

STUDY SESSION NOTES

CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

October 7, 2019

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

Council members present: Amanda Weaver, George Pond, Janeece Hoppe, David Kueter, Zachary Urban, Kristi Davis, and Larry Mathews

Absent: Leah Dozeman (excused)

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; City Attorney, Jerry Dahl; Community Development Director, Ken Johnstone; other staff, guests and interested citizens.

Citizen Comment on Agenda Items

Steve Parker (Arvada), Fire Marshall of the Arvada Fire Protection District, spoke in favor of keeping the prescriptive requirement for sprinkler systems. He offered history and statistics about their benefit. He referenced the recent apartment fire at 44th & Tabor, noting how the fire would have been contained to one unit if sprinklers had been in place.

Scott Plumer (Arvada), Deputy Fire Marshall for Arvada Fire Protection District, spoke in favor of keeping the prescriptive requirement for sprinkler systems. He addressed design, operation, the unlikelihood of accidental alarms being triggered and the actual low cost of sprinklers compared to other costs without them.

Heidi Williams (Centennial), represents townhome builders who are putting in double firewalls and fire retardant materials that are effective but less expensive. She challenged the figures presented that claim the cost is low because it omits several aspects of installation. The additional costs will push many folks out of the market, thereby hindering affordable housing.

Rachel Hultin (WR) is excited to see Council considering the software for public hearings that will allow more people to participate.

Kelly Brooks (Lakewood), Deputy Fire Marshall for West Metro Fire, added that West Metro also supports maintaining the prescriptive requirement for sprinkler systems. He counselled against placing underground drainage systems under fire access lanes and gave a number of reasons why. He urged consideration of HS 20 for fire department apparatus design conditions.

1. Crisis Intervention Team and Case Manager Co-Responder Program

Jim Lorentz gave a quick update on our program for Crisis Intervention Team (CIT) that responds to persons in the community that are experiencing mental health crises or substance use problems. About 90% of our officers (higher than most) are trained in CI techniques for crisis intervention and de-escalation techniques for people with mental health problems. It has been very effective for several years. He elaborated.

- We received a grant last year and will partner with Jefferson County and Golden.
- Jefferson County will administer the grant.
- Two responders, behavioral specialists, will ride with officers.
- Updates will be given over the year. Then decisions will have to be made if and how to continue the program.
- This program has been operating in south Jeffco for five years and has been very successful in providing law enforcement direct access to behavioral health management services. Now we will cover the northern portion of the County

Mr. Goff announced that August 29th was Jim Lorentz Day in Denver. This was in recognition of his receiving the Minoru Yasui Community Volunteer Award for his work training first responders how to deal with community members suffering from dementia.

On September 28th Jim was recognized again for his work with dementia patients. He received the National Alliance on Mental Health award and the Jefferson County Crisis Team award at the first annual Jefferson County CIT Awards Banquet.

Council questions

Councilmember Urban

- How this position will intersect with the Homeless Navigator is not known yet.
- When the calls come to dispatch, PD and the co-responder will respond. Peak hours are identified. Officers can deal with it on the spot or delay action to the following day if appropriate (when secondary services are available).
- Major crimes would be addressed immediately. Some minor crimes may be better handled through the mental health system the following day.

Councilmember Mathews reported having interacted with Officer Lorentz during the last 4 years and has found him to be a valuable asset for the City and a quality person.

- Regarding response times with the mental health professional, Crisis Intervention training will continue. De-escalation techniques are taught. Officer Lorentz elaborated on possible scenarios.
- These responders will be hired by Jefferson Center for Mental Health.
- Arvada and Lakewood have their own programs.

Councilmember Hoppe

- Data will come from Jeffcom.

Division Chief Lorentz said he sees a permanent program having two Masters level behavior health specialists. He should have something to report by mid-spring 2020.

2. Inclusive Public Hearings – *People Speak* Online Platform

Ken Johnstone noted there has been a desire for increased public participation in decision making, particularly related to development approvals and zoning code amendments.

Our current practice

- 600 foot mailing radius for neighborhood meeting
- 300 foot mailing radius for PC and CC hearings
- People can participate by attending in person or sending emails or written comments.

People Speak is an online platform for the public to learn about and comment on public hearing agenda items in advance of the hearing.

- Expanded opportunity for learning and participating
- Comments submitted at people's convenience and directly unto the record
- Appeals to public's current practice (Facebook, Nextdoor, etc.)

