



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

7:00 P.M

January 13, 2020

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

Mayor Paul called the meeting to order at 7:00 p.m. in the Council Chambers, Lakewood Civic Center South, 480 South Allison Parkway, Lakewood, Colorado.

ITEM 2 – ROLL CALL

Those present were: Mayor Adam Paul, Presiding

Anita Springsteen
David Skilling
Jacob LaBure
Charley Able
Dana Gutwein
Sharon Vincent
Mike Bieda
Ramey Johnson
Barb Franks
Karen Harrison

Absent: None.

Others in attendance: Ben Goldstein, Deputy City Manager
Tim Cox, City Attorney

Full and timely notice of this City Council meeting had been given and a quorum was present.

ITEM 3 – PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited and the audience remained standing for a moment of silent prayer.

ITEM 4 – RESOLUTION 2020-1– APPOINTING A MEMBER TO THE BUDGET AND AUDIT BOARD

A motion was made by Council member Able to approve Resolution 2020-1. It was seconded.

Council Comment: None.

Vote on the motion:

| | AYES | NAYS | | AYES | NAYS |
|--------------|------|------|----------|------|------|
| PAUL | X | | VINCENT | X | |
| SPRINGSTEEN | X | | BIEDA | X | |
| GUTWEIN | X | | JOHNSON | X | |
| SKILLING | X | | FRANKS | X | |
| LABURE | X | | HARRISON | X | |
| ABLE | X | | | | |
| TOTAL | | | | 11 | 0 |

The motion passed.

ITEM 5 – RESOLUTION 2020-2 – APPOINTING AND REAPPOINTING MEMBERS TO THE LAKEWOOD ADVISORY COMMISSION

A motion was made by Council member Able to approve Resolution 2020-2. It was seconded.

Council Comment: None.

Vote on the motion:

| | AYES | NAYS | | AYES | NAYS |
|--------------|------|------|----------|------|------|
| PAUL | X | | VINCENT | X | |
| SPRINGSTEEN | X | | BIEDA | X | |
| GUTWEIN | X | | JOHNSON | X | |
| SKILLING | X | | FRANKS | X | |
| LABURE | X | | HARRISON | X | |
| ABLE | X | | | | |
| TOTAL | | | | 11 | 0 |

The motion passed.

ITEM 6 – RESOLUTION 2020-3 – APPOINTING THE MAYOR PRO TEM OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD

A motion was made by Council member Able to approve Resolution 2020-3. It was seconded.

Council Comment: None.

Council Member Able made a motion to appoint Council member Bieda as Mayor Pro Tem. It was seconded.

Vote on the motion for Bieda:

| | AYES | NAYS | | AYES | NAYS |
|-------------|------|------|--------------|------|------|
| PAUL | | X | VINCENT | | X |
| SPRINGSTEEN | X | | BIEDA | X | |
| GUTWEIN | | X | JOHNSON | X | |
| SKILLING | | X | FRANKS | | X |
| LABURE | | X | HARRISON | | X |
| ABLE | X | | | | |
| | | | TOTAL | 4 | 7 |

The motion failed.

Council Member Franks made a motion to appoint Council member Skilling as Mayor Pro Tem. It was seconded.

Vote on the motion for Skilling:

| | AYES | NAYS | | AYES | NAYS |
|-------------|------|------|--------------|------|------|
| PAUL | X | | VINCENT | X | |
| SPRINGSTEEN | | X | BIEDA | | X |
| GUTWEIN | X | | JOHNSON | | X |
| SKILLING | X | | FRANKS | X | |
| LABURE | X | | HARRISON | X | |
| ABLE | X | | | | |
| | | | TOTAL | 8 | 3 |

The motion passed.

ITEM 7 – PUBLIC COMMENT

Joshua Rodriguez – Lakewood Resident – He spoke on the need for safe and public transportation following the passage of the Strategic Growth Initiative.

Donald Keens – Lakewood Resident – He stated his concern with Lakewood Police Department’s handling of reckless driving in the city.

