

CITY COUNCIL MINUTES

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

April 13, 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	Zachary Urban	Kristi Davis	Genevieve Wooden
Tim Fitzgerald	George Pond	Tracy Langworthy	Bud Starker

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

APPROVAL OF THE MINUTES OF March 23, 2015

Without objection the minutes of March 23, 2015 were approved as published.

PROCLAMATIONS AND CEREMONIES

Mayor Jay read proclamations recognizing the following observances:

Volunteer Appreciation Week - April 12-17, 2015

Child Abuse Prevention Month - April, 2015

Crime Victim Rights Week - April 19-25, 2015

CITIZENS' RIGHT TO SPEAK

Richard Squire (WR), the founder of Breckenridge Brewery, listed his concerns about 38th Avenue. Traffic has been pushed off 38th Ave onto 44th into the Walmart parking lot. Without four lanes he predicts it will become a terrible street. He hasn't made this up; watch the traffic. ~ He asked the Council when they will respond to the people's vote on 2B? It needs to be four lanes. People voted and nothing has been done. Neighbors feel betrayed and are suggesting that people need to be removed from office. ~ He asked why the City continues to fund WRT2020? ~ He'll return in two weeks and he'd like an answer about what's going on with 38th Avenue.

Russ Redig (WR), A-1 Rental, would love to see the back in parking removed if they change it back to 4 lanes. If not, he'd like to keep his back in parking. Without 4 lanes there will be 10 feet of wasted space and he will lose parking. He already doesn't have

enough parking for his customers; patrons of Right Coast Pizza park in front of his store for 3-4 hours during business hours and his customers can't get to him. If businesses west of him want parallel parking, that's fine, but he asked to keep his back in parking until we get the four lanes back. ~ He spoke against putting the parking out near the bike lane due to safety and fiscal concerns. Car doors will open and hit bicycles, and when it's returned to four lanes it will have to be restriped again.

Larry Mathews (WR) spoke in opposition to new urbanism and high density housing for Wheat Ridge. ~ He noted how eastbound 38th Ave. has become a single lane crossing of Wadsworth. The right lane has become a de facto "right turn only" lane; drivers know once they cross Wadsworth they'll be trapped in the right lane. ~ Once across Wadsworth the single lane becomes a de facto "left turn on red" lane for turning into Safeway. ~ He reported on the huge turnout at the Applewood meeting where people are opposed to building houses on Applewood Golf Course. People are getting upset with this new urbanism, and he suggested Council check the wind a little bit. ~ We've cut the capacity of 38th in half, but keep building high density housing in the corridor. A farmer knows you can't cut your pasture in half and then try to raise twice as many cows on it.

Joe Deaguero (WR), board member, gave an update from WR2020.

- The Wheaties Academy has been a tremendous learning opportunity for ideas about creating community, conversation and bringing new light to new ideas.
- He's a sponsor of the Welcome to Wheat Ridge Tour, Sunday, May 3 at 2PM. This 2-hour chartered bus tour begins and ends at Brewery Rickoli. Tickets are \$10.
- The Ridge at 38 Criterium is Sunday, June 7. Volunteers can sign up at www.Ridgeat38.com
- As chair of the Communications Advisory Team he named and thanked the volunteers who serve on it. They provide input, support and expertise to publicize the accomplishments of WR2020 and promote its mission.
- They'll soon have a part time staff person to help craft their ideas and visibility.
- He invited people to join WR2020 at www.WR2020.org

Troy Seyfer of Seyfer Specialties told about the event he and Genevieve Wooden crafted to promote automotive businesses on 44th. The 44th Avenue Cruise will be on Saturday, May 9th. The City has helped and a number of businesses are sponsors. It will start around 9/10 AM at Seyfer Specialties [on Harlan]. Cars can come there to register. There will be a Poker Run down 44th Avenue to Ward Road where entries will pick up "cards" at 7-8 locations and come back to Anderson Park for drawing of the best "hand"(s). It will finish at 4:00 with prizes and trophies. It should be fun and he hopes people will come out for it.

Vivian Vos (WR) asked about 38th Avenue. People are wondering what will happen and some transparency would be appreciated. She encouraged Council to be more forthcoming because folks are in the dark – upset and frustrated.

