

AGENDA

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

September 26, 2016

7:00 p.m.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Carly Lorentz, Assistant to the City Manager, at 303-235-2867 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS

APPROVAL OF MINUTES of September 12, 2016 and Study Notes of August 1, 2016

PROCLAMATIONS AND CEREMONIES

CITIZENS' RIGHT TO SPEAK

- a. Citizens, who wish, may speak on any matter not on the Agenda for a maximum of 3 minutes and sign the Public Comment Roster.
- b. Citizens who wish to speak on Agenda Items, please sign the GENERAL AGENDA ROSTER or appropriate PUBLIC HEARING ROSTER before the item is called to be heard.
- c. Citizens who wish to speak on Study Session Agenda Items, please sign the STUDY SESSION AGENDA ROSTER.

APPROVAL OF 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
- b) Motion to award a contract to American Facility Services Group, Lakewood, Co., in an annual amount of \$88,524.57 for professional cleaning services
- c) Resolution No. 41-2016 – authorizing submittal of a 2017 application for a Colorado State Recreational Trails Grant for the reconstruction of Clear Creek Trail in Johnson Park

ORDINANCES ON FIRST READING

2. Council Bill No. 22-2016 –repealing and reenacting Section 26-615 of the Wheat Ridge Code of Laws concerning Commercial Mobile Radio Service and adding conforming amendments in connection herewith (Case No. ZOA-16-04)
3. Council Bill No. 23-2016 – amending Section 26-711 of the Wheat Ridge Code of Laws, concerning Billboards, to establish a Billboard Vacancy Process (Case No. ZOA-16-05)

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

ADJOURNMENT

CITY COUNCIL MINUTES

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

September 12, 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	Genevieve Wooden	Larry Mathews

Absent: Kristi Davis

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Chief Daniel Brennan; Community Development Director, Ken Johnstone; Parks Director, Joyce Manwaring; City Treasurer, Jerry DiTullio; other staff and interested citizens.

APPROVAL OF MINUTES of August 22, 2016 and Study Session Notes of August 15, 2016

There being no objection, the Minutes of the Regular City Council Meeting of August 22, 2016 and Study Session Notes of August 15, 2016 were approved as published.

PROCLAMATIONS AND CEREMONIES

Pennington Elementary Recognition

Genevieve Wooden presented a plaque and flowers to Samantha Loomis, president of the Pennington Elementary PTA, to honor the National PTA School of Excellence Award the school received. Ms. Loomis thanked the City for recognizing their school for being a strong member of the community.

CITIZENS' RIGHT TO SPEAK

Jenny Schwartz (WR) explained this year's Wheaties project to celebrate the economic growth of local business. They have painted pallets and doors with chalkboard hearts added. They will be placed outside local businesses for customers, the public and businesses to share what they love about the community and that business. Wheaties Love is the theme. She asked councilmembers to keep their eyes out for the pallet art project, to let them know if they have a business they'd like to recommend to receive a pallet, and to show their #wheatieslove on social media.

Jerry DiTullio, City Treasurer, highlighted the most recent report of Total Funds for the City. ~ He reported moving \$134K of a recent audit payment to the Fruitdale project liquid account, so that project is now fully funded at \$1.9M. ~ He reported there is a little over \$5M in the checking account (to pay daily bills), and almost \$5.6M in investments. He noted that no other money is pigeon-holed in the budget; no other funds are available for the projects in ballot question 2E. He supports 2E and mentioned that now is the cheapest time to borrow money on the bonds. ~ This information is available on the City website and updated monthly.

There were no one signed up to speak about items for the Special Study Session.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Resolution No. 33-2016 – Authorizing and supporting a HEAL Grant Application to fund a City Directional and Distance Sign Program that will efficiently and safely guide pedestrians and bicyclists to public parks and recreation facilities *[\$4,000 grant for signs and posts; City to install (budgeted)]*
- b) Resolution No. 34-2016 – authorizing submittal of the application for a 2017 Grant to the State Board of Great Outdoors Colorado for the renovation of Prospect Park *[Grant amount: \$350,000]*
- c) Resolution No. 35-2016 – approving submittal of the application for a 2017 Local Government Grant to Jefferson County Open Space for Prospect Park renovations *[Total grant amount yet to be determined]*
- d) Resolution No. 36-2016 – amending the Fiscal Year 2016 General Fund Budget to reflect the approval of a Supplemental Budget appropriation in the amount of \$33,160 for the purpose of funding the Police Extra-Duty Program *[Security duty at Lutheran Hospital for remainder of 2016]*
- e) Resolution No. 37-2016 – approving an Intergovernmental Agreement between the Wheat Ridge Urban Renewal Authority and the City of Wheat Ridge for the purpose of sharing the costs for the design and installation of a traffic signal at 32nd Avenue and Xenon Street *[\$110,500 from Kipling Ridge fund to relieve blight in the I-70/Kipling Corridor URA Plan area will be used]*

Councilmember George Pond introduced the Consent Agenda

Motion by Councilmember Pond to approve the Consent Agenda items a), b), c), d) and e); seconded by Councilmember Wooden; carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Resolution No. 39-2016 – A Resolution authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of the City of Wheat Ridge pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

The City has an allocation of \$1,555,400 for issuing Private Activity Bonds (PAB) in 2016. Staff recommends assigning this allocation to the Colorado Housing and Finance Authority (CHFA) for the purpose of providing Mortgage Credit Certificates (MCC's). An MMC allows a borrower to use up to 20% of the mortgage interest paid as a direct credit against their federal income tax liability.

Councilmember Zach Urban introduced Resolution 39-2016.

Mayor Jay opened the public hearing.

Staff presentation

Patrick Goff explained that the City gets this allocation for PAB's every year, but the amount is too little to do anything on our own. The City typically partners with CHFA or the Metro Mayors Caucus. These partnerships haven't happened the last few years due to the housing market and interest rates. This year CHFA is requesting that we transfer our allocation to them to use them for MCC's.

Steve Johnson from CHFA spoke about PAB's. They can be used to build affordable housing, single family, multi-family affordable housing or small issue manufacturing businesses. Multi-family affordable housing is popular in the state. The Town Center apartments are an example of that. He spoke about how the partnering works and the economic activity associated. There is no cash – just the authority to sell bonds.

Council questions

Mr. Goff confirmed for Councilmember Fitzgerald that the City definitely benefits from this partnering. The benefit is the ability for the City to do larger projects and for individuals to get low interest -- 20% of which is a direct write off of federal taxes. ~ He added that if we don't use it, it goes back to the state. Some years this has happened because we didn't have any projects.

Mr. Johnson added that since 2010 their minimum investment in single-family alone in Wheat Ridge was \$1.6M, and in 2015 they are at \$3.6M.

There was no public comment.

Mayor Jay closed the public hearing

Motion by Councilmember Urban to approve the Assignment of Allocation between the Colorado Housing and Finance Authority (CHFA) and the City of Wheat Ridge and to adopt Resolution No. 39-2016 authorizing assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of the City of Wheat Ridge

pursuant to the Colorado Private Activity Bond Ceiling Allocation Act in the amount of \$1,555,400 thereby designating the City's PAB allocation to CHFA for the purpose of providing Mortgage Credit Certificates; seconded by Councilmember Duran; carried 7-0 .

3. Council Bill No. 15-2016 –An Ordinance approving a Zone Change from Residential-One C (R-1C) and Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 2826 Eaton Street (Case No. WZ-16-05/Eaton Street Cottages)

The application for a zone change with an Outline Development Plan is the first step in redevelopment of the site. Following review of a Specific Development Plan by the Planning Commission construction of nine residential units is planned.

Councilmember Monica Duran introduced Council Bill No. 15-2016.

Clerk Shaver assigned Ordinance number 1606.

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

Staff presentation

Lisa Ritchie gave the staff presentation. She entered into the record the case file, the zoning ordinance, the comprehensive plan and contents of the digital presentation. She testified that all notification, publication and posting requirements have been met.

- The request is for the rezoning of 10 narrow lots to allow for the construction of nine cottages. Existing houses would be demolished.
- Various pictures of the property were displayed.
- The neighborhood meeting was held.
- Planning Commission recommends approval of the Outline Development Plan.
- A Specific Development Plan will have final approval from Planning Commission.
- A subdivision plat would be reviewed by Planning Commission and approved by City Council.
- She showed drawings from the ODP showing the character and scale of the project: nine homes arranged around a common courtyard; parking on the north.
- Proposed are attached and detached single family homes, home occupations, pets, and common areas.
- Some architectural standards: traditional, covered front & rear porches, lap siding
- The maximum building height proposed is 28 feet (less than the 35 feet allowed).
- Max building coverage will be 43% (slightly higher than allowed in existing zoning)
- Front setbacks to be 10 feet on no more than 22% of the frontage, and 20 feet for the remainder. Portions of the home will extend further into the front setback. Distance between the property line and the current street is roughly 15 feet.
- Side and rear setbacks to be 10 feet (existing zoning allows 5 feet)
- Private and public areas, common parking area. No garages proposed.
- Pedestrian access from the parking area and from a point on the southern end

- Public improvements include 6 foot attached sidewalks with bulb-outs to define parking areas
- Landscaping plan will come with the final SDP. Effort will be made to keep the large pine tree.
- There will be a common garden space
- Homes fronting Eaton Street will orient to the street *and* the internal common area
- Home will have an open and a closed side to provide both privacy and interaction.
- Ms. Ritchie read from the code of ethics and evaluation of codes for a PRD.
- All agencies can serve the development.

Applicant

Andrew Gibson of Squareroot Construction introduced partners Mark O'Brian and Mark Davis. They are the owners, developers and builders; they are a local company based in north Denver; they live where they work.

- He explained why they think this is a good alternative for infill development.
- New construction in the neighborhood is out of scale, has architecture inconsistent with the neighborhood, and is expensive.
- A pocket neighborhood builds community.
- The houses are small, 800 – 1300 sf.
- There will be layered spaces. Land close to houses is more private. Further out is a courtyard area for common use. Each cottage will have a small back yard (some privacy).
- The development is close to 29th & Eaton and is a good place for walkability.

Council questions

Councilmember Mathews inquired of Mr. Gibson:

- Parking spaces? 1.5 spaces per unit; 14 spaces
- Ownership vs rental? Hasn't been decided yet.
- Fencing? There will be 6 ft privacy fences on the three exterior sides of the property and short 3 ft fences for the yards.

Mr. Mathews expressed concern there is inadequate parking and no parking for visitors.

