

# **CITY COUNCIL MINUTES**

**CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING**

**July 11, 2016**

Mayor Jay called the Regular City Council Meeting to order at 7:00 p.m.

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

### **ROLL CALL OF MEMBERS**

Monica Duran	Zachary Urban	Janece Hoppe	
Tim Fitzgerald	Larry Mathews	Genevieve Wooden	George Pond

Absent: Kristi Davis

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Scott Brink, Public Works Director; Joyce Manwaring, Parks Director; other staff, guests and interested citizens.

### **APPROVAL OF MINUTES OF the Regular Meeting June 27, 2016 and Special Study Session Notes of June 27, 2016**

There being no objections, the minutes and notes were approved as published.

### **PROCLAMATIONS AND CEREMONIES**

#### **Active Transportation Advisory Team**

Rachel Hultin presented two bicycles to the City. They come from a cache of 23 abandoned bicycles the police department had at the end of the year. ATAT volunteers refurbished 46 bicycles and donated them to individuals in the community. These two bicycles, with helmets and locks, are for City Hall and the Rec Center for staff use.

### **CITIZENS' RIGHT TO SPEAK**

**Paul Balaguer** (Boulder), director of the Wheat Ridge Criterium, praised the City for the successful event. The addition of the Brewfest made it a huge success. He thanked various city staff who volunteered. He has worked with over 100 jurisdictions, and he said the support from the City of Wheat Ridge is second to none.

**Kristine Disney** (WR) As a participant in Create Your 38 she asked that in the true nature of compromise this not be put on the ballot; it divides the city. She urged if there's a way to build it without putting it on the ballot, Council should do it. If it's on the ballot it will fail, and that would be a slap on the face of the people who participated. We should not let businesses that are not keeping up with current business practices or are on life support dictate how the city moves forward. She believes Council has been given a direction – a main street with 3 lanes, so Council should just do it.

**Evan Clark** (WR), age 12, who plays violin, runs track and plays basketball, passed out a flier and invited the community to the 4H Fair at Jeffco Fairgrounds from August 10-14. This year he will be showing the boer goat and a miniature Hereford steer he raised. The youth livestock auction is Aug 14. It's fun; the kids are local. He would really appreciate it if any Councilmember would like to sponsor a belt buckle or jacket with outreach funds.

**Ian Clark** (WR), member of the WRHS STEM team, plays cello and trombone and also participates in 4H. At this year's fair he will be showing his boer goat and meat rabbits. He elaborated on the value of the fair and how it is different from other fairs. 4H teaches life skills, marketing, sponsorship, teamwork, and getting along even when you disagree. Because the fair is small, partners are always needed. If any Councilmembers have outreach funds to sponsor a prize belt buckle or jacket it would be greatly appreciated.

**Vivian Vos** (WR) expressed that she is happy about Walmart's decision to not build at 38<sup>th</sup> & Wadsworth. She thinks it will be a better, friendlier development.

**Fred Walker** (WR) thanked the City for repairing the tennis courts at Panorama Park. ~ He also praised the City for repairing a large pothole at the intersection of 38<sup>th</sup> & Estes. He called the City about it and it was fixed the next day. ~ He doesn't understand why the 1,000 people who participated in Cre8 Your 38 should be respected and the 7,800 who voted no on 2B don't count. He'd like to see 38<sup>th</sup> Ave back the way it was and he hopes Council will do that.

**Rachel Hultin** (WR) announced the ATAT quarterly meeting tomorrow night at Colorado+ at 6:30; it is open to the public. Rachel Bronson, bike/ped planner for the City of Denver, will give a presentation on planning for safety and connectivity. There will be updates on various initiatives the City is working on, what the ATAT is working on, and their third annual commuter and community survey – which asks the community what's important to them about walking, biking and connecting with transit in Wheat Ridge. ~ She also invited folks to the weekly Cruiser Crawl held every Thursday with Localworks. It always starts across from WR Cyclery at 6:30pm; they bike to a different destination every week. Adults and kids are welcome.

**Ginny Schwartz** (WR) thanked the Council for supporting the Wheaties Academy. She participated this year and enjoyed it. ~ She also related the success of the dumpster her neighborhood got from the City. It filled up quickly and she thinks it's a good program.

#### **PUBLIC COMMENT ON SPECIAL STUDY SESSION ITEMS**

**Janenne Allen** (WR) asked the question how well do individual citizens know how they complement the whole. Her greatest concern is neighbors who have stress and financial problems due to our lack of sewer and storm drain system. She supports 38<sup>th</sup> Ave Main Street; she frequents it and thinks it's safer. She liked the collaboration of Cre8 Your 38. She'd like everyone to consider the greater good and to take a deeper look at what's in front of us. She encouraged Council to move forward with 3 lanes and consider the recommendations of the DIRT task force.

