

CITY COUNCIL MINUTES

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

November 14, 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	Janeece Hoppe	Kristi Davis
Tim Fitzgerald	George Pond	Larry Mathews	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl (arrived at 7:24pm); City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; Parks Director, Joyce Manwaring; Administrative Services Director; Heather Geyer; Police Chief, Daniel Brennan; City Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF MINUTES of October 24, 2016, Study Session Notes of October 17, 2016 and Special Study Session Notes of October 24, 2016

There being no objection, the Minutes of the Regular City Council Meeting of October 24, 2016 and the Notes of the Study Session of October 17, 2016 and the Special Study Session of October 24, 2016 were approved as published.

PROCLAMATIONS AND CEREMONIES none

CITIZENS' RIGHT TO SPEAK

Rachel Hultin (WR) shared that Wheaties Academy just graduated 12 members. She talked about the Wheaties Love brand that asks the question "How do you Wheat Ridge?" She also reported attending the sustainability conference in Denver today.

Jerry DiTullio (WR) thanked voters for approving ballot question 2E. He explained how it will create jobs and clarified that the design for Wadsworth is still ongoing; there will be public meetings in February, 2017 and possibly beyond before the design is finalized. He noted that Wheat Ridge voter turnout was 80% of registered voters. He would like us all to come together now on these four projects, 38th & Wadsworth and 38th & Upham.

Public comment on Study Session items ~ none

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Motion to award RFP-16-31 Videography Services to I.O.T.K Media in the contract amount of \$45,425 *[Budgeted; includes all related services]*
- b) Motion to award a contract to Murphy Construction Company, LLC, Denver, CO., in the amount of \$107,050 for the Clear Creek Trail Maintenance Replacement Project, and to authorize a 10% Contingency amount of \$10,705 for a total of \$117,755 *[Moore St Bridge to Parfet St; replace cracked and uneven asphalt trail with concrete; Open Space funds]*
- c) Resolution No. 44-2016 – amending the Fiscal Year 2016 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$4,000 for the Healthy Eating Active Living (HEAL) Grant to be used for the installation of City Directional and Distance Signs *[LiveWell Colorado grant; to encourage awareness and walking/biking to use parks and recreation facilities]*
- d) Resolution No. 46-2016 – approving an Agreement between the City of Lakewood and the City of Wheat Ridge for Crime Lab/Crime Scene Services and authorizing Payment of \$69,600 *[Budgeted]*

Councilmember Davis introduced the Consent Agenda.

Motion by Councilmember Davis to approve the Consent Agenda items a), b), c) and d).

Joyce Manwaring gave an update on Item b), the Clear Creek Trail maintenance project. This is an extension of the grant from Jeffco Open Space to spend the balance of the remaining funds from an original grant for the 41st & Kipling trailhead relocation. Due to the additional scope the County is requiring an additional resolution – which will come to Council on November 28th.

Motion seconded by Councilmember Wooden; carried 8-0

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2.** Council Bill 22-2016 – an Ordinance repealing and reenacting Section 26-615 of the Wheat Ridge Code of Laws concerning Commercial Mobile Radio Service and making conforming Amendments in connection herewith (Case No. ZOA-16-04)

Revisions to the cell tower regulations are needed to align with current technology and FCC regulations. This hearing was continued from October 10, 2016, at which time the Council directed staff to include provisions for alternative, or stealth, facilities in residential zones on property that contains a non-residential use.

Councilmember Mathews introduced Council Bill 22-2016.

Mayor Jay opened the Public Hearing.

Staff Report - Lisa Ritchie

- Stealth towers have been added to the code and are defined as “alternative tower structure”.
- Wording was provided by the Wireless Policy Group (WPG) and staff conducted independent research as well.
- These will require a Special Use Permit just as free-standing towers do.
- They need to conform to the definition. Specific architectural standards are not being provided—they must be compatible with the natural setting and surrounding structures, and conceal the presence of antennae.
- She noted the WPG is still requesting additional height allowance.
- As proposed the ordinance restricts heights for both free-standing towers and alternative tower structures to the same height as structures in the underlying zone district.
- The Charter allows additional height for antennae, steeples, silos and other mechanical elements.

Questions from Council

- No, staff has not added the additional height allowance requested by the WPG.
- Rooftop facilities allow additional height. The point was raised that limiting a free-standing tower to the height of the roofline defeats the purpose of having a separate tower.
- Staff believes there is room within the Charter to allow additional height from a legal perspective.
- As written no extra height is allowed.
- Is there a variance process? Yes. It would be eligible and not violate the Charter.

