

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

April 9, 2018

Mayor Starker 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

Zachary Urban	Monica Duran	Tim Fitzgerald	
Larry Mathews	Leah Dozeman	Kristi Davis	George Pond

Absent: Janeece Hoppe (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Parks and Recreation Director, Joyce Manwaring; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; City Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF Study Session Notes of March 19, 2018

There being no objections, the Study Session Notes of March 19, 2018 were approved as published.

PROCLAMATIONS AND CEREMONIES

Arbor Day

Mayor Starker read a proclamation declaring Saturday April 20, 2018 as Arbor Day in the City and urged citizens and businesses to plant a tree. **Margaret Paget**, City Forester, who was present to receive the proclamation, noted this is our 39th year as a Tree City USA. **Allen Gallamore**, Northeast Area Manager of the Colorado State Forest Service, presented the Tree City USA Award to Ms. Paget. He explained the award and reminded the assembly that the Tree City designation is something that has to be earned, and he congratulated the City on maintaining its commitment to healthy trees. He presented Ms. Paget with materials to be used around the City.

Victim's Rights Week 2018

Mayor Starker read a proclamation declaring April 9-14 as National Crime Victims' Rights week. **Sgt. Moellenberg** received the proclamation and spoke briefly about the growing voice of crime victims. Dana Easter, Deputy District Attorney of Jefferson County, thanked all for their continued support of VOI and helping accomplish its goals.

Mental Health Awareness Month

Mayor Starker read a proclamation declaring May as Mental Health Awareness Month.

David Goff from the Jefferson Center for Mental Health received the proclamation and thanked the City for its continued support of Jefferson Center. He elaborated on the large number of services provided. He noted the opening of the 24 hour walk-in crisis center at 4643 Wadsworth. He invited folks to join the large group of volunteers. Training is available.

Jefferson Center 60th Anniversary

Mayor Starker read a proclamation recognizing the 60 years of service that Jefferson Center for Mental Health has provided to Jefferson, Clear Creek and Gilpin Counties for mental health and substance abuse issues. **David Goff** received the proclamation.

CITIZENS RIGHT TO SPEAK

Dorothy Archer (WR) read from the City's Neighborhood and Housing booklet, first citing on page 51, under goals and policies, the aim "to maintain the appeal and character of the City's established neighborhoods." Additionally.....

- Page 52 addresses Neighborhood Identity Programs – 'to work with neighborhood groups to define boundaries/areas; use neighborhood level planning to determine appropriate character and design for distinct areas; work with interested neighborhoods to develop guidelines, standards and tools to retain that character'.
- Page 53 says 'the City will guide infill development and redevelopment to keep the overall character and vernacular of the surrounding neighborhood'.
- Page 93 states 'the City will strive to make all aspects of City government transparent, engaging, and accessible for all community members'.
- Page 106 'Certain development regulations and zoning should be amended to achieve the development patterns or neighborhood protection'.

They are not asking that homes be scraped. They are asking for elimination of the 35 ft height allowance for residential dwellings. She reminded Council again every surrounding city has eliminated 35 ft. They are asking for a 25 ft height limit. The 15 ft bulk plane adds another half story – which is more than adequate. $\frac{3}{4}$ of east Wheat Ridge is zoned 2 [sic]; if 35 ft houses are brought it, you will be eliminating the sustainability, transparency, and the character of the neighborhood.

Councilmember Mathews thanked Dorothy Archer. Whether you agree or disagree with her, she represent the essence of the Citizens' Right to Speak. She researches the information she brings to Council and does an excellent job presenting it.

1. CONSENT AGENDA

- a. Motion to award ITB-18-05, 2018 Overlay Project Base Bid and Bid Alternate 1 to Martin Marietta Materials, Westminster, CO, in the amount of \$1,374,430.02, with a contingency amount of \$68,720.00 *[budgeted; includes*

overlay of 38th Ave (Wads to Sheridan), 44th Ave (Xenon to I-70 eastbound ramps) and maintenance on selected local streets]

