

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

June 26, 2023

Note: This meeting was conducted both as a virtual meeting and hybrid, where some members of the Council or City staff were physically present at the Municipal building, and some members of the public attended in person as well. Eight members of Council were present in Council Chambers for this session. Before calling the meeting to order, Mayor Pro-Tem Stites stated the rules and procedures necessitated by this meeting format.

Mayor Pro-Tem Stites called the Regular City Council Meeting to order at 6:32 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL OF MEMBERS

Judy Hutchinson Scott Ohm Rachel Hultin Janeece Hoppe
Amanda Weaver Korey Stites Leah Dozeman

Absent: Mayor Starker represented the City at a CML strategic planning session this evening; Mayor Pro-Tem Stites presided. CM Valerie Nosler Beck was absent due to illness.

Also, present: City Manager Patrick Goff; City Attorney Gerald Dahl; Director of Parks and Recreation, Karen O'Donnell; other staff, guests and interested citizens.

APPROVAL OF MINUTES

There were none tonight.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

PROCLAMATIONS AND CEREMONIES

Park and Recreation Month

Mayor Pro-Tem Stites proclaimed the month of July, 2023 as Parks and Recreation month, to acknowledge and recognize park and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development, and encourage physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles.

Parks and Recreation Director Karen O'Donnell accepted the Proclamation on behalf of her team, 11 of whom were present for the proclamation. Ms. O'Donnell mentioned a

few of the many, many projects and challenges, which she deemphasized so she could recognize her staff members, recognizing them for their performance, teamwork and accomplishments. The Department has persevered through a series of challenges including the pandemic and a lack of lifeguards, to mention only two of them.

PUBLIC'S RIGHT TO SPEAK

Lori Rosenthal, CEO of Jeffco Housing Authority, 11941 W. 48th, Ave. - Came to thank Council for their support and recent actions in support of affordable housing generally and financial partnership support recently appropriated by Council.

Amy Case, Chief Real Estate Officer, Jeffco Housing Authority; 11941 W. 48th, Ave. came to support the proposed changes to multi-unit parking regulations included in tonight's agenda.

Note about Wheat Ridge Speaks:

Members of the Public may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. The deadline for citizens to submit comments is 12:00 Noon Mountain Time on the day of a Council session so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item, including items that address a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech)

The following comments appeared in WR Speaks for this session of Council.

Item No. 4 - ORD - amend WR Code for affordable housing

Mark De La Torre

Jun 26, 2023 · 10:41am

I strongly support this ordinance. I'm not going to list the countless organizations and communities that have identified this strategy as an effective tool for delivering affordable housing - we've already acknowledged the importance of it in our own adopted Affordable Housing Strategy and Action Plan. Parking requirements are one of the larger barriers affordable housing developers face - any small step to lighten that burden to realize units is a good thing. Any fear of parking pressure in adjacent neighborhoods is overexaggerated in my opinion. It's the same 'reductio ad absurdum' fear that never materializes. If we continue to retain land-use control at the local level, as we pitched so strongly for in the last legislative cycle, we need to take demonstrable steps to effect change. This is a common-sense step in the right direction.

Address:

4345 Brentwood St.

Wheat Ridge, 80033

Amy Case

· Jun 23, 2023 · 1:22pm

"The Jefferson County Housing Authority d/b/a Foothills Regional Housing, is an active affordable

rental housing developer operating within the City of Wheat Ridge. We are interested in continuing to create this type of critically needed housing stock in the face of escalating land and construction costs. We submit this comment to express our full support of Case No. ZOA-23-06 regarding parking requirements for deed-restricted affordable housing. By reducing the amount of parking required, we can build more units for less. For example, our most recent development, The Ives, has 50 units on a roughly 37,700 square foot lot and is required to provide 38 spaces (assuming a 25% administrative reduction). With the proposed bill, The Ives would only need 25 parking spaces (.5 spaces/unit), allowing us to increase the building footprint by 3,500 square feet. This additional space would translate into roughly 18 additional units. This bill would allow affordable housing providers to do more with less, and build more affordable communities where they are needed most.”

Address:

11941 W 48th Ave
Wheat Ridge, 80033

1. CONSENT AGENDA

CM Weaver introduced the consent agenda.

- a. Motion to award a contract for the Recreation Center parking lot repair project to Sunland Asphalt and Construction, LLC of Littleton, Colorado, and approve subsequent payments in the amount of \$485,900.72 with a contingency amount of \$48,500.00, for a total not-to-exceed the amount of \$534,400.72

Issue

The Wheat Ridge Recreation Center opened in February 2000. Significant repairs to the parking lot are currently required. Due to the poor soils underlying the parking lot, staff completed an analysis and determined that a major rehabilitation, consisting of a mill and overlay treatment, would be more cost-effective than complete reconstruction of the parking lot.