Caroline Wolfrum – Lakewood Resident – She spoke on her concerns of treatment of planning staff following the passage of the Strategic Growth Initiative.

Charles Davis – Lakewood Resident – He apologized for Council Member Able’s behavior at the previous City Council meeting.

Matt Boyles – President of Colorado Rocketry and Space Hobbyists Club (CRASH) – He shared the details of his meeting to discuss CRASH’s continued use of Bear Creek Lake Park with Public Engagement and Operations Manager Amber Wesner and Parks Manager Jim Haselgren.

Doctor Palmere – Lakewood Resident – He spoke on his involvement with CRASH. He stated his interest with working with the city on becoming an All-American City.

Liz Breuer – Lakewood Resident – She stated that she would like a copy of the Strategic Growth Initiative compromise presentation that Planning Director Jay Hutchison presented to council on January 6, 2020.

Lenore Herskovitz – Lakewood Resident – She stated her disapproval with staff and City Council’s handling of the implementation of the Strategic Growth Initiative.

Meg York – Lakewood Resident – She stated her support of a consent resolution to allow refugees to be placed in Lakewood in compliance with Executive Order 13888. She played an Iranian folk tune for City Council.

Cathy Kentner – Lakewood Resident – She spoke about the compromise to the allocation process Councilor Skilling presented on January 6, 2020. She emphasized that large projects must be approved by Council. She asked that a resolution be added to the January 27 Council meeting to address this.

Natalie Menten – Lakewood Resident – She spoke about RTD service reductions. She spoke about changes to bus routes and travel times. They are spending over \$1,000,000 a month in overtime.

Mike Muller – Lakewood Resident – He spoke about last Monday’s Council meeting. He spoke about how Council must uphold the law.

ITEM 8 – EXECUTIVE REPORT

Ben Goldstein, Deputy City Manager, gave the executive report which included;

- The City Clerk’s Office passed the US Department of State’s annual Audit on Passport Services.
- The Lakewood Heritage Center was rebranded to Heritage Lakewood.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

City Clerk Michele Millard read the Consent Agenda into the record. The Consent Agenda consists of Items 9 and 13, inclusive.

ITEM 9 – RESOLUTION 2020-4 – DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2020 PURSUANT TO C.R.S. 24-6-402

ITEM 10 – RESOLUTION 2020-5 – DIRECTING CITY STAFF TO CREATE AN IN-HOUSE CITY ATTORNEY POSITION AND FORMING AN AD-HOC CITY COUNCIL COMMITTEE TO ESTABLISH THE GENERAL PARAMETERS FOR IN-HOUSE CITY ATTORNEY RECRUITMENT AND COMPENSATION

ITEM 11 – ORDINANCE O-2020-1 – AMENDING LAKEWOOD MUNICIPAL CODE TITLE 12, AND ARTICLE 10 OF TITLE 17, TO REFLECT CHANGES IN STATE AND FEDERAL LAW RELATING TO WIRELESS SERVICES AND COMMUNICATIONS

ITEM 12 – ORDINANCE O-2020-2 – REZONING LAND LOCATED AT 3900 S. WADSWORTH BLVD. AND 3939 S. TELLER ST., LAKEWOOD, CO 80235, COUNTY OF JEFFERSON, STATE OF COLORADO

ITEM 13 – APPROVING MINUTES OF CITY COUNCIL MEETINGS

| | |
|----------------------|--------------------|
| City Council Meeting | July 22, 2019 |
| City Council Meeting | September 9, 2019 |
| City Council Meeting | September 23, 2019 |

Mayor Paul – He stated there was a request from the applicant on ordinance O-2020-2 to have it rescheduled for February 24, 2020. He pulled Item 12 to put it under general business for further discussion.

Public Comment: None

Council member Springsteen – She requested to pull Item 11 and put it under general business for further discussion.

A motion was made by Council member Able to approve Council Minutes, order all ordinances introduced on first reading, with the exception of Ordinance O-2020-1 and Ordinance O-2020-2, to be published into the Denver Post Newspaper for public hearing set for dates included in the ordinances, and to adopt resolutions, all of which are included in the Consent Agenda Items, for the record and introduced by the City Clerk. It was seconded.