- b. Motion to award ITB-18-03, 2018 Concrete Rehabilitation and ADA Improvements Project Base Bid, and Bid Alternates 1 and 2 to the Perfect Patch Asphalt Company, Commerce City, CO, in the amount of \$403,652.20, with a contingency amount of \$20,200 *[budgeted; concrete rehab with streets scheduled for overlay; ADA improvements on 38th Ave; public improvements for 3715 Pierce St]*
- c. Resolution 20-2018 – amending the 2018 General Fund Budget in the amount of \$2,216 for the purpose of appropriating Grant Awards for the installation of two bike repair stations along the Clear Creek Trail *[at Youngfield Trailhead and Creekside Park]*
- d. Motion to approve payment to Kaiser Permanente for April 2018 membership billing in the amount of \$198,233.22 *[monthly bill for employees and COBRA]*

Councilmember Mathews introduced the Consent Agenda.

Councilmember Mathews asked to remove Item 1a).

Motion by Councilmember Mathews to approve the Consent Agenda Items b), c) and d); seconded by Councilmember Urban; carried 7-0.

Motion by Councilmember Mathews to approve Item a); seconded by Councilmember Fitzgerald.

Councilmember Mathews noted the contract in question is for the repaving and restriping of 38th Avenue. He asked for an explanation. Mr. Goff said this is routine scheduled maintenance. It will be repaved and striped as it is now.

The motion carried 7-0.

PUBLIC HEARING AND ORDINANCES ON SECOND READING

- 2. Council Bill 07-2018 – An Ordinance approving the Rezoning of property located at 6320 West 44th Avenue from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (NU-N)(Case No. WZ-18-02/Wedgewood)

The applicant is requesting rezoning of the quarter-acre parcel containing a single family house, to allow the property to be used for commercial and/or residential.

Councilmember Davis introduced Council Bill 07-2018.

Clerk Shaver assigned Ordinance 1640.

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

Staff Presentation

Zach Wallace Menendez presented. He entered into the record the case file, the zoning ordinance, the Comprehensive Plan and the contents of the digital presentation. He testified that all posting and notification requirements had been met.

- The property is across from Hopper Hollow Park; it is a regular rectangular shape and has no topographical irregularities.
- Current zoning is N-C; the property is surrounded by a variety of zonings.
 - The Park is zoned C and R-3;
 - Some properties across the street were recently been rezoned to MUN; Properties along the street (east and west) have a variety of commercial zonings – C-1, R-C, N-C,
 - Further away from 44th (north and south), there are a variety of residential zonings and uses. South of the parcel is single family.
- The Comprehensive Plan indicates this property is in a Neighborhood Commercial Corridor and encourages a mix of uses.
- A neighborhood meeting was held in January. 6 neighbors attended. There were concerns about parking requirements and what the buffers will be if this property is redeveloped as something other than a single family home.
- All outside agencies have indicated they can serve the property
- Staff concludes the rezoning meets criteria and is compatible with surrounding uses.

The applicant was available for questions from Council. There were none.

No one from the public asked to speak.

Council Questions

Councilmember Mr. Mathews asked if 44th Ave is intended to be commercial artery, or is it to be residential. Mr. Menendez said the corridor is labeled a “neighborhood” commercial corridor, so residential is appropriate.

Mayor Starker closed the public hearing.

Motion by Councilmember Davis to approve Council Bill 07-2018, an ordinance approving the Rezoning of property located at 6320 West 44th Avenue from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) on second reading, and that it take effect fifteen days after final publication 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 of the Code of Laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The requested rezoning has been found to comply with the criteria for review in Section 26-112.E. of the Code of Laws.”

seconded by Councilmember Dozeman;

Councilmember Mathews asked if this goes commercial, what else can be done on this property. Why accommodate more residential? He is fearful of a patchwork of uses and there is no cohesive plan. Councilmember Davis noted there are some homes along 44th. She hasn't heard of a desire for more commercial. Councilmember Dozeman sees this as turnover.

The motion carried 6-1, with Councilmember Mathews voting no.

ORDINANCES ON FIRST READING

3. Council Bill 08-2018 – An Ordinance amending Article VII (Sign Code) of Chapter 26 of the Wheat Ridge Code of Laws (Case No. ZOA-18-01)

The June, 2015 United States Supreme Court ruling on the case of Reed v. Town of Gilbert, Arizona, has had a significant impact on local government sign codes throughout the nation. Signs can no longer be regulated by their content; sign codes can only regulate time, place and manner.

