

AGENDA

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

April 24, 2017
7:00 p.m.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer, at 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS

APPROVAL OF Council Minutes of April 10, 2017

PROCLAMATIONS AND CEREMONIES

Mental Health Month
Child Abuse Prevention Month
Cub Scout Den Pack #582
Bond Document Signing

CITIZENS' RIGHT TO SPEAK

- a. Citizens, who wish, may speak on any matter not on the Agenda for a maximum of 3 minutes and sign the Public Comment Roster.
- b. Citizens who wish to speak on Agenda Items, please sign the GENERAL AGENDA ROSTER or appropriate PUBLIC HEARING ROSTER before the item is called to be heard.
- c. Citizens who wish to speak on Study Session Agenda Items, please sign the STUDY SESSION AGENDA ROSTER.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Motion to award ITB-17-11, Concrete Rehabilitation and ADA Improvements, Project Base Bid and Bid Alternate 1 to Majestic Concrete Contractors, Inc., Golden, CO, in the amount of \$223,403.20, with a contingency amount of \$11,170 for a total of \$234,573.20

- b) Resolution No. 12-2017 – establishing a street width for 29th Ave. from Ingalls Street to Fenton Street, for Fenton Street from 29th Avenue to 30th Avenue, and for 30th Avenue from Harlan Street to Fenton Street

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Resolution 11-2017 – approving an Intergovernmental Agreement with the City of Lakewood providing for resurfacing of 32nd Avenue between Union Street and Kipling Street with an estimated cost of \$97,695.98 to the City of Wheat Ridge

ORDINANCES ON FIRST READING

3. Council Bill 08-2017 – referring a Ballot Question at the Regular Municipal Election on November 7, 2017 concerning the restriping and repaving design configuration of 38th Avenue between Sheridan Boulevard and Wadsworth Boulevard

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

ADJOURNMENT to Executive Session at the conclusion of the Special Study Session

1. Conference with the City Attorney and appropriate staff under Charter Section 5.7 (b)(1) and Section 24-6-402(4)(b), C.R.S., specifically for legal advice concerning litigation

CITY COUNCIL MINUTES

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

April 10, 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	Genevieve Wooden	Zachary Urban	Janeece Hoppe
Kristi Davis	George Pond	Tim Fitzgerald	Larry Mathews

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Administrative Services Director, Heather Geyer; Community Development Director, Ken Johnstone; City of Wheat Ridge Treasurer, Jerry DiTullio; other staff, and interested citizens.

APPROVAL OF Minutes of the City Council Meeting of March 27, 2017 and Notes of the Study Session of March 20, 2017 and April 3, 2017

Councilmember Davis asked that the minutes [of March 27] be changed to reflect that all absent councilmembers were excused. Clerk Shaver reported she had received no notice of absence from Councilmember Pond. She will check.

There being no objections, the Minutes of the Council Meeting of March 27, 2017 and the Notes of Study Sessions March 20, 2017 and April 3, 2017 were approved as published.

PROCLAMATIONS AND CEREMONIES

CITIZENS' RIGHT TO SPEAK

Herb Schillereff (WR) expressed that he thinks it's about time that 38th Ave go to a vote of the people. This has dragged on too long. It's dangerous, people want their street back and the businesses need the traffic.

Al Gallo (WR) said he and his wife moved here recently from the Tennyson area to get away from congestion. He thinks 38th Ave is awesome and needs to be built on.

HeMargie Seyfer (WR) invited everyone to the Kite Flight Festival on April 29, the last Saturday in April at Anderson Park. The Police use this as an outreach to the Latino community. Police will be inspecting car seats and replacing any that are unsafe. She thanked the City for sponsoring the event by providing craft materials for 150 children and 15 nice kites for give-aways. She listed some of the many activities including a landing of Flight for Life and awards from sponsors Compass Construction and 1st Bank.

Bob Brazell (WR) urged Council to put the restriping of 38th Ave on the ballot. He understands it would only cost about \$750K to restripe it back and end this nightmare once and for all. Council shouldn't be afraid to let the people who hired them tell them what they want. Quit wasting time and money and let the people decide.

John Clark (WR) reported three upcoming retirements at Wheat Ridge High School -- two assistant principals and Principal Griff Wirth. He praised Mr. Wirth for his vision, heart and constant involvement. The present school board has forced him out. We've let this school board destroy our schools here in Wheat Ridge -- starting with closing Martensen and now threatening to close four more feeder schools. They have annihilated our schools. Of all the issues we deliberate about, we have to keep our schools great. Someone needs to stand up to the school board.

APPROVAL OF AGENDA

Motion by Councilmember Urban to hear Item 4 first, due to the attendance of so many staff members; second by Councilmember Duran; carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

4. Council Bill 07-2017 – An Ordinance amending various provisions of Article 1 of Chapter 22 of the Wheat Ridge Code of Laws concerning City Sales and Use Tax, and Section 11-68 of the Wheat Ridge Code of Laws, concerning proration of the Annual Liquor License Occupation Tax

This ordinance includes two sets of tax code updates that are intended to simplify the City's tax code and make it more business-friendly.

- Implementation of standardized definitions developed by municipal tax professionals, the business community and the Colorado General assembly.
- Miscellaneous revisions for efficiency, clarity, and consistency.

Councilmember Urban introduced Council Bill 07-2017.

City Clerk Shaver assigned Ordinance No. 1620.

Mayor Jay opened the public hearing.

There was no staff presentation. Heather Geyer noted that attorney Geoff Wilson (who explained the ordinance at the Study Session), sales tax supervisor Kathy Franklin, the City Treasurer and she were present and available to answer any questions.

There were no questions from Council and no public comment.

Mayor Jay closed the public hearing

Motion by Councilmember Urban to approve Council Bill 07-2017, an ordinance amending various provisions of Article 1 of Chapter 22 of the Wheat Ridge Code of Laws concerning city sales and use tax, and Section 11-68 of the Wheat Ridge Code of Laws, concerning proration of the annual liquor license occupation tax, on second reading, and that it takes effect fifteen (15) days after final publication; seconded by Councilmember Duran; carried 8-0.

1. Council Bill 05-2017 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the Regulation of Small-Scale Alcohol Production Facilities (Case NO. ZOA-17-01)

Our zoning code is silent with respect to alcohol production facilities. Small brewery operations have been handled on a case-by-case basis by classifying them as light industrial or restaurant uses. This ordinance will provide clarity for staff and potential businesses

Councilmember Mathews introduced Council Bill 05-2017.

City Clerk Shaver assigned Ordinance No. 1617.

Mayor Jay opened the public hearing.\

Staff presentation

Ken Johnstone highlighted the reasons for the ordinance.

- These types of businesses have flourished in Colorado. We've had some inquiries, so it makes sense to have some regulations for the future.
- They would be Special Uses in commercial districts and the larger operations would be allowed only in industrial zones.
- Facilities in commercial areas would have to have tasting rooms or tap rooms.
- The production limits for Micro and Macro breweries follow industry standards and what other cities are doing. (Note: The limit for microbreweries is 15K barrels/year; Rickoli's produces less than 1K barrels/year.

Councilmember Urban asked about the disparity in allowance for 15K barrels of beer, but only 15K gallons of wine. Mr. Johnstone indicated those are the standards used by the respective industries, and noted that wine is likely consumed in smaller quantities.

