

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

July 10, 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
Tim Fitzgerald	George Pond	Larry Mathews

Members Absent: Kristi Davis (excused), Genevieve Wooden (excused)

Also present: City Clerk, Janelle Shaver; City Treasurer, Jerry DiTullio; City Attorney, Gerald Dahl; Police Chief, Daniel Brennan; Community Development Director, Ken Johnstone; Parks Director, Joyce Manwaring; Administrative Services Director, Heather Geyer; Scott Brink, Public Works Director; other staff, guests and interested citizens.

APPROVAL OF Council Minutes of June 12, 2017 and Study Notes of June 19, 2017

There being no objections, the minutes of June 12, 2017 and the Study Notes of June 19, 2017 were approved as published.

PROCLAMATIONS AND CEREMONIES

First Opportunity for Public Input on the 2018 Budget

Another public opportunity will be available at the August 4th Council meeting. Heather Geyer spoke about the importance of citizen input for the budget process. Citizen input is sought prior to proposing the next budget. She also referenced the interactive budget tools (Balancing Act and Socrata) that are available online for citizens to present their priorities. The proposed budget will come to Council before Labor Day and citizens will be able to download that.

No one was signed up to speak on the budget

CITIZENS RIGHT TO SPEAK

Paul Baling (Boulder), organizer for the Criterium bike race, noted how popular the race has become on the circuit. He encouraged continued support for the popular event. He listed a number of employees and departments that help a great deal, including

Localworks. He organized Ride the Rockies for many years and he said the assistance they receive from the City is second to none.

Rachel Hultin (WR) invited everyone to two events: 1) A meeting to give public input about walking, biking, and wheelchair rolling on 38th Ave (Kipling to Youngfield), Wednesday, July 12 at 6:30pm at Glory of God Lutheran Church. 2) Pints & Policy on July 26, 7:00pm at iPie – a fun event to talk about the things we make decisions on in our community and how citizens can be more engaged and informed. Their theme is “Why can’t we have nice things?”

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Motion to approve the purchase of snow and ice control equipment from Auto Truck Group of Colorado Springs, Co, in an amount not to exceed \$98,708 [*dump body, lighting, hydraulics and other options for the new plow truck*]
- b) Motion to award a contract for Bus Shelter and bus bench cleaning, and snow and refuse removal services to United Facilities Solutions of Littleton, Co, in an amount not to exceed \$40,000 [

Councilmember Duran introduced the Consent agenda.

Motion by Councilmember Duran to approve the consent agenda a); seconded by Councilmember Fitzgerald; carried 6-0.

Motion by Councilmember Duran to approve consent agenda item b); seconded by Councilmember Hoppe.

Councilmember Urban asked how far out from the shelters the cleaning and snow scooping goes. Mr. Brink said it is the immediate area. Plowing efforts are coordinated. Upkeep of the shelters is the City’s responsibility – not RTD’s.

The motion carried 6-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 10-2017 – An Ordinance approving the rezoning of property located at 6610 West 31st Avenue from Residential-Two (R-2) to Residential-One C (R-1C) (Case No. WZ-17-02/Gustafson)

The property is about 1/3 of an acre. The current R-2 zoning allows for a duplex. R1-C has a smaller minimum lot size which will allow the property to be subdivided into two parcels. Rezoning and subdivision will allow two houses to be constructed.

Councilmember Hoppe introduced Council Bill 10-2017.

Clerk Shaver assigned Ordinance 1622.

Mayor Jay opened the public hearing and swore in the speakers.

Staff presentation

Zach Wallace-Mendez from the Community Development Department entered into the record the case file, zoning ordinance, comprehensive plan, and contents of the digital presentation. He testified that all posting and notification requirements had been met. The property, on the SW corner of 31st & Newland, is in an established residential area. A public meeting was held; seven people attended; no concerns have been expressed. City departments and utility agencies have no concerns or requests. If approved, the applicant will work with the Building Division for development. The Planning Commission and staff recommend approval.

There were no questions from Council and no public comment.

Mayor Jay closed the public hearing.

Motion by Councilmember Hoppe to approve Council Bill 10-2017, an ordinance approving the rezoning of property located at 6610 West 31st Avenue from Residential-Two (R-2) to Residential-One C (R-1C) on second reading and that it take effect fifteen days after final publication for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The requested rezoning has been found to comply with the criteria for review in Section 26-112.E. of the code of Laws.

seconded by Councilmember Duran; carried 5-1, with Councilmember Mathews voting no.

