

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

March 12, 2018

Mayor Pro-Tem Fitzgerald 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

Zachary Urban	Janece Hoppe	Monica Duran	Tim Fitzgerald
Larry Mathews	Leah Dozeman	Kristi Davis (arrived at 7:05)	

Absent: Bud Starker (excused) and George Pond (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; Police Chief, Daniel Brennan (sitting in for City Manager Patrick Goff); Public Works Director, Scott Brink; interested citizens.

APPROVAL OF Council Minutes of February 12, 2018, February 26, 2018 and Special Study Session Notes of February 26, 2018

There being no objections, the Council Minutes of February 12, 2018, February 26, 2018 and the Special Study Session Notes of February 26, 2018 were approved as published.

PROCLAMATIONS AND CEREMONIES none

CITIZENS RIGHT TO SPEAK

Dorothy Archer (WR) spoke to the word sustainable. Concern has been expressed that Wheat Ridge has no representation on the County Sustainability committee. She spoke about affordable housing being a part of sustainability. ~ She had questions about the citizen survey that has been sent out. The survey will go only to randomly selected registered voters. ~ She asked Council to look at page 51 in the Masterplan as she will be addressing it next time.

Bob Brazell (WR) reported getting a survey notice and noted that surveys can be written to get any answer you want. He believes the questions on ADU's are poorly written, noting there is no explanation of what ADU's are and no question asking people if they even approve or disapprove of them. He believes the questions are designed to get certain answers, and regardless of the answer it is a stacked deck. ~ Councilmember Fitzgerald explained to him that the online survey will not be done. Council realizes some of the questions may appear difficult to understand, but the

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consulting firm that wrote the survey assures them the answers will be valid. ~ Mr. Brazell believes the questions invalidate the survey.

Rollie Sorrentino (WR) addressed the issue of houses with popped tops and residential building heights. He had been asked by a councilperson what he thought about this issue, and he didn't really have an answer. Now he has looked into it and he believes Mrs. Archer has presented a good compromise. She has done a great deal of research on this and he defended her position. ~ He also reported seeing the baseball lights on at Anderson Field one evening last week. He went and saw several soccer teams practicing in the outfield area of the baseball field – under the lights. He thinks that should be noted in the consideration about Anderson Field.

APPROVAL OF THE AGENDA

PUBLIC HEARING AND ORDINANCES ON SECOND READING

1. Council Bill 04-2018– An Ordinance amending Sections 11-201 and 11-401 of the Wheat Ridge Code of Laws, concerning the authorized activities of Marijuana Testing Facilities.

This ordinance will authorize City-licensed marijuana testing facilities to conduct a broader array of testing activities – to include those recently authorized by state law. Other types of activities, such as cultivation, product development and clinical trials, will still be prohibited within testing facilities in the City.

Councilmember Urban introduced Council Bill 04-2018.

Mayor Pro-Tem Fitzgerald opened the public hearing.

City Attorney Dahl explained the ordinance. It is important to point out that while additional types of testing will now be allowed in Wheat Ridge, other research and development activities such as those involving clinical trials and cultivation will still *not* be permitted.

Clerk Shaver assigned Ordinance 1636.

Mayor Pro-Tem Fitzgerald closed the public hearing.

Motion by Councilmember Urban to approve Council Bill 04-2018, an ordinance amending Sections 11-201 and 11-401 of the Wheat Ridge Code of Laws, concerning the authorized activities of marijuana testing facilities on second reading, and that it take effect fifteen days after final publication; seconded by Councilmember Hoppe; carried 7-0.

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2. Council Bill 06-2018 – An Ordinance repealing unnecessary Code Sections in Chapter 19 concerning Civil Service Procedures for the Police Department.

This is a City Code clean up item. These procedures are outdated and no longer used.

Mayor Pro-Tem Fitzgerald opened the public hearing.

Councilmember Urban introduced Council Bill 06-2018.

Staff presentation

Mr. Dahl explained that some of these policies are much better covered in the City personnel policies. There honestly is no need to have them in the Code, and they conflict with some of the provisions in the City's overall personnel policies. He recommends repeal and noted it will make certain we have a single set of personnel policies and thus prevent confusion for the public and the employees.

Council Questions

Councilmember Urban asked about police officers being required to testify. Chief Brennan explained that is covered in personnel policies and department Code of Conduct policies. He assured that officers will still be required to testify.

Clerk Shaver assigned Ordinance 1637.

Mayor Pro-Tem Fitzgerald Mayor Fitzgerald closed the public hearing.

Motion by Councilmember Urban to approve Council Bill 06-2018, an ordinance repealing unnecessary Code Sections in Chapter 19 concerning Civil Service Procedures for the Police Department on second reading, and that it take effect upon adoption; seconded by Councilmember Duran; motion carried 7-0.

ORDINANCES ON FIRST READING

3. Council Bill 07-2018– An Ordinance approving the rezoning of property located at 6320 W. 44th Ave. from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-02/Wedgwood)

Rezoning to MU-N will allow the property to be developed as residential, commercial, or a mix of both. Should the property be developed under the MU-N zoning, only an administrative site plan review would be required to confirm that standards are met.