Councilmember Duran asked about the solar panels for the carport. Mr. Gibson said they are still researching it. He also confirmed that the car ports are 22 ft tall and the community storage shed will be 16 ft tall.

Councilmember Wooden inquired about the selling price. Mr. Gibson said it would be market price – hopefully less than \$400K, but they're not sure

Councilmember Mathews asked if there will be any basements. Mr. Gibson testified that the area is very flat so they will likely have to raise the houses for drainage. They aren't sure yet, but it will probably have crawl spaces.

There was no public comment.

Mayor Jay closed the public hearing

Motion by Councilmember Duran to approve Council Bill No. 15-2016, an ordinance approving a zone change from Residential-One C (R-1C) and Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 2826 Eaton Street on second reading and that it take effect 15 days after final publication, for the following reasons:

1. The proposal is consistent with the City's comprehensive plan and other guiding documents;
 2. The proposal meets the zone change criteria;
 3. The proposed site design and scale of the proposed homes are consistent with the neighborhood;
 4. All requirements for an Outline Development Plan have been met.
- seconded by Councilmember Hoppe; carried 6-1 with Councilmember Mathews voting no.

4. Council Bill No. 18-2016 –An Ordinance amending Articles I, II and VI of Chapter 26 of the Wheat Ridge Code of Laws concerning regulation of Self Storage Facilities (Case No. ZOA-16-02)

The proposed ordinance amends regulations related to self-storage developments. It will remove this land use from the list of uses allowed in the C-2 zone and add distance and separation requirements for new self-storage facilities.

Councilmember Monica Duran introduced Council Bill 18-2016.

Clerk Shaver assigned Ordinance No. 1607.

Mayor Jay opened the Public Hearing

Staff presentation

Lisa Ritchie informed Council the City had two such facilities. Three applications were received -- two were approved, and one was denied. Recommended changes include:

- Higher architectural standards
- Removal as a permitted use in C-2 zone
- Spacing buffers of one-half-mile between new and existing facilities; one-quarter-mile between storage facilities and any fixed guideway rail station
- Definition of this use be changed from "mini-warehouse" to "self-storage facility", and to allow for both indoor access and exterior access facilities

There were no questions from the Council and no public comment.

Patrick Goff noted the Council has discussed this several times in study sessions.

Mayor Jay closed the Public Hearing

Motion by Councilmember Urban to approve Council Bill 18-2016, an ordinance amending Articles I, II and VI of Chapter 26 of the Wheat Ridge Code of Laws concerning regulation of self-storage facilities, on second reading, and that it take effect 15 days after final publication; seconded by Councilmember Hoppe; carried 7-0.

5. Council Bill No. 19-2016 – An Ordinance amending Section 15-4 of the Wheat Ridge Code of Laws concerning the definition of Landscaping for Nuisance Purposes

This amendment will solve the discrepancy between the current definition of "landscaping" (under Section 15-4, which includes "living plants") and Section 15-15(c) which prohibits "damaged or dying landscaping". Staff recommends approval to clarify that Community Service Officers may pursue abatement of dead and dying trees and other specific types of deteriorated landscaping.

Councilmember Tim Fitzgerald introduced Council Bill 19-2016.

Clerk Shaver assigned Ordinance 1608.

Mayor Jay opened the Public Hearing.

Staff presentation

Council has discussed this in the past. Chief Brennan noted the main change is to the term "living".

There was no public comment.

Mayor Jay closed the Public Hearing

Motion by Councilmember Fitzgerald to approve Council Bill 19-2016, an ordinance amending Section 15-4 of the Wheat Ridge Code of Laws concerning the definition of landscaping for nuisance purposes on second reading and that it takes effect 15 days after final publication; seconded by Councilmember Pond; carried 7-0.

6. Council Bill No. 20-2016 – An Ordinance amending Section 2-33 of the Wheat Ridge Code of Laws concerning the Authority of Community Service Officers

This amendment will allow violations of Chapter 24, Vegetation, to be handled by CSOs through the administrative citation process. Areas of tall weeds, nuisance plants and trees and shrubs can be addressed more efficiently.

Councilmember Tim Fitzgerald introduced Council Bill 20-2016.

Clerk Shaver assigned Ordinance 1609.

Mayor Jay opened the Public Hearing

Staff presentation

Chief Brennan noted this is a "cleanup" of existing codes to bring consistency.

There was no public comment.

Mayor Jay closed the Public Hearing

Motion by Councilmember Fitzgerald to approve Council Bill 20-2016, an ordinance amending section 2-33 of the Wheat Ridge Code of Laws concerning the authority of Community Service Officers on second reading and that it takes effect 15 days after final publication; seconded by Councilmember Mathews; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

7. Motion to accept the 2015 Comprehensive Annual Financial Report (CAFR) from Swanhorst & Company, LLC

Councilmember Genevieve Wooden introduced Item 7.

Staff presentation

Wendy Swanhorst spoke briefly about the audit report supplied earlier for Council review.

- Their audit opinion is that all the numbers are fairly stated in all material respects.
- The Single Audit (required when there are grants over \$750K) was clean and showed no issues.
- No weaknesses were identified. The controls and procedures are good.
- A few recommendations were made, but they are minor items related to process.

Councilmember Mathews inquired briefly about the Urban Renewal Authority debt. Mr. Goff explained that debt is for Kipling Ridge. The City contributed \$1M as an economic development incentive, but we also have a loan of just over \$2M to pay for the public infrastructure. The new sales tax from that site is paying that loan down.

Councilmember Wooden thanked Heather Geyer and her staff for their quality work.

Motion by Councilmember Wooden to accept the 2015 Comprehensive Annual Financial Report from Swanhorst & Company, LLC; seconded by Councilmember Duran; carried 7-0.

8. Resolution 38-2016 – a Resolution of Support for Wheat Ridge Ballot Question 2E, a Temporary Sales Tax Increase and Issuance of Debt to Finance City Investment in Public Infrastructure to facilitate Economic Development Opportunities

Councilmember Janeece Hoppe introduced Resolution No. 38-2016 and read a summary list of the projects that would be funded by this new sales tax.

Public Comment

John Genova (WR) urged support of the sales tax measure.

Ruth Baranowski (WR) worked on the DIRT task force and thinks 2E will help the City.

Kim Calomino (WR) is pleased at the united support from Council.

Mr. Dahl spoke about the Fair Campaign Practices Act to verify that while City resources cannot be used to solicit passage or defeat of a ballot issue, it is permissible for Council to engage the staff to prepare for it a resolution about a ballot measure.

Motion by Councilmember Hoppe to approve Resolution 38-2016, – a resolution of support for Wheat Ridge Ballot Question 2E, a temporary sales tax increase and issuance of debt to finance city investment in public infrastructure to facilitate economic development opportunities, and that it take effect upon approval by the Council and signature by the Mayor; seconded by Councilmember Urban; carried 7-0.

CITY MANAGER'S MATTERS

Patrick Goff thanked Local Works for the Ridgefest and all the City staff and community volunteers who helped.

CITY ATTORNEY'S MATTERS

Jerry Dahl notified Council that he will be gone for the next meeting. Carmen Beery from his office will be attending in his place.

ELECTED OFFICIALS' MATTERS

Clerk Shaver announced the Wheat Ridge Fire District election will be on Tuesday, October 4. To be eligible to vote persons must be registered voters and own property in the fire protection district. It is a vote to dissolve the WR Fire Protection District and join the West Metro Fire District. This is not a mail-in ballot. There will be three polling places that day – the two Wheat Ridge fire stations at 3880 Upham and 10901 W 38th Avenue and the City of Edgewater at 5846 W 25th Avenue.

She also read portions of a news release from the Secretary of State warning people about telephone scams that ask for personal information to update voter registration and threatens that if the information isn't provided the people will not get a ballot. Some of the calls are said to be from GoVoteColorado. The Secretary of State does have a voter registration program by that name, but they will not contact you. People should not release sensitive personal information. If any Wheat Ridge voters receive a call like this, please contact the City Clerk's office and we will pass the information on to the proper authorities.

Genevieve Wooden announced Wheat Ridge Reads tomorrow at Iron Rail Tavern at 6:30pm and the author will be there.

Larry Mathews thanked staff for correcting the councilmembers' phone numbers on the City website.

Janeece Hoppe reminded everyone the Farmers 5000 is this weekend.

Mayor Jay expressed that the ballot issue was critical for the City.

Tim Fitzgerald remarked that the City could lose \$38M in grants if 2E doesn't pass.

ADJOURN TO SPECIAL STUDY SESSION

The Regular City Council Meeting was adjourned at 8:15 pm.

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON September 26, 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.

STUDY SESSION NOTES

CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

August 1, 2016

Mayor Joyce Jay called the Study Session to order at 6:30 p.m.

Council members present: Janece Hoppe, Monica Duran, Kristi Davis, Zachary Urban, Tim Fitzgerald, George Pond, Genevieve Wooden, and Larry Mathews

Absent: Janece Hoppe

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Police Chief Brennan; Parks Director, Joyce Manwaring; other staff, and interested citizens

CITIZEN COMMENT ON AGENDA ITEMS none

Mayor Jay announced that in deference to Chief Brennan's schedule Agenda Item 3 would precede Agenda Item 2. There were no objections.

1. Staff Reports(s)

a) Billboard Sign Regulations ~ Ken Johnstone

Mr. Johnstone reported we are currently capped at 16 billboards. In May, 2015 the administrative policy came to Council for updating. Staff has followed this policy for determining vacancies, but it still needs to be codified. He added there are other changes that need to be made to the sign code for general modernization and due to a recent US Supreme Court decision. He recommended a public process for that to engage businesses.

Council has three options. Staff recommends Option A -- to codify the billboard vacancy policy but address other changes later. Mr. Johnstone briefly outlined the steps staff would take should a vacancy occur -- noting that vacation of a billboard is very infrequent.

There was consensus to proceed with Option A. Advance as ordinance to codify the billboard policy, and address all other sign standards, including billboard standards, at a later date as part of a sign code modernization effort.

b) West End Project: 38th & Upham ~ Jerry Dahl

Mr. Dahl restated the plans for the project -- a small amount of retail on the first floor and residential on the upper two floors. He explained the financial circumstances.

