

STUDY SESSION AGENDA

CITY COUNCIL CITY OF WHEAT RIDGE, COLORADO

7500 W. 29th Ave.
Wheat Ridge CO

August 20, 2018

6:30 p.m.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

Citizen Comment on Agenda Items

1. Wheat Ridge Environmental Sustainability Committee Update
2. Extended Hours of Operation for Marijuana Establishments
3. The Action Center Funding Request
4. Staff Report(s)
5. Elected Officials' Report(s)

ADJOURNMENT

Memorandum

TO: Mayor and City Council

FROM: Patrick Goff, City Manager

DATE: August 15, 2018 (for August 20, 2018 study session)

SUBJECT: Wheat Ridge Environmental Sustainability Committee (WRESC) Update

The Wheat Ridge Environmental Sustainability Committee (WRESC) was formed in May 2017. It is comprised of eleven members appointed by the Mayor and ratified by a vote of the City Council. The committee was formed to involve the community in recommending and prioritizing environmental sustainability goals for the City and to support other community-wide sustainability efforts. The Mayor and City Council directed the group to research and make recommendations on renewable energy, solid waste and recycling, water, communication and engagement, green building, and energy efficiency.

The Committee provided updates to City Council at both the September 11, 2017 and February 5, 2018 study sessions and presented final recommendations to City Council at the June 18, 2018, study session. The Committee would like to meet with City Council at the August 20, 2018 study session to request that the Mayor and City Council sanction the continuation of WRESC as a volunteer committee.

Attached is the WRESC Final Report & Recommendation Executive Summary. The entire report can be found on the City's website at the following link:

<http://www.ci.wheatridge.co.us/DocumentCenter/View/28559/WRESC-Action-Plan-June-2018>

ATTACHMENTS:

1. WRESC Memo
2. WRESC Final Report & Recommendation Executive Summary

Previous Mission, Planning Phase:

The purpose of the Wheat Ridge Environmental Sustainability Committee (WRESC) is to involve the community in recommending and prioritizing environmental sustainability goals for the City of Wheat Ridge municipal operations and other community-wide sustainability efforts. The committee will provide recommendations on effective environmental programs and policies to the City Council and will serve as a forum for the community to offer input concerning environmental sustainability within six topic areas addressed in the June 2018 Action Plan.

Implementation Phase, Request for Continuation of WRESC:

The Wheat Ridge Environmental Sustainability Committee (WRESC) will continue its purpose by making recommendations to the City for prioritizing and implementing the June 2018 Action Plan goals. As WRESC begins implementation, the Committee will lead communications and community engagement efforts to build awareness and enthusiasm around environmental sustainability.

The WRESC will meet monthly as a volunteer organization and provide progress updates to Council.

New members to the WRESC will apply for a two-year term, with initial review and approval by the current committee members and final approval by the Mayor and Council. Application process will be drafted by the Committee for the Mayor's approval.

The WRESC requests an initial budget of \$18,000 to begin the important work around environmental sustainability goals for the community and City of Wheat Ridge. Expense requests will go through the City Manager's office for review and approval.

ATTACHMENT 1



Final Report & Recommendations



Environmental Sustainability
Committee
2017-2018

ATTACHMENT 2



WHEAT RIDGE ENVIRONMENTAL SUSTAINABILITY ACTION PLAN — EXECUTIVE SUMMARY

The Wheat Ridge Environmental Sustainability Committee (WRESC) reviewed current environmental sustainability practices across the City and community to draft this forward looking action plan to improve six City Council identified priority areas. The first phase of plan development included engagement with City departments, neighboring cities, community leaders, and businesses owners to gain insight on potential strategies to enhance sustainability within Wheat Ridge. Information gleaned from these meetings, along with a review of nationally recognized best practices, informed and guided phase two of the Committee's work: the development of recommendations in this plan.

The key topic areas, along with recommended goals

are: Energy Efficiency & Green Building

- Goal 1: Reduce WR's municipal energy usage
- Goal 2: Reduce commercial and industrial energy use
- Goal 3: Reduce residential energy use
- Goal 4: Preserve Wheat Ridge's distinct community character, small-town identity, and agricultural history while providing modern amenities and services which increase the City's tax base
- Goal 5: Encourage sustainable design infrastructure elements to support construction and renovation of buildings to create livable communities and promote green building practices

Renewable Energy

- Goal 1: Promote renewable energy policy beyond City
- Goal 2: Promote renewable energy within City
- Goal 3: Implement renewable energy projects.

Water

- Goal 1: Improve stormwater management systems and increase water quality in all major waterways and water bodies in Wheat Ridge
- Goal 2: Increase the adoption of water efficiency and conservation measures to reduce citywide water usage

Transportation

- Goal 1: Maximize development that substantially incorporates mixed use considerations and efficient transportation
- Goal 2: Increase use of multimodal transportation choice
- Goal 3: Increase traveler safety and environmental quality

Solid Waste & Recycling

- Goal 1: Improve waste management behavior by residents, businesses, and institutions
- Goal 2: Reduce negative impacts of waste management on city infrastructure and local environment

Communications & Engagement

- Goal 1: Communicate the Wheat Ridge Sustainability Action Plan to Council, businesses, and residents
- Goal 2: Encourage and grow participation in sustainability activities, approaches, and programs within Wheat Ridge
- Goal 3: Engage the community with implementation of the Wheat Ridge Sustainability Action Plan activities
- Goal 4: Engage Wheat Ridge businesses and organizations
- Goal 5: Create opportunities for feedback and input from community and City for ongoing sustainability initiatives

Each goal includes recommended strategies and action items that will strengthen environmental sustainability in Wheat Ridge. A general assessment of the timeline, cost, and environmental benefit for each item, along with additional discussion on proposed metrics and City resources necessary to enact the recommendations, are also included.

