

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

June 9, 2008

Mayor DiTullio called the Regular City Council Meeting to order at 7:04p.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 Treasurer, Larry Schulz; City Manager, Randy Young; Deputy City Manager, Patrick Goff; City Attorney, Gerald Dahl; Director of Community Development, Kenneth Johnstone; Assistant to the City Manager, Heather Geyer; Senior Planner, Sally Payne; staff; and interested citizens.

APPROVAL OF MINUTES OF May 12, 2008

Motion by Mr. Gokey for approval of the Minutes of May 12, 2008; seconded by Mrs. Sang; carried 8-0.

CITIZENS' RIGHT TO SPEAK

Karen Thaler informed Council she did not win the Mrs. Colorado pageant this year. However, from among 5,600 competitors she did win two distinct awards, one for Crowning Achievement, and another for Title Holder of the Year for her many community efforts in Wheat Ridge.

Jeff Worthington related to Council that through his research, he has found that Wheat Ridge ranks higher than the national average on violent crimes, while the City ranks highest per capita in traffic stops.

John McMillin spoke of the good news that Amici's Restaurant will be opening in the former Gemini Restaurant site at 41st & Wadsworth. Further, Mr. McMillin asserted that the former Olinger mansion site is not a good location for retail or restaurant development, that it is disconnected from other sites and surrounded only by City offices, a cemetery and residential homes. Mr. McMillin warned the Council that the disruption of the Referendum petition drive will be remembered at election time and that had they had the foresight to let 3 Sons Restaurant move into the Gemini site, they could have spared citizens a lot of grief and disappointment and the loss of a City landmark.

Claudia Worth stated that it was unfortunate that no one from the Transcript was at the Petition Protest hearings. She further pointed out that the discrepancy in the Charter that petition signatures can be submitted 45 days after a Council decision while Ordinances go into affect in 15 days, left citizens without enough time to collect signatures. Then signatures were thrown out for reasons not related, petitioners were never allowed the same leniency as the protesters and never given a chance to speak at their own Protest Hearing. The City could have saved a lot of money if the City Clerk were only allowed to hear the protests as required in the Charter and that the blame is to be placed on the Mayor and Council and Administration for their efforts to block the petition.

Dorothy Archer voiced concern about building code demands on new businesses, particularly on 38th Avenue; that these demands have caused some companies to go out of business and stopped some from opening in the City. Mrs. Archer asked Council and the Administration whether our code requirements are too steep, and asked Council and administration to be more accommodating and encouraging to businesses in WR.

Randy Massey, from L&H Autobody, announced that the company is celebrating their 60th year in Wheat Ridge and thanked the City of Wheat Ridge for the help and support they've given his business over the years. Mr. Massey contends that they could not have stayed in business as long as they have had they not been given the support they received from the City.

Louise Turner stated that she and other citizens are ready for more accuracy in City communications and are tired of being berated by the Mayor for exercising their petition rights. Mrs. Turner reported that no facts are ever presented in these articles, there's never a mention of the rezoning two years ago when the Olinger developer was given rights to develop retail sites on the property as long as he would protect one historic house on the property. This is a betrayal of the citizens of Wheat Ridge. Also, the City's recent survey is very misleading and she cited when the City Manager said in a Study Session that staff needed time to "craft" the language to persuade readers. Mrs. Turner also pointed out that the language in the survey speaking of the removal of the height & density restrictions in the Charter but not in the Zoning Code is intentionally misleading given that Council and the Administration have already discussed Ordinances to do just that. She believes that a survey should ask what someone thinks, and not tell them what to think.

Linda Olson and Mild Bill spoke of the importance in supporting and honoring our Western Heritage and invited Council and all citizens to the Front Range Rendezvous which takes place in Wheat Ridge at Fruitdale Community Park on June 21st & 22nd from 10am to 6pm. Entrance to the event is free and proceeds will support the South Platte River Society. More information can be found on their website at www.hohcolorado.net.

Terrell Williams, Chairman of the Wheat Ridge Urban Renewal Authority and Member of the Wheat Ridge 2020 Board of Directors, spoke of the release of a Request for Proposal (RFP) for designs and proposals of a mixed-use development concept for the site at 44th & Wadsworth. Mr. Williams informed Council that over 100 organizations have already expressed some level of interest in this development. There will be briefings for interested developers during the weeks of June 16th and June 23rd. RFP's are due August 8, 2008 at noon. Those will be reviewed and evaluated by the week of September 12th, finalist will be interviewed by the week of September 29th, then a final set of selected developers will be presented to the Urban Renewal Authority in the latter part of October.