- The October 20, 2015 Redevelopment Agreement (RA) was approved prior to the passage of ballot Question 300 and is therefore exempt from it.
- The RA provides two sources of financing to the project: property tax increments and sales tax increments.
- The property tax increment will be approximately \$3.4M over 20 years; the sales tax increment will not exceed \$1.9M.
- The property tax is collected by the County, which transfers it to Urban Renewal, which then reimburses the developer.
- The sales tax is collected by the City, remitted to Urban Renewal, and then remitted to the developer.
- The mechanism by which the City pays Urban Renewal is a "Cooperation Agreement". The Cooperation Agreement for this project was approved after the passage of Question 300 and is subject to those terms.
- Charter Section 12.10 now requires that TIF's for sales tax over \$2.5 Million be approved by a City-wide election.
- In order to obtain financing the developer has asked for confirmation of the sales tax increment – which will be less than \$2.5M and not subject to voter approval.
- Since the Cooperation Agreement does not break down the property and sales tax increments, the developer proposes an amendment to the agreement detailing that the maximum amount of any sales tax increment payment to the developer will not exceed \$1.9M.

Some councilmembers had questions about the mechanics of the process. It was noted that excess sales tax over \$4.8 will go back to the original taxing districts.

No action was required. The Council packet for August 8 will include the agreement.

3. Ordinance Revision Regarding Nuisance Plants ~ Jim Lorentz & Chief Brennan

Commander Lorentz explained briefly how the proposed changes will make the nuisance and vegetation codes compatible and consistent, and enable better enforcement.

Chapter 15 (Nuisances) prohibits damaged or dead landscaping. An amendment to the Code is suggested to clarify that dead and damaged landscaping may constitute a nuisance condition if it is a detriment or danger to surrounding property, or the public.

Staff recommends

- amending Chapter 15 (Nuisances) to include dead and dying trees and other specific types of deteriorated landscaping, and
- adding Chapter 24 (Vegetation) to the authority of the CSO's so they can write tickets.

There was brief discussion followed by consensus to bring the changes back for further review.

2. DIRT Task Force Recommendations/Updated Ballot Language & Bond Analysis

Patrick Goff went through the changes that Council had expressed for the ballot language – changes to the bonding numbers and the ballot language.

Discussion followed.

Councilmember Mathews apprised Council he has learned that the Wheat Ridge Water District plans to discontinue their discount for early payment and escrow that money for new water lines on Wadsworth when that project happens. Costs are still undetermined and they continue to search for grants.

Councilmember Fitzgerald distributed suggested wording he crafted for the first paragraph of the ballot language. He explained his revisions and had questions.

Further questions, comments and discussion about wording continued.

Time was spent wordsmithing the first paragraph, which included consensus to:

- Use the term "one half cent per dollar"
- Retain "such taxes to be used only for" and "no property tax"
- Include the word "share"
- Remove "maximum"; replace with "less than"
- Remove "levied by the City" and "such debt and such taxes"
- Change "raised" to "received"
- Continue exploring the possibility of Mr. Fitzgerald's suggestions on TABOR wording (no caps, underlining, bold, fonts, title)

Mr. Goff recommended that if other projects are added to the ballot wording the difference in the funding come from the Ward Road Station project. Wadsworth and Clear Creek Crossing are pretty fixed amounts.

Joyce Manwaring explained the possibilities for improvements at Anderson Park.

- Renovate/replace pool locker rooms to include family changing rooms, individual showers, concession area and storage (most public benefit)
 - Anderson building renovation (partial). Updates to the building (roof, insulation); cosmetic upgrades to the exterior
 - Remove lighted baseball field; convert to multi-purpose sports field, instructional playfield area and special events usage
 - Reconfigure available park land to support special event programming including Performances in the Park and the Carnation Festival
 - Update the pavilion and shelter
 - Parking lot improvements; replace front lot by the parks offices
- She commented that Anderson Park needs to have a master plan. A future plan is to remove the Parks admin office at the entrance and replace the parks maintenance shops (on the west) and include them in the public works shops master plan.
 - She listed some major uses of the park.

Discussion followed.

- Re: Anderson Park
 - The baseball field is the only true baseball field we have. (i.e grass infield)
 - The light poles are old and need replacing in the next few years. That will cost over \$200K. Their age is undetermined.
 - Soccer uses the lighted baseball field as early as February. During baseball season it gets heavy use -- most every night. Current primary user is a metro men's league for which we get about \$8,000/yr in fees. The high school uses it sometimes, but it's not their main field. The plan is to make it an all-purpose grass area; no fences. There will be no lights. Conversion will offer flexibility.
 - The showers are very old and offer no privacy. There are no family locker rooms to accommodate small children.
- Trailhead improvements as recommended by the DIRT taskforce can be done as small projects.
- The importance of improvements at the Ward Road Station.

Consensus by Councilmember Wooden to specify \$3.5M for Anderson Park (as described) and \$8.5 for the Gold Line (remove improvement Item 6).

There was further discussion about the Ward Road Station.

There was consensus to specify \$9M for Ward Road and \$3M for Anderson Park.

3. Elected Officials' Report(s)

Kristi Davis informed council she will be spending tomorrow at a big urban renewal meeting involving several cities. She will report back. ~ Urban Renewal has a meeting tomorrow. She also noted her second constituent meeting will be at Infinitus Pie on August 27 at 9:30am. Breakfast pizza will be served. Details to follow.

Tim Fitzgerald reported the Housing Authority will be having a public meeting for Fruitdale School. He also noted that things are percolating for something at the Gold Center, but there is nothing definite yet.

Genevieve Wooden announced that the picnic tables painted by the schools will be available in a silent auction near the circus at the Carnation Festival.

Larry Mathews reported on the unseen efforts of the Police Department working with all the schools on traffic congestion, and praised them for their work.

Zach Urban encouraged folks to come to National Night Out tomorrow night at Hayward Park in front of City Hall. From 4-8pm there will be a variety of event for all ages.

Mayor Jay reminded the Council they are invited to the Mayor's Reception for the Carnation Festival next Thursday at Anderson Pool at 6pm.

ADJOURNMENT

The Study Session adjourned at 8:21 pm.

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL

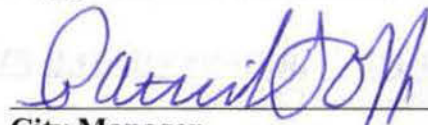
George Pond, Mayor Pro Tem

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO APPROVE PAYMENT TO INSIGHT PUBLIC
SECTOR IN THE AMOUNT OF \$76,958.42 FOR THE
ANNUAL RENEWAL OF THE MICROSOFT ENTERPRISE
AGREEMENT**

- ☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO
Administrative Services Director
City Manager**ISSUE:**

This is a budgeted expense for the annual Microsoft Enterprise Agreement for all Microsoft licenses in the City for the support and maintenance of the software. The annual renewal of licensing and support will cost \$76,958.42 which was approved in the 2016 Information Technology Budget.

PRIOR ACTION:

The previous Microsoft Enterprise Agreements were approved by Council in 2005 and 2010 for five-year terms. City Council approved another five-year term in 2015 to Insight Public Sector, Inc. Funds for this renewal were approved by Council in the 2016 budget.

FINANCIAL IMPACT:

Staff recommends awarding the renewal purchase of the Microsoft Software Licensing Enterprise Agreement to Insight, Inc. in the total amount of \$76,958.42.

BACKGROUND:

This is the eleventh year the City has participated in the Microsoft Enterprise Agreement (EA) program. Prior to 2005, software licensing control and purchases were decentralized; non-standardized and recordkeeping was sporadic and incomplete. In 2005, the City decided to

centrally manage all software through the IT division, become properly licensed and comply with the rules and regulations in the Microsoft Enterprise Agreement.

As a result, the City has been compliant with Microsoft's licensing rules and regulations as of 2005. As part of the Agreement the City is entitled to access the most recent versions of Exchange, Windows, Office and other Microsoft software, and a set amount of professional planning and training vouchers will be provided.

RECOMMENDATIONS:

Staff recommends approval of the annual renewal for the Microsoft Enterprise Agreement.

RECOMMENDED MOTION:

"I move to approve payment to Insight Public Sector in the amount of \$76,958.42 for the annual renewal of the Microsoft Enterprise Agreement."

Or,

"I move to deny payment to Insight Public Sector in the amount of \$76,958.42 for the annual renewal of the Microsoft Enterprise Agreement."

REPORT PREPARED/REVIEWED BY:

Michael Steinke, IT Manager
Heather Geyer, Administrative Services Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Insight Microsoft Quote # 218173074

SOLD-TO PARTY 10390055

CITY OF WHEAT RIDGE
7500 W 29TH AVE 1ST FLOOR
WHEAT RIDGE CO 80033

SHIP-TO PARTY

CITY OF WHEAT RIDGE
7500 W 29TH AVE 1ST FLOOR
WHEAT RIDGE CO 80033

We deliver according to the following terms:

Payment Terms : Credit Card
Ship Via : Electronic Delivery
Terms of Delivery : FOB ORIGIN
Currency : USD

Quotation

Quotation Number : 218173074
Document Date : 18-AUG-2016
PO Number :
PO Release :
Sales Rep : Mark Pitts
Email : MARK.PITTS@INSIGHT.COM
Telephone : 4803333000
Sales Rep 2 : Tone Tuskan
Email : TONE.TUSKAN@INSIGHT.COM
Telephone : 8002692523

Material	Material Description	Quantity	Unit Price	Extended Price
228-04433-ESA3	Microsoft SQL Server Standard Edition - Software assurance - 1 server - additional product - Enterprise, Select, Select Plus - Win - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	2	146.29	292.58
269-12442-ESA3	Microsoft Office Professional Plus - Software assurance - 1 PC - Enterprise - Win - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	350	86.78	30,373.00
359-00792-ESA3	Microsoft SQL Server - Software assurance - 1 CAL - Enterprise, Select, Select Plus - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	40	34.06	1,362.40
395-02504-ESA3	Microsoft Exchange Server Enterprise Edition - Software assurance - 1 server - Enterprise, Select, Select Plus - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	1	660.66	660.66

Material	Material Description	Quantity	Unit Price	Extended Price
CX2-00093-ESA3	Windows Enterprise for SA - W/ Microsoft Desktop Optimization Pack - software assurance - 1 PC - Platform - Enterprise - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	350	38.30	13,405.00
D87-01159-ESA3	Microsoft Visio Professional - Software assurance - 1 user - academic - Enterprise, Select, Select Plus - Win - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	5	91.14	455.70
H30-00238-ESA3	Microsoft Project Professional - Software assurance - 1 PC - Enterprise, Select, Select Plus - Win - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	5	177.56	887.80
P71-07282-ESA3	Microsoft Windows Server Datacenter Edition - Software assurance - 2 processors - Select, Select Plus - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	7	1,004.14	7,028.98
P73-05898-ESA3	Microsoft Windows Server Standard Edition - Software assurance - 2 processors - Enterprise, Select, Select Plus - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	30	143.86	4,315.80
PGI-00268-ESA3	Microsoft Exchange Server Enterprise CAL - License & software assurance - 1 user CAL - academic - Enterprise, Select, Select Plus - with services - Win - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	100	25.99	2,599.00

Material	Material Description	Quantity	Unit Price	Extended Price
PGI-00270-ESA3	Microsoft Exchange Server Enterprise CAL - Software assurance - 1 user CAL - EDU - Enterprise, Select, Select Plus - with services - Win - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	125	19.76	2,470.00
W06-01072-ESA3	Microsoft Core CAL - Software assurance - 1 user CAL - Platform - Enterprise - All Languages Coverage Dates: 01-OCT-2016 - 30-SEP-2017 STATE OF COLORADO NASPO VALUEPOINT SOFTWARE VAR CONTRACT(# ADSP011-00000358-2 / 20556YYY11M/WSCA) LICENSE : 6808514 AUTHORIZATION N ANNUAL BILLING 2 OF 5 DUE 10/1 DEPLOY DATE : 01-OCT-2016	350	37.45	13,107.50
Product Subtotal				76,958.42
TAX				0.00
Total				76,958.42

Lease & Financing options available from Insight Global Finance for your equipment & software acquisitions. Contact your Insight account executive for a quote.

