

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue

July 20, 2015

Mayor Jay called the Study Session to order at 6:31 p.m.

Council members present: Bud Starker, Zachary Urban, Tim Fitzgerald, George Pond, Genevieve Wooden, Jerry DiTullio, and Tracy Langworthy

Absent: Kristi Davis

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Police Chief Daniel Brennan; Division Chief Jim Lorentz; Division Chief Dave Pickett; other staff and interested citizens.

PUBLIC COMMENT ON AGENDA ITEMS

Lynnette Namba (WR), from the Breathe Easy Wheat Ridge coalition, urged Council to support the ordinance. The packet they gave to Council proposes several additions they'd like to have included in the ordinance. This ordinance won't interfere with businesses; it only prohibits the use of tobacco and vapor products in public spaces. From her experience working for the Los Angeles County Health Department on smoke free outdoor policies she believes these policies are largely self-enforcing with good signage. She listed her personal reasons for supporting the ordinance.

Dan Martinez (high school employee) sponsors the WRHS BE Team, 10 students who promote tobacco awareness. He explained how smokers leave school to smoke. Discovery Park is a popular place students go to ditch and smoke cigarettes and pot. Vapor devices are also not allowed on campus, but kids take them to the parks. They patrol around the school and neighbors report seeing students go to the parks and hanging out and smoking.

Rachel Brown (WR), a student from WRHS, gave her perspective on the smoking of her peers. Kids ditch class and she feels an ordinance would help them not smoke and they would stay in school more. She believes vapor lounges attract the wrong crowd – that the kids at WRHS who go to vape lounges and hooka lounges aren't the type of kids who are helping our community. It doesn't attract great kids.

Barbara St. John (WR) is sorry the marijuana industry picked our state to be the experiment. She believes marijuana is harmful to young people, has very little positive benefit, and noted that frequent damage is done by marijuana smokers. She related the sad story of a young, local boy -- bright and full of promise, one year out of high school. He used pot, as did his parents. Just this month he was feeling depressed and hanged himself. She feels sanctioning vaping only encourages youth in a bad way.

Roger Morin (WR) read from the WR Vision 2025 – focusing on the part that says we're a community for families and healthy lifestyles. He thinks this suggests a city with smoke/vapor free air in its parks, outdoor patios, city events, public transit, along with the already-regulated places. He asked for smoke free air in retail tobacco shops to protect workers and demonstrate a willingness to counter exploitation of the vaping technology.

Jim St. John (WR) would like to see the Council vote against any and all further applications of use or facilities for any kind of application of marijuana. Council voted marijuana legal without giving citizens the same opportunity. He believes vaping is just another addition to the problems we'll have from marijuana. Being surrounded by cities who don't sell marijuana, we become a city of commerce for it. We don't need this.

Lorrie Odom (WR) said things have changed since WR passed the smoke free parks rule -- the easy availability of smoking devices, the legalization and commercialization of marijuana, and increased smoking and vaping of nicotine and marijuana in Discovery Park. She supports making all parks smoke and vapor free. She listed statistics on the negative impacts of smoking, marijuana and electronic smoking devices.

Jennifer Yates (WR) related her personal history with smoking. She's concerned about how vaping can easily conceal the use of any drug and the fact that e-juice is not regulated by anyone. The content and potential damage of what's inhaled and of the cloud of vapor is unknown. She's concerned about WR becoming a marijuana/vaping destination. The glamorization of vaping is increasing. She asked Council to give business owners and law enforcement a tool and make smoke free and vapor free the standard.

Jennifer Shepherd (WR) shared all the places her young son has seen kids smoking and now thinks it's cool. She noted seeing vaping and smelling pot at the Easter Egg Hunt. She lamented the shops at the Mills that promote cannabis and the Bob Marley lifestyle – noting that the Marley family will soon roll out its own line of cannabis. She shared from the recent Biennial of the Americas discussion on global drug policy their premise that community support is essential for stopping abuse by youth. She referenced the survey in their packets. So much effort has been made to make WR a destination for families and healthy living. Making WR smoke and vapor free will keep us going in the right direction of WR Vision 2025.

Charmain Britton (WR) encouraged Council to pass the ordinance -- to join Golden and Edgewater by making tobacco retail stores smoke and vapor free. She doesn't want hooka and vapor lounges available for her children. Marijuana can be concealed in vaping devices. Her children tell her everybody does it; she doesn't want it to be easy for them and wants to send the message that it's not OK. A comprehensive smoke/vapor free policy can change this. She advocated these changes: Instead of making sidewalks and streets smoke and vapor free, prohibit smoking at transit areas and city events, and increase the smoke-free doorway provision from 15 to 25 feet.

