

# **CITY COUNCIL MINUTES**

**CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING**

**November 26, 2012**

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

## **PLEDGE OF ALLEGIANCE**

## **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 Manager, Patrick Goff; Public Works Director, Tim Paranto; Community Development Director, Ken Johnstone; Parks and Recreation Director, Joyce Manwaring; City Treasurer, Larry Schulz; Director of Administrative Services, Heather Geyer; Police Chief, Dan Brennan; other staff members, interested parties and interested citizens.

## **APPROVAL OF MINUTES OF October 22, 2012**

**Motion** by Mr. Stites for approval of the Minutes of October 22, 2012; seconded by Councilmembers Starker and Reinhart; carried 8-0.

## **MOMENT OF SILENCE**

"On November 9, 2012, Lakewood Police Agent Jim Davies was accidentally shot and killed in a case of mistaken identity while securing the perimeter of a scene where shots had been fired. Colorado now has had six police officers whose lives have been lost in the line of duty in 2012. On behalf of the City of Wheat Ridge, I would like to take a moment to remember the ultimate sacrifice made by Agent Davies in serving his community, and express our sincere condolences and prayers to the family of Agent Davies, the Lakewood Police Department and City of Lakewood. As a community let us never forget the sacrifice that our first responders make every day in providing services to those in need. As Mayor, I ask each of you to keep our first responders in your thoughts and prayers, and as a community let us acknowledge their service and sacrifice in keeping our communities safe with a moment of silence." ~ Mayor DiTullio

## **PROCLAMATIONS AND CEREMONIES**



ICMA Presentation of Strategic Leadership and Governance Award

**Jim White**, the Town Manager of Minturn and president of CCCMA (Colorado City and County Managers Association), was on hand to present award plaques to City Manager, Patrick Goff and Administrative Services Director, Heather Geyer for the ACTION mission rollout program developed by the staff to honor the values of the City. These awards were given in October at the International City Managers Association (ICMA) conference in Phoenix. The Mayor accepted a similar award on behalf of the rest of the City and its employees. Patrick spoke about the value of the cultural program for City employees. The entire Executive Management team and a number of individual employees were involved and he thanked them for their work. They include: departments heads Heather Geyer, Dan Brennan, Ken Johnstone, Tim Paranto and Joyce Manwaring; and individual employees Karen Scott, Kathy Field, Karen Van Ert, Debbie Rainguet, Cheryl Keller, Kersten Armstrong, and Judge Christopher Randall.

CITIZENS' RIGHT TO SPEAK

**Tara Jahn** of Wheat Ridge thanked the Council for its support of the community development social programs this past year.

**Amber Powell** of Wheat Ridge is a new resident. She and her husband are very pleased about things that are happening in the City and their neighborhood.

APPROVAL OF THE AGENDA1. CONSENT AGENDA

The Consent Agenda was introduced and read by Mrs. Langworthy.

- a. Motion to award RFP-12-34 Videography Services to I.O.T.K. Media in the Contract amount of \$41,431.

Videography service for 2013 will include: encoding and scheduling, B-roll (gathering footage for future use), taping City Council and Planning Commission meetings, the Community Election Forum, and 12 Wheat Ridge Top of the Hour programs. A small amount is budgeted for unplanned programming needs.

- b. Resolution 56-2012 – amending the Fiscal Year 2012 General Fund Budget to reflect the approval of a Supplemental Budget appropriation in the amount of \$21,050.

This appropriation goes into the budget account for the Police Pension Plan in order for the pension plan vendors to be paid.



- c. Resolution 57-2012 – approving the restatement and Amendment of the City of Wheat Ridge Money Purchase Pension Plan for designated Police Department Employees for the purpose of Clarifying the plan definition of "Earnings"

This restatement and amendment is necessary to bring the Police Pension Plan into compliance with IRS regulations.

- d. Motion to accept 38<sup>th</sup> Ave. and Harlan Street Rights-of-Way from 4.02006, LLC

The northeast corner of 38<sup>th</sup> & Harlan is proposed to be redeveloped to a new 7-Eleven store and the sidewalks and streetscaping will need to be modified to the current streetscape standards. The owner is willing to dedicate the current areas used for sidewalks and streetscape easements to minimize legal encumbrances on the right-of way.

