

CITY COUNCIL MINUTES

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

July 27, 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	Zachary Urban	Kristi Davis	Bud Starker
Tim Fitzgerald	George Pond	Tracy Langworthy	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Parks Director, Joyce Manwaring; Police Chief Daniel Brennan; other staff and interested citizens.

APPROVAL OF MINUTES OF July 13, 2015

Without objection the minutes of July 13, 2015 were approved as published.

PROCLAMATIONS AND CEREMONIES

CITIZENS' RIGHT TO SPEAK

Vivian Vos (WR) asked again why there is no Treasurer's report on the City website. The only thing available is a budget report from the City Manager dated July 2014. It's the citizens' right to see financial information and they shouldn't have to pay for it. Other cities have information on their websites showing income, expenses, balance sheets and assets. Hopefully we can have that. The yearly audit is not a treasurer's report.

Diane Robb (WR), chair of the WR Cultural Commission, announced upcoming events.

- The first Wheat Ridge Artists' Studio Tour this Saturday, August 1. The tour starts at Teller Street Gallery. Fee \$5. Visit 11 artists' studios from 9am-2pm.
- Wheat Ridge Reads ~ This year's book is award winning Hell's Bottom, Colorado, a set of linked short stories about life on the eastern plains of Colorado. The author, Laura Pritchett, will appear at two events in September: Books and Brews, 6pm, September 16 at Clancy's and Thursday Morning Book Group, 9am, September 17 at the WR Library. She will also meet with students and staff at WRHS to discuss the book and writing technique.

Maryanne Stork (WR) spoke in defense of the information she presented in June about the developer TKG and Stan Kronke's financial standing. One councilperson questioned the truth of her facts. As a retired librarian she knows well the importance of true facts in

a public presentation. Her information is accurate: Stan Kronke is invested to \$6B in Walmart and with his wife, Anne Walton Kronke, has a net worth of over \$11B. ~ She referenced recent Denver Post articles about the abuse of TIF. She believes if the TKG TIF was for true blight rather than corporate welfare it wouldn't be so controversial. She said citizens have the opportunity to prevent misuse of this deceptive tax scheme and can help stop poor development decisions by voting yes on TIF limitation in November.

Larry Mathews (WR) reported on some recent newspaper articles about 1) how people are wanting to get away from the hustle and bustle of city living, and 2) the walkability factor indicates that people are walking, but not sticking around; they walk, but don't stop and shop. (Cf. 16th Street Mall) He believes we need to look at the demographic we have and design for them -- match environment with the people who live here. (Denver is spending \$650,000 to bring in people from Copenhagen to advise them how to fix the ailing 16th Street Mall).

Councilmember DiTullio defended the City Manager's budget report. He is required by Charter to provide the Council a mid-year report on the City's revenue and expenses.

APPROVAL OF AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Second Opportunity for Public Input on the 2016 Budget.

Councilmember Langworthy introduced Item No. 1.

Monica Duran (WR) spoke in favor of funding for police body cameras in the 2016 budget. She believes they provide protection for citizens and police officers.

Kelly Brooks (WR), a Board member for WR2020, asked for continued funding for WR2020. He listed a few events they sponsor: the bus tour of the City, the Mid-Century Modern Home Tour, the Wheaties Academy, the bicycle Criterium, Trunk or Treat, the Ridgefest and holiday celebration. He hopes the City will continue to fund these activities. He acknowledged the value of community volunteers and staff.

Britta Fisher (WR), Executive Director of WR2020, reported WR2020 will be making specific requests for funding in 2016. She gave details on some other programs the group does: a home investment program; the Building Up Business Loans; the TLC neighborhood improvement programs in East Wheat Ridge and the Clearvale and Clear Creek Station neighborhoods. They market Wheat Ridge and received a Governor's award for branding. She said the events they sponsor are popular and people want them to be bigger.

Kim Calomino (WR) explained the severe drainage problem on Dover Street between 38th and 44th that follows a major rain event. There are flooded basements, garages and

yards. How each property handles the drainage at the front of their property is inconsistent, doesn't work and looks bad. The City doesn't have comprehensive storm water infrastructure. She asked that Council budget for staff to do an engineering and cost analysis of what is needed citywide to create a storm water infrastructure that will protect the neighborhoods and prepare the City for increasing severe natural events. ~ She also asked for support for WR2020, in particular the Wheaties Academy.