The Committee prepared this Action Plan to provide an expansive list of locally relevant actions for Wheat Ridge that have been successfully implemented across the United States and Colorado. These proven strategies will enhance the environmental sustainability of Wheat Ridge, provide strong financial returns, and bring substantial benefits to public health, community cohesion, and livability. The recommendations included in this plan can play a strong part of moving Wheat Ridge forward and ensure that residents, business owners, and the City are best positioned to meet the challenges and embrace the opportunities of the future.

WHEAT RIDGE ENVIRONMENTAL SUSTAINABILITY ACTION PLAN — INTRODUCTION

In April 2017, Mayor Joyce Jay and City Council initiated the inaugural Wheat Ridge Environmental Sustainability Committee (WRESC). Between June 2017 and June 2018, the WRESC, comprised of 11 residents with vast expertise and experience in each topic area, dedicated approximately 550 hours meeting twice a month at City Hall as well as extensive time outside of these meetings to develop the following environmental sustainability action plan. The WRESC represented each district in Wheat Ridge. While neighboring cities invested in part- to full-time staff and professional consultation services for the creation of their sustainability plans, this plan for Wheat Ridge was written entirely by the following volunteer committee members.

Karen Berry
Amy DePierre
Dan Graeve
Heather Head
Alex Helling
April Nowak

Joy Opp
Andy Rasmussen
Rob Robinson
Eric Wilson
Adam Wylie

We are proud to have served the City and our community and we intend to continue our service. We represent passionate neighbors who are dedicated to our City, our place in the region, Colorado, and Earth.

The Mayor and City Council charged WRESC with developing recommendations to improve community conditions in six areas of environmental sustainability: green building and energy efficiency, renewable energy, transportation, solid waste and recycling, water, and communication and engagement.

To complete this charge, the prescribed mission of the committee was to:

- Evaluate current City of Wheat Ridge sustainability practices and policies
- Provide advice, support and guidance to Mayor and Council regarding sustainability, climate change, and environmental management issues
- Involve the community at large through engagement and outreach
- Support education, awareness and stewardship
- Identify metrics to track progress
- And, finally, to develop and help implement the strategies within this Action Plan

Together, with assistance of City staff, WRESC first spent several months garnering insight from neighboring and local, Wheat Ridge-based communities, governments, organizations, utilities, and non-governmental organizations. This information gathering process was indispensable in the development of the plan's recommendations for the City Council, the Mayor, and in creating a resource for the City of Wheat Ridge and its

residents. WRESC acknowledges the assistance, support, and contributions of everyone involved in providing supporting information for this plan on the next page. WRESC is grateful for their time and energy put toward our combined efforts.

Following the initial data and information gathering stage, WRESC developed a set of recommendations based upon nationally recognized best practices. The committee made a conscious effort not to reinvent the sustainability wheel during this process, and sought out best practices adopted by other local governments from across the Front Range, Colorado, and United States.

The recommendations developed during this past year include a mix of policy, practices, communication, and behaviors that will promote a more resilient and sustainable City. For the purpose of WRESC and this plan, sustainability is simply defined as *the responsible use of resources as it pertains to the three rungs of sustainability: environmental, social, and economic*. We believe these proposed investments in clean energy, water management, well-designed communities, and efficient transportation will provide environmental, social, and fiscal benefits to the City and its residents. Communities that are well-planned with a variety of housing options, commercial developments, and efficient and convenient transportation choices attract residents and new businesses.

Each of the six areas of environmental sustainability that this plan addresses include aspirational community goals, indicators for tracking progress, recommended strategies for improvement, and estimated resource requirements, timelines, and impacts.

Each topic area contains a Table which provides a truncated view of recommended Goals, Strategies, and Actions. The table and accompanying narrative is organized to match so a reader can easily identify recommendations. The table details are intended to help the City with prioritization, including Timeline, Cost, and Environmental Benefit. These estimates are the Committee's best approximation of resources needed to achieve an outlined goal. The environmental benefit is intended to assist Council with understanding how a strategy supports the protection of our environmental resources.

The following action plan will assist Wheat Ridge with meeting the objectives outlined in the recently completed 2035 Vision Statement:

Wheat Ridge is an attractive and inviting city and community for families. Wheat Ridge has great neighborhoods, is a hub of commerce with a choice of economically viable commercial areas, and has diverse transportation. Wheat Ridge is committed to environmental stewardship and its residents enjoy an active, healthy lifestyle and are proud of their hometown.¹

¹ <http://www.ci.wheatridge.co.us/DocumentCenter/View/26105/City-Council-Vision-Statement>

Memorandum

TO: Mayor and City Council

FROM: Patrick Goff, City Manager

DATE: August 15, 2018 (for August 20, 2018 study session)

SUBJECT: Extended Hours of Operation for Marijuana Establishments

ISSUE:

Councilmembers Fitzgerald and Dozeman requested that an agenda item be scheduled for a study session to discuss a request from the marijuana industry in Wheat Ridge to extend the hours of operation for marijuana establishments.

BACKGROUND:

In 2011, City Council adopted Ordinance 1479 establishing a local licensing authority to issue medical marijuana licenses in the City of Wheat Ridge. In 2013, City Council adopted Ordinance 1543 establishing a local licensing authority to issue retail marijuana establishment licenses in the City of Wheat Ridge. Section 11-419 of the Wheat Ridge Code of Laws allows for retail marijuana stores to open no earlier than 8:00 a.m. and close no later than 7:00 p.m., seven days a week.

The local marijuana industry has requested that City Council consider extending the hours of operation to 10:00 p.m. The City of Denver passed a law in 2017 to extend hours of operation from 7:00 p.m. to 10:00 p.m. The City of Edgewater allows marijuana establishments to remain open to midnight.

