

**STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO**

May 7, 2012

Mayor DiTullio called the Study Session to order at 6:30 p.m. Council Members present: Davis Reinhart, William "Bud" Starker, Kristi Davis, Mike Stites, Joseph DeMott, George Pond, and Tracy Langworthy.

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Economic Development Manager, Steve Art; staff, interested citizens, and guests.

Citizen Comment

Michael Scheckel spoke on behalf of King Soopers regarding Agenda Item 5. He encouraged the City to help cover costs for their upcoming redevelopment.

Amanda Fulton of 7190 w 38th spoke concerning Agenda Item 4. She wants to open an art gallery across the street from Wheat Ridge Middle School, and she would like to be able to serve beer and wine. She encouraged the Council to remove the 500 foot distance limit for liquor licenses near schools.

Jerry Nealon from Cress Tile spoke in favor of an agenda item that would later be added to the agenda. He supports the removal of height and density limits in the City.

1. Sam Mamet, Colorado Municipal League Update

Mr. Mamet gave an overview of CML and its relationship to cities across the state. He expressed his pleasure to be in Wheat Ridge since CML has had a long relationship with our city. He remembers that when he first came to CML former Mayor Hank Stites had just become Mayor and they formed a good working relationship. The offices of CML were in Wheat Ridge back then and our city was very accommodating to CML. He came by to say hello and asked if anyone had questions. In response to questions from Council he reported that nothing happened on Urban Renewal with the legislature this year. Regarding nutrient standards he said there have been several bills to slow down this type of regulation that results in unfunded mandates, but environmental pressure is a reality. CML staff went to Washington DC to lobby against it. It's still a work in progress and cities all over Colorado are concerned about this.

3.b 2012 Jag Grant

Chief Brennan explained that WRPD is eligible for \$16,559 in grant funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. There are some hefty restrictions on what JAG funds can and can't be used for. The department has identified 4 priority uses for this money and recommends City Council accept these funds and approve the purchase of the following equipment:

- 1) Motorcycle Helmet Microphones \$6,000 (4 units): There is a great need to purchase wireless microphone/speaker systems for the helmets. The current ones don't work with the recent upgrade to the Harris P-7300 W/T radios.
- 2) Tactical Listening Device \$5,200: This device would allow for undercover operations to be audio taped and carried out in the safest possible manner. West Metro Drug Task Force, Lakewood Special Investigations Unit, Arvada Police Department, and Jefferson County Sheriff's Office currently use this particular device.
- 3) Weapons Upgrade \$3,700: The Wheat Ridge component of the newly formed West Metro SWAT Team consists of 12 of our sworn officers. The Team is in need up upgrading 12 long guns. (See supporting materials for more specifics.)
- 4) Vehicle/Property Tracker \$1,659 (Includes equipment and one year internet service): This is a high quality state-of-the-art system available only to law enforcement. (See supporting material for more specifics.)

Acceptance of this grant will be coming to Council in the future for approval.

5. King Soopers Business Development Zone and ESTIP Agreement – Patrick Goff

Consideration of a rebate of sales and use tax for the remodel of King Soopers at the Ridge Village Shopping Center at 38th and Sheridan. A formal request is in. The current building opened in 1982, and was last remodeled in 1995. The project will include interior and exterior remodeling, adding additional departments, and increasing the sizes of departments. It will be a new store on the inside. The grocery business is very competitive and King's wants to get this remodel done so they can remain competitive and keep their customer base. Energy efficiency will also be upgraded. The project is expected to be completed in late 2012 or early 2013.

The owners of the Ridge anticipate upgrading the rest of the center to maintain a uniform look. King's anticipates an investment of more than \$5.7 million and the improvements to the rest of the Ridge center are expected to be \$100,000. The estimated building use tax could amount to approximately \$100,000. Additionally, the Ridge is asking for approval of a drive-thru ATM adjacent to 38th Avenue. This requires an SUP that will not be able to be approved administratively because it does not meet elements of the Streetscape Design Manual. The ATM will offer an added service to existing shoppers and generate new shoppers for the center and the City. This SUP will be presented for Council approval at a future meeting.

The Ridge owners are also requesting the City deed over to them a parcel of city-owned property on the southeast corner of the center. It is a 14,700 square foot parcel that contains some of King's fueling facility and the City gateway sign. A development agreement of 1995 provided that Sheridan Ltd. can purchase the property at fair market value. Staff doesn't feel the property holds any value and recommends the parcel be sold to the center for \$1. The Ridge owners agree to pay for the survey and legal description that would allow the City to retain ownership of the land where the sign is. The City would agree to waive processing fees.

Business Incentive Package Request: King's is requesting \$400,000 from the City to demonstrate its desire to retain King's in Wheat Ridge at this site. They are requesting a BDZ (Business District Zone) to rebate use tax and an ESTIP to rebate incremental sales tax.

Staff recommends \$350,000, including a 100% rebate of the project's building use tax (not to exceed \$100,000), with the remaining assistance to be funded by future sales tax increment (a TIF), not to exceed \$250,000 and 7 years from the completion of the remodel and issuance of the final Certificate of Occupancy. Staff supports a separate agreement for the gas station property.

In response to Council questions staff reported that there will be no change in the footprint and no landscaping changes. This grocery store is one of the top 5 sales tax generators in the City.

