

CITY COUNCIL MINUTES

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

April 24, 2017

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	George Pond
Kristi Davis	Tim Fitzgerald	Genevieve Wooden	

Absent: Larry Mathews (excused)

Also present: City Clerk, Janelle Shaver; City Treasurer, Jerry DiTullio; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Chief Daniel Brennan; Administrative Services Director, Heather Geyer; Public Works Director, Scott Brink; other staff, guests and interested citizens.

APPROVAL OF Council Minutes of April 10, 2017

There being no objections, the minutes of April 10, 2017 were approved as published.

PROCLAMATIONS AND CEREMONIES

Mental Health Month

Mayor Jay read a proclamation declaring May as Mental Health Month. **Alia Andrews** from the Jefferson Center for Mental Health was present to receive the proclamation. She presented the Council with a packet of materials about the Jefferson Center and thanked the City for its support.

Child Abuse Prevention Month

Mayor Jay read a proclamation designating the month of April as Child Abuse Prevention Month. **Vanessa DeMott**, from the Ralston House Board of Directors, received the proclamation and briefly explained the many free services that Ralston House provides. The blue pinwheels around town symbolize the children that have been brave enough to tell their stories and are no longer victims, but survivors. Children from Ralston House presented the councilmembers and Mayor with blue pinwheels.

Cub Scout Den Pack #582 was present. The pack is working on Citizenship in the Community merit badges. **Bob Major**, the pack leader, thanked the Council and Mayor for letting them come.

Bond Document Signing

A signing ceremony was held to sign the documents related to the 2E bonds. City Treasurer Jerry DiTullio, Mayor Jay and City Manager Patrick Goff participated.

CITIZENS' RIGHT TO SPEAK

Jesse Hill (WR) congratulated the Council on their productive retreat. He spoke about the funds the City has from the utility tax for undergrounding. He would like to see a plan for how the 1% funds are to be spent. He suggested that District 1 needs some undergrounding.

Britta Fisher (WR) thanked Council for its support of Localworks events. She announced the Criterium and Brewfest that will be on Sunday, June 11, 8 am – 8pm. She gave some details about the event and asked for volunteers. She noted that postcards have gone out that tell of upcoming Localworks event for the next four months.

APPROVAL OF AGENDA

Mayor Jay explained that an error had been made in the published agenda. Resolution No. 11 (originally published as Item #2) belongs in the consent agenda and will be considered as such. Resolution No. 12 (originally published as Item b in the Consent Agenda) should be agenda Item #2 and will be considered as such.

[Clerk's note: Changes to the agenda are reflected in the minutes.]

1. CONSENT AGENDA

- a) Motion to award ITB-17-11, Concrete Rehabilitation and ADA Improvements, Project Base Bid and Bid Alternate 1 to Majestic Concrete Contractors, Inc., Golden, CO, in the amount of \$223,403.20, with a contingency amount of \$11,170 for a total of \$234,573.20 *[budgeted; standalone concrete project for curb ramps (ADA compliance), preventative maintenance, and concrete speed humps, and related signs and markings for NTMP (traffic calming)]*
- b) Resolution 11-2017 – A Resolution approving an Intergovernmental Agreement with the City of Lakewood providing for resurfacing of 32nd Avenue between Union Street and Kipling Street with an estimated cost of \$97,695.98 to the City of Wheat Ridge *[budgeted]*

Councilmember Pond introduced the Consent Agenda.

Motion by Councilmember Pond to approve Consent Agenda Items a) and b); seconded by Councilmember Duran; carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Resolution No. 12-2017 – a Resolution establishing a street width for 29th Ave. from Ingalls Street to Fenton Street, for Fenton Street from 29th Avenue to 30th Avenue, and for 30th Avenue from Harlan Street to Fenton Street

The Intergovernmental Agreement (IGA) with Denver Water related to the reconstruction of the Ashland Reservoir at 29th & Fenton includes improvement of adjacent streets. The City will also be straightening 29th Avenue. Street width designation is required by the City Charter.

Councilmember Hoppe introduced Resolution 12-2017.

Mayor Jay opened the public hearing.

Staff Presentation

Mark Westberg gave a short power point outlining the plans for 29th, Fenton and 30th Avenues.