**Michale Illo** (WR) believes the 18-month trial road diet is still there after four years because of political posturing. He reminded Council the 2015 citizen survey overwhelmingly rejected 3 lanes and suggested no plans should move forward until it's put back to 4 lanes. ~ He noted citizens were promised in January the road width would not change and that Cre8 Your 38 would respect the 2B vote. The moderator said a 4-lane plan would be included throughout – and that all designs should stay out of the 60 ft ROW. That's been ignored. He thinks it's unfair that \$100,000 of taxpayer money has been spent for a lobbying effort (Cre8 Your 38), and he doesn't think it's right for councilmembers to tell citizens what he sees at lies, when they have political affiliations and contributed money to WR Wants 2B. He believes councilmembers should act as representatives and stop lobbying for special interests.

**Joylyn Godinez** (WR) thanked the Council for the time they put in and for supporting the various activities and events Local Works sponsors – including the Wheaties Academy she attended. She elaborated on why she thinks they are important. She asked Council to support a three lane main street with gathering spaces and to respect the time that was spent with Cre8 Your 38.

**Gene Shirley** (WR) feels government is not listening to the people and not spending money as they should. All the departments have lists of projects. He asked that money be spent for things needed - not things that are wanted by special interests. He encouraged more effective work in taxes and more time spent improving businesses. He thinks high rises are not the answer to helping the city.

**Vivian Vos** (WR) had several comments on the draft ballot language for 38th. 1) She thinks if money is collected above the \$4.5 M it should not go in the Capitol Improvement Fund, but should go back into 38<sup>th</sup> Ave. 2) She questioned adding a community plaza to a project that is for a street. 3) #6 in the consensus design says more money will be needed to "maintain" – hence, the overage should be used for maintenance. 4) She asked what it means that "the City is not party to shared access agreements".

**Lloyd Rogers** (business owner on 38<sup>th</sup> Ave) expressed concerns about the streetscape plan. The current parking area in front of his business is shown as an outdoor eating area. He doesn't want his customers to have to walk through an eating area. This is private property he's paid taxes on for over 40 years and he'd like his parking to remain.

**Rachel Hultin** (WR) talked about WR as her home. She believes we need: a center point, a welcoming place for everyone, to encourage businesses, to demonstrate a vision, a unified commitment showing we value a main street. She doesn't believe we should be questioning our commitment to a main street. She supports 3 lanes; the data shows it's safe; it's economically viable; it services cars, people who can't drive, and the businesses. She also believes we need additional tax revenue to serve the rest of the community beyond our main street. She asked Council to look seriously at tax funding. If this is not the year to do 38<sup>th</sup> because we don't have clarity yet, we can defer it.

**Kim Calomino** (WR) appreciates the effort that's gone into this, but can't support the plan Council is considering for the ballot. It's cobbled together and doesn't represent citizens' preferences; it appears to be crafted for a Council who wishes to put the matter

behind them rather than setting the best course for a main street. It's not a cohesive plan or a thoughtful approach to an evolving larger picture. She asked Council to *not* move this plan forward or ask for a tax to build it. ~ Cost and construction disturbances aren't the only issues. Council isn't required to move forward hastily in a wrong direction because a citizen-envisioned direction is not immediately attainable. Council knows the citizen preferences from the Cre8 process and should now do the homework necessary to find out how to come closest to that plan -- surveying, engineering, conversations with businesses, other resources, phasing possibilities, studying traffic impacts from the West End project and the Wadsworth changes. If we stick with the main street we have and chart a path forward, citizens can accept that if they know it's coming. ~ She urged the Council to instead pursue a sales tax for larger issues across the entire city.

## **APPROVAL OF AGENDA**

### **ORDINANCES ON FIRST READING**

1. Council Bill 13-2016 – approving the rezoning of property located at 11818 W. 52<sup>nd</sup> Avenue from Residential-One (R-1) to Mixed Use-Commercial TOD (MU-C TOD) and Mixed Use Neighborhood (MU-N) (Case No. WZ-16-03/Hance Ranch)

The purpose for rezoning this 7.3 acres at the corner of 52<sup>nd</sup> & Tabor is to allow for a mix of land uses, densities and urban form as called for in the Northwest Subarea Plan, and to simplify the review and approval process for future development.

Councilmember Mathews introduced Council Bill 12-2016.

**Motion** by Councilmember Mathews to approve Council Bill 13-2016, an ordinance approving the rezoning of property located at 11818 W. 52<sup>nd</sup> Avenue from Residential-One (R-1) to Mixed Use-Commercial TOD (MU-C TOD) and Mixed Use Neighborhood (MU-N) on first reading, order it published, public hearing set for Monday, August 8, 2016 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Wooden; carried 7-0.

2. Council Bill 12-2016 – amending Articles II and VI of Chapter 5 of the International Code of Laws, concerning Residential Fire Sprinkler Requirements

Staff recommends deleting one more section of the 2012 International Residential Code to be consistent with previously deleted sections. This action will complete the removal of the requirement of sprinkler systems for single and two-family dwellings.

Councilmember Duran introduced Council Bill 12-2016.

**Motion** by Councilmember Duran to approve Council Bill 12-2016, an ordinance amending Articles II and VI of Chapter 5 of the International Code of Laws, concerning residential fire sprinkler requirements, on first reading, order it published, public hearing

set for Monday, July 25, 2016 at 7:00 p.m. in City Council Chambers and that it take effect immediately; seconded by Councilmember Hoppe; carried 7-0.

