

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
**Virtual Meeting**

**May 17, 2021**

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

This meeting was conducted as a VIRTUAL MEETING.

No members of the Council or City staff were physically present at the Municipal building for this meeting; the public did not attend in person.

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

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

Council members present Zach Urban, Amanda Weaver, Judy Hutchinson, Korey Stites, Rachel Hultin, Leah Dozeman, Valerie Nosler Beck, Janeece Hoppe.

Also present: City Manager, Patrick Goff; City Attorney Jerry Dahl; City Clerk, Steve Kirkpatrick; City Treasurer, Chris Miller; Chief of Police, Chris Murtha; Director of Administration, Allison Scheck; Director of Community Development, Ken Johnstone; Homeless Navigator, Rebekah Raudabaugh; Projects Supervisor, Mark Westberg; David Bennetts and Stacey Thompson of the Mile High Flood Plain District; Municipal Judge, Chris Randall; Assistant to the City Manager, Marianne Schilling; Ashley Holland, Neighborhood Engagement Specialist; Kelli Barker, Jefferson County Regional Homelessness Coordinator; other guests and interested citizens.

**Citizen's Right to Speak**

No one came forward to speak tonight.

**Note about Wheat Ridge Speaks:**

Citizens 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 citizens 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, including items that include a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech).

The following is the one entry into Wheat Ridge Speaks for this meeting.

Please consider the safety of all parties when deciding on this matter.

Although asking for help is the homeless persons right, I can't find one honest reason as to why panhandling needs to take place in the middle of traffic putting their lives, their children's lives, their pets' lives in jeopardy, not to mention the driver's trauma if they were to accidentally hit a homeless person, their child or their pets.

As I mentioned in the last Mayors meeting on the homeless, a study out of Denver recorded high levels of carbon monoxide in the middle of the streets at traffic lights to be at unacceptable unsafe levels. Think of the child, the pets that are right at tailpipe height breathing those fumes for an entire day, because their guardians force them to be there, let alone the homeless persons themselves.

Long term exposure to these fumes causes dizziness, impairment, central nervous system problems, respiratory problems and by allowing panhandling on medians it's just adding more harm to an already impaired and unhealthy population. How can this be right? How is this keeping their safety in mind?

Per Chief Murtha, who himself recognized that some on the medians are under the influence of drugs and or alcohol and there have been accidents and verified deaths involving the homeless, I feel we need to intervene and save them from themselves sometimes and I really believe that not permitting panhandling on medians a step in the right direction.

Thank you.

05/16/2021 10:39 pm

**Deann Thurman**  
4690 independence  
Wheat ridge, 80033

## **1. Strategic Priority - Homelessness**

Discussion began at 6:32 pm, Approx. :02 minutes into the recording of the session.

### **Issue**

The City of Wheat Ridge is committed to regional homeless navigation efforts to address the increasing number of individuals experiencing homelessness. During the City Council strategic planning retreat on February 20, 2021, homelessness was identified as a priority issue for the next two years.

### **Staff reports**

Ms. Barker gave a formal presentation on the scope of the homelessness population in Jefferson County, and the coordinated efforts of the County Heading Home program and municipalities in Jeffco.

Our Homeless Navigator, Rebekah Raudabaugh gave a summary of current efforts by Homeless Navigators working for municipalities. (Ms. Raudabaugh is jointly employed by Golden, Edgewater and Wheat Ridge). She presented a summary of her efforts since she assumed her position in December 2020.

### **Councilmembers had questions and comments:**

Several Councilmembers thanked the presenters and their associates across the county for not only their presentations this evening but also for their ongoing and impressive efforts to address the needs of those experiencing homelessness.

Councilmembers asked whether the proposed Housing Navigator position for 2022 will be shared with Edgewater and Golden. Mr. Goff indicated that the other cities are interested in exploring a similar arrangement to the one we have with those two cities for Ms. Raudabaugh's position.

What does the plan the County and the City have implemented do to help those experiencing homelessness who also need mental health services? That need was highlighted at the 2021 Strategic Planning Retreat (SPR). Mr. Goff refreshed everyone's recollections about that discussion last February during the SPR.

Are there plans for other homelessness services, such as laundry facilities or transit passes, and other "wrap around services," attached to temporary housing for those experiencing homelessness?

Ms. Barker and Ms. Raudabaugh provided detailed responses to the foregoing.

Please, walk us through how a Homeless Navigator first contacts those experiencing homelessness. Ms. Raudabaugh explained how those initial contacts happen; most often she receives a referral from police departments, municipal courts, not-for-profit agencies and religious leaders.

Tell us more about what we are doing in the short-term, right now, to help those identified as experiencing homelessness? Where can a resident call to help staff connect with those persons they see in our community experiencing homelessness? Ms. Barker replied with specific details.