Council directives

- 1) Authorization for staff to enter into an agreement for a rebate of building use tax and incremental sales tax with King Soopers for the redevelopment project at Sheridan and 38th,
- 2) Approval of the full \$400,000 requested by King Soopers, and
- 3) Approval of the transfer of the city-owned property related to the gas station to accommodate the addition of an ATM machine.

Mr. Goff noted that this will be quasi-judicial.

Let the record show that Councilmember Davis Reinhart left the meeting at this time.

2. Elected Officials reports

Clerk Shaver had a handout from the Clerk's office showing passport and liquor licensing activity for April and May. She attended the yearly conference of the Colorado Association of Community Corrections Boards on April 27/28 in Montrose. This past Saturday she attended a CML class which covered relationships between elected

officials and staff, dealing with the media, public official liability, open meetings, ethics, conflict of interest and Amendment 41.

Councilmember Davis reported on a recent Urban Renewal meeting. They are moving forward with Wazee partners for development of the 2nd parcel at 44th and Upham. This project will have apartments on the upper floors and some retail on the first floor. The Urban Renewal Authority is also working on incentive packages aimed at improving our housing stock. The goal is to incentivize new homeowners to locate in Wheat Ridge.

Councilmember Stites asked Council to decide if they want to continue with pre meetings. Councilmember Langworthy hoped they could have this discussion when all 8 councilmembers are present. Councilmember Stites asked Council to be thinking about what they want to do so they can make a decision in the near future.

6.d. (Added Agenda Item) Charter restrictions regarding height and density.

Ken Johnstone presented. At issue is doing economic development along the 38th Avenue Corridor with the current height and density limits. Should amendments to the charter be presented to the voters which remove those restrictions along the 38th Avenue corridor, city-wide or not at all? Staff reports it is hard to do redevelopment in our mixed use zones because the 3 story (35/50 feet) limit isn't enough. Council was given talking points that they can use out in the community when they are talking to people. Included is a resolution passed by Wheat Ridge 2020 on February 28, 2012 that supports the full removal of height and density limits from the Wheat Ridge City Charter. Staff thinks the restrictions are cumbersome. Do we want to get this on the November ballot or wait? Staff thinks the sooner the better. Mayor DiTullio suggested waiting. He reminded Council that in 2008 the voters had soundly defeated a city-wide repeal of height and density limitations. A subsequent compromise to remove height and density limits in certain commercial/urban renewal areas was passed by the voters in 2009. He cautioned against pushing for something city-wide just yet. Councilmember Stites thinks we need to show the voters a real need for this before we put it on the ballot. He also cautioned Council that the 2012 election is shaping up to have some very controversial issues so it might be smarter to wait until a later time. No consensus for action was expressed at this time other than to continue to educate the public.

4. Discussion of State Liquor Laws

Steve Art refreshed Council's awareness of the issue that has arisen around the law that all liquor licenses in Wheat Ridge (except hotel/restaurant licenses) must be no closer than 500 feet to a school. This is expected to be a stumbling block to redevelopment along the 38th Avenue Corridor. The Police Department has not identified any additional patrol calls or problems due to the relaxation of the distance requirement as affecting Hotel/restaurants Licenses in 2010. The principal at Wheat Ridge Middle School staff indicated he has no problem with the existing practice (of allowing restaurants near schools to serve liquor) or the proposal to add beer and wine,

artist, brew pub and vintner's restaurant licenses to that list. Additionally the Wheat Ridge Liquor Authority approved of this proposition at their last meeting.

Consensus to bring forward the ordinance provided in the packet that would eliminate citywide the distance restrictions near public and parochial schools for beer and wine licenses, brew pub licenses, art licenses, and vintner's restaurant licenses.

3. Staff Reports(s)

a. Public Improvement Policies

Informational presentation by **Ken Johnstone**. Code amendments in October 2012 affected when public improvements are triggered. Staff has created some diagrams and flow charts (in the packet) that are intended to provide an easy-to-understand summary of what public improvements are required for a project. It clarifies the triggers and helps ensure consistent enforcement. These illustrations are primarily for internal use, but will also be used to demonstrate to applicants what is and is not required.

b. 2012 Jag Grant (presented earlier in the meeting)

c. Proposed RTD West Corridor Service Plan -- Patrick Goff

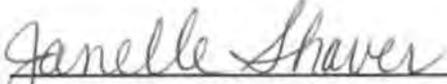
10 days ago staff realized RTD is considering eliminating some bus routes in the West Corridor – including Route 32: 32nd Avenue west of Wadsworth; Route 28: 26th Avenue west of Wadsworth; and Route 17: Youngfield south of 38th. Elimination of the 32nd Avenue route would have distressing consequences for the large ridership to and from Wheat Ridge High School. Mr. Pond added that he personally uses the 32 bus to get to work, and can also verify that discontinuing the 32 bus would have a very negative impact on the Denver Zoo where he works.

Would Council like to do a letter or resolution to RTD urging them to NOT eliminate these routes?

Council directive

Everyone agreed to immediately send a strongly worded letter to RTD addressing this issue, and to have a resolution ready for passage at the Council meeting next Monday, May 14.

The study session was adjourned at 8:45 PM.



Janelle Shaver, City Clerk