Councilmember Davis introduced Council Bill 07-2018 and noted it is near Hopper Hollow Park.

Motion by Councilmember Davis to approve Council Bill 07-2018 an ordinance approving the rezoning of property located at 6320 W. 44th Ave. from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (NU-N) on first reading, order it published, public hearing set for Monday, April 9, 2018, at 7 p.m. in City Council

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Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTION

4. Motion to approve February and March Kaiser Permanente for February 2018 and March 2018 Membership Billing in the amount of \$195,376.34 and \$218,976.12, respectively.

Monthly bills over \$75,000 require City Council approval. The City offers employees two medical plans through Kaiser Permanente; a High Deductible plan and a Deductible HMO Plan. Both plans are also offered as COBRA protection for former employees.

Councilmember Dozeman introduced Item 4.

There was no staff presentation or discussion.

Motion by Councilmember Dozeman to approve February and March Kaiser Permanente for February 2018 and March 2018 Membership Billing in the amount of \$195,376.34 and \$218,976.12; seconded by Councilmember Duran; carried 7-0.

5. Resolution 15-2018 – A resolution opposing Conversion Therapy for Minors in Wheat Ridge and Supporting a Statewide Ban against Conversion Therapy for Minors

Councilmember Duran introduced Item 5. She read

- ... the Colorado cities of Edgewater and Westminster have passed either a resolution or proclamation against conversion therapy.
- ... a list of states that have banned the practice of conversion therapy.
- ... a list of professional organizations that have condemned it as harmful to youth
- ... that in 2001 the Surgeon General reported it has no effect.
- ... that a 2007 American Psychiatric Association task force concluded it increases suicides, depression, illegal drug use and a higher risk for HIV and STD's.

Public Comment

Apryl Alexander (Denver) spoke in support of this resolution. She expressed there is a crisis for LGBTQ youth for increased risk for various mental health conditions because they don't have a special place to go. There is a stigma behind this practice in clinical psychology, counselling and social work. She feels it is important to communicate to these children that there are alternatives and organizations that support more affirmative, evidence-based, trauma-informed treatment approaches.

Motion by Councilmember Duran to approve a resolution opposing conversion therapy for minors in Wheat Ridge and supporting a statewide ban against conversion therapy for minors; seconded by Councilmember Hoppe.

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Councilmember Urban asked if there is any evidence that this practice has occurred in Wheat Ridge or that any Wheat Ridge residents have experienced this. Chief Brennan stated he had no information about that.

Councilmember Urban asked what the force of this resolution would be regarding conversion therapy. Mr. Dahl advised that the resolution does not make the practice illegal in Wheat Ridge. It does urge that legislation to ban it be passed at the state level. This resolution provides nothing that can be enforced.

Councilmember Mathews noted being against 1890's-style Draconian treatment practices, but expressed some concerns about the resolution -- feeling it is vague and simplistic. His concerns are

- It includes no definition of conversion therapy or explanation of what it involves. He has found different explanations online.
- He believes Council should hear from both sides. If hormone therapy is being suggested as an alternative, his research shows that to be detrimental and dangerous too.
- He also worries about parental rights and is against government intrusion into family issues.
- He firmly believes we should protect children, but suggested we should also be condemning hormone therapy and protecting the family unit. None of that is addressed in this resolution.

He will vote no because it does not provide adequate protection for children on all levels of this issue.

Councilmember Hoppe referenced her first-hand experience with throw away youth who were expelled from their homes for being gay and youth who came out of straight camp. She has witnessed the psychological damage, the damage it does to their self esteem, and the harmful acting out that follows because they don't feel safe, comfortable or in control. She noted that several emails had been sent to the Council; they were forwarded to the City Clerk and will become part of the record. She read from the resolution that being lesbian, gay, bisexual, transgender or queer is not a disease, disorder, deficiency or shortcoming and it should be celebrated as a cultural group. She will support this.

Councilmember Duran expressed that she doesn't think it's necessary to get into the weeds about the wording on this -- that is the job of the legislature. She re-read the portion of the resolution that Councilmember Hoppe read. She feels it's important for Council to send the message that we are inclusive, accepting, and tolerant.

Councilmember Fitzgerald noted that parental rights are limited if they are acting against the public good -- citing the example that parents are not allowed to murder a female child.

The motion carried 6-1, with Councilmember Mathews voting no.

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6. Motion to approve the installation of a Traffic Calming Device on Ammons Street between 38th and 39th Avenues in accordance with the Neighborhood Traffic Management Program (NTMP)

Residents on Ammons Street petitioned the City to address traffic issues for the segment from 38th to 39th Avenue. The City's Neighborhood Traffic Management Policy (NTMP) was followed and the residents have filed a petition with the necessary number of signatures to support the installation of a speed hump.

Councilmember Mathews introduced Item 6. The financial impact will be about \$6,000.

