
- WR has the lowest mill levy of any surrounding departments.
- Without this mill levy operational staff will be laid off, and possible loss of apparatus, closure of a station, reduced services and increased response times.
- Ballots have been sent out. Mail them back or bring them to the Fire Station at 3880 Upham by May 6th. He encouraged voters to vote "yes" on Issue A.
- For Board nominees the local supports incumbents Kent Johnson and Jim Johnson and new nominee, Monica Duran.

Joan Blanchard (WR) spoke about the beautification of 38th Avenue -- needed and long overdue. She said the traffic isn't so bad – it's a long, quiet stream of commuters that are not shoppers. There are also fewer cars on 38th now because they're rerouting to residential streets, but the increased volume and speed on residential streets is dangerous and intersections are treacherous for pedestrians and difficult for cars. It would be wise if the plans for 38th Avenue were like Olde Town Arvada, Golden and the Highlands because they are all entirely different situations.

Vivian Vos (WR) read a letter from Laszlo and Ava Nagy (WR) who both own property on 38th Avenue. They are strongly opposed to what is being proposed for 38th Avenue. They believe private investment on 38th is what's making it a destination – not the road diet or the plan for wider sidewalks. They don't support tax dollars being spent for things like Christmas lights and hanging baskets; that's the responsibility of the businesses. They believe a proposal of this magnitude (several million dollars) should be put to the voters. ~ Ms. Vos also expressed her agreement that the 38th Avenue project should go to a vote of the people before any more effort and money is spent.

Kim Calomino (WR) thanked the Council, Mayor and city staff for the good Town Hall Meeting. She encouraged Council to have these kinds of forums more frequently so that public dialog can take place. Not everyone agrees, but only through frank, honest dialog can we get to a place where Council can guide our decisions. Council should be honest and above board with each other too and not hold anything back. We are all just

citizens – not special interest groups. We don't all agree, but the dialog is important. She thanked staff for spending their evening to provide us with information.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a. Resolution 25-2014 – approving the Intergovernmental Agreement of the Colorado Information Sharing Consortium
[Statewide sharing of law enforcement information (COPLINK). Updates to the IGA include creating an executive director position, recognizing node consolidation, and entering into information sharing agreements with out-of-state jurisdictions. No financial impact.]
- b. Motion to approve the annual support and licensing renewal for the Cartegraph System in the amount of \$44,290 to Cartegraph, Inc.
[Budgeted item; necessary to maintain the software for the City. All-inclusive for licensing and technical support services to include software upgrades, bug fixes and patches, and tech support for implementation.]
- c. Motion to award the purchase of 15 Mobile Data Computer (MDC) Replacements to Counter Trade Products, Inc. in the amount of \$50,385
[Budgeted item; annual scheduled replacement for patrol car computers.]

Councilmember Wooden introduced the Consent Agenda and read the titles.

Motion by Councilmember Wooden to approve the consent agenda; seconded by Councilmember Starker; carried 8-0

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill No. 01-2014 – An Ordinance approving the rezoning of property located at 6405-6409 W. 44th Ave. from Restricted Commercial (RC) to mixed Use-Neighborhood (MU-N) (Case NO. WZ-14-01/Lombardi)

Councilmember Urban introduced Council Bill No. 01-2014.

Mayor Jay opened the public hearing.

Meredith Reckert City Planner began the staff presentation. She entered into the record the comprehensive plan, zoning ordinance, case file and packet material, and the contents of the digital presentation. She noted that all notice, publishing and posting requirements have been met.

Mayor Jay swore in the speakers for the hearing.

Clerk Shaver assigned Ordinance 1545.

Ms. Reckert continued. The three parcels house two buildings which are currently antique stores. Surrounding uses are a mix of residential and commercial zoning and uses. The allowed uses in RC and MU-N zones are similar, but RC does not allow residential use and all uses have a maximum height of 50'. MU-N does allow residential and height limits are 35' for residential and 50' for commercial. The owner has no current plans to enlarge the buildings or redevelop the property, but is looking for a bit more entitlement and flexibility for the future. The routine rezoning process has been followed. Three people came to the neighborhood meeting; no opposition was expressed. All agencies can serve the property. The Planning Commission recommends approval and there was no negative testimony at that public hearing. Any future redevelopment would go through a site plan process and be reviewed by the staff. The criteria for zone change approval supports this request.

