

CITY COUNCIL MINUTES

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

October 22, 2012

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

Boy Scout Troop 514 led the assembly in the Pledge of Allegiance.

The Mayor called for a moment of silence for the family of Jessica Ridgeway.

ROLL CALL OF MEMBERS

Davis Reinhart	Bud Starker
Joyce Jay	Kristi Davis
Mike Stites	George Pond
Joseph DeMott	Tracy Langworthy

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Public Works Director, Tim Paranto; Community Development Director, Ken Johnstone; Parks and Recreation Director, Joyce Manwaring; City Treasurer, Larry Schulz; Director of Administrative Services, Heather Geyer; Police Commander, Joe Cassa; interested parties and interested citizens.

APPROVAL OF MINUTES OF October 8, 2012

Motion by Mr. Stites for approval of the Minutes of October 8, 2012; seconded by Mr. Starker; carried 8-0.

PROCLAMATIONS AND CEREMONIES

Starburst Award for Discovery Park

Matt Robbins from Colorado Lottery was on hand to present the Starburst Award to Mayor DiTullio and Joyce Manwaring. He noted that through the years over \$ 7.4 M has come to Wheat Ridge through GOCO grants, Conservation Trust Fund monies and Jeffco Open Space funds. The Starburst Award was started in 1992 for excellence in use of Lottery funds. Mr. Robbins presented a poster that was created to commemorate the award to Wheat Ridge. It is the same as an ad that was placed in the paper. He also presented the Starburst Award which is a handsome marble and glass figure.

CITIZENS' RIGHT TO SPEAK

Britta Fisher, director of WR2020, congratulated the City Council and staff on the grand opening of the Wadsworth Town Apartments. Wazee Partners has done a very quality housing project that will be a fine asset for the City.

APPROVAL OF THE AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill 20-2012 – An Ordinance approving the Comprehensive Rezoning of property along West 38th Ave. between Sheridan and Wadsworth to the Mixed Use-Neighborhood (MU-N) Zone District (Case No. WZ-12-04)

Mr. Reinhart recused himself and left the room as he has a financial interest in a property on the corridor in question.

Mayor DiTullio opened the public hearing.

Mrs. Jay introduced Agenda Item 1.

Clerk Shaver assigned Ordinance No. 1526.

Mayor DiTullio swore in people who would testify during the hearing.

Staff Report (Sarah Showalter, project manager)

Sarah entered into the record the case file, the digital presentation and the ordinance.

The current zoning of 38th Avenue contains outdated development standards and patchwork zoning which make compact, mixed use, pedestrian-friendly development difficult to achieve. This rezoning to Mixed Use-Neighborhood (MU-N) provides a detailed strategy for revitalizing the corridor with a range of uses. It will support:

- A range of commercial, neighborhood-serving retail, and civic uses
- Residential uses (single, double and multi-family)
- Live-work units
- Transparent ground floor commercial with apartments above
- Allowable residential density up to 21 units per acre for the entire corridor
- Increased landscaping requirements to provide buffering and usable open space and plazas
- Requiring a tree lawn for expansion of 50% or more, or complete redevelopment
- Maintaining height limits of 35 ft. for residential and 50 ft. for all other buildings
- Existing auto-related uses (car repair, sales lots, car washes, gas stations, drive-throughs, etc.) to be grandfathered as legal non-conforming uses, but not be an allowed use for new development under the MU-N zoning
- Requiring Conditional Use Permits for new or expanding car repair, drive-through uses, gas stations, and large scale retail uses (over 60,000 GSF in size)
- Administrative site approval for most developments, with public input included only for developments 10 acres or larger
- Requiring new buildings to be placed close to the street (parking on side or rear)
- Extensive screening and fencing requirements for certain uses to protect adjacent properties/neighborhoods

- Architectural guidelines and façade requirements

Any of the 159 properties included in the rezoning have 30 days from passage of the ordinance to opt out and retain their current zoning.

Public Comment

Britta Fisher spoke on behalf of WR2020 in support of the Mixed Use rezoning.

