

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

June 27, 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	Janeece Hoppe
Tim Fitzgerald	Larry Mathews	Genevieve Wooden

Absent: Kristi Davis, George Pond

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Ken Johnstone, Community Development Director; other staff, guests and interested citizens.

APPROVAL OF MINUTES OF the Regular Meeting June 13, 2016 and Study Session Notes of June 6, and June 13 2016

There being no objection, the Minutes for June 13, 2016 and Study Session Notes of June 6, and June 13 were approved.

PROCLAMATIONS AND CEREMONIES none

CITIZENS' RIGHT TO SPEAK

Benny Gonzales (WR) expressed concerns about tall houses being built in his neighborhood – 35 ½ feet tall, 10 feet from the neighbors and 5 feet from the ally and street. He cited 3100 Fenton as an example. These huge houses invade the privacy of smaller neighbors. They don't fit in and he doesn't think this helps preserve our quaint, cute neighborhoods. They're being built by investors -- who will not live here and don't care about our neighborhoods. He suggested 25 feet and 2 stories as a limit. He stated that people don't want Wheat Ridge to become like north Denver. These tall houses built so close take away the sun for gardens and any view the neighbors may have.

Al Lazalde (WR) echoed what Mr. Gonzales said. He lives across from 2921 Chase Street. At a town hall meeting 2 ½ years ago at the Sons of Italy neighbors were reassured that scraping would not happen Wheat Ridge. What has changed? Now construction is going on and we just learned this is legal from 7am – 11pm. This is

disturbing. If people need three stories they should build a basement and two stories. 2 ½ years ago the police assured them that scraping would not happen. He has lost his trust in the City Council and the government of Wheat Ridge.

APPROVAL OF AGENDA

City Attorney Dahl asked that Agenda Item 1 be considered after Agenda Item 2 – to allow time for the arrival of the Item 1 applicant's attorney. There was no objection.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 10-2016 – amending Sections 11-218, 11-293, 11-401, 11-404, 11-415, 26-204 and 26-640 of the Wheat Ridge Code of Laws to adopt regulations governing Medical Marijuana Testing Facilities

The legislature passed a bill requiring testing of medical marijuana starting July 1, 2016. The City is now authorized to license medical marijuana testing facilities, but our code only addresses retail marijuana testing facilities – not medical. This council bill will define and authorize the licensing of medical marijuana testing facilities and the licensing of co-located medical and retail testing facilities.

Councilmember Fitzgerald introduced Council Bill 10-2016.

Clerk Shaver assigned Ordinance 1598.

Mayor Jay opened the Public Hearing.

Councilmember Fitzgerald read a summary of the action sought.

Staff presentation

Mr. Dahl expanded on what the bill accomplishes. The medical testing facilities will be allowed in C-1 and I-E zones. There is no limit on the number of testing facilities, as they don't raise the same kinds of issues as retail outlets. This ordinance will allow the City to grant local licenses for medical marijuana testing facilities. We currently have one licensed retail testing facility. The two types of testing facilities can be co-located

Mr. Goff noted that words have been added to address Councilmember Urban's concern that the issuance of the license by the City should not be interpreted as an endorsement by the City of the validity of the testing.

Public comment

Peter Perrone (business address 12295 W. 48th Ave. Unit C, WR) has a testing facility. He explained to Council that they do not grow or sell marijuana products. They only test. They have 16 employees who are all college educated.

There were no questions from the City Council.

Mayor Jay closed the Public Hearing.

Motion by Councilmember Fitzgerald to approve Council Bill 10-2016, an ordinance amending Sections 11-218, 11-293, 11-401, 11-404, 11-415, 26-204 and 26-640 of the Wheat Ridge Code of Laws to adopt regulations governing Medical Marijuana Testing Facilities on second reading and that it take effect fifteen (15) days after final publication.; and further to set the fee for Medical Marijuana Testing Licenses at \$600; seconded by Councilmember Hoppe; carried 6-0.

