

CITY COUNCIL MINUTES

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

November 28, 2016

Mayor Jay 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

Monica Duran	Zachary Urban	Janece Hoppe	Kristi Davis
Tim Fitzgerald	George Pond	Larry Mathews	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; Parks Director, Joyce Manwaring; Police Chief, Dan Brennan; Administrative Services Director, Heather Geyer; Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF Study Session Notes of November 7, 2016

There being no objection, the Study Session Notes of November 7, 2016 were approved as published.

PROCLAMATIONS AND CEREMONIES

Presentation of Parks and Recreation Accreditation Award

City Manager Patrick Goff presented to **Director Joyce Manwaring** the CAPRA accreditation that was awarded to the City of Wheat Ridge Parks and Recreation Department in October in St. Louis. It is a best practices process that assures policy makers and citizens we are meeting and upholding the best standards.

Joyce Manwaring introduced **Dirk Richwine**, vice-chair of CAPRA's commission for accreditation, who mentored the City through the two-year process. Mr. Richwine explained that the extensive accreditation process involves self-assessment and outside review – measuring 150 standards in 10 different categories. As only 160 agencies in the US have this accreditation it is a very prestigious award. He presented the accreditation crystal to the staff. **Julie Brisson** (Parks & Facilities Manager), **Rick Murray** (Parks Forestry & Open Space Manager), and **Matt Anderson** (Parks & Recreation Analyst) were present.

Ms. Manwaring thanked the employees for all their hard work during the accreditation process, and the Mayor, Council, other department heads, and City Manager for their support.

CITIZENS' RIGHT TO SPEAK

Roger Morin (WR) asked Council to consider the hazards and drawbacks of the passage of Proposition 106. 1) He believes it is antithetical to our city's values of family and health. We focus on the protection of health, safety and welfare; mental and spiritual health are crucial to the end and should be included. Also, a family may only be a family of one. 2) The demographics of our city suggests the number of folks who qualify for these options will increase. What value will our city place on this group of our population? Those with no support system may feel pressured and deserve a place to turn to. 3) Our community already does much for its seniors. ~ He asked Council to consider appointing a councilmember to oversee the needs of the elderly since the end of life options act may change how they and others view their importance and value to the community. Please think through the hazards and drawbacks to our community and how the City might continue to protect and serve its citizens that qualify under this act.

Mike Herman (Golden), co-chair of the WR Backpack program, reported on the increasing cost of the program – including increased cost of food, cost for storage, and an increase in children. About 360 students are served weekly at Kullerstrand, Stevenson, Pennington and Head Start. The budget is \$35-40K/year. He thanked Council for helping fund this program; they believe it makes a difference.

John Clark (WR) served on the outside agency review committee and praised Carley Lorentz for her fantastic work with the group. He explained the process of how a diverse group of people came to compromise and agreed. He urged Council to respect the time the committee spent and honor the recommendation. Changing it may set a precedent to make other organizations feel slighted and open the gate for other groups to ask for more. The purpose of the committee was to relieve work from Council and make a recommendation. He doesn't want to see groups come back repeatedly asking for more.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Motion to adopt the 2017 Regular City Council Meeting Calendar
- b) Resolution No. 45-2016 – designating the City Hall Lobby as the Official Public Notice Posting location and the Wheat Ridge Transcript as the Official newspaper of General Circulation for City Publications in 2017
- c) Motion to approve payment to Murphy Construction Company, LLC, Denver, Co., in the amount of \$32,604 for the purpose of replacing additional trail as part of the Clear Creek Trail Maintenance Replacement Project *[original project bid under budget; using remainder of budgeted funds for 483 more feet of trail]*
- d) Resolution No. 49-2016 – approving Clear Creek Trail Replacement west of Moore for the purpose of expending Grant Funds *[authorizing use of unused grant funds for additional trail]*

Councilmember Urban introduced the Consent Agenda.

Motion by Councilmember Urban to approve the Consent Agenda items a), b), c) and d).
Seconded by Councilmember Pond; carried 8 -0

ORDINANCES ON FIRST READING

- 2.** Council Bill 26-2016 – An ordinance approving the rezoning of property located at 10001 W. 32nd Ave. from Residential-One (R-1) to Planned Mixed Use Development (PMUD) and for approval of an Outline Development Plan (Case No. WZ-16-01/Fountain on the Ridge)

The proposed rezoning of the 2.16 acres on the corner of 32nd & Kipling will expand uses which may include conversion of the buildings and property into an event center.

Councilmember Fitzgerald introduced Council Bill 26-2016.

