



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
DECEMBER 1, 2016
101 W. 8TH STREET
7:00 P.M.

10 Roll Call

Mayor Mike Gamba called the meeting to order at 7:07 p.m. Present: Stephen Bershenyi, Matt Steckler, Steve Davis, Leo McKinney and Kathryn Trauger. Absent: Todd Leahy.

Also present were Debra Figueroa, City Manager; Karl Hanlon, City Attorney; Catherine Mythen Fletcher, City Clerk; Tom Barnes, Parks and Recreation Director; Gretchen Ricehill, Interim Community Development Director; Terry Wilson, Police Chief; Gary Tillotson, Fire Chief; Yvette Gustad, Interim Finance Director; Terri Partch, City Engineer; and Jennifer Ooton, Assistant to the City Manager.

11 Pledge of Allegiance

Mayor Gamba led in the Pledge of Allegiance.

12 Citizens Appearing Before Council. (For items NOT on Agenda - comments limited to 3 minutes)

No citizens addressed City Council.

13 GAB UPDATE

Tom Newland, CDOT Project Public Information Manager, provided an update to Council on construction work in the City related to the Grand Avenue Bridge project which included the following:

- Structural walls on the Grand Avenue Bridge are under construction between 7th and 8th Street.
- Stairs and trusses are being poured at the 7th Street station along with canopies, trusses, and roofing for the elevator tower.
- Utility work is occurring on both sides of the bridge.
- There will be some one lane closures on the bridge for several months. The northbound right turn lane will be closed at Sixth Street for tie-in. The left hand turn pocket on 8th Street will be closed for several months.
- Exit 114 signs and light poles will be installed along with concrete work in the roundabout.
- The exit will be closed on December 8 to finish the ramp shoulder.
- Sidewalks will be constructed along the Eighth Street extension to Midland Avenue.

14 Agenda Changes

No changes were made to the agenda.

15 Council Comments

There were no comments from the City Council.

16 Consent Agenda:

- A. Receipt of Minutes of the November 17, 2016 Regular Meeting
- B. Resolution 2016-37, A Resolution of the City Council of the City of Glenwood Springs, Colorado, Adopting the Colorado Municipal Election Code of 1965 and Delegating the Authority and Responsibility of Appointing Election Judges for the City of Glenwood Springs Regular Municipal Election on April 4, 2017
- C. Resolution 2016-38, A Resolution of the City Council of the City of Glenwood Springs, Colorado, Adopting the Parks and Recreation Master Plan Update
- D. Ordinance No. 26, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Fixing and Certifying the Mill Levy on the 2016 Assessment for Collection in Fiscal Year 2017 for the Glenwood Springs General Improvement District No. 1980 and Providing for a Temporary Tax Credit (SECOND READING)
- E. Ordinance No. 27, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Fixing and Certifying the Mill Levy on the 2016 Assessment for Collection in Fiscal Year 2017 and Providing for a Temporary Tax Credit (SECOND READING)
- F. Ordinance 34, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Imposing a Temporary Moratorium on the Acceptance and Processing of New Development Applications in the Vicinity of Southwest Glenwood Springs for the Preservation of the Public Health, Safety and Welfare (SECOND READING)
- G. Receipt of Results from the November 8, 2016 General Election

Councilor Bershenyi moved, seconded by Councilor McKinney, to approve the consent agenda.

The Motion passed by those present. (Leahy absent)

17 Pickleball and Tennis Recommendation

Tom Barnes, Director of Parks and Recreation, provided an overview of the City's recreation facilities and reservation policies for tennis and pickleball. He briefed the Council on the Parks and Recreation Commission's recommendations to accommodate pickleball and tennis.

Mayor Gamba opened public comment.

Sue Geist commented that court reservations are for time slots of one and a half hours but sometimes the periods of use are shorter. A better system and monitoring of court use could improve the situation.

Hollis Kelly said there needs to be equal representation between the two groups. The tennis community was concerned about access and having their concerns heard.

Phyllis Zilm said tennis tournaments can generate revenue but not with only three courts. The courts at the parks are not usable for higher level tennis players. Use of the ice rink for pickleball is a great idea.

Jerry Hays said pickleball players don't necessarily prefer to play indoors. The community center was for the community at large, not just members of the community center.

Mayor Gamba closed the public hearing.

Ms. Figueroa noted that the Greenplay master plan update included recommendations for possible construction of new courts for pickleball in the future.

Council directed staff to continue to work towards solutions and that use of the ice rink may be an option pending additional information from staff.

18 Ordinance No 36, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado Adopting a New Section 070.130.110 of the Municipal Code Establishing Uniform Standards for Deed Restricted Affordable Housing Developments (FIRST READING)

Karl Hanlon provided Council additional information that included rent and income tables from the Colorado Housing and Finance Authority (CHFA); a sample deed restriction; occupancy requirements; and annual reporting requirements.

Mayor Gamba opened the item for public comment. No one from the public addressed Council on this item. Mayor Gamba closed the public hearing.

