

CITY COUNCIL MINUTES

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

April 27, 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	Bud Starker	Genevieve Wooden
Tim Fitzgerald	George Pond	Tracy Langworthy	

Absent: Kristi Davis (excused)

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief Daniel Brennan; Parks & Recreation Director, Joyce Manwaring; Administrative Services Director, Heather Geyer; Public Works Director, Scott Brink; other staff, guests and interested citizens.

APPROVAL OF THE MINUTES OF - Study Session Notes April 6, 2015

Without objection the Study Session Notes for April 6, 2015 were approved as published.

PROCLAMATIONS AND CEREMONIES

Mayor Jay read proclamations recognizing the following observances:

Arbor Day & Tree City USA

Keith Wood with the Colorado State Forest Service presented a plaque to the City for 36 years as a Tree City and offered congratulation for being one of few communities in the nation that is close to 40 years. The City will observe Arbor Day this coming Saturday. He noted his office has been working with the City forester for the last two years on a City tree inventory. ~ Parks Supervisor, Rick Murray and City Forester, Margaret Paget were on hand to receive the plaque. Mr. Murray thanked Mr. Wood for his help over the years with storm damage and replanting, and especially in getting the word out about the emerald ash borer. He also invited everyone to Hooper Hollow this Saturday for the Arbor Day tree planting.

Older Americans Month – May 2015

National Police Week (May 10-16) and Peace Officers Memorial Day (May 15)

Chief Brennan spoke. Commander Cooney and Officer Carman represented the department. Chief Brennan noted that on May 1st Sgt. Dave Baldwin, the sheriff's officer who died last year in a fatal accident on Hy 93, will have his name added to the list of fallen officers. ~ He also took the opportunity to thank the City staff, Council and citizens for their support these past months

during some dark days for law enforcement nationally and recent unfortunate events in Baltimore. He said it's important to remember that, while these events are tragic and need to be addressed with finding the causes and improving training, there are over 700,000 law enforcement officers nationwide who serve honorably. He assured citizens his department is always looking for ways to find root causes and provide training to ensure similar things don't happen in our agency.

CITIZENS' RIGHT TO SPEAK

John Clark (WR) chaperoned the WR High school STEM team on their recent trip to Detroit where they won the prototype hydrogen fuel cell car competition and brought home the school's first international trophy. He thanked the Council, Councilman DiTullio, Sheila Atwell and school board members John Newkirk and Julie Williams for their support, and Principal Griff Wirth for the opportunity to chaperone these 12 great kids. He thanked the students and elaborated on their work ethic, teamwork and exemplary behavior throughout the trip. He couldn't be prouder of them.

Monica Duran (WR) asked Council not to make the same mistake twice by only offering the public one choice for reconfiguring the streetscape of 38th Ave. She believes the Starker Plan should be nipped in the bud. Last fall Council asked staff to bring back several options for 38th Avenue for public review and comment. Staff needs to design a four lane option for Sheridan to Wadsworth for the public to comment on. Pierce to Sheridan was 5 lanes. Council works for the public, not the City Manager.

Larry Mathews (WR) related his family's personal story of moving back to Wheat Ridge. They left the high density housing of Westminster so they could have less congestion and a higher quality of life here in Wheat Ridge. He's opposed to high density housing and he knows some councilmembers are pushing for it. The farmers in WR can tell you if you try to put 5 gallons of stuff in a 2 pound bucket you end up with a big mess.

Councilmember DiTullio asked Mr. Brink if different options for 38th Ave will be brought forward. Mr. Goff reported it is scheduled for the May 18 study session. No specific options will be presented, but rather it will be an opportunity to get more general direction from Council and their response and feedback to the Starker Plan.

APPROVAL OF AGENDA

DECISIONS, RESOLUTIONS AND MOTIONS

1. Resolution No. 27-2015 – adopting the 2015 Parks and Recreation Master Plan and by such adoption, amending the Envision Wheat Ridge Comprehensive Plan

Councilmember Wooden introduced Resolution 27-2015.

The current master plan was done in 2006. The new master plan was completed by Greenplay, LLC at a cost of \$49,989.

Joyce Manwaring gave the staff presentation.