### **DECISIONS, RESOLUTIONS AND MOTIONS**

3. Motion to approve the revised Council Rules of Order and Procedure dated July 11, 2016

Proposed changes to the Council Rules include:

- Edits for language, clarity, and internal cross-references
- Public comment for special study sessions (which follows a regular council meeting) will occur at the beginning of the regular meeting.
- Clarification of the requirements for meeting notices
- Deletion of the (never enforced) time limits on councilmembers speaking on agenda items.

Councilmember Fitzgerald introduced Agenda Item 3.

Mr. Dahl suggested minor rewording in a few places for clarification and explained. They are not substantive changes.

Discussion followed. Mr. Dahl answered questions and other minor clarifying wording was suggested by councilmembers. All changes were thoroughly explained and agreed upon before the motion was made.

**Motion** by Councilmember Fitzgerald to approve the revised Council Rules of Order and Procedure dated July 11, 2016 with changes as elucidated by the City Attorney; seconded by Councilmember Duran; carried 7-0.

4. Motion to Award a Contract to K.E.C.I Colorado Inc., Sedalia, CO., in the amount of \$207,500 for the Clear Creek Trail Shelter Project, and to approve a Contingency amount of \$10,375 for a total of \$217,875

This project will provide seven metal 12x12-foot shelters along the Clear Creek trail, replacing wooden structures that have exceeded their life expectancy.

- The project will be funded with a Jefferson County Open Space Local Parks and Recreations Grant (\$88,400) and City matching funds (\$176,800) from Fund 32.
- The contract exceeds the budgeted amount. Staff recommends deferring the Bass Lake retaining wall project until 2017 so those funds can be used for these shelters.
- There will be one ADA complaint table at each shelter.
- New concrete and crusher fine trails are being installed to provide ADA access.

Councilmember Pond introduced Agenda Item 4.

**Motion** by Councilmember Pond to award a contract to K.E.C.I Colorado Inc., Sedalia, CO., in the amount of \$207,500 for the Clear Creek Trail Shelter Project and to approve a contingency amount of \$10,375 for a total of \$217,875; seconded by Councilmember Wooden; carried 7-0.

5. Resolution No. 26-2016 – A resolution approving an Intergovernmental Agreement with the Urban Drainage and Flood Control District for Flood Hazard Area Delineation for Clear Creek

It is proposed to update the 2007 Clear Creek Flood Hazard Area Delineation (FDAD) for lower Clear Creek. The project will be administrated by the Urban Drainage and Flood Control District (UDFCD) which serves Wheat Ridge, Golden, and Jefferson and Adams Counties.

The estimated cost of the project is not to exceed \$148,000. 67.58% of the project will be financed. Wheat Ridge's proportionate share is 8.8% or \$13,000.

Councilmember Pond introduced Agenda Item 5.

Mark Westberg gave a short staff presentation explaining how the new flow data will help remap our flood plains. This is the first step to get several people out of the flood plain.

**Motion** by Councilmember Pond to approve Resolution No. 26-2016, a resolution approving an intergovernmental agreement with the Urban Drainage and Flood Control District for Flood Hazard Area Delineation for Clear Creek; seconded by Councilmember Hoppe; carried 7-0.

### **CITY MANAGER'S MATTERS**

**Patrick Goff** reported the City has received a grant from the Regional Air Quality Commission for \$75,000 to go towards the purchase of a new street sweeper. We need a second sweeper badly and they are very expensive, so this will help.

### **CITY ATTORNEY'S MATTERS**

### **ELECTED OFFICIALS' MATTERS**

**Genevieve Wooden** thanked the ATAT for their presentation tonight. Money they've received from the City goes for organizational costs, but the work is all volunteer. ~ She noted there have been several changes in code enforcement staffing which has put the TLC program on hold, but Dumpster Days will continue. Fruitdale's Dumpster Day is September 17; Applewood is scheduled for October 1. More details will follow.

**Larry Mathews** read a comment about the Brexit issue made by Theresa May, soon to be Britian's new prime minister. Although she did not personally support Britain leaving the EU, she declared that the wishes of the voters should be upheld and no attempt to undermine them should happen. Mr. Mathews admired the intelligence of allowing the wishes of the voters to prevail.

**Zach Urban** Referencing recent events in Dallas, he thanked our police department for everything they do for us. They are appreciated.

**Janeece Hoppe** also thanked our police department. Having recently attended the retirement of a friend from the Denver PD she saw how these officers have families, but go out and protect our rights to protest. ~ She repeated the details of the 4H Livestock Auction at the Jefferson County Fairgrounds on Sunday, August 14. The event starts at 11am; the actual auction starts at 1pm.

**Monica Duran** thanked the volunteers who helped with the WR Garden Tour. It was very successful. She also thanked Joyce Manwaring and her staff for helping with arrangements at the Richards-Hart estate.


### ADJOURNMENT

The Regular City Council Meeting adjourned at 8:26 pm.

(The meeting was followed by a Special Study Session. See separate notes and audio.)

  
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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON July 25, 2016

  
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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.