

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
Hybrid - Virtual Meeting
April 3, 2023

Mayor Starker called the Study Session to order at 6:30 p.m.

This meeting was conducted both as a virtual meeting and hybrid, where some members of the Council or City staff were physically present at the Municipal building, and some members of the public attended in person as well. A quorum of members (eight) of Council were present in Council Chambers for this session.

Mayor Starker welcomed the Council, other elected officials, staff, guests and interested citizens.

The Mayor also explained the virtual/hybrid meeting format, how citizens will have the opportunity to be heard, and the procedures and policies to be followed.

Council members present Janeece Hoppe, Scott Ohm, Judy Hutchinson, Korey Stites, Leah Dozeman, Valerie Nosler Beck, and Rachel Hultin. Amanda Weaver was with her family mourning the death of a sibling.

Also present: City Clerk, Steve Kirkpatrick, City Manager Patrick Goff; Deputy City Manager, Allison Scheck; Director of Community Development, Luran Mikulak; Assistant City Manager, Marianne Schilling; Chief of Police, Chris Murtha; interested residents and guests.

Public's Right to Speak

None tonight.

Note about Wheat Ridge Speaks:

Members of the public may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. The deadline for the public to submit comments is 12:00 Noon Mountain Time on the day of a Council session so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item.

No comments appeared in Wheat Ridge Speaks for this session of Council.

1. Race and Equity Task Force Recommendation Report

Issue

Following two years of assessment, review and consideration the Race and Equity Task Force will be presenting its recommendations report to City Council in addition to recommended next steps for the Task Force moving forward.

Staff Reports

Marianne Schilling, Assistant City Manager presented the background of tonight's topics where in 2021 the Race and Equity Task Force was appointed by City Council with the directive to carry out a thorough review of City policies, services, and ordinances to identify policies and practices that may contribute to discrimination. The Task Force met for two years, while providing updates to City Council, and is ready to share the report recommendations, with the goal to make Wheat Ridge a more inclusive and responsive community.

Items spoken about included:

- Focus Areas
- Staff Presentations
- Recommendations
- Next Steps

Councilmembers had questions and comments:

- Several CM thanked the Task Force for their 1,000 hours of volunteer work that yielded the report presented tonight. The report was well formatted and easy to read yet full of essential ideas and recommendations.
- CM Hoppe expressed her extreme gratitude for what she called "a heavy lift."
- Several questions concerned how to implement specific recommendations among the more than 100 the Task Force submitted.
- CM took note that this work began long before the Council created the Task Force in 2021 and thanked those who kept working toward this day for years and years.
- Is the STAR Program in Denver the best model for that kind of effort? Are other municipalities offering services that might also inform our work going forward? Task Force members cited the Lakewood program as another example.
- Arvada Fire has a similar program. Have we approached them about a joint effort? Task Force leaders discussed what they have learned in conversations to date.
- CM took note that the Task Force's work required not only dedication but also a high level of expertise to do the work and make the excellent recommendations presented here tonight.
- This work is a great beginning; we need to continue this work perpetually.
- The need for mental health services is obvious and huge. We will also have to deal with a shortage of mental health professionals.

- Will the Executive Management Team and other staff be given a chance to weigh in on some of these recommendations? CM Dozeman also said she has a lot of questions about who, how, when, etc., these recommendations will be adopted.
- What will the ongoing operations of the proposed Advisory Committee look like?
- CM also predicted that we will need to delve into the details on many of these recommendations one at a time to ensure the intended impacts are maximized and unintended consequences minimized.
- Discussion also followed about the Task Force recommendation to create a staff position to work on EDI (equity, diversity and inclusion) issues. CM wanted to clarify that accepting the recommendations tonight means that Council will have more work, more Study Sessions and budget work.

CM Hultin, with support of CM Hoppe, asked for consensus to add to a future study session an item to review indoor bike parking requirements including EV charging stations for E-bikes and vehicles.

Consensus attained.

Mayor Starker entertained a consensus to adopt the Race and Equity Task Force recommendation to create a new advisory committee to advise City Council on future DEI policy related matters, because the Task Force itself has completed the work in it's charter from Council.

Consensus attained.

2. Sales Tax Extension Survey Results

Issue

A survey was conducted between March 9th and March 23rd by Magellan Strategies to obtain input from Wheat Ridge residents and to measure support for or against a proposed ballot measure to retain the City's current ½ cent temporary sales tax rate. Representatives from Magellan Strategies will present the results of the survey at the April 3rd study session.

