

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

August 28, 2023

Note: This meeting was conducted both as a virtual meeting and hybrid, where some members of the Council or City staff were physically present at the Municipal building, and some members of the public attended in person as well. Eight members of Council were present in Council Chambers for this session. Before calling the meeting to order, Mayor Starker stated the rules and procedures necessitated by this meeting format.

Mayor Starker called the Regular City Council Meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL OF MEMBERS

Judy Hutchinson Scott Ohm Rachel Hultin Janeece Hoppe

Amanda Weaver Korey Stites Valerie Nosler Beck (virtual)

Leah Dozeman was absent due to illness.

Also, present: City Manager Patrick Goff; City Attorney Gerald Dahl; City Clerk, Steve Kirkpatrick; Deputy Mayor, Allison Scheck; Director of Public Works, Maria D'Andrea; Assistant Mayor, -----, Director of Community Development, Lauren Mikulak; Senior Planner, Scott Cutler; other staff, guests and interested citizens.

APPROVAL OF MINUTES

- Special Study Session Notes of August 14 2023
- City Council Meeting Minutes of August 14, 2023

The above Notes and Minutes were approved without changes to any of these records.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

PROCLAMATIONS AND CEREMONIES

National Suicide Prevention Awareness Month

Mayor Starker read the proclamation focused on National Suicide Prevention Week, an annual month-long campaign in the United States to inform and engage health professionals and the general public about suicide prevention and warning signs of possible suicidal risks. The Mayor presented the proclamation to Rachel Miller Jefferson Center for Mental Health who accepted the honor saying as the Suicide Prevention Coordinator and member of the Coalition, who said that this proclamation makes a real difference.

Proclamation recognizing the Homeless Navigator Program

Rebecka Rudabaugh has served for 3 years as our Homeless Navigator, during which she and her colleagues have found permanent housing for 100 people. The Mayor recognized her accomplishments and asked her to make a few comments. She discussed the work accomplished and all the work that remains to be done. She recounted the bureaucratic barriers to obtaining out of state birth certificates or academic and medical records, so people can receive social services.

2023 Carnation Festival Committee Recognition and Plate Presentation

The Mayor recognized Mr. Joe DeMott, chair of the Carnation Festival, acknowledging the successful 2023 event. Mr. DeMott recognized the 18 members of the Festival Committee, especially CM Dozeman. He presented the Mayor with the 2023 Festival Plate, which will have its place of honor along the east wall of Council Chambers. Mr. DeMott thanked the staff across several City departments for their hard work and help. He also mentioned the fund raising that takes place during the festival for several non-profits.

PUBLIC'S RIGHT TO SPEAK

No one came forward to speak.

Note about Wheat Ridge Speaks:

Members of the Public may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. The deadline for citizens to submit comments is 12:00 Noon Mountain Time on the day of a Council session so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item, including items that address a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech)

One comment appeared in Wheat Ridge Speaks:

• Aug 28, 2023 · 9:27am

I rarely look at the City Council agenda but I saw this on the agenda and I cannot be more excited. I have Xfinity for internet and its awful! Having Google Fiber in Wheat Ridge would be a dream come true! Their prices are much lower and quality of service is so much higher than other service providers. Competition is needed in the world of internet service providers. If Google Fiber is approved, I would be honored to be customer #1!

Christian Gray

6755 W 33rd Ave Wheat Ridge, 80033

1. CONSENT AGENDA

CM Hoppe introduced the consent agenda.

- a. Resolution No. 40-2023 – a resolution supporting three applications to the Jefferson County Open Space Trails Partnership Program.

Issue

The Parks and Recreation Department wishes to submit three applications to the Jefferson County Open Space Trails Partnership Program to request funding for three trail projects across the city. A City Council resolution of support is required for the applications.

- b. Motion to approve the Mayor's appointment of Julia Stern to the Wheat Ridge Urban Renewal Authority d/b/a Renewal Wheat Ridge

Issue

On July 5, 2023, Kristi Davis from District II resigned from the Wheat Ridge Urban Renewal Authority d/b/a Renewal Wheat Ridge, effective immediately. The vacancy was posted for a term of four weeks on the City of Wheat Ridge website and promoted through various channels from July 17-August 11. Appointments to the Authority are made by the Mayor, subject to approval by a majority vote of the entire City Council. There is one applicant from District II, who newly applied, and two applicants from other districts who applied in January during the regularly scheduled reappointment process. If, after reasonable advertisement, no applications are received from residents within the relevant City Council district vacancy on the Authority, any otherwise qualified resident of the City may be appointed.