Margie Seyfer (WR) invited everyone to the 2nd annual WR Kite Flight Festival Saturday, April 25 from 11-4 at Anderson Park. This year's theme is Kites, Kids and Cops as they

are partnering with the Police Department. She listed a number of features of the expanded festival, including the Police Department's child safety fair, a bike rodeo, numerous vendors and activities, spaces for kite flying, bike and kite giveaways, crafts for kids, and hopefully a landing of the Flight for Life helicopter. She offered a number of thank you's.

Chris Mucilli (WR) thought the removal of the back in parking was voted on and done. They have letters that say it was to be removed. We were promised it would be gone. It was postponed on Easter; now it's postponed again. What is going on? He is losing business because of the back in parking and he doesn't think it's fair.

Angela Mucilli (WR) got another business license to open up the other business because she was excited about the parking being redone, but now she's not sure. Back in parking killed their shoe store. She thinks the street should be back to 4 lanes. When school lets out it's chaos. ~ She'd appreciate it if the City says they're going to do something, please do it. Twice she's made sure no cars were parked in front of their building so the restriping could happen. She'll do it one more time, but if they postpone it again the City will have to make sure it's clear. It's not up to her; many of them aren't even her customers. She just wants their back in parking gone, and let A-1 keep theirs.

Pat Mucilli (WR) reminded Council they voted 6-0 to remove the back in parking. Get it done. What's so hard? Please. There were two phone calls – one from Russ and one from Mark at Right Coast Pizza – who doesn't even have back-in parking in front of his place. You voted; get rid of it. The road should go back to 4 lanes, but for now let Russ keep his back in parking. He needs it for his customers; we need something different for ours.

APPROVAL OF AGENDA

Motion by Councilmember DiTullio to add an Item 5 to the agenda to give direction to staff about the back in parking on 38th Avenue; seconded by Councilmember Urban. Councilmember Davis suggested it be the first item of discussion while the interested people were still present. Councilmembers DiTullio and Urban were agreeable to that. The motion carried 8-0.

Discussion followed.

- Councilmembers DiTullio, Davis and Urban expressed support for implementing the vote from last December to remove the back in parking and restriping it as parallel parking, with the exception of leaving back in parking for A-1Rental.
- Staff will look at Councilmember Urban's suggestions about more accessible locations for handicapped parking.
- Mayor Jay reported from staff that for the construction of the parallel parking it was very difficult to do anything other than locate it near the street, away from the curb.
- Mayor Jay also noted that when they looked at the Starker Plan and her discussion creating the Cultural Loop that the space between the parallel parking and the curb would be an amenity zone – attractive for the whole City and creating walkability.

- Mr. Brink added that the parallel spaces will be 11feet wide to allow for opening car doors, and the space next to the curb is needed to accommodate the pop-up cafes and public art.

Motion by Councilmember DiTullio to proceed with the parallel parking as soon as possible, except in front of A-1 Rental, and to have staff allocate some back in spaces in front of A-1 Rental as reserved for A-1's use; seconded by Councilmember Urban.

Motion by Councilmember Davis to amend the provision for the reserved parking to not be designated for A-1 Rental only, but rather be designated as 30 minute parking from 7 AM to 6 PM; seconded by Councilmember DiTullio. There was discussion. Chief Brennan said the City has no ordinance regarding parking violations. Mr. Goff stated those 30 minute spaces could be put in place and an ordinance could be brought back later. Staff will proceed with two "designated" spots. The motion to amend carried 8-0.

There was further discussion on the main motion as amended and why the parallel parking is not being located next to the curb.

The main motion, as amended, carried 8-0.

1. CONSENT AGENDA

- a. Motion to award ITB-15-05, 2015 Crack Seal Project, to Precise Striping, LLC, Commerce City, Colorado, in the total amount of \$84,912.50 with a Contingency Amount of \$4,245, for a total amount of \$89,157.50 [*Budgeted item; includes selected streets and Rec Center parking lot*]
- b. Motion to approve payment to Honnen Equipment Co. of Commerce City, Co, for one 2015 John Deere 624K Front End Wheel Loader with optional equipment, for a total amount not to exceed \$165,220 [*Budgeted item; replaces a 1997 unit with 5,000 miles; replacement criteria is 10,000 miles and/or 12 years; maintenance has cost \$13,475 over last five years*]
- c. Motion to approve award of RFQ-JN-15-06 CDOT Inspection Coordinator Contract with Bowman Consulting Group, LTD., for the Kipling Multi-Use Trail Project in the not-to-exceed amount of \$45,470 with an additional contingency amount of \$5,000 [*To hire certified personnel to perform required inspections on this federally funded project*]
- d. Resolution 17-2015 – amending the Fiscal Year 2015 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$13,733.40 for the renewal of the 2015 Support Agreement for the WRTV8 Granicus Video Streaming Service [*Supplemental budget appropriation; to be funded with user PEG fees*]
- e. Resolution 20-2015 amending the fiscal year 2014 budget to reflect the approval of increased available beginning fund balances in certain funds

