

AGENDA

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

May 22, 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 May 8, 2017 and Study Notes of May 1, 2017

PROCLAMATIONS AND CEREMONIES

West Chamber's Non-Profit of the Year Award - Localworks
Senior Heroes Awards
National Public Works Week

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 four contracts for on-call Forestry Maintenance Services to selected vendors in an amount not to exceed \$143,000

Consent Agenda cont.

- b) Motion to amend the contract for Environmental & Engineering Consulting Services for Phase I of the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver CO, to incorporate additional historical evaluation and redesign in the amount of \$179,984.46 for a total project cost of \$1,500,148.66
- c) Resolution No. 15-2017 – amending the Fiscal year 2017 Open Space Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$211,167 for the purpose of awarding a contract to Calahan Construction Services, Inc. for the construction of an Equipment Storage Building in the amount of \$317,000 and a ten percent contingency amount of \$31,700 for a total of \$348,700
- d) Motion to award a contract to iParametrics, LLC., Alpharetta, GA, in the amount of \$45,603 for Facility Security Assessment Services for City-Owned Buildings
- e) Resolution No. 14-2017 – amending the Fiscal Year 2017 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$5,000 for the purpose of accepting Grant Funds for the purchase of Cardio Fitness Equipment to be installed in Hayward Park

ORDINANCES ON FIRST READING

- 2. Council Bill 09-2017 – amending Chapter 26 of the Wheat Ridge Code of Laws to regulate and allow Small Cell Commercial Mobile Radio Service (CMRS) Facilities

DECISIONS, RESOLUTIONS AND MOTION

- 3. Resolution 16-2017 – a Resolution of the Wheat Ridge City Council recognizing and supporting the Mission of the Wheat Ridge Environmental Sustainability Committee

CITY MANAGER’S MATTERS

CITY ATTORNEY’S MATTERS

ELECTED OFFICIALS’ MATTERS

ADJOURNMENT

CITY COUNCIL MINUTES

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

May 8, 2017

Mayor Jay called the Regular City Council Meeting to order at 7:06 p.m.

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

ROLL CALL OF MEMBERS

Zachary Urban George Pond
Tim Fitzgerald Larry Mathews

Members Absent: Monica Duran (excused); Janeece Hoppe; Genevieve Wooden; Kristi Davis

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Public Works Director, Scott Brink; Police Chief Daniel Brennan; other staff, guests and interested citizens.

Clerk Shaver announced that a quorum was not present.

Mayor Jay announced the proclamations would proceed, but no official business would be undertaken.

PROCLAMATIONS AND CEREMONIES

Municipal Clerk's Week

Mayor Jay read a proclamation recognizing the week of May 7 through May 13 as Municipal Clerks Week and extended appreciation to Wheat Ridge Municipal Clerk, Janelle Shaver. Clerk Shaver thanked the Mayor for the proclamation.

National Police Week

Mayor Jay read a proclamation designating the week of May 14-20 as National Police Week and May 15th as Police Officers Memorial Day. Chief Brennan honored the three Colorado officers who fell in the line of duty in 2016. A moment of silence was observed.

Everett Middle School – 50-year recognition

Mayor Jay read a proclamation declaring May 8, 2017 as Everett Middle School Day. Everett Principal **Jeff Gomez** introduced former principals **Russ Ramsey** and **Kathy Norton**, and Spanish teacher of 21 years, **Angie Neve**. A celebration will be held at the school this Wednesday, May 10 with an open house from 4:30 to 6:45 and a ceremony in the cafeteria to follow. Everyone is welcome.

CITIZENS' RIGHT TO SPEAK

Stephanie Meadows (WR) spoke of her concerns about the growing homeless population in Wheat Ridge and provided pictures for the councilmembers. She wants to help be a part of the solution. She highlighted her extensive background as a Homeless Outreach Officer for the Denver Police Department – including helping to write Denver’s enforcement procedures. She listed several factors that make the homeless camps unsafe for houses, the homeless and our parks. She would like to help by sharing her knowledge and experience with the homeless and her experience working with multiple departments.

Councilmember Davis arrived at 7:21pm.

Shannon Fedrizzi (Eagle, CO) owns a salon suite business in the City near I-70 & Kipling. A zoning law prevents her from leasing to a tattoo parlor unless a Special Use Permit is obtained. This two-month process takes too long. She asked if there is a way the antiquated law could be updated because she suggested tattoos are very mainstream now. She cited homelessness and crime as additional challenges for businesses in that area.

Addressing Ms. Fedrizzi’s concerns, Mr. Goff spoke to the 2003 ordinance requiring SUP’s for tattoo parlors. A process is available for an SUP. If there are no protests it could be approved administratively and could happen in less than a month. One protest would trigger Council approval. Additionally, changing the Code would require Council initiative and approval.

Mayor Jay declared the presence of a quorum and the meeting continued.

APPROVAL OF AGENDA

DECISIONS, RESOLUTIONS AND MOTIONS

1. Motion to Ratify Mayoral Appointment of the Wheat Ridge Environmental Sustainability Committee

The Wheat Ridge Environmental Sustainability Committee (WRESC) is being formed to involve the community in recommending and prioritizing environmental sustainability goals for City municipal operations and other community-wide sustainability efforts. The committee will serve as a forum for the community to offer input concerning:

- Green Building
- Education & Communication
- Energy Efficiency & Renewable Energy
- Solid Waste & Recycling
- Transportation
- Water

The Mayor and the Mayor Pro Tem will each contribute \$1,000 from their community outreach funds for initial meeting facilitation services and incidental expenses. The WRESC will report back to Council after three months if additional funds are needed.

Councilmember Pond introduced Item 1.

Mayor Jay noted that the number of committee members was increased from nine to eleven because there were so many good applicants and to accommodate drop-outs or scheduling conflicts.

Council questions

Councilmember Urban questioned 1) the necessity of ratifying committee appointments (which is not in the Code), 2) funding for this committee with no restrictions on sources of future funding and no cap, 3) appointment and funding should be done with two separate motions, and 4) there are no specific outcomes outlined.

Discussion about ad hoc committees followed.

- Mr. Goff cited a prior opinion by the City Attorney that the Mayor has the authority to appoint ad hoc committees. Ratification was not addressed. He noted that in the past ratification by Council of Mayoral appointments has been a courtesy.
- Previous ad hoc committees have not had restrictions about funding.
- The Committee will report back to the Council in three months.
- The \$2,000 is being used to pay for a moderator/facilitator.
- Previous ad hoc committees had very specific directives and outcomes. This committee is too big, too unfocused, and has no clearly defined targets.
- Concern there is already a desire to turn this into another full time employee as it is stated the Committee is to report back in three months *only if* they need more funding.
- There is no time limit for this ad hoc committee so future funding is a concern.
- Saving the planet is not under the City's purview; this is open-ended.
- City departments already address environmental and sustainability issues.
- There is an expectation that the Committee *will* report back in three months and it is reasonable to make a decision about its future at that time.
- The \$2,000 should be adequate for three months.
- Is a vote to ratify the appointments to the committee really necessary?

During discussion a consensus grew that Council ratification was probably not necessary for this committee to be appointed. The Committee can proceed and if it is later determined that ratification is necessary it can come back to the Council.

Motion by Councilmember Fitzgerald to pull this item from the agenda; seconded by Councilmember Mathews; carried 5-0.

2. Resolution 13-2017 – A resolution approving an Intergovernmental Agreement between the City of Wheat Ridge and the City and County of Denver concerning Engineering Services for the extension of a Denver Water Department Conduit

The construction for the I-70 hook ramps for Clear Creek Crossing (CCC) is within Denver Water's utility easement and conflicts with their plans to replace a large water main. Both projects are scheduled to occur at the same location and at the same time. Added cost to redesign Denver Water's work must be assumed by the owner/developer and/or the City. Denver Water developed this IGA, which has been reviewed by our City attorney, to provide for additional design services to extend the tunneling portion of the water main at an estimated cost of \$22,317.

Councilmember Fitzgerald introduced Item 2.

The City has been working with the Clear Creek Crossing (CCC) property owner and CDOT on the design and construction plans for the I-70 hook ramps that are needed for the development. At the same time Denver Water has plans to replace a large water main (Conduit 16) that runs between Ralston Reservoir and the Moffat Treatment Plant in Lakewood. This main crosses the CCC site diagonally, from northwest to southeast, before crossing beneath I-70. The IGA provides a means for redesigning Denver Water's work so as to avoid conflicts and allow both projects to proceed simultaneously.

Public Works Director, Scott Brink, provided further information.

- A CCC community meeting was held last week and was attended by about 150 people. Most concerns were about traffic.
- Denver Water has had this conduit replacement on their schedule for a long time. It involves quite a bit of tunneling and a large staging area is required. Their project will last several months and severely delay and negatively impact the CCC project.
- There are a lot of moving pieces to all of this, with both projects anticipated to begin this fall. Neither party can start sooner.
- Staff feels it is best to have the IGA in place so that (if necessary) Denver Water will move their bore-pit excavation at least 100 feet. The IGA provides the estimated cost for engineering services – if they are needed.

Mr. Goff added that the budget for this would come from the 2E funds. The cost of the hook ramps is expected to be less than \$10M, so there is enough money to cover this.

There was no discussion.

Motion by Councilmember Fitzgerald to approve Resolution No.13-2017, a resolution approving an Intergovernmental Agreement between the City of Wheat Ridge and the City and County of Denver concerning engineering services for the extension of a Denver Water Department conduit; seconded by Councilmember Pond; motion carried 5-0.

APPROVAL OF Minutes of the City Council Meeting of April 24, 2017 and Notes of the Study Sessions of April 17 and April 24, 2017

There being no objections, the Minutes of the Council Meeting of April 24, 2017 and the Notes of the Study Sessions of April 17 and April 24, 2017 were approved as published.

CITY MANAGER'S MATTERS

Mr. Goff reported receiving a text from the City Attorney, who was stuck at the airport in Colorado Springs due to the weather. Mr. Dahl confirmed that a Council vote is not required for a committee that is appointed by the mayor. ~ Regarding the severe hailstorm earlier in the day, he reported that inventory of damage to City facilities and property is underway. 60% of our fleet has some form of damage; nine patrol vehicles are available for service. He also noted already receiving a call to his house from a company in Florida offering to inspect his roof. People should be very careful about roofers calling and make sure they are using a reputable company.

CITY ATTORNEY'S MATTERS

none

ELECTED OFFICIAL'S MATTERS

Janelle Shaver shared information about the speakers at the Community Corrections conference she attended in Colorado Springs – a researcher from the University of Cincinnati who spoke about what works and what doesn't to change criminogenic behavior, and an empathy panel of domestic violence survivors who speak to convicted domestic violence perpetrators.

Zach Urban thanked Treasurer DiTullio for putting together the community meeting. ~ He read a checklist for consumers when dealing with roofing contractors.

- Only take bids from local contractors that YOU have called
- Only accept bids with price, scope of work and materials written on them
- Homeowners should have a 72 hour cancellation period
- Never sign anything that has a cancellation fee
- Request five local references the roofer has worked with over a year ago
- Ask for copies of the roofers workman's comp and liability insurance, and verify that they are current
- Make sure the name on the insurance matches the name of the roofer
- Make sure the roofer pulls a building permit and has the new roof inspected
- Don't pay for materials in advance
- It is illegal for a contractor to offer to pay, waive or rebate your deductible
- Never turn over any insurance checks or pay money until the work is completed
- Always work with local companies to avoid fly-by-night operations

Larry Mathews added to get at least three bids; competition is a big safeguard.

George Pond named the eleven people who will serve on the Sustainability Committee,

Eric Wilson (I)
April Nowak (I)
Karen Berry (I)
Alexander Helling (II)

Amy DePierre (II)
Dan Graeve (II)
Robert Robinson (III)
Adam Wylie (III)

Joy Opp (III)
Heather Head (III)
Andy Rasmussen (IV)

and thanked everyone who applied. He encouraged everyone to come watch the proceedings.

Kristi Davis agreed she don't want the Sustainability Committee to snowball into another full time employee, but thinks some small things can be done.

Tim Fitzgerald noted the amazing qualifications of the people on the Sustainability Committee.

Larry Mathews reported that he and Councilmember Duran had met with Ms. Meadows, who spoke under Public Comment. Due to her work with Denver law enforcement she is an expert on homeless issues. At the next study session Council will be asked for permission to let her give a short presentation and join the discussion.

Joyce Jay made note of the high level and variety of education of the folks who will serve on the Environmental Committee.

ADJOURNMENT

The City Council Meeting was adjourned at 8:08 p.m.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON May 22, 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.

STUDY SESSION NOTES

CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

May 1, 2017

Mayor Joyce Jay called the Study Session to order at 6:30 p.m.

Council members present: Monica Duran, Kristi Davis, Zachary Urban, Janeece Hoppe, George Pond, Tim Fitzgerald, Larry Mathews, Genevieve Wooden

Absent: Larry Mathews (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Public Works Director, Scott Brink; Community Development Director, Ken Johnstone; other staff, guests, and interested citizens

CITIZEN COMMENT ON AGENDA ITEMS

Charlie Myers (WR) spoke in support of the Bike/Ped Master Plan. He's on the board of BikeJeffco. He believes having a master plan will move Wheat Ridge toward being a first class city for biking and walking. He spoke about crash data provided by WRPD that will provide a base line for future reference. He offered BikeJeffco's support, with ATAT, in helping the City further the masterplan; they can probably help with prioritization. They are pleased to see 96 bike facility projects on the list.

1. Staff Report(s)

a) Sign Code Update – *Reed v. Gilbert* – Kenneth Johnstone & Jerry Dahl

Mr. Dahl highlighted his memo to Council explaining this United States Supreme Court ruling of June, 2015. The decision has created a need for cities and counties across the nation to address their sign codes.

- The unanimous court decision holds that signs cannot be regulated by their content.
- If a sign must be read to know how it is regulated, that regulation is unconstitutional under the First Amendment.
- Undisturbed by the *Reed* ruling are local regulations about such things as lighting, location, signs with moving parts, size, and other non-content related features.
- Temporary events cannot be regulated separately because you have to read the sign to decide if it is temporary or not.

There are some changes we need to make as a result of this decision.

Ken Johnstone continued.

The City will comply with the Supreme Court decision and focus on the *Reed v Gilbert* issues. Additionally this is a good opportunity to make our sign code more user friendly.

Three minor topics to consider:

1. Illumination of LED signs. We currently have no regulations on brightness. Technology has advanced making it possible to adjust the level of illumination.
2. Off-premise business district signs. Business districts want signage that directs people to their area. Ex: Signs on Sheridan or Wadsworth for the 29th Ave area.
3. Temporary signs such as sign spinners and fluttering flags (pennants)

Questions and opinions followed. Topics included:

- Moving borders on LED signs and regulating brightness of LED signs
- Blade signs and iconic signs
- Could the time be regulated for sign spinners?
- Air giants and mannequins
- Motion signs near residential areas
- Per Mr. Johnstone, Code doesn't allow LED billboards with changing messages
- Should a sign be related to the property at hand?
- Mr. Dahl addressed off-premise signs
- Tourist Oriented Directional Signs (TODS)
- Many cities exempt signs carried by people (includes sign spinners and solicitors)
- Is the cost to retrofit ambient light technology overly burdensome?
- Regulation for lighted signs should have clear criteria for illumination
- Regarding political signs: This is Council's opportunity to decide what it wants to allow on City property and public ROW. When a space becomes a "public forum", everyone must be treated equally; it is all or none.
- Parked trucks with signs that move
- Some duration element for signs that become tattered
- Banners have to be mounted to the wall; there are some size limitations and it can be displayed 365 days a year. There are some limits on pennants.
- Quantity of signs as visual litter
- Per Mr. Johnstone, temporary sign compliance has not been a code enforcement priority for the City; 25% of window area can be a signage.
- Per Mr. Dahl, allowing signage for permitted special events is acceptable.

Mr. Johnstone suggested that staff take this direction from Council and put together some options to be considered at another study session.

Councilmember Hoppe received unanimous consent to direct staff and the City Attorney to move forward with the *Reed v. Town of Gilbert* changes, to incorporate the items as discussed for illumination of LED signs, off-premises business district signs and temporary signs, and to include the allowance for blade signs and icon signs.

b) JEFFCO Bicycle Wayfinding Project – Scott Brink

Mr. Brink noted that as early as June the public may start to see regional wayfinding signs that are part of this county-wide effort.

- This effort was spearheaded by Lakewood and Jefferson County in late 2014.
- The planning group included Jeffco municipalities and representatives from CDOT, DRCOG, BikeJeffco and other bicycle advocacy groups.
- A grant was received to hire a consultant and develop maps.
- The intent is to provide direction and guidance to bicyclists on a regional level, while complimenting and working with local municipal wayfinding systems.

He went through some maps, examples of signs, and routes through Wheat Ridge. Routes to the Gold Line will be included.

2. Bike/Pedestrian Master Plan Update – Scott Brink

Mr. Brink introduced **Joe Fish** from the Toole Design Group, the Washington DC–based consulting firm that was hired to help put together the plan. A copy of the draft plan had been provided to Council prior to the meeting.

Mr. Fish reported they have done data collection, mapping of existing facilities and destinations, public outreach, and an open house. He gave a power point presentation outlining the process and key elements of the plan.

- Vision and Goals were developed in a workshop that included representatives from the City, the County, the School District, RTD, and community advocates.
- Online map-based survey was conducted
- Attended Ridgefest for feedback
- Open House for feedback on challenges and priorities
- Technical Advisory Committee helped throughout to ensure the project was headed in a good direction

Developed a vision statement for the master plan.

- Walking and biking to work in Wheat Ridge has risen in the last 15 years. Walking commutes rose from 2.1% to 2.5%; biking commutes rose from 0.3% to 1.4%
- Difficulties for walking include lack of and gaps in sidewalks.
- Difficulties for biking include quantity and speed of traffic, and lack of bike lanes.

Key recommendation themes for pedestrians

- access to bus stops, focus on key destinations, integration with ADA Transition Plan, serving the needs of all ages of the population

Key recommendation themes for bicycles

- access to Gold Line station, access to Clear Creek Trail, crossing I-70, connecting to neighboring jurisdictions

Maps identify

- highest priority gaps in sidewalks (They are mostly on high volume streets.)
- a bike network that identifies trails, bike lanes, and good continuous routes
- prioritized projects

Questions and discussion followed.

Councilmember Duran was informed that the extension of sidewalks on 29th westward from Jay will be considered for addition to the list.

Councilmember Fitzgerald received the following information:

- On Wadsworth, the blue dots include potentially separated dedicated bike paths.
- A side path is an 8-10 foot sidewalk for ped and biking next to the curb (e.g. Kipling).
- West side of Wadsworth 35th - 32nd would have a side path, but
 - It is not scheduled for reconstruction anytime soon.
 - It is not part of the Wadsworth project.
 - It would require additional ROW acquisition.
 - It would have to be pursued as a separate project.
 - It would solve the gap, but wouldn't save any money.

Councilmember Fitzgerald received unanimous consent to have staff investigate the possibility of adding a side path on the west side of Wadsworth between 35th and 32nd Avenues.

Councilmember Davis mentioned for the public that the cost table indicates side paths and sidewalks are \$1M per mile, bike lanes are \$25K per mile, and shared street is \$10K per mile. Mr. Brink noted those are average costs; variable costs include (or exclude) ROW acquisition, driveway reconstruction and tree removal.

From Councilmember Urban's questions

- There was discussion specifically related to a separated bike facility on Wadsworth. The bike masterplan has different indications than the Wadsworth plan. Mr. Goff suggested the masterplan could be changed to reflect the plans for Wadsworth.
- The prioritization tool for bike facilities was similar to what was used in the past and is not the same tool that was used for the ADA transition priorities.
- Crash locations were not considered in the prioritization, as those numbers are low. Higher bike volume results in greater safety consideration.
- Regarding the necessity for the plan to state that a non-profit is a better community outreach tool over the City, Mr. Fisher noted those are usually good collaborative relationships; non-profits usually have volunteers, while staff have other duties. The non-profits could assist with grants by providing volunteers and funding.

Mr. Brink reviewed the Next Steps.