- The process used to create the new plan included focus groups, online feedback, a formal citizen survey (324 responding), an assessment of the City demographics and trends, an inventory and analysis of all the facilities and programs, maintenance operations and a financial analysis.
- The survey indicated our needs are largely being met, we should take care of and revitalize what we have, and folks want to be more aware of what is available
- Our Parks and Recreation system is well maintained, but aging and reaching capacity.
- Many of the amenities and structures need updating, and new amenities and additional programming are desired.
- A brief list of some of the major recommendations includes:
 - Redevelopment of Anderson Park and Prospect Park
 - Expansion of wellness/fitness spaces in the Rec Center
 - Create a Greenbelt masterplan, with a special study focused just on the greenbelt
 - Investigate remodel or expansion of the Active Adult Center
- The Masterplan and related documentation will be available on the City website.

There were no questions or comments from Council.

Motion by Councilmember Wooden to approve Resolution No. 27-2015 – adopting the 2015 Parks and Recreation Master Plan and by such adoption, amending the Envision Wheat Ridge Comprehensive Plan; seconded by Councilmember Starker; carried 7-0.

2. Resolution No. 25-2015 – supporting a change in the Countywide Dog Licensing Fee to benefit the operations of the Foothills Animal Shelter

Councilmember Starker introduced Resolution 25-2015.

The current dog license fee (last changed in 2007) is \$15 for altered dogs and \$30 for unaltered dogs. The Foothills Animal Shelter (FAS) is recommending a change to a flat fee of \$20.

The recommendations

Councilmember Urban noted that licensing fees are 32% of the shelter's revenue for operations and asked what the costs are to operate the dog licensing program? Heather Geyer reported the 2015 anticipates approximately \$274,000 in costs for the licensing program.

Motion by Councilmember Starker to approve Resolution No. 25-2015 – supporting a change in the Countywide Dog Licensing Fee to benefit the operations of the Foothills Animal Shelter; seconded by Councilmember Langworthy;

Councilmember DiTullio commented the City had to come up with \$179,000 to offset a debt the previous fundraising board failed to satisfy and now they want to balance their budget on dog fees, when only 25% of the County has to register their pets. He doesn't have a good trust factor and believes they should go back to the drawing board and come up with a better plan for funding the shelter. He supports the operations staff, but won't support any changes until they come back with a better overall plan for long term funding.

Discussion followed.

- The \$179,000 was necessary because of contractual obligations.
- It was pointed out that the 2015 operating budget for FAS is \$3.1M, and dog licensing revenue provides 1/3 of that.
- Ms. Geyer said the budget for FAS does show an imbalance of revenue and expenditures, but the shelter Board of Directors is addressing this. A raise in fees is only one piece of an effort to achieve fiscal sustainability. Increased fundraising for grants and contributions are expected to increase.
- Other cities have already agreed to this; if we don't, we can't use the shelter.

The motion carried 5-2, with Councilmembers Urban and DiTullio voting no.

3. Motion to approve funding in the amount of \$45,000 to the payment to Wheat Ridge Business District for Revitalization, Accessibility and Landscape Improvement Grant Programs for Fiscal Year 2015

Councilmember Fitzgerald introduced Item 3.

The WRBD offers four matching grant programs with varying limits that include:

- Facades and sign improvement
- Accessibility issues, such as handicapped bathrooms and ramps
- Commercial exterior painting
- One-time grants for landscaping improvements

Motion by Councilmember Fitzgerald to approve funding in the amount of \$45,000 to the payment to Wheat Ridge Business District for Revitalization, Accessibility and Landscape Improvement Grant Programs for Fiscal Year 2015; seconded by Councilmember Pond;

Councilmember DiTullio noted that no information was provided about how the monies were spent this past year. In the past good information was provided on what businesses received what grants. Discussion followed.

Motion by Councilmember DiTullio to amend to have the WRBD provide financial documentation on what the money is being spent on before any fund are disbursed; seconded by Councilmember Pond. Following further discussion and questions the amendment carried 7-0.

Councilmember Urban inquired who administrates the grants. Mr. Goff reported that WR2020 staffs the WRBD and administers the grants. Mayor Jay and Councilmember Fitzgerald, who both serve on the Wheat Ridge Business District, concurred.

The main motion carried 7-0.

DISCUSSION ITEMS Scott Brink and Mark Westberg

Mr. Brink explained that Mr. Westberg would present recommendations for ordinance changes in the areas of Floodplain Regulations, Electrical Regulations, and Traffic Regulations regarding bicycles. This is for discussion and input only.

Mr. Westberg proceeded, noting a 4th informational item was added on Friday.

