

CITY COUNCIL MINUTES

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

August 25, 2014

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

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL OF MEMBERS

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

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; and interested citizens.

APPROVAL OF MINUTES OF August 11, 2014

Motion by Councilmember DiTullio to approve the minutes of August 11, 2014; seconded by Councilmember Starker; carried 7-1, with Councilmember Davis abstaining.

CITIZENS' RIGHT TO SPEAK

Councilmember Wooden introduced two speakers from the new Wheat Ridge Committee for Education Excellence.

Jill Fellman, R-1 School Board member, said she will be coming every month to give an update. ~ There were 185 summer construction projects. Those scheduled for completion before school started have been finished. ~ Pennington Elementary in WR was one of two Jeffco schools to be awarded as a national PTA School of Excellence.

Warren Blair, principal, spoke about WR 5-8. Enrollment has increased from 325 to 550 and there is a waiting list. They have the Jeffco standard curriculum plus honors classes, a gifted and talented track, a robust elective program including choir, art, band, orchestra, and computers, ESL, tutoring, and after school programs. Last year the band won 2 gold medals and a program was started where each student is given an iPad. About 20 parents are involved in the Parent Action Committee

Fran Langdon (WR) thanked Council for the moratorium last week and urged them to use this time wisely to study how the marijuana industry is affecting our community. She is nervous that we might become another Black Hawk (where people envisioned

Mom-and-Pop gaming establishments). We should ask where the money is coming from for these million dollar extraction plants. She noted how Black Hawk is still a town, but they've lost their community. She hopes that doesn't happen to us. It can happen before you know it.

Kelly Brooks (WR) thanked Council for the special meeting last week and the thoughtful consideration of the objections raised by so many. He hopes the moratorium time will be used to consider not just one neighborhood, but understand the desires of the whole city. Based on last week's attendance it's clear existing regulations fall short in addressing all angles of Amendment 64.

Jennifer Yates (WR) shared some issues with the current pot shops. Three Kings Dab Supply was cited for promoting onsite events where marijuana was encouraged. How will Wheat Ridge stop businesses from putting in a patio, calling it private property and allowing patrons to consume marijuana? ~ She described spending 2 1/2 hours at Paramount Park watching 80+ children play soccer while a horrible stench from the pot shop on 27th filled the air the entire time. Children play there daily and visiting teams come as well. Is that what we want for our children and community? ~ She cautioned taking building code advice from marijuana businesses. ~ She knows pot shops will not go away, but they shouldn't be near neighborhoods, schools and parks.

City Attorney Dahl confirmed for Councilmember DiTullio that marijuana shops that operate illegally are shut down by the City.

APPROVAL OF THE AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill 10-2014 – Submitting a Ballot Question to the voters of the City at the November 4, 2014 Election, concerning an increase in the Sales and Use Tax Rate and Revenue Bonds to Finance Public Works and Parks and Recreation Infrastructure Projects

Councilmember Pond introduced Agenda Item 1. He read the proposed text of the ballot.

SHALL THE CITY OF WHEAT RIDGE TAXES BE INCREASED BY UP TO \$6.4 MILLION ANNUALLY IN THE FIRST FULL FISCAL YEAR, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY INCREASING THE RATE OF SALES AND USE TAX LEVIED BY THE CITY BY ONE PERCENT (1.0%), AND SHALL CITY OF WHEAT RIDGE DEBT BE INCREASED BY UP TO \$40 MILLION, WITH A MAXIMUM REPAYMENT COST NOT TO EXCEED \$68.5 MILLION, WITH THE PROCEEDS OF SUCH DEBT AND SUCH TAXES TO BE USED FOR:

- CRITICAL FACILITY, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT PROJECTS TO ALLOW WHEAT RIDGE TO OPERATE, MAINTAIN AND

IMPROVE ROADS, BRIDGES AND STORM WATER AND FLOOD PLAIN DRAINAGE SYSTEMS

- CONSTRUCTION, INSTALLATION, OPERATION AND MAINTENANCE OF PARKS AND RECREATION IMPROVEMENTS INCLUDING REVITALIZATION OF ANDERSON PARK TO IMPROVE ITS OVERALL EFFECTIVENESS AND EFFICIENCY AS A MULTI-GENERATIONAL FAMILY ACTIVITY PARK INCLUDING IMPROVEMENTS TO THE OUTDOOR POOL AND FACILITIES AND THE ANDERSON RECREATION BUILDING,