Comments are still coming in from the neighboring cities, ATAT, BikeJeffco, school district, and the seniors. Those will be compiled and go to Mr. Fisher. The finalized plan will then come to Council for final approval.

3. Americans with Disabilities Act (ADA) Transition Plan Update – Scott Brink

Mr. Brink introduced **Jess Hastings** and **Jeff Sockel** from Alfred Benesch & Company, the transportation firm that was contracted to help develop the plan. He noted how staff members Steve Ngyuen (present) and Kelly Rosson were instrumental, and that staff members Russ Higgins, Chad Ensley and our intern Andrew did a lot of field work.

Mr. Hastings and Jeff Sockel shared in the presentation.

They reviewed why it's important to have an ADA Plan and what the goals are.

- Connectivity is important to be a destination city.
- It's federally mandated.
- Accessibility and safety
- City must have a complaint procedure and an ADA coordinator

Topics covered included:

- Transition plan goals
- Plan overview
- Design standards
- Role of the coordinator (engineering department highly involved)
- Public outreach and an open house were used; there were a dozen responses.
- Self-evaluation components for the City (Programmatic vs physical accessibility)
- Public involvement
- Self-evaluation
- PROWAG guidelines for ramps

Curb ramp findings:

- 1,800 curb ramps (about 1,700 are responsibility of the City): 3% are compliant; 80% have improper landings; 50% have improper slope
- 150 push buttons, 70% are at wrong height (42"); 10% (15) meet requirements
- These are typical findings for compliance

Sidewalk evaluation is underway.

They outlined implementation priorities and how to target/address problems over time. Individual requests should be handled as soon as practical.

Mitigation costs were addressed. There are low to high priorities for ramps and sidewalks. Total would be \$4M+. He presented three implementation schedules.

Potential strategies and programs include

- Training and Education
- Modification of City policies
- Routine maintenance projects
- Targeted projects
- Address as part of other projects

Funding options

- CIP and maintenance projects
- Federal aid or grants
- IGA's
- Bonding
- Reallocation of department budgets
- Creation of taxing districts (TID, CID, TAD)
- Adopt fees to fund improvements

The Grievance process:

Complaints filed; investigation by the City; ADA coordinator provides written response; appeal to ADA coordinator (if required). Documentation is essential for the City.

Going forward:

- Proactively improve accessibility
- Address grievances
- Periodic review of and update of plan
- Update standard details
- Capture approved design exemptions (compliance technically not feasible)

Discussion followed.

- Data on sidewalks should be finished in another year. It's very labor intensive.
- Has the City had any complaints? No formal process exists, but the concerns that have come in have been addressed.
- For the intersection prioritization tool, recommend adopting the curb ramp element.
- Mr. Goff noted staff has already plugged \$50K/year into the budget for the next ten years for this. Other revenue sources are possible.
- Councilmember Hoppe would like to know the cost for the sidewalks before budget priorities are addressed.
- There is no set time for ultimate compliance. Trouble from the Department of Justice happens when an amount is set and not spent. The best plan is to be consistent.
- Grants can be applied for, but they are time consuming and not guaranteed.
- Mr. Goff noted the City is working with RTD and Arvada on grants for the TOD area.

No action was necessary. The final plan will come to Council for adoption.

4. Elected Official's Report(s)

Genevieve Wooden noted the Martensen open house will be in May. The public is welcome to come and take a tour. The facility is being called the Frank deAngelis Center for Community Safety. ~ The Everitt Resource Fair from last Saturday is reschedule to this Saturday at from 10-2.

Kristi Davis reported Urban Renewal meets tomorrow at 6pm. Topics will include: 1) Circle K (NW corner of 38th & Kipling) looking to build a new facility; 2) discussion about Hacienda Colorado coming to the Applewood Shopping Center, and 3) conceptual plans for the light rail area.

Zachary Urban announced that the WRHS STEM team won the national championship again this year in the fuel cell car category.

Janeece Hoppe said the WR Business District met in April. There were requests for updating some signs; she doesn't think anything was finalized.


Monica Duran invited everyone to attend the informational community meeting this Thursday at 6:30 at the Rec Center.

Clerk Shaver reported she would be out of the office Friday and Saturday at a Community Corrections conference in Colorado Springs.

Mayor Jay noted her Coffee with the Mayor this Saturday at Vinnola's.

ADJOURNMENT

The Study Session adjourned at 9:00 pm.



Janelle Shaver, City Clerk

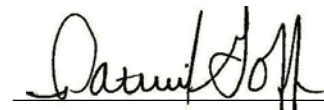
APPROVED BY CITY COUNCIL ON May 22, 2017

George Pond, Mayor Pro Tem

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO AWARD FOUR CONTRACTS FOR ON-CALL FORESTRY MAINTENANCE SERVICES TO SELECTED VENDORS IN AN AMOUNT NOT TO EXCEED \$143,000**

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING |
| <input checked="" type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: YES NO

Parks and Recreation Director

City Manager**ISSUE:**

The Parks Division outsources certain forestry maintenance services including tree planting, pruning and removal, stump removal, tree assessments, and emergency work. Multiple vendors responded to a RFP to provide these services on an as-needed basis. Staff recommends awarding on-call contracts for these services to Blue River Forestry Tree Care, Davey Expert Tree, Root Tree Service, LLC and Wright Tree Service, Inc. in a total amount not to exceed \$143,000. The contracts would be for one year with the option to renew for up to four additional one-year periods.

PRIOR ACTION:

The City has contracted for these services in years past. The current on-call agreements expire on May 23, 2017.

FINANCIAL IMPACT:

Funds for the contract were approved in the 2017 Budget, under the forestry section of the Parks Division. The estimated budget is \$143,000 annually.

BACKGROUND:

RFP-17-13 Forestry Maintenance Services for 2017 include on-call services for tree pruning and removal, stump removal, tree planting and emergency services in parks, open space and rights-of-way. Services will be requested and obtained as needed, based on the lowest price and scheduling availability. The actual services to be performed will be determined by the City.

On May 4, 2017, six bids were received and evaluated. Staff recommended awarding to four of the companies that submitted bids. Bids were received to provide all labor, supervision, tools, equipment, services and expertise required to perform tree maintenance and emergency tree work in the City, as specified. Firms were able to bid separately on all or any combination of the following: tree pruning, tree removals, standalone stump grinding, tub grinding, tree planting and associated tree care, emergency tree work, tree herbicide/pesticide application, tree care treatments, and tree assessments. One or more of the firms selected will be contracted for each service.

RECOMMENDATIONS:

Staff recommends awarding contracts to the following companies for the following services:

Blue River Forestry Tree Care: Tree pruning and removals including stump grinding, chipper services by the hour, standalone stump grinding, additional ground worker, grapple truck and operator, crane rental and operator, emergency tree work, tree herbicide and pesticide treatment and tree care treatments

Davey Expert Tree: Standalone stump grinding, tree herbicide and pesticide treatment and tree care treatments, tree assessments

Root Tree Service, LLC: Additional ground crew, grapple truck and operator, crane rental and operator, tree planting of deciduous and conifer trees

Wright Tree Service, Inc.: Tree pruning and removals including stump grinding, chipper services by the hour, standalone stump grinding, chipper services by the hour, additional ground worker, grapple truck and operator, crane rental and operator, emergency tree work

RECOMMENDED MOTION:

“I move to approve the award of four contracts for on-call forestry maintenance services to selected vendors in an amount not to exceed \$143,000.”

Or,

“I move to deny the award of four contracts for on-call forestry maintenance services to selected vendors in an amount not to exceed \$143,000, for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Margaret Paget, Forestry and Open Space Supervisor
Rick Murray, Parks, Forestry and Open Space Manager
Joyce Manwaring, Parks and Recreation Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Bid tabulation sheet



PROJECT: RFB-17-13
ON-CALL FORESTRY MAINTENANCE SERVICES
DUE DATE/TIME: THURSDAY, MAY 4, 2017 BY 1 P.M. LOCAL TIME

REQUESTED BY: MARGARET PAGET, PARKS, FORESTRY & OPEN SPACE
OPENED BY: Cindy Raiolo, Purchasing Technician
WITNESSED BY: Margaret Paget, Forestry and Open Space Supervisor

VENDOR	Blue River Forestry Tree Care	Davey Expert Tree	Wright Tree Service Inc.	Real Mountain Tree Service	Environmetal Tree Care LLC
LOCATION	Boulder	Broomfield	West Des Moine, IA	Denver	Lakewood
BIDDER ACKNOWLEDGEMENT FORM	yes	yes	yes	yes	yes
ACKNOWLEDGE ADDENDA (1)	yes	yes	yes	no	yes
ILLEGAL ALIEN COMPLIANCE	yes	yes	yes	yes	yes
NON-DISCRIMINATION ASSURANCE FORM	yes	yes	yes	yes	yes
NON-COLLUSION AFFADAVIT	yes	yes	yes	yes	yes
VENDOR QUALIFICATION FORM	yes	yes	yes	yes	yes
LIST OF SUBCONTRACTORS	yes	yes	yes	yes	yes
EQUIPMENT LIST	yes	yes	yes	yes	yes

Attachment 1



PROJECT: RFB-17-13
ON-CALL FORESTRY MAINTENANCE SERVICES
DUE DATE/TIME: THURSDAY, MAY 4, 2017 BY 1 P.M. LOCAL TIME

REQUESTED BY: MARGARET PAGET, PARKS, FORESTRY & OPEN SPACE
OPENED BY: Cindy Raiolo, Purchasing Technician
WITNESSED BY: Margaret Paget, Forestry and Open Space Supervisor

VENDOR	Root Tree Service LLC	Bear Creek Landscaping and Tree Service			
LOCATION	Centennial	Littleton			
BIDDER ACKNOWLEDGEMENT FORM	yes	yes			
ACKNOWLEDGE ADDENDA (1)	yes	yes			
ILLEGAL ALIEN COMPLIANCE	yes	yes			
NON-DISCRIMINATION ASSURANCE FORM	yes	yes			
NON-COLLUSION AFFADAVIT	yes	yes			
VENDOR QUALIFICATION FORM	yes	yes			
LIST OF SUBCONTRACTORS	yes	yes			
ATTACHMENT B- FEE SCHEDULE	yes	yes			
EQUIPMENT LIST	yes	yes			

REQUEST FOR CITY COUNCIL ACTION



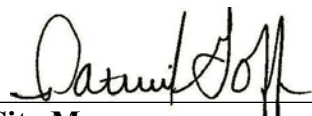
TITLE: MOTION TO AMEND THE CONTRACT FOR ENVIRONMENTAL & ENGINEERING CONSULTING SERVICES FOR PHASE I OF THE WADSWORTH BOULEVARD IMPROVEMENT PROJECT WITH HDR ENGINEERING, INC., DENVER, CO., TO INCORPORATE ADDITIONAL HISTORICAL EVALUATION AND REDESIGN IN THE AMOUNT OF \$179,984.46 FOR A TOTAL PROJECT COST OF \$1,500,148.66

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING |
| <input checked="" type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: YES NO



Director of Public Works



City Manager

ISSUE:

In April 2015 the City was awarded funding through the Denver Regional Council of Governments (DRCOG) Transportation Improvement Program (TIP) to improve Wadsworth Boulevard from 35th Avenue to 48th Avenue. On October 12, 2015, the Council adopted the Planning and Environmental Linkage Study (PEL). The study identified traffic congestion and safety issues, developed multi-modal solutions, and identified related environmental issues and mitigation measures that needed further assessment. On March 28, 2016, Council approved a contract with HDR to complete the survey, conceptual (30%) design and plans, and prepare the environmental assessment (EA) for a negotiated amount of \$1,200,164.20 with a contingency of \$120,000.

There has been additional work that was not included in the original scope related to changes at the major intersections at 38th and 44th Avenues that has exhausted the contingency amount. Recently, additional work has been identified involving reevaluating the historical status of

several properties. The additional scope and fee of around \$180,000 needs to be approved by Council in order for the historical reevaluation to continue.

PRIOR ACTION:

An Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) was approved by resolution on October 12, 2015, authorizing the environmental assessment. On March 28, 2016, Council approved a contract with HDR to complete the EA and related documents.

FINANCIAL IMPACT:

City staff is administering the project, with reimbursement of 80% of the cost from the DRCOG TIP grant. Funding for this phase of the project was originally budgeted at \$1,500,000 in the 2016 Capital Improvement Program (CIP) and with CDOT. The original HDR contract that was approved by Council in March 2016, was for \$1,200,164 with a \$120,000 contingency. Due to delays in starting the project, only \$901,452 was spent in 2016. The City was reimbursed \$750,977. This is somewhat higher than 80% of the costs because the City was also reimbursed for its staff time spent in 2016. Because of the additional work to incorporate the final recommended alternative (FRA) changes mentioned above, City staff recently authorized a scope and fee change that would use the entire contingency. Around half of this budget has been used for the EA portion of the work, with the remainder being used for the survey, design, and plans. This City's share of this contract amendment will be funded with the Wadsworth portion of the 2E funding.

The City is responsible for providing the additional funding needed to complete the project. The City hopes to obtain funding for the remaining costs from a combination of sources, including the City, CDOT, and other sources yet to be determined.

BACKGROUND:

In October 2014, the City applied to DRCOG for federal transportation funds, available for fiscal years 2016 through 2021, to help fund a widening and improvement project on Wadsworth Boulevard from 35th Avenue to 48th Avenue. DRCOG awarded the TIP grant in October 2014.

The improvement of this segment of Wadsworth Boulevard has been a high priority for both CDOT and the City of Wheat Ridge for more than 20 years. Lack of available funding has been the primary reason for postponing improvements. With an earlier grant, a PEL study was completed and adopted by Council on October 12, 2015. That study identified traffic congestion and safety issues, developed multi-modal solutions, and identified related environmental issues and mitigation measures that needed further assessment. The FRA from the PEL study identified the improvements needed to widen Wadsworth Boulevard between 35th and 48th Avenues to six travel lanes (including the major intersections at 38th and 44th Avenues), to provide additional turn lanes at key congested intersections, and to install medians to better manage access. Bicycle and pedestrian facilities were also included to show service for additional modes of transportation.

On March 28, 2016, Council approved a contract with HDR to complete the survey, conceptual (30%) design and plans, and prepare the EA. Since that time, the consultant team, City staff and CDOT have been working to investigate and resolve the issues that were identified in the PEL, in particular, the need to improve the traffic capacity at the major intersections of 38th Avenue and 44th Avenues.

Most of the elements from the FRA are still intact and are moving forward; however, a couple of major items have changed or been added. The design of the major intersections has changed. In addition, a couple of environmental issues have arisen that require additional time and effort to resolve.

In the FRA, the major intersections at 38th Avenue and 44th Avenue had a traditional design with double left turn lanes on all four legs of the intersection to improve capacity. After additional evaluation of those intersections, a design known as a continuous flow intersection (CFI) was determined to be the best solution to increase capacity and have the least impact to adjacent parcels. The CFI design was presented at a public meeting on August 10, 2016, with mostly positive feedback being received. This design is currently in the process of being confirmed by CDOT as the preferred alternative for review in the EA.

A recent determination by CDOT's historian (related to potentially historic properties along the corridor) has affected the scope and schedule of this project. Several properties must be re-visited, which has added an estimated five months to the project schedule due to the need to review the designations and evaluate if additional properties will also be identified as potentially historic. If they are, there could be a substantial impact on the project's conceptual design and environmental analysis. Staff hopes to have a preliminary answer on the need for redesign by June.

RECOMMENDATIONS:

Staff recommends amending the contract for the Wadsworth Boulevard Improvement Project, Environmental & Engineering Consulting Services, with HDR Engineering, Inc., to include the additional scope and fees needed to complete the historical revisitation-related design changes.

RECOMMENDED MOTION:

“I move to amend the contract for Environmental & Engineering Consulting Services for Phase I of the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver, CO, to incorporate additional historical evaluation and redesign in the amount of \$179,984.46 for a total project cost of \$1,500,164.66.”

Or

“I move to deny amending the contract for Environmental & Engineering Consulting Services for Phase I of the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver, CO, to incorporate additional historical evaluation and redesign in the amount of

\$179,984.46 for a total project cost of \$1,500,164.66 for the following reason(s):

_____.”

REPORT PREPARED/REVIEWED BY:

Mark Westberg, Project Supervisor
Steve Nguyen, Engineering Manager
Scott Brink, Director of Public Works
Jennifer Nellis, Purchasing Agent
Patrick Goff, City Manager

ATTACHMENTS:

1. Historical Revisitation Proposed Scope of Services, Mar 30, 2017
2. HDR Engineering, Inc. Project Cost Worksheet, Apr 10, 2017
3. WSP/PB Project Cost Worksheet, Mar 17, 2017

**SCOPE OF WORK: WADSWORTH BLVD. WIDENING
SUUPLEMENT FOR ADDITIONAL HISTORIC REVISITATION WORK AND
RELATED DESIGN REVISIONS
April 10, 2017**

CONTRACT TYPE

Specific Rate of Pay

Cost Plus Fixed Fee

Other

CONTRACT DATE: April 10, 2017

CITY PROJECT NUMBER: M-01-15

CDOT PROJECT NUMBER: NHPP 1211-086

PROJECT LOCATION: SH 121 Wadsworth Blvd

CDOT PROJECT CODE: 21006

THE SCOPE OF WORK INCLUDES THIS DOCUMENT (ATTACHED TO THE ORIGINAL CONTRACT FOR CONSULTANT SERVICES DATED MARCH 22, 2016 AND REVISED IN MARCH 2017)

SECTION 1. PROJECT SPECIFIC INFORMATION

SECTION 2. PROJECT MANAGEMENT AND COORDINATION

SECTION 4. GENERAL INFORMATION

SECTION 5 PROJECT INITIATION AND CONTINUING REQUIREMENTS

SECTION 6. ENVIRONMENTAL WORK

SECTION 7. PRECONSTRUCTION WORK TASK DESCRIPTIONS

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**SECTION 1.
PROJECT SPECIFIC INFORMATION**

1. PROJECT BACKGROUND

The City has been working for several years to improve SH 121 / Wadsworth Boulevard. In 2015, a Planning and Environmental Linkage (PEL) study for the portion of Wadsworth Boulevard from W 35th Avenue to Interstate 70 was prepared. Also in 2015, the City of Wheat Ridge secured a DRCOG TIP grant providing the majority of the funding for construction and executed an IGA with CDOT outlining the framework for reconstruction of the street. A major part of the proposed project is to reconstruct the street to a 6-lane section, provide better multi-modal facilities, and to provide enhanced amenity zones along the corridor, particularly in the City Center section. This work is expected to be accomplished in three phases:

- Phase I—topographic survey, conceptual design, preparation of a template EA and plan sheets
- Phase II—preliminary and final design including preparation of 60%, 90%, and 100% plans
- Phase III—bidding and construction assistance

This scope of work addresses Phase I which includes development of a template environmental assessment (EA) and decision document, conceptual design, and survey work.

2. PROJECT GOALS

This work is intended to supplement the contractual work scoped and underway for Phase I of the WADSWORTH BLVD. WIDENING. This work will cover additional project management, design, traffic, right-of-way, and environmental work associated with the evaluation of additional historic properties in the designated project area.

3. PROJECT LIMITS

This project is located on SH 121, between milepost 15.3 and milepost 16.7 in Jefferson County

4. WORK DURATION

The time period for the work described in this Phase I scope supplement is estimated to begin **April 2017** and end **June 2018**.

5. CONSULTANT RESPONSIBILITY AND DUTIES

Enter a general description of the work to be performed. The Consultant is responsible for:

- Historic Properties Revisitation
- Review of environmental analysis associated with design changes or updates required by the revisitation of historic properties in order to the Wadsworth Widening Phase I Environmental Assessment.
- Review and rework of conceptual layout to accommodate design changes necessary to or avoid impacts to historic resources
- Review and rework of right-of-way (ROW) requirements and associated cost estimate to accommodate design changes necessary to or avoid impacts to historic resources
- Review and rework of traffic model to accommodate design changes necessary to or avoid impacts to historic resources
- Public/Agency Involvement to share relevant project updates during the period of work between April 2017 and September 2017.
- Project management and coordination with the City of Wheat Ridge and agency representatives to the Historic Properties Revisitation and associated design, environmental, ROW, traffic updates needed to accommodate design changes necessary to or avoid impacts to historic resources

6. WORK PRODUCT

The Consultant work products are:

- A. Reports
- B. Environmental Documents, Conceptual Plans, and Estimate
- C. Project Coordination and Schedules
- D. Meeting Minutes



Requirements are further described in the sections that follow. Work required to this Scope of Work requires the use of English Units.