Motion by Councilmember Fitzgerald to approve Council Bill No. 26-2016, an ordinance approving the rezoning of property located at 10001 W. 32nd Ave. from Residential-One (R-1) to Planned Mixed Use Development (PMUD) and for approval of an Outline Development Plan (ODP) on first reading, order it published, public hearing set for Monday, January 9, 2017 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Duran; carried 8-0

DECISIONS, RESOLUTIONS AND MOTION

- 3.** Resolution No. 47-2016 – adopting the City Budget and appropriating sums of money to the various funds and spending agencies in the amounts specified for the City of Wheat Ridge, Colorado for the 2017 Budget Year

Councilmember Pond introduced Resolution 47-2016.

Staff Presentation ~ Patrick Goff

- The public hearing was held on November 21, 2016.
- It is a balanced budget totaling just over \$43M, with \$31M for the General Fund operating budget, \$5M for the Capital Improvement Program budget, and \$6.7M for special revenue funds.
- Reserves will meet the minimum requirements and are projected to be 21.5%.

Councilmember Davis proposed an extra \$4,500 for the Backpack program – whether from 2016 or 2017 monies. When the Backpack program presented its request they didn't know their costs would double. Mr. Goff said he could find \$4,500 in 2016 monies.

Councilmember Wooden expressed support for helping the Backpack program with their fundraising, but wants to honor the recommendation for 2017 from the citizen committee. Councilmember Mathews commented he'd like to see the giving program revisited and rethink how we give these monies out. This is taxpayer money; there should be controls.

Councilmember Duran expressed a desire to see some past history of asked/given for these organizations. She asked about the fundraising efforts of the Backpack program.

Chief Brennan gave some history on the Backpack program and its funding.

- Auctions and fundraisers are held.
- Several charitable organizations (Rotary, Optimists, Kiwanis, Grange, fire departments) donate money and time.
- The City's contribution has been about 1/3 of the budget; next year may be ¼.
- Administrative costs are minimal (\$200/year for the webpage).

Councilmember Hoppe also doesn't want to open the floodgates and would like to maintain the 2017 budget. She supports using 2016 funds and helping with fundraising.

Councilmember Urban posed that the group that gets questioned the most gets the most donations. While he agrees the Backpack program needs to be funded, he also noted not much is being done to address the heroine epidemic in our city. All groups should be treated equally. He suggested this process unfairly pits programs against each other.

Councilmember Fitzgerald supported Ms. Davis' request to add more funds.

Public Comment

Christine Disney (WR), president of Localworks, talked about her experience volunteering for Localworks events and the positive impact it's had on her life and that of others. She asked Council to approve the budget requests from Localworks for 2017.

Janenne Allen (WR), Localworks board member, shared her thoughts on Localworks and how it has helped her interact with and be connected to her neighbors.

Attorney Dahl provided procedural guidance.

Motion by Councilmember Pond to approve Resolution No. 47-2016 a resolution adopting the City Budget and appropriating sums of money to the various funds and spending agencies in the amounts specified for the City of Wheat Ridge, Colorado for the 2017 Budget Year; seconded by Councilmember Wooden;

Motion by Councilmember Urban to increase funding for the Carnation Festival by \$20K to accommodate their total request of \$80K; seconded by Councilmember Duran;

There followed some discussion about where the \$20K would come from.

Motion by Councilmember Mathews to amend the amendment by funding the additional \$20K for the Carnation Festival with a transfer of appropriations budgeted for the Anderson Park waterline replacement; seconded by Councilmember Urban; carried 8-0.

The motion to add \$20K to the line item for the Carnation Festival and deduct \$20K from the line item for the Anderson Park waterline replacement carried 8-0.

Councilmember Mathews stated he has several ideas for changes to the budget, but has just completed one business cycle on Council. He apologized to his constituents and promised them he'll be better prepared next year.

Councilmember Urban has concerns about the \$140K for Localworks events that claim to have so many volunteers. He's heard from groups who would participate, but can't afford the sponsorship fees. He feels these events should be leveraged to assist fundraising for all local non-profits – such as a non-profit row. He suggested a membership fee for folks to participate in Localworks as a social club or for party passes so that people pay to play, and to allow true attendance to be tracked. ~ He also suggested \$447K dollars for Localworks is considerable with no bidding process for their services and no discernible method to account for the claims of large numbers of attendees.

Councilmember Hoppe supports a non-profit row and pointed out the \$140K is for four events – the holiday lighting event, the Criterium, the Ridgefest and Truck or Treat. We are giving the Carnation Festival \$80K plus \$35K in in-kind. She'd appreciate if all five events gave non-profits a break on fees to help with fundraising.