1. Council Bill 08-2016 – approving a zone change from Planned Commercial Development to Planned Industrial Development and a request for approval of an Outline Development Plan for property located at 12700 W. 44th Ave. (Case No. WZ-15-10/Stor-All Storage)

Councilmember Wooden introduced Council Bill 08-2016.

Mr. Goff reported that the applicant has asked for a continuance until August. The applicant's attorney is present.

Mr. Dahl advised. This hearing was originally scheduled some weeks ago but was continued until this evening. The public hearing is now open again for the purpose of determining if it will be continued again, or not.

In his opinion he believes it is appropriate for Council to hear from the applicant's attorney on the subject of further continuance. If the hearing is continued he recommends that testimony and questions about the case, from the public and the applicant, be taken at a later date. He believes the applicant's attorney does have a right to speak about the continuance as was related in their letter of June 22.

Mayor Jay opened the continued Public Hearing and swore in Carolyn White, attorney for the applicant.

Carolyn White (410 17th Street, Denver) spoke. She testified that at the previous meeting when they learned of the legal protest (which would require a supermajority of Council for approval), they requested a continuance to June 27. Upon receipt of confirmation that Mr. Pond would be absent June 27 (tonight) they submitted a request for further continuance. The date they've chose is far out in August. She reported that the applicant has closed on the property and now owns it, so there is no rush.

Mr. Goff noted that the continuance is scheduled for August 22.

Motion by Councilmember Wooden to approve the continuance of the public hearing in Case No. WZ-15-10 and the resolution in Case No. wZ-15-11 to August 22, 2016; seconded by Councilmember Mathews; carried 6-0.

ORDINANCES ON FIRST READING

3. Council Bill 11-2016 – zone change from Commercial-One (C-1) to Industrial Employment (I-E) for property located at 4949 Marshall Street (Case No. WZ-16-04 Sit Means Sit Denver Dog Training)

This rezoning is requested to allow the facility to be used as a dog training and dog boarding facility. The process for a required special use permit (SUP) will follow.

Councilmember Urban introduced Council Bill 11-2016.

Motion by Councilmember Urban to approve Council Bill 11-2016, zone change for a zoning change from Commercial-One (C-1) to Industrial Employment (I-E) for property located at 4949 Marshall Street (Case No. WZ-16-04 Sit Means Sit Denver Dog Training) on first reading, order it published, public hearing set for Monday, July 25, 2016 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Duran; carried 6-0.

DECISIONS, RESOLUTIONS AND MOTIONS

4. Resolution 24-2016 – A resolution approving a specific Development Plan for property located at 12700 W. 44th Ave. (Case WA-15-11/Stor-All Storage)

Continued to August 22, 2016.

5. Motion to approve payment to Motus Technology Solutions of Highlands Ranch, CO in the amount of \$202,281 for the Cisco Nextgen Firewall Replacement

Councilmember Duran introduced Item 5.

The replacement of obsolete internet firewall equipment at City Hall is scheduled and budgeted as part of the upgrade, replacement and standardization of the City's computer network. This will improve availability, speed, features and reliability. This item has not been addressed for eight years.

Mr. Goff noted this is a critical component of upgrading our internal network system. This budget item was postponed last year.

Motion by Councilmember Duran to approve payment to Motus Technology Solutions of Highlands Ranch, CO in the amount of \$202,281 for the Cisco Nextgen Firewall Replacement; seconded by Councilmember Fitzgerald; carried 6-0

6. Motion to approve appointment of representatives for each Council District to the Outside Agency Program Review Committee

Creation of this committee will provide an additional opportunity for citizens to participate in the budget process.

Councilmember Hoppe introduced Item 6.

Motion by Councilmember Hoppe to appoint **John Genova** to the Outside Agency Program Citizen Review Committee, District I, term to expire after 2018 budget recommendations are presented in 2017.

Motion by Councilmember Hoppe to appoint **Scott Wesley** to the Outside Agency Program Citizen Review Committee, District I, term to expire after 2018 budget recommendations are presented in 2017.

