

# CITY COUNCIL MINUTES

## CITY OF WHEAT RIDGE, COLORADO

**October 26, 2009**

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Councilmembers 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; Chief of Police, Dan Brennan; Assistant to the City Manager, Heather Geyer; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; Chief Building Inspector, John Schumaker; staff; and interested citizens.

### **APPROVAL OF MINUTES OF October 12, 2009**

Motion by Mrs. Sang for approval of the Minutes of October 12, 2009; seconded by Mr. Stites; carried 8-0.

### **PROCLAMATIONS AND CEREMONIES**

Judy Johnson, representing National Society of Daughters of the Revolution, announced the National Family Literacy Day of November 1, 2009.

Mrs. Wheat Ridge Karen Thaler read the Proclamation for Homeless and Runaway Youth Awareness Month – November, 2009. Dennis Desparis of Family Tree and Gemini House was present to accept the Mayor's Proclamation and spoke on behalf of the services Gemini House provides to homeless youth in the area.

### **CITIZENS' RIGHT TO SPEAK**

***Britta Fisher***, Executive Director of WR2020, offered her congratulations to the Council for completing and adopting the Updated Comprehensive Plan. Now that the Plan was complete, she called for action on implementing the plan. She also encouraged voters to vote for Ballot Questions 2A & 2B. She believes these restrictions belong in the zoning code, not the City Charter.

***Nancy Snow*** thanked Mr. Womble and Mr. Gokey for their service to the City. Specifically, she thanked Terry for often standing alone amongst Council in doing the right thing, and thanked Mr. Gokey for asking the tough questions on the dais and for sponsoring the City's 40<sup>th</sup> Anniversary party. She urged citizens to please vote against Ballot Questions 2A and 2B, believing that the current restrictions are not unreasonable to good development. She also believes the proposed changes are a danger to the City's quality of life and unique character, threatening our mountain views with high-rise development. Citizens did not ask for this Charter change, so please vote no.

**Karen Thaler** announced she again will be officially representing Wheat Ridge in the 2010 Mrs. Colorado competition. She feels honored and privileged to represent the City of Wheat Ridge in this capacity.

**Charlie Holcer** of 3175 Lamar in Wheat Ridge commended Council for their hard work without large compensation. But he believes proposing a lowering of salaries for Council Members is tokenism when the City needs much greater budget problems addressed. He pointed out that none of the recommendations by Citizens' Budget Oversight Committee to address the larger budget issues were ever considered.

**Joseph DeMott** feels the proposition for reduction of salaries of incoming Council by Council Members Berry and Adams while leaving existing council salaries intact is only an attempt to divide the incoming council, as they have done with the current Council. He believes this is insulting and that the City deserves better. He believes you get what you pay for in Council Members and this motion only solidifies their support of a top-heavy Administration. The City Manager is appointed by the Council and is accountable only to the Council, making almost \$200,000 per year, which is over five times the average household income in Wheat Ridge of \$35,000 and over three times the entire Council Salary budget. He offered a budget reducing idea to adopt the representative form of Council of our neighboring Cities, with one Council Member per District and two others At-Large – a total of six members instead of eight.

**1. CONSENT AGENDA**

- A. Award ITB-09-31 Baugh House Interior Restoration, to Historical Applications of Wheat Ridge, Colorado, in the amount of \$109,450 and to Whitney Mechanical of Englewood, Colorado, in the amount of \$15,600 for the purpose of interior restoration and installation of a heating system.
- B. Approval of an Easement to XCEL Energy and Comcast Cable for the Kipling Street Utility Undergrounding Project.
- C. Approval of an Encumbrance of funds for 2009 fuel, granular deicer and liquid deicer purchases in an amount not to exceed \$120,000.

Consent Agenda was introduced and read by Mrs. Langworthy.

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

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

2. Council Bill 28-2009 – An Ordinance repealing and reenacting certain sections of Chapter 5 of the Wheat Ridge Code of Laws concerning the Building Code, The Mechanical Code, the Plumbing Code, the Property Maintenance Code, the Energy Conservation Code, the Residential Code, the Fire Code, the Fuel Gas Code, and penalties for violation of the same.

Mayor DiTullio opened the public hearing.

Council Bill 28-2009 was introduced on second reading by Council Member Stites.

City Clerk Michael Snow assigned Ordinance No. 1457.

Mr. Schumaker presented the staff report.

No Citizens were present to speak on this item.

Mayor DiTullio closed the public hearing.

