

CITY COUNCIL MINUTES

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

January 27, 2014

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

ROLL CALL OF MEMBERS

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

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Public Works Director, Scott Brink; other staff and interested citizens.

APPROVAL OF MINUTES OF January 6, 2014

Motion by Councilmember Starker for approval of the Minutes of January 6, 2014; seconded by Councilmember Langworthy; carried 8-0

CITIZENS' RIGHT TO SPEAK

Mike Stites (WR) spoke about the daily, practical side of the road diet and how it is a road hazard. He described the difficulties associated with making left and right turns onto 38th and the way traffic backs up. It's a real inconvenience, especially for residents of Districts 1 and 2. His business has been seriously impacted by the congestion and decrease in traffic volume because people just don't want to drive on 38th. He reminded Council of the new development coming to 38th & Wadsworth which will bring yet more traffic, and also wondered if this traffic situation will affect business at the new development. ~ He also addressed the light poles on 38th. East of Harlan the City owns the poles so they can be decorated and have flags on them. Xcel owns the poles west of Harlan and they won't allow anything on the poles. Before he left office he asked if the City could buy those poles. Has that study been finished? ~ He pointed out that many seniors are afraid to drive on 38th, and asked that Council take a hard look and seriously reconsider what they're trying to do on 38th Avenue.

Kathy Tolman (WR) expressed concerns about the lack of transparency regarding the infrastructure changes on 38th Avenue and the associated costs. People need to know what the plans are and be able to voice their opinions. She hopes that will be scheduled, as well as a vote on the expenditures that will be necessary.

Vivian Vos (WR) referenced a recent Gazette article which projected future budget shortages. Road maintenance was mentioned, which she thinks is very important, and she listed a number of road service the city provides. She thinks this should take priority over spending on some needless project the Council thinks we need. Priorities should be set. ~ She challenged the Council to get a handle on the budget and spend her money wisely.

APPROVAL OF AGENDA

Mayor Jay noted that agenda Item 3 is a Resolution, not a Council Bill. With no alterations, she declared the Agenda approved.

1. CONSENT AGENDA

- a. Resolution 01-2014 -approving an Intergovernmental Agreement between the City of Wheat Ridge and the Jefferson County School District R-1 for School Resource Officer Services
- b. Motion to renew a Memorandum of Agreement with the Colorado Department of Labor and Employment, Division of Oil and Public Safety concerning Regulation of Conveyances by Local Jurisdictions
- c. Motion to approve the annual renewal of the Computer Aided Dispatch and Records Management System in the amount of \$84,555 payable to Logistic Systems, Inc.

Councilmember DiTullio introduced the Consent Agenda.

Motion by Councilmember DiTullio to approve the consent agenda; seconded by Councilmember Fitzgerald; carried 8-0

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2. Resolution No. 09-2014 – approving a First Amendment to the I-70/Kipling Corridors Urban Renewal Plan to allow for the Utilization of Tax Increment Financing

Mayor Jay opened the public hearing.

Councilmember Davis introduced Resolution No. 09-2014.

This application adds Tax Increment Financing (TIF) for a redevelopment project on the southwest corner of 38th & Kipling. The developer plans to demolish all

existing structures it acquires, install new sidewalks, drainage, and landscaping, and underground the utilities. Replacing the current strip center will be a 64 unit assisted living and memory care facility. Commercial components will include a Sprouts Market, a drive-thru Starbucks, and another retail pad expected to be a fast food restaurant.

Mayor Jay swore in the speakers for the agenda item.

Steve Art, economic Development and Urban Renewal Manager for the City, gave a presentation about the project.

- The I/70 Kipling Corridor Urban Renewal Plan adopted in 2009 authorizes the use of TIF within the corridor, but use of it for particular projects must be approved. This request for TIF is considered a substantial modification to the plan as it is site-specific.
- The TIF would include the sales and property tax increments generated from this site (above a baseline) and allow the money to be used for infrastructure improvements.
- Over the course of 40 years the property has fallen into disrepair – with code and drainage issues, transient occupancy of vacant buildings, no landscaping, weeds and general maintenance issues.
- The I-70/Kipling Corridor Plan has stated objectives to eliminate blight.
- This TIF has been presented to the urban renewal board of directors and was approved unanimously by the Planning Commission.
- Required public mailings have been done.
- A County Impact Report has been submitted to show how much money will be diverted from the County and other taxing agencies to go to Urban Renewal to remediate blight over the period of the TIF. There has been no reply from the County.
- A public hearing was posted for tonight.
- The developer is here tonight to answer questions, but tonight's action is only for approval of the TIF -- no specific development details.

