

CITY COUNCIL MINUTES

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

January 23, 2017

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	Janece Hoppe	Kristi Davis
Tim Fitzgerald	George Pond	Larry Mathews	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Public Works Director, Scott Brink; Community Development Director, Ken Johnstone; Administrative Services Director, Heather Geyer; other staff, guests and interested citizens.

APPROVAL OF COUNCIL MINUTES of January 9, 2017 Without objection, the Minutes of the Regular City Council Meeting of January 9, 2017 were approved as published.

PROCLAMATIONS AND CEREMONIES none

CITIZENS' RIGHT TO SPEAK

Eryn Mulloy (Denver) stated she runs a large home daycare facility for 2-4 year olds in Denver. She would like to relocate to Wheat Ridge, but was told this type of license isn't available in Wheat Ridge. The International Building Code (IBC) considers 7-12 children a Commercial Service, and therefore not an in-home day care that would be allowed in a residential home. She asked that the City reconsider this restriction.

Erik Mathews (WR), a parent whose child attended Miss Eryn's day care, told what an excellent influence she was for his child. He proposed that her large home day care be more localized rather than following the IBC.

APPROVAL OF AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Resolution 01-2017 – a Resolution approving a Special Use Permit to allow a Vehicle Sales Facility in a Commercial-One (C-1) Zone District located at 9160 West 44th Ave. (Case No. SUP-16-04/Elevated Motors

This request for a Special Use Permit (SUP) is to allow a vehicle sales facility at 9160 W. 44th Avenue. The property is zoned Commercial-One (C-1). The process was being handled administratively, but a complaint was received thereby triggering a public hearing.

Council Member Mathews introduced Resolution 01-2017.

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

Staff Presentation

Meredith Reckert, City Planner, presented. She entered into the record the case file, packet material, zoning ordinance and contents of the digital presentation. She reported that all posting and notification requirements have been met.

- The property is on the south side of 44th Ave between Field and Garrison Streets.
- The building was built around 1962 and the property is about 0.9 acres.
- The proposed sales lot is to be the western side of the building and lot.
- The eastern building/property will remain a separate auto repair service.
- Surrounding area and adjacent properties are generally zoned C-1.
- Prior use was a retail second hand store and the landscaping has not been maintained.
- The applicant has no current plans to use the unpaved, southern portion of the lot.
- This SUP would have been granted administratively, but a letter of objection was received after the neighborhood meeting.
 - Objections are that there already is car sales in the area; it will contribute toward deterioration of the area; and they would like the area to be a destination shopping area.
 - Ms. Reckert noted that this area is one of the targeted TLC neighborhoods.
- Staff supports this use at this location because:
 - The area is already commercial and this use will not contribute to blight;
 - This use will not have any more impact than other uses in the area;
 - 44th Ave is an arterial street and can handle any extra traffic.
 - Landscaping will be re-established.
 - All utilities can serve the property.
 - The SUP will not trigger compliance with an ASDM.
- The former tenant displayed inventory in front of the building.
- Meredith said the area has a good deal of car related uses. Also, this area does not have the same sense as 38th Ave or 29th Ave. Based on current conditions in the area staff supports this SUP.
- She went through the evaluation criteria. Staff concludes the use will not harm the area.
- She went through the Conditions staff is recommending.

Council questions

Ms. Reckert explained an SUP can run with the land, the business or for a specific amount of time. The advantage of having the SUP run with the property is that compliance with conditions can be required; non-compliance can result in rescission.

Chris Connroy (Broomfield), one of the applicants, answered questions from Councilmember Fitzgerald. No, they are not currently using the lot for car sales. If granted the SUP they still have to go through the state for their license. The cars that are there now belong to Adolf's.

Mayor Jay closed the public hearing.

Public Comment none

Motion by Councilmember Mathews to approve Resolution 01-2017, a resolution approving a Special Use Permit to allow a vehicle sales facility in a Commercial-One (C-1) zone district located at 9160 West 44th Avenue (Case No. SUP-16-04), for the following reasons:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The proposed Special Use Permit has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed Special Use Permit has been found to comply with the "criteria for review" in Section 26-114-D of the Code of Laws.

With the following conditions:

1. All vehicles on the site must be parked on a paved surface.
2. In lieu of a landscaped strip along 44th Avenue, staff recommends that the landscape island at the northwest corner of the site be re-established with low-growing shrubs and ground cover.
3. The grant of use shall run with the property.
4. The Special Use Permit shall comply with all material representation commitments and operational restrictions as depicted in the application materials and documents maintained in the case file in the Community Development Department.

seconded by Councilmember Urban.

