

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

November 10, 2008

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members present: Karen Adams, Karen Berry, Dean Gokey, Tracy Langworthy, Lena Rotola, Wanda Sang, Mike Stites, and Terry Womble. Also present: City Clerk, Michael Snow; City Manager, Randy Young; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; staff; and interested citizens.

APPROVAL OF MINUTES OF October 27, 2008

Motion by Mr. Stites for approval of the Minutes of October 27, 2008; seconded by Mrs. Sang; carried 5-0-3 with Council Members Womble, Adams and Gokey abstaining due to their absence from the meeting.

PROCLAMATIONS AND CEREMONIES

Mayor DiTullio introduced Dean Gokey, Don Eafanti and Frank Carney, Wheat Ridge War Veterans, who were present to accept the Mayor's Proclamation for Veterans Day on November 11, 2008.

Karen Thaler read the Mayor's Proclamation.

Mayor DiTullio extended a Certificate of Recognition for American Legion Post #161 Arvada Honor Guard and a Certificate of Recognition for Lyle Booth. Frank Carney was present to accept the certificates.

Reception followed at 7:07pm. The Regular Meeting resumed at 7:22pm.

CITIZENS' RIGHT TO SPEAK

No citizens were present to speak.

APPROVAL OF AGENDA

Motion by Mr. Stites to pull Item 4 from the Agenda and to hold the Public Hearing for Item 1.B. after Items 2 & 3; seconded by Mrs. Sang; carried 8-0.

Item 1. **CONSENT AGENDA**

- A. Resolution 58-2008 – approving an Intergovernmental Agreement dated July 29, 2008 between Jefferson County and the Cities of Wheat Ridge, Golden, Edgewater, and the Towns of Mountain View and Lakeside, Colorado, for Community Block Grant Purposes.
- B. Resolution 59-2008 – approving an amendment to a Final Development Plan for Foothills Medical Center to allow for a Rooftop Commercial Mobile Radio Service (CMRS) Facility on property zoned Planned Commercial Development and located at 8550 West 38th Avenue.(Case No. WZ-06-06/T-Mobile).
- C. Approval of Award ITB-08-41 Kipling Entry Sign and Landscape Project in the total amount not-to-exceed \$216,074.85.
- D. Approval of Award of Purchase for Playground Equipment at Fruitdale Park in the amount of \$52,401.
- E. Motion for ratification of the Comprehensive Plan Citizens Advisory Committee.

Consent Agenda was introduced and read by Mr. Stites.

Mr. Gokey requested to pull Item 1.C. from the Consent Agenda.

Motion by Mr. Stites for approval of Consent Agenda Item A, D and E; seconded by Mrs. Sang; carried 8-0.

Motion by Mr. Gokey to deny 1.C. for the reason that such City funds should be used to address the flooding issues in the City; seconded by Mr. Womble; **failed** 3-5 with Council Members Gokey, Womble, and Sang voting Yes.

Motion by Mrs. Adams to approve Item 1.C., award of ITB-08-41, Kipling Entry Sign and Landscape Project, to American Civil Constructors of Littleton, Colorado in the amount of \$216,074.85, contingent upon receipt of a permit from the Colorado Department of Transportation for construction of the work.

I further move that a contingency amount of \$21,607.49 be approved.

I further move that a not-to-exceed amount of \$20,000.00 be encumbered to pay for the electrical supply and lighting.

I further move that a payment not-to-exceed \$42,000.00 be to Valley Water District to pay for three water taps.

I further move that the Director of Public Works be authorized to approve expenditures for the Kipling entry Sign and Landscape Project to a total amount of \$299,682.34.

I further move that all costs associated with this contract be paid from account number 30-303-800-842, and that these funds be encumbered for the length of the project in accordance with Ordinance #787, 1989 Series.

Seconded by Mrs. Rotola; carried 5-3 with Council Members Womble, Sang and Gokey voting No.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Item 2. Council Bill 18-2008 – An Ordinance approving the Annexation of certain Territory to the City of Wheat Ridge, Colorado.
(Case No. ANX-08-01/Coors at Clear Creek)

Item 3. Council Bill 19-2008 – An Ordinance approving the Annexation of certain Territory to the City of Wheat Ridge, Colorado.
(Case No. ANX-08-02/Coors at Clear Creek)

Mayor DiTullio announced that Items 2 & 3 would be heard together given their similar nature and opened the Public Hearing for both.

Council Bill 18-2008 & Council Bill 19-2008 were introduced together on second reading by Mr. Stites. City Clerk Michael Snow assigned Ordinance Nos. 1421 & 1422 respectively.

Mayor DiTullio gave oath to all citizens and staff providing testimony.

Mr. Johnstone presented a PowerPoint document (included in this document) summarizing the annexations.

Mayor DiTullio closed the Public Hearing.

Motion by Mr. Stites to approve Council Bill 18-2008 (Ordinance 1421) on second reading and that it take effect upon recordation of three certified copies of the annexation ordinance and map of the area annexed with the Jefferson County Clerk and Recorder as provided by C.R.S. 31-113; seconded by Mrs. Langworthy; carried 8-0.

Motion by Mr. Stites to approve Council Bill 19-2008 (Ordinance 1422) on second reading and that it take effect upon recordation of three certified copies of the annexation ordinance and map of the area annexed with the Jefferson County Clerk and Recorder as provided by C.R.S. 31-113; seconded by Mrs. Sang; carried 8-0.

Item 1.B. Resolution 59-2008 – approving an amendment to a Final Development Plan for Foothills Medical Center to allow for a Rooftop Commercial Mobile Radio Service (CMRS) Facility on property zoned Planned Commercial Development and located at 8550 West 38th Avenue.(Case No. WZ-06-06/T-Mobile).

Mayor DiTullio opened the Public Hearing and gave oath to all citizens and staff providing testimony.

Mr. Stites introduced Item 1.B. and read the Executive Summary.

Mr. Johnstone provided Council an explanation for Resolution No. 59-2008.

Steve Warner and **Curtis Linville** of Reliant Land Service, representing T-Mobile, answered Council questions.

Motion by Mr. Stites to approve Resolution 59-2008; seconded by Mrs. Sang; carried 8-0.

ORDINANCES ON FIRST READING

Item 4. Council Bill 20-2008 – An Ordinance amending Chapter 10 of the Wheat Ridge Code of Laws to provide a process for the creation and administration of Community Benefit Districts.

Item 4 was pulled from the agenda.

Item 5. Council Bill 21-2008 – An Ordinance amending Section 26-803 of the Wheat Ridge Code of Laws pertaining to Floodplain Control.

Council Bill 21-2008 was introduced on first reading by Mrs. Berry.

Motion by Berry to approve Council Bill 21-2008 on first reading, order it published, public hearing set for Monday, November 24, 2008 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Rotola; carried 8-0.

CITY MANAGER'S MATTERS

Mr. Young thanked all the citizens who participated in last week's election.

ELECTED OFFICIALS' MATTERS

Mrs. Adams invited citizens to visit and share ideas with Wheat Ridge Police Officers during the Coffee With A Cop Program taking place December 8th at Starbucks.

Mrs. Berry thanked citizens in District 1 for their efforts to solve the drainage issues in their area and pledged to continue to look for solutions.

Mr. Womble thanked all war veterans for their service to our Country.

Mr. Stites also thanked all veterans for their service over many years. He also encouraged neighbors to try to do one positive thing for the community every day, particularly to our elderly neighbors; and as always, to "Find it and Buy it in Wheat Ridge".

Mrs. Rotola thanked war veterans for their service and asked citizens to say a prayer for all who are serving today.

Mrs. Sang recognized and thanked veterans for what they provide our Country, noting all their sacrifices.

Mr. Gokey thanked veterans for all their service to the Country.

Mayor DiTullio thanked Don Eafanti and other community members who have provided the Veterans Day celebrations in Wheat Ridge for many years. He also urged citizens to check their tire pressure now that temperatures are changing, to keep their vehicles safe. He experienced a tire blow-out recently himself because of this problem.

Meeting adjourned at 7:58p.m.

Signed: Michael Snow

Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON NOVEMBER 24, 2008 BY A VOTE OF 8-0.

Signed: Mike Stites

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.