In addition to bringing the sign code into compliance with the federal ruling, the City Council is using this opportunity to update the sign code with different standards, clarify enforcement language, and reaffirm former policy directions.

Councilmember Duran introduced Council Bill 08-2018

Motion by Councilmember Duran to approve Council Bill 08-2018 an ordinance amending Article VII (Sign Code) of Chapter 26 of the Wheat Ridge Code of Laws (Case No. ZOA-18-01) on first reading, order it published, public hearing set for Monday, April 23, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTION

4. Resolution 21-2018 – A Resolution adopting a Cultural Vision for the City of Wheat Ridge

The Cultural Commission recognizes the important role that cultural arts play in the economic and aesthetic development of the City and identified that a cultural vision is necessary to provide consistent, cogent talking points for all stakeholders involved in various projects in the City.

Councilmember Dozeman introduced Item 4.

Staff presentation

Joyce Manwaring thanked the Cultural Commission for their work on the Vision.

Public Comment

Diane Robb thanked the Commission members who were present who worked on the Vision. The Cultural Vision reflects the diversity in the community. She spoke about the importance of public art and culture as a vital part of our community. She has had developers call her wanting direction for public art. We now have that.

Motion by Councilmember Dozeman to approve Resolution No. 21-2018, a resolution adopting a Cultural Vision for the City of Wheat Ridge; seconded by Councilmember Davis; carried 7-0.

5. Resolution 22-2018 – A Resolution amending the Fiscal Year 2018 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$213,310 and awarding a contract to CZB LLC for a Neighborhood Revitalization Strategy Update.

To update the 2005 Neighborhood Revitalization Strategy (NRS) staff has negotiated a scope of work with CZB LLC for a process that will include an extensive public outreach effort to determine how the City can make the most of its assets and answer the question, "What does the City want to be in the coming decades?" A comprehensive assessment of the City's retail market will also be done. This is not a budgeted item.

Councilmember Pond introduced Item 5.

There was no staff presentation or discussion.

Motion by Councilmember Pond to approve a resolution amending the Fiscal Year 2018 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$213,310 and awarding a contract to CZB LLC for a Neighborhood Revitalization Strategy Update; seconded by Councilmember Duran; carried 7-0.

CITY MANAGER'S MATTERS

Mr. Goff reported that he and the mayor will be meeting with Denver Transit partners about the Gold Line.

CITY ATTORNEY'S MATTERS

Mr. Dahl reported that the business license for Break the Stigma Yoga has been revoked. The time for an appeal is currently running. Council will be kept informed.

ELECTED OFFICIAL'S MATTERS

Larry Mathews thanked the staff for acting quickly on the marijuana yoga place.

Treasurer DiTullio explained some numbers on the current CSAFE statement he had distributed. About \$10M that the City previously had in illegal CD's has been put in this fund; it is liquid and earning good interest. He highlighted amounts in the 2E account and the Conservation Trust Fund that are both also now earning better interest.

Monica Duran offered condolences to the family of Donna Kimsey who passed away recently. Until recently she had served on the Planning Commission and she will be missed.

Leah Dozeman reported the Jeffco Schools Foundation will be hosting the Elevate Education Gala on April 26 at the Arvada Center. Proceeds will support the district-wide programs including the Jeffco Summer of Early Learning. Tickets are available and community support is encouraged.

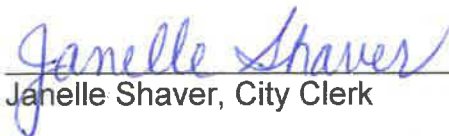
Zach Urban thanked the Jefferson Center for Mental Health for their service over the years and for their efforts to bridge the gap when Arapahoe House closed. He thanked the City Treasurer for his reports. He announced it is National Work Zone Awareness Week and urged folks to be aware of workers when they drive through these areas.

George Pond thanked the Cultural Commission for their hard work on the Vision document. He also recognized the staff and previous Councils who have committed to Tree City status and being a leader.

Mayor Starker congratulated the Cultural Commission on a job well done and Jefferson Center for Mental Health for 60 years of service.

ADJOURNMENT

The meeting adjourned at 8:02pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON May 14, 2018


Tim Fitzgerald, 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.