

CITY COUNCIL MINUTES

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

January 20, 2016

CALL TO ORDER

Mayor Jay called the properly noticed **Special City Council Meeting** to order at 7:00 p.m.

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

ROLL CALL

| | | | |
|--------------|----------------|---------------|--------------|
| Monica Duran | Janeece Hoppe | Zachary Urban | Kristi Davis |
| George Pond | Tim Fitzgerald | Larry Mathews | |

Absent: Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Public Works Director, Scott Brink; Community Development Director, Ken Johnstone, other staff, guests and interested citizens.

Motion by Councilmember Pond to suspend the rules and address the published agenda item; seconded by Councilmember Urban; carried 7-0.

Mayor Jay gave some opening remarks reviewing the Cre8 Your 38 meeting process.

The three councilmembers who called the meeting outlined their concerns

Councilmember Mathews explained that last year, at a study session in May and a Council meeting in July, two points of consensus were reached.

- 1) After the 2014 vote we should work on streetscapes that are compatible with existing curb lines. That has nothing to do with the number of lanes.
- 2) We need to start with a clean slate.

He believes the flaws are not with the process, but how it has been executed.

- He noted plans began last Thursday to fix the flaw of lack of seating capacity.
- A major complaint he heard from people who left early last Thursday was that it was just another set-up with a fixed outcome.
- The process was supposed to be unbiased.

The consultant was to meet with people on both sides, but met with groups who, for the most part, shared one view point. Only one group had people from both viewpoints.

- A "clean slate" was lost in the shuffle.
 - The presentation had a clear message that 4 lanes is bad/dangerous and 3 lanes is good/safe.
 - Some parameters about cost or expectations about what was feasible would have been sufficient guidelines.

- Indicating the location of the existing curb would have given people a true picture of what they had to work with.
- Overlooked the possibility of actual voting by people from outside the city
They didn't dream that people from outside the City would be invited to come and vote their agenda.

He believes Council needs to define and refine participants and voting procedures. We still have much to accomplish and he urged people not to lose faith in the process. Council will do its best to provide full disclosure, fix the flaws and regain the people's trust.

Councilmember Urban is encouraged by the attendance and wants the process to proceed and be successful. He agreed to co-sponsor calling this meeting to give Council an opportunity to improve and verify the process being used to glean input from the citizens – registered electors, and business and property owners along 38th. His requests for logistical and data tracking changes include:

- Three areas are not being considered: cost, impact and implementation
 - Cost of different design elements haven't been determined, allocated or identified
 - How will the plan for at least three lanes of eastbound traffic from Wadsworth be channeled to one lane in less than a block?
 - What are the possible traffic impacts from an apartments complex planned for 38th & Upham?
 - What will be the construction impact on small businesses on the corridor?
- Asking each participant's name, address, phone number, and if they are citizens, business or property owners
- Check out a clicker, and check it back in.
- Determine if types of stakeholders can be tracked to the clickers to analyze aggregate demographic data
- Attendees from last week be allowed to attend this Thursday, but not vote.
- Participants from the first and second meetings be allowed to vote (online) on the designs from the meeting they didn't attend.
- Full name and street address; each person only one vote.

Councilmember Duran was encouraged to see people come together last Thursday. She feels Council has an opportunity as leaders to learn from mistakes and move forward with accountability and transparency. People recognize the past, are part of the present and embrace the future. We should listen to all the concerns. She expressed the meeting tonight is not about calling foul game; it's about listening to all our citizens. Her concerns are:

- Keeping the voting to WR residents, property and business owners
- How to safeguard against multiple voting with the online voting process
- Making the public aware of development at 38th & Upham and future plans by CDOT to increase the number of lanes on Wadsworth, and how those will affect 38th Avenue.
- When we get to the top 3 -5 designs, cost should be included.

The consensus may not be perfect for everyone, but if we meet the needs of most it will be a success.

