

CITY COUNCIL MINUTES

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

September 28, 2015

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

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; Police Chief Daniel Brennan (sitting in for the City Manager); Community Development Director, Ken Johnstone; other staff and interested citizens.

APPROVAL OF MINUTES OF August 24, 2015 and September 14, 2015

Without objection the minutes of August 24, 2015 and September 14, 2015 were approved as published.

PROCLAMATIONS AND CEREMONIES

CITIZENS' RIGHT TO SPEAK

Thomas Slattery (WR) invited everyone to attend the Election Forum hosted by Wheat Ridge United Neighbors this Wednesday, September 30 at 7pm in City Council Chambers. All candidates that will be appearing on Wheat Ridge ballots will be speaking including those for City races and all the school board races. There will also be speakers for and against Wheat Ridge Question 300, the Library mil levy increase, and state issue BB.

Kim Calomino (WR) In her work with community engagement and residential development she has seen the public and private sectors work together to enhance communities. She believes partnerships with investors and businesses are necessary. She thinks Wheat Ridge has made progress the last ten years in becoming pro-business and forward thinking. She sees passage of Question 300 as sending a message that WR is not open for business and that we will lose opportunities for revenue to our neighbors. She believes it would hurt our ability to expand shopping, dining and employment opportunities - which are all necessary to attract strong, committed households. The

kinds of residents we want to attract will be invested committed partners in our community. He encouraged the Council and citizens to vote no on measure 300.

Tim Rogers (WR) believes initiative 300 is political gridlock spawned by a small group of citizens who haven't shown that damage has been done by the current urban renewal process. He believes if it passes well-thought-out projects serving the majority will be controlled by a small group of voters who don't have the tools to make decisions about large construction projects. ~ He outlined what makes for a good review process by unbiased experts, not voters - one that developers should be able to expect and that the Urban Renewal Authority has the authority to perform. ~ He listed hardships he believes 300 will create for developers and contractors. He thinks it will give other cities a competitive advantage and require citizen motivation and knowledge to choose good projects. ~ He believes the current review process is transparent, and citizens are allowed to participate. He believes the community is being tricked into believing that building a grocery store has ruined the ability of Council, Planning Commission, and the Urban Renewal Authority to forge solutions that will help the long term needs of the City.

Kelly Brooks (WR) is concerns about measure 300. He believes it will damage our ability to attract quality development, strong businesses and revenue. He predicts unintended consequences and doesn't think this shouldn't be in the charter. ~ He doesn't think WR is in high demand for developers. Since the recession ended in 2009 less than a handful of noteworthy commercial developments have located here, and most of them needed financial partnership. He listed a number of projects that will be in jeopardy if 300 passes. He doesn't believe we should tie the hands of City leaders. How we exploit or restrict the TIF mechanism will impact major development for the foreseeable future. He encouraged citizens to vote no on 300.

APPROVAL OF AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill 20-2015 – approving a zone change from Industrial-Employment (I-E), Commercial-One (C-1) and Agricultural-One (A-1) to Industrial-Employment (I-E) for property located at 4901 Marshall Street

Councilmember Urban introduced Council Bill 20-2015.

This zone change is the first step in the process for redevelopment of this site. All further site plan review and confirmation of compliance will be done by the staff with no additional public hearings required.

Clerk Shaver assigned Ordinance 1582.

Mayor Jay opened the Public Hearing.

Ken Johnstone was sworn in by the Mayor and gave the staff presentation. He entered into the record the contents of the Council packet, the zoning and development code, and the City's Comprehensive Plan.

- Mr. Johnstone described the zoning of neighboring properties, the current zonings on the site, and what is called for in the Comprehensive Plan.
- Much of the site is already zoned I-E, the Comp Plan calls for I-E and surrounding land uses are compatible with I-E.
- I-E allows light manufacturing, storage, warehouse and other industrially related uses. The owner is requesting the entire property be zoned as I-E.

Staff recommends approval because it is consistent with the Comprehensive Plan, it will consolidate disparate zonings, the criteria for rezoning are supported, and the Planning Commission recommends approval.

The applicant was present, but did not speak.

Council questions followed:

Councilmember Starker inquired what the ratio of office to storage would be and if it would be indoor or outdoor storage or both?

