

CITY COUNCIL MINUTES

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

November 13, 2017

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

Monica Duran	Zachary Urban	Janeece Hoppe	George Pond
Kristi Davis	Tim Fitzgerald	Larry Mathews	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Treasurer, Jerry DiTullio; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Administrative Services Director, Heather Geyer; Public Works Director, Scott Brink; other staff, guests and interested citizens.

APPROVAL OF Minutes of the Council Meeting of October 9, 2017

There being no objections, the minutes of the Council Meeting of October 9, 2017 were approved as published.

PROCLAMATIONS AND CEREMONIES

Small Business Award

In recognition of small businesses Mayor Jay read a proclamation declaring the Saturday after Thanksgiving, November 25, 2017, as Small Business Saturday.

Newly Elected Officials Swearing-in Ceremony

Judge Christopher Randall swore in Leah Dozeman as Councilmember District VI, Tim Fitzgerald as Councilmember District III, Zachary Urban as Councilmember District II, Janeece Hoppe as Councilmember District I, and Bud Starker as Mayor. The new officials took their places on the dais.

Farewell to outgoing elected officials

A farewell video highlighting outgoing mayor, Joyce Jay and outgoing councilmember, Genevieve Wooden was shown. City Manager Patrick Goff presented them with flowers and framed photographs of a scene in the Wheat Ridge greenbelt. Both ladies shared words of thanks.

Mayor Starker thanked the outgoing mayor and councilmember for their service. He recognized the voters of Wheat Ridge for their participation in our democracy. He recognized all the candidates – noting it is not an easy thing to do. He congratulated the candidates who were returned to office; he looks forward to serving with them. He

recognized his opponent who ran an honest and hard fought campaign; he hopes he will continue his leadership and service to the city. He pledged to foster an atmosphere of open dialog and collaboration, to seek to be a good moderator, to promote pragmatic and constructive discourse, and to try to make Council proceedings fair and friendly to people who come into the Chamber. He is honored and humbled by the trust placed in him and he asks for everyone's understanding and help to make this Council successful in making good decisions for the City.

CITIZENS RIGHT TO SPEAK

Dorothy Archer (WR) reminded citizens of the study session next Monday, November 20. The issue of 35 foot, flat roofed houses will be studied. She urged people to come and let Council know how they feel about this issue. She noted that every residential zone except R1-C and R-3 allows houses to go up 35 feet with a flat roof and be built five feet from property lines; this could happen to anyone. Although R-1C and R-3 have added a 15 foot bulk plain, she explained how east Wheat Ridge remains extremely vulnerable and compared it to what has happened in north Denver. The study session begins at 6:30pm; citizens are welcome to come early and sign up to speak.

John Clark (WR) reported attending the WR High School showcase night for 8th graders and their parents. Attendance was very good; he is hopeful WRHS will grow again. He also noted the election brought no changes to the Jefferson County School Board and they are already suggesting things that will hurt WR schools. Plans to put an arts school at the old Sobesky school near 20th and Kipling will most certainly pull talented art/music students away from WRHS and Everitt Middle School. ~ He informed Council that the traffic calming devices we use – slalom courses and speed bumps -- do not work. He suggested the city engineers ask someone who lives in front of one.

Rachel Hultin (WR) congratulated those who won their races and her opponent. She feel this is an exciting time. She thanked Mayor Jay and Genevieve Wooden. Under Mayor Jay she learned how to love this city; Mayor Jay taught her how to show up and be feisty and keep talking to more people. She hopes we can all learn something from her leadership. She looks forward to the new leadership. ~ She agrees the City should examine its traffic calming program and look at all the new methods that are out there.

Jesse Hill (WR) looks forward to working with the new Council and Mayor, but has concerns about the next study session as it is unclear what will be discussed. He is irked that a survey created by two councilmember for a neighborhood meeting has now been put on the website in a biased format targeted to a specific group. He would prefer to see it on the bi-annual citizen survey which is scientific and done by outsiders who know how to formulate questions. ~ He also feels punched in the gut by the bulk plain decisions that were made last year. He spent \$10K on plans for his house and now isn't sure he can use them. He doesn't like the fear mongering going on about developers; he is not a developer. Unfortunately his neighbors need to move and they don't have a place to move to. He urged Council to consider the facts that are out there and the time and process to do this. He also would like the see resolution of the ADU issue that is still unresolved.

