

# **CITY COUNCIL MINUTES**

CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING

February 10, 2014

Mayor Jay called the Regular City Council Meeting to order at 7:00 p.m.

## **ROLL CALL OF MEMBERS**

Jerry DiTullio	Bud Starker	Zachary Urban	Kristi Davis
Tim Fitzgerald	George Pond	Tracy Langworthy	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Public Works Director, Scott Brink; Community Development Director, Ken Johnstone; other staff and interested citizens.

## **APPROVAL OF MINUTES OF January 27, 2014**

**Motion** by Councilmember DiTullio for approval of the Minutes of January 27, 2014; seconded by Councilmember Starker; carried 8-0

## **CITIZENS' RIGHT TO SPEAK**

**Vivian Vos** (WR) commented on the \$7.5 million planned to be spent on 38<sup>th</sup> Avenue. She related comments from developers that West Denver and the Highlands are coming over into Wheat Ridge due to the low cost of homes right now. We should give that a chance to percolate before we spend money. We should continue to let the Ridge at 38 develop, let WR2020 do its job promoting Wheat Ridge, and see what revenues are brought in at 38<sup>th</sup> & Wadsworth. She suggested alternate ways to spend the money – paint for buildings, a parking garage, bushes, trash cans, lights, benches, and have Wadsworth to Sheridan be as one – not broken up into segments.

## **APPROVAL OF AGENDA**

### **1. CONSENT AGENDA**

- a.* Resolution 10-2014 –amending the Fiscal Year 2014 Budget to reflect the approval of a Supplemental Budget Appropriation for the Re-appropriation and

Re-encumbrance of 2013 Fiscal Year Encumbered Funds in the amount of \$4,512,901.27. *[Covers unfinished 2013 projects with funds carried over.]*

- b. Resolution 12-2014 -approving the renewal and Second Amendment of an Intergovernmental Agreement for Ambulance Services among the City of Wheat Ridge, the Wheat Ridge Fire Protection District and Rural/Metro of Central Colorado, Inc. d/b/a Pridemark Paramedic Services *[Renewing the IGA for 2014, and an amendment concerning detox and mental health hold transports.]*
- c. Resolution 14-2014 –approving a Collaborative Data Sharing Trial Agreement between the Numerica Corporation and the Cities of Arvada and Wheat Ridge, Colorado *[The pilot program approved last July was successful. This is the next step. No financial impact.]*
- d. Resolution 13-2014 – approving the November 2013 revised City of Wheat Ridge Emergency Operations Plan *[Product of annual review. Minimal in-house cost to update and distribute the manuals.]*
- e. Motion to cancel the regular meeting of the Wheat Ridge City Council on March 10, 2014, due to a scheduling conflict with the National League of Cities Conference

Councilmember Fitzgerald introduced the Consent Agenda.

**Motion** by Councilmember Fitzgerald to approve the consent agenda; seconded by Councilmember Davis; carried 8-0

## **DECISIONS, RESOLUTIONS AND MOTIONS**

- 2. Resolution 11-2014 – amending the Fiscal Year 2014 Capital Investment Program Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$41,870 to fund the 38<sup>th</sup> Avenue Streetscape Concept Design Contract Extension to Entelechy, Denver, CO for a not-to-exceed amount of \$41,870.

Councilmember Starker introduced Resolution No. 11-2014.

This Concept Design will provide needed guidance for the incremental implementation of the 38<sup>th</sup> Avenue Corridor Plan adopted in October, 2011.

**Motion** by Councilmember Fitzgerald to approve this resolution; seconded by Councilmember Starker.



## Public Comment:

**Thomas Slattery (WR)**

- He initially supported this project, but the effects of diverting traffic from a commercial street onto residential streets have changed his mind. He doesn't understand the logic behind this. He lives on 32<sup>nd</sup> near Pierce and there are times he can't get out of his driveway.
- As far as creating a pedestrian area, he doesn't think the mix of businesses on 38<sup>th</sup> is even conducive to pedestrians. He noted areas like Tennyson and 32<sup>nd</sup> & Lowell that have a better mix of businesses and are not pedestrian areas.
- He's bothered that no alternatives have been considered – such as just removing the left turn lane to make space for better sidewalks, parking and some amenities. How about doing nothing and spending the money to improve the existing businesses?
- There's been no real world economic analysis of this. Will it return anything for the expenditure?
- If we don't have enough money to maintain the streets we have, why would we spend another \$5 million on this project? Spend it on street maintenance.

