

# CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING

May 12, 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	

Absent: Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Community Development Director, Ken Johnstone; guests and interested citizens.

## **APPROVAL OF MINUTES OF April 28, 2014**

**Motion** by Councilmember DiTullio to approve the minutes of April 28, 2014; seconded by Councilmember Starker; carried 6-0-1, with Councilmember Davis abstaining

## **PROCLAMATIONS AND CEREMONIES**

Recognition of Denise Waddell, Wheat Ridge First Bank President, for her service to the community

Mayor Jay read a proclamation of recognition congratulating Denise Waddell who is retiring from her position at 1stBank of Wheat Ridge. Patrick Goff spoke of the many ways she has helped the City throughout the years and presented her with a framed photograph of Wheat Ridge scenery.

National Police Week and National Peace Officer's Memorial Day

Mayor Jay read the proclamation naming May 11-17 as National Police Week and May 15 as National Peace Officer's Memorial Day. Receiving the proclamation Chief Brennan acknowledged the death of Jefferson County law enforcement officer Sgt. Dave Baldwin as a reminder of the law enforcement officers who don't come home. His name will go on the Law Enforcement Memorial Wall in 2015. This week the City traditionally honors the exceptional work the WRPD does. He invited the Mayor, Council and the public to the Police Awards Ceremony that will be held tomorrow in Council Chambers at 3:30pm to hear some of the stories.

**“Click It or Ticket” Mobilization**

Mayor Jay read a proclamation announcing May 19-June 1 as the “Click It or Ticket” mobilization period when our officers will actively participate in the national enforcement period to ensure the use of seatbelts. Chief Brennan noted the City receives grant dollars from the State Department of Transportation for this effort and “The Heat Is On”, which focuses on DUI enforcement. He said our officers will be out there educating and doing enforcement.

**CITIZENS’ RIGHT TO SPEAK**

**Carol Salzman (WR)** invited Council, city staff and citizens to the 2014 Leaves of Hope that will be run Sunday, June 1 at Lutheran Medical Center. It is the largest national cancer survivor celebration in Jefferson County. She thanked Patrick Goff and the City for sponsoring the Kids’ Dash – a free event for 6-year olds and under. She gave some details about the day. Complete information is available at the website: [www.leavesofhope.org](http://www.leavesofhope.org)

**Eric Wilson (WR)** thanked Council and City staff for the 38<sup>th</sup> Avenue improvements.

**Rachel Hultin (WR)** expressed her support for 38<sup>th</sup> Avenue as a destination. She thanked Council for the streetscape plan and the 10 year ongoing revitalization project.

**Jennifer Shepherd (WR)** thanked Council for taking the time to have discussions about how the marijuana industry will impact the health of our children and our community. She acknowledged the organization Smart Colorado that is concerned about the unintended consequences marijuana will have on our youth. She shared some science, research and statistics about the impact of marijuana on our youth – including negative effects on the brain, diminishing academic performance, judgment, memory, motor skills and motivation, and lower IQ’s.

**Amy Storey (WR)** looks forward to the unveiling of the streetscape design for 38<sup>th</sup> Avenue. She shared some personal reflections about the evolution of the street. She likes what has happened and encouraged Council to keep it going.

**Tara Jahn (WR)** invited Councilmembers to upcoming Live Local events this summer – Cruiser Crawls, Family Yoga in the Park, First Friday Art Walk and the new Friday Night Live, which will have a stage and live bands.

**APPROVAL OF AGENDA****PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

1. Resolution No. 28-2014 – approving a four-lot Subdivision Plat with Right-Of-Way Dedications for property zoned Commercial-One (C-1) located at the Southwest Corner of W. 38<sup>th</sup> Ave. and Kipling St. (Case No. MS-14-01)

Councilmember Pond introduced Resolution No. 28-2014

This subdivision plat is for the redevelopment project at 38<sup>th</sup> & Kipling.

#### Staff Report

Ken Johnstone gave a staff presentation outlining basic elements of the plat.

- The subdivision creates four lots – for Sprouts, the memory care facility and two lots at the hard corner of 38<sup>th</sup> & Kipling for retail/restaurant uses.
- Included are dedication of easements for utilities, access, and rights-of-way.
  - The 38<sup>th</sup> Ave. easement is for sidewalk and landscaping.
  - The Kipling easement is for sidewalk, a landscaped tree lawn and an accel/decel turn lane.
- Sidewalks and landscape amenities will be installed on adjacent streets.
- Substantial storm water improvements will be done to divert water to Lena Gulch.
- The City and our urban renewal authority are participating financially in the installment of a portion of the public improvements.