Mayor Jay closed the public hearing

Motion by Councilmember Mathews to approve Council Bill 05-2017, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of small-scale alcohol production facilities, on second reading, and that it takes effect fifteen (15) days after final publication, seconded by Councilmember Fitzgerald; carried 8-0.

2. Council Bill 06-2017 –An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the Regulation of Site Design Standards for Site Grading, Retaining Walls and Stormwater Facilities (Case No. ZOA-17-02)

Our zoning code does not address site grading, stormwater facilities, and retaining walls. This ordinance establishes reasonable minimum standards for their design.

Councilmember Duran introduced Council Bill 06-2017. She also noted that this ordinance is not expected to have a financial impact on the City.

City Clerk Shaver assigned Ordinance No. 1618.

Mayor Jay opened the public hearing.

Staff presentation

Ken Johnstone explained and illustrated with pictures how the ordinance would provide regulatory tools that would result in more aesthetically pleasing site plans.

- We currently we have no aesthetic design regulations for storm water facilities, including retaining walls and grading.
- The Planning Commission has reviewed the ordinance and recommends approval.
- The regulations are not over burdensome to developers, since we have so many infill projects.
- There are requirements by local, state and federal laws.
- These facilities are often above ground.
- There are technical requirements that dictate size and function
- Designs can vary – earthen, concrete, and integrated.

Regulatory approach includes

1. Meet the City's drainage standards
2. Codifies planting requirements
3. Visible concrete structures need some treatment
4. Gradual slopes – 4:1 or less
5. Plantings on edge of embankment

He showed examples of bad, and good design that is more aesthetically pleasing.

Public policy goals for grading and retaining walls

- Minimize visual impact of walls in public places
- Encourage use of smaller walls and higher quality materials
- Ensure that grade are maintainable and transition logically to adjacent properties and public streets
- Maintain flexibility and avoid a prescriptive approach.

Walls will be pedestrian scaled, meet applicable building codes and provide landscaping. Grading will be appropriate for adjacent ROW or property, have slopes of 4:1 or less and have rolling transition grades.

The regulations would also be added to the Architectural and Site Design Manual.

Council questions

Councilmember Mathews expressed support for anything that eliminates bare concrete drains and walls, and reflects our rural atmosphere. Mr. Johnstone advised staff will recommend materials that make the most sense.

Councilmember Urban inquired if the design standards will affect any City projects. Mr. Johnstone said we will be following the same standards and should be thinking about this. A materials pallet is being developed right now for Clear Creek Crossing. Regarding whether new standards would make City projects cost more (ex: retaining walls at Wadsworth & Clear Creek) Mr. Johnstone said that would be a balancing act.

Councilmember Pond commented the City should follow the standards we set for others.

There was no public comment.

Mayor Jay closed the public hearing

Motion by Councilmember Duran to approve Council Bill 06-2017, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of site design standards for site grading, retaining walls and stormwater facilities, on second reading, and that it takes effect fifteen (15) days after final publication, seconded by Councilmember Hoppe carried 7-1, with Councilmember Urban voting no.

3. Council Bill 03-2017 – An Ordinance approving the rezoning of property located at 4255 Yarrow Street from Residential-Two (R-2) to Mixed Use Neighborhood (MU-N) (Case No. WZ-16-08/Envirofinance Group)

The purpose of the rezoning is to modify and expand the list of permitted uses and to simplify the review and approval process for future development on the property.

Councilmember Davis introduced Council Bill 03-2017.

City Clerk Shaver assigned Ordinance No. 1619.

Mayor Jay opened the public hearing and swore in the speakers.

Staff presentation

Meredith Reckert entered into the record the comprehensive plan, the zoning ordinance, the case file and packet materials, and the contents of the digital presentation. She testified that all posting and notification requirements had been met.

Existing conditions and request

- Rezoning to MU-N will modify the list of uses, and modify the review process.
- The property is 4.52 acres and contains greenhouses built in the 1940's.
- The property is contaminated due to prior uses and will have to be remediated.
- The property is surrounded by R-2 zoning that is predominately single family, with C-1 to the north (including commercial, medical office and a new assisted living

facility), R-3 (apartments) to the east, Happiness Gardens on the west, single family to the south, and Wilmore Davis Elementary School to the southwest.

- R-2 (current zoning) allows for single and two family residential, a 35' height limit, maximum lot coverage of 40%, and 25' minimum front setbacks.
- MU-N allows 21 residential units per acre and commercial uses (office, service, retail, and restaurant); encourages higher density; and has development standards, a 35' height limit for residential, and a 50' height limit for commercial. Maximum lot coverage is 85%-90% and the minimum front setback is 0'-20'.
- If the property is mitigated, it will be mitigated to state standards for residential.

Staff analysis of the zoning criteria

- The property is adjacent to the 44th Ave Corridor, which the Comprehensive Plan lists as neighborhood commercial corridor.
- The property, designated as Neighborhood, is on the edge of the Wadsworth Subarea Plan which suggests medium high density (up to 21 units per acre).
- Staff believes this application is consistent with the goals and objectives of the City guiding documents and that the criteria supports the zone change.
- Staff believes the MU-N zone will promote public health, safety and welfare; will add value by redevelopment; will offer an appropriate transition with adjacent land uses; and may be a catalyst for other improvements in the area.
- Staff has determined that local streets are adequate to support the MU-N, but will look at the possibility of the need for a signal at 44th & Yarrow.
- All public agencies can serve the property, with upgrades at the owner's expense.

Zoning process

- A neighborhood meeting was held last December; 10 attended; traffic from the development was a concern, as well as transition between the development and Happiness Gardens
- Planning Commission recommended approval 4-1.
- There are no concerns from City departments; site plan review will be done by staff.
- Approval of the Specific Development Plan will be done by staff. If a plat is required there would be a public hearing.

Staff recommends approval with two conditions:

- 1) Additional traffic information be submitted at site plan review
- 2) City continues to work with applicant regarding interface with Happiness Gardens

Council questions

Councilmember Duran: The single family house to the south is a different owner and will remain. What steps will be taken to protect the neighbors during soil remediation? State and federal regulations will apply.

Councilmember Pond asked why the recommended conditions weren't in the motion. Staff will get that language.

Councilmember Mathews asked why so many uses were necessary, as this is not on 44th Avenue? Due to timing, the applicant prefers mixed use. Staff believes some low level commercial uses would be appropriate.

Councilmember Fitzgerald asked if 749 traffic passes per day will degrade 44th Ave or affect the Wadsworth Plan. Mr. Westberg testified that capacity is not an issue. 44th has 11-14K cars a day, but can handle up to 20K. The majority of traffic back-ups on 44th and Wadsworth should improve when Wadsworth gets redone. This development shouldn't affect anything that's happening on Wadsworth.

Councilmember Wooden's questions about the history of the property were deferred to the applicant.

Councilmember Hoppe noted the zoning would allow 94 units, but the developer is only building 70. ~ She inquired about the shade impact to Happiness Gardens. Ms. Reckert noted the mature spruce trees already there make some shade. There will be a 30 foot setback. Parks & Recreation staff take equipment to Happiness Gardens through the greenhouse site. They don't think it will be a problem. They will work with the applicant to ensure good function for Happiness Gardens. ~ Any plan for buffers adjacent to the school were deferred to the applicant. That would be considered with site plan review.

Councilmember Davis found that R-3 and R-3A are applicable, and noted that PRD was discussed at the Planning Commission level. She understands it is faster to do Mixed Use, doesn't feel commercial is appropriate, and asked how much extra time a PRD would take. Ms. Reckert thought a couple of months. She testified that the extra documentation required for PRD would not change traffic volume, but would show buffers and entrances. The applicant had a choice and preferred Mixed Use.

