

# CITY COUNCIL MINUTES

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

March 23, 2015

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
George Pond	Tracy Langworthy	Kristi Davis

Absent: Tim Fitzgerald (excused), Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Administrative Services Director, Heather Geyer; other staff, guests and interested citizens.

### APPROVAL OF MINUTES of March 9, 2015 Council Meeting and Study Session Notes of March 2, 2015

**Motion** by Councilmember DiTullio to approve the minutes of the March 9, 2015 Regular Meeting and the Notes from the March 2, 2015 Study Session; seconded by Councilmember Davis; carried 5-0, with Councilmember Starker abstaining due to his absence on March 9<sup>th</sup>.

### PROCLAMATIONS AND CEREMONIES

#### City Manager of the Year

**Mayor Jay** introduced **Jane Brautigam**, Boulder City Manager, who presented an award to **Patrick Goff** who has been named Manager of the Year for 2014 by the Colorado City and County Managers. She listed a number of his accomplishments for 2014, including three new housing developments, commercial development at 38<sup>th</sup> & Kipling, working with the schools to form a community committee to promote WR schools, community outreach on 38<sup>th</sup> Avenue, helping the WR Police Department receive national accreditation, the GFOA Distinguished Budget Award for 2014, and having the Parks Department work on accreditation for 2016. He cares about employee recognition, staff development and wellness. ~ Mr. Goff thanked Ms. Brautigam and said he is honored and humbled. He gave credit to this and previous Councils and Mayors for their

leadership and guidance, and of course, the staff, without whom this award would not have happened.

Institute for Environmental Solutions ~ Trees for the Greenbelt

**Mayor Jay** introduced the officers of Institute for Environmental Solutions (IES):

**Carol Lyons**, IES Executive Director, **Sean Mangus**, IES Tree Project Manager, and **John Kelly**, IES Growing the Greenbelt Program Coordinator.

**Councilmember DiTullio**, who has been involved with this program, had City Forestry supervisor **Margaret Paget** join the group. He explained this is the third year that the Parks Department, IES and his WRHS Career Exploration Classes (about 30 students) will be working in the greenbelt to plant trees, build wildlife protection devices for trees, and learn about parks and forestry careers. He presented IES with additional monies that will be used to purchase larger and more trees:

- Donation of public outreach funds from Councilmembers Starker, Wooden, Pond, DiTullio and City Manager Patrick Goff totaling \$1,100
- Personal check from Mayor Jay for \$100
- Personal check from City Attorney Jerry Dahl \$100

Carol Lyons gave remarks about working with Mr. DiTullio, Margaret Paget, and all the community volunteers on the challenge of keeping up the priceless jewel the Greenbelt is without a lot of resources. They are still replacing trees from the storm of 2009, but the survival rate has been high – 90%. Volunteers are welcome to join them Friday, April 17 from 9:00 – noon in the Greenbelt. Tonight's donations will be used to match a \$2,000 grant from the Colorado Tree Coalition.

**CITIZENS' RIGHT TO SPEAK**

**Vivian Vos** (WR) invited everyone to a joint community meeting of Citizens for an Inclusive Wheat Ridge and Keep Wheat Ridge Local this Wednesday, March 25 at 6:30pm at the WR Grange just east of the WR5-8 school. Anyone can attend.

**Kim Calimino** (WR) thanked members of the WR2020 Wheaties Academy leadership academy for their community engagement. ~ She congratulated Patrick Goff on his award and thanked him for his recent Connections article on the importance of civil discourse. ~ She invited everyone to the last WR2020 Food & Film series this Wednesday at 6pm at the Active Adult Center. The film is Food Patriots, a documentary on how our food systems and small changes can make a difference in our food sources.

**APPROVAL OF AGENDA**

**Motion** by Councilmember DiTullio to move Item 8, the discussion of the public survey to the April 6 study session when all councilmembers can be present; seconded by Councilmember Starker; carried 6-0.

## **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

1. Council Bill No. 07-2015 – An Ordinance providing for the sunset of the Animal Welfare and Control Commission

Councilmember Urban introduced Council Bill No. 07-2015.

This Commission that has functioned since 1977 is no longer needed. The Police Department takes care of everything.

Clerk Shaver assigned Ordinance 1569.

Mayor Jay opened the public hearing.

City Attorney Dahl informed the Council that he believes all the references to the Animal Control Commission have been removed from the Code.