Staff Reports

Patrick Goff, City Manager spoke on the background where in 2016, Wheat Ridge voters approved a ½ cent temporary sales and use tax increase and authorized the issuance of debt in the amount of \$33 million for four public infrastructure projects. The tax increase will expire on December 31, 2028 or when \$38.5 million is raised, whichever occurs first. City staff anticipates the temporary tax increase will generate \$38.5 million and hit the cap by late 2024. The \$33 million was allocated for the following projects which were also described:

- Clear Creek Crossing
- Anderson Park

- Wadsworth Boulevard
- Wheat Ridge – Ward Commuter Rail Station

Also discussed were the projects under consideration, which are:

- Recreation Center Expansion
- Sidewalks and street improvements along 38th Avenue from Youngfield to Kipling
- Sidewalks and street improvements along 38th Avenue from Wadsworth to Harlan
- Wider sidewalks along 44th Avenue from Ward to Kipling
- Improvements on 44th Avenue including new signals and pedestrian crossings between Kipling and Ward
- Sidewalks along Youngfield Street from 38th to 44th Avenue
- Sidewalks and bike lanes on 32nd Avenue from Kipling to Wadsworth
- Sidewalk gap improvements throughout the city with emphasis on areas near transit and schools
- Drainage and floodplain infrastructure improvements throughout the city

Mr. Goff introduced from Ryan Winger from Magellan Strategies to describe his firms methods, the data collected and the resulting conclusions and intelligence for going forward.

The survey also addressed items such who votes in even and odd numbered years, the respondents party affiliation, the participants tabulated by age, etc.

Councilmembers asked detailed questions about several topics, engaging in discussion among themselves and with staff including:

- Do you believe that the numbers about the Recreation Center expansion indicate that that part of the project could represent a “poison pill;” something that might cause the voters to reject the whole tax increase. Mr. Winger said that even the Recreation Center is about the 60% approval threshold that usually means the vote is likely to lean toward approving the continuation of the tax.
- Mr. Winger indicated that most municipalities would conduct a second survey closer to the election in November to gauge any changes of sentiment and look at more detailed questions (like whether the years the tax would continue is an issue that would drive the vote one direction or another).
- Why would a ten-year period collect \$45 million but a twenty-year period yields only \$75 million; why would the second period of 10 years yield only an additional \$30 million. Staff and Mr. Winer gave detailed explanations.

- Is staff asking for direction to begin moving this forward tonight, or to study these questions and make more detailed decisions on these questions later? Mr. Goff gave a detailed answer.
- How many different ballot questions are we contemplating? Four questions like we used in 2016? Mr. Goff opined that the entire project package would appear in one ballot question.
- We need to be careful that we are not again in a position where we cannot afford all of the project we might list on a ballot initiative with the revenue we could generate in 10 years vs. 15 or 20 years. CM Dozeman continued opining that the residents with whom she has spoken think the Rec Center expansion is much less important to families than the other projects.
- Other CM support further, detailed study of the questions still to be decided (which projects, how many years...) needs to follow.

Mr. Goff commented that staff are already working on more detailed estimates of projects' costs.

Staff is seeking further direction from City Council on the following:

1. Should staff continue preparing for a November 2023 ballot question to extend the City's ½ cent temporary sales tax rate?
2. What projects from the list above would City Council like to include as part of the ballot question?
3. How long shall the City propose to the voters to extend the ½ cent temporary sales tax rate? (Between 10 and 20 years)
4. Should staff conduct additional polling before a final ballot question is submitted to the Jefferson County Clerk and Recorder for inclusion on the 2023 ballot?

CM Nosler Beck **proposed a consensus** to prepare for another survey in the late spring, to drop the 44th Avenue Sidewalks project and the Rec Center expansion, with a 15-year term for the vote.

Consensus attained.

3. Mixed Use Code Updates

Issue

On February 6, 2023, City Council gave staff direction to return to a Study Session with more detail regarding recommended updates to the City's mixed-use zone district standards, which are included in Article XI of Chapter 26. Since February, Planning Division staff have developed an ordinance framework based on the overall positive consensus of City Council to move forward with additional details to accompany staff's recommendations.

Staff Reports

Scott Cutler, Senior Planner reported on the item where the recommended ordinance seeks to modernize portions of the mixed-use code, to provide better clarity and organization for easier administration, and to establish standards that were not included in the original regulations. It is typical for cities to periodically update municipal codes as it relates to best practices, to add definitions and terms, and to clarify code language, particularly if they have not been reviewed or updated in several years..

Mr. Cutler stated that the proposed code amendment does not propose any changes to development standards (how tall, how dense, etc.), apart from adding standards for accessory buildings which was unintentionally excluded from the 2010 ordinance. The proposed code amendment is not meant to be more lenient or more stringent, rather it seeks to clarify portions of the code and include more up-to-date and nuanced terms, requirements, and design standards to provide consistency across the code. A lot has changed in Wheat Ridge since 2010 when the code was written and there are many lessons learned about how the current mixed-use code is functioning.