Gretchen Cervený thanked Council for their support of the Wheat Ridge Senior Resource Center in providing transportation funding to seniors and also thanked them for all their efforts in revitalizing Wheat Ridge. Mrs. Cervený also commented that the Council did very well with respect to the Olinger property and that the Mayor did what he should have done - supported private property rights.

Item 1. **CONSENT AGENDA**

- A. Approval of the 2008 Microsoft Enterprise Agreement Renewal in the Amount Of \$62,887.48 to Insight, Inc.
- B. Approval of the Logistic Systems' Case Management Enhancements in the amount of \$26,462.00.
- C. Approval of Award RFP-08-10 Web Site Redevelopment to Icon Enterprises, Inc. dba Civicplus, Manhattan, KS, in the Not to Exceed Amount of \$55,000.
- D. Resolution 28-2008 and 29-2008 – Resolutions Amending the City Council's Motion Concerning Expenditure of the City's 2007 and 2008 Jurisdictional Federal Community Development Block Grant Fund Allocation and Amending the 2008 Fiscal Year Capital Investment Program Budget to Reflect the Approval of a Supplemental Budget Appropriation in the Amount of \$50,000 for the Purposes of Contributing to the Senior Resource Center Facility Construction Fund.
- . E. Resolution 30-2008 – A Resolution Amending the Fiscal Year 2008 General Fund Budget to Reflect the Approval of a Supplemental Budget Appropriation in the Amount of \$4,000 for the Purposes of Assisting the Seniors' Resource Center.

Consent Agenda was introduced and read by Mr. Stites.

Mrs. Rotola asked to pull Item1E from the Consent Agenda for separate consideration.

Mr. Womble asked to pull Item 1C from the Consent Agenda for separate consideration.

Motion by Mr. Stites for approval of Consent Agenda Items A, B & D; seconded by Mrs. Sang; carried 8-0.

Motion by Mr. Womble to deny Consent Agenda Item 1.C. because Staff was asked to prepare a detailed review of this proposal for Council at a Study Session, but never did so; seconded by Mr. Gokey.

Ms. Geyer presented the staff report and highlighted the features proposed for the new City website design in a PowerPoint presentation (attached to this packet).

Substitute Motion by Mr. Gokey to approve Consent Agenda Item 1.C.; seconded by Mr. Womble; carried 8-0.

Motion by Mrs. Rotola to deny Item 1.E.; seconded by Ms. Berry.

Hank Braaksma from the Senior Resource Center spoke in favor of the additional appropriation, citing that these funds would help to off-set increasing fuel costs and to obtain additional federal grant monies.

Motion failed 5-3 with Council Members Womble, Berry and Rotola voting Yes.

Motion by Mr. Stites to approve Consent Agenda Item 1.E.; seconded by Mrs. Sang; carried 8-0.

Mayor DiTullio called for a break at 8:20pm; resuming at 8:29pm.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Item 2. Council Bill 02-2008 - An Ordinance Amending Code Of Laws Section 26-711, Concerning Billboards in the B-2 Billboard District And Repealing Section 26-711.B (Public hearing continued from 2/25/2008 with new public notice published for the continuation of the public hearing on 4/14/2008. Public hearing continued on 4/14/2008 until 6/9/2008.)

Council Bill 02-2008 was introduced on second reading by Ms. Berry. City Clerk Michael Snow stated that Ordinance No. 1408 had been previously assigned to this Council Bill.

Kenneth Johnstone presented the staff report and spoke of Staff's continued work to develop the Billboard Impact Fee program.

Motion by Ms. Berry to continue Council Bill 02-2008 until 30 days following the completion of the Billboard Impact Fee Study or 30 days following action by City Council which fails to fund a Billboard Impact Fee study; seconded by Mrs. Rotola; carried 7-1 with Mr. Gokey Voting No.

Item 3. Council Bill 09-2008 - An Ordinance Concerning the Permitted Locations Of Bail Bonds Businesses, and In Connection Therewith, Amending Certain Sections Of Chapter 26 Of The Code Of Laws.

Council Bill 09-2008 was introduced on second reading by Ms. Berry. City Clerk Michael Snow assigned Ordinance No. 1413.

Mayor DiTullio opened the Public Hearing.

Mr. Johnstone presented the staff report.

Dorothy Archer spoke in favor of the additional restrictions on Bail Bonds businesses citing the concern for the prevalence of Bail Bonds businesses and the impression they give to visitors of the City.

Mayor DiTullio closed the Public Hearing.

Motion by Ms. Berry to approve Council Bill 09-2008 (Ordinance 1413) on second reading and that it take effect 15 days after final publication; seconded by Mrs. Langworthy.