The applicant was present but had nothing to add.

Mayor Jay closed the public hearing.

Motion by Councilmember Urban to approve Council Bill No. 01-2014, an ordinance approving the rezoning of property located at 6405-6409 W. 44th Avenue from Restricted Commercial (RC) to Mixed Use Neighborhood (MU-N) on second reading and that it take effect 15 days after final publication, for the following reasons:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation.
3. The requested rezoning has been found to comply with the "criteria for review" in Section 26-112-E of the Code of Laws.

seconded by Councilmember DiTullio; carried 8-0

ORDINANCES ON FIRST READING

3. Council Bill No. 02-2014 – An Ordinance Amending Chapter 26 of the Wheat Ridge Code of Laws concerning the Subdivision Regulations and making certain related Amendments to Chapters 2 and 5 in association therewith (Case No. ZOA-14-01)

Councilmember Starker introduced Council Bill No. 02-2014

The ordinance addresses these central goals:

- To simplify the subdivision review process
- To provide more clear and contemporary design standards
- To establish consistent and defensible dedication and public improvement requirements
- To improve clarity and organizations within the zoning code

Motion by Councilmember Starker to approve Council Bill No. 02-2014, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the subdivision regulations and making certain related amendments to Chapters 2 and 5 in association therewith, on first reading, order it published, public hearing set for Monday, April 28, 2014 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember DiTullio; carried 8-0

4. Council Bill No. 03-2014 – An Ordinance amending Section 26-109 of Chapter 26 of the Wheat Ridge Code of Laws, concerning Public Noticing Requirements (Case No. ZOA-14-02)

Councilmember Fitzgerald introduced Council Bill No. 03-2014

This ordinance:

- Eliminates the requirement to use certified mailing for letter notice, which will increase the likelihood of delivery and save money.
- Clarifies posting and publishing requirements to reflect current practice and rectify inconsistent language.

Motion by Councilmember Fitzgerald to approve Council Bill No. 03-2014, an ordinance amending Section 26-109 of Chapter 26 of the Wheat Ridge Code of Laws, concerning public noticing requirements, on first reading, order it published, public hearing set for Monday, April 28, 2014 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Starker; carried 8-0

DECISIONS, RESOLUTIONS AND MOTIONS

5. Resolution 22-2014 – amending the Fiscal Year 2014 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation for the purposes of funding the expansion of the Seniors' Resource Center Circulator Bus Service in the Amount of \$12,000

Councilmember DiTullio introduced Resolution 22-2014. \$30,000 is in the budget for this service. This resolution would appropriate an additional \$12,000 to expand services.

Motion by Councilmember DiTullio to approve Resolution No. 22-2014, a resolution amending the fiscal year 2014 General Fund budget to reflect the approval of a supplemental budget appropriation for the purposes of funding the expansion of the Seniors' Resource Center circulator bus service in the amount of \$12,000; seconded by Councilmember Urban;

Motion by Councilmember Starker to amend the main motion as follows: strike the words "...the expansion of the Seniors' resource Center circulator bus service..." and replace this with the words "...a contract employee for the Wheat Ridge Historical society..."; seconded by Councilmember Fitzgerald.

There was discussion on the amendment.

John Zabawa, President and CEO of the Seniors Resource Center, thanked Council and Mayor Jay for their support of the Center and their commitment to the seniors of Wheat Ridge.

- He spoke to the high and growing concentration of seniors in Wheat Ridge.
- He commended the City for its vision and foresight in creating this shuttle service as it is so helpful for those who have no means of transportation.
- He told of the partnership between the SRC, Jewish Services and Jefferson Center for Mental Health. They're in the process of having community meetings with seniors to make them aware of all the services and resources available to them. Transportation is a top need for older citizens that is expected to climb.

Hank Braaksma, director of the SRC transportation, provided some details about current transportation services. The extra \$12,000 will increase the service from six to eight hours per week.

