

AGENDA

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

October 24, 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 October 10, 2016 and Study Notes of October 3, 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 award of a Contract to All Copy Products, Inc., Denver, CO, in an annual amount not-to-exceed \$65,000 for the lease of multi-function copier equipment and service, and to approve a three-year term with the option to extend for two additional one-year periods
- b) Resolution 42-2016 – amending the Fiscal Year 2016 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation for a 2016 Police Officer Standards and Training Grant in the amount of \$2,976.19
- c) Resolution 43-2016 – between the City of Wheat Ridge and the West Metro Fire Protection District approving a Revocable License Agreement concerning an Emergency Siren Location

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 24-2016 – amending Chapter 16 of the Wheat Ridge Code of Laws to add a new Section 16-68, entitled Removal of Snow and Ice from Sidewalks

ORDINANCES ON FIRST READING

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

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

ADJOURN TO STUDY SESSION

CITY COUNCIL MINUTES

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

October 10, 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	Kristi Davis	
Tim Fitzgerald	George Pond	Larry Mathews	Genevieve Wooden

Absent: Janeece Hoppe

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; other staff and interested citizens.

APPROVAL OF MINUTES of September 26, 2016 and Study Session Notes of September 12, and September 19, 2016

There being no objection, the Minutes of the Regular City Council Meeting of September 26, 2016 and Study Session Notes of September 12 and September 19, 2016 were approved as published.

PROCLAMATIONS AND CEREMONIES none

CITIZENS' RIGHT TO SPEAK

John Clark (WR) asked again where all the "pot money" has gone, have we had enough tax increases, what will be taxed next, and how much is enough? He encouraged people not to be afraid to vote no on 69, 72, 3A or 3B, or 4B. It doesn't mean you are against healthcare and for smoking, or against schools or against art and culture. He noted the premier art display in Wheat Ridge got no money from SCFD funds or the WR Cultural Commission; it was done by high school kids. Voting no on 2E doesn't mean you are against growing the City; it may mean you prefer private sector growth over public sector growth. Wadsworth will get done without 2E -- in a more sensible and less intrusive manner. He pointed out the City has known about the Gold Line coming in since 2003, but did nothing. Read the language and look at the plans. Don't be afraid to vote no.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Motion to approve payment to ESRI Inc. in the amount of \$44,142.46 for the annual license renewal for the Geographic Information System *[budgeted]*

Councilmember George Wooden introduced the Consent Agenda

Motion by Councilmember Wooden to approve payment to ESRI, Inc. in the amount of \$44,142.46 for the annual renewal of the Geographic Information System; seconded by Councilmember Davis; carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. 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)

This ordinance will codify the current administrative policy in use for the declaring, advertising, and filling of a billboard vacancy.

Councilmember Davis introduced Council Bill 23-2016.

Mayor Jay opened the Public Hearing.

Clerk Shaver assigned Ordinance 1610.

Staff report

Lisa Ritchie, City Planner, gave a brief introduction. She noted that Council chose not to address any development standards such as height. This ordinance is only about the vacancy process. We have 16 billboards within our city boundaries

There was no public comment, or questions or discussion by the Council.

Mayor Jay closed the Public Hearing

Motion by Councilmember Davis to approve Council Bill 23-2016, an ordinance amending Section 26-711 of the Wheat Ridge Code of Laws, concerning billboards, to establish a billboard vacancy process on second reading, and that it take effect upon adoption and signature of the Mayor; seconded by Councilmember Duran; carried 7-0.

3. 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)

City code regulations concerning cellular communication towers have not been updated since 2001. Revisions are needed to align the code with current technology and FCC regulations concerning Commercial Mobile Radio Service (CMRS).

Councilmember Mathews introduced Council Bill 22-2016.

Clerk Shaver assigned Ordinance 1611.

Mayor Jay opened the Public Hearing.

Staff report

Lisa Ritchie gave a brief introduction.

The ordinance includes the definition of "substantially change" and timelines to ensure the City complies with FCC regulations. It also has modernized language, a streamlined review and approval process, and includes requirements for co-location where possible. Free-standing and roof/structure-mounted facilities are addressed. The ordinance strives to balance higher design standards with the increased technical capacity of providers.

Ms. Ritchie referenced a letter from the Wireless Policy Group (WPG) that is in the Council's packet and replied to the requests they are making.

- The City Attorney does recommend two changes: one related to the "substantial change" test and to remove the "interference" section.
- The City attorney and staff feel the balance of the ordinance is consistent with federal law and do not recommend changes to the other provisions.
- Related to siting in residential zones, staff recommends no changes. This ordinance does allow roof and building/structure mounted facilities on multifamily and non-residential uses such as churches.
- The proposed ordinance increases the allowed height for the antennae so greater technical capacity is provided in residential zones.
- Regarding co-location WPG requests not requiring a third party technical study when disagreement occurs between applicants. Staff believes the third party request is reasonable; other jurisdictions have it; it provides extra assurance from outside technical experts.
- Regarding adjustment to standards, WPG suggests a specific variance process to consider variances to standards. Staff doesn't support this; no other section of our code has a separate variance process, to date there have been no cases of requests for variances for CMRS.

There were no questions from Council.

Jennifer Price from AT&T noted that the requests made by WPG were done so on behalf of AT&T.

- She recognized the work staff did on the code – providing good balance for the needs of providers and the community; they appreciate the inclusion of their request to make it consistent with federal law.

- Ms. Price provided handouts for the Council and focused her remarks on why they believe it is important for the City to be open to allowing new free standing wireless facilities in residential neighborhoods.
- A lot of work has been done in the wireless world to stealth the towers and hide them in plain sight. Vendors actually prefer to collocate as it saves time and money, and she believes they should be pushed to go that direction.
- However, since 2007, AT&T's wireless data usage has increased 150,000%. Nationally, 40% of households are wireless and have no landline. In Colorado it is 50%. She explained how infill is necessary as demand increases.
- The City should not exclude from the discussion that the industry can hide in plain sight better than on roofs and sides of buildings.
- She encouraged the City to provide options; stringent regulations are acceptable. The process staff created is excellent; what hurts is when it is not allowed.

Discussion followed.

Staff was asked to respond to Ms. Price's requests.

- Towers have traditionally not been allowed in residential and agricultural zones -- which includes most parks and several churches. It would be a new category.
- There is a Special Use Permit process in the new ordinance; discretionary review would be appropriate.
- If there's a neighbor complaint or opposition from the applicant it goes to Council review.
- A new free-standing tower requires a Special Use Permit.
- As written, the proposed code changes don't address architectural compatibility or neighborhood compatibility for free standing towers as well as for roof top.

Mr. Johnstone advised that 30 days should be adequate to allow time for staff to make some changes as discussed

Motion by Councilmember Mathews to continue the public hearing to the November 14 meeting; seconded by Councilmember Fitzgerald.

Councilmember Urban inquired about application in the MUN zone. Ms. Ritchie stated the Planning Commission recommended including MUN with residential and agricultural. There was discussion about allowing facilities in the residential zone if residential is not the primary use.

The motion to continue carried 7-0.

ORDINANCES ON FIRST READING

4. Council Bill No. 24-2016 – An Ordinance amending Chapter 16 of the Wheat Ridge Code of Laws to add a new Section 16-68, entitled Removal of Snow and Ice from Sidewalks

This new ordinance will require adjacent property owners to remove snow on sidewalks, and enable the City to respond to complaints, take action and enforce compliance. Public education and outreach will occur, complaints will be addressed individually, and initial enforcement will consist primarily of warnings.

Councilmember Urban introduced Council Bill 24-2016.

Motion by Councilmember Urban to approve Council Bill No. 24-2016, an ordinance amending Chapter 16 of the Wheat Ridge Code of Laws to add a new Section 16-68, entitled Removal of Snow and Ice from Sidewalks on first reading, order it published, public hearing set for Monday, October 24, 2016 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Davis; carried 7-0.

CITY MANAGER'S MATTERS

Patrick Goff announced the celebration for the completion of the Kipling Trail that will take place this Saturday morning. People are welcome to join a bike ride which begins at Wheat Ridge High School at 8:30am. The celebration will take place at the trailhead on the east side of Kipling on the north side of Clear Creek at 9:15am.

He also congratulated Joyce Manwaring and the Parks staff for the recent awarding of accreditation for our Parks and recreation Department. The accreditation committee was very impressed with our operation and offered many compliments. Only eight (8) recreation districts in the state have this accreditation.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIAL'S MATTERS

Janelle Shaver reminded Boards and Commission members and councilmembers to please RSVP for the Boards and Commission dinner.

- Voters should have received a blue book in the mail by now; it is put out by the CO Legislative Council and contains only pro/con statements on the state ballot questions and information on the judges. The blue book is also available online – the easiest search being for “blue book CO”.
- TABOR notices have been mailed to each voting household. Pro/con statements on Wheat Ridge Issue 2E, as well as the school district issues and the SCFD issue, will be included.
- Ballots will start to be mailed next Monday, October 17. We will have a ballot box in the lobby of City Hall and the drive-up drop box in the entrance lane of City Hall.

Monica Duran announced that she and Zach Urban will be hosting a 2E meeting this Saturday, October 15 from 9:00-10:30 at the home of Dominic Britton, 3645 Marshall Street. Folks who are undecided or want to know more are encouraged to come; all are welcome. ~ She noted that the Richards Hart Estate was recently recognized with an award for its quality as a wedding venue.

Zach Urban encouraged people to vote and noted that local issues are at the end of the ballot.

George Pond apologized for missing the District 3 coffee this past Saturday and thanked Tim Fitzgerald for holding down the fort.

Larry Mathews urged people to look at the new budget software on the city website. There is an interactive portion where citizens can give their opinions about spending. He urged citizens to be involved in the budget process and provide input, and to pay attention to the website.

Genevieve Wooden announced she would be hosting a meeting at the Rec Center on Tuesday, October 18 at 7:00pm. Ali Lasell will be there to talk about the school board issues. There will also be discussion on 2E and a regular District 4 update.

Joyce Jay noted Janeece Hoppe had asked her to announce there will be a discussion about ballot issue 2E at Colorado Plus on October 18 at 6pm.

ADJOURNMENT

The City Council Meeting was adjourned at 7:56 p.m.

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 24, 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

October 3, 2016

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

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

Absent: Larry Mathews

Also present: Deputy City Clerk, Robin Eaton; City Manager Assistant Director Heather Geyer; Public Works Director, Scott Brink, Planning Director Ken Johnstone, Zack Wallace, Carly Lorentz, guests and interested citizens

CITIZEN COMMENT ON AGENDA ITEMS

Mayor would like to include a Citizen Speaker for a 7-minute presentation and assessment for longer duration in speaking. It is special engineer Jesse Hill. Council agreed.

