

CITY COUNCIL MINUTES

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

May 9, 2016

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

Monica Duran	Zachary Urban	Kristi Davis	Janece Hoppe
Tim Fitzgerald	George Pond	Larry Mathews	

Absent: Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Treasurer, Jerry DiTullio; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Public Works Director, Scott Brink; Administrative Services Director, Heather Geyer; other staff, guests and interested citizens.

APPROVAL OF MINUTES OF April 25, 2016 and Study Notes of April 18, 2016

There being no objection, the Minutes for April 25, 2016 and Study Notes of April 18, 2016 were approved as published.

PROCLAMATIONS AND CEREMONIES

National Police Week/National Peace Officers Memorial Day

Mayor Jay read a proclamation declaring May 15-21 as National Police Week and May 15 as National Peace Officers Memorial Day. Chief Brennan read the names of the 4 Colorado officers who died in the line of duty in 2015.

First Responders

Mayor Jay read a proclamation declaring May 9 as First Responder Appreciation Day. Chief Brennan spoke about the good working relationship our police department has with the local fire and emergency responders.

Mental Health Month

Mayor Jay read a proclamation declaring May 2016 as Mental Health Month, calling on all citizens to acknowledge the importance of Mental health in the community. Patricia Wray, Vocational Services Manager for Jefferson Center for Mental Health was on hand to receive the proclamation. Mental illness is the leading cause of death in the country surpassing cancer, heart disease and diabetes. The need is great in our community; last month there were over 800 calls for service. The Vocational Services

facility is in Wheat Ridge at 38th & Pierce. 16 vocational experts help people get back into the community.

CITIZENS' RIGHT TO SPEAK

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Motion to award a contract for 2016 Bicycle and Pedestrian Master Plan Update to Toole Design Group, Denver, CO., in the amount of \$59,788
[To update the 2010 bike/ped master plan]
- b) Motion to approve purchase of one 2016 John Deere 326E Skid Steer Loader/Tractor and attachments from John Deere Construction Retail Sales delivered by Potestio Brothers Inc. of Parker, CO in a total amount not to exceed \$73,484 *[1998 model needs replacing]*
- c) Motion award a contract and approve payment to Public Resource Management Alliance Corporation DBA PReMACORP for the Tax Audit of four major construction projects in an amount not to exceed \$56,100 *[Recovery of additional taxes and fees is expected]*
- d) Motion to ratify the Mayoral Appointment of Kelly Brooks to the vacant District IV seat on the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, Term to expire November 30, 2016

Councilmember Davis introduced the Consent Agenda.

Councilmember Mathews asked to pull Item d).

Motion by Councilmember Davis to approve the Consent Agenda items a), b), and c); seconded by Councilmember Pond; carried 7-0.

Motion by Councilmember Davis to ratify the Mayoral appointment of Kelly Brooks to the vacant District IV seat on the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, term to expire November 30, 2016; seconded by Councilmember Fitzgerald;

Discussion followed. Councilmember Mathews understands this is a mayoral appointment, but noted there was no input solicited from District 4 councilmembers. He also expressed concern that the URA seems to be getting top heavy with officials (city manager, economic developer, councilmember, now a board member from WR2020); he would like to see more representation of independent citizens. The Mayor said she spoke with all the applicants. Councilmember Davis said she doesn't think about Mr. Brooks being part of a group, but as a Fire Marshall. Councilmember Duran mentioned the qualifications of the other applicants: John Clark and Leah Dozeman.

Motion carried 5-2, with Councilmembers Mathews and Duran voting no.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 07-2016 – An Ordinance approving the rezoning of property located at 10803 W. 44th Avenue from Agricultural-One, Residential-Three, and Commercial-One to Mixed Use-Neighborhood (MU-N) (Case No WZ-16-02/Fruitdale)

Councilmember Fitzgerald announced that he needed to recuse himself from Item 2 as he sits on the Housing Authority. He left the room.

Councilmember Pond introduced Council Bill 07-2016.

Clerk Shaver assigned Ordinance 1596.

Mayor Jay opened the Public Hearing.

Mayor Jay swore in Meredith Reckert, senior planner.

Staff presentation

Meredith Reckert gave the staff presentation. She entered into the record the Comprehensive Plan, the zoning ordinance, the case file and packet materials, and contents of the digital presentation. She testified that all posting and publication requirements have been met.

- The Housing Authority owns the 1.4 acre property and is requesting the rezoning.
- The purpose of the rezoning is to consolidate the zoning, modify the allowed uses and simplify future review and approval. Further development would require only an administrative process.
- Property contains two buildings, a 1,000 sq ft cottage and the Fruitdale school.
- The property is currently under contract with a residential developer.
- The MU-N zone is deemed appropriate for this location and follows the Comprehensive Plan.
- The zoning criteria for neighborhood commercial corridors encourages improvement of underutilized properties.
- The Fruitdale Valley Master Plan shows the area as mixed use which supports the redevelopment and revitalization of properties along 44th Ave.
- A neighborhood meeting was held.; three people attended; were generally supportive.
- All outside agencies can serve the property.
- At the Planning Commission hearing the HOA for the homes to the north expressed concerns about common fencing and privacy issues (due to the height of the building), but the Planning Commission recommended approval.
- If approved, the next steps would be a site plan approval and a building permit.

- Staff recommends approval
 1. Zone change will promote the public health, safety, and welfare
 2. Request is consistent with goals and objectives of the Comprehensive Plan and other guiding documents
 3. Zone change will prepare it for redevelopment and may be a catalyst for other improvements in the area.
 4. The criteria used to evaluate a zone change supports the request.

There were no questions from Council.

Mayor Jay swore in the remainder of the speakers.

