

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

February 26, 2018

Mayor Starker 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

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

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

APPROVAL OF Study Session Notes of February 5, 2018 and Special Study Session Notes of January 22, 2018

There being no objections, the Study Session Notes of February 5, 2018 and the Special Study Session Notes of January 22, 2018 were approved as published.

PROCLAMATIONS AND CEREMONIES none

CITIZENS RIGHT TO SPEAK

Dorothy Archer (WR) asked how many people would be getting the city survey. She was told about 3,000. She asked why there are no questions about bulk plane and no mention of properties being scraped to see how people feel about that. She asked if Council plans to wait until they get the surveys back to see if they will bring this up. She reminded Council we are the only city in the area that still has a 35 foot allowance for residential. Are they going to protect the people who are here or the developers coming in? Do they realize how much money people have spent remodeling their bungalows and ranches? She recommended people drive by 3310 and 3320 Chase to see what Mr. Mann is building that meets the current specifications. She reminded Council again that Edgewater has changed, that Arvada is addressing this because they see it is not acceptable, and that Golden and Denver are down to 30 feet. She hates the idea of having to do petitions to put this on the November ballot.

Rollie Sorrentino (WR) donated his time to the Tom Sondheim.

Tom Sondheim (WR) has lived across from Panorama Park for 35 years and understands park issues. He loves baseball and spoke against demolition of the baseball field at Anderson Park. He thinks it's in a great location and should be retained. His involvement with baseball in Wheat Ridge includes:

- Being a little league coach here in WR, noting it's been great for the community and families, and they've had girls on the little league teams.
- His son played for WRHS. They used Anderson Park, and WRHS still does.
- He also participates in the senior baseball program. There are two adult leagues - MSBL, that has a contract to use Anderson field; and NABA, that would like to, but has not been able to, get a contract to use Anderson field.

He maintained the field is under-used and has potential to be used more.

He posed five questions to the Council:

1. Is improvement of this site and the location not being considered?
2. If the field is moved, where would you move it to? This is a perfect location. It compliments the baseball program and provides lighting for the Carnation Festival.
3. What is the vision for baseball in our community? One regulation field in the entire community does not even accommodate our HS program, and the senior programs (that have folks who play until age 70) are champing at the bit for places to play.
4. How many "open field" areas do we already have in the City? He listed several.
5. What will be done for lighting for the Carnation Festival? That's a big thing.

He noted that nowhere in the ballot wording for 2E did it say anything about the baseball field no longer being part of Anderson Park. He proposed there was poor communication and lack of due diligence with the community – including the fact that the high school didn't even learn about this until it was almost a done deal.

He requested that Council amend the park renovation design to include retaining the regulation baseball field. He reminded that procedurally this can happen after April 2.

Rachel Hultin (WR) thanked the Mayor for coming to their walk at Crown Hill last Monday when it was 11 degrees and snowing. ~ She offered enthusiastic support for the Clear Creek Crossing proposal. She likes mixed use developments that provide diversity. She is excited to continue being part of the process and many others are really excited. Since this is a challenging project and Lutheran Hospital is concerned, she's glad the City granted a continuance so people can learn more about it.

Kim Calomino (WR) believes the City needs mixed use development and is willing to work to support the Clear Creek Crossing development. She believes the meeting on February 12 had missteps in process. She thinks that damaged trust in the community and presented some transparency issues. She hopes that all will be repaired.

Margie Robinson (WR) cares about homelessness and affordable housing in Wheat Ridge, and is concerned to hear about the possible dissolution of the Wheat Ridge Housing Authority due to lack of funds. There are other ways the City can be involved.