Councilor Steckler moved, seconded by Councilor McKinney, to approve Ordinance 36, Series of 2016, An Ordinance of the City of Glenwood Springs, Colorado, Adopting Section 070.130.110 of the Municipal Code Establishing Uniform Standards for Deed Restricted Affordable Housing Developments.

The Motion passed by those present. (Leahy absent)

19 Planning Item Continued:

- A. #21-16 Consideration of an Amendment to a Major Development, Major Subdivision and PUD Development Plan
Applicant: Peter Waller
Owner: Silver Sage Preserve LLC
Location: Lot 2 Kingdom Hall Subdivision: Vicinity of Airport and Four Mile Roads

Gretchen Ricehill, Senior Planner, stated there are two parts to the application. The first is an amendment to an approved development permit and the second is consideration of fee waivers. The amendment to the development pertains to the lower portion of the property, Cardiff Mesa. The amendment increases the number of units from 17 to 21. The applicant requested changes to the required landscape improvements and required improvements on Airport Road.

Ms. Ricehill reviewed the requested amendments and the recommendation from the Planning and Zoning Commission with conditions. She advised Council there was an additional condition that would require the owner to add a striped crosswalk across Airport Road and complete a 100 ft. walkway extension from the internal road in the development for pedestrian access.

Ms. Ricehill briefed the Council on the proposed Housing Mitigation plan which was a condition of the original approval. The Roaring Fork School District intends to purchase three of the five multi-family buildings which will be rented to District employees. The Commission recommended approval of this plan.

Peter Waller, the applicant for the project, reviewed the amendments and indicated the bedroom mix would be modified to change some units to one bedroom units and this increases the number of units. He noted that the amendment request seeks to reduce the number of approved trails. They have been working with staff and the School District on the Housing Mitigation Plan.

Mayor Gamba opened the item for public comment.

Chris Duncan noted concerns with the reduction on required road improvements and sidewalk.

There were no other comments from the public.

Councilor Trauger moved, seconded by Councilor Steckler, to uphold the recommendation of the Planning and Zoning Commission to approve action item 1 planning application 21-16, a Major Development and PUD development plan to allow for the construction of up to 4 additional units within the area referred to as the Cardiff Mesa with the conditions listed on pages 5 and 6 of the staff report.

AYES: Trauger, Davis, Gamba, Steckler, Bershenyi

NAYS: McKinney

The Motion passed. (Leahy absent)

Councilor Trauger moved, seconded by Councilor Bershenyi, to uphold the recommendation of the Planning and Zoning Commission to approve action item 2 planning application 21-16, a request for a variance from providing the required number of off-street parking (4 spaces) for a multi-family development with the findings and condition on page 6 of the staff report.

Councilor McKinney noted concern will elimination of parking in this area of the City.

AYES: Trauger, Davis, Gamba, Steckler, Bershenyi

NAYS: McKinney

The Motion passed. (Leahy absent)

Councilor Trauger moved, seconded by Councilor Steckler, to uphold the recommendation of the Planning and Zoning Commission to approve action item 3 in planning application 21-16, a request to amend the approved Major Development and PUD development plan to reduce the amount of landscaping within the area referred to as the Cardiff Mesa development with the conditions on page 6 of the staff report.

AYES: Trauger, Davis, Gamba, Steckler, Bershenyi

NAYS: McKinney

The Motion passed. (Leahy absent)

Councilor Trauger moved, seconded by Councilor Bershenyi, to uphold the recommendation of the Planning and Zoning Commission to approve action item 4 in planning application 21-16, a request to amend the approved Major Development and PUD development plan to eliminate Airport Road improvements which include but are not exclusive of pavement, curb, gutter, sidewalk, planting strip and street trees with the conditions on page 7 of the staff report.

AYES: Trauger, Davis, Gamba, Steckler, Bershenyi

NAYS: McKinney

The Motion passed. (Leahy absent)

Councilor Trauger moved, seconded by Councilor Bershenyi, to uphold the recommendation of the Planning and Zoning Commission to approve action item 5 in planning application 21-16, consideration of the Silver Sage Preserve Housing Mitigation Plan with the finding and condition on pages 7 and 8 of the staff report.

Councilor Trauger stated this provides needed housing.

The Motion passed by those present (Leahy absent.)

Ms. Ricehill reviewed the request for fee waivers. The Code permits fee waivers for units that are designated for affordable housing. The fee waivers for the buildings owned by the School District are slightly over \$112,000. The Code requires an agreement between the owner and the City that guarantees affordability over a 30 year period.

The agreement memorializes the District's intent to own three buildings in Cardiff Mesa. The School District would rent the units to District employees or other employees working for businesses within the City. The impact and system improvement fees would be held in abeyance and depreciated over a period of 30 years. If the District rents or sells all of the units at market rate, removing the units from the affordable housing inventory, it will be required to pay back the fees based on a sliding scale over the 30 year period. The District would need to file a report annually to the City verifying compliance with the rental requirements. City staff supports the fee waivers for the three buildings owned by the District but not for the two buildings that would be free market. She noted the findings and conditions on page 7 of the staff report.