Motion by Mr. Stites to postpone indefinitely Council Bill 28-2009 (Ordinance 1457), and

I further move and request that the Mayor's Office create a Task Force of Citizens, contractors and Elected Officials to review the Building Code changes that are being proposed by the City's Building Department, and

I further move that the Task Force recommendations, if any, be forwarded to the full City Council by March 1<sup>st</sup>, 2010, and

I further move that the City Manager's Office work with the Mayor's Task Force with regards to the Staff support and information; seconded by Mr. Womble;

Motion by Ms. Berry to amend Mr. Stites motion to reconvene the 2003 IBC Building Code Task Force rather than creating a new one; seconded by Mrs. Rotola; tied 4-4 with Council Members Rotola, Adams, Berry and Langworthy voting Yes and Council Members Stites, Sang, Womble and Gokey voting No; Motion failed 5-4 with Mayor DiTullio voting No.

Motion by Mrs. Adams to amend Mr. Stites motion to utilize the Building Code Advisory Board instead of creating a new one; seconded by Mrs. Berry; failed 5-3 with Council Members Rotola, Berry and Adams voting Yes.

Original Motion by Mr. Stites carried 5-3 with Council Members Rotola, Berry and Adams voting No.

3. Council Bill 29-2009 – An Ordinance amending certain sections of Chapters 5 and 21 of the Wheat Ridge Code of Laws concerning the licensing of contractors.

Mayor DiTullio opened the public hearing.

Council Bill 29-2009 was introduced on second reading by Council Member Stites.

City Clerk Michael Snow assigned Ordinance No. 1458.

Mr. Johnstone presented the staff report.

No Citizens were present to speak on this item.

Mayor DiTullio closed the public hearing.

Motion Womble to postpone indefinitely Council Bill 29-2009 (Ordinance 1458) along with the 2006 IBC task force study; seconded by Mrs. Sang; carried 8-0.

4. Council Bill 30-2009 – An Ordinance amending Section 11-183 of the Wheat Ridge Code of Laws to require Pawnbrokers to submit electronic records and digital photographs of property and persons who complete pawn transactions in the City.

Mayor DiTullio opened the public hearing.

Council Bill 30-2009 was introduced on second reading by Council Member Sang.

City Clerk Michael Snow assigned Ordinance No. 1459.

Chief Brennan presented the staff report and recommended the Council continue the Public Hearing and decision on this Ordinance while the Police Department continues to refine its implementation with affected business owners.

Motion by Mrs. Sang to continue the Public Hearing on Council Bill 30-2009 (Ordinance 1459) to December 14, 2009; seconded by Mrs. Rotola; carried 8-0.

**ORDINANCES ON FIRST READING**

5. Council Bill 31-2009 – extending the Moratorium enacted by Section 2 of Ordinance 1453, Series 2009, on the submission, acceptance, processing, and approval of any application for a City of Wheat Ridge Permit or License related to the operation of a business or cooperative that sells or cultivates Medical Marijuana pursuant to the authority granted by Article XVIII, Section 14 of the Colorado Constitution.

Council Bill 31-2009 was introduced on first reading by Mrs. Langworthy.

Motion by Mrs. Langworthy to approve Council Bill 31-2009 on first reading, order it published, public hearing set for Monday, November 23, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mr. Gokey; carried 7-1 with Mr. Womble voting No.

**DECISIONS, RESOLUTIONS, AND MOTIONS**

6. Resolution 53-2009 – repealing and reenacting the City Budget and appropriating sums of money to the various funds and spending agencies for the City of Wheat Ridge, Colorado, for the 2010 Budget Year.

Resolution 53-2009 was introduced by Mrs. Sang.

Motion by Mrs. Sang to approve Resolution 53-2009; seconded by Mr. Gokey;

Motion to Amend by Mrs. Adams to amend the proposed 2010 Budget to cut \$45,100 per the line item amendments included in a memo provide to Council by Mrs. Adams (memo amended to this packet); seconded by Mrs. Rotola; failed 4-4 with Council Members Rotola, Adams, Berry and Langworthy voting Yes.

Motion to Amend by Mrs. Sang to amend the proposed 2010 Budget to cut the administrative staff vehicle allowance funds; seconded by Mr. Womble; failed 5-3 with Council Members Sang, Womble and Gokey voting Yes.

