

CITY COUNCIL MINUTES

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

July 14, 2014

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

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; Parks Director, Joyce Manwaring; Public Works Director, Scott Brink; Community Development Director, Ken Johnstone; interested citizens.

APPROVAL OF MINUTES OF June 23, 2014

Councilmember Wooden noted two typos.

Motion by Councilmember DiTullio to approve the minutes of June 23, 2014 with the corrections; seconded by Councilmembers Pond and Starker; carried 8-0

CITIZENS' RIGHT TO SPEAK

Paul Balaguer (Boulder) was hired by WR2020 to help organize the recent Criterium bicycle race. He praised it as an outstanding success and noted stellar reviews from racers, officials and spectators. Attendance was the best of any bicycle race in the state so far this year; the president of the Bicycle Racing Association of Colorado has asked that this be upgraded from Bronze to Gold designation next year. Title sponsor Wheat Ridge Cyclery had their highest sales day of the year. ~ He acknowledged the support of the City and its staff. Having directed Ride the Rockies for 22 years and Boulder's US Pro Challenge, he has worked with over a hundred city, county and state government jurisdictions. He said working with our City officials and staff was second to none. He specifically acknowledged the Police Department whose outstanding support was headed by Wade Hammond. The Fire Department's emergency medical support, headed by Bob Dowling, was an enormous asset. The Public Works Department did an outstanding job to ensure the course was in good condition and he is grateful for the efforts of Steve Nguyen and the Engineering Department. He acknowledged Mara

Owen, Britta Fisher, and Kim Snetzinger of WR2020 and expressed they are all looking forward to working with the City again next year.

Vivian Vos (WR) asked why citizens never see a treasurer's report. It is not on the City website. The Comprehensive Annual Report on the website is from 2012 and should be updated. She'd like to see citizens better informed about City investments, our rating on investments, and the financials from Urban Renewal. ~ Mr. Goff will talk to her after the meeting.

Thomas Lundy (WR) expressed concerns about the notion that a WalMart may come to 38th & Wadsworth. He believes WalMart is notorious for its destructive business practices and its habit of destroying City resources. He thinks this would be a bad fit for Wheat Ridge and the model that's been shown is obsolete and outdated. He reported there are several citizen groups organizing to oppose any attempt to put a Wal Mart on that property. There are already signs and Facebook pages. He suggested citizens take a positive approach and let the owners know this isn't necessary or warranted.

Janeece Hoppe (WR) announced the Cruiser Crawl this Thursday starting in front of WR Cyclery at 6:30pm and Yoga in the Park on Saturday at 9:30am.

Dorothy Archer (WR) spoke against WalMart coming into Wheat Ridge. She doesn't think this fits with efforts to encourage small businesses to locate here. ~ She supports 38th Avenue but is concerned about the money that's being spent on 38th and thinks we should wait until the sales tax comes in from all the new businesses. ~ She is concerned that Marshal to Harlan is being left out of the plan for 38th Avenue. ~ She thinks the lamps on 38th should be purchased from Public Service. We could decorate them ourselves with hanging baskets and we wouldn't even need planters.

APPROVAL OF THE AGENDA

PUBLIC HEARING AND ORDINANCES ON SECOND READING

1. Council Bill No. 08-2014 – amending the Wheat Ridge Code of Laws concerning the keeping of Dwarf Goats
 - Dwarf goats (generally 40-60 pounds) to be allowed under large and small animal codes
 - Lots with less than 9,000 sq. ft. of open lot area are limited to three goats.
 - Un-neutered male goats will not be allowed.
 - Restrictions for shelter structures similar to those for other small animal and poultry structures.
 - For lots larger than 9,000sq. ft. six dwarf goats equal one horse equivalent unit.
 - Requires 130 sq. ft. of permeable area per goat.

Councilmember Langworthy introduced Council Bill No. 08-2014.

Clerk Shaver assigned Ordinance 1552.

Mayor Jay opened the public hearing.

Mayor Jay swore in the speakers for the hearing.

Ken Johnstone gave the staff report and added more details. Dwarf goats are half the size of regular goats (or smaller) and our code is currently silent about them. Raising them is an increasingly popular trend – whether for dairy purposes or as pets. The Animal Welfare and Control Commission recommended approval of this change to allow dwarf goats on smaller properties. The Planning Commission had no recommendations for amendments to the proposed changes.