Peter Waller noted his desire to obtain fee waivers if units were rented to employees of businesses located in Glenwood Springs. Mr. Hanlon stated a revision could be added for this allowance if an owner agreed to a deed restriction.

The waiver of use tax fees was briefly discussed for the affordable units. Mr. Hanlon said the District does not pay tax on projects they construct. This situation is slightly different in that the units would be constructed by others but turned over to the District via sale. This is something for Council to consider as the Code does not currently have a provision to address this.

Council discussed their desire to have assurances that the units would be affordable and owned by the School District if use tax were to be waived.

Mr. Waller indicated his intent to have rents in the remaining two buildings at 100% of AMI, \$1,000-1,400, which meets the intent of affordability and he is working on financing. Mr. Hanlon said the ordinance adopted earlier provides opportunities for fee waivers for affordable units.

Mayor Gamba opened the discussion on fee waivers for public comment.

Chris Duncan commended Mr. Waller on the development and indicated he supports fee waivers for deed restricted units. He would oppose fee waivers for units that are not deed restricted.

Mayor Gamba closed the public hearing.

Councilor McKinney said he is struggling with the waiver piece of the application.

Mr. Hanlon said language could be added which would defer the collection of use tax and collection of associated impact fees until Certificate of Occupancy on the three buildings designated for the RE-1 School District and that the Certificate of Occupancy would be issued and the taxes and fees waived only if there is a last contingency in a purchase contract between RE-1 and the developer. If not, then the tax and impact fees that are being waived would be due prior to issuance of a Certificate of Occupancy to Silver Sage.

Councilor Steckler moved, seconded by Councilor Bershenyi, to defer the collection of use tax and requested fee waivers to the issuance of a Certificate of Occupancy in the three buildings designated for the RE-1 School District and that the Certificate of Occupancy will be issued and the use tax and fee waivers will be implemented if there is a last contingency in a purchase contract between the RE-1 School District and the Developer; and with the findings and conditions listed on page 7 of the staff report; and, furthermore, if the contact does not close, or there is not a last contingency in the purchase contract, then the use tax and all applicable fees are due prior to issuance of a Certificate of Occupancy.

The Motion passed by those present. (Leahy absent)

20 Intersection and Traffic Control Requests

Mayor Gamba noted the item had been discussed at Council's morning work session. He opened the item for public comment. There was no public comment on the item.

Mayor Gamba stated the ideas presented in the staff report will be pursued administratively.

21 Ordinance No. 33, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Amending Section 080.060.020(A) Residential EQR Classification of the Glenwood Springs Municipal Code (CONTINUED FIRST READING)

Mr. Hanlon reviewed the changes to the ordinance from the last meeting which included a corrected exhibit. The ordinance amends the manner of assessment so that all housing units are assessed based on square footage and number of bedrooms.

Mayor Gamba opened the item for public comment. No comments were made by the public.

Councilor Steckler moved, seconded by Councilor Bershenyi, to approve Ordinance 33, Series of 2016, an Ordinance of the City of Glenwood Springs, Colorado, Amending Section 080.060.020(A) Residential EQR Classification of the Glenwood Springs Municipal Code.

The Motion passed by those present. (Leahy absent)

22 Ordinance No 35, Series of 2016; An Ordinance of the City of Glenwood Springs, Colorado, Appropriating Funds for Fiscal Year 2017(ONE READING)

Councilor Bershenyi moved, seconded by Councilor Trauger, to approve Ordinance 35, Series of 2016, an Ordinance of the City of Glenwood Springs, Colorado, Appropriating Funds for Fiscal Year 2017

The Motion passed by those present. (Leahy absent)

23 27th Street Bridge Design and 27th Street/South Grand Avenue Intersection Design Alternative Selection

Terri Partch stated Council had three design options which had been reviewed in a public meeting. The preference of the public had been the third option, which uses the same alignment as the existing bridge. If Council is agreeable with this preference, staff will move forward with the agreement.

Mayor Gamba opened the item for public comment.

Steve Smith stated bicyclists appreciated Council's continued efforts to encourage bike riding as an alternative mode of transportation as evidenced by the incorporation of bicycle access in the Grand Avenue Bridge design and the bike share program. He requested that the Council incorporate similar efforts into the mechanical details of this bridge design.

Councilor Bershenyi moved, seconded by Councilor Trauger, that Council selects the existing alignment option for the replacement of the 27th Street Bridge and that staff devote their time and energy to develop engineering plans for said alignment.

The Motion passed by those present. (Leahy absent).

24 Report from City Administration:

- A. City Manager
- B. City Attorney
- C. Correspondence: Incoming/Outgoing

Ms. Figueroa and Mr. Hanlon stated they had nothing further to report to Council.

25 Adjournment

The meeting was adjourned at 9:40 p.m.