Vote on Consent Agenda:

| | AYES | NAYS | | AYES | NAYS |
|-------------|------|------|--------------|------|------|
| PAUL | X | | VINCENT | X | |
| SPRINGSTEEN | X | | BIEDA | X | |
| GUTWEIN | X | | JOHNSON | X | |
| SKILLING | X | | FRANKS | X | |
| LABURE | X | | HARRISON | X | |
| ABLE | X | | | | |
| | | | TOTAL | 11 | 0 |

The motion passed.

END OF CONSENT AGENDA

ORDINANCES ON SECOND READING AND PUBLIC HEARINGS

ITEM 14 – ORDINANCE O-2019-42 – AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE 2020 ANNUAL BUDGET IN THE AMOUNT OF \$66,959 AND AUTHORIZING THE EXPENDITURE OF GRANT FUNDS FROM THE DEPARTMENT OF LOCAL AFFAIRS TO ASSIST THE CITY OF LAKEWOOD IN PARTNERSHIP WITH THE JEFFERSON COUNTY COMPLETE COUNT COMMITTEE AND OTHER SUB-COMMITTEE ORGANIZATIONS, TO WORK COLLECTIVELY ON OUTREACH TO HARD-TO-COUNT POPULATIONS OF LAKEWOOD AND JEFFERSON COUNTY TO ENCOURAGE THEIR PARTICIPATION IN THE 2020 CENSUS

A motion was made by Council member Able to adopt Ordinance O-2019-42. It was seconded.

Public Comment: None.

Council Discussion: None.

Vote on Ordinance O-2019-42:

| | AYES | NAYS | | AYES | NAYS |
|-------------|------|------|--------------|------|------|
| PAUL | X | | VINCENT | X | |
| SPRINGSTEEN | X | | BIEDA | X | |
| GUTWEIN | X | | JOHNSON | X | |
| SKILLING | X | | FRANKS | X | |
| LABURE | X | | HARRISON | X | |
| ABLE | X | | | | |
| | | | TOTAL | 11 | 0 |

The motion passed.

ITEM 15 – ORDINANCE O-2019-43 – AUTHORIZING A REAL ESTATE EXCHANGE AGREEMENT WITH THE REGIONAL TRANSPORTATION DISTRICT TO ADDRESS LAND OWNERSHIP ALONG THE RTD LIGHT RAIL “W LINE” AND VACATING CERTAIN CITY RIGHT-OF-WAY AT QUAIL STREET AND 13TH AVENUE

Public Comment: None.

A motion was made by Council member Able to adopt Ordinance O-2019-43. It was seconded.

Council Discussion:

Council member Johnson – She asked about the effect of the real estate exchange on the D10 bike path. She asked if eminent domain will be utilized in the exchange. She also asked if the city will take on any additional cost in maintaining the newly acquired property.

Larry Dorr, Director of Finance – He provided context on the original real estate exchange from 2008. He stated that the city did not anticipate eminent domain on any of the properties, and that City Council would need to authorize its use, if needed. He stated that the city would be responsible for maintaining the new property and that it has already been maintaining the property. He did not anticipate an increase in cost for maintaining the property.

Johnson – She asked if the ditch company’s concern with the drainage of a ditch along the W Line was resolved.

Dorr – He stated that the Lakewood Mutual Heights Water Company and White Lateral Ditch Company had an issue with the drainage of a ditch in one of the properties involved in the ordinance. He stated that the disagreement delayed the ordinance but that it was now resolved.

Vote on Ordinance O-2019-43:

| | AYES | NAYS | | AYES | NAYS |
|-------------|------|------|--------------|------|------|
| PAUL | X | | VINCENT | X | |
| SPRINGSTEEN | X | | BIEDA | X | |
| GUTWEIN | X | | JOHNSON | X | |
| SKILLING | X | | FRANKS | X | |
| LABURE | X | | HARRISON | X | |
| ABLE | X | | | | |
| | | | TOTAL | 11 | 0 |

The motion passed.

