

CITY COUNCIL MINUTES

**CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING**

February 11, 2013

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 |
| Tracey Langworthy | Joe DeMott |

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Public Works Director, Tim Paranto; Police Chief, Dan Brennan; Treasurer, Larry Schulz; other staff, involved parties and interested citizens.

APPROVAL OF MINUTES OF January 28, 2013

Motion by Mr. Starker for approval of the Minutes of January 28, 2013, including date corrections provided by the Clerk; seconded by Mr. Stites; carried 7-0, with Mr. Starker abstaining. The Clerk agreed to include Mrs. Jay's January 28 comments on the Rock rezoning reconsideration under Elected Officials' Matters.

PROCLAMATIONS AND CEREMONIES

CITIZENS' RIGHT TO SPEAK

Eugene Shirley spoke about stimulus spending. It's a waste of taxpayer money, doesn't work and he fears socialism will soon overtake capitalism. He asked the Council to do taxes, not fees, so the people can approve them. He wishes Council would stop spending money on things like parks, the 38th Avenue experiment, the extra spending at Crown Hill, extra money for Walgreens, a new logo, trips to Washington DC, etc. He thinks Council should quit wasting taxpayers' money and just say no.

Ronald Jensen addressed a property tax lien on his property for gutters that were put on his house by the City. This happened when he was ill and he is being charged for it. He doesn't believe gutters are required and thinks the workmanship is shoddy. He raised concerns about conflict of interest because the person who complained is the same person who ultimately did the gutter work. ~ The Mayor asked him to speak with the City Manager or Ken Johnstone right now about this.

Jordan Mencher spoke about the County's plans for development at Crown Hill and informed Council there is lots of public opposition to this. People want it kept natural. He encouraged folks to go to crownhill@jeffco.us and sign up to do the survey the County will be conducting.

Councilmember Jay thanked Mr. Shirley for coming forward and sharing his concerns.

Councilmember DeMott wondered if we should address the County directly about Crown Hill since we've gotten so many calls, all negative, about the development plan. The Mayor said things are on hold now and advised that we wait. Mr. Reinhart agreed.

Clerk Shaver read into the record a letter from resident **Joan Blanchard** that voiced opposition to the changes on 38th Avenue. Reasons included increased traffic congestion, traffic diversion to neighborhood streets, cut-through traffic, speeding on side streets, accidents, safety issues, unsightly aesthetics, and the back-in parking. She encouraged the return of 38th Avenue to being a major thoroughfare.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill No. 01-2013 – approving the rezoning of property located at 4335 Harlan Street from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-12-10/Fernandez)

Mayor DiTullio opened the public hearing.

Mrs. Jay introduced agenda Item 1.

The Clerk assigned Ordinance 1532.

Mayor DiTullio swore in the speakers for the hearing.

Mr. Johnstone noted that public notice for the public hearing had been properly published. He presented material related to the rezoning. The property in question is located in a strip of 1950's era houses that have, for the most part, been turned into commercial uses and rezoned accordingly. The MU-N zoning will allow residential, new commercial or a mix of uses. In this instance a live-work option would now be allowed and stricter design standards would be in place. Staff recommends approval.

The applicant was present but chose not to speak.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Jay to approve Council Bill No. 01-2013, an ordinance approving a rezoning of property located at 4335 Harlan Street from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N), on second reading and that it take effect 15 days after final publication, for the following reasons:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-1 09 of the Code of Laws.

2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation.

3. The requested rezoning has been found to comply with the "criteria for review" in Section 26-112-E of the Code of Laws."

seconded by Mr. DeMott; carried 8-0

DECISIONS, RESOLUTIONS AND MOTIONS

2. Resolution No. 10-2013 – amending the Fiscal Year 2013 Budget to reflect the approval of a Supplemental Budget Appropriation for the re-appropriation and re-encumbrance of 2012 Fiscal Year Encumbered Funds in the amount of \$802,682.32

Mrs. Langworthy introduced Item 2.