- The Ashland Reservoir project obligates the City to straighten out 29th Ave.
- The traffic signal at 29th & Fenton will be removed. It does not meet warrants; it was only there because of the adjacent hill (which is being removed).
- Denver Water is obligated to add streetscape improvements to 30th Ave and Fenton.
- Existing and proposed street widths vary.
- \$435K is in the budget this year for it.
- The City is currently negotiating with Denver Water on terms for reimbursement of their portion of the project. The IGA will come to Council on May 22, 2017.
- A piece of the project is in Edgewater. They may have funds for this next year.
- 29th Ave west of Gray St will remain at 26 ft wide, with periodic pockets of on-street parking.
- 29th Ave between Gray and Fenton is proposed to be 32 ft wide, with on-street parking on the entire south side.
- East of Fenton the width of 29th Ave will not change.
- Fenton is sub-standard in width by 2 feet; it will be widened a couple feet to better accommodate on-street parking. The tree lawn will shrink to 4 ft and possibly consist of porous pavers to provide irrigation for the trees that will go in.
- 30th Ave was overbuilt. It will be shrinking to 38 ft. On-street parking will be available on both sides. A tree lawn and sidewalk will be included.
- The construction contract should be awarded in late July, with construction to start in August.

Public Comment

Mario Nicholais (Lakewood), general counsel for Village Senior Living, the management company for Wheat Ridge Manor, said they support this plan, believing it will make it safer for their residents and visitors. They would very much like the Council to consider passing an ordinance that allows angled parking; they would apply for that. It would accommodate more cars, encourage visitation, and be safer when entering and exiting cars. They would support further widening to accommodate angle parking.

Jay Moskowitz (WR), one of the owners of Wheat Ridge Manor, supports widening Fenton. They would like to work with the City to improve access to their facility. They appreciate the changes to the reservoir, but impact studies show these construction years have hurt them financially by hundreds of thousands of dollars. He explained how

angle parking would be safer for residents and visitors, and better accommodate fire engines and ambulances.

Ray Magee (WR) lives at (and owns) 29th & Ingalls and has issues related to parking. He is upset that at the public meeting several months ago he wasn't informed that his parking would be reduced from five spaces to two. He told of another apartment that will also lose parking. The City does not seem responsive about the negative impact to neighbors.

From Council questions Mr. Westberg testified that

- Our Code does not allow front-in angled parking because it is dangerous.
- The ROW needed to widen Fenton Street isn't available.

In addressing various parking issues at area apartments on 29th, Mr. Westberg added

- The City is not obligated to provide parking for tenants.
- Existing unimproved gravel shoulders are public ROW.
- ADA compliance dictates driveway treatments.

Mayor Jay closed the public hearing.

Motion by Councilmember Hoppe to approve Resolution 12-2017, a resolution establishing street widths for 29th Avenue from Ingalls Street to Fenton Street, for Fenton Street from 29th Avenue to 30th Avenue, and for 30th Avenue from Harlan to Fenton Street; seconded by Councilmember Duran; carried 7-0.

ORDINANCES ON FIRST READING

3. Council Bill 08-2017 – An ordinance referring a Ballot Question at the Regular Municipal Election on November 7, 2017 concerning the restriping and repaving design configuration of 38th Avenue between Sheridan Boulevard and Wadsworth Boulevard

Motion by Urban to allow public comment on 1st Reading; seconded by Councilmember Duran; carried 7-0.

Councilmember Urban introduced Council Bill 08-2017.

The ordinance refers a ballot question to the electorate at the November 7 election requiring the City to restripe and repave 38th Avenue between Sheridan and Wadsworth to at least a four-lane configuration when the street is repaved. Repaving is budgeted at \$750,000.

Public Comment

Herb Schillereff (WR) spoke in favor of putting this question on the ballot. He thinks it should be four lanes, and citizens should be allowed to vote on it. He noted the upcoming widening of Wadsworth and all the traffic that will be coming onto 38th.

John Genova (WR) doesn't think 38th is a problem. People have repeatedly voiced support for a safe, walkable 38th Ave., and wide sidewalks, amenity zones, and parking can't fit with four lanes. He doesn't think \$750K should be spent on a project that doesn't meet amenity requirements; it makes more sense to spend it to solve tangible infrastructure problems. Turning 38th into a freeway is fiscally irresponsible and betrays the trust of the people who attended the meetings.