Kim Calomino (WR) congratulated and welcomed Mayor Starker and Councilmember Dozeman. She encouraged all councilmembers to collaborate, work together and engage with citizens. She looks forward to engaging with them. She appreciated Mayor Jay and Ms. Wooden's leadership. She asked everyone to work together and listen to each other. ~ She acknowledged the departure of Britta Fisher from the leadership of Localworks. She's done a terrific job as a citizen leader.

APPROVAL OF AGENDA

ORDINANCES ON FIRST READING

1. Council Bill 18-2017 – An Ordinance amending Chapter 5 and Section 16-115 of the Wheat Ridge Code of Laws to authorize temporary waivers from the limitation on hours of construction activity.
 - Current regulations limit the hours for construction activity from 7:00 am to 7:00 p.m.
 - Exemptions are allowed for emergency situations that might affect the public health, safety or welfare.
 - Recent projects have raised the question whether it might be prudent to allow non-emergency waivers or exceptions to these limits.
 - Legitimate reasons for a request for waiver might be the need to conduct continuous pours of concrete or the practicality of doing road construction during off-peak hours.
 - The waivers would be granted by the Community Development Director.

Councilmember Hoppe introduced Council Bill 18-2017.

Motion by Councilmember Hoppe to approve Council Bill 18-2017 an ordinance amending Chapter 5 and Section 16-115 of the Wheat Ridge Code of Laws to authorize temporary waivers from the limitation on hours of construction activity on first reading, order it published, public hearing set for Monday, November 27, 2017, at 7 p.m. in City Council Chambers and that it take effect 15 days after final publication, seconded by Councilmember Duran; carried 8-0.

2. Council Bill 19-2017 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws regarding Small Cell Commercial Mobile Radio Service (CMRS) Facilities

Recent state legislation pertaining to small cell wireless service infrastructure does two significant things:

1. Makes such facilities a use-by-right in all zoning districts; and
2. Allows them to locate in public rights-of-way (ROW), on utility and traffic signal poles, and in public utility easements, with some limitations and subject to City review and approval.

In June the City Council adopted regulations for the design parameters and approval process for these facilities. The definition of "small cell facility" needs to be amended to eliminate the potential for any large cellular facility to be considered a "small cell" facility.

Councilmember Dozeman introduced Council Bill 19-2017.

Motion by Councilmember Dozeman to approve Council Bill 19-2017, an ordinance amending Ordinance No. 1621 regarding small cell commercial mobile radio service (CMRS) facilities on first reading, order it published, public hearing set for Monday, December 11, 2017, at 7:00 p.m. in City Council Chambers and that it take effect 15 days after final publication, seconded by Councilmember Urban; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

3. Motion to amend the contract for Environmental and Engineering Consulting Services for Phase I of the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver, CO, to incorporate additional Historical Evaluation and Redesign in the amount of \$269,922

- The Planning and Environmental Linkage Study (PEL) for the Wadsworth widening project identified traffic congestion, safety issues, locations for bike paths, environmental issues and mitigation measures that needed further assessment.
- In March 2016 Council hired HDR to complete the survey, conceptual (30%) design and plans, and prepare the Environmental Assessment (EA).
- This past spring several properties in the Wadsworth Corridor were identified by the State Historic Preservation Officer for reevaluation of historic status. The City Council approved \$179,984.46 for this work.
- A considerable amount of additional investigation and design has been required to determine eligibility and to mitigate the impact of the project on historic properties.
- An additional scope and fee of \$269,922.12 is needed for the historical reevaluation to be completed.

Councilmember Urban introduced Item 3.

Staff presentation~ Mark Westberg

Mr. Westberg provided an update on historic designation, funding and the schedule.

Historical designation

An identification process was conducted from June through October. An agreement was reached with the state on what properties are eligible for historic designation. The historical designation will impact design elements behind the curbs north of 44th Ave. Traffic lanes will not be affected – only sidewalks and bike paths.

Mr. Westberg showed photographs and computer generated images to explain what the treatment would be for each property or building.