Public Comment

Sundari Kraft (WR) passed to Council a letter from Denver City Councilwoman Susan Shepherd in support of allowing dwarf dairy goats similar to what was done in Denver. Ms. Kraft spoke in support of this change to allow dwarf dairy goats in the City.

Mayor Jay closed the public hearing.

Motion by Councilmember Langworthy to approve Council Bill No. 08-2014, an ordinance amending the Wheat Ridge Code of Laws concerning the keeping of dwarf goats and that it take effect 15 days after final publication; seconded by Councilmember Wooden; carried 8-0.

2. Resolution No. 39-2014 – establishing a Street Width for 38th Avenue from Upham Street to Marshall Street in accordance with Phase II Design Plans prepared by Entelechy and accepted by the City Council on June 16, 2014

Councilmember Davis introduced Resolution No. 39-2014.

Mayor Jay opened the public hearing.

Mayor Jay swore in the speakers for Item 2.

Scott Brink gave the staff presentation. He went through the history of the project to date and provided pertinent considerations and proposed measurements for the project.

- During the public process sidewalks and amenity zones were the highest priority
- The design tries to limit the impact to private property and businesses
- Proposed design measurements are:
 - Two 10 ft. travel lanes for traffic, with one 11 ft. center turn lane
 - 6 ft. parking lanes, with 2 ft. for curb and gutter and 8 ft. sidewalks

- In the eastern area where there is a 63 ft. ROW, and no need/space for on-street parking, there would be 6 ft. amenity zones and 8 ft. sidewalks.
- In the western area where there is a 75 ft. ROW, the extra space would be used for parking and bulb-outs at certain intersections.
- If approved tonight, staff can have design contracts ready for October 13, 2014. November – April would be for final design and construction plans, with construction beginning next June or July.
- Per City Charter, construction must begin one year after street width designation
- Current street width (flow-line to flow-line) is generally 50 ft.
- Proposed new street widths vary from 35-37 ft.
- Data has shown no discernible trends/changes in traffic counts on 38th Avenue.
- Parallel routes (32nd & 44th) show no verifiable diversion
- Pedestrian and bike traffic counts show no trends. A minimal increase in pedestrian traffic at Harlan may be due to the new 7-11.
- Analysis of the road diet metrics is difficult due to so many other things going on.
- Sales tax revenue is up in the corridor since 2011.
- Underground utilities will be a consideration.
- Storm sewers may have to be moved or rebuilt due to the other utilities.
- Public process will continue as businesses will be impacted during construction.
- Phasing of the work is probable to keep the street open as much as possible.

Mr. Urban had concerns about the implication that Council has accepted the design, when it has not. There was discussion about designating the street width when the design has not been formally accepted by Council. Mr. Goff relayed Mr. Dahl's suggestion that the resolution can be reworded to say the design has been "reviewed" by the Council.

Ms. Davis asked if property owners could have benefit of lower costs for repaving on private property when this repaving happens. Scott Brink suggested that is likely possible.

Public Comment

Herb Schillereff (WR) is opposed to narrowing the street. It hasn't been taken to the citizens and there's been no discussion about the cost and how it's going to be paid for. He believes it should go to voters.

Janeece Hoppe (WR) testified that she has seen new businesses in recent years. She appreciates all the time and effort that's gone into this project and hopes Council will continue to move forward tonight.

Jerry Nealon (Lakewood), business and rental property owner in WR, thinks Council is doing what's best for Wheat Ridge. People and businesses are moving here based on the promises of what's happening on 38th. Set the street width and get it done.

Adam Wylie (WR) is happy about 38th Avenue. His property value has increased. Council built it [the road diet] and people came. People continue to move here, not just because it's close to Denver. He believes narrowing 38th is worth the investment.

Sundari Kraft (WR) recently moved here from Denver because of the investment in the City. Her family enjoys shopping locally and walking. They enjoy the feeling on 38th.

Thomas Slattery (WR) thinks this is premature; they don't know how it will be financed. Traffic is up in front of his house on 32nd. In surveys people have indicated there are other priorities. Improving the street doesn't necessarily mean you have to narrow it. He recommends putting it to a vote of the people.

Kristine Disney (WR) is excited about the improvements in Wheat Ridge and that the City is getting an identity. She understands older citizens are concerned about the cost. She is too, but believes it's necessary to attract exciting and interesting businesses. The City has done excellent work and she praised the City website.

Chris Boardman (WR) encouraged Council to move forward with the project.