Thank you for considering Insight. Please contact us with any questions or for additional information about Insight's complete IT solution offering.

Sincerely,

Mark Pitts
4803333000
MARK.PITTS@INSIGHT.COM

Tone Tuskan
8002692523
TONE.TUSKAN@INSIGHT.COM
Fax 8664330064

Insight Global Finance has a wide variety of flexible financing options and technology refresh solutions. Contact your Insight representative for an innovative approach to maximizing your technology and developing a strategy to manage your financial options.

This purchase is subject to Insight's online Terms of Sale unless you have a separate purchase agreement signed by both your company and Insight, in which case, that separate agreement will govern. Insight's online Terms of Sale can be found at: https://www.ips.insight.com/en_US/help/product-returns-terms-and-conditions.html

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO AWARD A CONTRACT TO AMERICAN FACILITY SERVICES GROUP, LAKEWOOD, CO., IN AN ANNUAL AMOUNT OF \$88,524.57 FOR PROFESSIONAL CLEANING SERVICES**

- ☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO
Parks and Recreation Director
City Manager**ISSUE:**

The Parks and Recreation Department, Facilities Division, is requesting award of RFP-16-07, Professional Cleaning Services for one year beginning 11/1/16, and allowing staff the option to administratively renew up to four additional one-year terms, subject to the approved annual budget and satisfactory vendor performance of these services. These cleaning services were last bid with optional term extensions in 2010. Professional cleaning services are needed in order to provide for the ongoing maintenance and sanitary conditions of City facilities. Based on bid requirements, experience and cost, staff recommends one award to American Facility Services Group of Lakewood, CO.

PRIOR ACTION:

Council approved two contract awards on November 8, 2010. Both custodial contracts expired this year and both vendors are currently working on a month-to-month basis.

FINANCIAL IMPACT:

Funding for these services is budgeted within the different departments each year and is not encumbered on a single purchase order. Invoices are approved monthly.

BACKGROUND:

On July 28, 2016, eight proposals were received for the Professional Cleaning Services project solicitation RFP-16-07. Bidders were given the option to bid on one group, or both, following a

mandatory site visit at each building. The scope of work for Group 1 includes seven-day cleaning of the Recreation Center locker rooms, seasonal cleaning of the Anderson pool locker room, cleaning of the Richard-Hart Estate on a per event basis; and Group 2 includes five and seven-day cleaning schedules for remaining citywide office buildings, including the Municipal Building, Active Adult Center, Parks, Forestry and Open Space offices, Parks Shops and Public Works Shops.

Proposals were evaluated and a short list of vendors was identified. Following that, interviews were conducted with three firms. The number one ranked firm, based on consideration of services and proposed pricing for Groups 1 and 2 separately, and together, is American Facility Services Group, Lakewood CO. The annual Group 1 fee proposed for the Recreation Center is \$26,807.04, Anderson Pool seasonal cleaning is \$6,356.32, and Richard-Hart Estate is \$32 per event (25 events), for a total of \$33,963.52; the total cost for Group 2, inclusive of the remaining facilities, is \$55,456.10, for a combined annual amount of \$89,418.76 (adjusted to the stated unit prices) and exercising the vendor's offer to apply a 1% discount for award of both Group 1 and Group 2, bringing the total award to \$88,524.57.

RECOMMENDATIONS:

Staff recommends approval of this award for both Group 1 and Group 2 professional cleaning services to one firm, American Facility Services Group of Lakewood, CO.

RECOMMENDED MOTION:

"I move to award RFP-16-07 Professional Cleaning Services to American Facility Services Group, Lakewood, CO, for the annual amount of \$88,524.57 for a one-year period with the option of automatic one-year renewals up to four years, based on performance, scope of work, approved budget and pricing."

Or,

"I move to deny the award RFP-16-07 Professional Cleaning Services to American Facility Services Group, Lakewood, CO, for the annual amount of \$88,524.57 for a one-year period with the option of automatic one year renewals up to four years based on performance, scope of work, approved budget and pricing for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Julie Brisson, Recreation and Facilities Manager
Joyce Manwaring, Parks and Recreation Director
Jennifer Nellis, Purchasing and Contracting Agent
Patrick Goff, City Manager

ATTACHMENTS:

1. American Facilities Services Group Fee Schedule (corrected)

ATTACHMENT B
RFP-16-07 Professional Cleaning Services - Fee Schedule

Line #	GROUP #	Location	Description	Quantity	UOM	\$ / UOM	Est x/year	\$ / year total
1	ONE	Recreation Center 4005 Kipling St.	Labor & Equipment 1st level only	1	Week	\$ 515.52	52	\$ 26,807.23
Specs for Line 1		Locker rooms, steam room and sauna. Monday - Sunday (7 days) between 10 PM and 3 AM						
2	ONE	Anderson Building 4355 Field St.	Labor & Equipment Seasonal	1	Week	\$ 397.27	- 16	\$ 6,356.29
Specs for Line 2		Locker rooms and lobby. Memorial Day thru Mid-August. Monday - Sunday (7 days) between 8 PM and 6 AM						
3	ONE	Richards-Hart Estate 5349 West 27th Ave.	Labor & Equipment Yearly Average 15-25	1	Occasion	\$ 32 ⁰⁰	As Needed - 25	- 800 ⁰⁰
Specs for Line 3		Restrooms, common areas and kitchen. Cleaning based on facility rental days/times. (entrance off 28th & Benton)						
		GROUP ONE TOTAL					\$	33,963.52

Attachment 1

ATTACHMENT B continued
RFP-16-07 Professional Cleaning Services - Fee Schedule

Line #	GROUP #	Location	Description	Quantity	UOM	\$ / UOM	Est x/year	\$ / year total
4a	TWO	City Municipal Building 7500 West 29th Ave.	Labor & Equipment West side (2 floors) + Court/ Chambers	1	Week	\$ 282.59	52	\$ 14,694.68
	Specs for 4a	Lobby, hall, restrooms, offices, conference rooms, breakrooms and court room, waiting area, offices and Council Chambers. Monday - After 10 PM - 4 AM. Tuesday -						
4b			Labor, Equipment & Supplies	1	Occasion	\$ 250 ⁰⁰	2	\$ 500.00
	Specs for 4b	Semi-Annual strip and wax breakroom and mailroom floors.						
5a	TWO	City Municipal Building - PD 7500 West 29th Ave.	Labor & Equipment East side (2 floors) + locker room	1	Week	\$ 310.58	52	\$ 16,150.16
	Specs for 5a	Police Department holding cells, entrance, lobby & halls, restrooms, locker room, offices, conference room, kitchen / break rooms. Monday - Sunday (7 days) between 4:30 PM - 4 AM. Work shall be started in the Police Records Department by 4:30 PM and completed by 5 PM except on						
5b			Labor, Equipment & Supplies	1	Occasion	\$ 150.00	2	\$ 300.00
	Specs for 5b	Semi-Annual strip and wax break room floors (2)						
6a	TWO	Active Adult Center 6363 West 35th Ave.	Labor & Equipment	1	Week	\$ 177.83	52	\$ 9,247.16
	Specs for 6a	Common areas (lobby and hallways), kitchen, restrooms, Prospect Hall, offices, Arts & Crafts room, Ketner room, Aspen room and computer lab. Monday - Sunday (7 days) between 10 PM and 6 AM.						
6b			Labor & Equipment	1	Occasion	\$ 100	12	\$ 1,200
	Specs for 6b	Monthly floor cleaning (restrooms and Prospect Hall)						

ATTACHMENT B continued
RFP-16-07 Professional Cleaning Services - Fee Schedule

7a	TWO	Parks, Forestry Offices 9110 West 44th Ave.	Labor & Equipment	1 Week	\$ 95.20	52	\$ 4950.40
Specs for 7a		Common areas (including hallways, kitchen, training room and conference room), restrooms, offices. Monday - Friday					
7b			Labor, Equipment & Supplies	1 Occasion	\$ 75.00	2	\$ 150.00
Specs for 7b		Semi-Annual strip and wax vinyl/ceramic tiles floors in restrooms and all common areas.					
8a	TWO	Parks - SHOP 4350 Garrison St.	Labor & Equipment	1 Week	\$ 76.05	52	\$ 3954.60
Specs for 8a		Common areas, restrooms and offices. Monday - Friday (5 days) between 3 PM and 6:30 AM.					
8b			Labor & Equipment	1 Occasion	\$ 50.00	2	\$ 100.00
Specs for 8b		Semi-Annual strip and wax vinyl/ceramic tile floors in restrooms and all common areas.					
9a	TWO	Public Works - SHOPS 11220 West 45th Ave.	Labor & Equipment	1 Week	\$ 59.70	52	\$ 3104.40
Specs for 9a		Offices, work rooms, restrooms, locker room and lunch room. Monday - Friday (5 days) between 4 PM and 6 AM.					
9b		Offices/Work Rooms	Labor, Equipment & Supplies	1 Occasion	\$ 30.00	2	\$ 60.00
9c		Restrooms/Locker Room	Labor, Equipment & Supplies	1 Occasion	\$ 30.00	2	\$ 60.00
9d		Lunch Room	Labor, Equipment & Supplies	1 Occasion	\$ 50.00	2	\$ 100.00
Specs for 9b/c/d		Semi-Annual strip and wax vinyl and ceramic tile floors					
9e		Bay Restroom	Labor & Equipment	1 Week	\$ 17.00	52	\$ 884.00
Specs for 9e		Bay restroom cleaning daily Monday - Friday (5 days) between 4 PM and 6 AM.					
GROUP TWO TOTAL							
\$ 55,455.40							

ATTACHMENT B continued
RFP-16-07 Professional Cleaning Services - Fee Schedule

Total Yearly Fees, as proposed \$ 89,419.62 written EIGHTY NINETEEN THOUSAND FOUR HUNDRED NINETEEN Dollars and
SIXTY TWO Cents

89,418.76
corrected

Additional floor cleanings may be requested in any location, and will be paid at the per occasion price quoted above.

Standard Rates / Hourly for Additional Services

Managers	\$	<u>19.00</u>	/HR
Cleaning Staff	\$	<u>16.00</u>	/HR
Supervisory Staff	\$	<u>17.00</u>	/HR

Value Added Options/Prices:

Other labor (specify)

Inspection schedule/process



Value Added Options

American Facility Services Group also offers carpet cleaning, window cleaning, fire and water remediation. We also partner with a company that offers mold and asbestos remediation.

We use **CleanTelligent** software for inspection processes as well as **JaniTime** for scheduling and payroll processes.

If the City of Wheat Ridge chooses **American Facility Services Group** for Group 1 and Group 2, we will offer a 1.00% discount on overall pricing. This will bring the total price to **\$88,525.42**.

corrected:
89,418.76
- 894.19

\$88,524.57

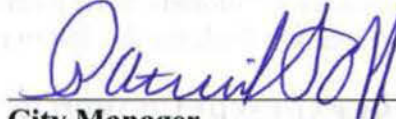
REQUEST FOR CITY COUNCIL ACTION

**TITLE: RESOLUTION NO. 41-2016 – A RESOLUTION
AUTHORIZING SUBMITTAL OF A 2017 APPLICATION
FOR A COLORADO STATE RECREATIONAL TRAILS
GRANT FOR THE RECONSTRUCTION OF CLEAR CREEK
TRAIL IN JOHNSON PARK**

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO*for* Parks and Recreation Director

City Manager

ISSUE:

The State of Colorado Non-Motorized Trails Grants Program awards funds for a variety of trail projects. Approval of this resolution supports a grant application for the reconstruction of Clear Creek Trail in Johnson Park. The resolution authorizes the Mayor to sign the contracts if the grant is awarded. As part of the requirements for the submittal of the grant application, an approved resolution is required by the Colorado Parks & Wildlife Department to show City Council support for the requested project.

PRIOR ACTION:

Clear Creek Trail reconstruction project in Johnson Park was budgeted in 2016. Due to the estimated cost of the project being higher than the budgeted amount, it has been rebudgeted in the 2017 Open Space budget. Delaying this project until 2017 allows both adequate funding and the City to apply for a State Trails grant.

FINANCIAL IMPACT:

The project is currently estimated to cost \$200,000. The grant match required is 50%. The grant application will be in the amount of \$125,000 with a city match of \$125,000 allowing for a project contingency and the possibility of any higher construction costs than estimated in 2017.

BACKGROUND:

The Clear Creek Trail in the area of Johnson Park does not currently meet ADA standards. The project will reduce the grade of the trail to meet ADA standards, as well as realign the trail by removing the right angle turn on the west end. The completion of this project will also allow maintenance vehicles to pass through this part of the trail with higher clearance tolerances.

RECOMMENDATIONS:

Staff recommends approval of the resolution. The alternative would be to not approve the resolution and therefore not apply for a State of Colorado Trails Grant. The Parks and Recreation Department would then need to fund the renovation entirely through the Open Space Fund reducing the amount of funds available for other needed park projects.

RECOMMENDED MOTION:

"I move to approve Resolution No. 41-2016, a resolution authorizing submittal of a 2017 application for a Colorado State Recreation Trails Grant for the reconstruction of Clear Creek Trail in Johnson Park.

Or,

"I move to deny the approval of Resolution No. 41-2016, a resolution authorizing submittal of a 2017 application for a Colorado State Recreation Trails Grant for the Reconstruction of Clear Creek Trail in Johnson Park for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Joyce Manwaring, Parks and Recreation Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 41-2016

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 41
Series of 2016

TITLE: A RESOLUTION AUTHORIZING SUBMITTAL OF A 2017 APPLICATION FOR A COLORADO STATE RECREATIONAL TRAILS GRANT FOR THE RECONSTRUCTION OF CLEAR CREEK TRAIL IN JOHNSON PARK

WHEREAS, the City Of Wheat Ridge supports the State Trails Grant Program, and grant application for the reconstruction of Clear Creek Trail in Johnson Park and if the grant is awarded, the City of Wheat Ridge supports the completion of the project; and

WHEREAS, the City of Wheat Ridge has requested \$125,000 from the State of Colorado Trails Grant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, that:

The City of Wheat Ridge strongly supports the grant application and has appropriated matching funds for a grant through the State of Colorado Trails Grant program; and

The City of Wheat Ridge will continue to maintain Clear Creek Trail in a high quality condition and will appropriate funds for maintenance in its annual operating budget; and

The City of Wheat Ridge is committed to providing ADA accessible trails; and

The City of Wheat Ridge has the ability to complete this project and has demonstrated this ability by constructing the "Clear Creek Trail Relocation Segment at 41 Avenue"

The City of Wheat Ridge hereby authorizes the Mayor to sign the grant agreement with the State of Colorado.

DONE AND RESOLVED this 26th day of September 2016.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

REQUEST FOR CITY COUNCIL ACTION

**TITLE: COUNCIL BILL NO. 22-2016 – AN ORDINANCE
REPEALING AND REENACTING SECTION 26-615 OF THE
WHEAT RIDGE CODE OF LAWS CONCERNING
COMMERCIAL MOBILE RADIO SERVICE AND ADDING
CONFORMING AMENDMENTS IN CONNECTION
HEREWITH (CASE NO. ZOA-16-04)**

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☒ ORDINANCES FOR 1ST READING (09/26/16)
☐ ORDINANCES FOR 2ND READING (10/10/16)

QUASI-JUDICIAL:

☐ YES☒ NO
Community Development Director
City Manager**ISSUE:**

This ordinance repeals and reenacts Section 26-615 regarding Commercial Mobile Radio Service (CMRS) regulations, more commonly referred to as cellular communication towers. These facilities are permitted throughout the City of Wheat Ridge, but the regulations have not been updated since 2001 and revisions are needed to align the code with current technology and FCC regulations.

PRIOR ACTION:

These regulations were last updated in a substantial manner in 1996 following the passage of the Telecommunications Act of 1996. Minor reference terminology updates have occurred since that time. City Council held a study session on this topic on November 23, 2015 and Planning Commission held a study session on June 2, 2016. Planning Commission considered this ordinance during a Public Hearing on September 15, 2016 and recommended approval. The staff report and minutes will be provided to the Council at the public hearing on October 10, 2016.

FINANCIAL IMPACT:

None

BACKGROUND:

The City's regulations currently contemplate three general categories of CMRS facilities: freestanding, roof-mounted, and building- or structure-mounted. The proposed ordinance includes updates to development standards, the review and approval process for applications, revisions related to recently adopted federal regulations, as well as other provisions commonly associated with CMRS regulations but previously excluded from the City's current ordinance. Due to the extent of the amendment, the code section is proposed to be repealed and reenacted. Below is a summary of the changes proposed for each code section.

Definitions

The proposed ordinance includes both updated and new definitions, and proposes to locate all CMRS related definitions within Section 26-615, rather than in Section 26-123. For ease of use, this will consolidate all content related to CMRS into one location in the municipal code.

Purpose and Intent

Currently, there is no Purpose and Intent section for the CRMS regulations, so this section is new. It reflects the City's desire to accommodate CMRS facilities, minimize visual impacts and encourage colocation.

Applicability

The City's code currently does not include an applicability section. This type of section is commonly included and provides information regarding which types of facilities and applications the section regulates. Staff recommends that Section 26-615 should apply to all new CMRS facility applications, and that existing approved facilities shall continue to meet provisions related to safety standards, abandonment, and other FCC and federal regulating authority requirements.

Review and Approval Process

Unlike most zoning code issues, federal law addresses local land use authority over wireless telecommunication facilities. The "Spectrum Act" is part of the Middle Class Tax Relief and Job Creation Act of 2012 (Section 6409(a)), and it requires changes to local governments' CMRS review and approval procedures. The ruling went into effect in April of 2015, and requires local governments to approve all applications within 60 days for any request that modifies an existing facility and does not "substantially change" the facility. As defined by the FCC, this includes applications for upgrading or swapping existing equipment, or for adding additional equipment.

The 60-day approval timeline that the City must meet under this regulation may not be possible based on the way applications have historically been processed. The proposed ordinance includes language that is consistent with the federal ruling and should result in compliance with required review and approval processes and timelines.

In addition, with the inclusion of clear and thorough development standards in the new ordinance, staff proposes allowing additional facility types to be processed through a building permit, rather than a Special Use Permit. The following table illustrates the review and approval process for each facility type.

CMRS Facility Type	Review and Approval Process
Freestanding, new	Special Use Permit
Freestanding, new within a planned development zone district	Must be shown on ODP, or an amended ODP. In some instances, it may be reviewed through a special use permit at the sole discretion of the Community Development Director
Freestanding, colocation with or without a substantial change	Building Permit
Building or structure-mounted, new or colocation with or without a substantial change	Building Permit
Roof-mounted, new or colocation with or without a substantial change	Building Permit

Standards for all CMRS Facilities

The code currently includes two development standards related to all facilities: that no facility shall exceed the height limit applicable in the underlying zone district and a regulation regarding what constitutes abandonment of a facility. Staff recommends the establishment of the following additional development standards related to all facilities:

- **Colocation:** The ordinance includes language encouraging, and in some cases requiring, colocation on existing facilities in an effort to minimize adverse visual impacts associated with the proliferation of towers. This is typical language in the codes of neighboring jurisdictions. The new regulation will require applicants to demonstrate that no existing facility can accommodate their needs, will prohibit existing facility owners from unreasonably excluding a telecommunication competitor from sharing facilities, and will ensure that new facilities are constructed in a manner that accommodates additional colocated equipment in the future.
- **Federal Requirements:** The ordinance includes provisions that all facilities shall meet current standards and regulations of the FCC, the FAA, and any other agency of the federal government with authority to regulate CMRS facilities.
- **Safety Standards:** The ordinance includes language requiring all facilities to conform to the requirements of the International Building Code, or National Electrical Code, as applicable. Building permits are required for all new installations of or modifications to CMRS facilities.
- **Residential Uses:** The ordinance includes clarifying language regarding CMRS facilities in residential areas. The following is proposed:
 - The City prohibits freestanding CMRS facilities in all residential districts.
 - The City prohibits all CMRS facilities on properties where the principal use is a single or two-family dwelling.
 - Building, structure or roof-mounted CMRS facilities may be located on a property containing a nonresidential or multi-family use in a residential zone district.

CMRS Facility Development Standards

The following tables compare the development standards in the City's current code with those in the proposed ordinance. These regulations are found in subsections E, F, G, and H of the ordinance.

Freestanding		
Development Standard	Current Standard	Proposed Standard
Screening; Base	Necessary when adjacent to residential development and public ROW	Same as current
Setbacks	--	Consistent with Accessory Uses in the underlying zone district
Height	Not to exceed maximum height in underlying zone district	Not to exceed permitted height for a principal use
Location on Property	--	Shall not be permitted between the principal structure and the street

Roof-Mounted		
Development Standards	Current Standard	Proposed Standard
Screening	Shall be screened by materials that are architecturally compatible with and colored to match the building or structure to which it is mounted	Same as current
Setback from roof edge	--	Shall be setback to the greatest extent possible so that it is not visible from the street or adjacent residential property
Height – Whip Antenna	No more than 10 feet above the parapet of any flat roof or ridge of a sloped roof to which they are attached	No more than 12 feet, as measured from the roof deck
Height – Panel Antenna	No more than 7 feet above any parapet of a flat roof, not permitted on a sloped roof	No more than 12 feet, as measured from the roof deck
Height – Accessory Equipment	No more than 7 feet above any parapet of a flat roof, not permitted on a sloped roof	No more than 12 feet, as measured from the roof deck, not permitted on a sloped roof

Building- or Structure Mounted		
Development Standards	Current Standard	Proposed Standard
Screening; Color and Texture	Shall be architecturally compatible with and textured and colored to match the building or structure to which they are attached	Same as current
Mounting	Not to exceed 2 feet from face	Shall be mounted as flush as possible, not to exceed 2 feet from face
Height – Whip Antenna	No more than 10 feet above the highest point of the building or structure to which they are attached	Same as current
Height – Panel Antenna	--	Shall not extend above the building wall or parapet to which they are attached

In addition to the three categories above, the ordinance includes an additional set of development standards related to accessory equipment that is placed on the ground or within a separate building on the site. Because accessory equipment can be associated with any type of CMRS facility (freestanding, roof-mounted, or building-mounted) these standards are proposed as a separate section in the ordinance.

Ground Mounted Accessory Equipment		
Development Standards	Current Standard	Proposed Standard
Setbacks	--	Consistent with Accessory Uses in the underlying zone district
Height	--	Shall not exceed 12 feet
Screening - Equipment	Shall be totally screened from view from adjacent property lines	Equipment not contained in a building shall be fully screened from adjacent residential properties and public ROW
Compatibility - Buildings	Shall be compatible with the existing character of the site and adjacent properties	Shall be architecturally compatible with existing structures on the property and character of the neighborhood

RECOMMENDED MOTION:

"I move to approve Council Bill No. 22-2016, an ordinance repealing and reenacting section 26-615 of the Wheat Ridge Code of Laws concerning commercial mobile radio service and adding conforming amendments in connection herewith on first reading, order it published, public hearing set for Monday, October 10, 2016 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication."

Or,

"I move to postpone indefinitely Council Bill No. 22-2016, an ordinance repealing and reenacting section 26-615 of the Wheat Ridge Code of Laws concerning commercial mobile radio service and adding conforming amendments in connection herewith, for the following reason(s)_____."

REPORT PREPARED/REVIEWED BY:

Lisa Ritchie, Planner II
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 22-2016

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 22
ORDINANCE NO. _____
Series 2016

TITLE: AN ORDINANCE REPEALING AND REENACTING SECTION 26-615 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING COMMERCIAL MOBILE RADIO SERVICE AND ADDING CONFORMING AMENDMENTS IN CONNECTION THEREWITH

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the City Council is authorized by the Constitution, the Home Rule Charter and CRS 31-23-101 *et seq.* to regulate land use and development within the City; and

WHEREAS, in the exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the "Code") pertaining to zoning, land use, and development; and

WHEREAS, in the exercise of this authority the Council has previously adopted Section 26-215 of the Wheat Ridge Code of Laws concerning commercial mobile radio service; and

WHEREAS, the Council wishes to repeal and reenact Section 26-615 to better regulate these services, and to make conforming amendments in connection therewith;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 26-615 of the Code, concerning commercial mobile radio service facilities, is hereby repealed and reenacted in its entirety to read as follows:

Sec. 26-615. – Commercial mobile radio service (CMRS) facilities.

A. *Purpose and intent.* The purpose and intent of this section 26-615 is to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community. These regulations are necessary in order to:

1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the city.
2. Minimize adverse impacts of facilities through careful design, siting and screening standards.
3. Encourage and maximize colocation and the use of existing and approved towers, buildings, and other structures to accommodate new wireless

- telecommunication antennas in order to reduce the number of towers needed to serve the community.
4. Provide specific regulations related to the review processes for CMRS facilities.
 5. Align the review and approval process for CMRS facilities with the FCC and any other agency of the federal government with the authority to regulate CMRS facilities.
- B. *Applicability.* The standards contained in this section shall apply to all applications for any CMRS facility. The applicant shall demonstrate in writing that its proposed CMRS facility meets all applicable standards and provisions of the code. Pre-existing CMRS facilities shall not be required to meet the requirements of this section, other than the requirements of subsection E. Changes and additions to pre-existing CMRS facilities must meet the applicable requirements of this section.
- C. *Review and approval process.* Proposed CMRS facilities shall be reviewed pursuant to the following procedures depending upon the facility type and/or proposed change:
1. Review procedure
 - a. Building- or structure-mounted facilities in all zone districts shall be reviewed by the community development department through a building permit application for compliance with the requirements for such facilities.
 - b. Roof-mounted facilities in all zone districts shall be reviewed by the community development department through a building permit application for compliance with the requirements for such facilities.
 - c. New freestanding CMRS facilities must receive a special use permit, pursuant to sections 26-114, 26-204 and 26-1111.
 - d. New freestanding CMRS facilities in all planned development zone districts (including planned residential districts) unless specifically listed or shown as such in the outline development plan, also require amendment of the outline development plan pursuant to Article III. At the sole discretion of the community development director, new freestanding CMRS facilities may be reviewed as a special use pursuant to sections 26-114, 26-204 and 26-309.
 - e. Applications for colocation on any existing facility shall be reviewed by the community development department through a building permit application for compliance with the requirements for such facilities.
 2. Approval process
 - a. The city shall review and act upon the application within the following time periods:
 - i. Within 30 days the city will give written notice of incompleteness if so determined, specifying the code section(s) that requires such missing information. This determination pauses the remaining deadlines until a complete application is filed.

- ii. Within 60 days the city will act on applications that are not a substantial change.
 - iii. Within 90 days the city will act on colocation applications that are not a substantial increase in the size of a tower.
 - iv. Within 150 days the city will act on applications for new CMRS facilities, colocation applications that are a substantial increase in the size of the tower or substantial increase of an existing CMRS facility.
- b. The final action of the city on any CMRS application shall be in writing and shall advise the applicant of the reasons for approval, approval with conditions, or denial.

D. *Standards for all CMRS facilities.* The following are standards for all CMRS facilities.

1. Colocation. The shared use of existing freestanding or roof-mounted CMRS facilities shall be preferred to the construction of new facilities in order to minimize adverse visual impacts associated with the proliferation of towers.
 - a. No CMRS application to construct a new freestanding or roof-mounted CMRS facility shall be approved unless the applicant demonstrates to the reasonable satisfaction of the city that no existing CMRS facility within a reasonable distance, regardless of municipal boundaries, can accommodate the applicant's needs. Evidence submitted to demonstrate that no existing facility can accommodate the applicant's proposed CMRS facility shall consist of one or more of the following:
 - i. No existing CMRS facilities are located within the geographic area required to meet the applicant's coverage demands.
 - ii. Existing CMRS facilities or structures are not of sufficient height to meet the applicant's coverage demands and cannot be extended to such height.
 - iii. Existing CMRS facilities or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - iv. Existing CMRS facilities or structures do not have adequate space on which proposed equipment can be placed so it can function effectively and reasonably.
 - v. The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing CMRS facility, or the antennas on the existing facility would cause interference with the applicant's proposed antenna.
 - vi. The applicant demonstrates that there are other compelling limiting factors, including but not limited to economic factors, that render CMRS facilities or structures unsuitable.
 - b. No CMRS facility owner or operator shall unreasonably exclude a telecommunication competitor from using the same facility or location. Upon request by the city, the owner or operator shall provide evidence

- and a written statement to explain why colocation is not possible at a particular facility or site.
- c. If a telecommunication competitor attempts to collocate a CMRS facility on an existing or approved CMRS facility or location, and the parties cannot reach an agreement, the city may require a third-party technical study to be completed at the applicant's expense to determine the feasibility of colocation.
 - d. Applications for new freestanding CMRS facilities shall provide evidence that the facility can accommodate colocation of additional carriers.
2. Federal requirements. All CMRS facilities shall meet the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate CMRS facilities. Failure to meet such revised standards and regulations shall constitute grounds for revocation of city approvals and removal of the facility at the owner's expense.
 3. Safety standards. All CMRS facilities shall conform to the requirements of the international building code, and national electrical code, as applicable.
 4. Abandonment. CMRS facilities which are abandoned by nonuse, disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the CMRS facility owner. Should the owner fail to remove the facilities, the city may do so at its option, and the costs thereof shall be a charge against the owner and recovered by certification of the same to the county treasurer for collection as taxes in the manner provided by code section 2-93, or by any other means available under article x of chapter 26.
 5. Third party review.
 - a. CMRS providers use various methodologies and analysis tools, including geographically based computer software, to determine the specific technical parameters of CMRS facilities, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances there may be a need for expert review by a third party of the technical data submitted by the CMRS provider. The city may require such a technical review to be paid for by the applicant for a CMRS facility. The selection of the third party expert may be by mutual agreement between the applicant and the city or at the discretion of the city, with a provision for the applicant and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to be a site-specific review of technical aspects of the CMRS facilities and not a subjective review of the site selection. The expert review of the technical submission shall address the following:
 - i. The accuracy and completeness of the submission;
 - ii. The applicability of analysis techniques and methodologies;
 - iii. The validity of conclusions reached;

- iv. Any specific technical issues designated by the city.
 - b. Based on the results of the third party review, the city may require changes to the application for the CMRS facility that comply with the recommendation of the expert.
 - 6. Signal interference. All CMRS facilities shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone and other telecommunication services utilized by adjacent properties; nor shall any such facilities interfere with any public safety telecommunications. The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the city to monitor interference levels with public safety communications during this process. Additionally, the applicant shall notify the city at least ten (10) calendar days prior to the introduction of new service or changes in existing service, and shall allow the city to monitor interference levels with public safety communications during the testing process.
 - 7. All CMRS facilities are accessory uses to the structure upon which they are placed or to the primary use of the property on which they are constructed. No CMRS facility shall be located on a vacant lot devoid of any primary or main building.
 - 8. Siting of CMRS facilities in residential areas. The city encourages the siting of CMRS facilities in nonresidential areas.
 - a. The city prohibits freestanding CMRS facilities in the following zone districts:
 - i. Residential-One (R-1),
 - ii. Residential-One A (R-1A),
 - iii. Residential-One B (R-1B),
 - iv. Residential-One C (R-1C),
 - v. Residential-Two (R-2),
 - vi. Residential-Two A (R-2A),
 - vii. Residential-Three (R-3),
 - viii. Residential-Three A (R-3A),
 - ix. Agricultural-One (A-1),
 - x. Agricultural-Two (A-2), and
 - xi. Mixed Use-Neighborhood (MU-N) zone districts.
 - b. The city prohibits all CMRS facilities on properties where the principal use is a single or two-family dwelling.
 - c. Building, structure or roof-mounted CMRS facilities may be located on a property containing a nonresidential or multi-family use, regardless of underlying zoning.
- E. *Standards for freestanding CMRS facilities.* Freestanding CMRS facilities are subject to the following requirements and shall be evaluated as a special use.
- 1. Freestanding CMRS facilities shall be visually screened from adjacent residential development and public rights-of-way.

2. Freestanding CMRS facilities shall be permitted only as an accessory use, and are subject to accessory use setback development standards in the applicable zone district.
 3. Freestanding CMRS facilities shall not exceed the permitted height for the principal use on the subject property.
 4. Freestanding CMRS facilities shall not be permitted between the principal structure and the street.
- F. *Standards for building or structure-mounted CMRS facilities.* Building or structure-mounted CMRS facilities are subject to the following requirements and shall be evaluated as part of the community development department's review process.
1. Such facilities shall be architecturally compatible with and textured and colored to match the building or structure to which they are attached.
 2. The antenna shall be mounted as flush to the wall as technically possible. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.
 3. Panel antennae shall not extend above the building wall or parapet to which they are mounted.
 4. Whip antennae shall extend no more than ten (10) feet above the highest point of the building or structure to which they are attached.
- G. *Standards for roof-mounted CMRS facilities.* Roof-mounted CMRS facilities are subject to the following requirements and shall be evaluated as part of community development department's review process.
1. All roof-mounted CMRS facilities and accessory equipment shall be set back from the roof or parapet edge so that visibility from the street or adjacent residential properties is minimized to the greatest extent possible.
 2. If roof-mounted equipment is visible from the street or adjacent residential properties, CMRS facilities and accessory equipment shall be screened by materials that are architecturally compatible with and colored to match the building or structure to which they are attached.
 3. No roof-mounted facility, including antenna or accessory equipment, shall exceed twelve (12) feet in height, as measured from the roof deck.
 4. Roof-mounted accessory equipment shall not be permitted on a sloped roof, unless it can be demonstrated that it is not visible from the street or adjacent residential areas.
- H. *Standards for ground-mounted accessory equipment.* Ground-mounted accessory equipment that is associated with a freestanding, roof-mounted or building-mounted CMRS facility are subject to the following requirements and shall be evaluated with the associated CMRS facility application.
1. Ground-mounted accessory equipment shall be subject to the accessory structure setback requirements in the underlying zone district.
 2. Ground-mounted accessory equipment or buildings containing accessory equipment shall not exceed 12 feet in height.

3. Ground-mounted accessory equipment not fully enclosed in a building shall be fully screened from adjacent residential properties and public rights-of-way.
4. Buildings containing ground-mounted accessory equipment shall be architecturally compatible with the existing structures on the property and character of the neighborhood.

I. *Definitions.*

1. *Eligible telecommunications facilities request.* Any request for modification of an existing tower or support structure that involves the colocation of new transmission equipment, the removal of transmission equipment or the replacement of transmission equipment.
2. *Tower.* Any freestanding structure designed and constructed primarily for the purpose of supporting one (1) or more Federal Communications Commission-licensed or authorized antennae, including self-supporting lattice towers, guy towers and monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and other similar structures. The term also includes any antenna or antenna array attached to the tower structure.
3. *Substantially Change.* A modification which substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria, including a single change or a series of changes over time whether made by a single owner or operator or different owners/operators over time, when viewed against the initial approval for the support structure. The following are considered substantial changes:
 - a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
 - b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets

- associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site or make the support structure more visible;
 - e. It would defeat the concealment elements of the eligible support structure; or
 - f. It does not comply with conditions associated with the original siting approval for the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs a through e of this definition.

Section 2. The following definitions are hereby deleted from Section 26-123 and inserted within Section 26-615 under a new paragraph I:

Building or structure-mounted commercial mobile radio service facility. A CMRS facility in which antenna are mounted to an existing structure (e.g., water tower, light pole, steeple, etc.) or building face.

Commercial mobile radio service (CMRS) accessory building or cabinet. An unmanned building or cabinet used to house equipment associated with a CMRS facility.

Commercial mobile radio service (CMRS) site. An unmanned facility consisting of equipment for the reception, switching and transmission of wireless telecommunications, including, but not limited to, personal communications service (PCS), enhanced specialized mobile radio (ESMR), paging, cellular telephone and similar technologies.

Freestanding commercial mobile radio service (CMRS) facility. A CMRS facility that consists of a stand-alone support facility (monopole and/or lattice structure), antenna, associated equipment, accessory buildings and equipment cabinets.

Roof-mounted commercial mobile radio service (CMRS) facility. A CMRS facility in which antenna are mounted on an existing building roof.

Section 3. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this 26th day of September, 2016, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for **October 10, 2016 at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this ____ day of _____, 2016.

SIGNED by the Mayor on this ____ day of _____, 2016.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 23-2016 – AN ORDINANCE AMENDING SECTION 26-711 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING BILLBOARDS, TO ESTABLISH A BILLBOARD VACANCY PROCESS (CASE NO. ZOA-16-05)

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☒ ORDINANCES FOR 1ST READING (09/26/16)
☐ ORDINANCES FOR 2ND READING (10/10/16)

QUASI-JUDICIAL:

☐ YES☒ NO
Community Development Director
City Manager**ISSUE:**

The City's billboard regulations are located in Article VII of Chapter 26 in the City Code, specifically in Sec. 26-711 (Billboards; specifications and regulations). Per Section 26-711.C, only 16 billboards are permitted within the City of Wheat Ridge. The enclosed ordinance codifies an existing administrative policy that outlines the process for declaring, advertising, and filling a billboard vacancy.

PRIOR ACTION:

Current billboard regulations were adopted in 1991. In November 2005, in anticipation of a billboard vacancy occurring in December 2005, City staff worked with the City Attorney to draft a policy memorandum establishing protocol for processing billboard applications when the number in existence drops below the maximum of 16.

A lottery was conducted in December 2005 and a billboard permit was awarded to construct a new billboard. Ultimately, the City was sued by a billboard sign company over the manner in which the lottery was conducted. Generally, the courts upheld the policies and procedures established in the October 17, 2005 memorandum, with some minor exceptions.

Modifications to Chapter 26-711 were considered by City Council in 2008, which, among other things, would have codified a procedure for handling billboard vacancies. That ordinance was not adopted by City Council and no changes were made to the 2005 policy.

More recently, staff proposed changes to the billboard vacancy policy which were discussed with City Council on June 1, 2015 and a new administrative policy was adopted at that time. Comments from billboard companies were received at that time and were generally supportive. The adopted approach put the City in a less reactionary mode, and created a process that is reasonable, systematic and fair for all parties – property owners, sign companies and staff.

On June 1, 2015, City Council held a study session to discuss revising the adopted billboard vacancy policy. At that time, City Council supported implementation of an amended administrative policy to handle billboard vacancies. City Council further directed staff to prepare an ordinance to codify the policy. Due to other priorities and work efforts, staff did not complete the ordinance at that time. On August 1, 2016, a study session was held with City Council to confirm their intent to codify the billboard vacancy policy and hold off on any further sign code amendments for the time being.

Planning Commission considered this ordinance during a public hearing on September 15, 2016 and recommended approval. The staff report and minutes will be provided to Council for the public hearing on October 10, 2016.

FINANCIAL IMPACT:

None

BACKGROUND:

In summary, the proposed ordinance codifies the policy that staff adopted with City Council support in 2015, and includes provisions for the following:

1. A billboard would be considered abandoned under the following circumstances:
 - a. Billboard removed without first securing a building permit for its removal
 - b. Temporary removal exceeds 180 days (temporary removals would be permitted to allow for upgrades to occur to existing billboards, provided prior City approval is received)
 - c. Property owner notifies the Community Development Department of its intent to abandon a billboard structure
 - d. Failure to notify the Department of an intent to temporarily remove a billboard structure
2. Once a billboard is abandoned, leaving fewer than the maximum of 16 allowable billboards, a vacancy would occur.
3. The City would be the sole entity allowed to determine that a vacancy has occurred.
4. Having made a determination that a vacancy exists, the City would provide a 30-day notice and posting period for preliminary applications to be submitted.
5. In the event more than one application is received, a random drawing would occur and the selected applicant would be given 180 days to file a complete building permit application.

6. If the selected applicant fails to perfect a building permit application within the permitted time, the City would declare the vacancy open and again invite preliminary applications.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 23-2016, an ordinance amending Section 26-711 of the Wheat Ridge Code of Laws, concerning billboards, to establish a billboard vacancy process on first reading, order it published, public hearing set for Monday, October 10, 2016 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication.”

Or,

“I move to postpone indefinitely Council Bill No. 23-2016, an ordinance amending Section 26-711 of the Wheat Ridge Code of Laws, concerning billboards, to establish a billboard vacancy process, for the following reason(s)_____.”

REPORT PREPARED/REVIEWED BY:

Lisa Ritchie, Planner II
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 23-2016

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
Council Bill No. 23
Ordinance No. _____
Series 2016

**TITLE: AN ORDINANCE AMENDING SECTION 26-711 OF THE WHEAT
 RIDGE CODE OF LAWS, CONCERNING BILLBOARDS, TO
 ESTABLISH A BILLBOARD VACANCY PROCESS**

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and planning; and

WHEREAS, pursuant to this authority, the Wheat Ridge City Council ("Council") previously adopted local land use regulations, codified as Chapter 26 of the Wheat Ridge Code of Laws ("Code"); and

WHEREAS, Code Section 26-711 regulates the location and features of billboards within the City; and

WHEREAS, said Section 26-711 imposes a limitation on the maximum number of billboards that may be located in the City, but fails to specify how the City will administer billboard vacancies as they come available; and

WHEREAS, the Council finds and determines that it is necessary and desirable to amend Code Section 26-711 to include a process by which the City will administer billboard vacancies in a manner that is reasonable, equitable and consistent, as further set forth herein.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF WHEAT RIDGE, COLORADO, THAT:**

Section 1. Section 26-711 of the Code, concerning billboard specifications and regulations, is hereby amended by the addition of a new subsection D., to read in its entirety as follows:

D. PROCESSING OF BILLBOARD VACANCIES.

**1. AN EXISTING BILLBOARD WILL BE CONSIDERED
ABANDONED, CREATING A BILLBOARD VACANCY, UNDER THE
FOLLOWING CIRCUMSTANCES:**

- a. THE OWNER OF THE BILLBOARD OR THE PROPERTY UPON
 WHICH IT IS LOCATED FILES WRITTEN NOTICE OF ITS
 INTENT TO ABANDON THE BILLBOARD WITH THE DIRECTOR**

OF COMMUNITY DEVELOPMENT. IN THIS EVENT, THE CITY MAY BEGIN TO PROCESS THE PENDING VACANCY, AS SET FORTH IN THIS SUBSECTION D., PRIOR TO THE REMOVAL OF THE BILLBOARD. IT SHALL BE UNLAWFUL FOR AN OWNER TO FAIL TO REMOVE A BILLBOARD AS SPECIFIED IN A NOTICE OF INTENT TO ABANDON FILED HEREUNDER. A BILLBOARD EXISTING AFTER THE DATE OF ITS ABANDONMENT SHALL BE AND IS HEREBY DECLARED A NUISANCE, AS DEFINED BY SECTION 15-4 OF THIS CODE, AND SHALL BE SUBJECT TO THE ABATEMENT AND OTHER ENFORCEMENT REMEDIES AND PENALTIES SET FORTH UNDER ARTICLE II OF CHAPTER 15 OF THIS CODE.

- b. A BILLBOARD IS REMOVED; PROVIDED HOWEVER THAT A BILLBOARD MAY BE TEMPORARILY REMOVED AND RE-LOCATED, UNDER THE FOLLOWING CONDITIONS:
 - i. THE OWNER OF THE BILLBOARD OR THE PROPERTY UPON WHICH IT IS LOCATED HAS FILED WRITTEN NOTICE OF ITS INTENT TO TEMPORARILY REMOVE THE BILLBOARD WITH THE DIRECTOR OF COMMUNITY DEVELOPMENT, WHICH NOTICE SHALL INCLUDE THE PURPOSE FOR THE TEMPORARY REMOVAL AND A PROJECTED TIMELINE TO RE-LOCATE THE BILLBOARD;
 - ii. THE BILLBOARD IS PROPOSED TO BE REMOVED TO PERFORM STRUCTURAL UPGRADES, MODIFICATIONS OR ANOTHER PURPOSE APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR;
 - iii. THE BILLBOARD WILL BE RE-LOCATED ON THE SAME PROPERTY IN SUBSTANTIALLY THE SAME LOCATION, AS DETERMINED BY THE COMMUNITY DEVELOPMENT DIRECTOR IN HIS OR HER SOLE DISCRETION;
 - iv. THE TIME THE BILLBOARD IS REMOVED SHALL NOT EXCEED ONE HUNDRED EIGHTY (180) DAYS;
 - v. THE COMMUNITY DEVELOPMENT DIRECTOR HAS ISSUED PRIOR WRITTEN APPROVAL OF THE TEMPORARY REMOVAL; AND
 - vi. ALL REQUIRED BUILDING PERMITS, LICENSES OR OTHER APPROVALS NECESSARY TO LAWFULLY

REMOVE THE BILLBOARD HAVE BEEN OBTAINED
PRIOR TO REMOVAL.

- c. FAILURE TO COMPLY WITH ANY OF THE CONDITIONS UNDER WHICH TEMPORARY REMOVAL IS PERMITTED UNDER SUB-PARAGRAPH 1.B. ABOVE.
2. WHENEVER AN ABANDONMENT OR OTHER EVENT RESULTS IN FEWER THAN THE MAXIMUM PERMITTED NUMBER OF BILLBOARDS TO BE LOCATED WITHIN THE CITY, THE CITY SHALL DECLARE THAT A VACANCY EXISTS AND PUBLISH NOTICE OF THE VACANCY ON THE CITY'S WEBSITE AND POST SUCH NOTICE AT THE CITY'S OFFICIAL POSTING PLACES. THE DETERMINATION AND DECLARATION OF A VACANCY SHALL BE IN THE CITY'S SOLE AND ABSOLUTE DISCRETION. THE NOTICE OF VACANCY SHALL PROVIDE THAT INTERESTED PARTIES MUST FILE A PRELIMINARY APPLICATION WITH THE CITY WITHIN THIRTY (30) DAYS OF THE DATE OF NOTICE.
3. THE CITY SHALL ACCEPT PRELIMINARY APPLICATIONS FROM INTERESTED PARTIES FOR THIRTY (30) DAYS FROM THE DATE OF THE NOTICE OF VACANCY. PRELIMINARY APPLICATIONS MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION:
 - a. A LETTER OF INTENT FROM THE APPLICANT;
 - b. THE PROPOSED LOCATION OF THE BILLBOARD, INCLUDING EITHER PROPERTY ADDRESS OR ASSESSOR PARCEL ID; AND
 - c. WRITTEN PERMISSION OF THE PROPERTY OWNER TO LOCATE THE BILLBOARD, IF THE PROPERTY OWNER IS NOT THE NAMED APPLICANT.
4. THE COMMUNITY DEVELOPMENT DIRECTOR WILL DETERMINE WHETHER PRELIMINARY APPLICATIONS ARE COMPLETE AND PROPOSED LOCATIONS ARE ELIGIBLE PURSUANT TO CHAPTER 26 OF THE CODE OF LAWS.
5. IN THE EVENT MORE THAN ONE COMPLETE AND ELIGIBLE PRELIMINARY APPLICATION IS TIMELY FILED, THE CITY SHALL SELECT ONE PRELIMINARY APPLICATION TO CONTINUE PROCESSING BY LOTTERY. ALL POTENTIAL APPLICANTS IN THE LOTTERY SHALL BE NOTIFIED OF THE TIME AND PLACE THAT LOTS SHALL BE DRAWN AND MAY ATTEND AND OBSERVE THE PROCESS. IF THE CITY DOES NOT RECEIVE ANY PRELIMINARY

APPLICATIONS WITHIN THE INITIAL THIRTY (30) DAY RESPONSE PERIOD, THE CITY SHALL MAINTAIN THE NOTICE OF VACANCY ON THE CITY'S WEBSITE. THE NOTICE OF VACANCY SHALL BE AMENDED TO REFLECT THAT THE INITIAL RESPONSE PERIOD HAS LAPSED AND THAT PRELIMINARY APPLICATIONS WILL NOW BE ACCEPTED AND PROCESSED BY THE CITY IN THE ORDER RECEIVED. IF MORE THAN ONE PRELIMINARY APPLICATION IS THEREAFTER RECEIVED BY CITY ON THE SAME DATE, THE LOTTERY PROCESS SET FORTH ABOVE SHALL BE USED TO SELECT ONE APPLICATION TO CONTINUE PROCESSING.

6. THE SOLE OR SELECTED APPLICANT MUST FILE A COMPLETE BUILDING PERMIT APPLICATION WITHIN ONE HUNDRED EIGHTY (180) DAYS OF:
 - a. THE DATE THE APPLICANT IS SELECTED BY LOTTERY, IF SO SELECTED;
 - b. THE EXPIRATION OF THE INITIAL THIRTY (30) DAY RESPONSE PERIOD IF THE APPLICANT IS THE ONLY PARTY THAT HAS FILED A TIMELY LETTER OF INTENT; OR
 - c. THE DATE OF THE APPLICANT'S PRELIMINARY APPLICATION IF SUBMITTED AFTER THE INITIAL THIRTY (30) DAY RESPONSE PERIOD;

PROVIDED, HOWEVER, THAT THE COMMUNITY DEVELOPMENT DIRECTOR MAY AUTHORIZE AN EXTENSION OF NOT MORE THAN ONE HUNDRED EIGHTY (180) ADDITIONAL DAYS UPON A SHOWING BY THE APPLICANT THAT IT IS MAKING SUBSTANTIAL PROGRESS TOWARDS FILING A COMPLETE APPLICATION, AS DETERMINED BY THE DIRECTOR IN HIS OR HER SOLE AND ABSOLUTE DISCRETION.

7. AN APPLICANT'S FAILURE TO MEET DEADLINES OR TO TIMELY FILE MATERIALS AND INFORMATION NECESSARY TO COMPLY WITH THE PERMIT PROCESS, AS DETERMINED BY THE COMMUNITY DEVELOPMENT DIRECTOR IN HIS OR HER SOLE AND ABSOLUTE DISCRETION, SHALL RESULT IN THE REJECTION OF HIS OR HER APPLICATION AND THE GENERATION OF A NEW NOTICE OF VACANCY, IN ACCORDANCE WITH PARAGRAPH (2) ABOVE.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect upon adoption and signature of the Mayor, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 26th day of September, 2016, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for **October 10, 2016, at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ___ to ___, this ___ day of ___, 2016.

SIGNED by the Mayor on this ___ day of ___, 2016.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us