- She suggested WR send a representative to the monthly meetings of Heading Home's subcommittee - Permanent Support of Housing. Other major cities in north and central Jeffco all come. She read a list of the individuals (entities) that attend.
- She attends as a representative of her church and she relayed that people ask why no one from Wheat Ridge comes.
- The goal of the group is to increase affordable housing in the County.
- She told of some events and projects that are on-going.
- She suggested that part of the review of the Neighborhood Revitalization Strategy should be a long range homelessness and affordable housing plan. Joining the other players in the County would be a good first step.
- She suggested the councilmembers (Pond, Davis and Dozeman) who just attended the conference addressing affordable housing in California would be interested in attending. They may have something to offer.
- She'd like Council to find someone to attend these regular meetings and get on board with other Jeffco leaders.

Nicole Carter (WR) expressed her excitement about the proposed mixed use development at Clear Creek Crossing. She urged Council to focus on the needs of the community – not the wishes of outside lobbyists who fear what change could do to the community. She supports this and she wants Council to consider “our” needs as well as other affected employers in the area. She thinks what transpired at the last meeting was not the way to have Wheat Ridge voices be heard.

Kym Ganeles (WR) wishes she could have been at the last meeting so the developer could hear the voices of residents who are so excited about what they want to bring to us. Unfortunately that opportunity was not afforded them. They heard a lot of negativity from a lot of outsiders. ~ She wants to go on record as a resident that there are a lot of residents who are thrilled about this development. She believes it's great to see high quality businesses and established employers show interest in our town. She suggested we work together to ensure we can rise up as a competitive business option instead of being passed over for our neighbors who are similar in demographics and location. She welcomes Evergreen with open arms.

Colin Ferrie (WR) is the son of a federal judge and knows there are issues going on with this community. His concern is Clear Creek Crossing – which he sees as an opportunity to have diverse development that will move the city forward. He believes we are stagnated now, and when better, newer thoughts come in we win. He believes we should support the development that is coming in with Clear Creek.

John Clark (WR) addressed the hot topic of property rights. He suggested we all have property rights, but we also know about zoning. When we buy property we know the zoning and are told exactly what we can and cannot do on our property. ~ He also addressed Multi-Use Neighborhood zoning. He recently attended a Planning Commission hearing on a proposed rezoning to Multi-Use Neighborhood. He listed the reasons for rezoning: 1) Promote public health, safety, or welfare, and has no adverse effect on the surrounding area; 2) Consistent with the goals of the Comprehensive and

Sub-Area Plans; 3) Consistent with the character of the street; 4) Provide opportunity for re-investment in the area; and 5) Criteria supports the request. He asked how this language can be used when the end use is vague. There are 29 different uses and 3 conditional uses allowed in MUN. He gave examples of uses he feels are incompatible.

Councilmember Mathews responded to Mr. Sorrentino and announced that the subject of the Anderson Park baseball field relocation options is on the agenda for the March 5 study session.

APPROVAL OF THE AGENDA

ORDINANCES ON FIRST READING

1. Council Bill 05-2018– An Ordinance approving the rezoning of property located at 4433 Tabor Street from Agriculture-One (A-1) to Mixed Use-Neighborhood District (MU-N) (Case No. WZ-18-01/Kennedy)

The current zoning allows for agriculture or a single family house. The proposed zoning would accommodate residential, civic, office and a range of commercial and retail uses. The review and approval process for future redevelopment would be simplified.

Councilmember Dozeman introduced Council Bill 05-2018

Motion by Councilmember Dozeman to approve Council Bill 05-2018– an ordinance approving the rezoning of property located at 4433 Tabor Street from Agriculture-One (A-1) to Mixed Use-Neighborhood District (MU-N) on first reading, order it published, public hearing set for Monday, March 26, 2018, at 7 p.m. in City Council Chambers and that it take effect 15 days after final publication, seconded by Councilmember Hoppe.

Councilmember Mathews stated he is against this and will talk more at 2nd reading.

The motion carried 7-1, with Councilmember Mathews voting no.

2. Council Bill 06-2018 – An Ordinance repealing unnecessary Code Sections in Chapter 19.

This is a City Code clean up item. This ordinance repeals Article II of Chapter 19 of the Code of Laws concerning civil service procedures for the Police Department. These procedures are outdated and no longer used.