- Mr. Johnstone stated that is not part of this application and will be subject to staff review and approval.
- The expectation is a mix of the uses: climate controlled storage, independent one-story storage units, and office-industrial flex space facing Marshall – with flexibility for one or two story buildings for office, manufacturing or warehouse components within multi-tenant units.
- Outdoor storage of things such as boats and RV's is not planned.

Mayor Jay closed the Public Hearing.

Motion by Councilmember Urban to approve Council Bill No. 20-2015 - an ordinance approving a zone change from Industrial-Employment (I-E), Commercial-One (C-1) and Agricultural-One (A-1) to Industrial-Employment (I-E) for property located at 4901 Marshall Street 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 zoning 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.

2. Council Bill 21-2015 – An ordinance amending Sections 16-224, 16-225 and 16-226 of the Wheat Ridge Code of Laws, concerning Massage Parlors, to delete references to obsolete State Statutes and clarify Statutory Authority

Councilmember DiTullio introduced Council Bill 21-2015.

Massage Parlors are businesses that provide massage, *excluding* businesses that employ state-licensed massage therapists, training rooms of athletic teams, health care facilities and accredited/approved schools.

This ordinance will delete references to three obsolete state statutes that were repealed as of August 5, 2015. The City will retain its right to license and regulate massage parlors (establishments that employ *non-licensed* massage therapists).

Clerk Shaver assigned Ordinance 1583.

There was no staff presentation.

Mayor Jay opened the Public Hearing.

No one was present to speak.

Mayor Jay closed the Public Hearing

Motion by Councilmember DiTullio to approve Council Bill No. 21-2015 - an ordinance amending Sections 16-224, 16-225 and 16-226 of the Wheat Ridge Code of Laws, concerning Massage Parlors, to delete references to obsolete State Statutes and clarify Statutory Authority, on second reading, and that it take effect fifteen days after final publication; seconded by Councilmember Starker;

Councilmember Urban received clarification from Mr. Dahl that the City currently has no licensed massage parlors. While the state is no longer regulating massage parlors, many cities regulate that type of business the same way they regulate sexually-oriented businesses. Often that serves as a disincentive to locate in those cities. One function of this ordinance will be to provide a tool for the City should that type of business choose to locate in Wheat Ridge. It provides a licensing and enforcement mechanism.

Chief Brennan will be glad to work with any of the councilmembers on this.

Motion carried 8-0.

ORDINANCES ON FIRST READING

3. Council Bill 22-2015 – smoking ordinance repealing and reenacting Article II of Chapter 9 of the Wheat Ridge Code of Laws concerning Smoking in Public Places

Councilmember Wooden introduced Council Bill 22-2015.

This ordinance will bring the City Code into alignment with the Colorado Clear Indoor Air Act (CCIAA) with additions that will:

- Broaden the definition of "smoking" to include vaping and all other means of consumption that release secondhand smoke, vapor or particles into the air
- Prohibit outdoor smoking at City parks, playgrounds, facilities and events (such as the Carnation Festival)
- Prohibit smoking at public transit stops
- Permit smoking on the outdoor patios of restaurants and bars
- Expressly prohibit hookah bars
- Reaffirm and reference the City's existing Code that prohibits the open and public consumption of marijuana and the operation of marijuana clubs

Motion by Councilmember Wooden to approve Council Bill 22-2015, an ordinance repealing and reenacting Article II of Chapter 9 of the Wheat Ridge Code of Laws concerning smoking in public places, on first reading, order it published, Public Hearing set for Monday, October 12, 2015, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication, seconded by Councilmember Langworthy; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

4. Motion to approve the Annual Police Radio System Contract Payment to the City of Lakewood in the amount of \$51,726.34 for Police Radio System Maintenance Services.

Councilmember Fitzgerald introduced Item 4.

The City currently shares use of the Mount Morrison radio site with the City of Lakewood and West Metro Fire. This new IGA provides a contract whereby the City of Lakewood radio technicians will maintain the radio infrastructure and equipment and invoice the City of Wheat Ridge for those services. It also allows West Metro Fire to invoice the City for site lease and utility costs on Mount Morrison.

Chief Brennan spoke about the arrangement we have with Lakewood's radio technicians working on our radios and equipment.

Motion by Councilmember Fitzgerald to approve payment to the City of Lakewood in the amount of \$51,726.34 for police radio system maintenance services; seconded by Councilmember Pond; carried 8-0.