Motion to Amend by Mrs. Sang to amend the proposed 2010 Budget to increase line number 3 “Fund 30 – Capital Investment Fund” in Resolution 53-2009 from \$350,000 to \$1,350,000 and increase the total 2010 Budget from \$29,054,000 to \$30,054,000 to appropriate the necessary funding for the 2010 CIP Budget Projects outlined in Option 1 of Attachment 3 in the Council Packet; seconded by Mr. Gokey; carried 5-3 with Council Members Rotola, Berry and Adams voting No.

Motion by Mr. Gokey to reconsider the vote on Mrs. Sang’s prior Motion to Amend; seconded by Mrs. Sang; carried 8-0.

Motion to Amend by Mrs. Sang to amend the Budget to increase line number 3 “Fund 30 – Capital Investment Fund” in Resolution 53-2009 from \$350,000 to \$1,350,000 and increase the total 2010 Budget from \$29,054,000 to \$30,054,000

to appropriate the necessary funding for the 2010 CIP Budget Projects outlined in Option 1 of Attachment 3 in the Council Packet;

I further move to transfer an amount equal to \$1,000,000 from the General Fund Budget undesignated reserves to the 2010 CIP Budget to allocate the necessary funding for aforementioned capital investment program projects; seconded by Mr. Gokey;

Motion to Amend by Mr. Stites to amend the proposed 2010 Budget to eliminate Council Dinner Reception funding of \$2,000, Citizens Academy funds of \$3,000, Annual Town Meeting funds of \$5,000, Vision and Strategic Planning funds of \$11,000, Lobbying/NLC Program funds of \$9,000; seconded by Mrs. Langworthy;

Substitute Motion by Mrs. Adams to amend the proposed 2010 Budget to eliminate \$43,600 of the cuts proposed in her memo to Council not including cuts to the Treasurer's and Clerk's Conferences & Meetings funds; seconded by Mrs. Berry; failed 5-3 with Council Members Rotola, Berry and Adams voting Yes.

Motion by Mrs. Sang to withdraw her prior motion to approve the proposed 2010 Budget with amendments; seconded by Mr. Gokey; carried 7-1 with Mrs. Langworthy voting No.

Motion by Mrs. Sang to postpone approval of Resolution 53-2009, Approval of the Proposed 2010 Budget; seconded by Mr. Gokey; tied 4-4 with Council Members Stites, Sang, Womble and Gokey voting Yes; carried 5-4 with Mayor DiTullio voting Yes.

7. Resolution 55-2009 – authorizing submittal of the application for a 2010 Joint Venture Grant to Jefferson County Open Space for the construction of Phase II of the 38<sup>th</sup> and Kipling Park.

Resolution 55-2009 was introduced by Mr. Stites.

Motion by Mr. Stites to approve Resolution 55-2009; seconded by Mrs. Sang;

Motion by Ms. Berry to postpone indefinitely consideration of Resolution 55-2009; seconded by Mrs. Rotola; failed 5-3 with Council Members Rotola, Berry and Adams voting Yes.

Mr. Stites original motion carried 7-1 with Mr. Gokey voting No.

8. Resolution 56-2009 authorizing submittal of the application for a 2010 Special Opportunity Grant to the State Board of the Great Outdoors Colorado for the construction of Phase III of the City of Wheat Ridge 38<sup>th</sup> & Kipling Park.

Resolution 56-2009 was introduced by Mr. Stites.

Motion by Mr. Stites to approve Resolution 56-2009; seconded by Mr. Womble; carried 7-1 with Mr. Gokey voting No.

**ELECTED OFFICIALS' MATTERS**

City Clerk Michael Snow announced two current openings for At-Large Board Members on the ***Election Commission***. Election Commissioners are recommended by the City Clerk and appointed by City Council following each regular Municipal Election to serve a term of two years. Mr. Snow urged interested citizens to apply to the City Clerk's Office by December 7<sup>th</sup>, 2009 for appointments to be made on December 14<sup>th</sup>, 2009. Information on the role of the Election Commission and Applications may be found on the City's website under Government>Boards & Commissions>Election Commission or you may contact the City Clerk at 303-235-2823.

**Executive Session – Evaluation of the City Manager**

Motion by Mrs. Sang to convene an Executive Session for the annual review of the City Manager; I further move to adjourn the Regular Meeting following the conclusion of the Executive Session; seconded by Mr. Gokey; carried 8-0.

Executive Session was held, beginning at 9:45pm.

Meeting adjourned at 10:31p.m.

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Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON NOVEMBER 23, 2009 BY A VOTE OF  
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Wanda Sang, 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.