7. WORK PRODUCT COMPLETION

Submittals must be accepted by the Director of Public Works or designee.

8. ADDITIONAL PROJECT INFORMATION

Additional information regarding this project is included in the following documents:

- Wadsworth Planning and Environmental Linkage Report, October 2015
- Technical Appendices, October 2015
- Draft Resource Reports Developed as part of the Wadsworth Boulevard Widening Phase I Environmental Assessment

Copies of these documents may be requested from the City. A moderate fee may be required for copies.

**SECTION 2.
PROJECT MANAGEMENT AND COORDINATION**

1. CITY CONTACT

The Contract Administrator for this project is Scott Brink, Director of Public Works. Active day-to-day administration of the contract will be delegated to the City/PM:

Name: Mark Westberg
Title: Project Supervisor
Address: 7500 W 29th Avenue
Office phone: 303-235-2863
Cell phone: 303-218-8711
E-mail: mwestberg@ci.wheatridge.co.us

2. PROJECT COORDINATION

Coordination will be required with the following agencies:

- A. Colorado Department of Transportation (CDOT)
- B. Counties: Jefferson
- C. Railroads
- D. Regional Transportation District (RTD)
- E. Denver Regional Council of Governments (DRCOG)
- F. Metropolitan Planning Organizations (MPO's)
- G. U.S. Army Corps of Engineers (USACE)
- H. Urban Drainage & Flood District (UDFCD)
- I. Federal Emergency Management Agency (FEMA)
- J. Colorado Parks and Wildlife (CPW)
- K. U.S. Forest Service (USFS)
- L. Environmental Protection Agency (EPA)
- M. U.S. Fish and Wildlife Service (USFWS)
- N. Federal Highway Administration (FHWA)
- O. Federal Transit Authority (FTA)
- P. Utilities
- Q. Colorado Department of Public Health and Environment (CDPHE)
- R. Other

The consultant should anticipate that a design which affects another agency will have to be accepted by that agency prior to its acceptance by the City. Submittals to affected agencies will be coordinated with the City.

**SECTION 4.
GENERAL INFORMATION**

1. NOTICE TO PROCEED

Work shall not commence until the written Notice-to-Proceed is issued by the City. Work may be required, night or day, and/or weekends, and/or holidays, and/or split shifts. The City must concur in time lost reports prior to the time lost delays being subtracted from time charges. Subject to City prior approval the time charged may exclude the time lost for:

- A. Reviews and Approvals
- B. Response and Direction

2. PROJECT COORDINATION

- A. **Routine Working Contact.** Routine working contact shall be between the City/PM and the Consultant Project Manager (C/PM) as defined in Appendix B.
- B. **Project Manager Requirements.** Each Project Manager shall provide the others with the following:
 - i. A written synopsis or copy of their respective contacts by telephone and in person with others
 - ii. Copies of pertinent written communications

3. ROUTINE REPORTING AND BILLING

The Consultant shall provide the following on a routine basis:

- A. **Coordination.** Coordination of contract activities by the C/PM
- B. **Monthly Reports and Billings.** The monthly reports and billings required by CDOT Procedural Directive 400.2 (Monitoring Consultant Contracts), including monthly drawdown schedules.
- C. **General Reports and Submittals.** In general, reports and submittals must be by the City prior to their content being utilized in follow-up work effort.

4. PERSONNEL QUALIFICATIONS

The C/PM must be approved by the City/PM. Certain tasks must be done by Licensed Professional Engineers (PE) or Professional Land Surveyors (PLS) who are registered with the Colorado State Board of Registration for Professional Engineers and Land Surveyors. National Institute for Certification in Engineering Technology (NICET) or other certifications may be required for project inspectors and testers.

Tasks assigned to the Consultant must be conducted by a qualified person on the Consultant team. The qualified person is a professional with the necessary education, certifications (including registrations and licenses), skills, experience, qualities, or attributes to a particular task.

This contract requires that the prime firm or a member of its team be pre-qualified in the following disciplines for the entire length of the contract:

- AC—Acoustical engineering
- EN—Environmental Engineering
- GE—Geotechnical Engineering
- HD—Highway and Street Design
- HY—Hydraulics
- LA—Landscape Architecture
- MA—Management (Contract Admin)
- MC—Management (Construction)
- MT Materials Testing
- SO—Soils Engineering
- SE—Structural Engineering
- SU—Surveying
- TP—Transportation Engineering
- TR—Traffic Engineering

5. CITY COMPUTER/SOFTWARE INFORMATION

The consultant shall utilize the following City adopted software. The primary software used by City is as follows:

- A. **Earthwork:** Inroads/ Microstation
- B. **Drafting/CADD:** Inroads/ Microstation
- C. **Survey/photogrammetry:** Inroads/Microstation
- D. **Estimating:** Microsoft Excel 2010
- E. **Specifications:** Microsoft Word 2010
- F. **Scheduling:** Microsoft Project 2010
- G. **Presentations:** Microsoft PowerPoint 2010
- H. **GIS:** Arc Info Version 10.1 Service Pack 1

6. COMPUTER DATA COMPATIBILITY

The data format for submitting design computer files shall be compatible with the latest version of the adopted City software as of Notice to Proceed for the contract. The Consultant shall immediately notify the City/PM if the firm is unable to produce the desired format and cease work until the problem is resolved.

7. PROJECT DESIGN DATA AND STANDARDS

- A. **General:** A comprehensive list of local, state, and federal reference material is provided in the PEL and its appendices. The consultant is responsible for obtaining and compliance with the recent CDOT adopted standards and specifications, manuals, and software or as by the City/PM. Conflicts in criteria shall be resolved by the City/PM.
- B. **Specific Design Criteria:** Appendix A is CDOT Form 463 which is a list of specific design criteria current as of execution of this contract. The list is comprehensive and may include items that are not required for tasks defined in this scope. The Consultant shall submit proposed changes to the pertinent criteria to the City/PM at one of the progress meetings prior to initiating design.
- C. **Construction Materials/Methods:** The materials and methods specified for construction will be selected to the initial construction and long-term maintenance cost to the State of Colorado. Non-typical construction materials and methods must be in writing by the City.

**SECTION 5
PROJECT INITIATION AND CONTINUING REQUIREMENTS**

1. PROJECT MEETINGS

In addition to the ongoing progress meetings taking place as part of the Wadsworth Widening Phase I Environmental Assessment, **one (1) workshop** will be held to discuss potential alternative options to avoid the historic properties.

- A. **Meeting Minutes.** Workshop meeting minutes shall be by the Consultant and provided to the City/PM within one week of the actual meeting. When a definable task is discussed during a meeting, the minutes will identify the “Action Item”, the party responsible for accomplishing it, and the proposed completion date.

2. PROJECT MANAGEMENT

The Consultant shall coordinate the work tasks being accomplished to verify project work completion stages are on schedule.

3. DEVELOP A PROJECT SCHEDULE AND ASSIGN TASKS

The Consultant is responsible for coordinating the required work schedule for tasks accomplished by the City and other agencies. Modifications will be made as necessary in collaboration with City and appropriate justification. The supplementary tasks covered by this Scope of Work are expected to take approximately **9 months**.

4. QUALITY ASSURANCE/QUALITY (QA/QC)

Prepare and submit a QA/QC plan as part of the planning documents noted above, and commit to adhering to the QA/QC process throughout the project.

**SECTION 6.
ENVIRONMENTAL WORK**

1. CONSULTANT DISCLOSURE STATEMENT

40 Code of Federal Regulations (CFR) Section 1506.5(c) specifies that a disclosure statement to avoid conflict of interest must be prepared. If an environmental document is prepared with the assistance of a consulting firm, the firm must execute a disclosure statement.

2. PROJECT INITIATION

Environmental analysis and review for the ongoing Wadsworth Widening Phase I Environmental Assessment will be informed by the additional historic properties revisitation work performed under this scope. Environmental analysis will be undertaken as needed to update technical reports and other documentation in accordance with relevant changes in project area footprint, documentation requirements, or design associated with the results of the historic properties revisitation.

ENVIRONMENTAL SCOPING TASK

The additional work to revisit and assess historic properties may result in changes to the proposed roadway improvements which differ from those identified in the recent design plans (December 2016). It is understood that those changes may result in changes to required environmental documentation and may require up to 3 additional scoping meetings with representatives from the City of Wheat Ridge, CDOT Region 1, CDOT EPB, or others at CDOT as needed.

- A. **Preparation and Coordination of Requirements.** It is understood that the additional work undertaken to revisit historic properties in the corridor and the resulting design updates and environmental analysis needed to accommodate this revisitation will result in additional coordination with agency representatives where needed. The additional documentation requirements will be provided by the consultant.

- B. Project Study Area Limits/Logical Termini.** Preliminary project study area limits were established in Section 1 of this document. changes to the corridor termini resulting from this scope of work will need to be documented and a revised recommendation, if needed, will be prepared by the consultant and transmitted to Wheat Ridge, CDOT and FHWA for review and approval. Additionally, if study area boundaries change as a result of design modifications, study area graphics will be updated.
- C. Administrative Record.** The consultant will maintain NEPA Administrative Record documentation throughout the duration of this scope of work that will be incorporated into the Wadsworth Widening Phase I Environmental Assessment Administrative Record. The Administrative Record for this scope should adhere to the established process. Make this Administrative Record available to the City/PM (or his or her designee), or the Colorado Attorney General's office if requested during the project's duration.

ENVIRONMENTAL ANALYSIS AND DOCUMENTATION

Conduct Contextual Analysis. Determine the effort required to examine the transportation needs in the project area, develop and evaluate transportation alternatives following the NEPA process, and develop the appropriate NEPA documents. Environmental documentation, technical reports and technical memos will be submitted to the City, and may be required to be supplied to reviewers at CDOT EPB, and FHWA for early review as appropriate and necessary. Analysis shall include project's consistency with the Wadsworth PEL Study.

- A. Evaluate Alternatives Impacts.** The consultant shall take into account the projected design-year traffic volumes and projected opening day traffic volumes for new facilities deemed necessary as developed for this Scope of Work, or as modified by CDOT. Evaluate the impacts of these alternatives according to established guidelines and examine the degree to which these alternatives satisfy the Purpose and Need requirements of the project. Set out these evaluations both schematically and in narrative form for review within a reasonable time after the notice to proceed.
- B. Conceptual Design of Alternatives.** For design changes that results from this scope of work, incorporate existing Wadsworth Widening Phase I Environmental Assessment design to identify relevant impacts within each environmental resource area.

COST ESTIMATES AND FINANCIAL ANALYSIS

- A. Incorporate Into NEPA Document.** Review the cost estimates and financial analysis conducted as part of the Wadsworth Widening Phase I Environmental Assessment, provide supplemental analysis as needed to support the Preferred Alternative, and incorporate findings into the draft NEPA document.

DATA COLLECTION, FIELD INVESTIGATION, AND MITIGATION MEASURES

The following analyses are required for one build alternative. Each resource will be summarized concisely, focusing on the project issues of concern in the NEPA document. The scope shall define the level of documentation, project tasks, and project deliverables (see Section 7.12) for each of the resource areas to be revisited. Identify the required area and resources to evaluate and determine the early coordination/scoping process as discussed above, but may evolve over the life of the project as new information is discovered through analysis. Reference other projects within the study area (to make sure existing conditions are alike between both projects, understand future planned conditions within the study area, and to appropriately evaluate cumulative impacts to resources); these projects may be related to transportation, but may also be entirely unrelated to transportation (such as a new strip mall, school, park, apartment building, for example). As determined by the Consultant team, the City, and EPB, a larger area is typically evaluated for cumulative effects. The level of detail and analysis will be determined based on the level of environmental documentation (e.g., Feasibility Study, CatEx, EA, or EIS). It is expected that the level of detail for this NEPA document will be as appropriate for a Template EA. Use of Geographic Information Systems (GIS) for environmental data is required to be in compliance with City GIS standards. GIS data shall be provided to the City in electronic format with the updates for the administrative record.

Relevant information will be incorporated in the NEPA document sections such as: Affected Environment, Environmental Consequences, and Mitigation Measures. In addition, technical reports may be prepared in support of the project and shall be reviewed and referenced as appropriate in the NEPA document. If new or unique resources are identified during scoping, this scope of work will be modified to include these, as appropriate.

Substantive changes to the scope of proposed improvements from those identified in the recent design plans (December 2016) that may result in changes to anticipated documentation will be modifications to the DRAFT Technical Reports prior to review by the City, CDOT and FHWA.

A. Air Quality.

Review the draft Air Quality technical report to determine if the design modifications made as part of this scope of work require additional technical analysis. Provide up to 12 hours for that additional analysis and participation in two meetings (1 hour each) to describe those changes and coordinate with other related technical resources. Revise final technical report.

B. Geologic Resources and Soil.

Review Existing soils and geological findings to determine if the design modifications made as part of this scope of work require additional technical analysis. Provide up to 2 hours for that additional analysis and participation in two meetings (1 hour each) to describe those changes and coordinate with other related technical resources.

C. Water Quality

Colorado Discharge Permit System (CDPS) design and permitting issues.

A mitigation plan that includes conclusions of effects, permanent management practices (BMPs), temporary/construction BMPs, erosion measures, and definition of maintenance responsibilities. Minor revisions to the Mitigation Plan may be required if the design modifications change the scope of the project. Provide up to 2 hours for review.

D. Floodplains Assessment

Review the draft Water Resources and Floodplain Technical report to determine if the design modifications made as part of this scope of work require additional technical analysis. Provide up to 6 hours for that additional analysis and to describe those changes, make necessary graphic revisions and coordinate with other related technical resources. Revise final technical report and coordinate comment review through CDOT and FHWA.

E. Wetlands

Review the wetland maps to determine if there are modifications required as a result of design modifications and revise graphics as necessary.

F. Wetland Finding Report.

Review the Wetland Finding report to determine if the design modifications made as part of this scope of work require additional technical analysis and/or graphic updates. Up to 10 hours will be needed for review and to describe those changes and coordinate with other related technical resources. Revise final technical report and coordinate comment review through CDOT and FHWA.

G. Vegetation and Noxious Weeds

Review the Biological Resources Report to determine if the design modifications made as part of this scope of work require additional technical analysis and/or graphic revisions. Provide up to 10 hours for the additional analysis to describe those changes and coordinate with other related technical resources.

H. Fish and Wildlife

Review the findings of the impacts analysis to determine if the design modifications made as part of this scope of work require additional technical analysis and/or graphic revisions. Provide up to 8 hours for the additional analysis to describe those changes and coordinate with other related technical resources.

Develop appropriate mitigation measures/incorporate into a BRR.

I. Threatened and Endangered (T&E) Species

Review the findings to determine if the design modifications made as part of this scope of work require

additional technical analysis and/or graphic revisions. Provide up to 8 hours for the additional analysis to describe those changes and coordinate with other related technical resources.

J. Historic Properties

Collection and Evaluation of Baseline Information as defined by Section 106 of the National Historic Preservation Act of 1966, as amended. Work conducted during PEL will support additional work conducted as part of the Technical document.

- i. Determine the area of potential effect (APE), in coordination with CDOT and the State Historic Preservation Officer (SHPO). Conduct additional research and field survey to supplement work done as part of the PEL. The literature search, intensive field survey and historic resources report has already been done as a part of the PEL. Section 106 support to include drafting of two (2) consultation letters, fieldwork and report addendum to PEL historic study to fulfill Section 106 identification and evaluation requirements. Affects analysis for Section 106 requirements and documentation to be included in second consultation letter or report addendum.
- ii. CDOT to identify and coordinate with consulting parties (e.g., public, historic preservation groups, local historical societies, museums) regarding historic properties in the project area.
- iii. Determine potential impacts, both and indirect, to historic resources and recommend mitigation strategies to avoid or mitigate impacts.
- iv. This scope assumes that there are no adverse impacts. If there are adverse impacts, then development of an agreement to address these will be covered under separate scope.
- v. Collaborate with the CDOT Region Historian or EPB Senior Staff Historian to develop a Memorandum of Agreement–This scope assumes that there are no adverse impacts.
- vi. Work with the CDOT Region historian or EPB Staff Historian to obtain necessary approvals.

K. Land Use.

Review the findings to determine if the design modifications made as part of this scope of work require additional technical analysis and/or graphic revisions. Provide up to 12 hours for the additional analysis to describe those changes and coordinate with other resources experts.

L. Social and Economic Resources.

Review the findings to determine if the design modifications made as part of this scope of work require additional technical analysis and/or graphic revisions. Provide up to 14 hours for the additional analysis to describe those changes and coordinate with other related technical resources.

M. Environmental Justice.

Review the findings to determine if the design modifications made as part of this scope of work require additional technical analysis and/or graphic revisions. Provide up to 16 hours for the additional analysis to describe those changes and coordinate with other related technical resources.

N. Bicycle and Pedestrian Facilities.

Review the findings to determine if the design modifications made as part of this scope of work require additional technical analysis and/or graphic revisions. Provide up to 48 hours for the additional analysis to describe those changes and coordinate with other related technical resources.

O. Residential/Business/Right-of-Way (ROW) Relocation.

The following activities will be performed and documented by a qualified member of the Consultant team, in coordination with the CDOT Region ROW manager (or designee), or Headquarters ROW specialist assigned to the project, in accordance with Title 23 CFR 710:

Review the findings to determine if the design modifications made as part of this scope of work require additional technical analysis and/or graphic revisions. Provide up to 44 hours for the additional analysis

to describe those changes and coordinate with other related technical resources.

P. Transportation Resources

This scope includes adjustment of the proposed action alternative cross-section. The proposed cross-section may be changed to avoid or impacts on historic properties.

Synchro and VISSIM analysis has been for the proposed action alternatives which include a six lane cross-section throughout the corridor. Assuming revisions to the proposed cross-section, the consultant will conduct additional traffic modeling to document the impact on capacity and operations of the proposed action alternative, and identification of potential mitigation measures if needed. The extents of the existing model are to be expanded to include the eastbound I-70 off-ramp and traffic signal.

The following tasks are defined for completion of the traffic modeling effort using the VISSIM micro-simulation software:

- Revise VISSIM model elements to reflect the new cross-section, and extend model limits to include the I-70 eastbound off-ramp
- Create RBC controller for the traffic signal at the I-70 off-ramp and add traffic signal elements to the VISSIM model
- Revise vehicle routing for vehicles entering the model at either Wadsworth Boulevard north of the study area, or the eastbound I-70 off-ramp
- Perform model test runs and adjust model features where needed
- Perform model QC and revisions
- Final model runs, result compilation and reporting of queues, vehicle delay, level of service and travel time
- Edit existing documentation for revised operational performance

Q. Section 4(f) and Section 6(f) Evaluation.

Review the Draft Section 4(f) and Section 6(f) Technical Report findings to determine if the design modifications made as part of this scope of work require additional technical analysis and/or graphic revisions. This scope does not include preparation of an individual 4(f) evaluation.

R. Noise.

Review the draft Noise Technical report to determine if the design modifications made as part of this scope of work require additional technical analysis. Provide up to 16 hours for that additional analysis and participation in two meetings (1 hour each) to describe those changes and coordinate with other related technical resources. Revise final technical report.

S. Visual Resources

Review the draft visual resources technical report to determine if the design modifications made as part of this scope of work require additional technical analysis. Provide up to 14 hours for that additional analysis and participation in two meetings (1 hour each) to describe those changes and coordinate with other related technical resources. Revise final technical report.

T. Hazardous Materials.

Review the draft Hazardous Materials ISA Technical report to determine if the design modifications made as part of this scope of work require additional technical analysis and/or graphics revisions. Provide up to 10 hours for that additional analysis to describe those changes and coordinate with other related technical resources. Revise final technical report and coordinate comment review through CDOT and FHWA.