3. Council Bill 11-2017 – An Ordinance approving the rezoning of property located at 6375 West 44th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-17-04/Conway)

The parcel is approximately 1/4 of an acre in size. Rezoning will allow immediate residential use, with the possibility of becoming a live/work space in the future. If the property is redeveloped under the MU-N zoning, an administrative site plan review is all that would be required

Councilmember Urban introduced Council Bill 11-2017.

Clerk Shaver assigned Ordinance 1623.

Mayor Jay opened the public hearing and swore in the speakers.

Staff presentation

Zack Wallace-Mendez entered into the record the case file, the zoning ordinance, the comprehensive plan, and the contents of the digital presentation. He testified that all posting and notification requirements had been met.

- The property is adjacent to Hopper Hollow Park and is in a neighborhood commercial corridor. MU-N is an appropriate transitional use.
- A public meeting was held; four people attended. No concerns were expressed.
- There are no concerns from outside agencies or City departments.
- The applicant will work with the Building Division for development.

The Planning Commission and staff recommend approval.

Council questions

Councilmember Mathews asked about allowed uses. Mr. Wilson said it could be neighborhood commercial or residential with 21 units per acre. It could be commercial on the first floor and residential on top.

Councilmember Urban asked about parking requirements and density. Mr. Wilson advised that parking requirements would have to be followed and yes, the density would be limited by parking availability. West of this parcel is private property; north and east is City property.

There was no public comment.

Mayor Jay closed the public hearing.

Motion by Councilmember Urban to approve Council Bill 11-2017; An Ordinance approving the rezoning of property located at 6375 West 44th Avenue from Commercial-One (C-1) to mixed Use-Neighborhood (MU-N) on second reading and that it take effect fifteen days after final publication, for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The requested rezoning has been found to comply with the criteria for review in Section 26-112.E. of the code of Laws.

seconded by Councilmember Hoppe; carried 5-1, with Councilmember Mathews voting no.

4. Council Bill 12-2017 – An Ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his hourly compensation and approving a Presiding Municipal Judge Services Agreement

The current term of Presiding Judge Christopher Randall expires July 1, 2017. Current compensation, in effect since 2015, is \$96.09 per hour. The Judge has requested an increase to \$98.97 per hour, which is reflected in the new Agreement.

Councilmember Hoppe introduced Council Bill 12-2017.

Clerk Shaver assigned Ordinance 1624.

Mayor Jay opened the public hearing.

The City Attorney noted that the Charter requires this salary to be set by ordinance. He advised that the contract wording was cleaned up a little this time to include better description of benefits.

Judge Randall addressed the Council explaining several changes that have happened in municipal courts over the years. They function much like a district court. He also noted spending a large amount of time with administrative work as a department head.

Councilmember Fitzgerald asked about alternative sentencing dealing with homeless offenders. Judge Randall reported we do have alternative sentencing and gave examples. He gave several examples of how the indigent and homeless are handled.

Councilmember Urban asked about addiction as it relates to criminals. Judge Randall explained about evaluation and group treatment programs, and that our city has a probation department.

Councilmember Mathews asked about metrics for effectiveness. Judge Randall noted that repeat offenders are recognized. Penalties usually start with treatment; if they fail some detention usually follows. There are no statistics. Most show improvement.

There was no public comment.

Mayor Jay closed the public hearing.

Motion by Councilmember Hoppe to approve Council Bill 12-2017; an ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his hourly compensation and approving a Presiding Municipal Judge Services Agreement on second reading and that it take effect upon adoption, seconded by Councilmember Duran;

Councilmember Fitzgerald noted the Judge is asking for a raise from \$96/hr to \$99/hr. He gave several examples of statewide positions that make less. Judges in neighboring large suburbs make \$64-\$70/hr. Judge Randall is the highest paid municipal judge on the front range, including state judges and the Chief justice of the Supreme Court. With the raise he would make more than the City Manager and every department head. He noted this is a time of financial stress in the City. He is making no judgement about the Judge's work, but noted that he currently makes \$180K, plus \$23K in benefits for a part-time position.

Councilmember Hoppe noted that other cities have higher benefit plans, and Judge Randall is also a department head (unlike other cities).

