

CITY COUNCIL MINUTES

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

February 23, 2015

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
Tim Fitzgerald	George Pond	Tracy Langworthy	Genevieve Wooden

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

Councilmember Urban asked for a moment of silence to honor the passing of former Wheat Ridge City Councilman **Anthony Flasco**. ~ Councilmember Urban noted that Tony served on the City Council from 1978-79 and again from 1983-1993. He passed away last Monday, February 16. Visitation will be this Sunday from 4 - 7 pm at Crown Hill Mortuary; the funeral will be Monday, March 2 at 11:00 AM at 1350 Washington Street at St. John's Cathedral. His daughter can be contacted for questions.

APPROVAL OF MINUTES of February 2, 2015 Study Session and February 9, 2015 Council Meeting

Clerk Shaver reported the draft minutes for February 9 have been corrected to reflect that Councilmember DiTullio introduced Item #5.

There being no further corrections Mayor Jay declared the Minutes of the February 9, 2015 Regular Meeting and the Notes from the February 2, 2015 Study Session approved as delivered.

PROCLAMATIONS AND CEREMONIES

Recognition of Kent Davis

Lifelong resident of Wheat Ridge, Kent Davis, has served the City in many ways over the years. He was on the City Council for 14 years, the Civil Service Commission for 10 years, the Housing Authority for 8 years, the Liquor Authority for 20 years, the Wheat Ridge Business District for 10 years, and the Wheat Ridge Carnation Festival. He was born and raised here and

has been a business and property owner. Mayor Jay presented Kent Davis with a Key to the City and thanked him for his years of service. His daughters were on hand to share the honoring of their father. Kent gave a few remarks on the early days of Wheat Ridge following incorporation noting the Civil Service Commission met at Davis Brothers' Florists and City Hall was in a bank.

CITIZENS' RIGHT TO SPEAK

Colin Anonsen (no address) from Rep. Perlmutter's office announced a telephone town hall on March 11 from 7-8pm. This will be immediately followed by a Twitter Town Hall from 8:00-8:30pm. Details and registration are available at www.perlmutter.house.gov

Monica Duran (WR) thanked Council for the \$2,500 scholarship for Jefferson Center for Mental Health. JCMH will be having their Gala fundraiser on April 4. She provided an invitation for City Council. ~ She also invited the City staff and City Council to a community meeting that will be hosted by Councilmembers DiTullio and Urban on Wednesday, March 4 from 6:00-7:30pm at the UFCW headquarters at 7760 W. 38th Avenue. The topic is will be the 38th & Wadsworth development and issues/questions related to the TIF and PIF.

John McMillin (WR) addressed the Special Use Permit application for a tattoo shop that wants to locate at 3890 Kipling. As there are already seven tattoo shops in the City, he doesn't believe the driveway right next to the entrance of Everitt Middle School is an appropriate place for another one. This is not a use by right; Council has the power to say no. He urged Council to give this careful consideration when it comes before them.

Larry Matthews (WR) read from an article written by Westminster Councilman Bruce Baker that addresses the abuse of TIF-funded urban renewal that has developed over the years. Urban renewal was started to eliminate sub-standard housing, slums and blighted areas, but has become almost exclusively a tool for economic development and reinvention. ~ He left the article with the City Clerk if anyone would like to read it all.

APPROVAL OF AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill No. 05-2015 – An Ordinance adopting a new Section (16-160) of the Wheat Ridge Code of Laws requiring the payment of sex offender fees at the time of registration

Councilmember DiTullio introduced Council Bill No. 05-2015.

Some sex offenders neglect to pay either their initial registration fee (\$75) or the annual reregistration fee (\$25). In 2012 two persons failed to pay the annual \$25 fee and \$1,015 in initial registrations remains unpaid, resulting in lost revenue of \$1,065. ~ In 2013 two

persons failed to pay the annual \$25 fee and \$1,135 in initial registrations remains unpaid, resulting in lost revenue of \$1,135.

In 2011 state statutes changed the pursuit of payment for outstanding fees from a criminal to a civil process; as a result, registering jurisdictions have to sue in civil court for non-payment. Verbal requests for payment have been ineffective, particularly if the offender has moved out of the City. The proposed ordinance will allow the City to issue a summons to collect back fees. The proposed ordinance is similar to something the City of Brighton enacted about a year ago and it has been effective for them.

Chief Brennan gave the staff presentation.

Discussion and questions followed.

