

# CITY COUNCIL MINUTES

## CITY OF WHEAT RIDGE, COLORADO

February 25, 2008

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; Deputy City Manager, Patrick Goff; City Attorney, Gerald Dahl; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; staff; and interested citizens.

### APPROVAL OF MINUTES OF February 11, 2008

Motion by Mrs. Sang for approval of the Minutes of February 11, 2008; seconded by Mr. Stites and Mr. Womble; carried 5-0 with Council Members Gokey, Berry and Rotola abstaining due to their absence.

### PROCLAMATIONS AND CEREMONIES

Chief Brennan presented a Citizens' Award to **Belinda Hoole** for her extraordinary response and outstanding assistance to the Police during a recent call of domestic violence involving the stabbing of a mother. Ms. Hoole was riding along with a Police Commander on November 29, 2007 as a volunteer roll-player for the Crisis Intervention Team, when the call was received. Chief Brennan presented Ms. Hoole a Certificate of Appreciation on behalf of the Wheat Ridge Police Department for her outstanding help in comforting and caring for the children during this unfortunate episode.

Commander Joe Cassa also added that Belinda Hoole has been an important part of the Peer Counselor Class at Wheat Ridge High School and further commended her on her contributions to the Wheat Ridge Police Department.

### CITIZENS' RIGHT TO SPEAK

**Karen Thaler**, spoke to Council and thanked them for their kind wishes upon her diagnosis of Multiple Sclerosis. Mrs. Thaler will be taking part the National MS Week, March 10-17, 2008.

Wheat Ridge High School student, **Tom Meiers**, spoke to Council and asked for a contribution from Council to support the Relay for Life. A contribution from Council would help further cancer research, cancer education, patient services and advocacy for the American Cancer Society.

Item 1.      **CONSENT AGENDA**

- A. Approval of Award of SOQ-07-48 38<sup>th</sup> & Kipling Master Plan Design to Design Concepts in the amount of \$49,980 for the Park Master Plan.
- B. Approval of Award RFB-08-09, Radar Speed Display Signs to Gades Sales Company in the amount of \$29,400.00.

Consent Agenda was introduced and read by Mr. Stites.

Mr. Gokey asked to pull Item A from the Consent Agenda.

Motion by Mr. Stites for approval of the Consent Agenda Item B; seconded by Mrs. Adams; carried 7-1 with Mrs. Langworthy voting No.

Motion by Mr. Gokey to deny Consent Agenda Item A; seconded by Mrs. Sang; tied 4-4 with Council Members Womble, Rotola, Sang and Gokey voting Yes. Mayor DiTullio broke the tie by voting no. Motion failed 5-4.

Motion by Mr. Stites to approve the Award of SOQ-07-48 38<sup>th</sup> & Kipling Master Plan Design to Design Concepts in the amount of \$49,980 for the Park Master Plan; seconded by Mrs. Adams; tied 4-4 with Council Members Gokey, Womble, Sang and Rotola voting No. Mayor DiTullio broke the tie by voting yes. Motion carried 5-4.

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING****Item 2. COUNCIL BILL 02-2008 - AN ORDINANCE AMENDING THE CODE OF LAWS SECTION 26-711, CONCERNING BILLBOARDS IN THE B-2 BILLBOARD DISTRICT AND REPEALING SECTION 26-711.B.**

Council Bill 02-2008 was introduced on second reading by Ms. Berry. City Clerk Michael Snow assigned Ordinance No. 1408.

Kenneth Johnstone presented the staff report. Mr. Johnstone entered into record a letter addressed to Council from Richard Holme, written on behalf of CBS Outdoor, Inc., Lamar Advertising Company and Mile High Outdoor addressing concerns and suggesting changes to the proposed Ordinance (attached to this packet).

**Mark Giordano**, owner of United Advertising, spoke in favor of staff's recommended changes proposed in the second version of the Ordinance and those requested changes in Mr. Holmes' letter. His comments also included, but were not limited to: an ordinance that gives power to the property owners was preferential; raising the height limits for billboards to 45 feet brings the standards in Wheat Ridge in line with those in surrounding Denver municipalities; if down-lighting is a requirement in the Ordinance, it is encouraged to exempt the lighting structures atop the billboard from the height limit;

**Chip Roehrig** of Lamar Outdoor Advertising spoke to Council regarding a study that showed CEVMS (variable lighting message signs) caused no increase in vehicle accidents. Mr. Roehrig also pointed out that CEVMS signs can also be used for Public Service Announcements and Emergency Response messaging. Mr. Roehrig provided handouts to Council pertaining to

**Richard Holme** spoke to Council in favor of the changes he suggests in his letter referenced above. His comments also included, but were not limited to: because of the current height limits, several of the existing billboards in the City block the view of business' building signs near them; most cities in the Metro area have adopted a 45-foot height limit; studies and court cases pertaining to the claim that CEVMS's caused an increase in accident incidence have found that there was absolutely no evidence to support the claim that they do. Mr. Holme asked Council whether licenses for billboards number 17 & 18 which the new Ordinance allows in the City would be issued under the criteria in this new Ordinance.