Pat Mucilli (WR) addressed the City-owned parking lot next to his building. He said the City doesn't take care of it; he has to. How will the City take care of all the new sidewalk? He thinks 6 ft. wide parking spaces are too narrow. He encouraged postponing this indefinitely and putting it to the voters of Districts 1 and 2.

Rachel Hultin (WR) addressed the history of the width of 38th Avenue. She's concerned that putting this on a ballot will tear the fabric of the community. She thinks the correct way to handle this is on the dais.

Jon Genova (WR) has been to the outreach meetings and advocates the 3-lane design as an integral part of making a walkable, vibrant downtown. He urged Council to pass the resolution.

Kathy Tolman (WR) encouraged Council to put this to a vote of the people. This affects everybody, and we deserve to have a say.

Suzanne Kay (WR) is thrilled with the renovations on 38th Ave. She thinks the street has made a big difference. She thinks it's very important for the City and doesn't know anyone who isn't for this.

Tiffany Barnhart (WR) gave support for traffic slowing measures on 38th Avenue. She asked Councilmembers if they will be leaders or naysayers.

Vicki Oddison (WR) is undecided about the street, but supports letting the people vote on it. It's a \$10 million sidewalk. Property values are rebounding; people will continue to move westward (here) whether we narrow 38th or not. She wonders what the return on investment is.

Tara Jahn (WR) spoke about the number of opportunities for people to be involved in their community. She appreciates the community involvement and being a WR2020 Board member and community organizer. She's excited to see the investment in public spaces to support a culture of connection and community. Safe, inclusive spaces are important.

Margie Seyfer (WR) thanked Council for what has happened so far on 38th. She loves the energy. We need to move this city forward. We were blighted 20 years ago, and if we don't do this we'll be blighted again.

Judy Hemmer (WR) said she avoids 38th since the road diet. She believes closing two lanes on a thoroughfare doesn't draw customers – it's having businesses where people want to shop. She asked Council to put it on the ballot for voters to consider.

Lloyd Levy (WR) read a letter he sent to Council. He supports any action by Council that makes the public investment happen. He prefers Council decide the street width tonight, but if it is referred he thinks all four districts should vote on it.

Tom Yang ("heavily invested in WR") owns property on 38th Avenue. He and the owner of The Office recently spent almost \$50,000 on an awning. He hopes Council will vote for this to go forward.

Monica Duran (WR) said everyone feels passionately about revitalizing 38th Avenue. She called on Council to keep their word in representing all the citizens and urged them to put this on the ballot in all four districts.

Mike Stites (WR) supports revitalization efforts and thinks that can be achieved without narrowing the street. He addressed the federal disaster plans that designate 38th Avenue as an evacuation route. Fire Department data also shows that response times eastward on 38th are slower. He asked Council to put this to a vote of the people.

Roger Loescher (WR) thinks the street is not important; it's what's behind the street – the businesses. Spend the money behind the street. He addressed the cost and funding. He said people are coming here because property costs are lower and we need the street to move the new people.

Don Eafanti (WR) owns a business on 38th. He has no personal axe to grind, but doesn't think it's safe now. He's witnessed 22 accidents himself, plus cars hitting the planters and driving away. He listed other more serious priorities for safety.

Patrick Stanley (WR) expressed his support for the proposed new width as it will make businesses/people want to go there. He's concerned about fairness to businesses that invested here because of the promise of revitalization. He moved here because of the promise.

Clerk Shaver informed Council that a legal protest was received this afternoon. An adequate number of valid signatures were verified thereby requiring a supermajority vote of Council to pass the resolution.

Mr. Dahl expounded on the Charter provision for street width designation. It will require six votes to pass the resolution.

Questions from Council followed regarding the protest process, and the next possible scenarios. Mr. Dahl explained.

Councilmember Urban asked where the money was going to come from for this.

Councilmember Davis noted they've talked about this at the retreat and study sessions – that revitalization is necessary regardless of the street width and will require spending money.

Councilmember Urban believes the cost of narrowing the road should be discussed as part of the question to voters – to let them know how it will be paid for. To not discuss it sends voters the message that we have the money for this, and we don't.

Councilmember Pond said designating the street width doesn't require spending money.

Mayor Jay closed the public hearing.

Motion by Councilmember Davis to approve Resolution No. 39-2014, a resolution establishing a street width for 38th Avenue from Upham Street to Marshall Street in accordance with Phase II design plans reviewed by the City Council on June 16, 2014, and I further move that Section 2 of the Resolution be amended to read in its entirety as follows: Section 2. Effective Date; Ballot Question Submitted. This Resolution shall not become effective unless and until approval of a ballot question by the registered electors of the City of Wheat Ridge at the November 4, 2014 election, said question to be submitted as a referred question pursuant to Charter Section 6.3; seconded by Councilmember DiTullio;

Discussion followed.