- c. Resolution No. 41-2023 – a resolution amending the Fiscal Year 2023 Capital Improvement Program budget to reflect the approval of a supplemental budget appropriation in the amount of \$85,126 for the purposes of accepting a \$70,000 Main Streets grant and to make pedestrian improvements at the 38th Avenue and Reed Street intersection.

Issue

The City was awarded a Revitalizing Main Streets grant from the Colorado Department of Transportation (CDOT) in the amount of \$70,000 to reconstruct the sidewalk on the south side of 38th Avenue at Reed Street and install an enhanced crosswalk across 38th Avenue on the east side of Reed Street. The full cost of the project, \$85,126, exceeds the grant amount. A supplemental budget appropriation is required to accept and appropriate the grant and supplemental in the 2023 budget.

- d. Resolution No. 42-2023 – a resolution amending the 2023 Fiscal Year General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$37,586.79 for the purpose of accepting grant funds from the Colorado Department of Early Childhood

Issue

In 2022, the City was awarded federal funding through the State of Colorado Department of Early Childhood's Child Care Stabilization and Workforce Sustainability grant program for the Sun Camp and Licensed Preschool childcare program through June 30, 2023. The Department of Early Childhood has offered additional grant funding in the amount of \$37,586.79 for these programs through September 30, 2023. A resolution approving a supplemental budget appropriation is required to accept and appropriate this additional grant funding.

- e. Resolution No. 43-2023 – a resolution amending the Fiscal Year 2023 Renewal Wheat Ridge Bond Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$132,868 for the purpose of amending the 32nd Avenue Bike Lanes contract with David Evans & Associates, Inc

Issue

A contract was previously awarded to David Evans & Associates, Inc. (DEA) for the 32nd Avenue Bike Lanes project. After the contract award, the City received a transportation improvement (TIP) grant providing additional construction funding and the ability to provide better bike/ped facilities for the westbound direction. The TIP grant federalizes the process and increases the environmental clearance process. An amendment to the 32nd Avenue Bike Lanes contract with DEA, in the amount of \$132,868, is being presented for consideration to include the additional design and environmental work associated with the TIP grant.

- f. Motion to amend the contract with Sunland Asphalt and Construction, LLC for the Recreation Center parking lot repair project to allow for an additional contingency amount of \$55,000 for a total not-to-exceed an amount of \$589,400.72.

Issue

A contract for the repair of the Recreation Center parking lot was approved by City Council in June 2023 in the amount of \$485,900.72 plus a staff-managed contingency of \$48,500 for a total not-to-exceed contract amount of \$534,400.72. Staff is requesting that the contingency amount be increased by an additional \$55,000 to account for additional work on the project that has been identified since contract award. Specifically, the project would install additional ADA-accessible parking stalls, enhanced striping for electrical vehicle parking, and drainage improvements along the rear access road to the facility. This would increase the total not-to-exceed amount of the contract to \$589,400.72.

Motion by CM Hoppe to approve Consent Agenda Items a.), b.), c.), d.), e.), and f.) seconded by MPT Stites, motion carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill No. 20-2023 – An Ordinance amending Sections 11-561, 11-566 and 26-114 of the Wheat Ridge Code of Laws, concerning the Hotel Licensing Program.

CM Hoppe introduced Council Bill 20-2023.

Issue

On October 25, 2021, City Council passed ordinance 1723, adding a new article XIV to Chapter 11 and updating use schedules in Chapter 26 of the Wheat Ridge Code of Laws to establish a hotel licensing program.

Sec. 11-569 of the Code requires Council to review the implementation of the ordinance on or before June 30, 2023, and every 18 months thereafter. Council conducted a review of the ordinance on June 12, 2023, and provided consensus for some updates to the Wheat Ridge Code of Laws.

This item passed first reading on August 14, 2023, and was published on August 17, 2023. Since first publication, staff identified two additional suggested improvements to the code to provide clarity for licensees. The changes as outlined below are not program changes but are simple clarifications of the program as it is currently being implemented. As a result, Section 2 is included in the attached ordinance in red font with minor changes in capital letters for Council's consideration. The two changes are as follows:

1. Section 11-564.2 clarifies that the City's expectation is that the licensee participates in the certified crime free hotel/motel program ANNUALLY
2. Section 11-564.6 clarifies that the security plan MUST BE REVIEWED ANNUALLY

The Mayor opened the public hearing, which is not quasi-judicial.

Staff Presentation

Deputy City Manager Alli Scheck briefly reported on the prior actions where on June 12, 2023, staff presented an update to Council regarding hotel licensing program and described some of the challenges caused by the current code language. Council provided consensus to prepare an ordinance updating the code to address the following:

- Making extended stays without an approved extended stay addendum a hotel licensing violation.
- Clarifying the length of stay calculation to consecutive days anywhere on the property and including a provision that guests must vacate the property for sixty (60) days for the stay to not be considered an extended stay.