- e. Resolution No. 55-2012 – Amending the Fiscal Year 2012 General Fund Budget to reflect the approval of a Supplemental Budget appropriation in the total amount of \$33,559.41 for the renewal of the 2013 Support Agreement for the WRTV8 Granicus Video Streaming Service and the Emergency NewTek Tricaster Software and Hardware Purchase

**Motion** by Mrs. Langworthy for approval of the Consent Agenda; seconded by Mr. DeMott; carried 8-0.

### **ORDINANCES ON FIRST READING**

- 2. Council Bill No. 26-2012 – An Ordinance approving the Rezoning of property located at 12600 W. 42<sup>nd</sup> Ave. from Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-12-08/ROCK)

Item #2 was introduced by Mr. DeMott.

This vacant parcel is located at the southwest corner of W. 42<sup>nd</sup> Avenue and Xenon Street – south and east of Interstate-70 and immediately north of the Clear Creek Greenbelt. The owner doesn't have any specific plans for redevelopment at this time, but rezoning to MU-N will expand the development options. Any proposed development will go through an administrative site plan review.

**Motion** by Mr. DeMott to approve Council Bill No. 26-2012 an ordinance approving the rezoning of property located at 12600 W. 42<sup>nd</sup> Avenue from Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) on first reading, order it published, public hearing set



for Monday, January 14, 2013 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Langworthy; carried 8-0.

3. Council Bill No. 27-2012 – An Ordinance approving the Rezoning of Property located at 3775 Benton St. from Planned Residential Development (PRD) to the Mixed Use-Neighborhood (MU-N) Zone District (Case NO. WZ-12-09).

Item #3 was introduced by Mr. Starker.

The current owner purchased this vacant parcel in summer 2012. This was after the boundary lines were drawn for the MU-N corridor rezoning. Zoned as PRD this vacant parcel can only include single-family residential. Rezoning to MU-N will provide more flexibility for development and allow for increased density.

**Motion** by Mr. Starker to approve Council Bill No. 27-2012 - an ordinance approving the rezoning of property located at 3775 Benton Street from Planned Residential Development (PRD) to the Mixed Use-Neighborhood (MU-N) zone district, on first reading, order it published, public hearing set for Monday, January 14, 2013, at 7 p.m. in City Council Chambers and that it take effect 15 days after publication; seconded by Ms. Davis; carried 8-0.

4. Council Bill No. 28-2012 – An Ordinance approving the Vacation of Sidewalk and Streetscape Easements adjacent to 5995 West 38<sup>th</sup> Ave.

Item #4 was introduced by Mrs. Jay.

In conjunction with the redevelopment of property at 5995 W. 38<sup>th</sup> Avenue, current right-of-way easement areas are being dedicated to the City. See Consent Agenda Item 1d. Existing sidewalk and streetscape easements are now redundant.

**Motion** by Mrs. Jay to approve Council Bill No. 28-2012, an ordinance approving the vacation of sidewalk and streetscape easements adjacent to 5995 West 38<sup>th</sup> Avenue, on first reading, order it published, public hearing set for Monday, December 10, 2012 at 7:00 p.m. in the City Council Chambers, and that it take effect upon adoption; seconded by Mr. Reinhart ; carried 8-0.

#### **DECISIONS, RESOLUTIONS AND MOTIONS**

5. Resolution No. 53-2012 – Adopting the City Budget and Appropriating sums of money to the various funds and spending agencies in the amounts specified for the City of Wheat Ridge, Colorado for the 2013 Budget Year.

Item #5 was introduced by Mr. Stites.



After development of the 2013 budget, opportunities for citizen input, review and comment, a Council Study session on October 1, and a Public Hearing on October 22, staff recommends the adoption of the 2012 budget as proposed.

**Motion** by Mr. Stites to approve Resolution No. 53-2012, a resolution adopting the City Budget and appropriating sums of money to the various funds and spending agencies in the amounts specified for the City of Wheat Ridge, Colorado for the 2013 Budget Year; seconded by Mr. Pond ; carried 8-0.

6. Resolution No. 54-2012 – Levying General Property Taxes for the year 2012, to help defray the costs of Government for the City of Wheat Ridge, Colorado for the 2013 Budget Year.

Item #6 was introduced by Mr. Reinhart.

The current mill levy remains unchanged.

**Motion** by Mr. Reinhart to approve Resolution No. 54-2012, a resolution levying a mill levy of 1.830 on general property taxes for the year 2012, to help defray the costs of government for the City of Wheat Ridge, Colorado for the 2013 budget year; seconded by Mr. Stites; carried 8-0.

7. Motion to Ratify Mayoral Appointment to the Housing Authority

Item #7 was introduced by Ms. Davis.

Having moved out of the City, Katie Vanderveen has necessarily resigned from the Housing Authority. A replacement is needed to serve the balance of her term which expires March 2, 2014.

**Motion** by Ms. Davis to deny the District II Mayoral appointment of Zachary Urban to the Housing Authority, term to expire March 2, 2014 for the following reasons: She struggles with the process; it is not personal. She knows of two people who were interested in applying but decided not to bother since it was already understood that the Mayor would appoint Mr. Urban. She feels the process doesn't encourage involvement by citizens; seconded by Mrs. Jay.

Several Councilmembers expressed their support or non-support for the motion. Mr. DeMott thanked Katie Vanderveen for her service.

**Mr. Urban** addressed Council and expressed his interest in working for the City of Wheat Ridge. He listed his wide range of experience in the area.



The motion to deny the appointment carried 6-2, with Councilmembers DeMott and Stites voting no.

8. Motion to Elect the Mayor Pro Tempore

Item #8 was introduced by Mr. Stites.

Mr. Stites nominated Mr. DeMott for the position. Mr. Starker nominated Mr. Reinhart. Mr. Reinhart and Mr. DeMott each spoke on their leadership contributions and desire to serve as Mayor Pro Tempore and asked the Council for the support of their vote.

All Councilmembers submitted their secret paper ballots to City Clerk Janelle Shaver. She counted them and announced that Mr. Reinhart had received the most votes.

**Motion** by Mr. Starker to elect Davis Reinhart as Mayor Pro Tem, effective immediately, term to expire upon election of their successor; seconded by Mr. DeMott; carried 8-0.

9. Motion to Award Contract to Zoppe Circus, Inc. in the amount of \$70,000 and Success Resources Unlimited in the amount of \$10,500 for performances and coordination of performances respectively August 16-25, 2013.

Item #9 was introduced by Mr. Pond.

Based on the success of the circus in 2012, City Council reached a consensus at a study session to approve the return of the circus in 2013. The City will be obligated to a total budget of approximately \$105,610, but will receive all ticket sales and sponsorship monies to offset a portion of this expense. Based on the proposed budget, if revenues meet or exceed \$73,650, the contract will renew automatically for one additional year.

**Motion** by Mr. Pond to approve the contract award to Zoppe Circus, Inc. in the amount of \$70,000 and to Success Resources Unlimited in the amount of \$10,500 for performances and coordination of performances respectively August 16–25, 2013; seconded by Mr. DeMott; carried 5-3, with Councilmembers Davis, Jay and Starker voting no.

**ELECTED OFFICIALS' MATTER**

**Mr. Goff** announced the holiday lighting celebration that will take place the evening of December 2<sup>nd</sup> at its new location on the corner of 38<sup>th</sup> and High Court on the lawn of the Wheat Ridge 5-8 school. Area businesses will be open that night and folks are invited to come and join the festivities.



**Mr. Starker** congratulated Mr. Goff on his award from ICMA.

**Mr. Pond** said he went to the Live Local event at Wheat Ridge Lanes and had a blast.

**Mr. Stites** informed everyone that former councilman and longtime Wheat Ridge resident and businessman, Ken Lewis, has passed away. The City has lost a respected member of the community and we send our sympathies to his family.

**Mrs. Langworthy** said that this past Saturday was Small Business Saturday. She visited a number of small businesses in Wheat Ridge and had a wonderful time.

Meeting adjourned at 8:00 pm.

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON December 10, 2012 BY A VOTE OF 6 to 0

  
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.