

# CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING

July 28, 2014

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

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

### ROLL CALL OF MEMBERS

Jerry DiTullio	Bud Starker	Zachary Urban	Kristi Davis
George Pond	Tracy Langworthy	Genevieve Wooden	

Absent: Tim Fitzgerald

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Administrative Services Director, Heather Geyer; Parks Director, Joyce Manwaring; Police Chief Daniel Brennan; guests and interested citizens.

## APPROVAL OF MINUTES OF July 14, 2014

**Motion** by Councilmember DiTullio to approve the minutes of July 14, 2014; seconded by Councilmember Starker; carried 7-0

## PROCLAMATIONS AND CEREMONIES

### Colorado Law Enforcement Traffic Challenge Award

Police Chief John Jackson from Greenwood Village, president of the Colorado Association of Chiefs of Police, presented to Chief Brennan a plaque for the 2013 CLE Traffic Challenge Award won by the WR Police Department. He said this award is hard to win as it is very competitive and requires great creativity. Wheat Ridge placed 2<sup>nd</sup> in the metro area medium sized city category. He highlighted two programs the WRPD implemented: Negotiate 58 which focuses on DUI, speed enforcement, and accident reduction; and Aware and Alive which focuses on distracted driving. Both programs are the essence of community policing -- models to follow. He praised Chief Brennan for his progressive and visionary leadership. ~ Chief Brennan recognized the Crime and Traffic Team: Officers John Pickett, Nate Lovan, Larry Taggart (all present), and Steven Brooks(not present), along with Commanders Wade Hammond and Mark Cooney who helped implement these programs. The Chief also acknowledged Officer Todd Payne who received the MADD Top Officer award this past year for the number of drunk driving arrests he made.

**Councilmember Wooden** spoke about the Committee for Educational Excellence -- a coalition of people (school, city, police, district) to help local schools. They will look for programs that can be started to help schools excel. They will have principals come and talk during the school year. She introduced John Martinez, the principal of Wilmore Davis Elementary School.

**John Martinez** said Wilmore Davis, built in 1954, is named after the Wilmore and Davis families that operated greenhouses on the corner of 38<sup>th</sup> & Wadsworth. He related the guiding principles of the school. Enrollment is 340 in grades K-6; they call themselves "the small school with a large heart". The school and Police Department have addressed the parking situation at the school. The future plan is to create a longer drive-through when funds become available.

### **CITIZENS' RIGHT TO SPEAK**

**John Clark** (WR) urged folks to come to the Carnation Festival in a couple weeks. There are several new things this year including an amazing Italian car show. ~ He also announced the Jefferson County Fair August 7-10 (Thursday through Sunday) [at the Jeffco Fairgrounds]. He urged people to come support the Wheat Ridge 4H kids that are showing their animals. It's smaller, but a very good Fair, with a silent auction, pie-eating contest and much more. He has fliers.

**Vivian Vos** (WR) had several points:

- The wording on the upcoming ballot question should be simple and clear.
- If there's another ballot questions, the two issues should not be bundled.
- Two years of road construction on 38<sup>th</sup> Avenue will not be good for businesses.
- At 32<sup>th</sup> & Lowell a stop light was replaced with a 4-way stop. Perhaps that could be explored for the 38<sup>th</sup> Avenue Corridor as a way to slow down traffic.
- The city hasn't said what kind of businesses they'd like to see on 38<sup>th</sup> Ave. She'd like to see that addressed.
- The city hasn't said how the sales tax money from WR Cyclery will be spent for the next 19 years now that that's been paid off.

**Kathy Tolman** (WR) asked if the narrowing of 38<sup>th</sup> Avenue would have a negative impact on the new shopping areas at 38<sup>th</sup> & Wadsworth and 38<sup>th</sup> & Kipling, or not. She'd like to see that looked at.

### **APPROVAL OF THE AGENDA**

### **ORDINANCES ON FIRST READING**



1. Council Bill No. 07-2014 – An ordinance concerning economic development, and in connection therewith, amending the Enhanced Sales Tax Incentive Program and Business Development Zone program within the City.

