

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

August 9, 2010

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members present: Karen Adams, Karen Berry, Joseph DeMott, Joyce Jay, Tracy Langworthy, Davis Reinhart, Wanda Sang, and Mike Stites. Also present: City Clerk, Michael Snow; City Treasurer, Larry Schulz; City Manager, Patrick Goff; City Attorney, Gerald Dahl; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; Director of Parks and Recreation, Joyce Manwaring; Police Chief, Dan Brennan; Interim Director of Administrative Services, Heather Geyer; Senior Planner, Meredith Reckert; Planner, Sara Showalter; staff; and interested citizens.

APPROVAL OF MINUTES OF July 26, 2010

Motion by Mr. Stites for approval of the Minutes of July 26, 2010; seconded by Mrs. Sang; carried 7-0-1 with Council Member Berry abstaining due to her absence on July 26, 2010.

PROCLAMATIONS AND CEREMONIES

Proclamation for Annual Carnation Festival Week, August 14-21, 2010

CITIZENS' RIGHT TO SPEAK

Motion by Mr. Reinhart to wave the Council Rules on time limits for Citizen Comments on the matters of the Citizen's Exploratory Committee Report; seconded by Mrs. Jay; carried 8-0.

Ron Abo and Moe Keller spoke on behalf of the Citizen's Exploratory Committee (CEC), reporting their findings and recommendations on the five forms of municipal government studied over the nine weeks the committee convened (report included in this packet). The committee's recommendation to the City Council is to continue operating under the current form of government with a proposed Charter Amendment providing for the Mayor to continue being elected at large but as a member of City Council with full voting privileges and no veto or executive authority.

Nancy Snow encouraged all citizens to read the Committee's full report. She contended that the committee's recommendations imply citizens should vote no on the two current citizen-initiated charter changes and that Council should refer a third charter amendment to the November ballot that would directly conflict with them. Mrs. Snow also emphasized that the committee was formed by only particular members of the

Council and was clearly intended to oppose the citizen petitions without the Council as a whole participating in its formation. Based on the confusing nature of a ballot containing multiple, conflicting questions, Mrs. Snow asked Council to consider letting the two existing citizen-initiated ballot questions be answered alone on the November ballot instead of referring a third one that would only confuse voters.

Motion by Mr. Reinhart to wave Council Rules on time limits for citizen comments to allow Dick Matthews to speak on behalf of the citizen petitions; seconded by Mr. DeMott; carried 8-0.

Dick Matthews spoke on behalf of the petition proponents, presenting a summary of their recommendations in favor of the two Charter Amendments, which include one changing the Form of Government, the other providing the Mayor veto power over the City Budget. Mr. Matthews contends that the two Charter Amendments provide a better check and balance of government power, less bureaucracy within Council and Staff, and returns our City to the more efficient Mayor-Council-Administrator form of government. Mr. Matthews further claimed that over 2,000 citizens of Wheat Ridge signed the petitions to initiate these amendments for the November election, including two Mayors of Wheat Ridge, and several former and current City Council members.

City Clerk Michael Snow announced that as of the afternoon of August 9th, 2010, both citizen-initiated Charter Amendment petitions had been certified as sufficient.

Cheryl Wise expressed her belief that citizens do not have the time, the energy or the interest to read and understand issues of their government in depth and as such, they are dependent on their elected officials to put forth thoughtful information from which they can make decisions. The CEC was formed by the City Council for this purpose. Ms. Wise is confused by hearing that the CEC did not provide the education and the schooling on the various forms of government. She was in agreement with the statements of Nancy Snow and expressed her dismay that the report of the CEC on the various forms of government has been turned into a recommendation for Council to refer another ballot question which would conflict with the citizen-initiated charter amendment for a Mayor-Council-Administrator form of government. She believes that citizens and businesses need to rely on their government and is concerned that the City of Wheat Ridge Charter seems as easy to change as most Ordinances. She urged voters to read the CEC report and to take the time to understand the implications of each ballot measure before voting. Ms. Wise is resentful that information that was presented under the CEC presentation on the ballot initiative perhaps wasn't completely accurate and there's no other opportunity to debate or present elsewhere or otherwise.

Bill Mahar, a consultant with LiveWell Wheat Ridge, urged Council to approve Phase 2 of the Bicycle and Pedestrian Master Plan and believes the Plan will breed good economic development and better health in the community. He also urged Council to consider funding in next year's Budget to construct a priority route identified in the Plan.