Travis Parker, the Planning Director for Lakewood, was on hand to share their experience with *People Speak*.

- Lakewood has used this program for 2 years with their Planning Commission and since February with their City Council.
- They found most people who attended meetings are over 55 years old.
- Online participation more accurately mirrors the demographic of Lakewood's population.
- So far they are seeing about twice the participation by online. It remains to be seen if that trend will continue.

Lauren Mikulak went through how upcoming meetings will be publicized and all the various information that will be available to the public (staff reports, maps, attachments, criteria, options). For the public:

- No account is needed; there is a clear deadline for public comment.
- The comment field has a 2,000 word limit.
- There will be no threads.
- Decision maker tracking
- Address hidden in public view
- There will be a comment policy (rejection for profanity or personal attacks)

What changes for staff?

- Have to finalize report 2 days earlier
- Prepare slides 1 week earlier

- Revise letter notice

What changes for decision makers (Planning Commission/ City Council)?

- Review online comments in advance
- Can refer constituents to website for comment

Wheat Ridge Speaks would....

- Mimic the current practice and provide additional opportunity for input
- Protect from ex parte contact
- Streamline receipt of public comment

It would not

- Replace the current practice (letter, mailing, public hearing, in-person testimony)

Lakewood Feedback – Travis Parker

Decision makers

- Appreciate additional comments and reaching new people
- Ability to digest feedback days before the meeting
- Place to send constituents on Quasi-judicial cases

Citizens

- Appreciate ability to comment without attending meeting
- Easier to find all information on the case and ask questions
- No issues with ease of use

Staff

- Simple to upload case information
- Saves time providing information

Mr. Johnstone concluded.

- Planning Commission recommended implementing this.
- Use will be month by month; there is no long term contract. Company is in Boulder.
- Will cost \$1,600/month, which is a little less than \$20K a year.
- Following training for Council and Planning Commission implementation could be in early 2020 for land use cases and zoning code amendments.

Council comments and questions

- Data on comments will be provided to Council.
- Could this be used for other items than land use cases? That is possible.
- What if councilmember doesn't review the comments? It is hoped councilmembers would pay attention. This systems can track if councilmembers logged in. Mr. Dahl suggested making it part of Council Rules. Mr. Parker commented from a Lakewood perspective. Council is emailed that the comment period is closed. Also emails those who have not read them.
- Rejecting comments for profanity is against the 1st Amendment. Mr. Dahl addressed how creating a public record and effectively publishing the information would allow for screening for things like harassment or bullying, which may include profanity.

- Should institute other changes with the adoption of this program –such as increasing the 300 foot mailing distance.
- Adverse to limiting the words to 2,000 – since there is no time limit on public comment if people speak in person at the hearing.
- Sometimes new information is revealed by the developer at the hearing, and there would be an opportunity to respond.
- Should be careful about regulating Council behavior.
- Power point has the ability to record audio with each slide. Audio presentation? Ask Lauren about Kristi's question
- Lakewood requires name, physical address and email address. On the public side only the name shows. Decision makers will see name and address, and they can be the judge of how much weight they want to give comments from non-residents.
- Lakewood hasn't had false identification of the commenter; we can addresses that if it happens.

Mayor Starker had several questions.

Clerk Shaver asked if there were other companies for Lakewood to consider. There weren't. She asked Ms. Mikulak if hard copies of the comments will be provided to file for the record. She said that could be done.

Councilmember Hoppe received unanimous consent to move forward to develop the implementation schedule, schedule training on the platform, keep the attachments option engaged, and change the deadline to midnight Saturday before the meeting.

**Mayor Starker declared a recess at 8:10pm
The study session resumed at 8:21pm.**

3. 2018 Building Code Adoption Update

Ken Johnstone and Randy Slusser, Chief Building Official

Mr. Johnstone gave some background.

- The City currently operates on the 2012 International Codes, the 2015 version of NFPA 99, and the 2017 National Electrical Code.
- The International Building Codes (IBC) are revised every three years, but historically the City, along with many jurisdictions, has adopted a newer version of the codes about every 6 years. The last update was in 2014.
- Staff proposes adoption of the 2018 version of the IBC, the 2018 version of National Fire Protection Association (NFPA) 99 Standard for Health Care Facilities, and the current version of the National Electrical Code (currently 2017) as adopted by the State of Colorado.
- Purchase of the new codes is in the 2020 budget.
- Since May staff has
 - Met with the Building Code Advisory Board on a monthly basis.