Ms. Reckert testified that due to more staff review steps a PRD has more fees.

Councilmember Mathews inquired about the uncertainty of traffic volume given the multiple options for use. Ms. Reckert said there can be no restrictions on use. Mr. Johnstone added that staff review will consider the actual use.

Mr. Goff advised that the MU-N zoning was added by a previous Council to make the process faster, cheaper, and more predictable for the developer.

Councilmember Wooden confirmed adjacent land uses on 44th

Applicant

Cameron Bertron (Denver) represents the owner. His firm specializes in properties that require remediation. He gave reasons why he believes this project will be beneficial to the neighborhood and the community, and answered questions from Council.

- Property owners have entered a plan with the state for voluntary clean-up to residential standards. The higher density is necessary financially.
- Past owners have proposed redevelopment of the property but they believe they have the right mix.
- They will meet with neighbors to make sure their questions get answered as work goes on.

- MU-N is preferred because it allows the highest and best use. It has design standards, setbacks and open space requirements. Traffic counts will have to be addressed.
- Commercial development is unlikely since the assisted living facility went in.
- The state (CDPHE) will always have the final say on the site plan. It's best to allow a level of flexibility until the amount of remediation is known and completed. Without that, they can't make any level of commitment for use.
- History: The first greenhouses were built in the 1930's for carnations. In the 1970's it was converted to a landscaping greenhouse, which ceased to use the 84 concrete beds. A majority of the pesticide contamination occurred during the carnation days. Most recently it was leased to organic tomato growers. Having no active user for two years has led to dilapidation, the stripping of materials and use by the homeless.
- There are some underground issues related to fuel tanks.
- He doesn't think the property has ever been listed, but there have been some pending contracts for sale during the last two years.
- This is a small sized project for their company. (They redeveloped the old St. Anthony's site and the ARCO site.)

Mayor Jay closed the public hearing

There was brief discussion about how to include conditions.

Motion by Councilmember Davis to approve Council Bill 03-2017, an ordinance approving the rezoning of property located at 4255 Yarrow Street from Residential-Two (R-2) to Mixed Use Neighborhood (MU-N), on second reading, and that it takes effect fifteen (15) days after final publication, for the following reasons:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation for approval.
3. The requested rezoning has been found to comply with the "criteria for review" in Section 26-112-E of the Code of Laws.

with the following conditions:

1. Additional traffic information be submitted at site plan review, including consideration of a traffic signal at 44th Avenue and Yarrow Street.
2. The City continue working with the applicant regarding interface with Happiness Gardens.
3. The City continue to work on the review of possible additional access points from the streets into the development.

seconded by Councilmember Pond.

Councilmember Urban suggested using the wording of the condition as stated in the Planning Commission minutes:

“Additional traffic information be submitted at the time of administrative site plan review to determine whether the installation of a traffic signal at the corner of 44th and Yarrow is warranted. If it is warranted, the applicant will be responsible for the proportional share of the cost of such signal installation.”

Councilmember Davis agreed to the substitution of the Planning Commission language for condition #1. The second agreed.

Councilmember Davis asked Mr. Bertron to let her help with the neighborhood meeting.

Further discussion included a question about the effects of the Wadsworth project on this area; confirmation that without the added condition no traffic study would be required; and an opinion that the criteria have been met.

The motion, with revised wording for Condition #1, carried 8-0.

CITY MANAGER'S MATTERS

Patrick Goff announced that the Police Department accreditation hearing would be tomorrow at 5pm in Council Chambers. If anyone wants to provide testimony to the accreditation board they are welcome to come. ~ He alerted Council to watch for an email tomorrow announcing the new anchor tenant for Wheat Ridge Corners (38th & Wadsworth). ~ He noted that applications are still being accepted for the Mayor's Environmental Sustainability Committee. Applications are available on the City website.

CITY ATTORNEY'S MATTERS

none

ELECTED OFFICIAL'S MATTERS

Janelle Shaver noted that the Easter egg hunt was extremely well attended.

Monica Duran invited everyone to join the Wheat Ridge Grange in celebrating its 110th birthday with a Community Night on Thursday, April 20 from 7:00-8:30pm at the Grange (3850 High Court). There will be an ice cream social, a history on the Grange, honoring of Wade Hammond, and entertainment. It is free and everyone is invited and welcome.

Zach Urban encouraged folks to come to the Grange celebration on April 20.

George Pond thanked everyone who came to the coffee he and Councilmember Fitzgerald had. They'll be having another one in the future.

Kristi Davis asked if the traffic study for tonight's rezoning will study speed on Yarrow Street. Mr. Goff will check.

Genevieve Wooden noted that the study session next Monday will include a panel consisting of Ali Lasell (Jeffco School Board), Karen Quambeck (Achievement Director for WR elementary schools), Griff Wirth (WRHS principal), Jeff Gomez (Everitt Middle School principal), and two elementary school principals. There will be an update from the Wheat Ridge Education Alliance and then it will be opened up as a panel discussion.

Joyce Jay reported that the Arvada/WR Kiwanis provided 6,000 eggs for the Easter egg hunt and that the last Coffee with the Mayor was well attended.

ADJOURNMENT

The City Council Meeting was adjourned at 9:05 p.m.

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON APRIL 24, 2017

George Pond, 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.

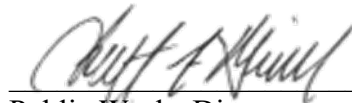
REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO AWARD ITB-17-11, CONCRETE REHABILITATION AND ADA IMPROVEMENTS, PROJECT BASE BID AND BID ALTERNATE 1 TO MAJESTIC CONCRETE CONTRACTORS, INC., GOLDEN, CO, IN THE AMOUNT OF \$223,403.20, WITH A CONTINGENCY AMOUNT OF \$11,170 FOR A TOTAL OF \$234,573.20

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO
Public Works Director
City Manager**ISSUE:**

For the past several years, concrete rehabilitation has been implemented on an annual basis in conjunction with asphalt pavement overlay projects. This year, staff decided to contract the concrete work as its own project in order to address specifics of the Americans with Disabilities Act (ADA) program more efficiently. The project is intended to bring existing curb ramps into compliance with the current ADA mandates as part of the multi-year plan.

Non-ADA related concrete rehabilitation will continue in coordination with the annual street resurfacing project, which provides needed maintenance treatments to selected streets by priority, in accordance with the citywide maintenance plan.

For the 2017 project, curb ramp work will be focused on ramp improvements at high-priority locations along collectors and arterials streets, along with selected spot improvements City-wide. The project also includes concrete speed humps and related signing and markings for the Neighborhood Traffic Management Plan (NTMP) program. These were incorporated into the concrete rehab project bid package (as a sole bid alternate).

Two bids were received and opened on April 6, 2017. One bid came in high while the other was lower than the engineer's estimate.

PRIOR ACTION:

None

FINANCIAL IMPACT:

Funding for these programs was approved in the 2017 Capital Improvement Program (CIP) budget:

Program	Account Number	Amount
ADA Improvements	30-303-800-861	\$50,000
Preventive Maintenance Projects	30-303-800-884	\$2,000,000
NTMP	30-304-800-844	\$35,000

Costs associated with base bid items will be paid out of both 30-303-800-861 and 30-303-800-884 accounts. The Preventive Maintenance Projects account is also intended to cover other preventative maintenance contracts such as street resurfacing (overlay work), crack filling, and non-ADA related concrete work, such as spot replacements of curb and gutter. Costs associated with speed hump installations (Bid Alternate 1) will be paid out of the NTMP line item 30-304-800-844.