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STARKER
Council Bill No. 13
Ordinance No. 1543
Series 2013

TITLE: AN ORDINANCE AMENDING CHAPTER 11 OF THE WHEAT RIDGE CODE OF LAWS BY ADDING A NEW ARTICLE XIII CONCERNING RETAIL MARIJUANA AND MAKING CERTAIN AMENDMENTS TO CHAPTER 26 (ZONING AND DEVELOPMENT) IN ASSOCIATION THEREWITH

WHEREAS, in the November 2012 general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution ("Amendment 64"), codified at Article XVIII Section 16, which authorizes the sale of marijuana at retail; and

WHEREAS, in May, 2013 the Colorado General Assembly adopted the Colorado Retail Marijuana Code, §§ 12-43.4-101 *et seq.*, C.R.S., implementing a procedure for licensing the cultivation, manufacture and sale of marijuana and marijuana-products at retail; and

WHEREAS, the City has no current land use or business regulation governing the operation of businesses that cultivate, manufacture, distribute or sell retail marijuana and/or retail marijuana products ("Retail Marijuana Establishments"); and

WHEREAS, on March 11, 2013, the City imposed a moratorium on the submission, acceptance, processing, and approval of all applications for City licenses relating to the operation of Retail Marijuana Establishments to allow the City staff and the City Council to investigate the City's ability to regulate such establishments, and to develop and implement any appropriate regulations consistent with state law; and

WHEREAS, because marijuana is a controlled substance under Colorado and federal law, the cultivation, manufacture, distribution and sale as contemplated by the Colorado Retail Marijuana Code has the potential for abuse and should be closely monitored and regulated by local authorities to the extent possible; and

WHEREAS, if not closely monitored and regulated, the presence of marijuana, even for the purposes legally permitted by Amendment 64 and the Colorado Retail Marijuana Code, can potentially cause an increase in illegal activities within the City affecting the health, safety, order, comfort, convenience and general welfare of the residents of the City; and

WHEREAS, if Retail Marijuana Establishments operating pursuant to the Colorado Retail Marijuana Code were allowed to be established and to operate without appropriate local regulation of their location, such establishments might be established in areas that would conflict with the City's comprehensive land use plan; be inconsistent with surrounding uses; or otherwise be detrimental to the public health, safety and welfare.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Moratorium Concluded. The moratorium imposed by Ordinance 1533 shall conclude upon the effective date of this ordinance.

Section 2. Chapter 11 of the Wheat Ridge Code of Laws is hereby amended by the adoption of a new Article XIII to read in its entirety as follows:

Article XIII. Retail Marijuana Establishments

Sec. 11-400.	Authority
Sec. 11-401.	Definitions
Sec. 11-402.	Local licensing authority established
Sec. 11-403.	Types of retail marijuana establishment licenses
Sec. 11-404.	Retail marijuana establishment license required
Sec. 11-405.	Application of Colorado Retail Marijuana Code
Sec. 11-406.	Application for license
Sec. 11-407.	Operating fee
Sec. 11-408.	Standards for approval of license, no hearing required
Sec. 11-409.	Authority to recommend and impose conditions on license.
Sec. 11-410.	Denial of license.
Sec. 11-411.	Appeal of denial or conditional approval of license
Sec. 11-412.	Duration of license, renewal
Sec. 11-413.	Duties of licensee
Sec. 11-414.	Hearing, suspension, revocation of license
Sec. 11-415.	Collocation of operations
Sec. 11-416.	Prohibited locations
Sec. 11-417.	Signage
Sec. 11-418.	Taxes
Sec. 11-419.	Hours of operation
Sec. 11-420.	Penalties, injunctive relief
Secs. 11-421-11-422.	Reserved

Sec. 11-400. Authority. The City Council hereby finds, determines, and declares that it has the power to adopt this article pursuant to:

(a) The Local Government Land Use Control Enabling Act, article 20 of title 40, C.R.S.;

(b) Part 3 of article 23 of title 31, C.R.S. (concerning municipal zoning powers);

(c) Section 31-15-103, C.R.S. (concerning municipal police powers);

(d) Section 31-15-401, C.R.S. (concerning municipal police powers);

(e) Section 31-15-501, C.R.S. (concerning municipal authority to regulate businesses);

(f) Section 12-43.4-101 *et seq.*, C.R.S. (concerning municipal authority to license and regulate retail marijuana establishments);

(g) The authority granted to home rule municipalities by article XX of the Colorado Constitution;

(h) Article XVIII Section 16 of the Colorado Constitution; and

(i) The powers contained in the Wheat Ridge Home Rule Charter.

Sec. 11-401. Definitions.

(a) As used in this article the following words shall have the following meanings, unless the context clearly requires otherwise:

Administrative hearing officer has the meaning provided in section 2-87 of this code.

Applicant means any person making an application for a license under this article.

Application means an application for license submitted pursuant to this article.

City Manager shall have the meaning provided in section 2-26 of this code.

Colorado Medical Marijuana Code shall mean Article 43.3 of Title 12 of the Colorado Revised Statutes and any implementing administrative regulations.

Colorado Retail Marijuana Code shall mean Article 43.4 of Title 12 of the Colorado Revised Statutes and any implementing administrative regulations.

Good cause means and includes

(1) When a licensee violates, does not meet, or fails to comply with any of the terms, conditions, or provisions of this article and any rule and regulation promulgated pursuant to this article or the Colorado Retail Marijuana Code;

(2) When the licensee or applicant has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, or that were placed on its license pursuant to an order of the local licensing authority or the Colorado Department of Revenue; or

(3) When the licensed premises have been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the retail marijuana establishment is located. Evidence to support such a finding can include: (i) a pattern of disorderly conduct as defined in section 11-54(a)(1) of this code within or immediately adjacent to the premises of the licensee; (ii) a pattern of drug-related criminal conduct within the licensed premises, or in the immediate area surrounding the licensed premises; (iii) criminal conduct directly related to or arising from the operation of the retail marijuana establishment.