Karen Stanley (WR) feels putting this on the ballot is disingenuous to the Cre8 Your 38 process. She thinks 38th is working nice and doesn't think the community wants a freeway. She cited school safety, and noted the lane reduction only adds two minutes for her commute.

Amber Wilson (WR), VP of Perrins Row HOA Board, stated their residents do not think this should go to a vote. They want on-street parking, and believe three lanes better serves the safety and comfort of their residents.

Sundari Kraft (WR) requested this not be referred to the ballot. She referenced an article from 1994 about the width of 38th being a contentious issue and doesn't think putting this on the ballot will solve anything. She thinks the timing is bad with the development at 38th & Wadsworth coming. There is no need for this. Sales tax is up and there are no safety issues. Putting it on the ballot is a waste of \$750K, Council's time, and social capital. She listed other issues she feels are real problems to be addressed.

Kristine Disney (WR) thinks this ballot issue is naïve and does nothing but return a few blocks to a 45mph speed. She thinks there are more pressing issues than having to slow down for a few blocks. She suggested turning left into traffic takes a long time; the number of lanes doesn't matter. Traffic counts are the same as before three lanes; sales tax is up; some businesses/residents have moved here because of three lanes. She thinks 38th is working and the money should be spent on real problems; this isn't important. She asked Council to kill it on 1st reading.

Kim Calomino (WR) recommended thinking holistically. She focused on the economic development that is happening with three lanes: Localworks' marketing of the Ridge, the pop-up cafes and landscaping, Localworks' creation of large events and engagement of the 38th Ave business community. Events have been successful; revenue is up; traffic volume hasn't declined and is slower. This ballot approach addresses only one issue; we are capable of better. This is unnecessarily divisive. She favors the pursuit of an economic and socially vibrant main street. She asked Council not to put it on the ballot.

John Clark (WR) distributed to Council a recent column in the Denver Post encouraging cities not to eliminate traffic lanes on major arteries. Having recently opened a business on 38th, he testified that traffic is not safe. He believes 38th will never be safe – no matter how many lanes it has, because it's the people driving. He noted all the folks who came tonight to speak up about 38th Ave, but only two people came to address the school board. Three lanes isn't the fix-all for the City if they are gutting our schools. Three lanes and walkability doesn't make a great city if the schools are terrible. And no one is paying attention. He encouraged Council to put it on the ballot, make a decision, and move on to something important.

Rachel Hultin (WR) would support four lanes on 38th if it included the slowing of traffic and revitalization elements such as sidewalks, gathering places, landscaping, art, and place making. Whenever citizens have been asked about three vs four lanes they have always supported three lanes. She asked why the outcome of the Cre8 Your 38 process isn't being implemented since so many people participated and the support was for three lanes. The only questions should be about investment in the vision. Citizens have not once asked for four lanes. She would like to see real money put to real problems.

Bill Cosselmon (WR) told of a beach city in North Carolina that didn't just restripe a road; they also built the sidewalks and islands. It lasted one season and they had to tear it out – at a very high cost. He thinks it would be a good idea to put it on the ballot.

Albert Gallo (WR) said Tennyson (from where he moved recently) has real traffic problems. He's learning the history since he's only lived here six months. He supports this being on the ballot, but questioned what the goal is and doesn't think it will solve anything. He asked Council to represent him and keep it the way it is. He prefers three lanes and thinks four lanes eliminates walkability.

Britta Fisher (WR) shared that the consensus of the Localworks board is for the three lane plan. She said what's important is what happens beyond the curbs and this ballot issues doesn't do that. It neglects businesses, residents and community stakeholders. Sales tax is up, the vacancy rate is down, vehicle speeds are down, and vehicle counts are consistent. She encouraged Council not to give us another confusing ballot question, and to follow through on 2E and remained focused.

Kathleen Martell (WR) thinks the community is more united with the passage of 2E; she has hope. 38th is a place for our people to come together and she doesn't want it to be changed. This ballot issue doesn't address many issues. This is the wrong time for this when there are so many things to be positive about. She asked Council to stop this now.

Motion by Councilmember Urban to approve Council Bill 08-2017, an ordinance referring a Ballot Question at the Regular Municipal Election on November 7, 2017 concerning the restriping and repaving design configuration of 38th Avenue between Sheridan Boulevard and Wadsworth Boulevard on first reading, order it published, public hearing set for Monday, May 8 at 7:00 p.m. in City Council Chambers, and that it take effect fifteen days after final publication; seconded by Councilmember Duran.