**Tom Schmuke**, owner of Quality Auto at 38<sup>th</sup> and Pierce, has followed this process. He was sold this project on two points – that it would bring more car count and more people. Car count is not up; it's down. We were told the City wanted this, but the only facts we have are a survey that says 60% of people strongly disagree or disagree with what has happened. He's all for doing something different on 38<sup>th</sup> (businesses aren't afraid of that), but if what we're doing is bringing fewer cars and the people don't like it, why aren't we bringing this to the people? He offered to help with a citizen petition as the memo suggests, because there is no good intelligence that people love what's happening on 38<sup>th</sup>. He thinks we should spend money, but not on changing the lanes. We should find better ways to bring people to 38<sup>th</sup> Avenue.

**Vivian Vos (WR)** used an analogy to illustrate how this project for 38<sup>th</sup> Avenue might be nice, but it's not necessary. The City needs to have a discussion with all the citizens, not just the people who live 300 feet from 38<sup>th</sup> Avenue, before any more money is spent pushing this \$5 million project. She objects to this resolution and thinks this should go to a vote of the people.

**Mike Stites (WR)** gave more observations about 38<sup>th</sup> Avenue.

- He noted when CDOT planned I-70/Kipling they started with 150 options, include doing nothing. He would like to see a plan with five lanes, to see what could be done. This has never been looked at and he believes the same objectives could be met with five lanes.
- A 2-lane road isn't what's bringing folks to Wheat Ridge; it's the lower rent.
- The businesses all have good parking lots; don't remove them.

- Getting rid of back-in parking and the parking on the south side will get rid of about 50 signs and make the area look much better.
- The City has hired a PR firm, so the publicity in recent months is all bought and paid for.
- Why not give this \$41,000 to PR people to run ads to get people to drive and shop 38<sup>th</sup> again?
- He explained that he and his father were promised by staff that nothing would be done in front of their business if they didn't want it. Now the plan calls for parallel parking up close to the building.
- Please spend the \$41,000 getting the street back the way it was. We need traffic.

**Gil McCormick** (Wheat Ridge Cyclery) Their customers are surprised they're located on 38<sup>th</sup> because it's not a destination. Before their expansion they considered relocating. He offered thanks for efforts to make the 38<sup>th</sup> Ave business district better. Enhancing and improving it will help their business. Their traffic is not down. People find them because they market to them to come to Wheat Ridge. Their average sale is \$1000, so they have customers with money to spend – if there's a place to spend it. He encouraged Council and thanked them for pushing forward with 38<sup>th</sup> Avenue.

**Wanda Sang** (WR), who lives north of 38<sup>th</sup> on Pierce, said traffic on Pierce has increased considerably. She thinks this \$41,000 tonight is just a drop in the bucket for this project. She and many of her friends/neighbors won't drive on 38<sup>th</sup> anymore because it's a hazard. Councils know they must take care of the streets and she has noticed that other city streets are deteriorating. This is poor use of taxpayers' money. When she was on Council the initial money was for an experiment, and she believes the experiment hasn't worked. Historically 38<sup>th</sup> has never been our main thoroughfare. We don't have a downtown like Arvada and other cities have always had, and she doubts they can make this area into one. She thinks this will eventually go to a vote of the people, and she can't believe they're really thinking about cutting down trees in a Tree City.

Council discussion followed.

Councilmember Davis addressed process and funding. She supports all the activity, but Council hasn't discussed:

- Funding – options and realistic expectations
- Other options besides the road diet
- What we're going to do with the rest of the street (eastward)

At the request of Councilmember DiTullio City Clerk Shaver read to the public a memo he wrote regarding the City Charter Section 5.20 – Street Width Designation and 38<sup>th</sup> Avenue. The memo is addressed to City Council, the Wheat Ridge Community, the City Manager and the City Attorney, and includes



the text of Charter Section 5.20. [The memo is now filed in the agenda packet and is part of the permanent record of the meeting.]

Councilmember Starker spoke in favor of the resolution. In 2001 he saw the first approval for the 38<sup>th</sup> Avenue Corridor Plan. The plan has been fully vetted through the City and the public process. It was approved by Council and we are moving forward with it. Our vision for the City should look to the future.

Councilmember Fitzgerald will be voting for this plan. It has been vetted many times; this Council and prior councils have all approved it. The vast majority of citizens want Wheat Ridge to be a destination. Recent attempts to hinder and delay this progress are a hindrance by a few people.