License means a license to operate a retail marijuana establishment issued pursuant to this article.

Licensed premises means the location in the City from which the Licensee will operate.

Licensee means the person to whom a license has been issued pursuant to this article and the Colorado Retail Marijuana Code to operate a business as described in section 12-43.4-401, C.R.S.

Marijuana means all parts of the plant of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate but shall not include industrial hemp, the fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana clubs means establishments other than private residences, medical marijuana establishments or retail marijuana establishments that allow the public, members or guests to consume marijuana, medical marijuana-infused products or retail marijuana products on-site.

Medical marijuana means marijuana that is grown and sold pursuant to the provisions of the Colorado Medical Marijuana Code for a purpose authorized by section 14 of the Article XVIII of the Colorado Constitution.

Medical marijuana center means a premises licensed pursuant to the Colorado Medical Marijuana Code to operate a business as described in section 12-43.3-402, C.R.S.

Medical marijuana establishment shall mean a medical marijuana center, a medical marijuana-infused product manufacturer or an optional premises cultivation operation.

Medical marijuana-infused product shall mean a product infused with medical marijuana that is intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, and tinctures.

Medical marijuana-infused product manufacturer shall mean a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business as described in section 12-43.3-404, C.R.S.

Optional premises cultivation operation shall mean a premises licensed pursuant to this ordinance and the Colorado Medical Marijuana Code where a business described in section 12-43.3-403, C.R.S will operate.

Person means a natural person, partnership, association, company, corporation, limited liability company, organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

Retail marijuana means marijuana that is cultivated, manufactured, distributed or sold at retail in accordance with the provisions in Section 16 of Article XVIII of the Colorado Constitution and the Colorado Retail Marijuana Code

Retail marijuana cultivation facility shall mean a person licensed pursuant to this ordinance and the Colorado Retail Marijuana Code to operate a business described in section 12-43.4-403, C.R.S.

Retail marijuana establishment shall mean a retail marijuana store, a retail marijuana products manufacturer, a retail marijuana cultivation facility, or a retail marijuana testing facility.

Retail marijuana products shall mean marijuana products as defined in section 16(2)(k) of Article XVIII of the Colorado Constitution that are produced at a retail marijuana products manufacturer.

Retail marijuana products manufacturer shall mean a person licensed pursuant to the Colorado Retail Marijuana Code to operate a business as described in section 12-43.4-404, C.R.S.

Retail marijuana store means a person licensed pursuant to the Colorado Retail Marijuana Code to operate a business as described in section 12-43.4-402, C.R.S.

Retail marijuana testing facility means a person licensed pursuant to the Colorado Retail Marijuana Code to operate a business as described in section 12-43.4-405, C.R.S.

Primary care-giver has the meaning provided in section 14(1)(f) of Article XVIII of the Colorado Constitution as further defined and regulated in section 25-1.5-106, C.R.S. and 5 C.C.R. 1006-2.

School shall mean a public or private preschool or a public or private elementary, middle, junior high or high school.

State licensing authority shall mean the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale, and testing of retail marijuana in this state, pursuant to section 12-43.4-201, C.R.S.

(b) In addition to the definitions provided in subsection (a) of this section, the other defined terms in section 16 of Article XVIII of the Colorado Constitution are incorporated into this article by reference.

Sec. 11-402. Local licensing authority established.

(a) There is hereby established a local licensing authority, which shall have and is vested with the authority to:

1. Grant and refuse licenses and approve and deny applications for renewal and transfer of licenses for the sale, cultivation and manufacture of retail marijuana and retail marijuana products;
2. Promulgate reasonable rules and regulations concerning licenses issued under this article;
3. Suspend and revoke licenses issued under this article in the matter provided by law; and
4. Have all of the powers of the local licensing authority as provided in the Colorado Retail Marijuana Code.

(b) The Tax and Licensing Division of the City shall serve as the local licensing authority for any administrative purposes described in subsections (a)(1), (a)(2) and (a)(4) of this section. An administrative hearing officer shall serve as the local licensing authority for purposes of hearing any requests for suspension or revocation described in subsection (a)(3).

Sec. 11-403. Types of retail marijuana establishment licenses.

(a) The local licensing authority may issue the following types of retail marijuana establishment licenses:

1. Retail marijuana store license;
2. Retail marijuana products manufacturing license;
3. Retail marijuana cultivation facility license; and
4. Retail marijuana testing facility license.

(b) Each type of retail marijuana establishment license issued under this article is separate and distinct.

Sec. 11-404. Licenses required.

(a) No person shall operate a retail marijuana establishment within the City without a valid and appropriate retail marijuana establishment license issued in accordance with this article.

(b) This requirement to obtain the appropriate retail marijuana establishment license is in addition to the requirement to obtain a business license pursuant to article II of this chapter and any other license or permit required by the City.

(c) No person shall operate a retail marijuana establishment within the City without a valid and appropriate license to operate such establishment issued by the state licensing authority in accordance with the provisions of the Colorado Retail Marijuana Code.

(d) No person may operate a business within the city concerning the sale, use, consumption, manufacture of marijuana unless specifically authorized pursuant to the provisions of this article.

(e) No marijuana clubs may operate or obtain a business license to operate within the city.

Sec. 11-405. Application of Colorado Retail Marijuana Code. Except as otherwise provided herein, the local licensing authority shall be governed by the Colorado Retail Marijuana Code now in effect or subsequently amended. In the event of a conflict between the provisions in this article and those in the Colorado Retail Marijuana Code, the more stringent provision shall apply.