Councilmember Davis doesn't think the Ridge events are exclusive. Christine Disney clarified that booth fees are \$25, and non-profits could be waived; actual sponsorship fees are more and vary in price.

Councilmember Duran asked how much in-kind (police) is provided for the Ridge events. Mr. Goff stated that cost hasn't been tracked, but it's less than the Carnation Festival.

Councilmember Mathews noted there's nothing in Localworks' 2017 budget for overhead (salaries, office), and asked 1) if Localworks has income from anyone else, and 2) what controls does the City have once \$0.5M is handed over to insure the money is spent as anticipated. Mr. Goff reported that Localworks invoices the City per event or program, which includes their staff time. ~ He added that of the \$447K budget, \$50K is for business/home loans and \$140K is for the events that are invoiced as they happen. Overhead breakdown was not available. The annual report is available.

Councilmember Wooden noted, as a former board member of Localworks, that the Ridge events bring people to our city and traffic to our businesses. She believes these are very important for how we're going to create a community and what kind of community we want to be. These events are hard to put on. She encouraged comparison to the cost of other events in other cities. She fully supports Localworks. Their audit is done yearly and is online with their budget. Participation is growing; the plan is working.

Councilmember Duran asked if the Treasurer, for transparency, could put an itemization of the Localworks funds on the City website. Mr. DiTullio replied that he doesn't have their expenditures, but if he got the invoices he could do it. Councilmember Davis thinks if we itemize the budget of Localworks we need to do it for the Carnation Festival. Mr. Goff said it's all in the budget message.

Councilmember Pond thanked staff and the people who have come to comment on the budget. He doesn't hear disagreement about investing in the City; details can be discussed during the year.

Councilmember Urban noted that Localworks was used to implement the Neighborhood Revitalization Strategy (NRS). Structurally it doesn't make sense to have a group

preparing a strategy that declares itself the best agency to implement the strategy. He feels it would be prudent policy to have an independent agency update the NRS. Mr. Goff said Localworks requested \$27,500 to update the NRS; their role is to partner with the City on outreach (hold focus groups, community engagement meetings, work with councilmembers at district meetings) to see what the community wants – not develop the strategy.

Councilmember Wooden remarked that Localworks was formed out of the NRS. They assist our citizens and our City. It isn't secret. If people want to know more all they have to do is call and ask.

The motion to approve the 2017 budget as amended carried 8 – 0.

Councilmember Davis received a consensus of 6-2 to have the City Manager look into the 2016 budget to find funds to allocate \$4,500 for the Backpack program.

- 4. Resolution No. 48-2016 – Levying General Property Taxes for the year 2016, to help defray the costs of Government for the City of Wheat Ridge, Colorado for the 2017 Budget Year**

The City's mill levy will be set at 1.830 mills, raising \$853,230 in property tax revenue.

Councilmember Duran introduced Resolution 48-2016

Heather Geyer reported that along with adoption of the budget for 2017 Council is also required to certify the property tax mill levy.

Responding to Councilmember Mathews' question, Mr. Goff reported this is the same mill levy as last year. TABOR does not allow Council to raise taxes without voter approval.

Motion by Councilmember Duran to approve Resolution 48-2016, a resolution levying a mill levy of 1.830 on general property taxes for the year 2016, to help defray the costs of government for the City of Wheat Ridge, Colorado for the 2017 budget year; seconded by Councilmember Wooden; carried 8- 0

- 5. Resolution No. 50-2016 - approving an amended and restated Development Agreement for the Fruitdale School Property**

Councilmember Wooden introduced Resolution 50-2016

Staff Presentation ~ Ken Johnstone

Mr. Johnstone gave a detailed explanation of the financial aspects of the agreement.

- The Wheat Ridge Housing Authority (WRHA), owns the property.
- Council initially approved the agreement on February 22, 2016; it contained a variety of grants and loans. The City's portion was to be an up-to-\$2.1M short term loan and \$470K in a one-time grant.