Public Comment

Jennifer Price (Englewood) from AT&T thanked staff for a very collaborative process. The ordinance provides the best possible wireless coverage with the least visual impact. The stealth towers will be inconspicuous and add value to the properties. Viability remains a question. 40% of Council's constituents use cellular only and height is an issue for viability. To better shoot through buildings, height is necessary. Without additional space above a roofline, coverage will be compromised. A stealth antenna on a flagpole can provide better coverage than an antenna on a rooftop.

Dustin DePentino (Englewood), an engineer with AT&T explained 'line of sight technology' and the importance of getting above the clutter to provide quality service. He testified they need to get above the roof line; through-put is essential to good connection and speed of service. Having more cell sites is also important.

Councilmember Mathews listed a number of examples of stealth towers that had been presented at an earlier meeting – including man-made trees, clock towers, bell steeples, light poles, silos, and existing utility poles and transmission towers.

Valerie Cardenas (WR) lives here and is a contractor to AT&T. She supports design that adheres to the context and character of a neighborhoods. She illustrated, with an example on a local church, how stealth facilities are not obtrusive.

Motion by Councilmember Mathews to approve Council Bill 22-2016, an ordinance repealing and reenacting Section 26-615 of the Wheat Ridge Code of Laws concerning commercial mobile radio service and making conforming amendments in connection herewith on second reading, with the amendments shown on the redline version of said ordinance, direct the City Attorney to finalize the ordinance with said changes, and that it take effect 15 days after final publication.

Mayor Jay closed the Public Hearing.

Clerk Shaver announced for the record this is Ordinance 1612.

Motion seconded by Councilmember Fitzgerald.

There was discussion about the variance process. Council could amend the motion per industry desires for extra height or rely on variances that would be handled on a case by case basis through the Board of Adjustments. The variance process really doesn't have technical criteria, but Mr. Johnstone suggested that viability would be covered. Beyond discussion, no amendments were proposed.

Motion carried 8-0.

3. Public Hearing on the proposed 2017 City Budget

Councilmember Pond introduced Item 3.

Staff presentation ~ Heather Geyer

Short-term: The 2017 proposed budget is balanced and adds \$2.1M to reserves.

The City manager made reductions of \$1.6M. \$465K in fleet replacement and 7.5 new positions were deferred. Other immediate factors:

- The voter-approved sales tax increase has resulted in some changes to the CIP.
- Transfers of \$2M to CIP and \$100,000 to Capital Equipment Replacement Fund
- Projected unrestricted Reserves would be 21.5%.

Long-term Fiscal Challenges include:

- Perpetual systemic funding gap
- Lack of sustainable long-term funding for infrastructure; dependence on transfers
- Continued focus on economic development

2017 Total Projected Revenue (all funds)

\$40,097,719 Projected Revenues (7% increase compared to 2016)

\$12,414,494 Beginning Fund Balance

\$52,512,213 Total Available Funds

2017 Total Proposed Expenditures**\$43,165,474** – for General, CIP and 8 special revenue funds (10% decrease over 2016)

72% General Fund

3% Open Space

16% CIP (Capital)

1% Conservation Trust Fund

6% Rec Center

2% other special funds

2017 Projected General Fund Revenues

\$33,272,401 Projected Revenues

\$ 8,068,070 Beginning Fund Balance

\$41,340,471 Total Available Funds

2.6% increase compared to 2016 estimated revenues (not including fund balance)

60% Sales Tax

6% Intergov.

2% Fines

0.1% Interest

11% Use tax

5% Licenses

2% Property tax

8% Other taxes

4% Services

1.9% Other

2017 Proposed General Fund Expenditures

\$31,172,401 Proposed Expenditures

\$ 2,100,000 Proposed Transfers

\$ 33,272,401

- 0.7% decrease compared to the adjusted 2016 budget
- \$2M transfer to CIP (adjusted down from \$3M prior to the election)
- \$100k transfer to Equipment Replacement Fund
- Ending fund balance of \$8,068,070
- Unrestricted fund balance of \$6,687,070 (21.5%)

32% Police

10% Central Charges (medical premiums, risk mgmt., etc)

15% Public Works

9% General Govt (budgets for attny, city manager, legislative)