ITEM 16 – CONTINUED- ORDINANCE O-2019-40 – AMENDING CHAPTER 9.80 AND SECTION 1.16.080 OF THE LAKEWOOD MUNICIPAL CODE TO ADD THERETO PROVISIONS RELATED TO RODENTS AND VERMIN, CERTAIN ILLEGAL ACTIVITIES CONSTITUTING A NUISANCE, AND THE ENFORCEMENT OF SUCH PROVISIONS
Dan McCasky, Police Chief – He gave a brief update to the changes and updates made to the nuisance ordinance.

Public Comment:

Natalie Menton – Lakewood Resident – She read the definition of vermin. She stated that the city needs to be careful on how codes are written.

Council Discussion:

Council member Harrison – She asked about odor and the ability for police to investigate its source on a property.

McCasky – He clarified that specific kinds of odor can give the Police Department the ability to investigate a property.

Council member Bieda – He spoke in favor of the cost and charges provision in the ordinance.

Council member Johnson – She spoke about hoarding properties.

McCasky – He shared some extreme circumstances where the hoarding is attracting rodents and vermin.

Johnson – She stated that under 9.80.170 (B)(a) of the ordinance, sometimes the only way neighbors know if someone is growing marijuana is by the odor. She asked Chief McCasky how this can be enforced.

McCasky – He stated that there are several ways the police department could enforce the ordinance. He stated that officers could knock and talk where they may get consent to enter and investigate or could obtain a search warrant, depending on the information they can obtain about the property.

Johnson – She asked about 1.16.080 (B) of the ordinance that stipulates that a homeowner is not allowed to get within 200 yards of a home that proposes a health or safety risk.

Jonathan Alesch, Sergeant – He stated that the ordinance helps the police department to prevent homeowners from accessing unsafe properties. He stated that the ordinance prevents behavior that endangers the safety of the public.

A motion was made by Council member Able to adopt Ordinance O- 2019-40. It was seconded.

Vote on Ordinance O-2019-40:

| | AYES | NAYS | | AYES | NAYS |
|-------------|------|------|--------------|------|------|
| PAUL | X | | VINCENT | X | |
| SPRINGSTEEN | X | | BIEDA | X | |
| GUTWEIN | X | | JOHNSON | X | |
| SKILLING | X | | FRANKS | X | |
| LABURE | X | | HARRISON | X | |
| ABLE | X | | | | |
| | | | TOTAL | 11 | 0 |

The motion passed.

ITEM 17 – GENERAL BUSINESS

Item 11 and Item 12 were moved from the Consent Agenda for Council discussion.

ITEM 11 – ORDINANCE O-2020-1 – AMENDING LAKEWOOD MUNICIPAL CODE TITLE 12, AND ARTICLE 10 OF TITLE 17, TO REFLECT CHANGES IN STATE AND FEDERAL LAW RELATING TO WIRELESS SERVICES AND COMMUNICATIONS

Council member Springsteen – She spoke about an FCC order and asked that this item be removed from the agenda and from the January 27, 2020 agenda and taken to a study session for further discussion.

Ben Goldstein, Deputy City Manager – He stated that the city consulted with Ken Fellman and his group to provide a presentation with background on the issue on January 27, 2020. He stated that the city worked with the wireless providers to navigate state and federal law surrounding the wireless issue. He stated that the city tried to regain as much control for its residents as possible and that Mr. Fellman would be speaking more to this.

Council member Franks – She stated that she needs more information and thought Council could decide on further study on the issue after obtaining more information.

Council member Able – He asked if the city is required to allow wireless companies to access city right of ways or if it was required only to provide 5G services. He stated that he would like to move the discussion from the January 27, 2020 meeting.

Bieda – He stated that wireless is a complicated subject that requires more explanation. He stated that he wanted to move the issue to a different agenda that is less crowded than the January 27, 2020 meeting.

Goldstein – He spoke on how the city was already behind compared to other cities on wireless issues. He stated that the city is currently receiving applications for sites for wireless use. He stated that additional regulations will be helpful in processing these applications.