Councilmember Urban noted the Judge is here 32 hours a week; that is more than part-time. Plus he has the department head work. Hiring a separate department head would cost more. It's not days, its number of hours.

Councilmember Mathews asked if Mr. Dahl supervises the Judge. Mr. Dahl said he works with him, but does not supervise him. Mr. Goff added that he also does not supervise the Judge. It's a hybrid situation that has evolved over time.

Councilmember Pond expressed that he thinks the Judge's compensation is fair.

Mr. Dahl advised that it takes 5 votes to pass an ordinance; the Judge cannot be dismissed in middle of his term; and the amount could be amended.

Councilmember Urban noted that the hours required were changed from 32 hours to 30 hours, since the Judge is more comfortable with that because the hours vary. Mr. Dahl explained the changes and corrections to the contract wording.

Councilmember Mathews was informed the Judge is an exempt, salaried employee.

Motion by Councilmember Fitzgerald to amend the motion to delete the reference to a raise in compensation; seconded by Councilmember Mathews; following some discussion the motion failed 2-4, with Councilmembers Mathews, Urban, Hoppe and Duran voting no.

The main motion carried 5-1, with Councilmember Pond voting no.

5. Council Bill 13-2017 – An Ordinance approving a Lease with Verizon Wireless for placement of a Cellular Antenna Facility on the Wheat Ridge Recreation Center

Councilmember Urban introduced Council Bill 13-2017.

Clerk Shaver assigned Ordinance 1625.

Mayor Jay opened the public hearing.

Staff presentation

Mr. Dahl reported there have been several months of negotiations with Verizon and a number of draft agreements have gone back and forth. The land for the Rec Center was purchased with Open Space money and the Open Space reverter clause applies to this use. The Jefferson County Open Space (OSAC) and the County Commissioners have agreed to this use.

Joyce Manwaring made a few comments. She noted these aren't towers – just antenna, and the design was made to be as aesthetically pleasing as it can be.

There was no public comment and no questions from Council

Mayor Jay closed the public hearing.

Motion by Councilmember Urban to approve Council Bill 13-2017 – an ordinance approving a Lease with Verizon Wireless for placement of a Cellular Antenna Facility on the Wheat Ridge Recreation Center on second reading and that it take effect upon adoption, seconded by Councilmember Duran; carried 6 -0

6. Council Bill 14-2017 – An Ordinance amending Sections 16-81 and 16-84 of the Wheat Ridge Code of Laws to legalize gravity knives and switchblades, consistent with State Law

The Colorado Legislature amended state statutes to remove gravity knives and switchblades from the list of weapons that are unlawful to possess. This goes into effect August 9, 2017. This ordinance would make the Wheat Ridge Code of Laws consistent with state law.

Councilmember Mathews introduced Council Bill 14-2017.

Clerk Shaver assigned Ordinance 1626

Mayor Jay opened the public hearing.

Chief Brennan spoke briefly on the changes. He reported this will make the officers' jobs easier.

Councilmember Urban inquired how this would make Police officers' jobs easier. Chief Brennan said it is simpler when our code is the same as state law. Mr. Urban read the definitions of gravity knives and switchblades.

There was no public comment.

Mayor Jay closed the public hearing.

Motion by Councilmember Mathews to approve Council Bill 14-2017 – an ordinance amending Sections 16-81 and 16-84 of the Wheat Ridge Code of Laws to legalize gravity knives and switchblades, consistent with State Law on second reading and that it take effect fifteen days after final publication, seconded by Councilmember Duran; carried 6-0.

DECISIONS, RESOLUTIONS AND MOTIONS

7. Resolution No. 25-2017 – a resolution adopting the City of Wheat Ridge Bicycle and Pedestrian Master Plan

In May of 2016, Toole Design group was contracted to assist the City in updating its Bike/Ped Master Plan. Funding for the work came from the Capitol Improvement budget in the amount of \$60K.

Councilmember Pond introduced Item 7.

Staff presentation

Scott Brink recognized Joe Fish from the Toole Group and went through the plan. He noted that a few things had been changed since the plan was presented to Council on May 9.