Mayor Jay opened the public hearing, which, for the record, included the staff report just given.

Mayor Jay swore in the next speaker for the hearing.

H. McNeisch, with MVG Development, spoke on behalf of the development team. He thanked and commended the staff for their helpful efforts in moving the project forward. He testified that the plat configuration is deliberate – for the businesses, and for the City relative to right-of-way needs on 38<sup>th</sup> Ave. and on Kipling. They are actively marketing for a fourth business for Lot 2 that is a compatible use.

There were no questions from Council or public comment.

Mayor Jay closed the public hearing.

**Motion** by Councilmember Pond to approve Resolution No. 28-2014, a resolution approving a four-lot subdivision plat with right-of-way dedications for property zoned Commercial-One (C-1) located at the southwest corner of W. 38<sup>th</sup> Avenue and Kipling Street, for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer's expense.

and with the following condition:

1. The developer enters into a subdivision improvement agreement with required security prior to recordation of the subdivision plat.

Seconded by Councilmember Fitzgerald; carried 7-0

### **ORDINANCES ON FIRST READING**

2. Council Bill No. 04-2014 – approving an amendment to the Youngfield Plaza Planned Commercial Development (PCD) Outline Development Plan (ODP) to allow Marijuana Research and Testing on property located at 3924-4096 Youngfield Street (Case No. WZ-14-04/RMBI)

Councilmember Fitzgerald introduced Council Bill No. 04-2014.

The applicant, Rocky Mountain Biosystems, seeks to amend their existing Outline Development Plan (ODP) to allow additional uses – in this case marijuana research and testing.

**Motion** by Councilmember Fitzgerald to approve Council Bill No. 04-2014, an ordinance approving an amendment to the Youngfield Plaza Planned Commercial Development Outline Development Plan to allow marijuana research and testing on property located at 3924-4096 Youngfield Street, on first reading, order it published, public hearing set for Monday, June 9, 2014 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember DiTullio; carried 7-0.

### **DECISIONS, RESOLUTIONS AND MOTIONS**

3. Motion to appoint Janeece Hoppe as a City Director to the Wheat Ridge Business District Board of Directors, Term to expire March 31, 2018

Councilmember Fitzgerald introduced Agenda Item No. 3

**Motion** by Councilmember Fitzgerald to appoint Janeece Hoppe as a City Director on the Wheat Ridge Business District Board of Directors, term to expire March 31, 2018; seconded by Councilmember Starker; carried 7-0.

### **CITY MANAGER'S MATTERS**

Patrick Goff reminded citizens of an Open House this Wednesday, May 14 from 5:00 – 7:00 pm here in Council Chambers at City Hall. Information will be provided about the

38<sup>th</sup> Avenue streetscape conceptual design process. A presentation will occur at 5:15, but staff will be available the entire time to answer questions.

### **CITY ATTORNEY'S MATTERS**

### **CITY CLERK'S MATTERS**

### **ELECTED OFFICIALS' MATTERS**

**Zachary Urban** acknowledged the Boy Scout troop in the audience. They are working on their Citizenship in the Community badges and he thanked them for coming.

**George Pond** encouraged people who are interested in the design and future of 38<sup>th</sup> Avenue to come to the meeting Wednesday night and offer feedback.

**Tracy Langworthy** reminded everyone of the Memorial Day Celebration on May 23 at noon here at Hayward Park at City Hall to honor our veterans.

**Motion** by Councilmember Davis to go into executive session under Charter Section 5.7(b) (1) and section 24-6-402(4)(b), C.R.S., specifically for legal advice from the City Attorney and appropriate staff concerning 32<sup>nd</sup> & Youngfield construction contracts; and further to return to the open meeting at the close of the executive session for the purpose of taking any formal action deemed necessary; seconded by Councilmember Starker; carried 7-0

The Executive Session was held in the lobby Conference Room.  
Following the Executive Session the City Council returned to the open meeting.

**Motion** by Councilmember DiTullio to approve Resolution No. 29-2014 – A resolution amending the Fiscal Year 2014 Capital Investment Program Budget to reflect the approval of a supplemental budget appropriation in the amount of \$450,000 for the 32<sup>nd</sup> Avenue Widening Project; seconded by Councilmember Starker; carried 7-0.

The City Council Meeting adjourned at 8:38 pm.

APPROVED BY CITY COUNCIL ON June 9, 2014 BY A VOTE OF \_\_\_\_ to \_\_\_\_

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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.