

CITY COUNCIL MINUTES

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

March 24, 2014

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

PLEDGE OF ALLEGIANCE

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 Attorney, Gerald Dahl; City Manager, Patrick Goff; Parks Director, Joyce Manwaring; Public Works Director, Scott Brink; Division Chief, Joe Cassa; other staff, guests and interested citizens

APPROVAL OF MINUTES OF February 24, 2014 and March 3, 2014

Councilmember Starker noted a typographical error on page 6 of the Minutes. Clerk Shaver said it will be corrected.

Motion by Councilmember DiTullio to approve the minutes of February 24, 2014 and March 3, 2014; seconded by Councilmember Urban; carried 8-0.

PROCLAMATIONS AND CEREMONIES

National Victim Rights Week Proclamation

Mayor Jay read a proclamation designating the week of April 6-12, 2014 as National Crime Victim Rights Week. Commander Dave Pickett (WRPD) introduced Victim Outreach (VOI) board member, Assistant District Attorney Scott Storey, who spoke about the important work that dedicated volunteers do in reaching out to victims of crime. With him were VOI volunteers Kelly Ritz and Lorey Bratten, and he thanked the City for this recognition.

Human Trafficking Proclamation

Mayor Jay read a proclamation supporting efforts to end the crime of human trafficking. Division Chief Joe Cassa and Commander Dave Pickett accepted the proclamation on behalf of the WRPD and the victims of this crime. Division Chief Cassa shared that this is a very complex crime. WRPD collaborates and strategizes with other law enforcement agencies in the county and the District Attorney's office on prevention, training, investigation and prosecution. It does occur in Wheat Ridge and it usually involves young juveniles.

CITIZENS' RIGHT TO SPEAK

Mark Potter (WR) recommended that Council put the road diet plan and funding before the voters in November.

Dianne Allen (WR) spoke of her concerns about two buildings next to the upcoming new park at 44th & Kendall – one an decrepit, boarded-up building, another an operational auto repair business that stores old cars and boats. Besides being unattractive, they have code violations

and are potential safety hazards. Traffic is up on 44th Avenue and this doesn't present a good image of our city. She left photos.

Kathy Tolman (WR) said she has spoken with several people who are confused about 38th Avenue. She encouraged Council to put it on the November ballot so people have time to learn about it and all the implications. Infrastructure changes cost money and people are worried that a tax increase will hurt Wheat Ridge businesses. She asked that Council not spend any more money on this without taking it to the voters.

Vivian Vos (WR) read results of a survey done in the fall of 2013 which revealed that the changes on 38th Avenue are not popular with the majority of respondents. She asked that no more time, effort and money be spent on it until it is brought to the voters.

Larry Vassos (WR) lives, works and shops in WR. He addressed the negative aspects of the road diet and its lack of popularity. He asked that it be restriped to four lanes.

John Bandimere (WR) asked that the people have an opportunity to vote on the road diet. As a businessman he's not happy about what's already been done, and he thinks Council should let the people make the decision about this.

Christi Thompson (WR) said that before any more money is spent on 38th it should go to a vote.

Diane Potter (WR) proposed that the 38th Avenue road diet and budget should be put on the ballot in November.

Scott Shepherd (WR) expressed serious concerns about a marijuana shop across the street from Paramount Park – where children play. He showed a picture of his son at the plate of the ball field with the marijuana shop in the background. He stated that when the wind is right the odor of marijuana blows over to the park and there is often a person on Kipling twirling a sign to advertise the shop. He understands the product and the location are legal, but he wanted Council to know the reality of this and that he and his wife strongly believe that something is wrong when this is what our park is like now.

Thomas Slattery (WR) supports bringing the road diet to a vote of the people. Council should have a clear direction from the people before they so drastically alter the fabric of east Wheat Ridge and surrounding neighborhoods.

Matthew Lillie (WR) thinks the road diet has increased activity and improved the aesthetics in Wheat Ridge, but supports going to the voters. He believes a new age level will flourish.

Kim Calomino (WR) said she is a proponent of the changes that have been made on 38th to attract new businesses. We have more than 30 new businesses on the corridor. It is attracting what we sorely need -- new families and young professionals. She sees large gatherings of people on weekends at some of the businesses that have outdoor areas. She encouraged having a ballot issue to increase sales tax. She doesn't think the extra time lost driving down the corridor has that much impact. She encouraged Council to pursue and finalize the corridor's advancement and changes. She thinks it's good for the city.