- Clarifying the types of calls included and excluded in the calls for service (CFS) rate calculation.
- Reducing the validity of the special use permit to six months from one year.

Ms. Scheck also gave a detailed description of the intent of the hotel licensing ordinance where it is to address the significant public safety and other related concerns involving City hotels.

Afterwards she stood by to answer any questions.

Public Comment

There were none.

Council Questions and comments:

Council had none, having recently considered and studied this item in Study Session. The Mayor closed the public hearing.

Motion by CM Hoppe to approve Council Bill 20-2023 – an ordinance amending sections 11-561, 11-566, and 26-114 of the Wheat Ridge Code of Laws, concerning the hotel licensing program on second reading, and that it takes effect 15 days after final publication, seconded by CM Weaver, motion carried 7-0.

3. Council Bill No. 21-2023 – An Ordinance giving notice of and calling for submitting a ballot question at the City's regular November 7, 2023, election concerning the issuance of debt and an extension of the expiring sales and use tax of one-half of one cent (0.50%) to pay such debt; and other matters related thereto.

CM Weaver introduced Council Bill 21-2023

Issue

On July 17, 2023, City Council directed staff to move forward with a ballot question for the November 2023 election to extend the City's one-half of one cent (\$0.005%; 5 cents per \$10) sales and use tax for 20 years and to issue debt to finance up to \$75 million in public infrastructure improvements. These improvements would include sidewalk, bike lane and street improvements along primary street corridors, sidewalk gap construction and other sidewalk maintenance along major pedestrian corridors and routes to schools and drainage and floodplain infrastructure improvements at priority locations in the City.

To include this question on the 2023 ballot, the City Council must set the final ballot language and submit it to the Jefferson County Clerk and Recorder by September 8th. Setting the ballot language by ordinance requires a first reading on August 14th and a second reading and public hearing on August 28th to meet this deadline. The attached ordinance accomplishes this.

The Mayor opened the public hearing, which is not quasi-judicial.

Staff Presentation

City Manager Patrick Goff briefly reported on the prior actions where on April 3, 2023, results from a survey conducted between March 9 to March 23 by Magellan Strategies to obtain input from Wheat Ridge residents and to measure support for or against this ballot measure were presented to City Council. Sixty-eight percent (68%) of respondents to this survey indicated they would likely support a ballot measure to extend the one-half of one cent sales and use tax for a variety of public infrastructure projects at the November 7th election.

Mr. Goff added that based on estimated sales and use tax revenues for fiscal year 2023, a one-half of one cent extension of the tax rate would generate approximately \$5.2 million in 2024. Over 20 years that would result in approximately \$126 million which would net out approximately \$75 million in available project funds upon sale of the bonds.

Afterwards he stood by to answer any questions.

Public Comment

There was none.

Council Questions and comments

The Mayor closed the public hearing.

Motion by CM Weaver to approve Council Bill 21-2023 – an ordinance giving notice of and calling for submitting a ballot question at the City's regular November 7, 2023 election concerning the issuance of debt and an extension of the expiring sales and use tax of one-half of one cent (0.50%) to pay such debt; and other matters related thereto, on second reading, and that it takes effect immediately upon adoption, seconded by MPT Stites, motion carried 7-0.

CM Hultin expressed her excitement that Council is supporting this action tonight because these taxes, if approved by the voters, will make a huge difference in the City's future.

PUBLIC HEARINGS AND ORDINANCES ON FIRST READING

4. Council Bill 22-2023 – An Ordinance approving the rezoning of property located at 7575 W. 44th Avenue from Commercial-One (C-1) to Mixed-Use-Commercial (MU-C).

CM Hultin introduced Council Bill 22-2023

Issue

The City owns the former Bank of the West property at 7575 W. 44th Avenue and is proposing a zone change from Commercial-One (C-1) to Mixed Use-Commercial (MU-C). The zone change will result in a zoning that matches surrounding zoning and enables redevelopment of the site by expanding permitted uses.

Staff Presentation

There was none

Public Comment

No one came forward in person or online to speak.

Motion by CM Hultin to approve Council Bill 22-2023 – an ordinance approving the rezoning of property located at 7575 W. 44th Avenue from Commercial-One (C-1) to Mixed Use-Commercial (MU-C) on first reading, order it published, public hearing set for Monday, September 25, 2023 at 6:30 p.m. as a virtual meeting and in City Council Chambers, and that it take effect 15 days after final publication, seconded by CM Ohm, motion carried 7-0.