One bid was received for this work in response to an Invitation to Bid. The bid was in line with the Engineer’s Estimate for the work. Therefore, staff recommends awarding a contract to the lowest responsive bidder, Sunland Asphalt and Construction, LLC of Littleton, Colorado in the amount of \$485,900.72 plus a staff-managed contingency of \$48,500.00 for a total not-to-exceed amount of \$534,400.72.

- b. Resolution No. 33-2023 - a resolution approving an agreement with Denver Urban Gardens, Inc. associated with the Happiness Gardens Food Forest

Issue

City staff worked with Denver Urban Gardens (DUG) to create a Food Forest at Happiness Gardens, which was dedicated on May 5, 2023. The agreement details the ongoing relationship between the City and DUG related to the Food Forest, and the responsibilities of each entity.

- c. Motion to award a contract in the amount of \$384,662.99 to GameTime Inc., for the purchase and installation of playground equipment at Anderson Park to be funded by the reimbursement from the Metropolitan Football Stadium District

Issue

The City of Wheat Ridge received \$523,551 from the sale of the Denver Broncos Football Club. The funds must be used for “youth activity programs” within the Wheat Ridge community. Staff presented a variety of options to youth community members and requested feedback regarding their preferences. This request is for approval of a contract with GameTime in the amount of \$384,662.99 for a playground to be installed at Anderson Park

Motion by CM Weaver to approve Consent Agenda Items a.), b.), and c.), seconded by CM Hoppe, motion carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2. Resolution 37-2023 – A Resolution approving the assignment to the Jefferson County Housing Authority, D/B/A Foothills Regional Housing of \$1,970,630 of the City of Wheat Ridge, Colorado’s 2023 Private Activity Bond volume CAP allocation from the State ceiling for Private Activity Bonds; and authorizing the execution and delivery of an assignment and other documents in connection therewith

CM Ohm introduced Resolution 37-2023

Issue

The City of Wheat Ridge has received an allocation of \$1,970,630 for the purpose of issuing Private Activity Bonds (PABs) in 2023 under the state ceiling imposed by the Tax Reform Act of 1987. Staff recommends assigning the City’s allocation to Foothills Regional Housing which has agreed to issue PABs for The Ives affordable housing project at the corner of 44th and Wadsworth Boulevard.

Mayor Pro-Tem Stites opened the public hearing.

Staff Presentation

City Manager Patrick Goff gave a brief presentation which included the prior actions and background where PABs are tax exempt bonds designed to offer low-cost financing to private sector borrowers for projects that create jobs and expand the tax bases of local communities. PABs may be used to finance a broad array of community development projects including housing, manufacturing, higher education, infrastructure, and environmental projects. The bonding authority which allows the issuance of PABs is Volume Cap, created under the federal Tax Reform Act of 1986. The federal government allocates a maximum amount of Volume Cap use to each state annually, based on population.

Afterwards he stood by to answer any questions.

Public Comment

No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

Council Questions and comments

CM made several comments in support of the motion and recalled recent efforts by Council and staff to ensure this funding meets residents' needs and desires.

Motion by CM Ohm to approve Resolution 37-2023 – a resolution approving the assignment to the Jefferson County Housing Authority, d/b/a Foothills Regional Housing of \$1,970,630 of the City of Wheat Ridge, Colorado's 2023 Private Activity Bond Volume Cap Allocation from the State Ceiling for Private Activity Bonds; and authorizing the execution and delivery of an Assignment and other documents in connection therewith, seconded by CM Hoppe, motion carried 7-0.

3. Council Bill No. 14-2023 – An Ordinance amending Article XI of Chapter 26 of the Wheat Ridge Code of Laws concerning requirements for mixed-use zone districts.

CM Dozeman introduced Council Bill 14-2023

Issue

The proposed ordinance makes necessary updates to Article XI of Chapter 26 of the Code of Laws specifically to update and clarify development requirements for mixed use zone districts. The ordinance seeks to modernize portions of the mixed-use code, to provide better clarity and organization for easier administration, and to establish standards that were not included in the original regulations.

Mayor Pro-Tem Stites opened the public hearing.

City Clerk Kirkpatrick assigned Ordinance No. 1766.