Sec. 11-406. Application for license.

(a) A person seeking to obtain a license pursuant to this article shall file an application with the local licensing authority on a form provided by the state, and shall include all additional information required by the Colorado Retail Marijuana Code.

(b) The local licensing authority is hereby authorized to request any applicant to provide information that is in addition to the requirements of the Colorado Retail Marijuana Code if it determines that such information is reasonably necessary to complete the investigation and review of the application.

Sec. 11-407. Operating fee.

(a) An applicant shall pay to the City a non-refundable operating fee when the application for a license under this article is filed.

(b) The licensee shall pay the non-refundable operating fee to the City annually along with any application for renewal of a license.

(c) The purpose of the operating fee is to cover the costs of inspection, administration and enforcement of retail marijuana establishments. The amount of the operating fee shall be fixed by the City Council by motion.

Sec. 11-408. Standards for approval of license, no hearing required.

(a) The local licensing authority is authorized to administratively approve any license under this article so long as the following conditions are met:

1. The application (including any required attachments and submissions) is complete and signed by the applicant;

2. The applicant has paid the operating fee and any other fees required by this code;

3. The application does not contain a material falsehood or misrepresentation;

4. The application complies with all of the requirements of this article and the Colorado Retail Marijuana Code; and

5. The licensing authority has received written approval from the City of Wheat Ridge Police Department as to the applicant's criminal background.

6. The licensing authority has received written approval from the Community Development Department that the location and zoning requirements imposed by this article and Section 26-204 of the Code have been met.

(b) The local licensing authority may, but is not required to hold a hearing as permitted by section 12-43.4-412, C.R.S. prior to granting a retail marijuana establishment license.

(c) The local licensing authority shall inform the state licensing authority of approval of an application for a license.

Sec. 11-409. Authority to recommend and impose conditions on license.

(a) Any City department shall have the authority to recommend reasonable terms and conditions on a license as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this article and applicable law.

(b) The local licensing authority is authorized to approve any license issued under this article subject to such reasonable conditions as required by the City.

(c) In the event an application is conditionally approved, the local licensing authority shall clearly set forth in writing the conditions of approval.

Sec. 11-410. Denial of license. The local licensing authority shall deny an application for a license under this article when the applicant fails to meet all of the standards set forth in section 11-408 of this article.

Sec. 11-411. Appeal of denial or conditional approval of license.

(a) An applicant has the right to appeal the denial of an application or condition imposed thereon to an administrative hearing officer.

(b) The applicant must file a written notice of appeal with the local licensing authority within fifteen (15) business days after the date of mailing of the denial or conditional approval of the application.

(c) Upon notice from the local licensing authority that the applicant has satisfied the requirement in subsection (b), the City Manager shall appoint an administrative hearing officer.

(d) The applicant shall be provided with not less than ten (10) business days prior written notice of the appeal hearing to be held by the administrative hearing officer.

(e) The burden of proof in an appeal filed under this section shall be on the applicant.

(f) If the administrative hearing officer finds by a preponderance of the evidence that the decision of the local licensing authority was correct, the administrative hearing officer shall uphold that decision. If the administrative hearing officer finds by a preponderance of the evidence that the decision of the local licensing authority was incorrect, the administrative hearing officer shall set aside the denial and issue the license. The administrative hearing officer may impose additional conditions on the license issued (if it was previously denied) or require that the conditions of approval be stricken or modified.

(g) Any decision made by the administrative hearing officer pursuant to this section shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision is a waiver of the applicant's right to contest the denial or conditional approval of the application.

Sec. 11-412. Duration of license, renewal.

(a) Each license issued pursuant to this article shall expire on the first day of the month one year from the month of issuance, and may be renewed as provided in this section.

(b) An application for the renewal of an existing license shall be made to the local licensing authority as required by the Colorado Retail Marijuana Code.

Sec. 11-413. Duties of licensee. Each licensee shall:

(a) Post the license issued under this article in a conspicuous location on the licensed premises;

(b) Comply with all of the terms and conditions of the license;

(c) Comply with all of the requirements of this article;

(d) Comply with all other applicable City ordinances;

(e) Comply with the Colorado Retail Marijuana Code;

(f) Comply with all applicable federal laws, rules, or regulations, other than a federal law, rule or regulation concerning the possession, sale or distribution of retail marijuana;

(g) Permit inspection of its records and operation by the local licensing authority for the purpose of determining the licensee's compliance with the terms and conditions of the license and the City's tax laws; and

(h) Permit inspection of the premises by authorized City officials during permitted business hours for the purpose of determining compliance with this article.

Sec. 11-414. Hearing, suspension, revocation of license.

(a) A license issued pursuant to this article may be suspended or revoked by the local licensing authority after a hearing for the following reasons:

1. Fraud, misrepresentation, or a false statement of material fact contained in the license application;
2. A violation of any City ordinance, state, or federal law or regulation, other than a federal law or regulation concerning the possession, sale or distribution of marijuana that conflicts with Article XVIII Section 16 of the Colorado Constitution;
3. A violation of any of the terms and conditions of the license;
4. A violation of any of the provisions of this article; or
5. Good cause.

(b) Request for suspension or revocation, notice of hearing, burden.

1. Any authorized City official may request in writing that a license issued under this article be suspended or revoked.
2. The City Manager shall appoint an administrative hearing officer to preside over the hearing on the suspension or revocation of a license.
3. The administrative hearing officer shall
 - a. Set a date and time on which to determine whether to revoke or suspend such license;
 - b. Notify the licensee in writing of the date and time of the hearing at least ten (10) business days prior to conducting such hearing. Such notice shall be sent by regular mail postage prepaid. Notice is deemed to have been given upon mailing;
 - c. Conduct a hearing based on the allegations provided in the written request. This shall be an informal hearing where no rules of evidence shall apply. The burden shall be on the City to prove by a preponderance of the evidence that the licensee has violated the provisions in subsection 11-404 (a); and

- d. Provide a written decision to the licensee within a reasonable time after the conclusion of the hearing.

