

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

May 14, 2012

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

ROLL CALL OF MEMBERS

Davis Reinhart
Bud Starker
Joyce Jay
Kristi Davis
Mike Stites
George Pond
Joseph DeMott
Tracy Langworthy

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; City Manager, Patrick Goff; Police Chief, Dan Brennan; Administrative Services Director, Heather Geyer; Public Works Director, Tim Paranto; Parks and Recreation Director, Joyce Manwaring; Economic Development Coordinator, Steve Art; staff, interested parties and interested citizens.

APPROVAL OF MINUTES OF April 23, 2012

Motion by Mr. Stites for approval of the Minutes of April 23, 2012; seconded by Mr. Starker; carried 7-0, with Mrs. Langworthy abstaining.

PROCLAMATIONS AND CEREMONIES

Emergency Medical Services Week

City Clerk Shaver read a proclamation on behalf of Mayor DiTullio and City Council declaring May 20, 2012 through May 26, 2012 as the City of Wheat Ridge Emergency Medical Services Week.

Courtney Morehouse from Pridemark accepted the proclamation and thanked the City for their recognition.

Police Officers' Memorial Day and Police Week

City Clerk Shaver read a proclamation on behalf of Mayor DiTullio and City Council declaring Tuesday, May 15, 2012 as the City of Wheat Ridge Police Officers' Memorial Day and declaring May 13, 2012 through May 19, 2012 as the City of Wheat Ridge Police Week.

Dan Brennan, Chief of Police, accepted the proclamation on behalf of the City of Wheat Ridge Police Department. He thanked the City and the community, and reminded the City Council of the Police Awards Ceremony tomorrow afternoon at 3:00 in the Council Chambers.

CITIZENS' RIGHT TO SPEAK

Amanda Fitzsimmons of Breathe Easy Wheat Ridge and Jefferson County Public Health introduced **Emma Milek** and **Tasha Taylor**, students at Wheat Ridge High School. The students presented a project they have been doing taking pictures of smoking activity and collecting cigarette butts at the park across the street from the school. They wanted to show how smoking affects their world and the kids. They hope for tobacco free playgrounds and parks and a tobacco free community. Ms. Fitzsimmons also gave Councilmembers a copy of a newspaper article about the tobacco cleanup.

Nancy Waring, president of the PTA at Wheat Ridge High School, worked with Amanda and the girls on the project. As a school nurse Nancy has passion about second hand smoke. Additionally, her husband is a surgeon at Lutheran Hospital and has experience with the dangers of 2nd hand smoke. Nancy hopes ordinances will be passed to make our community more healthy in terms of playgrounds, bus stops, etc.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- A. Motion to approve payment to Atlantis Pool Plastering, Inc., DBA Atlantis Aquatic Group, in the amount of \$66,777 for the refinishing of the Recreation Center Lap Pool.
- B. Motion to Cancel the Study Session of May 21, 2012
- C. Motion to approve award of ITB-12-11, Bus Shelter Installation Project to JL Melton Construction, Inc., Denver, CO, in the contract amount of \$31,075, and a contingency amount of \$3,100.
- D. Motion to approve payment to MSN Communications, Inc. in the amount of \$102,674.81 for two Cisco Core Switch Replacements
- E. Approval of payment in the amount of \$40,684 to Wheat Ridge 2020 for Phase Two of the Implementation of the 38th Ave. Corridor Plan

- F. Motion to award purchase of new playground equipment in Paramount Park to Miracle Recreation Equipment Company in the amount of \$52,076.80
- G. Motion to award demolition of existing playground equipment, installation of new playground equipment and related site work in Paramount Park to Churchich Recreation Company LLC in the amount of \$17,931.86
- H. Resolution No. 25-2012 – Amending the Fiscal Year 2012 General Fund Budget to reflect the approval of a Supplemental Budget appropriation in the amount of \$7,000 and the acceptance of a 2012 CDOT Grant to support the Checkpoint Colorado Program
- I. Motion to approve payment of the Sales Tax Increment for April of Fiscal Year 2012 from the Town Center Project in the amount of \$36,112.06 to the Wheat Ridge Urban Renewal Authority
- J. Resolution No. 27-2012 – Approving an Intergovernmental Agreement for cooperative purchasing purposes between the City of Wheat Ridge and HGACBUY

The Consent Agenda was introduced and read by Councilmember DeMott..

Mrs. Langworthy pulled Item 1 C.