Councilmember Davis, Fitzgerald, Starker, DiTullio expressed satisfaction with sending this to a vote of the entire City. Councilmember Pond acknowledged the thorough process and will vote for this, but thinks street width designation is not about a design and encouraged everyone to communicate about the design and the importance to the community.

It was clarified that the width measurements in the resolution can be addressed when the ballot language is set.

Motion carried 8-0.

The meeting recessed at 9:15 pm.
The meeting reconvened 9:29 pm.

ORDINANCES ON FIRST READING

3. Council Bill No. 09-2014 – approving the rezoning of property located at 7671 W. 32nd Ave. and 3299 Wadsworth Boulevard from Residential-Two (R-2) to Planned Residential Development (PRD) and for approval of an Outline Development Plan (Case No. WZ-14-06/Grove 21)

Councilmember Fitzgerald introduced Council Bill No. 09-2014.

- The property includes two parcels totaling 3.48 acres and contains abandoned houses.
- The rezoning will allow for construction of a single-family, urban neighborhood of 20 small lots having a minimum of 3,500 square feet of area.
- Side yard setbacks are proposed to be 5 feet.
- Front yards will be no more than 10 feet deep.
- Rear yards will have a minimum 15 foot setback.
- Removing street right-of-way area results in a density of 8.73 units per acre.

This rezoning and ODP process is the first step in the development process. It will be followed by a Specific Development Plan (SDP) and plat, which is subject to Planning Commission and/or City Council approval.

Motion by Councilmember Fitzgerald to approve Council Bill No. 09-2014, an ordinance approving the rezoning of property located at 7671 W. 32nd Avenue and 3299 Wadsworth Blvd. from Residential-Two (R-2) to Planned Residential Development (PRD) and for approval of an Outline Development Plan on first reading, order it published, public hearing set for Monday, August 11, 2014 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Starker; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

4. Resolution 40-2014 – amending the Fiscal Year 2014 Capital Investment Program Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$750,000 for the purpose of retaining professional services for the design of construction plans for the proposed 38th Avenue improvements

Councilmember Starker introduced Resolution No. 40-2014.

This appropriation will allow staff will put out a Request for Qualifications (RFQ) for completion of a survey, design work and construction plans for the project to narrow 38th

Avenue. There are adequate funds in undesignated General Fund reserves to cover this.

There was discussion about whether it is premature or appropriate to send out an RFQ for design work and construction plans when the project is dependent on voter approval in November.

- Mr. Dahl advised that the two actions are related but not legally dependent on each other.
- Councilmember Davis wanted citizens to know that the RFQ process will take awhile and the bid could be awarded after the election.
- Mr. Goff confirmed that the actual awarding of the RFQ could be delayed until after the election.
- Councilmember Urban had questions and concerns about spending this money when the future of the project is uncertain. Mr. Goff acknowledged there would be a certain risk for bidders, but information about the election will be in the RFQ.

Motion by Councilmember Starker to approve Resolution No. 40-2014, a resolution amending the fiscal year 2014 Capital Investment Program Budget to reflect the approval of a supplemental budget appropriation in the amount of \$750,000 for the purposes of retaining professional services for the design of construction plans for the proposed 38th Avenue Streetscape Improvements; seconded by DiTullio;

Councilmember Urban said he can't understand appropriating \$750,000 for a project we just asked the voters to tell us how to proceed on. ~ Mr. Goff said if the issue doesn't pass the money won't be spent. ~ Mr. Dahl said the earlier public hearing started the one year clock ticking. ~ Councilmember DiTullio said he thinks it's just being prepared in case it passes. ~ Councilmember Pond feels we have a responsibility to pass this.

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

5. Resolution 42-2014 – approving the Second Amendment to an Intergovernmental Cooperation Agreement between Jefferson County and the City pertaining to Community Development Block Grant Funding

Councilmember DiTullio introduced Resolution No. 42-2014, and asked the Clerk to read the summary.

By joining with unincorporated Jefferson County and adjacent small cities, Wheat Ridge can qualify for these federal funds from the Department of Housing and Urban Development (HUD). CDBG funds can be used for housing and other infrastructure and amenities in low/moderate income census tracts.