Mr. DiTullio asked how this would affect funding for the Fire Department.

Mr. Art said they will ask the developer to exclude the residential component for monies that will flow to the fire district because additional call for service will likely occur for the long term care facility.

Mr. Urban asked what type of financing mechanism would be used for the senior living facility – is it a straight private development or will some other financing be used? Mr. Art said a portion of the TIF will be used for the development of that site. MVG will be doing all the infrastructure and public improvements for the entire project.

Mr. Starker ask about the length of the TIF. It will last for 25 years.

Public Comment:

Vivian Vos (WR) said she isn't against progress or betterment of the City, but she has concerns about TIF's. Many districts (fire, school, police) do not get their projected revenue for a set number of years because of the cap. Then the City has to come to the voters to raise taxes to make up the difference. She asked Council to really know what they're doing with a TIF – for when they want to come to citizens asking for more money.

Mr. Goff agreed that the property tax affects the City, but our city property tax is so low there really isn't much impact to revenue. Sales tax revenue affects the City a great deal, but this property is underutilized and not producing the sales tax it could. The City will see a good increase in sales tax that will be used for public improvements. This project will also hopefully increase property taxes in the surrounding area.

Mayor Jay closed the public hearing.

Motion by Councilmember Davis to approve Resolution No. 09-2014 – approving a First Amendment to the I-70/Kipling Corridors Urban Renewal Plan to allow for the Utilization of Tax Increment Financing; seconded by Councilmember Fitzgerald.

Councilmembers DiTullio and Davis commented positively on the TIF for this project.

Councilmember Urban noted that even though this TIF has been through independent review and is deemed as warranted for this project, Council needs to make sure we aren't giving away the farm. TIF's should be used extremely sparingly because we are giving away future revenue. He believes it's of valid concern that developers and retailers tend to use the TIF as a matter of course, not as an option of last resort.

Mrs. Langworthy noted that tonight's approval only allows for the ability to have a TIF; we aren't approving any actual TIF.

Motion carried, 8-0.

3. Resolution No. 08-2014 – approving a Two-Lot Subdivision Plat with a Right-of-Way Dedication for property zoned Residential-One (R-1) located at 9801 W. 32nd Ave.

Councilmember Pond introduced Resolution No. 08-2014.

Mayor Jay opened the public hearing and swore in the speakers.

Lauren Mikulak, City Planner, made the staff presentation. She entered into the record the case file, the zoning ordinance and subdivision regulations, and the digital presentation. She stated that posting and notification requirements have been met.

The subdivision will not affect the R-1 zoning or permitted uses. Both lots will exceed R-1 standards for lot size. Public Works and the Planning Commission have approved the plat.

William James Stephens of Conifer, the owner, introduced himself and was available for questions. There were none.

There was no public comment.

Mayor Jay closed the public hearing.

Motion by Councilmember Pond to approve Resolution No. 08-2014, a resolution approving a two-lot subdivision plat with a right-of-way dedication for property zoned Residential-One (R-1) located at 9801 W. 32nd Avenue, for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. Both lots are consistent with R-1 zone district standards.
5. All agencies can provide services to the property with improvements installed at the developer's expense.

And with the following conditions:

1. Fees in lieu of streetscape improvements will be provided prior to recording the plat.
2. Fees in lieu of parkland dedication will be provided prior to recording the plat.

The motion was seconded by Councilmember Starker; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

4. Motion to award the contract for the Wadsworth Boulevard Planning and Environmental Linkage Study to Parsons Brinckerhoff, Denver, CO in the amount of \$962,351.41, with an additional contingency amount of \$96,200 for a total of \$1,058,551.41

Councilmember Starker introduced agenda item #4.

Scott Brink gave the staff presentation.