BACKGROUND:

This is the first year that concrete rehab project will be a standalone project due to its size. This project is intended to provide concrete improvement needs associated with ADA mobility, preventive maintenance, and neighborhood traffic management. Staff has been assessing the mobility needs of the City in order to meet the federal mandates of the ADA. The curb ramp constructions and modifications will meet the requirements of the program. City Council has approved a budget line item in the CIP to address these needs over the long term. Coincidentally, a vast majority of the 2017 high-priority ramp improvements happen to be located along the streets that need to be overlaid.

Bids for the 2017 Concrete Rehabilitation Project were opened on April 6, 2017. The two bids received met the initial bid requirements. One was above and one was below the engineer's estimate. The low bidder was Majestic Concrete Contractor, Golden, CO, with a total bid amount of \$223,403.20. Majestic Concrete is qualified to perform the work; they have performed work satisfactorily in Wheat Ridge; and their bid is within budget.

The 2017 Concrete Rehabilitation and ADA Improvements Project is comprised of the following:

Base Bid - Concrete ramps, gutter and walk replacement on streets to be overlaid and a number of curb ramp improvements throughout the City by priority as guided by ADA program

Alternate 1- Speed hump installations for the approved street under the NTMP

Bid Ranges

Base Bid: \$215,003.20 - \$413,176.50

Engineer Estimate

\$327,541.80

Alternate:

#1 \$8,400.00 - \$23,490.00

\$7,179.02

Bid Alternate 1 reflects pricing for speed hump installations should any eligible streets necessitate speed humps as a preferred traffic calming measure as may be determined through the Neighborhood Traffic Management Program process.

The lowest responsible and responsive bidder, Majestic Concrete Contractors, Inc. of Golden, Colorado, has met the bid and qualification requirements. The price for the Base Bid and Bid Alternate 1 is \$223,403.20. In addition, a 5% contingency amount of \$11,170 is requested to cover the cost of unforeseen or additional work items that may be encountered during the course of the project.

RECOMMENDATIONS:

Based upon the contractor's demonstrated capabilities and previous performance and price, staff recommends that a contract be awarded to Majestic Concrete Contractors, Inc. that includes the Base Bid, Bid Alternate 1, and a 5% contingency.

RECOMMENDED MOTION:

“I move to award ITB-17-11, 2017 Concrete Rehabilitation and ADA Improvements Project Base Bid and Bid Alternate 1, to Majestic Concrete Contractors, Inc., Golden, CO, in the amount of \$223,403.20, with a contingency amount of \$11,170, for a total of \$234,573.20.”

Or,

“I move to deny the award of ITB-17-11, 2017 Concrete Rehabilitation and ADA Improvements Project Base Bid and Bid Alternate 1, to Majestic Concrete Contractors, Inc., Golden, CO, for the following reason(s) _____

REPORT PREPARED/REVIEWED BY:

Steve Nguyen, Engineering Manager

Jennifer Nellis, Purchasing Agent

Scott Brink, Director of Public Works

Patrick Goff, City Manager

ATTACHMENTS:

1. Bid Tab Sheet
2. List of Street Improvements

Subject to review for completeness and accuracy.



PROJECT: ITB-17-11

2017 CONCRETE REHABILITATION - ADA IMPROVEMENTS

DUE DATE/TIME: THURSDAY, APRIL 6, 2017 BY 1 P.M. LOCAL TIME

A handwritten signature in black ink, appearing to be "JH", is written over the printed name of the purchasing agent.

REQUESTED BY: RUSS HIGGINS, PUBLIC WORKS

OPENED BY: JENNIFER NELLIS, PURCHASING AGENT

WITNESSED BY: CINDY RAILOLO, PURCHASING TECHNICIAN

ALLOWED VENDOR (PRIME)	Majestic Concrete Contractors, Inc.	Noraa Concrete Construction Corp.			
LOCATION	Golden, CO	Keenesburg, CO			
BIDDER ACKNOWLEDGEMENT FORM	Yes	Yes			
ACKNOWLEDGE ADDENDUM (0)	Yes	Yes			
CONTRACTOR'S QUALIFICATION FORM	Yes	Yes			
NON-DISCRIMINATION ASSURANCE FORM	Yes	Yes			
ILLEGAL ALIEN COMPLIANCE	Yes	Yes			
LIST OF SUB-CONTRACTORS	Yes	Yes			
NON-COLLUSION AFFADAVIT	Yes	Yes			
KEEP JOBS IN COLORADO	Yes	Yes			
BID BOND	Yes	Yes			
PRICING SCHEDULE	Yes	Yes			
SUBTOTAL PAGE 19	\$199,503.20	\$335,106.50			
SUBTOTAL PAGE 20	\$15,500.00	\$78,070.00			
TOTAL AMOUNT OF BID:	\$ 215,003.20	\$ 413,176.50	\$ -	\$ -	\$ -
BID ALTERNATE #1	\$8,400.00	\$23,490.00			

Attachment 1

2017 Concrete ADA Projects – PM-03-17

STREET	SEGMENT	SCOPE OF WORK
W 44 TH AVE.	Vance St. to Fenton St.	Ramps 33 Stick on 1 4" sidewalk 48.2 sy 30"VCG 195 lf 1 Chase Drain 6" 1 inlet
32nd Ave	Kipling St. to Union St.	Ramps 27 Stick on 1 4" sidewalk 73 sy 165 lf VCG 6' x 6' crossspan 3.96 sy
Dudley/Everett ST.	W 41st Ave to W 44 th Ave.	390 lf 5'3" mountable sidewalk 10' x 6' crossspan 6.6sy 2 ramps at 44th Ave
N. Frontage Rd	Independence St to Carr St	Ramps 3 Stick on 2 390 lf 5'3" mountable sidewalk 4" sidewalk 35.2 sy 30' 30" VCG 10'x6' crossspan 6.6 sy
Oak St	38th Ave to 41st Place	Ramps 0 100 lf 5'3" mountable sidewalk 6' x 20' crossspan 4.4 sy
Reed St	27th Ave to 29th Ave	Ramps 0 8' x 24' crossspan 21.12 sy 10" 46' 30" VCG
49th Ave	Independence to Garrison	Ramps 5 Stick ons 3 4"sidewalk 25.85 sy 30" VCG 47lf
	<i>Service Request</i>	
Ames St	26 th Ave to 32 nd Ave	4" sidewalk 32 sy

Attachment 2


ITEM NO: 1b.
DATE: April 24, 2017**REQUEST FOR CITY COUNCIL ACTION**

TITLE: RESOLUTION NO. 12-2017 – A RESOLUTION ESTABLISHING A STREET WIDTH FOR 29TH AVENUE FROM INGALLS STREET TO FENTON STREET, FOR FENTON STREET FROM 29TH AVENUE TO 30TH AVENUE, AND FOR 30TH AVENUE FROM HARLAN STREET TO FENTON STREET

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES☒ NO

Director of Public Works

City Manager**ISSUE:**

City Council approved a Special Use Permit (SUP) and an Intergovernmental Agreement (IGA) with Denver Water on September 10, 2012, to allow reconstruction of the Ashland Reservoir on property located at 2901 Fenton Street, which included street improvements to the adjacent streets. In addition to Denver Water's project, the City had planned to straighten 29th Avenue at Fenton Street. In order to simplify design and construction coordination, the City is currently negotiating with Denver Water to construct the street improvements and be reimbursed for their share. The City is well underway with the design work, and as part of the implementation process, a street width designation is required in accordance with the provisions of the City Charter. Construction is expected to be completed this summer.