Council comments followed.

Councilmember Hoppe will vote to go to second reading to give more people an opportunity to speak on it.

Councilmember Davis agreed it's about amenities, not lanes. She listed a number of development variables that are happening now. She believes the Council should wait and noted the people who want four lanes also want sidewalks and amenities.

Councilmember Wooden entered into the record a stack of 30 emails she received on this, noting that 29 emails did not support it. This Council Bill was written by one

councilmember, was done when three members were out of town, needs a study session with public input, and should have input from all eight members. She'll vote no.

Councilmember Urban noted that 38th Avenue was to go on the ballot last year, but it was pulled in deference to 2E. Since 38th Ave is slated for repaving/restriping in the 2018 budget, he felt it made sense to ask voters what they want. The restriping piece adds no cost. The Cre8 Your 38 process did distill down to 3 lanes, but in 2014 voters rejected that vision by 15%. If Cre8 Your 38 is the will of the people, this will fail. If it passes, we will have listened to the people.

Councilmember Fitzgerald said he would vote no for a number of reasons. He said we've been talking about this issue for 20 years and the processes of the last four years have been a lot of work for our staff. This wastes time and keeps us from moving forward.

Councilmember Duran explained all the reasons why she thinks this should go on the ballot: The 2011 three lane plan was a pilot study. 2B failed in 2014. Two major housing units are coming to 38th (Upham and Wadsworth). The Wadsworth widening with two turn lanes going onto 38th will add to the congestion and diminish safety. 1% of the city bikes to work, 90% ride in vehicles to work; those 90% deserve a voice. She supports giving citizens a say in how their tax dollars are spent and she will honor any outcome.

Councilmember Pond spoke about the importance of what happens beyond the curbs. He will not waste the momentum that is happening in the City. He will vote no because it isn't the right context, it's not the right question, and it's not the right time.

Treasurer DiTullio commented that analysis indicates that sales tax revenue has increased in all segments of the 38th Avenue corridor since 2010. One could debate the reasons, but the increase is factual.

Motion by Councilmember Davis to call for the question; seconded by Councilmember Fitzgerald.

Clerk Shaver reported she had been asked by Councilmember Pond to include 21 emails in the record. Anticipating there may be duplicates, she asked if she could peruse Councilmember Wooden's stack for other names and include them with the other 21. Councilmember Wooden agreed.

The motion to call for the question carried 7-0.

The main motion failed 3-4, with Councilmembers Wooden, Fitzgerald, Davis and Pond voting no.

CITY MANAGER'S MATTERS

Mr. Goff had nothing to report.

CITY ATTORNEY'S MATTERS

Mr. Dahl had nothing to report.

ELECTED OFFICIAL'S MATTERS

Jerry DiTullio reminded folks of the community meeting May 4 at the Rec Center from 6:30-8. He noted that Wazee Partners would not be there as had been advertised.

Janelle Shaver clarified that the controversy over 38th Avenue in 1994 involved the section of road from Cody to Kipling. It had nothing to do with 38th Ave from Wadsworth to Sheridan.

Zach Urban offered congratulations to the WRHS STEM program. He attended the gala and enjoyed meeting the students. He acknowledged the teachers for their great efforts.

ADJOURNMENT to Executive Session at the conclusion of the Special Study Session

Motion by Councilmember Pond to recess the Regular Meeting until after the Special Study Session, and following that session reconvene and go into Executive Session for a conference with the City Attorney, City Manager, and appropriate staff under Charter Section 5.7 (b)(1) and Section 24-6-402(4)(b), C.R.S., to receive legal advice concerning litigation; and further to adjourn the Council meeting at the conclusion of the executive session; seconded by Councilmember Urban; carried 7-0

ADJOURN TO SPECIAL STUDY SESSION

The City Council Meeting was recessed at 9:08pm. A Special Study Session followed.

EXECUTIVE SESSION

Following the Special Study Session, the Executive Session convened at 9:34pm in the Lobby Conference Room and was adjourned at 10:52pm. Mayor Jay announced a return to the open meeting and declared it adjourned.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON May 8, 2017


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.