- Held a community meeting and some one-on-one meetings with builders.
- Worked with the fire districts.
- The Building Code Advisory Board has signed off on all the proposed changes.

Mr. Johnstone highlighted the proposed amendments.

- Add administrative language that will keep permit fees more consistent with construction costs.
- Modify requirements for churches to allow overnight homeless sheltering on a temporary basis for under 50 residents.
- Allow “live/work” housing concepts
- Revise language for businesses that perform combustible and non-combustible extraction processes (marijuana)
- Exemptions for residential decks that are less than 120 sf in area, are not more than 30” above grade, and are not attached to the dwelling
- Exempt residential lawn sprinklers from permits and not require licenses for installers
- Requiring automatic Fire Sprinkler Systems in residential town homes

Following discussion about automatic sprinkler systems, Councilmember Urban received consensus to not include this requirement.

- Adopt radon control requirements for all residential homes

Following discussion Councilmember Hoppe received consensus to keep this provision.

- Adopt language that accommodates certain elements of older homes

There was consensus to adopt this provision about older homes.

- Remove language for Lumber Sheathing that allow any gaps less than ½ inch to be considered solid sheathing

- Adopt language that relaxes requirements for Tiny Houses (less than 400 sf)

Councilmember Mathews asked for consensus to not adopt Appendix Q for Tiny Houses. That consensus failed.

Councilmember Hoppe received consensus to adopt Appendix Q for Tiny Houses.

- Require all new residential construction to plan for future solar installations by providing pathways and structural support. There was discussion about this and the regulations about restricting where trees can be planted and existing old trees.

Following lengthy discussion Councilmember Hoppe asked for consensus to keep Appendix T for solar ready provisions, with the exception of shading, and to require conduit for future solar installation. That consensus failed.

Councilmember Urban received unanimous consent to require extra circuit space for future solar installation.

- Modifications proposed by the local Fire Districts.

Mr. Johnstone reported that most new developments now have some form of underground detention system (Lucky's, the Corners, Town Center North, West End 38, the assisted living facility at 44th and Yarrow). It's part of our development pattern, because it allows for more efficient use of land. We have administratively adopted the ASHTO guidelines. He proposed that the Fire Departments' suggestion is well intentioned, but not workable. Ex: The West End 38 building is built on top of an underground detention system. Discussion followed.

Councilmember Kueter received consensus to adopt staff's recommendation.

- Energy Conservation Code

Mr. Slusser explained there is an appendix for solar ready requirement for commercial buildings. Council did not have that in the packet, but it is similar to the residential requirements. There was consensus to adopt requirements similar to what was agreed on for residential.

- Grandfathering

- There is the issue of projects in progress and when to implement new requirements such as radon control requirements and solar readiness.
- The IBC Codes are scheduled for approval in December, to go into effect July 1. How would Council like to handle projects in progress?

Councilmember Hoppe received consensus to require projects in the pipeline to immediately (upon passage) follow the new requirements for radon control and extra circuits for solar panels.

After further discussion Councilmember Hoppe received consensus to require projects in the pipeline to follow the new requirements for radon control and extra circuits for solar panels "fifteen days after passage".

Ken Johnstone clarified that the rest of the 2018 IBC codes will go into effect July 1.

- Electrical Codes

Mr., Johnstone advised the State adopts electrical codes; we enforce them. Proposed is to automatically adopt the new electrical codes when the State does. There was consensus to proceed with that policy.

1st Reading is planned for November 25th, with the public hearing on December 9.

4. Staff Reports

Mr. Goff reported that Ulta will be opening this Friday and Sierra Trading Post on Saturday.

5. Elected Official Report

Janeece Hoppe announced that on Tuesday, October 22 at 6:30pm at the Rec Center she will be having a District 1 meeting. She will be talking about 2E and 1A and explaining why she supports them.

Larry Mathews read a report (email from Mr. Goff) about Mathews regarding the noise issue at Rocky Mountain Bottle.


- They have decided on a plan for mitigation and received funding.
- The plan is to insulate the oxygenator to decrease noise volume at the plant.
- No specific schedule was given, but they communicated they will be moving quickly.
- Mr. Goff will keep Council informed.

Clerk Shaver had questions about the result of two consensus votes.


ADJOURNMENT

The Study Session adjourned at 10:08 pm.

APPROVED BY CITY COUNCIL ON OCTOBER 28, 2019



Janelle Shaver, City Clerk



Janeece Hoppe, Mayor Pro Tem