

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
City Council Chambers 7500 W. 29<sup>th</sup> Avenue

**August 17, 2015**

Mayor Jay called the Study Session to order at 6:30 p.m.

Council members present: Bud Starker, Zachary Urban, Tim Fitzgerald, Genevieve Wooden, Kristi Davis, Jerry DiTullio, and Tracy Langworthy

Absent: George Pond

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Administrative Services Director, Heather Geyer; Police Chief, Daniel Brennan; City Treasurer, Larry Schulz; other staff, guests, and interested citizens. City Attorney Jerry Dahl arrived about 7:35pm.

**PUBLIC COMMENT ON AGENDA ITEMS**

**Kim Calomino** (WR) encouraged Council to publicly support the mill levy increase for the Jefferson County Library. Times are different and technology is expensive. We can't afford to be without these services.

**Vivian Vos** (WR) addressed the proposed smoking ordinances. She thinks we need more equality and compromise. Removing every venue where people can smoke is being unfair. People should and do make choices and all citizens should be treated equally.

**Jennifer Yates** (WR) she said the Carnation Festival was nice, but the black eye was the smell of smoke and marijuana all around. ~ Regarding patios, we should think about the liability of restaurant owners. If vaping is allowed on patios, people may be vaping marijuana - which is illegal. Also, besides watching for intoxicated persons, servers may have to determine if someone is high on marijuana. ~ She distributed to Council a page about the ballot initiative in Denver to allow smoking in restaurants.

**Lorrie Odom** (WR) from the Breath Easy Coalition thanked Council for preliminary approval of prohibiting vaping in all smoke free places, and for including recreation areas, parks, City events, and transit waiting areas. They also ask that smoke and vapor free areas include retail tobacco businesses, the 25 foot zone around all public entrances, and all patio and outdoor seating even if it's not adjacent to a public entrance. They advocate for the protection of residents, visitors and workers from being exposed to smoke and vaped aerosols, and believe it necessary to provide a good environment for the large numbers of youth who don't have adequate parental guidance.

**Theresa Mickiewicz** (WR) spoke about how hard it was to quit smoking. She's concerned that the tobacco industry targets young people to create their next generation

of customers. She explained how vapor shops have found a way around the law. She hopes Council will strengthen the ordinance and prohibit vapor shops and hookah shops.

**Lynette Namba** (WR) encouraged Council to incorporate entryway boundaries for smoking, prohibit smoking on patios, and outlaw sampling in tobacco shops and vapor shops. Convenience stores can't have sampling, so vapor shops shouldn't either. Vapor devices aren't FDA regulated and aren't approved for safety; vapor lounges glamorize electronic smoking devices. She distributed a handout to Council about Denver's marijuana vapor bar ballot measure. If it passes, that activity will become more popular and our patios will become marijuana use destinations.

### APPROVAL OF AGENDA

1. Staff Report(s) none
2. Jefferson County Public Library Mill Levy Increase ~ Donna Walker, Director for Public Services for Jefferson County Library

Donna Walker had a handout for Council and gave a power point presentation explaining the proposed mill levy increase that will be on the November ballot.

#### Where we are

- 1986 was the last mill levy increase for the Library. We have fallen behind as a system and need additional funding to catch up.
- Revenue is down since 2008. Library hours have been reduced twice. (Biggest citizen complaint.)
- They're purchasing fewer materials than in 2008 and laying off staff (70 FTE's).
- We're falling behind in technology compared to other libraries in the metro area.
- Repairs and maintenance have been delayed. (\$14M in unfunded needs on hold).
- We are underperforming our peers in delivery of services

#### What people want

Extensive community outreach has determined that people want the Library to restore hours, provide more books and materials, update technology, repair and refurbish buildings, and stabilize long term finances. From that information the Board has created a 5 year strategic plan and a 10 year financial forecast.

#### 5-Year Strategic Plan

It will take \$32M just to catch up. The remainder of the proposed 4.5 mills would provide funding to restore hours, repair and refurbish buildings, buy more books and materials, improve financial flexibility/stability, and update technology.

#### Cost to property owners

The increase amounts to \$1.95 per month per average priced home in Jeffco. They would be giving the community what it wants and not being greedy. There is broad community support for this.



