

CITY COUNCIL MINUTES

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

March 9, 2015

Mayor Jay called the Regular City Council Meeting to order at 7:02 p.m.

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

ROLL CALL OF MEMBERS

Jerry DiTullio	Zachary Urban	Kristi Davis
Tim Fitzgerald	George Pond	Tracy Langworthy

Absent: Bud Starker, Genevieve Wooden

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

APPROVAL OF THE MINUTES OF February 23, 2015

Without objection the minutes of February 23, 2015 were approved as published.

PROCLAMATIONS AND CEREMONIES

none

CITIZENS' RIGHT TO SPEAK

Maurine Daly (WR) thanked Councilmembers Urban and DiTullio for hosting last weeks' meeting to answer questions about the TIF for 38th & Wadsworth. She thanked Councilmember Wooden for attending. She expressed disappointment to hear that other councilmembers had directed City staff to develop talking points to counter opposition to the developer's plan for a neighborhood grocer and the TIF to fund it. This makes it seem like it's a done deal, and she thought they would keep an open mind.

Monica Duran (WR) and **Ryan Mitchel** (WR) spoke together. Monica thanked Councilmember DiTullio for bringing people together to talk about TIF. She and Mr. Mitchel are asking Council to be leaders and come together on the future of 38th Avenue. ~ Ryan said he and Monica represent two very different sides of this issue and they have come together to talk. ~ They'd like to get people together in a small forum to discuss what 38th Avenue should look like. Lanes and traffic flow are important but they aren't the only issues. There are other amenities people want. As they work together they'd also like to see communication between Council to bring everyone together. There are

also other areas in the City to discuss besides 38th Ave. Hopefully this will help heal the divide in this city.

Kelly Brooks (WR) thanked Council for the time and effort spent resolving the marijuana issue – especially Councilmembers Langworthy and Wooden and Mayor Jay, and Councilmember Pond for drafting the ordinance.

Larry Mathews (WR) read from a Denver Post article about the recent special election in Littleton. By a vote of 60% to 40% Littleton voters approved a charter amendment that will require a vote of the people to use urban renewal tactics like TIF and eminent domain. A question limiting their City's use of eminent domain powers passed by an even wider margin. Opponents raised nearly \$91,000 in campaign donations primarily from heavy-hitting builders and real estate industry groups to oppose the effort. Backers raised almost \$3,000 in contributions from local residents. ~ Time prevented reading the full article. It will be available in the City Clerk's office.

Amy Heinz, representing Rocky Mountain Foot & Ankle at 38th & Wadsworth, thanked Councilmember Davis for being responsive to her. She's is trying to grow her business and she'd like to see the area thrive. If the Elway corner was developed it would help her business. They would even like to relocate to the new development.

Councilmember DiTullio asked Mr. Brink for an update on options for 38th Avenue and the status of the removal of back-in parking. ~ Mr. Brink stated they're working with a contractor to get rid of the back-in parking, but cold weather has delayed the restriping. It should be in April. ~ Additionally, staff is working internally developing options for 38th and will be bringing those to Council soon.

Councilmember Langworthy read a comment from Councilmember Wooden who is away at National League of Cities. The statement gave the purpose of the Wheat Ridge Education Alliance, explained the School District's Jefferson Innovation Plan, and outlined alternative suggestions the Education Alliance offered to the School District. The School District reviewed these suggestions and decided not to consider them. Two students asked the Board to continue the dialog so there will be more community meetings to consider alternatives. The meetings will be held from 6-7pm on 3/16 at Everitt, 3/17 at Maple Grove, and 3/18 at Manning. The public is invited.

Mayor Jay stated she believes the school issue is very important to the community. She suggested City Council might ask Councilmember Wooden to update everyone in the future.