- Overview of steps in the year long process: It included public input, a vision and goals workshop, online map-based survey, Ridgefest, an open house, a technical advisory committee, outreach to other cities, and ATAT.
- Trends: From 2000 to 2015, walking commuting rate is up from 2.1% to 2.5%
- Why is it difficult to walk? 27 cited no sidewalks; 16 people cited gaps in sidewalks; 15 said traffic is too fast.
- Why is it difficult to bike? 13 said traffic is too fast; 12 cited no painted lanes; 10 people thought there was too much traffic; 5 cited no existing trail
- Key recommendations: Access to the Gold Line and Clear Creek Trail, crossing I-70 at Tabor, Garrison and Clear Creek Trail, connectivity to Denver, access to bus stops, focus on key destinations, integration with ADA Transition Plan, serving the needs of aging populations

Mr. Brink highlighted the maps of the pedestrian network and bike networks, and the list of high priority projects with financial ranking. He noted the Plan also includes grants, and other things that can be done besides building things.

Councilmember Duran expressed disappointment there is no mention of sidewalks on 29th Ave. Mr. Brink assured her that is included even if it isn't on the chart.

Councilmember Hoppe noted the coordination that can be done with the ADA transition plan.

Councilmember Mathews asked where the data comes from. It comes from the US census data. Rotating sample surveys are done on a continuing basis by a US survey company.

Councilmember Urban noted that regarding funding, we have done a lot already. Mr. Brink agreed. He doesn't have data on comparisons with other cities. He clarified that Appendix C was information WR ATAT provided on high priority ped routes.

Mr. Urban noted a recommendation for funding from the Walmart Foundation and that some of the other suggested funding mechanisms are also not viable. Mr. Brink said it's just a possibility. Some cities have obtained funding from Walmart.

Citizen comment

Jenny Snell (WR), a member of ATAT and the coordinator for Activate 38 that is being done with a grant from Kaiser Permanente, gave kudos to thank the Council and Mayor for their vision. She pointed out the importance of facilities for pedestrians, biking and wheel chairs in the 38th Ave corridor between Kipling and Youngfield.

Motion by Councilmember Pond to approve Resolution 25-2017, a resolution adopting the City of Wheat Ridge Bicycle and Pedestrian Master Plan, seconded by Councilmember Duran; carried 6-0.

CITY MANAGER'S MATTERS

Patrick Goff reported the City continues to be busy issuing permits. They are starting to track additional expenses. They are seeing slight decrease in applications. There are three contract permit techs and they may be making a final decision soon on filling the actual vacant position.

Treasurer DiTullio went through the data on the most recent report that was provided. Costs have been added, but he said projections are premature until we have more months. He noted hearing that if contractors have a ladder waiting for the inspector it will make things go faster. Councilmember Mathews says that may not be possible due to liability; not all contractors may do that. ~ Mr. Goff said they are averaging 150 inspections a day with 5 inspectors. Turnaround time is currently 7 business days due to backlog. They are hoping for 5 days by week's end. The ultimate goal is 3-5 days.

CITY ATTORNEY'S MATTERS none**CITY TREASURER'S MATTERS**

Mr. DiTullio reported he can bring in numbers for unanticipated revenue, but he thinks it needs a few more months. It's too early to tell.

CITY CLERK'S MATTERS

Clerk Shaver reported that the errors on the Elections page were corrected today. She added that as candidates turn in their paperwork it will be posted on the Elections page. ~ The Deputy Clerk, Robin Eaton, is attending the Clerk's Institute this week, working on his certification. ~ She also noted she will be gone for the meeting on July 24; Robin will be covering the meeting in her stead. ~ She noted there may be a candidate information night in early August. Watch the election calendar and the city website for a date.

ELECTED OFFICIALS' MATTERS

Monica Duran asked for an update on the Arapahoe House. Mr. Goff reported that it has been taken over by Jefferson Center for Mental Health. They are working on finalizing an IGA that will come to Council soon. The Police Chief has heard no issues on the transition.

Janeece Hoppe asked about the proposed budget. Mr. Goff said the website program Balancing Act should be up around Labor Day.

Zachary Urban reported there will be a Jefferson County human trafficking subcommittee meeting on July 19 from 11-1pm at the District Attorney's office. The Colorado Human Trafficking Council meeting will be on July 28 from 9-1pm at Jeffco Human Services.

Mayor Jay asked that councilmembers who want to walk with the City in the Carnation Parade should let her know.

ADJOURNMENT

The City Council Meeting adjourned at 9:40



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON JULY 24, 2017



Joyce Jay, Mayor

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.