

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

June 28, 2010

Mayor DiTullio called the Regular City Council Meeting to order at 6:30 p.m. Councilmembers present: Karen Adams, Karen Berry, Joseph DeMott, Tracy Langworthy, Davis Reinhart, Wanda Sang, and Mike Stites. Also present: City Clerk, Michael Snow; City Manager, Patrick Goff; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Senior Planner, Meredith Reckert; Planner, Sarah Showalter; Interim Administrative Services Director, Heather Geyer; staff; and interested citizens.

Council Member Joyce Jay was absent.

APPROVAL OF MINUTES OF June 14, 2010

Motion by Mrs. Sang for approval of the Minutes of June 14, 2010; seconded by Mr. Stites; carried 7-0.

PROCLAMATIONS AND CEREMONIES

Police Department Citizen Awards (3)

Chief Brennan recognized three citizens: **Joseph Baran**, **Heidi Baran** and **Kit Blakely**, and granted them the Citizen Award for their assistance to the Wheat Ridge Police in containing and arresting a perpetrator who attempted to flee on foot on March 31st, 2010.

American Cancer Society Relay for Life

Natalie Fedak was present to accept the proclamation for July 9-10 to be Wheat Ridge Relay Days. This year's Relay for Life event will take place on July 10th, 2010. Natalie thanked Council and citizens for their support and participation in the event.

CITIZENS' RIGHT TO SPEAK

Dick Matthews is one of a group of citizens currently circulating a petition to propose two Charter Amendments on the November election. He spoke in response to a Citizen Alert memo that was distributed to residents in District 3. Mr. Matthews claims that the memo misstates the proposed form of government and the operation of the proposed Mayor's budgetary veto, as well as containing several spelling and grammar mistakes. Mr. Matthews contends that the proposed Mayor-Council-Administrator form of government would maintain that the City Administrator has authority to hire and fire department heads and the Chief of Police. He further asserts that the proposed form of government is the same as that employed by the City of Wheat Ridge from 1972 – 1996 when the City was in political turmoil and the change at that time was initiated based on personality conflicts, not good sound choices for Wheat Ridge government.

Ms. Berry asked of Mr. Matthews whether the proponents of the petition drive have hired non-citizens; to which Mr. Matthews answered they had.

Dean Gokey asked Council and citizens to support the Relay For Life event and cancer research in general. Mr. Gokey also spoke in favor of the citizen petition, asking citizens to contact him if they are in support of the Charter Change and wish to sign the petition.

Charles Holcer expressed disappointment in the Council in not getting things done to address the City's revenue shortfalls and excessive spending since the seating of the new Council with last November's election. He is further concerned that Council will be considering spending another \$24,500 tonight to study the Administrative Salaries and staffing at City Hall while these determinations should be done by in-house staff and by Council Members themselves. He also disagrees with public monies being spent to fund a committee to study the various forms of government when the City already has experience and history in both forms today. He believes the Council should consider more aggressive cost-cutting measures.

Bob Wilson of Arvada is a candidate for RTD District L and spoke in favor of supporting the completion of the Gold Line and to support those residents of the Metro Area who do not drive with alternative, sustainable transit programs. He urged Wheat Ridge citizens to elect him in November.

1. **CONSENT AGENDA**

A. Resolution 32-2010 – amending the Fiscal Year 2010 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$82,963.54 consisting of the 2010 Colorado Auto Theft Prevention Authority Grant of \$75,463.54 and the High Intensity Drug Trafficking Area Program Grant for Police Overtime in the amount of \$7,500.00.

B. Resolution 31-2010 – amending Resolution 25-2010 amending the public hearing date for Case No. ANX-10-02 pertaining to annexation of remnant parcels of right-of-way located in the East Half of Section 16, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado.

Consent Agenda was introduced and read by Mrs. Langworthy.