She listed ways councilmembers can help with the mill levy effort and provided a white paper to Council about the economic advantages of having a strong library in the community. They would like the Council's support.

A resolution of support was distributed for consideration.

Questions and discussion followed.

- Average priced home is considered \$298,000.
- Compared to other counties? Arapaho County funds 90\$ per capita; Douglas County is \$67 per capita. Jeffco is under \$45 per capita and has the second highest household income.
- Improvements Wheat Ridge would realize are restoring pre-recession hours and upgrading technology per a system-wide schedule. There were also the possibility of refurbishing the library and having discussions about a new Library.
- The County Commissioners have control of the budget. The Library's full allotment is currently 3.5 mills. In 29 years the Library has received its full allotment 3 times.
- The mill levy proposed on the ballot is 4.5 mills. Per state statutes the commissioners will still have control of all the 4.5 mills. There is no guarantee it will all go to the Library.
- Grants are another source of revenue and there is a foundation.
- There is de-Brucing wording in the ballot issue which takes this out of the TABOR cap and will hopefully be an incentive for full funding.
- A few years ago the plan was to close the WR Library and build a new one in Edgewater. The County wasn't interested in any public/private partnerships. Wheat Ridge folks would just have to use Lakewood or Arvada.
- To the suggestion that the Library should form its own district, Ms. Walker explained that the costs associated with that end up not being financially beneficial to the library system.
- An increase to 4.5 mills doesn't guarantee more money for the libraries and WR is not guaranteed to even keep a library.

Rebecca Winning, a volunteer for the campaign, addressed issues related to a past effort to relocate the WR Library as a 15,000sf facility to 44<sup>th</sup> & Upham, and more recently to 38<sup>th</sup> & Upham. She posited that the mill levy would give them flexibility to consider projects like that. They are hopeful that with voter support they will at least get enough of the increase to put them back on track. Mr. Goff indicated the City has talked to Wazee Partners about this and other sites, and the new model is a 10,000sf facility.

- Other counties also operate their libraries.
- Updated technology will fill the need for more computers for library users.
- Offering services for special populations does have a financial impact on the Library budget. (Examples: bed bugs, upholstery cleaning, summer reading program expanded to include homeless population). Some libraries in the country are bringing in social workers, but we have no budget for that. They try to make it as inviting as possible.

- If the mill levy passes WR *might* get a new Library downtown; but if it doesn't pass we will *not* get a new Library.
- The Library may not get all the money out of the mill levy.
- There is no guarantee WR will benefit from the mill levy increase.

Support was insufficient for a consensus to pass a resolution supporting the mill levy.

Councilmember Wooden received consensus from four of the seven councilmembers to bring the topic back to the dais on September 28<sup>th</sup>.

There was unanimous consent to bring it back to the dais on September 14<sup>th</sup>.

### 3. Presentation of 2015 Citizen Survey Results ~ Erin Caldwell

Erin Caldwell from the National Resource Center in Boulder used a power point presentation to highlight the detailed survey results the Council had received. Heather Geyer noted that the results of the Citizen Survey are on the City website.

- 3,000 households were sent surveys. Scientific best practices were used. 893 were returned completed. The 31% response rate yields a +/-4% margin of error.
- The results were weighted to reflect the demographic profile of the City.
- National and front range benchmark comparisons were provided.

#### Key Findings:

- 1) Quality of Life was rated high and is expected to improve
  - Location, neighborhoods and safety were the most important reasons people live here.
  - Popular features of the City were: paths and walking trails, bike trails, overall natural environment, air quality and recreational opportunities.
- 2) Residents appreciate pedestrian improvements and support future changes, but have concerns about transportation and travel in the city
  - 58% felt the ease of walking and biking had improved in 2015, but the ease of car travel had declined.
  - Approval has declined in 2015 for the condition of the streets (54%), street repair and maintenance (42%), and traffic flow (38%).
  - Support is strong for walking trails, sidewalk connectors and biking trails.
- 3) Residents feel less positive about City government and employee performance in 2015 than in previous years
  - Overall performance of government was 3% excellent, 48% good, 35% fair and 14% poor. (The excellent/good combo (now 51%) was 64% in 2012.)
  - About 60% felt the quality of work of City employees was excellent or good; 50% felt the overall direction the City is taking and the value of services for taxes paid was excellent or good. This reflects a 5% decline since 2012.