3. PUBLIC AND AGENCY INVOLVEMENT

This section identifies public and agency involvement tasks anticipated for the project.

A. Stakeholder Involvement Plan.

Review Stakeholder Involvement Plan to identify additional outreach opportunities over the duration of this scope. Coordinate up to one additional Content Document development to share information related to the historic revisitation and related design updates with the public.

B. Public Meeting

This meeting will be used to maintain communications with the public, add to the “contact list”, and gather information.

Provide the following services, in coordination with the City, CDOT Region and EPB:

- i. Determine location for public meeting and ascertain that facilities are ADA compliant and culturally neutral.
- ii. Advertise the public hearing/meeting date and location.
- iii. Provide audio/visual equipment and support for presentations, as needed
- iv. Prepare the graphics/display boards to include, at a minimum, the following features:
 1. Purpose of and need for project
 2. Maps showing alternatives
 3. Description of social, environmental and economic impacts
 4. Design features
 5. Right-of-way information, acquisition, and construction
 6. Source and amount of funding
 7. other project-specific resource impacts deemed appropriate
 8. Mitigation measures that public disclosure or relevance
 9. Anticipated project schedule and next steps
 10. How and where the public can provide comments

**SECTION 7.
PRECONSTRUCTION WORK TASK DESCRIPTIONS**

1. CONCEPTUAL DESIGN

Consultant (in this case WSP/PB) will lead the development of alternatives to avoid historic properties based on historic evaluation and the City's direction. This scope of works assumes evaluation of up to 5 options with one final option to be moved forward. Revise plans for one alternative to the level for use in an EA process. Plans will include revised information provided by HDR and other consultant team members such as relevant geotechnical investigation, materials engineering, traffic engineering, landscaping, bicycle and pedestrian design, ROW, survey and hydrology/ hydraulic engineering and cost estimating.

A. Hydrology/Hydraulic Engineering

- i. *Hydraulics*. Revise the preliminary design of minor drainage structures as necessary based on changes in roadway design:
 - a. Assess the degree of sediment and debris problems to be encountered, including abrasion and corrosion.
 - b. Type, size, shape and material of the structures.
 - c. Prepare preliminary structure cross-sections to determine the elevations, flow lines, slopes and lengths of the structures. Show the flow quantity on the sections.
 - d. Recommend culvert pipe sizes, type, shape and material.
 - e. Pipe Material Justification Letter
- ii. *Conceptual Hydraulics and Hydrology Report*. Revise the following as necessary based on changes in roadway design:
 - a. Hydrology analysis
 - b. Minor structure hydraulic designs
 - c. Structure cross-sections
 - d. Storm Water Management Plan
 - e. Appendix:
 - Drainage basin maps
 - Hydrology/hydraulic worksheets

B. Roadway Design and Roadside Development

The following work will be performed in order to avoid historic properties based on historic evaluation and at the City's direction:

- i. Roadway Design
 - a. Develop concepts alternatives to avoid impacts to newly identified historic properties. (Maximum 5 concepts)
 - b. Advance maximum 2 concepts to the level to determine the preferred concept (horizontal layout only).
 - c. Develop the preferred concept to the level necessary to identify environmental impacts as required by EA.
 - d. Revise alignments, profiles, typical sections, toes of slope and pertinent design features, including permanent and temporary impacts, to the ROW, Utility and Environmental Managers.
 - e. Revise/ plot/develop information required information for the conceptual level of design on the plans necessary for the identified NEPA process.

- f. Using current City software, revise a 3 dimensional design model and produce preliminary quantities
- g. Revise alignment, toes of slope and pertinent design features, including pavement and temporary impacts for the proposed 48th Ave realignment
- ii. *Roadside Development.* For roadside items including but not limited to, guardrails, delineators, landscaping, sprinkler systems, bike paths, sidewalks, lighting, curb ramps, provide the following:
 - a. Revise conceptual layouts in the plan sheets based on historic evaluation and the City's direction.
 - b. Revise bicycle and sidewalk facility information which was provided by Toole, including design guidance and details.
 - c. Revise landscape and median design to be provided by HDR
- C. **Major Structural Design.** Major structures are retaining walls with a total length greater than one hundred feet and a maximum exposed height at section of over five feet. This length is measured along the top of wall for retaining walls. Overhead sign structures (sign bridges, cantilevers, and butterflies extending over traffic) are also major structures, but are exempt from the structure conceptual design activity defined here.

The following work will be revised based on historic evaluation and the City's direction:

- i. *Structural Data Collection.* Obtain the additional structure site data as required. The following data, as applicable, shall be collected:
 - a. Typical roadway section
 - b. Roadway plan and profile sheets showing alignment data, topography, utilities, conceptual design plan
 - c. Right-of-Way restrictions
 - d. Preliminary geology information
 - e. Environmental constraints
 - f. Lighting requirements
 - g. Guardrail types
 - h. Recommendations for structure type.
- ii. *Structure Layout*
 - a. Review the revised structure site data to determine the requirements that will the structure size, layout, and type.
 - b. Determine/ revise the structure layout alternatives. For walls, determine the necessary top and bottom of wall profiles
 - c. Determine/ revise the structure type alternatives. For walls, determine the feasible wall types.
 - d. Determine / revise the foundation alternatives. Consider piles, drilled caissons, spread footings, and mechanically stabilized earth foundations based on early estimates from the project geologist. The supporting information identified by foundation investigation will be provided by HDR or other consultant team members.
 - e. The impact of staged construction on the structure alternatives shall be considered and reported on.
 - f. Compute / revise conceptual quantities and conceptual cost estimates as necessary to evaluate and compare the structure layout and type.
 - g. Re-evaluate the structure alternatives. Establish the criteria for evaluating and comparing the structure alternatives that, in addition to cost, encompass aspects of the project's objectives. Based on these criteria, select the optimum structure layout and type, as applicable, for recommendation to

the City.

- h. Prepare/ revise conceptual general layout for the recommended structure. Prepare structure layouts in accordance with current standards. Special detail drawings and a detailed conceptual cost estimate shall accompany the general layout. The special detail drawings shall include the architectural treatment. Perform an independent design and detail check of the general layout.
 - iii. *Preliminary Structure Selection Report.* Revise a preliminary structure selection report to document, and obtain approval for, the structure conceptual design. By means of the structure general layout, with supporting drawings, tables, and discussion, provide the following:
 - a. Summarize the structure site data used to select and layout the structures. Include:
 - Project site plan
 - Roadway vertical and horizontal alignments and cross sections at the structure
 - Construction phasing
 - Utilities on, below, and adjacent to the structure
 - Preliminary geology information for structure foundation
 - Architectural requirements
 - b. Report on the structure selection and layout process. Include the following:
 - Discuss the structure layout and type
 - Define the criteria used to evaluate the structure alternatives and how the recommended structure was selected
 - Provide a detailed conceptual cost estimate and general layout of the recommended structure
 - iv. *Foundation Investigation Request.* If required for the avoidance of historic properties, initiate the additional foundation investigation as early in the conceptual design phase as is practical. Foundation investigation will be conducted by HDR or other consultant team members. On plan sheets showing the project line, its stations and coordinates, utilities, identify the test holes needed and submit them to the project geologist. The available general layout information for the new structure shall be included in the investigation request.
- D. **Construction Phasing Plan.** Revise previously developed conceptual construction phasing plan to reflect the new alternative. It will be developed to verify that structural constructability opportunities are compatible with the roadway design. This plan should also address the access impact to the adjacent properties. A Preliminary traffic plan will not be developed at this time.
- E. **Preparation of Conceptual Plans.** Previously developed plans will be revised based on historic evaluation and the City's direction and will be to the level for concluding EA process. Where information from other efforts is available the following will be developed:
- i. Coordinate and compile the plan inputs from the City and CDOT.
 - ii. For major structures, a general layout (which has been accepted by the City) will be included in the conceptual plans.
 - iii. Prepare the conceptual cost estimate for the work described in the conceptual plans based on estimated quantities.
 - iv. The conceptual plans shall include: title sheet, typical sections, plan/profile sheets, and conceptual layouts of intersections.

The plan/profile sheets will include the following: existing topography, survey alignments, projected alignments, profile grades, ground line, existing ROW, rough structure notes (conceptual drainage design notes, including pipes and inlets), and existing utility locations based on information provided

by utilities. No additional utility location work will be done during this phase of the project, and will be carried over into Phase II.

The following items may be incorporated into the conceptual plans:

- a. Catch points
- b. Proposed Right-of-Way
- c. Soil profile and stabilization data
- d. Structure general location and alignment
- e. Preliminary earthwork (plotted cross sections at critical points with roadway template and existing utility lines at known or estimated depths)

Typical plan sheet scales will be as follows:

- a. Plan and Profile: 1 inch = 50 Feet (Urban); 1 inch = 100 Feet (Rural)
 - b. Intersections: 1 inch = 20 feet
 - v. The ROW ownership map shall be included in the conceptual plan set.
 - vi. The plans shall be submitted to the City/PM for a conceptual review.
 - vii. Conceptual plan reproduction not to exceed 20 sets.
 - viii. The conceptual construction phasing with proposed detours will be included in the conceptual plan set
 - ix. CDOT form 1048—project scoping procedures completion checklist
- F. **Revisions.** The Consultant shall work with the City to agree upon and document revisions required before this phase of work is considered complete.

2. CORRIDOR MANAGEMENT SUPPORT

A. Design

- i. Provide the required staff, communication equipment and computer systems with appropriate software for tracking and monitoring the planning efforts.
- ii. Develop a quality assurance program that verifies accuracy of plans.
- iii. The consultant shall coordinate the technical aspects of the planning efforts such as:
 - a. That the separate projects utilize the same reference and data base for horizontal and vertical.
 - b. Bearings, coordinates, grades and elevations are identical for common lines on separate projects.

3. DELIVERABLES

A. Environmental

- i. Limited Results Cultural Resource Survey Form
- ii. 2 Section 106 Consultation letters, PEL Historic Study Report Addendum and Inventory Forms
- iii. The following environmental documents will be reviewed to determine if this scope of work changed their material findings. If so, these documents will be updated accordingly for submittal with the Template EA for the Wadsworth Widening Phase I Environmental Assessment
 - Purpose and Need statement
 - Alternative Selection Report
 - Transportation Tech Report
 - AQ Tech Report
 - Noise Tech Report
 - Preliminary Stormwater Management Plan
 - Paleontological Tech Report
 - Floodplain and Drainage Assessment Report

- ROW and Relocation Tech Report
- Historic Resources Report.
- Cumulative Impact Assessment Tech Report
- Socio-economic Tech Report
- B. Public Involvement
 - i. 1 additional public meeting
 - ii. 2 City Council meetings
 - iii. 1 Additional content document
 - iv. Meeting summary documents
- C. Engineering/Survey
 - i. Revisions as necessary to the Specific Design Criteria
 - ii. Revisions as necessary to the conceptual roadway plans developed to the level to identify areas of impact
 - iii. Revisions as necessary to the conceptual lay out of two intersections
- Initial Site Assessment
- Biological Resource Report
- Section 4(f) Evaluation
- Safety Assessment

PROJECT COST WORKSHEET (COST PLUS FIXED FEE)

Project Number	M-01-15		
Location	SH 121 Wadsworth Blvd		
Firm Name	HDR Engineering, Inc.	Contract:	M-01-15
Name of Preparer	Jason Longsdorf	Phone no.	303-301-4017
Scope of Work Date	3/18/2016 (rev 1 March 2017, rev 2 April 10, 2017)		
Type of Proposal:	COST PLUS FIXED FEE	Contract Term:	April 2016 - June 2018

1A. LABOR RATES		DIRECT	INDIRECT		LABOR
EMPLOYEE NAME	EMPLOYEE CLASSIFICATION	SALARY COST/HOUR (a)	COST (%) (b)	MULTIPLIER (c)	RATE \$/HOUR (d)
Office Personnel					
Baker, Gregory R	Planner	\$ 34.21	149.39	2.4939	\$ 85.32
Beermann, Cristina Marie	Marketing Assistant	\$ 15.53	149.39	2.4939	\$ 38.73
Berry, Alison S	Administrative Assistant 2	\$ 25.20	149.39	2.4939	\$ 62.84
Blackwell, Elizabeth A	Environmental Scientist / Scientist 2	\$ 35.00	149.39	2.4939	\$ 87.29
Blackwell, William C	Senior Project Engineer /Project Manag	\$ 56.33	149.39	2.4939	\$ 140.49
Brownlee, Sirena T	Environmental Specialist / Scientist 3	\$ 45.69	149.39	2.4939	\$ 113.95
Chase, Ian G	Senior Engineer /Specialist (PE-4)	\$ 51.75	149.39	2.4939	\$ 129.06
Conley, Susan R	Financial Manager / Controller	\$ 30.00	149.39	2.4939	\$ 74.81
Gerondale, Lisa R	Senior Project Engineer /Project Manag	\$ 49.50	149.39	2.4939	\$ 123.45
Hollon, Josh M	Senior Project Manager (PE-5)	\$ 65.01	149.39	2.4939	\$ 162.13
Jamieson, Gregory A	Senior Project Manager (PE-5)	\$ 70.11	149.39	2.4939	\$ 174.84
Jepsen, Nancy A	Marketing Assistant	\$ 28.22	149.39	2.4939	\$ 70.39
Jones, Lorena G	Environmental Specialist / Scientist 3	\$ 44.55	149.39	2.4939	\$ 111.10
Kent, Tara Rae	Environmental Specialist / Scientist 1	\$ 28.50	149.39	2.4939	\$ 71.08
Langemach, Anita R	Marketing Associate	\$ 33.12	149.39	2.4939	\$ 82.60
Lemberg, Katherine C	GIS II	\$ 27.18	149.39	2.4939	\$ 67.77
Liebsch, Edward J	Principal-President / Managing Principa	\$ 83.97	149.39	2.4939	\$ 209.41
Longsdorf, Jason M	Senior Project Manager (PE-5)	\$ 75.24	149.39	2.4939	\$ 187.64
Lopez, Claudia	Real Estate Services Agent	\$ 21.63	149.39	2.4939	\$ 53.94
McAfee, Virginia L	Principal-President / Managing Principa	\$ 105.95	149.39	2.4939	\$ 264.24
Millar, David S	Principal-President / Managing Principa	\$ 86.30	149.39	2.4939	\$ 215.22
Mueller, Megan M	Environmental Specialist / Scientist 1	\$ 22.83	149.39	2.4939	\$ 56.94
Munch, Stephanie A	Administrative Assistant 2	\$ 24.80	149.39	2.4939	\$ 61.85
Parsons, Michael J	Senior Project Engineer /Project Manag	\$ 51.65	149.39	2.4939	\$ 128.80
Primus, Christopher J	Senior Project Manager (PE-5)	\$ 75.17	149.39	2.4939	\$ 187.47
Sobol, Michael D	GIS III	\$ 34.19	149.39	2.4939	\$ 85.27
Speck, Mary V	Senior Planner	\$ 57.57	149.39	2.4939	\$ 143.57
Tieszen, Brooklyn Addison	Environmental Specialist / Scientist 1	\$ 22.83	149.39	2.4939	\$ 56.94
Wallach, Wendy A	Senior Planner Manager	\$ 61.85	149.39	2.4939	\$ 154.25
Weismiller, Kathryn C S	Environmental Specialist / Scientist 2	\$ 40.09	149.39	2.4939	\$ 99.98

1B. LABOR COSTS		LABOR RATE	ESTIMATED	ESTIMATED
EMPLOYEE NAME	EMPLOYEE CLASSIFICATION	\$ / HOUR (d)	NUMBER OF WORK HOURS (e)	COST PER EMPLOYEE
Office Personnel				
Baker, Gregory R	Planner	\$ 85.32	80	\$ 6,825.31
Beermann, Cristina Marie	Marketing Assistant	\$ 38.73	32	\$ 1,239.37
Berry, Alison S	Administrative Assistant 2	\$ 62.84	4	\$ 251.34
Blackwell, Elizabeth A	Environmental Scientist / Scientist 2	\$ 87.29	140	\$ 12,220.11
Blackwell, William C	Senior Project Engineer /Project Manag	\$ 140.49	12	\$ 1,685.87
Brownlee, Sirena T	Environmental Specialist / Scientist 3	\$ 113.95	14	\$ 1,595.25
Chase, Ian G	Senior Engineer /Specialist (PE-4)	\$ 129.06	18	\$ 2,323.07
Conley, Susan R	Financial Manager / Controller	\$ 74.81	23	\$ 1,720.74
Gerondale, Lisa R	Senior Project Engineer /Project Manag	\$ 123.45	20	\$ 2,468.96
Hollon, Josh M	Senior Project Manager (PE-5)	\$ 162.13	4	\$ 648.52
Jamieson, Gregory A	Senior Project Manager (PE-5)	\$ 174.84	10	\$ 1,748.38
Jepsen, Nancy A	Marketing Assistant	\$ 70.39	14	\$ 985.45
Jones, Lorena G	Environmental Specialist / Scientist 3	\$ 111.10	6	\$ 666.62
Kent, Tara Rae	Environmental Specialist / Scientist 1	\$ 71.08	6	\$ 426.46
Langemach, Anita R	Marketing Associate	\$ 82.60	30	\$ 2,477.94
Lemberg, Katherine C	GIS II	\$ 67.77	15	\$ 1,016.58
Liebsch, Edward J	Principal-President / Managing Principa	\$ 209.41	8	\$ 1,675.29
Longsdorf, Jason M	Senior Project Manager (PE-5)	\$ 187.64	120	\$ 22,516.92
Lopez, Claudia	Real Estate Services Agent	\$ 53.94	8	\$ 431.54
McAfee, Virginia L	Principal-President / Managing Principa	\$ 264.24	10	\$ 2,642.38
Millar, David S	Principal-President / Managing Principa	\$ 215.22	36	\$ 7,748.05
Mueller, Megan M	Environmental Specialist / Scientist 1	\$ 56.94	100	\$ 5,693.57
Munch, Stephanie A	Administrative Assistant 2	\$ 61.85	8	\$ 494.79
Parsons, Michael J	Senior Project Engineer /Project Manag	\$ 128.80	6	\$ 772.81

Primus, Christopher J	Senior Project Manager (PE-5)	\$	187.47	32	\$	5,999.04
Sobol, Michael D	GIS III	\$	85.27	30	\$	2,557.99
Speck, Mary V	Senior Planner	\$	143.57	23	\$	3,302.20
Tieszen, Brooklyn Addison	Environmental Specialist / Scientist 1	\$	56.94	14	\$	797.10
Wallach, Wendy A	Senior Planner Manager	\$	154.25	20	\$	3,084.95
Weismiller, Kathryn C S	Environmental Specialist / Scientist 2	\$	99.98	120	\$	11,997.65
				963.00		

2. FEE	10.00%
FCCM - Office	0.2984%
FCCM - Field	0.2280%

TOTAL LABOR	\$	108,014.26
FIXED FEE	\$	10,801.43
	\$	129.24
	\$	-
TOTAL	\$	118,944.92

3A. OTHER DIRECT COST RATES (IN-HOUSE)*:

ITEM	ESTIMATED UNITS	UNIT RATES	ESTIMATED COST
Mileage	500	\$ 0.48	\$ 240.00
B&W copies (8 1/2 x 11)	2000	\$0.045	\$ 90.00
B&W copies (11 x 17)	1000	\$0.09	\$ 90.00
Color copies (8 1/2 x 11)	825	\$0.45	\$ 371.25
Color copies (11 x 17)	300	\$0.90	\$ 270.00
		SUBTOTAL	\$ 1,061.25

*Prior Approval from CDOT Project Manager required

3B. OTHER DIRECT COSTS (OUTSIDE)*:

ITEM	ESTIMATED UNITS	UNIT RATES	ESTIMATED COST
Overnight/Curriers	0	\$ 50.00	\$ -
Food for public meetings		\$ 100.00	\$ -
First class mail		\$ 0.41	\$ -
Postcard mailers		\$ 0.40	\$ -
Meeting Boards		\$ 62.00	\$ -
Misc (e.g. EDR and Traffic Reports)		Actual Cost	\$ -
Other		Actual Cost	\$ -
		SUBTOTAL	\$ -
		ODC TOTAL	\$ 1,061.25

*Prior Approval from CDOT Project Manager required

4A. OUTSIDE SERVICES RATES (SUBCONSULTANTS)

	ESTIMATED COST
WSP / PB	\$ 59,978.29

4B. OUTSIDE SERVICES (VENDORS)*:

FIRM NAME	ESTIMATED COST
	\$ -

*Prior Approval from CDOT Project Manager required

TOTAL OUTSIDE SERVICES	\$	59,978.29
TOTAL HDR SERVICES	\$	120,006.17
TOTAL ESTIMATED COST	\$	179,984.46

I am a representative of HDR Engineering, Inc., duly authorized to contractually bind the firm. My signature below constitutes formal agreement (without further signature) to a Task Order, which is issued by the State pursuant to the terms of this Task Order Proposal, without substantive change. I also declare that to the best of my knowledge the wage rates and other factual unit rates supporting the compensation to be paid by the Department for the professional services on this document are accurate, complete, and current at the time of contracting, and include no unallowable or duplicate costs.