(c) In deciding whether a license should be suspended or revoked, and in deciding what conditions to impose in the event of a suspension, if any, the administrative hearing officer shall consider:

1. The nature and seriousness of the violation;
2. Corrective action, if any, taken by the licensee;
3. Prior violation(s), if any, by the licensee;
4. The likelihood of recurrence;
5. All circumstances surrounding the violation;
6. Whether the violation was willful;
7. The number of previous violations by the licensee; and
8. Previous sanctions, if any, imposed against the licensee.

(d) In connection with the suspension of a license, the administrative hearing officer may impose reasonable conditions thereon.

(e) Any decision made by the administrative hearing officer pursuant to this section shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision is a waiver of the applicant's right to contest the decision.

(f) No fee previously paid by a licensee in connection with the application shall be refunded if such license is suspended or revoked.

Sec. 11-415. Collocation of operations. A medical marijuana establishment may share its existing licensed premises with a retail marijuana establishment as follows:

(a) An optional premises cultivation operation and a retail marijuana cultivation facility may share their licensed premises in order to operate a dual cultivation business operation.

(b) A medical marijuana-infused product manufacturer may apply to hold a retail marijuana product manufacturing facility license and operate a dual manufacturing business at a shared licensed premises.

(c) A medical marijuana center may hold a retail marijuana store license and operate a dual retail business at a shared licensed premises.

Sec. 11-416. Prohibited locations.

(a) Except as provided in subsection (g) of this section, no retail marijuana establishment shall be located at a location that does not conform to the requirements of this section.

(b) No retail marijuana store shall be located within one thousand (1,000) feet of a school, an alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential child care facility. This limitation will be computed by direct measurement from the nearest property line of the land used for a school, alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential child care facility to the nearest portion of the building in which retail marijuana is to be sold, using a route of direct pedestrian access.

(c) No retail marijuana store shall be located within three quarters ($\frac{3}{4}$) of a mile of another retail marijuana store. This limitation will be measured using a straight line from the perimeter of the parcel where a proposed retail marijuana store will be located. This limitation shall apply to retail marijuana stores whether they are located within or outside of the city limits.

(d) No retail marijuana store shall be located within three quarters ($\frac{3}{4}$) of a mile of a medical marijuana center unless the retail marijuana store and the medical marijuana center are operating a dual retail business as described in section 11-415. This limitation will be measured using a straight line from the perimeter of the parcel where a proposed retail marijuana store will be located. This limitation shall apply to retail marijuana stores and medical marijuana centers whether they are located within or outside of the city limits.

(e) No person shall operate a retail marijuana cultivation facility within the City unless the licensed premises of the person's retail marijuana cultivation facility are contiguous with the licensed premises of the person's retail marijuana store license and/or the person's retail marijuana products manufacturing license.

(f) Each retail marijuana establishment shall be operated from a permanent location. No retail marijuana establishment shall be licensed to operate from a moveable, mobile, or transitory location.

(g) The suitability of a location for a retail marijuana establishment shall be determined at the time of the issuance of the first license for such establishment. The fact that changes in the neighborhood that occur after the issuance of the first license might render the site unsuitable for a retail marijuana establishment under this section shall not be grounds to suspend, revoke or refuse to renew the license for such establishment so long as the license for the establishment remains in effect.

Sec. 11-417. Signage. All signage for a retail marijuana establishment shall comply with the requirements of chapter 26 of this code and the Colorado Retail Marijuana Code.

Sec. 11-418. Taxes. Each licensee shall collect and remit sales tax on all retail marijuana, paraphernalia, and other tangible personal property sold by the licensee at the retail marijuana establishment according to the provisions of chapter 22 of this code and any regulations issued pursuant thereto.

Sec. 11-419. Hours of operation.

(a) A retail marijuana store may open no earlier than 8:00 a.m. and shall close no later than 7:00 p.m. the same day.

(b) A retail marijuana establishment may be open seven (7) days a week.

Sec. 11-420. Penalties, injunctive relief.

(a) It is a misdemeanor offense for any person to violate any provision of this article. Any person convicted of having violated any provision of this article shall be punished as set forth in section 1-5 of this code.

(b) In addition to all other remedies available to the city under this code and by law, the operation of a retail marijuana establishment without a valid license issued pursuant to this article may be enjoined by the City in an action brought in a court of competent jurisdiction.

Section 3. Section 26-123 of the Code, entitled Definitions, is hereby amended by the addition of the following terms:

Retail marijuana store means the premises at which a person operates a business as described in Article XIII of Chapter 11 of this code and section 12-43.4-402, C.R.S.

Retail marijuana cultivation facility means the premises at which a person operates a business as described in Article XIII of Chapter 11 of this code and section 12-43.4-403, C.R.S.

Retail marijuana products manufacturer means the premises at which a person operates a business as described in Article XIII of Chapter 11 of this code and section 12-43.4-404, C.R.S.

Retail marijuana testing facility means the premises at which a person operates a business as described in Article XIII of Chapter 11 of this code and section 12-43.4-405, C.R.S.

Section 4. The Table of Uses for Commercial and Industrial Districts provided for in Section 26-204 of the Code is hereby amended as follows:

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
Residential uses in commercial zones	See § 26-626	P	P	P	P	P
RETAIL MARIJUANA CULTIVATION FACILITY				P		P
RETAIL MARIJUANA PRODUCTS MANUFACTURERS				P		P
RETAIL MARIJUANA STORES				P		P
RETAIL MARIJUANA TESTING FACILITY				P		P
Rooming and boarding houses					P	P

Section 5. Police Power Finding. The City Council hereby finds, determines, and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Wheat Ridge and the inhabitants thereof.