- About 4 in 10 felt the welcoming of citizen involvement was good or excellent – a 7% decline since 2012.
  - Only 40% believe the extent to which elected officials act in the best interest of the community was excellent or good. This is over a 10% decline since 2012.
  - Only about 3 in 10 residents felt that WR does an excellent or good job informing residents about major issues, which also reflects a decline of over 10% since 2012.
  - 48% of respondents have had contact with city employees. They gave very high marks for courtesy (75%), knowledge (72%), responsiveness (71%), overall impression (65%) and making citizens feel valued (60%). This is however a decline since 2012 and lower than the national and front range benchmarks.
- 4) Residents appreciate the services the City provides but see room for improvement
- The quality of services was rated excellent by 7% and good by 65%. This is similar to the 2012 survey and the front range and national benchmarks.
  - Services related to Parks & Recreation and Police received the highest marks.
  - Generally services were rated similar to front range benchmarks, but snow removal was rated higher than the front range average.
  - Police services, streets and snow removal are people's highest priorities, followed by park/trail maintenance.
- 5) Residents aren't sure about which area should be the City's Center, but are clear about their opposition to 38<sup>th</sup> Avenue projects.
- There is a broad and even spectrum of opinions about 38<sup>th</sup> Avenue as the City Center. [Agree strongly (20%), somewhat (29%); disagree strongly (17%), somewhat (14%); don't care (20%)]
  - Features of 38<sup>th</sup> Ave considered essential or very important were prioritized: develop retail/commercial 55%, encourage/incentivize private sector investment 55%, maintain 4-5 vehicle lanes 50%, hold community events 49%, install better sidewalks, landscaping and pedestrian amenities 48%, on-street parking 40%, 2-3 lane roadway 37%, more housing options 29%
  - All projects on 38<sup>th</sup> Avenue (the aspects of ballot measure 2B) received more opposition than support, including temporary restriping, outdoor cafes, the landscape planters, reducing vehicle lanes to expand sidewalks and pedestrian amenities, the long term vision of the 2011 38<sup>th</sup> Ave Corridor Plan, preliminary design for street reconstruction and proposed cost of the project.
  - How respondents voted on 2B? 19% yes, 43% no, 22% didn't vote, 15% not sure if or how they voted

#### Additional policy topics surveyed

- Improving WR Corridors -- There is some level of support (strong 19%, somewhat 41%) for dedicating resources to code enforcement in an effort to improve the attractiveness of Wheat Ridge corridors.
- Top reasons for not supporting ballot measure 2A --
  - Insufficient information about what specific projects would be funded 65%
  - Concerned the funds would be used on 38<sup>th</sup> Ave 61%
  - WR tax rates are already sufficient 59%

- It was noted that 60% *disagreed* that the City does *not* need to spend money on its infrastructure and facilities.
- How respondents voted on 2A? 23% yes, 37% no, 21% didn't vote, 19% not sure if or how they voted.
- Level of support for characteristics of future tax measures
  - Have a specific list of capital projects, cost estimates and timeframes (86%)
  - Limit the sales tax increase to less than 1% (59%)
  - Not using any bond debt to pay for a portion of the projects (54%)
  - Using a tax or fee option other than a sales tax (31%)

*City Attorney, Jerry Dahl, arrived about 7:35 during the discussion of the survey.*

Discussion followed.

- Ms. Caldwell explained how "weighting" is done to accurately reflect the demographic. Responses from younger respondents are given stronger weight because fewer of them responded. That is "best practices".
- There was discussion about asking the voters for a sales tax increase – including whether and how to be specific and whether a tax should be sunsetted.
- Mr. Goff will give these results to the consultant for 38<sup>th</sup> Avenue; maybe they'll use the questions to get more detailed information from those who participate in that process.
- The scatter chart in the survey would be a valuable guide for addressing services that are high in importance to citizens, but appear to need improvement.
- Discussion of a storm utility is planned for August 24<sup>th</sup>.
- It's too late to get anything on the ballot for the coordinated election in November.
- Decline in ease of car travel could refer to traffic congestion or road conditions.
- Our City property taxes are very low; the City survives on sales tax.
- Our demographic is households that average \$48,000/year in income.
- If we have 4-5 lanes on 38<sup>th</sup> Avenue there isn't room for amenities.
- There is support for amenities that can be accomplished with a 4-5 lane street.
- We shouldn't read anything into the results on 38<sup>th</sup> Avenue.
- Council has been bashing each other; productive dialog is needed.