Councilmember Urban asked about the transfer of capital funds for this project. Mr. Goff reported there are no capital funds available unless additional funding can be found or added revenue comes in. He listed revenue increases, bonding or loans as possible options. He verified that increased revenues along the corridor are sufficient to cover the cost of the design work. There was exchange about whether there has been an increase in revenue along the corridor. Mr. Urban said he will vote no because we don't have the resources.

Councilmember Langworthy stated she will vote for this because she believes people are looking for a town center.

Councilmember Pond will vote for this, but agrees we have to look at funding options and look at the area east of Newland.

Councilmember DiTullio noted that his memo is about the Charter provision that has not been addressed by any Council. He asked staff if this Charter provision has been vetted through the public process.

Mr. Dahl said the Charter requires a public hearing preceded by a public notice that is also mailed to property owners within 300 feet of the boundary of the proposed reconfigured street. To his knowledge this has not happened. The hearing has to happen one year prior to pouring the first concrete. While there have been several hearings throughout the process, that particular charter-driven hearing would best happen when there is a specific design with an actual width.

DiTullio suggested that at some point this is going to run into a brick wall – due to money, a legal protest or a petition. He suggested postponing this until it can be discussed at the retreat. He hopes, if this passes tonight, someone will make a motion to get rid of back-in parking now, because it likely will be a year before this plan is on the table again. It's going to be a long while before anything could happen on 38<sup>th</sup>.

Councilmember Pond said he will honor his commitment to have staff investigate alternatives to the back-in parking.

**Motion** by Councilmember DiTullio to allow Mike Stites to speak again; seconded by Councilmember Davis; carried 7-1, with Mr. Starker voting no.

Mike Stites spoke further on the effect the road diet has had on businesses, the traffic problems that exist, and the cut-through traffic he experiences. He's unhappy having his 60 year old business referred to as a hindrance.

Councilmember Fitzgerald stated the recommended motion to approve Resolution No. 11-2014, a resolution amending the fiscal year 2014 Capital Investment Program Budget to reflect the approval of a supplemental budget appropriation in the amount of \$41,870 to fund the 38<sup>th</sup> Avenue Streetscape Concept Design contract extension to Entelechy, Denver, Colorado, for a not-to-exceed amount of \$41,870. Councilmember Starker repeated his second.

The motion carried 5-3, with Councilmembers Davis, Urban and DiTullio voting no.

3. Motion to set and adopt Operating Fees for Retail Marijuana Businesses in the City of Wheat Ridge and that such fees become effective as of February 10, 2014

Councilmember DiTullio introduced agenda item #3.

Annual Operating Fees for the various license types will be:

- Retail Marijuana Store \$1,500
- Retail Marijuana Cultivation Facility \$ 600
- Retail Marijuana Products Manufacturer \$ 600
- Retail Marijuana Testing Facility \$ 600
- (If more than 90 days past due each fee increases \$100)

**Motion** by Councilmember DiTullio to set and adopt operating fees for retail marijuana businesses as provided in the Fee Schedule for the City of Wheat Ridge that is attached hereto and that such fees become effective as of February 10, 2014; seconded by Starker.

Councilmember DiTullio noted that at the study session Council had approved to have operating fees *and* licensing fees, but it was subsequently recalled that licensing fees are to be collected by the state, and reimbursed back to the cities.

Mr. Dahl expounded on the provisions of the governing legislation.



Councilmember Urban asked how there are two facilities already operating when we haven't set the fees. Mr. Dahl explained that those facilities opened knowing full well that fees would be coming. They know and expect it.

Motion carried 8-0.

**4. Motion to direct Staff to engage in a Public Process and commence preliminary design for Bicycle Improvements to Pierce Street between 26<sup>th</sup> Avenue and 48<sup>th</sup> Avenue**

Councilmember Davis introduced agenda item #4. This is a discussion postponed from the February 3, 2014 Study Session.

Scott Brink made the staff presentation. He displayed the citywide bike/ped masterplan which indicates Pierce Street as a high priority. There were some pictures and illustrations showing the differences in street width along the street and inconsistent presence of sidewalks.

Options are:

- 1) Dedicated bike lanes
- 2) Shared bicycle/parking lane
- 3) Shared travel lanes – using sharrows for shared space by bikes and cars

Staff would like to proceed with a public process to get the feel of the property owners along Pierce, and return to Council with recommendations.