- A PEL (Planning and Environmental Linkage Study) allows for better identification of traffic congestion and safety issues, development of multi-modal solutions and related environmental mitigation for future construction.
- It will identify traffic, environmental, drainage and utility needs and the land use that is along the road. This sets up a good road map for planning.
- One advantage is that the ground work will be cheaper at this stage.
- Future rebuilding of Wadsworth may be done in phases.
- The information will be valuable for future grant applications.
- The study area will be from just north of 32nd down to about Clear Creek.
- Possibilities for redevelopment can be looked at in context of the whole corridor.
- Wadsworth is a primary commercial corridor and urban renewal area; it's a high priority and has future transit opportunities.
- As a major regional artery it has an average daily total of 41,000 vpd. It's part of the national highway system. The segment from 35th to 44th needs improvement for capacity.
- It will be an 18 month process with meetings with Council and the public. Staff will be working closely with CDOT.

Council questions followed.

- The shelf life of the study will be 5-10 years depending on the issue (traffic volume, bike lanes, land use, etc.) and if there are any changes.
- Identifying right of way needs is important as future redevelopment occurs.
- The grant is from DRCOG and we'll be working closely with them.
- This is a state highway, but there is federal grant money (over \$500,000) involved so CDOT is partnering with us to administer the funds.
- We are driving this because it's in our best interest due to the redevelopment potential.

Motion by Councilmember Starker to award the contract for the Wadsworth Boulevard Planning and Environmental Linkage Study to Parsons Brinckerhoff, Denver, CO, in the amount of \$962,351.41, with an additional contingency amount of \$96,200, for a total of \$1,058,551.41; seconded by Councilmember DiTullio.

Councilmember Urban asked if it would be a conflict of interest if his wife is employed with the Federal Highway Administration in some way overseeing this project. Mr. Dahl said if there is not a potential for personal financial gain or loss as a result of voting on this contract, there is no conflict of interest. Motion carried 8-0.

5. Motion to approve the purchase of 2014 vehicle replacements and the purchase and installation of lighting and auxiliary and communications equipment in a total amount not to exceed \$377,500

Councilmember Langworthy introduced agenda item #5.

This budgeted purchase includes:

- 4 2014 Ford Police Utility Vehicles
- 1 2014 Ford Fusion Hybrid Sedan
- 4 Large, Ford 4x4 Pickups (2 with plow packages)
- 1 Large, Ford 4x4 cab & chassis w/ dump bed body & lift gate package

Motion by Councilmember Langworthy to approve the purchase of 2014 vehicle replacements and the purchase and installation of lighting and auxiliary and communications equipment in a total amount not to exceed \$377,500; seconded by Councilmember Wooden.

Ms. Davis asked which vehicles are replacements and which ones are new. Mr. Goff said besides one new vehicle for the parks department, all the vehicles are replacements and are at the extreme end of the threshold for replacement.

Motion carried 8-0

ELECTED OFFICIALS' MATTERS

Genevieve Wooden invited everyone to the Live Local Harvest film series this Wednesday, January 29 at 6:30 at the Active Adult Center. Following pot luck the film "The Greenhorns" will be shown.

Tim Fitzgerald said he heard that the Denver County Fair will include a marijuana pavilion.

George Pond said that he and Councilmember Fitzgerald hosted a small coffee and donut meeting with District 3 constituents at the Rec Center this past Saturday. It was well attended and it was good to hear from citizens.

Kristi Davis thanked the Urban Renewal board and Steve Art for their work on Kipling. ~ She sent thoughts to the Standley Lake community for the violent event that happened there this morning.

Zachary Urban invited the public to Colorado Plus. They're having a beer dinner February 6 at 6:30pm. ~ He also asked people to keep the family of Sgt. Dave Baldwin and the entire Jefferson County Sheriff's Department in your prayers. Deputy Baldwin was killed in a horrible accident [on Highway 93] Sunday.

Bud Starker reminded people that as we continue to have snow please keep your walks shoveled.

Jerry DiTullio asked if staff could look into restriping the road on Harlan & 47th/48th.

CITY MANAGER'S MATTERS

Mr. Goff announced that the widening project at 32nd & Younfield is finished and thanked citizens for their patience.

CITY ATTORNEY'S MATTERS

Mr. Dahl said he's about finished with the Council Rules and will have them ready next time.


CITY CLERK'S MATTERS none

The City Council Meeting adjourned to Study Session at 8:06pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON February 10, 2014 BY A VOTE OF 8 to 0



Kristi Davis, 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.