Motion by Councilmember Urban to appoint **Carla Mead** to the Outside Agency Program Citizen Review Committee, District II, term to expire after 2018 budget recommendations are presented in 2017.

Motion by Councilmember Urban to appoint **Vivian Vos** to the Outside Agency Program Citizen Review Committee, District II, term to expire after 2018 budget recommendations are presented in 2017.

Motion by Councilmember Fitzgerald to appoint **Margie Seyfer** to the Outside Agency Program Citizen Review Committee, District III, term to expire after 2018 budget recommendations are presented in 2017.

Motion by Councilmember Fitzgerald to appoint **Ron Benson** to the Outside Agency Program Citizen Review Committee, District III, term to expire after 2018 budget recommendations are presented in 2017.

Motion by Councilmember Mathews to appoint **John Clark** to the Outside Agency Program Citizen Review Committee, District IV, term to expire after 2018 budget recommendations are presented in 2017.

Motion by Councilmember Wooden to appoint **Tracy Langworthy** to the Outside Agency Program Citizen Review Committee, District IV, term to expire after 2018 budget recommendations are presented in 2017.

The motions were seconded by Councilmember Duran; carried 6-0.

CITY MANAGER'S MATTERS

none

CITY ATTORNEY'S MATTERS

none

ELECTED OFFICIALS' MATTERS

Clerk Shaver reminded people that tomorrow is the last day to bring in their ballots to vote in the primary election. There are no polling places. ~ She also introduced the new Deputy Clerk, Robin Eaton. He comes from the state Liquor Enforcement Division and will be attending the Clerks institute for training in other aspects of the clerk's job. ~ She also invited the Council to a farewell this Thursday for departing Deputy Clerk Kelly Stevens.

Monica Duran asked if staff could provide information about the meeting at Sons of Italy two years ago. Mr. Goff doesn't know what meeting Mr. Lazalde was referring to. He noted that the height limit for residential has been 35 feet for many years. There was brief discussion about what kind of meeting it may have been. Ms. Duran will reach out to Mr. Lazalde to get more information about that meeting. ~ Ms. Duran also noted that the Wheat Ridge Garden Tour is on Saturday, July 9th from 8:00 to 2:00. Tickets are available at Pietra's and the Twisted Smoothie until July 8 at 1:00pm. After that they will be available at Pietra's. She encouraged folks to stop by the Richards-Hart Estate; she is sponsoring that venue this year and her donations will go to Jefferson Center for Mental Health – which will be there during the tour.

Zach Urban asked about the status on a dead tree ordinance; he has had some inquiries from citizens. Mr. Goff said it's a future agenda item. He stated that dangerous trees can already be, and have been, addresses with the current code. Proposed changes will give the City a little more authority on trees on private property that do not pose a safety hazard. He'll check tomorrow when that will be ready and try to get it on the calendar as soon as possible.


Tim Fitzgerald inquired if personnel issues in code enforcement have been taken care of. Mr. Goff explained the status of various staff positions and upcoming replacements that revolve around that issue. A full crew of seasonal staff is handling park enforcement. The plan is to put a police sergeant in charge of that department. Response will be slower for a while until all the vacant positions can be filled. The TLC program will also be on hold for a time.

Larry Mathews addressed the concern about 35 foot houses. There are some in his district and people are really unhappy. He asked for consensus to put it on a study session. Mr. Goff said it had been scheduled for tonight, but Mr. Pond pulled it since not all of Council would be present. It will be going to Planning Commission and is tentatively scheduled for Council on July 18. The issues of height, bulk plain, and setbacks have all been addressed as possible ways to mitigate the impact of these large structures going up. The research has been done and staff does have some recommendations. Mr. Goff will talk to Mr. Pond about getting it on the July 11 agenda.

ADJOURNMENT

The Regular City Council Meeting adjourned at 7:47pm.

(The meeting was followed by a Special Study Session. See separate notes and audio.)



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON July 11, 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.