Pat Mucelli (WR) owns a building on 38th where there is back-in parking; he doesn't like it very much. He'd like Council to let residents vote on this. It's very tough getting on and off 38th due to traffic congestion, and if traffic is going to other streets such as 44th and 29nd people won't see the businesses on 38th.

Tom Schmuke (WR) supports taking 38th Avenue to a vote of the people. Everyone appreciates the effort to build up businesses on 38th Avenue, but statistics show the road diet is not working. Car count is down and that is the constant concern of businesses. He's also concerned about the negative comments he sees on WR Neighbors Facebook and other social media. He supports letting the people decide because they are the customers.

Jerry Nealon thanked Council for their courage and efforts on 38th Avenue. The growth, activity, interest and buzz far outweigh the few extra seconds he has to wait to get onto the street. He listed Tennyson, Highlands, Golden and Arvada that have all calmed down traffic to attract outdoor cafes and businesses and the type of people we want to see, to attract younger families. An earlier study about what Wheat Ridge needed to be sustainable had this as step one. It's not perfect, but he thinks what's happened so far is awesome. He doesn't think it needs to go to the voters. We have a representative government, not a democracy, and Council was elected to get things done.

Chad Harr (WR) supports the changes on 38th. For so many years Wheat Ridge has languished in areas like low income, while surrounding cities have exploded attracting the type of citizens we'd like to have. One reason is we don't have the amenities and lifestyle we'd like to have. He noted the survey that was cited was not done by the City. Per City records, only 90 seconds have been added to a trip down the corridor. He acknowledges the extra time, but loves the cross walks for the kids. He's knows several business owners on 38th that are excited about the changes; one newer businesses had a record month this year. Revenue is up. He wonders why some businesses aren't succeeding when we know that automotive related tax revenue is up along the corridor. We shouldn't be fighting about traffic; we should be talking about vitality, tax revenue, and bringing businesses into the city. The citizens have spoken a long time on this issue and we need to keep moving the city forward.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a.** Motion approving a contribution in the amount of \$139,000 to Wheat Ridge 2020 for the purpose of funding the Building Up Business (BUBL) and Home Improvement (HIP) Revolving Loan Programs, and providing support for other WR2020 core programs.

[A total of \$304,000 has been appropriated in the 2014 budget for WR2020 loan and core programs. This \$139,000 request includes \$50,000 for the BUBL and HIP programs; \$35,000 to support Live Local Wheat Ridge; \$15,000 for East Wheat Ridge Block Improvement Program; \$15,000 for community identity and marketing tours; \$4,000 for rental of City facilities; \$20,000 for community outreach and education.]

- b.** Motion to approve funding in the amount of \$45,000 to the Wheat Ridge Business District Revitalization Incentive Grant Program for Fiscal Year 2014.

[Provides matching grant assistance for accessibility, signs and façade improvements, and architectural design assistance.]

- c. Motion to award ITB-14-03, 2014 Crack Seal Project, to Coatings Inc., Arvada, Co, in the amount of \$142,410, with a contingency amount of \$7,120 and authorize the Director of Public Works to issue change orders up to a total contract and contingency amount of \$149,530
[The first of two preventative maintenance projects for 2014.]
- d. Motion to award RFP 14-02 Natural Gas Suppliers to Centerpoint Energy Services, Inc., Denver CO
[One-year contract (renewable up to four more years) to purchase natural gas for City Hall and the Recreation Center]
- e. Motion to award RFP-14-01 Police Vehicle Equipment & Installation Services for four vehicles to AV-Tech Electronics, Inc., Wheat Ridge CO at a cost of \$11,463.11 per vehicle and a total amount not to exceed \$45,852
[Equipment and lighting installation; from the Public Works Operations Budget]
- f. Motion to award ITB-14-04 to Barba & Sons Construction Inc., of Broomfield, CO in the amount of \$95,376 which includes the base bid and demo bid alternate with a contingency amount of \$9,536 and authorize the Parks & Recreation Director to issue change orders up to a total amount of \$104,912 for the Police Department Remodel Project
[Space formerly used as a Crime Lab is being repurposed to provide office spaces, additional interview rooms and to expand the men's locker room.]

Councilmember Davis introduced the Consent Agenda.

Motion by Councilmember Davis to approve Consent Agenda Items a through f; seconded by Councilmember Fitzgerald; carried 8-0

ORDINANCES ON FIRST READING

- 2. Council Bill No. 01-2014 – An Ordinance approving the rezoning of property located at 6405-6409 W. 44th Ave. from Restricted Commercial (RC) to mixed Use-Neighborhood (MU-N) (Case NO. WZ-14-01/Lombardi)

Councilmember Urban introduced Council Bill No. 01-2014.