When more facets of the county-wide effort to help this population come online, how will city staff and residents know when, what and how?

Councilmember Hoppe recounted her experience trying to find help for a young woman she encountered on the street who was inadequately dressed during a severe snowstorm. She could not find the information she needed using her smart phone to search City and County Websites. Ms. Barker provided information on how to find the right resources on the fly.

If persons experiencing homelessness need a safe parking place/lot to park their vehicle overnight, what barriers does the current City Code of Laws present to allowing those people to park in a safe lot (with the permission of the lot owner).

Councilmember Hultin proposed a **consensus** to ask staff to bring to Council an analysis of any issues the current City Code would present for those seeking a safe and legal parking lot for their vehicles overnight.

**Consensus** attained.

Councilmember Hoppe proposed a **consensus** to bring forward an action or actions to Council that further address the needs of those experiencing homelessness:

1. Fund a position in 2022 for a Housing Navigator
2. Funding for more Bridge Housing during 2022.

**Consensus** attained.

## **2. Pedestrians hindering the flow of traffic and pedestrian use of roadway center medians**

Discussion began at 7:43 pm, approximately: 1:13 hours into the session.

### **Issue**

Staff has prepared two new ordinances regulating pedestrian behavior along roadways which are intended to reduce danger to persons and property, prevent traffic delays, vehicular collisions and otherwise avoid pedestrian interference with traffic flow.

### **Staff reports**

These code amendments were first raised with City Council at the October 19, 2020 study session. Consensus was reached by City Council to bring forward two ordinances for consideration to address pedestrians hindering the flow of traffic and pedestrian use of roadway center medians.

Both ordinances were approved on first reading at the December 14, 2020 council meeting. However, motions were made and approved at the January 25, 2021 council meeting to cancel the public hearings on both ordinances and republish for future public hearings after the items were reviewed again in study session.

These ordinances are intended to reduce auto/pedestrian accidents by regulating center medians that are unsafe for occupation by pedestrians and other pedestrian behaviors that interfere with traffic, including entering the roadway in a way that obstructs or hinders traffic flow, and soliciting in areas that are unsafe for such activity. The ordinances adopt new sections of the Code governing pedestrian and traffic safety and amending the current section on solicitation activities to add a legislative declaration.

Chief Murtha provided some data on the safety issues related to this agenda item. He emphasized that his concerns focus on safety issues and the dangers people incur when standing in medians for whatever purpose. There is a local and national trend of upward movement in the numbers of pedestrians injured and killed by motor vehicles. He also reported that where pedestrians expose themselves to vehicular traffic and the duration of that exposure are the two determining factors of pedestrian risk profiles.

He also provided data showing that pedestrians struck by motor vehicles traveling at 32 mph and faster are highly likely or almost certain to die. He also emphasized that pedestrians standing on a roadway median run the highest risk of serious injury or death.

The proposed code changes would clearly help to prevent injuries and fatalities.

### **Councilmembers had questions and comments:**

Councilmember Hoppe reviewed previous discussions about potential changes to the code, and how other nearby municipalities handle this issue.

Councilmembers asked detailed questions about several topics, including:

In Section 1-G-b, the proposed language states that persons convicted of violating the proposed order “shall,” be sentenced to fines or imprisonment. She opposes that language as it will only worsen the lot of those experiencing homelessness.

How would the proposed language in one of the draft ordinances address residents who are simply walking their dogs along a City street with no sidewalks. Mr. Dahl gave a detailed answer concerning how the language was constructed and the subjective nature of the behavior the ordinance would address.

Mr. Dahl opined that the proposed ordinance focuses on people in roadway medians, not people strolling down a residential neighborhood street.

Judge Randall stated that there are many kinds of traffic-related offenses that require judgment based on the prima facie indicators of the citizen’s intent. For instance, someone flagging down cars to protect their dog does not intend to hinder traffic, while someone standing for longer than a moment or two, in a busy roadway median can, and often does, cause pedestrian injuries or vehicular collisions when drivers try to avoid pedestrians.

Please, specify in revised language an emphasis on the responsibility of drivers to remain vigilant. All roadway users, drivers, pedestrians and cyclists, have responsibilities to avoid crashes and bodily injuries.

Not only are those standing in a median asking for money risking their life and limb, but also distracting drivers in nearby vehicles. Those standing in medians are misusing the median and have no legitimate reason to position themselves there for more than a moment or two.

What other options for sanctions other than fines or jail time are there? Judge Randall gave several examples of alternative sanctions/sentences.

Judge Randall, what happens when someone is sentenced to a fine, counseling or community service but fails to pay or complete the assignment? The Judge gave a specific answer. He also explained why the word “shall,” vs. “may,” be sentenced to fines or imprisonment is implemented in courts of law.

Councilmember Dozeman stated that she finds this conversation helpful and important to crystalize our future movement forward.