Councilmember Urban read a statement outlining the reasons for his personal opposition to locating the Sobesky School at Stevens and closing yet another neighborhood school despite the neighborhood's protest. We shouldn't have to defend why we don't want the Sobesky School in our neighborhood and we shouldn't have to lose another mainstream neighborhood school to meet the whims of the School District. The needs of the City should be considered too. Enough is enough.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a. Motion to award RFB-15-08, to Foothills BMW, Lakewood, Co, for a police patrol motorcycle at a cost of \$24,658.13, and an additional \$7,000 for the purchase and installation of required equipment *[Public Works fleet replacement budget for 2015]*
- b. Resolution No. 16-2015 – approving an Intergovernmental Agreement between the City of Lakewood, the City of Wheat Ridge and the West Metro Fire Protection District for the Use and Maintenance of a shared Radio Communications System *[Improves service; no additional financial impact]*
- c. Motion to approve payment to Vermeer Sales & Service of Colorado, Inc., Commerce City, CO, in the amount of \$57,558 for one Vermeer BC1500 Brush/Wood Chipper *[Current chipper, new in 2004, is old and unreliable; replacement budgeted for 2015]*
- d. Resolution No. 15-2015 – authorizing the City of Wheat Ridge to become a participating entity in the Jefferson County Public Safety Fiber Optic Network (J-FON) and approving the Policy Statement of the network *[High speed data network to connect for public safety and governments; no cost to City now; potential for future annual maintenance fee]*
- e. Motion to Ratify Mayoral Appointment of Janice Thompson to the Wheat Ridge Housing Authority, term to expire March 2, 2020 *[Reappointment; served since 2005]*

Councilmember Pond introduced the Consent agenda.

Motion by Councilmember Pond to approve the consent agenda; seconded by Councilmember Davis; carried 6-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2. Council Bill No. 04-2015 - an ordinance approving the rezoning of 5130 Parfet from Planned Industrial Development (PID) and Agricultural-One (A-1) to Industrial Employment (I-E) (Case No. WZ-14-15/Parfet Storage)

Councilmember Langworthy introduced Council Bill No. 04-2015.

This is a rezoning of two parcels totaling approximately 3.48 acres. The rezoning will expand possible uses for the owner, including a mini-warehouse storage facility. There are no specific plans for improvements at this time. Following rezoning, any future development will only require an administrative review process.

Clerk Shaver assigned Ordinance 1568.

Mayor Jay swore in Mr. Johnstone and the applicant.

Mayor Jay opened the public hearing.

Ken Johnstone gave the staff presentation. The property is north of I-70 and south of Ridge Road at approximately 50th Ave. between Parfet and Oak. Part of the property is zoned PID; part is zoned Agriculture. The requested I-E zone is compatible with the zoning and land use of surrounding properties. Architectural standards would apply to any development. The requested I-E zone allows light industrial and commercial uses which are compatible with the Comprehensive Plan. Landscape requirements are a little less. Front setbacks would be a little less - 10' instead of 50'. Staff and the Planning Commission recommend approval.

There were no questions from Council and no public comment.

Mayor Jay closed the public hearing.

Motion by Councilmember Langworthy to approve Council Bill No. 04-2015 - an ordinance approving the rezoning of 5130 Parfet from Planned Industrial Development (PID) and Agricultural-One (A-1) to Industrial Employment (I-E) (Case No. WZ-14-15/Parfet Storage) 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 and 260-303-D of the Code of Laws.

Seconded by Councilmember Pond;

Councilmember Langworthy expressed appreciation to the property owner for a good plan. ~ Councilmember Urban raised the issue of 50th Avenue being interrupted at this point. Ken Johnstone commented that subsequent subdivision might increase the need for right of way.

Motion carried 6-0.

ORDINANCES ON FIRST READING

- 3.** Council Bill No. 07-2015 an ordinance providing for the Sunset of the Animal Welfare and Control Commission

Councilmember Fitzgerald introduced Council Bill No. 07-2015

The Animal Welfare and Control Commission has functioned since 1977. Staff indicates this Commission is no longer needed and sunsetting it will save the expense of conducting and staffing the Commission meetings.

Motion by Councilmember Fitzgerald to approve Council Bill No. 07-2015 an ordinance providing for the Sunset of the Animal Welfare and Control Commission on first reading, order it published, public hearing set for Monday, March 23, 2015 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Langworthy; carried 5-1, with Councilmember DiTullio voting no.