Discussion followed.

Councilmember Fitzgerald proposed that used car sales are not an asset to the City. Arvada is an example of a city that doesn't allow them. If we want to improve the looks of the City we can't allow more used car lots. He can't believe that it's beneficial to have car lots with cars that are a few steps above a junk yard. He'd like to lay this on the table until April so staff can research what other cities do with used car lots and come up with a policy that applies to all used car lots.

Councilmember Pond noted that used car lots are a special use in C-1 zones. He believes staff has interpreted the criteria correctly and does not think it will contribute to blight. He agrees the issue is worth discussing, but doesn't think this applicant's progress should be impeded.

Councilmember Davis asked Mr. Connroy about his product. Mr. Connroy said they would not be selling junkers. They plan to start small with reliable cars in the \$6-12K range and work their way up to offer more high-end, exotic vehicles.

On the advise of counsel, Mayor declared this discussion to be part of the record for the public hearing.

Councilmember Mathews believes the use is appropriate and doesn't approve of discriminating against this applicant.

Councilmember Hoppe agreed the applicant has followed all the rules and shouldn't be cherry-picked, but she does believe the topic should be discussed.

Councilmember Wooden noted there is a similar lot one block away. She thinks the determination of blight is subjective and is a real concern for this area.

Motion by Councilmember Fitzgerald to lay this on the table until the fourth meeting in April so staff can research the matter and bring forward recommendations; seconded by Councilmember Wooden; failed 2-6, with Councilmembers Mathews, Davis, Pond, Urban, Hoppe and Duran voting no.

Motion by Councilmember Fitzgerald to amend the main motion by limiting the SUP to one year, followed by a requirement to reapply; seconded by Councilmember Wooden. There was some discussion.

- Councilmember Mathews believes that would be totally unfair to ask someone to invest in a business that could be rejected after one year.
- Councilmember Pond questioned how an SUP runs with the land or the business. Mr. Dahl explained.
- Councilmember Pond asked how the applicant is held to the conditions. Ms. Reckert explained that periodic site checks are done.
- Councilmember Urban noted that if we are trying to be business-friendly, this is the most anti-business mindset he can think of.
- Councilmember Duran agrees this would not be business friendly and can't support it.

The motion failed 1-7, with Councilmembers Wooden, Mathews, Davis, Pond, Urban, Hoppe and Duran voting no.

Discussion and questions continued.

- Ms. Reckert confirmed that the applicant and the property owner are two different parties. The applicant has the approval of the property owner for this use.
- If the SUP goes with the land, it remain valid if the business is sold.
- If the SUP goes with the business, it remains valid if the business is sold and maintains the same name.
- The land owner is not the applicant.

Motion by Councilmember Hoppe to amend the main motion to have the SUP run with the applicant (Elevated Motors) and not with the land; seconded by Councilmember Davis.

Discussion followed.

- The public hearing was reopened to hear from the applicant. **Mr. Connroy** said they did not object to having the SUP apply only to Elevated Motors.
- Discussion point: The concern of citizens about blight in the corridor.
- Discussion point: There are other used car lots near this one.
- Per Mr. Johnstone, most SUP's run with the land.
- Discussion point: Code enforcement of commercial property is the City's responsibility.

Mayor Jay closed the public hearing.

Motion carried 5-3, with Councilmembers Duran, Urban and Mathews voting no.

There were further comments from councilmembers.

The main motion as amended carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

2. Motion to approve the purchase of 2017 vehicle replacements and the purchase and installation of lighting, auxiliary and communications equipment in a total amount not to exceed \$379,928

Staff recommends the purchase of the following vehicles under the State of Colorado Price Agreements:

Four 2017 Marked Ford Police Interceptor Utility Vehicles	\$ 32,644/ea.
One Nissan Rogue Hybrid AWD SUV	\$ 27,700/ea.
One 2017 Chevrolet Equinox AWD SUV	\$ 26,079/ea.
One 2017 International 7600 6x4 Cab & Chassis	\$116,573/ea.

- The base cost of the vehicles is \$300,928.
- The estimated cost of auxiliary equipment, markings, decals and miscellaneous items for the four police vehicles is \$68,000 and is included in this request.
- The estimated cost for auxiliary equipment, decals and miscellaneous items for the two SUV's is \$11,000 and is included in this request.

- The estimated cost of auxiliary snow and ice removal equipment, lighting, hydraulics, and miscellaneous items for the tandem cab and chassis is \$105,000 and will be advertised for bid at a later date.