Citizen comment

Carol Mathews (WR) questioned the impartiality of the consultant noting she met with a bicycle club – not the businesses. Last Thursday we were told 3 lanes was the only safe option. We weren't told how wide the lanes were, anything about cost, that a 10 ft sidewalk might take 5 ft from a business's property, that the 5 ft sidewalks in several places can't be expanded, or that 200 apartments are planned at 38th & Upham.

Chris McCune (WR) supports the process. Helpful parameters could guide the process a little better. The focus on lanes probably got too specific and knowing the cost would be helpful. He doesn't support having attendees distinguish whether they are residents or business owners, but he does think it's a good idea to make sure the people who participate actually live here. He doesn't want to see residents pitted against businesses.

Chad Harr (WR) is appalled this meeting was called; he believes it was based on hearsay and rumors. He's excited about non-residents participating; he believes they should have a say. Not everyone agreed, but everyone got heard. He thought it was the most open and transparent meeting he's ever been to in the City. The voting was honest and couldn't be spun by made up facts or half-truth robo-calls. He understands less than 5% of the attendees were non-residents – not enough to sway any vote. He thinks the councilors who called this special meeting should be ashamed for wasting everyone's time and continuing to grow the rumor mill that keeps dividing the City.

Diane Robb (WR) was amazed at the attendance and the enthusiasm, and was happy to see so many new participants. She feels the meeting was well-run and encouraged discussion at the table level. Everyone had the opportunity to speak. She understands the voting wasn't exact, but feels it didn't need to be. It was only to get general consensus and give clear direction about what the majority of the participants want.

Gretchen Cerveny (WR) was excited to see all the people at the meeting last week – especially so many young people participating. She thinks including addresses when signing in would be an improvement, but the process was wonderful and the clicker voting is good. We want people to participate. The perception is that people didn't vote right, so we have to fix the process. It's just to see what people thought – nothing final.

Lloyd Rogers (business on 38th) is concerned how the meeting was conducted, not the results. He felt ½ hour of instructions was unnecessary and the directions were unclear. He felt the outburst at the beginning was controlled poorly. He's concerned that having a consensus of the people is contradictory to one person one vote.

Rich Dougherty (WR) was excited to see younger people at the meeting. He thinks Wheat Ridge is an unknown gem and the turnout last week shows that.

Kelsey Robb (WR) loved the meeting. She met one of her neighbors for the first time and saw new people who never contributed before. She explained how it went at her

table. She believes that people who came should be heard whether they live here or not. She doesn't think asking for the existing curb to be identified is a "clean slate".

Michael Illo (WR) said his concern with the process is the curb line. 2B was voted down; it doesn't matter if people want to move the curb 1ft or 10 ft. Some of the plans that were created and voted on moved the curb line. It feels like we're being coerced to go against the previous vote on the curb lines. Council should embrace the culture of the City – which you can't do if you present a process that contradicts what people voted for. If Council knows the will of the people regarding the curbs, who/what is behind this process that encourages people to widen the curbs?

Charlotte Kettering (WR) was overwhelmed by the attendance and the number of people turned away. She hopes they exclude the people who attended last week. She's very concerned about how the traffic from a double left turn coming off of Wadsworth will be handled, as well as the plans for 200 apartments at 38th & Upham. Will that require a light? These things are important and should be part of the discussion because the state will require it.

Davis Reinhart (WR) said it isn't a perfect process, but he thought it was good. It's hard for him not to conclude that people are uncomfortable with the outcome – not the process. He believes the process is being attacked because people are concerned with the outcome. It's Council's job to sort the wheat from the chafe [sic]. He doesn't think the process was flawed in any meaningful way.