DECISIONS, RESOLUTIONS AND MOTIONS

- 4.** Motion to approve installation of a Traffic Calming Device on Balsam Street between 39th Ave. and 41st Avenue in accordance with the Neighborhood Traffic Management Program

Councilmember Urban introduced Item 4.

Scott Brink explained this is the first consideration before Council since the revival of the Neighborhood Traffic Management Program. The public process has been followed and sufficient petition signatures have been turned in to trigger installation of one speed hump on Balsam Street. With Council's approval, staff is ready to proceed.

Councilmember Davis lives in the area and noted there are already traffic calming islands on 41st. She asked for consistency of design, thinks islands would look nicer and wants to make sure the neighbors were given that option. ~ Mr. Brink reported staff is amenable to speed humps. He said that islands are typically used for streets that have higher daily volume. They are more expensive to install and maintain, and locating them can be problematic as they can interfere with driveways and some folks don't want them in front of their house. Discussion ensued.

Residents living on the street section in question commented:

Lorraine Poulson said parking is not an issue. The street slopes to the north. She thinks the hump is necessary to slow down the cars.

Kristine Disney has lived on Balsam two years. She said the speeding is bad and noted there are children in the area. Cut-through traffic is a problem too. She doesn't care if it's a speed hump or an island; she just wants something.

Carla Mead lives on the corner and has children. She said traffic is increasing in volume and getting faster. She doesn't care if it's a speed hump or an island.

Rob Finger said the data the City collected indicates 35-40% of the cars on this street go 10mph over the speed limit.

Larry Mathews (WR) doesn't live on the street, but as an interested citizen he noted that speed humps are less expensive to install and won't require expensive long-term maintenance.

Motion by Councilmember Urban to approve installation of a Traffic Calming Device on Balsam Street between 39th Ave. and 41st Avenue in accordance with the Neighborhood Traffic Management Program; seconded by Councilmember Davis;

There was discussion about having this come back to Council again if something other than a speed hump is installed. Chief Brennan indicated staff intends to install a speed

hump. Mr. Dahl advised that an amendment to the motion is not necessary would not be necessary; if something else is done it will come back to Council.

Motion carried 6-0.

- 5.** Resolution No. 18-2015 amending the fiscal year 2015 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$15,000 for the purpose of providing a donation to the Seniors' Resource Center Phase II Facility Expansion Project

Councilmember DiTullio introduced Item 5.

Phase II of SRC's expansion project will include increased energy efficiency and create more efficient workspace for transportation, in-home care, care management and community marketing. It will also increase the space for new volunteers as they provide new services and improve their capacity. They estimate a 25% increase in services by 2018. ~ Estimated construction cost is \$1.4 million; 4-6 new jobs (beyond temporary construction jobs) will be generated. SRC asked for a waiver of the building use tax (\$25,200) and the permit and plan review fee (\$13,368). At the March 2nd study session there was consensus by Council to contribute \$15,000 to SRC in lieu of a tax and fee waiver.

John Zabawa from the SRC addressed the Council.

- He listed several past examples of how the City has demonstrated strong financial commitment to the Center – including a cash contribution of \$50,000 and the waiver of over \$100,000 in taxes and fees when the adult day center was built.
- Last year they served over 19,000 individuals – a 12% increase over 2013; 1,900 were WR residents.
- 100+ individuals a day come through the Center, including some 60 staff members who shop and spend money in Wheat Ridge.
- The SRC has continually improved the old Columbia Heights School since they acquired it in 1982 when it was vacant and blighted for a number of years. They have continued to improve the facility and provide more services for seniors.
- Their construction budget is \$1.4M and they assumed Council would honor the Business Development Zone agreement that was approved in 2013. Unfortunately they couldn't start construction that year due to decreased funding of \$400K from the County and some other variables.
- Construction cost have now risen and they raised the extra money, but there remains a \$38,000 gap for funding.
- They would appreciate anything Council can do to fill in that gap.

In response to a question from Council Mr. Zabawa relayed that

- Other cities had not been asked to contribute specifically to this project, but they do contribute to the delivery of services.
- Wheat Ridge is the only City that is charging taxes and fees for this project.

