

CITY COUNCIL MINUTES

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

August 11, 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	
George Pond	Tracy Langworthy	Genevieve Wooden	Tim Fitzgerald

Absent: Kristi Davis

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; other staff and interested citizens.

APPROVAL OF MINUTES OF July 28, 2014

Motion by Councilmember DiTullio to approve the minutes of July 28, 2014; seconded by Councilmember Starker; carried 7-0

PROCLAMATIONS AND CEREMONIES

Wheat Ridge High School Farmers 5000 Committee

Michelle Del Piccolo thanked the Council for the City's generous sponsorship of this year's race. She had t-shirts for the Councilmembers, along with thank you letters and fliers about the race. It is September 14 at 9am at the high school.

CITIZENS' RIGHT TO SPEAK

Rachel Hultin (WR) thanked Council for its leadership on the Pierce Street bike lanes. Construction is scheduled to start next week and should be finished in a couple weeks.

Gina Hallisey (Carnation Festival) passed around to Council a sample of the 3-D press kits that will be going to the TV stations for the 45th annual Carnation Festival. The Zoppe's are in town and the circus tent will be raised Wednesday. Efforts have been made to marry the circus with the Festival and marketing efforts have doubled –

including posters outside the city, an article on the front page of the Denver Post entertainment section, and an article in the Italian newspaper, Andiamo – all of which have boosted ticket sales. She described new events within the event, such as the Automezzi exotic Italian car show on Sunday with the circus and several large employers having after-hours company events with the circus. She hopes everyone attends.

Joe DeMott (WR), Chair of the 45th Annual Carnation Festival, invited all to come check out the new things this year: expanded music with great headliners each night, a new kids' Fun Zone, WRPD's Children's Bike Rodeo, and a petting zoo, plus rides, jumping castle, the spaghetti dinner on Friday and Saturday from 4:30 – 7:30, the Automezzi Italian Car Show on Sunday, and the Zoppe Circus for 10 days. He hopes to see everyone there.

APPROVAL OF THE AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. First Public Input Opportunity for the 2015 Budget

Councilmember Langworthy introduced the Agenda Item. The second opportunity for public input on the budget will be at the City Council Meeting on Monday, September 8.

Joe DeMott (WR), president of WR Business District, spoke about the grants they've given for façade, siding and landscaping businesses. Last year almost \$80K was granted to beautify and enhance commercial properties. This leveraged almost \$1M in improvements. They didn't use quite everything budgeted last year, but are asking for more this year -- \$75K to leverage for \$1½ M in improvements. The landscape program is new and they're looking to expand other programs. ~ As Chair of the Carnation Festival he also encouraged Council to continue funding the Festival. The monies budgeted last year have really been put to good use to improve the festival. The look and feel of the festival is all new, and it's all still free. The beer garden is expanded; there's a dedicated new kids' area, roving performers, all new bands, new food vendors and a new food court. Continued funding would be appreciated.

Gina Hallisey (Zoppe Italian Circus) asked Council to consider continued sponsorship for the Circus. She believes it helps market the City and creates a destination location. The investment is working; they are on track to meet goals this year.

Christine Disney (WR), board member for WR2020, asked for continued funding for WR2020. She believes it is a well-run organization and Britta Fisher is an amazing

administrator. She feels the events WR2020 puts on are making us feel like a community and getting people involved and on the Green. It is a valuable organization.

Janeece Hoppe (WR), president of WR2020, asked for continued funding for WR2020. She explained the Building Up Business Loan program and the Home Improvement Loan program offered by WR2020. She used this loan program for her business, Compass Construction. That and the WR Business District grants are why they opted to relocate their business to Wheat Ridge from Tennyson Street. She believes it helps put private dollars back in the community. She listed other programs WR2020 sponsors. She feels WR2020 has been integral in strengthening the fabric of our community.

Rachel Hultin (WR), officer for the WR Active Transportation Team, encouraged continued investment in bicycle and pedestrian friendly infrastructure. The 2014 line item of \$63,000 for bike lanes on Pierce was ultimately increased to about \$100,000. Looking ahead, they'd like to have

- 5% of the Capital Budget dedicated to bike/ped infrastructure improvements, and
- Continued creation of safe routes for kids to walk and bike to school

On a personal note she asked for support for Live Local and WR2020.