- The registration will always take place whether the fee is paid or not.
- The frequency of registration is determined by the severity of the offense. Some only register annually; others must register quarterly.
- Failure to pay may or may not be a violation of conditions of parole which would send the offender back to prison. Chief Brennan said the Police Department works closely with the Parole Officers and it is not the intent to return the offender to prison just for this.
- Non-payment would follow the routine penalty schedule for a misdemeanor, with a maximum penalty of \$999 or 90 days in jail at the judge's discretion.
- There are two ways to check the location of sex offenders. The CBI has an active list and there is SOTAR, a website the police use in collaboration with other jurisdictions to track sex offenders. Juveniles and low level offenders are not on public lists. WRPD also maintains a list of all registered sex offenders.

Mayor Jay opened the public hearing.

No one from the public was present to speak.

Mayor Jay closed the public hearing.

Clerk Shaver assigned Ordinance 1566.

Motion by Councilmember DiTullio to approve Council Bill No. 05-2015, an ordinance adopting a new Section (16-160) of the Wheat Ridge Code of Laws, requiring the payment of sex offender fees at the time of registration, on second reading and that it take effect fifteen days after final publication; seconded by Councilmember Langworthy; carried 7-1, with Councilmember Fitzgerald voting no.

2. Council Bill No. 06-2015 – An Ordinance amending Section 16-156 of the Wheat Ridge Code of Laws concerning interference with Public Officers performing their duties

Councilmember Fitzgerald introduced Council Bill No. 06-2015.

The Wheat Ridge Code of Laws defines and prohibits certain conduct that constitutes interference with an officer. Certain verbal abuse, threats, and refusal to provide identification are currently prohibited. This ordinance modifies certain sections of the Code to make them consistent with the current state of constitutional law.

Clerk Shaver assigned Ordinance 1567.

Mayor Jay opened the public hearing.

Attorney Dahl briefly described the changes being made, including

- Provides gender neutral wording for firefighters
- Removes the section that prohibits threatening speech, since speech in and of itself does not hinder public officers from performing their duties
- Narrows the ability of the officer to require ID when there is probable cause

There was no public comment.

Mayor Jay closed the public hearing.

Motion by Councilmember Fitzgerald to approve Council Bill No. 06-2015, an ordinance amending Section 16-156 of the Wheat Ridge Code of Laws concerning interference with public officers performing their duties, on second reading, and that it take effect fifteen days after final publication; seconded by Councilmember DiTullio ; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

3. Resolution 13-2015 – A resolution approving an Intergovernmental Agreement for the Use and Maintenance of a Regional Criminal Justice Records Management System

Councilmember Langworthy introduced Resolution 13-2015.

A regionalized criminal justice records management system in Jefferson County is being proposed to help the various jurisdictions deal with the expensive and recurring issues of upgrading and replacement of their systems. This regionalized system will allow for cost-sharing for top-tier systems. ~ The consortium consists of Arvada, Edgewater, Golden, Lakewood, Wheat Ridge and Mountain View.

Chief Brennan noted this is a cost savings measure for the City which also improves our ability to share data. Our share of the costs is based on our number of sworn personnel.

Motion by Councilmember Langworthy to approve Resolution No. 13-2015, a resolution approving an Intergovernmental Agreement for the use and maintenance of a regional criminal justice records management system; seconded by Councilmember Pond Wooden; carried 8-0.

4. Resolution 14-2015 – A resolution in support of Senate Bill 15-177 to fix barriers to attainable and affordable housing

Councilmember Starker introduced Resolution 14-2015.

Senate Bill 177 addresses the growing number of lawsuits over construction defects for owner-occupied multi-family housing (condos).

There was no staff report.

Motion by Councilmember Starker to approve Resolution No. 14-2015, a resolution in support of Senate Bill 15-177 to fix barriers to attainable and affordable housing; seconded by Councilmember Urban;

Discussion followed. Some councilmembers had comments.

- It is hoped this sends a clear message to the General Assembly to take action.
- It has been 2005 since any condos have been built in Wheat Ridge.
- Should the legislation fail to act, Mr. Dahl said we can act fairly quickly to pass a version of a similar Lakewood ordinance that achieves the same purpose.

Motion carried 8-0.

5. Motion to approve Board and Commission appointments

Councilmember Davis introduced Item #5.

Motion by Councilmember Davis to approve the following appointments in District 1, all terms to end March 2, 2018:

Dan Bradford to the Board of Adjustments,
David Feiertag to the Parks & Recreation Commission,
Ron Gehauf to the Cultural Commission,
Dirk Boden to the Planning Commission,
Carolyn Peterson to the Liquor Authority,
seconded by Councilmember Starker; carried 8-0.

Motion by Councilmember Davis to approve the following appointments in District 2, all terms to end March 2, 2018:

Jill Shannon to the Cultural Commission,
Charles Spielman to the Parks & Recreation Commission,
Elizabeth Nazareus to the Liquor Authority;
seconded by Councilmember Urban; carried 8-0.

