

# **CITY COUNCIL MINUTES**

## **CITY OF WHEAT RIDGE, COLORADO**

**August 23, 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; Police Chief, Dan Brennan; Interim Director of Administrative Services, Heather Geyer; staff; and interested citizens.

### **APPROVAL OF MINUTES OF August 9, 2010**

Motion by Mr. Reinhart for approval of the Minutes of August 9, 2010; seconded by Mr. DeMott;

Motion by Ms. Berry to postpone approval of the minutes of August 9, 2010 with a request for the City Clerk to review the audio recording of the citizens who spoke at that meeting and to amend the minutes to accurately reflect those statements; seconded by Mrs. Adams; carried 7-1 with Council Member Stites voting No.

### **PROCLAMATIONS AND CEREMONIES**

#### **Award Presentation to the City of Wheat Ridge**

Thomas G. Currigan, Kaiser Permanente Director, Community & Local Government Relations and Monica Buhlig, Senior Community Health Specialist were present to award the City of Wheat Ridge a check for \$1,500 for a 1<sup>st</sup> Place finish in their municipal relay category at the Kaiser Permanente Colfax Marathon. Mayor DiTullio presented the check to LiveWell Wheat Ridge on behalf of the City. Molly Hanson, Coordinator, was present to accept the donation.

#### **Presentation to Kathy Deitsch for Foothills Animal Center**

Donations totaling \$750 were granted to the Foothills Animal Center from the Mayor and members of Council using funds from the Mayor's Outreach Fund and from Council Members' Meetings and Conferences funds.

**CITIZENS' RIGHT TO SPEAK**

**Ginger Hartup** of Lakewood spoke on behalf of Second Wind, a Teen Suicide Prevention organization, which serves the entire Denver metro area. Second Wind is now the largest mental health provider to teens in the Denver area and hosts the largest teen suicide prevention event in the nation. The annual Walk, Bike & Run Event to raise funds for this cause will be held on September 19<sup>th</sup>, 2010 at the Jeffco Fairgrounds. Citizens of all ages interested in participating may visit and register at [www.swfdm.com](http://www.swfdm.com).

**Jane Kissel** of Wheat Ridge spoke on the matter of dumpster regulations in Wheat Ridge, which she contends is restrictive of residential owners using a dumpster because the maximum 1.5 cubic meter-sized dumpsters are no longer available. She also contends that if she is required to screen the view of a dumpster at her home, the same requirements should be enforced on the apartment complex next to her home.

Motion by Mr. Stites to direct staff to investigate the availability of the required dumpster sizes and to revisit the related ordinance at a future Study Session; seconded by Mrs. Sang; carried 8-0.

**Erika Severson** of Wheat Ridge expressed concerns about a flier that was distributed to her home in Wheat Ridge that does not supply any identification of who distributed it and therefore lacks credibility. Council Member Joyce Jay informed Ms. Severson that she had distributed the fliers in her neighborhood. Ms. Severson then pointed out that Wheat Ridge is misspelled on the flier and that she feels its message is very negatively framed and not professional or appropriate.

**Lloyd Levy** of Wheat Ridge yielded his three minutes to Kim Calomino.

**Kim Calomino** commended Council for forming the Citizens Exploratory Committee (CEC) which represents Wheat Ridge citizens and businesses. She contends the CEC was not charged with researching the merits of the citizen initiated Charter Amendments, but rather to assess the various forms of local government and commended the CEC members for their hard work in doing so. She believes the CEC report provides citizens valuable information about the various forms of government and made a plea to Council and citizens to stop personal attacks and misinformation on the committee and its recommendations. Further, she urged her District 4 Council Members to provide citizens the choices on the ballot in what form of government are best for the City by referring to the ballot the charter amendment recommended by the CEC.

**Scott Read** of Wheat Ridge asked Council if they consider Wheat Ridge a Sanctuary City, based on the recent events involving the 18-year old assailant in the Robert Wallace case.

## **APPROVAL OF AGENDA**

**Motion** by Mrs. Adams to move Item 6 on the agenda to Item 7 and add as Item 6: Discussion of Recommendations of Citizens' Exploratory Committee (CEC); seconded by Council Members Berry and Langworthy; carried 5-3 with Council Members Stites, DeMott and Sang voting No.

### **1. CONSENT AGENDA**

- A. Motion to approve award RFP-10-24 Armed Guard Services to G4S Secure Solutions USA, Inc.
- B. Resolution 46-2010 amending the Fiscal Year 2010 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$2,620 for the 2009/2010 Jefferson County Dog License Reconciliation.
- C. Resolution 47-2010 – amending the Fiscal year 2010 Police Investigations Seizure Fund Budget to reflect the approval of a Supplemental Budget appropriation in the amount of \$4,480.35 for the purchase of Police Equipment.
- D. Resolution 48-2010 – amending the Fiscal Year 2010 General Fund Budget to reflect the approval of a Supplemental Budget appropriation in the amount of \$1,850 for the renewal of the WRTV8 Scheduling Software.
- E. Motion to approve payment to Murray Dahl Kuechenmeister & Renaud, LLP for July 2010 Legal Services in the amount of \$20,264.