- The project remains the same: 16 loft style housing units, 5 of which will be designated as “affordable” subject to the terms of the HOME funding.
- Financing is complex and challenging. The grant and loan amounts of the City and the WRHA remain the same, but the terms have changed.
 - There are long and short term loans from the City and the WRHA.
 - Federal HOME funds, dedicated by Jefferson County, equal \$680K.
 - State and federal historic and solar tax credits total around \$2M.
 - Developer equity and a commercial bank loan complete the plan.
 - Due to the changes it was felt best to just restate the agreement.
- If approved tonight and approved tomorrow by the WRHA, the closing is tentatively scheduled for December 6.
- Most deal points remain unchanged.
- The grants (HOME, WRHA and City) would have had significant unanticipated tax implications, so they are becoming long term loans.
- Additional asbestos abatement is required – which also affects construction costs.
- Sale of state tax credits also have tax implications. This is a brand new program and wasn’t anticipated. It’s \$900K worth of good funding, but has \$300K in tax.
- The City’s long and short term loans have changed: grants are now longer term loans; short term loans have become long term loans.
- The City’s funding commitments will not dip reserves below the required 17%.
- The \$2.1M (short term loan) that was to come back to the City in years 2 and 3 will now come over time – a majority of it in 18 months (upon sale of tax credits), but \$830K over 20 years at 5% interest. Default would result in debt-free ownership of the property by the City.
- The City’s \$470K grant is now a 35-year loan – earning 5% interest to begin accruing in year 20.
- The developers cash return is capped at 22%. Anything above that would be used to repay the City – beginning in year 9.
- There is a “waterfall structure” that includes the City in any future refinance or sale.

Andrew Knudtsen of Economic & Planning Systems, Inc. (EPS), the land use economics consultant hired to assist the City with the complex finances of this project, addressed the Council. He gave some insight into the financial components. The project is not risk free, but good public policy principles have been used. He outlined a number of elements of the agreement that are good safeguards for the City. He believes this project is a good match – noting that HEI would have a hard time finding a city that would provide terms like this, and that Wheat Ridge would have a hard time finding a developer willing to invest this kind of time structuring the various elements that are making this happen.

Jim Hartman of HEI spoke briefly. This has been an enormous amount of work. The delicate balance of the funding sources has been one of the most complex challenges they’ve ever faced, but they are eager to get going and are optimistic. He thinks this package is actually a worst case; he anticipates this will ultimately end better for the City and be a success story. This will be the preservation of one of the most historic buildings in the City and will be a catalyst for other redevelopment.

Protracted discussion followed.

Public Comment

Ron Abo (WR) is the architect of record for the project, but he also supports the project for historic reasons and the building's connection to the community. He thinks this project will be a huge catalyst for the 44th Ave corridor. He also vouched for Jim Hartman's attention to detail and quality.

Janice Thompson (WR), WRHA chair, spoke about how all the WRHA projects are emotional for the new homeowners. The area is emotional for the residents. She's happy to see the area finally getting some attention. She thinks Mr. Hartman is brave and will keep his promises. She encouraged Council to be brave and help revitalize that area.

Motion by Councilmember Wooden to approve Resolution 48-2016, a resolution approving an amended and restated Development Agreement for the Fruitdale School Property, seconded by Councilmember Hoppe; carried 7-1, with Councilmember Mathews voting no.

6. Motion to elect the Mayor Pro Tempore

Councilmember Davis introduced the motion to elect the Mayor Pro Tempore

Mr. Dahl offered instructions. There was no discussion. Balloting followed. Clerk Shaver announced that a majority of votes was received by George Pond.

Motion by Councilmember Davis to elect George Pond as Mayor pro tem, effectively immediately, term to expire on the election of a successor; seconded by Councilmember Fitzgerald; carried 8-0.

CITY MANAGER'S MATTERS

Patrick Goff reported the most recent word from RTD indicates the Gold Line opening will be in 2017.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIAL'S MATTERS

Monica Duran asked about dates for a retreat and suggested Council tour some of the areas of concern. She asked if it was possible to have the retreat recorded. Yes. Mr. Goff said retreat dates begin with the Dec 19 study session discussing vision and goal setting. ~ Also, there will be a Christmas tree auction benefitting the Ralston House on December 3rd from 3-6pm at Stevens Elementary.

Janeece Hoppe will be having a community meeting in December or January.

Zach Urban reported that due to the delay in opening the Gold Line, the RTD board will be discussing temporarily reopening the shuttle from the Arvada Park-n-Ride to DIA.

George Pond thanked Council selecting him Mayor pro tem.

Tim Fitzgerald announced that Dec 3 is the Christmas tree lighting on The Green. He also thanked Jim Hartman for what he has gone through for Fruitdale.

Kristi Davis announced that Dec 3 is the grand reopening of McDonalds at 41st & Wadsworth. The ribbon cutting will be at 2:30


Larry Mathews thanked Janice Thompson for her passion about the Fruitdale project.

Zach Urban made note of the City Council calendar for 2017 that was approved this evening.

Joyce Jay announced Coffee with the Mayor this Saturday at 9am at Vinolla's.

ADJOURNMENT

The City Council Meeting was adjourned at 10:00p.m.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON January 9, 2017

George Pond, 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.