Staff Presentation

Senior Planner, Scott Cutler presented to council where the City's mixed-use zoning requirements are found in Article XI of Chapter 26 and were adopted in 2010. A lot has changed in Wheat Ridge since 2010 when the code was written, and there are many lessons learned about how the current mixed-use code is functioning. It is typical for cities to periodically update municipal codes as it relates to best practices, to add definitions and terms, and to clarify code language, particularly if they have not been reviewed or updated in several years

The following code sections should be updated:

- Adds to the code accessory building requirements
- Adds cross-reference to the City Charter regarding height, density, and exempted areas

- Makes minor updates to vertical screening requirements
- Updates building material requirements in Section 26-1106
- Clarifies existing height bonuses for structured parking
- Updates bicycle parking requirements
- Updates open space requirements in Section 26-1110
- Updates permitted uses and adds definitions in Section 26-1111

After the presentation, he stood by to answer questions.

Public Comment

No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

Council Questions and comments

CM had studied this proposed ordinance and had few questions.

CM Hultin renewed her request for ensuring electric bicycle and vehicle charging stations in these multi-use developments. Staff responded to her comments.

Motion by CM Dozeman to approve Council Bill No. 14-2023, an ordinance amending Article XI of Chapter 26 of the Wheat Ridge Code of Laws concerning requirements for mixed use zone districts, on second reading and that it takes effect fifteen (15) days after final publication, seconded by CM Ohm, motion carried 8-0

4. Council Bill No. 15-2023 – An Ordinance amending Articles V and XI of Chapter 26 of the Wheat Ridge Code of Laws, concerning parking requirements for deed-restricted affordable housing, and making conforming amendments therewith

CM Hultin introduced Council Bill No. 15-2023

Issue

The proposed ordinance reduces minimum parking requirements for deed-restricted affordable dwelling units in multi-unit residential zones and in mixed-use zones, including transit-oriented development (TOD) areas.

Mayor Pro-Tem Stites opened the public hearing.

City Clerk Kirkpatrick assigned Ordinance No. 1767.

Staff Presentation

Senior Planner, Scott Cutler again presented to council the prior actions and background. The adopted Affordable Housing Strategy describes housing-supportive code amendments and identifies reducing minimum parking requirements as a potential action item, which would help address the cost of developing affordable housing in

Wheat Ridge. Parking is expensive costing several thousand dollars per space in a traditional parking lot and tens of thousands of dollars per space in a garage. Although City-imposed parking requirements are only a small portion of the total development costs of a housing unit, any City contribution to eliminating extra costs can help shrink financing gaps for affordable housing developers.

The proposed ordinance reduces minimum parking requirements for deed-restricted affordable dwelling units. The reduced parking requirements do not affect requirements for market-rate housing—even if rents are below average—nor workforce housing, which is a market-rate product with rents and/or unit sizes below average.

The ordinance takes a three-tiered approach to reducing parking requirements for deed-restricted affordable dwelling units and is based on research of peer communities and national models. At the April 17 study session, staff had proposed reductions to both the minimum and maximum requirements. Based on further study and feedback from the Planning Commission, the ordinance reflects a lower minimum requirement but retains the same maximum requirement providing affordable housing developers with flexibility.

Afterwards he stood by to answer any questions.

Public Comment

CEO of the Jeffco Housing Authority spoke in favor of this proposed Ordinance and the benefits it will create for our residents.

Kim Calomino, 4070 Dover St. came to support the proposed Ordinance as a resident and advocate for the new requirements for parking in conjunction with affordable housing.

Kelly Blynn, District II resident, called in to support the passage of the Ordinance. She also thinks Council and staff should address the question of parking in all zoning classes. The vast majority of WR residents do not live in the housing zone addressed by this ordinance but going forward Council should look at parking in all zones.

Montana Stevenson – 3655 Harlan St. called to remind all those other issues about affordable housing, other agencies' roles in planning and executing this kind of ordinance. She thinks for several reasons she enumerated ways that we can do better going forward as we develop more policy.

Council Questions and comments

CM Hoppe commented on the research and study Council has done on this issue, the input from several sources used in addition, and prior study sessions to reach this point with this proposed Ordinance.

CM Weaver expressed her support and thanked those who came to speak on this item.

CM Hultin referenced the data sources that drove this change in the Code. She recalled statistics on how many homes in Colorado have how many cars and how she interpreted that data to inform her support for this motion.

CM Dozeman also referenced questions she had asked in Study Session, and how her concerns have been addressed by staff additional research. She supports it.

MPT Stites also expressed his support for the motion.

Motion by CM Hultin to approve Council Bill 15-2023 – an ordinance amending Articles V and XI of Chapter 26 of the Wheat Ridge Code of Laws, concerning parking requirements for deed-restricted affordable housing, and making conforming amendments therewith, on second reading and that it takes effect fifteen (15) days after final publication, seconded by CM Hoppe, motion carried 7-0.

