

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

August 27, 2018

Mayor Starker 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

Zachary Urban	Monica Duran	Tim Fitzgerald	Kristi Davis
Janeece Hoppe	Leah Dozeman	George Pond	Larry Mathews

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; City Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF Study Session Notes of August 6, 2018

There being no objections, the Study Session Notes of August 6, 2018 were approved as published.

CITIZENS' RIGHT TO SPEAK

Bing Walker, who works for Jefferson County Public Health, is the coordinator for Jefferson County Communities That Care. She explained that the JCCTC program addresses substance abuse problems that exist for our youth in the cities of Lakewood, Wheat Ridge and Edgewater. Schools receiving focus include Creighton and Everitt Middle Schools, and Wheat Ridge and Lakewood High Schools. Focus is on substance abuse.

Nevaeh Valtierra is a young person interning for Jeffco Public Health in the area of substance abuse. She spoke about the growing problem of substance abuse in schools – including marijuana, alcohol, and other drugs. She encouraged the City to get involved.

Bob Brazell (WR) addressed the article in the Connection about survey results – particularly in relation to ADU's. He read a long list of things that people indicated they would like to have regulated about ADU's – if we ever allow them. Included were things like size, location, number of occupants, architectural standards, off street parking requirements, and requirement that the owner live in one of the units, The article doesn't say how any of this would be enforced and what the cost of enforcement would be. Will they require licenses or a new water tap? He suggested a substantial daily fine for non-compliance and that the license not follow the property. He foresees increased staff to implement and enforce this. He is against ADU's as he

believes they will affect property values and quality of life. But if they are allowed, he believes that fees should cover the costs of administration. The taxpayers shouldn't have to fund this for those who are making money at it.

Dorothy Archer (WR) reported having a meeting with Councilmembers Hoppe and Mathews. They had a good discussion about bulk plane and building height. She expects a motion later tonight to discuss this. She reminded Council that Edgewater has a 30 ft limit, and Mountain View also allows nothing over 30ft. She hopes this issue can be moved forward.

APPROVAL OF THE AGENDA

1. CONSENT AGENDA

- a. Motion to approve payment to Insight Public Sector in the amount of \$76,958.42 for the Annual Renewal of the Microsoft Enterprise Agreement [*Scheduled, budgeted replacement and maintenance of obsolete software*]
- b. Resolution 55-2018 – a resolution approving the 2018 Police Recruit Training Agreement to provide Law Enforcement Academy Training for six Wheat Ridge Police Recruits at the combined Regional Academy [*already approved; \$36,000*]
- c. Resolution 51-2018 – a resolution authorizing the appropriate City Officials to execute an Intergovernmental Agreement by and between the County of Jefferson, State of Colorado, and the City of Wheat Ridge, Colorado regarding the administration of their respective duties concerning the conduct of the Coordinated Election to be held on November 6, 2018

Councilmember Urban introduced the Consent Agenda.

Motion by Councilmember Urban to approve the Consent Agenda Items a), b) and c); seconded by Councilmember Mathews; carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 24-2018 – An Ordinance extinguishing any rights or interest held by the City in a Slope Easement PE-55A associated with Taft Court, a Public Roadway

The City of Wheat Ridge holds a slope easement along the east side of Taft Court just south of 52nd Avenue for the purpose of maintaining a roadway embankment. A landowner wishes to develop the land east of Taft Court that includes the embankment. To allow this development the Easement must be extinguished. Development will

eliminate the need for the easement and extinguishing the Easement will remove the City's responsibilities for maintenance.

Councilmember Duran introduced Council Bill 24-2018.

City Clerk Shaver assigned Ordinance No. 1650.

Mayor Starker opened the public hearing.

Staff Presentation – Mark Westburg

Due to technical difficulties there was no staff presentation. Council had no questions for Mr. Westberg.

No one from the public came forward to comment.

Mayor Starker closed the public hearing.

Motion by Councilmember Duran to approve Council Bill 24-2018, an ordinance extinguishing any rights or interest held by the City in a Slope Easement PE-55A associated with Taft Court, on second reading, and that it take effect 15 days after final publication; seconded by Councilmember Mathews; carried 8-0.