Michael Epsen (WR) Having spoken multiple times at study sessions he would like to see a limit in size in the R-1C zone - to limit the size of Bulk Plane to 12.5 and a height limit of 25 feet. This is the only area that they are trying to limit at this time. Single story bungalows prevail in the City of Denver and across Wheat Ridge. Current zoning allows for "towers" to be built next to brick bungalow's; it does not fit the character of the neighborhoods; it interferes with privacy and also lessens home values when they are built. He submitted petitions of support garnered by going door to door and not by standing in front of a supermarket.

Deana Swetlik believes the 15 foot Bulk Plane Standards are a good thing 15 feet is the most restrictive to consider and questions how are they measured or considered for the finished floor.

- Disagrees with anything that is less than the 15 feet bulk plane
- Does not like expanding the Bulk Planes to all Residences and it is a big leap to make that change as R-1 and R-1C are the most restrictive
- Removing the current setbacks: Standard's for Multi is duplicative and conflicting. Current language for Setbacks doesn't work for good architectural design
- Support for allowable limited acceptable encroachment appurtenance types into the Bulk Plane

- Planning Commission discussion for more in depth analysis of the zoning code is warranted but architecture design codes and standards are typically done for Special Districts or Historical Districts and separate from the codes.

Al Lazalde – Watched last meeting on TV and was very disappointed as they acted like they had no guidance from City Council which he knows is not true. Agrees with Mike to keep the 12.5 Bulk Plane with 25 ft. height limits and restrict it to the R-1C zone in District 1. This has taken on a life of its own; it was never the intent to expand to the whole City of Wheat Ridge. He was disheartened by the planning commission meeting and could have been resolved in a simple manner.

Staff remarks

Heather Geyer talked about a presentation for a new software called Balancing Act to help the citizens be more interactive, to give feedback and input on balancing the City budget.

Carly Lorentz talked about launching the software on the proposed budget. The 2017 budget is in process. The software shows graphs and charts about revenue and talks about what citizens can do to have input and share their thoughts and comments. They have put in a "working budget" to help include the residents but not a proposed budget.

Mayor Joyce responded that this is terrific and really interesting.

Monica Duran asked who is responsible for answering the comments?

Ms. Lorentz replied that the citizen reports are put into one report to her, but each department will be aware of those comments and will be able to follow-up with answers separately.

Tim Fitzgerald asked if the link will be on the homepage.

It will be more on the Budget page.

Mayor Jay – Regarding the 3.19 deficit, was the number based on the budget requests that we have received?

Ms. Lorentz: Yes, it is where we are at in the process and reworking the EIP and also what we need to save for future projects.

1. Staff Report(s)

a) Bike/Pedestrian Master Plan Update

Scott Brink – Bike Master Plan work began last summer. They hired a consultant. There's been quite a bit of mapping and data/info; correct existing map; a good

deal of public outreach; a visions and goals outreach in August with various stakeholders; reaching out through social media, public events, Ridgefest and Carnation Festival. Accessibility to senior community, Town center, etc. Lastly, there will be an open house Wednesday at the Rec Center 5-7pm to talk on this and other subjects that include a new Wikimap. This is a click and share in the City to mark and show areas where something needs to be done - i.e. safety issues, people want bike lanes or sidewalks, etc. Staff will wait until input is in from citizens and comments for priority projects to move forward on critical needs to make a rough draft sometime maybe in early December.

Zachary Urban raised concerns on immediate needs, grants, goals and improvements and would like them to be more defined like back in 2010. There is no way to track goals. Will they be coming out at Rec Center open house?

Scott Brink: Those measurable goals will be reflected in the plan whether in division statement or long term capital plan, short term goals etc. to get the most bang for the buck. Reach out beyond the traditional bubble of input that we usually get. Trying to show how the projects will be paid for to meet the project goals. Consultant services to put together a plan and identify the funding sources for grants out there. We will try to push message out a little deeper to stakeholders like BikeJeffCo, Lakewood, Arvada etc., pushing them hard to get the word out, both inside and outside of the community.

Heather Geyer: Definitely will continue working with Scott and his staff to get it out via traditional and non-traditional manners and will be very transparent. October 15th at the Kipling Trail ribbon cutting ceremonies, Scott will have the consultants there to give information and take input from the people that attend.

Mayor Jay – Specifics to make sure they get public input and they understand that we are trying very hard to create these plans to be able to have a true community project.

b) ADA Transition Plan

Scott Brink– A similar timeline to the Bike Master Plan is being used; staff hopes to have a draft plan for Council in late November or early December. Will be at the same meeting on Wednesday at the Bike Ped open house, trying to get the data gathered, really urging public input - ultimately to meet the federal requirement, to review the City's programs, services and activities for Disabilities, and to address accessibility, public notification system and compliance concerns. The Plan will include formal grievance procedures and a multiyear program to correct deficiencies.

Zach Urban – As stated before, it's essential to make sure we have clear and measurable goals and have a dedicated funding source for this as well.

Tim Fitzgerald - Because of the expense, do we have a time line or some point on when we have to have this accomplished?

Mr. Brink answered that does depend on funding. We have checked with other cities. Some have barebones plans in place while others are more reactive with complaints, and some are very proactive, setting hundreds of thousands of dollars aside to correct deficiencies and make new plans.

Kristi Davis thinks we have to have a plan and funding -- to set that we are proactive to address, state that we are being proactive in some high risk areas but yet budget a couple of other little projects, to try and keep some aside for a complaint or special project that may arise.

Monica Duran: Mid-November it states in notes about a priority plan draft, estimation of cost to help prioritize, and help figure out all of the little pieces and how they will be addressed.

2. Residential Development Standards – Bulk Plane

Ken Johnstone started the presentation on Bulk Plane residential development standards -- an ongoing regulatory frame work, for the creation of Bulk Plane standards. Staff and council were receiving some concerns from the residents, particularly on the east side of the city and the scale of that development. Mark equal time from, particularly on the east side of town, not in scale to the existing neighborhood. Zach Wallace has done the bulk of the research to benchmark us against some of our adjacent communities in terms of three areas: Setbacks Building Heights and Bulk Plane. Typically, we run in line with Setbacks and Building Heights with the other jurisdictions, but maybe not Bulk Plane regulations. The Emergency Bulk Plane ordinance was adopted on August 2 and is only in effect for 90 days. We have a ticking clock to find a permanent solution.

Mr. Johnstone stated that as a community we have been trying to encourage development in the city with policies like the Neighborhood Revitalization Strategy in our Comprehensive Plan that encourage reinvestment and diversity in our housing stock -- to help strike a balance between our commercial development and valuing the established neighborhoods as well.

Mr. Johnstone went over the core policy questions with a power point:

1. Is there support from Council for the 15-foot bulk plane?

The Bulk plane is a new concept to the City of Wheat Ridge whereas there are already minimum setbacks in place along with maximum height levels. Bulk

Plane is something that is measured to reduce the impact of the upper stories. As such, with a 5-foot minimum setback from the property line, the 10 ft bulk plane is about the most restrictive; and as such, is not recommended.

Moving up to the 12-foot Bulk Plane; the 12 ft. plane would not be good for two stories stacked on top of each other, unless you move back 10 feet from the property line.

The 17 ft. Bulk Plane is the most generous type, used in some adjacent jurisdictions, questioning if that makes sense for fairly tall structures on the 5ft setback line that is used predominantly for single family housing units.

Striking a balance: Staff recommends using a 15 ft. Bulk Plane which might require a reduction of the clear heights in the floors or shift back to a 7 ft. setback from the property line, and for 3rd stories to be set back 17 ft. from line.

2. What does Council think about apply the Bulk Plane to all Residential Districts.

Showing the map of the City of Wheat Ridge and to where the Bulk Plane could apply to or varying by R-1C mostly in the eastern part of the city; R-3 is imbedded in many areas to include the R-1C as well. Fairly similar setbacks and smaller lot sizes, by Wheat Ridge standards.

3. Is there support to remove zoning requirements for setbacks? It makes sense as they may be duplicative and somewhat confusing.

Setbacks are a cumbersome regulation for multifamily structures and duplexes you are required to setback the upper floors from the property line. From a design perspective they are cumbersome and the recommendation is to eliminate the residential setbacks.

4. What type of limited encroachments may be acceptable in the Bulk Plane?

Some exceptions are already in the building code (i.e. chimneys, etc.) and have necessary features that can be similar as to what would go into the Bulk Plane Code. These wouldn't have the same impact on neighboring lots and if allowed to, there will be a list of examples at a later date such as solar panels, roof eaves, etc.

5. Speak about what the Planning Commission was in reference to.

There was a healthy discussion a few weeks ago; members are not necessarily aligned or doing a Bulk Plane and their next meeting is October 20th. They did not think it was appropriate to apply a Bulk Plane universally or to just adopt the Emergency Bulk Plane as a permanent ordinance. More discussions are to

follow on the residential standards and to allow more time for public outreach, but to make sure to get it done by November 14.

The presentation of the power point was concluded with discussion by the Council to include slopes on properties that would have any impact on homes, pop tops on existing homes plus garages, and how the 15ft restrictions were arrived at.

Public Comment was given by Jesse Hill, who was allowed by Council to speak after the presentation. He noted R-1C as defined is a high quality, stable, safe, medium density as a key point. He would like to have more input from the Building Department as it's tough to actually follow code. He addressed slopes for drainage, grade level and grade beam for realistic building. He recommended finding out why a foot above the highest point on the property line is needed. He requested Council to please take the time to think it through, along with the Building Department and architects, on how this would really look out there and if it's the path that we want to go down.

Discussion followed including when it becomes economically unfeasible to pop tops or scrape a home; support for the 15 ft Bulk Plane with variance; to define what variances would be allowed; and how it affects the fabric of the neighborhoods

General Consensus:

To support the Bulk Plane in the R-3 zone where concerning single family homes, R-3 will have multiple setbacks when there are more than 1 unit; approved 4 3.

To allow reasonable encroachments that may be acceptable in the Bulk Plane and support for Planning Commission discussion for in-depth, long term analysis for residential height standards and architectural design standards; approved 4-3

3. Elected Officials' Report(s)

Monica Duran: West Metro Wheat Ridge fire merger vote is tomorrow with three locations for voting.

Janece Hoppe: Tuesday October 18th, location TBD, City Treasurer Jerry DiTullio will have a question and answer session regarding Ballot Question 2E.

Zachery Urban: October 9th, Prospect Valley is having their 5K at Prospect Park at 9:00 a.m.:

Tim Fitzgerald: He and George Pond will be having a District III meeting at 9:30 a.m. at the Recreation Center; there will be snacks. There will be a County Commissioner's Candidate forum at the Jefferson Unitarian Church on Oct 11th.

Kristi Davis: There is a Renewal Wheat Ridge meeting Oct 4, at 6:00 pm if anyone would like to attend.