John Clark (WR) knows everyone wants/needs something in the budget, but he's asking for two things *not* to be funded. 1) Bike/ped infrastructure: His family bikes, but he thinks we're doing fine and don't need a special line item for it. 2) WR2020 does some great things, but it was supposed to be self-sustaining by now. The Executive Director makes more than the Council and Treasurer combined. Keep it volunteer. Until the Executive Director can stop making 6 figures, WR2020 should not be funded.

Comments and questions from City Council followed.

Councilmember DiTullio reported speaking with the Police Chief about body cameras and learning that funding to upgrade the records management program this year, along with other regionalization efforts is more important. He now favors letting Lakewood take the lead with introducing body cameras. ~ The Chief added that all the regionalization efforts and the upgrade of the A/V system in the interview rooms will take considerable staff time in 2016. He also believes there are still significant privacy and discovery issues and believes it's prudent to let agencies with larger staffs take the leading edge on this effort. ~ Regarding Dover Street, Mr. DiTullio noted the City has drainage projects laid out, but the voters turned them down. Since Dover is an emergency response route, and having talked with the District 2 councilmembers, he'd like to see staff look at a range of options for it, including a special district with self-assessment. ~ Regarding WR2020, he recalled the original purpose for creating it in 2005 was for hard costs (housing rehab, etc.) – not activities and events. He supports continued funding for WR2020 only for brick and mortar type projects like were done when it was first created.

Councilmember Wooden asked if there's been a study about having a storm water utility. Mr. Goff said they've looked at it several times and the voters turned it down. She'd like to see this be addressed city-wide and would like to look into a storm water utility. She also asked that Public Works provide a list of top ten projects. ~ She supports waiting on the body cameras. ~ She doesn't think the Executive Director of WR2020 makes 6 figures. Having been on the WR2020 Board she knows their yearly audit is available for anyone to look at. She also expects the pay for eight councilmembers (\$600/mo) would indeed be less than that of the director of a non-profit. She said WR2020's events are very volunteer-directed; they do a lot for the community and she supports what they do.

Councilmember Davis requested again that we have a balanced budget. ~ She is interested in seeing what the high priority drainage projects are, what Council has as priority items and what the various departments present as priorities based on priority based budgeting.

Councilmember Fitzgerald would like to support WR2020, especially the image-making programs. He feels their events and branding on 38th Avenue are largely responsible for the change in attitude we've seen in the city.

Councilmember DiTullio clarified that we already have a drainage project list that the voters saw. That hasn't changed. What's new is the flood plain problem – the 250 homes that were put in the flood plain and now have to pay a lot more for insurance. He suggested doing some of the drainage projects on Clear Creek and Lena Gulch that are already on that list that will help those folks.

Mr. Goff said the City has an on-going, fairly comprehensive list of drainage and flood plain priorities that was updated last week. He recommended putting this on a study session soon so priorities can be made for the budget.

Councilmember Urban noted the financial document on WR2020's website is an IRS Form 990 which is a separate document and not the same as an audited financial. He has never seen an audited financial from WR2020. He noted when non-profits ask governmental entities for funding it's common that back-up documentation is provided showing how the money will be spent, and has been spent in the past. In most cases this comes in the form of audited financials. He would like to see that in the future.

Councilmember Davis remembered receiving a financial report that WR2020 presented last year. Mr. Goff confirmed he had sent that out.

Councilmember Wooden inquired about discussing a storm water utility. Mr. Goff advised that isn't usually part of the budget process, but it could be discussed at a study session so it could be part of the budget discussion as a revenue source.

ORDINANCES ON FIRST READING

2. Council Bill 18-2015 – an ordinance adding a new Article XIII to the Wheat Ridge Code of Laws Concerning Repair of Construction Defects

Councilmember Starker introduced Council Bill 18-2015.

The City Council finds there is a lack of affordable housing in Wheat Ridge, especially near the light rail station. The lack of affordable housing is due, in part, to the cost of construction insurance. The staff report indicates the scarcity of condominiums for sale in Wheat Ridge is due to a litigation climate that puts builders and developers at risk for alleged construction defects. With this ordinance Wheat Ridge will join other cities such as Lakewood, Arvada, Lone Tree and Littleton in adopting construction defect legislation that will give builders the opportunity to correct construction defects before suit is brought.