Rachel Hultin (WR) was overwhelmed by the sense of community in the room. People at her table felt it reflected their values. To her the highest quality outcome from last Thursday is that they connected and learned about shared values. She feels our main street needs to be a place for everybody. She took some probable responsibility for some of the concern about outreach to people outside Wheat Ridge. Just as Denver is soliciting input about their Broadway corridor from anyone who drives there, she feels that people from outside our city should have their wishes included about 38th Ave so they will come and shop here. She believes they are stakeholders too.

Tim Tindle (WR) felt it was a very constructive, civic process. He feels a handful of people have concerns due to social media. He related his table's experience. He believes any changes to the process compromises the results. He suggested the moderator could be more neutral. The developer for 38th/Upham was at his table; he has a real interest in our City. Mr. Tindle feels we should welcome interested outsiders.

Kim Tenure (WR) said democracy is ugly. She's from New York and has lived in WR two years. She was disappointed in some of the process. She'd like to see more opportunities to be involved for people who work nights. She suggested having smaller local meetings. Her table didn't have time to find out where they agreed. She liked the outside facilitator, but felt some opportunities weren't given the same weight. She would have appreciated having more background information.

Ihor Figlus (WR) thought it was a fun exercise, but really just a game. They weren't presented with the reality of things like costs, traffic flow, what businesses want, or even the concept of the whole Wadsworth to Sheridan corridor. He noted the meeting was run by a facilitator who stood before Council and poo-pooed the vote of the people,

saying "they didn't really mean it". A Council vote of 5-4 is just as legitimate as a vote of 7-1. The citizens voted a certain way. Council should direct the City administration to create a process that is within the parameters of what the people already voted on. Having 300 people create designs and then voting on which drawing they like best doesn't stand when the whole city goes out and votes on election day.

Mary Drobnick (WR) is unpolitical. She thought the meeting and the consultants were fabulous. She didn't note any favoritism. She left feeling positive, feels positive about what's going to happen on 38th Ave, and thinks the Broncos will win Sunday.

Ann Brinkman (WR) was heartened by the meeting last Thursday. She thinks getting people's addresses would be good, but also that citizens have just as much right as 38th Ave business/property owners. Her table didn't have consensus because they didn't have enough time. Council has a fiduciary responsibility to make sure the plan is in place before going to the citizens. Council knows what works and what doesn't; they should use our money wisely. She's offended that she has to be at this meeting tonight. She believes Council should figure it out.

Scott Christopher (WR) asked Council to support the process as it is outlined. He felt it was productive, informative and reasonably collaborative. His table was diverse and achieved no consensus, but was respectful at disagreement. He welcomes the input of people who don't own property in Wheat Ridge and doesn't think any stakeholder's opinion should be more important than another's.

Caroline Mallory (WR) feels the process wasn't well described. Missing were an explanation of the difference between main street and corridor, long term traffic plans that will impact flow, and other possible plans for development that will have impact. At her table consensus-building took so long they didn't have time to plan. She thinks only WR residents and business owners should be counted. We couldn't go to other cities and be counted. Non-residents who shop or work here may have valuable input to consider, but we're paying for it. She believes business owners are very important and should be included. She feels tonight's meeting helps make the process more effective.

Karen Berry (WR) said it appears to her that the councilmembers who called this meeting believe some opinions have value and some do not. She supports including people who live, vote, own businesses, work or shop here. Our City will only be successful if residents and non-residents shop here. Why not include everyone? She thinks a meeting like this divides the community, and asked that it stop now. This is a collaborative process. Council should let it run its course, listen to all stakeholders and then make a decision.

Vivan Vos (WR) thought the process was to be about design, but the voting got it off track. She heard the consultant tell the Council that her company would refine 3-5 designs that represented what was submitted and bring those to the February meeting. The voting and who gets to vote have become an issue, so she suggest not having any voting now -- wait until the designs are refined and then have online voting. She favors asking for addresses to ensure that people who live in WR are making the decision.