Motion by Mrs. Langworthy for approval of the Consent Agenda; seconded by Mrs. Adams; carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 08-2010 – An Ordinance amending the Wheat Ridge Code of Laws Article VII of Chapter 26 concerning Off-Premise Identification Signs, Community Event/Sponsorship Banners, and Signs in the public right-of-way.

Mayor DiTullio opened the public hearing.

Council Bill 08-2010 was introduced on second reading by Council Member DeMott. City Clerk Michael Snow assigned Ordinance No. 1463.

Ms. Showalter presented the staff report (amended to this packet).

Kerry Foreman is the owner of Lakeside Animal Hospital on Harlan Street. She wishes to construct a sign in the right-of-way, which under the current code she is not allowed. She contends that without such a sign in this visible location in the right-of-way, her customers cannot see or find her business. Passing this ordinance will make a positive change conducive to the success of local businesses.

Mayor DiTullio closed the public hearing.

Motion by Mr. DeMott to approve Council Bill 08-2010 (Ordinance 1463) on second reading, and that it take effect 15 days after final publication;

I further move to direct staff to make necessary amendment to the Ordinance to remove all reference to off-premise signs and instead amend Section 26-708.E.2 regarding master sign plans to include the language 'including off the subject property';

I further move to direct staff to amend the Ordinance to modify the definition of a pole sign to read 'A sign which is affixed to, or mounted on a freestanding pole, and anchored in the ground';

I further move to direct staff to make necessary amendments to the Ordinance so that the regulations pertaining to community event/sponsorship banners on school property match the Jefferson County School District policies for sponsorship banners and to amend the Ordinance to remove restrictions on duration for community event/sponsorship banners on city-owned properties.

Seconded by Mrs. Sang;

Motion by Ms. Berry to amend the Ordinance to strike the word *pole* from the definition of Billboard; seconded by Mr. DeMott; carried 7-0.

Motion carried 7-0, as amended.

3. Council Bill 09-2010 – An Ordinance amending a Planned Industrial Development Outline Development Plan for construction of a Public Fire Station on property located at 5250 Oak Street.
(Case No. WZ-10-03/Skyline Estates Filing 3/Arvada Fire Protection District)

Mayor DiTullio opened the public hearing.

Council Bill 09-2010 was introduced on second reading by Council Member DeMott. City Clerk Michael Snow assigned Ordinance No. 1464.

Mrs. Reckert presented the staff report (amended to this packet).

Arvada Fire Chief John Greer asked the Council to approve this amendment to the Plan and assured that all measures have been and will be taken to minimize noise impacts to the neighborhood. With approval, construction of the new Fire Station will begin and complete this summer.

Mayor DiTullio closed the public hearing.

Motion by Mr. DeMott to approve Council Bill 09-2010 (Ordinance 1464) on second reading, and that it take effect 15 days after final publication for the following reasons:

1. The proposed ODP amendment for a specific plan is consistent with the standards established on the underlying plan.
2. The proposed use will provide a buffer and land use transition from the industrial uses on the south side of Ridge Road to the residential neighborhood to the north.
3. The evaluation criteria support approval of the request.

Seconded by Mrs. Langworthy; carried 7-0.

4. Council Bill 10-2010 – An Ordinance amending the Wheat Ridge Code of Laws to permit waiver of Use Tax.

Mayor DiTullio opened the public hearing.

Council Bill 10-2010 was introduced on second reading by Council Member Reinhart. City Clerk Michael Snow assigned Ordinance No. 1465.

Mr. Dahl presented the staff report.

Mayor DiTullio closed the public hearing.

Motion by Mr. Reinhart to approve Council Bill 10-2010 (Ordinance 1465) on second reading, and that it take effect 15 days after final publication; seconded by Mrs. Adams; carried 7-0.

5. Council Bill 11-2010 – An Ordinance extending the moratorium enacted by Section 2 of Ordinance 1453, Series 2009, on the submission, acceptance, processing, and approval of any application for a City of Wheat Ridge Permit or License related to the operation of a business or cooperative that sells or cultivates Medical Marijuana.