Motion by Councilmember Davis to approve the following appointments in District 3, all terms to end March 2, 2018:

Michael Illo to the Cultural Commission,
Janet Bell to the Board of Adjustments,
Ronald Abo to the Building Code advisory Board,
Amanda Weaver to the Planning Commission,

Paul Shaver to the Liquor Authority,
Guy Nahmiach to the Parks & recreation Commission;
seconded by Councilmember Pond; carried 8-0

Motion by Councilmember Davis to approve the following appointments in District 4, all terms to end March 2, 2018:

Sandra Hagevik to the Cultural Commission, term ending March 2, 2017,
Sandra Nance to the Cultural Commission, term ending March 2, 2018,
Claudia Worth to the Liquor Authority, term ending March 2, 2016,
Bruce McIntyre to the Liquor Authority, term ending March 2, 2018, and
Pam Olson to the Planning Commission, term ending March 2, 2018;
seconded by Councilmember Wooden; carried 8-0.

Councilmember Davis announced there are still vacancies in District 4 on the Building Code Advisory Board and the Board of Adjustments. Folks interested in applying for those positions should contact the City Clerk's office.

Motion by Councilmember Davis to approve the following appointments, terms ending March 2, 2018:

Tracy Langworthy (by mayoral appointment) to the Housing Authority, and
Kristine Disney to the At-Large position on the Cultural Commission;
seconded by Councilmember Starker; carried 8-0.

PRESENTATIONS

Communications Center Regionalization

Chief Brennan introduced Brian Wilkerson of Revolution Advisors who gave an overview of the plan for regionalization of 911 services in Jefferson County -- an effort to provide better service to citizens and save money. Jeff Irvin from Jefferson County Emergency Communication was also available for questions.

- Jefferson County Regional Communications Center (JCRCC) will be housed at the West Metro Fire communications center. The space is very adequate.
- Anticipated benefits include (partial list): reduced hold times and abandon rates, improved response times, right resources being dispatched, reduced transfers and misdirected calls, reduced cost, standardization for processes, additional career paths
- The governing board for this separate entity will include the Jefferson County Sheriff, police chiefs from Arvada, Golden, Lakewood, and Wheat Ridge, and fire chiefs from Arvada, Evergreen and West Metro. Other agencies served (such as Wheat Ridge Fire) will participate on operations committees.
- All current employees will have a position.
- HR, payroll, benefits, etc. will be outsourced.
- The total annual operating budget is \$16.8
- Transition is expected to take 16 months.
- There's a possibility of bringing in other agencies, such as the school district

From Council questions and discussion:

- Budget figures are conservative.
- Citizens are encouraged to go to the website www.smart911.com to register their phones.
- Each agency is still addressing how it will handle administrative calls (non-emergency)
- The agencies on the governing board are those agencies that currently have call centers.
- Employees will be employed by the authority – not the member jurisdictions.
- Chief Brennan indicated the City will be paying 24% less for the same service.
- An IGA will be coming to Council in the next couple months.

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

In light of comments made earlier in the evening about a pending Special Use Permit Mr. Dahl reminded Council that Special Use Permits are quasi-judicial. He cautioned councilmembers not to prejudge the application from testimony or information they receive before the public hearing.

ELECTED OFFICIALS' MATTERS

George Pond announced that he and **Tim Fitzgerald** will be hosting Coffee with Councilmen on Saturday, March 7. Time and location are yet to be determined and will be publicized on the website and via email.

Jerry DiTullio reminded everyone that spring break at the high school starts March 23. ~ He also announced that students will be planting trees in the Greenbelt again this year on April 17. He will be asking Councilmembers for donations from their Outreach Funds for additional trees and plantings.

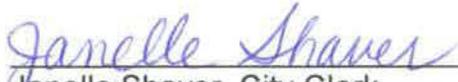
Zach Urban inquired about the Urban Land Institute presentation that was made and what the next steps are with regard to informing citizens about the recommendations. ~ Mr. Goff said the presentation was about the commuter rail station and market feasibility for that area. Staff doesn't believe we will have to recreate anything – likely just refocus some of our planning for primary employment opportunities with some residential. Recommendations to Council will come in the future.

Joyce Jay announced her next Mayor's Coffee will be on March 7 at Karebear Bakery at 9AM.

Genevieve Wooden noted the Wheat Ridge High School musical, "Oklahoma", will be this weekend, February 27-28, and again on March 5-7. Tickets are \$12.

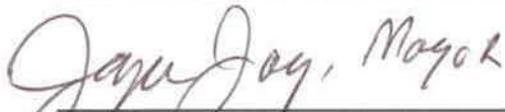
ADJOURNMENT

The City Council Meeting adjourned at 8:38 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON



Bud Starker, 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.