- \$600,000 in revenue will be generated through the construction phase of the project.

Councilmember DiTullio offered to make the motion for \$15,000 and hoped someone would make a motion to amend that amount to \$22,500 – which is the amount of the original BDZ that had been approved. Meanwhile staff could contact other cities to see if they could contribute to the funding gap.

Motion by Councilmember DiTullio to approve Resolution No. 18-2015 amending the fiscal year 2015 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$15,000 for the purpose of providing a donation to the Seniors' Resource Center Phase II Facility Expansion Project; seconded by Councilmember Urban;

Motion by Councilmember Langworthy to increase the amount to \$22,500; seconded by Councilmember DiTullio;

Council comments followed.

The amendment passed 5-1, with Councilmember Fitzgerald voting no.

Further Council comments followed.

Motion by Councilmember Davis to condition the delivery of the funds upon issuance of the building permit; second by Councilmember DiTullio; carried 6-0

The main motion as amended carried 6-0.

6. Motion to reconsider the February 23, 2015 appointment of Kristine Disney to the Cultural Commission at-large position

Councilmember Davis introduced Item 6.

When the annual Board and Commission appointments were done Kristine Disney was inadvertently appointed to fill the at-large position on the Cultural Commission. Gay Porter DeNileon currently holds that seat and applied to be reappointed. She is instrumental in the "Wheat Ridge Reads" program. Ms. Disney has been notified of the oversight and has been asked to serve on another committee.

Motion by Councilmember Davis to reconsider the February 23, 2015 appointment of Kristine Disney to the Cultural Commission at-large position; seconded by Councilmember DiTullio; carried 6-0

Motion by Councilmember Davis to substitute the reappoint Gay Porter DeNileon to the Cultural Commission at-large position, term to expire March 2, 2018; seconded by Councilmember Langworthy; carried 6-0.

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

City Clerk Janelle Shaver recounted details of a hit and run incident that occurred at 29th & Wadsworth last Friday afternoon. The victim, a teenage girl, is a member of the Wheat Ridge Deputy Clerk's family and lives with them. She was crossing Wadsworth properly when she was hit; she suffered a concussion, fractured upper jaw, multiple bruises, facial lacerations and lost four front teeth. The maroon car that hit her drove away. Anyone who witnessed this is asked to contact Wheat Ridge Police. Clerk Shaver asked people to remember this young woman in their thoughts and prayers, and encouraged pedestrians to be watch out for cars, and drivers to be watchful for pedestrians.

Jerry DiTullio thanked Monica Duran and Ryan Mitchel for meeting and bringing the two sides together to start the discussion about options for 38th Avenue. He's looking forward to the options staff will bring forward in the spring.

Kristi Davis thanked Amy from Wheat Ridge Foot and Ankle for coming in to talk about investing in their business. ~ She also thanked A-1 Rentals for fixing her snow blower.

Zach Urban recognized his neighbor Fred Carter, a Korean War veteran, who passed away Sunday. He thanked the Police Department – specifically responding Officer [Brent] Brandner, for his professionalism and ability to work with neighbors during the initial welfare check and afterwards providing victim advocacy for a grieving neighborhood. ~ He also invited folks to drive down Reed Street near 47th Ave. where over 15 neighbors have American flags flying to recognize Fred Carter's service to our country. Fred was a member of all the neighbors' families and he will be missed.

Tracy Langworthy repeated the dates for the Jeffco Education meetings: March 16 at Everitt, March 17th at Maple Grove, March 18th at Manning. All meetings are from 6-7PM. ~ She said she hasn't made her decision about the WalMart TIF and she's offended that anyone would think she has.

George Pond invited residents of District III to meet with him and Tim Fitzgerald this Saturday from 9-11am at Davey's Chuckwagon at 26th and Paramount Parkway. Pastries and coffee will be provided.

Mayor Jay thanked the citizens who attended the Mayor's Coffee last Saturday.

ADJOURNMENT

The City Council Meeting adjourned at 8:38 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON March 23, 2015



Bud Starker, 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.