R. Bradley Martin, Sr. Vice President
TYPED NAME


SIGNATURE

April 7, 2017
DATE

PROJECT COST WORKSHEET (COST PLUS FIXED FEE)

Project Number: 184142 Mod #2
 Location: Wasworth Blvd Widening EA
 Firm Name: WSP|Parsons Brinckerhoff, Inc. Firm Phone No: 303-832-9091
 Name of Preparer: Ina Zisman
 Scope of Work Date: March 28, 2017
 Type of Proposal: Cost Plus Fixed Fee

1A. LABOR RATES

EMPLOYEE NAME	EMPLOYEE CLASSIFICATION	CDOT CLASSIFICATION	DIRECT SALARY COST/HOUR (a)	INDIRECT COST (%) (b)	LABOR RATE \$/HOUR (c)
BINNEY, BRYCE E	SR SUPV ENGINEER	SENIOR ENGINEER/SPECIALIST (PE-4)	\$73.57	152.83	\$ 186.01
GATTSHALL, BRIAN D	ENGINEER II	P.E. STAFF/PROJECT ENGINEER (PE-1)	\$33.45	152.83	\$ 84.57
GUINARD, EDUARDO J	LEAD ENGINEER	SENIOR PROJECT ENGINEER/PROJECT MANAGER (PE-3)	\$54.37	152.83	\$ 137.46
HEIDENREICH, ROSS M.	SR ENGINEER	SENIOR PROJECT ENGINEER (PE-2)	\$40.76	152.83	\$ 103.05
MARTINEZ, DOMONIC	SR CADD DESIGNER III	DESIGNER III/PRINCIPAL DESIGNER	\$41.97	152.83	\$ 106.11
PAVLICK, KENNETH J	SR CADD DESIGNER III	DESIGNER III/PRINCIPAL DESIGNER	\$41.97	152.83	\$ 106.11
ROCK, AMY	SR PROJECT ACCOUNTANT	ACCOUNTANT (PROJECT)	\$36.22	152.83	\$ 91.58
SALERNO, JOEL PAT	SUPV ENGINEER	SENIOR PROJECT ENGINEER/PROJECT MANAGER (PE-3)	\$62.50	152.83	\$ 158.02
ZISMAN, INESSA N	SR SUPV ENGINEER	SENIOR PROJECT ENGINEER/PROJECT MANAGER (PE-3)	\$65.36	152.83	\$ 165.25

Note: Items 1A, 3 and 4 (as applicable) are prepared to submit rates.
 Items 1B, 2, 3 and 4 (as applicable) are completed to compute a project cost.

1B. LABOR COSTS

EMPLOYEE NAME	EMPLOYEE CLASSIFICATION	LABOR RATE \$/HOUR	EST. NO. OF WORK HOURS	EST. COST PER EMPLOYEE
BINNEY, BRYCE E	SR SUPV ENGINEER	\$186.01	6	\$ 1,116.04
GATTSHALL, BRIAN D	ENGINEER II	\$84.57	18	\$ 1,522.29
GUINARD, EDUARDO J	LEAD ENGINEER	\$137.46	117	\$ 16,083.25
HEIDENREICH, ROSS M.	SR ENGINEER	\$103.05	61	\$ 6,286.26
MARTINEZ, DOMONIC	SR CADD DESIGNER III	\$106.11	10	\$ 1,061.13
PAVLICK, KENNETH J	SR CADD DESIGNER III	\$106.11	18	\$ 1,910.03
ROCK, AMY	SR PROJECT ACCOUNTANT	\$91.58	9	\$ 824.18
SALERNO, JOEL PAT	SUPV ENGINEER	\$158.02	20	\$ 3,160.38
ZISMAN, INESSA N	SR SUPV ENGINEER	\$165.25	130	\$ 21,482.46

LABOR TOTAL \$ 53,446.01

2. FEE (10% X Section 1B)

FIXED FEE \$ 5,344.60

3A. OTHER DIRECT COSTS (IN-HOUSE):

ITEM	ESTIMATED UNITS	UNIT RATES	ESTIMATED COST
Per Diem	0	\$0.000	\$ -
Mileage	391	\$0.480	\$ 187.68
* Other	0	\$0.000	\$ -

* Prior Approval from CDOT Project Manager required

SUBTOTAL \$ 187.68

3B. OTHER DIRECT COSTS (Outside):

ITEM	ESTIMATED UNITS	RATE	UNITS	ESTIMATED COST
Deliveries/Courier Services	TBD	At Actual Reasonable Cost	each	\$ -
Major Reproduction		At Actual Reasonable Cost	each	\$ 1,000.00
Parking, Tolls	TBD	At Actual Reasonable Cost	each	\$ -
Miscellaneous	TBD	At Actual Reasonable Cost	each	\$ -

SUBTOTAL \$ 1,000.00

ODC TOTAL \$ 1,187.68

4A. OUTSIDE SERVICES RATES (SUBCONSULTANTS):

FIRM NAME	ESTIMATED COST
N/A	\$ -

SUBTOTAL \$ -

4B. OUTSIDE SERVICES (VENDORS)*:

FIRM NAME	ESTIMATED COST
N/A	\$ -

SUBTOTAL \$ -

* Prior Approval from CDOT Project Manager required

SUBTOTAL \$ -

OUTSIDE SERVICES TOTAL \$ -

TOTAL ESTIMATED COST \$ 59,978.29

I DECLARE THAT TO THE BEST OF MY KNOWLEDGE THE WAGE RATES AND OTHER FACTUAL UNIT RATES SUPPORTING THE COMPENSATION TO BE PAID BY THE DEPARTMENT FOR THE PROFESSIONAL SERVICES ON THIS DOCUMENT ARE ACCURATE, COMPLETE AND CURRENT AT THE TIME OF CONTRACTING, AND INCLUDE NO UNALLOWABLE OR DUPLICATE COSTS.

Michael Unger
 (TYPED NAME)


 (SIGNATURE)
 03/28/2017
 (DATE SIGNED)

Attachment 3


REQUEST FOR CITY COUNCIL ACTION




TITLE: RESOLUTION NO. 15-2017 – A RESOLUTION AMENDING THE FISCAL YEAR 2017 OPEN SPACE FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$211,167 FOR THE PURPOSE OF AWARDING A CONTRACT TO CALAHAN CONSTRUCTION SERVICES, INC. FOR THE CONSTRUCTION OF AN EQUIPMENT STORAGE BUILDING IN THE AMOUNT OF \$317,000 AND A TEN PERCENT CONTINGENCY AMOUNT OF \$31,700 FOR A TOTAL OF \$348,700

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING |
| <input type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING |
| <input checked="" type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: YES NO


 Parks and Recreation Director


 City Manager

ISSUE:

There is a current lack of indoor/covered storage space for maintenance equipment for the Parks, Forestry and Open Space Division. A new building would accommodate indoor storage for items such as tractor attachments, seeders, top dressers, seasonal mowing equipment and snow removal equipment.

The majority of the City’s equipment that is stored outdoors is covered with tarps to help deter weather and sun damage. Storing equipment indoors will lessen the wear and tear on equipment caused from the year-round outdoor storage.

A centralized indoor storage area would make it easier to access equipment currently being stored outside at three separate locations. The distance between the three storage areas creates inefficient use of time as staff travels between the locations to retrieve or change equipment as

needed. Removal of the tarps also causes delays in equipment retrieval and or change out. Existing storage areas are at capacity and the construction of this equipment storage building would help to separate vehicles and equipment and allow the vehicle storage building to be used for intended purpose.

PRIOR ACTION:

This project was approved in the 2016 Fund 32 Open Space budget. Intergroup Architects was awarded a design contract in the amount of \$15,500. They provided the City with construction drawings in early 2017. The formal bid process, concluded in April of 2017, netted three competitive bids with costs for the base bid and two alternates. All bids received were over the advertised budget. Calahan Construction Services of Lakewood, Colorado was identified as the low bidder. The award was for the base bid only and no alternate bids are included. Staff has checked references and contacted the vendor to verify bid information and intended construction management processes.

A combined Public Works and Park Maintenance Facility Master plan was approved by City Council in 2004. The plan included Parks Division vehicle and equipment storage buildings at 11220 W. 45th Ave. A one-acre parcel of land adjacent to the Public Works facility was purchased in 2008 with Open Space funds to accommodate the construction of a storage building as well as additional equipment storage bays to meet the goals of the Master Plan. Funds for the equipment building project were approved in the 2017 Budget in Fund 32, Open Space Fund.

FINANCIAL IMPACT:

Funds in the amount of \$150,000 for the project were approved in the 2016 Fund 32 Open Space budget. The balance available for construction after payment of the design contract is \$137,533. The budget shortfall is due to the rising costs in the construction market that have occurred since the project was originally budgeted, design enhancements that include an enclosed building versus an open storage shed and code requirements related to the design of an enclosed building.

The additional funds are available in the Fund 32 Open Space fund balance. 2016 sales tax revenue for this fund was \$200,000 higher than projected.

BACKGROUND:

Three bids were received for ITB-17-08 on April 21, 2017. Calahan Construction Services, of Lakewood, Co. was the low bidder at \$317,000. Staff recommends adding a 10% contingency amount of \$31,700 for a total of \$348,700. Funding for this project is budgeted in Fund 32 Open Space Fund.

RECOMMENDATIONS:

Staff recommends award of the contract for the construction of a new equipment storage building to Calahan Construction Service.

RECOMMENDED MOTION:

“I move to approve Resolution No. 15-2017, a resolution amending the fiscal year 2017 Open Space Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$211,167 for the purpose of awarding a contract to Calahan Construction Services, Inc. for the construction of an equipment storage building in the amount of \$317,000 and a ten percent contingency amount of \$31,700 for a total of \$348,700.”

Or,

“I move to deny approval of Resolution No. 15-2017, a resolution amending the fiscal year 2017 Open Space Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$211,167 for the purpose of awarding a contract to Calahan Construction Services, Inc. for the construction of an equipment storage building in the amount of \$317,000 and a ten percent contingency amount of \$31,700 for a total of \$348,700 for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Mark Ruote, Park Project Coordinator
Rick Murray, Parks, Forestry and Open Space Manager
Joyce Manwaring, Director of Parks and Recreation
Jennifer Nellis, Purchasing Agent
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 15-2017
2. Bid Tabulation Sheet

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 15
Series of 2017

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2017 OPEN SPACE FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$211,167 FOR THE PURPOSE OF AWARDING A CONTRACT TO CALAHAN CONSTRUCTION SERVICES, INC. FOR THE CONSTRUCTION OF AN EQUIPMENT STORAGE BUILDING IN THE AMOUNT OF \$317,000 AND A TEN PERCENT CONTINGENCY AMOUNT OF \$31,700 FOR A TOTAL OF \$348,700

WHEREAS, the current Parks Maintenance Facility was constructed in 1972 and does not meet the operational needs of the Parks Division; and

WHEREAS, there is no covered storage provided for equipment; and

WHEREAS, equipment is stored in three separate locations under tarps;

WHEREAS, a Public Works/Parks Master plan was completed in 2004 and includes the construction of this building; and

WHEREAS, property was purchased from the Open Space Fund 32 in 2008 to accommodate moving the Parks Maintenance facility to the Public Works Operations yard; and

WHEREAS, the Wheat Ridge Charter requires that amendments to the budget be effected by the City Council adopting a resolution.

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

THE FOLLOWING AMENDMENT TO THE 2017 OPEN SPACE FUND IS HEREBY APPROVED:

A supplemental budget appropriation in the amount of \$211,167 is transferred to account #32-601-800-865 from Open Space Fund undesignated reserves for the purpose of constructing the Wheat Ridge Equipment Storage Building

DONE AND RESOLVED this 22nd day of May 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Subject to review for completeness and accuracy.



PROJECT: ITB-17-08

WR STORAGE BUILDING FOR EQUIPMENT

DUE DATE/TIME: TUESDAY, APRIL 4, 2017 BY 12:00 P.M. LOCAL TIME

REQUESTED BY: MARK RUOTE, PARKS FORESTRY & OPEN SPACE

AM
OK **OPENED BY: JENNIFER NELLIS, PURCHASING AGENT**

WITNESSED BY: CINDY RAILOLO, PURCHASING TECHNICIAN

VENDOR (PRIME)	Barba & Sons Construction	Calahan Construction Services	Growling Bear Company, Inc.		
LOCATION	Broomfield, CO	Lakewood, CO	Greeley, CO		
BIDDER ACKNOWLEDGEMENT FORM	Yes	Yes	Yes		
ACKNOWLEDGE ADDENDUM (1)	Yes	Yes	Yes		
CONTRACTOR'S QUALIFICATION FORM	Yes	Yes	Yes		
NON-DISCRIMINATION ASSURANCE FORM	Yes	Yes	Yes		
ILLEGAL ALIEN COMPLIANCE	Yes	Yes	Yes		
LIST OF SUB-CONTRACTORS	Yes	Yes	Yes		
NON-COLLUSION AFFADAVIT	Yes	Yes	Yes		
BID BOND	Yes	Yes	Yes		
KEEP JOBS IN COLORADO	Yes	Yes	Yes		
TOTAL AMOUNT OF BASE BID:	\$325,714.00	\$317,000.00	\$355,673.00		
BID ALTERNATE #1	\$18,958.00	\$8,960.00	\$6,329.00		
BID ALTERNATE #2	\$2,750.00	\$10,240.00	\$12,720.00		

Attachment 2

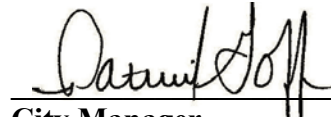
REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO AWARD A CONTRACT TO iPARAMETRICS, LLC, ALPHARETTA, GA, IN THE AMOUNT OF \$45,603 FOR FACILITY SECURITY ASSESSMENT SERVICES FOR CITY-OWNED BUILDINGS**

- PUBLIC HEARING
 BIDS/MOTIONS
 RESOLUTIONS

- ORDINANCES FOR 1ST READING
 ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

 YES NO

Parks and Recreation Director

City Manager**ISSUE:**

It today's society, there has been a paradigm shift in the various ways in which government entities encounter and face threats. Security of government facilities and employees are more at risk in today's threat environment than ever before. The challenge is how to continue to provide open, quality government services to citizens and customers while balancing facility and team member safety and security. iParametrics was selected through a RFP process to conduct security assessments for the Wheat Ridge Municipal Building, Wheat Ridge Recreation Center and the Wheat Ridge Active Adult Center in the contract amount of \$45,603. The scope of work includes security assessment reports for each facility and development of a security master plan to include recommendations for facility security upgrades.

PRIOR ACTION:

No prior action taken.

FINANCIAL IMPACT:

Funds were identified by management and transferred into the Building Maintenance general fund budget account 01-118-700-750.

BACKGROUND:

Three facilities, with high public use and visitation are included in the initial assessment, with the option to add satellite facility risk assessments in the future. These assessments will identify potential security risks and include recommendations related to interior physical improvements that could be completed to mitigate risk to employees and customers in the buildings.

On April 13, 2017, sixteen proposals were received for facility security assessment services. Proposals were evaluated and a short list of contractors/consultants was identified. Contractors were required to complete and submit a technical proposal and a separate fee schedule. Technical proposals were evaluated first, and upon completion of the technical evaluation, the fee schedules were opened and evaluated. Following that, presentations and interviews were scheduled with four firms. The number one ranked firm, based on presentation and interview, qualifications, proposal and pricing is iParametrics, LLC for \$45,603.

RECOMMENDATIONS:

Staff recommends approval of this award to iParametrics, LLC of Alpharetta, GA.

RECOMMENDED MOTION:

“I move to approve the contract award to iParametrics, LLC, Alpharetta, GA, in the amount of \$45,603 for facility security assessment services for City-owned buildings.”

Or,

“I move to deny the contract award to iParametrics, LLC, Alpharetta, GA, in the amount of \$45,603 for facility security assessment services for City-owned buildings for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Julie Brisson, Recreation and Facilities Manager
Joyce Manwaring, Parks and Recreation Director
Jennifer Nellis, Purchasing and Contracting Agent
Patrick Goff, City Manager

ATTACHMENTS:

1. Bid Tab – RFP-17-12



PROJECT: RFP-17-06
FACILITY SECURITY ASSESSMENT SERVICES
DUE DATE/TIME: THURSDAY, APRIL 13, 2017 BY 1 P.M. LOCAL TIME

REQUESTED BY: JULIE BRISSON, PARKS & RECREATION DEPARTMENT
OPENED BY: JENNIFER NELLIS, PURCHASING AGENT
AM
CR **WITNESSED BY: CINDY RAIOLO, PURCHASING TECHNICIAN**

VENDOR	Affiliated Engineers	CTCH Security Business Consulting, LLC	Elert & Associates	Gannette Fleming, Inc.	Good Harbor TechMark, Inc.
LOCATION	Chicago, IL	Lompoc, CA	Stillwater, MN	Englewood, CO	Norwell, MA
BIDDER ACKNOWLEDGEMENT FORM	Yes	Yes	Yes	Yes	Yes
ACKNOWLEDGE ADDENDA (1)	Yes	Yes	Yes	Yes	No
ILLEGAL ALIEN COMPLIANCE	Yes	Yes	Yes	Yes	Yes
NON-DISCRIMINATION ASSURANCE FORM	Yes	Yes	Yes	Yes	Yes
NON-COLLUSION AFFADAVIT	Yes	Yes	Yes	Yes	Yes
VENDOR QUALIFICATION FORM	Yes	Yes	Yes	Yes	Yes
RESPONSIVENESS AND QUALIFICATIONS OF FIRM	Yes	Yes	Yes	Yes	Yes
RELEVANT EXPERIENCE & PROJECT METHODOLOGY	Yes	Yes	Yes	Yes	Yes
SECURITY SYSTEM DESIGN EXPERIENCE	Yes	Yes	Yes	Yes	Yes
SEPARATE ENVELOPE FEE PROPOSAL	Yes	Yes	Yes	Yes	Yes

Attachment 1



PROJECT: RFP-17-06
FACILITY SECURITY ASSESSMENT SERVICES
DUE DATE/TIME: THURSDAY, APRIL 13, 2017 BY 1 P.M. LOCAL TIME

REQUESTED BY: JULIE BRISSON, PARKS & RECREATION DEPARTMENT
OPENED BY: JENNIFER NELLIS, PURCHASING AGENT
WITNESSED BY: CINDY RAILOLO, PURCHASING TECHNICIAN

VENDOR	Inter-Sec Group, Inc.	iParametrics, LLC	Jensen Hughes	The Physical Security Architects, Inc.	Risk Management Associates, dba Protus 3
LOCATION	San Antonio, TX	Alpharetta, GA	Linkshire, IL	Denver, CO	Raleigh, NC
BIDDER ACKNOWLEDGEMENT FORM	Yes	Yes	Yes	Yes	Yes
ACKNOWLEDGE ADDENDA (1)	No	Yes	Yes	Yes	Yes
ILLEGAL ALIEN COMPLIANCE	Yes	Yes	Yes	Yes	Yes
NON-DISCRIMINATION ASSURANCE FORM	Yes	Yes	Yes	Yes	Yes
NON-COLLUSION AFFADAVIT	Yes	Yes	Yes	Yes	Yes
VENDOR QUALIFICATION FORM	Yes	Yes	Yes	Yes	Yes
RESPONSIVENESS AND QUALIFICATIONS OF FIRM	Yes	Yes	Yes	Yes	Yes
RELEVANT EXPERIENCE & PROJECT METHODOLOGY	Yes	Yes	Yes	Yes	Yes
SECURITY SYSTEM DESIGN EXPERIENCE	Yes	Yes	Yes	Yes	Yes
SEPARATE ENVELOPE FEE PROPOSAL	Included/Removed	Yes	Yes	Yes	Yes