Motion by Councilmember Starker to approve Council Bill 18-2015, an ordinance adding a new Article XIII to the Wheat Ridge Code of Laws Concerning Repair of Construction Defects on first reading, order it published, Public Hearing set for Monday, August 24,

2015, at 7 p.m. in City Council Chambers, and that it take effect upon approval on second reading; seconded by Councilmember DiTullio; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

3. Resolution 35-2015, a Resolution amending the Fiscal Year General Fund Budget to reflect to the approval of a Supplemental Budget appropriation in the amount of \$100,000 for the purpose of funding current enhanced Sales Tax Incentive Program Payments

Councilmember Davis introduced Resolution 35-2015.

The 2015 budget provided \$150,000 for ESTIP payments for four agreements. Sales tax increment revenues for these four businesses have exceeded this estimate and additional funding is needed to satisfy the City's obligation for these ESTIP payments.

Councilmember Starker asked permission to recuse himself as he has a financial interest in one of these businesses.

Motion by Councilmember DiTullio to allow Mr. Starker to abstain; seconded by Councilmember Pond; carried 8-0.

Mr. Starker left the Council Chambers at 7:56pm.

Councilmember Davis listed the four agreements: Dillon (King Soopers, 38th & Sheridan), Walrus 5560 (West 29th Restaurant), Liquid Artworks (Colorado Plus), and Muscle Masster (Green Herb). She noted the actual impact to the General Fund will be zero because the increased tax revenue will balance it out.

Councilmember Langworthy gladly noted that King Soopers' ESTIP, the largest of the four at \$300,000, is being paid off in two years instead of seven. Mr. Goff noted that tonight's Agenda Item 4 is the second and final payment for this agreement and after that all the revenue will be coming into the general fund.

Motion by Councilmember Davis to approve Resolution 35-2015, a Resolution amending the Fiscal Year General Fund Budget to reflect to the approval of a Supplemental Budget appropriation in the amount of \$100,000 for the purpose of funding current enhanced Sales Tax Incentive Program Payments; seconded by Councilmember Pond; carried 7-0.

Councilmember Starker returned to Council Chambers at 7:59pm.

4. Motion to approve payment to Dillon Companies in the amount of \$195,260.24 for the 12-month period ending June 30, 2015 in accordance with an enhanced Sales Tax Incentive Program Agreement

Councilmember Davis introduced Item 4.

There were no questions or comments by Council.

Motion by Councilmember Davis to approve payment to Dillon Companies in the amount of \$195,260.24 for the 12-month period ending June 30, 2015 in accordance with an enhanced Sales Tax Incentive Program Agreement; seconded by Councilmember Urban; carried 8-0

5. Resolution No 36-2015, a Resolution amending the Fiscal Year 2015 Open Space Fund to reflect the approval of a Supplemental Budget appropriation in the amount of \$125,000 for the purpose of relocating a segment of the Clear Creek Trail.

Councilmember Wooden introduced Resolution No. 36-2015.

This project will relocate the segment of the trail on 41st Avenue that starts at Kipling and travels west to the Greenbelt through the Northwest Lakewood Sanitation property. The trail will be relocated to the open space property at approximately 42nd & Kipling (formerly known as the Zarlengo property), and tie into the existing trail south of 43rd & Moore.

Grants from the Jefferson County Open Space and the state of Colorado Trails Grant program do this project

Ms. Manwaring was available for questions.

Councilmember Fitzgerald noted this is half a million dollars for a four-block cement sidewalk. Ms. Manwaring said it is 10 feet [wide] of concrete, six inches deep. As noted in the packet it is about ½ mile long. Mr. Goff added that the project involves clearing the route for the walk as well and includes the removal of nine trees. Replacement of the trees is not part of this contract.

Councilmember Langworthy asked how this trail will benefit bikers who cross Kipling in traffic. Ms. Manwaring explained this project isn't designed to address bike access from the east side of Kipling. That improvement won't be possible until the bridge over Clear Creek is rebuilt by the State. The greatest benefit of this project is diverting bikes from a residential street (41st Avenue) and a gravel hill.

In response to Councilmember Starker's question Ms. Manwaring advised that construction is expected to be completed in 2015 if the water level goes down.

Motion by Councilmember Wooden to approve Resolution No. 36-2015, a Resolution amending the Fiscal Year 2015 Open Space Fund to reflect the approval of a Supplemental Budget appropriation in the amount of \$125,000 for the purpose of relocating a segment of the Clear Creek Trail; seconded by Councilmember Starker; carried 8-0.

6. Motion to award ITB-15-19 to Concrete Express, Inc., of Denver, Colorado, in the amount of \$388,659 and authorize a 20% Contingency amount of \$77,731 for a total amount of \$466,390 for the Clear Creek Trail Construction Project

Councilmember Wooden introduced Item 6.