Council questions brought out the following:

- Money from the NORC grant will be used for others transportation services – not the circulator bus.
- The SRC does solicit donations from riders, as required by the Older Americans Act, and they advertise that in multiple ways.
- The SRC brings in a higher level of donations than any community provider in the area. Riders are made aware of the costs of providing rides.
- The circulator bus only picks up at certain locations and takes the riders to shop in Wheat Ridge. It's not the only transportation service that the SRC provides.
- \$4.9 million is in the City's unallocated reserve fund.

Council comments followed.

The amendment failed 3-5 with Councilmembers Wooden, Langworthy, Pond, Urban, and DiTullio voting no.

Discussion of the merits of the main motion continued.

The main motion failed 3-5 with Councilmembers Wooden, Langworthy, Fitzgerald, Pond and Davis voting no.

6. Resolution 21-2014 – amending the Fiscal Year 2014 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in an amount not to exceed \$1.5 Million to pay down a Renewal Wheat Ridge Loan for the property at Town Center North

Councilmember Davis introduced Resolution 21-2014

- Staff has negotiated with First Bank to reduce the principal and interest on the loan by paying down the loan with funds the bank holds as security for the loan.
- The supplemental appropriation will come from General Fund restricted reserves and will not impact the City's minimum reserve policy of 17%.
- The balance on the new loan will not require cash security from the City.
- Urban Renewal will continue the debt service payments until the property is sold.
- The loan payment is due tomorrow.

Motion by Councilmember Davis to approve Resolution No. 21-2014, a resolution amending the fiscal year 2014 general fund budget to reflect the approval of a supplemental budget appropriation in an amount not to exceed \$1.5 million to pay down a Renewal Wheat Ridge loan for the property at Town Center North; seconded by Councilmember DiTullio; carried 8-0

7. Resolution 23-2014 – concerning the proposed redevelopment at the southwest corner of West 38th Avenue and Kipling St. and the proposed incurrence of a loan by the Wheat Ridge Urban Renewal Authority to be secured by certain Tax Increment Revenues generated by the project; declaring the City Council's present intent to appropriate funds to replenish the reserve fund securing such loan, if necessary; and authorizing a Redevelopment Agreement, a Cooperation Agreement and other related actions in connection with

Councilmember Davis introduced Resolution 23-2014

Motion by Councilmember Davis to approve Resolution No. 23-2014 – A resolution concerning the proposed redevelopment at the southwest corner of West 38th Avenue and Kipling Street, and the proposed incurrence of a loan by the Wheat Ridge Urban Renewal Authority to be secured by certain tax increment revenues generated by the project; declaring the City Council's present intent to appropriate funds to replenish the reserve fund securing such loan, if necessary; and authorizing a Redevelopment Agreement, a Cooperation Agreement and other related actions in connection with; seconded by Councilmember DiTullio;

Mr. Goff explained the resolution approves a development agreement with MVG. The project at 38th and Kipling will include Sprouts and a 64 unit senior care facility.

- The agreement provides an economic incentive package of \$3 million, which includes a \$1 million direct cash contribution from the City's reserves and a \$2.6 million loan by Urban Renewal which nets \$2 million.
- The agreement also sets up tax increment financing to that new property and sales taxes can be used to pay down the loan that Urban Renewal obtains.
- The loan term is 10 years, but it's expected that excess revenue will be able to pay off the loan sooner.
- A reserve fund will be established to pay debt service if revenues are ever insufficient.

Mr. Goff introduced the representatives from MVG and the City's bond counsel.

Motion carried 8-0.

8. Resolution 24-2014 – amending the 2014 Fiscal Year General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in an amount not to exceed \$1.0 Million for the purposes of funding Public Improvements in association with the Redevelopment of the southwest corner of West 38th Ave. and Kipling St.

Councilmember Pond introduced Resolution 24-2014

Motion by Councilmember Pond to approve Resolution No. 24-2014 – A resolution amending the 2014 fiscal year General Fund budget reflecting the approval of a supplemental budget appropriation in an amount not to exceed \$1.0 million for the purposes of funding public improvements in association with the redevelopment of the southwest corner of West 38th Avenue and Kipling Street; seconded by Councilmember Starker.