Those proposed Regulations and Changes include:

- Accessory building requirements (add to code)
- City Charter height and density cross-reference
- Building placement and orientation standards
- Vertical screening requirements
- Building materials
- Height bonuses
- Bicycle parking requirements
- Open space requirements

The discussion also included:

- Permitted uses (food truck courts, prohibit drive thrus, etc.)
- Drive-thru and gas station separation requirements

Councilmembers had questions and comments:

- Councilmembers asked detailed questions about several topics, engaging in discussion among themselves and with staff, who answered their questions in detail.
- CM thanked staff for their hard work on this issue.
- CM had several questions about how the proposed changes would impact various properties and residences.
- CM opined about whether we should require off-street parking and indoor bicycle storage (for security of the riders' bicycles, especially electric bicycles).

Mayor Starker asked for a consensus to direct staff to keep pursuing the changes proposed in this memo in a single code amendment and return to Council with their proposals for necessary Council action.

Consensus attained.

4. Facial Recognition Technology

The Wheat Ridge Police Department (WRPD) is required under Colorado Senate Bill 22-113 to notify City Council of our intent to use Facial Recognition Software (FRS). While no action is required by City Council it is a requirement to provide an overview of the FRS program to Council.

Staff Reports

Police Chief Murtha reported that Facial Recognition is a product currently provided through an existing software package that is used at WRPD. While we do not currently use the software it is available to us so there is no additional cost.

The WRPD used FRS prior to 2020. In 2020 it was determined that greater controls and guidance would be necessary to ensure that use of FRS, in society, was controlled and that proper guidelines were established.

Beth Daniel, WRPD analyst, gave a detailed presentation to Council.

Artificial Intelligence Facial Recognition guidelines for use and limitations of use, oversight, and reporting were addressed in SB 22-113. The use of facial recognition has been limited to specific situations and eliminates many of the concerns voiced by residents of Colorado. In addition to limiting the situations where FRS is appropriate, the law requires specific training and mandatory reporting. The limits on law enforcement to introduce FRS evidence into a criminal proceeding is also addressed in the new law.

The WRPD intends to use the technology primarily as a tool to assist in investigations. FRS, when used in Wheat Ridge prior to 2020, provided leads in cases that would otherwise not be solved. The use of FRS under the current guidelines is primarily a tool for investigation and enhances our detectives' abilities to identify suspects, develop leads, and provide resolution to victims of crime within the city.

Following the notification to the Council, WRPD required to provide for public comment at 3 or more public meetings. Additionally, developing policy that incorporates the rules and regulations around the use of this technology and subsequent training of officers will be required.

Councilmembers had questions and comments:

Councilmembers asked detailed questions about several topics, engaging in discussion among themselves and with the Chief and Ms. Daniel, who answered their questions in detail.

Mayor Starker proposed a consensus to move forward with this ongoing effort.

Consensus attained.

5. Staff Report(s)

Mr. Goff showed a flyer available to the CM.

6. Elected Officials' Report(s)

Mayor Starker discussed his email earlier with a memo attached regarding the bill before the Colorado Legislature (SB 23-213) that would severely restrict municipalities power to prevent multi-family dwellings and using zoning to prevent high density development. He asked Council for a consensus to bring forward at a regular Council Meeting a resolution opposing this bill.

CM each expressed their opposition to the proposed legislation in its current form because it assaults home rule city charters and removes municipalities' options to controlling their own growth and zoning laws.

A discussion among the Mayor and Council ensued; CM expressed their opinions and the upcoming bill mark-up may change the provisions extensively.

CM discussed the implications of the bill in specific detail. On Thursday, April 6 there will be a committee markup of the proposed bill and at present there are indications that significant changes may be considered. CM Hultin opined that Council might wait until after we know more about the provisions in the marked-up bill.

Mayor Starker proposed a consensus to put an item or resolution on the agenda for the April 10th Council Meeting based on what happens when the bill is marked-up later this week.

CM Ohm thanked Chief Murtha for the presentation on FR this evening.

CM Hultin commented on the recent NLC meeting in Washington, D.C.

MPT Stites echoed his peers' comments on NLC.

CM Dozeman recalled that the celebration of our municipal incorporation, the Carnation Festival, is well into it planning and preparation process. The Carnation Festival website is live and registrations are open.

ADJOURNMENT

The Study Session adjourned at 9:31 pm.

APPROVED BY CITY COUNCIL ON April 10, 2023.



Steve Kirkpatrick, City Clerk



Corey Stites, Mayor Pro Tem