Motion by Mr.DeMott for approval of Items A, B, D, E, F, G, H, I, and J of the Consent Agenda; seconded by Mr. Stites; carried 8-0.

Councilmember Langworthy introduced Item 1 C, the award of the purchase of 30 new bus shelters. She was concerned about how RTD's route revision might affect the purchase of these bus shelters. Some of the proposed new bus shelters are slated to be located on streets that might have their RTD route eliminated. Mr. Paranto reported that if RTD does discontinue bus service on certain streets the City could relocate those shelters. Further, even if the routes in question are discontinued, often people who use Call-n-Ride can be picked up at these stops, so the bus stops would get used regardless.

Motion by Mrs. Langworthy to award ITB-12-11, Bus Shelter Installation Project to JL Melton Construction, Inc., Denver, in the amount of \$31,075, with a contingency amount of \$3,107 and that the Director of Public Works be authorized to issue change orders up to a total contract and contingency amount of \$34,182; seconded by Mr. Stites, carried 8-0.

ORDINANCES ON FIRST READING

2. Council Bill 06-2012 – amending the Wheat Ridge Code of Laws, Chapter 2, Section 2-53 (b) regarding membership of boards and commissions and Section 2-53 (f) concerning the administering of oaths to board and commission members

- Currently all boards and commissions are to have 8 members. This change would allow Council to alter that number, as is currently the case with the Building Code Advisory Board which has already been altered to have only 5 members.
- Currently board and commission members are supposed to be sworn in by the mayor at a regularly scheduled council meeting. This change will allow the mayor to assign that duty to a designee and also allow for the swearing in to be done in and by the office of the city clerk.

• **Motion** by Councilmember Stites to approve Council Bill No. 06-2012, an ordinance amending the Wheat Ridge Code of Laws regarding membership of boards and commissions and the administering of oaths to those members, on first reading ordered it published and set for a public hearing on June 11, 2012 at 7:00 p.m. in City Council Chambers; seconded by Mr. De Mott; carried 8-0

3. Council Bill No. 04-2012 – amending Section 11-53(b) of the Wheat Ridge Code of Laws concerning application of the State Liquor Laws within the City

Currently a hotel/restaurant license is the only liquor license that can be located within 500 feet of a school in Wheat Ridge. This change would amend the list of liquor licenses allowed within 500 feet of a school to include beer and wine licenses, brew pub licenses, art licenses and vintner's restaurant licenses.

Motion by Councilmember Pond to approve Council Bill No. 04-2012, an ordinance amending Section 11-53(b) of the Wheat Ridge Code of Laws concerning application of the state liquor laws, on first reading, order it published and set for a public hearing on June 11, 2012 at 7:00 p.m. in City Council Chambers, and that it takes effect immediately; seconded by Mr. Stites; carried 8-0

DECISIONS, RESOLUTIONS, AND MOTIONS

4. Resolution No. 24-2012 – approving the establishment of a Business Development Zone encompassing the entire City of Wheat Ridge

Councilmember Starker asked to recuse himself from Agenda Item 4. By unanimous consent he was allowed to recuse himself. He left the room for the discussion and voting on this agenda item and returned for Agenda Item 5.

Ms. Davis introduced Item 4 and read some background. The BDZ program has always been used on a limited and inconsistent basis. In response to recent inquiries from existing and potential businesses for inclusion into a BDZ district Council reached a consensus on April 16, 2012 to create a BDZ district encompassing the entire city.

Motion by Ms. Davis to adopt Resolution No. 24-2012, a resolution designating the entire City of Wheat Ridge as a Business Development Zone pursuant to Code Section 22, Division 5; seconded by Mr. Stites; carried 7-0

5. Approval of the written findings and decision in Case No. Sup-12-01 Wellspring Bible Church and deny the application for a Special Use Permit at 3010 Newland Street

On April 23, 2012 the City Council voted to deny the application of the Wellspring Bible Church requesting a special use permit for a charter school as an accessory use.

Motion by Mr. Starker to approve the written findings and decision in Case No. SUP-12-01 as submitted and deny the Special Use Permit for 3010 Newland Street; seconded by Mr. DeMott; carried 6-2, with Mr. Reinhart and Mr. Pond voting no.