This appropriates the City's \$1 million contribution referenced in Agenda Item 7.

There was no discussion. H. McNeish, director of planning with MVG reported that the project is tracking on schedule.

Motion carried 8-0.

9. Reconsideration of appointment to the Planning Commission, District IV

Councilmember Langworthy introduced agenda item 9.

City Attorney Dahl explained the steps necessary to rescind the appointment.

Motion by Councilmember Langworthy to reconsider the appointment of Lisa Hollenbeck to the Planning Commission; seconded by Councilmember Pond; carried 7-1, with Councilmember DiTullio voting no.

Motion by Councilmember Langworthy to rescind the appointment of Lisa Hollenbeck to the Planning Commission; seconded by Councilmember Wooden; carried 7-1, with Councilmember DiTullio voting no.

Motion by Councilmember Langworthy to re-advertise for applicants for membership on the Planning Commission from District IV; seconded by Councilmember Wooden.

Motion substituted by Councilmember DiTullio to appoint Ray Maes to the Planning Commission representing District IV; seconded by Councilmember Urban.

Discussion followed.

Attorney Dahl advised that code requires Council to appoint from the District unless there is no applicant from that District. Eight members are to be appointed with equal representation from the Districts. Council can decline to appoint someone and re-advertise, but the position shouldn't be left vacant forever.

Motion to appoint Ray Maes failed 2-6, with Councilmembers Wooden, Langworthy, Fitzgerald, Pond, Davis and Starker voting no.

Further discussion ensued.

The motion to re-advertise for applicants carried 6-2, with Councilmembers Urban and DiTullio voting no.

CITY MANAGER'S MATTERS

Mr. Goff announced new hours for the Building Division effective May 5. New hours will be 7am - 4pm which is more accommodating to the building trades. They've already gotten positive feedback on it. ~ He alerted folks to the Early Warning siren testing they will hear this coming Wednesday morning at 11am. ~ He also announced that the Arvada Community Food Bank is expanding its service to include all of Wheat Ridge.

CITY ATTORNEY'S MATTERS nothing

CITY CLERK'S MATTERS nothing

ELECTED OFFICIALS' MATTERS

Jerry DiTullio reminded folks to mail in their Fire District ballots or bring them to the fire station at 3880 Upham by May 6. Don't bring them to City Hall. ~ He inquired of Mr. Dahl when the Council Rules will be coming forward; Mr. Dahl said it's on the agenda for the next study session. ~ He asked when the International Property Maintenance code will be coming. Mr. Goff will find out. ~ He inquired about code changes on sales tax review. Mr. Dahl reported the sales tax division has put together a list of 10 possible code changes for streamlining. It's in the review process and will be coming to Council. ~ He noted the Housing Authority board members would like to have a joint study session with the Council to discuss Fruitdale School. ~ He asked if the proposed resolution for eating and living well included any financial obligations or social engineering elements. Genevieve Wooden said the resolution isn't developed yet, but at this point, no. She said the purpose is for future planning such as streets and access to healthy foods. ~ Mayor Jay said receiving the designation as a healthful city will be beneficial for promoting the City and the elements are already in place. ~ Genevieve said there's no cost for the designation and the elements addressed are healthy eating, living/exercise and workplace. Transportation is only referenced in a general way.

Bud Starker said he is encouraged by the support on Council for the important work of the Historical Society.

Zachary Urban announced the opening of the Karebear Bakery (38th & Jay) tomorrow morning at 6 AM. ~ He thanked the Rec Center staff for the smooth enrollment process he experienced registering his daughter for summer camp.

Kristi Davis welcomed Karebare Bakery.

George Pond thanked staff for all the work and Council for its support on economic development.

Tracy Langworthy announced the Kite Flite Festival on April 26 at from 11am - 4pm.

Mayor Jay reported attending the Easter Egg Hunt and announced that the 9 Health Fair is going on in our City right now.

The City Council Meeting adjourned at 8:56 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 28, 2014 BY A VOTE OF 7 to 0



Kristi Davis, 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.