SUCH INCREASE IN THE SALES AND USE TAX RATE TO BEGIN ON JANUARY 1, 2015; SUCH DEBT TO BE SOLD IN ONE OR MORE SERIES AT A PRICE ABOVE, BELOW OR EQUAL TO THE PRINCIPAL AMOUNT OF SUCH DEBT AND ON SUCH TERMS AND CONDITIONS AS THE CITY MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OR REFUNDING OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF PREMIUM OF NOT TO EXCEED 3.0%, AND SHALL THE CITY BE AUTHORIZED TO ISSUE DEBT TO REFUND THE DEBT AUTHORIZED IF AFTER THE ISSUANCE OF SUCH REFUNDING DEBT THE TOTAL OUTSTANDING PRINCIPAL AMOUNT OF ALL DEBT ISSUED PURSUANT TO THIS QUESTION DOES NOT EXCEED THE MAXIMUM PRINCIPAL AMOUNT AUTHORIZED AND IF ALL DEBT ISSUED PURSUANT TO THIS QUESTION IS ISSUED ON TERMS THAT DO NOT EXCEED THE REPAYMENT COSTS AUTHORIZED IN THIS QUESTION; AND SHALL THE REVENUES RAISED BY SUCH SALES AND USE TAX RATE INCREASE AND PROCEEDS OF SUCH DEBT, ANY OTHER REVENUE USED TO PAY SUCH DEBT, AND INVESTMENT INCOME THEREON, BE COLLECTED AND SPENT BY THE CITY AS A VOTER-APPROVED REVENUE CHANGE PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Mayor Jay opened the public hearing.

There was no staff report.

Public Comment

Louise Treff-Gangler (WR) expressed concerns that this will make WR taxes higher than surrounding cities and will discourage new businesses. She wonders if any of the money will go for sidewalks in other areas besides 38th Avenue and how much of the money will go to 38th Avenue.

Kim Calomino (WR) said she hopes for unanimous passage of the ordinance. Many things have been neglected and she thinks this is important for the vision of the City.

John Clark (WR) said the ballot wording is so long he doubts people will understand it. This 1% sales tax will go to float bonds for \$40 million, but there will be another \$30 million of debt service. He understands we are behind \$6 million in infrastructure spending, but doesn't think taking on \$30million in debt service is a good solution. \$30 million is a lot of money and we get nothing for it. He asked Council not to saddle his kids with this debt, and postpone this indefinitely.

Council comments followed.

Councilmember DiTullio asked Mr. Goff to outline how the \$40 million would be spent.

Councilmember Davis addressed having our sales taxes higher than neighboring cities, noting that our property taxes are lower, other cities have storm water and drainage fees, and their major shopping areas assess property improvement fees.

Mr. Dahl clarified for Councilmember Urban that Council will determine what are "critical" projects, that all the money won't have to be spent on roads, bridges, etc., and that Council will have discretion about how the economic development money is spent.

Clerk Shaver assigned Ordinance # 1555.

Motion by Councilmember Pond to approve Council Bill No. 10-2014, an ordinance submitting a ballot question to the voters of the City at the November 4, 2014 Election, concerning an increase in the sales and use tax rate and revenue bonds to finance public works and parks and recreation infrastructure projects, on second reading, and that it take effect immediately upon adoption; seconded by Councilmember Starker;

Mayor Jay closed the public hearing.

Motion carried 8-0.

2. Council Bill No 11-2014 – Submitting a Ballot Question to the voters of the City at the November 4, 2014 Election concerning a Street Width Designation for portions of 38th Avenue.

Councilmember DiTullio introduced Agenda Item 2 and read the proposed ballot wording.

"Shall a street width for 38th Avenue between Upham Street and Marshall Street be established by City Council in order to implement the vision of the 38th Avenue corridor plan to revitalize the 38th Avenue corridor between Upham Street and Marshall Street into a main street business district to include wider pedestrian sidewalks, amenity zones with landscaping and seating areas, on-street parking, public art, and community gathering places, such that the street width for 38th Avenue be established at 47 feet from Upham Street to High Court, 41 feet from High Court to 230 feet east of High Court, and 35 feet from 230 feet east of High Court to Marshall Street?"

Clerk Shaver assigned Ordinance number 1556.

Mayor Jay opened the public hearing.

There was no staff report.

Public comment

Louise Treff-Gangler asked where the money will come from to pay for this project. She believes a disproportionate amount of money has already been spent on 38th Avenue and we have many, many other needs in the City.