PROJECT: RFP-17-06
FACILITY SECURITY ASSESSMENT SERVICES
DUE DATE/TIME: THURSDAY, APRIL 13, 2017 BY 1 P.M. LOCAL TIME

REQUESTED BY: JULIE BRISSON, PARKS & RECREATION DEPARTMENT
OPENED BY: JENNIFER NELLIS, PURCHASING AGENT
OR **WITNESSED BY: CINDY RAIOLO, PURCHASING TECHNICIAN**

VENDOR	Quintech Solutions, Inc.	Threat Reduction Solutions, LLC	Siege International	Technology Plus Inc.	TRC Environmental Corp.
LOCATION	Summerville, SC	Las Angeles, CA	Lakewood, CO	Aurora, CO	Lakewood, CO
BIDDER ACKNOWLEDGEMENT FORM	Yes	Yes	Yes	Yes	Yes
ACKNOWLEDGE ADDENDA (1)	Yes	Yes	Yes	Yes	Yes
ILLEGAL ALIEN COMPLIANCE	Yes	Yes	Yes	Yes	Yes
NON-DISCRIMINATION ASSURANCE FORM	Yes	Yes	Yes	Yes	Yes
NON-COLLUSION AFFADAVIT	Yes	Yes	Yes	Yes	Yes
VENDOR QUALIFICATION FORM	Yes	Yes	Yes	Yes	Yes
RESPONSIVENESS AND QUALIFICATIONS OF FIRM	Yes	Yes	Yes	Yes	Yes
RELEVANT EXPERIENCE & PROJECT METHODOLOGY	Yes	Yes	Yes	Yes	Yes
SECURITY SYSTEM DESIGN EXPERIENCE	Yes	Yes	Yes	Yes	Yes
SEPARATE ENVELOPE FEE PROPOSAL	Yes	Included/Removed	Yes	Yes	Yes



PROJECT: RFP-17-06
FACILITY SECURITY ASSESSMENT SERVICES
DUE DATE/TIME: THURSDAY, APRIL 13, 2017 BY 1 P.M. LOCAL TIME

REQUESTED BY: JULIE BRISSON, PARKS & RECREATION DEPARTMENT
JB **OPENED BY: JENNIFER NELLIS, PURCHASING AGENT**
CR **WITNESSED BY: CINDY RAILOLO, PURCHASING TECHNICIAN**

VENDOR	WSP/Parsons Brinkerhoff	ICIP, LLC, International Critical Infrastructure Protection			
LOCATION	Boulder, CO	Parker, CO			
BIDDER ACKNOWLEDGEMENT FORM	Yes	Yes			
ACKNOWLEDGE ADDENDA (1)	Yes	Yes			
ILLEGAL ALIEN COMPLIANCE	Yes	Yes			
NON-DISCRIMINATION ASSURANCE FORM	Yes	Yes			
NON-COLLUSION AFFADAVIT	Yes	Yes			
VENDOR QUALIFICATION FORM	Yes	Yes			
RESPONSIVENESS AND QUALIFICATIONS OF FIRM	Yes	Yes			
RELEVANT EXPERIENCE & PROJECT METHODOLOGY	Yes	Yes			
SECURITY SYSTEM DESIGN EXPERIENCE	Yes	Yes			
SEPARATE ENVELOPE FEE PROPOSAL	Included/Removed	Yes			

REQUEST FOR CITY COUNCIL ACTION



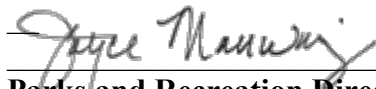
TITLE: RESOLUTION NO. 14-2017 - A RESOLUTION AMENDING THE FISCAL YEAR 2017 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$5,000 FOR THE PURPOSE OF ACCEPTING GRANT FUNDS FOR THE PURCHASE OF CARDIO FITNESS EQUIPMENT TO BE INSTALLED IN HAYWARD PARK

- PUBLIC HEARING
 BIDS/MOTIONS
 RESOLUTIONS

- ORDINANCES FOR 1ST READING
 ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: YES

NO



Parks and Recreation Director



City Manager

ISSUE:

The Parks and Recreation Department has received a grant from Jefferson County Public Health to purchase outdoor fitness equipment for installation at Hayward Park LOCATED AT 7500 West 29th Avenue. The installation of two pieces of cardio equipment will provide an additional opportunity for outdoor exercise and activity for park users. A budget amendment is required to appropriate these unanticipated grant funds for expenditure.

PRIOR ACTION:

Resolution No. 35-2014 was passed authorizing and supporting the City's commitment to encourage healthy opportunities for members of the community.

FINANCIAL IMPACT:

The project cost for equipment is \$5,000. The Parks and Recreation Department does not have the funding to complete this project without acceptance of the grant award.

BACKGROUND:

The improvements associated with this project would provide opportunities for residents and City staff to exercise in a park setting. The equipment is planned for installation along the circular trail at Hayward Park. This project will increase the availability of fitness equipment outside the Recreation Center setting.

RECOMMENDATIONS:

Staff recommends the approval of the budget amendment to allow acceptance of the grant for fitness equipment and installation.

RECOMMENDED MOTION:

“I move to approve Resolution No. 14-2017, a resolution amending the Fiscal Year 2017 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$5,000 for the purpose of accepting grant funds for the purchase of cardio fitness equipment to be installed in Hayward Park.”

Or,

“I move to deny approval of Resolution No. 14-2017, a resolution amending the Fiscal Year 2017 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$5,000 for the purpose of accepting grant funds for the purchase of cardio fitness equipment to be installed in Hayward Park for the following reason(s)_____.”

REPORT PREPARED/REVIEWED BY:

Matt Anderson, Parks and Recreation Analyst
Joyce Manwaring, Parks and Recreation Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 14-2017

**CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 14**

Series of 2017

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2017 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$5,000 FOR THE PURPOSE OF ACCEPTING GRANT FUNDS FOR THE PURCHASE OF CARDIO FITNESS EQUIPMENT TO BE INSTALLED IN HAYWARD PARK

WHEREAS, the Parks and Recreation Department has been awarded a grant from Jefferson County Public Health to purchase outdoor fitness equipment; and

WHEREAS, this equipment will be installed at Hayward Park for use by residents and staff; and

WHEREAS, these grant awards were not appropriated in the 2017 budget; and

WHEREAS, an amendment to the general fund balance is required to expend these funds; and

WHEREAS, the Wheat Ridge Charter requires that amendments to the budget be effected by the City Council adopting a Resolution,

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

THE FOLLOWING AMENDMENT TO THE GENERAL FUND IS HEREBY APPROVED:

A supplemental budget appropriation increasing account #01-603-650-660 in the amount of \$5,000 for the purpose of appropriating grant award funds for cardio fitness equipment, and amending revenues accordingly

DONE AND RESOLVED this 22nd day of May 2017.

Joyce Jay, Mayor

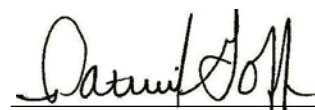
ATTEST:

Janelle Shaver, City Clerk

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 09-2017 – AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS TO REGULATE AND ALLOW SMALL CELL COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES**

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCES FOR 1 ST READING (05/22/2017) |
| <input type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING (06/12/2017) |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: YES NO

Community Development Director

City Manager**ISSUE:**

During the 2017 Colorado state legislative session, the legislature adopted, and the governor signed, House Bill 17-1193 pertaining to small cell wireless service infrastructure. As it pertains to local governments, the bill does two significant things:

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

Based on this action, staff recommends the City adopt local regulations pertaining to the design parameters and approval processes for such facilities. The bill is effective July 1, 2017, and staff has received some inquiries from the small cell industry, potentially interested in making application for facilities in the City ROW. As such, staff recommends prompt action to ensure the City has the ability to proactively regulate their design and location, particularly when wishing to locate in the ROW.

PRIOR ACTION:

Late in 2016, the City modified its regulations regarding commercial mobile radio service

(CMRS) facilities. This update was done principally to comply with updated Federal Communications Commission (FCC) regulations stipulating maximum local government review timeframes.

City Council reviewed the draft ordinance at a study session on May 15 and directed staff to proceed forward to package for Council's consideration at 1st Reading on May 22. Based on discussion at that meeting, staff has added language in Section 1 of the ordinance, adding Section 26-615.H.9 regarding "Permit Expiration."

FINANCIAL IMPACT:

The City collects building permit application fees for all new CMRS facilities. In some cases, new facilities require review and approval of a special use permit, which also have small application fees. When requesting to locate in public ROWs, the state legislation allows municipalities to assess application fees, which cannot exceed strictly direct cost recovery. Cumulatively, these are minor revenue sources for the City.

BACKGROUND:

Since the 1996 adoption of the Federal Telecommunications Act, both the federal and state governments have placed some limitations on the manner in which local governments regulate the installation of CMRS facilities. In addition to the previously mentioned new state regulations pertaining to small cell facilities, the FCC is also considering rulemaking that would limit the manner in which such facilities can be regulated at a local level. City staff has provided comment to the FCC on the draft regulations. The City has generally been permissive in regulating the industry, while maintaining reasonable design standards that ensure such facilities blend in with the community's built environment.

RECOMMENDATIONS:

Staff has met internally to consider modifications to local regulations that will comply with the new state legislation and provide reasonable design standards and a review process for small cell wireless facilities. Staff believes this can be accomplished with an ordinance proposing relatively minor amendments to Chapter 26 (Zoning and Development). Given that such facilities are now mandated by the state to be allowed in public rights-of-way, staff believes it is particularly important to update City regulations to address the design parameters and location of such facilities. In order to have such regulations in place by the effective date of the legislation (July 1, 2017), staff proposes the following schedule for consideration of an ordinance:

- May 22 City Council 1st reading
- June 1 Planning Commission public hearing and recommendation
- June 12 City Council 2nd reading/public hearing

RECOMMENDED MOTION:

"I move to approve Council Bill No. 09-2017, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws to regulate and allow small cell commercial mobile radio service (CMRS) facilities on first reading, order it published, public hearing set for

Monday, June 12 at 7:00 p.m. in City Council Chambers, and that it take effect immediately.”

Or,

“I move to postpone indefinitely the ordinance amending Chapter 26 of the Wheat Ridge Code of Laws to regulate and allow small cell commercial mobile radio service (CMRS) facilities for the following reason(s) _____.”

REPORT PREPARED BY:

Kenneth Johnstone, Director of Community Development
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 09-2017
2. House Bill 17-1193

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 09
ORDINANCE NO. _____
Series 2017

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS TO REGULATE AND ALLOW SMALL CELL COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES

WHEREAS, the City of Wheat Ridge, Colorado, is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, in the exercise of this authority the Council has previously adopted Section 26-215 of the Wheat Ridge Code of Laws concerning commercial mobile radio service facilities; and

WHEREAS, the Council wishes to amend Section 26-615 to address changes in state law affecting “small cell” facilities and to make conforming amendments in connection therewith;

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

Section 1. Section 26-615 of the Code, concerning commercial mobile radio service facilities, is hereby amended as follows:

Sec. 26-615. – Commercial mobile radio service (CMRS) facilities.

A. *Purpose and intent.* The purpose and intent of this section 26-615 is to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community. These regulations are necessary in order to:

1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the city.
2. Minimize adverse impacts of facilities through careful design, siting and screening standards.
3. Encourage and maximize colocation and the use of existing and approved towers, buildings, and other structures to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
4. Provide specific regulations related to the review processes for CMRS facilities.

5. Align the review and approval process for CMRS facilities with the FCC and any other agency of the federal government with the authority to regulate CMRS facilities.
- B. *Applicability.* The standards contained in this section shall apply to all applications for any CMRS facility. The applicant shall demonstrate in writing that its proposed CMRS facility meets all applicable standards and provisions of the code. Pre-existing CMRS facilities shall not be required to meet the requirements of this section, other than the requirements of subsection E. Changes and additions to pre-existing CMRS facilities must meet the applicable requirements of this section.
 - C. *Review and approval process.* Proposed CMRS facilities shall be reviewed pursuant to the following procedures depending upon the facility type and/or proposed change:
 1. Review procedure
 - a. Building- or structure-mounted facilities in all zone districts shall be reviewed by the community development department through a building permit application for compliance with the requirements for such facilities.
 - b. Roof-mounted facilities in all zone districts shall be reviewed by the community development department through a building permit application for compliance with the requirements for such facilities.
 - c. New freestanding or alternative tower CMRS facilities must receive a special use permit, pursuant to sections 26-114, 26-204 and 26-1111.
 - d. New freestanding or alternative tower CMRS facilities in all planned development zone districts (including planned residential districts) unless specifically listed or shown as such in the outline development plan, also require amendment of the outline development plan pursuant to Article III. At the sole discretion of the community development director, new freestanding or alternative tower CMRS facilities may be reviewed as a special use pursuant to sections 26-114, 26-204 and 26-309.
 - e. Applications for colocation on any existing facility shall be reviewed by the community development department through a building permit application for compliance with the requirements for such facilities.
 - f. **SMALL CELL CMRS FACILITIES AND NETWORKS IN PUBLIC RIGHTS-OF-WAY AND EASEMENTS SHALL BE REVIEWED BY THE PUBLIC WORKS DEPARTMENT AND SHALL REQUIRE A PERMIT UNDER SECTION 21-101, ET. SEQ..**
 - g. **SMALL CELL CMRS FACILITIES AND NETWORKS ON PRIVATE PROPERTY SHALL BE REVIEWED BY THE COMMUNITY DEVELOPMENT DEPARTMENT THROUGH A BUILDING PERMIT APPLICABLE FOR COMPLIANCE WITH THE REQUIREMENTS FOR SUCH FACILITIES.**
 2. Approval process
 - a. The city shall review and act upon the application within the following time periods:

- i. Within 30 days the city will give written notice of incompleteness if so determined, specifying the code section(s) that requires such missing information. This determination pauses the remaining deadlines until a complete application is filed.
 - ii. Within 60 days the city will act on applications that are not a substantial change.
 - iii. Within 90 days the city will act on **APPLICATIONS FOR SMALL CELL FACILITIES OR** colocation applications that are not a substantial increase in the size of a tower.
 - iv. Within 150 days the city will act on applications for new CMRS facilities, colocation applications that are a substantial increase in the size of the tower or substantial increase of an existing CMRS facility.
 - b. The final action of the city on any CMRS application shall be in writing and shall advise the applicant of the reasons for approval, approval with conditions, or denial.
- D. *Standards for all CMRS facilities.* The following are standards for all CMRS facilities.
 - 1. Colocation. The shared use of existing freestanding or roof-mounted CMRS facilities shall be preferred to the construction of new facilities in order to minimize adverse visual impacts associated with the proliferation of towers.
 - a. No CMRS application to construct a new freestanding or roof-mounted CMRS facility shall be approved unless the applicant demonstrates to the reasonable satisfaction of the city that no existing CMRS facility within a reasonable distance, regardless of municipal boundaries, can accommodate the applicant's needs. Evidence submitted to demonstrate that no existing facility can accommodate the applicant's proposed CMRS facility shall consist of one or more of the following:
 - i. No existing CMRS facilities are located within the geographic area required to meet the applicant's coverage demands.
 - ii. Existing CMRS facilities or structures are not of sufficient height to meet the applicant's coverage demands and cannot be extended to such height.
 - iii. Existing CMRS facilities or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - iv. Existing CMRS facilities or structures do not have adequate space on which proposed equipment can be placed so it can function effectively and reasonably.
 - v. The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing CMRS facility, or the antennas on the existing facility would cause interference with the applicant's proposed antenna.
 - vi. The applicant demonstrates that there are other compelling limiting factors, including but not limited to economic factors, that render CMRS facilities or structures unsuitable.

- b. No CMRS facility owner or operator shall unreasonably exclude a telecommunication competitor from using the same facility or location. Upon request by the city, the owner or operator shall provide evidence and a written statement to explain why collocation is not possible at a particular facility or site.
 - c. If a telecommunication competitor attempts to collocate a CMRS facility on an existing or approved CMRS facility or location, and the parties cannot reach an agreement, the city may require a third-party technical study to be completed at the applicant's expense to determine the feasibility of collocation.
 - d. Applications for new freestanding CMRS facilities shall provide evidence that the facility can accommodate collocation of additional carriers.
2. Federal requirements. All CMRS facilities shall meet the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate CMRS facilities. Failure to meet such revised standards and regulations shall constitute grounds for revocation of city approvals and removal of the facility at the owner's expense.
3. Safety standards. All CMRS facilities shall conform to the requirements of the international building code, and national electrical code, as applicable.
4. Abandonment. CMRS facilities which are abandoned by nonuse, disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the CMRS facility owner. Should the owner fail to remove the facilities, the city may do so at its option, and the costs thereof shall be a charge against the owner and recovered by certification of the same to the county treasurer for collection as taxes in the manner provided by code section 2-93, or by any other means available under article x of chapter 26.
5. Third party review.
 - a. CMRS providers use various methodologies and analysis tools, including geographically based computer software, to determine the specific technical parameters of CMRS facilities, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances there may be a need for expert review by a third party of the technical data submitted by the CMRS provider. The city may require such a technical review to be paid for by the applicant for a CMRS facility. The selection of the third party expert may be by mutual agreement between the applicant and the city or at the discretion of the city, with a provision for the applicant and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to be a site-specific review of technical aspects of the CMRS facilities and not a subjective review of the site selection. The expert review of the technical submission shall address the following:
 - i. The accuracy and completeness of the submission;

- ii. The applicability of analysis techniques and methodologies;
 - iii. The validity of conclusions reached;
 - iv. Any specific technical issues designated by the city.
 - b. Based on the results of the third party review, the city may require changes to the application for the CMRS facility that comply with the recommendation of the expert.
 - 6. All CMRS facilities are accessory uses to the structure upon which they are placed or to the primary use of the property on which they are constructed. **WITH THE EXCEPTION OF SMALL CELL FACILITIES**, no CMRS facility shall be located on a vacant lot devoid of any primary or main building.
 - 7. Siting of CMRS facilities in residential areas. The city encourages the siting of CMRS facilities in nonresidential areas.
 - a. The city prohibits freestanding CMRS facilities in the following zone districts:
 - i. Residential-One (R-1),
 - ii. Residential-One A (R-1A),
 - iii. Residential-One B (R-1B),
 - iv. Residential-One C (R-1C),
 - v. Residential-Two (R-2),
 - vi. Residential-Two A (R-2A),
 - vii. Residential-Three (R-3),
 - viii. Residential-Three A (R-3A),
 - ix. Agricultural-One (A-1),
 - x. Agricultural-Two (A-2), and
 - xi. Mixed Use-Neighborhood (MU-N) zone districts.
 - b. The city prohibits all CMRS facilities on properties where the principal use is a single or two-family dwelling.
 - c. Alternative tower CMRS facilities may be located on a property containing a non-residential use, regardless of underlying zoning.
 - d. Building, structure or roof-mounted CMRS facilities may be located on a property containing a nonresidential or multi-family use, regardless of underlying zoning.
 - e. Alternative tower structures may be located on a property_____
 - f. **SMALL CELL FACILITIES ARE PERMITTED IN ALL ZONE DISTRICTS.**
- E. *Standards for freestanding and alternative tower CMRS facilities.* Freestanding and alternative tower CMRS facilities are subject to the following requirements and shall be evaluated as a special use.
 - 1. Freestanding CMRS facilities shall be visually screened from adjacent residential development and public rights-of-way.
 - 2. Freestanding and alternative tower CMRS facilities shall be permitted only as an accessory use, and are subject to accessory use setback development standards in the applicable zone district.
 - 3. Freestanding and alternative tower CMRS facilities shall not exceed the permitted height for the principal use on the subject property.