Councilmember Urban introduced Council Bill 06-2018.

Motion by Councilmember Urban to approve Council Bill No. 06-2018, an ordinance repealing unnecessary Code sections in Chapter 19, on first reading, order it published, set for second reading on March 12, 2018 at 7:00 p.m. in City Council chambers and if adopted that it take effect upon adoption; seconded by Councilmember Duran; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTION

3. Resolution 14-2018 – A Resolution approving the Jefferson County Communications Center Authority Member Services Agreement

This agreement establishes the standard services that Jeffcom will provide the City for E-911 call-taking and police radio dispatch services.

Councilmember Davis introduced Item 3.

Staff presentation

Chief Brennan reported this third agreement related to the transfer of communication services to Jeffcom gets into the details of what Jeffcom will provide. Included in the packet are a list of specific services that will be provided to Wheat Ridge, a list of Jeffcom's target service levels, and a list of other target service levels - such as accreditation.

There was no public comment or questions from the Council.

Motion by Councilmember Davis to approve Resolution No. 14-2018, a resolution approving the Jefferson County Communications Center Authority Member Services Agreement; seconded by Councilmember Dozeman; carried 8-0.

4. Resolution 12-2018 – A Resolution concerning the proposed Redevelopment within the Applewood Shopping Center for the Development of a Hacienda Colorado Restaurant, and authorizing a Cooperation Agreement in connection therewith.

The developer for the proposed Hacienda Colorado restaurant at the Applewood Shopping Center has identified a financial gap of \$1,015,000 in the project budget. Renewal Wheat Ridge will utilize the property and sales tax increment generated by the project to repay the obligation. Council is being asked to approve a Cooperation Agreement that details the intent of the proceeds and obligations of both parties as it relates to the collection of funds.

Councilmember Fitzgerald introduced Item 4.

Staff presentation – Steve Art

The Urban Renewal Authority (URA) is asking for execution of cooperation agreement with the City related to the development agreement approved by the URA on February 6 authorizing Tax Increment Financing (TIF) for the construction of a new Hacienda Colorado restaurant.

- The restaurant will be constructed on Youngfield in the Applewood Shopping Center where the drive-thru bank is now.
- The 9,500 sf Tex-Mex restaurant will be 2-stories, with a patio on the upper level.
- At a study session last May Council received information about this development and gave consensus to move forward with the restaurant.
- On February 20 the URA was presented a financial study by the developer and Economic Planning Systems (EPS) showing a gap of \$1,0150,000 in the financial feasibility of building this restaurant at this site. The URA approved the Development Agreement at that meeting.
- The agreement authorizes:
 - Returning 100% of the annual property tax to the project
 - Returning 1.5 cents of the City's local 3 cents of sales tax to the project
 - Creating a mechanism to return the tax funds from the City back to the URA.
 - The taxes will pass to the project until the debt is paid or August 31, 2031.

Representatives from the developer, Regency Development, and EPS were available for questions.

Council asked to hear from the applicant.

Will Damrath, market officer for Regency, reviewed how the vision for the center is happening in stages. Hacienda Colorado is the next stage. Without the assistance they wouldn't be able to deliver. They are looking at opening next summer. They are also working with five prospective retail tenants for floor spaces in the WalMart building.

Council Questions

Councilmember Mathews inquired of Mr. Art about his position as executive director of the URA and the relationship between the URA and City Council. Mr. Art advised he has been executive director of the URA for four year and was preceded by Mr. Goff. Mr. Art was appointed by a resolution of the URA. City Council authorizes the URA, all URA plans and the plan areas that are adopted within those areas. The URA is a separate corporation, but exists to fulfill the wishes of the City Council.

Councilmember Fitzgerald asked what the dollar return is for the City on money invested by URA. Mr. Art indicated this return will be about \$4.26 per dollar. Returns vary: Swiss Flower Shop is about \$3.00, up to \$4.00 for the Corners at Wheat Ridge.