### **Public Comment**

**Heather Cameron** from the Foothills Animal Center was present to praise the Wheat Ridge Police Department's Animal Control Officers and spoke about the Center.

**Nancy Snow (WR)** spoke in opposition to getting rid of the Animal Welfare and Control Commission. She knows it's a done deal, but thinks it's sad. She appreciates the volunteers who serve their community and hates to see them dumped. In the past they have been very helpful with neighborhood disputes over animals. Now there will be no neighborhood mediation, only police action and giving tickets.

Chief Brennan offered that the City does more than enforcement; they have started mediation services and education programs. He believes times have changed. He recognized the expertise of the Commission members and said his department will use their expertise in the future.

Mayor Jay closed the public hearing.

**Motion** by Councilmember Urban to approve Council Bill No. 07-2015, an ordinance providing for the sunset of the Animal Welfare and Control Commission and that it take effect fifteen days after final publication; seconded by Councilmember Pond ; carried 5-1, with Councilmember DiTullio voting no.

## **ORDINANCES ON FIRST READING**

2. Council Bill No. 08-2015 – An Ordinance authorizing and approving a Lease Purchase Financing Agreement for Solar Panels with Alpine Bank and, in connection therewith, certain related documents and transactions



Councilmember Pond introduced Council Bill No. 08-2015.

This agreement for \$800,000 will be used to finance the purchase of 40% of the power from the Jefferson County 2 solar array for 228.42 kilowatt hours. \$776,628 is for purchasing the solar array panels; \$23,372 is for financing origination fees. These monies will be financed over 15 years at a rate of 5.70%. ~ The City will be receiving credits on Xcel's electric bills that will be used to pay off the capital investment. When the initial capital investment has been paid off, the bill credits will become income for the City that may be used to offset a portion of electricity costs.

**Motion** by Councilmember Pond to approve Council Bill No. 08-2015, an ordinance authorizing and approving a lease purchase financing agreement for solar panels with Alpine Bank and, in connection therewith, certain related documents and transactions, on first reading, order it published, public hearing set for Monday, April 13, 2015 at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption; seconded by Councilmember Langworthy; carried 6-0.

### **DECISIONS, RESOLUTIONS AND MOTIONS**

3. Motion to approve award of ITB-15-01 Kipling Multi-Use Trail to Technology Constructors, Inc., Arvada, CO, in the amount of \$2,210,371 with a contingency amount of \$375,000, for a total amount of \$2,585,371

Councilmember Langworthy introduced Item 3.

Federal monies have been awarded to the City to build a multi-use trail on the east side of Kipling from 32<sup>nd</sup> Avenue to 44<sup>th</sup> Avenue. The trail will serve pedestrians and bicyclists.

Staff was available for questions.

- Councilmember DiTullio asked about the status of the undergrounding along Kipling between 32<sup>nd</sup> and 35<sup>th</sup>. Mark Westberg, City engineer, reported that Xcel finished some time ago. He is waiting for a status report from Comcast. We have to enter into a contract with Century Link for about \$80,000 to pay them to underground their portion. When that is resolved and we hear back from Comcast it shouldn't take long.
- Councilmember Langworthy asked if the undergrounding would be finished before the trail is started. Mr. Westberg assured Council that several pieces of this project can be started prior to completion of the undergrounding (e.g. the bridge). The construction schedule should not be affected.
- Mr. Westberg happily noted that the Contract was \$15,000 below the City's estimated cost. Following a pre-construction meeting with the contractor staff will inform Council about the construction schedule.
- Councilmember Urban asked about the contingency money. Mr. Westberg said this fund will cover the payment to Century Link, a quality control consultant, and a

construction consultant (as was done with 32<sup>nd</sup> & Youngfield) to assist with the overwhelming amount of paperwork involved with federal money. ~ Contingency funds are usually about 10%, but this one is about 17% because it includes the money for Century Link. Doing it this way will allow for federal reimbursement.

**Motion** by Councilmember Langworthy to award of ITB-15-01 Kipling Multi-Use Trail to Technology Constructors, Inc., Arvada, CO, in the amount of \$2,210,371 with a contingency amount of \$375,000, for a total amount of \$2,585,371; and further to charge \$22,104 to the Capital Investment Fund and deposit \$22,104 in the Public Art Fund; seconded by Councilmember Starker; carried 6-0.