Several Councilmembers had questions, concerns and comments.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Jay to approve Council Bill No. 20-2012, an ordinance approving the comprehensive rezoning of property along 38th Avenue between Sheridan and Wadsworth to the Mixed Use-Neighborhood (MU-N) zone district on second reading and that it take effect 30 days after final publication; seconded by Mr. Pond ; carried 7-0.

Mr. Reinhart returned to the Council Chambers at 7:36pm.

2. Council Bill 23-2012 – An Ordinance approving a City-Initiated Rezoning of property located at 7750 Three Acre Lane from Residential-Three (R-3) to Mixed Use-Commercial (MU-C) (Case NO. WZ 12-05)

Mayor DiTullio opened the public hearing.

Ms. Davis introduced Agenda Item 2.

Clerk Shaver assigned Ordinance No. 1527.

Staff Report (Mr. Johnstone)

In 2011 the previous City Council rezoned the Wadsworth Corridor to Mixed Use-Commercial. The 1.5 acre parcel in question was inadvertently left out of this rezoning. The property owner has requested to be rezoned to MU-C, so the City is initiating this rezoning to correct that omission. No fees will be assessed to the property owner.

Public Comment none

Mayor DiTullio closed the public hearing.

Motion by Ms. Davis to approve Council Bill No. 23-2012, an ordinance approving a city-initiated rezoning of property located at 7750 Three Acre Lane from Residential-Three (R-3) to Mixed Use-Commercial (MU-C) on second reading and that it take effect 15 days after final publication; seconded by Mr. Reinhart ; carried 8-0.

3. Council Bill 25-2012 – An Ordinance amending Section 5-45 of the Wheat Ridge Code of Laws concerning certain Escrow Agreements as security for Public Improvements

Mayor DiTullio opened the public hearing.

Mr. Reinhart introduced Agenda Item 3.

Clerk Shaver assigned Ordinance No. 1528.

Staff Report

The City currently owns 14 escrows for public improvements associated with commercial and industrial properties. It is unlikely that these improvements will ever be done. The amount of money involved is \$124,172.20, and includes projects that range from 2 years ago to 15 years ago. The Council could either put the funds into the City's Public Improvement Fund or refund the money to the original depositors. At a study session the Council agreed unofficially to refund the money to the original depositors.

Public Comment none

Mayor DiTullio closed the public hearing.

Motion by Mr. Reinhart to approve Council Bill No. 25-2012, an ordinance amending Section 5-45 of the Wheat Ridge Code of Laws concerning certain escrow agreements as security for public improvements, on second reading and that it take effect 15 days after final publication; seconded by Mr. DeMott ; carried 8-0.

4. Public Hearing on the 2013 Proposed Budget

Mayor DiTullio opened the public hearing.

Public Comment

Ted Heyd, Lakewood resident and consultant for Live Well Wheat Ridge, thanked the City for creating safer environments, supporting active transportation, increasing access to public transportation, and providing valuable linkages to paths, trails and services in the community. He encouraged implementation of:

- 1) continued pedestrian/bike friendly projects on 38th Avenue,
- 2) the environmental study on a section of Wadsworth to address multi-modal issues,
- 3) the Kipling multi-use path,
- 4) the 32nd Avenue widening project at 32nd & Youngfield, and
- 5) installation of the 39 new bus benches.

David Kueter, resident of District 1 and an avid bicyclist, echoed support for more bike lanes, and recommended that bike lanes be added on Pierce Street.

Kristian Teegardin lives in Edgewater and works in Wheat Ridge. He works at Summit House and he hopes bike paths will be added to Pierce. He also hopes that multi-modal access will be included at the new medical building at 29th and Wadsworth.

Staff Report (City Manager)

Patrick Goff presented the proposed 2013 budget with a power point presentation that outlined projected revenues and expenditures. Total (all funds) revenue is projected to increase by 21% and proposed expenditures will be 5.5% higher than 2012. The increase in revenue for 2013 is largely due to the amount of grant money the City will be getting in 2013. General fund revenues are projected to increase by 2.8% with an increase of 3.1% in expenditures compared to the estimate for 2012.