Public Comment

Shirley Dingerson (WR) lives on Ammons Street. She shared that her street is like a race track because it is a short cut between 38th and 44th. She has had several close calls with cars almost clipping her because the drivers don't pay attention. She supports the speed humps and likes the term "traffic calming device".

John Brown (WR) lives on Ammons Street. He gave some history of traffic counts and the speed trailers having no affect. He supports this.

Staff presentation

Scott Brink reported the process for this area started in 2014 with public meetings. A speed hump was put on Balsam. At that time there was not enough support for speed humps on this particular section of Ammons. Now there is. Staff recommends approval.

Motion by Councilmember Mathews to approve the installation of a traffic calming device on Ammons Street between 38th and 39th Avenues in accordance with the Neighborhood Traffic Management Program; seconded by Councilmember Davis;

Councilmember Davis noted this is a neighborhood that is at risk for a lot of traffic issues due to the nearby school and proximity to the hospital. When work on Wadsworth begins more cut-through traffic is likely.

Councilmember Mathews noted attending a Wadsworth widening neighborhood meeting, and he agrees that construction cut-through traffic is expected. He suggested we be proactive during that construction.

Councilmember Urban thanked the neighbors for coming together and agreeing; that is often a hard thing to do.

The motion carried 7-0.

7. Motion to approve Appointments to Boards and Commissions

March of the current year is the annual renewal period for Board and Commission appointments. The positions were advertised in the Wheat Ridge Transcript and on Channel 8, Facebook, and the City's Website. Current members were contacted by

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mail and asked if they wanted to serve another term. All applications were received and compiled by the Clerk's Office, and have been forwarded to the City Council.

Councilmember Hoppe introduced Item 7. She asked councilmembers to hand her their appointments for At Large positions so she can make that motion. She also offered to make all the appointments for all the districts.

Motion by Councilmember Hoppe to postpone the appointments to Boards and Commissions to the next regular meeting; seconded by Councilmember Duran; carried 7-0.

Melissa Antol (WR) had signed up to speak and was given the opportunity. She has applied for the District 3 seat for Planning Commission. She has worked in community development for the last 20 years. She has a master's degree in community planning and has extensive experience in the field. She wants to advance the goals of the City.

Councilmember Urban inquired about the board members' terms that expired on March 2. Mr. Dahl advised that board members serve until they are reappointed or replaced; no Council action is necessary to extend the terms of the current members.

8. Motion to Ratify the Mayoral Reappointment(s) of Shane Nicholson and Walt Pettit to the At Large Positions on the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, terms to expire March 2, 2023

Mr. Nicholson and Mr. Pettit were contacted to see if they were interested in reapplying for a five-year term on Renewal Wheat Ridge. Both Mr. Nicholson and Mr. Pettit responded they would like to serve for five more years.

Councilmember Hoppe introduced Item 8.

Motion by Councilmember Hoppe to ratify the Mayoral reappointment of Shane Nicholson to the At-Large Position on the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, term to expire March 2, 2023; seconded by Councilmember Duran; carried 7-0

Motion by Councilmember Hoppe to ratify the Mayoral reappointment of Walt Pettit to the At-Large Position on the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, term to expire March 2, 2023; seconded by Councilmember Urban; carried 7-0.

CITY MANAGER'S MATTERS

Chief Brennan reported that today was the first day of the transfer of communication services to Jeffcom. There were but a few glitches, and they were fixed. Member agencies are coming on board in a staggered schedule. Wheat Ridge will transfer on March 22

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He also announced that another Clear Creek Crossing community meeting for the public will be held on Thursday, March 22 at the Recreation Center from 7-8:30pm.

CITY ATTORNEY'S MATTERS

none

ELECTED OFFICIALS' MATTERS

Clerk Shaver informed Council that the Liquor Authority voted to proceed with a resolution changing the radius requirement for the Needs & Desires surveys that are required for a new liquor license application. The current radius requirement is 1 mile. The Authority feels ½ mile is more appropriate to sample the needs and desires of residents and business owners who may be more affected. Research revealed that most of our neighboring cities use a ½ mile radius. Council approval is not needed.

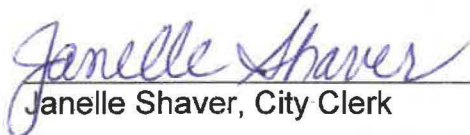
Tim Fitzgerald reported that the neighborhood meeting he and Mr. Pond had on Saturday was successful. He added that Channel 9 reported tonight that the G Line will take at least three months before it can open.

Janece Hoppe clarified some items from Public Comment. 1) There will not be an online survey. 2) Localworks did not write the survey; it was done by a third party. ~ She also recommended tightening up on the Council Rule that councilmembers not address citizens during public comment.

Monica Duran asked for clarification that the resolution on conversion therapy did pass. Social media was already reporting it failed. Clerk Shaver advised that it did pass, 6-1.

ADJOURNMENT

The City Council Meeting adjourned at 8:03 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON MARCH 26, 2018


Tim Fitzgerald, 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.