Council Bill 07-2014 was introduced by Councilmember Starker.

This ordinance is designed to improve the operation of the ESTIP and BDZ programs, and has no direct financial impact. It makes the following changes:

- Raises the minimum threshold of enhanced sales tax required to be eligible for ESTIP from \$5,000 up to \$10,000.
- Reference to "application" be changed to "agreement" for both programs.
- Removes from both programs the reference of "the one percent of sales and use tax earmarked for the capital improvement fund". This earmark no longer exists.
- BDZ approval will be based on the capital expenditure of the requesting party.
  - Minimum private investment of \$250,000 for eligibility
  - \$250,000 - \$499,999 eligible for rebate up to 25% of eligible city fees/charges/taxes
  - \$500,000 to \$999,999 eligible for 50%
  - \$1,000,000 or higher eligible for 75%

**Motion** by Councilmember Starker to approve Council Bill No. 07-2014, an ordinance concerning economic development, and in connection therewith, amending the Enhanced Sales Tax Incentive Program and Business Development Zone program within the City, on first reading, order it published, public hearing set for Monday, August 11, 2014 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Davis; carried 7-0.

## **DECISIONS, RESOLUTIONS AND MOTIONS**

2. Motion to accept the 2013 Comprehensive Annual Financial Report (CAFR) from Swanhorst & Company, LLC

Agenda item #2 was introduced by Councilmember Langworthy.

Wendy Swanhorst presented the 2013 audit and summarized the audit process. She stated that except for a few minor things that could be corrected or changed in the future the City's internal financial controls show no significant weaknesses and the accounting records, as always, are in very good condition. The audit went very well.

**Motion** by Councilmember Langworthy to accept the 2013 Comprehensive Annual Financial Report from Swanhorst & Company, LLC; seconded by Councilmember Wooden;

Heather Geyer informed Council that the Davis-Bacon issue has been resolved.

Motion carried 7-0.

3. Resolution 43-2014 – A Resolution amending the fiscal year 2014 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$37,000 for the purpose of funding current Enhanced Sales Tax Incentive Program Agreements payments

Councilmember Starker asked to recuse himself from this item as he has a potential conflict. On the issue of recusal, Mr. Dahl advised it would be appropriate to vote on the recusal.

**Motion** by Council DiTullio to allow Mr. Starker to recuse himself on Item 3; seconded by Councilmember Urban; carried 7-0

Mr. Starker left the Council Chambers and was not present for the discussion or voting.

Resolution 43-2014 was introduced by Councilmember Davis.

\$103,00 was budgeted for the 2014 ESTIP payments for five agreements:

- Dillon Companies (King Soopers)
- Walrus 5560 (West 29 Restaurant)
- Liquid Artworks Colorado Plus
- Taste of Home Cooking
- Muscle Masster (Green Herb)

Sales tax increment revenues are higher than expected. Staff estimates that an appropriation of \$37,000 will meet the City's obligations for rebate back to the businesses. Revenues from the ESTIP program are expected to increase by the same amount so there should be no net impact on the General Fund.

**Motion** by Councilmember Davis to approve Resolution No. 43-2014, a resolution amending the fiscal year 2014 general fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$37,000 for the purpose of funding current ESTIP agreements payments; seconded by Councilmember Langworthy; carried 6-0.

Mr. Starker returned to the Council Chambers.

4. Motion to approve payment to Dillon Companies in the amount of \$107,108.23 for the 12-month period ending June 30, 2014 in accordance with an Enhanced Sales Tax Incentive Program Agreement



Agenda item #4 was introduced by Councilmember Urban.

A total of \$107,108.23 in sales tax increment was generated over the last 12 months and is due to Dillon Companies (King Soopers) in accordance with the ESTIP Agreement.

Mr. Goff noted that during the audit some recalculations were done on the dollar amount. He requested the amount be amended to \$104,739.76. ~ Mr. Dahl advised that change could be made with the motion.