Section 6. Authority. The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 40, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses); (vi) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; (vii) the powers contained in the City of Wheat Ridge, Colorado Home Rule Charter (the "Charter"); and (viii) Part 3 of Article 43.4 of Title 12, C.R.S. (concerning licensing of retail marijuana establishments).

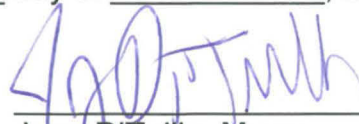
Section 7. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect upon final adoption as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 5 to 2 on this 9th day of September, 2013, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for September 23, 2013 at 7:00 p.m., continued to October 14, 2013 at 7:00 p.m. in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 5 to 3, this 14th day of October, 2013.

SIGNED by the Mayor on this 14th day of October, 2013.



Jerry DiTullio, Mayor

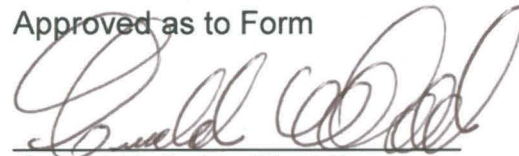
ATTEST:



Janelle Shaver, City Clerk



Approved as to Form



Gerald E. Dahl, City Attorney

First Publication: September 12, 2013, September 26, 2013

Second Publication: October 17, 2013

Wheat Ridge Transcript

Effective Date: October 14, 2013

Memorandum

TO: Mayor and City Council

FROM: Patrick Goff, City Manager

DATE: August 15, 2018 (for August 20, 2018 study session)

SUBJECT: The Action Center Funding Request

ISSUE:

Since 1968, The Action Center has helped hundreds of thousands of people in Jefferson County facing difficulties with issues related to hunger, homelessness and financial stability. The Center's mission is to provide an immediate response to basic human needs and promote pathways to self-sufficiency. The Center has recently started a six-month campaign to raise \$1.0 million to address a shortfall in meeting current financial needs. Pam Brier, Executive Director, and board members from the Center were at the August 6 study session to provide an update to City Council on the fundraising campaign and request that the City consider a contribution.

BACKGROUND:

The Action Center has had a very good track record for many years as a nonprofit organization with a high level of privately funded support. The Executive Director and Board members have presented the following reasons for their current financial condition:

- A recent capital campaign may have deterred attention from fundraising for ongoing operations.
- The former Executive Director left and there was a vacancy for several months before Ms. Brier was hired and assumed leadership of the organization in June.
- Development efforts associated with the former Executive Director's personal attention contributed to the decline in contributed income.
- In addition to the vacancy of the Executive Director, the former Development Director left as well and was vacant for four months leaving two key leadership positions vacant.
- As a result of these conditions The Action Center depleted their cash reserves and now have a \$1 million deficit.

The Action Center presents their current request as a "one-time" ask based on the following actions that have been implemented:

- The key leadership positions of Executive Director and Development Director have been filled; the new Development Director will begin her service next week.
- The Executive Director and Board have restructured services by reducing expenditures approximately 20% from \$4.9 million to \$3.2 million which is consistent with their historical fundraising performance and therefore they believe is sustainable.

- The service restructure included closing the 22-bed family shelter which provided “wrap around” supportive services to help families transition to permanent housing and employment and was very expensive to operate.
- The strategy associated with the current campaign is to offset the cash loss and build an approximate two-month reserve.
- Additional fundraising implemented by the new Development Director will be implemented to increase the two-month reserve.

Thus far, The Action Center has generated a \$50,000 grant from Jefferson County authorized by a unanimous vote by the Board of County Commissioners. The Commissioners have also reserved an additional \$200,000 as a match to funds that would be generated through contributions from the cities. In addition, the Jefferson County Economic Development Corporation has initiated a campaign to generate contributions of \$200,000 from local businesses.

If the local government members in Jefferson County agree to prorate the \$200,000 contribution by population, the City of Wheat Ridge’s contribution would be \$17,267.

Local Government Member	Population (within Jefferson County)	Percentage of Total Population	\$ Amount Contributed
City of Arvada	110,295	30.6	\$61,220
City of Edgewater	5,315	1.5	\$2,950
City of Golden	20,096	5.6	\$11,154
City of Lakewood	149,666	41.5	\$83,073
City of Wheat Ridge	31,108	8.6	\$17,267
City of Westminster	<u>43,842</u>	<u>12.2</u>	<u>\$24,335</u>
	360,322	100	\$200,000

ATTACHMENTS:

1. Take Action Now Presentation, The Action Center



Take Action Now

ATTACHMENT 1

Our Need

- We have a \$1 Million shortfall in meeting our current financial needs.
- We have cut important programs, including our family shelter, to address an immediate cash flow problem.
- We have begun a six-month campaign to raise \$1 Million to get us back on track.
- We are a healthy organization providing a necessary function for the community.
- We need help to regain our footing while we reestablish our management team and return to more solid financial planning.



What Caused This Situation

- Since repurposing our facilities in 2015, we have experienced 7% growth in demand for services. We have been trying to meet that demand.
- We made changes to control costs, but we poorly implemented our donor cultivation program, so revenues fell below expectations.
- Delays in government grants have stalled some streams of funding, and recent changes in tax laws may be hindering donations.
- All that, and we had an unforeseen change in staff leadership in early 2018, losing our most capable fundraiser.
- We estimate revenues will underrun expenses by about \$500,000 in FY 2018, even after recent emergency cuts, including the shelter program.
- Thus, by the end of this summer, we will exhaust our line of credit unless we take action to cover the revenue shortfall.
- In addition, in 2015 we exhausted the \$1 million cash reserves in place prior to the capital campaign (undertaken to repurpose our facilities).
- Restoring half that amount will give us the ability to meet future cash timing issues and unforeseen challenges.