15% Parks/Rec

4% Community Development

12% Admin Services

3% Municipal Court

Goal 1 Viable Commercial Areas

- Urban Renewal-- \$300,000
- ESTIP/TIF \$564,000
- Ridge at 38 public events -- \$140,000 (Localworks)
- Public relations and marketing (citywide) -- \$22,500
- Wheat Ridge Business District (WRBD) grants -- \$45,000
- Live Local events -- \$50,000
- Building Up Business Loans (BUBL) \$25,000
- Realtor, new resident and developer positioning tours -- \$20,000 (Localworks)
- 44th Avenue corridor marketing -- \$7,500
- 29th Avenue Marketplace marketing -- \$5,000
- 38th Avenue Marketing -- \$40,000 (Localworks)
- Ridge at 38 banners and lights program -- \$25,000
- Gold line marketing materials -- \$10,000

- Neighborhood Revitalization Strategy update \$27,500 (Localworks)
- Kipling/I-70 Corridor planning -- \$10,000
- Wadsworth reconstruction project (CIP) – **adjusted from \$2.2M down to \$1.7M**

Goal 2 Financially Sound / Providing Services

- Preventative street maintenance (CIP) – **adjusted from \$500,000 up to \$2M**
- Fleet acquisition and replacement -- \$547,000
- Employee compensation (3% raise) -- \$450,000
- Lakewood Crime lab services -- \$63,000
- Regional Crime lab -- \$49,157
- Employee safety and wellness programs -- \$43,530
- Socrata open budget software -- \$7,500
- Contractual sales tax auditing services -- \$36,300
- Community solar garden lease payments -- \$80,167
- Replace heat exchangers at outdoor pool -- \$35,000

Goal 3 Desirable Neighborhoods

- Prospect Park: 2 improvements (OS & CT Funds) -- \$2,225,000
- Rec center maintenance (CT Fund) -- \$115,000
- Traffic safety, Life quality and Crime reduction (TLC) program -- \$40,000
- Home Investment Loan Program (HIP) -- \$25,000
- Police Department community-oriented neighborhood programs -- \$36,288
- Park patrol (police) -- \$34,900
- Special events overtime (police) -- \$29,000
- Two part-time park rangers -- \$23,400
- ADA improvements citywide (CIP) -- \$50,000
- Discovery Park ADA accessibility playground (CTF) -- \$125,000

Goal 4 Attractive City

- Parks and trails maintenance projects (CTF and OS Funds) -- \$425,000
- Open space improvements (OS Funds) -- \$50,000
- Citywide right-of-way (ROW) maintenance -- \$65,311
- Gold Line station ROW maintenance -- \$13,416
- Bus shelter and bench maintenance, cleaning and snow removal -- \$40,000
- Large item pick-up program -- \$5,000
- Anderson Park water line -- \$100,000 (to be included as a 2E project; may free up)
- 2.0 FTE Community Service Officers -- \$102,000 (Fund 63)
- Facility repair and maintenance for historic buildings -- \$38,110
- Founders Park playground (CT Fund) – \$100,000

Other Notable Budget Items

Carnation Festival: Contribution -- \$60,000; Overtime - \$25,500; Barricades -- \$2,000

Outside agency contributions \$108,950

Court appointed attorneys mandated by HB 1309 – \$12,500

2017 Proposed Capital Investment Program (CIP) -- reflects passage of 2E*

- Preventative street maintenance - **\$2m (increase)**
- Wadsworth EA project - **\$1.76m**
- Minor street improvements - **\$435,000** (29th Ave & Fenton St)
- Public improvement development projects - **\$233,000** (32nd Ave & Xenon St)
- Miscellaneous drainage improvements - **\$200,000**
- Clear Creek Crossing (Phase II ES re-evaluation) - **\$140,000**
- ADA Plan (Completion of ADA Plan) - **\$50,000**
- Clear Creek master plan updated - **\$50,000**

Additional projects resulting from passage of 2E

- PD evidence building - **\$50,000**
- Neighborhood traffic management- **\$35,000**
- Gateway signage program - **\$50,000**
- Completion of bike/ped master plan - **\$30,000**
- New shop funding - **\$25,000**
- Municipal parking lots - **\$25,000**
- Aerial photography/GIS updates - **\$25,000**
- Maple Grove reservoir (Release rate study with partners) - **\$10,000**
- Street light program - **\$10,000**

A special fund has been created for the 2E projects. The four projects are:

Gold Line \$12M

- Reconstruction of the adjacent streets – Ridge Road, 52nd Ave, Tabor Street
- Installation of a traffic signal at Ward Road/Ridge Road intersection
- Building a pedestrian bridge over the rail tracks

Clear Creek Crossing \$10M

- Construction of westbound I-70 hook ramps
- Removal of the off-ramp at 32nd Avenue
- Construction of a connecting street to 32nd Ave

Wadsworth EA – \$7M

- 3 travel lanes in each direction
- 10-foot sidewalks on both sides
- 10-foot tree lawns on both sides
- 10-foot, two-way bike lane on east side (from 35th to 44th)
- Center medians
- Continuous flow intersections at 38th & 44th

Anderson Park -- \$4M

- Renovations to the outdoor pool locker room
- Anderson Building upgrades, replace roof, reconfigure space to enhance fitness and wellness programming
- Replace baseball field with multi-purpose sports field
- Reconstruct soccer field to higher quality field
- Parking lot improvements, water line replacement

Mayor Jay opened the Public Hearing.

Public Comment

Joy Opp (WR), Localworks board member, talked about the Live Local events. She described them as successful. She asked for adoption of the full Localworks budget.

Patti Askew (WR), board member of the WR Backpack Program, talked about the importance of funding for the WR Backpack program. She distributed data on costs and the number of children served. Cost per bag has risen from \$2.50 to \$4.00. If there isn't enough money cuts will be necessary. She asked that the allotment be increased.

Tracy Langworthy (WR) elaborated on the cost increase from the Arvada Food Bank. Schools served are Stevens, Kullerstrand, Pennington, and the Head Start near 41st & Youngfield. The increased costs will now require \$18,000 more a year than planned. The committee's recommendation was \$7,000, but she asked Council to please fund the full \$10,000.

Jon Genova (WR), Localworks board member, believes Localworks provides a sense of community and increases quality of life. He asked for full funding for Localworks.

Britta Fisher (WR), Localworks executive director, spoke of the connecting, volunteering and creating that Localworks does.

- 40+ Live Local events (Dines, Active, Harvest) with 693 attendees. In 2017 Active and Harvest events will partner with ATAT, Four Seasons, and some wellness businesses that will take more leadership.
- The Ridge at 38 continues to grow with new businesses moving in and existing businesses thriving and expanding.
- Marketing events attracted thousands from across Colorado. All Ridge events grew this year: 7 major events, 20,000+ attendees, collaborated with 19 Ridge at 38 businesses.
- Localworks has only 3.75 staff, but hundreds of volunteers.
- Specific programs include partnering with WRPD on TLC dumpster days and the Wheaties Academy.

She urged adoption of the budget with full funding for Localworks.

Rachel Hultin (WR) said a budget reflects a city's priorities and read from the Knight Foundation list of what makes a good community. The 3 most important things are social offerings, openness and aesthetics. She asked for funding for bike/ped projects as she sees nothing for that through 2019. For bicycles, she suggested the Garrison Corridor is key to access to the Gold Line and important regionally. She also believes Localworks creates a platform for people who want to step up, and builds "community". Council should look at long term opportunities to implement the plans they are investing in today.

Mr. Goff noted that because of 2E, besides the significant bike/ped elements of the \$40M Wadsworth project, \$600K for additional bike/ped improvements has been added over a six year period starting in 2019.

Council questions:

- The points were made that 1) TIF's are pass through money, and 2) the projects now added to the budget are being funded with money that was being saved for 2E projects - if 2E didn't pass. There will be no intermingling between funds for the 2E projects and the regular budget.
- Yes, the Anderson Park water line could be taken out of 2E money, thereby reducing the General Fund budget by \$100,000 – if Council wishes.

Mayor Jay closed the public hearing.

Official adoption of the budget will be on November 28.

ORDINANCES ON FIRST READING

4. Reconsideration of Council Bill 25-2016 – An ordinance amending Articles I, II and IV of Chapter 26 of the Wheat Ridge Code of Laws concerning the implementation of a Residential Bulk Plane Development Standard (Case No. ZOA-16-06)

This ordinance amends the development standards for the R1-C zone and single-family dwellings in R-3 zones to add bulk plane regulation. This will reduce the mass and scale of new development in the smallest lot single-family zones. Currently the only standard is a 35 foot height maximum.

Mr. Dahl gave procedural directions for reconsidering the defeat of Council Bill 25-2016.