3. Council Bill 25-2018 – An Ordinance vacating any interest held by the City in a portion of Ridge Road, a Public Roadway

A strip of ROW approximately 20 feet in width, along the north side of Ridge Road between Taft Court and Tabor Street, has been deemed to be excessive and unnecessary by Public Works. It was acquired by RTD during the Ward Station process. It can be vacated and returned to the adjacent landowner without any adverse impact to the City.

Councilmember Pond introduced Council Bill 25-2018.

City Clerk Shaver assigned Ordinance 1653.

Mayor Starker opened the public hearing.

Staff Presentation ~ Mark Westburg

Due to technical difficulties there was no staff presentation. Council had no questions for Mr. Westberg.

No one from the public came forward to comment.

Mayor Starker closed the public hearing.

Motion by Councilmember Pond to approve Council Bill 25-2018, an ordinance vacating any interest held by the City in a portion of Ridge Road, on second reading, and that it take effect 15 days after final publication; seconded by Councilmember Davis; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

4. Motion to award a contract and approve subsequent payments to Short Elliot Hendrickson, Inc., Denver, CO, in an amount not to exceed \$643,636 for Professional Services for the design of 52nd Avenue, Ridge Road and Tabor Street

These infrastructure projects in the Ward Station area will be funded with 2E bond monies. Because of the complexity and magnitude of these activities, the services of an outside consulting firm are needed to provide the design for these projects and prepare the construction plans. These services are expected to be needed over at least the next 2 years, depending on timing and prioritization.

Councilmember Mathews introduced Item 4.

Staff presentation ~ Mark Westberg

Three projects are included: 52nd Ave, Tabor St and Ridge Road.

Design Fees TOTAL -- \$643,636

- 52nd Avenue - \$333,559
- Tabor Street - \$147,119
- Ridge Road - \$162,958

Proposed Cost Share for 52nd Avenue

- Wheat Ridge – 40%
- Arvada – 40%
- JeffCo – 20%

Future projects include the pedestrian bridge and the Linear Park (south of Ridge Rd)

- Design schedule is planned as
 - Nov 2018 – 30% plans completed
 - Jan 2019 – 60% plans completed
 - Mar 2019 – 90% plans completed
 - Apr 2019 – 100% plans completed
- Public Outreach schedule will be
 - Jan 2019 – Study Session Presentation
 - Feb 2019 – Open House w/ Arvada & JeffCo
 - Also will have outreach this fall with the immediate neighbors

Next Steps include

- Finalizing the IGA with Arvada and Jeffco
- Hire a ROW consultant (Should contract this fall so can start in 2019)
- Finalize the Pedestrian Bridge and Linear Park concepts

Public Comment No one from the public spoke.

Council Questions

Councilmember Mathews asked if the nearby neighbors' issues have been settled. Staff is still working on that; it will require lots of discussion. Mr. Goff thinks we should have some design work done before we talk – so there's something concrete to discuss.

Councilmember Dozeman inquired about widening the road. 52nd has 60 ft of ROW, but east of Tabor the ROW narrows considerably. Arvada and our staff would like 52nd to punch through into the Arvada housing development, but there are ROW issues there.

Councilmember Mathews asked about the boundary with Arvada and traffic on Ridge Road. Arvada will improve their section of Ridge Road; Jeffco is the biggest hurdle

Councilmember Urban asked about traffic data. The traffic study is about finished by the consultant. We do know the ROW will be waved because that's in the IGA. Regarding lighting, Excel has not given us any breaks, so we've been putting in LED lights and owning them.

Motion by Councilmember Mathews to award a contract and approve subsequent payments to Short Elliot Hendrickson, Inc., Denver, CO, in an amount not to exceed \$643,636 for professional services for the design of 52nd Avenue, Ridge Road, and Tabor Street; seconded by Councilmember Duran; carried 8-0.

5. Motion to award a contract and approve subsequent payments to HDR Engineering, Inc. Denver, CO, in an amount not to exceed \$2,144,931 for Phase II, Final Design, of the Wadsworth Boulevard Improvement Project

Preparation of the Phase I documents is nearing completion which allows for the beginning of Phase II, preliminary and final design. Phase 2 includes the preparation of construction plans, expected to begin in mid-October 2018.

Councilmember Davis introduced Item 5.