The applicant requests a zone change from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) to expand options for use. The three parcels currently contain two commercial structures. If the property is approved for redevelopment an administrative site plan review will be followed.

Motion by Councilmember Urban to approve Council Bill No. 01-2014, an ordinance approving the rezoning of property located at 6405-09 W. 44th Avenue from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) on first reading, order it published, public hearing set for Monday, April 14, 2014 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Starker; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

3. Resolution 19-2014 - approving an Intergovernmental Agreement with the Regional Transportation District (RTD) for the Tabor Street Multi-Modal Improvements from the I-70 North Frontage Road to Ridge Road

Councilmember Wooden introduced Resolution 19-2014.

This federal grant will provide \$740,228 to widen and improve Tabor Street to provide bike and pedestrian access to the commuter rail station at Ward Road.

Motion by Councilmember Wooden to approve Resolution 19-2014, a resolution approving an Intergovernmental Agreement with the Regional Transportation District (RTD) for the Tabor Street Multi-Modal Improvements from the I-70 North Frontage Road to Ridge Road; seconded by Councilmember Langworthy; carried 8-0

4. Resolution 20-2014 – authorizing the City Manager to negotiate a redevelopment agreement and related documents in connection with the proposed redevelopment at the southwest corner of 38th & Kipling St.

Councilmember Pond introduced Resolution 20-2014.

This resolution authorizes the use of Tax Increment Financing (TIF) for the project. Extraordinary development expenses such as right-of-way improvements, widening Kipling, new drainage infrastructure, sidewalks and landscaping create a \$3.0 million gap for the developer, MVG Development. To cover this financial gap MVG is asking for Urban Renewal to issue a 10-year tax-exempt bond for about \$2.4 million, and for the City to issue a subordinate note for about \$1.0 million from the General Fund. Both would be payable from the sales and property tax increment from the proposed project. Further, the City will commit to adopt a moral obligation resolution to secure the bonds and up to \$1.0 million as a note to finance certain eligible improvements.

Mr. Goff said the project is getting to a critical point. The developer will be closing on the property on April 11 and they need financial obligations in place. This resolution doesn't officially obligate the City to anything – it just authorizes him to move forward with the required documents: a moral obligation pledge, a development agreement, and authorization to appropriate funds to the project.

Motion by Councilmember Pond to approve Resolution 20-2014, a resolution authorizing the City Manager to negotiate a redevelopment agreement and related documents in connection with the proposed redevelopment at the southwest corner of 38th & Kipling Street; seconded by Councilmember Fitzgerald;

Councilmember Urban asked if there should be a sunset clause. Attorney Dahl advised against it at this stage of the project. It's just authorizing Mr. Goff to negotiate.

Councilmember Starker referenced a small change in the resolution that the developer had requested. Mr. Goff said staff doesn't feel it's necessary, but has no problem with it. Mr. Dahl concurred.

Motion carried 8-0.

5. Motion to appoint Lisa Hollenbeck to the Planning Commission Representing District IV, term to expire March 2, 2017

The applicant lives in District III, but Councilmembers Langworthy and Wooden recommend her appointment to fill the vacant seat in District IV.

Motion by Councilmember Langworthy to appoint Lisa Hollenbeck to the Planning Commission Representing District IV, term to expire March 2, 2017; seconded by Councilmember Wooden; carried 8-0

6. Motion to appoint William Gehl to the Liquor Licensing Authority Board representing District IV, term to expire March 2, 2016

The applicant lives in District III, but Councilmembers Langworthy and Wooden recommend his appointment to fill the vacant seat in District IV.

Motion by Councilmember Langworthy to appoint William Gehl to the Liquor Licensing Authority Board representing District IV, term to expire March 2, 2016; seconded by Councilmember Wooden; carried 8-0

7. Motion to appoint Dan Bradford to the Board of Adjustment, Alternate At-Large Vacancy, term to expire March 2, 2016

Motion by Councilmember DiTullio to appoint Dan Bradford to the Board of Adjustment, Alternate At-Large Vacancy, term to expire March 2, 2016; seconded by Councilmember Starker; carried 8-0

CITY MANAGER'S MATTERS

Patrick Goff reminded everyone of the Town Hall Meeting next Monday, March 31 at the Rec Center. The open house starts at 6:00 with a variety of exhibits and tables with information for citizens. Presentations start at 6:30, and after the meeting staff will be available for another 30 minutes to answer questions.