What We Do Is Important

Intervention

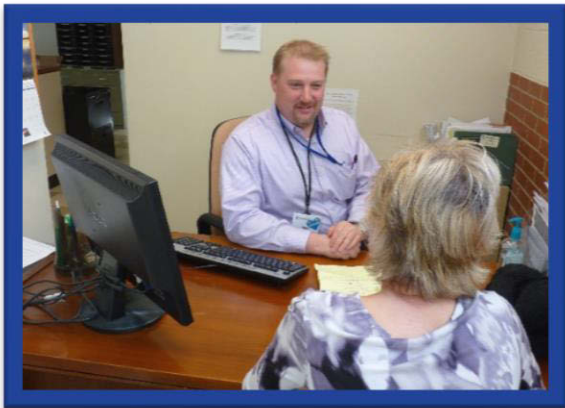
Address acute needs, including food, clothing, rent, utilities, and shelter.

Prevention

Prevent crisis conditions by alleviating difficult choices involving school supplies, Santa Shop, and Thanksgiving food.

Connection

Assist individuals in breaking the cycle of poverty through community partnerships. Examples include workforce development, education, and health care.



Our Impact in 2017



628,410
Meals



\$235,000
in **Utility**
Assistance



CASE
MANAGEMENT
in Planning,
Progress Tracking,
Coordinated Services



5,019
Children received
School Supplies



4,898
Thanksgiving
Meals

Our Strengths



- 50-year-old 501 (c)(3) organization
- Colorado Enterprise Zone status
- Highest Charity Navigator ratings
- 90% or higher asset conversion
- 325-member Self-Sufficiency Society (multi-year committed donors) contributing about \$375,000/year
- Beautiful Junk sale contributing about \$80,000/year
- Broad donor base
- 45-member staff with an array of skills, including social work and counseling

Our Equity Position

- Net worth exceeds \$5.1 Million
- Current Assets exceed \$1.1 Million
- Current Liabilities are low (\$112,000)
- In the last three fiscal years, revenues exceeded expenses by 5%
- We have over \$1 Million in donor pledges on our books



Our Get-Well Plan

- The Board of Directors has adopted a two-phase approach.
- In the next six months, we seek a cash infusion of \$1 Million over and above the current rate of donations and pledges.
- In the next three years, beginning now, we are returning to our proven method of sustainable long-term fundraising.
- Our new Executive Director, Pam Brier, joined us this month. She has a proven record in management and fundraising for non-profits.
- We are rebuilding our development staff.
- We enlisted the aid of a cadre of past board members with proven financial experience.
- We have returned to balanced budgeting at a sustainable revenue level for FY 2019.

Donors who can help
us reach our
short term goals:

Individuals

- Board of Directors
- Staff
- Volunteers
- Community

Businesses

Churches

Local Governments

- County
- City

Civic Organizations

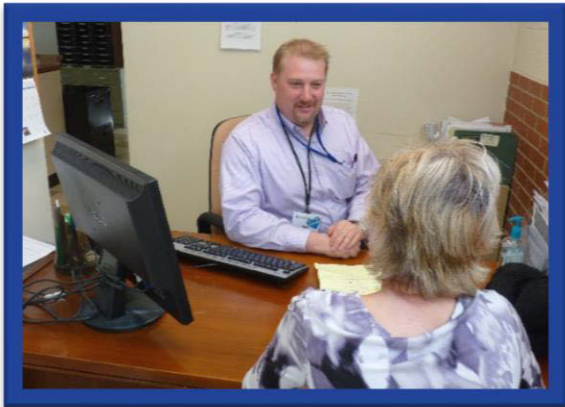
Foundations

- With whom we have
worked with in the past

What You Can Do

- We seek one-time cash gifts, over and above commitments already made.
- We know the size of such gifts will vary by donor.
- This table provides an example of gift sizes and numbers that would achieve our six-month \$1 Million goal.
- We ask for your thoughtful consideration. We perform a unique and vital service for our community and we need your help to continue to do so.

Lead Gifts	Number	Subtotal
Jefferson County	1	\$200,000
Cities	4	\$200,000
Foundations	4	\$200,000
Business Community	4	\$200,000
Major Gifts	Number	Subtotal
\$20,000	4	\$80,000
\$10,000	8	\$80,000
Community Gifts	Number	Subtotal
\$1,000	20	\$20,000
<\$1,000	many	\$20,000
Total =		\$1,000,000



Questions?

Changes in Expenses and Revenues

2015 Expenses ¹	2018 Expenses ¹
\$3,078,500	\$3,300,900

2015 Revenues ²	2018 Revenues ²
\$3,418,500	\$2,744,200

2018 amounts are projections based on actual results the first 9 months of the fiscal year

- 1) Cash Expenses (excl. depreciation, bad debt)
- 2) Total Revenue, including pledges (not cash)

Our Mission

The Action Center's mission is to provide an immediate response to basic human needs and promote pathways to self-sufficiency.

Since 1968, The Action Center has helped hundreds of thousands of people in Jefferson County facing difficulties with issues related to hunger, homelessness, and financial instability.



Our History



- Founded in 1968, The Action Center worked out of churches throughout the county, serving approximately 70 families a month.
- As demand grew, so did space constraints. In 1973, The Action Center purchased its first building from Lowry Air Force Base with Green Stamps.
- By 1992 the organization was serving 40 families a day. To meet these needs The Action Center purchased and renovated the old Lakewood Post Office.
- After outgrowing the Post Office building, the organization launched a capital campaign to buy and renovate a Program Services Building, which opened in 2015.