1. Floodplain regulations

Proposed: ordinances to require the following

- Landlord discloses floodplain status (Alerts renters)
- Lot surveys show floodplain boundaries
- Construction sites containing floodplain boundaries to be staked (Alerts contractors)
- No new septic systems

Ordinances providing these conditions would give the City extra points. With our current 2,021 points we are a Class 6 community – which gives property owners a 20% discount on flood insurance. Only 7 other Colorado communities are Class 6. 2770 points would make us Class 5 (along with Ft. Collins, Boulder and Arvada), which would give folks a 25% discount. Should we reach Class 4, folks would give a 30% discount.

Councilmember Wooden inquired about mitigation the City could do to remove some areas from the flood plain. Mr. Westberg said it's an ongoing process – citing examples:

- There's a \$3M project in the Clearvale neighborhood that would remove 110 houses – which is almost ¼ of the 488 buildings we have in the floodplain.
- Acquiring the Denver Water Ponds east of Kipling and taking those berms down would remove another 50 or so houses.
- In the past we bought two flood plain houses on Lena gulch and demolished them. That \$2M project took 15 houses out of the flood plain.

There was discussion about having a specific ballot issue for floodplain mitigation and drainage projects.

Councilmember DiTullio received consensus to add to a future study session the discussion of a ballot measure for a sunsetted, targeted ballot question for a mill levy or small sales tax that addresses drainage issues in the floodplain and throughout the City.

Councilmember Urban encouraged that landlord disclosure be limited to the landlord's actual knowledge of the floodplain and that the landlord give directions to potential tenants about where to find accurate information about the floodplain. Mr. Westberg noted that every house in the floodplain gets a postcard every March for an informational meeting about the floodplain.

Councilmember Wooden received consensus to move forward with the suggested ordinances.

2. Electric regulation in public rights-of-way

Require electrical permit for work in ROW.

Impacts: Additional building permits, additional inspections by City staff and insures electrical work in ROW meets standards. Would include installation of traffic signals.

There was consensus to move forward with the recommendations.

3. Traffic regulations regarding bicycles and time-restricted parking

Mark Westberg presented the following staff recommendations for ordinances:

- No parking in marked bike lanes -- to allow enforcement (writing tickets) specifically in marked bike lanes
- Bike Boxes -- A Bike Box is a dedicated place for bikes at intersections (in front of the cars, between cars and the crosswalk); bikes wait there during red lights are the first to go when the light turns green. This idea comes from Europe and is used in Portland, OR. Ft Collins has some. Bikes are allowed to pass stopped cars to access the bike box. Time restricted parking (We currently have no regulations that allow the police to give tickets for illegal parking.)

Discussion followed.

- Staff thinks Bike Boxes would be a good idea for 32nd & Kipling.
- The Alternative Transportation Advisory Team supports Bike Boxes.
- No Parking in marked bike lanes applies only where there is a marked symbol in the pavement.
- Some councilmember expressed hesitancy about Bike Boxes.
- Cars and bikes should all follow the same rules. If cars can't pass bikes, bikes shouldn't be able to pass cars.
- Sharrows are not considered as "marked bike lanes".
- Making it safer for bikers will encourage more people who want to bike.
- Staff can come back with a presentation from the ATAT.

Councilmember DiTullio received consensus to proceed with

- 1- Implementation and enforcement of 'no parking' in bike lanes
- 2- Enforcement of time restricted parking (tickets)
- 3- Have further discussion of a more holistic approach to bike safety and the integration of cyclists into our roadways at a future study session

4. Street Width Designation

This topic was added on Friday and is not included in the Council packet.

At the recent neighborhood meeting about bike lanes on 32nd the Charter provision for street width designation was brought up. Staff had not considered that. Mr. Dahl determined that there needs to be a street width designation for 32nd Avenue from Wadsworth to Kipling.

Mr. Westberg explained what the Charter and Code say:

- The street width is flow line to flow line.
- Where there are existing curbs the flow line is the distance between the curbs.
- Where there are no curbs the flow line is the width of the driving surface.
Interpreted, this means that everything beyond the white fog line is not considered to be "driving surface", but is considered to shoulder, parking, etc.
- There are exclusions in the Code portion of our laws that don't have to go through street width designation:
 - Projects less than 250 feet long
 - Projects that are landscape features
 - Traffic calming devices
 - Excel/decal lanes and turn lanes
- Sheridan to Wadsworth and Kipling to Youngfield have curb on both sides. There is no issue.
- Wadsworth to Kipling has no curb on the south side (except close to Wadsworth) and the north side has curb from Holland west.
- If the white lines aren't moved, we can add as much pavement as we want outside that line and the street width Charter provisions don't kick in.
- Since the street will be restriped to narrow the driving lanes to 10' (to slow traffic and keep project costs down), a street width designation is necessary.