PRIOR ACTION:

On September 10, 2012, the City Council approved a SUP with Denver Water to allow reconstruction of the Ashland Reservoir to replace the original concrete-lined ponds with two smaller tanks. At that same meeting, an IGA was also approved that outlined the

responsibilities of Denver Water and the City for improvements to the adjacent streets. Just over a year ago, on April 4, 2016, a neighborhood informational meeting was held to discuss the proposed improvements with neighboring property owners and stakeholders. Feedback received at the informational meeting was generally very positive.

FINANCIAL IMPACT:

Funding for the portion of the project that was originally Denver Water's responsibility will be provided by Denver Water. The funding arrangement has not been finalized, but will likely involve Denver Water providing funding for their portion of the bid once the prices have been received. Funding for the City portion of the project has been approved in the Minor Street Improvement Project line item of the 2017 Capital Improvement Program Budget in the amount of \$435,000.

BACKGROUND:

The City of Denver has maintained water storage reservoirs at the Ashland site since the 1890s. The previous 41-million gallon reservoirs are being replaced with two 10-million gallon concrete tanks.

The SUP required that Denver Water add streetscape improvements to the adjacent streets, 29th and 30th Avenues and Fenton Street. The IGA required that Denver Water assist in the reconstruction of 29th Avenue to straighten the street. This also included dedication of right-of-way along 29th Avenue. Denver Water would be responsible for reconstructing the north half of 29th Avenue along their frontage with the City being responsible for the remainder.

As the City has continued to work with Denver Water on this project, it was determined in the best interest of both entities, to include Denver Water's portion of the street and streetscape construction into the City's project. This simplifies the design, construction coordination, and would result in better pricing since all of the work would be done as one large project. The City has been performing the majority of the design work and will provide the construction oversight.

In order to provide a logical starting point for the straightening of 29th Avenue, the western limit has been extended to Ingalls Street, with the eastern limit at the alley between Fenton and Eaton Streets. This portion of the project has two street widths, based on the inclusion of an on-street parking lane on the south side of the 29th Avenue between Gray and Fenton Streets. Pockets of on-street parking will be provided between Ingalls and Gray Streets, where possible. Fenton Street will be widened by two feet to achieve the standard width for local streets with on-street parking on both sides. Gray Street will be narrowed to achieve that same width.

RECOMMENDATIONS:

Street Width Designation and Process

Approval of a revised street width is required in accordance with Section 5.20 of the City Charter. Any change or revision to the width of affected streets has been reviewed in accordance with the City Code, Section 21-3, as follows:

1. Flow line

- a. The flow line defines the width of the street and can be described as the face-of-curb to face-of-curb distance. This has been interpreted/understood to include any on-street parking.
- b. The existing flow line width for 29th Avenue west of Fenton Street varies between 23 and 27 feet, as this is a rural section without curb and gutter. East of Fenton Street, the street width of 40 feet will not be changing with the realignment. The proposed new construction provides for a flow line width of 26 feet west of Gray Street and 32 feet east of Gray Street. These section widths provide for two 11-foot-wide travel lanes in both segments and a six-foot parking lane on the south side in the wider section. See Attachment 3 for the proposed street plans.
- c. The existing flow line width for Fenton Street (29th Ave. to 30th Ave.) is 36 feet. The proposed new construction provides for a flow line width of 38 feet. This section width provides for two 11-foot-wide travel lanes and six-foot parking lanes on both sides. See Attachment 2 for the proposed street plans.
- d. The existing flow line width for 30th Avenue (Fenton St. to Harlan St.) is 44 feet. The proposed new construction provides for a flow line width of 38 feet. This section width provides for two 11-foot-wide travel lanes and six-foot parking lanes on both sides. See Attachment 4 for the proposed street plans.

2. Street Reconstruction

- a. Street reconstruction is defined per the City Code as at least 250 feet long and includes the removal of existing pavement, curb, and/or gutter and construction of the same.

3. Public Hearing Process

- a. No earlier than one year prior to reconstruction, a public hearing is required to designate a change in street width.
- b. After the public hearing on April 24, 2017, some form of construction must occur by April 24, 2018. This has been interpreted by the City Attorney as the issuing of a Notice to Proceed (NTP) to a contractor who has been awarded a contract through the public bidding process.
- c. Upon approval of a street width designation at the public hearing, citizens who wish to protest must follow a procedure per City Charter that involves a petition process.

Additional Considerations/Next Steps

Should the City Council adopt a revised street width on April 24, 2017, construction must commence within one year as required by City Code. Since staff is already well into the design process and expects to issue the NTP by mid-August 2017, maintaining this timeline and project delivery is very doable at this stage, pending any unforeseen issues.

RECOMMENDED MOTION:

“I move to approve Resolution No. 12-2017, a resolution establishing street widths for 29th Avenue from Ingalls Street to Fenton Street, for Fenton Street from 29th Avenue to 30th Avenue, and for 30th Avenue from Harlan Street to Fenton Street.

Or,

“I move to postpone indefinitely Resolution No. 12-2017, a resolution establishing street widths for 29th Avenue from Ingalls Street to Fenton Street, for Fenton Street from 29th Avenue to 30th Avenue, and for 30th Avenue from Harlan Street to Fenton Street for the following reason(s),

REPORT PREPARED/REVIEWED BY:

Scott Brink, Director of Public Works

Steve Nguyen, Engineering Supervisor

Mark Westberg, Engineering Project Manager

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 12-2017
2. Proposed Street Plan – Fenton
3. Proposed Street Plan – 29th
4. Proposed Street Plan – 30th

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 12
Series of 2017

TITLE: A RESOLUTION ESTABLISHING A STREET WIDTH FOR 29TH AVENUE FROM INGALLS STREET TO FENTON STREET, FOR FENTON STREET FROM 29TH AVENUE TO 30TH AVENUE, AND FOR 30TH AVENUE FROM HARLAN STREET TO FENTON STREET

WHEREAS, City Council approved a Special Use Permit with Denver Water on September 10, 2012 to allow reconstruction of the Ashland Reservoir on property located at 2901 Fenton Street which included street improvements to the adjacent streets; and

WHEREAS, City staff has completed preliminary plans for those street improvements; and

WHEREAS, the preliminary plans establish new street widths on 29th Avenue from Ingalls Street to Fenton Street, on Fenton Street from 29th Avenue to 30th Avenue, and on 30th Avenue from Harlan Street to Fenton Street; and

WHEREAS, City Charter Section 5.20 designates the City Council as the sole authority to determine the width of all city streets within the boundaries of the City of Wheat Ridge; and

WHEREAS, within one year prior to construction or reconstruction of a street, the City Council shall hold a public hearing and adopt the new flow line of said street as the street's official street width designation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, that:

Section 1. New Street Width Designation. Pursuant to the authority vested in it by Charter Section 5.20, the City Council hereby designates street widths for portions of 29th Avenue, Fenton Street, and 30th Avenue, as follows:

- a. 26 feet for that portion of West 29th Avenue located between Ingalls Street and Gray Street
- b. 32 feet for that portion of West 29th Avenue located between Gray Street and Fenton Street
- c. 38 feet for that portion of Fenton Street located between West 29th Avenue and West 30th Avenue
- d. 38 feet for that portion of West 30th Avenue located between Harlan Street and Fenton Street

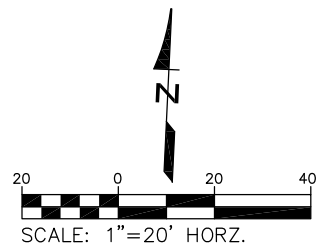
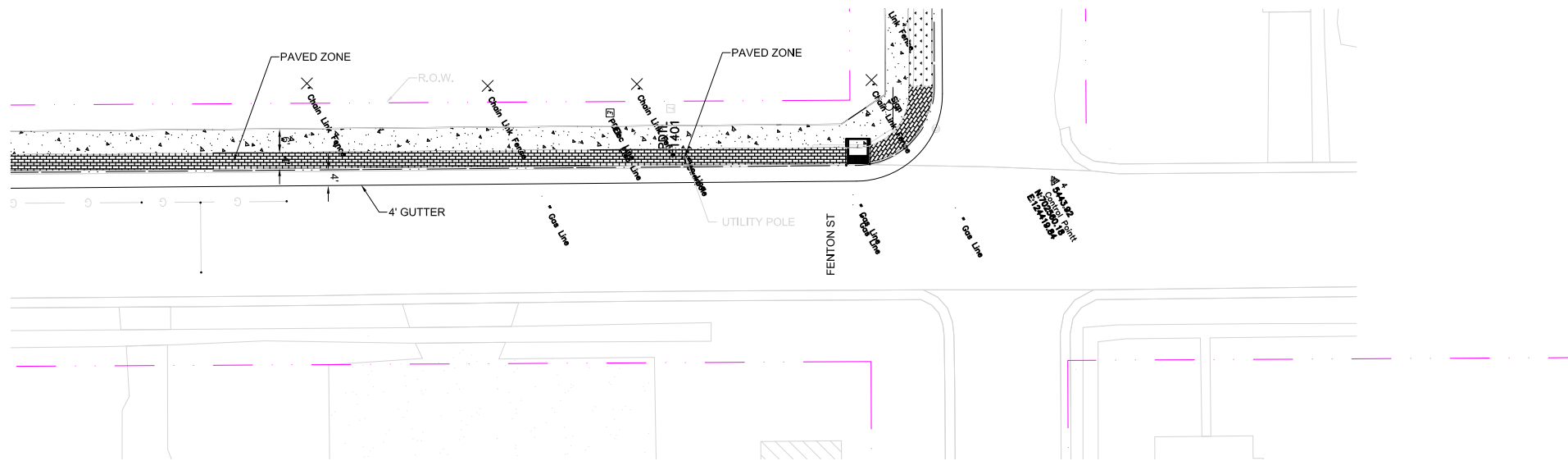
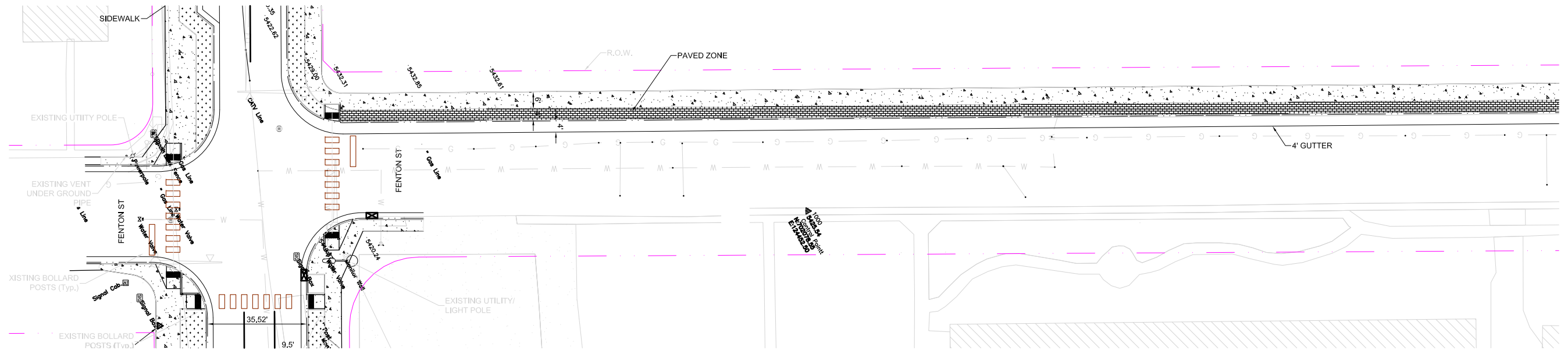
Section 2. This Resolution shall be effective immediately upon adoption/

DONE AND RESOLVED this 24th day of April, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk



Attachment 2

NO.	REVISIONS	DATE	INIT.								
				DRAWN BY	JLB	2016					
				DESIGN BY	JLB	2016					
				CHK'D BY	MAW	12/2016					
				APPROVED	MAW	12/2016					
				SCALES HORIZ. 1" = 30' VERT. 1" = 10'		City of Wheat Ridge DEPARTMENT OF PUBLIC WORKS		S-01-16 WEST 29th AVENUE REALIGNMENT 30th & FENTON IMPROVEMENTS		WEST 29TH AVENUE ROADWAY RE-ALIGNMENT FENTON STREET EXHIBIT	
				CALL UTILITY NOTIFICATION CENTER OF COLORADO 1-800-922-1987 CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES		7500 WEST 29TH AVENUE WHEAT RIDGE, COLORADO 80033		TELEPHONE: (303) 235-2861 FAX: (303) 235-2857		SHEET SHEETS 22	

REQUEST FOR CITY COUNCIL ACTION

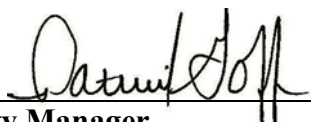
TITLE: RESOLUTION NO. 11-2017 - A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF LAKEWOOD PROVIDING FOR RESURFACING OF 32ND AVENUE BETWEEN UNION STREET AND KIPLING STREET WITH AN ESTIMATED COST OF \$97,695.98 TO THE CITY OF WHEAT RIDGE

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO

Director of Public Works

City Manager**ISSUE:**

The Cities of Wheat Ridge and Lakewood both engage in annual pavement rehabilitation and resurfacing projects. 32nd Avenue serves as a common boundary between the two cities for much of its length west of Kipling Street. In accordance with their respective pavement management and maintenance schedules, both cities desire to see 32nd Avenue resurfaced between Kipling Street and Union Street in 2017.

In such instances where more than one municipality shares a common boundary or street, it has consistently proven more cost effective and less disruptive if a project is performed by a single entity, rather than each individual city conducting its own project. As such, staff from each city have mutually identified and developed a project that meets the needs of both cities and have prepared an Intergovernmental Agreement (IGA). This IGA provides for the project to be administered by the City of Lakewood with the City of Wheat Ridge compensating Lakewood for its appropriate share of the costs.

PRIOR ACTION:

None

FINANCIAL IMPACT:

Funding for this work has been approved within the 2017 Capital Improvement Program budget, Preventive Maintenance Projects (30-303-800-884). The total approved budget for this account number is \$2,000,000, which includes asphalt resurfacing, miscellaneous concrete work, patching, and crack sealing. The estimated contribution from the City of Wheat Ridge for 32nd Avenue resurfacing work between Kipling Street and Union Street is \$97,695.98, which easily fits within the total budget that includes other resurfacing, concrete, and maintenance work identified for 2017.

