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A G E N D A

**Delta City Council
Work Session**

**July 15, 2014
5:00 p.m.**

- A. Discussion on Feral Cats**
- B. Discussion of Landscaping Standards**
- C. Discussion with Garfield & Hecht, P.C.**

MEMO

To: Mayor, City Council and City Manager
From: Glen L. Black *GLB*
Date: July 15, 2014
Subject: Feral Cats



Community Development

Recommendation: Staff is looking for direction from Council on Feral Cats.

Background: Delta Municipal Code 6.04.170 outlines feral cat colony management. Currently we have one registered colony. We have several unregistered colonies where feeding is occurring on both public and private property. We have had complaints on several of these locations. Staff research has indicated that municipal response to feral cats varies from doing nothing, to helping with TNR (trap, neuter, and release) programs. Code does not address feeding unregistered colonies on either public or private property. Staff held a public meeting on June 12, 2014.

Cost: Cost will vary based on response.

Actions To Be Taken if Approved:

Per Council direction, prepare changes to the Code for review or make no changes.

City of Delta – Feral Cat Colony Registration Form

New Registry: _____ Semi-Annual Report: _____ Change of Records: _____

Name of Caretaker: _____

Physical Address of Caretaker: _____

Mailing Address (if different): _____

Telephone Number: _____ Cell Phone: _____

Location of Colony: _____

Approximate Number of Cats at this location: _____

Are there other Caretaker's of this Colony? Yes No (If so list below)

Are you the Property Owner? Yes No (If no – please fill out information below and have property owner sign below)

Property Owner Information (if different than caretaker)

Name: _____ Address: _____

Phone: _____ Cell Phone: _____

Signature of Property Owner: _____ **Date:** _____

Signature of Caretaker: _____ **Date:** _____

MEMO

To: Mayor, City Council and City Manager
From: Glen L. Black
Date: July 15, 2014
Subject: Landscaping Requirements



Community Development

Recommendation: Staff is looking for direction from Council on Landscaping standards.

Background: City Council reviewed a request by Bank of West to replace living landscape material with inert landscape material. Staff would like Council direction on replacement of living material. It may be appropriate to require replacement with living material which will match the existing living landscape. Should the requirements for living materials be removed or lessened?

Staff would like to add clarification to the current municipal code regarding removed/destroyed landscaping that was installed prior to current regulations.

Cost: There is no cost to the City.

Alignment With Strategic Planning:

Comprehensive Plan, Chapter 2, Community Character and Design

Desired Future Condition, Policies and Action Items

Desired Future Condition

The City of Delta's atmosphere, historic character, pedestrian scale and agricultural heritage of Delta are preserved and enhanced. New development and redevelopment in older parts of Delta are visually compatible with historic character and pedestrian scale, and streetscapes are attractive.

Policies and Action Items

Policy 1 - Good design is appropriate in key areas of Delta to preserve and enhance community character and to foster economic development. Action items to implement this policy include:

1. Update the land use code to require design standards for new commercial development near U.S. 50 and State Highway 92
2. Update the land use code to encourage design guidelines for all new or renovated buildings in the proposed downtown mixed use zone (see Chapter 3).
3. Coordinate with CDOT to beautify U.S. 50 and State Highway 92 coming into town.
4. Update the land development code to encourage the preservation of structurally sound older houses, including those converted to businesses and other buildings with historic character.

5. Update the land use code to encourage the preservation of structurally sound older houses, including those converted to businesses and other buildings with historic character in the downtown area.
6. Update the land use code to require design standards for new commercial development
7. Update the land use code to encourage design guidelines for all new or renovated buildings in the proposed downtown mixed use zone.

Policy 2 – Encourage more aesthetic streetscapes such as street edge landscaping (including street trees), benches, gardens, ornamental light fixtures, hanging flower baskets, banners and works of art.

Delta Municipal Code States:

15.04.080.B.1.d.iv Such landscaping shall consist of trees, shrubs, and ground covers, and may include up to a maximum of 60% coverage in inert materials ...

15.04.090.A.4.a. Supplemental site development standards for highway corridors
Landscaping shall be installed and maintained to a minimum depth of 15 feet along 70% of the frontages of highways, streets and roadways identified.....

b. Landscaping shall be installed and maintained to a minimum depth of 15 feet along a minimum of 25% of the secondary street frontages, excluding driveways and sidewalks.

Additionally, section 15.04.090.E provides a variance provision, “Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these requirements, upon written application, the City Council may vary or modify the application of these requirements, so that the spirit of the requirements is observed, public safety and welfare secured and substantial justice done.

Section 15.04.080.F – No occupancy permit shall be issued until the required improvements are constructed and approved by the City in compliance with approved plans or secured for completion within 6 months, and a recordable maintenance covenant running with the land on forms provided by the City is executed, approved by the City, and recorded.

Actions To Be Taken if Approved:

Per Council direction, prepare changes to the Code or make no changes.

MEMO

To: City Council
From: Justin Clifton, City Manager
Date: July 15, 2014
Subject: City Attorney



Office of the City Manager

Recommendation:

Staff recommends that Council meet with David McConaughy an attorney with Garfield and Hecht who will potentially take Dave Smith's place representing the City.

Background:

As Council will recall, Dave Smith is taking employment outside of the law firm and will no longer be able to serve as the City's attorney. However, David McConaughy was identified in the original application as someone who would serve in Dave Smith's absence and is able to take Dave's place on a permanent basis. I understand that David McConaughy has experience serving municipalities. Dave Smith has been a good fit with city staff and Council. The benefit to allowing the transition to David McConaughy is that our contractual arrangement, billing, contact numbers etc. would remain unchanged. However, all parties should make sure there is a good fit.

Enclosed is a selection of questions from the previous interviews meant to gauge David's style and approach. Council should also remain aware that we are not under a strict contract and can cease utilization of legal services anytime, meaning there is almost no risk to moving forward to see how things work.

Cost:

NA

Alignment With Strategic Planning:

Article II Section 12 (2) addressing appointment of the City Attorney states, "The Council shall appoint a City Attorney who shall be a licensed attorney and who shall have practiced in the state for at least two years, who shall be the legal adviser of the Council and of all other City officials, and shall perform such other duties as required by ordinance. The Council may also employ special counsel.

Actions To Be Taken if Approved:

NA

City Attorney Questions

1. In your opinion, what are the key things that make a City Attorney successful?
2. What kinds of things do you watch for in terms of keeping the Council out of trouble?
3. What is the attorney's role when the Council is considering a policy that you are certain is bad policy but does not create any legal conflicts?
4. How would your colleagues describe your personality?
5. Describe the attorney's role with the City Manager and other staff? How do you resolve conflicts between Council and the City Manager and/ or staff?