Applicant

Lauren Milulak, staff liaison to the Housing Authority, spoke in support of the rezoning.

Public Comment

Janice Thompson, member of the Housing Authority, spoke in support of the rezoning. She feels it will be a shot of adrenalin for the area.

Paul Fiorino spoke on behalf of the group who put in a formal proposal for an art center for the property. Their proposal has yet to ever be considered. He noted the Romero property to the west that has the same zoning, and those people have not been considered. He suggested the grant the City is giving this developer could be put into the Romero property so a larger property can be developed. This would be a good site for community use. He urged that the proposal for the art center be revisited. There are lots of opportunities; this need not move so quickly.

Clancy Degenhart (WR) had several questions about the selling price, the loan and grant of \$1.9M the City is giving the developer, and the development agreement. He was informed his questions were not related to the rezoning case. Mr. Goff stated the development agreement has been approved by Council and is available for him to look at. The next Council update is scheduled for August 1; contingencies are pending.

The Council had no questions.

Mayor Jay closed the Public Hearing

Motion by Councilmember Pond to approve Council Bill 07-2016, an ordinance approving the rezoning of property located at 10803 W. 44th Avenue from Agricultural-One, Residential-Three, and Commercial-One to Mixed Use-Neighborhood (MU-N) (Case No WZ-16-02/Fruitdale) and that it take effect fifteen (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 of approval.

3. The requested rezoning has been found to comply with the "criteria for review" in Section 26-112 of the Code of Laws.

seconded by Councilmember Hoppe;

Councilmember Davis received confirmation that the Romero's were at the neighborhood meeting. Ms. Reckert will speak to them to see if they are interested in rezoning.

Councilmember Urban received confirmation that this rezoning would be necessary for this property to be used for anything other than a school.

Councilmember Duran had Mr. Dahl explain the quiet title action that was taken to remove the reverter clause. The reverter clause no longer applies.

Councilmember Mathews explained that he understands the need for this rezoning, but continues to disapprove of how this project is being financed with taxpayer money

Motion carried 6-0.

Councilmember Fitzgerald returned to the Chambers.

Mr. Dahl provided directions for the study session to follow, followed by an executive session.

CITY MANAGER'S MATTERS

Mr. Goff announced two public meetings: Tomorrow, May 10 there is a public meeting about accessory dwelling units at 7pm at City Hall. People are encouraged to come and give their input. ~ This Thursday, May 12 at 7pm in Council Chambers will be the first meeting of the DIRT Task Force.

CITY ATTORNEY'S MATTERS

Mr. Dahl directed Council's attention to the memo he had sent them on the Fair Campaign Practices Act providing guidance about their behavior related to ballot issues/questions and election activity. If they have further questions, they can call him.

ELECTED OFFICIALS' MATTERS

Treasurer Jerry DiTullio announced that in response to public requests over the years for information about financial reports there are now a number of reports available on the City Treasurer's page of the City website. He listed several and welcomed the public to view them.

Clerk Janelle Shaver reminded Council to sign the letters being passed to them.

Monica Duran reported there will be a community meeting tomorrow May 10 at Edgewater Elementary at 6:30pm in the cafeteria. It will be to provide information about the Fire Department merger.

Zach Urban announced several neighborhood meetings coming up. Tuesday, May 24, 6:30pm at Wilmore-Davis Elem School; Saturday, June 4, 9am at Randall Park; Tuesday June 7, 6:30pm at Trinity Church; and Thursday, June 16, 10am at Stevens Elem School. He invited people to come to discuss neighborhood or City issues.

George Pond invited District III constituents to a coffee he and Tim Fitzgerald will be having on Saturday May 21, 9-11am at the Rec Center, Activity Room 2

Kristi Davis thanked those who attended her first constituent meeting and congratulated the Curtis Gilmore Scholarship award winners that will be presented tomorrow. She will not be able to attend.

Tim Fitzgerald noted the WR Business District considered two grants this month. One was postponed; one was partially funded. He also noted that the City website now lists all the grants available that businesses can apply for. The general emphasis is for making the appearance of businesses better.

Larry Mathews noted more frequent instances of conflicts of meetings and asked if a better job could be done not doubling up on meetings that are of public concern. Mr. Goff acknowledged awareness of the problem and will be reaching out to staff this week to address that issue. It's been a busy time.

Motion Councilmember Hoppe to recess the Regular Meeting for purposes of conducting a Study Session, followed by reconvening the Regular Meeting for the purpose of having an Executive Session; seconded by Councilmember Duran, carried 7-0.

RECESS to STUDY SESSION

City Council recessed to a study session at 8:03 pm.

(See Special Study Session notes for May 9, 2016.)

RECONVENE REGULAR MEETING

The Mayor declared the Study Session adjourned and the Regular Meeting reconvened at 9:09pm.

Motion by Councilmember Pond to go into Executive Session for a conference with the City Attorney and appropriate staff under Charter Section 5.7(b)1 and Sec. 24-6-402(4)b and e CRS, specifically for legal advice and to instruct negotiators concerning pending litigation, AT&T vs City of Wheat Ridge; 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 Duran; carried 7-0.

EXECUTIVE SESSION

Following a short break, the City Council convened in Executive Session in Council Chambers at 9:20pm. The executive session adjourned at 9:30 pm.

RECONVENE REGULAR MEETING

Mayor Jay reconvened the Regular Meeting at 9:33pm.

Motion by Councilmember Urban to direct the staff to settle the ongoing tax case with AT&T Mobility and its affiliates, including Singular Wireless, in the amount of \$34,529; seconded by Councilmember Pond; carried 7-0.

ADJOURNMENT

The Regular City Council Meeting was adjourned at 9:34 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON May 23, 2016


George Pond, 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.