**Motion** by Councilmember Urban to approve payment to Dillon Companies in the amount of \$104,739.76 for the 12-month period ending June 30, 2014 in accordance with an enhanced sales tax incentive program agreement; seconded by Councilmember DiTullio;

Mr. Goff advised that this change in dollar amount does not affect the action taken in Agenda Item 4. That \$37,000 is only an estimate for all five businesses.

Motion carried 7-0.

5. Motion to approve payment to Commercial Fitness Solutions, Inc. in the amount of \$42,255 for purchase and trade-in of commercial treadmill equipment per RFP-14-17

Agenda item #5 was introduced by Councilmember Pond.

The purchase of seven replacement treadmills was approved as part of the 2014 budget. The treadmills were purchased in 2007 and receive heavy use.

**Motion** by Councilmember Pond to approve payment to Commercial Fitness Solutions, Inc., in the amount of \$42,255 for commercial treadmill equipment; seconded by Councilmember Starker; carried 7-0.

6. Resolution 44-2014 – A Resolution amending the Fiscal Year 2014 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$2,500 for the purpose of sponsoring the 2014 Arvada Community Food Bank's *Top Hats & Ball Caps* fundraiser

Resolution 44-2014 was introduced by Councilmember Wooden.

The Arvada Community Food Bank now serves all of Wheat Ridge. It administers hunger-relief and self-sufficiency programs including Feed the Future Back Pack program, which serves three Wheat Ridge elementary schools. It also provides programs to address adult literacy, job readiness and benefit application assistance.

**Motion** by Councilmember Wooden to approve Resolution No. 44-2014 - a resolution amending the fiscal year 2014 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$2,500 for the purpose of sponsoring the 2014 Arvada Community Food Bank's Top Hats & Ball Caps fundraising event; seconded by Councilmember DiTullio; carried 7-0.

#### **CITY MANAGER'S MATTERS**

**Mr. Goff** announced that the Police Department has received its re-accreditation from CLEA (Commission on Law Enforcement Accreditation). This is the first renewal since receiving accreditation three years ago.

#### **CITY ATTORNEY'S MATTERS**

Mr. Dahl related to Council that the provision for having Council vote on a recusal is not in the Council Rules. It is in the Charter, and it is appropriate.

#### **CITY CLERK'S MATTERS**

#### **ELECTED OFFICIALS' MATTERS**

**Bud Starker** said he's attended several of the listening meetings and thanked the citizens who took the time to come and express their opinions.

**Zachary Urban** encouraged everyone to come out to the Jefferson County Fair.

**Kristi Davis** echoed Mr. Starker's sentiments about being great to get feedback from folks. She thanked the principal from Wilmore Davis for coming tonight. She noted being a student at Wilmore Davis when the mascot "Warriors" was chosen.


**Tracy Langworthy** thanked those who participated in the Feed the Future Summer Gala. A little over \$4,000 was raised. It helps students not have to study hungry.

**Genevieve Wooden** thanked those who came to the community input meetings. Opinions were diverse. ~ She thanked John Martinez for coming to speak tonight. She hopes to have all 18 principals come in over time so Council and the public can learn about the education we have in Wheat Ridge.

**Mayor Jay** announced that Mr. Fitzgerald is out with a knee operation ~ She thanked people for coming to the community meetings. ~ She reported attending the opening of the new rehab wing at Mountain Vista on Tabor Street which is for people who have had hip or knee surgery. ~ She also attended the opening of Swim Otter, a new company in Wheat Ridge. We are now their corporate headquarters. They do private swim lessons for children ages 6 mos. to 12 years. It is the largest independently owned swim club in Colorado.

**Motion** by Councilmember Davis to adjourn the meeting; seconded by Councilmember Starker; carried 7-0.

The City Council Meeting adjourned at 7:45 pm.

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON August 11, 2014 BY A VOTE OF 7 to 0

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Kristi Davis, 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.