Public Comment

Michael Epton (WR) stated that the neighborhood group prefers a 12½ feet bulk plane height, but at this point, feels that 15 feet is a fair compromise to preserve their historic neighborhood. They'd like to see building height revisited later, but he encouraged Council to pass this ordinance.

Al Lazalde (WR) believes this is a compromise -- that it's a good first step, and hopes this will pass.

Katie Jacobson (WR) expressed support for reconsideration and approval of this bill. It will reduce the mass and scale of new developments and help protect the privacy of small, single-family lots.

Benny Gonzales (WR) asked Council to pass the bulk plane ordinance.

Robin Thorpe (WR) grew up here and recently moved back. She encouraged that this ordinance be reconsidered to keep the wonderful quality that's here in Wheat Ridge.

Deana Swetlik (WR) encouraged Council to reconsider and approve the bulk plane ordinance.

Dorothy Archer (WR) spoke about the importance of keeping R1-C the way it is – to protect our citizens. The 35 foot towers devalue neighboring properties. We shouldn't grow at the cost of who's already here.

Christi Aultman(WR) urged reconsideration and passage of Council Bill 25. While this isn't what the community wanted, it's better than having no standard at all. These tower structures are incompatible with surrounding neighborhoods. Regarding the concern about visual impact, she noted the City has building restrictions for antennae structures, but not so much for single-family homes in District 1.

Jerry DiTullio (WR) encouraged reconsideration of this bill. He believes this topic deserves to have a public hearing. He supports the 15 foot bulk plane.

Motion by Councilmember Duran to reconsider Council's previous motion denying passage of Council Bill No. 25-2016; seconded by Councilmember Mathews; carried 8-0.

Motion by Councilmember Hoppe to approve Council Bill No. 25-2016, an ordinance amending Articles I, II and IV of Chapter 26 of the Wheat Ridge Code of Laws concerning the implementation of a residential bulk plane development standards on first reading, order it published pursuant to section 5.12(h) of the Charter, public hearing set for Monday, November 21, 2016 at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption and signature by the Mayor; seconded by Councilmember Urban.

Councilmember Hoppe indicated this reconsideration is a good move. Councilmember Fitzgerald will happily vote against this again because he feels the way the base plane is measured is unfair to those with sloped lots. Councilmember Duran believes this is a good start. Councilmember Urban will vote yes this time because now enough information has been provided and he can make an informed decision.

The motion carried 7-1, with Councilmember Fitzgerald voting no.

DECISIONS, RESOLUTIONS AND MOTION

5. Special Meeting request for November 21, 2016

Mr. Dahl advised that the Mayor has already called a Special Meeting for November 21, 2016. At that meeting the public hearing on the bulk plane ordinance will take place, and a resolution approving the Fruitdale Agreement will be considered.

CITY MANAGER'S MATTERS

Mr. Goff reported the Urban Land Institute Transit Oriented Development Marketplace was held last week. Ken Johnstone presented on the Ward Station. Mr. Urban's suggestion of calling it Base Camp is catching on. Councilmember Hoppe sat at the table and answered questions. There was a lot of interest in the site.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIAL'S MATTERS

Jerry DiTullio distributed the September financial report. He repeated that in January there will be a new section of reporting on the 2E funds – which will be kept separate.

Janece Hoppe reported attending the ULI Marketplace. It was fun and she got some ideas for how to market the area.

Zach Urban noted that the passage of 2E includes significant investment related to bike and pedestrian improvements. He believes everyone should be grateful for the voters' generosity and not come back and ask for more and more. When is enough enough?

George Pond expressed gratitude for staff's work on the 2E projects. He hopes we continue to have the engagement of our citizenry.

Kristi Davis thanked everyone for 2E. She encouraged councilmembers to give any remaining 2016 outreach funds to the backpack program. Citizens can donate as well. ~ She will be having her last Catch Up with Kristi meeting tomorrow night at Clancy's from 5:30-7pm.

Tim Fitzgerald thanked citizens for passing 2E. It passed by 10% and the vote total was the highest in a decade.

Larry Mathews encouraged citizens to stay informed and involved in the budget. It's their tax dollars. The budget vote will be on November 28th. If anyone has questions they should call him.

Genevieve Wooden thanked the citizens for passing 2E, the Yes WR Committee, and the volunteers who helped.

Joyce Jay joined the thanks for the passage of 2E.

ADJOURNMENT

The City Council Meeting was adjourned at 9:04p.m.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON December 12, 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.