

# CITY COUNCIL MINUTES

## CITY OF WHEAT RIDGE, COLORADO

**November 24, 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; City Manager, Randy Young; City Attorney, Gerald Dahl; Senior Planner, Meredith Reckert; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; Director of Parks & Recreation, Joyce Manwaring; staff; and interested citizens.

### **APPROVAL OF MINUTES OF November 10, 2008**

Motion by Mr. Stites for approval of the Minutes of November 10, 2008; seconded by Mr. Gokey; carried 8-0.

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

**Steve Blakesly**, a Building Contractor and business owner that works in Wheat Ridge, spoke in defense of rumors he has heard circulating about his company and of what he feels has been public ridicule and berating by City Administration and Building Division staff. Mr. Blakesly provided Council photocopies of a memo on the subject of Building Codes in the City of Wheat Ridge (included in this packet).

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

Item 1. Resolution 60-2008 – A Resolution approving a Three Lot Subdivision Plat for Property recently Annexed to the City of Wheat Ridge – Coors at Clear Creek, Filing No. 1.

Resolution 60-2008 was introduced by Mrs. Langworthy, who read the Executive Summary.

Mayor DiTullio opened the public hearing.

Meredith Reckert presented the staff report.

**Benjamin Moline**, was present on behalf of the applicant. Mr. Moline expressed agreement of all that was stated in the Staff report and recommendations.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Langworthy to approve Resolution 60-2008, a Resolution approving a final subdivision plat for the Coors at Clear Creek, Filing No. 1 Subdivision, with the following conditions:

1. The applicant shall enter into a Development Covenant Agreement with the City to establish responsibilities for future public improvements, subject to execution by the Director of Public Works; and
2. The subdivision plat shall be modified to reflect the following note: "In addition to Note #6 on Sheet 1 of the subdivision, regarding the location of the FEMA regulatory floodplain, the City has adopted new floodplain maps based on the most recent study of the floodplain. Future development plans for the property must comply with the City's floodplain requirements using the most recent locally adopted maps;

Seconded by Mr. Womble; carried 8-0.

Item 2. Council Bill 21-2008 – An Ordinance Amending Section 26-803 of the Wheat Ridge Code of Laws pertaining to Floodplain Control.

Mayor DiTullio opened the public hearing.

Council Bill 21-2008 was introduced on second reading by Ms. Berry. City Clerk Michael Snow assigned Ordinance No. 1423.

Tim Paranto presented the staff report.

No citizens were present to speak on this item.

Mayor DiTullio closed the public hearing.

Motion by Ms. Berry to approve Council Bill 21-2008 (Ordinance 1423) on second reading and that it take effect 15 days after final publication; seconded by Mrs. Rotola; carried 8-0.

**ORDINANCES ON FIRST READING**

Item 3. Council Bill 20-2008 – An Ordinance Amending Chapter 10 of the Wheat Ridge Code of Laws to provide a process for the creation and administration of Community Benefit Districts.

Council Bill 20-2008 was introduced on first reading by Mrs. Sang, who read the Executive Summary.

Motion by Mrs. Sang to approve Council Bill 20-2008 on first reading, order it published, public hearing set for Monday, December 8, 2008 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication.

I further move that the official location for Legal Publication of this Ordinance be the City of Wheat Ridge website, [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us).

Seconded by Mr. Gokey; carried 8-0.

Item 4. Council Bill 22-2008 – An Ordinance amending Chapter 4, Section 14 of the Code of Laws of the City of Wheat Ridge, which concerns the Regulations of Exotic Animals within the City.

Council Bill 22-2008 was introduced on first reading by Mrs. Langworthy, who read the Executive Summary.

Motion by Mrs. Langworthy to approve Council Bill 22-2008 on first reading, order it published, public hearing set for Monday, December 8, 2008 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication;

I further move the official location for Legal Publication of this Ordinance be the City of Wheat Ridge website, [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us).

Seconded by Mrs. Sang; carried 8-0.

Item 5. Council Bill 23-2008 – An Ordinance Regulating the Operation of Secondhand Dealers and Precious Metal Dealers, and in connection therewith, amending Article VII of Chapter 11 of the Code of Laws.

Council Bill 23-2008 was introduced on first reading by Mrs. Sang, who read the Executive Summary.

Motion by Mrs. Sang to approve Council Bill 23-2008 on first reading, order it published, public hearing set for Monday, December 8, 2008 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication;

I further move that the official location for Legal Publication for this Ordinance be the City of Wheat Ridge website, [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us).

Seconded by Mrs. Rotola; carried 8-0.

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

Item 6. Resolution 61-2008 – A Resolution Authorizing Submittal of the Application for a 2009 Joint Venture Grant to Jefferson county Open Space for the Construction of 38<sup>th</sup> and Kipling Park.

Resolution 61-2008 was introduced by Mr. Stites, who read the Executive Summary.