Consent Agenda was introduced and read by Mrs. Langworthy.

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

## **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

- 2. Council Bill 15-2010 – amending Article I of Chapter 26 of the Wheat Ridge Code of Laws concerning the provision for conditions of approval in the Zone Change Process.

Mayor DiTullio opened the public hearing.

Council Bill 15-2010 was introduced on second reading by Council Member Langworthy. City Clerk Michael Snow assigned Ordinance No. 1470.

No citizens were present to speak.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Langworthy to approve Council Bill 15-2010 (Ordinance 1470) on second reading and that it take effect 15 days after final publication; seconded by Mr. Reinhart; carried 8-0.

### **ORDINANCES ON FIRST READING**

3. Council Bill 16-2010 – amending Chapter 26 of the Code of Laws concerning the creation of Mixed Use Zone Districts (Case No. ZOA-09-07).

Council Bill 16-2010 was introduced on first reading by Council Member Stites.

Motion by Mr. Stites to approve Council Bill 16-2010 on first reading, order it published, public hearing set for Monday, September 13, 2010 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 8-0.

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

4. Resolution 45-2010 – approving a Supplemental Budget Appropriation in the amount of \$65,000 for the purpose of conducting a Traffic Study and Roadway Design Analysis for 38<sup>th</sup> Avenue in conjunction with Development of a 38<sup>th</sup> Avenue Corridor Plan.

Resolution 45-2010 was introduced by Council Member Jay.

Motion by Mrs. Jay to approve Resolution 45-2010; seconded by Mrs. Sang;

Motion by Mr. DeMott to amend Resolution 45-2010 to reflect the approval of a supplemental budget appropriation of \$52,000 to WR2020 to continue their already progressing studies of 38<sup>th</sup> Ave., and \$13,000 to the Wheat Ridge Business District for additional grant money; failed for lack of a second.

Motion by Mr. Reinhart to amend Resolution 45-2010 to reduce the budget appropriation to \$50,000, of which \$30,000 be allocated to the Traffic Impact Study and \$20,000 for Roadway Design Feasibility; seconded by Mrs. Sang; carried 6-2 with Council Members Stites and DeMott voting No.

Motion carried as amended 6-2 with Council Members Stites and DeMott voting No.

5. Motion to include funding for a local match for a Federal Transportation Planning Grant Application in the 2011 Budget as part of the Wadsworth Corridor Coalition.

Motion by Ms. Berry to approve the funding for a local match for a Federal Transportation Planning Grant Application in the 2011 Budget as part of the Wadsworth Corridor Coalition; seconded by Mrs. Adams; carried 6-2 with Council Members DeMott and Sang voting No.

6. Discussion on Citizens' Exploratory Committee (CEC) recommendations.

Council Member Adams introduced the topic of discussion.

Staff was asked to draft a letter thanking the CEC members for their efforts and contributions on the committee.

7. Resolution 49-2010 – Giving notice of and calling for a Special Municipal Election to be held November 2, 2010.

Resolution 49-2010 was introduced by Council Member Mr. DeMott.

Motion by Mr. DeMott to approve Resolution 49-2010; seconded by Mrs. Sang; carried 8-0.

### **CITY MANAGER'S MATTERS**

Mr. Goff announced the Annual Citizens Civic Academy will take place this fall. Applications are being accepted now and can be found on the City's website.

### **ELECTED OFFICIALS' MATTERS**

City Clerk Michael Snow informed Council and citizens that three Wheat Ridge ballot questions will appear on the November 2<sup>nd</sup>, 2010 special election ballot in the following order and with the following numbering:

- Ballot Question 2A: Approval for the City of Wheat Ridge to enter into a Franchise agreement for Trash and Recycling services
- Ballot Question 300: A Charter Amendment granting the Mayor the power to veto the City Budget.
- Ballot Question 301: A Charter Amendment providing for a Mayor-Council-Manager form of government.

Ms. Berry provided information to residents with excess garden produce about VeggieTrader.com and encouraged participation in swapping vegetables from private garden produce or donation of their excess garden produce to the Jeffco Action Center

through jeffcoac.org or to the residents at Highlands Apartments in Wheat Ridge. Further information will be available on the City's website.

Motion by Ms. Berry to direct the City Attorney to draft a Resolution to put a ballot Question forth to voters to form a Charter Commission, to hold a special meeting on August 30<sup>th</sup>, 2010 for its consideration and to reconsider Resolution 49-2010 if that Resolution passes; seconded by Mrs. Langworthy; failed 1-7 with Ms. Berry voting Yes.

Motion by Mrs. Langworthy to discuss the matter of forming a Charter Commission at a future Study Session; seconded by Mrs. Sang; carried 5-3 with Council Members Stites, DeMott and Reinhart voting No.

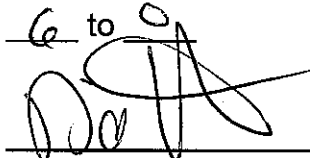
### **ADJOURNMENT**

Meeting adjourned at 9:33pm



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.