Mr. Dahl's answer to Mr. Holme's question was that the 17<sup>th</sup> & 18<sup>th</sup> billboards in the City would, in fact, be licensed under the new Ordinance.

Mr. Holmes answered a question from Council Member Langworthy pertaining to whether CEVMS can be retrofitted to old boards or complete re-construction is necessary. Mr. Holme's answer was that electronic backlit boards do not require new structures, but instead are retrofitted with a new sign box.

Motion by Ms. Berry to continue Council Bill 02-2008, Ordinance 1408 for up to 60 days.

I further move to direct the City Manager to:

- complete an impact fee study that will evaluate collection of impact fees for new and existing billboards up to 2% of gross annual revenues of each billboard,
- to complete an ordinance to implement the results of the impact fee study,
- to complete any associated changes to the billboard ordinance needed to implement the impact fee based on the study,
- to look at possible revisions to the Billboard Ordinance outlined in the February 20 letter from Richard Holme and CBS Outdoor, particularly those pertaining to CEVMS and backlit signs.
- The City Manager shall complete these tasks prior to scheduling the Council Bill for further public hearing, but no later than 60 days from today.

Seconded by Mr. Womble; carried 8-0.

**ORDINANCES ON FIRST READING**

Item 3. COUNCIL BILL 03-2008 - AN ORDINANCE DESIGNATING A STRUCTURE ON PROPERTY LOCATED AT 7495 W. 29TH AVENUE AN HISTORIC LANDMARK SUBJECT TO THE PROVISIONS OF CHAPTER 26, ARTICLE IX OF THE WHEAT RIDGE CODE OF LAWS. (CASE NO. WHL-08-01).

Council Bill 03-2008 was introduced on first reading by Mr. Womble.

Motion by Mr. Womble to approve Council Bill 03-2008.

Motion died for lack of a Second.

Item 4. COUNCIL BILL 05-2008 – AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS TO EXPAND USE OF THE ADMINISTRATIVE ENFORCEMENT PROCEDURES AND TO AUTHORIZE CERTAIN CITY EMPLOYEES TO ENFORCE THE SAME.

Council Bill 05-2008 was introduced on first reading by Mrs. Langworthy.

Motion by Mrs. Langworthy to approve Council Bill 05-2008 on first reading, order it published, public hearing set for Monday, March 24, 2008 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.

Item 5. COUNCIL BILL 06-2008 – AN ORDINANCE AMENDING SECTION 26-803 OF THE WHEAT RIDGE CODE OF LAWS PERTAINING TO FLOODPLAIN CONTROL.

Council Bill 06-2008 was introduced on first reading by Ms. Berry.

Motion by Ms. Berry to approve Council Bill 06-2008 on first reading, order it published, public hearing set for Monday, March 24, 2008 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mr. Stites and Mrs. Adams; carried 8-0.

Item 6. COUNCIL BILL 04-2008 - AN ORDINANCE PROVIDING FOR THE APPROVAL OF CHANGE OF ZONING CONDITIONS ON PROPERTY ZONED PLANNED COMMERCIAL DEVELOPMENT AND FOR APPROVAL OF AN AMENDED OUTLINE DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 7495 W. 29TH AVENUE.  
(CASE NO. WZ-08-01/ WADSWORTH EXCHANGE)

Council Bill 04-2008 was introduced on first reading by Mrs. Sang.

Motion by Mrs. Sang to approve Council Bill 04-2008 on first reading, order it published, public hearing set for Monday, March 24, 2008 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Rotola; carried 7-1 with Mr. Womble voting No.

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

Item 7. Ratification of Mayor DiTullio's Wheat Ridge Housing Authority appointment.

Motion by Mrs. Adams to ratify the Mayoral appointment of **Cheryl Brungardt** to the **Wheat Ridge Housing Authority**, term to expire March 2013; seconded by Mr. Stites; carried 8-0.

Item 8. Board and Commission appointments.

#### **DISTRICT I**

Motion by Mr. Womble to appoint **Diane Robb** to the **Cultural Commission**, term ending 3/2/11; seconded by Mrs. Rotola; carried 8-0.