This budget appropriation covers 35 open purchase orders for projects in the 2012 budget that are not fully completed and need to be carried over into 2013. The funds will be distributed for the General Fund, the Capital Investment Fund, the Open Space Fund and the Conservation Trust Fund.

Motion by Mrs. Langworthy to approve Resolution No. 10-2013 – A resolution amending the Fiscal Year 2013 Budget to reflect the approval of a supplemental budget appropriation for the re-appropriation and re-encumbrance of 2012 fiscal year encumbered funds in the amount of \$802,682.32; seconded by Mr. DeMott; carried 8-0

DECISIONS, RESOLUTIONS AND MOTIONS con't

3. Resolution No. 09-2013 – approving the renewal and amendment of an Intergovernmental Agreement for ambulance services among the City of Wheat Ridge, the Wheat Ridge Fire Protection District and Rural/Metro of Central Colorado dba Pridemark Paramedic Services, LLC

Ms. Davis introduced Item 3.

This action approves the renewal of the IGA for the calendar year 2013 and amends the IGA to include the City of Edgewater in the defined response area for the Fire District.

Motion by Ms. Davis to approve Resolution No. 09-2013, a resolution approving the renewal and amendment of an Intergovernmental Agreement for ambulance services among the City of Wheat Ridge, the Wheat Ridge Fire Protection District and Rural/Metro of Central Colorado dba Pridemark Paramedic Services, LLC; seconded by Mr. Reinhart: carried 8-0

4. The award of ITB-13-02, 2013 Crack Seal Project, to Superior Asphalt, Magna, Utah, in the amount of \$47,600, with a contingency amount of \$2,380

Mr. Starker introduced Item 4.

This project is the first of the three preventative maintenance projects that the City will implement this year. There was a concern about the bid being awarded to a company from Utah and a desire to see our dollars spent locally. During discussion it was reported that Superior is a very large company that does lots of work in Colorado, and staff is confident that with all things considered – responsiveness, price, quality of work, etc. -- this is the best choice.

Motion by Mr. Starker to award ITB-13-02, 2013 Crack Seal Project to Superior Asphalt, Magna, Utah, in the amount of \$47,600, with a contingency amount of \$2,380 and that the Director of Public Works be authorized to issue change orders up to a total contract and contingency amount of \$49,980; seconded by Mrs. Jay and Ms. Davis; carried 8-0

5. Purchase of the 2013 vehicle replacements and accessory equipment in an amount not to exceed \$167,361

Mr. Stites introduced Item 5.

The purchase includes six vehicles and auxiliary equipment for the Public Works Department.

Motion by Mr. Stites to approve the purchase of the 2013 vehicle replacements and accessory equipment for a total cost of \$153,361; and to approve the expenditure of not-to-exceed \$14,000 for the purchase installation and /or relocation of auxiliary equipment required for the operation of the vehicles along with the installation of markings and communication equipment; seconded by Mr. Pond.

There was considerable discussion about the replacement of various vehicles and the rotation process. Mr. Paranto had a handout and explained the reasons for replacing the various vehicles.

Motion by Mr. Reinhart to suspend the rules to allow Mr. Stites to make amendments to his motion; seconded by Mr. DeMott; carried 8-0

Motion by Mr. Stites to postpone this item to a study session; seconded by Mr. Starker; carried 8-0.

6. Approval of funding from the fiscal year 2013 Economic Development Budget to reflect the approval of \$90,000 for the Wheat Ridge Business District Revitalization Incentive Grant Program

Mr. DeMott introduced Item 6 and explained that the Business District grants have been mostly used for facades and signs, and generally total about \$40-50,000 per year. The extra money appropriated this year will help fund handicapped accessibility grants.

Motion by Mr. DeMott to approve funding in the amount of \$90,000 for the Wheat Ridge Business District Revitalization Incentive Grant Program for fiscal year 2013; seconded by Mr. Reinhart and Mrs. Jay; carried 8-0

7. A contribution in the amount of \$2,055 to the Jefferson Center for Mental Health for their 55th Anniversary Emerald Celebration

Mr. Pond introduced Item 7. This amount will purchase one third level table for ten guests at the April 21, 2013 fundraiser for the Jefferson Center for Mental Health.

Motion by Mr. Pond approving a contribution in the amount of \$2,055 to the Jefferson Center for Mental Health for their 55th Anniversary Emerald Celebration; seconded by Mr. Reinhart.

Council discussion followed. Ultimately some Councilmembers volunteered to add some of their individual "outreach funds" to increase the total donation to \$5,000.

Motion carried 8-0

8. Authorization for the Mayor to sign a letter on behalf of the City of Wheat Ridge to the Colorado Congressional Delegation concerning storm water regulations.

Mr. Reinhart introduced Item 8. The Environmental Protection Agency (EPA) is in the process of creating new and severe storm water regulations that will have a harsh financial impact on families, business owners and communities across the country. The City has been asked to join other Colorado communities in asking that

- new rules reflect flexibility for geographic differences – not a one-size-fits-all approach,
- not all existing businesses be required to retrofit their properties to the new rules,
- the EPA comply with the Clean Water Act and report to Congress with findings before it develops any new storm water regulations,
- provide research showing the new rules will have a benefit, and
- any new rules should follow a study that looks at local issues and a range of cost-effective local solutions.

Motion by Mr. Reinhart authorizing the Mayor to sign a letter on behalf of the City of Wheat Ridge to the Colorado Congressional Delegation concerning storm water regulations; seconded by Mr. Stites and Mrs. Langworthy; carried 7-1, with Mr. Pond voting no.

CITY MANAGER'S MATTERS

None

CITY ATTORNEY'S MATTERS

Mr. Dahl addressed our cable franchise agreement with Comcast which will expire this April. He recommended extending the franchise agreement for one more year while Denver and

Aurora finish their franchise negotiations. He believes this will make our negotiations easier and noted that Thornton, Lakewood and Arvada are waiting as well.

Motion by Mr. Reinhart to prepare an ordinance extending the Comcast franchise agreement with the same terms through December, 2014; seconded by Mr. DeMott; carried 8-0

ELECTED OFFICIALS' MATTERS

Clerk Shaver offered two items for Council consideration:

- The creation of a citizen task force to address the rental housing problems Council has struggled with how to address. She has a large set of documents from the City Clerk in Commerce City that describes a citizen task force process they used. It could offer some food for discussion about a strategy that is less expensive than hiring a consultant.
- Receiving reports from various Boards and Commissions twice a year at study sessions. She's learned there are other City Councils that do this. Our Cultural Commission already has been giving very informative updates, and Council may want to consider semi-annual reports from other Boards as well.

Council expressed some willingness to look at the Commerce City model. The Clerk will meet with Patrick and the Mayor pro tem on this. ~ Council was agreeable to having a personal reports from other boards and commission. Mr. Reinhart will keep that in mind for future scheduling purposes.

Mr. Pond announced the next Live Local Harvest film fest event that will be February 27 at the Active Adult Center – pot luck at 6:30, film at 7:00. He was unable to attend the first one, but heard it was well attended and people enjoyed it.

Mrs. Jay encouraged the public to attend the Park Design Input Meetings for the upcoming park at 44th & Kendall. The meetings will held at the Active Adult Center at 6:30pm on Feb 20, March 6 and March 13. ~ She also encouraged people to buy their Valentine's Day jewelry and flower in Wheat Ridge.

Mr. Reinhart attended the Live Local Harvest event and reported it was interesting. ~ He also welcomed a new business to Wheat Ridge. FirstLight Home Care is a family owned business, relocated from Huntington Beach, California, that provides services for seniors that can't get out. They've been here six months and already have 15 employees.

Mr. Stites' positive thing: He told of a man who routinely shovels the south side of 38th Avenue from Wadsworth to Kipling when it snows. If anyone knows the man's name please let Mike know. Mike thinks the man deserves an award.

Mayor DiTullio reminded Wheat Ridge High School parents that parent/teacher conferences are this week on Thursday evening in the gym.

Meeting adjourned the meeting at 8:40 PM.

APPROVED BY CITY COUNCIL ON February 25, 2013 BY A VOTE OF ____ to ____

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.