Staff presentation – Mark Westberg

Design Contract

- Total Contract - \$2,144,931
 - \$164,062 to finish Environmental
 - \$1,991,556 to prepare construction plans
- Funding Sources
 - CIP Fund 30 – 80% to be reimbursed
 - 2E Fund 31 – 20% (This is our local match)

Value Engineering Public Outreach

Following the Council study session of June 4, which revealed the changes from the value engineering, Block Meetings with property and business owners were held on June 13. These were well attended. There was also a round of individual meetings with specific property owners.

Public Outreach (future)

- EA Public Hearing in late February 2019
- Public Meeting in Fall 2019 – to update on the final design
- Individual Meetings will be held as needed

Funding

Identified Project Funding

- \$31.6 Million 2014 TIP
 - \$25.28 million – Federal funding
 - \$6.32 million – City local match (required)
- \$2.6 Million HSIP
 - \$2.34 million – Federal funding
 - \$0.26 million – CDOT local match
- \$4.1 Million CDOT Maintenance
 - \$3 million surface treatment
 - \$1.1 million signal replacement

Total Project Funding

- \$39.237 Million Total Funding Secured
 - \$27.62M Federal funding
 - \$4.36M CDOT funding
 - \$7.257M City funding

City Funding

- \$7.257 Million
 - \$6.32 million – 2014 TIP local match required
 - \$0.257 million – pre-2E 2014 TIP local match
 - \$7 million – 2E funding in 2018
 - \$6.063 million in remaining 2014 TIP local match
 - \$0.937 million overmatch

Total Project Budget

\$45.1M new cost estimate

- \$1.5M Environmental
- \$2.8M- Design
- \$14.5 - ROW acquisition
- \$26.3M - Construction

The Funding Gap is \$5.876M

- 2014 TIP stopped ramps at 48th; now it can be included
- Will submit for a \$6.6M regional or sub regional 2018 TIP, to include:
 - \$5.28 million – Federal funding
 - \$1.32 million – City local match
 - Includes remaining \$0.937 million in 2E funding
 - \$0.383 additional City local match
 - \$0.213 million City overmatch required
- \$0.596 million Total additional City funding is needed
- CDOT? CDOT shows \$5M coming to this project

Schedules

Environmental Assessment (EA)

- The conceptual design should be ready this week.

- EA review by consultant should be complete in January 2019.
- EA Public Hearing process starts in February 2019
- April 2019 – Historical mitigation complete
- Summer 2019 – FONSI obtained (Finding Of No Significant Impact)

Constructions Plans

Preliminary Plans should be finished by Spring 2019, with the Final Plans completed in Fall 2019. Construction Plans will be bid in early 2020.

ROW Acquisition

The contract for ROW acquisition is being bid now. The ROW plans to be finished in Spring 2019, and acquisitions completed by early 2020.

Construction -- Mid-2020 thru mid-2022.

Advertisement began today for the next immediate step – getting the ROW consultant on board.

Public Comment No one from the public spoke.

Council questions

Councilmember Urban had technical questions about the design costs.

Councilmember Dozeman remarked about the continuing rise in property costs. Mr. Westberg responded. The City can't start acquiring property until we get the FONSI. Property owners have all been invited. Some smaller prop owners just haven't come.

Councilmember Mathews inquired about traffic counts. Mr. Westberg advised the current average is 45K cars/day; they are building for 85K.

Councilmember Urban asked if anything had been learned in Phase1 to apply to Phase 2. Mr. Westberg said the historical considerations had the biggest impact on costs. Councilmember Urban discussed with Mr. Westberg how the extension of traffic data down to the I-70 ramps might affect the one cost estimate. Additionally, Mr. Westberg said the biggest risks are construction costs and ROW costs.

Mayor Starker had some questions about the timeline. Mr. Westberg repeated the timeline.

Motion by Councilmember Davis to award a contract and approve subsequent payments to HDR Engineering, Inc., Denver, CO, an amount not to exceed \$2,144,931 for Phase II, Final Design, of the Wadsworth Boulevard Improvement Project; seconded by Councilmember Hoppe; carried 8-0.