5. Council Bill 23-2023 – An Ordinance amending Chapter 2 and Chapter 26 of the Wheat Ridge Code of Laws, concerning the City's subdivision and development review requirements, and making conforming amendments therewith.

CM Ohm introduced Council Bill 23-2023

Issue

The proposed ordinance updates Chapter 2 and Chapter 26 of the Code of Laws to revise the City's subdivision and development review requirements. The ordinance accomplishes three main goals: 1) to prioritize meaningful public engagement and education intended to inform the public of impactful subdivision applications, 2) to reduce reliance on public hearings when the proposed uses and designs are permitted by the underlying zoning, and 3) to reduce duplication and unnecessary cross-references within the Code to ensure it is easy to understand and administer.

Motion by CM Ohm to approve Council Bill 23-2023 – an ordinance amending Chapter 2 and Chapter 26 of the Wheat Ridge Code of Laws, concerning the City's subdivision and development review requirements, and making conforming amendments therewith, on first reading, order it published, the public hearing set for Monday, September 11, 2023 at 6:30 p.m. as a virtual meeting and in City Council Chambers, and that it takes effect fifteen (15) days after final publication, seconded by MPT Stites, motion carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

6. Resolution No. 44-2023 – a resolution approving Amendment No. 3 to the Intergovernmental Agreement with the Colorado Department of Transportation for the Improve Wadsworth Project.

CM Hutchinson introduced Resolution 44-2023.

Issue

In 2022, the city worked with its respective Senators and House Representative to obtain an additional \$4 million in federal funding for the Improve Wadsworth Project. This funding, approved in December 2022, is via congressionally directed spending (CDS) through the Highway Improvement Program within the Fiscal Year 2023 omnibus funding bill. An amendment to the Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) is necessary to add these funds to the project budget..

Staff Presentation

Ms. D'Andrea recalled to council the prior actions taken in 2015 when the City was awarded funding through the Denver Regional Council of Governments Transportation Improvement Program (TIP) to improve Wadsworth Boulevard from 35th Avenue to 48th Avenue. On October 12, 2015, the City Council approved an IGA with CDOT to administer that original TIP grant. Two amendments to the original 2015 IGA were approved in 2020 and 2022, respectively, to add funds from various funding sources to the project budget.

He added that the total available funding outlined in amendment #3 to the CDOT agreement is \$58.3 million which includes:

- \$1.4 million for environmental costs
- \$5.7 million for design and ROW consultant costs
- \$10.6 million for ROW acquisition
- \$40.6 million for construction.

Eight different funding sources are included in the amended agreement. In addition to the \$4 million in CDS funding, a local match of \$1 million is included.

Due to a lack of available funds, the city scaled back the southern limits of the original project scope, which extended from I-70 to 35th Avenue, to roughly 41st Avenue. The additional work consists primarily of replacing the asphalt pavement with concrete pavement, south of 41st Avenue to 35th Avenue and constructing a continuous flow intersection at the intersection of 38th Avenue with Wadsworth Boulevard.

In 2021, the City Manager worked with congressional staff to submit applications to Wheat Ridge's House Representative and Senators for \$10 million in Congressional Directed Spending (CDS) to extend the project south of 41st Avenue to 35th Avenue.

The project was not included in the 2021 spending package. The city re-submitted an application in 2022 for \$4 million based on conversations with the congressional staff. The project was included in the Fiscal Year 2023 omnibus funding bill.

Ms. D'Andrea and Mr. Mark Westbrook, Project Manager, then stood by to answer questions.

Public Comment

No one came forward to speak.

Council Questions and comments

CM had few questions or comments, having previously studied this issue in depth many times in Study Sessions and Council Meetings.

CM Hultin asked a detailed question about access and progress to specific locations during the project once it is safe. Ms. D'Andrea gave a detailed answer. Then CM Hultin asked about several issues related to traffic flow and back-ups due to the projects and light timing. Ms. D'Andrea provided a detailed answer. Further conversation ensued related to notices of closing.

CM Nosler Beck asked that when we discuss signal timing with CDOT that staff include in the conversation other main thoroughfares including Kipling Parkway. Ms. D'Andrea agreed to speak with CDOT about all of these issues.

MPT Stites asked about what more the City can do help businesses along Wadsworth during the project.

Motion by CM Hutchinson to approve Resolution No. 44-2023, a resolution approving Amendment No. 3 to the Intergovernmental Agreement with the Colorado Department of Transportation for the Improve Wadsworth Project, seconded by CM Hoppe, motion carried 7-0.