Motion by Councilmember DiTullio to approve Resolution No. 42-2014, a resolution approving the second amendment to an intergovernmental cooperation agreement

between Jefferson County and the City of Wheat Ridge pertaining to Community Development Block Grant funding; seconded by Councilmember Urban; carried 8-0.

6. Motion to award a contract to GreenPlay, LLC in the amount of \$49,989 for Consultant Services to update the Parks and Recreation Master Plan per RFP-14-08

Councilmember Wooden introduced Agenda item No. 6

Mrs. Manwaring noted it's an opportune time to do this as there are a lot of new trends out there for parks. Additionally, the City has accomplished a lot in the past eight years and it will be good to have new guide.

Motion by Councilmember Wooden to award a contract to GreenPlay, LLC in the amount of \$49,989 for consultant services to update the Parks and Recreation Master Plan per RFP-14-08; seconded by Councilmember Fitzgerald; carried 8-0.

7. Resolution 38-2014 – amending the Fiscal Year 2014 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$8,000 for the Installation of Air Conditioning in the Channel 8 equipment room

Councilmember Urban introduced Resolution No. 38-2014.

Channel 8, a government access channel, operates 24 hours a day. The continuous use of the equipment necessitates independent temperature control to protect it from overheating and damage. Money for this project will come from the PEG (Public, Educational, and Governmental access) fees that cable users pay. PEG fee funds can only be used for equipment, software and maintenance associated with operating WRTV8.

Motion by Councilmember Urban to approve Resolution No. 38-2014 – A resolution amending the fiscal year 2014 general fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$8,000 for the installation of air conditioning in the Channel 8 equipment room; seconded by Councilmember Davis; carried 8-0.

8. Resolution 41-2014 – giving notice of and calling for a Special Municipal Election to be held November 4, 2014

Councilmember Pond introduced Resolution No. 41-2014.

The City Council will potentially refer a ballot question to Wheat Ridge voters for the November 4, 2014 general election. Since our municipal elections are held in odd-numbered years, by Charter, a special municipal election must be formally called.

Motion by Councilmember Pond to approve Resolution No. 41-2014, a resolution giving notice of and calling for a special municipal election to be held on November 4, 2014; seconded by Councilmember Langworthy; carried 8-0.

CITY MANAGER'S MATTERS

Mr. Goff reminded citizens that a series of community outreach meetings will be coming. The dates are:

Wednesday, July 16, 11:30-1:00 at the Rec Center; and 6-7:30 pm at Colorado Plus;
Saturday, July 19, 10:11:30 at Hayward Park (City Hall);
Wednesday, July 23, 6-7:30 pm at the Active Adult Center; and
Thursday, July 24, 10:11:30 at Anderson Park.

CITY ATTORNEY'S MATTERS

CITY CLERK'S MATTERS

ELECTED OFFICIALS' MATTERS

Jerry DiTullio thanked the people who participated in the 4th of July Parade and the Police Department for their support.

Bud Starker thanked everyone who came out for the 4th of July Parade, and the folks who came to express their opinion about 38th Avenue. He encouraged people to come to the listening sessions and give their input.

Zachary Urban mentioned the community meetings and encouraged folks to come. He extended thanks to those who came and expressed their opinion tonight and to the folks who put together the 4th of July Parade.

Kristi Davis thanked the Council folks for all the discussions that happened on the street width designation. They were open and willing to listen to other opinions.

Genevieve Wooden thanked those people who came to express their opinion. She encouraged people to come to the meetings to express their opinions. She thanked organizers of the Garden Tour -- especially the owners of the eight gardens on the tour and the sponsors of the event and lunch. ~ She announced the Wheat Ridge Committee for Educational Excellence will be working on having an educational summit on September 17th at the Rec Center at 6:30 pm. They will be bringing people together

to let you know how education is in Wheat Ridge right now and how we'd like it to be in the future. 18 Wheat Ridge school principals will be there. More information will follow.

Tracy Langworthy said she enjoyed the Garden Tour. ~ She encouraged people to be aware of people in the crosswalks. ~ She thanked the people who came out and talked tonight.

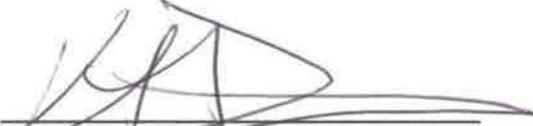
Tim Fitzgerald said he is happy about tonight's decision on 38th Avenue.

The City Council Meeting adjourned at 10:05 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON July 28, 2014 BY A VOTE OF 7 to 0



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.