Councilmember DiTullio listed some budget items he hopes Council can agree on:

- \$2,500 for the Arvada Food Bank
- \$2,500 for the Farmers 5000
- \$75,000 for the Business District
- \$10,000 for the Carnation Festival
- \$12,000 increase for the Seniors Resource Center bus

2. Council Bill 09-2014 – Approving the rezoning of property located at 7671 W. 32nd Avenue and 3299 Wadsworth Boulevard from Residential-Two (R-2) to Planned Residential Development (PRD) and for approval of an Outline Development Plan (Case No. WZ 14-06/Grove 21)

Councilmember Fitzgerald introduced Item 2.

Subsequent to the Planning Commission hearing and approval, the applicant proposed a significant modification to the maximum building coverage. Staff believes this change is significant and would impact the character of the development. A second review by the Planning Commission is required; that public hearing will be on August 21.

Mayor Jay opened the public hearing, but no one was present to speak.

Motion by Councilmember Fitzgerald to continue Council Bill No. 09-2014, an ordinance approving the rezoning of property located at 7671 W. 32nd Avenue and 3299 Wadsworth Boulevard from Residential-Two (R-2) to Planned Residential Development

(PRD) and for approval of an Outline Development Plan until September 8, 2014; seconded by Councilmember Pond; carried 7-0.

3. Council Bill 07-2014 – Concerning Economic Development, and in connection therewith, amending the Enhanced Sales Tax Incentive Program (ESTIP) and Business Development Zone (BDZ) Program within the City

Councilmember Starker introduced Agenda Item 3.

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" is 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%

Mayor Jay opened the public hearing.

No one from the public spoke. Mr. Goff pointed out two of the changes.

Mayor Jay closed the public hearing.

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 with the City, on second reading, and that it take effect 15 days after final publication; seconded by Councilmember DiTullio;

Clerk Shaver assigned Ordinance No. 1553.

Councilmember Starker had a question about ownership requirements. Mr. Dahl clarified. Mr. Starker also had a concern about the effective date for an ESTIP – if the 12 month clock started ticking upon approval of the agreement, or when collection of the sales tax actually commenced. Mr. Dahl suggested a remedy.

Motion by Councilmember DiTullio to amend the last sentence of Sec. 22-76 to substitute the words "effective date" for the word "approval"; seconded by Councilmember Pond;

Mayor Jay had further questions. Mr. Dahl explained.

Motion to amend by Councilmember DiTullio carried 7-0.

Main motion as amended carried 7-0.

ORDINANCES ON FIRST READING

4. Council Bill 10-2014 Submitting a Ballot Question to the voters of the City at the November 4, 2014 Election, concerning an increase in the Sales and Use Tax Rate and Revenue Bonds to Finance Public Works and Parks and Recreation Infrastructure Projects

Councilmember Pond introduced Item 4.

The ballot question requests voters to approve a 1% increase to the City sales and use tax rate and revenue bonds. Results from an independent phone poll and some community meetings indicated support for such an increase if the revenues were designated for public works/parks and recreation improvements and maintenance projects.

Motion by Councilmember Pond to approve Council Bill No. 10-2014, an ordinance submitting a ballot question to the voters of the City at the November 4, 2014 Election, concerning an increase in the sales and use tax rate and revenue bonds to finance public works and parks and recreation infrastructure projects, on first reading, order it published, public hearing set for Monday, August 25, 2014 at 7:00 p.m. in Council Chambers, and that it take effect immediately upon adoption; seconded by Councilmember Starker; carried 7-0

5. Council Bill No 11-2014 – Submitting a Ballot Question to the voters of the City at the November 4, 2014 Election concerning a Street Width Designation for portions of 38th Avenue.

Councilmember Pond introduced Item 5.