Motion by Councilmember Wooden to award ITB-15-19 to Concrete Express, Inc., of Denver, Colorado, in the amount of \$388,659 and authorize a 20% Contingency amount of \$77,731 for a total amount of \$466,390 for the Clear Creek Trail Construction Project; seconded by Councilmember Urban; carried 8-0

7. Resolution 37-2015 – a Resolution approving an amended and restated Intergovernmental Agreement for the Use and Maintenance of a Regional Criminal Justice Records Management System (RMS)

Councilmember DiTullio introduced Resolution No. 37-2015.

The original IGA creating the RMSC established a legal entity that was cumbersome for the participating agencies to deal with. The IGA was re-written so the consortium was no longer a legal entity with a board of directors, but a consortium with each agency's CEO as a member. A fiscal agent was also designated.

Chief Brennan briefly explained the issue.

The Town of Lakeside is not part of this consortium by their choice.

Motion by Councilmember DiTullio to approve Resolution No. 37-2015, a Resolution approving an amended and restated Intergovernmental Agreement for the Use and Maintenance of a Regional Criminal Justice Records Management System (RMS); seconded by Councilmember Starker; carried 8-0.

8. Motion to approve the award of a five-year Microsoft Enterprise Agreement to Insight Public Sector, Inc., with an Annual Payment in the amount of \$77,373.42

Councilmember Fitzgerald introduced Item 8.

This is a budgeted expense for the support and maintenance of all the software licenses for the City. The cost for the new five-year agreement is \$77,373.42 annually. By piggybacking with the Colorado Western States Contracting Alliance, the City is receiving volume pricing based on 15,000 users versus the 350 users.

Motion by Councilmember Fitzgerald to approve the award of a five-year Microsoft Enterprise Agreement to Insight Public Sector, Inc., with an Annual Payment in the amount of \$77,373.42; seconded by Councilmember Langworthy; carried 8-0

CITY MANAGER'S MATTERS

Mr. Goff noted that 10 years ago this week the Neighborhood Revitalization Strategy (NRS) was adopted. Staff has looked at the recommendations that were made and will be coming to Council with a list of things that have been accomplished and things that haven't. He noted that the creation of WR2020 was one of those recommendations and they will be celebrating their 10 year anniversary with a gala in December.

CITY CLERK'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Jerry DiTullio related having talked with the Police Department about the numerous car break-ins in District 1 the last couple of months – primarily from 29th to 38th and Teller to Pierce. A neighborhood meeting has been scheduled for Thursday, August 6 from 6:30 - 7:30 at City Hall in the Police training room. Neighbors in the Pierce to Teller, 29th to 32nd area are invited. Folks down to 38th can come too. Officer Berkowitz and Division Chief Jim Lorentz will be there to discuss neighborhood watch, crime stats, and public safety issues related to the area. ~ He also reported that the overlay for 32nd Avenue will begin in September, starting at Sheridan and moving west.

Kristi Davis congratulated and thanked the folks of the Wheaties Academy for their pop-up block party. She's sorry she couldn't make it. She encouraged folks in general to create block parties. If anyone needs help organizing please contact her.

Zach Urban announced there will be a neighborhood meeting tomorrow night from 6:30 – 7:30 at St. James Episcopal Church 8235 W 44th Ave. It is for the folks in the 44th and Yarrow area to discuss ongoing community issues.

Bud Starker reported attending the Wheaties block party. He thanked them for the invitation and for the work they do. His neighborhood had their first block party last year.

Tracy Langworthy announced that National Night Out is next Tuesday, August 4. The City Hall observance will be from 4pm – 8pm near the Hayward Park pavilion. There will be fun activities for kids, goodie bags from the police, tours of the Police Department, and displays by the SWAT, CSO and crime prevention teams. ~ She said she attended the Wheaties Academy and thinks it's heartening to see new people learning about the City

at their pace, learning what they want to know. ~ She shared taking her first scooter ride from CC Ryder. It was very enjoyable.

Mayor Jay emphasized the invitation to the Artists Tour this Saturday, starting at Teller Street gallery at 9am.. ~ She noted the Carnation Festival is coming up August 14-16. ~ She announced she has started a Community Exchange on her Facebook page to give citizens the opportunity to discuss their feelings about not being heard, and how that ties in with representative government. She'd like people to email her with suggestions and thoughts about that.

ADJOURNMENT

The meeting was adjourned at 8:20 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON August 10, 2015



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.