Council member LaBure – He stated that he is on the National League of Cities committee that handles wireless federal guidelines. He stated they would be a good resource for information on this topic.

Harrison – She stated that she needs help understanding 5G and encouraged Council to do their homework on the topic and to send questions to staff ahead of time.

Springsteen – She spoke on the need to support the residents on the issue as well as the providers. She stated that she wanted to hear from both sides. She stated her desire to move the topic down the road for further Council discussion. She stated that the city should pause wireless applications until the ordinance was passed.

Able – He asked if the federal government could sanction the city if the ordinance was further delayed.

Goldstein – He stated that some wireless applications will move forward without the benefit of new rules provided under the ordinance. He spoke of several recent examples of wireless applications that proceeded recently without the direction of the new ordinance. He stated that the city could not pause wireless applications under the shot clock provided by federal rules. He clarified that if the city did not approve the applications that they would be automatically approved under federal law.

Able – He asked if wireless companies were permitted to place wireless infrastructure in the city's right of way.

Tim Cox, City Attorney – He stated that he was unsure of the ability of wireless companies to build on the city's rights-of-way. He spoke further on the shot clock concept discussed by Deputy City Manager Goldstein. He clarified that Mr. Fellman represents the interest of municipalities and is not a wireless industry representative.

Mayor Paul – He stated that it appears that Council requires more information. He stated that the city could release Mr. Fellman's presentation on January 17, 2020 and postpone second reading to February 10, 2020. He stated that if Council did not feel comfortable passing the ordinance on second reading it could push the item for further discussion.

Goldstein – He stated that he was unsure if Mr. Fellman was available on February 10, 2020.

Cox – He stated that Council could pass the first reading of the ordinance and then set the second hearing for February 10, 2020.

Council further discussed moving the ordinance to a study session.

A motion was made by Council member Able to advance Ordinance O-2020-1 on first reading with second hearing set on February 10th, 2020. It was seconded.

Vote on Ordinance O-2020-1:

| | AYES | NAYS | | AYES | NAYS |
|-------------|------|------|--------------|------|------|
| PAUL | X | | VINCENT | X | |
| SPRINGSTEEN | | X | BIEDA | X | |
| GUTWEIN | X | | JOHNSON | X | |
| SKILLING | X | | FRANKS | X | |
| LABURE | X | | HARRISON | X | |
| ABLE | X | | | | |
| | | | TOTAL | 10 | 1 |

The motion passed.

ITEM 12 - ORDINANCE O-2020-2 – REZONING LAND LOCATED AT 3900 S. WADSWORTH BLVD. AND 3939 S. TELLER ST., LAKEWOOD, CO 80235, COUNTY OF JEFFERSON, STATE OF COLORADO

A motion was made by Council member Able to advance the ordinance to public hearing on February 24, 2020. It was seconded.

Vote on Ordinance O-2020-2:

| | AYES | NAYS | | AYES | NAYS |
|-------------|------|------|--------------|------|------|
| PAUL | X | | VINCENT | X | |
| SPRINGSTEEN | X | | BIEDA | X | |
| GUTWEIN | X | | JOHNSON | X | |
| SKILLING | X | | FRANKS | X | |
| LABURE | X | | HARRISON | X | |
| ABLE | X | | | | |
| | | | TOTAL | 11 | 0 |

The motion passed.

City Council Agenda Item Request for Consideration:

Harrison – She stated her request for action was regarding a remediation program for geese in Lakewood, similar to the program in Denver.

There was consensus to gather more information including what programs or processes the Parks Department already had.

Mayor Paul - He stated he obtained a consensus to sign a letter of consent to US Secretary of State, Mike Pompeo regarding Executive Order 13888 from City Council.

ITEM 18 – MAYOR AND CITY COUNCIL REPORTS

Mayor Paul and City Council Members reported their attendance at previous meetings and events and announced upcoming neighborhood meetings and events.

ITEM 19 – ADJOURNMENT

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 9:21 p.m.

Respectfully submitted

Michele Millard, City Clerk