Mayor Jay announced a citizen meeting is being held August 31 to provide an opportunity to talk with citizens.

#### 4. Smoking Ordinance ~ Jerry Dahl & Chief Brennan

Mr. Goff reported that relevant businesses were contacted concerning their opinions about smoking on patios. He received but one response, from Iron Rail Tavern, saying they preferred Council allow smoking on patios.

Mr. Dahl explained the primary purpose of the ordinance is twofold:

- To amend our code to mirror the Colorado Clean Indoor Air Act (CCIAA), and



- To prohibit the consumption of marijuana, nicotine and tobacco products by vaping, E-cigarettes, etc. in places where the CCIAA prohibits smoking and upon outdoor public property

He explained how the issues Council discussed have been addressed in the ordinance.

- Hookah bars have been defined and prohibited.
- Smoking has been prohibited in parks, playgrounds, City events and transit stops.
- Owners of businesses and other locations not listed are allowed to prohibit smoking.

Option #1 Allow smoking in outdoor seating/patio areas at least 15 feet from doorways

Option #2 Prohibit smoking in all outdoor seating/patio areas.

A very lengthy discussion followed touching on patios, vaping, the 15 barrier at doorways, and whether to allow customers to smoke/sample tobacco or E-cigarette products in a retail tobacco business.

- Some businesses have built patios specifically to accommodate customers that smoke.
- Allowing sampling in retail tobacco/vapor businesses might lead to social clubs.
- Cigar bars are bars that serve alcohol and also allow smoking.
- Convenience stores can't allow sampling because they aren't retail tobacco businesses.
- The substitution of marijuana in any of these scenarios is a concern.
- Vaping is included as a form of smoking throughout the ordinance

*Councilmember DiTullio left the Chambers at 8:37pm.*

Councilmember Wooden proposed moving retail tobacco businesses to the "prohibited" category [locations where smoking is prohibited], with testing/sampling being restricted to outdoors. There was agreement from four of the six members present.

Councilmember Fitzgerald received consensus to allow smoking on outdoor patios with permission of the proprietor, and reserve the 15 foot limit only for entrances that have no patio.

Mr. Dahl clarified that, per state law, if a business is able to and does allow smoking and a non-smoking employee requests accommodation, the owner must provide a non-smoking area but is not required to make the entire business non-smoking.

## 5. Elected Officials' Report(s)

**Tim Fitzgerald** asked for help in finding at least 10 volunteers to serve on a committee working to improve Discovery Park. These park stewards would work in teams in four-hour shifts Monday through Friday. They will remind users in a friendly way that the park is for everyone. He's tried, but has no volunteers. He asked councilmember to ask for volunteers.

*Councilmember Langworthy left the Chambers at 9:05 pm*

Chief Brennan reported on work being done by the Discovery Park task force. The ambassadors are to hand out fliers. Volunteers need training and should be on the CIRSA list for liability issues. His information is that volunteers exist. The City also has seasonal code workers available through November to help with this. The local schools committed to work with the SRO's to focus on students who are at the park but should be in class. R-1 Security agreed to provide routine patrols to look for students who should be in class. Education at the schools and clean-up efforts are also planned.

**Bud Starker** complimented the organizers and participants in the Carnation Festival and Parade. He thought it was a very successful weekend. ~ He also reminded folks that the Pro Challenge will be riding through the city this Sunday. It will be on a number of streets that will provide opportunities to come out and cheer on the riders.

**Janelle Shaver** had some announcements:

- Nomination petitions for running for office are due Monday, August 24 at 5:00pm.
- The Boards and Commissions appreciation dinner will be Tuesday, October 13.
- Election Day is November 3. Council may want to consider cancelling their November 2 study session.

#### ADJOURNMENT

The Study Session adjourned at 9:11 pm.

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON ~~August 24, 2015~~

  
Bud Starker, Mayor Pro Tem

*September 14, 2015*