Kim Calomino is pleased this is coming to the citizens and hopes for a unanimous vote. This is a separate question from the sales tax increase. In community meetings and polling she saw strong support for moving the City ahead and this is one step.

John Clark (WR) thinks good things can happen to brighten 38th without spending \$10 million we don't have. ~ He questioned the word "vision" in the ballot. Whose vision? ~ He noted no price tag is given and the 10 foot lanes aren't mentioned. This is one foot wider than a parking space and he suggested service trucks (fire, garbage, delivery, ambulances, etc.) will have problems. He believes the lanes should be 12 foot wide for safety reasons and asked Council to postpone it indefinitely.

Vivian Vos (WR) is satisfied this is coming to the people. She explained her concerns with the wording: Several words don't speak to the legality of the issue. The word "vision" doesn't belong. It doesn't say that the width of the street will be changed and it should include the current width of the street so voters know how much it's being narrowed.

Council comments and questions followed.

- Councilmember DiTullio would support including the price tag of \$9.3 million and removing the word "vision".
- Councilmember Fitzgerald believes the word "vision" reflects public opinion.
- Councilmember Urban questioned use of the term Main Street Business District. Mr. Dahl deemed it a matter of style for how Council feels. ~ Mr. Urban asked how this will be paid for. Mr. Goff said the Charter requires construction to start within one year after passage. He recommends having meetings as soon as possible after the election to have that conversation.
- Councilmember Wooden sees this as just one step in a long process of many years.

Mayor Jay closed the public hearing.

Motion by Councilmember DiTullio to approve Council Bill No. 11-2014, an ordinance submitting a ballot question to the voters of the City at the November 4, 2014 election concerning a street width designation for portions of 38th Avenue, on second reading, and that it take effect immediately upon adoption; seconded by Councilmember Starker;

Motion by Councilmember Urban to add the phrase "at a cost not to exceed \$9.3 million"; seconded by Councilmember DiTullio; failed 2-6, with Councilmembers Wooden, Langworthy, Fitzgerald, Pond, Davis and Starker voting no.

Main motion carried 8-0.

3. Resolution 47-2014 – Approving a Four-Lot Subdivision Plat with Right-of-Way Dedications for property zoned Industrial-Employment (I-E), Residential-One (R-1) and Mixed Use Commercial TOD (MU-C TOD) at 12000 Ridge Road (Case No. MS-14-04/Wheat Ridge Ward Station)

Councilmember Langworthy introduced Agenda Item 3.

Mayor Jay opened the public hearing and swore in the speakers.

Meredith Reichert of the Community Development Department presented.

- She entered into the record the case file and packet materials, the zoning ordinance and the contents of the digital presentation.
 - She declared that all proper posting and notification requirements had been met.
 - This subdivision is to accommodate the light rail station at 12000 Ridge Road.
 - She explained the diagrams and maps of the project noting that RTD has assembled the properties for it.
 - Rights of way for Taft Court and Ridge Road are being dedicated.
 - All agencies (fire, water, sewer) can provide services with improvements installed at the owner's expense. Xcel can serve.
 - Wheat Ridge Public Works has reviewed and approved the drainage reports, traffic studies and the plat document.
 - Planning Commission recommends approval.
 - Staff recommends approval with one condition:
 - Unless other terms are mutually agreed upon, an SIA (subdivision improvement agreement) with surety be executed at the time of recording.
- Mr. Dahl explained. This is to guarantee that the public improvements will be built. RTD requests this be added as an addendum to the 2011 IGA. Mr. Dahl researched this and recommends an amendment for an addendum.

Patrick Stanley (WR), the applicant, spoke briefly. He's excited about this, appreciates the support of Council and the staff, and thanked Mr. Dahl for looking at the IGA.

Councilmember Starker asked if the IGA would provide standard surety. Mr. Dahl confirmed this and explained.

Mayor Jay closed the public hearing.

Motion by Councilmember Langworthy to approve case No. MS-14-02⁰⁴, a request for a four-lot subdivision plat for property located at 12000 Ridge Road, for the following reasons:

1. All requirements of the subdivision regulations have been met.
2. The proposed plat will facilitate construction of the end line Gold Line commuter rail station.

3. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:

1. A Subdivision Improvement Agreement be executed with a cost breakdown for public improvements installation and surety at the time of recording.