Motion by Mrs. Sang to amend the motion to include an amendment to the Ordinance to require that bail bonds businesses not be located any closer than 600 feet from the property line of any school or Public Park, with said amendment reflected in the published ordinance; seconded by Mr. Gokey; carried 8-0.

Original Motion by Ms. Berry carried 8-0 as amended.

DECISIONS, RESOLUTIONS, AND MOTIONS

Item 4. Resolution 27-2008 - A Resolution Adopting the Neighborhood Revitalization Strategy as an Amendment to the City's Comprehensive Plan.

Resolution 27-2008 was introduced by Ms. Berry.

Mrs. Payne presented the staff report (attached to this packet).

Dorothy Archer spoke in opposition to zoning changes that could result in a much higher density of housing in lots neighboring those long-established, low-density properties.

Motion by Ms. Berry to approve Resolution 27-2008. I further move that the Neighborhood Revitalization Study (NRS) supersedes the Wheat Ridge Comprehensive Plan where they may conflict; seconded by Mrs. Rotola; carried 8-0.

Item 5. Approval of a Memorandum of Understanding between the Seniors' Resource Center, Inc. and the City of Wheat Ridge for the Purpose of Providing Transportation Services to Qualifying Individuals from Senior Resident Centers to Fixed Destinations.

Item 5 was introduced by Mrs. Langworthy.

Motion by Mrs. Langworthy to approve the Memorandum of Understanding; seconded by Mr. Womble; carried 8-0.

Mr. Stites thanked Mayor DiTullio and Mrs. Langworthy for their hard work to put this support program together for the SRC in light of the rising fuel costs.

Item 6. Motion by Mrs. Sang to ratify Mayor DiTullio's appointment of **Art Bushell** to fill the vacancy on the **Wheat Ridge Foundation**, term to expire March 2, 2009; seconded by Mr. Stites; carried 8-0.

ELECTED OFFICIALS' MATTERS

Mr. Snow spoke of the results of the Referendum Petition and its failure to meet sufficiency following the results of Protests on the validity of many of the citizens' signatures. Further, Mr. Snow apologized to the Petition proponents and all citizens who signed the petition for mistakenly including the Telephone Number field in the petition form and for the affect that had on the validity of the Petition.

Mrs. Rotola thanked Heather Geyer for the City website presentation. She also reminded citizens about the first Farmer's Market taking place June 19 at 41st & Wadsworth and the Front Range Rendezvous on June 21st & 22nd at Fruitdale Park.

Ms. Berry thanked Mr. Snow for his apology.

Mr. Stites noted that the Fire Department fundraiser for Chief Payne raised over \$37,000 and accomplished an amazing level of participation by the community. Considering the rising fuel costs, he also encouraged citizens to "find it and buy it in Wheat Ridge".

Mrs. Adams informed citizens of the start of the Performances in the Park at Anderson Park, with the first performance on Wednesday, June 18th and continuing each Wednesday evening through the summer. Also, Mrs. Adams encouraged families to attend the new swimming pool opening on June 21st, 2008.

Mrs. Sang seconded Mr. Stites comments and wished Chief Payne the best for a recovery. Mrs. Sang also noted that the hearing officer in the Petition Protest hearings found that Mr. Snow had not acted inappropriately in matters of the petition and she apologized to Mr. Snow if it caused any embarrassment in her filing that protest.

Mrs. Langworthy commented on how the community support for the Payne family touched Tammy Payne.

Mr. Gokey stated that he does not believe that the owner of the Olinger property should be required to maintain it as a historic site and supports what this Council is doing and the decisions it has made on the Olinger property. Mr. Gokey also informed the Council that he won't be participating during most of July and into August due to the nature of his pending medical treatments.

Mr. Womble reminded citizens of the upcoming Wheat Ridge Carnation Festival on August 14-16. He also thanked the 80 or so citizen attendees to his "meet the Councilor" BBQ at his home on May 24th, 2008.

Mayor DiTullio gave his best wishes to Chief Payne and his family, as well as Dean Gokey for his medical treatments coming up. He also thanked Council for their support of the Senior Resource Center (SRC) programs. The SRC is planning for a \$8.7m expansion in Wheat Ridge on Chase Street north of 32nd Avenue. Mr. DiTullio also encouraged citizens to attend the Front Range Rendezvous on June 21st & 22nd, and congratulated L&H Autobody for their many years of success in the City of Wheat Ridge.

Meeting adjourned at 9:20pm.

Signed: Michael Snow

Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON JUNE 23, 2008 BY A VOTE OF 7 to 0

Signed: Mike Stites

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.