CITY ATTORNEY'S MATTERS none

ELECTED OFFICIALS' MATTERS

Jerry DiTullio thanked the people who came in to speak, pro and con. ~ He spoke about recent emails and lobbying to put the removal of height and density limits on the ballot again -- for a third time. If that is done he strongly encouraged that there be three separate ballot questions -- one for height and density, one for the 38th Avenue road diet and its funding, and one for a general revenue question. The ballot is the ultimate public process. ~ He enjoyed working with everyone at the retreat Saturday.

Bud Starker said he's always glad to hear citizens that come in and talk. ~ He noted that the Chase Street drainage project is underway and making good progress.

Zachary Urban remarked that over 16 residents had come in to voice their options, and he thanked them for the time it takes. ~ He said it's time to move forward with getting the wording for a ballot proposal about 38th Avenue for the November election. The specifics of design and the funding mechanism can be added as they become available, but he would like to get the process started so voters will have plenty of time to learn about it.

Motion by Councilmember Urban to have staff draft ballot language that would include design and the funding mechanism for 38th Avenue; seconded by Councilmember DiTullio.

Discussion:

Councilmember Starker believes this is too premature; we don't have the design specifics yet.

Councilmember Davis noted that at the retreat Council had discussed working with neighboring cities and consultants on handling difficult ballot issues, and the funding for this and other city projects. She'd prefer to get help from other sources first so we can construct a plan that's successful and transparent.

Councilmember Fitzgerald also thinks this is premature. He doesn't think we're ready to vote on this. He feels it's not about the road diet – it's about our vision for the city.

Councilmember Pond also thinks this is premature to have staff draft ballot language when they don't have all the necessary information.

Councilmember Langworthy agrees with the other speakers that it's too early to do this.

Councilmember DiTullio said he seconded the motion so that discussion could happen. He does think it should go to the voters, but he thinks the ballot language can wait until June when we have the plan back from the consultant and have a solid cost.

Councilmember Urban spoke about getting the process started so we have good language. It's a significant expenditure and deserves adequate input from citizens. Details can be added as they become available.

Motion failed 1-7, with Councilmembers Wooden, Langworthy, Fitzgerald, Pond, Davis, Starker, and DiTullio voting no.

Kristi Davis thanked councilmembers for the good discussions at the retreat this past weekend. Topics included 38th Avenue, improving housing stock, and funding mechanisms. ~ From Renewal Wheat Ridge she reported that Perrin's Row is under construction at 38th & Depew and that 38th & Kipling will have a Sprouts and a Starbucks. ~ She thanked Ms. Allen for coming in to talk about the property next to the Kendall Park. ~ She also thanked folks for all the emails she's getting and encouraged people to come to the Town Meeting next Monday.

Mr. DiTullio agreed about the vacant building at 44th & Kendall. He suggested that Urban Renewal or the Housing Authority look into purchasing the property, scraping it, and marketing it to the private sector. It might require some help from the City, but he'd encourage that because it's been an eyesore for years.

George Pond thanked the people who showed up tonight to speak. He also reported receiving more emails and phone calls lately.

Tim Fitzgerald appreciates people coming in to talk to Council; it's important to hear what they have to say. He's also getting calls and emails, and people are getting excited about the changes.

Tracy Langworthy reminded everyone to be careful on side streets as the weather gets warmer; more children are out and about. ~ She reported that the Kite Flite Festival is April 26. Kite classes will be given at Kataluma Chai on Tuesday, April 8, at Teller Street Gallery on Tuesday, April 15, and at the Active Adult Center on Saturday, April 19. The classes are \$7. Information is available at www.kiteflitefestival.com and the Teller Street Gallery's website.

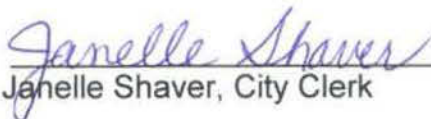
Genevieve Wooden has gotten emails and calls - all positive and in favor of the exciting things that are happening. She also noted that the last Food and Film Series is this Wednesday at the Active Adult Center. It's a pot luck. Information is available on the WR202 website.

Mayor Jay said she too has gotten a lot of emails.


CITY CLERK'S MATTERS

Clerk Shaver said she is aware of a children's theater group that is in desperate need of a permanent home. Inquiring about the status of the Fruitdale School, Mr. Goff said it is owned by the Housing Authority and they're currently receiving proposals. Sally Paine is the contact.

The meeting adjourned at 8:25 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 14, 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.