Kim Calomino thanked the CEC board members for their contributions and to the Council Members that formed the committee. She further expressed disappointment and dismay that the CEC recommendations and education presented have been portrayed as statements against the two citizen initiated Charter Amendments rather than a public education tool as it was intended. She believes that, given the major implications in the proposed Charter amendment to change the city's form of government, it was the right thing for the Council to form this committee in order to provide the community thoughtful information on what those changes would portend. She resents the implication that she and other citizens cannot discern the differences and conflicting matters of three separate issues on the ballot and urged Council to vest the citizens with that ability should Council refer another ballot question based on the CEC recommendations.

Ted Hyde is a community planner and spoke in support of the Council's consideration of Phase 2 of the Bicycle and Pedestrian Master Plan, citing social, physical and economic benefits to a community with established walking and bicycling infrastructure.

Greg Seabart also encouraged the Council to support the Bicycle and Pedestrian Master Plan.

Public Input on 2011 Budget:

Mayor DiTullio opened the Public Hearing.

No citizens were present to speak.

Mayor DiTullio closed the Public Hearing.

APPROVAL OF AGENDA

Motion by Mr. Reinhart to add as Agenda Item 8, Resolution 44-2010 authorizing an Intergovernmental Agreement with the County of Jefferson regarding the Administration of the respective duties concerning the conduct of the Coordinated Election to be held on November 2, 2010;

I further move to add as Agenda Item 9 a Motion to Set the Ballot Titles for Citizen-Initiated Charter Amendments; seconded by Mrs. Sang; carried 8-0.

1. CONSENT AGENDA

- A. Resolution 39-2010 – approving an Intergovernmental Agreement between the Jefferson County Department of Health and Environment and the City of Wheat Ridge for cooperative Mosquito Management Program in an amount not-to-exceed \$8,197.50.
- B. Resolution 40-2010 authorizing submittal of the application for a 2011 Special Opportunity Grant to the State Board of the Great Outdoors Colorado for the construction of a Skateboard Park in Discovery Park.
- C. Resolution 42-2010 – amending the fiscal year 2010 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$7,206.84 to the Department of Treasury Internal Revenue Service (IRS) for the payment of 2008 Employment Tax Examination Liability.
- D. Resolution 43-2010 – supporting the Denver Regional Council of Governments (DRCOG) Comprehensive Joint Application to the US Department of Housing and Urban Development Sustainable Communities Regional Planning Grant Program.
- E. Motion to approve renewal of RFP-07-32 Towing and Impound Services to Connelly's Towing, Inc.
- F. Motion to approve Award SOQ-10-03 On-Call Architectural, Engineering, and related Consulting/Design Services.

Consent Agenda was introduced and read by Mrs. Langworthy.

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

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2. Council Bill 14-2010 – amending Articles II and VI of Chapter 26 concerning Accessory Buildings on properties with Commercial or Industrial Zoning.

Mayor DiTullio opened the public hearing.

Council Bill 14-2010 was introduced on second reading by Council Member DeMott. City Clerk Michael Snow assigned Ordinance No. 1468.

Ms. Showalter presented the staff report.

Mayor DiTullio closed the public hearing.

Motion by Mr. DeMott to approve Council Bill 14-2010 (Ordinance 1468) on second reading and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 8-0.

- 3.A. Resolution 37-2010 – making certain findings of fact regarding the proposed annexation of two remnant parcels of right-of-way located in the east half of Section 16, Township 3 south, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado.
(Case No. ANX-10-02/City of Wheat Ridge).
- 3.B. Council Bill 12-2010 – An Ordinance approving the Annexation of two remnant parcels of right-of-way located in the East Half of Section 16, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado.
(Case No. ANX-10-02/City of Wheat Ridge)

Resolution 37-2010 and Council Bill 12-2010 were introduced by Council Member Stites. City Clerk Michael Snow assigned Ordinance No. 1469 to Council Bill 12-2010.

Mayor DiTullio opened the public hearing.

Mrs. Reckert presented the staff report.

Mayor DiTullio closed the public hearing.

Motion by Mr. Stites to approve Resolution 37-2010; seconded by Mrs. Langworthy; carried 8-0.

Motion by Mr. Stites to approve Council Bill 12-2010 (Ordinance 1469) on second reading, and that it take effect upon recordation 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.

4. Public Hearing considering: (1) a motion establishing a Business Development Zone to be known as the Senior Resource Center (SRC) Business Development Zone and (2) approving an Agreement to participate in said Zone in conjunction therewith.

Mayor DiTullio opened the public hearing.

Item 4 was introduced by Council Member Berry.

Mr. Johnstone presented the staff report.

Dave Bandimere and his family have six residential properties in the vicinity of the SRC area and supports the SRC being designated a Business Development Zone.

John Zebaba president of the SRC, spoke in favor of the designation of the area as a Business Development Zone and the extensive investments made to the project and the City of Wheat Ridge.