Public comment

**Rachel Hultin** (WR) spent the day at Bicycle Colorado Summit. She reported on the various levels of bicycle skills and the need to accommodate all levels. She believes that Pierce Street is a singular opportunity to have a strong north-south connection for all cyclists.

**Ann Brinkman** (WR) spoke of the many references in the Comprehensive Plan about Pierce Street being a critical corridor. She read some of them and offered to make copies for Council. She hopes Council will continue with these changes.

**Adam Wilie** (WR) relies on infrastructure when he and his children bike. He said there are gaps in regional north-south connectivity in Wheat Ridge.

**Gil McCormick** said he's been working on this project for 10 years. We are way behind Arvada and Lakewood. This will be huge for Wheat Ridge and bicycle connectivity. He thanked Council for including Wheat Ridge Cyclery in the process.

**Ron Keifel** (WR) thanked Council for addressing this issue and for the continued growth and support of multi-modal transportation.

**Mike Luntine** (WR) commutes by bicycle. He voiced support for linking bike routes. Safety is an issue for many and he doesn't support having sharrows.

**Motion** by Councilmember Davis to direct staff to engage in a public process and commence preliminary design for bicycle improvements to Pierce Street between 26<sup>th</sup> Avenue and 48<sup>th</sup> Avenue; seconded by Councilmember DiTullio.

Councilmember Pond said there is an active group of residents who have convened as a bike/ped advisory team and he asked that staff reach out to them as we go through this process.

Motion carried 8-0.

### **CITY MANAGER'S MATTERS**

Mr. Goff announced a Kipling trail project meeting February 12 at 5:00pm at the Rec Center. The public is invited. ~ He also announced that RTD will be closing Kipling from 51<sup>st</sup> to 58<sup>th</sup> for eight consecutive night from 8pm until 5 am. This starts tomorrow night. ~ He thanked Cindy Stevenson for her years of service as the Jeffco School Superintendent and wished her luck with her next assignment.

### **CITY ATTORNEY'S MATTERS** none

### **CITY CLERK'S MATTERS**

Clerk Shaver told Council about the visit she made last Friday to the cooperative Emergency Operations Center in Lakewood. Wheat Ridge joins with Lakewood and West Metro Fire in this effort. Since Wheat Ridge tax dollars help fund this effort she wanted Council to know that she was very impressed with the center; she feels it is money well spent to prepare for and handle emergencies.

### **ELECTED OFFICIALS' MATTERS**

**Jerry DiTullio** encouraged mayor pro tem to continue to put some of these discussion topics on the Council agenda so that we can take action if necessary. ~ He noted Wheat Ridge High School will be having parent teacher conferences this Thursday.

**Bud Starker** thanked the folks who came to speak tonight

**Zachary Urban** wished his wife Happy 7<sup>th</sup> Anniversary. ~ He thanked Scott Brink and the staff for the presentation on bike paths. ~ He announced a home owner class on Feb. 19. Information is available on the Colorado Housing Finance Authority website. ~ He told of an online budget case study he found from Douglas County, Nevada. Mr. Goff said we know Douglas County well. We presented with them in Washington DC, and will be presenting with them at a local government conference in Denver in April.



**Kristi Davis** thanked folks for coming tonight and sharing their thoughts and issues.

**George Pond** thanked people for coming in to give their opinions.

**Motion** by Mr. Pond to direct staff to research the options for removing the back-in parking on 38<sup>th</sup> Avenue and replacing it with other parking options; further, the options should include pricing and schedules, along with any other pertinent information necessary (including outreach to affected business owners) for Council to direct staff to implement the changes; seconded by Mr. DiTullio; carried 7-1, with Mrs. Wooden voting no.

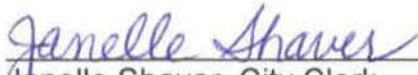
**Tim Fitzgerald** announced that the Wheat Ridge Business District is working on a landscaping grant for existing businesses.

**Tracy Langworthy** mentioned the \$900,000 grant for services that Wheat Ridge seniors want. If folks are interested in participating they can contact her.

**Genevieve Wooden** thanked Cindy Stevenson for her service. ~ There will be a movie night at Right Coast Pizza this Thursday at 6:30. The movie entitled "Chef Driven" features a Wheat Ridge farmer.

**Mayor Jay** announced that she and three councilmembers will be attending an upcoming Smart Growth Conference here in Denver.

The City Council Meeting adjourned at 8:51pm.

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON February 24, 2014

  
Kristi Davis, 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.