5. Resolution No. 39-2015 – approving an Intergovernmental Agreement between the City of Wheat Ridge, the Urban Drainage and Flood Control District (UDFCD) and the City of Golden regarding funding of a study to modify the Regulatory Hydrology on Clear Creek

Councilmember Starker introduced Resolution 39-2015.

This IGA will allow Wheat Ridge to participate in an effort by the City of Golden and Urban Drainage to modify the regulatory hydrology on Clear Creek. Golden has been collecting historic flow data from USGS gauges on Clear Creek for many years. Following FEMA's recent changes to the floodplain map, which impacted both Golden and Wheat Ridge, Golden evaluated the data and realized the actual gauge readings are lower than the calculated flows. The plan is for Golden, Wheat Ridge, and Urban Drainage to team up and apply for a revision to the floodplain map. The City's share of this project will be \$10,000.

Mr. Dahl stated he reviewed the IGA. Some small corrections he requested have been made.

Mark Westberg said that being able to drop the cfs from 12,000 down to 9,000 in Golden will hopefully mean we can lower our cfs from 15,000 to 12,000. This would have a tremendous impact on the floodplain map. Staff is excited about this – calling it the best \$10,000 we've ever spent on anything related to floodplains. As soon as this is resolved in the spring, an application process with FEMA will begin and hopefully some properties will be removed from the floodplain map. This is a good thing for residents.

Motion by Councilmember Starker to approve Resolution 39-2015 – a resolution approving an Intergovernmental Agreement between the City of Wheat Ridge, the Urban Drainage and Flood Control District (UDFCD) and the City of Golden regarding funding of a study to modify the Regulatory Hydrology on Clear Creek; seconded by Councilmember Wooden; carried 8-0.

6. Resolution No. 40-2015 – amending the Fiscal year 2015 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$20,000 for the purpose of reserving events at 2015 pricing for the 2016 Carnation Festival

Councilmember Davis introduced Resolution 40-2015.

The Carnation Festival committee has requested this \$20,000 now so they can reserve the fireworks and carnival for next year's festival at 2015 prices. Adequate reserves are available in the General Fund undesignated fund balance.

Motion by Councilmember Davis to approve Resolution No. 40-2015, a resolution amending the Fiscal year 2015 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$20,000 for the purpose of reserving events at 2015 pricing for the 2016 Carnation Festival; seconded by Councilmember DiTullio; carried 8-0.

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Clerk Shaver reminded councilmembers and board and commission members to RSVP for the Board and Commission Appreciation Dinner on October 13.

Jerry DiTullio read portions of a letter from a District 1 resident about the City cutting down her 5 large maple trees that bordered her property. This started over two years ago. She was promised the trees would be replaced and was asked to choose replacement trees. She'd like the trees replaced. He asked the Chief, as Acting City Manager, to have staff give her a call; he said they would.

Kristi Davis thanked all the folks who serve on the Boards and Commissions as she will be unable to attend the dinner ~ She thanked the people who are putting on the Election Forum on Wednesday.

Bud Starker thanked Wheat Ridge United Neighborhoods for putting on the Forum and encouraged people to tune in or come watch.

Genevieve Wooden thanked WR2020 for hosting the Mid-Century home tour this last Saturday, and the people who had their homes be part of the tour. ~ She announced a meeting on Tues, Oct 6 from 7-9pm at the Rec Center. A representative from CDOT will be there to give an update on the projects for I-70. ~ She said the Freddie Steinmark movie premieres on Nov. 13. She has given councilmembers Freddie Steinmark #43 t-shirts. The book signing event is this Wednesday, September 30 at the high school, with the author, and Freddie's family and friends on hand. Tickets are available for \$25 on the school website. The next night is the homecoming game.


Tracy Langworthy thanked Zach Urban for running in the Farmer 5000. She said Wilmore Davis had the most students participate. ~ She thanked the homeowners for the Mid-Century home tour.

George Pond added his praise for the home tour; he was not able to attend.

Mayor Jay thanked United Neighborhoods for their work putting on the Candidate/Issues Forum this Wednesday. She also noted the League of Women Voters' forum on Question 300 on Wed, October 7.

ADJOURNMENT

The meeting was adjourned at 7:48 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 12, 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.