4. Freestanding CMRS facilities shall not be permitted between the principal structure and the street.
- F. *Standards for building or structure-mounted CMRS facilities.* Building or structure-mounted CMRS facilities are subject to the following requirements and shall be evaluated as part of the community development department's review process.
1. Such facilities shall be architecturally compatible with and textured and colored to match the building or structure to which they are attached.
 2. The antenna shall be mounted as flush to the wall as technically possible. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.
 3. Panel antennae shall not extend above the building wall or parapet to which they are mounted.
 4. Whip antennae shall extend no more than ten (10) feet above the highest point of the building or structure to which they are attached.
- G. *Standards for roof-mounted CMRS facilities.* Roof-mounted CMRS facilities are subject to the following requirements and shall be evaluated as part of community development department's review process.
1. All roof-mounted CMRS facilities and accessory equipment shall be set back from the roof or parapet edge so that visibility from the street or adjacent residential properties is minimized to the greatest extent possible.
 2. If roof-mounted equipment is visible from the street or adjacent residential properties, CMRS facilities and accessory equipment shall be screened by materials that are architecturally compatible with and colored to match the building or structure to which they are attached.
 3. No roof-mounted facility, including antenna or accessory equipment, shall exceed twelve (12) feet in height, as measured from the roof deck.
 4. Roof-mounted accessory equipment shall not be permitted on a sloped roof, unless it can be demonstrated that it is not visible from the street or adjacent residential areas.
- H. **STANDARDS FOR SMALL CELL FACILITIES AND NETWORKS.**
1. **APPLICABLE REQUIREMENTS. SMALL CELL FACILITIES AND SMALL CELL NETWORKS, SHALL COMPLY IN ALL RESPECTS WITH THE REQUIREMENTS OF THIS SECTION APPLICABLE TO ALL CMRS FACILITIES, WITH THE FOLLOWING EXCEPTIONS:**
 - a. **SETBACK REQUIREMENTS; AND**
 - b. **DESIGN REQUIREMENTS**
 2. **LOCATION. SMALL CELL FACILITIES ARE PERMITTED IN CITY RIGHTS-OF-WAY, UPON FACILITIES IN THESE RIGHTS-OF-WAY AND ON PUBLIC EASEMENTS OWNED BY THE CITY UNDER THE FOLLOWING PRIORITY:**
 - a. **FIRST, ON A CITY-OWNED UTILITY POLE, WHICH SHALL BE REMOVED AND REPLACED WITH A POLE DESIGNED TO CONTAIN ALL ANTENNAE AND EQUIPMENT WITHIN THE POLE TO CONCEAL ANY GROUND-BASED SUPPORT EQUIPMENT AND OWNERSHIP OF WHICH POLE IS CONVEYED TO THE CITY.**

- b. **SECOND, A CITY-OWNED UTILITY POLE WITH ATTACHMENT OF THE SMALL CELL FACILITIES IN A CONFIGURATION APPROVED BY THE CITY.**
 - c. **THIRD, ON A THIRD-PARTY OWNED UTILITY POLE, (WITH THE CONSENT OF THE OWNER THEREOF), WITH ATTACHMENT OF THE SMALL CELL FACILITIES IN A CONFIGURATION APPROVED BY THE CITY.**
 - d. **FOURTH, ON A TRAFFIC SIGNAL POLE OR MAST ARM IN A CONFIGURATION APPROVED BY THE CITY, OR IN THE CASE OF A CDOT FACILITY, BY CDOT.**
 - e. **FIFTH, ON A FREESTANDING OR GROUND-MOUNTED FACILITY WHICH MEETS THE DEFINITION OF AND REQUIREMENTS FOR AN ALTERNATIVE TOWER STRUCTURE IN A LOCATION AND CONFIGURATION APPROVED BY THE CITY.**
3. ***HEIGHT.* ALL SMALL CELL FACILITIES SHALL NOT EXCEED TWO FEET ABOVE THE LIGHT POLE, TRAFFIC SIGNAL OR OTHER FACILITY OR STRUCTURE TO WHICH THEY ARE ATTACHED, OR THE MAXIMUM HEIGHT IN THE RELEVANT ZONE DISTRICT, WHICHEVER IS LESS. WHEN NEW UTILITY POLES ARE PROPOSED AS AN ALTERNATIVE TOWER, THEIR HEIGHT SHALL BE SIMILAR TO EXISTING UTILITY/LIGHT POLES IN THE VICINITY.**
4. ***SPACING.* NO SMALL CELL FACILITY SHALL BE LOCATED WITHIN ONE THOUSAND FEET (1000 FT) OF ANY OTHER SUCH FACILITY.**
5. ***DESIGN.* SMALL CELL FACILITIES SHALL BE DESIGNED TO BLEND WITH AND BE CAMOUFLAGED IN RELATION TO THE STRUCTURE UPON WHICH THEY ARE LOCATED (E.G.: PAINTED TO MATCH THE STRUCTURE OR SAME MATERIAL AND COLOR AS ADJACENT UTILITY POLES).**
6. ***PERMITTING.* SMALL CELL FACILITIES AND NETWORKS SHALL MAKE APPLICATION FOR A PERMIT FOR WORK IN THE RIGHT-OF-WAY UNDER CODE SECTION 21-11, ET. SEQ., AND FOR LOCATION AND MAINTENANCE OF SUCH FACILITY SHALL MAKE APPLICATION FOR A PERMIT FOR USE OF THE PUBLIC RIGHT OF WAY UNDER CODE SECTION 21-101, ET SEQ. SMALL CELL FACILITIES AND NETWORKS SHALL MAKE APPLICATION FOR LOCATION ON PRIVATE PROPERTY THROUGH THE BUILDING PERMIT PROCESS. THE CITY MAY ACCEPT APPLICATIONS FOR A SMALL CELL NETWORK, PROVIDED EACH SMALL CELL FACILITY SHALL BE SEPARATELY REVIEWED.**
7. ***INDEMNIFICATION.* THE OPERATOR OF A SMALL CELL FACILITY WHICH IS PERMITTED TO LOCATE ON A CITY-OWNED UTILITY POLE, TRAFFIC SIGNAL OR OTHER STRUCTURE OWNED BY THE CITY SHALL, AS A CONDITION OF PERMIT APPROVAL, INDEMNIFY THE CITY FROM AND AGAINST ALL LIABILITY AND CLAIMS ARISING AS A RESULT OF THAT ATTACHMENT, INCLUDING REPAIR AND**

REPLACEMENT OF DAMAGED POLES AND EQUIPMENT, IN A FORM APPROVED BY THE CITY ATTORNEY.

8. BONDING. ALL PERMITS FOR LOCATION OF SMALL CELL FACILITIES ON REAL PROPERTY NOT OWNED BY THE SMALL CELL PERMITTEE SHALL INCLUDE AS A CONDITION OF APPROVAL A BOND, IN FORM APPROVED BY THE CITY ATTORNEY, TO GUARANTEE PAYMENT FOR ANY DAMAGES TO THE REAL PROPERTY AND REMOVAL OF THE FACILITY UPON ITS ABANDONMENT.

9. PERMIT EXPIRATION. A PERMIT FOR A SMALL CELL FACILITY SHALL EXPIRE NINE (9) MONTHS AFTER APPROVAL UNLESS CONSTRUCTION OF THE PERMITTED STRUCTURE HAS BEEN INITIATED.

I. *Standards for ground-mounted accessory equipment.* Ground-mounted accessory equipment that is associated with a freestanding, roof-mounted or building-mounted CMRS facility are subject to the following requirements and shall be evaluated with the associated CMRS facility application.

1. Ground-mounted accessory equipment shall be subject to the accessory structure setback requirements in the underlying zone district.
2. Ground-mounted accessory equipment or buildings containing accessory equipment shall not exceed 12 feet in height.
3. Ground-mounted accessory equipment not fully enclosed in a building shall be fully screened from adjacent residential properties and public rights-of-way.
4. Buildings containing ground-mounted accessory equipment shall be architecturally compatible with the existing structures on the property and character of the neighborhood.

J. *Definitions.*

1. *Alternative Tower CMRS facility.* An existing or proposed structure that is compatible with the natural setting and surrounding structures and that camouflages or conceals the presence of the antennae and can be used to house or mount CMRS antenna. Examples include manmade trees, clock towers, bell steeples, light poles, silos, existing utility poles, existing utility transmission towers and other similar alternative designed structures.

2. *Tower.* Any freestanding structure designed and constructed primarily for the purpose of supporting one (1) or more Federal Communications Commission-licensed or authorized antennae, including self-supporting lattice towers, guy towers and monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and other similar structures. The term also includes any antenna or antenna array attached to the tower structure.

3. *Substantially Change*. A modification which substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria, including a single change or a series of changes over time whether made by a single owner or operator or different owners/operators over time, when viewed against the initial approval for the support structure. The following are considered substantial changes:
- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
 - b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - d. It entails any excavation or deployment outside the current site
 - e. It would defeat the concealment elements of the eligible support structure; or
 - f. It does not comply with conditions associated with the original siting approval for the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs a through e of this definition.

Section 2. The following definitions are hereby deleted from Section 26-123 and inserted within Section 26-615 under a new paragraph I:

Building or structure-mounted commercial mobile radio service facility. A CMRS facility in which antenna are mounted to an existing structure (e.g., water tower, light pole, steeple, etc.) or building face.

CDOT COLORADO DEPARTMENT OF TRANSPORTATION.

Commercial mobile radio service (CMRS) accessory building or cabinet. An unmanned building or cabinet used to house equipment associated with a CMRS facility.

Commercial mobile radio service (CMRS) site. An unmanned facility consisting of equipment for the reception, switching and transmission of wireless telecommunications, including, but not limited to, personal communications service (PCS), enhanced specialized mobile radio (ESMR), paging, cellular telephone and similar technologies.

Freestanding commercial mobile radio service (CMRS) facility. A CMRS facility that consists of a stand-alone support facility (monopole and/or lattice structure), antenna, associated equipment, accessory buildings and equipment cabinets.

Roof-mounted commercial mobile radio service (CMRS) facility. A CMRS facility in which antenna are mounted on an existing building roof.

SMALL CELL CMRS FACILITY MEANS EITHER:

- 1. A PERSONAL WIRELESS SERVICE FACILITY AS DEFINED BY THE FEDERAL TELECOMMUNICATIONS ACT OF 1996,” AS AMENDED AS OF AUGUST 6, 2014; OR**
- 2. A WIRELESS SERVICE FACILITY THAT MEETS BOTH OF THE FOLLOWING QUALIFICATIONS:**
 - a. EACH ANTENNA IS LOCATED INSIDE AN ENCLOSURE OF NO MORE THAN THREE CUBIC FEET IN VOLUME OR, IN THE CASE OF AN ANTENNA THAT HAS EXPOSED ELEMENTS, THE ANTENNA AND ALL OF ITS EXPOSED ELEMENTS COULD FIT WITHIN AN IMAGINARY ENCLOSURE OF NO MORE THAN THREE CUBIC FEET; AND**
 - b. PRIMARY EQUIPMENT ENCLOSURES ARE NOT LARGER THAN SEVENTEEN CUBIC FEET IN VOLUME. THE FOLLOWING ASSOCIATED EQUIPMENT MAY BE LOCATED OUTSIDE OF THE PRIMARY EQUIPMENT ENCLOSURE AND, IF SO LOCATED, IS NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME: ELECTRIC METER, CONCEALMENT, TELECOMMUNICATIONS DEMARCATION BOX, GROUND-BASED ENCLOSURES, BACK-UP POWER SYSTEMS, GROUNDING EQUIPMENT, POWER TRANSFER SWITCH, AND CUT-OFF SWITCH.**

SMALL CELL CMRS NETWORK. A COLLECTION OF INTERRELATED SMALL CELL FACILITIES DESIGNED TO DELIVER WIRELESS SERVICE.

Section 3. 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 upon adoption and signature by the Mayor and City Clerk, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this ___ day of _____, 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 _____, **2017 at 7:00 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

An Act

HOUSE BILL 17-1193

BY REPRESENTATIVE(S) Kraft-Tharp and Becker J., Arndt, Becker K., Danielson, Ginal, Hansen, Hooton, Kennedy, McKean, Melton, Pabon, Van Winkle, Gray, Lontine, Wilson, Duran;
also SENATOR(S) Tate and Kerr, Crowder, Donovan, Fields, Garcia, Guzman, Hill, Holbert, Jahn, Kefalas, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Priola, Scott, Todd, Williams A., Zenzinger, Grantham.

CONCERNING THE INSTALLATION OF SMALL WIRELESS SERVICE INFRASTRUCTURE WITHIN A LOCAL GOVERNMENT'S JURISDICTION, AND, IN CONNECTION THEREWITH, CLARIFYING THAT AN EXPEDITED PERMITTING PROCESS APPLIES TO SMALL CELL FACILITIES AND SMALL CELL NETWORKS AND THAT THE RIGHTS-OF-WAY ACCESS AFFORDED TELECOMMUNICATIONS PROVIDERS EXTENDS TO BROADBAND PROVIDERS AND TO SMALL CELL FACILITIES AND SMALL CELL NETWORKS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 29-27-401, add (2) as follows:

29-27-401. Legislative declaration. (2) THE GENERAL ASSEMBLY

Attachment 2

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FURTHER FINDS AND DECLARES THAT:

(a) SMALL CELL FACILITIES OFTEN MAY BE DEPLOYED MOST EFFECTIVELY IN THE PUBLIC RIGHTS-OF-WAY; AND

(b) ACCESS TO LOCAL GOVERNMENT STRUCTURES IS ESSENTIAL TO THE CONSTRUCTION AND MAINTENANCE OF WIRELESS SERVICE FACILITIES OR BROADBAND FACILITIES.

SECTION 2. In Colorado Revised Statutes, 29-27-402, **amend** (1), (4), and (7); and **add** (1.5), (3.5), and (6.5) as follows:

29-27-402. Definitions. As used in this part 4, unless the context otherwise requires:

(1) ~~"Broadband facility" means any infrastructure used to deliver broadband service or for the provision of broadband service.~~ "ANTENNA" MEANS COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS USED TO PROVIDE WIRELESS SERVICE.

(1.5) "BROADBAND FACILITY" MEANS ANY INFRASTRUCTURE USED TO DELIVER BROADBAND SERVICE OR FOR THE PROVISION OF BROADBAND SERVICE.

(3.5) "MICRO WIRELESS FACILITY" MEANS A SMALL WIRELESS FACILITY THAT IS NO LARGER IN DIMENSIONS THAN TWENTY-FOUR INCHES IN LENGTH, FIFTEEN INCHES IN WIDTH, AND TWELVE INCHES IN HEIGHT AND THAT HAS AN EXTERIOR ANTENNA, IF ANY, THAT IS NO MORE THAN ELEVEN INCHES IN LENGTH.

(4) (a) "Small cell facility" means either:

~~(a)~~ (I) A personal wireless service facility as defined by the federal "Telecommunications Act of 1996", as amended as of August 6, 2014; or

~~(b)~~ (II) A wireless service facility that meets both of the following qualifications:

~~(b)~~ (A) Each antenna is located inside an enclosure of no more than

three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

(H) (B) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

(b) "SMALL CELL FACILITY" INCLUDES A MICRO WIRELESS FACILITY.

(6.5) "TOWER" MEANS ANY STRUCTURE BUILT FOR THE SOLE OR PRIMARY PURPOSE OF SUPPORTING ANTENNAS LICENSED OR AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION AND THE ANTENNAS' ASSOCIATED FACILITIES, INCLUDING STRUCTURES THAT ARE CONSTRUCTED FOR WIRELESS COMMUNICATIONS SERVICES INCLUDING PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES; UNLICENSED WIRELESS SERVICES; FIXED WIRELESS SERVICES SUCH AS BACKHAUL; AND THE ASSOCIATED SITE.

(7) "Wireless service facility" means a facility for the provision of wireless services; EXCEPT THAT "WIRELESS SERVICE FACILITY" DOES NOT INCLUDE COAXIAL OR FIBER-OPTIC CABLE THAT IS NOT IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, A PARTICULAR ANTENNA.

SECTION 3. In Colorado Revised Statutes, 29-27-403, **amend** (1) and (3) as follows:

29-27-403. Permit - approval - deadline - exception. (1) A local government may take up to:

(a) NINETY DAYS TO PROCESS A COMPLETE APPLICATION FOR:

(I) LOCATION OR COLLOCATION OF A SMALL CELL FACILITY OR A SMALL CELL NETWORK; OR

(II) REPLACEMENT OR MODIFICATION OF A SMALL CELL FACILITY OR

FACILITIES OR SMALL CELL NETWORK.

~~(a)~~ (b) Ninety days to process a complete application that involves a collocation of a tower, building, structure, or replacement structure OTHER THAN A SMALL CELL FACILITY OR SMALL CELL NETWORK; or

~~(b)~~ (c) One hundred fifty days to process a complete application that involves a new structure or a new wireless service facility, OTHER THAN A SMALL CELL FACILITY OR SMALL CELL NETWORK AND other than a collocation.

(3) An applicant and a local government ENTITY may mutually agree that an application may be processed in a longer period than set forth in subsection (1) of this section.

SECTION 4. In Colorado Revised Statutes, 29-27-404, amend (1) and (2) introductory portion; and add (3) as follows:

29-27-404. Permit process. (1) (a) For small cell networks involving multiple individual small cell facilities within the jurisdiction of a single local government ENTITY, the local government ENTITY shall allow the applicant, at the applicant's discretion, to file a consolidated application and receive a single permit for the small cell network instead of filing separate applications for each individual small cell facility.

(b) FOR A CONSOLIDATED APPLICATION FILED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, EACH SMALL CELL FACILITY WITHIN THE CONSOLIDATED APPLICATION REMAINS SUBJECT TO REVIEW FOR COMPLIANCE WITH OBJECTIVE REQUIREMENTS AND APPROVAL AS PROVIDED IN THIS ARTICLE 27. THE LOCAL GOVERNMENT'S DENIAL OF ANY INDIVIDUAL SMALL CELL FACILITY IS NOT A BASIS TO DENY THE CONSOLIDATED APPLICATION AS A WHOLE OR ANY OTHER SMALL CELL FACILITY INCORPORATED WITHIN THE CONSOLIDATED APPLICATION.

(2) If a wireless service provider applies to LOCATE OR collocate several wireless service facilities within the jurisdiction of a single local government ENTITY, the local government ENTITY shall:

(3) THE SITING, MOUNTING, PLACEMENT, CONSTRUCTION, AND OPERATION OF A SMALL CELL FACILITY OR A SMALL CELL NETWORK IS A

PERMITTED USE BY RIGHT IN ANY ZONE.

SECTION 5. In Colorado Revised Statutes, **amend** 38-5.5-102 as follows:

38-5.5-102. Definitions. As used in this ~~article~~ ARTICLE 5.5, unless the context otherwise requires:

(1) "Broadband" or "broadband service" has the same meaning as set forth in 7 U.S.C. sec. 950bb (b)(1) as of August 6, 2014, and includes "cable service", as defined in 47 U.S.C. sec. 522 (6) as of August 6, 2014.

~~(1.2)~~ (2) "Broadband facility" means any infrastructure used to deliver broadband service or for the provision of broadband service.

~~(1.3)~~ (3) "Broadband provider" means a person that provides broadband service, and includes a "cable operator", as defined in 47 U.S.C. sec. 522 (5) as of August 6, 2014.

(4) "COLLOCATION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-27-402 (3).

~~(1.7)~~ (5) "Political subdivision" OR "LOCAL GOVERNMENT ENTITY" means a county; city and county; city; town; service authority; school district; local improvement district; law enforcement authority; water, sanitation, fire protection, metropolitan, irrigation, drainage, or other special district; or any other kind of municipal, quasi-municipal, or public corporation organized pursuant to law.

~~(2)~~ (6) "Public highway" or "highway" for purposes of this ~~article~~ ARTICLE 5.5 includes all roads, streets, and alleys and all other dedicated rights-of-way and utility easements of the state or any of its political subdivisions, whether located within the boundaries of a political subdivision or otherwise.

(7) "SMALL CELL FACILITY" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-27-402 (4).