BACKGROUND:

The annual Street Resurfacing Program was developed to provide needed maintenance treatments to a number of selected streets by priority in accordance with the citywide maintenance plan. The program is intended to extend the life of pavement on streets that are structurally sound. For the 2017 project, 32nd Avenue between Kipling Street and Union Street will be overlaid along with other selected local streets. The overall program also includes the following: concrete and curb ramp replacements on streets being resurfaced, striping maintenance of high volume streets throughout the City by priority, spot pavement patching citywide, and crack sealing.

32nd Avenue is shared as a common boundary between Wheat Ridge and Lakewood for much of its length between Kipling Street and Union Street, and both cities have identified and scheduled this street for resurfacing in 2017. As a result of meetings between staff from both cities, it was collectively determined that a single project administered by the City of Lakewood with Wheat Ridge contributing its fair share would serve as the most feasible and efficient means of performing the rehabilitation work.

RECOMMENDATIONS:

Staff recommends approving the attached resolution authorizing approval of an IGA with the City of Lakewood.

RECOMMENDED MOTION:

“I move to approve Resolution No. 11-2017, a resolution approving an Intergovernmental Agreement with the City of Lakewood, providing for resurfacing of 32nd Avenue between Union Street and Kipling Street, with an estimated cost of \$97,695.98 to the City of Wheat Ridge.”

Or:

“I move to postpone indefinitely Resolution No. 11-2017, a resolution approving an Intergovernmental Agreement with the City of Lakewood, providing for resurfacing of 32nd Avenue between Union Street and Kipling Street with an estimated cost of \$97,695.98 to the City of Wheat Ridge for the following reason(s): _____.”

REPORT PREPARED/REVIEWED BY:

Steve Nguyen, Engineering Manager
Scott Brink, Director of Public Works
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 11-2017
2. IGA with Lakewood

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 11
Series of 2017

TITLE: A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF LAKEWOOD PROVIDING FOR RESURFACING OF 32ND AVENUE BETWEEN UNION STREET AND KIPLING STREET

WHEREAS, The majority of 32nd Avenue between Union Street and Kipling Street serves as the boundary between the Cities of Wheat Ridge and Lakewood, and

WHEREAS, 32nd Avenue is in need of maintenance and resurfacing work in accordance with the maintenance needs and policies of both Cities; and

WHEREAS, The Cities of Lakewood and Wheat Ridge desire to complete said resurfacing work as a single project, with costs split in accordance with the amount of pavement surface located in each respective City; and

WHEREAS, said project will be administered by the City of Lakewood with the City of Wheat Ridge compensating Lakewood for its appropriate share of the cost: and

WHEREAS, a standard Intergovernmental Agreement (IGA) between the City of Wheat Ridge and the City of Lakewood has been prepared in accordance with the legal requirements of both cities,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, that:

Section 1. Agreement Approved.

The Intergovernmental Agreement between the City of Lakewood and the City of Wheat Ridge regarding milling/patching/overlay project is approved.

Section 2. Effective Date _____.

This Resolution shall be effective immediately upon adoption.

DONE AND RESOLVED this _____ day of _____, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF LAKEWOOD AND CITY OF WHEAT RIDGE
REGARDING 32ND AVENUE MILLING/PATCHING/OVERLAY PROJECT**

THIS INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF LAKEWOOD AND CITY OF WHEAT RIDGE REGARDING 32ND AVENUE MILLING/PATCHING/OVERLAY PROJECT (the "IGA") is made and entered into this _____ day of _____, 2016 (the "Effective Date"), by and between the **CITY OF LAKEWOOD**, a home rule municipal corporation of the State of Colorado, whose principal business address is 480 South Allison Parkway Lakewood, Colorado 80226 ("Lakewood"), and between the **CITY OF WHEAT RIDGE**, a home rule municipal corporation of the State of Colorado, whose principal business address is 7500 W. 29th Avenue, Wheat Ridge, Colorado 80033 ("Wheat Ridge").

WHEREAS, Article XIV, Section 18(2)(a), of the Constitution of the State of Colorado and Part 2, Article 1, Title 29, C.R.S., encourage and authorize intergovernmental agreements;

WHEREAS, C.R.S. § 29-1-203 authorizes governments to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each;

WHEREAS, the parties desire to enter into this IGA to engage in a shared Milling/Patching/Overlay project on 32nd Avenue between Union Street and West Kipling Street (the "Project");

WHEREAS, Wheat Ridge is responsible for approximately twenty-five percent (25%) of the maintenance responsibilities along 32nd Ave. between West Simms Street and West Morningside Drive;

WHEREAS, Wheat Ridge is responsible for one hundred percent (100%) of the maintenance responsibilities on 32nd Ave. between W. Morningside Dr. and W. Kipling St.;

WHEREAS, the total area for the Project is approximately 255,642 square feet with Lakewood responsible for approximately 153,996 square feet thereof, Wheat Ridge responsible for approximately 101,647 square feet thereof;

WHEREAS, on February 14, 2013, Lakewood entered into a contract with Martin Marietta Materials, Inc. ("Contractor"), to perform Lakewood's Overlay Program (the "Overlay Contract"), which Contract was renewed on March 1, 2017 for Lakewood's 2017 Overlay Program; and

WHEREAS, the parties desire to enter into this IGA to extend Contractor's work under the Overlay Contract to include milling/patching/overlay work along 32nd Ave. as desired by Wheat Ridge.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the sufficiency of which is expressly acknowledged, the parties hereby agree as follows:

1. WORK. Pursuant to this IGA, Contractor shall perform the Wheat Ridge maintenance obligations on 32nd Avenue between Union St. and West Kipling St., as set forth in the Scope of Work in **Attachment A**, attached hereto and incorporated herein by this reference, and in accordance with the standards set forth in the Overlay Contract.
2. CONSIDERATION. In exchange for Contractor's services, Wheat Ridge shall pay Lakewood in accordance with the following table. Payment shall be made in a lump sum within thirty (30) days following substantial completion and acceptance by Wheat Ridge.

<u>Item</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>	<u>TOTAL</u>
Remove Asphalt Mat 2" Full Width	S.Y.	11,295	\$1.37	\$15,474.15
HBP (Overlay) (SX 64-22)	TON	1,256	\$61.25	\$76,930.00
Inlay Striping Materials/Labor	S.F.	5,280.83	\$11.00	\$5,291.83
				\$97,695.98

Pricing does not reflect any patching that may be required. If patching is required, Wheat Ridge shall compensate Lakewood in accordance with the costs set forth in Attachment A. In the event there are unforeseen and/or additional work items not covered in this Agreement, such additional work (including costs) will proceed only upon mutual agreement between the two cities.