6. Resolution No. 26-2012 – requesting the Denver Regional Transportation District to maintain Bus Route 32 west of Wadsworth Boulevard

At issue is RTD's proposed FASTRACKS service plan which calls for the termination of several bus routes in the southwest portion of the city, including Route 32 west of Wadsworth. This route serves some 80 students at Wheat Ridge High School so eliminating this route would be a tremendous hardship for those students and their parents. The RTD Board of Directors is scheduled to approve this West Corridor Service Plan at its May 22, 2012 meeting.

Motion by Mr. Pond to approve Resolution No. 26-2012 – a resolution requesting Denver Regional Transportation District to maintain Bus Route 32 west of Wadsworth Boulevard with the addition of the following:

Adding (the italicized) wording in the last "Whereas" (as originally written) so that it reads: "WHEREAS the elimination of Route 32 *service west of Wadsworth* would be a tremendous hardship on the Wheat Ridge High School students and parents", and

Adding a final "Whereas" to read as follows:

"WHEREAS the elimination of Route 32 service west of Wadsworth will dramatically impact residents' ability to commute to work or school in Denver".

Seconded by Mr. Stites, carried 8-0. Copies of the resolution will be sent to all 15 RTD board members, including our area RTD representative, Matt Cohen.

CITY MANAGER'S MATTERS

Mr. Goff reminded folks that there will be an emergency preparedness drill at Lutheran Hospital this Wednesday, May 16. Citizens need not be alarmed as it is only a test. Our police department will be participating.

Mr. Goff also reported that work on the Gold Line will be starting in the next couple of weeks. Citizens should start to see some activity related to the project.

CITY ATTORNEY'S MATTERS

CITY CLERK MATTERS

City Clerk Shaver reminded people that the last day to register to be eligible to vote in this year's primary is Tuesday, May 29. People who would like to register or unaffiliated voters who would like to declare a party affiliation can do it in person at the Motor Vehicle office at 20th and Wadsworth or online. To register online citizens can go to the Jeffco Clerk's website at www.votejeffco.com or the Secretary of State's website at www.govotecolorado.com. There are also links to the Secretary of State's registration site on the Wheat Ridge city website under Clerk or Elections. The date of the Primary is June 26, and it will be an all-mail-in ballot.

ELECTED OFFICIALS' MATTERS

Ms. Davis requested to look at the final 38th Avenue plan at a study session. At the town meeting for District I and II citizens had concerns about the bus pull-outs. She would also like to see the data RTD provided about the bus stops and pullouts.

Motion by Ms. Davis to review the final 38th Avenue Development Plan at a study session -- especially the RTD stops and some of the numbers that backed up the decisions; seconded by Mr. Stites; carried 8-0

Mr. Starker would like Council to settle two unresolved issues -- the question of pre-meetings, and the subject of roadside memorials. Mr. Goff said discussion of pre-meetings is scheduled for June 4. Concerning roadside memorials, Mr. Pond had sent out an email about this and is happy to brief Council about it at a study session.

Mrs. Langworthy announced that Lutheran Hospital is having a safety fair this weekend, Saturday, May 19, including fun events, car seat checks, and bicycle checks.

Mr. Stites encouraged folks to make sure their weeds get cut. It helps the looks of our city and anything over 12 inches might get a notice from code enforcement.

Mrs. Jay announced an important meeting this Wednesday, 8 AM at the Rec Center. The public is welcome to come and offer input as the Leadership Committee narrows down the branding and marketing plan for West 38th Avenue.

Mr. Reinhart distributed to Council two proposed changes to the CML Policy Statement. One is a broad statement about education. The other is about the allocation of public funds for public transportation. He asked Council to relate any feedback they may have for him to take back to CML.


Mayor DiTullio reported that a letter was sent out from the City, including the signatures of the R-1 superintendent and the Wheat Ridge High School principal, in opposition to the 32 bus route being discontinued or shortened.

The Mayor also thanked the council members and other citizens who went to the fundraiser last weekend for the Jefferson Center for Mental Health.

The Mayor said he has been approached by several area principals about the changing demographics of the schools to where up to 80% of the students are on free and reduced lunches. This affects test scores. The schools want to know what the city is doing to address these issues. The Mayor has spoken with the City Manager and they are setting up a meeting for principals to meet with city staff. The principals can share information about issues at the schools, and staff can update them on what is happening in Wheat Ridge and what programs we have. Enterprise Wheat Ridge will be included. It will be during the day and Council will be invited.

The Mayor closed by relating that a lot of comments are coming in about all the new construction in Wheat Ridge.

Meeting adjourned at 7:50 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON June 11, 2012 BY A VOTE OF 8 to 0


Mike Stites, 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.