Discussion followed.

- Mr. Dahl agreed that in 1995 (when the Charter amendment was passed) the driving surface meant the edge of the asphalt. Today, in the context of lane narrowing, the driving surface lies between the white lines. Beyond that is not "driving surface". Exceptions were written into the code in 2003. Council does not have the power to make the Code say what the Charter doesn't.
- The Council could add "Striping activities that do not change the number of lanes in the street".
- Bicycle lanes could be added to the list of exclusions, to the extent the number of traffic lanes in the street is not altered.

Mr. Goff informed Council that staff has started the process as if they were following the Charter. Letters have been sent out because of the timing. There is a 45 day protest period after Council designates the street width. On May 11 Council will set the street width and also award the contract for overlay and restriping of 32nd Avenue. They don't want to restripe the street until after the 45 days.

- If bike lanes were added to the list of exclusion it would be added to the Code, unless you initiated a Charter change.

- Up to three feet of asphalt will be added for the bike lanes. Where there is already curb on one side, more will be added on the south side.
- The width of the pavement will be the same all the way down the street.
- There was caution about adding too many exclusions, that would allow for widening the road – without “widening the road”.

Councilmember Urban noted this is the second item being discussed tonight that was not on the agenda and has no back-up material. The Mayor and Mr. Goff agreed.

Mr. Westberg informed Council that on June 15 staff will present a draft ordinance about this – along with the other 3 ordinance topic items discussed earlier. They want to move this piece forward so they can do Miller Street without having to follow the Charter.

Councilmember DiTullio received consensus to add to a future study session the addition or deletion of bike lanes to Sec 21-3 as an exclusion from the street width designation required by the Charter.

There was further discussion about including curb and gutter as a exclusion.

- Mr. Westberg offered that building curb and gutter for drainage purposes in not street reconstruction.
- It was clarified that a future discussion would be about adding curb and gutter, not replacing existing curb and gutter. Mr. Westberg classified that as maintenance.

Councilmember Pond received consensus for a separate, future discussion on the addition of curb and gutter, as it relates to drainage, as a proposed exclusion.

Mr. Westberg informed Council that the schedule for the proposed ordinances (flood plain, electric, septic tanks, etc.) will be different than what was published in their packet.

CITY MANAGER'S MATTERS

Mr. Goff announced the new Starbucks on 38th and Kipling opened today, and Sprouts is scheduled to open June 24. ~ He addressed an email Mr. DiTullio sent out about the Arvada Ponds on Ward Road. One of the ponds in Wheat Ridge is owned by Arvada. They have it for sale. Joyce Manwaring has scheduled this for next month's meeting with the Parks & Recreation Commission to talk about if they'd want to consider adding this to our parks system. He will bring back any recommendation to a future study session.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Clerk Shaver announced the recent passing of longtime resident Phil Plummer. Phil was currently serving on the Building Code Advisory Board for several years and also served many years on the Planning Commission. In earlier years he coached WR little league football. He was a quiet volunteer, a dedicated champion of the City. He will be missed. ~ The Clerk also informed Council that our Code Chapter 7 on Elections needs to be

updated to accommodate the current culture of coordinated elections and mail-in ballots. She asked for Council's approval to proceed with Mr. Dahl on that and return to Council with recommendations.

Councilmember DiTullio received consensus to have the City Attorney work with the City Clerk and bring forward updated code changes for Chapter 7.

Zach Urban invited everyone to the dedication of Hopper Hollow this Saturday at 10am.

Bud Starker congratulated the WRHS STEM team. ~ He thanked the volunteers and staff who helped with the Kite Festival.

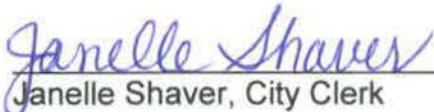
George Pond commented on the opening of the new Starbucks. He looks forward to Sprouts opening.

Tracy Langworthy shared her reflections on the kite festival and thanked a long list of businesses, persons and agencies that helped.


Genevieve Wooden thanked the folks who helped with the kite festival. She's thinks it's great we are adding more events for people to attend. ~ She said she'd like to have Council look at having a Charter Commission to update our Charter so we can change with the times and become a thriving city.

Mayor Jay announced that Coffee with the Mayor will be returning to Wednesdays on May 6th from 9 - 10AM. There will be coffee and Karebear goodies. All are invited.

ADJOURNMENT 9:14


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON June 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.