Patrick went through details of how each of the City's goals is being addressed with the budget. The goals and major projects include:

[Note: Amounts with an asterisk in the "Goals" section are listed again in the capital projects budget (CIP). Both numbers refer to the same project.]

1: A Financially Sound City Providing Quality Services

- Employee compensation - \$450,000
- Performance Management Program - \$28,500
- Priority Based Budgeting (year 2) - \$15,000
- Paid Time Off (PTO) Cash-Out - \$50,000
- Fleet replacement - \$385,000 (\$2M in needs deferred)
- Preventative street maintenance projects - \$1.6M* (CIP major project)
- Lakewood Crime Lab services - \$68,900
- Transfer to Equipment Replacement Fund for future equipment needs - \$100,000
(probably the last time we will transfer monies for this use)
- Employee safety and wellness programs - \$13,100

2: Supporting Economically Viable Activity Centers

- 32nd & Youngfield interchange improvements - \$5,517,000* (partly grant funded)
- 38th Avenue Corridor: Marketing plan implementation - \$120,000
 - Events - \$67,000
 - Street Improvements - \$100,000* (CIP major project)
 - Marketing map and directory - \$7,000
- Brownfields EPA Grant - \$350,000 (grant funded)
- Live Local Events - \$20,000
- Wheat Ridge Business District (WRBD) loan program - \$90,000
- Wadsworth Planning Environmental Linkage (PEL) project - \$1.2M* (partly grant funded)
- Urban renewal funding for Renewal Wheat Ridge (RWR) projects - \$400,000

3: Provide a Choice of Viable Neighborhoods

- Aging population needs assessment - \$3,000
- Block parties - \$2,500
- CDBG energy efficiency grant program administration - \$6,000
- Home Investment Loan Program (HIP) - \$50,000

- 29th Avenue storm sewer improvements - \$850,000* (CIP major project)
- Installation of 39 new bus benches - \$250,000* (partially grant funded CIP project)
- District 2 neighborhood Park - \$875,000* (partially grant funded Parks project)
- Police Dept. community oriented neighborhood programs - \$17,655
- Police Dept. greenbelt patrol - \$17,280

4: **More Attractive Wheat Ridge**

- Bus shelter and bench maintenance and cleaning - \$36,000
- 38th Avenue annual plantings - \$2,000
- Dumpster Days - \$5,000 (not the same as Large item pick-up)
- East Wheat Ridge targeted maintenance and upgrades - \$20,000
- Kipling St. multi-use path and lighting - \$2,835,000* (partly grant funded CIP project)
- Gateway signage program - \$100,000* (CIP major project)
- City Hall plaza improvements - \$200,000* (with crime lab remodel under CIP projects)
- Parks maintenance projects - \$50,000* (listed as a Parks project)
- Large item pick-up program - \$5,000 (not the same as Dumpster Days)
- 50th Avenue median improvements - \$10,000

Other Notable Budget Items

- Zoppe Family Circus - \$105,376 (Ticket sales to mitigate this amount considerably)
- Outside Agency Requests - \$10,000
- Feed the Future Backpack Program - \$10,000
- ADA compliance consultants/upgrades for the new ADA regulations - \$42,300
- Carnation Festival cash contribution - \$12,500; in-kind assistance - \$28,000
- City Council table sponsorship - \$3,000

CIP Major Projects (Capital Investment Program)

- 32nd & Youngfield interchange improvements - \$5.5M* (partly grant funded)
- Kipling Street pedestrian improvements - \$2.8M* (partially grant funded)
- Wadsworth Planning Environmental Linkage (PEL) project - \$1.2M* (partly grant funded)
- Preventative street maintenance projects - \$1.6M*
- Major drainage projects at 29th and Chase Street - \$850,000*
- City Hall improvements – courtyard and remodel of police crime lab - \$340,000*
- Bus bench installation - \$250,000* (partially grant funded)
- Public Improvements Projects - \$150,000
- Revitalization projects on 38th Avenue Corridor - \$100,000*
- Gateway signage program - \$100,000*
- Police radio repeater site - \$150,000