- The space in front of Holy Cross Lutheran Church will have a short retaining wall, a 10-foot sidewalk with hand rail, and some colored, patterned concrete.
- The 1947 mid-century modern house at 47th Ave will be preserved and only have a 5-6 foot sidewalk, directly adjacent to Wadsworth and very close to the house. If this is determined to have “No Adverse Impact”, we can proceed. If it is considered an Adverse Impact, the sidewalk and even the third lane of traffic will be in question.

- The 1918 bungalow at 47th Ave will have only an 8-foot sidewalk with a 2-foot amenity zone (red concrete). North of that the 10-foot sidewalk will resume.
- The former Arapahoe House will have its sign moved back a little, with an 8 foot sidewalk and 2 feet of colored, patterned concrete.
- The Enramex building was determined not eligible for historic designation.
- Near Three Acre Lane, the 1924 Dacko & Sons Building (a Denver Foursquare house) and 1937 Wardle Feed are eligible; the Pearmen building is not eligible. The 10-foot detached sidewalk will come up to the front door of the Dacko and Pearman buildings. The City wanted to acquire the Pearman building and raze it, but that probably won't happen so as to preserve the context of the Wardle building.

The first historical amendment that cost \$180K was not enough. A second historical amendment for about \$270K is needed to complete EA.

The original estimate for the EA was \$1.5M. Due to the extra historical work and a small increase in the design contract, the cost of the EA is \$1.81M. This is the amount of the total contract with HDR.

Funding

\$31.6M TIP (\$25.28M federal funding + \$6.32M City match)

\$ 2.6M HSIP (\$2.34M federal funding with a \$0.26M CDOT match)

\$4.1M CDOT maintenance reimbursement for surface treatment and new signals

Total funding secured -- \$39.23M

Sources: \$27.62M Federal + \$4.36M from CDOT + \$7.25M City (includes 2E funds)

It is anticipated this will be a \$50M project, so staff applied for a \$10M federal TIGER Grant. TIGER grants are extremely competitive. Will know in March or April.

Schedule

If the historical piece is complete by January, the EA can be finished and submitted to CDOT and the federal government for review in February. After a four month review process a public hearing on the EA could be held in July. Staff expects the federally approved FONSI (finding of no significant impact) to be issued in October 2018.

- The contract for construction plans would be awarded in February 2018.
- ROW acquisition would happen from July 2018 through July 2019.
- Construction would take place from October 2019 thru September 2021

Council questions

Councilmember Duran asked if CFI's (continuous flow intersections) are still planned. They are.

Councilmember Hoppe asked if the sidewalks could be separated from the traffic with wrought iron fences (or similar). That wasn't considered because it changes the view of the historical property. Also, anything built near the street has to be at least two feet from the curb, so that would just use more space and make for a narrower sidewalk.

Councilmember Mathews reported having talked to someone at CDOT who said they are not in favor of the CFI's. He'd like a straight answer. Mr. Westberg reported the

CDOT team that our staff is working with has approved the CFI's. They see the benefits, but snow removal is an issue. Mr. Westberg will check into the discrepancy.

Councilmember Davis asked if CFI's are preferred, why didn't they do that in Lakewood? Why just in WR? Mr. Westberg said CFI's are fairly new. He named several existing and proposed CFI locations in Colorado. Ms. Davis asked if those locations are on streets similar to Wadsworth. He explained how the one in Loveland is different, and that we only have a simple CFI. Staff does not believe it will be a huge issue.

Councilmember Mathew repeated his concern about getting two different messages from CDOT. There followed lengthy discussion about the CFI's – who suggested them and why, who supports them, who doesn't support them, why we have to have them, and why staff is not preparing a cost differential for CFI's vs. double left turns.

Mr. Goff suggested we are far along in the process; he thought there was an understanding that CFI's were part of the design. Councilmember Mathews will discuss this with him privately.

Councilmember Urban received confirmation that if the designs pass CDOT's historical tests, the process is mostly finished and ready to go. Regarding why double left turns were approved for the PEL, he was told CDOT's traffic engineers rejected them late in the process and the PEL was approved conditionally pending resolution of the issues for the two intersections.

Councilmember Urban asked that Council be provided some documentation from CDOT that they are the ones requiring the CFI's.