Rose Frazier works at the Rec Center. She takes kids to Discovery Park almost every day and sees people smoking and vaping. She hates to see this influence on young minds.

APPROVAL OF AGENDA

1. Staff Report(s)

a) TLC Neighborhood Update ~ Chief Brennan and staff

Division Chief Jim Lorentz gave an update on the Clearvale and Clear Creek Crossing neighborhood improvement programs (Traffic safety, Life quality, and Crime reduction).

- Fliers were mailed to the 2 neighborhoods and meetings were held in May.
- About 50 residents attended each meeting; citizen comments are in the packet.
- Residents were told about the program and that assessments would be done
- Clearvale: 527 properties assessed; 74 violations; they're getting 85% compliance on those warnings
- Clear Creek Station: 481 properties; 98 violations; weeds, parking lots, broken fences, litter
- Dumpster Days to be held: Clearvale on July 25th; Clear Creek Station on Aug 8
- Commercial east end of 44th: 65 businesses assessed; 45 violations; there seems to be lots of activity now; people are working on the violations

In review

- To continue these kinds of programs it will require more resources
- Reassessment of a neighborhood requires as much work as starting a new one
- Staff will come up with ideas of how to address that; ideas are welcome

The Chief gave closing thoughts about future reports that will offer recommendations.

b) JAG Grant Update ~ New Division Chief Dave Pickett

(JAG: grants periodically available from the Justice Assistance Bureau)

- We traditionally use JAG grants for technology, equipment or community projects.
- We have a JAG grant for 2015 and 2016 in the amount of \$11,454.
- The plan is to upgrade the audio/visual system in our four interview rooms.
(Currently two rooms need upgrading; two rooms have nothing.)
- Estimated cost is \$34,000. The remaining \$22,500 will come from the Police asset forfeiture funds, Fund 17.

From Council questions

- The recording equipment needs "shut off" capabilities to accommodate constitutional provisions.
- Yes, Fund 17 comes from individuals who are actually convicted.

As required, the JAG grant is posted on the City website for community input.

Councilmember DiTullio received consensus to bring the grant forward for approval.

2. Police Body Cameras Presentation ~ Chief Brennan and staff

Chief Brennan began by citing the national public debate over public trust and police transparency. Various sectors have called for the use of body-worn cameras (BWC). The City had already begun participating in a pilot study before this national furor began.

The Chief gave an overview of the various issues related to BWC. Division Chief Lorentz demonstrated the head-mount and eyeglass models.

- Fixed cameras don't tell the whole story and cannot detect danger cues like a trained officer can.
- Safety concerns for officers wearing headbound or eyeglass style devices.
- With a body-worn (chest) camera (used in the pilot study) the view is blocked when the officer draws his weapon.
- The information downloads to a smart phone and is then uploaded to an internal server or a cloud system.
- Policy development presents a number of constitutional and privacy challenges: Clear case law doesn't exist yet. Open records law can conflict with privacy issues. There are privacy concerns for sex assaults.
- Recording interviews with domestic violence victims can help a case, but it may also dampen cooperation by victims, witnesses and informants.
- Our needs: Purchase 60 cameras to equip patrol, detectives, crime and traffic, and SRO's – plus 10 docking cradles to recharge them and download the material.
- Since our IT department is stretched thin, a cloud based system is recommended.
- The cost is significant. Implementation of the 5-year contract would require:

60 cameras, 10 docking stations and associated services	\$112,000 initially
Yearly cloud storage and evidence licenses	\$56,880
Five-year total (for equipment and related services).....	\$349,090
- We'd also need one full time employee to oversee records management and public records requests.....\$39,000 annually, plus benefits

The Chief's recommendation is that we wait another year so we can see how the constitutional issues are handled by the courts. He doesn't believe costs will go down.

Council discussion

- Some councilmembers thought we can handle the cost.
- Some councilmembers had concerns about recording victims and expressed a desire to wait until national things are settled.
- Regarding what other cities are doing – it's a mixed bag. Larger cities are getting them (Lakewood and Denver in 2016; Arvada is waiting). Grant funding is limited.
- Concerning officer safety -- if an officer is hit in the head, the camera can cause injury. In hot weather the chest mount is preferred.
- The six officers who were assigned the chest mount cameras loved them.
- There was concern about the constitutional issues and a thought that costs might come down if we wait.
- 60 units would be one for every operational officer. Sharing units isn't practical. The challenge is download time and recharging the batteries, plus research shows that if cameras are issued to individual officers they will take better care of them.