Open Space Fund Major Projects

- Kendall Park development - \$675,000 (plus \$200,000 from Cons. Tr. Fund)
- Parks staff - \$464,782
- Public Works/Parks shared operations facility – \$150,000
- Sign fabrications - \$110,000
- Anderson Park Master Plan - \$80,000

- Happiness Gardens improvements - \$50,000
- Jeffco River Corridor Trail Match (starts in Clear Creek County) - \$25,000
- Open Space Improvements (educational kiosks) - \$10,000
- Trail Replacement/Repair - \$10,000

Conservation Trust Fund Major Projects (Lottery money)

- Anderson Building replacement - \$200,000
- Kendall Park Development - \$200,000 (plus \$675,000 from Open Space Fund)
- Recreation Center Maintenance - \$66,500
- Park maintenance projects - \$50,000 (listed under Goal #4)
- Resurface tennis/basketball courts - \$8,100

Mr. Goff noted there will be no staff increases for 2013. A new Compensation Plan is under development and will be presented to Council by the end of 2012. It involves a Total Rewards Approach (pay, benefits, etc.) and pay for performance for certain positions. The \$450,000 figure is reflective of a 3% increase.

Budget Summary

- 2013 proposed General Fund budget is balanced without using reserves
- \$16M is directly linked to Council goals
- Continue to defer maintenance and large equipment replacement
- Projected reserves of 27% - unrestricted reserves at 23% - just under policy target of 25%
- Transfer to Equipment Replacement Fund of \$100,000
- Transfer to CIP \$860,000
- Projected last year of available funding for CIP

Long-term Budget Picture

- Perpetual systemic revenue/expenditure gap continues
- Annual adjustments to proposed 2013 budget to fill gap
- Deferral of maintenance to fill bigger gap
- Continued work and education on implementation plan for increasing revenue
- Integration of Priority Based Budgeting into budget process to align limited resources with desired community results
- Economic Development

Following question from City Council Mayor DiTullio closed the public hearing. Adoption of the budget and certification of property tax mill levy is scheduled for November 26.

DECISIONS, RESOLUTIONS AND MOTIONS

5. Motion to approve the First Amendment to the T-Mobile West Tower Lease

Mr. Starker introduced Agenda Item 5.

T-Mobile has had a lease agreement for space on the City's communication tower since September 2006. T-Mobile wishes to upgrade its equipment on the tower to provide better service to its customers. The magnitude of the change requires an amendment to the existing agreement.

Motion by Mr. Starker to approve the First Amendment to the T-Mobile West Tower Lease; seconded by Ms. Davis; carried 8-0.

6. Resolution 51-2012 – A Resolution approving a Cooperative Agreement with the Environmental Protection Agency for acceptance of a \$400,000 Brownfields Assessment Grant and amending the Fiscal Year 2012 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$50,000

Mr. Stites introduced Agenda Item 6.

Brownfields are vacant or underutilized industrial or commercial properties that have the potential to be environmentally contaminated by current or previous uses. This grant money was awarded in June and is targeted for the Wadsworth urban renewal area. WR2020 has identified 75 properties that will potentially be included in the assessment. \$50,000 will be spent in 2012 and the remaining \$350,000 will be used in 2013. The SW corner of 38th & Wadsworth has a history as a car dealership, gas station and dry cleaners, so assessment for contamination is essential. The total amount for Phase I and Phase II Assessments at this site is approximately \$31,000.

Motion by Mr. Stites to approve Resolution 51-2012, a resolution approving a Cooperative Agreement with the Environmental Protection Agency for acceptance of a \$400,000 Brownfields Assessment Grant and amending the fiscal year 2012 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$50,000; seconded by Mr. Starker; carried 8-0.

7. Resolution 52-2012 – A Resolution approving submittal of the application for a 2013 Local Government Grant to Jefferson County Open Space for Development of a District II Neighborhood Park

Ms. Davis introduced Agenda Item 7.