Motion by Mr. Stites to approve Resolution 61-2008; seconded by Mr. Womble; carried 5-3 with Council Members Gokey, Berry and Rotola voting No.

Item 7. Award ITB-08-32 HVAC System Upgrade/Senior Center in the total Amount of \$158,697 to Environmental Control Systems, Englewood, CO with a total Project Cost not to exceed \$168,697.

Item 7 was introduced by Mr. Stites, who read the Executive Summary.

Motion by Mr. Stites to approve the award of ITB-08-32 HVAC System Upgrade/Senior Center to Environmental Control Systems, Englewood, CO in the total amount of \$158,697, and I further move that a contingency amount of \$10,000 be approved for a total project cost not-to-exceed \$168,697 to be charged to the CIP budget account #30-610-800-815; seconded by Mrs. Sang; carried 8-0.

Item 8. Award Panasonic Computer Notebooks to Portable Computer Systems in the Total Amount of \$38,757.50.

Item 8 was introduced by Mr. Womble, who read the Executive Summary.

Motion by Mr. Womble to award Panasonic Computer Notebooks to Portable Computer Systems, Golden, CO in the amount of \$38,757.50; seconded by Mrs. Sang; carried 8-0.

Item 9. Election of Mayor Pro Tem.

City Clerk Michael Snow provided Council members paper ballots on which votes for Mayor ProTem were placed. Results of the paper ballot vote were 4 votes for Wanda Sang and 4 votes for Karen Adams. Mayor DiTullio broke the tie by paper ballot in favor of Wanda Sang. Final results: Wanda Sang, 5 votes; Karen Adams, 4 votes.

Motion by Mr. Stites to elect **Wanda Sang** as Mayor Pro Tem effective immediately, term to expire upon election of her successor; seconded by Mr. Womble; carried 5-3 with Council Members Rotola, Berry and Adams voting No.

### **ELECTED OFFICIALS' MATTERS**

Motion by Mr. Womble to donate his unexpended 2008 Conferences & Meetings budget of \$3000 to Wheat Ridge 2020; seconded by Mr. Gokey.

Mr. Womble amended his Motion such that the donation to Wheat Ridge 2020 be earmarked for use only in Meeting & Conference Expenses; seconded by Mr. Gokey.

Motion tied with Council Members Langworthy, Adams, Rotola and Stites voting No; Mayor DiTullio broke the tie in favor; Motion carried 5-4.

Mrs. Adams asked Staff to clarify how money in Council's Conferences & Meetings budget was and is intended to be used and to consider how this budget item's purpose can be further defined so as to limit it only to its intended use.

Mr. Gokey wished everybody a Happy Thanksgiving and reminded all of the importance of families at this time of year.

Mrs. Langworthy wished all a Happy and safe Holiday.

Mr. Stites wished everyone to have a great Thanksgiving holiday and to remember to do something positive every week for the community and their neighbors. He also encouraged everyone to consider inviting a neighbor to dinner, especially someone that might be alone at this time. And as always, he encourages all to Find and Buy It in Wheat Ridge.

Mrs. Rotola encouraged everyone to enjoy the Thanksgiving feast on Thursday, then to remember to diet on Friday.

Mayor DiTullio wished all a Happy Thanksgiving. He wished to recognize the Wheat Ridge High School Girls Softball team for making it to the state competition and also the Girls Volleyball team that made the State competition but unfortunately could not attend due to scheduling issues. He also mentioned the Boys 4A Football team participating in the State Championship on Saturday, November 29<sup>th</sup> at Invesco Field at Mile High.

Mrs. Sang wished all a Happy Thanksgiving and expressed her gratitude for having her whole family together for the first time in many years. She also congratulated the Wheat Ridge High School Boys 4A Football team for making it to the State Competition.

Mrs. Sang resigned from the Board of Wheat Ridge 2020 effective immediately because of her appointment as Mayor Pro Tem and because of the recent events that have taken place with the organization. She cited what she feels are the City Manager's inappropriate actions to undermine all the efforts to revitalize the City by scapegoating one member of the organization and arbitrarily cutting the City's funding of Wheat Ridge 2020 by 67% in 2009.

Mayor DiTullio then provided Council a memo based on a November 3<sup>rd</sup> memo from City Manager Randy Young to Council recommending spending of more taxpayer money to study and assess the Building Department (included in this packet). Mr. DiTullio pointed out to City Staff that Wheat Ridge 2020 is also a consultant to the City and feels that their efforts this year to examine the construction and permitting policies are appropriate. He encouraged the City and Council to consider allowing the organization to take the lead in that effort with Staff input rather than hiring another outside consultant.

Meeting adjourned at 8:00p.m.

Signed: Michael Snow

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Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON DECEMBER 8, 2008 BY A VOTE OF 8-0.

Signed: Wanda Sang

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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.