(8) "SMALL CELL NETWORK" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-27-402 (5).

(3) (9) "Telecommunications provider" or "~~provider~~" means a person that provides telecommunications service, as defined in section 40-15-102 (29), ~~C.R.S.~~, with the exception of cable services as defined by section 602 (5) of the federal "Cable Communications Policy Act of 1984", 47 U.S.C. sec. 522 (6), pursuant to authority granted by the public utilities commission of this state or by the federal communications commission. "Telecommunications provider" or "~~provider~~" does not mean a person or business using antennas, support towers, equipment, and buildings used to transmit high power over-the-air broadcast of AM and FM radio, VHF and UHF television, and advanced television services, including high definition television. The term "telecommunications provider" is synonymous with "telecommunication provider".

SECTION 6. In Colorado Revised Statutes, amend 38-5.5-103 as follows:

38-5.5-103. Use of public highways - discrimination prohibited - content regulation prohibited. (1) (a) Any domestic or foreign telecommunications provider or broadband provider authorized to do business under the laws of this state ~~shall have~~ HAS the right to construct, maintain, and operate conduit, cable, switches, and related appurtenances and facilities, AND COMMUNICATIONS AND BROADBAND FACILITIES, INCLUDING SMALL CELL FACILITIES AND SMALL CELL NETWORKS, along, across, upon, ABOVE, and under any public highway in this state, subject to ~~the provisions of this article~~ ARTICLE 5.5 and of article 1.5 of title 9. ~~C.R.S.~~, and

(b) The construction, maintenance, operation, and regulation of ~~such~~ THE facilities DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, including the right to occupy and utilize the public rights-of-way, by telecommunications providers and broadband providers are hereby declared ~~to be~~ matters of statewide concern. ~~Such~~ THE facilities shall be so constructed and maintained SO as not to obstruct or hinder the usual travel on ~~such~~ A highway.

(2) ~~No~~ A political subdivision shall NOT discriminate among or grant a preference to competing telecommunications providers OR BROADBAND PROVIDERS in the issuance of permits or the passage of any ordinance for the use of its rights-of-way, nor create or erect any unreasonable requirements for entry to the rights-of-way for ~~such~~ THE

providers.

(3) ~~No~~ A political subdivision shall NOT regulate A telecommunications ~~providers~~ PROVIDER OR A BROADBAND PROVIDER based upon the content or type of signals that are carried or capable of being carried over the provider's facilities; except that nothing in this subsection (3) ~~shall be construed to prevent such~~ PREVENTS regulation by a political subdivision when the authority to ~~so~~ regulate has been granted to the political subdivision under federal law.

SECTION 7. In Colorado Revised Statutes, **amend** 38-5.5-104 as follows:

38-5.5-104. Right-of-way across state land. Any domestic or foreign telecommunications provider OR BROADBAND PROVIDER authorized to do business under the laws of this state ~~shall have~~ HAS the right to construct, maintain, and operate lines of communication, switches, and related facilities, AND COMMUNICATIONS AND BROADBAND FACILITIES, INCLUDING SMALL CELL FACILITIES AND SMALL CELL NETWORKS, and obtain A permanent right-of-way ~~therefor~~ FOR THE FACILITIES over, upon, under, and across all public lands owned by or under the control of the state, upon the payment of ~~such~~ just compensation and upon compliance with ~~such~~ reasonable conditions as ~~may be required by~~ the state board of land commissioners MAY REQUIRE.

SECTION 8. In Colorado Revised Statutes, **add** 38-5.5-104.5 as follows:

38-5.5-104.5. Use of local government entity structures.
(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION AND SUBJECT TO THE REQUIREMENTS AND LIMITATIONS OF THIS ARTICLE 5.5, SECTIONS 29-27-403 AND 29-27-404, AND A LOCAL GOVERNMENT ENTITY'S POLICE POWERS, A TELECOMMUNICATIONS PROVIDER OR A BROADBAND PROVIDER HAS THE RIGHT TO LOCATE OR COLLOCATE SMALL CELL FACILITIES OR SMALL CELL NETWORKS ON THE LIGHT POLES, LIGHT STANDARDS, TRAFFIC SIGNALS, OR UTILITY POLES IN THE RIGHTS-OF-WAY OWNED BY THE LOCAL GOVERNMENT ENTITY; EXCEPT THAT, A SMALL CELL FACILITY OR A SMALL CELL NETWORK SHALL NOT BE LOCATED OR MOUNTED ON ANY APPARATUS, POLE, OR SIGNAL WITH TOLLING COLLECTION OR ENFORCEMENT EQUIPMENT ATTACHED.

(2) IF, AT ANY TIME, THE CONSTRUCTION, INSTALLATION, OPERATION, OR MAINTENANCE OF A SMALL CELL FACILITY ON A LOCAL GOVERNMENT ENTITY'S LIGHT POLE, LIGHT STANDARD, TRAFFIC SIGNAL, OR UTILITY POLE FAILS TO COMPLY WITH APPLICABLE LAW, THE LOCAL GOVERNMENT ENTITY, BY PROVIDING THE TELECOMMUNICATIONS PROVIDER OR THE BROADBAND PROVIDER NOTICE AND A REASONABLE OPPORTUNITY TO CURE THE NONCOMPLIANCE, MAY:

(a) CAUSE THE ATTACHMENT ON THE AFFECTED STRUCTURE TO BE REMOVED; AND

(b) PROHIBIT FUTURE, NONCOMPLIANT USE OF THE LIGHT POLE, LIGHT STANDARD, TRAFFIC SIGNAL, OR UTILITY POLE.

(3) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (3)(b) AND (3)(c) OF THIS SECTION, A LOCAL GOVERNMENT ENTITY SHALL NOT IMPOSE ANY FEE OR REQUIRE ANY APPLICATION OR PERMIT FOR THE INSTALLATION, PLACEMENT, OPERATION, MAINTENANCE, OR REPLACEMENT OF MICRO WIRELESS FACILITIES THAT ARE SUSPENDED ON CABLE OPERATOR-OWNED CABLES OR LINES THAT ARE STRUNG BETWEEN EXISTING UTILITY POLES IN COMPLIANCE WITH NATIONAL SAFETY CODES.

(b) A LOCAL GOVERNMENT ENTITY WITH A MUNICIPAL OR COUNTY CODE THAT REQUIRES AN APPLICATION OR PERMIT FOR THE INSTALLATION OF MICRO WIRELESS FACILITIES MAY, BUT IS NOT REQUIRED TO, CONTINUE THE APPLICATION OR PERMIT REQUIREMENT SUBSEQUENT TO THE EFFECTIVE DATE OF THIS SECTION.

(c) A LOCAL GOVERNMENT ENTITY MAY REQUIRE A SINGLE-USE RIGHT-OF-WAY PERMIT IF THE INSTALLATION, PLACEMENT, OPERATION, MAINTENANCE, OR REPLACEMENT OF MICRO WIRELESS FACILITIES:

(I) INVOLVES WORKING WITHIN A HIGHWAY TRAVEL LANE OR REQUIRES THE CLOSURE OF A HIGHWAY TRAVEL LANE;

(II) DISTURBS THE PAVEMENT OR A SHOULDER, ROADWAY, OR DITCH LINE;

(III) INCLUDES PLACEMENT ON LIMITED ACCESS RIGHTS-OF-WAY; OR

(IV) REQUIRES ANY SPECIFIC PRECAUTIONS TO ENSURE THE SAFETY OF THE TRAVELING PUBLIC; THE PROTECTION OF PUBLIC INFRASTRUCTURE; OR THE OPERATION OF PUBLIC INFRASTRUCTURE; AND SUCH ACTIVITIES EITHER WERE NOT AUTHORIZED IN, OR WILL BE CONDUCTED IN A TIME, PLACE, OR MANNER THAT IS INCONSISTENT WITH, THE APPROVAL TERMS OF THE EXISTING PERMIT FOR THE FACILITY OR STRUCTURE UPON WHICH THE MICRO WIRELESS FACILITY IS ATTACHED.

SECTION 9. In Colorado Revised Statutes, amend 38-5.5-105 as follows:

38-5.5-105. Power of companies to contract. Any domestic or foreign telecommunications provider ~~shall have~~ OR BROADBAND PROVIDER HAS THE power to contract with any ~~person or~~ INDIVIDUAL; corporation; OR the owner of any lands, ~~or any~~ franchise, easement, or interest therein over or under which the provider's conduits; cable; switches; ~~and~~ COMMUNICATIONS OR BROADBAND FACILITIES, INCLUDING SMALL CELL FACILITIES AND SMALL CELL NETWORKS; OR related appurtenances and facilities are proposed to be laid or created for the right-of-way for the construction, maintenance, and operation of ~~such~~ THE facilities ~~and~~ OR for the erection, maintenance, occupation, and operation of offices at suitable distances for the public accommodation.

SECTION 10. In Colorado Revised Statutes, amend 38-5.5-106 as follows:

38-5.5-106. Consent necessary for use of streets. (1) (a) ~~Nothing in This article shall be construed to~~ ARTICLE 5.5 DOES NOT authorize any telecommunications provider OR BROADBAND PROVIDER to erect, WITHIN A POLITICAL SUBDIVISION, any poles or construct any COMMUNICATIONS OR BROADBAND FACILITIES, INCLUDING SMALL CELL FACILITIES AND SMALL CELL NETWORKS; conduit; cable; switch; or related appurtenances and facilities along, through, in, upon, under, or over any public highway ~~within a political subdivision~~ without first obtaining the consent of the authorities having power to give the consent of ~~such~~ THE political subdivision.

(b) A telecommunications provider OR BROADBAND PROVIDER that, on or before ~~April 12, 1996~~ JULY 1, 2017, either has obtained consent of the political subdivision having power to give ~~such~~ consent or is lawfully

occupying a public highway in a political subdivision ~~shall~~ NEED not be required to apply for additional or continued consent of ~~such~~ THE political subdivision under this section.

(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A POLITICAL SUBDIVISION'S CONSENT GIVEN TO A TELECOMMUNICATIONS PROVIDER OR A BROADBAND PROVIDER TO ERECT OR CONSTRUCT ANY POLES, OR TO LOCATE OR COLLOCATE COMMUNICATIONS AND BROADBAND FACILITIES ON VERTICAL STRUCTURES IN A RIGHT-OF-WAY, DOES NOT EXTEND TO THE LOCATION OF NEW FACILITIES OR TO THE ERECTION OR CONSTRUCTION OF NEW POLES IN A RIGHT-OF-WAY NOT SPECIFICALLY REFERENCED IN THE GRANT OF CONSENT.

(2) (a) THE consent OF A POLITICAL SUBDIVISION for the use of a public highway within ~~a political subdivision~~ ITS JURISDICTION shall be based upon a lawful exercise of ~~the~~ ITS police power of ~~such political subdivision~~ and shall not be unreasonably withheld. ~~nor~~

(b) A POLITICAL SUBDIVISION shall NOT CREATE any preference or disadvantage ~~be created~~ through the granting or withholding of ~~such~~ ITS consent. A POLITICAL SUBDIVISION'S DECISION THAT A VERTICAL STRUCTURE IN THE RIGHT-OF-WAY, INCLUDING A VERTICAL STRUCTURE OWNED BY A MUNICIPALITY, LACKS SPACE OR LOAD CAPACITY FOR COMMUNICATIONS OR BROADBAND FACILITIES, OR THAT THE NUMBER OF ADDITIONAL VERTICAL STRUCTURES IN THE RIGHTS-OF-WAY SHOULD BE REASONABLY LIMITED, CONSISTENT WITH PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE, DOES NOT CREATE A PREFERENCE FOR OR DISADVANTAGE ANY TELECOMMUNICATIONS PROVIDER OR BROADBAND PROVIDER, PROVIDED THAT SUCH DECISION DOES NOT HAVE THE EFFECT OF PROHIBITING A PROVIDER'S ABILITY TO PROVIDE SERVICE WITHIN THE SERVICE AREA OF THE PROPOSED FACILITY.

SECTION 11. In Colorado Revised Statutes, 38-5.5-107, amend (7) as follows:

38-5.5-107. Permissible taxes, fees, and charges. (7) As used in this section, "public highway" or "highway" as otherwise defined in section 38-5.5-102 ~~(2)~~ (6) does not include excess and remainder rights-of-way under the department of transportation's jurisdiction.

SECTION 12. In Colorado Revised Statutes, amend 38-5.5-108 as follows:

38-5.5-108. Pole attachment agreements - limitations on required payments. (1) ~~NEITHER A LOCAL GOVERNMENT ENTITY NOR A municipally owned utility shall request or receive from a telecommunications provider, BROADBAND PROVIDER, or a cable television provider, as defined in section 602 (5) of the federal "Cable Communications Policy Act of 1984", in exchange for permission to attach SMALL CELL FACILITIES, BROADBAND DEVICES, OR telecommunications devices to poles OR STRUCTURES IN A RIGHT-OF-WAY, any payment in excess of the amount that would be authorized if the LOCAL GOVERNMENT ENTITY OR municipally owned utility were regulated pursuant to 47 U.S.C. sec. 224, as amended.~~

(2) ~~A municipality shall NOT request or receive from a telecommunications provider OR A BROADBAND PROVIDER, in exchange for or as a condition upon a grant of permission to attach telecommunications OR BROADBAND devices to poles, any in-kind payment.~~

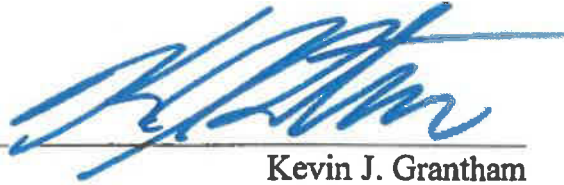
SECTION 13. Effective date - applicability. This act takes effect July 1, 2017, and applies to permit applications received on or after said date.

SECTION 14. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Kevin J. Grantham
PRESIDENT OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

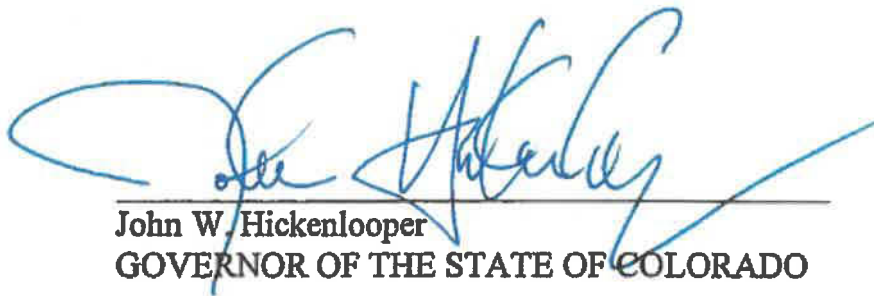


Effie Ameen
SECRETARY OF
THE SENATE

APPROVED

3:09 PM

4/18/17



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

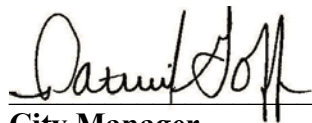
REQUEST FOR CITY COUNCIL ACTION



TITLE: RESOLUTION NO. 16-2017 – A RESOLUTION OF THE WHEAT RIDGE CITY COUNCIL RECOGNIZING AND SUPPORTING THE MISSION OF THE WHEAT RIDGE ENVIRONMENTAL SUSTAINABILITY COMMITTEE

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING |
| <input type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING |
| <input checked="" type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: YES NO

A handwritten signature in black ink, appearing to read "Daniel Hoff", is written over a horizontal line.

City Manager

ISSUE:

Mayor Jay appointed eleven residents to the Wheat Ridge Environmental Sustainability Committee (WRESC) on May 8, 2017, for a limited one-year term. The purpose of WRESC is to involve the community in recommending and prioritizing environmental sustainability goals for the City of Wheat Ridge municipal operations and other community-wide sustainability efforts. The committee will provide recommendations on effective environmental programs and policies to the City Council and will serve as a forum for the community to offer input concerning environmental sustainability within the following six topic areas:

- Green Building
- Education & Communication
- Energy Efficiency & Renewable Energy
- Solid Waste & Recycling
- Transportation
- Water

FINANCIAL IMPACT:

Limited funding will be provided initially for meeting facilitation services and other incidental expenses. The Mayor and Mayor Pro Tem will each contribute \$1,000 for meeting expenses from their community outreach funds. The Committee will report back to City Council after three months if additional resources are needed. All recommendations from WRESC will be reviewed by the Mayor and City Council to determine the feasibility of implementing and funding such recommendations.

BACKGROUND:

On March 20, 2017, Mayor Joyce Jay and Mayor Pro Tem George Pond presented the concept of appointing a citizen environmental sustainability committee as a way to involve the citizens in community-wide sustainability efforts. The primary mission of the committee is as follows:

- Evaluating current City of Wheat Ridge sustainability practices and policies and creating metrics to track progress
- Providing advice, support, and guidance to the Mayor and City Council regarding sustainability, climate change, and environmental management issues
- Involving the community through engagement, outreach, and advocacy; supporting education, awareness, and stewardship
- Assisting the City and the community in identifying, adopting, developing and implementing plans, programs, policies, strategies, and action

City Council expressed support for formation of WRESC. Staff initiated an application process seeking nine committee members with environmental knowledge and/or interest, with the aim of achieving a combination of experts and non-experts, reflecting the diversity of the community. Twenty-one applications were received – eight from Council District 1; five from Council District 2; six from Council District 3 and two from Council District 4.

The applications were reviewed by the Mayor and Mayor Pro Tem. The Mayor choose to expand the committee from nine to eleven members due to the number of quality applications received and to ensure that a diversity of backgrounds, education, experience, perspectives and Council Districts are represented on the committee.

RECOMMENDATIONS:

None

RECOMMENDED MOTION:

“I move to approve Resolution No. 16-2017, a resolution of the Wheat Ridge City Council recognizing and supporting the mission of the Wheat Ridge Environmental Sustainability Committee.”

Or

“I move to postpone indefinitely Resolution No. 16-2017, a resolution of the Wheat Ridge City Council recognizing and supporting the mission of the Wheat Ridge Environmental Sustainability Committee for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Patrick Goff, City Manager

ATTACHMENT:

1. Resolution No. 16-2017

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION 16
Series of 2017

**TITLE: A RESOLUTION OF THE WHEAT RIDGE CITY COUNCIL
RECOGNIZING AND SUPPORTING THE MISSION OF THE
WHEAT RIDGE ENVIRONMENTAL SUSTAINABILITY
COMMITTEE**

WHEREAS, ensuring the public safety and quality of life for the future of Wheat Ridge residents requires a strong commitment from City government, residents and business to support environmentally sustainable measures; and

WHEREAS, the available scientific evidence suggests the existence of serious and escalating threats to our environment as a result of a continuous increase in the emission of greenhouse gas, whether natural or man-made; and

WHEREAS, in response to many requests by Wheat Ridge citizens, Mayor Jay appointed eleven Wheat Ridge residents to the Wheat Ridge Environmental Sustainability Committee (WRESC) on May 8, 2017, for a limited one-year term; and

WHEREAS, the purpose of WRESC is to involve the community in recommending and prioritizing environmental sustainability goals for City municipal operations and other community-wide sustainability efforts; and

WHEREAS, WRESC will provide recommendations on effective environmental programs and policies to the City Council and will serve as a forum for the community to offer input concerning environmental sustainability within the following six topic areas:

- Green Building
- Education and Communication
- Energy Efficiency and Renewable Energy
- Solid Waste and Recycling
- Transportation
- Water; and

WHEREAS, the primary mission of WRESC is as follows:

- Evaluating current City of Wheat Ridge sustainability practices and policies and creating metrics to track progress;
- Providing advice, support, and guidance to the Mayor and City Council regarding sustainability, climate change, and environmental management issues;
- Involving the community through engagement, outreach, and advocacy; supporting education, awareness, and stewardship;

- Assisting the City and the community in identifying, adopting, developing and implementing plans, programs, policies, strategies, and action items; and

WHEREAS, the Mayor and City Council will evaluate all final recommendations from WRESC to determine feasibility of implementing and funding such recommendations.

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

The Wheat Ridge City Council recognizes and supports the mission of the Wheat Ridge Environmental Sustainability Committee.

DONE AND RESOLVED this 22nd day of May, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk