

CITY COUNCIL MINUTES

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

November 9, 2015

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

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL OF MEMBERS

Jerry DiTullio	Zachary Urban	Kristi Davis	Bud Starker
Tim Fitzgerald	George Pond	Tracy Langworthy	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief Daniel Brennan; Parks & Recreation Director, Joyce Manwaring; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; Administrative services Director, Heather Geyer; other staff and interested citizens.

APPROVAL OF MINUTES OF October 12, 2015

Without objection the minutes of October 12, 2015 were approved as published.

SWEARING IN CEREMONY

Judge Randall Davis administered the Oath of Office for the newly elected officials.
City Clerk – Janelle Shaver
Treasurer – Jerry DiTullio
Councilmembers -- Monica Duran, Kristi Davis, George Pond, and Larry Mathews

PROCLAMATIONS AND CEREMONIES

Recognition of outgoing Treasurer and Council Members

Mayor Jay recognized outgoing Treasurer, Larry Schulz and outgoing Councilmembers Bud Starker, Jerry DiTullio, and Tracy Langworthy. Each received a framed photograph of the Wheat Ridge Greenbelt as a parting gift.

CITIZENS' RIGHT TO SPEAK

Sarah Booster (Lakewood), social worker at Everitt Middle School, is planning an event on December 10 from 4-7pm. It will be a community Resource Fair to let people know what services they have available to them, and provide a way for more affluent families to see where they can give back.

Guy Namiach (WR), president of the Everitt PTA, stated that sixteen agencies from Jeffco and Denver will be represented at the Resource Fair. The fun part of the event will be a cake auction. High school and feeder schools will be invited. More details will follow.

Margie Seyfer (WR) thanked Larry Schulz, Bud Starker and Tracy Langworthy for their service to the City.

Kim Calomino (WR) welcomed the new councilmembers and thanked Larry Schulz, Bud Starker and Tracy Langworthy for their service to the City.

APPROVAL OF AGENDA

Motion by Councilmember Duran to add to the agenda discussion regarding the vacancy in District 1 [created by Jerry DiTullio's resignation to serve as treasurer]; seconded by Councilmember Urban; carried 7-0. At Mr. Dahl suggestion it was added as agenda item number 4.

1. Consent Agenda

Councilmember Davis introduced the Consent Agenda.

- a. Motion to award a contract and approve payments(s) for Herbicide application services in non-turf areas to Vegetation Management Inc., Evergreen, CO., in the annual amount of \$34,867 *[For weed control, February to November, in areas in parks, rights-of-way, and open space]*
- b. Motion to award contract and approve payment(s) for on-call storm sewer maintenance services to Quality Pipe Services of Englewood, Colorado in an amount not-to-exceed \$40,000 *[Budgeted in Public Works General Fund]*
- c. Motion to award a contract and approve payment for structural engineering services for bridge rehabilitation to Est, Inc., Denver, Co, in the not-to-exceed amount of \$85,750 *[For joint repair and rail updating for bridges over Clear Creek at Marshall, 44th Ave and Youngfield]*
- d. Resolution No. 46-2015 – approving the purchase of two replacement police special service vehicles, amending the Fiscal Year 2015 General Fund Budget, and approving a Supplemental Budget Appropriation in the amount of \$95,756 *[Vehicles involved in accidents, beyond repair; funding not budgeted; supplement required]*

Motion by Councilmember Davis to approve Consent Agenda Items 1a, 1b, 1c, and 1d; seconded by Councilmember Pond; carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill Council Bill 23-2015 – Approving a Zone Change from Residential-One (R-1) to Mixed Use-Neighborhood (MU-N) for property located at 10191 W. 38th Avenue (Case No. WZ-15-06/Buck)

Councilmember Pond introduced Council Bill 23-2015.

Rezoning is the first step for redevelopment of the site under MU-N. If approved, all further review will be done administratively with no public hearings required.

Clerk Shaver assigned Ordinance 1586.

Mayor Jay opened the Public Hearing and swore in the speakers.

Ken Johnstone gave the staff presentation. He entered into the record the content of the presentation, the zoning code, the City's Comprehensive Plan, and the packet material.

The property is located on 38th Avenue, west of Kipling on the north side of the street, immediately west of the dental offices. This area is appropriate for residential, light commercial or mixed use. Neighborhood meetings were held with no concerns raised. All agencies can serve the property. The Planning Commission recommends approval as the zone change responds to redevelopment in the area and it is compatible with the surrounding area.

Council questions

- Councilmember Urban inquired how the applicant letter could claim no significant impact to traffic when the use has yet to be determined. Mr. Johnstone stated that the property is only .4 acres so any use will not have much impact. Additionally the purpose of the rezoning when no use is identified is to position the property for reinvestment; the MU-N zone is attractive.
- Councilmember Mathews asked about height limits. Standard height limitations are in place (35' for residential and 50' for commercial); no exemptions will apply.

Mayor Jay closed the Public Hearing.

Motion by Councilmember Pond to approve Council Bill No. 23-2015 - an ordinance approving a zone change from Residential-One (R-1) to Mixed Use-Neighborhood (MU-N) for property located at 10191 W. 38th Avenue (Case No. WZ-15-06/Buck) 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 26-109 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 Councilmember Fitz; carried 7-0.

3. Council Bill 26-2015 – Amending the Wheat Ridge Code of Laws to give the Director of Parks and Recreation the Authority to Determine when, where and under what conditions sledding will be allowed on City Property

Councilmember Fitzgerald introduced Council Bill 26-2015.

Current City Code prohibits sledding in any City park, open space or recreational facility. This ordinance will allow the director of the Parks and Recreation Department to permit sledding at specific locations and under certain conditions.

Clerk Shaver assigned Ordinance 1587.

Mayor Jay opened the Public Hearing.

Jerry Dahl remarked that this removes the blanket prohibition to sledding by giving the Parks Director authority to permit sledding at certain times and places.

There was no public testimony and no questions from the Council.

Mayor Jay closed the Public Hearing.

Motion by Councilmember Fitzgerald to approve Council Bill No. 26-2015 - an ordinance amending the Wheat Ridge Code of Laws to give the Director of Parks and Recreation the Authority to Determine when, where and under what conditions sledding will be allowed on City Property, on second reading, and that it take effect fifteen days after final publication; seconded by Councilmember Wooden; carried 7-0.

4. Discussion about the process to fill the vacancy in District 1.

Councilmember Duran introduced the item. She distributed a handout with her thoughts about an open, transparent process to fill the vacant Council seat occasioned by Jerry DiTullio's resignation to become Treasurer.

Jerry Dahl explained that the Charter provides that the City Council is to appoint a replacement within 30 days of the vacancy.

Discussion followed.

Motion by Councilmember Pond to allow Bud Starker to speak; seconded by Councilmember Fitzgerald; carried 4-3, with Mathews, Duran and Urban voting no.

Bud Starker was asked if he would be willing to serve as Councilmember for District 1. He said he was.

Motion by Councilmember Pond to appoint Bud Starker to fill the vacancy for District 1; second by Councilmember Fitzgerald;

Councilmember Urban called a point of order that the item added to the agenda was for discussion of the process – not the appointment to fill the vacancy.

Mayor Jay ruled that the motion was appropriate.

Mr. Dahl advised that the agenda item did call for discussion of the process, but there are a number of actions the Council could take, including the appointment of a replacement.

Discussion followed.

Councilmember Mathews raised a point of order asking if the public would be allowed to comment; no notice had been published about doing this appointment tonight.

Mr. Dahl said that public comment, although traditionally allowed, is optional and at the pleasure of the Council.

There was more discussion.

Motion by Councilmember Pond to lay the pending motion for appointment on the table until November 23 to allow for public comment at the November 16 Study Session and that in the interim eligible persons interested in serving be asked to submit expression of interest to the City Clerk by Friday, November 13; seconded by Councilmember Fitzgerald; carried 7-0.