In order to satisfy the City Charter a public hearing to designate the street width for 38th Avenue from Upham to Marshall Streets was held on July 14. Due to a legal protest on the narrowing of the street that was submitted by sufficient property owners, a super-majority vote of Council was required. Council chose to put the issue to a vote of the people. Staff recommended the following ballot wording:

SHALL A STREET WIDTH FOR 38TH AVENUE BETWEEN UPHAM STREET AND MARSHALL STREET BE ESTABLISHED BY CITY COUNCIL IN ORDER TO IMPLEMENT THE VISION OF THE 38TH AVENUE CORRIDOR PLAN TO REVITALIZE THE 38TH AVENUE CORRIDOR BETWEEN UPHAM STREET AND MARSHALL STREET INTO A MAIN STREET BUSINESS DISTRICT TO INCLUDE WIDER

PEDESTRIAN SIDEWALKS, AMENITY ZONES WITH LANDSCAPING AND SEATING AREAS, ON-STREET PARKING, PUBLIC ART, AND COMMUNITY GATHERING PLACES, SUCH THAT THE STREET WIDTH FOR 38TH AVENUE BE ESTABLISHED AT 47 FEET FROM UPHAM STREET TO HIGH COURT, 41 FEET FROM HIGH COURT TO 230 FEET EAST OF HIGH COURT, AND 38 FEET FROM 230 FEET EAST OF HIGH COURT TO MARSHALL STREET?"

Motion by Councilmember DiTullio to approve Council Bill No 11-2014, an ordinance submitting a ballot question to the voters of the City at the November 4, 2014 election concerning a street width designation for portions of 38th Avenue, on first reading, order it published, public hearing set for Monday, August 25, 2014 at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption; seconded by Councilmember Fitzgerald; carried 7-0

DECISIONS, RESOLUTIONS AND MOTIONS

6. Resolution 45-2014 – authorizing an Intergovernmental Agreement by and between the Clerk and Recorder for Jefferson County Colorado and the City of Wheat Ridge regarding the administration of their respective duties concerning the conduct of the November 4, 2014, Coordinated Election

Councilmember Urban introduced Item 6.

Motion by Councilmember Urban to approve Resolution 45-2014, a resolution authorizing an Intergovernmental Agreement with the county of Jefferson, state of Colorado, and the City of Wheat Ridge regarding the administration of their respective duties concerning the conduct of the November 4, 2014, Coordinated Election; seconded by Councilmember Langworthy; carried 7-0

7. Resolution 46-2014 – authorizing an Intergovernmental Agreement by and between the Clerk and Recorder for Jefferson County Colorado and the City of Wheat Ridge regarding the production of a mailed notice concerning ballot issues

Councilmember Wooden introduced Item 7.

Motion by Councilmember Wooden to approve Resolution No. 46-2014, a resolution authorizing an Intergovernmental Agreement by and between the county of Jefferson, state of Colorado and the City of Wheat Ridge regarding the production of a mailed notice concerning ballot issues; seconded by Councilmember DiTullio; carried 7-0

CITY MANAGER'S MATTERS

Mr. Goff announced the annual closure of the Rec Center for maintenance and cleaning from August 24-29. Annual pass holders can use their passes at the Golden Recreation Center during that time. ~ He also reported that the City recently received recognition in the Denver Business Journal as being in the top 10 cities on the rise.

CITY ATTORNEY'S MATTERS

Mr. Dahl advised there is a need to clarify the distinction between a threat of reprisal and some forms of protected speech as related to interference with a police officer in the discharge of his duties. He explained.

Motion by Councilmember DiTullio to authorize the City Attorney to draft and bring forward for Council's consideration an ordinance amending Code Section 16-156 to conform to current law; seconded by Councilmember Starker; carried 7-0.

ELECTED OFFICIALS' MATTERS


Jerry DiTullio welcomed Mr. Fitzgerald back to the dais. ~ He reminded folks that the High School starts classes Monday, August 18.

Zach Urban reminded everyone that school is in session and to be careful of children walking to school.

Tracy Langworthy announced Live Local this Thursday night at Little Brazil from 5-7pm, located on 26th between Gold's Grocery and Davey's Chuckwagon. It's a small place but they have terrific Brazilian food and the best desserts ever.

Genevieve Wooden thanked all the people who have put so many hours into planning the Carnation Festival.

The City Council Meeting adjourned at 7:54 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON August 25th 2014 BY A VOTE OF 7 to 0

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.