

# CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING

June 24, 2013

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m.

## ROLL CALL OF MEMBERS

Joyce Jay	Mike Stites	Davis Reinhart	Bud Starker
Joseph DeMott	Kristi Davis	Tracy Langworthy	George Pond

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Public Works Director, Tim Paranto; other staff, guests and interested citizens.

## APPROVAL OF MINUTES OF June 10, 2013

**Motion** by Councilmember Stites for approval of the Minutes of June 10, 2013; seconded by Councilmember Starker; carried 7-0-1, with Mr. Pond abstaining.

## PROCLAMATIONS AND CEREMONIES

Mayor DiTullio read a proclamation for the "Brake for Bela" Summer Safe Driving Awareness Campaign. The proclamation was received by Jimmy Luthye of Communication Infrastructure Group, the company that started the campaign in 2011 after one of their employee's daughters was hit by a car and severely injured. He encouraged safe neighborhood driving and encouraged parents to teach their children about safe pedestrian behavior.

Mayor DiTullio made an announcement to address the volume of calls that have come in about the dying grass and trees at Discovery Park. He announced:

- The irrigation pumping system and trees are under warranty. The sod and trees are now being watered twice a week in compliance with drought restrictions by Consolidated Mutual Water.
- The splash park is considered a pool and does not fall under restrictions. Children can operate it by pushing the button.
- New trees were planted by the contractor to replace those lost last year.
- Staff is hand -watering the trees until the irrigation pump is repaired.
- The grass will be fertilized and treated for weed control this fall per schedule. The grass is expected to recover and is now under a regular watering schedule.
- If you have questions you can contact the Parks Department.

## **CITIZENS' RIGHT TO SPEAK**

**Sue Schafer**, representative for House District 24, reported that Mayor DiTullio received an award from the legislature for all the work he's done for special education in his job at the high school and with the City. She will be working in the upcoming legislative session to find more funding for special education. ~ She thanked the Council for all the economic development they are supporting in the city, mentioned that the streets in Paramount Heights need paving, and said that Colorado's economy is looking up.

## **APPROVAL OF AGENDA**

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

1. Resolution 19-2013 – A Resolution authorizing the execution of an agreement with Seniors' Resource Center to participate in the Wheat Ridge Business Development Zone Program for a rebate of 100% of the eligible City fees, charges and taxes in association with the Site Improvements to 3227 Chase St.

Mayor DiTullio opened the public hearing.

Councilmember Reinhart introduced Resolution 19-2013

This construction project is estimated to generate \$17,000 in use tax, and \$5,070 in permit and plan review fees and taxes. The improvements will increase energy efficiency, create more efficient work spaces for several departments (transportation, in-home care, care management, and community marketing), and increase the space for new volunteer positions that will provide new services and ultimately increase services by 25%. Maximum rebate from the City will be \$23,070.

Mr. Goff noted that this request meets all the criteria but one – that being the future generation of sales tax. However, staff predicts there will be spillover sales tax. The BDZ allows for acceptance (when all criteria aren't met) with a  $\frac{3}{4}$  vote of Council.

Mayor DiTullio closed the public hearing.

**Motion** by Councilmember Reinhart to approve Resolution No. 19-2013, a resolution authorizing the execution of an agreement with Seniors' Resource Center to participate in the Wheat Ridge Business Development Zone Program for a rebate of 100% of the eligible City fees, charges and taxes in association with the improvements to 3227 Chase Street in Wheat Ridge; seconded by Councilmember Langworthy; carried 8-0.

## **ORDINANCES ON FIRST READING**



2. Council Bill No. 09-2013 – An Ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his hourly compensation and approving a Presiding Municipal Judge Services Agreement.

Councilmember DeMott introduced Council Bill 09-2013

The current two year term of Presiding Judge Christopher Randall expires July 1, 2013. His compensation since 2007 has been \$87.15 per hour. He has requested a 5% increase to \$91.51 per hour.

**Motion** by Councilmember DeMott to approve Council Bill No. 09-2013, an ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his hourly compensation and approving a presiding municipal judge services agreement, on first reading, order it published, public hearing set for Monday, July 8, 2013 at 7:00 p.m. in City Council Chambers, and that it take effect upon adoption at second reading, as permitted by the Charter; seconded by Councilmembers Reinhart and Stites; carried 8-0.

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

3. Motion to grant two Utility Easements to the Public Service Company of Colorado to facilitate undergrounding electric lines along Kipling Street from 32<sup>nd</sup> to 35<sup>th</sup> Ave.

Councilmember Pond introduced Agenda Item #3

To facilitate the undergrounding of electric lines from 32<sup>nd</sup> Avenue to 35<sup>th</sup> Avenue the City must provide Public Service (Xcel) two utility easements outside of the street rights-of-way: 1) at the detention pond by Rocky Mountain Ditch, and 2) at the northeast corner of 35<sup>th</sup> & Kipling (at Discovery Park).

**Motion** by Councilmember Pond to grant two utility easements to the Public Service Company of Colorado to facilitate undergrounding electric lines along Kipling Street from 32<sup>nd</sup> to 35<sup>th</sup> Avenue; seconded by Councilmember Stites; carried 7-1, with Mr. DeMott voting no.

4. Motion to approve award of ITB-13-05, Bus Bench Purchase and Installation Project to KECI Colorado, Inc., Sedalia, Co., in the contract amount of \$151,170 and to approve a contingency amount of \$15,117

Councilmember Stites introduced Agenda Item #4

The City was awarded a Colorado Department of Transportation (CDOT) Funding Advancements for Surface Transportation and Economic Recovery (FASTER) grant in September, 2011 to install 38 bus benches at selected locations throughout the City. The project includes purchase and installation of bus benches and trash receptacles.

CDOT will administer the project's state funding, while the City will manage the purchase and installation of the bus benches.

**Motion** by Councilmember Stites to award ITB-13-05, Bus Bench Purchase and Installation Project to KECI Colorado, Inc., Sedalia, CO, in the amount of \$151,170, with a contingency amount of \$15,117 and that the Director of Public Works be authorized to issue change orders up to a total contract and contingency amount of \$166,287; Seconded by Councilmember Pond ; carried 8-0.

5. Consideration of Mayor's Veto: Council Bill No. 08-2013 – An Ordinance amending the penalties for violating Sections 1203 and 1208 of the Model Traffic Code for Colorado, as adopted by the City, concerning the parking of major vehicles and parking privileges for persons with disabilities, respectively, and making conforming amendments to Section 13-2 of the Wheat Ridge Code of Laws.

Councilmember Reinhart introduced Agenda Item #5.

On June 10, the Council adopted Ordinance 1538 on second reading, after amending it to reduce the fine to one hundred fifty dollars (\$150.00) for violations of Section 1208 (Parking Privileges for Persons with Disabilities). On June 11, the Mayor vetoed the ordinance. The Mayor's veto may be overridden only by a  $\frac{3}{4}$  vote of the entire Council at the next regular meeting (June 24).

**Motion** by Councilmember Reinhart to override the Mayor's veto of Council Bill No. 08-2013, an ordinance amending the penalties for violating sections 1203 and 1208 of the Model Traffic Code for Colorado, as adopted by the City, concerning the parking of major vehicles and parking privileges for persons with disabilities, respectively, and making conforming amendments to Section 13-2 of the Wheat Ridge Code of Laws, as said ordinance was adopted, with amendments, on June 10, 2013; seconded by Councilmember Starker;

**Christy Mangold**, a disabled, new resident to WR noted that she was active in Nebraska where raising the fine for illegal parking in handicapped spaces greatly decreased violations. This is a very worthy cause and she encouraged Council to stick with the higher fee as it is a great deterrent.

**Gina Robinson**, from the Colorado Advisory Council for Persons with Disabilities, spoke on behalf of the disabled community. She thanked Council for their deliberation last fall and approving a higher penalty. She noted how easy it is to purchase fake handicapped placards on the internet. She encouraged Council not to lower the deterrent.

**Nancy Snow** asked Council to vote against the override. It's not a traffic issue; it's a civil rights issue. She was proud of Council when they approved the state fees. Now she is not so proud of the Council. She encouraged them not to lower the fine.



**Tom Abbott** encouraged the Council to uphold the Mayor's veto. Handicapped parking is there for a reason and should be respected. He doesn't think handicapped fines would be that big of a burden to the court. We should send the message that Wheat Ridge takes handicapped parking seriously.

City Attorney Dahl explained the options for Council to address the veto, including reconsideration/amendment of the ordinance, if the veto were to be overridden.

The motion to override the veto carried 7-1, with Mr. Stites voting no.

**Motion** by Mr. DeMott to reconsider Council Bill 08-2013; second by Ms. Davis and Mrs. Jay; carried 8-0.

**Motion** by Mr. DeMott to approve Council Bill 08-2013; second by Mr. Reinhart.

**Motion** by Mrs. Jay to amend Section 2 of handicapped parking to a fine of \$225; seconded by Mr. Pond;

Motion by Mr. Stites to amend the amendment to \$295; failed for lack of a second.

The motion to amend the fine to \$225 carried 8-0.

Main motion carried 8-0

#### 6. Motion to Cancel the Study Session of July 1, 2013

Councilmember Starker introduced Agenda Item #6.

At this time there are no time-sensitive items listed for the July 1, 2013 Study Session and staff recommends cancellation of the July 1, 2013 Study Session.

**Motion** by Councilmember Starker to cancel the City Council Study Session scheduled for July 1, 2013; seconded by Councilmember DeMott; carried 8-0.

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

Mr. Goff reported that he and Mr. Reinhart met with Xcel last week to discuss contract language. It appears the issue about the banners is near a resolution.

#### **CITY ATTORNEY'S MATTERS**

#### **CITY CLERK'S MATTERS**

#### **ELECTED OFFICIALS' MATTERS**

**Mayor DiTullio** apologized to Mrs. Langworthy for his harsh words at the last meeting regarding the handicapped parking. It's something about which he is passionate. ~ He also read the text of a phone call that will be going out to all residents reminding them that all fireworks are illegal in Wheat Ridge.

**Bud Starker** wished all a happy and safe 4<sup>th</sup>.

**George Pond** is aware of the street issue in Paramount Heights that Rep. Schafer mentioned. ~ He wished everyone a happy 4<sup>th</sup> of July.

**Joyce Jay** has had reports of folks getting phone calls soliciting donations. She recommended that people ask for paperwork on the organizations.

**Tracy Langworthy** noted Performances in the Park starts on July 3. ~ She expressed a need to address the larger issue of the needs of handicapped and aging citizens. She received a consensus for a future study session topic to discuss creating a task force on this issue.

**Mike Stites** reminded everyone that the Carnation Festival is coming up the 3<sup>rd</sup> weekend in August and encouraged businesses on 38<sup>th</sup> to clean up their parking lots. ~ He's heard some alarming stories of people in need and asked people to check with their neighbors to see if they need food.

Meeting adjourned at 8:03 pm.

  
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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON July 8, 2013 BY A VOTE OF 8 to 0



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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.