[Allows for adjustment of beginning fund balances as a result of increased revenue, in preparation for the yearly audit]

- f. Resolution 21-2015 – amending the Fiscal Year 2015 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$39,992 for the purchase of a replacement Police Patrol Sport Utility Vehicle (SUV) *[Unit was involved in an accident on March 2, 2015 and is beyond repair; unexpected expenditure that exceeds fleet replacement budget]*
- g. Resolution 22-2015 approving a Loan Agreement with the Department of the Navy to lease two night vision devices for use by the West Metro Swat Team *[Additional devices; lease price of \$1,200 per year is significant savings over a purchase price of \$22,000]*
- h. Resolution 23-2015 – amending the Fiscal Year 2014 Crime Prevention/Code Enforcement Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$2,940 for the purpose of balancing Fund 63 and closing out Fiscal Year 2014
- i. Resolution 24-2015 – amending the Fiscal year 2014 Recreation Center Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$18,200 for the purpose of balancing Fund 64 and closing out Fiscal Year 2014 *[Due to increased utility costs; increased revenues are available to cover the increased expenditure]*

Councilmember Davis introduced the Consent Agenda.

Councilmember DiTullio asked to pull Item 1b.

Motion by Councilmember Davis to approve consent agenda Items a, c, d, e, f, g, h, and i; seconded by Councilmember Langworthy; carried 8-0.

Councilmember DiTullio said he can't support Item 1b this year because, although the unit is over 12 years old, it's only run 5,000 hours, which is half the recommended shelf life of 10,000 hours. He believes the money is needed to replace some of the extra funds being spent this year on bike lanes and other things that are important to the community.

Motion by Councilmember Langworthy to approve Item 1b; seconded by Councilmember Wooden.

Discussion followed. Scott Brink addressed the issue and said the piece of equipment is critical for snow removal and from an efficiency standpoint he believes it should be replaced. More discussion occurred. Councilmembers had comments and questions. The old piece of equipment will go to auction. This replacement was budgeted.

Motion carried 6-2, with Councilmembers Urban and DiTullio voting no.

PUBLIC HEARINGS AND ORDINANCES ON SECOND 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.

Total cost for the agreement is \$800,000. The \$776,628 purchase price for the solar array panels and \$23,372 in origination fees will be financed over fifteen years. After paying the debt, the City will own the panels outright and will receive bill credits and Renewable Energy Certificate (REC) payments from Xcel.

Clerk Shaver assigned Ordinance 1570.

Mayor Jay opened the public hearing.

Amy Thompson from Clean Energy Collective addressed the Council telling how much power the City will save over the next 20 years. The City is estimated to net \$388,753 in savings over and above the debt service in the fifteen year period. By choosing community solar (off site) the City doesn't have to operate and maintain the panels.

There were no questions from Council and no public comment.

Mayor Jay closed the public hearing.

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 second reading and that it take effect immediately upon adoption; seconded by Councilmember Starker; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

3. Motion to approve a Joint Use Agreement with Public Service Company (PSCO) of Colorado regarding ornamental pole attachments on PSCO owned street light poles.

Councilmember DiTullio introduced Item 3.

This agreement sets forth the process and standards for temporary attachments to light poles – such as planters, banners, holiday lights, and other seasonal decorations. It requires the City to provide insurance and repair any poles damaged from use.

Attorney Dahl explained the context. Xcel became concerned about their liability and required all cities in Colorado to remove things from the poles. This agreement will give the city a 10 year license to attach things to the poles and provides directions for same.