6. Resolution No. 52-2018 – A Resolution approving a Second Amendment to the City of What Ridge Gold Line Corridor Local Agency Intergovernmental Agreement with the Regional Transportation District, transferring ownership of the Regional Stormwater Pond and Outfall from the Regional Transportation District to the City

A second amendment to the Gold Line Corridor Local Agency Contribution intergovernmental agreement is required between the Regional Transportation District and the City concerning the transfer of ownership, from RTD to the City, of a regional stormwater pond constructed to serve the Gold Line Commuter Rail System.

Councilmember Dozeman introduced Item 6.

Staff presentation ~ Mark Westberg

- Mr. Westberg reviewed the history of the many drainage projects that were done in this area to prepare for the Gold Line.
- Among the projects RTD built a Regional Stormwater Pond south of the Gold Line that meets Urban Drainage & Flood Control District (UDFCD) standards.
- RTD can't ask Urban Drainage for funding, but the City can. We can also allow modifications to the pond (e.g. additional capacity and water quality)
- If RTD transfers ownership of the Pond to the City, UDFCD has agreed to maintain it for us – even if we own it.
- This will relieve the City of the responsibility for things like stabilization, cobble removal, mowing and debris removal.

Public Comment No one from the public spoke.

Council questions

Councilmember Mathews asked why this transfer didn't happen earlier with the original agreement. Mr. Westberg explained that the FRA wouldn't allow anything to be transferred (property, facilities, easements, etc.) until the system is operational. Hence the seven year wait.

Motion by Councilmember Dozeman to approve Resolution No. 52-2018, a resolution approving a Second Amendment to the Gold Line Corridor Local Agency Contribution IGA with the Regional Transportation District, providing for the transfer of ownership of the Regional Stormwater Facility from RTD to the City; seconded by Councilmember Duran; carried 8-0.

7. Resolution No. 53-2018 – A Resolution in support of reauthorization of and full funding for the Land and Water Conservation Fund

The federal Land and Water Conservation Fund, in existence since 1965, is funded by off-shore drilling royalties paid by oil and natural gas companies. The City has received such funds – most recently for trail repair in Johnson Park. The Fund will expire on September 30, 2018.

Councilmember Hoppe introduced Item 7.

There was no staff presentation, no public comment and no questions from the Council.

Motion by Councilmember Hoppe to approve Resolution No. 53-2018, a resolution in support of reauthorization of and full funding for the Land and Water Conservation Fund; seconded by Councilmember Duran; carried 8-0.

8. Resolution 54-2018 – A Resolution amending the Fiscal Year 2018 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$18,000 for The Action Center

The Action Center recently started a campaign to raise \$1.0 million to address a shortfall in meeting current financial needs.

Councilmember Fitzgerald introduced Item 8.

Staff presentation

Mr. Goff recalled that this topic was presented at a recent study session. He noted that other cities are also looking at contributing to this one-time effort.

Public Comment There was none.

Council questions

- Jefferson County will match up to \$200,000 of municipal contributions.
- Other cities are contributing according to their population

Motion by Councilmember Fitzgerald to approve Resolution No. 54-2018, a resolution amending the fiscal year 2018 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$18,000 for The Action Center; seconded by Councilmember Hoppe.

Councilmember Mathews noted that our contributions to outside agencies totals \$42K. This is almost a 50% increase. He'd prefer to add this to the 2019 budget.

Councilmember Duran confirmed this is a one-time gift.

Councilmember Dozeman commented on the history of the Acton Center since before the city was incorporated. It provides many important services. She encouraged support of this expenditure.

Motion carried 7-1, with Councilmember Mathews voting no.

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS


ELECTED OFFICIALS' MATTERS

Treasurer DiTullio discussed two handouts that had been distributed. One identified the \$2M that will be transferred to Longs Peak Metropolitan District for the I-70 hook ramps (2E Bond project). The second handout was a geographic sales tax report. This is the first such report this year and covers four sub-areas of 38th Avenue from Sheridan to Upham. Revenue for each section is up again this year. The next report will be for 44th Avenue.


Janeece Hoppe said that she and George Pond have asked the Mayor pro tem to add to a future study session a review of the bulk plane issue in all residential zones. He has agreed to do that.

ADJOURNMENT

The meeting adjourned at 8:20 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON September 24, 2018


Tim Fitzgerald, 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.