Motion by Councilmember Urban to amend the contract for Environmental and Engineering Consulting Services for Phase I of the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver, CO, to incorporate additional Historical Evaluation and Redesign in the amount of \$269,922, seconded by Councilmember Hoppe; carried 6-2, with Councilmembers Mathews and Dozeman voting no.

4. Motion to award ITB-17-20, Applewood Traffic Signal, to WL Contractors, Arvada, CO in the amount of \$294,921 and a contingency in the amount of \$29,492 for a total project cost of \$324,413

Traffic volumes on 32nd Avenue warrant the installation of a traffic signal at Xenon Street. Because this intersection serves the Applewood Shopping Center, the property owners, US Retail Partners LLC, have agreed to share the costs for design and installation. The City will design, construct, operate and maintain the traffic signal.

Councilmember Fitzgerald introduced Item 4.

Regarding funding, Mr. Goff clarified that \$110,500 will come from Urban Renewal (using TIF money from the Kipling Ridge project at 38th & Kipling). US Retail Partners

will pay \$84.3K (\$58,500 in credit they received from the City for right-of-way they provided when 32nd was widened a few years ago, plus cash to total \$84.3K).

The City share of the project is \$129.6K.

There were no questions from Council.

Motion by Councilmember Fitzgerald to award ITB-17-20, Applewood Traffic Signal, to WL Contractors, Arvada, CO, in the amount of \$294,921. I further move that a contingency amount of \$29,492 be established and that the Director of Public Works be authorized to issue change orders up to a total contract and contingency amount of \$324,413, second by Councilmember Davis, carried 8-0.

5. Motion to approve installation of traffic calming devices on Chase Street between 35th Avenue and 38th Avenue in accordance with the Neighborhood Traffic Management Program (NTMP)

Speed humps will be installed.

Councilmember Duran introduced Item 5.

Mr. Brink explained the multi-step, neighborhood-driven process for traffic calming devices. He understands that opinions about traffic calming are mixed nationally, but the City has found that while they do not deter rogue speeders, they do slow the overall speeds generally.

There were comments and questions from Council unrelated to this installation.

Motion by Councilmember Duran to approve the installation of traffic calming devices on Chase Street between 35th Avenue and 38th Avenue in accordance with the Neighborhood Traffic Management Program (NTMP), seconded by Councilmember Urban; carried 8-0 .

6. Motion to approve the installation of traffic calming devices on West 35th Avenue between Ward Road and Union Street in accordance with the Neighborhood Traffic Management Program (NTMP)

Speed humps will be installed.

Councilmember Pond introduced Item 6.

There were no questions from Council.

Motion by Councilmember Pond to approve the installation of traffic calming devices on 35th Avenue between Ward Road and Union Street in accordance with the Neighborhood Traffic Management Program, seconded by Councilmember Urban, carried 8-0.

7. Resolution 42-2017 – amending the Fiscal Year 2017 2E Bond Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$3,772,534 for the payment of Bond Closing Fees and Principal and Interest for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A.

The expenses for the 2E bonds that are due on December 1, 2017 include:

Principal	-	\$2,800,000
Interest	-	\$ 690,455
Closing costs	-	\$ 282,079

Councilmember Davis introduced Item 7.

Treasurer DiTullio referenced the September 2E financial report he had distributed. He informed Council that all 2E monies are being stored in CSAFE – a local government investing pool. When the bond is paid the funds will be reflected on this report. Per the ballot question the highest a payment can be is \$3.7M; the December report will reflect this payment – which includes principal, interest and closing costs. He noted the interest earned YTD is \$150K and the good thing about CSAFE is the interest rate is higher – almost 2%.

Councilmember Urban asked how expenses are determined to be eligible expenses within the bond. Mr. DiTullio explained the process which includes budgeting, staff approval and Council approval.

Motion by Councilmember Davis to approve Resolution No. 42-2017, a resolution amending the fiscal year 2017 2E Bond Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$3,772,534 for the payment of bond closing fees and principal and interest for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A; seconded by Councilmember Urban; carried 8-0.

8. Elect of the Mayor Pro Tem

Councilmember Mathews introduced Item 8 and read the election process as outlined in the Council Rules and Procedures.