Motion by Councilmember Fitzgerald to approve Resolution No. 12-2018 – A resolution concerning the proposed redevelopment within the Applewood Shopping Center for the

development of a Hacienda Colorado Restaurant and authorizing a Cooperation Agreement in conjunction therewith; seconded by Councilmember Hoppe.

Motion by Mathews to table agenda Item 4, concerning the Hacienda TIF, until renewal Wheat Ridge rescinds the contact language granting RWR the right to continue to receive TIF proceeds, after the public investment is paid, until 2040; seconded by Councilmember Duran.

Discussion followed.

Councilmember Mathews explained he is not against this development and hopes it does well. The portion of the motion he objects to is after the public improvements are paid for (10-12 years), the property tax will continue to go to the URA until 2040. He doesn't think that money should be taken from the citizens and buried in a sub-bureaucracy that is not fully a part of the City and has no direct oversight by elected officials.

Councilmember Fitzgerald asked how Renewal Wheat Ridge (RWR) is funded for new projects. Mr. Art stated it was through the Increment and explained this project.

- RWR has no real overhead (paid staff) so 100% of the 1½ cent of sales tax and 100% of the property tax will pay back the project. Once the \$1,015,000 debt is paid, the 1½ cent of sales tax will return back to the City. The property tax will continue to flow to RWR to fund other projects.
- Mr. Art gave examples of projects the RWR is funding: a large portion of the cost of the traffic signal going in at 32nd & Xenon; assistance to Circle K with their development; street lights on 38th Avenue

An exchange between Councilmember Fitzgerald and Mr. Art clarified that the money comes back to the citizens in the form of benefits provided by RWR. Normally property tax is used anywhere in the County, but this money will stay in Wheat Ridge. RWR is committed to fulfilling the wishes of the City; and a councilmember in on RWR.

Councilmember Duran verified with Mr. Art that after all the debt is paid, RWR will continue to receive property tax totaling \$799K – which will be used for City projects, and Council will know about them. Mr. Art also clarified that the “8 years” should read “10 years”, and the amount is \$1,015,000 or August 31, 2031 – whichever comes first.

Mr. Art confirmed the City will use the 1% undergrounding funds (residents pay to Xcel) to underground the power lines. (Hacienda Colorado insisted on undergrounding of power lines.) This is a separate project that will come back to Council for approval. Also, undergrounding the power lines will make the entire center more attractive.

Councilmember Davis echoed Mr. Art's comments about RWR being very transparent and listing projects they have done. She added that RWR was collaborative when the City asked for the WR Cyclery TIF period to end early; she trusts they'd do that again.

Councilmember Mathews thanked Mr. Art for the return of the sales tax to the City after the debt is paid. He explained how the WR Cyclery TIF was paid off in 7 years, and but for complications involving 2E, RWR was going to keep the sales tax for 18 more years.

RWR's money is City sales tax. His objection is to the second layer of bureaucracy. He also wants people to know that when RWR keeps property tax, entities like the fire district and school are deprived of funding. ~ He added he has no problem with the developer or the development.

Motion to table failed 2-6; with Councilmembers Dozeman, Davis, Pond, Fitzgerald, Hoppe and Duran voting no.

The Mayor asked for discussion on the main motion.

Councilmember Urban asked why the cost of the undergrounding (\$425,000) is not being repaid from the TIF. Mr. Art advised the City Manager chose to cover that cost using the City's Xcel 1% Fund rather than extending the sales tax TIF.

Councilmember Urban asked about the selection process for undergrounding projects. Mr. Art posed that this is the highest sales tax generating shopping center in the City and they decided it should be kept up with the times. Other areas have been considered. There are plans to underground the utilities for the Circle K project to help create a vibrant neighborhood. He suggested RWR would be happy to consider funding for the undergrounding of utilities at the Applewood Center, but that should probably be a separate discussion as that is a separate project that involves the entire center.

Main motion carried 8-0.