This grant application is for the development of a District II neighborhood park on previously acquired property at 44th and Kendall Street.

Motion by Ms. Davis to approve Resolution No. 52-2012, a resolution approving submittal of the application for a 2013 Local Government Grant to Jefferson County Open Space for development of a District II neighborhood park; seconded by Mrs. Jay; carried 8-0.

- 8.** Motion to award RFQ-12-19 Youngfield Restroom Renovation Design/Build Contract to White Construction Group in the amount of \$134,449 and approve a Contingency Amount of \$13,445

Mr. DeMott introduced Agenda Item 8.

The wooden foundation and the mechanics of the self-composting Clivus restroom at the 41st & Youngfield trailhead have failed and need replacing. The system has been well-maintained since its construction in 1993, but usage has increased and the system now requires daily maintenance. Replacing the Clivus would cost approximately \$65,000 and probably need to be replaced again in 10-15 years. It currently requires about \$7,000 a year in additional routine maintenance due to the condition of the Clivus system. A traditional sanitary sewer system would cost \$134,000 up front, but would last many more years and not accrue the additional routine maintenance costs. With this project staff also recommends upgrading for compliance with the new ADA requirements.

Motion by Mr. DeMott to award RFQ-12-19 Youngfield Restroom Renovation Design/Build Contract to White Construction Group in the amount of \$134,449 and approve a contingency amount of \$13,445; seconded by Mr. Pond; carried 7-1, with Mr. Reinhart voting no.

- 9.** Motion to cancel the Study Session of November 5, 2012 due to the General Election Date of November 6, 2012

Mr. Pond introduced Agenda Item 9.

Since the Council Chambers will be used as a polling place, set-up and preparations are necessary the previous evening to get the Chambers ready for Election Day.

Motion by Mr. Pond to cancel the City Council Study Session scheduled for November 5, 2012 due to the General Election date of November 6, 2012; seconded by Mr. Stites; carried 8-0.

ELECTED OFFICIALS' MATTERS

Janelle Shaver

The Clerk had several points of information about voting.

- All Jefferson County ballots have been mailed. If you don't get your ballot by Wednesday, go to the Voting Service Center at 20th & Wadsworth at the Motor Vehicle Office. Explain your situation and they will take care of you.
- Early Voting started today. If you have not applied for a mail-in ballot, but would like to vote before November 6, you can go to that same Service Center and vote early.

- A reminder again that Wheat Ridge voters need not vote on the WR Fire District question. It's an Edgewater question and should not be on our ballots. Just ignore it.
- As always, you can bring your ballot in to City Hall any time during business hours, 8 am – 5 pm. It saves you a stamp and ensures that a) your ballot will not get lost in the mail, and b) your ballot will get to the County on time.

Mrs. Jay announced the Trunk or Treat event at WR 5-8 School this Saturday evening.

Mr. DeMott asked for Council's support to become Mayor pro tem when that comes up.

Mr. Starker congratulated City staff and the developers on the Town Center Apartments.

Mayor DiTullio mentioned the ribbon-cutting at the Wheat Ridge Town Apartments and thanked a number of individuals, staff, committees and groups for their contributions.

He also acknowledged the nominees and winners of the business awards that were presented at the yearly Business Breakfast on October 10. He noted there had been a dinner for Boards and Commission member last Wednesday and thanked the many volunteers who give of their time in service to their community.

Motion by Mr. Stites to go into Executive Session under Charter Section 5.7(B)(1) and Section 24-6-402(4)(B), C.R.S., specifically for a conference with the City Manager and City Attorney under charter Section 5.7 (B)(2) and C.R.S Section 24-6-402(4)(F) for a personnel matter – the annual evaluation of the City Manager, and to adjourn following the Executive Session; seconded by Mr. Reinhart; carried 8-0.

Meeting recessed to Executive Session at 9:03 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON November 26, 2012 BY A VOTE OF 8 to 0



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.