Mayor Starker declared the floor open for nominations for the position of Mayor Pro Tem. Councilmember Pond nominated Tim Fitzgerald to be Mayor Pro tem

Councilmember Duran nominated Zachary Urban to be Mayor Pro tem.

Mayor Starker closed the nominations.

Councilmember Urban listed his experience the last four years – being present and active during meetings. Being well versed in parliamentary procedure, he could ensure that meetings are run smoothly and properly.

Councilmember Fitzgerald agreed that being parliamentarian is important, but he would apply it judiciously. In setting the agenda he pledged fairness in allowing people from all viewpoints to be able to put things on the agenda.

Eight councilmembers voted and passed their ballots to the City Clerk. Clerk Shaver counted the ballots and delivered the results to Mayor Starker. Mayor Starker announced that Mr. Urban received 4 votes and Mr. Fitzgerald received 5 votes. He congratulated Mr. Fitzgerald on his election.

Mr. Dahl advised that a motion was necessary to actually elect the highest vote getter.

Motion by Councilmember Mathews to elect Tim Fitzgerald as Mayor Pro Tem, effective immediately, term to expire upon election of his successor; seconded by Councilmember Davis; carried 7-1, with Councilmember Duran voting no.

CITY MANAGER'S MATTERS

Mr. Goff noted a recent Denver Post article announcing the Colorado Public Utilities Commission will hold a public hearing to reconsider their decision on the waivers that RTD asked for on the G Line. When a date is set the Council will be notified. ~ He also reminded everyone of the Police Community Forum on Homelessness this Wednesday at 5:30pm in Council Chambers.

CITY ATTORNEY'S MATTERS

Mr. Dahl congratulated the incoming councilmembers. He expressed his honor to serve for all the Council and he looks forward to working with everyone in the next term.

ELECTED OFFICIALS' MATTERS

Treasurer DiTullio referenced the financial report he distributed. The first page is the 2E information for September, followed by the regular financial report for September. All reports are on the website. Due to turnaround in the accounting department the October report has been delayed, but should be coming out soon. ~ There is some residual interest from the Fruitdale project (\$6-10K) that will come back to the City. Mr. Goff said it would go into the General Fund. ~ Mr. Mathews asked if there were any projections for potential shortfall for sales tax revenue for 2017. Mr. Goff will get those numbers to Council. He could say that sales tax revenue for September was up 2.8% over last year – which included the closure of Walmart in July. He added that a majority of the top 30 revenue generators (from sales, lodging and/or use taxes) are up compared to last year. Things are looking good, even with the closure of WalMart.

Monica Duran congratulated the new and re-elected members of Council.

Janece Hoppe congratulated the Wheat Ridge High School students who were receiving academic excellence awards.

Zachary Urban thanked those who ran for office this time and those who voted. He appreciates everyone's participation and congratulated those who were elected.

George Pond welcomed those who were elected. He believes fundamentally we have common ground because we want to help the city. He thanked everyone for being active.

Leah Dozeman thanked everyone for the warm welcome, especially the staff. She thanked the voters for the opportunity to represent them and her opponents who ran great campaigns. She look forward to working with everyone.

Larry Mathews noted that his city computer had crashed – causing his inability to read some things constituents had expected him to. He hasn't forgotten them; he will read that another time. ~ He and Ms. Dozeman will be having a District 4 meeting – date time and place to be announced.

Tim Fitzgerald welcomed Ms. Dozeman and Mr. Starker. He thanked those who ran and lost, noting that for democracy to work it requires people to take part in the process.

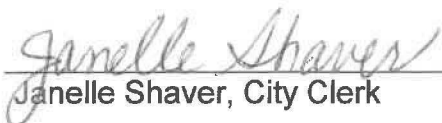
Kristi Davis congratulated the newly elected and re-elected. She also announced she will be having her neighborhood meetings in 2018.

Bud Starker thanked all the voters and candidates, and congratulated those who were elected. He is humbled and nervous, but looks forward to working together.


ADJOURNMENT

Motion by Councilmember Urban to adjourn the meeting; seconded by Councilmember Duran. No one voted.

The City Council Meeting adjourned at 9:07 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON JANUARY 8, 2018


Tim Fitzgerald, 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.