Motion by Councilmember Pond to amend the main motion to approve an addendum to the June, 2011 Intergovernmental Agreement with the Regional Transportation District, to address matters customarily covered by the City's standard Subdivision Improvement Agreement, in form approved by the City Attorney; seconded by Councilmember Starker; carried 8-0.

Main motion as amended carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

4. Resolution 49-2014 – amending the Fiscal Year 2014 Capital Investment Program Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$121,312.18 to fund the Tabor Street Property Acquisition Services for reconstruction, and award a contract to H.C. Peck & Associates, Denver CO

The property acquisition services provided by H.C. Peck will include such work as property surveys, preparing ROW plans, title work and appraisals, negotiations, relocation assistance, closings, etc. This is in preparation for the access and safety improvements planned for Tabor Street from I-70 up to the light rail station at Ridge Road. This project will widen Tabor Street and add new bike lanes, sidewalks and lighting.

Funding for these improvements is a federal grant of \$740,228 that comes through RTD and DRCOG. The funding arrangement requires the City to pay for the project up front and seek reimbursement following completion.

Councilmember Wooden introduced Agenda Item 4.

There was no staff presentation. Council had no questions.

Motion by Councilmember Wooden to approve Resolution No. 49-2014, a resolution amending the fiscal year 2014 Capital Investment Program budget to reflect the approval of a supplemental budget appropriation in the amount to \$121,312.18 to fund the Tabor Street Property Acquisition Services for reconstruction, and to award a contract to H.C. Peck & Associates, Denver, CO; seconded by Councilmember DiTullio; carried 8-0.

5. Resolution 48-2014 – beginning a City-Initiated rezoning of property located North of 12525 W. 32nd Ave. to Planned Commercial Development (PCD)

Councilmember Pond introduced Agenda Item 5.

Mr. Goff reminded Council this had been presented to them some months ago. It involves a small strip of property for which the owner cannot be found. The land is not buildable and has been tax delinquent for over 20 years. Urban Renewal is helping Regency obtain the plot so they can develop that portion of the shopping center – hence the request for PCD zoning.

Councilmember Urban had questions. Mr. Goff responded.

- Urban Renewal will convey the property to Regency.
- The developer has money in escrow to pay for the property and appraisal.
- The plot is valued at about \$750.
- Staff time and attorney time is being covered by the Urban Renewal Authority.

Motion by Councilmember Pond to approve Resolution No. 48-2014, a resolution beginning a City-initiated rezoning of property located north of 12525 W. 32nd Avenue to Planned Commercial Development (PCD); seconded by Councilmember Fitzgerald; carried 8-0.

6. Motion to appoint a member to fill the District IV vacancy for the Planning Commission

Councilmember Langworthy introduced Agenda Item 6. This Planning Commission seat has been vacant for several months.

Motion by Councilmember Langworthy to appoint Donna Kimsey to the Planning Commission representing District IV, term to expire March 2, 2017; seconded by Councilmember Wooden; carried 8-0.

7. Retail Development Tutorial ~ Katy Press, KP Consulting & Associates

Given the developments in the City that are current and projected, Mr. Goff thought it prudent to provide education on the topic for Councilmembers and the citizens. Ms. Press has 30 years of experience in retail development – particularly on Denver's west side. She proceeded with a Power Point presentation.

How do retailers make decisions [about where to locate]?

- Each retailer is unique (Ex: Einstein's and Starbucks make decisions differently.)
- National retailers evaluate opportunities from a global perspective
- Any new opportunity needs to meet basic criteria that retailer feels is necessary for their success. (Mistakes not tolerated. High risk locations probably rejected.)
- Development horizons are relatively short. They don't think long term. A 2-3 year horizon is typical.

Retail falls into 5 distinct tiers**1. Convenience**

- 1,000-3,000 sf
 - 2 mile trade area
 - Independent projects (can stand alone, or not)
 - Co-tenancy is not a factor (rely on pass-by traffic)
 - Auto-centric (most customers arrive by automobile)
 - Visibility and access are key (need both together in the same location)
- Ex: gas stations, fast food, Starbucks

2. Neighborhood (most common for our daily use; needs-based retail)

- 40,000-120,000 sf (123K sf grocery is considered a neighborhood store)
- 2 mile trade area (tight; hasn't changed; customers unwilling to travel)
- 15-25 acre projects
- Prefer convenience retail co-tenancy (ex: grocery w/ gas and fast food)
- Development "style" defined (grocery a very defined level of development)
- Destination oriented shopping trip (a conscious decision)
- Need to be highly accessible to residential base (nearby location)