5. Council Bill 16-2023 – An Ordinance amending Articles I and II of Chapter 26 of the Wheat Ridge Code of Laws, concerning definitions and regulations for Childcare facilities, and making conforming amendments therewith

CM Hoppe introduced Council Bill 16-2023

Issue

The proposed ordinance allows day care centers in Neighborhood Commercial (NC) and Restricted Commercial (RC) zone districts, updates the code to align with State regulations, provides cross-references in the zone district use chart for home-based day care which are allowed as home occupations, and permits day care centers at institutional properties in residential and agricultural zone districts. The ordinance is intended to reduce barriers to opening new childcare facilities in Wheat Ridge.

Mayor Pro-Tem Stites opened the public hearing.

City Clerk Kirkpatrick assigned Ordinance No. 1768.

Staff Presentation

Senior Planner, Scott Cutler gave a detailed presentation which included the background where staff and Council recognize the major lack of childcare facilities in the state and region. Planning Division staff often receive requests from operators seeking to open childcare facilities in zones where they are currently prohibited, despite being compatible with existing land use patterns. The City's current regulations and prohibitions on childcare in many zone districts can be perceived as overly burdensome. This ordinance seeks to expand opportunities for new childcare facilities to open in Wheat Ridge by allowing facilities in additional zone districts or on properties set up for institutional uses

City Code differentiates between a "day care home" where the operator lives on site and a "day care center" which is more commercial in nature. These terms are defined in Section 26-123 of the zoning code, and they appear in the permitted use charts for residential, commercial, and mixed-use zones Sections 26-204 and 26-1111.

Ms. Easley state that the proposed ordinance makes three specific changes to expand where childcare centers may be allowed and also corrects two specific discrepancies that currently exist between state and local regulations.

Afterwards he stood by to answer any questions.

Public Comment

There were none tonight.

Council Questions and comments

CM Weaver asked how adult daycare is impacted or addressed by this ordinance. Mr. Cutler replied that this proposal does not address adult daycare. CM Weaver asked that staff consider this issue and report any recommendations to Council. Mr. Dahl also opined on several details of law and public policy; his most important comment was to the effect that adult daycare is a different area of law and public policy that is not addressed here.

Motion by CM Hoppe to approve Council Bill 16-2023 – an ordinance amending Articles I and II of Chapter 26 of the Wheat Ridge Code of Laws, concerning definitions and regulations for childcare facilities, and making conforming amendments therewith, on second reading and that it takes effect fifteen (15) days after final publication, seconded by CM Hutchinson, motion carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

There were none tonight

CITY MANAGER'S MATTERS

Mr. Goff reported that the second public opinion survey on tax levies for this fall's ballot went out today.

Our public art projects continue successfully and to great praise.

CITY ATTORNEY'S MATTERS

Nothing tonight

ELECTED OFFICIALS' MATTERS

CM Hutchinson recently attended another restaurant opening. She also attended a tour of the new hospital at Clear Creek Crossing today and expressed her strongly positive impressions of the facility (as an RN).

CM Hultin reminded us that this Thursday, June 29th is Ride Your Bike to Work Day. She also reminded everyone that all RTD transit modes are fare-free for both July and August, an expansion to two months this year. She challenged all of us to ride at least one RTD trip in July and one in August

CM Ohm was a mystery reader for three books at the Jeffco Library recently. He complimented and recognized staff and Council for their hard work tonight and for the many months of work that lead to tonight's actions.

CM Dozeman lauded the Ridge Fest event last Saturday, commenting specifically on the contests like the corn hole tournament. Starting this week, the Farmers Market is open again. Yoga on the Green starts again this weekend too.

CM Weaver announced that the goat herd returns to the meadows this weekend, so come meet the goats. The goats are also consuming the grass along the stream that runs through the meadows.

CM Hoppe also commented on the hospital tour today. She opined that her tour demonstrated many, many reasons why a new hospital is actually essential (and less costly than a renovation of the current facility).


MPT Stites also enjoyed the hospital tour today. He also commented that many District III residents continue to ask more questions about the future of the legacy campus. He thanked Guy Nahmiach for his supportive efforts for art and culture in WR. He also opined that one should definitely buy breakfast burritos at any of the several WR establishments that serve superior ones – and whatever else they can find in WR – then buy it in WR.

Mayor Pro-Tem Stites also reminded everyone that fireworks are illegal in the City of Wheat Ridge. Anything that explodes or leaves the ground is not permitted.

ADJOURN TO SPECIAL STUDY SESSION

The meeting adjourned at 7:47 pm.

APPROVED BY CITY COUNCIL ON July 24, 2023



Steve Kirkpatrick, City Clerk



Korey Stites, 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.