Bob Timm urged Council to approve the maximum amount of Use Fees waiver for the Business Development Zone.

Mayor DiTullio closed the public hearing.

Motion by Ms. Berry to designate Lot 1, Block 1, Senior Resource Center Subdivision Plat a Business Development Zone pursuant to Code Section 22, Division 5; seconded by Mr. Reinhart; carried 8-0.

Motion by Ms. Berry to approve an Agreement to Participate with the Seniors' Resource Center under the terms of the City's Business Development Zone Program and set the amount of the refund of the eligible fees and taxes at 50 percent; seconded by Mr. Reinhart;

Substitute motion by Mr. DeMott to approve an Agreement to Participate with the Seniors' Resource Center under the terms of the City's Business Development Zone Program and set the amount of the refund of the eligible fees and taxes at 100%; seconded by Mrs. Sang; carried 6-2 with Council Members Berry and Reinhart voting No.

Substitute Motion carried 6-2 with Council Members Berry and Reinhart voting No.

5. Resolution 38-2010 – approving a 28-lot Consolidation Plat on property zoned R-1C located at 3227 Chase Street.
(Case No. WS-10-01/Seniors' Resource Center)

Resolution 38-2010 was introduced by Council Member Berry.

Mayor DiTullio opened the public hearing.

Mrs. Reckert presented the staff report.

Mayor DiTullio closed the public hearing.

Motion by Ms. Berry to approve Resolution 38-2010; seconded by Mr. Reinhart; carried 8-0.

DECISIONS, RESOLUTIONS, AND MOTIONS

6. Resolution 41-2010 – submitting a Ballot Question to the Registered Electors of the City, concerning City Wide Residential Trash Removal.

Resolution 41-2010 was introduced by Council Member DeMott.

Motion by Mr. DeMott to approve Resolution 41-2010; seconded by Mrs. Sang; carried 8-0.

7. Motion to approve Bicycle and Pedestrian Master Plan, Phase 2.

Motion by Mrs. Langworthy to approve the Bicycle and Pedestrian Master Plan Phase 2 Study; seconded by Mr. DeMott; carried 8-0.

8. Resolution 44-2010 – Authorizing the appropriate city officials to execute an Intergovernmental Agreement by and between the County of Jefferson, State of Colorado, and the City of Wheat Ridge, Colorado, Regarding the administration of their respective duties concerning the conduct of the coordinated election to be held on November 2, 2010.

Resolution 44-2010 was introduced by Council Member Reinhart.

Motion by Mr. Reinhart to approve Resolution 44-2010; seconded by Mrs. Langworthy; carried 8-0.

9. Motion to Set Ballot Titles for Two Citizen-Initiated Charter Amendment questions.

Mr. Dahl provided Council a memo outlining Council's obligations in light of the Clerk's certification of two petitions to initiate Charter Amendment questions for the November 2, 2010 ballot (amended to this packet).

Motion by Mrs. Sang to set the ballot titles for the citizen-initiated Charter Amendments as set forth in Mr. Dahl's memo; seconded by Mr. DeMott;

Motion by Mrs. Jay to amend the Form of Government Ballot Title to read:

Shall the Home Rule Charter of the City of Wheat Ridge, Colorado, be amended to provide for a Mayor-Council-Administrator form of government, and in connection therewith, providing that the executive power be vested in a Mayor who is elected at large and who appoints a City Administrator to administer the daily affairs of the City, the administrator's salary to be recommended by the Mayor and ratified by the Council, and making conforming changes to the Charter?

Motion to amend seconded by Ms. Berry; carried 8-0.

Main motion carried as amended 8-0.

ELECTED OFFICIALS' MATTERS

City Clerk Michael Snow reminded citizens that Tuesday, August 10th is Election Day. This is an all-mail-ballot election. No polling place voting will take place. Voters who have not received a mail-in ballot should contact the Jefferson County Elections Department at 303-271-8111. Mail-in ballots may be deposited in the ballot box at the City Clerk's Office between 7am and 7pm on Election Day.

Mayor DiTullio asked the audience for a moment of silence in honor of Petty Officer 2nd Class Justin McNeley, 30, of Wheat Ridge who was killed in action in Afghanistan. A moment of silence was held.

Ms. Berry announced that the City of Wheat Ridge has been awarded a \$624,000 competitive grant from DRCOG for the construction of a multi-use trail to be constructed along Wadsworth from 26th Avenue to 32nd Avenue. The grant requires the City provide \$156,000 in local match, which includes the cost of staff time for designing the project.

ADJOURNMENT

Meeting adjourned at 9:12p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON September 13, 2010 BY A VOTE OF 6
to 0



Davis Reinhart, 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.