Kim Calomino (WR) thought the meeting was filled with enthusiasm, excitement, and investment in our community. She didn't sense any bias from the consultant. Her table

discussed their values. She's disappointed that some thought this meeting tonight was necessary. We all value accountability and transparency; she wants to know who is accountable and transparent for making the accusation that citizens who participated last Thursday were illegitimate or dishonest. She believes that calling this meeting shows distrust of citizens and that the votes of last Thursday should count because they were heartfelt. She urged Council not to disappoint the citizens, but to see this process through and move forward in a collaborative way without a "Yea, but...".

John Clark (WR) appreciates this meeting tonight and noted that everyone who came last Thursday probably drove a car. He related the democratic process at his table: They took an immediate vote for 3 lanes and didn't discuss trees, bicycles, walkability or safety. He hopes some line can be drawn for who can vote. He's curious where the number of 5% non-residents came from. He believes WR residents and business/property owners have more stake than those from elsewhere.

Mike Stites (WR) thought the intent last Thursday was good in that it brought people together. The first flaw he sees in the process is back when the trial period for the road diet ended. Originally to be 18 months, it was extended to 24 months and has never had a real critique. It's just been forced on people and goes on and on. Also, at no time have they ever had a proper meeting with the business and property owners on 38th – who all want 38th to succeed because it's their livelihood. They have some great ideas, but they've never been allowed to be heard. He's not offended to be here tonight. If it takes meeting like this to get it right, we need to keep doing it.

Letters

Councilmember Duran read a letter from **Gil McCormick** of WR Cyclery praising the Cre8 Your 38 process and encouraging Council to continue with it. She also read a letter from an anonymous, **concerned 38th Avenue business owner** outlining his concerns: 1) Citizens and business owners should have the greatest influence, 2) Need and cost to redo the sidewalks, curbs and storm drains on 38th needs more attention, 3) Construction time and impact to traffic and businesses was not discussed, 4) It's the same plan to narrow the street that voters rejected, and 5) For business redevelopment on 38th & Wadsworth to be successful a convenient, low-congestion, east-west street for automobile traffic needs to exist.

Councilmember Hoppe read letters from **Kevin Keady** (WR) and **Lloyd Levy** (WR), both of which were supportive of last Thursday's meeting, the facilitator, and the process.

Discussion followed.

Patrick Goff, city manager, indicated the issue of cost was intended to be brought forward later in the process.

Council remarks

Councilmember Fitzgerald reviewed the purpose of the project:

- Improve property values on 38th Ave and its surrounding neighborhoods
- Removing blight and under-used properties from 38th Ave

- Move into the 21st century. This is no longer the age of the automobile; it's the age of people walking, biking and interacting. Old people will die and young people will move here so we should build for the future.
- Provide an identifying focal point, a lively bustling symbol, a gathering place - not a quiet blighted street that just moves traffic. To build a better place for our children; that's what government is and all citizens should be about.

Regarding the process:

- It was designed to turn the entire design process over to the citizens because Council has been criticized in the past on its design attempts.
- The first meeting is just to get a consensus – to see what people want.
- There's been a huge amount of publicity so no one can say they didn't know about it.
- Everyone was given the opportunity to express their opinion.
- The process is not about changing the road width, but only to make things fit into the space that's there.
- Consideration of things like cost, the West End project [apartments at 38th & Upham] and Wadsworth will come later.
- He believes it was almost a perfect exercise in democracy.
- We can't allow the preventers of progress to poison this process.
- There were only 2 people from out of town that he could identify.

Councilmember Davis

- Apologized for the problems (lack of parking, people being turned away, not enough clickers), which she senses were a result of the large volume of people.
- Thinks checking out clickers is a good idea.
- Thinks people felt safe, had fun and enjoyed the process.
- Believes we can learn; there are things we can fine tune in the process.

