

CITY COUNCIL MINUTES

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

August 12, 2013

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m.

ROLL CALL OF MEMBERS

Joyce Jay	Davis Reinhart	Bud Starker	Kristi Davis
Joseph DeMott	Tracy Langworthy	George Pond	Mike Stites

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager Patrick Goff; Police Chief Dan Brennan; Community Development Director, Ken Johnstone; other staff, guests and interested citizens.

APPROVAL OF MINUTES OF July 22, 2013

Motion by Councilmember Stites for approval of the Minutes of July 22, 2013; seconded by Councilmember Starker; carried 6-0-2, with Councilmembers Stites and Davis abstaining due to their absence from that meeting.

PROCLAMATIONS AND CEREMONIES

Police Department Citizen Award Presentation – Ron Kiefel

Chief Brennan presented Ron Kiefel with the Wheat Ridge Police Department Citizen Award and Police Ceremonial Challenge Coin. School Resource Officer Barry Malloy became aware of a 9-year old victim of bullying by two 12-year olds. During this incident the 9-year old's bicycle was damaged, making it unridable and in need of repair. The victim's mother wouldn't file a police report for fear of retaliation, and, being a single mother, didn't have the funds to repair the bike. Officer Malloy solicited help from WR Cyclery and their employees gladly fixed the bike at no cost. This act of generosity touched the victim's family and is indicative of how their business is run and why it is so successful. WR Cyclery is a positive reflection of our humble community.

Mr. Kiefel thanked the City and introduced his service manager, Doug Biddle, who was responsible for taking care of this young gentleman. Cycling and seeing kids riding and getting a sense of freedom and who they are is important to them. They are glad to be able to help the community in this way.

CITIZENS' RIGHT TO SPEAK

Kathy Tolman spoke about the Jeffco 5 Grassroots Coalition which supports Jefferson County having 5 county commissioners. This is a possible ballot issue for 2014.

Thomas Slattery, representing Wheat Ridge United Neighborhoods, announced that the annual Election Forum will be held Wednesday, October 2 in the Council Chambers. There will be questions for the City candidates, speakers for and against ballot issues, as well as School board candidates and whatever else is on the ballot. He solicited question ideas from interested persons in the City. He thanked the Council and City Manager for again allowing WRUN to use the Council Chambers and the television video services.

Janece Hoppe announced the last Cruiser Crawl of the season this Thursday. Meet in front of WR Cyclery. She noted a worm composting class will be coming up, and there will be a chili contest at the Carnation Festival on Saturday.

PUBLIC INPUT ON THE 2014 BUDGET

Joseph Giordano, who moved here a few years ago and is treasurer of WR 2020, is impressed with 38th Avenue. He said there is still work to do and encouraged Council to continue funding for WR2020 and community development efforts.

Janece Hoppe, of Compass Construction, board member of WR2020 and the WR Business District and committee member for Ridge at 38, spoke in support of continued funding for WR2020 and Ridge at 38 events.

Britta Fisher, executive director of WR2020, spoke in support of continued funding for community events and programs and economic development.

Eric Wilson, a member of the bicycle pedestrian advisory team, encouraged continued funding for bicycle/pedestrian projects.

Susan Motika encouraged funding for active transportation and multi-modal connections throughout the City. She believes that bike lanes on Pierce between 26th and 44th should be a priority.

APPROVAL OF AGENDA**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

1. Council Bill No. 11-2013 – amending Sections 4-1, 4-8 and 4-31 of the Wheat Ridge Municipal Code concerning the licensing of dogs and cats

Mayor DiTullio opened the public hearing.

Council Member DeMott introduced Council Bill 11-2013.

This ordinance reflects the recommendations of the County, as reviewed by both City staff and the animal Welfare and Control Commission, to make the following changes to the City Code:

- 1) Amend all references from "Jefferson County" to the "Licensing Administrator," defined as the person or entity delegated the authority to issue dog licenses and collect fees;
- 2) Delete the reference to the cat vaccination requirement being triggered by the appearance of the cat's first permanent teeth, as this method of verification should only be conducted by a licensed veterinarian;
- 3) Amend the age at which dog vaccination and licensing is required from six months to four months, making this requirement consistent with the current recommendations of federal, state, and county agencies; and
- 4) Delete references to "a current U.S.D.A. licensed rabies vaccine", as it is unnecessary; licensed veterinarians will only use licensed vaccines.