Mayor DiTullio opened the public hearing.

Council Bill 11-2010 was introduced on second reading by Council Member Sang. City Clerk Michael Snow assigned Ordinance No. 1466.

No staff report was presented.

Matthew Durkin, Jefferson County Deputy District Attorney, encouraged the Council to extend the moratorium, citing the many abuses that have resulted on account of the state constitutional amendment to allow medical marijuana in Colorado. Mr. Durkin stated several statistics to indicate abuse of the initial intent of this amendment and asserted there is also evidence to show that it has provided the means for criminals to further fund illegal operations and presents further criminal activity to neighborhoods in Colorado.

Scott Storey, District Attorney of Jefferson County, urged Council to not even consider enacting an Ordinance allowing such business in Wheat Ridge. Mr. Storey contends that state citizens voted for a “caretaker” model in the original constitutional amendment, not a “dispensary” model for medical marijuana. He believes the current HB 10-1280 went beyond the intent of this amendment and will not be upheld legally. He further urged Council to reject a dispensary model, which will present many problems for the City.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Sang to approve Council Bill 11-2010 (Ordinance 1466) on second reading, and that it take effect upon adoption; seconded by Mr. Reinhart; carried 6-1 with Council Member DeMott voting No.

ORDINANCES ON FIRST READING

6. Council Bill 12-2010 – An Ordinance approving the Annexation of two remnant parcels of right-of-way located in the East Half of Section 16, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado.
(Case No. ANX-10-02/City of Wheat Ridge)

Council Bill 12-2010 was introduced on first reading by Mr. Stites.

Motion by Mr. Stites to approve Council Bill 12-2010 on first reading, order it published, public hearing set for Monday, August 9, 2010 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 7-0.

7. Council Bill 13-2010 – An Ordinance concerning administrative enforcement and making conforming amendments to Article V of Chapter 2 of the Wheat Ridge Code of Laws.

Council Bill 13-2010 was introduced on first reading by Mr. Reinhart.

Motion by Mr. Reinhart to approve Council Bill 13-2010 on first reading, order it published, public hearing set for Monday, July 26, 2010 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Langworthy; carried 7-0.

DECISIONS, RESOLUTIONS, AND MOTIONS

8. Resolution 33-2010 – amending the Fiscal Year 2010 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$30,000 to the Wheat Ridge Business District (WRBD) for the purpose of funding the Revitalization Incentive Grant Program.

Resolution 33-2010 was introduced by Council Member Mrs. Langworthy.

Motion by Mrs. Langworthy to approve Resolution 33-2010; seconded by Mrs. Sang; carried 7-0.

9. Resolution 34-2010 – amending the fiscal year 2010 General Fund Budget to reflect the approval of a supplemental budget appropriation and approving the award of RFP-10-22 for the Employee Compensation/Structure Analysis to Waters Consulting Group, Inc. in an amount not to exceed \$24,500.

Resolution 34-2010 was introduced by Council Member Mr. Reinhart.

Motion by Mr. Reinhart to approve Resolution 34-2010; seconded by Ms. Berry; carried 5-2 with Council Members Stites and DeMott voting No.

CITY MANAGER'S MATTERS

Mr. Goff congratulated the Wheat Ridge Police Department for the honor in receiving the Pioneer Policing Award at the 2010 Annual Colorado Association of Chiefs Convention. The award was given for the Department's development of the Hold-up and Robbery Prevention Program, which seeks to educate area business owners in preventing hold-up robberies.

ELECTED OFFICIALS' MATTERS

Mayor DiTullio encouraged citizens to abide by the fireworks restrictions, being cognizant of the fire hazards that are present and the impacts this has on the safety of the community.

Meeting adjourned at 9:06p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON JULY 12, 2010 BY A VOTE OF 8 to 0



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.