Councilmember Pond introduced Item No. 2.

Scott Brink gave a brief presentation. Six are replacement vehicles. The seventh is a new addition, a patrol utility vehicle for the Police Department. Six vehicles are for the PD; the tandem cab and chassis is a replacement for Public Works. The replacement policy includes mileage, age, year of purchase, availability of parts, and degree of maintenance needed.

Motion by Councilmember Pond to approve the purchase of 2017 vehicle replacements and the purchase and installation of lighting and auxiliary and communications equipment in a total amount not to exceed \$379,928; seconded by Councilmember Wooden; carried 8-0.

3. Motion to award a contract to Data Transfer Solutions, LLC, of Orlando, Florida, in the amount of \$154,800 for VUEworks Asset Management Software and Support

The existing Cartegraph Solutions asset management program and associated modules are now obsolete, and are scheduled for replacement utilizing funds approved in the 2017 IT Budget. The package includes software, licensing, migration, technical support and training. After 2017 the licensing and support will cost \$15,000 annually. This new asset management solution will allow the City to have access to real time data for decision and cost analysis.

Councilmember Hoppe introduced Item No. 3

Mike Steinke, IT manager for the City, reported that the annual cost is a year-by-year recurring cost. At any point in the future, if we choose, we can decide not to renew the support contract.

Motion by Councilmember Hoppe to award a contract to Data Transfer Solutions, LLC., of Orlando, Florida, in the amount of \$154,800 for the VUEWorks asset management system and support; seconded by Councilmember Duran, carried 8-0.

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIAL'S MATTERS

Monica Duran said she's been asked if the City is sending out a letter to citizens and businesses about the snow removal ordinance. Mr. Goff said that wasn't planned; it was advertised in the Connections newsletter – which he feels is read by more people. It would cost \$5-6,000 to do a citywide mailing. Ms. Duran suggested this be discussed to ensure citizens and businesses are informed. ~ She reported attending a homeless summit last week that was interesting and well attended. She congratulated Mr. Urban on being appointed chair of the governance committee. ~ She will be having a District 1 meeting on Sat, Feb 25, at 10am at the Seniors Resource Center. The topic will be what is affecting aging seniors and programs that are available; there will be a variety of speakers.

Zach Urban reported on the Jefferson County Homeless Committee meeting. It is a collaborative effort by a variety of agencies - law enforcement, mental health, social services and the school district. For the public's information, the seven goals are:

1. Finding ways to prevent homelessness
2. Providing temporary shelter and support services
3. Provide permanent shelter and services to meet long term needs
4. Increase economic opportunities
5. Implement effective governance with staff and structure
6. Promote awareness and advocacy
7. Develop systems to support efficiency and effective planning and implementation

Each working group includes public, private and non-profit sectors, and will work to develop resources – since there is no dedicated funding for this issue.

He thanked Division Chief Jim Lorenz for his presentation – from which he learned that every situation and circumstance of homelessness is different.

George Pond is looking forward to the study sessions and retreat. ~ He elaborated on why he thinks the discussion during the earlier public hearing was appropriate. Special uses are supposed to be discussed and we did not disparage the applicant. It could have been faster, but it was a very important conversation and we should not apologize for it.


Kristi Davis thanked George Pond for his remarks. She announced there is a Renewal Wheat Ridge meeting tomorrow in Council Chambers at 6pm if anyone is interested.

Larry Mathews also attended the Homeless Summit. He noted one of the biggest areas for calls regarding homelessness is at WalMart and King Soopers on Youngfield. ~ He reported not being happy with the “non-update” update Council received from RTD at the last meeting. He's been in communication with our RTD representative. He will not press for more information until the RTD folks get back from Washington DC, but from what he is hearing the Gold Line may not open for 8 months. If RTD is not forthcoming with accurate information he would like to discuss a public information request.

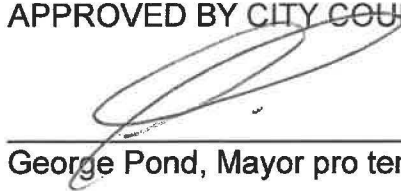
Genevieve Wooden said she doesn't think RTD is obfuscating anything and that it's very important that Council act very respectfully towards RTD as we pursue answers. ~ She thanked George Pond for his comments. ~ She reported that Stevens Elementary now has a service center called The Hub. Families needing assistance can get all the information for the various social service agencies in one place.

ADJOURN TO SPECIAL STUDY SESSION

The City Council Meeting was adjourned at 8:45 p.m. A Special Study Session followed.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON February 13, 2017


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.