Issues raised during discussion:

- Poles from Harlan to Wadsworth do not have power available (for ornamental lights). Per Mr. Dahl this agreement does not cover that provision; that would have to be negotiated separately.
- The lights on 29th from Sheridan to Wadsworth are not included in this agreement.
- Mr. Goff recommended addressing all other poles (not on the list) separately following inspection/approval by Xcel.
- Mr. Dahl confirmed that this agreement only covers the lights on Exhibit A. This will start the process and more lights can be added at a later date.
- Staff will approach Xcel about adding power to poles where lights are wanted and bring options back to Council.

Motion by Councilmember DiTullio to approve a Joint Use Agreement with Public Service Company (PSCO) of Colorado regarding ornamental pole attachments on PSCO owned street light poles; and further that City staff work with Xcel to inventory all Xcel-owned pedestrian lights (pole lights) in the City and determine if they need to be retrofitted with electrical outlets and come back to City Council for approval; seconded by Councilmember Starker; carried 8-0.

- 4.** Motion to award RFP-15-02 Police Department Staffing Study to the International Association of Chiefs of Police (IACP), in an amount not to exceed \$39,000

Councilmember Fitzgerald introduced Item 4.

The Police Department has need for a staffing study of Patrol and Investigations to ensure the delivery of service is the most efficient and effective. It will include both quantitative and qualitative analysis.

Chief Brennan explained that \$30,000 was budgeted for this, but the bids ranged from \$40K to \$70K. The IACP was selected because it has good expertise and experience working with small and medium sized departments.

Motion by Councilmember Fitzgerald to approve the award RFP-15-02 Police Department Staffing Study to the International Association of Chiefs of Police (IACP), in an amount not to exceed \$39,000; seconded by Councilmember Wooden; carried 8-0

CITY MANAGER'S MATTERS**CITY ATTORNEY'S MATTERS****ELECTED OFFICIALS' MATTERS**

Clerk Shaver reminded councilmembers to tell her when they'll be absent from a meeting. If they tell someone else, the message doesn't always reach her. This is per Council Rules.

Jerry DiTullio talked about the Greenbelt Program. There have been four workshops for the students. Councilmembers and staff are welcome to come help with the planting this Saturday (9am – noon) at the trailhead at the end of 41st and west of Kipling. ~ He expressed his personal concerns about the cancellation of the back in parking restriping. In the future, when Council gives direction about something, he'd like to be notified if there is a change so he can explain it to his constituents. Mr. Goff explained how it happened.

Kristi Davis thanked parents and neighbors for inviting her to the Mountain Phoenix event this past weekend. It was a great event and the silent auction raised quite a bit of money for the school. ~ She is having a community outreach meeting this Saturday, April 18th from 9:30 – 10:30 at Karebear Bakery. It is the first of three. All are welcome.

Zach Urban congratulated the Wheat Ridge High School STEM team for winning the Shell Eco-marathon hydrogen fuel cell car competition in Detroit, Michigan over the weekend. This is a huge deal for Wheat Ridge. He suggested a formal recognition ceremony be planned.

Bud Starker thanked Red Rocks Community College for the event in honor of the WW2 veterans. The preparation and display boards about the efforts of all ages of that generation were very inspiring.

Genevieve Wooden said the WRHS car will be on display May 9th at the Cruise. She thanked all the businesses for stepping up and supporting the Cruise.

Tracy Langworthy asked for volunteers for the Kite Flight Festival. Folks can do that at kiteflitefestival.com

George Pond gave an update about starting an ad hoc committee to deal with issues at Discovery Park. He worked with Guy Namiach (chair of the Parks Commission); they came to an agreement with the Mayor that it should be an ad hoc committee of the Parks and Recreation Commission. He alerted interested citizens to watch in the near future for opportunities to participate. ~ Mr. DiTullio noted he knows students that would like to participate on the committee -- if they have that. Mr. Pond agreed and said it's always been his intention to have multiple park users represented.

Mayor Jay thanked the Council for all the activities they're involved in around the City.

ADJOURNMENT

Motion by Councilmember Starker to go into executive session for a conference with the City Attorney and appropriate staff under Charter Section 5.7(b)(1) and Section 24-6-402(4)(b) and (e), C.R.S., specifically for legal advice and to instruct negotiators concerning threatened litigation; and further to adjourn the Council meeting at the conclusion of the executive session; seconded by Councilmember Urban; carried 8-0.

The City Council adjourned to the executive session at 8:44pm.

The executive session commenced at 8:47pm. The executive session concluded at 9:26pm and the meeting was adjourned.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON May 11, 2015


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.