Mayor Joyce: There will be a candidate/issue forum Friday to meet the candidates for State House Representatives, Jefferson County Commissioner Districts I and II, and District Attorney, and to hear presentations on Issues 3A & 3B, Question 69, and 2E. It will be from 9:30 am – 10 30 at City Hall on October 7th.

Heather Geyer: Wheat Ridge Optimist Club has their annual Pancake Supper this Thursday at Wheat Ridge High School from 5:30- 8:00p.m.

Robin Eaton: Reminder that the Boards and Commission Dinner will be held on October 19th at the Recreation Center at 5:00 PM.

ADJOURNMENT

The Study Session adjourned at 9:00 PM

A handwritten signature in blue ink, appearing to read "Robin Eaton", is written over a horizontal line.

Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON October 24, 2016

Joyce Jay, Mayor

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO APPROVE AWARD OF A CONTRACT TO ALL COPY PRODUCTS, INC., DENVER, CO, IN AN ANNUAL AMOUNT NOT-TO-EXCEED \$65,000 FOR THE LEASE OF MULTI-FUNCTION COPIER EQUIPMENT AND SERVICE, AND TO APPROVE A THREE-YEAR TERM WITH THE OPTION TO EXTEND FOR TWO ADDITIONAL ONE-YEAR PERIODS

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS


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

QUASI-JUDICIAL: ☐ YES

☒ NO



Administrative Services Director



City Manager

ISSUE:

The current lease of multi-function copier (MFC) equipment expires in November of 2016. The replacement of obsolete copier equipment at all sites, as scheduled and budgeted, will be subject to a three-year lease with the option to extend the term for two additional one-year periods. The networked MFC replacement is a budgeted implementation that is required to provide improved technology, features and efficiency of existing equipment, which is more than five years old. The new and upgraded MFC equipment will allow the IT staff to remotely monitor, meter and configure the units to optimize performance. Along with the replacement standardization of copier equipment, it will lower the cost of color printing and provide scan capability at every location.

PRIOR ACTION:

Council has approved the payment for the MFC lease on an annual basis since 2006.

FINANCIAL IMPACT:

If approved, new MFC equipment will be placed in December 2016 after the 2017 Budget is adopted, and the first quarterly payment will be due to All Copy Products, Inc. in March of 2017. The annual lease is \$53,793.72 which includes the lease of 20 units, annual service costs and up to 100,000 black and white pages and 50,000 color pages. \$65,000 has been allocated in the 2017 IT Budget which will cover the proposed lease and any copy overages.

The new copiers are less costly to maintain, provide the best utilization of our existing print equipment and the per page copy cost is reduced.

2011 lease: Black & white print and copy cost is \$.0056 per page & color is \$.045 per page
2016 lease: Black & white print and copy cost is \$.0037 per page & color is \$.040 per page

BACKGROUND:

The City currently has 19 multi-function copiers located among all City locations. The new lease term is for 20 units, to be distributed as outlined in Attachment 2. All of the copiers are five years old and have the capability to print or scan in color and black and white. The upgraded equipment has the ability to print and copy from any employee's computer in addition to the walk up features.

In response to RFP-16-25, ten vendor proposals were evaluated by a team of eight staff members. The evaluation team short-listed the proposals and then evaluated product demonstrations to make their award recommendation. Based on this process, All Copy, Inc., a Denver, Colorado company, has been identified as providing the desired performance and features for the best and lowest cost on equipment, services, and value added services.

RECOMMENDATIONS:

Staff recommends implementing the multi-function copier lease and upgrade to All Copy Products, Inc. in the total annual not-to-exceed amount of \$65,000.

RECOMMENDED MOTION:

"I move to approve award of a contract to All Copy Products, Inc. in the annual amount not-to-exceed \$65,000 for the lease of Multi-Functional Copier equipment and service, and to approve a three-year term with the option to extend for two additional one-year periods.

Or,

"I move to deny award of a contract to All Copy Products, Inc. in the annual amount not-to-exceed \$65,000 for the lease of Multi-Functional Copier equipment and service, and to approve a three-year term with the option to extend for two additional one-year periods for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Michael Steinke, IT Manager
Jennifer Nellis, Purchasing Agent
Heather Geyer, Administrative Services Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Pages 42, 46 and 48 of the All Copy Products Proposal
2. Models and locations of copiers



EXHIBIT 4

OTHER, INCLUDING VALUE ADDED SERVICES

1. Name of the representative from your company that attended the recommended Pre-Proposal meeting on September 14, 2016 AT 2:00 PM (MDT).

Jason Demers – Account Executive
Levi Saxen – Sales Manager

2. Include any “value added” services, such as reporting, price discounts, upgrades, supplies, etc., or if none, state “NONE”.

We appreciate The City of Wheat Ridge working with us over the past 5 years. We would like to extend a few new offerings your way that did not exist in the past.

New to City of Wheat Ridge: Staples (for all leased copiers) will now be included at no additional cost; they are part of the contract like parts and toner.

All Secure: All Copy Products offers a new product named “All Secure.” At the end of the lease all Copiers will be sent back to the leasing company, typically leasing companies will wholesale off those copiers to other dealerships or companies. A new problem user’s face today is the security of their information stored on the copier once it leaves their facility. Every one of your current machines as well as the new proposed copiers will store information on the Hard Drive, if this information is not protected you may be liable for damages related to that information. In 2013 HHS (Human and Health Services) had to pay \$1,215,780 for HIPAA violations directly related to their photocopiers being returned without erasing the data contained in their copiers.

All Copy Products offers “All Secure” in order to avoid this issue, typically we charge \$295 a to clear the hard drive on the copier to DOD (department of defense) specifications before the copier is returned back to the leasing company. **All Copy Products is going to offer this service for your current 19 copiers + your 20 new copiers (39 total) for free.** That is a \$11,505 savings (39 x \$295).

Free ongoing training for all end users, At any point in your contract you may request All Copy Products to come out and provide free ongoing in person training for any employee or volunteer for the City of Wheat Ridge

All Parts, Labor, Service are included with this contract and we encourage the City of Wheat Ridge to carry extras on hand at all times.

FM AUDIT: All Copy Products still offers a free meter reading software. Instead of sending manual meters from each machine to our contracts department, our FM Audit software will automatically gather meter ready from each machine and automatically send them to our contracts department, this will save the City of Wheat Ridge time and reduce the chance for a user error or misread.

Attachment 1



**EXHIBIT 5
PRICE SCHEDULE**

NAME OF FIRM: All Copy Products

ADDRESS: 4141 Colorado Blvd. Denver, CO 80216

Monthly Lease Per Unit (Make/Model)	Qty.	Price/Unit	Monthly Lease
Konica Minolta Bizhub C658 MFP	6	\$7,804.18	\$875.63
Konica Minolta Bizhub C658 w/ Large Capacity Tray	1	\$8,583.28	\$160.51
Konica Minolta Bizhub C558 MFP	4	\$6,485.96	\$485.15
Konica Minolta Bizhub C458 MFP	5	\$5,722.28	\$535.03
Konica Minolta Bizhub C3110 MFP	4	\$755.38	\$56.50

Included equipment options:

Konica Minolta Bizhub C458 (Qty. 5 – All come with accessories listed below)

- A 2,500 Sheet Large Capacity Paper Cassette (3 Paper Drawers Total)
- A 50 Sheet Booklet Finisher w/ Tri Fold and Saddle Stitch capabilities**
- A 2/3 Hole Punch Unit
- Extra Job Separator Tray (3 Total Exit Trays)
- A Relay Unit (Required for Booklet Finisher)
- A Fax Kit

Konica Minolta Bizhub C558 (Qty. 4 – All come with accessories listed below)

- A 2,500 Sheet Large Capacity Paper Cassette (3 Paper Drawers Total)
- A 100 Sheet Booklet Finisher w/ Tri Fold, Saddle Stitch, and Center Staple capabilities**
- A 2/3 Hole Punch Unit
- Extra Job Separator Tray (3 Total Exit Trays)
- A Relay Unit (Required for Booklet Finisher)
- A Fax Kit

Konica Minolta Bizhub C658 (Qty. 7 – All come with accessories listed below)

- A 2,500 Sheet Large Capacity Paper Cassette (3 Paper Drawers Total)
- A 100 Sheet Booklet Finisher w/ Tri Fold, Saddle Stitch, and Center Staple capabilities**
- A 2/3 Hole Punch Unit
- Extra Job Separator Tray (3 Total Exit Trays)
- A Relay Unit (Required for Booklet Finisher)
- A Fax Kit
- Large Capacity Paper Unit – 3,000 Sheet Capacity (Only featured on one Konica C658)

Konica Minolta Bizhub C3110 (Qty. 4 – All come with accessories listed below)

- A 500 Sheet Large Paper Drawer (2 Paper Drawers Total, and a 100 Sheet Bypass Tray)

****The City of Wheat Ridge has saddle stitch finishers with center staple and booklet making features on the current MFP's. In order for All Copy Products to provide you with the same functionality your organization is used to, All Copy has decided to propose the latest version of these saddle stitch finishers, which come standard with tri-folding capabilities. See "Schedule A" on the next page for a list of current finishers.**



Price Per Page	100,000/mo. Black & White	\$.0037	\$370.00/mo.
	50,000/mo. Color	\$.04	\$2,000.00/mo.
Excess Price Per Page	100,000/mo. Black & White	\$.0037	\$370.00/mo.
	50,000/mo. Color	\$.04	\$2,000.00/mo.

- **Annual Equipment Lease (20 Units)** **\$25,353.72**
- **Annual Service Costs** **\$28,440.00**
- **TOTAL ANNUAL SERVICE + LEASE COSTS** ***\$53,793.72**

- TOTAL QUARTERLY SERVICE + LEASE PAYMENT FOR PROPOSED EQUIPMENT AND SERVICE \$4,482.81 / mo

$$\begin{array}{r} \times 3 \\ \hline 13,448.43 \end{array}$$

PRINT NAME /TITLE _____

Exp. Date _____

48



City Of Wheat Ridge - Proposed Device Configurations - All Copy Products		
Model	Location	Accessories
Konica Minolta C658	Police Department Admin.	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C658	Records 1	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C658	Records 2	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C658	City Hall Admin. Services	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C658	Engineering	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C658	City Hall Copy Room	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Fold Kit, Large Capacity Tray
Konica Minolta C658	Rec Center	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Fold Kit
Konica Minolta C558	Seniors Center	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C558	Municipal Court	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C558	Municipal Court	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C558	Briefing	100 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C458	Public Works Operations	50 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C458	Parks Forestry Open Space Admin.	50 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C458	Parks Shops	50 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C458	City Hall	50 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C458	Anderson Building	50 Sheet Booklet Staple Finisher, 3 Hole Punch Kit, Fax Kit, Tri Folding
Konica Minolta C3110	Evidence	Extra Paper Drawer
Konica Minolta C3110	Booking	Extra Paper Drawer
Konica Minolta C3110	Code Enforcement	Extra Paper Drawer
Konica Minolta C3110	Lobby	Extra Paper Drawer

REQUEST FOR CITY COUNCIL ACTION



TITLE: RESOLUTION NO. 42-2016 – A RESOLUTION AMENDING THE FISCAL YEAR 2016 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION FOR A 2016 POLICE OFFICER STANDARDS AND TRAINING GRANT IN THE AMOUNT OF \$2,976.19

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS


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

QUASI-JUDICIAL:

☐ YES

☒ NO


Acting Chief of Police


City Manager

ISSUE:

The Police Department received a Police Office Standards and Training (POST) award for \$2,976.19. POST had additional funding available and the department applied for funds to cover training and arrest control equipment. This grant award was not included in the 2016 Budget.