5. Motion to award the 2018 Crack Seal Project and subsequent payments to Precise Striping, LLC, Frederick, Colorado, in the amount of \$126,990.00 with a Contingency amount of \$6,350.00 and Authorize the Director of Public Works to issue Change Orders up to a total Contract and Contingency amount of \$133,340.00.

The crack sealing of selected streets is the first of two preventative maintenance projects the City will implement this year, the other being the asphalt overlay project.

Councilmember Mathews introduced Item 5.

There was no staff presentation, no public comment, and no questions from the Council.

Motion by Councilmember Mathews to award the 2018 Crack Seal Project and approve subsequent payments to Precise Striping, LLC, Frederick, Colorado, in the amount of \$126,990.00, with a contingency amount of \$6,350.00 and that the Director of Public Works be authorized to issue change orders up to a total contract and contingency amount of \$133,340.00; seconded by Councilmember Davis; carried 8-0.

6. Resolution 13-2018 – A Resolution designating the City Hall Lobby as the Official Public Notice Posting Location and the Wheat Ridge Transcript as the Official Newspaper of General Circulation for City Publications in 2018.

State statute requires the City to annually establish the location for posting public notices, as well as the newspaper in which the notices will be published. The Wheat Ridge Transcript has been utilized as the City's official newspaper for publications; official posting location has been the City Hall Lobby.

Councilmember Hoppe introduced Item 6.

Motion by Councilmember Hoppe to approve Resolution No. 13-2018, a resolution designating the City Hall Lobby as the official public notice location and the Wheat Ridge Transcript as the official newspaper of general circulation for City publications in 2018; seconded by Councilmember Duran; carried 8-0.

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Treasurer DiTullio reported that professional services have been added on his handout on 2E. ~He asked if the discussion on March 5 would be about relocation of the baseball field, or redesign of the field. Mayor Starker offered that it would be a report on possible sites for relocation. ~ He has asked Mr. Dahl about applying the Lodger's Tax to Airbnb's.

Mr. Dahl advised the Lodger's Tax does not include commercial rental of private residences. He reviewed some aspects of the issue and outlined some options.

- Currently Airbnb's are not allowed in Wheat Ridge; it is a code enforcement issue.
- Cities are facing this social policy concern as they try to determine if, and to what level, this practice erodes the residential quality of a neighborhood.
- Sales tax cannot be collected on an illegal use.
- The City must first allow these uses before they can be taxed.

Clerk Shaver encouraged Council to have a discussion with representatives of the Wheat Ridge Transcript to address their extreme lack of coverage about Wheat Ridge news. There was a time when they sent a reporter to every Council meeting and study session. We pay them for our legal ads; we deserve some coverage. She recalled that Mr. DiTullio and she were on a City Council that asked for more coverage, and got it. People want to be informed, and while it is a little weekly paper, she reminded Council that not everyone gets all their news from social media.

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Leah Dozeman reminded folks she and Larry Mathews will be having a District IV neighborhood meeting from 6:30-8:30pm tomorrow at the Rec Center in Activity Room 2. Chief Brennan will be there.


George Pond said that although he was not at the meeting of February 12, he acknowledged the comments about trust and transparency. He announced he and Tim Fitzgerald will have Coffee with Council District III on March 10 at 9:30 at Morning Star.

Tim Fitzgerald pointed out that the survey is scientific, so not everyone will get one. ~ He added a reminder that he and Mr. Pond will not be able to discuss Clear Creek Crossing at the District III coffee.

Mayor Starker announced for WRESC that CSPACE, a organization that enables owners of eligible commercial and industrial buildings to finance up to 100% of energy efficiency, renewable energy and water conservation eligible improvements, is having a meeting Wednesday, February 28 at 10:30am at 100 Jefferson Parkway. ~ He also thanked the Healthy Eating Active Living coalition. He enjoyed the walk.

ADJOURN TO Special Study Session

The City Council Meeting adjourned at 8:28 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON MARCH 12, 2018.


Tim Fitzgerald, 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.