- What other types of recordings (audio and video) do we have now? We have no in-dash cameras. (They are expensive.) We do have a/v recording in 2 of our interview rooms, security cameras at City Hall and the Rec Center, cameras at some intersections (used by public works), and an auto license plate reader that's been very helpful with stolen vehicles and warrants.
- This is 2nd generation technology; there is likely a new generation every 3 years
- There is already a case where someone requested video tapes as public information and then posted them on YouTube. It included the inside of people's houses. Do we want recordings of the inside of people's houses on the internet?
- It's a five year contract, which would mean a significant, permanent commitment.

Most councilmembers preferred to wait to see the litigation that transpires and felt that we'd have a better program if we wait.

There was consensus to wait until 2017. The department will continue with the pilot program.

Councilmember DiTullio dismissed himself at 7:58

3. Smoking Ordinance ~ Patrick Goff & Chief Brennan

Mr. Goff presented the proposed ordinance, which corrects discrepancies with the Colorado Clean Indoor Air Act (CCIA) and addresses the use of vape pens as a smoking device. It doesn't address smoking in public places.

Chief Brennan addressed our current code and other issues that have come up.

- It was updated in 2006 and 2010, but didn't prohibit smoking in public places.
- Of more recent concern was a business, Three Kings Dab Supply, where marijuana was being used. The inadequacy of our code created challenges for prosecution, resulting in part of the case being handled through Municipal Court and part through District Court. Had our code been up to date with the CCIA that would have gone more smoothly.
- Public comment about smoking in public places has again come forward. Currently we have a park rule against smoking in parks.
- The content of vape pens and e-cigarettes is unknown; the social harm is uncertain.
- The Council may also want to outlaw hookah bars.

Mr. Goff noted that per attorney Carmen Beery the prohibition of hookah bars is not included in this ordinance. It involves zoning and would have to go through Planning Commission.

Officer J.D. Jepkema gave further perspective from the law enforcement view and health concerns.

Discussion followed.

- Penalties are addressed in Chapter 16, up to \$999 fine and a year in jail.

First offense would likely be small and include education. After that smoking on public property will become an expensive habit.

- Prohibition of hooka bars can be added if Council desires.
- There was discussion about wording.
- Some councilmembers wanted to exclude public streets and sidewalks from the prohibited areas; some want to leave that in.
- As drafted the ordinance has a barrier of 15 feet from a doorway – which is in line with state law. There was discussion about extending the barrier to 25 feet.

Councilmember Langworthy received consensus to proceed with the ordinance as drafted, including

- striking "streets and sidewalks" from the list of public places,
- adding wording provided by Councilmember Wooden from the City of Lakewood to include city events and public transit areas, and
- bringing the prohibition of hooka lounges back as a separate ordinance through the Planning Commission.

Regarding changing the barrier from 15 feet to 25 feet: There was consensus to leave it as drafted for now (15 feet).

Regarding outdoor seating areas provided by businesses and employers: There was consensus to have staff prepare two choices – one that bans smoking on all private patios and one that allows the business owner to decide beyond the 15 foot limit.

4. Elected Officials' Report(s)

Genevieve Wooden reported being given a plaque thanking the City for its donation to the STEM team at the High School. She will bring it in on Monday. ~ From the Education Alliance she reported having written an article in the Gazette about the restructuring of the Alliance. All this information will be posted on the City website. ~ She also read a lengthy response to another article about the Alliance that appeared in the same issue of the Gazette.

Bud Starker gave a shout out to the East Side Wheaties who had a great block party on Saturday.

Zach Urban recognized the anniversary of the Aurora theater shooting today and thanked the first responders. ~ He also reported that the funeral procession for a fallen fire fighter would be traveling through Wheat Ridge tomorrow from 11-2. He offered thoughts and prayers to the family.

Mayor Jay noted the Carnation Festival is coming soon and that she had a very successful coffee. She senses that citizens are wanting more dialog with elected officials – perhaps returning to district meetings and town meetings. They want to be able to offer more input.

Clerk Shaver announced that if anyone is interested in running for office the first day to pick up candidate petitions is August 4.

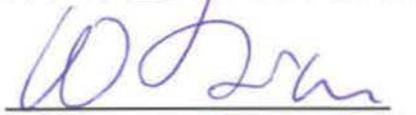
ADJOURNMENT

The Study Session adjourned at 9:19 p.m.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON



Bud Starker, Mayor Pro Tem