3. TERM. The Term of this IGA shall be from the Effective Date through _____, 2017.
4. LIABILITY/GOVERNMENTAL IMMUNITY.
 - A. Liability of the Parties. Each party shall be liable and responsible for the acts and omissions of its own employees, agents and elected and appointed, and neither party shall be responsible for the acts or omissions of the other party's employees, agents or elected or appointed officials.
 - B. CGIA. Both parties are governmental entities subject to and protected by the limitations on liability set forth in the Colorado Governmental Immunity Act, C.R.S. Title 24, Article 10 (the "CGIA"). Nothing herein shall be deemed to waive any rights or immunities established pursuant to the CGIA or otherwise provided by law.
5. NOTICES. Notices provided to a party pursuant to this IGA shall be in writing, addressed to the parties as follows:

If to Lakewood:

Infrastructure Maintenance/Ops. Engineer
City of Lakewood Public Works Dept.
480 S. Allison Pkwy
Lakewood, CO 80226

If to Wheat Ridge:

[Position/Title]
City of Wheat Ridge
[ADDRESS]
Wheat Ridge, Colorado 800 []

6. GENERAL PROVISIONS.
 - A. INTEGRATED AGREEMENT. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties.
 - B. No Third-Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this IGA and all rights of action relating to such enforcement shall be strictly reserved to the parties. It is the express intention of the parties that any person other than Lakewood and Wheat Ridge shall be deemed to be only an incidental beneficiary under this IGA.

- C. Governing Law and Venue. This IGA shall be governed by the laws of the State of Colorado. Venue shall be in the County of Jefferson, State of Colorado, or, for federal claims, in the United States District Court for the District of Colorado.
- D. Headings. Paragraph headings used in this IGA are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this IGA.
- E. Severability. In the event a court of competent jurisdiction holds any provision of this IGA invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this IGA.
- F. Counterparts; Electronic Disposition. This IGA may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument. The parties acknowledge and agree that the original of this IGA, including the signature page, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately reproduce the original of this IGA, may be used for any purpose as if it were the original, including proof of the content of the original writing.
- G. Authority. The parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this IGA on behalf of the parties and to bind the parties to its terms.

[Remainder of page intentionally blank – signatures follow.]

IN WITNESS WHEREOF, the parties have executed this IGA as of the Effective Date.

CITY OF WHEAT RIDGE

[Signature]

[Name & Title]

ATTEST:

[Signature]

[Name & Title]

Approved as to legal form:

[Signature]

[Name & Title]

CITY OF LAKEWOOD

Kathleen E. Hodgson, City Manager

ATTEST:

Margy Greer, City Clerk

Approved as to form:

Gregory D. Graham, Deputy City Attorney

Recommended for Approval:

Jay Hutchison, Director
Department of Public Works

Kyle Beck, Infrastructure Maintenance/Ops. Engineer
Department of Public Works

ATTACHMENT A – SCOPE OF WORK

Contractor will perform the following work for Wheat Ridge:

- A two-inch (2") full mill of 32nd Avenue between W. Union Street and W. Kipling Street.
 - Necessary patching will follow the milling operation
 - Patching shall be at six inches (6") thick or match existing mat thickness, whichever is greater
 - 2017 pricing for patching is \$109.00 per ton for HBP 'A' Patch (grade S) (Haul & Asphalt (Collector))
 - Any patching required will be discussed among the parties and paid for by the responsible party
 - Once patching is complete, Contractor will overlay the milled portion of 32nd Ave. with a two-inch (2") final lift Overlay using SX 64-22 Hot Mix Asphalt
 - Striping will be installed by Lakewood's in-house striping crew

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 08-2017 – AN ORDINANCE REFERRING A BALLOT QUESTION AT THE REGULAR MUNICIPAL ELECTION ON NOVEMBER 7, 2017 CONCERNING THE RESTRIPE AND REPAVING DESIGN CONFIGURATION OF 38TH AVENUE BETWEEN SHERIDAN BOULEVARD AND WADSWORTH BOULEVARD

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

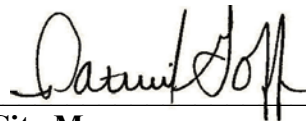
☒ ORDINANCES FOR 1ST READING (04/24/2017)
☐ ORDINANCES FOR 2ND READING (05/08/2017)

QUASI-JUDICIAL: ☐ YES

☒ NO



City Attorney



City Manager

ISSUE:

The attached ordinance refers a ballot question to the electorate at the November 7 election, requiring the City to restripe and repave 38th Avenue between Sheridan and Wadsworth to a four-lane configuration at a budgeted cost of \$750,000.

PRIOR ACTION:

At its regular meeting on March 27, 2015, the Council directed the City Attorney to review a draft of this ordinance, presented by Council Member Urban, for legal sufficiency.

FINANCIAL IMPACT:

There is no direct financial impact to the City to consider this Council Bill other than staff time to prepare the ordinance. However, if this question is included on the November ballot, additional costs may be incurred by the City depending on the total number of pages included in the ballot.

BACKGROUND:

The City Attorney has reviewed the ordinance and placed it in proper format for a referred ballot question.

RECOMMENDATION:

None

RECOMMENDED MOTIONS:

“I move to approve Council Bill No. 08-2017, an ordinance referring a ballot question at the regular municipal election on November 7, 2017, concerning the restriping and repaving design configuration of 38th Avenue between Sheridan Boulevard and Wadsworth Boulevard, on first reading, order it published, public hearing set for Monday, May 8, 2017 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication.”

Or,

“I move to postpone indefinitely the ordinance referring a ballot question at the regular municipal election on November 7, 2017, concerning the restriping and repaving design configuration of 38th Avenue between Sheridan Boulevard and Wadsworth Boulevard for the following reason(s)
_____.”

REPORT PREPARED BY:

Gerald Dahl, City Attorney
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 8-2017

Council Action Form – Ballot Question on 38th Ave.

April 24, 2017

Page 3

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER URBAN
COUNCIL BILL NO. 08
ORDINANCE NO. _____
Series 2017

TITLE: AN ORDINANCE REFERRING A BALLOT QUESTION AT THE REGULAR MUNICIPAL ELECTION ON NOVEMBER 7, 2017 CONCERNING THE RESTRIPING AND REPAVING DESIGN CONFIGURATION OF 38TH AVENUE BETWEEN SHERIDAN BOULEVARD AND WADSWORTH BOULEVARD WITH AN ESTIMATED COST OF \$97,695.98 TO THE CITY OF WHEAT RIDGE

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution and governed by its elected City Council; and

WHEREAS, pursuant to Section 2.2 of the Home Rule Charter, a regular municipal election is held in the City on the first Tuesday in November in odd-numbered years; and

WHEREAS, the City Council is authorized by Section 6.3(a) of the Home Rule Charter and CRS 31-11-111 to refer any question to the electorate; and

WHEREAS, the Council wishes to refer a ballot question to the electorate at the November 7, 2017 regular municipal election.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Ballot Question Referred. Under the authority granted by Section 6.3(a) of the Home Rule Charter and CRS 31-11-111, the City Council hereby refers the following ballot question to the electorate of the City, to be placed on the ballot for the regular municipal election to be held on November 7, 2017:

SHALL THE CITY OF WHEAT RIDGE REVITALIZE THE 38TH AVENUE CORRIDOR BETWEEN SHERIDAN BOULEVARD AND WADSWORTH BOULEVARD BY RESTRIPING AND REPAVING THAT AVENUE WITH AT LEAST A FOUR TRAVEL LANE DESIGN CONFIGURATION, WITH A TOTAL PROJECT COST AT NOT TO EXCEED \$750,000, TO BE ALLOCATED FROM THE CITY'S CAPITAL IMPROVEMENT BUDGET FOR THE YEAR 2018?

YES _____

NO _____

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this 24th day of April, 2017, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for May 8, 2017 at 7 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this ____ day of _____, 2017.

SIGNED by the Mayor on this ____ day of _____, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form:

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us