Trends affecting grocery retailing

- Most dynamic genre coming out of the market downturn
- Birth of destination stores such as Sprouts, ethnic, healthy
- Erosion of conventional grocery dollars (Same money, more choices)
- Evolution of the traditional grocery chains (the genre is in transition)

3. Mid-Range Regional

- Junior anchors
- Store sizes vary depending on the genre of the retailer (15,000-40,000sf)
- Characterization as a junior anchor is less about store size and more about the type of retailer they are
- Serve 30,000 to 100,000 folks (Emerged from the recession; in transition)
- High profile locations with Interstate visibility
- Co-tenancy with mid-range retailers is mandatory
- Co-tenancy with general merchandise retailers (like Target, Super WalMart, Home Depot; helps to regularly provide right consumer base)

Trends affecting Mid-Range Retail

- E-commerce (Retailers recognize the impact and are having online and brick/mortar presence)
- Precision Shopping (Post recession we're becoming more educated and specific in our shopping)
- "Showrooming" (ex: electronics; efforts on ways to mitigate the impact)

4. Super-Regional Retail (Mall-oriented retailing)

- Retail focus in primarily non-discount soft goods (clothing)
- Store size does not dictate super-regional classification (ex: Coach)
- 20 mile trade area
- Population numbers around 1 million; high-profile locations at Interstate cross sections (If proposed today, Belmar might not be a super-regional mall)
- Co-tenancy with other super regional retailers (They flock together.)

- Club Membership stores fit in this category (Sam's Club, Costco); need 250,000+ population; not in malls (don't need them); happy to stand alone
- Trends affecting super-regional retail
- Enclosed mall preference (coming back)
 - Lifestyle concepts (evolving)
 - Outlet center growth (came out of the recession); now located in town
 - E-commerce
 - "Showrooming" (Working to keep on-line and in-store shoppers theirs)

5. Main Street Retail

- Highly discussed and debated concept
- As many successes as failures (initiating from the ground up is most difficult; some aspects missing – possibly fatal)
- Reliance on independent retailers (difficult to identify; developers hope retailers will respond to the infrastructure)
- Presents inherent risks to conventional retailers and the developers

Why some Main Street concepts thrive and others struggle.....

- Need significant residential density in close proximity to the project (typically not well suited for suburbia)
- Importance of a grocery anchor (frequent shoppers / everyday needs)
- Competition from strip retail (retailers tend to choose the more conventional locations with more shoppers)
- Automobile dominated orientation for the area (doesn't lend itself well to main street retailing; almost impossible to overcome)
- Scale of the retail (long vehicular corridors not well suited for this)

Ms. Press responded to questions from Council and the Mayor:

- Mid-range anchors determine their trade area with different perspective
- Hybrid lifestyle projects with complexity of use (mixing retail/residential/civic/etc.) are difficult and not seen in the metro area.
- Signage is evolving. It helps dictate character. Newer centers have more art, colorful signs and creative architecture.
- Retailers don't look at your population; they look at the trade area, proximity of competition and demographic.
- High volume streets like Wadsworth and Kipling are secondary considerations.
- Most retailers don't care about jurisdictional lines; they look for location and opportunity.
- Aesthetics are important, but location is more important. Out of sight/out of mind is fatal.
- Mixed use efforts (retail/residential) tend to be ill-conceived as it is hard to execute both well. Developers know one or the other – but not both.
- You can't recruit independent retailers to a main street. You have to build it and hope they will come.
- Existing main streets already have the infrastructure; building and hoping is a tough thing.

Mr. Goff said he will put this presentation on the City website.

CITY MANAGER'S MATTERS

Mr. Goff reminded the public the Rec Center is closed this week for annual maintenance and cleaning. It will reopen on Saturday.

CITY ATTORNEY'S MATTERS

CITY CLERK'S MATTERS

ELECTED OFFICIALS' MATTERS


Kristi Davis thanked her neighbors for their 8th annual block party.

Tracy Langworthy hopes everyone stays safe and doesn't drink too much over the holiday. The police will be out and kids are in school.

George Pond had a block party too and everyone enjoyed it. ~ He noted he's gotten a lot of emails recently, and asked folks to be patient if they haven't gotten a response yet. He will get to them.

ADJOURNMENT

The City Council Meeting adjourned at 9:26 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON September 8th, 2014.



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.