#### **DISTRICT II**

Motion by Mrs. Sang to appoint:

**Robert Blair** to the **Board of Adjustment**, term ending 3/2/11;

**Patricia Ennis** to the **Parks & Recreation Commission**, term ending 3/2/11;

**Steve Timms** to the **Planning Commission**, term ending 3/2/11;

**Joyce Jay** to the **Cultural Commission**, term ending 3/2/11;

Seconded by Mr. Gokey; carried 8-0.

DISTRICT III

Motion by Mrs. Adams to appoint:

**Virginia Petty** to the **Animal Control Commission**, term ending 3/2/11;

**Louise Turner** to the **Animal Control Commission**, term ending 3/2/11;

**Thomas Abbott** to the **Board of Adjustment**, term ending 3/2/11;

**Helen Huitt** to the **Parks & Recreation Commission**, term ending 3/2/11;

**Vanida West** to the **Cultural Commission**, term ending 3/2/11;

Seconded by Mr. Stites; carried 8-0.

DISTRICT IV

Motion by Mrs. Rotola to appoint:

**Paul Hovland** to the **Board of Adjustment**, term ending 3/2/11;

**James Molnar** to the **Building Code Advisory Board**, term ending 3/2/11;

**Scott Anderson** to the **Cultural Commission**, term ending 3/2/11;

**Liz George** to the **Parks & Recreation Commission**, term ending 3/2/11;

**Patricia Dwyer** to the **Parks & Recreation Commission**, term ending 3/2/11;

Seconded by Mr. Womble; carried 8-0.

AT LARGE

Motion by Mrs. Adams to appoint **Sylvia Angell** to the **Cultural Commission**, term ending 3/2/09; seconded by Mr. Stites and Mr. Womble; carried 8-0.

Item 9. Ratification of Mayor DiTullio's Wheat Ridge Foundation appointments.

Motion by Mrs. Adams to ratify the mayoral appointment of:

**Dewey Bridge** to the **Wheat Ridge Foundation**; term to expire March 2011;

**Patricia Dwyer** to the **Wheat Ridge Foundation**; term to expire March, 2011;

**Lorraine Wright** to the **Wheat Ridge Foundation**; term to expire March, 2011;

**David Petersen** to the **Wheat Ridge Foundation**; term to expire March, 2010;

Seconded by Mr. Stites and Mr. Womble; carried 8-0.

**ELECTED OFFICIALS' MATTERS**

Mayor DiTullio gave thanks to the Wheat Ridge Rotary and Wal-Mart for their donations to the Careers Exploration Class at Wheat Ridge High School. With help of teacher Anna Taylor and these community donations, students have recently lead the opening of the Joe Pit Coffee Shop at Wheat Ridge High School. Mr. DiTullio wished a welcome back to Karen Thaler and Dean Gokey. Lastly, Mr. DiTullio asked the City management to move the laptop at the podium to allow room for speakers to easily reach the microphone.

Mr. Womble commented it was good to see Dean Gokey and Karen Thaler back in action.

Mr. Gokey expressed he was very grateful for all the outpouring of care, good wishes and help he's received in the recent weeks while he was ill and in the hospital.

Mrs. Langworthy gave Dean Gokey and Karen Thaler a welcome back and further commented to Karen that her contributions and devotion to the City's welfare are very important.

Mrs. Sang said she was glad to have her partner on Council back.

Ms. Berry mentioned she was glad to have Dean Gokey back with his humor and good attitude.

Motion by Mrs. Berry to direct the City Manager to draw up a budget amendment to sponsor a table for Wheat Ridge Officials at the Jefferson Center Mental Health 50<sup>th</sup> Anniversary in the amount of \$1,200; seconded by Mrs. Adams and Mrs. Sang; carried 8-0.

Mrs. Rotola told Dean Gokey and Karen Thaler she was glad to see them back and mentioned if they needed anything, to ask. Mrs. Rotola also commented on the recent YourHub articles about Wheat Ridge showing what a great place WR is.

Mrs. Adams voiced she was joyous to have Dean Gokey back as well as Karen Thaler. Mrs. Adams commented that the billboard process has been long and grueling, but important and thanked staff for their hard work and for citizens and the business community for their contributions in the process.

Mr. Stites welcomed Dean Gokey and Karen Thaler back in action. Mr. Stites also commented he was glad to see the park development process getting under way for 38<sup>th</sup> & Kipling, and as always, for residents to "find it and buy it" in Wheat Ridge.



Meeting adjourned at 8:16 p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON MARCH 24, 2008 BY A VOTE OF 8 to 0



Mike Stites, 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.