Councilmember Hoppe

- Observed new citizens were in the process sharing and being engaged.
- Believes it was stated up-front that going outside the 60ft ROW was getting onto private property.
- Likes the real time voting process; it was just to find some consensus.
- Felt it was a creative team-building process.
- Is comfortable with checking out clickers, cross checking addresses to avoid duplicate voting, and having someone being the heavy at the beginning to lay down the law so people feel safe.

Councilmember Pond wasn't at the meeting, but is happy to learn there were new people involved and that people worked together. He would celebrate two things:

- The outreach worked so well we had problems with too many people
- We got people to sit down and talk about hard things.

He supports small modifications to the process.

- Supports taking addresses, but not with trying to ID stakeholders
- Supports limiting comments at 1B to people who were turned away last week
- Doesn't support IDing a person with a clicker

He believes the voting was just consensus-building and doesn't think it was a serious issue to include people from outside the community.

Councilmember Urban clarified that he *does* think residents' wishes should have more weight than that of a business owner who doesn't live here. After that he would look to business and property owners. He accepts stakeholders who don't live in WR and thinks they should offer input; he absolutely doesn't want to exclude them. He just wants to be able to know what the residents want. His point about the clickers was not to identify individual people – just to possibly identify what *type* of stakeholder a vote came from. He agrees it was a good process; he'd just like to make it better.

Councilmember Duran doesn't want to change the process – just tweak it. She thinks it's a good process. She supports keeping it to WR residents and business and property owners; they have a higher stake in this. She believes there are thousands out in the community who want to be involved and heard, and she doesn't want them to turn away because they feel they aren't being listened to.

Councilmember Mathews repeated that he wants to preserve the process.

- He doesn't think people understood about the three sections of 38th.
- He doesn't want people to walk away with expectations about what we can and can't deliver.
- He's not in favor of people who don't live here having a say. Input yes, but not voting.

Staff comments

Mr. Goff reported.

- Staff already considered the possibility of a large crowd and the need for a second meeting.
- The February meeting is advertised for the Rec Center. The gym could be a possibility to provide more space, but the acoustics aren't good.
- They'll work on shuttle service from across the street as parking is a concern, and there will be a crossing guard.
- Tomorrow's meeting is in the same ball room. The process will be the same, but they will ask for residents' addresses.

Mark Westberg, City engineer, announced the van at the Active Adult Center will leave at 5:00pm. He'd really like people who came to the first meeting to stay home tomorrow so there is room for the people who got turned away last week. He wants to keep the process as close to the same as the first meeting as possible. They are working on things for the February meeting -- which will also be collaborative.

Maurine Harper, City public information officer, reported they are conducting an online survey for people who couldn't attend the first or second meeting. Folks will have to give their name and address and read through some information, then they'll be able to vote on the designs from the two Thursday meetings. The survey will run from Friday through close of business on Monday. This survey will take the place of a Saturday meeting. This survey will be announced on all social media channels.

There was some Council discussion about participation from non-residents.

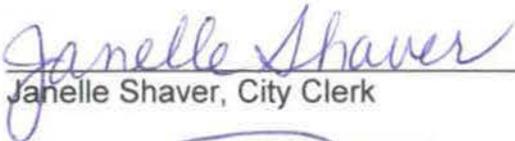
Motion by Councilmember Davis to move forward with a similar process as last Thursday with fine-tuning for parking and transportation, encouraging folks who already participated to make room for new participants, asking participants to provide their home address, and further that items of concern such as cost, proposed development and the PEL study will be addressed as we move forward; seconded by Councilmember Mathews.

It was clarified that the online survey will be available to everyone. Staff has agreed to have more clickers.

The motion carried 7-0.

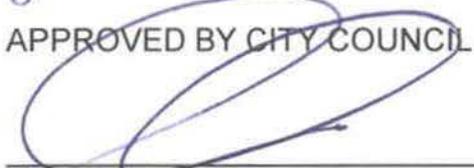
ADJOURNMENT

The Meeting adjourned at 9:26 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON FEBRUARY 8, 2016



George Pond, 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.