4. Motion to accept Kipling Street Right-Of-Way and temporary construction easements from adjacent property owners for the Kipling Street Multi-Use Trail Project

Councilmember Langworthy introduced Item 4.

Most of the rights-of-way and temporary construction easements that are necessary for construction of the Kipling Trail have been acquired and were accepted last October. This motion will accept the acquisition of two additional parcels. Acquisition of a third and final parcel is still in negotiations.

**Motion** by Councilmember Langworthy to accept Kipling Street right-of-way and temporary construction easements from adjacent property owners for the Kipling Street Multi-Use Trail Project; seconded by Councilmember Starker; carried 6-0.

5. Resolution No. 19-2015 – approving a Community Solar Interest Purchase and Energy Agency Agreement with Clean Energy Collective in the amount of \$776,628 to participate in a Solar Garden Project in Jefferson County

Councilmember Pond introduced Resolution No. 19-2015.

This resolution approves an agreement with Clean Energy Collective (CEC) that stipulates the terms and conditions of the City's purchase of 228.42 kilowatt hours of the power from the Jefferson County 2 solar garden. This agreement will be for 20 years and will be renewable at a minimal cost at that time.

Each month.....

- The City's electric bill will be credited for its panels' production, and
- The City will receive renewable energy certificate (REC) payments.
- The savings from the electric bill and the REC payments will be used to pay off the capital investment.

Once the initial investment has been repaid, the bill credits and REC payments will become net income for the City and may be used to offset a portion of electricity costs.

**Motion** by Councilmember Pond to approve Resolution No. 19-2015 - a resolution approving a Community Solar Interest Purchase and Energy Agency Agreement with Clean Energy Collective in the amount of \$776,628 to participate in a solar garden project in Jefferson County; seconded by Councilmember Langworthy; carried 6-0.

6. Resolution No. 17-2015 - amending the Fiscal year 2015 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the total amount of \$42,436.08 for the renewal of the 2015 Three-year Support Agreement for WRTV8 Granicus Video Streaming Services

Councilmember Starker introduced Resolution No. 17-2015.

This contract provides for the software, hardware and services to stream video of the Council meetings. The funds will come from PEG fees (Public Educational Government) that users pay Comcast.

Ongoing problems with Channel 8 were addressed. Mr. Goff noted a number of the problems are associated with Comcast. There followed some discussion about the possibility of seeing if the City could get better service for the money.

**Motion** by Councilmember DiTullio to continue consideration of Resolution 17-2015 for so long as necessary to permit staff to research the availability of alternate providers, and to confirm that the ongoing video streaming service will not be interrupted during this time; seconded by Councilmember Urban; carried 6-0

7. Motion to reappoint John Kellow to the Building Code Advisory Board, District IV and reappoint Sally Banghart to the Board of Adjustment, District IV, terms to expire 3/2/18.

Councilmember Davis introduced Item 7.

These appointments were inadvertently omitted from the annual Board and Commission appointments on March 9, 2015.

**Motion** by Councilmember Davis to reappoint John Kellow to the Building Code Advisory Board, District IV and reappoint Sally Banghart to the Board of Adjustment, District IV, terms to expire 3/2/18; seconded by Councilmember Langworthy; carried 6-0.

8. Citizen Survey

Per Council direction this item will be discussed at the April 6<sup>th</sup> Study Session.

### 9. RTD Fare Study Update

**Natalie Menten**, RTD director for District M (Lakewood, Golden and Wheat Ridge), gave a presentation on the RTD fare study update that was completed this month. Changes in fare levels and structure will affect Wheat Ridge riders.

Highlights of her presentation included:

- RTD currently charges by distance (zones), which most transit systems don't use.
- The public was surveyed on how they would prefer to be charged.
- Per statutes 30% of RTD's operating costs must be recovered at the fare box. The rest is subsidized by tax dollars. Fares were last raised in 2011.
- Denver is hard to compare to other cities because it is a large sprawling area.
- This fare proposal will get rid of transfers – which take time and incur lots of fraud.
- A single boarding fare will go from \$2.25 up to \$2.60 (with cash).
- Smart cards will be coming out this year that will reduce the cost by 25 cents. (End result is the raise is only from \$2.25 to \$2.35.)
- Discounts (half-price fare) are available for seniors, individuals with disabilities, Medicare recipients, and students age 6-19.
- There will also be expansion of the Day Pass and the Monthly Pass.
- Fare to the airport from any distance will be a flat \$10.
- She encouraged Councilmembers to have people get their wishes known before the final decisions are made.
- Some issues RTD faces:
  - None of the routes pay for themselves. Some routes have acceptable levels of subsidy; some don't.
  - This year Revenue is estimated to be \$537 M. The cost to operate will be \$937M.
  - Example: The 38 Bus (38<sup>th</sup> Ave): Every time someone steps on the bus it costs the taxpayers \$4.32 beyond the \$2.25 the rider pays.
  - Example: The new rates will get RTD to slightly more than break even. Riders far out (e.g. Conifer) have said they prefer higher rates over losing their service.
  - There will be some cuts in services.
  - Non-profit Agency Reduced Fare Program – RTD works with some 200 non-profits to offer free and reduced fares to low income individuals. (In 2014 this was a \$2.5M cost to RTD.)
- There will be 16 Public Hearings, including Lakewood March 25 at Colfax & Yarrow and Arvada City Hall Monday, March 30 at 6:30pm
- The RTD website is available for public comment and people who don't have internet service can call in their comments to 303-299-6000.
- Comments will be taken through thru April 8.
- The RTD Board will vote on the Day Pass fares on April 21.
- The next stage will be decisions on the Eco Pass; most passes will probably have a 12% increase.



- Vending machines are being installed in the busses from which riders can purchase day passes. Weekly passes will be available at kiosks.

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

**Mr. Goff** announced the annual Easter Egg Hunt this Saturday, March 28 at 10am at Panorama Park. ~ He reminded folks of the City's Large Item Pick-up that will be held on Saturdays May 23 and 30. Registration begins March 30. There are 275 vouchers for that; it's first come, first served. Acceptable items are listed on the website.

### **CITY ATTORNEY'S MATTERS**

### **ELECTED OFFICIALS' MATTERS**

**Tracy Langworthy** reminded folks who got postcards about the meeting for bicycle path improvements on 32<sup>nd</sup> Avenue: Wednesday, April 1<sup>st</sup>, 6:30-8:00 in Council Chambers.

**Jerry DiTullio** noted that the Large Item Pick-up will be in addition to the East WR Clean-up Program.

**George Pond** thanked the Animal Control Commission members for their years of service. ~ He congratulated Patrick Goff on his award. ~ He thanked Davey's Chuckwagon for providing a room for the coffee he and Tim Fitzgerald had. There was considerable attention given to ongoing issues at Discovery Park (graffiti, smoking, language). They discussed setting up a Task Force and he's talked to the mayor about that. ~ Mr. Goff indicated a resolution could be done to identify the mission, roles and duties of the task force.

**Kristi Davis** thanked the members of the Animal Control Commission and thanked the Code Enforcement officers who handle animal issues. ~ She shared a poster of pictures taken by select Wilmore Davis 6<sup>th</sup> graders. They are from a photography program, headed by retired teacher, Dick Carkeek, who lives near the school, members of the Denver Photographic Society who come help the students take pictures, and Walgreens on 44<sup>th</sup> that donates the pictures. The poster will be on display in the lobby of City Hall.

**Zach Urban** announced he will be joining the WR Police on April 4 for a fundraiser for St. Baldrich's, an organization that helps research and support families with children who have cancer. His best friend growing up is a Thornton Police officer whose little son has a rare form of cancer. His goal is to raise \$1,000 and have his head shaved. If you see him with his head shaved next time, you will know what it's for.



**Bud Starker** passed around a proposal he's drawn up for a process to develop a Wheat Ridge City Center plan using the 38<sup>th</sup> Avenue Corridor Plan and the Wadsworth PEL Study. It entails removing the road diet east of Pierce Street and maintaining the 3-lane configuration from Pierce to Upham. Discussion followed.

**Motion** by Mr. Starker to discuss this at a study session; seconded by Mr. DiTullio. Following further discussion the motion carried, 6-0.

~ Mr. Starker also thanked the Animal Control Commission.

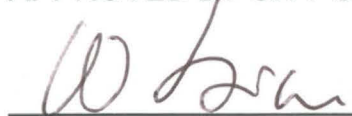
**Mayor Jay** thanked Mr. Goff for all he does for the City. ~ She will have another coffee at Karebare on April 3 at 9:00am.

### **ADJOURNMENT**

The City Council Meeting adjourned at 8:46 pm.

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON

  
Bud Starker, 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.