City Clerk Shaver assigned Ordinance number 1540.

Heather Cameron, director of the Foothills Animal Shelter thanked the City for these changes in the licensing program. This will reflect the working relationship between the City and Foothills Animal Shelter and help sustain their lean, 24-hour operation

There was no public comment.

Mayor DiTullio closed the public hearing.

Motion by Councilmember DeMott to approve Council Bill No. 11-2013, an ordinance amending Sections 4-1, 4-8 and 4-31 of the Wheat Ridge Municipal Code concerning the licensing of dogs and cats, on second reading and that it take effect 15 days after final publication; seconded by Councilmember Pond ; carried 8-0.

2. Council Bill No. 10-2013 – adopting by reference the 2011 Edition of the National Electrical Code, providing penalties for violations thereof and amending portions of Chapter 5 of the Wheat Ridge Code of Laws concerning Electrical Inspections

Mayor DiTullio opened the public hearing.

Councilmember Starker introduced Council Bill 10-2013 and read the executive summary.

This ordinance adopts the National Fire Protection Association's 2011 National Electric Code and will bring the City's regulations and requirements closer to uniformity with the state and other jurisdictions that have adopted it.

City Clerk Shaver assigned Ordinance number 1541.

There was no staff report, questions from the Council or public comment.

Mayor DiTullio closed the public hearing.

Motion by Councilmember Starker to approve Council Bill No. 10-2013, an ordinance adopting by reference the 2011 Edition of the National Electrical Code, providing penalties for violations thereof and amending portions of Chapter 5 of the Wheat Ridge Code of Laws concerning Electrical Inspections, on second reading and that it take effect on November 1, 2013; seconded by Councilmember Stites; carried 8-0.

ORDINANCES ON FIRST READING

3. Council Bill 12-2013 – An Ordinance submitting a ballot question to the voters of the City at the November 5, 2013 Election, concerning an increase in the Sales and Use Tax Rate.

Councilmember Starker introduced Council Bill 12-2013 and read the wording for the ballot question:

SHALL CITY OF WHEAT RIDGE TAXES BE INCREASED \$6.5 MILLION IN CALENDAR YEAR 2014 THROUGH AN INCREASE IN THE CITY'S SALES AND USE TAX RATE OF ONE CENT (1%) ON EACH ONE DOLLAR, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR,

WHICH REVENUES SHALL BE INVESTED IN THE COMMUNITY TO IMPROVE AND ENHANCE THE SAFETY AND QUALITY OF LIFE OF WHEAT RIDGE RESIDENTS AND SECURE THE CITY'S FINANCIAL FUTURE THROUGH, BUT NOT LIMITED TO THE FOLLOWING:

- ROAD AND BRIDGE CONSTRUCTION; STORMWATER DRAINAGE CONSTRUCTION AND MAINTENANCE; AND CAPITAL MAINTENANCE TO PROVIDE A SAFE AND EFFECTIVE CITY INFRASTRUCTURE SYSTEM
- INVESTING IN CAPITAL PROJECTS THAT SUPPORT THE BUSINESS GROWTH OF OUR COMMUNITY

AND SHALL THE CITY BE PERMITTED TO COLLECT, RETAIN AND SPEND THE REVENUES FROM SUCH INCREASE, INCLUDING ALL INTEREST DERIVED THEREFROM, WITHOUT REGARD TO THE REVENUE RAISING, DEBT LIMITATION OR OTHER RESTRICTIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Motion by Councilmember Starker to approve Council Bill No. 12-2013, an ordinance submitting a ballot question to the voters of the City at the November 5, 2013 Election, concerning an increase in the Sales and Use Tax Rate, on first reading, order it published, public hearing set for Monday, August 26, 2013 at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption; seconded by Councilmember DeMott; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

4. Motion to approve the award of RFP-13-11 to RMC Consultants Incorporated for Environmental Consulting Services related to an EPA Brownfields Assessment Grant for a Not-to-Exceed amount of \$280,000

Councilmember Stites introduced Agenda Item #4.