ORDINANCES ON FIRST READING

5. Council Bill 28-2015 – approving a zone change from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) for property located at 4340 Harlan Street (Case No. WZ-15-08/Lightway)

Councilmember Urban introduced Council Bill 28-2015.

Rezoning is the first step for redevelopment of the site under MU-N. If approved, all further review will be done administratively with no public hearings required.

Motion by Councilmember Urban to approve Council Bill 28-2015, an ordinance approving a zone change from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) for property located at 4340 Harlan Street (Case No. WZ-15-08/Lightway), on first reading, order it published, Public Hearing set for Monday, December 14, 2015, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication, seconded by Councilmember Davis; carried 7-0 .

6. Council Bill 29-2015 – approving the rezoning of property located at 10590 West 44th Avenue from Planned Commercial Development (PCD) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-15-04/Golabek)

Councilmember Wooden introduced Council Bill 29-2015.

The applicant requests a zone change to MU-N to expand permitted uses for the site, including residential. If the rezoning is approved all further review will be done administratively with no public hearings required.

Motion by Councilmember Wooden to approve Council Bill 29-2015, an ordinance approving the rezoning of property located at 10590 West 44th Avenue from Planned Commercial Development (PCD) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-15-04/Golabek), on first reading, order it published, Public Hearing set for Monday, December 14, 2015, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication, seconded by Councilmember Pond; carried 7-0.

CITY MANAGER'S MATTERS

Patrick Goff welcomed the new folks on the Council and thanked the outgoing elected officials.

CITY ATTORNEY'S MATTERS

Mr. Dahl noted that he is asking for an executive session following adjournment of the meeting. Councilmember Davis will make the motion.

ELECTED OFFICIALS' MATTERS

Genevieve Wooden thanked Tracy Langworthy, Bud Starker, and Larry Schulz. ~ She reported that WR High School won their football game Friday night and will be advancing to the regionals. The game is this Saturday at Jeffco Stadium. ~ She expressed a desire to have arrangements made for the new Council to have a retreat.

Larry Mathews thanked the voters for putting faith in him; he's looking forward to working with the other councilmembers.

Tim Fitzgerald thanked Larry Schulz and the outgoing councilmembers.

George Pond thanked the voters who supported him, and thanked Larry Schulz, Bud Starker, Tracy Langworthy and Jerry DiTullio.

Monica Duran thanked the voters in District 1 and her family for being supportive; Jerry and Julie DiTullio for their help; and all the people who helped get 300 passed.

Zach Urban thanked Janet Leo, Tom Lundy, and Bud Starker who ran but didn't win. He knows it's tough to lose and he appreciates their willingness to be candidates. ~

He restated the invitation to the public of the Dec 10 Resource Fair and Cake Auction at Everett Middle School.~ He announced that Fran's Café was closed for upgrades but will be having a lasagna dinner the evening of Sunday, Nov 22 to celebrate their re-opening.

Kristi Davis thanked the outgoing elected officials and the new ones. She thanked the voters in District 2 for their support.

Janelle Shaver publicly thanked Janice Smothers for all her work making all the many arrangements for the transition tonight -- the ceremony and reception. Her efforts are much appreciated.


Joyce Jay welcomed the new Councilmembers and thanked the outgoing ones.

Motion by Councilmember Davis to go into executive session for a conference under Charter section 5.7(b)(1) and Section 24-6-402(4)(b), C.R.S., specifically for legal advice from the City Attorney and appropriate staff concerning the legal effects of HB1348 and Ballot Question 300 and options for City action in connection therewith, and further to adjourn the Council meeting at the conclusion of the executive session; seconded by Councilmember Pond; carried 7-0.


ADJOURN to Executive Session

The regular meeting was adjourned at 8:40pm.

The Executive Session commenced in the Lobby Conference Room at 8:45pm and adjourned at 10:00pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON November 23, 2015



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.