Councilmember Hoppe proposed a **consensus** to move forward with Bill 28-2021, with the change of the word “shall” to the word “may” in section E, and in item G; and adding the wording “or other alternatives available to the Municipal Judge.”

**Consensus attained.**

Councilmember Hultin proposed a consensus to add to both Council Bills 27 and 28, the following Whereas statement to the proposed ordinance language:

Whereas, it is incumbent on all roadway users to be vigilant and conduct themselves so as to protect the safety of others.

**Consensus attained.**

Councilmember Hultin also proposed a consensus to replace the word “vehicle” with “vehicle operators or drivers,” in all of the places where that language keeps the intent of the wording and remains grammatically correct.

**Consensus attained.**

Mayor Starker recessed the meeting for a 9-minute break.

**3. Revisions to the City’s floodplain regulations**

Discussion began at 8:35 pm, approximately 2:05 hours into the session.

**Issue**

Mile High Flood District (MHFD) is a valuable stormwater and floodplain management resource to not just the City but to the entire Denver Metro area. Their goal is to create innovative solutions that address stormwater and watershed holistically in order to protect people, property, and the environment through preservation, mitigation, and education. MHFD provides assistance, guidance, and regulations for the Denver Metro area. The Mayor is the City’s representative on the MHFD Board of Directors.

**Staff reports**

Mark Westberg presented the MHFD background where those regulations specifically prohibit tents and makeshift structures in the floodplain due to numerous public safety issues. Although camping has been prohibited within City parks since 2004, staff now is requesting that Council amend the City’s floodplain regulations in Chapter 26 to also specifically prohibit tents and makeshift structures in the City’s floodplains.

In October 2019, the MHFD Board passed a resolution expressly prohibiting tents and makeshift structures within the floodplain. MHFD’s enabling statutes state, “In the event of any conflict between this floodplain regulation and any floodplain regulation adopted by any other public body within MHFD, the more restrictive regulation shall control.” This means that the MHFD’s October 2019 camping ban is the controlling regulation. While staff can and should enforce the more stringent MHFD regulations, having the regulations in the City Code allows more direct enforcement by staff.

These floodplain regulation changes were made for the sole purpose of public safety. The dangers of allowing tents and other makeshift structures for human habitation within floodplains are as follows:

1. Individuals living in these structures put themselves at grave risk of serious injury and death by drowning during flooding. On July 21, 2019, a 38-year-old woman drowned in North Dry Gulch during a high-water event. Her body was found the next morning in an area that was 10 feet underwater during the event.

2. Swift-water rescues of inhabitants of these makeshift structures during times of flood puts the lives of first responders at risk.
3. The building materials and furnishings of tents and makeshift structures within floodplains add to the debris load of the flood, potentially clogging bridge and culvert openings, thereby endangering the rest of the community.
4. The byproducts of human habitation of these structures (feces and trash) pollute the floodwaters with fecal bacteria and other hazardous substances, endangering the rest of the community.

**Councilmembers had questions and comments:**

Councilmembers asked detailed questions about several topics, including:

If the City outlaws camping in flood plains, then who enforces that Code section? Mr. Westburg explained how that would work if the proposed Ordinance passes. He added that at present, without an ordinance prohibiting camping in a flood plain, the City is hard pressed to require that the campsite occupants move. Chief Murtha explained that our Code Enforcement team addresses these situations.

Why does the proposed language say tents or other structures vs. prohibiting persons from remaining at a site along a flood plain, especially overnight?

Councilmember Hoppe proposed a **consensus** to bring forward an action or actions to add a Code provision that will prohibit tents and makeshift structures in a flood plain.

**Consensus attained.**

Councilmember Hoppe proposed a **consensus** to bring forward an action or actions to remove the Board of Adjustments from their role in the review of Class II permits and appeals related to flood plain permits and to authorize staff to move forward with changes to the City's flood plain variance process to align with the State's flood plain process

**Consensus attained.**

**4. Staff Report(s)**

This item began at approximately 8:59 p.m.

Noting additional.

**5. Elected Officials' Report**

Councilmember Dozeman announced that the Chamber of Commerce and the City will sponsor a clean-up project this Saturday, May 22, from 9-11 AM near I-70 and Kipling on the north side of the interchange. Volunteers are asked to gather at the law offices near the Denny's on the northeast corner of that location.

Councilmember Hutchinson congratulated the WR High School class of 2021, that will graduate this Friday, including her third grandchild, Corine.

The Mayor thanked the staff and guest presenters who came this evening and contributed to a very productive meeting.

**ADJOURNMENT**

The Study Session adjourned at 9:01 p.m.

APPROVED BY CITY COUNCIL ON May 24, 2021



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Steve Kirkpatrick, City Clerk



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Janeece Hoppe, Mayor Pro Tem