The City received a \$400,000 grant from the EPA in 2012 to do environmental assessments on potentially contaminated properties within the City.

Motion by Councilmember Stites to approve the award of RFP-13-11 to RMC Consultants Incorporated for Environmental Consulting Services related to an EPA Brownfields Assessment Grant for a Not-to-Exceed amount of \$280,000; seconded by Councilmembers Davis and Reinhart;

Dan Schneider of Terracon spoke. His company was involved in the bid process for this project and was not awarded the bid. They have filed a formal protest. He believes the City should reevaluate the decision to award the bid to RMC. He had a handout for Council which showed comparison of the Unit Pricing between his firm, Terracon, and RMC.

Mr. Dahl advised Council they can approve the motion, deny it or continue it for future action. A protest does not prevent action. Even if Council approves the contract, staff will still review the protest and bring the matter back to Council if they think it should be.

Mr. Johnstone stated that it had been a very competitive process with 15 separate bids. Staff believes RMC emerged at the best candidate for the City.

Motion carried 7-1, with Mr. Starker voting no.

CITY MANAGER'S MATTERS

Mr. Goff introduced our new Public Works Director, Scott Brink, who started today. He comes from a suburb of Minneapolis that is similar in many ways to Wheat Ridge.

CITY ATTORNEY'S MATTERS

CITY CLERK'S MATTERS**ELECTED OFFICIALS' MATTERS**

Joseph DeMott said that following some complaints he had two weeks ago, and some concerns from business owners and citizens, he sent out an email to the Council about the leaking of sales tax information. He followed the procedure recommended in the CIRSA handbook. This is not meant to be political; it is a very legitimate concern of his. He takes the privacy of sales tax information very seriously, and thinks a sales tax leak must be taken seriously and investigated.

Motion by Mr. DeMott to direct the City Attorney to conduct an investigation regarding the leak of tax information to Councilmember Reinhart from City Manager Patrick Goff and determine where else and to whom that tax information may have landed; and further that the City Attorney brief the Council at the next regular business meeting on the concluding information as well as the true process of obtaining tax records, who is to be trusted with this information on a regular basis, and if it indeed is being kept secret and by whom; seconded by Mr. Stites.

Mr. Dahl described the investigative process to Council. He or someone in his office or some outside council will review emails and the documents that were produced, interview named and identified parties that may have been involved, and assemble that information in report form that would be delivered to the Council., along with any recommendations that may result.

Kristi Davis said it is good that this be investigated and she hopes hearsay doesn't flourish while we wait for the results of the investigation. ~ Joyce Jay agreed with Ms. Davis and said she always welcomes clarity of information.

Mr. Dahl said since the motion contains an individual councilmember's conduct, that member must abstain. Mr. Reinhart said he would be abstaining.

Motion carried 7-0, with Mr. Reinhart abstaining.

Kristi Davis thanked the City staff for their work on development, WR2020 for helping and the Council for wanting to move forward. ~ She said Council thought long and hard about the tax increase. All things considered, the sales tax will be something that can be absorbed fairly by all citizens and also by people who visit the city. She believes this is necessary for the city to move forward. She is available to answer questions and will probably be knocking on some doors.

Bud Starker welcomed the new Public Works Director.

Davis Reinhart announced that the formal opening of the facility across the street is this Wednesday at 3:00pm.

Joyce Jay mentioned the Carnation Festival this weekend on Friday and Saturday. ~ Regarding the sales tax increase she is delighted to be offering this to the public to make a decision about whether they want to add this 1 cent tax increase.

Mike Stites reminded folks that the parade starts at 10 this Saturday. His "positive thing": the amount of large dumpsters he sees around town showing that homeowners and businesses are remodeling, doing landscaping and the like - investing in the community.

Meeting adjourned at 8:00 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON August 26, 2013 BY A VOTE OF 8 to 0


Davis Reinhart, 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.