PRIOR ACTION:

On January 25, 2016, Council approved a supplemental budget appropriation for a prior POST grant in the amount of \$7,500. This money was used for the 2016 police in-service training program.

FINANCIAL IMPACT:

The Police Department received \$2,706.20 for training. Additionally, the Police Department received \$269.99 to purchase a piece of equipment to be used in arrest control training.

BACKGROUND:

POST makes funds available to police departments across the state. POST often sets funding limits so that all departments get an opportunity to request money. In 2016, POST identified additional unused funds and made them available to law enforcement agencies. The Police Department was granted this additional money, in addition to \$7,000 to be used for the 2017 in-service training. That \$7,000 is not included in this request but is included as revenue in the 2017 budget.

RECOMMENDATIONS:

Staff recommends approval of the supplemental budget appropriations.

RECOMMENDED MOTION:

"I move to approve Resolution No. 42-2016 – a resolution amending the Fiscal Year 2016 General Fund Budget to reflect the approval of a supplemental budget appropriation for the 2016 Police Officer Standards and Training Grant in the amount of \$2,976.19."

Or,

"I move to not approve Resolution No. 42-2016 – a resolution amending the Fiscal Year 2016 General Fund Budget to reflect the approval of a supplemental budget appropriation for the 2016 Police Officer Standards and Training Grant in the amount of \$2,976.19 for the following reason(s) _____."

REPORT PREPARED AND REVIEWED BY:

Dave Pickett, Division Chief
Daniel Brennan, Chief of Police
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 42-2016
2. POST Award Letters

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION 42
Series of 2016

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2016 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE 2016 POLICE OFFICER STANDARDS AND TRAINING GRANT IN THE AMOUNT OF \$2,976.19

WHEREAS, the Wheat Ridge Charter requires that amendments to the budget be effected by the City Council adopting a Resolution; and,

WHEREAS, the City of Wheat Ridge, shall serve as point of contact and grant administrator for the Police Officer Standards and Training Grant hereafter referred to as POST for the amount of \$2,976.19; and,

WHEREAS, POST funds are specifically designated for in-service police training costs incurred by local police agencies described as:

- Training, training equipment, training supplies, books, class supplies backfill and travel costs for both student and instructor.
- Track and range maintenance and upgrades, track car maintenance, tires, fuel used for driver training
- Training ammunition/simunitions, simulator guns and safety equipment, TASER training cartridges, etc.
- Out-of-state training to include tuition, lodging and travel costs
- On-line training
- Warranty cost for training equipment
- Arrest control equipment; and,

WHEREAS, purchasing and accounting methods will be in accordance with the rules set forth by POST;

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

- A. The City Council authorizes the acceptance of the Police Officer Standards and training Grant and the amendment of the grant fund revenues accordingly.
- B. The City Manager is authorized to execute all documents necessary for the acceptance of the award.
- C. The City Council authorizes an amendment to account number 01-207-700-728 in the amount of \$2,976.19 for out of state training and arrest control equipment.

DONE AND RESOLVED this 24th day of October, 2016.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk



Department of Law
Ralph L. Carr
Colorado Judicial Center
1300 N Broadway, 9th Floor
Denver, CO 80203
(720) 508-6721
Fax: (866) 858-7486
Email: POST@state.co.us

Board Members

Cynthia H. Coffman
Attorney General

Chair

Chief John S. Camper
City of Grand Junction

Vice Chair

Chief Dan Brennan
City of Wheat Ridge

Sheriff Ron Bruce
Hinsdale County

Sergeant Rafael Chanza
City of Colorado Springs

Sergeant Lonnie Chavez
City of Grand Junction

Chief John Collins
City of Englewood

Deputy Amanda Cruz-Giordano
Arapahoe County Sheriff's Office

Sheriff Chad Day

Yuma County

David Donaldson

Logan County Commissioner

Chief John Dyer

City of Rifle

Executive Director Stan Hilkey
Department of Public Safety

Kara Hoofnagle

Public Member

S. Zeke Knox

Public Member

Robert A. Lees

Public Member

Sheriff Fred McKee

Delta County

Sheriff John Minor

Summit County

Chief Michael Phibbs

Auraria Dept. of Public Safety

Jane Quinby

Public Member

SAC Thomas Ravenelle

Federal Bureau of

Investigation

Sheriff Anthony Spurluck

Douglas County

Bradley F. Taylor

Public Member

Sheriff Frederick Wegener

Park County

Chief Robert C. White

City of Denver

POST Director

Cory Amend

March 30, 2016

TO: Wheat Ridge Police Department,

Congratulations! The office of Peace Officer Standards and Training (POST) has approved a grant of \$2,706.20 for your law enforcement training program. Our offer of this grant is subject to your agreement to:

1. Use the grant funds only as specified in the approved grant application proposal.
2. Maintain your records to show and account for the uses of grant funds.
3. Allow POST access to records to verify grant expenditures and activities.
4. Comply with reasonable requests for information about program activities.
5. Meet terms and conditions specified in the Purchase Order attached to this letter.

If your organization agrees to these terms, please print a single-sided copy and have an authorized representative sign and return the Purchase Order with the attached Exhibit A. The Purchase Order requires original signature therefore the Purchase Order must be returned via postal mail. Mail the Purchase Order (with original signature) to:

Becky Calomino-Grant Manager
Ralph Carr Judicial Center
Peace Officer Standards and Training
1300 Broadway Street, 9th Floor
Denver, CO 80203

Do not incur any charges or pay for or order any items that have been approved in this award letter prior to the full execution of the attached Purchase Order. IT IS IMPERATIVE THAT YOU RETURN THIS PO IMMEDIATELY TO POST SINCE THIS TRAINING IS TO OCCUR IN APRIL. THE PO NEEDS TO BE SIGNED AT MULTIPLE LEVELS AT THE STATE BEFORE IT IS CONSIDERED EFFECTIVE AND THIS WILL TAKE SOME TIME. Once the Purchase Order has been signed by the State we will return a copy to you for your records and provide instructions how to receive your funds. Again, you may not incur costs prior to the date the State Controller Delegate signs the Purchase Order.

If you have any questions please contact Becky Calomino at becky.calomino@coag.gov or 720-508-6737. We appreciate being able to assist your with your efforts to provide quality law enforcement training.

Sincerely,

Cory A. Amend
POST Director

CYNTHIA H. COFFMAN
Attorney General

DAVID C. BLAKE
Chief Deputy Attorney General

MELANIE J. SNYDER
Chief of Staff

FREDERICK R. YARGER
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 9th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Peace Officer Standards
and Training

July 1, 2016

TO: Wheat Ridge Police Department,

Congratulations! The office of Peace Officer Standards and Training (POST) has approved an award of \$7,269.99 for your law enforcement training program. Our offer of this award is subject to your agreement to:

1. Use the grant funds only as specified in the approved grant application proposal;
2. Maintain your records to show and account for the uses of grant funds;
3. Allow POST access to records to verify grant expenditures and activities;
4. Comply with reasonable requests for information about program activities; *and*
5. Meet terms and conditions specified in the Purchase Order attached to this letter.

If your organization agrees to these terms, please print a single-sided copy of the attached Purchase Order and Exhibit A (five pages) and have an authorized representative sign and return it to POST. The Purchase Order requires original signature, therefore, the Purchase Order must be returned via postal mail.

Mail the Purchase Order (with original signature) to:

Becky Calomino-Grant Manager
Ralph Carr Judicial Center
Peace Officer Standards and Training
1300 Broadway Street, 9th Floor
Denver, CO 80203

You may not incur any charges, pay for or order any items that have been approved in this award prior to the full execution of the attached Purchase Order. Once the Purchase Order has been signed by the State a copy will be returned to you electronically for your records along with instructions for how to receive your funds. Again, you may not incur costs prior to the date the State Controller Delegate signs the Purchase Order.

If you have any questions please contact Becky Calomino at becky.calomino@coag.gov or 720-508-6737. We appreciate being able to assist you with your efforts to provide quality law enforcement training.

Sincerely,

Cory A. Amend
POST Director

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 43-2016 – A RESOLUTION BETWEEN THE CITY OF WHEAT RIDGE AND THE WEST METRO FIRE PROTECTION DISTRICT APPROVING A REVOCABLE LICENSE AGREEMENT CONCERNING AN EMERGENCY SIREN LOCATION

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS


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

QUASI-JUDICIAL:

☐ YES☒ NO

Actual 

Chief of Police



City Manager

ISSUE:

The City of Wheat Ridge owns an emergency siren located at the northwest corner of 38th Avenue and Upham Street. The siren is used to warn citizens of potential dangers and hazards and is maintained and operated by the Wheat Ridge Police Department (WRPD). The siren will be relocated to the West Metro Fire Protection District (WMFD) station at 3880 Upham Street to facilitate redevelopment of the northwest corner of 38th Avenue and Upham Street. Approval of a revocable license agreement with WMFD is required before the emergency siren can be relocated.

FINANCIAL IMPACT:

Wazee Partners, the developer of the property at the northwest corner of 38th Avenue and Upham Street, will pay all relocation costs. There will be no other fees or charges associated with this license agreement.

BACKGROUND:

Wazee Partners intends to redevelop the northwest corner of 38th Avenue and Upham Street into a mixed-use residential and retail community. In order to facilitate this development, Wazee Partners has requested and offered to pay for the relocation of the City's emergency siren from this location to the WMFD property at 3880 Upham Street.

This agreement and the license would be for an initial term of ten years unless earlier terminated as provided in the terms of the agreement. The agreement may be renewed for any number of subsequent five-year terms upon written agreement executed by both parties.

The City agrees to maintain the emergency siren at all times and operate the siren in compliance with all applicable laws, rules and regulations in a manner that would not interfere with the fire district's use of the station.

RECOMMENDATIONS:

City staff recommends the revocable license agreement be executed.

RECOMMENDED MOTION:

"I move to approve Resolution No. 43-2016, a resolution between the City of Wheat Ridge and the West Metro Fire Protection District approving a revocable license agreement concerning an emergency siren location."

Or,

"I move postpone indefinitely Resolution No. 43-2016, a resolution between the City of Wheat Ridge and the West Metro Fire Protection District approving a revocable license agreement concerning an emergency siren location for the following reason(s) _____."

REPORT PREPARED BY:

Carmen Berry, Assistant City Attorney
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 43-2016
2. Revocable License Agreement

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 43
Series of 2016

**TITLE: A RESOLUTION BETWEEN THE CITY OF WHEAT RIDGE AND
THE WEST METRO FIRE PROTECTION DISTRICT APPROVING
A REVOCABLE LICENSE AGREEMENT CONCERNING AN
EMERGENCY SIREN LOCATION**

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), acting through its City Council is a home rule municipality with statutory and constitutional authority to enact ordinances and enter into agreements for the protection of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 29-1-203 and Section 14.2 of the Wheat Ridge Home Rule Charter the City is authorized to enter into agreements with other governmental units or special districts for the joint use of buildings, equipment, or facilities, or for furnishing or receiving commodities or services; and

WHEREAS, in connection with its public safety services, the City owns an emergency siren system within the City, maintained and operated by the Wheat Ridge Police Department (WRPD), to warn citizens of potential dangers and hazards; and

WHEREAS, the West Metro Fire Protection District owns and controls a fire station facility in the City at 3880 Upham Street, upon which the WRPD would like to locate one of the City's emergency sirens, to which the District has agreed; and

WHEREAS, the Council wishes to act by resolution to approve the terms and conditions of a revocable license agreement to permit one of the City's emergency sirens to be located at the District station at 3880 Upham Street, as required by Charter Section 14.2.

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

Section 1. The attached Revocable License Agreement Concerning an Emergency Siren Location between the City and the District is hereby approved and the Mayor and City Clerk are authorized to execute the same.

Section 2. This Resolution shall be effective immediately.

DONE AND RESOLVED this ____ day of _____, 2016.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

**REVOCABLE LICENSE AGREEMENT
CONCERNING AN EMERGENCY SIREN LOCATION**

1.0 **PARTIES.** This Revocable License Agreement ("Agreement") is entered into as of this ____ day of _____, 2016, by and between the City of Wheat Ridge, Colorado ("City") and the West Metro Fire Protection District ("District") ("Parties" collectively or "Party" individually).

2.0 **RECITALS.**

2.1 As governmental entities, the Parties are authorized to cooperate and contract with one another for the performance of governmental functions;

2.2 The Parties hereto are each authorized to perform public safety services;

2.3 In connection with its public safety services, the City owns an emergency siren system within the City, maintained and operated by the Wheat Ridge Police Department ("Wheat Ridge PD") to warn citizens of potential dangers and hazards;

2.4 In connection with its public safety services, the District owns and controls a fire station facility at 3880 Upham Street, Wheat Ridge, Colorado ("Station"), upon which Wheat Ridge PD would like to install, operate and maintain one of the City's emergency sirens and associated equipment, more specifically described on **Exhibit A** attached hereto and incorporated herein by this reference ("Emergency Siren"); and

2.5 The District wishes to grant the City an exclusive, revocable license to locate and maintain the Emergency Siren on the Station ("License") under the terms and conditions of this Agreement.

3.0 **CITY OBLIGATIONS.** In the performance of this Agreement, the City, acting through the duly-authorized employees and agents of the Wheat Ridge PD, shall:

3.1 Perform all work necessary to install the Emergency Siren at the Station at the Proposed Signal Relocation site, located near the intersection of the southern lot line of the Station property and Upham Street, and as more particularly illustrated on the attached **Exhibit B** attached hereto and incorporated herein by this reference.

3.2 Maintain the Emergency Siren at all times in good repair.

3.3 Operate the Emergency Siren in compliance with all applicable laws, rules and regulations, and in such a manner as not to interfere with the District's use of the Station for its public safety purposes.

3.4 Not interfere with the District's business, operations, or services at the Station.

4.0 DISTRICT OBLIGATIONS. In the performance of this Agreement , the District shall:

4.1. Grant the City an exclusive, revocable license to locate and maintain the Emergency Siren on the Station ("License").

4.2 Provide Wheat Ridge PD with access to the Emergency Siren and other Station areas necessary to perform its obligations under this Agreement upon reasonable notice. Reasonable notice shall mean at least three (3) business days. In the event access to the Emergency Siren is required sooner by emergency circumstances, Wheat Ridge PD shall use its best efforts to give the District as much notice as possible and the District shall use its best efforts to give Wheat Ridge PD access as quickly as possible.

4.3. Notify Wheat Ridge PD of any known damage to the Emergency Siren or other known condition upon or around the Station that could affect the Emergency Siren's functionality. The District is under no obligation to inspect the Emergency Siren or to otherwise actively undertake any investigation or evaluation of its functionality.

5.0 **TERM.** This Agreement and the License granted hereby shall be for an initial term of ten (10) years unless earlier terminated as provided herein. This Agreement and the License may be renewed for any number of subsequent five (5) year terms upon written agreement executed by both Parties.

6.0 **TERMINATION.** Either Party may terminate this Agreement and the License, with or without cause, upon sixty (60) days written notice to the other Party. In the event of termination, District shall provide Wheat Ridge PD with reasonable access to the Station to remove the Emergency Siren.

9.0 MISCELLANEOUS.

9.1 Neither Party waives the rights, limitations, and defenses of the Colorado Governmental Immunity Act or other rights or protections as otherwise provided by law.

9.2 This Agreement may be executed by Parties with separate signature pages, each of which shall constitute an original and together which shall constitute one and the same agreement.

10.0 **NOTICE.** When notice is required by this Agreement, notice shall be deemed validly given at the time the notice is delivered in person, *received* by first class or registered mail, or transmitted by electronic mail to the following addresses:

West Metro F.P.D.
ATTN: _____
433 S. Allison Pkwy.
Lakewood , CO 80226
E-mail: _____

City of Wheat Ridge
Wheat Ridge PD
ATTN: Chief Brennan
7500 W. 29th Avenue
Wheat Ridge, CO 80033
E-mail: dbrennan@ci.wheatridge.co.us

11.0 PARAGRAPH CAPTIONS. The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement or the License.

12.0 INTEGRATION AND AMENDMENT. This Agreement represents the entire agreement between the Parties with regards to the subject matter of this agreement and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Parties. If any provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

13.0 GOVERNING LAW. This Agreement shall be governed by the laws of the State of Colorado without regard to its conflicts of law principles.

14.0 RESPONSIBILITY. Each Party shall remain responsible for the acts and omissions of its own officials, employees and agents and shall not be responsible for the acts or omissions of the officials, employees or agents of the other Parties.

15.0 NON-APPROPRIATION/TABOR. The Parties understand and acknowledge that the City and the District are subject to Article X, § 20 of the Colorado Constitution ("TABOR"). The Parties do not intend to violate the terms and requirements of TABOR by the execution of this Agreement. It is understood and agreed that this Agreement does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR and, therefore, notwithstanding anything in this Agreement to the contrary, any payment obligation of either Party is expressly dependent and conditioned upon the continuing availability of funds beyond the term of the current fiscal period ending upon the next succeeding December 31. Financial obligations payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available in accordance with the rules, regulations, and resolutions of the District or the City, as applicable, and other applicable law. Notwithstanding any other provision of this Agreement concerning termination, upon either Party's failure to appropriate such funds, this Agreement shall automatically terminate.

16.0 INSURANCE. Each Party shall maintain insurance or self-insurance sufficiently adequate to protect such Party from any liability arising from or relating to such Party's obligations under this Agreement. Wheat Ridge PD is responsible for procuring and maintaining insurance covering the Emergency Siren; District is responsible for procuring and maintaining insurance covering the Station. Each Party shall maintain insurance adequate to cover all activities of its employees and agents in connection with this Agreement. Each Party shall be responsible for its own acts and omissions and the acts and omissions of its respective employees and agents.

17.0 RELATIONSHIP OF THE PARTIES. Each Party is an independent contractor, and this Agreement and the transactions contemplated hereunder shall not create between the Parties a relationship of agency, joint venture, partnership or employment. Each Party acknowledges that the performance of its obligations under this Agreement shall not result

in any change in the employment status of such Party's employees, and such Party's employees shall remain solely the employees of such Party.

18.0 **NO THIRD PARTY BENEFICIARIES.** Enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other person or entity not a party to this MOU.

19.0 **FURTHER ASSURANCES.** The Parties shall execute any other documents and to take any other action necessary to carry out the intent of this Agreement.

The Parties have executed this Revocable License Agreement Concerning an Emergency Siren Location as of the date set forth above.

WEST METRO FIRE PROTECTION DISTRICT

_____, [title]
433 S. Allison Pkwy.
Lakewood, CO 80226

CITY OF WHEAT RIDGE

Joyce Jay, Mayor 7500 W. 29th Avenue
Wheat Ridge, CO 80033

ATTEST:

Janelle Shaver, City Clerk

EXHIBIT A
EMERGENCY SIREN SYSTEM

One (1) "Outdoor Warning Siren," manufactured by Whelen Corp., including a pole, radio, antenna, cabling, and a grounding kit.

EXHIBIT B

[ATTACH ILLUSTRATION OF SITE RELOCATION AREA – AERIAL PHOTO]

Existing Signal Location

Proposed Signal Relocation



REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 24-2016 – AN ORDINANCE
AMENDING CHAPTER 16 OF THE WHEAT RIDGE
CODE OF LAWS TO ADD A NEW SECTION 16-68,
ENTITLED REMOVAL OF SNOW AND ICE FROM
SIDEWALKS**

- ☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING (10/10/2016)
☒ ORDINANCES FOR 2ND READING (10/24/2016)

QUASI-JUDICIAL:

☐ YES☒ NO
Public Works Director
City Manager**ISSUE:**

On September 19, 2016, staff presented a draft ordinance to Council regarding snow removal on sidewalks, with adjustments as discussed on August 15, 2016. Council directed staff to proceed with the process of adopting the ordinance by scheduling a first reading. In addition to the ordinance itself, Council also provided staff direction with regard to policies, procedures, and enforcement, which will be reflected in the City's Snow and Ice Control Policy.

PRIOR ACTION:

On August 15, 2016, the City Council discussed snow removal on sidewalks. More specifically, the discussion focused on moving forward with a proposed ordinance to address the removal of snow on sidewalks by adjacent property owners. Council was presented with a draft ordinance and directed staff to refine specific items in the draft and return it for further discussion prior to moving forward with the process.

FINANCIAL IMPACT:

Adoption of an ordinance as approved will require additional staff time for public education and enforcement. Staff is not requesting any additional resources at this time. However, it is recommended that in the spring of 2017 (after a full winter has been experienced under a new ordinance), the overall results and impacts on resources be evaluated.

BACKGROUND:

On February 22, 2016, the City Council discussed issues and possible actions with regard to the removal of snow from sidewalks. The discussion resulted from numerous complaints regarding lack of snow removal on sidewalks last winter. The issue had also been discussed by previous City Councils, particularly during winters of above average snowfalls.

By City policy (but not code), and with some exceptions, property owners are responsible for the removal of snow on sidewalks adjacent to their property. Although compliance is generally moderate, staff and Council still receive numerous complaints each winter regarding unremoved snow on sidewalks. The City is unable to enforce this responsibility as there is no ordinance currently in place that compels compliance with the policy. Code 15-27 does address the depositing of snow and ice, but there is no provision specifically addressing snow removal.

The City of Wheat Ridge's current snow removal policy and procedure is generally as follows:

1. City maintains responsibility of snow removal on public streets. Streets are prioritized based on different levels of service (arterials and collector streets), critical locations (schools, hospitals, unusually steep grades), and other factors.
2. Sidewalks are generally the responsibility of the adjacent property owners. Exceptions may include City-owned property and facilities such as City Hall, the Recreation Center, and multi-use trails constructed and/or owned by the City such as the Clear Creek Regional Trail, the multi-use trail adjacent to Crown Hill Park and the new Kipling multi-use trail. The City does contract some snow removal at City-owned bus shelters as part of contract services for shelter maintenance and refuse collection. Also, the City provides snow removal on sidewalks along 38th Avenue between Harlan St. and Sheridan Blvd., as these sidewalks are a part of streetscape improvements constructed by the City.

Neighboring cities such as Denver, Golden, Arvada, Lakewood and Westminster have snow removal policies, practices, and procedures similar to Wheat Ridge. However, these cities have ordinances in place (administered through code enforcement) requiring property owners to remove the snow. Some also have specific time frame requirements and with warnings and/or fines for non-compliance. A 2012 report by the Denver Regional Mobility and Access Council (DRMAC) and RTD Accessibility Task Force indicated that all municipalities in the Denver Metro Area have an ordinance in place with the exception of Wheat Ridge and one other city.

Failure to remove snow on sidewalks can result in public safety and liability issues and reduce mobility options, including access to transit and other destinations.

On February 22, and in subsequent discussions, Council has expressed general consensus and strong interest in pursuing the following:

1. Moving forward with the process of adopting an ordinance requiring adjacent property owners to remove snow on walks, enabling the City to respond to complaints, take action and enforce compliance. However, it has generally been agreed that any adoption of an ordinance should include broad public education and outreach, that complaints be addressed on an individual basis, and that initial enforcement consist primarily of warnings.
2. Directing staff to identify and review sidewalk locations that are not adjacent to private properties or locations where private maintenance may be difficult or not possible (i.e., bridges, arterial streets separated by privacy walls, other remote locations, etc.), and quantify additional resources that would be needed to cover those areas.

RECOMMENDED MOTION:

"I move to approve Council Bill No. 24-2016 an ordinance amending Chapter 16 of the Wheat Ridge Code of Laws to add a new section 16-68 entitled Removal of Snow and Ice from Sidewalks on second reading, and that it take effect 15 days after final publication."

Or,

"I move to postpone indefinitely Council Bill No. 24-2016 an ordinance amending Chapter 16 of the Wheat Ridge Code of Laws to add a new section 16-68 entitled Removal of Snow and Ice from Sidewalks for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Scott Brink, Public Works Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 24-2016

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER URBAN
Council Bill No. 24
Ordinance No. _____

Series of 2016

TITLE: AN ORDINANCE AMENDING CHAPTER 16 OF THE WHEAT RIDGE CODE OF LAWS TO ADD A NEW SECTION 16-68, ENTITLED REMOVAL OF SNOW AND ICE FROM SIDEWALKS

WHEREAS, the City Council of the City of Wheat Ridge, Colorado has all power delegated to it by the Wheat Ridge home rule charter and Code of Laws to enact ordinances for the protection of the health, welfare and safety; and

WHEREAS, the City Council finds that the accumulation of snow and ice on public sidewalks constitutes a threat to public safety; and

WHEREAS, the City Council desires to amend Chapter 16 of the Code of Laws to provide for the removal of snow and ice from sidewalks by the adjacent property owner, or occupant or tenant thereof.

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

Section 1. Chapter 16 of the Wheat Ridge Code of Laws is hereby amended by the addition of a new Section 16-68, entitled removal of snow and ice from sidewalks, to read as follows:

Sec. 16-68. Removal of snow and ice from sidewalks.

- a. The owner, occupant or tenant of any building, property or lot within the City shall remove snow and ice from all sidewalks adjacent to such building, property or lot and running parallel to any street within twenty-four (24) hours after each snowfall of 2 inches or more.
- b. Definitions: For the purpose of this section, the following terms are defined.
 - (1) Sidewalk: That portion of paved property running parallel to streets, roads, highways or upon or adjacent to similar public rights-of-way, and which is normally designed and intended for the travel use of pedestrians.
 - (2) Street: Avenues, roads, roadways and all thoroughfares, except alleys, dedicated to public use or used by the public as a street, road, roadway or avenue within the City.

- (3) Snowfall: Any natural accumulation of snow, ice or sleet. "Snowfall" shall not include any accumulation of snow, ice or sleet as a result of street or sidewalk clearing or plowing activities undertaken by the City of Wheat Ridge or the Colorado Department of Transportation.
- c. The Director of Public Works shall have the authority to remove any accumulation of snow, ice or sleet from a sidewalk which has been allowed to accumulate in violation of this section. The cost of such removal shall be charged to the owner, occupant or tenant of the building, property or lot adjacent to the sidewalk, and if remaining unpaid, may be certified to the County Treasurer for collection in the same manner as real property taxes, or may be collected by the City pursuant to any other legal means.
 - d. Any person who controls, owns or occupies property that abuts or adjoins any sidewalk open to the public owes a duty to all persons using such sidewalk to comply with provisions of this section.
 - e. Failure to remove snow, ice or sleet from sidewalks as required by this section may result in the issuance of a summons and complaint, or the City may remove such snow or ice and assess the cost against the premises abutting the sidewalk, or both.
 - f. No imprisonment may be ordered in judgment for a violation hereof.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Effective Date. This Ordinance shall take effect fifteen days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 10th day of October, 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 24, 2016, at 7:00 o'clock 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: October 13, 2016

Second Publication:

Wheat Ridge Transcript

Effective Date:

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 25-2016 – AN ORDINANCE AMENDING ARTICLES I, II AND VI OF CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE IMPLEMENTATION OF A RESIDENTIAL BULK PLANE DEVELOPMENT STANDARD (CASE NO. ZOA-16-06)

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☒ ORDINANCES FOR 1ST READING (10/24/2016)
☐ ORDINANCES FOR 2ND READING (11/14/2016)

QUASI-JUDICIAL: ☐ YES

☒ NO


Community Development Director


City Manager

ISSUE:

This ordinance amends the development standards for the Residential-One C (R-1C) zone district and one-family dwellings in the Residential-Three (R-3) zone district to add a bulk plane regulation. The purpose of this proposed ordinance is to reduce the mass and scale of new development in Wheat Ridge's smallest lot single-family zone districts. Currently there are no development standards for the aforementioned zone districts which limit mass and scale other than the existing 35-foot height maximum in effect for all residential zone districts. The ordinance is also intended to preserve the ability to obtain a reasonable development and reinvestment potential for private property.

PRIOR ACTION:

Staff discussed this issue with City Council at study sessions on July 18, 2016, August 15, 2016, October 3, 2016, and October 17, 2016. Planning Commission also had discussions on this topic on July 21, 2016 and September 15, 2016. A public hearing before Planning Commission is scheduled for October 20, 2016.

FINANCIAL IMPACT:

The proposed ordinance is not expected to have a direct financial impact on the City.

BACKGROUND:

Staff has been researching bulk plane standards for several months and has presented bulk plane information to City Council and Planning Commission during several study session discussions. Staff has worked to create an ordinance that balances the goals of the City's guiding documents such as the Neighborhood Revitalization Strategy and the Comprehensive Plan, which call for reinvestment in Wheat Ridge neighborhoods, diversification of the City's housing stock and respecting Wheat Ridge's established neighborhoods.

In July, staff was directed to continue researching bulk plane standards. Based in part on the community's response to some infill developments in East Wheat Ridge, Council deemed it necessary to declare an emergency and adopted an emergency ordinance in August to implement a bulk plane standard for properties zoned Residential-One C (R-1C). This emergency ordinance will expire and cannot be extended, per Charter regulations, on November 21, 2016.

The proposed ordinance intends to be a permanent solution to the emergency ordinance adopted in August, with a slightly expanded scope. The proposed ordinance reflects the direction provided by City Council after considering information provided during several rounds of study sessions, public comments, and Planning Commission recommendations.

During the most recent study session with Planning Commission in mid-September, the commissioners did not come to a consensus on an appropriate starting height for bulk plane. Overall, the Commission felt that bulk plane is not the most appropriate tool to address the neighborhood concerns and suggested that a bulk plane ordinance be adopted only as a temporary solution as staff conducts a more in-depth analysis into neighborhood overlays, building height, and architectural design standards.

Following the Planning Commission study session, City Council was presented with a similar memorandum and a summary of Planning Commission's discussion. City Council understood the Planning Commission's desire for a more in-depth process, but directed staff to continue with the bulk plane ordinance. Staff presents the attached draft ordinance based on preliminary consensus reached during City Council study sessions. Generally speaking, City Council indicated support for the 45° bulk plane measured 15 feet above each property line, as measured from the base plane. The base plane is calculated as an average property grade at the midpoints of each property line. City Council came to a consensus on applying bulk plane standards only to the R-1C zone district and single-family homes in the R-3 zone district.

Proposed Amendments

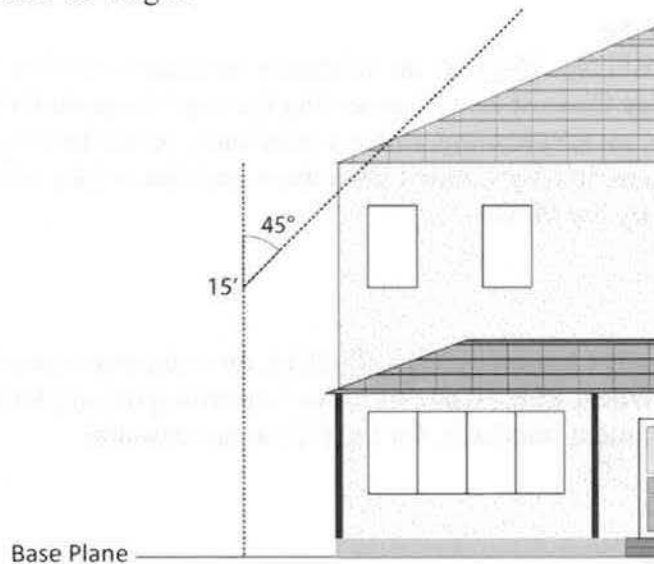
Below is a summary of the proposed code amendments which would implement a bulk plane standard.

1. *New definitions.* Bulk plane standards do not exist in the current code, requiring the need for additional definitions to be added. Definitions for base plane, building envelope, and bulk plane are proposed to be added to the Code of Laws.

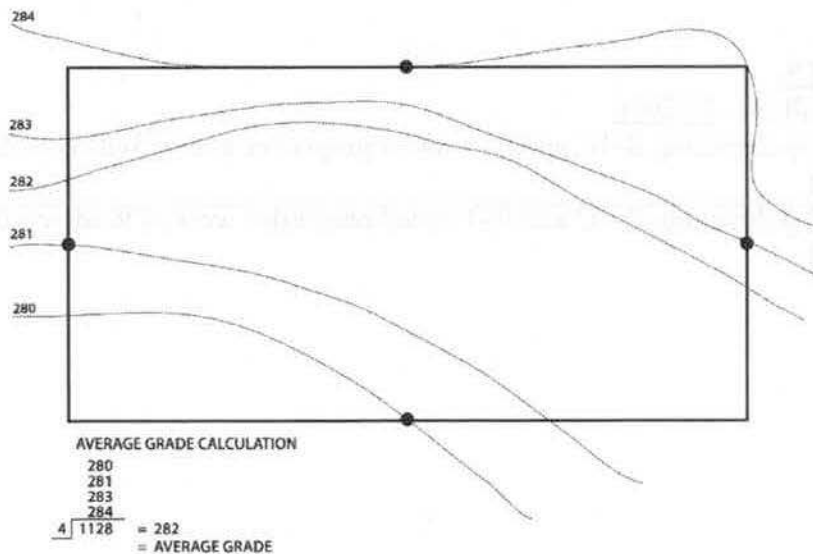
2. *Development Standards.* The Development Standards charts for the Residential-One C (R-1C) and Residential-Three (R-3) zone districts are proposed to be modified by adding a footnote to the maximum height column which states that bulk plane regulations shall apply in conformance with Section 26-641 of the Code of Laws.

3. *Bulk Plane.* A new section is proposed to be added to the Code of Laws, Section 26-641, titled “Bulk Plane.” This section describes the applicability, measurement, and allowable exceptions to the bulk plane regulations.

4. *Bulk Plane measurement.* The bulk plane is proposed to be measured from the base plane vertically 15 feet from each property line. After reaching 15 feet, the bulk plane extends over the property at a 45° angle.



5. *Base Plane measurement.* The base plane is proposed to be measured as the average of the elevations of the mid-point of each property line.



6. *Exceptions.* Staff proposes the following list of exceptions: chimneys, architectural features consistent with current setback encroachment allowances, mechanical equipment, including solar panels, and dormers with some size limitations. Staff has also included open-type railings compliant with adopted City codes. The 2012 International Residential Code, which the City has adopted and currently enforces, calls for the following: 36” tall railings; openings in the railings (such as the space between supports, spindles, intermediate rails, and the like) must be spaced in a manner which does not allow a four-inch sphere to pass through it.

RECOMMENDATIONS:

Staff recommends approval of the ordinance.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 25-2016, an ordinance amending Articles I, II and VI of Chapter 26 of the Wheat Ridge Code of Laws concerning the implementation of residential bulk plane development standards, on first reading, order it published, public hearing set for Monday, November 14, 2016 at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption and signature by the Mayor.”

Or,

“I move to postpone indefinitely Council Bill No. 25-2016, an ordinance amending Articles I, II and VI of Chapter 26 of the Wheat Ridge Code of Laws concerning the implementation of residential bulk plane development standards, for the following reason(s)
_____.”

REPORT PREPARED BY:

Zack Wallace, Planner I
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 25-2016
2. Zoning Map depicting R-1C and R-3 zoned properties east of Wadsworth Boulevard
3. Zoning Map depicting R-1C and R-3 zoned properties west of Wadsworth Boulevard

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

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF BULK PLANE STANDARDS FOR THE RESIDENTIAL-ONE C (R-1C) AND ONE-FAMILY DWELLINGS IN THE RESIDENTIAL-THREE (R-3) ZONE DISTRICT

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 protection of the public health, safety and welfare; and

WHEREAS, in 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 pertaining to zoning, land use, and development; and

WHEREAS, the City is witnessing three-story residential infill development in established neighborhoods consisting of mostly single-story residences; and

WHEREAS, the City Council has identified this development pattern as constituting a detriment to the public peace, health, and safety by impacting privacy and impairing the adequate supply of light and air to adjacent property; and

WHEREAS, the City Council finds that this ordinance is necessary to address this development pattern; and

WHEREAS, the City Council adopted an emergency ordinance, pursuant to Section 5.13 of the Wheat Ridge City Charter which enacted a bulk plane regulation in the Residential-One C (R-1C) zone district; and

WHEREAS, the emergency ordinance will expire on November 21, 2016, pursuant to Section 5.13 of the Charter; and

WHEREAS, the City Council believes a permanent ordinance will continue to improve the quality or character of new development and further enhance and protect existing neighborhoods while respecting private property rights;

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

Section 1. Ordinance No. 1602, declaring an emergency and enacting a bulk plane regulation in the Residential-One C (R-1C) zone district, enacted August 22, 2016, is repealed upon the effective date of this ordinance.

Section 2. Section 26-120.C.1 (Nonconforming structures and uses) of the Code is amended to read.

Any one- or two-family dwelling structure or customary accessory structures may be enlarged, altered or added to provided that all lot coverage requirements of the zoning district in which the structure is located are met, and provided that the enlargement, alteration or addition does not increase the extent of nonconforming setbacks by encroaching beyond the existing setback line. THE RESIDENTIAL BULK PLANE STANDARDS SET FORTH IN SECTION 26-641.A. SHALL APPLY TO ANY ENLARGEMENT, ALTERATION OR ADDITION OF OR TO BOTH THE PRIMARY STRUCTURE AND ANY ACCESSORY STRUCTURES TO THE PRIMARY STRUCTURE. In instances of corner lots, no enlargement, alteration or addition shall be permitted to encroach within the minimum sight distance triangle as set forth in subsection 26-603B. In addition, no enlargement, alteration or addition which extends within the nonconforming area shall result in the development of any additional dwelling units.

Section 3. Section 26-123 (Definitions.) of the Code is amended by the addition of the following definitions in their appropriate alphabetical locations:

Base plane. The horizontal plane which is generally parallel to a property's existing grade from which building height and bulk plane are measured.

Building envelope. The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk plane, by other regulations, or any combination thereof.

Bulk plane. The angled plane which extends from a set height above each property line and constrains the permitted building envelope.

Section 4. Section 26-208.B (Residential-One C District [R-1C] Development Standards) of the Code is amended by the addition of footnote (f) as follows:

		Maximum Height (f)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
Principal Buildings	One-family dwelling	35' (f)	40%	5,000 sf	50'	20' (d)	5' (f)	5' (f)
	Group home	35' (f)	40%	5,000 sf	50'	20' (d)	5' (f)	5' (f)
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35' (f)	40%	1 acre	200'	20' (d)	15' (f)	20' (f)
Accessory Buildings (e)	Major	15' (f)	600 sf	N/A	N/A	20' (d)	5'	5'
	Minor	10' (f)	300 sf	N/A	N/A	20' (d)	5'	5'
All Other Uses		35' (f)	40%	9,000 sf	60'	20' (d)	5' (e)	10'

(F) BULK PLANE REGULATIONS SHALL APPLY IN ACCORDANCE WITH SECTION 26-641.

Section 5. Section 26-211.B (Residential-Three District [R-3] Development Standards) of the Code is amended by the addition of footnote (h) as follows:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
Principal Buildings	One-family dwelling	35' (h)	40%	7,500 sf	60'	25' (e)	5' (h)	10' (h)
	Two-family dwelling	35'	40%	9,000 sf	75'	25' (e)	5' per story	10'
	Multifamily (3/more dwelling units)	35'	40%	12,500 sf (f)	100'	25' (e)	15' (c)	15' (c)
	Group home	35'	40%	9,000 sf	75'	25' (e)	5' per story	10'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25' (e)	15' (c)	20'

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
Accessory Buildings (g)	Major	15' (h)	600 sf (per unit)	N/A	N/A	25' (e)	5'	5' if $\leq 10'$ in height; 10' if $> 10'$ in height
	Minor	10' (h)	400 sf/4 d.u.	N/A	N/A	25' (e)	5'	5'
All Other Uses		35'	40%	7,500 sf	60'	25' (e)	5' per story	10'

(H) BULK PLANE REGULATIONS SHALL APPLY TO ALL ONE-FAMILY DWELLING PRIMARY AND ACCESSORY BUILDINGS IN ACCORDANCE WITH SECTION 26-641.

Section 6. Chapter 26 of the Code is hereby amended by the addition of a new section 26-641, to read in its entirety as follows:

26-641. BULK PLANE

A. *BULK PLANE.* IN ADDITION TO THE HEIGHT AND SETBACK STANDARDS OF ARTICLE II, BUILDING ENVELOPES ARE REGULATED BY A THREE-DIMENSIONAL BULK PLANE FOR THE PURPOSE OF PRESERVING NEIGHBORHOOD COMPATIBILITY, PRIVACY, AND THE ADEQUATE SUPPLY OF LIGHT AND AIR.

1. *APPLICABILITY.* THE BULK PLANE RESTRICTIONS OF THIS SECTION SHALL APPLY TO ALL STRUCTURES ON A LOT FOR WHICH A BUILDING PERMIT IS APPLIED FOR AFTER THE EFFECTIVE DATE OF ORDINANCE NO ----, SERIES 2016. THE ENTIRETY OF ANY BUILDING ENVELOPE SHALL BE CONTAINED WITHIN THE BULK PLANE, UNLESS OTHERWISE EXEMPTED BY SUBSECTION 4.
2. *MEASUREMENT OF BULK PLANE.* THE BULK PLANE IS A PLANE THAT BEGINS FIFTEEN (15) FEET ABOVE EVERY PROPERTY LINE OF A LOT OR PARCEL, WHICH THEN SLOPES AT A FORTY-FIVE (45) DEGREE ANGLE UNTIL IT INTERSECTS THE BULK PLANE FROM THE OPPOSITE SIDE OF THE LOT OR PARCEL. SEE FIGURE 26-641.2. MAXIMUM BUILDING HEIGHTS SET FORTH IN ARTICLE II, CHAPTER 26 SHALL APPLY REGARDLESS OF THE HEIGHT AT WHICH THE TWO OPPOSITE BULK PLANES INTERSECT ABOVE THE LOT OR PARCEL.
3. *MEASUREMENT OF BASE PLANE.* THE BASE PLANE (SEE FIGURE 641.1) SHALL BE MEASURED FROM THE EXISTING AVERAGE GRADE OF A LOT OR PARCEL. AVERAGE

GRADE SHALL BE CALCULATED AS THE AVERAGE OF THE ELEVATIONS TAKEN AT THE MIDPOINTS OF EACH PROPERTY LINE. SEE FIGURE 26-641.2.

4. **EXCEPTIONS.** ENCROACHMENTS INTO THE BULK PLANE SHALL BE PERMITTED AS FOLLOWS:

- A. CHIMNEYS
- B. OPEN-TYPE RAILINGS COMPLIANT WITH ADOPTED CITY CODE
- C. ARCHITECTURAL FEATURES. CORNICE, EAVES, BELTCOURSES, SILLS, CANOPIES OR OTHER SIMILAR ARCHITECTURAL FEATURES, INCLUDING BAY WINDOW, MAY EXTEND OR PROJECT INTO THE BULK PLANE NOT MORE THAN THIRTY (30) INCHES
- D. MECHANICAL EQUIPMENT. VENT PIPES, SOLAR PANELS, SWAMP COOLERS.
- E. DORMERS MEASURING NO MORE THAN EIGHT (8) FEET WIDE; SIX (6) FEET TALL, AS MEASURED FROM THE LOWEST POINT OF INTERSECTION BETWEEN THE ROOF AND THE DORMER TO THE HIGHEST POINT OF A FLAT ROOF OR MEAN HEIGHT LEVEL BETWEEN EAVES AND RIDGE FOR A GABLE, HIP, GAMBREL OR OTHER ROOF; AND, OCCUPYING NO MORE THAN FIFTY (50) PERCENT OF THE ROOF.

Section 7. Section 26-641 (Bulk plane.) of the Code is amended by the addition of **Figure 26-641.1.**

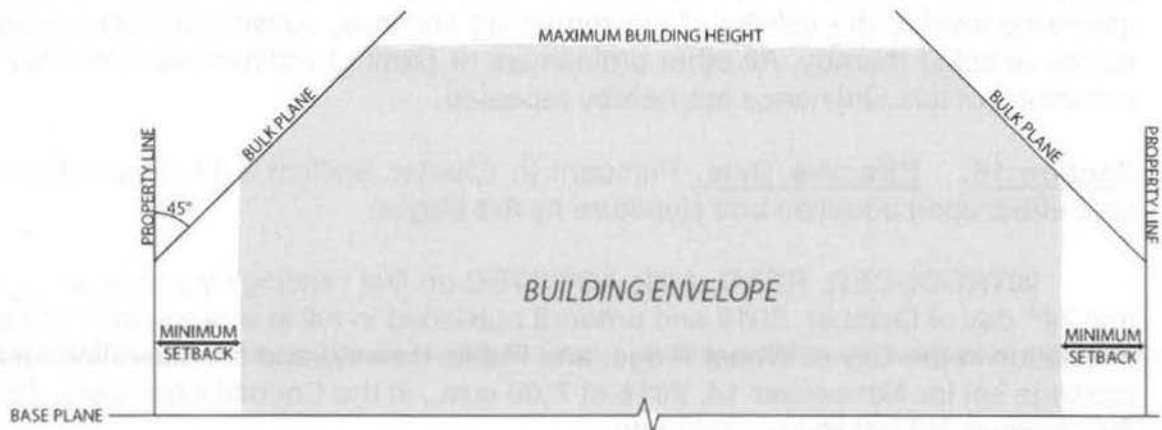


Figure 26-641.1. Section view of bulk plane building envelope, as measured from all property lines.

Section 8. Section 26-641 (Bulk plane.) of the Code is amended by the addition of **Figure 26-611.2.**

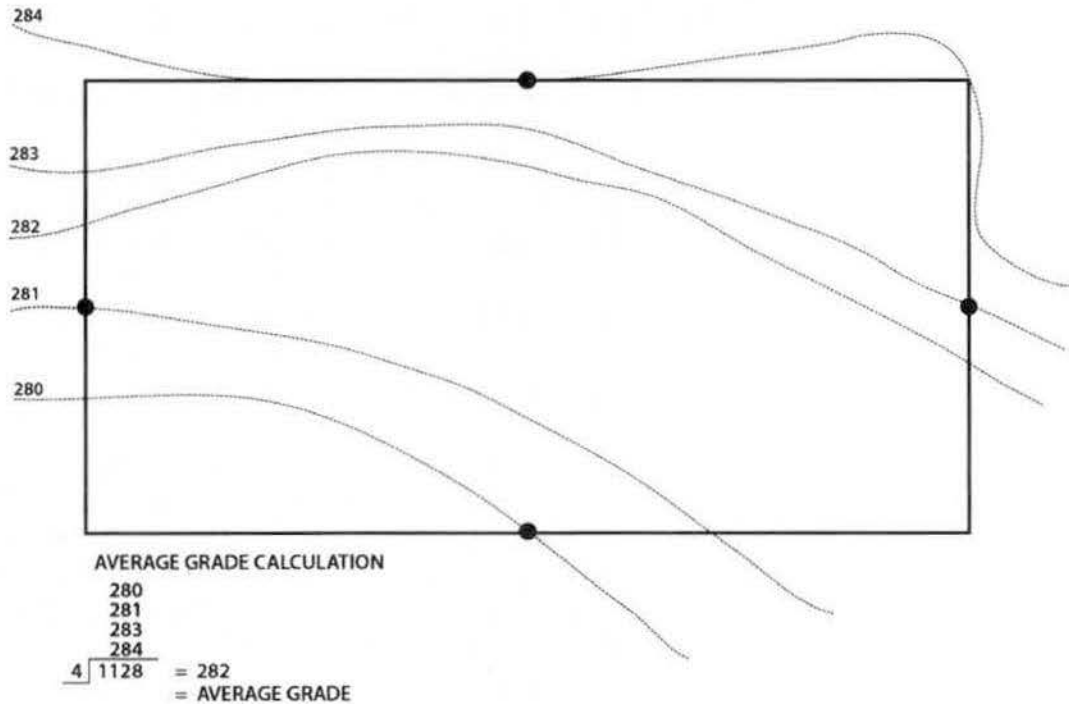


Figure 26-641.2. Average Grade Calculation

Section 9. 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 10. Effective Date. Pursuant to Charter Section 5.11, this ordinance shall take effect upon adoption and signature by the Mayor.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___, this 24th day of October, 2016 and 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 **November 14, 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:

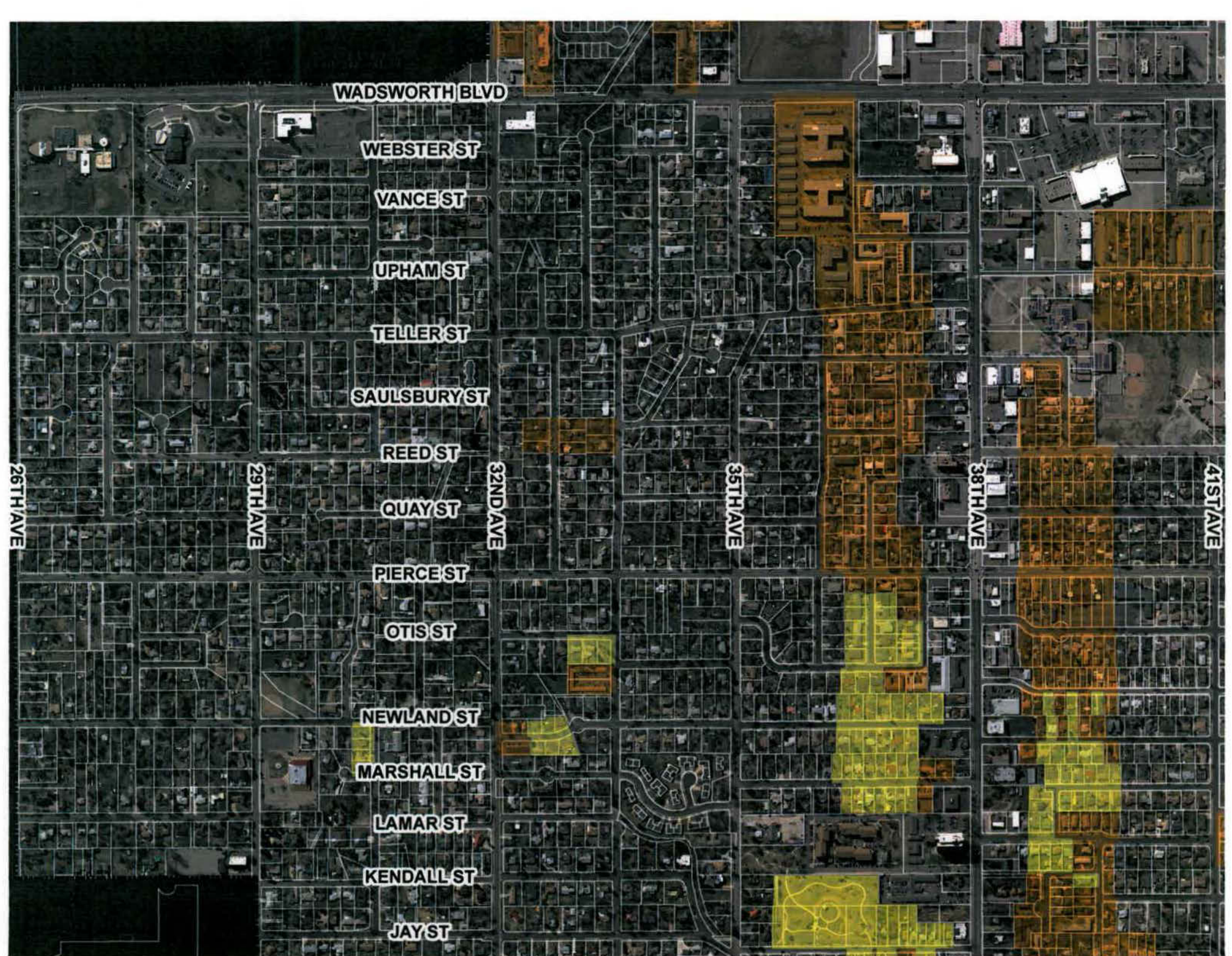
Janelle Shaver, City Clerk

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



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VANCE ST

UPHAM ST

TELLER ST

SAULSBURY ST

REED ST

QUAY ST

PIERCE ST

OTIS ST

NEWLAND ST

MARSHALL ST

LAMAR ST

KENDALL ST

JAY ST

29TH AVE

32ND AVE

35TH AVE

38TH AVE

41ST AVE

26TH AVE