7. Resolution No. 45-2023 – a resolution approving a Non-exclusive Public Right of Way Agreement with Google Fiber Colorado, LLC.

MPT Stites introduced Resolution 45-2023.

Issue

Google Fiber approached the city in late-2022 to discuss installation of a new 100% fiber optic network internet service in the city's rights-of-way. The city would grant a non-exclusive license agreement to Google Fiber to use and occupy the public rights-of-way to install, operate, and maintain a fiber optic infrastructure network for the purpose of offering communications services including broadband Internet access service and Voice over Internet Protocol services. City staff have negotiated an agreement that will protect the right-of-way and ensure adequate oversight during the construction process. The term of the agreement is for an initial 20 years.

Staff Presentation

Director of Public Works, Maria D'Andrea presented to council the prior actions and financial impact where a rate of \$0.55 per lineal foot of installed fiber is included in the Agreement. This fee will be collected at the time of permit approval.

Ms. D'Andrea briefly gave background on the company and process where Google Fiber is a gigabit internet service provider with the mission of helping communities access the internet that's fast, reliable, and priced competitively. Google Fiber currently offers gigabit internet service to residents and small businesses in 19 metro areas nationwide, between Google Fiber, a fiber-to-the-home network, and Google Fiber Webpass, a wireless network in apartments and condominiums. They have deployed many millions of feet of fiber and conduit, using a variety of methods.

The construction project will primarily utilize micro-trenching along the public side of the street to install the necessary infrastructure. This will lower potential impact to the community during construction. Installation will likely begin in 2024 and stretch over 1-2 years.

She then stood by to answer questions.

Public Comment

No one came forward to speak.

Council Questions and comments

CM Hultin asked a technical question about section 207 of the agreement. Ms. D'Andrea gave a specific answer.

The Mayor asked whether individual permits will be issued for each property involved. Ms. D'Andrea gave a detailed answer.

Motion by CM Stites to approve Resolution No. 45-2023, a resolution approving a Non-exclusive Public Right-of-Way License Agreement with Google Fiber Colorado, LLC, seconded by CM Ohm, motion carried 7-0.

CITY MANAGER'S MATTERS

Mr. Goff reminded all of the celebration of Boards and Commission members in two days' time, Wednesday, August 30 beginning at 5:30 pm at Anderson Park.

CITY ATTORNEY'S MATTERS

Nothing tonight

ELECTED OFFICIALS' MATTERS

City Clerk Kirkpatrick noted that the candidate petitions for those running for elected seats were turned in this evening, and verification of those will commence immediately.

CM Nosler Beck encouraged folks who are avoiding Wadsworth during the construction, please, respect the neighborhood streets and keep everyone safe, especially children. She asked people to be careful along Clear Creek while the water runs so high.

CM Hultin thanked staff for the change in the venue and activities during the celebration of board and commission members. Then she proposed a topic for future Study Council, focusing on a parcel involved in the Wadsworth Improvement Project. There are two parcels in particular, one of which surrounds the other.

CM Hultin also wants Council to study the issue of saving animals confined in a locked vehicle during hot weather, to make sure our Code enables the kind of emergency rescues nearby municipalities allow. She then discussed vacant commercial properties, specifically the unattractive particle boards used to cover windows, which are so unsightly. She opined that we could do better.

CM Ohm asked for a Study Session on two topics: converting traffic light intersections to roundabouts; the latter is much safer. Roundabouts also shorten transit time through intersections. He reported that many other municipalities have installed roundabouts.

CM Hutchinson thanked Local Works for their successful TLC dumpster event recently.

CM Weaver expressed her support for CM Hultin's animal welfare actions, starting with a Study Session.

CM Hoppe supported CM Hultin's notices about traffic closures and signal changes during the construction projects ongoing in the City.

MPT Stites supported CM Hultin's request to study best practices for informing residents that traffic flow changes are scheduled in a given neighborhood. This past weekend he attended the very successful Local Works Wine Walk. He noted that the public came in large numbers, that the restaurants were full and business was hopping. He encouraged people to support the business along the construction zones. If you can find it in Wheat Ridge, buy it in Wheat Ridge.

Mayor Starker thanked Rebekah Rudabaugh for her service and congratulated our Carnation Festival committee again.

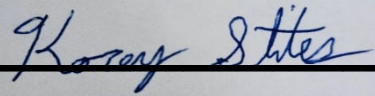
ADJOURN TO SPECIAL STUDY SESSION

The meeting adjourned at 8:53 pm.

APPROVED BY CITY COUNCIL ON September 11, 2023



Steve Kirkpatrick, City Clerk



Korey Stites, 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.